

1 Marc J. Randazza (NV Bar No. 12265)  
Alex J. Shepard (NV Bar No. 13582)  
2 RANDAZZA LEGAL GROUP, PLLC  
4035 S. El Capitan Way  
3 Las Vegas, NV 89147  
Telephone: 702-420-2001  
4 Facsimile: 305-437-7662  
ecf@randazza.com

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Elizabeth A. Brown  
Clerk of Supreme Court

5 *Attorneys for Defendant/Appellant*  
6 *Darrell T. Coker*

7 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

9 DARRELL T. COKER,

10 Appellant,

11 vs.

12 MARCO SASSONE,

13 Appellee.

**SUPREME COURT NO.: 73863**

**APPEAL FROM THE DISTRICT  
COURT FOR CLARK COUNTY,  
NEVADA, CASE NO.:  
A-16-742853-C**

14  
15  
16 **APPENDIX OF APPELLANT DARRELL T. COKER**

17 **(VOLUME I OF II)**  
18  
19  
20

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DISTRICT COURT CIVIL COVER SHEET A - 1 6 - 7 4 2 8 5 3 - C

Clark County, Nevada

Case No. \_\_\_\_\_

XXVII I

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):

Marco Sassone

Attorney (name/address/phone):

Dominic P. Gentile

410 South Rampart Boulevard, Suite 420

Las Vegas, Nevada 89145

Tel: (702) 880-0000

Fax: (702) 778-9709

Defendant(s) (name/address/phone):

Darrell T. Coker, Darrell R. Coker, Jr., Richard Morello, Darryl McCullough, And The Jello's Jigglein, LLC d/b/a Postal Annex

Attorney (name/address/phone):

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

**Civil Case Filing Types**

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

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

9/2/16  
Date

[Signature]  
Signature of initiating party or representative

See other side for family-related case filings.

  
CLERK OF THE COURT

1 **COMP**  
2 GENTILE CRISTALLI  
3 MILLER ARMENI SAVARESE  
4 DOMINIC P. GENTILE  
5 Nevada Bar No. 1923  
6 Email: [dgentile@gemaslaw.com](mailto:dgentile@gemaslaw.com)  
7 410 S. Rampart Blvd., Suite 420  
8 Las Vegas, NV 89145  
9 Telephone (702) 880-0000  
10 Facsimile (702) 778-9709  
11 Attorneys for Plaintiff Marco Sassone

12  
13  
14 **EIGHTH JUDICIAL DISTRICT COURT**  
15  
16 **CLARK COUNTY, NEVADA**

17 MARCO SASSONE,  
18  
19 Plaintiff,

20 vs.

21 DARRELL T. COKER an individual,  
22 DARRELL R. COKER, JR an individual,  
23 RICHARD MORELLO an individual,  
24 DARRYL MCCULLOUGH an individual,  
25 AND THE JELLO'S JIGGLIN, LLC d/b/a  
26 Postal Annex, DOES 1-10, and ROE  
27 ENTITIES 1-10, inclusive,

28 Defendants.

CASE NO. A-16-742853-C  
DEPT. XXVIII

**COMPLAINT**

**Exemption from Arbitration**  
**Damages in Excess of \$50,000**

COMES NOW, Plaintiff Marco Sassone ("Sassone") by and through counsel of record, of the law firm Gentile Cristalli Miller Armeni Savarese, and hereby complains and alleges against Defendants, Darrell T. Coker ("Coker"); Darrell R. Coker, Jr. ("Coker Jr."); Richard Morello (Morello); Richard McCullough ("McCullough"); And The Jello's Jigglin, LLC, d/b/a Postal Annex ("Postal Annex"), Does 1-10, and Roe Entities 1-10, inclusive as follows:

**I.**

**THE PARTIES, JURISDICTION, AND VENUE**

1. Plaintiff Sassone is, and at all relevant times hereto was, a resident of Toronto, Canada.

2. Upon information and belief, Defendant Darrell T. Coker is, and at all relevant

1 times hereto was, an individual resident of Clark County, Nevada.

2 3. Upon information and belief, Defendant Darrell R. Coker, Jr. is, and at all relevant  
3 times hereto was, an individual resident of Clark County, Nevada.

4 4. Upon information and belief, Defendant Richard J. Morello is, and at all relevant  
5 times hereto was, an individual resident of Clark County, Nevada.

6 5. Upon information and belief, Defendant Darryl McCullough is, and at all relevant  
7 times hereto was, an individual resident of Clark County, Nevada.

8 6. Upon information and belief, Defendant And The Jello's Jigglin, LLC, d/b/a/ Postal  
9 Annex is, and at all relevant times hereto was, a Nevada Limited Liability Corporation with its  
10 principal place of business located in Clark County, Nevada.

11 7. Defendants designated herein as Does and Roes entities are individual and legal  
12 entities that are liable to Plaintiff for the claims set forth herein. The transactions and true  
13 capacities of Does and Roes entities are presently unknown to Plaintiff, and therefore, Plaintiff sue  
14 said Defendants by such fictitious names. Plaintiff will amend this Complaint to assert the true  
15 names and capacities of such Doc and Roe entities when more information has been ascertained.

16 8. This Court has personal jurisdiction over all Defendants as, at all times relevant  
17 hereto, they are individual residents of Clark County, Nevada, and they did business regularly and  
18 systematically in Clark County, Nevada. Thus, jurisdiction and venue are proper in Clark County,  
19 Nevada.

20 **II.**  
21 **GENERAL ALLEGATIONS**

22 9. Sassone repeats, re-alleges and incorporates the allegations set forth in the  
23 preceding paragraphs of this Complaint as if fully set forth herein.

24 10. Sassone is, and at all relevant times hereto, was an artist and painter who created  
25 numerous works of visual art ("Works") using a number of mediums including, but not limited to,  
26 watercolor, oil paint, and serigraph.

27 11. Sassone has neither produced, nor sold any Works in the lithograph medium.  
28

1           12. All Works are wholly original by Plaintiff Sassone and are copyrightable subject  
2 matter under the laws of the United States and Nevada common law.

3           13. Sassone was also the subject of an artist monograph book entitled Sassone  
4 ("Monograph Book") which was published in 1979, and was published again in 1985 by Donelson  
5 Hoopes ISBN: 0-935194-00-2.

6           14. The Monograph Book included over one hundred photos of Sassone's Works.

7           15. The Monograph Book is available to the general public for purchase online through  
8 websites including, but not limited to, ebay.com and amazon.com.

9           16. Plaintiff Sassone is now, and at all relevant times has been, the sole owner of all  
10 right, title, and interest in and to the Copyright in his Works.

11           17. Plaintiff Sassone has not commissioned, licensed, assigned, or relinquished any  
12 rights in any of his Works.

13           18. Upon information and belief, Coker and Coker Jr. acquired the Monograph Book.

14           19. Upon information and belief, beginning no later than 2008, Coker and Coker Jr.  
15 began intentionally imitating and producing fraudulent lithographs ("Lithographs") from the  
16 images in the Monograph Book without permission or license from Plaintiff Sassone.

17           20. **Exhibit A** contains a list that includes, but is not limited to, the titles of the  
18 infringed Works of Sassone.

19           21. Upon information and belief, Coker and Coker Jr. imposed a forged signature of  
20 Sassone on the fraudulent Lithograph productions.

21           22. Upon information and belief, Coker and Coker Jr. conspired and caused to be  
22 formed numerous limited liability corporations as auction businesses that allegedly operated  
23 throughout the United States.

24           23. Upon information and belief, Coker and Coker Jr. caused to be formed auction  
25 businesses in, including but not limited to, Utah, Colorado, and Oklahoma.

26           24. Upon information and belief, Coker and Coker Jr. conspired and worked in concert  
27 with Morello, and others, to create websites for said auction businesses. A list of websites and  
28 related businesses can be found in **Exhibit B**.



1           25.     Upon information and belief, Morello established the websites for these businesses  
2 and small art galleries that were subsequently used as auctioneers to participate in online auction  
3 sales at major auction webhosts such as: iCollector.com, Liveauctioneers.com, Auctionzip.com,  
4 and Invaluable.com. **See Exhibit C.**

5           26.     Upon information and belief, Coker and Coker Jr. offered for auction the fake  
6 Lithograph productions and advertised them as "Original Signed Lithograph by Artist Marco  
7 Sassone" or "Lithograph After Marc Sassone."

8           27.     Upon information and belief, Coker and Coker Jr. sold numerous fake Lithographs  
9 at auctions for various prices starting at \$100 and above. The prices of sale ranged from \$100-  
10 \$650.

11          28.     Upon information and belief, Coker and Coker Jr. advertised that the sham  
12 Lithographs would be sold with a certificate of authenticity.

13          29.     Upon information and belief, Coker and Coker Jr. provided a fraudulent,  
14 meaningless, self-produced certificate of authenticity with each sold bogus Lithograph.

15          30.     Upon information and belief, Coker and Coker Jr. worked in concert with  
16 McCullough to distribute the infringing sham Lithographs through Postal Annex, a company  
17 located in Las Vegas, Nevada.

18          31.     Upon information and belief, McCullough caused the infringing Lithographs to be  
19 shipped to respective buyers from Postal Annex.

20          32.     Upon information and belief, on or about November 25, 2014, Sarah Burton visited  
21 the website iCollector.com where Art and Jewelry Auction House, located in Las Vegas, Nevada  
22 and controlled by Darrell T. Coker, listed an "Original Signed Lithograph by Artist Marco  
23 Sassone" for auction. Sarah Burton placed a bid, and the Lithograph was sold to Sarah Burton for a  
24 bid price of \$199.12. The Lithograph was subsequently shipped by Postal Annex.

25          33.     Upon information and belief, on or about December 10, 2014, Diane Menninger  
26 visited the website iCollector.com where Art and Jewelry Auctions House, located in Las Vegas,  
27 Nevada and controlled by Darrell T. Coker, listed an "Original Signed Lithograph by Artist Marco  
28 Sassone" for auction. Diane Menninger placed a bid, and the Lithograph was sold to her for a bid

1 price of \$227.50. The Lithograph was subsequently shipped by Postal Annex. The tracking number  
2 from Postal Annex was sent to Diane Menninger by McCullough.

3 34. Upon information and belief, on or about December 22, 2014, Collin Clark visited  
4 the website iCollector.com where Whole Sale Art Auctions, located in Salt Lake City, Utah, listed  
5 an "Original Signed Lithograph By Artist Marco Sassone" for auction. Collin Clark placed a bid,  
6 and the Lithograph was sold to him for a bid price of \$229.25. The Lithograph was subsequently  
7 shipped by Postal Annex.

8 35. Upon information and belief, Defendants, each of them, have been, without  
9 limitation, producing, distributing, marketing, promoting, advertising, demonstrating, offering for  
10 sale, and in fact selling, unauthorized and illegal copies of Sassone's Works. The illegal production  
11 and distribution of the Works includes, but is not limited to, the acts hereinabove alleged.

12 36. Sassone did not become aware of Defendants' illegal and unauthorized copying,  
13 forging, and selling of his Works until October 2014 when he discovered the auctions on the  
14 Internet.

15 37. Sassone purposefully restricted the availability of his Works to maintain a limited,  
16 exclusive collection of artist originals, and originally signed derivative Works available to the  
17 public.

18 38. Sassone produced Serigraphs in limited productions, roughly one hundred (100) to  
19 one hundred fifty (150) works, which significantly differ from the Lithographs produced by Coker  
20 and Coker Jr.

21 39. Defendants' acts of copying, imitating, fraudulently producing, forging, and selling  
22 the Works of Sassone have and will continue to increase the presumed availability of Sassone's  
23 Works, thereby significantly diluting the market value of his Works.

24 40. The mass production and sale of Sassone's fraudulent and fake Works sold at low  
25 prices has, and will continue to have, an adverse economic impact on Sassone.

26 41. Sassone has incurred, and will continue to incur, significant lost revenues as long as  
27 the infringing acts of Defendants continues.

28 ...







1 websites and auction houses, advertising the Lithographs as Sassone's original Lithograph Works  
2 through the auction houses, forging Sassone's signature on the Lithographs, and/or selling the fake  
3 Lithographs to customers online through their various auction houses. By other actions described  
4 herein, the Defendants have committed the following crimes related to racketeering: (1) engaging  
5 in multiple transactions involving fraud or deceit in the course of an enterprise or occupation in  
6 violation of NRS § 205.377; (2) forgery in violation of NRS § 205.090; and (3) obtaining  
7 possession of money or property valued at \$650 or more by means of false pretenses in violation of  
8 NRS § 205.380.

9 66. As a direct and proximate result of Defendants' pattern of racketeering activities,  
10 Sassone has been injured and is entitled to damages in an amount to be proven at trial in excess of  
11 \$10,000, plus prejudgment interest.

12 67. Pursuant to NRS § 207.470, Sassone is entitled to trebled damages.

13 68. As a direct and proximate result of Defendants' actions, Sassone has been required  
14 to retain the services of an attorney to prosecute this claim and, pursuant to NRS § 207.470, is  
15 entitled to be compensated for any costs incurred in the prosecution of this action, including  
16 without limitation, any and all costs and attorney's fees.

17 **FIFTH CLAIM FOR RELIEF**  
18 **(Violation of Works of Art)**

19 69. Sassone repeats, re-alleges and incorporates the allegations set forth in the  
20 preceding paragraphs of this Complaint as if fully set forth herein.

21 70. Defendants Coker and Coker Jr., by virtue of their online auctions, infringed the  
22 Works of Sassone by creating, publishing, displaying and offering for sale fake, unauthorized  
23 Lithograph works in the State of Nevada and worldwide.

24 71. Defendants' actions of creating infringing fraudulent Lithographs of Sassone's  
25 Works defaced and altered Sassone's Works while representing them as works of Sassone.

26 72. Sassone never consented to Defendants' publishing or displaying Lithographs in the  
27 State of Nevada or worldwide for that matter, and thus Defendants violated NRS § 597.740.  
28

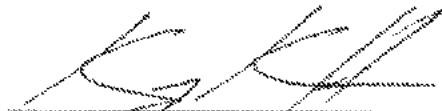


1 serve upon Sassone, within 30 days after being served with this Court's injunction(s) and/or  
2 order(s) granting such relief, a written report signed by the Defendants under oath, setting forth in  
3 detail the manner in which the Defendants complied with the Court's injunction(s) and/or  
4 order(s);

5 6. For such other and further relief this Court deems appropriate in the circumstances.

6 Dated this 2<sup>nd</sup> day of September, 2016.

7  
8 GENTILE CRISTALLI  
MILLER ARMENI SAVARESE

9  #13164  
for

10 DOMINIC P. GENTILE  
11 Nevada Bar No. 1923  
12 410 S. Rampart Blvd., Suite 420  
13 Las Vegas, NV 89145  
14 Telephone (702) 880-0000  
15 Facsimile: (702) 778-9709  
16 Attorneys for Plaintiff Marco Sassone  
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**DEMAND FOR JURY TRIAL**

Plaintiff Sassone hereby demand that this matter be tried by a jury, pursuant to the Seventh Amendment of the Constitution of the United States, as for all triable claims.

Dated this 2<sup>nd</sup> day of September, 2016.

GENTILE CRISTALLI  
MILLER ARMENI SAVARESE



#12169  
for

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DOMINIC P. GENTILE  
Nevada Bar No. 1923  
410 S. Rampart Blvd., Suite 420  
Las Vegas, NV 89145  
Telephone (702) 880-0000  
Facsimile: (702) 778-9709  
Attorneys for Plaintiff Marco Sassone

**EXHIBIT A**  
**LIST OF INFRINGED WORKS OF ARTIST SASSONE**

Title	Description (original)	Book page #
1 Aftermath, 1968	Oil on Canvas, 71" x 71"	159
2 Alamitos Bay Marina, 1970	Oil on Canvas, 50" x 50"	181
3 Amalfi, 1972	Oil on Canvas, 50" x 54"	84
4 Barca Rossa, 1978	Oil on Canvas, 10" x 14"	279
5 Bay Reflections, 1976	Oil on Canvas, 32" x 35"	281
6 Belmont Shore, 1970	Drawing, 12" x 11"	20
7 Blue Bird Canyon, 1973	Oil on Canvas, 48" x 34"	199
8 Bluebird Canyon, 1976	Oil on Canvas, 19" x 23"	209
9 Bluebird Canyon from Summit Street, 1978	Oil on Canvas, 30" x 26"	197
10 Boats at Dusk, 1969	Oil on Canvas, 40" x 54"	179
11 Canal Grande, 1978	Oil on Canvas, 32" x 30"	113
12 Canal Rifflessi, 1978	Oil on Canvas, 42" x 32"	141
13 Canale con Barche, 1978	Oil on Canvas, 34" x 26"	128
14 Canale d'Inverno, 1978	Oil on Canvas, 42" x 32"	103
15 Catalina Island Marina, 1976	Oil on Canvas, 20" x 22"	167
16 Casamenti Sul Molo, 1979	Oil on Canvas, 36" x 32"	18
17 Case Veneziane, 1978	Oil on Canvas, 38" x 38"	139
18 Chiesa della Salute, 1978	Oil on Canvas, 36" x 54"	143
19 Colori sulla Baia, 1977	Oil on Canvas, 26" x 36"	265
20 Colors of Junk, 1975	Oil on Canvas, 35" x 56"	243
21 Cranes, 1975	Drawing, 9" x 14"	240
22 Darsena, 1979	Oil on Canvas, 40" x 56"	46
23 Delage, 1975	Oil on Canvas, 40" x 35"	54
24 Deposito Rottami, 1979	Watercolor, 9" x 13"	244
25 Diane, 1972	Watercolor, 28" x 20"	187
26 Diane, 1974	Drawing, 12" x 16"	14
27 Eleonor's Sun Room, 1974	Oil on Canvas, 40" x 32"	219
28 Emerald Bay, 1976	Drawing, 9" x 14"	220
1 Fernata Rialto, 1978	Oil on Canvas, 32" x 30"	115
2 Firenze, 1968	Watercolor, 20" x 28"	155
3 Firenze Rosa, 1979	Oil on Canvas, 40" x 36"	151
4 Fish Cleaned 1971	Watercolor, 28" x 20"	165
5 Fisherman's Wharf, 1978	Oil on Canvas, 36" x 55"	169
6 Fishing Boats, 1978	Oil on Canvas, 10" x 12"	163
7 Flower Pots, 1978	Oil on Canvas, 20" x 22"	203
8 Gondole a San Marco, 1978	Oil on Canvas, 40" x 54"	105
9 Grand Canal, 1974	Oil on Canvas, 32" x 34"	135
10 Grand Canal, 1978	Oil on Canvas, 14" x 16"	99
11 Huntington Harbour, 1972	Oil on Canvas, 42" x 52"	160
12 Jack in the Box, 1973	Oil on Canvas, 30" x 32"	173
13 Japanese Garden, 1976	Drawing, 9" x 14"	236
14 Japanese Garden, 1976	Oil on Canvas, 24" x 20"	237
15 Jill, 1969	Oil on Canvas, 30" x 22"	176
16 Junk Island, 1979	Oil on Canvas, 50" x 72"	261
17 Junk Yard, 1975	Oil on Canvas, 62" x 50"	241
18 Laguna, 1977	Original Serigraph, 38" x 32"	191
19 Laguna with Moon, 1976	Oil on Canvas, 26" x 20"	211
20 Laguna Patio, 1975	Oil on Canvas, 33" x 30"	201
21 Laguna Terrace, 1975	Original Serigraph, 24" x 18"	227

1	Laguna Summer, 1978	Oil on Canvas, 32" x 30"	51
	Landscape, 1977	Oil on Canvas, 38" x 55"	205
2	Mail Boxes, 1977	Oil on Canvas, 45" x 52"	257
	Maio Beach, 1974	Oil on Canvas, 40" x 32"	215
3	Mar Vista Terrace, 1979	Oil on Canvas, 47" x 50"	229
	Marina, 1976	Oil on Canvas, 30" x 30"	255
4	Marina at Belmont, 1969	Oil on Canvas, 22" x 30"	177
	Marina Riflessi, 1978	Oil on Canvas, 44" x 42"	285
5	Moss Point, 1974	Oil on Canvas, 38" x 30"	217
	Moss Point Eucalyptus, 1979	Original Serigraph, 38" x 30"	221
6	Near Rialto, 1978	Oil on Canvas, 34" x 26"	129
	North Laguna, 1978	Oil on Canvas, 26" x 36"	193
7	Old Refinery, 1975	Oil on Canvas, 40" x 33"	249
	Old Truck, 1972	Oil on Canvas, 54" x 40"	223
8	Patio, 1972	Watercolor, 20" x 20"	185
	Piazza Poggi, 1979	Oil on Canvas, 9" x 13"	149
9	Piazza San Marco, 1976	Drawing, 11" x 14"	92
	Piazzetta, 1976	Drawing, 11" x 14"	114
10	Ponte dei Sospiri, 1978	Oil on Canvas, 16" x 14"	123
	Ponte di Rialto, 1979	Oil on Canvas, 52" x 64"	117
11	Ponte Rosso, 1978	Oil on Canvas, 54" x 40"	121
	Porto Ercole, 1978	Watercolor, 9" x 13"	26
12	Porto Santo Stefano, 1978	Oil on Canvas, 14" x 18"	89
	Porto Santo Stefano, 1979	Oil on Canvas, 26" x 36"	95
13	Porto Santo Stefano Tramanto, 1978	Oil on Canvas, 34" x 54"	91
	Ragazze alla Spiaggia, 1968	Oil on Canvas, 40" x 30"	189
14	Rialto Bridge - Dusk, 1979	Oil on Canvas, 52" x 64"	119
	Riflessi di Barche, 1978	Oil on Canvas, 26" x 36"	283
15	Rio Belvedere, 1979	Oil on Canvas, 36" x 26"	111
	Rio delle Prigioni, 1979	Oil on Canvas, 56" x 40"	125
16	Rio de la Verona, 1979	Oil on Canvas, 56" x 40"	127
	Roof Tops, 1971	Oil on Canvas, 14" x 20"	147
17	Sails at Belmont, 1967	Oil on Wood, 13" x 15"	175
	San Francisco Wharf, 1973	Oil on Canvas, 48" x 54"	42
18	San Pedro Refinery, 1975	Oil on Canvas, 45" x 33"	245
	Santa Cruz Bay, 1976	Oil on Canvas, 44" x 52"	287
19	Santa Cruz Harbor, 1977	Oil on Canvas, 38" x 54"	275
	Santa Cruz Harbor, 1978	Oil on Canvas, 36" x 55"	273
20	Santa Cruz Marina, 1978	Oil on Canvas, 36" x 54"	271
	Santa Cruz Waterfront, 1976	Oil on Canvas, 44" x 72"	269
21	Sausalito, 1978	Original Serigraph, 26" x 36"	263
	Sausalito Bay, 1975	Oil on Canvas, 40" x 56"	262
22	Sausalito Bay, 1975	Oil on Canvas, 60" x 52"	253
	Sausalito Reflections, 1975	Original Serigraph 24" x 17"	267
23	Souvenirs, 1979	Drawing, 13" x 19"	58
	Springtime Colors, 1977	Oil on Canvas, 40" x 32"	62
24	Springtime in Diablo, 1976	Oil on Canvas, 44" x 36"	171
	Studio, 1975	Oil on Canvas, 41" x 31"	231
25	Studio Vista, 1977	Original Serigraph, 26" x 32"	225
	Studio Vista - Dusk, 1977	Oil on Canvas, 26" x 30"	224
26	The Captains House, 1972	Oil on Canvas, 45" x 34"	195
	The Flood of Florence, 1976	Original Serigraph, 14" x 9"	153
27	Tree on the Bay, 1971	Watercolor, 20" x 28"	183
	Trees in Diablo, 1977	Oil on Canvas, 47" x 38"	66
28	Three-Seven-Four, 1979	Oil on Canvas, 64" x 90"	259

1	Tug Boat Reflections, 1975	Oil on Canvas, 27" x 20"	251
	Tyrrhenian Sea, 1979	Oil on Canvas, 32" x 40"	87
2	Venetian Palaces, 1978	Drawing, 9" x 13"	100
	Venetian Palaces, 1978	Oil on Canvas, 14" x 18"	101
3	Venetian Tenements, 1978	Oil on Canvas, 42" x 32"	109
	Venetian Windows, 1974	Oil on Canvas, 46" x 50"	137
4	Venezia, 1974	Oil on Canvas, 38" x 30"	133
	Venezia II, 1974	Oil on Canvas, 38" x 30"	131
5	Vermouth Bottles, 1979	Colored Pencils, 11" x 14"	93
	View of Avalon, 1976	Oil on Canvas, 40" x 32"	38
6	View from Cliff Drive, 1975	Oil on Canvas, 22" x 30"	38
	Views from Piazzale, 1976	Drawing, 11" x 14"	145
7	View of San Gorgio, 1979	Oil on Canvas, 36" x 26"	97
	View from Temple Hills, 1979	Oil on Canvas, 36" x 26"	207
8	View from the Victor Hugo, 1979	Original Serigraph, 18" x 14"	213
	Warehouse, 1975	Oil on Canvas, 36" x 32"	247
9	Winter Canal, 1978	Oil on Canvas, 42" x 32"	107
	Yacht Harbor, 1976	Oil on Canvas, 20" x 20"	277
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**EXHIBIT B**  
**LIST OF WEBSITES AND AUCTION BUSINESSES**  
**USED TO SELL SASSONE INFRINGED WORKS**

Domain Name	Registered Agent	Business Name
bestauctionforyou.com	Rich Morello	Best Auction for You Inc
pinevalleyauctions.com	Rich Morello	Pine Valley Auctions.com LLC
pinevalleyauctions.com	Rich Morello	Pine Valley Auctions.com LLC
topauctionitems.com	Rich Morello	
wholesaleartauctions.com	Rich Morello	Wholesale Art Auctions
fineartonlineauctions.com	Rich Morello	Fine Art Auctions LLC
buyartauction.com	Rich Morello	Buy Art Auctions Inc
universallive.com	Martin Shape	
wilsonfineartandantiques.com	William Rhodes	Wilson Fine Art & Antiques
wilsonantiquesandart.com		Wilson Fine Art & Antiques
colonelsauctionhouse.com		Art & Jewelry Auction House dba Colonel's Auction House

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**EXHIBIT C**  
**LIST OF MAJOR AUCTION WEBSITE HOSTS**  
**FOR SALES OF INFRINGED WORKS**

1. AAC HOLDINGS LTD d/b/a ICOLLECTOR.COM - a Canadian Corporation with its principal place of business in British Columbia, Canada.

2. ICOLLECTOR.COM TECHNOLOGIES LTD - a Canadian limited liability company with its principal place of business in British Columbia, Canada.

3. LIVE AUCTIONEERS LLC d/b/a liveauctioneers.com - a New York limited liability company with its principal place of business in New York, New York.

4. AUCTION ZIP d/b/a auctionzip.com - a Pennsylvania corporation with its principal place of business in Bedford, Pennsylvania.

5. INVALUABLE LLC d/b/a invaluable.com - a Massachusetts limited liability company with its principal place of business in Boston, Massachusetts.

1 IAFD  
GENTILE CRISTALLI  
2 MILLER ARMENI SAVARESE  
DOMINIC P. GENTILE  
3 Nevada Bar No. 1923  
Email: [dgentile@gemaslaw.com](mailto:dgentile@gemaslaw.com)  
4 410 S. Rampart Blvd., Suite 420  
Las Vegas, NV 89145  
5 Telephone (702) 880-0000  
Facsimile (702) 778-9709  
6 Attorneys for Plaintiff Marco Sassone

7  
8 EIGHTH JUDICIAL DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10 MARCO SASSONE,

11 Plaintiff,

12 vs.

13  
14 DARRELL T. COKER an individual,  
DARRELL R. COKER, JR an individual,  
15 RICHARD MORELLO an individual,  
DARRYL MCCULLOUGH an individual,  
16 AND THE JELLO'S JIGGLIN, LLC d/b/a  
Postal Annex. DOES 1-10, and ROE  
17 ENTITIES 1-10, inclusive.

18 Defendants.

CASE NO.  
DEPT.

19 INITIAL APPEARANCE FEE DISCLOSURE (NRS CHAPTER 19)

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

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Name of Plaintiff

Marco Sassone

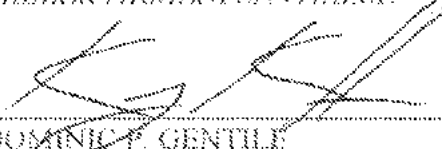
\$270.00

TOTAL REMITTED

\$270.00

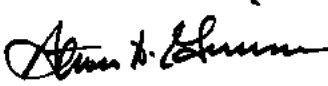
Dated this 2<sup>nd</sup> day of September, 2016

GENTILE CRISTALLI  
MILLER ARMENI SAVARESE

 #13164  
for

DOMINIC P. GENTILE  
Nevada Bar No. 1923  
410 S. Rampart Blvd, Suite 420  
Las Vegas, NV 89145  
Telephone (702) 880-0000  
Facsimile: (702) 778-9709  
Attorneys for Plaintiff Marco Sassone



  
CLERK OF THE COURT

1 **ACOM**  
2 GENTILE CRISTALLI  
3 MILLER ARMENI SAVARESE  
4 DOMINIC P. GENTILE  
5 Nevada Bar No. 1923  
6 Email: [dgentile@gcmaslaw.com](mailto:dgentile@gcmaslaw.com)  
7 410 S. Rampart Blvd., Suite 420  
8 Las Vegas, NV 89145  
9 Telephone (702) 880-0000  
10 Facsimile (702) 778-9709  
11 Attorneys for Plaintiff Marco Sassone

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

10 MARCO SASSONE,

11 Plaintiff,

12 vs.

13  
14 DARRELL T. COKER an individual,  
15 DARRELL R. COKER, an individual,  
16 RICHARD MORELLO an individual,  
17 DARRYL MCCULLOUGH an individual,  
18 AND THE JELLO'S JIGGLIN, LLC d/b/a  
19 Postal Annex, DOES 1-10, and ROE  
20 ENTITIES 1-10, inclusive,

21 Defendants.

CASE NO. A-16-742853-C  
DEPT. XXVIII

**AMENDED COMPLAINT**

**Exemption from Arbitration**  
**Damages in Excess of \$50,000**

22 COMES NOW, Plaintiff Marco Sassone ("Sassone") by and through counsel of record, of  
23 the law firm Gentile Cristalli Miller Armeni Savarese, and hereby complains and alleges against  
24 Defendants, Darrell T. Coker ("Coker"); Darrell R. Coker ("Coker Jr."); Richard Morello  
25 (Morello); Richard McCullough ("McCullough"); And The Jello's Jigglin, LLC, d/b/a Postal  
26 Annex ("Postal Annex"), Does 1-10, and Roe Entities 1-10, inclusive as follows:

27 **I.**

28 **THE PARTIES, JURISDICTION, AND VENUE**

1. Plaintiff Sassone is, and at all relevant times hereto was, a resident of Toronto,  
Canada.



- 1           11.    Sassone has neither produced, nor sold any Works in the lithograph medium.
- 2           12.    All Works are wholly original by Plaintiff Sassone and are copyrightable subject  
3 matter under the laws of the United States and Nevada common law.
- 4           13.    Sassone was also the subject of an artist monograph book entitled Sassone  
5 (“Monograph Book”) which was published in 1979, and was published again in 1985 by Donelson  
6 Hoopes ISBN: 0-935194-00-2.
- 7           14.    The Monograph Book included over one hundred photos of Sassone’s Works.
- 8           15.    The Monograph Book is available to the general public for purchase online through  
9 websites including, but not limited to, ebay.com and amazon.com.
- 10          16.    Plaintiff Sassone is now, and at all relevant times has been, the sole owner of all  
11 right, title, and interest in and to the Copyright in his Works.
- 12          17.    Plaintiff Sassone has not commissioned, licensed, assigned, or relinquished any  
13 rights in any of his Works.
- 14          18.    Upon information and belief, Coker and Coker Jr. acquired the Monograph Book.
- 15          19.    Upon information and belief, beginning no later than 2008, Coker and Coker Jr.  
16 began intentionally imitating and producing fraudulent lithographs (“Lithographs”) from the  
17 images in the Monograph Book without permission or license from Plaintiff Sassone.
- 18          20.    Exhibit A contains a list that includes, but is not limited to, the titles of the  
19 infringed Works of Sassone.
- 20          21.    Upon information and belief, Coker and Coker Jr. imposed a forged signature of  
21 Sassone on the fraudulent Lithograph productions.
- 22          22.    Upon information and belief, Coker and Coker Jr. conspired and caused to be  
23 formed numerous limited liability corporations as auction businesses that allegedly operated  
24 throughout the United States.
- 25          23.    Upon information and belief, Coker and Coker. Jr. caused to be formed auction  
26 businesses in, including but not limited to, Utah, Colorado, and Oklahoma.
- 27        ///
- 28        ///

1           24.    Upon information and belief, Coker and Coker Jr. conspired and worked in concert  
2 with Morello, and others, to create websites for said auction businesses. A list of websites and  
3 related businesses can be found in **Exhibit B**.

4           25.    Upon information and belief, Morello established the websites for these businesses  
5 and small art galleries that were subsequently used as auctioneers to participate in online auction  
6 sales at major auction webhosts such as: iCollector.com, Liveauctioneers.com, Auctionzip.com,  
7 and Invaluable.com. *See Exhibit C*.

8           26.    Upon information and belief, Coker and Coker Jr. offered for auction the fake  
9 Lithograph productions and advertised them as “Original Signed Lithograph by Artist Marco  
10 Sassone” or “Lithograph After Marc Sassone.”

11          27.    Upon information and belief, Coker and Coker Jr. sold numerous fake Lithographs  
12 at auctions for various prices starting at \$100 and above. The prices of sale ranged from \$100-  
13 \$650.

14          28.    Upon information and belief, Coker and Coker Jr. advertised that the sham  
15 Lithographs would be sold with a certificate of authenticity.

16          29.    Upon information and belief, Coker and Coker Jr. provided a fraudulent,  
17 meaningless, self-produced certificate of authenticity with each sold bogus Lithograph.

18          30.    Upon information and belief, Coker and Coker Jr. worked in concert with  
19 McCullough to distribute the infringing sham Lithographs through Postal Annex, a company  
20 located in Las Vegas, Nevada.

21          31.    Upon information and belief, McCullough caused the infringing Lithographs to be  
22 shipped to respective buyers from Postal Annex.

23          32.    Upon information and belief, on or about November 25, 2014, Sarah Burton visited  
24 the website iCollector.com where Art and Jewelry Auction House, located in Las Vegas, Nevada  
25 and controlled by Darrell T. Coker, listed an “Original Signed Lithograph by Artist Marco  
26 Sassone” for auction. Sarah Burton placed a bid, and the Lithograph was sold to Sarah Burton for a  
27 bid price of \$199.12. The Lithograph was subsequently shipped by Postal Annex.

28

1           33.    Upon information and belief, on or about December 10, 2014, Diane Menninger  
2 visited the website iCollector.com where Art and Jewelry Auctions House, located in Las Vegas,  
3 Nevada and controlled by Darrell T. Coker, listed an "Original Signed Lithograph by Artist Marco  
4 Sassone" for auction. Diane Menninger placed a bid, and the Lithograph was sold to her for a bid  
5 price of \$227.50. The Lithograph was subsequently shipped by Postal Annex. The tracking number  
6 from Postal Annex was sent to Diane Menninger by McCullough.

7           34.    Upon information and belief, on or about December 22, 2014, Collin Clark visited  
8 the website iCollector.com where Whole Sale Art Auctions, located in Salt Lake City, Utah, listed  
9 an "Original Signed Lithograph By Artist Marco Sassone" for auction. Collin Clark placed a bid,  
10 and the Lithograph was sold to him for a bid price of \$229.25. The Lithograph was subsequently  
11 shipped by Postal Annex.

12           35.    Upon information and believe, on or about January 20, 2015, Jelena Popovic visited  
13 the website Live Auctioneers where Wilson Fine Art and Antique listed a "Lithograph after Marco  
14 Sassone" for sale at auction. Jelena Popovic placed a bid, and the Lithograph was sold to her for a  
15 bid price of \$275.00. The Lithograph was subsequently shipped by Postal Annex.

16           36.    Upon information and belief, Defendants, each of them, have been, without  
17 limitation, producing, distributing, marketing, promoting, advertising, demonstrating, offering for  
18 sale, and in fact selling, unauthorized and illegal copies of Sassone's Works. The illegal production  
19 and distribution of the Works includes, but is not limited to, the acts hereinabove alleged.

20           37.    Sassone did not become aware of Defendants' illegal and unauthorized copying,  
21 forging, and selling of his Works until October 2014 when he discovered the auctions on the  
22 Internet.

23           38.    Sassone purposefully restricted the availability of his Works to maintain a limited,  
24 exclusive collection of artist originals, and originally signed derivative Works available to the  
25 public.

26           39.    Sassone produced Serigraphs in limited productions, roughly one hundred (100) to  
27 one hundred fifty (150) works, which significantly differ from the Lithographs produced by Coker  
28 and Coker Jr.









- 1 a. engaging in multiple transactions involving fraud or deceit in the course of an
- 2 enterprise or occupation in violation of NRS § 205.377;
- 3 b. forgery in violation of NRS § 205.090; and
- 4 c. obtaining possession of money or property valued at \$650 or more by false
- 5 pretenses in violation of NRS § 205.380.

6 64. As a result of the foregoing allegations, Defendants have violated NRS 207.400-  
7 1(c)(1) and/or (2).

8 65. As a direct and proximate result of Defendants' pattern of racketeering activities  
9 and participation in the conduct of the enterprise, Sassone has been injured in his business or  
10 property and is entitled to treble damages in an amount to be proven at trial in excess of \$10,000,  
11 plus prejudgment interest pursuant to NRS § 207.470.

12 66. As a direct and proximate result of Defendants' actions, Sassone has been required  
13 to retain the services of an attorney to prosecute this claim and, pursuant to NRS § 207.470, is  
14 entitled to be compensated for any costs incurred in the prosecution of this action, including  
15 without limitation, any and all costs and attorney's fees

16 **FOURTH CLAIM FOR RELIEF**  
17 **(Violation of Nevada RICO, § 207.400(1)(j))**

18 67. Sassone repeats, re-alleges and incorporates the allegations set forth in the  
19 preceding paragraphs of this Complaint as if fully set forth herein.

20 68. Defendants, and each of them, did conspire, confederate and agree with one another  
21 to conduct and participate in the operation of the aforementioned enterprise through racketeering  
22 activity, or in the alternative, to engage in racketeering activity through the affairs of the  
23 enterprise, by the acts set out hereinabove by creating fake Lithographs of Sassone's Works,  
24 creating various websites and auction houses, advertising the Lithographs as Sassone's original  
25 Lithograph Works through the auction houses, forging Sassone's signature on the Lithographs,  
26 and/or selling the fake Lithographs to customers online through their various auction houses.

27 69. As a result thereof, the Defendants have committed and conspired to commit the  
28 following crimes related to racketeering: (1) engaging in multiple transactions involving fraud or

1 deceit in the course of an enterprise or occupation in violation of NRS § 205.377; (2) forgery in  
2 violation of NRS § 205.090; and (3) obtaining possession of money or property valued at \$650 or  
3 more by means of false pretenses in violation of NRS § 205.380.

4 70. As a direct and proximate result of Defendants' conspiring, confederating and  
5 agreeing as aforesaid, Sassone has been injured in his business and/or property and is entitled to  
6 trebled damages in an amount to be proven at trial in excess of \$10,000, plus prejudgment interest.

7 71. As a direct and proximate result of Defendants' actions, Sassone has been required  
8 to retain the services of an attorney to prosecute this claim and, pursuant to NRS § 207.470, is  
9 entitled to be compensated for any costs incurred in the prosecution of this action, including  
10 without limitation, any and all costs and attorney's fees.

11 **FIFTH CLAIM FOR RELIEF**  
12 **(Violation of Works of Art)**

13 72. Sassone repeats, re-alleges and incorporates the allegations set forth in the  
14 preceding paragraphs of this Complaint as if fully set forth herein.

15 73. Defendants Coker and Coker Jr., by virtue of their online auctions, infringed the  
16 Works of Sassone by creating, publishing, displaying and offering for sale fake, unauthorized  
17 Lithograph works in the State of Nevada and worldwide.

18 74. Defendants' actions of creating infringing fraudulent Lithographs of Sassone's  
19 Works defaced and altered Sassone's Works while representing them as works of Sassone.

20 75. Sassone never consented to Defendants' publishing or displaying Lithographs in the  
21 State of Nevada or worldwide for that matter, and thus Defendants violated NRS § 597.740.

22 76. As a direct and proximate result of Defendants' actions, Sassone is entitled to  
23 damages in an amount to be proven at trial in excess of \$10,000 plus prejudgment interest.

24 77. As a direct and proximate result of Defendants' actions, Sassone has been required  
25 to retain the services of an attorney to prosecute this claim and is entitled to be compensated for  
26 any costs incurred in the prosecution of this action, including without limitation, any and all costs  
27 and attorney's fees pursuant to NRS § 597.740(2).

28 ///

1 **PRAYER FOR RELIEF**

2 WHEREFORE, based upon the foregoing, Plaintiff respectfully requests judgment be  
3 entered in its favor and against each of the Defendants as follows:

4 1. For actual and compensatory damages in excess of \$10,000, together with interest,  
5 penalties, costs, and treble damages pursuant to Nevada RICO and statutes mentioned herein;

6 2. For attorneys' fees and costs of suit;

7 3. For an award of exemplary and punitive damages against the Defendants, jointly  
8 and severally, in an amount in excess of \$10,000, with a specific amount to be proven at the time  
9 of trial; and

10 4. Preliminarily and permanently enjoin Defendants, and each of them, the  
11 Defendants' servants, employees, attorneys, agents, representatives, and distributors, and all other  
12 persons acting in concert or privity or in participation with the Defendants, from:

13 a. Directly or indirectly infringing the Works of Sassone by copying the Works;

14 b. Falsifying Sassone's signature in the creation of unauthorized derivative  
15 works;

16 c. Distributing, selling, licensing, leasing, or transferring the non-licensed  
17 materials; and,

18 d. Engaging, participating or assisting in any further conduct that infringes on the  
19 Works;

20 5. Order the Defendants to destroy and dispose of all of the Defendants' materials  
21 bearing in any manner upon the works and/or any similar variation thereof, and file with this  
22 Court and serve upon Sassone, within 30 days after being served with this Court's injunction(s)  
23 and/or order(s) granting such relief, a written report signed by the Defendants under oath, setting  
24 forth in detail the manner in which the Defendants complied with the Court's injunction(s) and/or  
25 order(s);

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6. For such other and further relief this Court deems appropriate in the circumstances.

Dated this 31<sup>st</sup> day of October, 2016.

GENTILE CRISTALLI  
MILLER ARMENI SAVARESE



---

DOMINIC P. GENTILE  
Nevada Bar No. 1923  
410 S. Rampart Blvd., Suite 420  
Las Vegas, NV 89145  
Telephone (702) 880-0000  
Facsimile: (702) 778-9709  
Attorneys for Plaintiff Marco Sassone

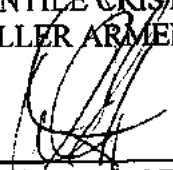
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**DEMAND FOR JURY TRIAL**

Plaintiff Sassone hereby demand that this matter be tried by a jury, pursuant to the Seventh Amendment of the Constitution of the United States, as for all triable claims.

Dated this 3 day of October, 2016.

GENTILE CRISTALLI  
MILLER ARMENI SAVARESE



---

DOMINIC P. GENTILE  
Nevada Bar No. 1923  
410 S. Rampart Blvd., Suite 420  
Las Vegas, NV 89145  
Telephone (702) 880-0000  
Facsimile: (702) 778-9709  
Attorneys for Plaintiff Marco Sassone

**EXHIBIT A**  
**LIST OF INFRINGED WORKS OF ARTIST SASSONE**

	<b>Title</b>	<b>Description (original)</b>	<b>Book page #</b>
1			
2			
3	Aftermath, 1968	Oil on Canvas, 71" x 71"	159
4	Alamitos Bay Marina, 1970	Oil on Canvas, 50" x 50"	181
5	Amalfi, 1972	Oil on Canvas, 50" x 54"	84
6	Barca Rossa, 1978	Oil on Canvas, 10" x 14"	279
7	Belmont Shore, 1970	Drawing, 12" x 11"	20
8	Blue Bird Canyon, 1973	Oil on Canvas, 48" x 34"	199
9	Bluebird Canyon, 1976	Oil on Canvas, 19" x 23"	209
10	Bluebird Canyon from Summit Street, 1978	Oil on Canvas, 30" x 26"	197
11	Boats at Dusk, 1969	Oil on Canvas, 40" x 54"	179
12	Canal Grande, 1978	Oil on Canvas, 32" x 30"	113
13	Canal Riflessi, 1978	Oil on Canvas, 42" x 32"	141
14	Canale con Barche, 1978	Oil on Canvas, 34" x 26"	128
15	Canale d'Inverno, 1978	Oil on Canvas, 42" x 32"	103
16	Catalina Island Marina, 1976	Oil on Canvas, 20" x 22"	167
17	Casamenti Sul Molo, 1979	Oil on Canvas, 36" x 32"	18
18	Case Veneziane, 1978	Oil on Canvas, 38" x 38"	139
19	Chiesa della Salute, 1978	Oil on Canvas, 36" x 54"	143
20	Colori sulla Baia, 1977	Oil on Canvas, 26" x 36"	265
21	Colors of Junk, 1975	Oil on Canvas, 35" x 56"	243
22	Cranes, 1975	Drawing, 9" x 14"	240
23	Darsena, 1979	Oil on Canvas, 40" x 56"	46
24	Delage, 1975	Oil on Canvas, 40" x 35"	54
25	Deposito Rottami, 1979	Watercolor, 9" x 13"	244
26	Diane, 1972	Watercolor, 28" x 20"	187
27	Eleonor's Sun Room, 1974	Oil on Canvas, 40" x 32"	219
28	Emerald Bay, 1976	Drawing, 9" x 14"	220
29	Fermata Rialto, 1978	Oil on Canvas, 32" x 30"	115
30	Firenze, 1968	Watercolor, 20" x 28"	155
31	Firenze Rosa, 1979	Oil on Canvas, 40" x 36"	151
32	Fish Cleaned 1971	Watercolor, 28" x 20"	165
33	Fisherman's Wharf, Evening, 1978	Oil on Canvas, 36" x 55"	169
34	Fishing Boats, 1978	Oil on Canvas, 10" x 12"	163
35	Flower Pots, 1978	Oil on Canvas, 20" x 22"	203
36	Gondole a San Marco, 1978	Oil on Canvas, 40" x 54"	105
37	Grand Canal, 1974	Oil on Canvas, 32" x 34"	135
38	Grand Canal, 1978	Oil on Canvas, 14" x 16"	99
39	Huntington Harbour, 1972	Oil on Canvas, 42" x 52"	160
40	Jack in the Box, 1973	Oil on Canvas, 30" x 32"	173
41	Japanese Garden, 1976	Drawing, 9" x 14"	236
42	Japanese Garden, 1976	Oil on Canvas, 24" x 20"	237
43	Jill, 1969	Oil on Canvas, 30" x 22"	176
44	Junk Island, 1979	Oil on Canvas, 50" x 72"	261
45	Junk Yard, 1975	Oil on Canvas, 62" x 50"	241
46	Laguna, 1977	Original Serigraph, 38" x 32"	191
47	Laguna with Moon, 1976	Oil on Canvas, 26" x 20"	211
48	Laguna Patio, 1975	Oil on Canvas, 33" x 30"	201
49	Laguna Terrace, 1975	Original Serigraph, 24" x 18"	227
50	Laguna Summer, 1978	Oil on Canvas, 32" x 30"	51
51	Landscape, 1977	Oil on Canvas, 38" x 55"	205
52	Mail Boxes, 1977	Oil on Canvas, 45" x 52"	257

1	Main Beach, 1974	Oil on Canvas, 40" x 32"	215
	Mar Vista Terrace, 1979	Oil on Canvas, 47" x 50"	229
2	Marina, 1976	Oil on Canvas, 30" x 30"	255
	Marina at Belmont, 1969	Oil on Canvas, 22" x 30"	177
3	Marina Riflessi, 1978	Oil on Canvas, 44" x 42"	285
	Moss Point, 1974	Oil on Canvas, 38" x 30"	217
4	Moss Point Eucalyptus, 1979	Original Serigraph, 38" x 30"	221
	Near Rialto, 1978	Oil on Canvas, 34" x 26"	129
5	North Laguna, 1978	Oil on Canvas, 26" x 36"	193
	Old Refinery, 1975	Oil on Canvas, 40" x 33"	249
6	Old Truck, 1972	Oil on Canvas, 54" x 40"	223
	Patio, 1972	Watercolor, 20" x 20"	185
7	Piazza Poggi, 1979	Oil on Canvas, 9" x 13"	149
	Piazza San Marco, 1976	Drawing, 11" x 14"	92
8	Piazzetta, 1976	Drawing, 11" x 14"	114
	Ponte dei Sospiri, 1978	Oil on Canvas, 16" x 14"	123
9	Ponte di Rialto, 1979	Oil on Canvas, 52" x 64"	117
	Ponte Rosso, 1978	Oil on Canvas, 54" x 40"	121
10	Porto Erocle, 1978	Watercolor, 9" x 13"	26
	Porto Santo Stefano, 1978	Oil on Canvas, 14" x 18"	89
11	Porto Santo Stefano, 1979	Oil on Canvas, 26" x 36"	95
	Porto Santo Stefano Tramanto, 1978	Oil on Canvas, 34" x 54"	91
12	Ragazze alla Spiaggia, 1968	Oil on Canvas, 40" x 30"	189
	Rialto Bridge -Dusk, 1979	Oil on Canvas, 52" x 64"	119
13	Rio Belvedere, 1979	Oil on Canvas, 36" x 26"	111
	Rio delle Prigioni, 1979	Oil on Canvas, 56" x 40"	125
14	Rio de la Verona, 1979	Oil on Canvas, 56" x 40"	127
	Roof Tops, 1971	Oil on Canvas, 14" x 20"	147
15	Sails at Belmont, 1967	Oil on Wood, 13" x 15"	175
	San Francisco Wharf, 1973	Oil on Canvas, 48" x 54"	42
16	San Pedro Refinery, 1975	Oil on Canvas, 45" x 33"	245
	Santa Cruz Bay, 1976	Oil on Canvas, 44" x 52"	287
17	Santa Cruz Harbor, 1977	Oil on Canvas, 38" x 54"	275
	Santa Cruz Harbor, 1978	Oil on Canvas, 36" x 55"	273
18	Santa Cruz Marina, 1978	Oil on Canvas, 36" x 54"	271
	Santa Cruz Waterfront, 1976	Oil on Canvas, 44" x 72"	269
19	Sausalito, 1978	Original Serigraph, 26" x 36"	263
	Sausalito Bay, 1975	Oil on Canvas, 40" x 56"	262
20	Sausalito Bay, 1975	Oil on Canvas, 60" x 52"	253
	Sausalito Reflections, 1975	Original Serigraph 24" x 17"	267
21	Souvenirs, 1979	Drawing, 13" x 19"	58
	Springtime Colors, 1977	Oil on Canvas, 40" x 32"	62
22	Springtime in Diablo, 1976	Oil on Canvas, 44" x 36"	171
	Studio, 1975	Oil on Canvas, 41" x 31"	231
23	Studio, 1979	Drawing, 9" x 13"	196
	Studio Vista, 1977	Original Serigraph, 26" x 32"	225
24	Studio Vista - Dusk, 1977	Oil on Canvas, 26" x 30"	224
	The Captains House, 1972	Oil on Canvas, 45" x 34"	195
25	The Flood of Florence, 1976	Original Serigraph, 14" x 9"	153
	Tree on the Bay, 1971	Watercolor, 20" x 28"	183
26	Trees in Diablo, 1977	Oil on Canvas, 47" x 38"	66
	Three-Seven-Four, 1979	Oil on Canvas, 64" x 90"	259
27	Tug Boat Reflections, 1975	Oil on Canvas, 27" x 20"	251
	Tyrrhenian Sea, 1979	Oil on Canvas, 32" x 40"	87
28	Venetian Palaces, 1978	Drawing, 9" x 13"	100

1	Venetian Palaces, 1978	Oil on Canvas, 14" x 18"	101
	Venetian Tenements, 1978	Oil on Canvas, 42" x 32"	109
2	Venetian Windows, 1974	Oil on Canvas, 46" x 50"	137
	Venezia, 1974	Oil on Canvas, 38" x 30"	133
3	Venezia II, 1974	Oil on Canvas, 38" x 30"	131
	Vermouth Bottles, 1979	Colored Pentels, 11" x 14"	93
4	View of Avalon, 1976	Oil on Canvas, 40" x 32"	38
	View from Cliff Drive, 1975	Oil on Canvas, 22" x 30"	38
5	Views from Piazzale, 1976	Drawing, 11" x 14"	145
	View of San Gorgio, 1979	Oil on Canvas, 36" x 26"	97
6	View from Temple Hills, 1979	Oil on Canvas, 36" x 26"	207
	View from the Victor Hugo, 1979	Original Serigraph, 18" x 14"	213
7	Warehouse, 1975	Oil on Canvas, 36" x 32"	247
	Winter Canal, 1978	Oil on Canvas, 42" x 32"	107
8	Yacht Harbor, 1976	Oil on Canvas, 20" x 20"	277

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**EXHIBIT B**  
**LIST OF WEBSITES AND AUCTION BUSINESSES**  
**USED TO SELL SASSONE INFRINGED WORKS**

Domain Name	Registered Agent	Business Name
bestauctionforyou.com	Rich Morello	Best Auction for You Inc
pinevalleyauctions.com	Rich Morello	Pine Valley Auctions.com LLC
pinevalleyauctions.com	Rich Morello	Pine Valley Auctions.com LLC
topauctionitems.com	Rich Morello	
wholesaleartauctions.com	Rich Morello	Wholesale Art Auctions
fineartonlineauctions.com	Rich Morello	Fine Art Auctions LLC
buyartauction.com	Rich Morello	Buy Art Auctions Inc
universallive.com	Martin Shape	
wilsonfineartandantiques.com	William Rhodes	Wilson Fine Art & Antiques
wilsonantiquesandart.com		Wilson Fine Art & Antiques
colonelsauctionhouse.com		Art & Jewelry Auction House dba Colonel's Auction House

**EXHIBIT C  
LIST OF MAJOR AUCTION WEBHOSTS  
FOR SALES OF INFRINGED WORKS**

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4           1.     AAC HOLDINGS LTD d/b/a ICOLLECTOR.COM - a Canadian Corporation with  
its principal place of business in British Columbia, Canada.

5           2.     ICOLLECTOR.COM TECHNOLOGIES LTD - a Canadian limited liability  
6 company with its principal place of business in British Columbia, Canada.

7           3.     LIVE AUCTIONEERS LLC d/b/a liveauctioneers.com - a New York limited  
8 liability company with its principal place of business in New York, New York.

9           4.     AUCTION ZIP d/b/a auctionzip.com - a Pennsylvania corporation with its principal  
10 place of business in Bedford, Pennsylvania.

11           5.     INVALUABLE LLC d/b/a invaluable.com - a Massachusetts limited liability  
12 company with its principal place of business in Boston, Massachusetts.

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RANDAZZA | LEGAL GROUP

1 Marc J. Randazza (NV Bar No. 12265)  
2 Ronald D. Green (NV Bar No. 7360)  
3 Alex J. Shepard (NV Bar No. 13582)  
4 **RANDAZZA LEGAL GROUP, PLLC**  
5 4035 S. El Capitan Way  
6 Las Vegas, NV 89147  
7 Telephone: 702-420-2001  
8 Facsimile: 305-437-7662  
9 ecf@randazza.com

10 *Attorneys for Defendant,*  
11 *Darrell T. Coker*

12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 MARCO SASSONE,  
15 Plaintiff,  
16 vs.

17 DARRELL T. COKER, an individual;  
18 DARRELL R. COKER, an individual;  
19 RICHARD MORELLO, an individual;  
20 DARRYL MCCULLOUGH, an individual;  
21 AND THE JELLO'S JIGGLIN, LLC d/b/a  
22 Postal Annex; DOES 1-10; and  
23 ROE ENTITIES 1-10, inclusive,  
24 Defendants.

Case No.: \_\_\_\_\_

**NOTICE OF REMOVAL TO  
FEDERAL COURT**

25 **TO: THE CLERK OF THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEVADA**

26 PLEASE TAKE NOTICE THAT Defendant Darrell T. Coker ("Coker") hereby  
27 removes to this Court the state court action described below. Defendant gives  
notice that this action is removed to the United States District Court for the  
District of Nevada from the Eighth Judicial District Court for Clark County,  
Nevada. The bases for removal are federal-question jurisdiction under 28 U.S.C.  
§ 1331, and copyright and unfair competition jurisdiction under 28 U.S.C. § 1338.

**BACKGROUND**

1  
2 1. Plaintiff Marco Sassone filed this action on September 2, 2016 in the  
3 Eighth Judicial District Court for Clark County, Nevada, Case No. A-16-742853-C  
4 (the "State Court Action"). A true and correct copy of the operative Amended  
5 Complaint is attached hereto as **Exhibit A**.

6 2. Despite attempts to plead around it, this is a copyright infringement  
7 case. Since copyright infringement is exclusively a federal issue, this case must  
8 be brought in federal court.

**STATUTORY REQUIREMENTS**

**Removal is Proper Pursuant to 28 U.S.C. §§ 1454 and 1441**

9  
10  
11 3. Federal-question jurisdiction covers state-law claims that implicate  
12 significant federal issues. See *Grable & Sons Metal Prods. v. Darue Eng'g & Mfg.*,  
13 545 U.S. 308, 312 (2005). Federal courts have exclusive jurisdiction over copyright  
14 claims. 28 U.S.C. § 1338 ("No [s]tate court shall have jurisdiction over any claims  
15 for relief arising under any [a]ct of Congress relating to patents, plant variety  
16 protection, or copyrights.").

17 4. "[A] plaintiff may not defeat removal by omitting to plead  
18 necessary federal questions. If a court concludes that a plaintiff has artfully  
19 pleaded claims in this fashion, it may uphold removal even though no federal  
20 question appears on the face of the plaintiff's complaint." *Rivet v. Regions Bank*  
21 *of Louisiana*, 522 U.S. 470, 475 (1998) (citations and internal quotation marks  
22 omitted); see also *Ayres v. Gen. Motors Corp.*, 234 F.3d 514, 519 n.7 (11th Cir.  
23 2000) ("Removal will be held proper when the plaintiff has concealed a  
24 legitimate ground of removal by . . . artful pleading."). In assessing federal  
25 jurisdiction, courts look to the substance of the complaint, not the labels used in  
26 it. See *Sparta Surgical Corp. v. NASD*, 159 F.3d 1209, 1212 (9th Cir. 1998) ("In  
27 addition to examining the literal language selected by the plaintiff, the district

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1 court must analyze whether federal jurisdiction would exist under a properly  
 2 pleaded complaint."); see also *ARCO Env'tl. Remediation, L.L.C. v. Dep't of*  
 3 *Health & Env'tl. Quality*, 213 F.3d 1108, 1114 (9th Cir. 2000) ("[U]nder the artful  
 4 pleading rule 'a plaintiff may not defeat removal by omitting to plead  
 5 necessary federal questions in a complaint.'" (quoting *Franchise Tax Bd. of Cal.*  
 6 *v. Constr. Laborers Vacation Trust for S. Cal.*, 463 U.S. 1, 22 (1983)).

7 5. This Court has original jurisdiction over "any civil action arising under  
 8 any Act of Congress relating to ... copyrights ..." 28 U.S.C. §1338(a). This Court  
 9 also has supplemental jurisdiction under 28 U.S.C. § 1367(a) over the other state  
 10 claims, because the claims are so related to the federal claims within this Court's  
 11 original jurisdiction that they form part of the same case or controversy under  
 12 Article III of the United States Constitution."

13 6. The state court is not legally competent to hear this case, as  
 14 copyright claims are exclusively federal in nature. There must be uniform  
 15 enforcement of copyright law, nationwide, without state or local particularities  
 16 coming into play. *Mitchell Bros. Film Group v. Cinema Adult Theater*, 604 F.2d  
 17 852, 858 (5th Cir. 1979) (recognizing "uniform national standards of the copyright  
 18 system"); *Jartech, Inc. v. Clancy*, 666 F.2d 403, 406 (9th Cir. 1982) (adopting  
 19 *Mitchell Bros.* reasoning).

20 7. The complaint both explicitly and implicitly pleads federal claims.  
 21 See Amended Complaint at ¶ 12 ("All Works are wholly original by Plaintiff  
 22 Sassone and are copyrightable subject matter under the laws of the United  
 23 States and Nevada common law.") and ¶ 16 ("Plaintiff Sassone is now, and at all  
 24 relevant times has been, the sole owner of all right, title, and interest in and to  
 25 the Copyright in his Works.") However, the Copyright Act preempts state law  
 26 claims that that vindicate "legal or equitable rights that are equivalent to any of  
 27 the exclusive rights within the general scope of copyright," in works "that are

1 fixed in a tangible medium of expression and come within the subject matter of  
2 copyright." See 17 U.S.C. § 301; see also *Liberty Media Holdings, LLC v. Tabora*,  
3 2012 U.S. Dist. LEXIS 9475; *Voltage Pictures, LLC v. Doe*, 2014 U.S. Dist. LEXIS 84794;  
4 and see *AF Holdings LLC v. Rogers*, 2013 U.S. Dist. LEXIS 11929 (S.D. Cal. Jan. 29,  
5 2013). "[T]he shadow actually cast by the Act's preemption is notably broader  
6 than the wing of its protection." *U.S. ex rel Berge v. Bd. Of Trustees of Univ. of*  
7 *Ala.*, 104 F.3d 1453, 1463 (4th Cir. 1997). See also *Ehat v. Tanner*, 780 F.2d 876,  
8 878 (10th Cir. 1985) (same).

9 8. The Plaintiff additionally makes claims that are duplicative of the  
10 remedies under 17 U.S.C. § 106A, which is specifically preempted by 17 U.S.C.  
11 § 301(f). See Amended Complaint at ¶¶ 39, 45-52, 53-59, & 72-77.

12 9. Claims pled under state law, but which are preempted by the  
13 Copyright Act, arise under the Copyright Act, and that removal of such claims  
14 to federal court is therefore not only appropriate, but mandatory, as federal  
15 courts have exclusive jurisdiction over copyright claims. See, e.g., *Laws v. Sony*  
16 *Music Entm't, Inc.*, 448 F.3d 1134, 1146 (9th Cir. 2006) (upholding complete  
17 preemption of state right of publicity claim under the Copyright Act); *NTD*  
18 *Architects v. Baker*, 2012 U.S. Dist. LEXIS 89160, 16-17 (S.D. Cal. June 27, 2012);  
19 *Bierman v. Toshiba America Info. Sys. Inc.*, 473 Fed. Appx. 756, 758 (9th Cir. 2012)  
20 (unpublished concurrence); *Rosciszewski v. Williams*, 395 F.3d 283, 286-87 (6th Cir.  
21 2005); *Briarpatch Ltd., L.P. v Pheonix Pictures, Inc.*, 373 F.3d 296, 305 (2d Cir.  
22 2004); *Ritchie v. Williams*, 395 F.3d 283, 286-87 (6th Cir. 2005).

23 10. As Congress made clear when passing the 1976 Copyright Act,  
24 "section 301 is intended to be stated in the clearest and most unequivocal  
25 language possible, so as to foreclose any conceivable misinterpretation of its  
26 unqualified intention that Congress shall act preemptively, and to avoid the  
27 development of any vague borderline areas between State and Federal

1 protection." H.R.Rep. No. 1476, 94th Cong., 2d Sess. 130 (1976), reprinted in 1976  
2 U.S.C.C.A.N. 5659, 5746"

3 11. The only true issue in this case is the use of copyrightable works, and  
4 the only kind of rights being asserted are exclusive Copyright rights, namely the  
5 rights to copy and distribute content, so the state claims are preempted by and  
6 arise under the Copyright Act (see 17 U.S.C. § 301), such that removal is  
7 appropriate here, based on the authorities noted above.

8 **PROCEDURAL REQUIREMENTS**

9 12. Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal is signed  
10 subject to Rule 11.

11 13. Pursuant to 28 U.S.C. § 1446(a), Defendant files this notice of  
12 removal in the United States District Court for the District of Nevada, which is the  
13 federal district court embracing the Eighth Judicial District Court for Clark  
14 County, Nevada where Sassone brought the State Court Action.

15 14. Defendant Coker has not yet been served with the complaint. See  
16 Declaration of Darrell T. Coker, attached hereto as **Exhibit B**, at ¶ 3. Defendant  
17 Coker was only made aware of the complaint on or after December 6, 2016. *Id.*  
18 at ¶ 4. Removal is therefore timely. See 28 U.S.C. § 1446(b)(2)(3).

19 15. However, given that copyright claims are exclusively federal, even if  
20 it was untimely, removal would be not only proper, but mandatory.

21 16. Pursuant to 28 U.S.C. § 1446(d), Defendant will promptly serve on  
22 Plaintiff and file with this Court a Notice to Plaintiffs of Removal to Federal Court,  
23 informing Plaintiff that this matter has been removed to federal court.

24 ...

25 ...

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27 ...

**CONCLUSION**

WHEREFORE, this action should proceed in the United States District Court for the District of Nevada, as an action properly removed thereto.

Dated: December 30, 2016.

Respectfully submitted,

/s/ Marc J. Randazza

Marc J. Randazza (NV Bar No. 12265)

Ronald D. Green (NV Bar No. 7360)

Alex J. Shepard (NV Bar No. 13582)

**RANDAZZA LEGAL GROUP, PLLC**

4035 S. El Capitan Way

Las Vegas, NV 89147

*Attorneys for Defendant,*

*Darrell T. Coker*

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Case No. \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 30, 2016, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document being served via electronic mail and U.S. Mail to the attorneys listed below:

Dominic P. Gentile  
GENTILE CRISTALLI MILLER ARMENI SAVARESE  
410 S. Rampart Blvd., Suite 420  
Las Vegas, NV 89145  
<dgentile@gcmaslaw.com>

Dirk A. Ravenholt  
DEMPSEY, ROBERTS & SMITH, LTD.  
1130 Wigwam Parkway  
Henderson, NV 89074  
<CriminalDefenseAttorney@drsLtd.com>

Respectfully Submitted,



Employee,  
Randazza Legal Group, PLLC

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1 GENTILE CRISTALLI  
2 MILLER ARMENI SAVARESE  
3 DOMINIC P. GENTILE  
4 Nevada Bar No. 1923  
5 Email: [dgentile@gcmaslaw.com](mailto:dgentile@gcmaslaw.com)  
6 410 S. Rampart Blvd., Suite 420  
7 Las Vegas, NV 89145  
8 Tel: (702) 880-0000  
9 Fax: (702) 778-9709  
10 *Attorney for Plaintiff Marco Sassone*

11  
12  
13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 MARCO SASSONE,  
16  
17 Plaintiff,

18 vs.

19 DARRELL T. COKER an individual,  
20 DARRELL R. COKER, an individual,  
21 RICHARD MORELLO an individual,  
22 DARRYL MCCULLOUGH an individual,  
23 AND THE JELLO'S JIGGLIN, LLC d/b/a  
24 Postal Annex, DOES 1-10, and ROE  
25 ENTITIES 1-10, inclusive,  
26  
27 Defendants.

CASE NO. 2:16-cv-03037-APG-PAL

**NOTICE OF VOLUNTARY DISMISSAL  
OF COUNT TWO (VIOLATION OF THE  
RIGHT OF PUBLICITY), AND COUNT  
FIVE (VIOLATION OF WORKS OF ART)  
WITH PREJUDICE**

28 Pursuant to Federal Rule of Civil Procedure 41, Plaintiff MARCO SASSONE ("Mr. Sassone"), by and through counsel, Dominic P. Gentile, Esq., of the law firm of Gentile Cristalli Miller Armeni Savarese, hereby provides notice of voluntary dismissal of Count 2 (Violation of Right of Publicity), and Count 5 (Violation of Works of Art) against Defendants DARRELL T.

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COKER and RICHARD MORRELLO, with prejudice, in the above-entitled action.

Dated this 20<sup>th</sup> day of January, 2017.

GENTILE CRISTALLI  
MILLER ARMENI SAVARESE  


---

DOMINIC P. GENTILE  
Nevada Bar No. 1923  
410 S. Rampart Blvd., Suite 420  
Las Vegas, Nevada 89145  
Tel: (702) 880-0000  
*Attorney for Plaintiff, Marco Sassone*

**CERTIFICATE OF SERVICE**

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The undersigned, an employee of Gentile Cristalli Miller Armeni Savarese, hereby certifies that on the 20<sup>th</sup> day of January, 2017, true and correct copies of **NOTICE OF VOLUNTARY DISMISSAL OF COUNT 2 (VIOLATION OF THE RIGHT OF PUBLICITY), AND COUNT 5 (VIOLATION OF WORKS OF ART) WITH PREJUDICE**, were served via the United States District Court CM/ECF system as follows:

John C. Fernandez, Esq.  
Marc J. Randazza, Esq.  
Ronald D. Green, Esq.  
Alex J. Shepard, Esq.  
Randazza Law Group, PLLC  
4035 S. El Capitan Way  
Las Vegas, NV 89147  
Email: [ecf@randazza.com](mailto:ecf@randazza.com)  
Attorneys for Darrell T. Coker

Kenneth M. Roberts, Esq.  
Dirk A. Ravenholt, Esq.  
Dempsey, Roberts & Smith, Ltd.  
1130 Wigwam Pkwy.  
Henderson, NV 89074  
Email: [KenRoberts@drsLtd.com](mailto:KenRoberts@drsLtd.com);  
[Criminaldefenseattorney@drsLtd.com](mailto:Criminaldefenseattorney@drsLtd.com)  
Attorneys for Defendants  
Darryl McCullough and  
The Jello's Jigglin, LLC



An employee of  
GENTILE CRISTALLI  
MILLER ARMENI SAVARESE

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

MARCO SASSONE,

Plaintiff,

v.

DARRELL T. COKER, DARRELL R.  
COKER, an individual; RICHARD  
MORELLO, an individual; DARRYL  
MCCULLOUGH, an individual; THE  
JELLO'S JIGGLIN, LLC d/b/a Postal Annex;  
DOES 1-10; and ROE ENTITIES 1-10,  
inclusive,

Defendants.

Case No. 2:16-cv-03037-APG-PAL

**ORDER REMANDING CASE TO STATE  
COURT**

(ECF No. 12)

Defendant Darrell T. Coker removed this case to federal court on December 30, 2016. The plaintiff moves to remand to state court. ECF No. 12. Because none of the defendants timely joined in the removal, I will remand the case.

Federal courts are courts of limited jurisdiction. *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 374 (1978). "A federal court is presumed to lack jurisdiction in a particular case unless the contrary affirmatively appears." *Stock West, Inc. v. Confederated Tribes of the Colville Res.*, 873 F.2d 1221, 1225 (9th Cir. 1989). "Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance." *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992) (citing *Libhart v. Santa Monica Dairy Co.*, 592 F.2d 1062, 1064 (9th Cir. 1979)). Thus, courts "strictly construe the removal statute against removal jurisdiction." *Id.* "The 'strong presumption' against removal jurisdiction means that the defendant always has the burden of establishing that removal is proper." *Id.*

Under 28 U.S.C. § 1446(b)(2)(A), all defendants who have been properly joined and served must join in or consent to removal within 30 days of the notice of removal. *Pattison v. Nevada Dept. of Corrections*, Case No. 3:14-cv-00020-MMD-VPC, 2014 WL 2506467 \*3 (D. Nev. June

1 3, 2014). The lack of all defendants joining in removal is a procedural defect requiring remand  
2 unless waived. *National Roofing Industry Pension Plan v. Acropolis Investments, Ltd.*, Case No.  
3 2:10-cv-1882-JCM-LRL, 2011 WL 830269 \*2 (D. Nev. March 4, 2011).

4 Given Coker’s December 30, 2016 removal notice, the other defendants were required to  
5 join in removal by January 29, 2017. Not all defendants did so. Defendants Darryl McCullough  
6 and The Jello’s Jigglin, LLC did not join in the removal because they did not want the case heard  
7 in federal court. ECF No. 5 at 2:23-27. These two defendants later changed counsel and filed a  
8 notice of joinder in removal, but that was filed 24 days late. ECF No. 20. Defendant Richard  
9 Morello never joined in the removal. Because none of other the defendants timely joined in the  
10 removal, remand is required.

11 Coker attempts to avoid remand by arguing that under 28 U.S.C. § 1454(b), the “rule of  
12 unanimity” does not apply. That statute provides that “removal of an action under [§ 1454] shall  
13 be made in accordance with section 1446, except that **if the removal is based solely on this section**  
14 (1) the action may be removed by any party . . . .” 28 U.S.C. § 1454(b) (emphasis added). This  
15 language does not address the rule of unanimity, and Coker points to no case interpreting it in that  
16 way. Moreover, Coker did not remove this case “based solely on” § 1454. Rather, his notice of  
17 removal states that “removal is proper pursuant to 28 U.S.C. §§ 1454 and 1441.” ECF No. 1 at  
18 2:10. Thus, unanimity is not excused in this case by § 1454(b).

19 Finally, Coker alleges that unanimity is excused if the non-joining defendants are merely  
20 “nominal defendants.” ECF No. 14 at 10-11. However, the other defendants in this case are not  
21 nominal. The Amended Complaint asserts substantive and serious claims against them. *See, e.g.*,  
22 ECF No. 1-1 at ¶¶ 22-25, 31-36, 61-65, 68-71. Because the defendants have an interest in the  
23 outcome of this action and are not joined merely to perform ministerial acts in furtherance of the  
24 plaintiff’s requested relief, they are not nominal parties. *Prudential Real Estate Affiliates, Inc. v.*  
25 *PPR Realty, Inc.*, 204 F.3d 867, 873 (9th Cir. 2000).

26 ////

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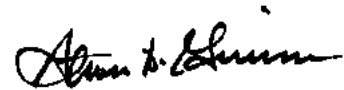
1 IT IS THEREFORE ORDERED that the plaintiff's motion to remand (**ECF No. 12**) is  
2 **GRANTED**. This case is remanded to the state court from which it was removed for all further  
3 proceedings. The Clerk of the Court is instructed to close this case.

4 Dated: March 13, 2017.



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6 ANDREW P. GORDON  
7 UNITED STATES DISTRICT JUDGE  
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CLERK OF THE COURT

1 **MDSM**

2 Marc J. Randazza (NV Bar No. 12265)  
3 Ronald D. Green (NV Bar No. 7360)  
4 Alex J. Shepard (NV Bar No. 13582)  
5 RANDAZZA LEGAL GROUP, PLLC  
6 4035 S. El Capitan Way  
7 Las Vegas, NV 89147  
8 Telephone: 702-420-2001  
9 Facsimile: 305-437-7662  
10 ecf@randazza.com

11 *Attorneys for Defendant,*  
12 *Darrell T. Coker*

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

15 MARCO SASSONE,

16 Plaintiff,

17 vs.

18 DARRELL T. COKER, an individual,  
19 DARRELL R. COKER, an individual,  
20 RICHARD MORELLO, an individual,  
21 DARRYL MCCULLOUGH, an individual,  
22 and THE JELLO'S JIGGLIN, LLC d/b/a  
23 Postal Annex, DOES 1-10, and  
24 ROE ENTITIES 1-10, inclusive,

25 Defendants.

Case No. A-16-742853-C

Dept. No. XXXII

**DEFENDANT DARRELL T. COKER'S  
MOTION TO DISMISS PLAINTIFF  
SASSONE'S COMPLAINT PURSUANT  
TO NRCP 12(b)(1) & NRCP 12(b)(5)**

RANDAZZA LEGAL GROUP



**DEFENDANT DARRELL T. COKER'S MOTION TO DISMISS PLAINTIFF SASSONE'S**

**COMPLAINT PURSUANT TO NRCP 12(b)(1) & NRCP 12(b)(5)**

TO: Plaintiff Marco Sassone and to his Attorneys:

Defendant, Darrell T. Coker ("Coker"), hereby files this Motion to Dismiss Plaintiff Marco Sassone's ("Sassone" or "Plaintiff") lawsuit due to lack of jurisdiction over the subject matter, per NRCP 12(b)(1), and because the complaint fails to state a claim against Coker for which relief can be granted, per NRCP 12(b)(5).

Dated this 15<sup>th</sup> day of March, 2017.

RANAZZA LEGAL GROUP, PLLC

/s/ Marc J. Randazza

Marc J. Randazza (NV Bar No. 12265)

Ronald D. Green (NV Bar No. 7360)

Alex J. Shepard (NV Bar No. 13582)

4035 S. El Capitan Way

Las Vegas, Nevada 89147

*Attorneys for Defendant,  
Darrell T. Coker*

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**NOTICE OF MOTION**

TO: Plaintiff Marco Sassone and to his Attorneys:

PLEASE TAKE NOTICE that the undersigned will bring the above motion on for hearing before Department XXXII of this Court on the 11 day of MAY 2017 at 9:30A or as soon thereafter as counsel can be heard.

Dated this 15<sup>th</sup> day of March, 2017.

RANDAZZA LEGAL GROUP, PLLC

/s/ Marc J. Randazza

Marc J. Randazza (NV Bar No. 12265)

Ronald D. Green (NV Bar No. 7360)

Alex J. Shepard (NV Bar No. 13582)

4035 S. El Capitan Way

Las Vegas, Nevada 89147

*Attorneys for Defendant,*

*Darrell T. Coker*

**MEMORANDUM OF POINTS AND AUTHORITIES**

**1.0 Introduction and Background**

Before Defendant Charles T. Coker was served with the Complaint in this action, he removed the case to the United States District Court, District of Nevada, Case No. 2:16-cv-03037-APG-PAL (the "Federal Case") under 28 U.S.C. § 1454, because the claims are actually "copyright in disguise" and thus present a federal question that is completely preempted. (See Doc. No. 1, Notice of Removal, attached as **Exhibit 1**; Amended Complaint, attached as **Exhibit 2**.) Plaintiff then filed a Notice of Voluntary Dismissal as to count two (right of publicity) and count five (violation of works of art). (See Notice of Voluntary Dismissal, Doc. No. 7, attached as **Exhibit 3**.) Plaintiff filed a Motion to Remand the Federal Case back to this Court, arguing primarily that the Removal must fail because there was no unanimity between the defendants under 28 U.S.C. § 1446(b)(2)(A). The Federal District Court did not address the federal preemption question, instead granting the Motion to Remand pursuant to the unanimity rule alone, leaving it to this Court to determine whether the claims are pre-empted, and thus the matter should be dismissed. (See Order Granting Motion to Remand, Doc. No. 31, attached as **Exhibit 4**.)

Sassone's claims present claims that are preempted by the Copyright Act, and thus the complaint fails to state a claim under state law. In his amended complaint, Sassone seeks protection for a copyright interest in paintings, which are the exact protections preempted by the Copyright Act, including additional rights covered under the Visual Artists Rights Act of 1990 ("VARA"), 17 U.S.C. § 106A. Due to the nature of the claims, Sassone cannot avoid preemption and further has not stated plausible claims. Mr. Sassone's amended complaint must be dismissed under either NRCP 12(b)(1) and NRCP 12(b)(5).

1 **2.0 This Case Must Be Dismissed**

2 **2.1 Rule 12(b)(1): Subject Matter Jurisdiction**

3 The Nevada Rules of Civil Procedure provide that lack of subject matter  
 4 jurisdiction may be raised by motion pursuant to NRCP 12(b)(1). See *Morrison v.*  
 5 *Beach City LLC*, 116 Nev. 34, 36, 991 P.2d 982, 983 (2000). Further, NRCP 12(h)(3)  
 6 provides that “whenever it appears by suggestion of the parties or otherwise that  
 7 the court lacks jurisdiction of the subject matter, the court shall dismiss the  
 8 action.” *Id.* The burden of proving the jurisdictional requirement is properly  
 9 placed on the plaintiff. *Id.*

10 **2.1.1 Sassone Lacks Standing**

11 Only the “legal or beneficial owner of an exclusive right under a copyright”  
 12 has standing to sue for infringement of that right. See 17 U.S.C. § 501(b).  
 13 *Righthaven LLC v. Hoehn*, 716 F.3d 1166, 1170 (9th Cir. 2013) (upholding a 12(b)(1)  
 14 dismissal when plaintiff Righthaven held none of the beneficial rights to the  
 15 Las Vegas Review Journal’s allegedly infringed intellectual property). Section 106  
 16 of the Copyright Act lists the “exclusive rights” that are necessary to maintain  
 17 standing to sue. They include the right to reproduce the copyrighted work, to  
 18 prepare derivative works based on the work, and to distribute copies of the work.  
 19 *Id.* If Sassone fails to allege the legal or beneficial ownership of one of these  
 20 rights, he lacks standing to sue. *Id.* Sassone tries to obscure the federal nature  
 21 of his claims by pleading them as causes of action under state law, but these  
 22 attempts are unavailing.

23 Sassone did lay out some creative, but insufficient, allegations.  
 24 He alleged that the relevant works in this case are “copyrightable.” (See  
 25 Amended Complaint at ¶ 12.) He has further alleged that he is “the sole owner  
 26 of all right, title, and interest in and to the copyright in his works.” (*Id.* at ¶16).  
 27 He then alleges that he has never assigned nor licensed his rights in the

1 copyrightable works. (See *id.* at ¶17). However, four paragraphs before that, he  
 2 claims that the works were all the subject of a monograph book. (See *id.* at ¶13).

3 If one reads quickly, one might be fooled by Sassone's sleight of hand –  
 4 especially at ¶ 16, and further if one fails to check the copyright office's register.  
 5 With respect to what Sassone actually alleges, he fails to plead that he has the  
 6 exclusive right to publish, license, reproduce, distribute, or make derivative works.  
 7 As in *Righthaven*, Sassone alleges certain rights, but not enough to establish  
 8 standing. A review of the copyright office's registration records shows that he  
 9 has no registration for these works. (See U.S. Copyright Office search results for  
 10 "Sassone Marco," attached as **Exhibit 5.**)<sup>1</sup> Accordingly, even if he did allege  
 11 such exclusive rights, Section 411(a)'s registration requirement is a pre-condition  
 12 to filing a claim and he would lack standing to sue without either a registration  
 13 or even an application for registration. See *Reed Elsevier, Inc. v. Muchnick*, 559  
 14 U.S. 154 (2010) (rejecting notion that a registration is a subject matter jurisdiction  
 15 prerequisite); see also *Cosmetic Ideas, Inc. v. IAC/InteractiveCorp*, 606 F.3d 612,  
 16 613 (9th Cir. 2010).

17 This is not mere intellectual property pedantry. As we all learned in first year  
 18 property, property is a bundle of rights as defined by the state.

---

19  
 20 <sup>1</sup> When considering a motion to dismiss, the Court may look to evidence not  
 21 attached to the complaint on which the complaint necessarily relies if "(1) the  
 22 complaint refers to the document; (2) the document is central to the plaintiffs  
 23 [sic] claim; and (3) no party questions the authenticity of the document." *Baxter*  
 24 *v. Dignity Health*, 357 P.3d 927, 930 (Nev. 2015). The publicly available index of  
 25 copyright registrations is a public document, and a court may take judicial  
 26 notice in deciding a motion to dismiss of a matter of public record from a reliable  
 27 source. See *Mack v. Estate of Mack*, 125 Nev. 80 91 (2009); see also NRS 47.130(2).  
 The Court may look to the public record to see that Plaintiff Sassone does not  
 own a copyright in any of these works and take judicial notice of this fact.  
 This Exhibit is only attached for the Court's convenience and is not intended to  
 transform the Motion to Dismiss into a Motion for Summary Judgment, as it is a  
 copy of a public record and not extrinsic evidence.

1 These bundles of rights are not difficult to wrap the mind around when they deal  
 2 with physical property. When it comes to *intellectual* property rights, it is less  
 3 simple. The original "author" of a work is not always the "copyright holder"  
 4 because a copyright is intangible property that can be bought, sold, divided,  
 5 and ultimately the "creator" of the work may not be the author. Julie Cohen et  
 6 al., *Copyright in a Global Information Economy* at 110 (2nd ed. Aspen 2006).  
 7 Copyright in a work "vests initially in the author or authors of the work." *Id.*  
 8 However, the creator may not be the author if the creator sold the interest or  
 9 created the piece as a "work made for hire." *Cmty. for Creative Non-Violence*  
 10 *v. Reid*, 490 U.S. 730, 732, 109 S. Ct. 2166, 2168 (1989). For Sassone to sue to protect  
 11 "his paintings" from being copied, he must allege that he has an exclusive right  
 12 as a copyright holder. *Silvers v. Sony Pictures Entm't, Inc.*, 402 F.3d 881, 885 (9th  
 13 Cir. 2005). He has not done so.

14 Sassone has, however, claimed ownership of other works by filing for  
 15 registration. (See **Exhibit 5**.) So why hasn't he registered any of the works at issue  
 16 in this case? (Compare *id.* with **Exhibit 2** at *Exhibit A*.) Perhaps the works were  
 17 works-for-hire, in which case they would belong to his employer. See *Reid*, 490  
 18 U.S. at 732. Alternatively, the rights may have been sold to someone else.

19 This would not stop Sassone from feeling an *emotional* attachment to the  
 20 works, but that would not make them *his*. For example, Paul McCartney may feel  
 21 a very emotional attachment to "Hey Jude," but at least as of today, he does  
 22 not own the rights to that song. See Dan Rys, "A Brief History of the Ownership of  
 23 the Beatles Catalog," *BILLBOARD* (Jan. 20, 2017).<sup>2</sup> Despite the fact that McCartney  
 24 is a well-known animal rights activist, the current owner of the copyright has every

25 \_\_\_\_\_  
 26 <sup>2</sup> Available at: <<http://www.billboard.com/articles/columns/rock/7662519/beatles-catalog-paul-mccartney-brief-history-ownership>> (last accessed Mar. 1,  
 27 2017).

1 right to license the use of the song to purveyors of bacon-wrapped veal and foie  
 2 gras. McCartney, lacking ownership rights in the intellectual property would be  
 3 in the same position as Mr. Sassone – lacking any standing to object.

4 It certainly pains artists to see their creations used for offensive purposes.  
 5 Iggy Pop must have died inside when he heard “Lust for Life” used in a vacuous  
 6 ad for Carnival Cruises. No song by The Smiths could be as sad as Johnny Marr  
 7 must have been, each time he heard his signature guitar riff in “How Soon is Now”  
 8 being used to hawk the Nissan Maxima. Similarly, Sassone is clearly a talented  
 9 artist. Seeing his works sold as lithographs like so many copies of Dogs Playing  
 10 Poker must cause him deep artistic distress, but it does not grant him exclusive  
 11 rights that have either been lost, sold, or otherwise transferred.  
 12 The copyright register shows none belonging to him. (See **Exhibit 5**). His claims  
 13 must be dismissed for lack of standing.

14 **2.2 Even if Sassone had a protectable interest, dismissal is proper under**  
 15 **NRCP 12(b)(5) because the stated Claims are Preempted by the**  
 16 **Copyright Act**

17 This Court should dismiss a suit under Nev. R. Civ. P. 12(b)(5) where the  
 18 factual allegations fail to raise a right to relief above the speculative level.  
 19 See *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 231, 181 P.3d 670, 674  
 20 (2008) *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007).

21 Plaintiff alleges claims for RICO and deceptive trade practices but does not  
 22 show a right to relief that is plausible and above mere speculation. First, the claims  
 23 are pre-empted. Second, even if not pre-empted, the allegations elementally fail  
 24 to state a claim upon which relief may be granted.

25 **2.2.1 Preemption**

26 Federal law preempts inconsistent state law. U.S. CONST. ART. VI, cl. 2.  
 27 The Copyright Act expressly preempts state claims that assert rights and remedies

1 that are exclusively governed by the Copyright Act. See 17 U.S.C. § 301. Federal  
 2 courts have exclusive, "original jurisdiction of any civil action arising under any  
 3 Act of Congress relating to patents, plant variety protection, copyrights and  
 4 trademarks." 28 U.S.C. § 1338(a). Works that fall within the Copyright Act's  
 5 subject matter are preempted. 17 U.S.C. § 301(a). Specifically, "all legal or  
 6 equitable rights that are equivalent to any of the exclusive rights within the  
 7 general scope of copyright ... are governed exclusively by this title ... [N]o person  
 8 is entitled to any such right or equivalent right in any such work under the  
 9 common law or statutes of any State." *Id.*

10 Section 106 of the Copyright Act grants the holder of a copyright the  
 11 exclusive right to reproduce the copyrighted work. 17 U.S.C. § 106. Section 101  
 12 brings "two-dimensional and three-dimensional works of fine, graphic, and  
 13 applied art, photographs, prints and art reproductions" under the purview of Title  
 14 17. 17 U.S.C. § 101. The Visual Artists Rights Act of 1990 ("VARA") grants artists  
 15 three basic rights: the right to attribution, the right of integrity, and in some cases,  
 16 the right to prevent destruction. 17 U.S.C. § 106A. These sets of rights are what  
 17 Sassone seeks to protect – nothing more and nothing less.

18 **2.2.1.1 Preemption Test**

19 The Ninth Circuit has a two-part test for Copyright preemption: (1) whether  
 20 the subject matter of the state law claim falls within the subject matter of  
 21 copyright as described in 17 U.S.C.S. §§ 102 and 103; (2) whether the rights  
 22 asserted under state law are equivalent to the rights contained in 17 U.S.C. § 106,  
 23 which lists the exclusive rights of copyright holders. *Laws v. Sony Music Entm't,*  
 24 *Inc.*, 448 F.3d 1134, 1135 (9th Cir. 2006), see also *Downing v. Abercrombie & Fitch,*  
 25 *265 F.3d 994, 1003 (9th Cir. 2001); and see Curtis v. Herb Chambers I-95, Inc.*, 458  
 26 *Mass. 674, 675 (Mass. 2011). The Massachusetts Supreme Judicial Court in Curtis*  
 27 *concluded that 17 U.S.C.S. § 301 of the Federal Digital Millennium Copyright Act*



1 preempted all the claims, as the estate could not prevail on any of the state law  
 2 claims without a right equivalent to copyright. See *id.* Among other things, the  
 3 trade dress claim was a reverse passing off claim, which could succeed only if  
 4 the decedent held a right equivalent to copyright that could prevent  
 5 defendants from copying his advertising design and passing it off as their own  
 6 and thus, was preempted. See *id.* The interference claim was preempted, as  
 7 the decedent could only prevail if he held a right or entitlement equivalent to  
 8 copyright. See *id.*; see also *Harrell v. St. John*, 792 F. Supp. 2d 933, 935 (S.D. Miss.  
 9 2011) (Since all of the investor's claims involved allegations of infringement or  
 10 conversion of intellectual properties, including but not limited to trademarks and  
 11 copyrights, the investor's state law claims were clearly preempted by the  
 12 "equivalency test" under the Copyright Act, 17 U.S.C.S. § 301(a).)

13 Plaintiff's claims are preempted by the Copyright Act, as illustrated below.

14 **2.2.1.2 Preemption Test – Part 1**

15 The first element looks to the subject matter of copyright: copyright  
 16 protection subsists in original works of authorship fixed in any tangible medium  
 17 which includes pictorial and graphic works of art. See *Laws*, 448 F.3d at 1139.  
 18 Paintings are pictorial works of art. See 17 U.S.C.S. § 102. "A work is fixed in a  
 19 tangible medium of expression when its embodiment in a copy or phono record,  
 20 by or under the authority of the author, is sufficiently permanent or stable to  
 21 permit it to be perceived, reproduced, or otherwise communicated for a period  
 22 of more than transitory duration." *Laws*, 448 F.3d at 1139. Sassone's paintings are  
 23 squarely within these definitions. Sassone himself has pled that his works are  
 24 within the subject matter of copyright. (See **Exhibit 2** at ¶12.) The subject matter  
 25 clearly falls under the purview of copyright.

26  
 27

**2.2.1.3 Preemption Test – Part 2**

The second element of the Ninth Circuit test looks to whether the rights Plaintiff seeks to protect are enumerated in 17 U.S.C. § 106, which defines the exclusive rights of copyright holders. *Laws* 448 F.3d at 1143.

Three of the six exclusive rights apply here: (1) the right to reproduce the copyrighted work; (2) prepare derivative works based on the copyrighted work; and (3) distribute copies of the copyrighted work to the public. 17 U.S.C. § 106. In addition to the exclusive rights of a copyright owner, the author of the work (as opposed to assignees) have moral rights in the work. 17 U.S.C. § 106A.

“To survive preemption, the state cause of action must protect rights which are qualitatively different from the copyright rights.” *Laws* 448 F.3d at 1143. “The state claim must have an extra element which changes the nature of the action.” *Id.* (citations omitted). Ownership of material, and alleged misappropriation by defendants, are “part and parcel of the copyright claim.” *Id.*, citing to *Del Madera Props. v. Rhodes & Gardner*, 820 F.2d 973 (9th Cir. 1987) (internal citations omitted). The mere presence of an additional element is not enough; the additional element must transform the nature of the action to one not grounded in copyright. See *Laws v. Sony Music Entm’t, Inc.*, 448 F.3d 1134, 1144 (9th Cir. 2006); see also *Alcatel USA, Inc. v. DGI Technologies, Inc.*, 166 F. 3d 772,785-89 (5th Cir. 1999) (overturning a jury verdict in Plaintiff’s favor on unfair competition by misappropriation claims due to federal copyright preemption).

The “extra element” does not exist here, because Sassone only alleges conduct and remedies addressed by Title 17: that Coker made and sold unauthorized copies of Plaintiff’s work. (See **Exhibit 2** at ¶¶ 19, 27). Plaintiff’s complaint is about the use of copyrightable subject matter: Mr. Sassone is a

1 painter and he claims that Defendants copied, reproduced, and distributed  
 2 copies of paintings.<sup>3</sup> (See *id.* at ¶¶ 10, 19, 27).

3 Plaintiff's claims are equivalent to claims under federal copyright laws.  
 4 Sassone invokes rights that can only be afforded to a copyright holder: the right  
 5 to make copies of paintings. (See *id.* at ¶¶ 12, 16.) Ownership in the intellectual  
 6 property rights of paintings are protected by copyright, and the rights Sassone  
 7 seeks to enforce through his RICO and deceptive trade practices claims are part  
 8 and parcel of copyright. The alleged wrongs are copying, distribution, and  
 9 making of derivative works. (See *id.* at ¶¶ 18-22.) See *Ernest Thompson Fine*  
 10 *Furniture Maker, Inc. v. Youart*, 109 N.M. 572, 577 (N.M. Ct. App. 1990) ("The right  
 11 to prevent copying is not a different right than those protected by federal  
 12 copyright law. Therefore, this claim is preempted by federal law and under the  
 13 exclusive jurisdiction of the federal courts.") Plaintiff even seeks injunctive relief  
 14 that would prevent Defendant from "[d]irectly or indirectly infringing the Works  
 15 of Sassone by copying the Works." (**Exhibit 2** at 12, ¶4(a).)

16 Sassone's claims of rights are the equivalent to the exclusive rights of  
 17 copyright holders, satisfying the second element of the Ninth Circuit test and are  
 18 thus preempted.

19 **2.2.2 Preemption under The Visual Artists Rights Act § 301(f) of the**  
 20 **Copyright Act (VARA)**

21 To the extent that Sassone's complained-of conduct is outside of these  
 22 traditional copyright claims, they land squarely on the turf of the Visual Artists  
 23 Rights Act ("VARA"). VARA protects the rights of attribution and integrity in an  
 24 artist's works. 17 U.S.C. § 106A.

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27 <sup>3</sup> See 17 U.S.C. §106

1           VARA is a compromise law<sup>4</sup> that provides “a limited and unique set of  
 2 moral rights protections.” Julie Cohen et al., *Copyright in a Global Information*  
 3 *Economy* at 415 (2nd ed. Aspen 2006). VARA protects artists’ rights in works of  
 4 visual art, defined as “a painting, drawing, print, or sculpture.” *Cheffins v.*  
 5 *Stewart*, No. 3:09-cv-00130-RAM, 2011 U.S. Dist. LEXIS 5947, at 9 (D. Nev. Jan. 20,  
 6 2011) (internal citation omitted). Sassone invokes rights for his paintings.  
 7 (See **Exhibit 2** at ¶¶ 12, 16). This “allows artists to protect their works against  
 8 modifications and destructions that are prejudicial to their honors or reputations.”  
 9 *Pavia v. 1120 Ave. of the Ams. Assocs.*, 901 F. Supp. 620, 628 (S.D.N.Y. 1995); see  
 10 also *Cort v. St. Paul Fire & Marine Ins. Cos.*, 311 F.3d 979 (9th Cir. 2002). This is truly  
 11 the song Sassone’s complaint sings to us.

12           VARA gives artists exclusive rights to claim ownership of visual art work and  
 13 prevent the use of the artist’s name as the author of any work of visual art which  
 14 he or she did not create. 17 U.S.C. §§ 106A(1)(a), 106A(1)(b). A state claim is  
 15 preempted by VARA if (1) it provides legal or equitable rights that are equivalent  
 16 to any of the rights provided by 106A; and (2) the state law rights apply to works  
 17 of visual art. See 17 U.S.C. § 301(f). Section 301(f) to the Act governs when state  
 18 laws are preempted.

19           Here, Plaintiff seeks to enforce legal or equitable rights that are equivalent  
 20 to those in § 106A, and thus preempted. In this case, Plaintiff invokes VARA rights,  
 21 as follows:

22  
 23

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24  
 25           <sup>4</sup> Congress adopted VARA two years after the U.S. acceded to the Berne  
 26 Convention. JULIE COHEN et al., *Copyright in a Global Information Economy* at  
 27 415 (2nd ed. Aspen 2006). Moral rights, or *droit moral*, are post-revolutionary  
 French laws that aimed to protect the natural rights of artists as creators.  
*Id.* at 11.

- 1 • Plaintiff alleges that he "has been harmed in . . . reputation" and  
 2 that "[t]he harm to Sassone and his reputation is irreparable . . ." (**Exhibit 2**  
 3 at ¶ 44.) In this context, these are VARA preempted rights.
  - 4 • Plaintiff alleges that Defendants "imposed a forged signature of  
 5 Sassone on the fraudulent Lithograph productions." (*Id.* at ¶ 21.)
  - 6 • Plaintiff alleges that Defendants "offered for auction the fake  
 7 Lithograph productions and advertised them as 'Original Signed  
 8 Lithograph by Artist Marco Sassone' or 'Lithograph After Marc Sassone.'" (*Id.*  
 9 at ¶ 26.)
  - 10 • Plaintiff alleges that Defendants "provided a fraudulent,  
 11 meaningless, self-produced certificate of authenticity with each sold  
 12 bonus Lithograph." (*Id.* at ¶ 29.)
  - 13 • Plaintiff alleges that "Defendants' acts of copying, imitating,  
 14 fraudulently producing, forging, and selling the Works of Sassone have and  
 15 will continue to increase the presumed availability of Sassone's Works,  
 16 thereby significantly diluting the market value of his Works." (*Id.* at ¶ 40.)
- 17 Each of these allegations is equivalent to rights protected under VARA, and are  
 18 thus, expressly preempted.

19 **2.2.3 Plaintiff's Nevada Deceptive Trade Practices and RICO claims**  
 20 **are Preempted**

21 Although there is a dearth of case law in Nevada regarding Copyright  
 22 Preemption, many other courts have reviewed similar claims and have  
 23 concluded that the claims were preempted by the Copyright Act.

24 Sassone's allegations that Coker copied his paintings are Copyright claims  
 25 in disguise, and many other Courts have agreed when faced with similar  
 26 pleadings. See *Balboa Ins. Co. v. Trans Glob. Equities*, 218 Cal. App. 3d 1327,  
 27 1352, 267 Cal. Rptr. 787, 802 (1990) (finding preemption where misappropriation

1 claim added no element other than those asserted in copyright infringement  
 2 claim); *Ippolito*, 526 N.Y.S.2d at 883 (holding that misappropriation claims are  
 3 preempted); *Fairway Constructors, Inc. v. Ahern*, 193 Ariz. 122, 126 (Ariz. Ct. App.  
 4 1998) (reversing an unfair competition award because of the “clearly  
 5 preempted copyright claim.”); *R.W. Beck, Inc. v. E3 Consulting, LLC*, 577 F.3d  
 6 1133, 1136 (10th Cir. Colo. 2009) (the unfair-competition and unjust-enrichment  
 7 claims were preempted by 17 U.S.C.S. § 301 because the reproduction and  
 8 distribution allegations asserted rights that were equivalent to copyright claims).

9 Here, Coker is merely pointing out that Sassone's Unfair Practices Claims  
 10 and RICO claims are preempted by the Copyright Act because his allegations  
 11 revolve around Copyright: that Coker copied his paintings. Preemption is not  
 12 novel or unique, and many Plaintiffs have attempted to artfully plead around  
 13 preemption. As illustrated by the case law, courts are savvy to these attempts  
 14 and do not tolerate them.

15 **2.3 Even absent pre-emption, the remaining claims are subject to**  
 16 **dismissal**

17 **2.3.1 Nevada Deceptive Trade Practices: Dismissal is Proper**  
 18 **Because Plaintiff Has Not Alleged the Necessary Elements**  
 19 **and/or Has Not Specifically Alleged Fraud**

20 Aside from preemption, Plaintiff's claims fail as a matter of law. Nevada  
 21 Deceptive Trade Practices are enumerated by statute in sixteen subparts. See  
 22 NRS 568.0915. Many of Plaintiff's allegations under the subheading “Deceptive  
 23 Trade Practices” in the Amendment Complaint (**Exhibit 2**) are not causes of  
 24 action under NRS 598.0915.

25 Plaintiff alleges that Defendants “knowingly forged Sassone's name on to  
 26 the infringed fraudulent lithograph.” (**Exhibit 2** at ¶ 46). “Forgery” does not give  
 27 rise to a cause of action under the Deceptive Trade Practices Act. Forgery refers  
 to a specific crime. See NRS 205.085. Here, Plaintiff uses forgery as a general

1 verb as part of his Nevada Deceptive Trade Practices claim, yet forgery is not  
 2 covered under the statute.

3 Fraudulent is also a legal term of art and carries the additional element of  
 4 intent. NRS 42.001. In Nevada, one of the enumerated subparts of NRS 568.0915  
 5 is “fraudulently alters any contract, written estimate of repair, written statement  
 6 of charges or other document in connection with the sale or lease of goods or  
 7 services.” NRS 598.0915(14). This is the only enumerated act within NRS 598.0915  
 8 that has the element of fraud.

9 Fraud has a heightened pleading requirement. See NRCP 9(b); see also  
 10 *Kahn v. Dodds (In re AMERCO Derivative Litig)*, 127 Nev. 196, 223 (2011). To state  
 11 a claim for fraud, a plaintiff must allege that “(1) the defendants made a false  
 12 representation, (2) the defendant knew or believed the representation to be  
 13 false, (3) the defendant intended to induce plaintiff to rely on the  
 14 misrepresentation, and (4) the plaintiff suffered damages as a result of his or her  
 15 reliance on the misrepresentation.” *Id.*, citing to *Barnettler v. Reno Air, Inc.*,  
 16 114 Nev. 441, 446 (1998). The plaintiff must plead “the circumstances constituting  
 17 fraud or mistake . . . with particularity,” other than a person’s mental state. NRCP  
 18 9(b).

19 Again, Plaintiff uses the word “fraudulent” as an adjective rather than  
 20 within its specific legal meaning, leaving Defendants to speculate as to what the  
 21 possible allegations could be. Plaintiff has not alleged any of the elements of  
 22 fraud. Further, Plaintiff has not alleged to be a victim of fraud, as Plaintiff has not  
 23 alleged that Plaintiff relied on any of the alleged misrepresentations, as required  
 24 by element three of a claim for fraud, above. Further, Plaintiff has not plead  
 25 fraud with any level of specificity because Plaintiff merely alleges that the  
 26 lithographs are fraudulent, and does not allege any facts regarding the time and  
 27 place of the activities, as required. Last, Plaintiff has not alleged that Coker has

1 altered a contract or a bill of sale or any of the other enumerated offenses  
 2 covered under the statute. Neither has Plaintiff alleged that Coker had the  
 3 requisite intent for fraud, yet Plaintiff uses the word fraud as an ordinary word  
 4 plucked from a thesaurus without noting the legal significance of the word.

5 Plaintiff simply has not set forth the essential elements necessary to state a  
 6 claim upon which relief can be granted, namely, that any legally cognizable  
 7 "copyrighted" property has been infringed. Plaintiff's allegations are vague and  
 8 must be dismissed for failure to state a claim.

9 **2.3.2 Nevada RICO NRS 207.400(1)(c)(1) and/or (2) and**  
 10 **207.400(1)(j): Dismissal Is Proper Because Plaintiff Has Not**  
 11 **Specifically Alleged the Necessary Elements of RICO**

11 Nevada courts require that RICO claims:

12 be pleaded with sufficient specificity because of the very serious  
 13 consequences attached to the allegations of criminal conduct that  
 14 are the essence of this kind of law suit. Not only is a civil RICO  
 15 defendant accused of committing a criminal offense – which carries  
 16 with it the potential for considerable social stigma – such a  
 17 defendant is also confronted with the possibility of an adverse treble  
 18 damages.

19 ...  
 20 Presumably (although not specifically charged) the 'predicate  
 21 crimes' upon which the RICO cause of action is based are violations  
 22 of NRS 205.380, obtaining money, property or labor under false  
 23 pretenses. A false pretense is a representation of some fact or  
 24 circumstance which is not true and is calculated to mislead; it may  
 25 consist of any words or actions intended to deceive

26 *Hale v. Burkhardt*, 104 Nev. 632, 638, 764 P.2d 866, 869 (1988) (citing *Buckner v.*  
 27 *State*, 95 Nev. 117, 590 P.2d 628 (1979)).

28 Sassone alleges several RICO claims. First, Section 207.400(1)(j) is a catch  
 29 all that requires one "to conspire to violate any of the provisions of this section."  
 30 In Nevada, conspiracy requires an agreement between two or more persons to  
 31 commit a crime. See NRS 199.480.



1 Plaintiff alleges that Defendants conspired to create fake lithographs of  
 2 "Sassone's Works" and then sold and auctioned the works through websites and  
 3 auction houses they created. (See generally **Exhibit 2.**) However, there is no  
 4 conspiracy here, because nearly every factual allegation about Defendants is  
 5 directed at Mr. Coker. (See *id.*) Sassone voluntarily dismissed his claims against  
 6 Defendant Richard Morello ("Morello"). (See Notice of Voluntary Dismissal as to  
 7 Morell, Doc. No. 24, attached as **Exhibit 6.**) The only allegations concerning  
 8 Morello were that he created auction web sites, without any allegations that  
 9 could establish liability. The only accusations against Defendants Darryl  
 10 McCullough and And The Jello's Jigglin' LLC d/b/a Postal Annex are that they  
 11 allegedly placed objects in a mail box. Plaintiffs have not properly pled that  
 12 there is a conspiracy with the request specificity. As Plaintiff's claims appear only  
 13 to be directed at Coker, there is no conspiracy.

14 The elements of a claim under NRS 207.400(1)(c)(1) and/or (2) in Nevada  
 15 are: One who is employed by or associated with any enterprise to conduct or  
 16 participate in (1) the affairs of the enterprise through racketeering activity; or (2)  
 17 racketeering activity through the affairs of the enterprise. Pursuant to NRS  
 18 207.390, racketeering activity in Nevada requires that (1) the Defendant  
 19 engaged in at least two of the enumerated crimes pursuant to NRS 207.360 and  
 20 (2) that the Defendant had the requisite intent to commit those crimes. Though  
 21 not binding on this Court, the Ninth Circuit has found that, in a federal RICO claim  
 22 where the federal statute is similar to Nevada's RICO statute, nominal parties are  
 23 "unknown or fraudulently joined parties." *Emrich v. Touche Ross & Co.*, 846 F.2d  
 24 1190, 1193 n.1 (9th Cir. 1988) (emphasis added) (citations omitted).  
 25 The remaining nominal parties do not create a conspiracy.

26 In Plaintiff's amended complaint, Plaintiff alleges that Defendant engaged  
 27 in "multiple transactions involving fraud or deceit in the course of an enterprise

1 or occupation in violation of NRS § 205.377.” (**Exhibit 2** at 10). One of the  
 2 enumerated crimes under NRS 207.360 is “any violation of NRS 205.377.” Pursuant  
 3 to NRS 205.377, a person shall not engage in multiple transactions involving fraud  
 4 or deceit, which requires that the person act “knowingly and with the intent to  
 5 defraud.” In Nevada, as noted above, fraud must be plead with more specificity  
 6 than an ordinary notice pleading. See *Burkhardt*, 104 Nev. at 638.

7 However, again, Plaintiff’s allegations do not meet the heightened  
 8 pleading standard required for either RICO or fraud, as analyzed above. Plaintiff  
 9 does not allege that Coker acted with the requisite intent to commit a crime  
 10 because Sassone has not alleged that Coker knew Sassone had an ownership  
 11 interest in any of these works. In fact, as analyzed above, the opposite is true,  
 12 because if Coker searched the public records, he would have found no  
 13 copyright. (See **Exhibit 5**). While a copyright registration might be sufficient to  
 14 show constructive knowledge of a copyright claim, the absence thereof (and  
 15 the lack of even the allegation of the affixation of a copyright notice) cannot  
 16 give rise to the inference that Coker knew, or should have known, that the works  
 17 were either not in public domain, or at the very least were Sassone’s. There is a  
 18 public policy<sup>6</sup> to encourage reproducing works in the public domain, and  
 19 searching the Copyright office for a Copyright is how the average person  
 20 determines if something is protected by Copyright.

21 Plaintiff merely alleges that Defendants created fake lithographs of  
 22 “Sassone’s works.” (**Exhibit 2**). Yet Plaintiff does not allege that Defendants  
 23 acted with the *intent* to create anything that would subject Defendant to liability

---

24  
 25 <sup>6</sup> Imitation of items in the public domain is to be encouraged to permit “the  
 26 normal operation of supply and demand to yield the fair price society must pay”  
 27 for a product. *Towle Mfg. Co. v. Godinger Silver Art Co.*, 612 F. Supp. at 993  
 (quoting *Gemvefo Jewelry Co. v. Jeff Cooper, Inc.*, 568 F. Supp. 319, 334 (S.D.N.Y.  
 1983)).

1 because there are no registered copyrights. In fact, many businesses take  
 2 advantage of the opportunity<sup>7</sup> to make money by printing works in the public  
 3 domain.<sup>8</sup> In the absence of knowledge, there can be no RICO intent.

4 **3.0 Conclusion**

5 Based on the foregoing, Defendant Coker respectfully requests that this  
 6 Court dismiss Plaintiff's claims for deceptive trade practices and RICO with  
 7 prejudice. Plaintiff's claims are completely preempted and should be dismissed  
 8 under NRCP 12(b)(1) and 12(b)(5).

9  
 10 Dated: March 15, 2017.

Respectfully submitted,

11 /s/ Marc J. Randazza

12 Marc J. Randazza (NV Bar No. 12265)

13 Ronald D. Green (NV Bar No. 7360)

Alex J. Shepard (NV Bar No. 13582)

**RANDAZZA LEGAL GROUP, PLLC**

4035 S. El Capitan Way

Las Vegas, NV 89147

16 *Attorneys for Defendant,*

17 *Darrell T. Coker*

21 <sup>7</sup> Google launched a service that allows users to print custom books in the  
 22 public domain, see <<https://www.wired.com/2007/09/google-books-publish-on-demand/>> (last visited February 28, 2017.)

23 <sup>8</sup> The public domain is a "foundational principle of the U.S. copyright system"  
 24 and, at risk of oversimplification of a complex doctrine, it generally encompasses  
 25 works that are not protected by copyright (usually through natural expiration of  
 26 a copyright but sometimes by an artist's own volition to release their work into  
 27 the public domain). See Julie Cohen et al., Copyright in a Global Information  
 Economy 13 (2nd ed. Aspen 2006); see also JESSICA LITMAN, The Public Domain, 39  
 Emory L.J. 965, 966-68, 975-77 (1990) ("a crucial buttress to the copyright system;  
 without the public domain, it might be impossible to tolerate copyright at all...")

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 15<sup>th</sup> day of March, 2017, I served a true and correct copy of the foregoing document via the Eighth Judicial District Court's Wiznet electronic filing system or, if necessary, via electronic mail and U.S. Mail, on the attorneys listed below:

Dominic P. Gentile  
Lauren E. Paglini  
GENTILE CRISTALLI MILLER ARMENI SAVARESE  
410 S. Rampart Blvd., Suite 420  
Las Vegas, NV 89145  
<DGentile@gcmaslaw.com>  
<LPaglini@gcmaslaw.com>

Riley A. Clayton, Esq.  
HALL JAFFE & CLAYTON, LLP  
7425 Peak Drive  
Las Vegas, NV 89128  
<RClayton@lawHJC.com>

Respectfully submitted,



Employee,  
Randazza Legal Group, PLLC

# **EXHIBIT 1**

Notice of Removal in Federal Case

RANDAZZA | LEGAL GROUP

1 Marc J. Randazza (NV Bar No. 12265)  
2 Ronald D. Green (NV Bar No. 7360)  
3 Alex J. Shepard (NV Bar No. 13582)  
4 **RANDAZZA LEGAL GROUP, PLLC**  
5 4035 S. El Capitan Way  
6 Las Vegas, NV 89147  
7 Telephone: 702-420-2001  
8 Facsimile: 305-437-7662  
9 ecf@randazza.com

10 *Attorneys for Defendant,*  
11 *Darrell T. Coker*

12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 MARCO SASSONE,  
15 Plaintiff,  
16 vs.

Case No.: \_\_\_\_\_

**NOTICE OF REMOVAL TO  
FEDERAL COURT**

17 DARRELL T. COKER, an individual;  
18 DARRELL R. COKER, an individual;  
19 RICHARD MORELLO, an individual;  
20 DARRYL MCCULLOUGH, an individual;  
21 AND THE JELLO'S JIGGLIN, LLC d/b/a  
22 Postal Annex; DOES 1-10; and  
23 ROE ENTITIES 1-10, inclusive,  
24 Defendants.

25 **TO: THE CLERK OF THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEVADA**

26 PLEASE TAKE NOTICE THAT Defendant Darrell T. Coker ("Coker") hereby  
27 removes to this Court the state court action described below. Defendant gives  
notice that this action is removed to the United States District Court for the  
District of Nevada from the Eighth Judicial District Court for Clark County,  
Nevada. The bases for removal are federal-question jurisdiction under 28 U.S.C.  
§ 1331, and copyright and unfair competition jurisdiction under 28 U.S.C. § 1338.

**BACKGROUND**

1  
2 1. Plaintiff Marco Sassone filed this action on September 2, 2016 in the  
3 Eighth Judicial District Court for Clark County, Nevada, Case No. A-16-742853-C  
4 (the "State Court Action"). A true and correct copy of the operative Amended  
5 Complaint is attached hereto as **Exhibit A**.

6 2. Despite attempts to plead around it, this is a copyright infringement  
7 case. Since copyright infringement is exclusively a federal issue, this case must  
8 be brought in federal court.

**STATUTORY REQUIREMENTS**

**Removal is Proper Pursuant to 28 U.S.C. §§ 1454 and 1441**

9  
10  
11 3. Federal-question jurisdiction covers state-law claims that implicate  
12 significant federal issues. See *Grable & Sons Metal Prods. v. Darue Eng'g & Mfg.*,  
13 545 U.S. 308, 312 (2005). Federal courts have exclusive jurisdiction over copyright  
14 claims. 28 U.S.C. § 1338 ("No [s]tate court shall have jurisdiction over any claims  
15 for relief arising under any [a]ct of Congress relating to patents, plant variety  
16 protection, or copyrights.").

17 4. "[A] plaintiff may not defeat removal by omitting to plead  
18 necessary federal questions. If a court concludes that a plaintiff has artfully  
19 pleaded claims in this fashion, it may uphold removal even though no federal  
20 question appears on the face of the plaintiff's complaint." *Rivet v. Regions Bank*  
21 *of Louisiana*, 522 U.S. 470, 475 (1998) (citations and internal quotation marks  
22 omitted); see also *Ayres v. Gen. Motors Corp.*, 234 F.3d 514, 519 n.7 (11th Cir.  
23 2000) ("Removal will be held proper when the plaintiff has concealed a  
24 legitimate ground of removal by . . . artful pleading."). In assessing federal  
25 jurisdiction, courts look to the substance of the complaint, not the labels used in  
26 it. See *Sparta Surgical Corp. v. NASD*, 159 F.3d 1209, 1212 (9th Cir. 1998) ("In  
27 addition to examining the literal language selected by the plaintiff, the district

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1 court must analyze whether federal jurisdiction would exist under a properly  
 2 pleaded complaint."); see also *ARCO Env'tl. Remediation, L.L.C. v. Dep't of*  
 3 *Health & Env'tl. Quality*, 213 F.3d 1108, 1114 (9th Cir. 2000) ("[U]nder the artful  
 4 pleading rule 'a plaintiff may not defeat removal by omitting to plead  
 5 necessary federal questions in a complaint.'" (quoting *Franchise Tax Bd. of Cal.*  
 6 *v. Constr. Laborers Vacation Trust for S. Cal.*, 463 U.S. 1, 22 (1983)).

7 5. This Court has original jurisdiction over "any civil action arising under  
 8 any Act of Congress relating to ... copyrights ..." 28 U.S.C. §1338(a). This Court  
 9 also has supplemental jurisdiction under 28 U.S.C. § 1367(a) over the other state  
 10 claims, because the claims are so related to the federal claims within this Court's  
 11 original jurisdiction that they form part of the same case or controversy under  
 12 Article III of the United States Constitution."

13 6. The state court is not legally competent to hear this case, as  
 14 copyright claims are exclusively federal in nature. There must be uniform  
 15 enforcement of copyright law, nationwide, without state or local particularities  
 16 coming into play. *Mitchell Bros. Film Group v. Cinema Adult Theater*, 604 F.2d  
 17 852, 858 (5th Cir. 1979) (recognizing "uniform national standards of the copyright  
 18 system"); *Jartech, Inc. v. Clancy*, 666 F.2d 403, 406 (9th Cir. 1982) (adopting  
 19 *Mitchell Bros.* reasoning).

20 7. The complaint both explicitly and implicitly pleads federal claims.  
 21 See Amended Complaint at ¶ 12 ("All Works are wholly original by Plaintiff  
 22 Sassone and are copyrightable subject matter under the laws of the United  
 23 States and Nevada common law.") and ¶ 16 ("Plaintiff Sassone is now, and at all  
 24 relevant times has been, the sole owner of all right, title, and interest in and to  
 25 the Copyright in his Works.") However, the Copyright Act preempts state law  
 26 claims that vindicate "legal or equitable rights that are equivalent to any of  
 27 the exclusive rights within the general scope of copyright," in works "that are



1 fixed in a tangible medium of expression and come within the subject matter of  
2 copyright." See 17 U.S.C. § 301; see also *Liberty Media Holdings, LLC v. Tabora*,  
3 2012 U.S. Dist. LEXIS 9475; *Voltage Pictures, LLC v. Doe*, 2014 U.S. Dist. LEXIS 84794;  
4 and see *AF Holdings LLC v. Rogers*, 2013 U.S. Dist. LEXIS 11929 (S.D. Cal. Jan. 29,  
5 2013). "[T]he shadow actually cast by the Act's preemption is notably broader  
6 than the wing of its protection." *U.S. ex rel Berge v. Bd. Of Trustees of Univ. of*  
7 *Ala.*, 104 F.3d 1453, 1463 (4th Cir. 1997). See also *Ehat v. Tanner*, 780 F.2d 876,  
8 878 (10th Cir. 1985) (same).

9 8. The Plaintiff additionally makes claims that are duplicative of the  
10 remedies under 17 U.S.C. § 106A, which is specifically preempted by 17 U.S.C.  
11 § 301(f). See Amended Complaint at ¶¶ 39, 45-52, 53-59, & 72-77.

12 9. Claims pled under state law, but which are preempted by the  
13 Copyright Act, arise under the Copyright Act, and that removal of such claims  
14 to federal court is therefore not only appropriate, but mandatory, as federal  
15 courts have exclusive jurisdiction over copyright claims. See, e.g., *Laws v. Sony*  
16 *Music Entm't, Inc.*, 448 F.3d 1134, 1146 (9th Cir. 2006) (upholding complete  
17 preemption of state right of publicity claim under the Copyright Act); *NTD*  
18 *Architects v. Baker*, 2012 U.S. Dist. LEXIS 89160, 16-17 (S.D. Cal. June 27, 2012);  
19 *Bierman v. Toshiba America Info. Sys. Inc.*, 473 Fed. Appx. 756, 758 (9th Cir. 2012)  
20 (unpublished concurrence); *Rosciszewski v. Williams*, 395 F.3d 283, 286-87 (6th Cir.  
21 2005); *Briarpatch Ltd., L.P. v Pheonix Pictures, Inc.*, 373 F.3d 296, 305 (2d Cir.  
22 2004); *Ritchie v. Williams*, 395 F.3d 283, 286-87 (6th Cir. 2005).

23 10. As Congress made clear when passing the 1976 Copyright Act,  
24 "section 301 is intended to be stated in the clearest and most unequivocal  
25 language possible, so as to foreclose any conceivable misinterpretation of its  
26 unqualified intention that Congress shall act preemptively, and to avoid the  
27 development of any vague borderline areas between State and Federal

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1 protection." H.R.Rep. No. 1476, 94th Cong., 2d Sess. 130 (1976), reprinted in 1976  
2 U.S.C.C.A.N. 5659, 5746"

3 11. The only true issue in this case is the use of copyrightable works, and  
4 the only kind of rights being asserted are exclusive Copyright rights, namely the  
5 rights to copy and distribute content, so the state claims are preempted by and  
6 arise under the Copyright Act (see 17 U.S.C. § 301), such that removal is  
7 appropriate here, based on the authorities noted above.

8 **PROCEDURAL REQUIREMENTS**

9 12. Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal is signed  
10 subject to Rule 11.

11 13. Pursuant to 28 U.S.C. § 1446(a), Defendant files this notice of  
12 removal in the United States District Court for the District of Nevada, which is the  
13 federal district court embracing the Eighth Judicial District Court for Clark  
14 County, Nevada where Sassone brought the State Court Action.

15 14. Defendant Coker has not yet been served with the complaint. See  
16 Declaration of Darrell T. Coker, attached hereto as **Exhibit B**, at ¶ 3. Defendant  
17 Coker was only made aware of the complaint on or after December 6, 2016. *Id.*  
18 at ¶ 4. Removal is therefore timely. See 28 U.S.C. § 1446(b)(2)(3).

19 15. However, given that copyright claims are exclusively federal, even if  
20 it was untimely, removal would be not only proper, but mandatory.

21 16. Pursuant to 28 U.S.C. § 1446(d), Defendant will promptly serve on  
22 Plaintiff and file with this Court a Notice to Plaintiffs of Removal to Federal Court,  
23 informing Plaintiff that this matter has been removed to federal court.

24 ...

25 ...

26 ...

27 ...

**CONCLUSION**

WHEREFORE, this action should proceed in the United States District Court for the District of Nevada, as an action properly removed thereto.

Dated: December 30, 2016.

Respectfully submitted,

/s/ Marc J. Randazza

Marc J. Randazza (NV Bar No. 12265)

Ronald D. Green (NV Bar No. 7360)

Alex J. Shepard (NV Bar No. 13582)

**RANAZZA LEGAL GROUP, PLLC**

4035 S. El Capitan Way

Las Vegas, NV 89147

*Attorneys for Defendant,*

*Darrell T. Coker*

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Case No. \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 30, 2016, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document being served via electronic mail and U.S. Mail to the attorneys listed below:

Dominic P. Gentile  
GENTILE CRISTALLI MILLER ARMENI SAVARESE  
410 S. Rampart Blvd., Suite 420  
Las Vegas, NV 89145  
<dgentile@gcmaslaw.com>

Dirk A. Ravenholt  
DEMPSEY, ROBERTS & SMITH, LTD.  
1130 Wigwam Parkway  
Henderson, NV 89074  
<CriminalDefenseAttorney@drsLtd.com>

Respectfully Submitted,



Employee,  
Randazza Legal Group, PLLC

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# **EXHIBIT 2**

Amended Complaint

  
CLERK OF THE COURT

1 **ACOM**  
2 **GENTILE CRISTALLI**  
3 **MILLER ARMENTI SAVARESE**  
4 **DOMINIC P. GENTILE**  
5 Nevada Bar No. 1923  
6 Email: [dgentile@gemaslaw.com](mailto:dgentile@gemaslaw.com)  
7 410 S. Rampart Blvd., Suite 420  
8 Las Vegas, NV 89145  
9 Telephone (702) 880-0000  
10 Facsimile (702) 778-9709  
11 Attorneys for Plaintiff Marco Sassone

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

10 **MARCO SASSONE,**  
11 **Plaintiff,**

12 vs.

13  
14 **DARRELL T. COKER** an individual,  
15 **DARRELL R. COKER**, an individual,  
16 **RICHARD MORELLO** an individual,  
17 **DARRYL MCCULLOUGH** an individual,  
18 **AND THE JELLO'S JIGGLIN, LLC** d/b/a  
19 **Postal Annex, DOES 1-10, and ROE**  
20 **ENTITIES 1-10, inclusive,**  
21 **Defendants.**

**CASE NO. A-16-742853-C**  
**DEPT. XXVIII**

**AMENDED COMPLAINT**

**Exemption from Arbitration**  
**Damages in Excess of \$50,000**

22 COMES NOW, Plaintiff Marco Sassone ("Sassone") by and through counsel of record, of  
23 the law firm Gentile Cristalli Miller Armeni Savarese, and hereby complains and alleges against  
24 Defendants, Darrell T. Coker ("Coker"); Darrell R. Coker ("Coker Jr."); Richard Morello  
25 (Morello); Richard McCullough ("McCullough"); And The Jello's Jigglin, LLC, d/b/a Postal  
26 Annex ("Postal Annex"), Does 1-10, and Roe Entities 1-10, inclusive as follows:

27 **I.**

28 **THE PARTIES, JURISDICTION, AND VENUE**

1. Plaintiff Sassone is, and at all relevant times hereto was, a resident of Toronto,  
Canada.

1 2. Upon information and belief, Defendant Darrell T. Coker is, and at all relevant  
2 times hereto was, an individual resident of Clark County, Nevada.

3 3. Upon information and belief, Defendant Darrell R. Coker is, and at all relevant  
4 times hereto was, an individual resident of Clark County, Nevada.

5 4. Upon information and belief, Defendant Richard J. Morello is, and at all relevant  
6 times hereto was, an individual resident of Clark County, Nevada.

7 5. Upon information and belief, Defendant Darryl McCullough is, and at all relevant  
8 times hereto was, an individual resident of Clark County, Nevada.

9 6. Upon information and belief, Defendant And The Jello's Jigglin, LLC, d/b/a/ Postal  
10 Annex is, and at all relevant times hereto was, a Nevada Limited Liability Corporation with its  
11 principal place of business located in Clark County, Nevada.

12 7. Defendants designated herein as Does and Roes entities are individual and legal  
13 entities that are liable to Plaintiff for the claims set forth herein. The transactions and true  
14 capacities of Does and Roes entities are presently unknown to Plaintiff, and therefore, Plaintiff sue  
15 said Defendants by such fictitious names. Plaintiff will amend this Complaint to assert the true  
16 names and capacities of such Doe and Roe entities when more information has been ascertained.

17 8. This Court has personal jurisdiction over all Defendants as, at all times relevant  
18 hereto, they are individual residents of Clark County, Nevada, and they did business regularly and  
19 systematically in Clark County, Nevada. Thus, jurisdiction and venue are proper in Clark County,  
20 Nevada.

21 **II.**  
22 **GENERAL ALLEGATIONS**

23 9. Sassone repeats, re-alleges and incorporates the allegations set forth in the  
24 preceding paragraphs of this Complaint as if fully set forth herein.

25 10. Sassone is, and at all relevant times hereto, was an artist and painter who created  
26 numerous works of visual art ("Works") using a number of mediums including, but not limited to,  
27 watercolor, oil paint, and serigraph.

28 ///

- 1           11.    Sassone has neither produced, nor sold any Works in the lithograph medium.
- 2           12.    All Works are wholly original by Plaintiff Sassone and are copyrightable subject  
3 matter under the laws of the United States and Nevada common law.
- 4           13.    Sassone was also the subject of an artist monograph book entitled Sassone  
5 (“Monograph Book”) which was published in 1979, and was published again in 1985 by Donelson  
6 Hoopes ISBN: 0-935194-00-2.
- 7           14.    The Monograph Book included over one hundred photos of Sassone’s Works.
- 8           15.    The Monograph Book is available to the general public for purchase online through  
9 websites including, but not limited to, ebay.com and amazon.com.
- 10          16.    Plaintiff Sassone is now, and at all relevant times has been, the sole owner of all  
11 right, title, and interest in and to the Copyright in his Works.
- 12          17.    Plaintiff Sassone has not commissioned, licensed, assigned, or relinquished any  
13 rights in any of his Works.
- 14          18.    Upon information and belief, Coker and Coker Jr. acquired the Monograph Book.
- 15          19.    Upon information and belief, beginning no later than 2008, Coker and Coker Jr.  
16 began intentionally imitating and producing fraudulent lithographs (“Lithographs”) from the  
17 images in the Monograph Book without permission or license from Plaintiff Sassone.
- 18          20.    Exhibit A contains a list that includes, but is not limited to, the titles of the  
19 infringed Works of Sassone.
- 20          21.    Upon information and belief, Coker and Coker Jr. imposed a forged signature of  
21 Sassone on the fraudulent Lithograph productions.
- 22          22.    Upon information and belief, Coker and Coker Jr. conspired and caused to be  
23 formed numerous limited liability corporations as auction businesses that allegedly operated  
24 throughout the United States.
- 25          23.    Upon information and belief, Coker and Coker. Jr. caused to be formed auction  
26 businesses in, including but not limited to, Utah, Colorado, and Oklahoma.
- 27    ///
- 28    ///



1           24.    Upon information and belief, Coker and Coker Jr. conspired and worked in concert  
2 with Morello, and others, to create websites for said auction businesses. A list of websites and  
3 related businesses can be found in **Exhibit B**.

4           25.    Upon information and belief, Morello established the websites for these businesses  
5 and small art galleries that were subsequently used as auctioneers to participate in online auction  
6 sales at major auction webhosts such as: iCollector.com, Liveauctioneers.com, Auctionzip.com,  
7 and Invaluable.com. *See Exhibit C*.

8           26.    Upon information and belief, Coker and Coker Jr. offered for auction the fake  
9 Lithograph productions and advertised them as "Original Signed Lithograph by Artist Marco  
10 Sassone" or "Lithograph After Marc Sassone."

11          27.    Upon information and belief, Coker and Coker Jr. sold numerous fake Lithographs  
12 at auctions for various prices starting at \$100 and above. The prices of sale ranged from \$100-  
13 \$650.

14          28.    Upon information and belief, Coker and Coker Jr. advertised that the sham  
15 Lithographs would be sold with a certificate of authenticity.

16          29.    Upon information and belief, Coker and Coker Jr. provided a fraudulent,  
17 meaningless, self-produced certificate of authenticity with each sold bogus Lithograph.

18          30.    Upon information and belief, Coker and Coker Jr. worked in concert with  
19 McCullough to distribute the infringing sham Lithographs through Postal Annex, a company  
20 located in Las Vegas, Nevada.

21          31.    Upon information and belief, McCullough caused the infringing Lithographs to be  
22 shipped to respective buyers from Postal Annex.

23          32.    Upon information and belief, on or about November 25, 2014, Sarah Burton visited  
24 the website iCollector.com where Art and Jewelry Auction House, located in Las Vegas, Nevada  
25 and controlled by Darrell T. Coker, listed an "Original Signed Lithograph by Artist Marco  
26 Sassone" for auction. Sarah Burton placed a bid, and the Lithograph was sold to Sarah Burton for a  
27 bid price of \$199.12. The Lithograph was subsequently shipped by Postal Annex.

28

1           33.     Upon information and belief, on or about December 10, 2014, Diane Menninger  
2 visited the website iCollector.com where Art and Jewelry Auctions House, located in Las Vegas,  
3 Nevada and controlled by Darrell T. Coker, listed an "Original Signed Lithograph by Artist Marco  
4 Sassone" for auction. Diane Menninger placed a bid, and the Lithograph was sold to her for a bid  
5 price of \$227.50. The Lithograph was subsequently shipped by Postal Annex. The tracking number  
6 from Postal Annex was sent to Diane Menninger by McCullough.

7           34.     Upon information and belief, on or about December 22, 2014, Collin Clark visited  
8 the website iCollector.com where Whole Sale Art Auctions, located in Salt Lake City, Utah, listed  
9 an "Original Signed Lithograph By Artist Marco Sassone" for auction. Collin Clark placed a bid,  
10 and the Lithograph was sold to him for a bid price of \$229.25. The Lithograph was subsequently  
11 shipped by Postal Annex.

12           35.     Upon information and believe, on or about January 20, 2015, Jelena Popovic visited  
13 the website Live Auctioneers where Wilson Fine Art and Antique listed a "Lithograph after Marco  
14 Sassone" for sale at auction. Jelena Popovic placed a bid, and the Lithograph was sold to her for a  
15 bid price of \$275.00. The Lithograph was subsequently shipped by Postal Annex.

16           36.     Upon information and belief, Defendants, each of them, have been, without  
17 limitation, producing, distributing, marketing, promoting, advertising, demonstrating, offering for  
18 sale, and in fact selling, unauthorized and illegal copies of Sassone's Works. The illegal production  
19 and distribution of the Works includes, but is not limited to, the acts hereinabove alleged.

20           37.     Sassone did not become aware of Defendants' illegal and unauthorized copying,  
21 forging, and selling of his Works until October 2014 when he discovered the auctions on the  
22 Internet.

23           38.     Sassone purposefully restricted the availability of his Works to maintain a limited,  
24 exclusive collection of artist originals, and originally signed derivative Works available to the  
25 public.

26           39.     Sassone produced Serigraphs in limited productions, roughly one hundred (100) to  
27 one hundred fifty (150) works, which significantly differ from the Lithographs produced by Coker  
28 and Coker Jr.







- 1 a. engaging in multiple transactions involving fraud or deceit in the course of an  
2 enterprise or occupation in violation of NRS § 205.377;  
3 b. forgery in violation of NRS § 205.090; and  
4 c. obtaining possession of money or property valued at \$650 or more by false  
5 pretenses in violation of NRS § 205.380.

6 64. As a result of the foregoing allegations, Defendants have violated NRS 207.400-  
7 1(c)(1) and/or (2).

8 65. As a direct and proximate result of Defendants' pattern of racketeering activities  
9 and participation in the conduct of the enterprise, Sassone has been injured in his business or  
10 property and is entitled to treble damages in an amount to be proven at trial in excess of \$10,000,  
11 plus prejudgment interest pursuant to NRS § 207.470.

12 66. As a direct and proximate result of Defendants' actions, Sassone has been required  
13 to retain the services of an attorney to prosecute this claim and, pursuant to NRS § 207.470, is  
14 entitled to be compensated for any costs incurred in the prosecution of this action, including  
15 without limitation, any and all costs and attorney's fees

16 **FOURTH CLAIM FOR RELIEF**  
17 **(Violation of Nevada RICO, § 207.400(1)(j))**

18 67. Sassone repeats, re-alleges and incorporates the allegations set forth in the  
19 preceding paragraphs of this Complaint as if fully set forth herein.

20 68. Defendants, and each of them, did conspire, confederate and agree with one another  
21 to conduct and participate in the operation of the aforementioned enterprise through racketeering  
22 activity, or in the alternative, to engage in racketeering activity through the affairs of the  
23 enterprise, by the acts set out hereinabove by creating fake Lithographs of Sassone's Works,  
24 creating various websites and auction houses, advertising the Lithographs as Sassone's original  
25 Lithograph Works through the auction houses, forging Sassone's signature on the Lithographs,  
26 and/or selling the fake Lithographs to customers online through their various auction houses.

27 69. As a result thereof, the Defendants have committed and conspired to commit the  
28 following crimes related to racketeering: (1) engaging in multiple transactions involving fraud or

1 deceit in the course of an enterprise or occupation in violation of NRS § 205.377; (2) forgery in  
2 violation of NRS § 205.090; and (3) obtaining possession of money or property valued at \$650 or  
3 more by means of false pretenses in violation of NRS § 205.380.

4 70. As a direct and proximate result of Defendants' conspiring, confederating and  
5 agreeing as aforesaid, Sassone has been injured in his business and/or property and is entitled to  
6 trebled damages in an amount to be proven at trial in excess of \$10,000, plus prejudgment interest.

7 71. As a direct and proximate result of Defendants' actions, Sassone has been required  
8 to retain the services of an attorney to prosecute this claim and, pursuant to NRS § 207.470, is  
9 entitled to be compensated for any costs incurred in the prosecution of this action, including  
10 without limitation, any and all costs and attorney's fees.

11 **FIFTH CLAIM FOR RELIEF**  
12 **(Violation of Works of Art)**

13 72. Sassone repeats, re-alleges and incorporates the allegations set forth in the  
14 preceding paragraphs of this Complaint as if fully set forth herein.

15 73. Defendants Coker and Coker Jr., by virtue of their online auctions, infringed the  
16 Works of Sassone by creating, publishing, displaying and offering for sale fake, unauthorized  
17 Lithograph works in the State of Nevada and worldwide.

18 74. Defendants' actions of creating infringing fraudulent Lithographs of Sassone's  
19 Works defaced and altered Sassone's Works while representing them as works of Sassone.

20 75. Sassone never consented to Defendants' publishing or displaying Lithographs in the  
21 State of Nevada or worldwide for that matter, and thus Defendants violated NRS § 597.740.

22 76. As a direct and proximate result of Defendants' actions, Sassone is entitled to  
23 damages in an amount to be proven at trial in excess of \$10,000 plus prejudgment interest.

24 77. As a direct and proximate result of Defendants' actions, Sassone has been required  
25 to retain the services of an attorney to prosecute this claim and is entitled to be compensated for  
26 any costs incurred in the prosecution of this action, including without limitation, any and all costs  
27 and attorney's fees pursuant to NRS § 597.740(2).

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**PRAYER FOR RELIEF**

WHEREFORE, based upon the foregoing, Plaintiff respectfully requests judgment be entered in its favor and against each of the Defendants as follows:

1. For actual and compensatory damages in excess of \$10,000, together with interest, penalties, costs, and treble damages pursuant to Nevada RICO and statutes mentioned herein;

2. For attorneys' fees and costs of suit;

3. For an award of exemplary and punitive damages against the Defendants, jointly and severally, in an amount in excess of \$10,000, with a specific amount to be proven at the time of trial; and

4. Preliminarily and permanently enjoin Defendants, and each of them, the Defendants' servants, employees, attorneys, agents, representatives, and distributors, and all other persons acting in concert or privity or in participation with the Defendants, from:

- a. Directly or indirectly infringing the Works of Sassone by copying the Works;
- b. Falsifying Sassone's signature in the creation of unauthorized derivative works;
- c. Distributing, selling, licensing, leasing, or transferring the non-licensed materials; and,
- d. Engaging, participating or assisting in any further conduct that infringes on the Works;

5. Order the Defendants to destroy and dispose of all of the Defendants' materials bearing in any manner upon the works and/or any similar variation thereof, and file with this Court and serve upon Sassone, within 30 days after being served with this Court's injunction(s) and/or order(s) granting such relief, a written report signed by the Defendants under oath, setting forth in detail the manner in which the Defendants complied with the Court's injunction(s) and/or order(s);

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6. For such other and further relief this Court deems appropriate in the circumstances.  
Dated this 31<sup>st</sup> day of October, 2016.

GENTILE CRISTALLI  
MILLER ARMENI SAVARESE



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DOMINIC P. GENTILE  
Nevada Bar No. 1923  
410 S. Rampart Blvd., Suite 420  
Las Vegas, NV 89145  
Telephone (702) 880-0000  
Facsimile: (702) 778-9709  
Attorneys for Plaintiff Marco Sassone

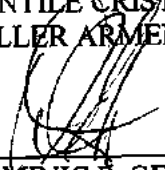
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**DEMAND FOR JURY TRIAL**

Plaintiff Sassone hereby demand that this matter be tried by a jury, pursuant to the Seventh Amendment of the Constitution of the United States, as for all triable claims.

Dated this 3 day of October, 2016.

GENTILE CRISTALLI  
MILLER ARMENI SAVARESE



---

DOMINIC P. GENTILE  
Nevada Bar No. 1923  
410 S. Rampart Blvd., Suite 420  
Las Vegas, NV 89145  
Telephone (702) 880-0000  
Facsimile: (702) 778-9709  
Attorneys for Plaintiff Marco Sassone

**EXHIBIT A**  
**LIST OF INFRINGED WORKS OF ARTIST SASSONE**

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
	<b>Title</b>	<b>Description (original)</b>	<b>Book page #</b>
3	Aftermath, 1968	Oil on Canvas, 71" x 71"	159
	Alamitos Bay Marina, 1970	Oil on Canvas, 50" x 50"	181
4	Amalfi, 1972	Oil on Canvas, 50" x 54"	84
	Barca Rossa, 1978	Oil on Canvas, 10" x 14"	279
5	Belmont Shore, 1970	Drawing, 12" x 11"	20
	Blue Bird Canyon, 1973	Oil on Canvas, 48" x 34"	199
6	Bluebird Canyon, 1976	Oil on Canvas, 19" x 23"	209
	Bluebird Canyon from Summit Street, 1978	Oil on Canvas, 30" x 26"	197
7	Boats at Dusk, 1969	Oil on Canvas, 40" x 54"	179
8	Canal Grande, 1978	Oil on Canvas, 32" x 30"	113
	Canal Riflessi, 1978	Oil on Canvas, 42" x 32"	141
9	Canale con Barche, 1978	Oil on Canvas, 34" x 26"	128
	Canale d'Inverno, 1978	Oil on Canvas, 42" x 32"	103
10	Catalina Island Marina, 1976	Oil on Canvas, 20" x 22"	167
	Casamenti Sul Molo, 1979	Oil on Canvas, 36" x 32"	18
11	Case Veneziane, 1978	Oil on Canvas, 38" x 38"	139
	Chiesa della Salute, 1978	Oil on Canvas, 36" x 54"	143
12	Colori sulla Baia, 1977	Oil on Canvas, 26" x 36"	265
	Colors of Junk, 1975	Oil on Canvas, 35" x 56"	243
13	Cranes, 1975	Drawing, 9" x 14"	240
	Darsena, 1979	Oil on Canvas, 40" x 56"	46
14	Delage, 1975	Oil on Canvas, 40" x 35"	54
	Deposito Rottami, 1979	Watercolor, 9" x 13"	244
15	Diane, 1972	Watercolor, 28" x 20"	187
	Eleonor's Sun Room, 1974	Oil on Canvas, 40" x 32"	219
16	Emerald Bay, 1976	Drawing, 9" x 14"	220
	Fermata Rialto, 1978	Oil on Canvas, 32" x 30"	115
17	Firenze, 1968	Watercolor, 20" x 28"	155
	Firenze Rosa, 1979	Oil on Canvas, 40" x 36"	151
18	Fish Cleaned 1971	Watercolor, 28" x 20"	165
	Fisherman's Wharf, Evening, 1978	Oil on Canvas, 36" x 55"	169
19	Fishing Boats, 1978	Oil on Canvas, 10" x 12"	163
	Flower Pots, 1978	Oil on Canvas, 20" x 22"	203
20	Gondole a San Marco, 1978	Oil on Canvas, 40" x 54"	105
	Grand Canal, 1974	Oil on Canvas, 32" x 34"	135
21	Grand Canal, 1978	Oil on Canvas, 14" x 16"	99
	Huntington Harbour, 1972	Oil on Canvas, 42" x 52"	160
22	Jack in the Box, 1973	Oil on Canvas, 30" x 32"	173
	Japanese Garden, 1976	Drawing, 9" x 14"	236
23	Japanese Garden, 1976	Oil on Canvas, 24" x 20"	237
	Jill, 1969	Oil on Canvas, 30" x 22"	176
24	Junk Island, 1979	Oil on Canvas, 50" x 72"	261
	Junk Yard, 1975	Oil on Canvas, 62" x 50"	241
25	Laguna, 1977	Original Serigraph, 38" x 32"	191
	Laguna with Moon, 1976	Oil on Canvas, 26" x 20"	211
26	Laguna Patio, 1975	Oil on Canvas, 33" x 30"	201
	Laguna Terrace, 1975	Original Serigraph, 24" x 18"	227
27	Laguna Summer, 1978	Oil on Canvas, 32" x 30"	51
	Landscape, 1977	Oil on Canvas, 38" x 55"	205
28	Mail Boxes, 1977	Oil on Canvas, 45" x 52"	257

1	Main Beach, 1974	Oil on Canvas, 40" x 32"	215
	Mar Vista Terrace, 1979	Oil on Canvas, 47" x 50"	229
2	Marina, 1976	Oil on Canvas, 30" x 30"	255
	Marina at Belmont, 1969	Oil on Canvas, 22" x 30"	177
3	Marina Riflessi, 1978	Oil on Canvas, 44" x 42"	285
	Moss Point, 1974	Oil on Canvas, 38" x 30"	217
4	Moss Point Eucalyptus, 1979	Original Serigraph, 38" x 30"	221
	Near Rialto, 1978	Oil on Canvas, 34" x 26"	129
5	North Laguna, 1978	Oil on Canvas, 26" x 36"	193
	Old Refinery, 1975	Oil on Canvas, 40" x 33"	249
6	Old Truck, 1972	Oil on Canvas, 54" x 40"	223
	Patio, 1972	Watercolor, 20" x 20"	185
7	Piazza Poggi, 1979	Oil on Canvas, 9" x 13"	149
	Piazza San Marco, 1976	Drawing, 11" x 14"	92
8	Piazzetta, 1976	Drawing, 11" x 14"	114
	Ponte dei Sospiri, 1978	Oil on Canvas, 16" x 14"	123
9	Ponte di Rialto, 1979	Oil on Canvas, 52" x 64"	117
	Ponte Rosso, 1978	Oil on Canvas, 54" x 40"	121
10	Porto Erocle, 1978	Watercolor, 9" x 13"	26
	Porto Santo Stefano, 1978	Oil on Canvas, 14" x 18"	89
11	Porto Santo Stefano, 1979	Oil on Canvas, 26" x 36"	95
	Porto Santo Stefano Tramanto, 1978	Oil on Canvas, 34" x 54"	91
12	Ragazze alla Spiaggia, 1968	Oil on Canvas, 40" x 30"	189
	Rialto Bridge -Dusk, 1979	Oil on Canvas, 52" x 64"	119
13	Rio Belvedere, 1979	Oil on Canvas, 36" x 26"	111
	Rio delle Prigioni, 1979	Oil on Canvas, 56" x 40"	125
14	Rio de la Verona, 1979	Oil on Canvas, 56" x 40"	127
	Roof Tops, 1971	Oil on Canvas, 14" x 20"	147
15	Sails at Belmont, 1967	Oil on Wood, 13" x 15"	175
	San Francisco Wharf, 1973	Oil on Canvas, 48" x 54"	42
16	San Pedro Refinery, 1975	Oil on Canvas, 45" x 33"	245
	Santa Cruz Bay, 1976	Oil on Canvas, 44" x 52"	287
17	Santa Cruz Harbor, 1977	Oil on Canvas, 38" x 54"	275
	Santa Cruz Harbor, 1978	Oil on Canvas, 36" x 55"	273
18	Santa Cruz Marina, 1978	Oil on Canvas, 36" x 54"	271
	Santa Cruz Waterfront, 1976	Oil on Canvas, 44" x 72"	269
19	Sausalito, 1978	Original Serigraph, 26" x 36"	263
	Sausalito Bay, 1975	Oil on Canvas, 40" x 56"	262
20	Sausalito Bay, 1975	Oil on Canvas, 60" x 52"	253
	Sausalito Reflections, 1975	Original Serigraph 24" x 17"	267
21	Souvenirs, 1979	Drawing, 13" x 19"	58
	Springtime Colors, 1977	Oil on Canvas, 40" x 32"	62
22	Springtime in Diablo, 1976	Oil on Canvas, 44" x 36"	171
	Studio, 1975	Oil on Canvas, 41" x 31"	231
23	Studio, 1979	Drawing, 9" x 13"	196
	Studio Vista, 1977	Original Serigraph, 26" x 32"	225
24	Studio Vista - Dusk, 1977	Oil on Canvas, 26" x 30"	224
	The Captains House, 1972	Oil on Canvas, 45" x 34"	195
25	The Flood of Florence, 1976	Original Serigraph, 14" x 9"	153
	Tree on the Bay, 1971	Watercolor, 20" x 28"	183
26	Trees in Diablo, 1977	Oil on Canvas, 47" x 38"	66
	Three-Seven-Four, 1979	Oil on Canvas, 64" x 90"	259
27	Tug Boat Reflections, 1975	Oil on Canvas, 27" x 20"	251
	Tyrrhenian Sea, 1979	Oil on Canvas, 32" x 40"	87
28	Venetian Palaces, 1978	Drawing, 9" x 13"	100

1	Venetian Palaces, 1978	Oil on Canvas, 14" x 18"	101
	Venetian Tenements, 1978	Oil on Canvas, 42" x 32"	109
2	Venetian Windows, 1974	Oil on Canvas, 46" x 50"	137
	Venezia, 1974	Oil on Canvas, 38" x 30"	133
3	Venezia II, 1974	Oil on Canvas, 38" x 30"	131
	Vermouth Bottles, 1979	Colored Pentels, 11" x 14"	93
4	View of Avalon, 1976	Oil on Canvas, 40" x 32"	38
	View from Cliff Drive, 1975	Oil on Canvas, 22" x 30"	38
5	Views from Piazzale, 1976	Drawing, 11" x 14"	145
	View of San Gorgio, 1979	Oil on Canvas, 36" x 26"	97
6	View from Temple Hills, 1979	Oil on Canvas, 36" x 26"	207
	View from the Victor Hugo, 1979	Original Serigraph, 18" x 14"	213
7	Warehouse, 1975	Oil on Canvas, 36" x 32"	247
	Winter Canal, 1978	Oil on Canvas, 42" x 32"	107
8	Yacht Harbor, 1976	Oil on Canvas, 20" x 20"	277

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**EXHIBIT B  
LIST OF WEBSITES AND AUCTION BUSINESSES  
USED TO SELL SASSONE INFRINGED WORKS**

<b>Domain Name</b>	<b>Registered Agent</b>	<b>Business Name</b>
bestauctionforyou.com	Rich Morello	Best Auction for You Inc
pinevalleyauctions.com	Rich Morello	Pine Valley Auctions.com LLC
pinevalleyauctions.com	Rich Morello	Pine Valley Auctions.com LLC
topauctionitems.com	Rich Morello	
wholesalecartauctions.com	Rich Morello	Wholesale Art Auctions
fineartonlineauctions.com	Rich Morello	Fine Art Auctions LLC
buyartauction.com	Rich Morello	Buy Art Auctions Inc
universallive.com	Martin Shape	
wilsonfineartandantiques.com	William Rhodes	Wilson Fine Art & Antiques
wilsonantiquesandart.com		Wilson Fine Art & Antiques
colonelsauctionhouse.com		Art & Jewelry Auction House dba Colonel's Auction House

**EXHIBIT C  
LIST OF MAJOR AUCTION WEBHOSTS  
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1. AAC HOLDINGS LTD d/b/a ICOLLECTOR.COM - a Canadian Corporation with its principal place of business in British Columbia, Canada.
2. ICOLLECTOR.COM TECHNOLOGIES LTD - a Canadian limited liability company with its principal place of business in British Columbia, Canada.
3. LIVE AUCTIONEERS LLC d/b/a liveauctioneers.com - a New York limited liability company with its principal place of business in New York, New York.
4. AUCTION ZIP d/b/a auctionzip.com - a Pennsylvania corporation with its principal place of business in Bedford, Pennsylvania.
5. INVALUABLE LLC d/b/a invaluable.com - a Massachusetts limited liability company with its principal place of business in Boston, Massachusetts.

## **EXHIBIT 3**

Notice of Voluntary Dismissal in Federal Case



1 GENTILE CRISTALLI  
2 MILLER ARMENI SAVARESE  
3 DOMINIC P. GENTILE  
4 Nevada Bar No. 1923  
5 Email: [dgentile@gcmaslaw.com](mailto:dgentile@gcmaslaw.com)  
6 410 S. Rampart Blvd., Suite 420  
7 Las Vegas, NV 89145  
8 Tel: (702) 880-0000  
9 Fax: (702) 778-9709  
10 *Attorney for Plaintiff Marco Sassone*

11  
12  
13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 MARCO SASSONE,  
16  
17 Plaintiff,

18 vs.

19 DARRELL T. COKER an individual,  
20 DARRELL R. COKER, an individual,  
21 RICHARD MORELLO an individual,  
22 DARRYL MCCULLOUGH an individual,  
23 AND THE JELLO'S JIGGLIN, LLC d/b/a  
24 Postal Annex, DOES 1-10, and ROE  
25 ENTITIES 1-10, inclusive,  
26  
27 Defendants.

CASE NO. 2:16-cv-03037-APG-PAL

**NOTICE OF VOLUNTARY DISMISSAL  
OF COUNT TWO (VIOLATION OF THE  
RIGHT OF PUBLICITY), AND COUNT  
FIVE (VIOLATION OF WORKS OF ART)  
WITH PREJUDICE**

28 Pursuant to Federal Rule of Civil Procedure 41, Plaintiff MARCO SASSONE ("Mr. Sassone"), by and through counsel, Dominic P. Gentile, Esq., of the law firm of Gentile Cristalli Miller Armeni Savarese, hereby provides notice of voluntary dismissal of Count 2 (Violation of Right of Publicity), and Count 5 (Violation of Works of Art) against Defendants DARRELL T.

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COKER and RICHARD MORRELLO, with prejudice, in the above-entitled action.

Dated this 20<sup>th</sup> day of January, 2017.

GENTILE CRISTALLI,  
MILLER ARMENI SAVARESE



---

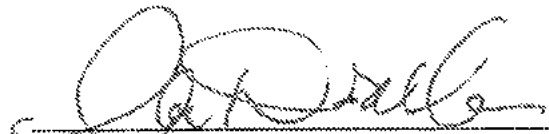
DOMINIC P. GENTILE  
Nevada Bar No. 1923  
410 S. Rampart Blvd., Suite 420  
Las Vegas, Nevada 89145  
Tel: (702) 880-0000  
*Attorney for Plaintiff, Marco Sassone*

**CERTIFICATE OF SERVICE**

The undersigned, an employee of Gentile Cristalli Miller Armeni Savarese, hereby certifies that on the 20<sup>th</sup> day of January, 2017, true and correct copies of **NOTICE OF VOLUNTARY DISMISSAL OF COUNT 2 (VIOLATION OF THE RIGHT OF PUBLICITY), AND COUNT 5 (VIOLATION OF WORKS OF ART) WITH PREJUDICE**, were served via the United States District Court CM/ECF system as follows:

John C. Fernandez, Esq.  
Marc J. Randazza, Esq.  
Ronald D. Green, Esq.  
Alex J. Shepard, Esq.  
Randazza Law Group, PLLC  
4035 S. El Capitan Way  
Las Vegas, NV 89147  
Email: [ecf@randazza.com](mailto:ecf@randazza.com)  
Attorneys for Darrell T. Coker

Kenneth M. Roberts, Esq.  
Dirk A. Ravenholt, Esq.  
Dempsey, Roberts & Smith, Ltd.  
1130 Wigwam Pkwy.  
Henderson, NV 89074  
Email: [KenRoberts@drsLtd.com](mailto:KenRoberts@drsLtd.com);  
[Criminaldefenseattorney@drsLtd.com](mailto:Criminaldefenseattorney@drsLtd.com)  
Attorneys for Defendants  
Darryl McCullough and  
The Jello's Jigglin, LLC



An employee of  
GENTILE CRISTALLI  
MILLER ARMENI SAVARESE

## **EXHIBIT 4**

Order Granting Motion to Remand in Federal Case

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

MARCO SASSONE,  
  
Plaintiff,  
  
v.  
  
DARRELL T. COKER, DARRELL R.  
COKER, an individual; RICHARD  
MORELLO, an individual; DARRYL  
MCCULLOUGH, an individual; THE  
JELLO'S JIGGLIN, LLC d/b/a Postal Annex;  
DOES 1-10; and ROE ENTITIES 1-10,  
inclusive,  
  
Defendants.

Case No. 2:16-cv-03037-APG-PAL  
  
**ORDER REMANDING CASE TO STATE  
COURT**  
  
(ECF No. 12)

Defendant Darrell T. Coker removed this case to federal court on December 30, 2016. The plaintiff moves to remand to state court. ECF No. 12. Because none of the defendants timely joined in the removal, I will remand the case.

Federal courts are courts of limited jurisdiction. *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 374 (1978). "A federal court is presumed to lack jurisdiction in a particular case unless the contrary affirmatively appears." *Stock West, Inc. v. Confederated Tribes of the Colville Res.*, 873 F.2d 1221, 1225 (9th Cir. 1989). "Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance." *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992) (citing *Libhart v. Santa Monica Dairy Co.*, 592 F.2d 1062, 1064 (9th Cir. 1979)). Thus, courts "strictly construe the removal statute against removal jurisdiction." *Id.* "The 'strong presumption' against removal jurisdiction means that the defendant always has the burden of establishing that removal is proper." *Id.*

Under 28 U.S.C. § 1446(b)(2)(A), all defendants who have been properly joined and served must join in or consent to removal within 30 days of the notice of removal. *Pattison v. Nevada Dept. of Corrections*, Case No. 3:14-cv-00020-MMD-VPC, 2014 WL 2506467 \*3 (D. Nev. June

1 3, 2014). The lack of all defendants joining in removal is a procedural defect requiring remand  
2 unless waived. *National Roofing Industry Pension Plan v. Acropolis Investments, Ltd.*, Case No.  
3 2:10-cv-1882-JCM-LRL, 2011 WL 830269 \*2 (D. Nev. March 4, 2011).

4 Given Coker's December 30, 2016 removal notice, the other defendants were required to  
5 join in removal by January 29, 2017. Not all defendants did so. Defendants Darryl McCullough  
6 and The Jello's Jigglin, LLC did not join in the removal because they did not want the case heard  
7 in federal court. ECF No. 5 at 2:23-27. These two defendants later changed counsel and filed a  
8 notice of joinder in removal, but that was filed 24 days late. ECF No. 20. Defendant Richard  
9 Morello never joined in the removal. Because none of other the defendants timely joined in the  
10 removal, remand is required.

11 Coker attempts to avoid remand by arguing that under 28 U.S.C. § 1454(b), the "rule of  
12 unanimity" does not apply. That statute provides that "removal of an action under [§ 1454] shall  
13 be made in accordance with section 1446, except that **if the removal is based solely on this section**  
14 **(1) the action may be removed by any party . . . .**" 28 U.S.C. § 1454(b) (emphasis added). This  
15 language does not address the rule of unanimity, and Coker points to no case interpreting it in that  
16 way. Moreover, Coker did not remove this case "based solely on" § 1454. Rather, his notice of  
17 removal states that "removal is proper pursuant to 28 U.S.C. §§ 1454 and 1441." ECF No. 1 at  
18 2:10. Thus, unanimity is not excused in this case by § 1454(b).

19 Finally, Coker alleges that unanimity is excused if the non-joining defendants are merely  
20 "nominal defendants." ECF No. 14 at 10-11. However, the other defendants in this case are not  
21 nominal. The Amended Complaint asserts substantive and serious claims against them. *See, e.g.*,  
22 ECF No. 1-1 at ¶¶ 22-25, 31-36, 61-65, 68-71. Because the defendants have an interest in the  
23 outcome of this action and are not joined merely to perform ministerial acts in furtherance of the  
24 plaintiff's requested relief, they are not nominal parties. *Prudential Real Estate Affiliates, Inc. v.*  
25 *PPR Realty, Inc.*, 204 F.3d 867, 873 (9th Cir. 2000).

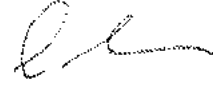
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1 IT IS THEREFORE ORDERED that the plaintiff's motion to remand (ECF No. 12) is  
2 **GRANTED**. This case is remanded to the state court from which it was removed for all further  
3 proceedings. The Clerk of the Court is instructed to close this case.

4 Dated: March 13, 2017.

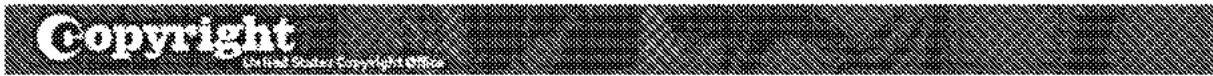
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7 ANDREW P. GORDON  
8 UNITED STATES DISTRICT JUDGE  
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## **EXHIBIT 5**

Copyright Office Search Results for "Sassone Marco"





Help Search History Titles Start Over

### Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Name = Sassone Marco

Search Results: Displaying 1 through 2 of 2 entries.

previous next

Resort results by:

Set Search Limits

#	Name (NALL) <	Full Title	Copyright Number	Date
<input type="checkbox"/> 1.1	Sassone, Marco, 1942-	Pink pigs, 1989.	VA0000835382	1990
<input type="checkbox"/> 1.2	Sassone, Marco, 1942-	[Portofino riflessi]	VA0000764524	1989

Resort results by:

Set Search Limits

Clear Selected Retain Selected  
previous next

**Save, Print and Email (Help Page)**

**Records** Select Format: Full Record  Format for Print/Save

All on Page  
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Search for: Sassone Marco Search by: Name (Crichton Michael; Walt Disney Company) Item type: None  
25 records per page Submit Reset

Help Search History Titles Start Over

Contact Us | Request Copies | Get a Search Estimate | Frequently Asked Questions (FAQs) about Copyright | Copyright Office Home Page | Library of Congress Home Page

## **EXHIBIT 6**

Notice of Voluntary Dismissal as to Richard Morello in Federal Case

1 GENTILE CRISTALLI  
 MILLER ARMENI SAVARESE  
 2 DOMINIC P. GENTILE  
 Nevada Bar No. 1923  
 3 Email: [dgentile@gcmaaslaw.com](mailto:dgentile@gcmaaslaw.com)  
 LAUREN E. PAGLINI  
 4 Nevada Bar No. 14254  
 Email: [lpaglini@gcmaaslaw.com](mailto:lpaglini@gcmaaslaw.com)  
 5 410 S. Rampart Blvd., Suite 420  
 Las Vegas, NV 89145  
 6 Tel: (702) 880-0000  
 Fax: (702) 778-9709  
 7 *Attorneys for Plaintiff Marco Sassone*

8  
 9 UNITED STATES DISTRICT COURT  
 10 DISTRICT OF NEVADA

11 MARCO SASSONE,

12 Plaintiff,

13 vs.

14 DARRELL T. COKER an individual,  
 15 DARRELL R. COKER, an individual,  
 RICHARD MORELLO an individual,  
 16 DARRYL MCCULLOUGH an individual,  
 AND THE JELLO'S JIGGLIN, LLC d/b/a  
 17 Postal Annex, DOES 1-10, and ROE  
 ENTITIES 1-10, inclusive,

18 Defendants.  
 19

CASE NO. 2:16-cv-03037-APG-PAL

**NOTICE OF VOLUNTARY DISMISSAL  
WITH PREJUDICE**

20 Pursuant to Federal Rule of Civil Procedure 41, Plaintiff MARCO SASSONE, by and  
 21 through counsel, Dominic P. Gentile, Esq. and Lauren E. Paglini, Esq., of the law firm of Gentile  
 22 Cristalli Miller Armeni Savarese, hereby provides notice of voluntary dismissal of Defendant  
 23 RICHARD MORELLO, with

24 ///

25 ///

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1 prejudice in the above-entitled action.

2 Dated this 28th day of February, 2017.

3 GENTILE CRISTALLI  
4 MILLER ARMENI SAVARESE

5 */s/ Dominic P. Gentile, Esq.*

6 \_\_\_\_\_  
7 DOMINIC P. GENTILE  
8 Nevada Bar No. 1923  
9 LAUREN E. PAGLINI  
10 Nevada Bar No. 14254  
11 410 S. Rampart Blvd., Suite 420  
12 Las Vegas, Nevada 89145  
13 Tel: (702) 880-0000  
14 *Attorneys for Plaintiff, Marco Sassone*

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**CERTIFICATE OF SERVICE**

The undersigned, an employee of Gentile Cristalli Miller Armeni Savarese, hereby certifies that on the 28<sup>th</sup> day of February, 2017, true and correct copies of **NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE**, were served via the United States District Court CM/ECF system as follows:

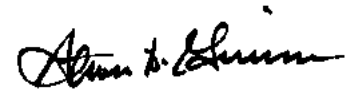
John C. Fernandez, Esq.  
Marc J. Randazza, Esq.  
Ronald D. Green, Esq.  
Alex J. Shepard, Esq.  
Randazza Law Group, PLLC  
4035 S. El Capitan Way  
Las Vegas, NV 89147  
Email: [ccf@randazza.com](mailto:ccf@randazza.com)  
Attorneys for Darrell T. Coker

Riley A. Clayton, Esq.  
7425 Peak Drive  
Las Vegas, NV 89128  
Email: [RClayton@lawHJC.com](mailto:RClayton@lawHJC.com)  
Attorneys for Defendants  
Darryl McCullough and  
The Jello's Jigglin, LLC

*/s/ Anna Diallo*

---

An employee of  
GENTILE CRISTALLI  
MILLER ARMENI SAVARESE



CLERK OF THE COURT

1 **MDSM**

2 Marc J. Randazza (NV Bar No. 12265)  
3 Ronald D. Green (NV Bar No. 7360)  
4 Alex J. Shepard (NV Bar No. 13582)  
5 RANDAZZA LEGAL GROUP, PLLC  
6 4035 S. El Capitan Way  
7 Las Vegas, NV 89147  
8 Telephone: 702-420-2001  
9 Facsimile: 305-437-7662  
10 ecf@randazza.com

11 *Attorneys for Defendant,*  
12 *Darrell T. Coker*

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

15 MARCO SASSONE,

16 Plaintiff,

17 vs.

18 DARRELL T. COKER, an individual,  
19 DARRELL R. COKER, an individual,  
20 RICHARD MORELLO, an individual,  
21 DARRYL MCCULLOUGH, an individual,  
22 and THE JELLO'S JIGGLIN, LLC d/b/a  
23 Postal Annex, DOES 1-10, and  
24 ROE ENTITIES 1-10, inclusive,

25 Defendants.

Case No. A-16-742853-C

Dept. No. XXXII

**DEFENDANT DARRELL T. COKER'S  
SPECIAL MOTION TO DISMISS  
PLAINTIFF SASSONE'S COMPLAINT  
PURSUANT TO NRS 41.660**

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**DEFENDANT DARRELL T. COKER'S SPECIAL MOTION TO DISMISS PLAINTIFF  
SASSONE'S COMPLAINT PURSUANT TO NRS 41.660**

TO: Plaintiff Marco Sassone and to his Attorneys;

Defendant, Darrell T. Coker ("Coker"), hereby files this Special Motion to Dismiss Plaintiff Marco Sassone's ("Sassone" or "Plaintiff") lawsuit pursuant to NRS 41.660.

Dated this 16<sup>th</sup> day of March, 2017.

RANDAZZA LEGAL GROUP, PLLC  
/s/ Marc J. Randazza  
Marc J. Randazza (NV Bar No. 12265)  
Ronald D. Green (NV Bar No. 7360)  
Alex J. Shepard (NV Bar No. 13582)  
4035 S. El Capitan Way  
Las Vegas, Nevada 89147  
  
*Attorneys for Defendant,  
Darrell T. Coker*

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**NOTICE OF MOTION**

TO: Plaintiff Marco Sassone and to his Attorneys;

PLEASE TAKE NOTICE that the undersigned will bring the above motion on for hearing before Department XXXII of this Court on the 25 day of April 2017 at 9:30 am or as soon thereafter as counsel can be heard.

Dated this 16<sup>th</sup> day of March, 2017.

RANDAZZA LEGAL GROUP, PLLC

/s/ Marc J. Randazza

Marc J. Randazza (NV Bar No. 12265)

Ronald D. Green (NV Bar No. 7360)

Alex J. Shepard (NV Bar No. 13582)

4035 S. El Capitan Way

Las Vegas, Nevada 89147

*Attorneys for Defendant,*

*Darrell T. Coker*



**MEMORANDUM OF POINTS AND AUTHORITIES**

**1.0 Introduction and Background**

Defendant Charles T. Coker has already filed a motion to dismiss this suit because, *inter alia*, Plaintiff's claims are "copyright in disguise," and thus are preempted. However, there is a separate problem; Plaintiff is attempting to silence expressive conduct through litigation, contrary to the State of Nevada's public policy against such litigation, codified in NRS 41.635-670, Nevada's Anti-SLAPP statute. Mr. Coker is attempting to disseminate works that, by all available evidence, appear to be in the public domain. Despite having no ownership interest in such works, Plaintiff is attempting to stop this dissemination. The Court should dismiss all of Plaintiff's claims, should award Mr. Coker his attorneys' fees and costs, and should award Mr. Coker statutory damages under NRS 41.670(b).

**2.0 Legal Standards**

Under Nevada's Anti-SLAPP statute, if a lawsuit is brought against a defendant based upon the exercise of its First Amendment rights, the defendant has substantive immunity from suit unless the plaintiff can meet the burden required under the statute. Evaluating the Anti-SLAPP motion is a two-step process. The Movant bears the burden on the first step, and the Non-Moving party bears the burden on the second. See *John v. Douglas County Sch. Dist.*, 125 Nev. 746, 754 (Nev. 2009).

First, the defendant must show, by a preponderance of the evidence, that the plaintiff's claim is "*based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern.*" NRS 41.660(3)(a). One of the specific statutory categories of protected speech is "[c]ommunication[s] made in direct connection with an issue of public interest in a place open to the public or in a public forum, which is truthful or is made without knowledge of its falsehood." NRS 41.637(4).

1 Second, once the defendant meets its burden on the first prong, the  
 2 burden then shifts to the plaintiff, which must make a prima facie evidentiary  
 3 showing that it has a probability of prevailing on its claim. NRS 41.660(3)(b);  
 4 see also *John*, 125 Nev. at 754.

5 Due to a dearth of case law applying Nevada's Anti-SLAPP statute,  
 6 Nevada courts look to case law applying California's Anti-SLAPP statute,  
 7 Cal. Code Civ. Proc. § 425.16, which shares many similarities with Nevada's law.  
 8 See *John*, 125 Nev. at 756 (stating that "we consider California case law because  
 9 California's anti-SLAPP statute is similar in purpose and language to Nevada's  
 10 anti-SLAPP statute"); see also NRS 41.665(2) (defining the plaintiff's *prima facie*  
 11 evidentiary burden in terms of California law.)<sup>1</sup>

12 **3.0 ARGUMENT**

13 As a preliminary note, Mr. Coker asks for this relief as an alternative to the  
 14 pending Motion to Dismiss under NRCP 12(b)(1) and 12(b)(5). This is because, as  
 15 explained in that motion, Plaintiff's claims are, for all intents and purposes, federal  
 16 copyright claims that are pre-empted.

17 **3.1 Plaintiff's Claims Are Based Upon Expressive Conduct Protected**  
 18 **Under the Anti-SLAPP Statute**

19 Under first prong of the Anti-SLAPP analysis, courts do not look to the  
 20 particular cause of action pled by the plaintiff, but rather looks to whether the

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22 <sup>1</sup> The Nevada Legislature specifically provides for California Anti-SLAPP  
 23 jurisprudence to serve as the basis for interpreting Nevada's Anti-SLAPP law:

24 When a plaintiff must demonstrate a probability of success of prevailing  
 25 on a claim pursuant to NRS 41.660, the Legislature intends that in  
 26 determining whether the plaintiff "has demonstrated with prima facie  
 27 evidence a probability of prevailing on the claim" the plaintiff must  
 meet the same burden of proof that a plaintiff has been required to  
 meet pursuant to California's anti-Strategic Lawsuits Against Public  
 Participation law as of the effective date of this act.

1 suit is based on expressive conduct. See *Church of Scientology v. Wollersheim*,  
 2 42 Cal. App. 4th 628, 652 (1996) (holding that, with an Anti-SLAPP motion, the  
 3 "nature or form of" the action is "not what is critical but rather that it is against a  
 4 person who has exercised certain rights"). Courts typically look to "the  
 5 'gravamen or principal thrust' of the plaintiff's claims." *In Re Episcopal Church*  
 6 *Cases* (2009) 45 Cal. 4th 467, 477. A defendant may take advantage of the Anti-  
 7 SLAPP statute if the "defendant's conduct underlying the plaintiff's cause of  
 8 action" was "itself" expressive. *City of Cotati v. Cashman*, (2008) 29 Cal. 4th 69,  
 9 78 (emphasis original).

10 The term "issue of public interest" for Anti-SLAPP purposes is defined  
 11 broadly as "any issue in which the public is interested." *Nygaard, Inc. v. Uusi-*  
 12 *Kerttula*, 159 Cal. App. 4th 1027, 1042 (2008). "The issue need not be 'significant'  
 13 to be protected by the anti-SLAPP statute – it is enough that it is one in which the  
 14 public takes an interest." *Id.* The statute was found to apply to a video game  
 15 featuring the likenesses of a popular band. See *No Doubt v. Activision Publishing,*  
 16 *Inc.*, 192 Cal. 4th 1018, 1027 (2011). Even advertising on a website featuring adult  
 17 entertainment is entitled to protection under the statute. See *Cammarata v.*  
 18 *Bright Imperial*, 2011 Cal. App. Unpub. LEXIS 665, \*10-12 (Cal. App. 2d Dist. Jan.  
 19 26, 2011) (citing *Rivera v. First DataBank, Inc.*, 187 Cal. App. 4th 709, 716 (2010)).  
 20 The right of free speech includes the right "to 'distribute,' 'pass out,' 'circulate,'  
 21 or otherwise disseminate ideas." *Van Nuys Pub. Co. v. City of Thousand Oaks*, 5  
 22 Cal. 3d 817, 821 (1971).

23 The public has a right to and significant interest in widespread access to  
 24 creative works. The Copyright Clause of the U.S. Constitution provides that  
 25 copyright exists "[t]o promote the progress of science, . . . by securing for limited  
 26 Times to Authors . . . the exclusive Right to their respective Writings . . ." U.S. Const.  
 27 Art. I, § 8. One of the primary policies underlying the Copyright Act is "the public

1 interest in the free flow of information and ideas." *Veeck v. S. Bldg. Code Cong.*  
 2 *Int'l*, 293 F.3d 791, 802 (5th Cir. 2002); see *United States v. Paramount Pictures,*  
 3 *Inc.*, 334 U.S. 131, 158 (1948) (noting that there is an overriding public interest in  
 4 the "release to the public of the products of [the author's] creative genius").  
 5 Works that are not protected by copyright are in the public domain, and thus  
 6 freely accessible, and free to be disseminated. The Founding Fathers were  
 7 concerned with this overriding public interest even before drafting the First  
 8 Amendment. U.S. Const., Art. I, § 8. Indeed, early cases under the Statute of  
 9 Anne<sup>2</sup> in the 1700s held that some uses of others' works did not constitute unlawful  
 10 acts. See *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569, 576 (1994). Long  
 11 before First Amendment jurisprudence began to develop, Justice Story penned  
 12 his opinion on "fair abridgement" in *Folsom v. Marsh*, 9 F. Cas. 342 (C.C.D. Mass.  
 13 1841). This is regarded as the beginning of fair use theory in American  
 14 jurisprudence.

15 Whenever a plaintiff asserts copyright protection, he should do so within  
 16 the confines of the Copyright Act; to do otherwise is cuts against the values of  
 17 free expression, which the Anti-SLAPP statute stands to protect. See *Festo Corp.*  
 18 *v. Shoketsu Konzoku Kogyo Kabushiki Co.*, 535 U.S. 722, 730-31 (2002) (stating that  
 19 "[t]he monopoly is a property right; and like any property right, its boundaries  
 20 should be clear. This clarity is essential to promote progress, because it enables  
 21 efficient investment in innovation"); see Joseph P. Liu, "the New Public Domain,"  
 22 2013 U. ILL. L. REV. 1395, 1417-18 (2013) (identifying literature on benefits of public  
 23 domain and discussing benefits); see also David Lange, "Reimagining the Public  
 24 Domain," 66 LAW & CONTEMP. PROBS. 463, 465-66 (2003) (arguing that creativity  
 25 depends on existence of robust public domain).

26 \_\_\_\_\_  
 27 <sup>2</sup> 8 Ann. c. 21 (1709) (Eng.).

1 A robust public domain also helps to benefit creators of artistic works.  
 2 "A robust public domain fosters free speech because it enlarges the material  
 3 that can form ties in social networks and creates a 'communicative sphere,  
 4 where people can interact with each other in various [interpersonal and  
 5 political] circles." Deborah R. Gerhardt, "Copyright at the Museum: Using the  
 6 Publication Doctrine to Free Art and History," 61 J. COPYRIGHT SOC'Y 393, 444 (Spring  
 7 2014). It makes the job of content creators easier by providing a greater variety  
 8 of source material:

9 A more robust public domain reduces the cost of creating additional  
 10 works, which not only permits a greater number of works to flourish,  
 11 but also invites creators to engage with existing works without having  
 12 to consider the need to ask permission. As Edward Liu explains, "[a]  
 13 robust public domain, as a permission-free zone, can play an  
 14 important role in supporting and encouraging [creators'] intrinsic  
 15 motivations, in freeing up the artistic imagination." This not only  
 16 democratizes creativity and invites a broader range of perspectives  
 17 as new creators engage with existing works, but also removes the  
 18 constraints that originators might place on the expressions of these  
 19 diverse new creators. Thus, a robust public domain in characters not  
 20 only facilitates, but also fosters, creativity by making culturally familiar  
 21 source materials available to creators and adapters at no cost  
 22 (either monetary or in the form of creative control).

19 Elizabeth L. Rosenblatt, "The Adventure of the Shrinking Public Domain," 86 U.  
 20 Colo. L. Rev. 561, 573 (2015) (citations omitted).

21 Despite the public interest in a robust public domain, Plaintiff is attempting  
 22 to restrict the dissemination of artistic works beyond what would be permissible  
 23 under the "clear" and "limited" rights delineated by the Copyright Act. See *Festo*  
 24 *v. Shoketsu*, 535 U.S. at 730-31. Having apparently lost (or never possessed) the  
 25 copyrights in the works he seeks to remove from public dissemination, Plaintiff is  
 26 seeking to impoverish the public domain under state theories. (See, generally,  
 27 Motion to Dismiss.) All of Plaintiff's claims are based upon Mr. Coker's

1 dissemination of "copyrightable" works. (See Amended Complaint at ¶¶ 21, 26,  
 2 29, 40, 44.) Yet they consciously avoid the Copyright Act's clear boundaries.  
 3 Regardless of his allegations that Mr. Coker is profiting from an enterprise of "fake  
 4 lithograph" auctioneering and forging signatures, the gravamen or principal  
 5 thrust of his claims is that Mr. Coker is disseminating these works and derivatives  
 6 of these works without Plaintiff's permission – despite all available evidence  
 7 showing that they are actually in the public domain. (See Motion to Dismiss at 5-  
 8 8.) As explained in the Motion to Dismiss, Plaintiff has not even alleged, much less  
 9 provided evidence, that he has any cognizable legal right to exercise any  
 10 exclusive rights with respect to these works. (See Motion to Dismiss at 5-8.) If the  
 11 works are not protected by copyright, then they are in the public domain. And  
 12 if they are in the public domain, then the general public has an overriding interest  
 13 in having access to these works. Increased public access to these works is not a  
 14 hypothetical scenario, either; Plaintiff alleges that Defendants' conduct "*ha[s]*  
 15 *and will continue to increase the presumed availability of Sassone's Works,*  
 16 *thereby significantly diluting the market value of his Works.*" (Amended  
 17 Complaint at ¶ 40.) The acts that form the basis of Plaintiff's claims are thus acts  
 18 in furtherance of the right to free speech on an issue of public concern.

19 There is no question that this conduct occurred "in a place open to the  
 20 public or in a public forum," either. NRS 41.637(4). Plaintiff alleges that Mr. Coker  
 21 provided these allegedly infringing works through an auction web site available  
 22 to the general public. (See Amended Complaint at ¶¶ 24-36.) A web site is a  
 23 public forum for purposes of Anti-SLAPP analysis. See *Cole v. Patricia A. Meyer &*  
 24 *Associates* (2012) 206 Cal. App. 4th 1095, 1121.

25 Mr. Coker also engaged in his conduct in good faith, which is defined  
 26 under the statute as a communication "which is truthful or is made without  
 27 knowledge of its falsehood." NRS 41.637(4). The principal conduct underlying

1 Plaintiff's claims is Mr. Coker's alleged dissemination of unauthorized copies of  
 2 Plaintiff's alleged works and derivative works of them. There is no indication in  
 3 the Amended Complaint or the record that Plaintiff has any exclusive legal rights  
 4 to these works, and there is no indication that these works contained any form of  
 5 copyright notice on them. Further, a review of the copyright office's records  
 6 would show no claim laid upon them. (See Motion to Dismiss at Exhibit 5.) To any  
 7 reasonable observer, it would appear that these works were, and are, in the  
 8 public domain. Mr. Coker was thus free to copy and disseminate these works,  
 9 and create derivative works from them. See *Stewart v. Abend*, 495 U.S. 207, 223  
 10 (1990). There is thus nothing false about his conduct. Even if there were, there is  
 11 nothing in the Amended Complaint or the record showing that Mr. Coker had  
 12 any reason to believe it was false.

13 **3.2 Plaintiff Cannot Demonstrate a Probability of Prevailing on His Claims**

14 As already explained in the pending Motion to Dismiss, Plaintiff's claims are  
 15 subject to dismissal even under the more lenient standards of NRCP 12(b)(5). First,  
 16 his claims are pre-empted by the Copyright Act and the Visual Artists Rights Act  
 17 ("VARA"). (See Motion to Dismiss at 8-15.) Even if they are not pre-empted,  
 18 Plaintiff's Amended Complaint does not state a ground upon which relief can  
 19 be granted. His vague allegations of "fraud" cannot make out a claim under  
 20 the Nevada Deceptive Trade Practices Act. (See *id.* at 15-17.) Further, there is  
 21 no "conspiracy" to sustain a RICO claim, as almost every allegation is directed  
 22 at Mr. Coker, and the other Defendants are either nominal defendants  
 23 incapable of sustaining a RICO claim or have been dismissed. (See *id.* at 17-20.)

24 **4.0 Conclusion**

25 Based on the foregoing, Defendant Coker respectfully requests that this  
 26 Court dismiss Plaintiff's claims for deceptive trade practices and RICO with  
 27 prejudice, pursuant to NRS 41.660. Mr. Coker is also entitled to his costs and

1 reasonable attorneys' fees, and the Court should award Mr. Coker statutory  
2 damages under NRS 41.670(b) to deter Plaintiff and others like him from filing  
3 meritless suits directed at an effort to deprive the public domain of works that  
4 have lawfully passed into it.

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Dated: March 16, 2017.

Respectfully submitted,

/s/ Marc J. Randazza  
Marc J. Randazza (NV Bar No. 12265)  
Ronald D. Green (NV Bar No. 7360)  
Alex J. Shepard (NV Bar No. 13582)  
**RANAZZA LEGAL GROUP, PLLC**  
4035 S. El Capitan Way  
Las Vegas, NV 89147

*Attorneys for Defendant,*  
*Darrell T. Coker*



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16<sup>th</sup> day of March, 2017, I served a true and correct copy of the foregoing document via the Eighth Judicial District Court's Wiznet electronic filing system or, if necessary, via electronic mail and U.S. Mail, on the attorneys listed below:

Dominic P. Gentile  
Lauren E. Paglini  
GENTILE CRISTALLI MILLER ARMENI SAVARESE  
410 S. Rampart Blvd., Suite 420  
Las Vegas, NV 89145  
<DGentile@gcmaslaw.com>  
<LPaglini@gcmaslaw.com>

Riley A. Clayton, Esq.  
HALL JAFFE & CLAYTON, LLP  
7425 Peak Drive  
Las Vegas, NV 89128  
<RClayton@lawHJC.com>

Respectfully submitted,



Employee,  
Randazza Legal Group, PLLC

  
CLERK OF THE COURT

1 **JOIN**  
2 RILEY A. CLAYTON  
3 Nevada Bar No. 005260  
4 [rclayton@lawhjc.com](mailto:rclayton@lawhjc.com)  
5 STEPHEN D. STEELE  
6 Nevada Bar No. 013965  
7 [ssteele@lawhjc.com](mailto:ssteele@lawhjc.com)

8 **HALL JAFFE & CLAYTON, LLP**  
9 7425 PEAK DRIVE  
10 LAS VEGAS, NEVADA 89128  
11 (702) 316-4111  
12 FAX (702)316-4114

13 *Attorneys for Defendants McCullough;*  
14 *The Jello's Jigglin, LLC*

15 **DISTRICT COURT**  
16 **CLARK COUNTY, NEVADA**

17 MARCO SASSONE,  
18  
19 Plaintiff,

20 vs.

21 DARRELL T. COKER, an individual; DARRELL  
22 R. COKER, an individual; RICHARD MORELLO,  
23 an individual; DARRYL MCCULLOUGH, an  
24 individual; AND THE JELLO'S JIGGLIN, LLC  
25 d/b/a Postal Annex; DOES 1-10; and ROE  
26 ENTITIES 1-10, inclusive,

27 Defendants.

CASE NO.: A-16-742853-C  
DEPT NO.: XXXII

**DEFENDANTS MCCULLOUGH'S AND  
THE JELLO'S JIGGLIN, LLC D/B/A  
POSTAL ANNEX'S JOINDER TO CO-  
DEFENDANT DARRELL T. COKER'S  
SPECIAL MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT  
PURSUANT TO NRS 41.660**

28 Defendants, Darryl McCullough and The Jello's Jigglin, LLC dba Postal Annex ("Joining Defendants"), by and through their counsel of record, Hall Jaffe & Clayton, LLP, hereby join in Defendant Darrell Coker's ("Coker's") Darrell T. Coker's Special Motion to Dismiss Plaintiff's Complaint Pursuant to NRS 41.660, which was filed on March 16, 2017. Joining Defendants rely upon the same Points and Authorities as set forth in Coker's Opposition. Joining Defendants request that Plaintiff's Motion be granted with respect to them for the same reasons and same authority

///

1 cited by Coker in his Opposition. Therefore, Plaintiff's Complaint as it relates to Joining Defendants  
2 should be dismissed as well.

3 DATED this 28<sup>th</sup> day of March, 2017.

4 HALL JAFFE & CLAYTON, LLP

5 /s/ Riley A. Clayton

6 By

7 RILEY A. CLAYTON  
8 Nevada Bar No. 005260  
9 STEPHEN D. STEELE  
10 Nevada Bar No. 013965  
11 7425 Peak Drive  
12 Las Vegas, Nevada 89128  
13 *Attorneys for McCullough; The Jello's Jigglin,*  
14 *LLC*

1 **CERTIFICATE OF E-SERVICE**

2 Pursuant to NEFCR 9, NRCR 5(b) and EDCR 7.26, I certify that on the 28<sup>th</sup> day of March, 2017,  
3 I served the foregoing **DEFENDANTS MCCULLOUGH'S AND THE JELLO'S JIGGLIN, LLC**  
4 **D/B/A POSTAL ANNEX'S JOINDER TO CO-DEFENDANT DARRELL T. COKER'S**  
5 **SPECIAL MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO NRS 41.660** on  
6 the following parties by electronic transmission through the Wiznet system:

7  
8 Dominic P. Gentile, Esq.  
9 Lauren E. Paglini, Esq.  
10 GENTILE CRISTALLI MILLER ARMENI SAVARESE  
11 410 S. Rampart Blvd., Suite 420  
12 Las Vegas, NV 89145  
13 *Attorneys for Plaintiff*

11 John C. Fernandez, Esq.  
12 Marc J. Roundhouse, Esq.  
13 Ronald D. Green, Esq.  
14 ROUNDHOUSE LAW GROUP, PLC  
15 4035 S. El Capital Way  
16 Las Vegas, NV 89147  
17 *Attorneys for Co-Defendant*  
18 *Darrell T. Coker*

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28  
*/s/ Tonda Curran*

---

An Employee of  
HALL JAFFE & CLAYTON, LLP

  
CLERK OF THE COURT

1 GENTILE CRISTALLI  
MILLER ARMENI SAVARESE  
2 DOMINIC P. GENTILE  
Nevada Bar No. 1923  
3 Email: [dgentile@gemaslaw.com](mailto:dgentile@gemaslaw.com)  
CLYDE DEWITT  
4 Nevada Bar No. 9791  
Email: [cdewitt@gemaslaw.com](mailto:cdewitt@gemaslaw.com)  
5 LAUREN E. PAGLINI  
Nevada Bar No. 14254  
6 Email: [lpaglini@gemaslaw.com](mailto:lpaglini@gemaslaw.com)  
410 S. Rampart Blvd., Suite 420  
7 Las Vegas, NV 89145  
Tel: (702) 880-0000  
8 Fax: (702) 778-9709  
*Attorneys for Plaintiff Marco Sassone*

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

13 MARCO SASSONE,  
14  
15 Plaintiff,

16 vs.

17 DARRELL T. COKER an individual,  
18 DARRELL R. COKER, an individual,  
19 RICHARD MORELLO an individual,  
20 DARRYL MCCULLOUGH an individual,  
AND THE JELLO'S JIGGLIN, LLC d/b/a  
Postal Annx, DOES 1-10, and ROE  
ENTITIES 1-10, inclusive,  
21  
22 Defendants.

CASE NO. A-16-742853-C  
DEPT. XXXII

**PLAINTIFF'S OPPOSITION TO  
DEFENDANT DARRELL T. COKER'S  
SPECIAL MOTION TO DISMISS  
PURSUANT TO NRS 41.660 AND TO THE  
JOINER THERETO BY DEFENDANTS  
DARRYL MCCULLOUGH AND THE  
JELLO'S JIGGLIN, LLC**

**Date of Hearing: May 11, 2017  
Time of Hearing: 9:30AM**

23 Plaintiff MARCO SASSONE ("Sassone"), by and through counsel, Dominic P. Gentile,  
24 Esq., Clyde DeWitt, Esq., and Lauren E. Paglini, Esq., of the law firm of Gentile Cristalli Miller  
25 Armeni Savarese, hereby files this Opposition to Defendant Darrell T. Coker's Special Motion to  
26 Dismiss Plaintiff Sassone's Complaint Pursuant to NRS 41.660 and to the joinder thereto by  
27 Defendants Darryl McCullough and The Jello's Jigglin, LLC (collectively, the "Subject  
28 Motion").

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This Opposition is made and based on the following:

- 1. The Memorandum of Points and Authorities that follows;
- 2. The Declaration of Plaintiff Marco Sassone, (“Sassone Dec”), a true and correct copy of which is appended hereto and incorporated herein as **Exhibit 1**;
- 3. The Declaration of Collin Clark (“Clark Dec”), a true and correct copy of which is appended hereto and incorporated herein as **Exhibit 2**;
- 4. The Declaration of Jelena Popovic (“Popovic Dec”), a true and correct copy of which is appended hereto and incorporated herein as **Exhibit 3**;
- 5. The Declaration of Diane Menniger (“Menniger Dec”), a true and correct copy of which is appended hereto and incorporated herein as **Exhibit 4**;
- 6. The Declaration of Sarah Burton (“Burton Dec”), a true and correct copy of which is appended hereto and incorporated herein as **Exhibit 5**;
- 7. The Declaration of Donald Dibble (“Dibble Dec”), a true and correct copy of which is appended hereto and incorporated herein as **Exhibit 6**;
- 8. The papers and pleadings already on file herein; and
- 9. Any evidence and argument that may be presented at the hearing on the subject motion.

Dated this 10<sup>th</sup> day of April, 2017.

GENTILE CRISTALLI  
MILLER ARMENI SAVARESE

*/s/ Lauren E. Paglini*

---

DOMINIC P. GENTILE  
Nevada Bar No. 1923  
CLYDE DEWITT  
Nevada Bar No. 9791  
LAUREN E. PAGLINI  
Nevada Bar No. 14254  
410 S. Rampart Blvd., Suite 420  
Las Vegas, Nevada 89145  
Tel: (702) 880-0000  
Attorneys for Plaintiff Marco Sassone

///  
///

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **BACKGROUND**

4 Relevant to the Subject Motion, the following occurred:

5 October 3, 2016 – The operative complaint in this case, Plaintiff’s First Amended  
6 Complaint (the “Complaint”), was filed.

7 November 28, 2016 – Service of the Complaint was accomplished with respect to  
8 Defendant The Jello’s Jigglin, LLC by process server. <sup>1</sup>

9 November 30, 2016 – Service of the Complaint was accomplished with respect to  
10 Defendant Darryl McCullough by process server. <sup>2</sup>

11 January 3, 2017 – Defendant Darrell T. Coker (“Defendant Coker”) accepted service of  
12 the Complaint.

13 March 16, 2017 – Defendant Darrell T. Coker files his Special Motion to Dismiss  
14 Plaintiff Sassone’s Complaint Pursuant to NRS 41.660.

15 March 23, 2017 – Defendants Darryl McCullough and The Jello’s Jigglin, LLC filed their  
16 joinder thereto.

17 Defendant Coker is a serial criminal. Given his Florida conviction, his wheelhouse  
18 apparently is art fraud.<sup>3</sup> Apparently his punishment for his Florida transgressions did not result  
19 in the deterrent effect for which criminal punishment is intended because, after his conviction, he  
20 re-entered the art-fraud industry, a component of which severely damaged Plaintiff Sassone in  
21 this case.

22 Plaintiff Sassone is a highly regarded artist. What Defendant Coker did was to obtain a  
23 copy of a coffee-table book of Mr. Sassone’s art works, make cheap, counterfeit copies of it and  
24 then hawk them on the Internet as authentic lithographs of Mr. Sassone’s – replete with bogus  
25 certificates of authenticity.

26 \_\_\_\_\_  
27 <sup>1</sup> Proof of service was filed December 2, 2016.

28 <sup>2</sup> Proof of service was filed December 2, 2016.

<sup>3</sup> See Exhibit 6 (establishing Coker’s prior conviction for art fraud).

1 Defendant Coker now makes the absurd contention that his free-speech rights somehow  
2 have been compromised by Plaintiff Sassone's lawsuit, which was brought to enforce his right to  
3 claim damages to his reputation and the value of his art as a consequence of Defendant Coker's  
4 gang's transgressions. The claim is totally baseless.

5 To deter this kind of abuse of the anti-SLAPP statute the obviously impelled the Nevada  
6 Legislature to include a provision that allows a plaintiff that is a victim of a frivolous anti-  
7 SLAPP motion to recover damages and attorneys' fees against the offending defendant. The  
8 Subject motion is the paradigm of the reason for that provision.

9 The Subject Motion is no more meritorious than an anti-SLAPP motion challenging a  
10 personal injury action arising from an auto accident. Nevada's SLAPP statutes mandates that the  
11 defendant be ordered to pay attorneys' fees, costs and damages as punishment for this absurd  
12 motion.

## 13 II.

### 14 LEGAL ANALYSIS

#### 15 *A. Plaintiff's Complaint*

16 Having first attempted to convolute the complaint into one for copyright infringement,  
17 Defendant Coker now attempts to twist it into a SLAPP suit. It is neither.

18 There are three remaining claims for relief in the Complaint: 4

- 19 1. First Claim for Relief, violation of Nevada's Deceptive Trade Practices law, NEV.  
20 REV. STAT. § 598.0915;
- 21 2. Third Claim for Relief, violation of Nevada's anti-racketeering law, NEV. REV. STAT.  
22 § 207.400(1)(c)(1-2); and
- 23 3. Fourth Claim for Relief, violation of Nevada's anti-racketeering law, NEV. REV.

24 \_\_\_\_\_  
25 4 The remainder, the Third and Fifth claims were dismissed in federal court, long before the Subject Motion was  
26 filed and therefore are not relevant to it. The dismissal appears in the docket of this case in the United States District  
27 Court, ECF Docket Document No. 7, filed January 20, 2017, and ECF Docket Document No. \_\_, filed February \_\_,  
28 2017, a true and correct copy of which is appended hereto and incorporated herein as Exhibit 7-8, respectively.  
Accordingly, those claims are not subject to an anti-SLAPP claim. *S.B. Beach Properties v. Berti*, 39 Cal.4th 374,  
46 Cal.Rptr.3d 380, 138 P.3d 713 (2006); *Chambers v. Miller*, 140 Cal.App.4th 821, 44 Cal.Rptr.3d 777 (4th Dist.  
2006).



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STAT. § 207.400(1)(j).

The trigger for each of these claims is Defendant Coker’s art-fraud scam. It is incongruous about claiming that art-fraud scams are protected by a right to free speech.

**A. The Anti-SLAPP Framework for Analysis**

“Under Nevada’s anti-SLAPP statutes, a defendant may file a special motion to dismiss if the defendant can show ‘by a preponderance of the evidence, that the claim is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern.’ If a defendant makes this initial showing, the burden shifts to the plaintiff to show ‘with prima facie evidence a probability of prevailing on the claim.’”

*Shapiro v. Welt*, 389 P.3d 262, 267 (Nev. 2017) (citations omitted), citing NEV. REV. STAT. § 41.660(3)(a)-(b). Importantly, in a footnote, the court explained an important change in the second phase of the analysis:

“We note that a previous version of the statute was in effect at the time of these proceedings [that the court was reviewing]. See 2013 Nev. Stat., ch. 176, § 3(3)(b), at 623-24. NRS 41.660(3)(b) was amended by the 2015 Legislature, and the ‘established by clear and convincing evidence’ standard has changed to ‘demonstrated with prima facie evidence.’ Here, because these proceedings began prior to the 2015 legislative change, the ‘clear and convincing evidence’ standard is proper.” 389 P.3d at 267, n.2.

Notably, *Shapiro* is the only the Nevada Supreme Court has published since the amendment of the statute it cited; and there are only two other published Nevada Supreme Court decisions addressing SLAPP issues at all. *Stubbs v. Strickland*, 297 P.3d 326 (Nev. 2009) and *John v. Douglas County School Dist.*, 125 Nev. 746, 219 P.3d 1276 (2009). Accordingly, courts often look to California cases because of the similarity of California’s anti-SLAPP statute.

**B. This is Not a SLAPP Suit**

“WHETHER THE DEFENDANT CAN SHOW BY A PREPONDERANCE OF THE EVIDENCE, THAT THE CLAIM IS BASED UPON A GOOD FAITH COMMUNICATION IN FURTHERANCE OF THE RIGHT TO PETITION OR THE RIGHT TO FREE SPEECH IN DIRECT CONNECTION WITH AN ISSUE OF PUBLIC CONCERN.”

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1  
2 “Generally, a SLAPP suit is a meritless lawsuit *that a party initiates primarily to chill a*  
3 *defendant’s exercise of his or her First Amendment free speech rights.*” *Stubbs v. Strickland,*  
4 *supra*, 297 P.3d at 329, citing *John v. Douglas County School District, supra*, 219 P.3d at 1280  
5 (emphasis added.).

6 This case was hardly initiated to chill anyone’s First Amendment free speech rights. The  
7 reason that this lawsuit was filed was to stop the defendants from injuring Plaintiff Sassone’s  
8 reputation and reducing the value of his artwork by flooding the market with cheap counterfeits.

9 If the defendants copied Plaintiff Sassone’s works and sold the copies while disclosing  
10 them as such, none of Plaintiff’s three claims for relief would stand. Where the defendants went  
11 wrong was in promoting these worthless copies as originals, complete with bogus certificates of  
12 authenticity. *It makes no difference who copied the artworks.* In fact, the serigraphs were  
13 copied into a monograph book, which copies, in turn, were copied and sold by the Defendants as  
14 originals.

15 When analyzing a complaint to determine whether it triggers the anti-SLAPP statute,  
16 courts do not look at isolated allegations in the complaint not related to its gravamen, which is  
17 what the defendants are attempting to accomplish.

18 “Protected speech is not the gravamen or principal thrust of the claims  
19 asserted in Plaintiffs’ complaint. [The defendant’s] commercial speech, although  
20 mentioned in the complaint, is largely unrelated to and entirely distinct from the  
21 wrongful, injury-causing conduct by [the defendant] on which Plaintiffs’ claims  
22 are premised. An examination of each of the pleaded theories of liability  
23 illustrates that the principal acts or omissions on which each cause of action is  
24 founded are independent from collateral acts by [the defendant] involving  
25 commercial speech. For example, a claim for product liability, as asserted by  
26 Plaintiffs’ third cause of action, is based on showing [the defendant]  
27 manufactured or sold a product for use or consumption, the product reached  
28 [Plaintiff] without substantial change in its condition, the product was used in the  
intended or reasonably foreseeable manner, and Plaintiffs were injured as the  
result of a defect in the product that rendered the product unsafe for its intended  
use. [The defendant] cites no authority holding the First Amendment protects the  
manufacturer or seller of an unsafe product from liability for injuries caused by  
defects in that product, and we decline to extend the anti-SLAPP statute to a  
product liability claim merely because the complaint also alleges the manufacturer  
or seller engaged in commercial speech to market the product.”

1 *Martinez v. Metabolife Intern., Inc.*, 113 Cal.App.4th 181, 188, 6 Cal. Rptr. 3d 494 (1st  
2 Dist. 2003), citing *Kajima Engineering & Construction, Inc. v. City of Los Angeles*, 95  
3 Cal. App. 4th 921, 931, 116 Cal. Rptr. 2d 187 (2d Dist. 2002) (holding that where claims  
4 seek to impose liability based on unprotected conduct, collateral references to additional  
5 protected conduct do not make claims subject to anti-SLAPP treatment.); *see also*  
6 *ComputerXpress, Inc. v. Jackson*, 93 Cal. App. 4th 993, 1001, 113 Cal.Rptr.2d 625 (4th  
7 Dist. 2001) (same).

8 The gravamen of this case is Defendants' counterfeit art scam. The fact that paintings  
9 can be protectable under the copyright laws has nothing to do with this case. If the defendants  
10 were selling counterfeit Craftsman tools, Craftsman would have precisely the same remedies that  
11 Plaintiff Sassone is claiming here, although tools are hardly subject to copyright protection. The  
12 fact that paintings can be subject to copyright protection has nothing to do with Plaintiff  
13 Sassone's claims here.

14 In these circumstances, California courts have explained that when a complaint's  
15 allegations do not fall readily into one of the four categories enunciated in its parallel anti-  
16 SLAPP law, CAL. C. CIV. PROC. § 425.16, subdivision (e), courts look to the "principal thrust" or  
17 "gravamen" of the plaintiff's action to determine whether a cause of action is subject to the anti-  
18 SLAPP statute. *See City of Cotati v. Cashman*, 29 Cal. 4th 69, 79, 124 Cal. Rptr. 2d 519, 52  
19 P.3d 695 (2002); *Haight Ashbury Free Clinics, Inc. v. Happening House Ventures*, 184 Cal. App.  
20 4th 1539, 1550-51, 110 Cal. Rptr. 3d 129 (1st Dist. 2010); *Renewable Resources Coalition, Inc.*  
21 *v. Pebble Mines Corporation*, 218 Cal. App. 4th 384, 396-97, 159 Cal. Rptr. 3d 901 (2d Dist.  
22 2013).

23 The Ninth Circuit has adopted a "but for" approach to determining the gravamen of  
24 plaintiff's claim, explaining that a claim based on a trademark application was within the scope  
25 of the anti-SLAPP statute because "[b]ut for the trademark application, [plaintiff] would have no  
26 reason to sue [defendant]." *Mindys Cosmetics, Inc. v. Dakar*, 611 F.3d 590, 598 (9th Cir. 2010).  
27 In contrast, if the plaintiff's action is not based on the defendant's constitutionally protected  
28 activity, then the anti-SLAPP statute is not available. *Haight Ashbury Free Clinics, Inc. v.*

1 *Happening House Ventures*, 184 Cal. App. 4th 1539, 1550, 110 Cal. Rptr. 3d 129 (1st Dist.  
2 2010).

3 Here, there is no constitutionally protected activity that but for which this action would  
4 not be viable. Had Defendant Coker purchased the cheap copies of the prints from the plaintiff,  
5 the claims would stand. And the only other thing alleged in the complaint that would raise an  
6 issue of constitutional protection is the commercial speech; and as explained below, fraudulent  
7 commercial speech, which is all that there was, is not protected by the First Amendment.

8 For example, the anti-SLAPP statute was not available in a lawyer misconduct action  
9 because the principal thrust of the defendant's alleged misconduct was "the acceptance by [the  
10 law firm] of representation adverse to [the former client]." Because the underlying litigation  
11 matters involving the law firm were substantially related, the firm's disqualification was  
12 "automatic," the "reference to [the law firm's] protected activity is only incidental to the  
13 principal thrust of the complaint." *U.S. Fire Ins. Co. v. Sheppard, Mullin, Richter & Hampton*,  
14 171 Cal. App. 4th 1617, 1628, 90 Cal. Rptr. 3d 669 (1st Dist. 2009). See also *McConnell v.*  
15 *Innovative Artists Talent and Literary Agency, Inc.*, 175 Cal. App. 4th 169, 178, 96 Cal.  
16 Rptr. 3d 1 (2d Dist. 2009) ("The fact that [the] "modifications" [to defendants'] job duties were  
17 reduced to writing does not convert them from conduct affecting the conditions of employment  
18 to free speech activities," so the anti-SLAPP statute did not apply to the plaintiff's retaliation and  
19 wrongful termination causes of action.); see also *Old Republic Construction Program Group v.*  
20 *Boccardo Law Firm, Inc.*, 230 Cal. App. 4th 859, 869, 179 Cal. Rptr. 3d 129 (6th Dist. 2014)  
21 ("A cause of action can only be said to arise from protected conduct if it alleges that at least one  
22 wrongful act—conduct allegedly breaching a duty and thereby injuring the plaintiff—that falls  
23 within the act's definition of protected conduct.").

24 The language of the *Old Republic* case is particularly relevant here. Assuming that  
25 Defendant Coker copied the artwork in violation of the Copyright Act, it would not be a  
26 wrongful act giving rise to liability under Plaintiff Sassone's claims.

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*ii.*

In determining whether a defendant’s claims arise from protected petitioning and speech activities, a court does not consider the legitimacy of the plaintiff’s claims. *Coretronic Corp. v. Cozen O’Connor*, 192 Cal. App. 4th 1381, 1388, 121 Cal. Rptr. 3d 254 (2d Dist. 2011); *City of Costa Mesa v. D’Alessio Investments, LLC*, 214 Cal. App. 4th 358, 371, 154 Cal. Rptr. 3d 698, 709 (4th Dist. 2013); *Malin v. Singer*, 217 Cal. App. 4th 1283, 159 Cal. Rptr. 3d 292 (2d Dist. 2013); *Gerbosi v. Gains, Weil, West & Epstein, LLP*, 193 Cal. App. 4th 435, 446, 122 Cal. Rptr. 3d 73 (2d Dist. 2011).

*iii.*

The right to file an anti-SLAPP motion is triggered only when “an action is brought against a person based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern.”

Obviously, the “right to petition” is not in play here; and the motion does not claim as much. Thus, the issue is whether the action is “based upon a [1] good faith communication [2] in furtherance of . . . the right to free speech [3] in direct connection with an issue of public concern.”

*a. Based Upon Good Faith Communication?*

The only communication upon which this is based consists of deceptive advertising and fraud. It makes no difference to this action whether the paintings were legally or illegally copied or by whom. Indeed, Plaintiff Sassone does not seek to stop the defendants from copying his artwork. If he did, this would be a copyright infringement suit filed in federal court.

The issue simply amounts to this: How can a lie be a “good faith” communication? The question answers itself.

For that reason, our Supreme Court has specifically addressed this:

“We take this opportunity to adopt California’s guiding principles, as enunciated in *Piping Rock Partners*, for determining whether an issue is of public interest under NRS 41.637(4). If a court determines the issue is of public interest, it must next determine whether the communication was made ‘in a place open to the public or in a public forum.’ NRS 41.637. **Finally, no communication falls within the purview of NRS 41.660 unless it is ‘truthful or is made without knowledge of its falsehood.’**”

1 *Shapiro v. Welt*, 389 P.3d, 262 (Nev. 2017).

2 This begs the question: Where is there a relevant allegation in the complaint of a truthful  
3 statement?

4 ***b. In Furtherance of the Right to Free Speech?***

5 The speech that this case is all about is advertising – and false advertising, at that, of  
6 copies of Plaintiff Sassone’s artwork.

7 Speech is “commercial” if it does “no more than propose a commercial transaction.” *Va.*  
8 *State Bd. of Pharmacy v. Va. Citizens Consumer Council, Inc.*, 425 U.S. 748, 762, 96 S.Ct. 1817,  
9 48 L.Ed.2d 346 (1976). And that is all that the subject speech did, proposed sales of cheap  
10 counterfeit copies of Mr. Sassone’s artwork.

11 “Regulations of commercial speech are evaluated under the four-part test outlined in  
12 *Central Hudson Gas & Electric Corporation v. Public Service Commission of New York*, 447  
13 U.S. 557, 100 S.Ct. 2343, 65 L.Ed.2d 341 (1980). First, commercial speech receives First  
14 Amendment protection if it ‘concern[s] lawful activity’ and is not ‘misleading.’ *Id.* at 566, 100  
15 S.Ct. 2343; *see also Crazy Ely Western Village, LLC v. City of Las Vegas*, 618 Fed.Appx. 904  
16 (9th Cir. 2015).

17 That the defendants’ hawking of the counterfeit artwork was “lawful” is doubtful to say  
18 the least. In fact, Plaintiff’s two RICO claims are based upon the fact that the defendants were  
19 engaged in criminal activity. Moreover, the advertising that is the subject of this action all was  
20 misleading. The artwork was not original, as claimed; it was not signed by Plaintiff Sassone, as  
21 claimed; and the certificates of authenticity each constituted a downright lie.

22 ***c. In Direct Connection with an Issue of Public Concern?***

23 California’s anti-SLAPP statute employs the language “in connection with a public issue”  
24 rather than Nevada’s “in direct connection with an issue of public concern” language, which on  
25 its face is more limiting.

26 “Although California’s anti-SLAPP law provides no definition of ‘an issue  
27 of public interest,’ courts have established guiding principles for what  
distinguishes a public interest from a private one:

28 “(1) ‘public interest’ does not equate with mere curiosity;

“(2) a matter of public interest should be something of concern to a

1 substantial number of people; a matter of concern to a speaker and a relatively  
2 small specific audience is not a matter of public interest;

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

6 “(4) the focus of the speaker’s conduct should be the public interest rather  
7 than a mere effort to gather ammunition for another round of private controversy;  
8 and

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

11 *Piping Rock Partners, Inc. v. David Lerner Associates, Inc.*, 946 F.Supp.2d 957, 968 (N.D. Cal.  
12 2003), citing *Weinberg v. Feisel*, 110 Cal. App. 4th 1122, 1132-33, 2 Cal. Rptr. 3d 385 (2003)  
13 (collecting cases.).

14 The Nevada Supreme Court expressly adopted this test as applicable to the Nevada  
15 statute. *Shapiro v. Welt*, 389 P.3d 262, 268 (Nev. 2017).

16 *Consumer Justice Center v. Trimedica International, Inc.*, 107 Cal. App. 4th 595, 602,  
17 132 Cal. Rptr. 2d 191 (4th Dist. 2003) (“The stated intent of the anti-SLAPP statute is ‘to  
18 encourage continued participation in matters of public significance.’ No logical interpretation of  
19 this statement suggests that ‘matters of public significance’ include specific advertising  
20 statements about a particular commercial product, absent facts which truly make that product a  
21 matter of genuine public interest . . .”).

22 *MCSi, Inc. v. Woods*, 290 F. Supp. 2d 1030, 1034 (N.D. Cal. 2003) (as commercial  
23 speech, Woods’ postings are not a matter of public interest.).

24 It can hardly be said that the sale of counterfeit artwork is a matter of public concern.

### 25 ***The Inquiry Ends Here***

26 If the defendant fails in its burden to establish that the suit is subject to the anti-  
27 SLAPP, the inquiry ends. “If a defendant makes this initial showing, the burden shifts to  
28 the plaintiff to show ‘with prima facie evidence a probability of prevailing on the claim.’”  
*Shapiro v. Welt*, 389 P.3d 262, 267 (Nev. 2017) (citations omitted), citing NEV. REV.  
STAT. § 41.660(3)(a)-(b). The defendants here plainly have failed to make such the initial  
showing that the suit is subject to the anti-SLAPP statute. Nothing further need be  
considered.

1 **C. The Evidence is Overwhelming that Plaintiff Will Prevail**

2 IF A DEFENDANT MAKES THIS INITIAL SHOWING, THE BURDEN SHIFTS TO THE  
3 PLAINTIFF TO SHOW WITH PRIMA FACIE EVIDENCE A PROBABILITY OF  
4 PREVAILING ON THE CLAIM.

5 Nevada’s lawmakers have made very clear with respect to what is required in the event  
6 that the defendant meets its burden to establish that the action is covered by the anti-SLAPP law:

7 “The Legislature finds and declares that: . . . 2. When a plaintiff must  
8 demonstrate a probability of success of prevailing on a claim pursuant to NRS  
9 41.660, the Legislature intends that in determining whether the plaintiff ‘has  
10 demonstrated with prima facie evidence a probability of prevailing on the claim’  
11 the plaintiff must meet the same burden of proof that a plaintiff has been required  
12 to meet pursuant to California’s anti-Strategic Lawsuits Against Public  
13 Participation law as of the effective date of this act.”

14 2015 Nevada Laws Ch. 428 (S.B. 444).

15 California courts have issued a series of decisions defining what the plaintiff’s burden  
16 here amounts to:

17 “Reasonable probability . . . requires only a minimum level of legal sufficiency  
18 and triability. *Mindys Cosmetics, Inc. v. Dakar*, 611 F.3d 590, 598 (9th Cir. 2010)  
19 (quoting *Linder v. Thrifty Oil Co.*, 23 Cal.4th 429, 97 Cal.Rptr.2d 179, 2 P.3d 27,  
20 33 n.5 (2000)). A plaintiff must state and substantiate a legally sufficient claim,  
21 *id.* at 598-99, based on the pleadings, and supporting and opposing affidavits  
22 stating the facts upon which the liability or defense is based, CAL. CIV. PROC.  
23 CODE § 425.16(b)(2). Put another way, the plaintiff must demonstrate that the  
24 complaint is both legally sufficient and supported by a sufficient prima facie  
25 showing of facts to sustain a favorable judgment if the evidence submitted by the  
26 plaintiff is credited. *Mindys Cosmetics*, 611 F.3d at 599 (quoting *Wilson v.*  
27 *Parker, Covert & Chidester*, 28 Cal.4th 811, 123 Cal.Rptr.2d 19, 50 P.3d 733,  
28 739 (2002)). “[T]he required probability that [the plaintiffs] will prevail need not  
be high.”

*Hilton v. Hallmark Cards*, 599 F.3d 894, 908 (9th Cir.2010).

Plaintiff here easily can meet that burden.

1. **First Claim for Relief – Deceptive Trade Practices**

Our Deceptive Trade Practice law defines in NEV. REV. STAT. § 589.0915 to include,  
inter alia, the following if the defendant:

“1. Knowingly passes off goods or services for sale or lease as those of another



1 person.” That is alleged in Paragraph 46 of the Complaint.<sup>s</sup>

2 “2. Knowingly makes a false representation as to the source, sponsorship, approval or  
3 certification of goods or services for sale or lease.” That is alleged in Paragraph 47-49 of the  
4 Complaint.

5 “8. Disparages the goods, services or business of another person by false or misleading  
6 representation of fact.” That is alleged in Paragraph 50 of the Complaint.”

7 The declarations of Collin Clark, Jelena Popovic, Diane Menniger, and Sarah Burton,  
8 each filed herewith, each attest to purchasing a counterfeit copies of Plaintiff Sassone’s artwork  
9 claimed to be original. The declarations speak for themselves. Each of those was shipped from  
10 the Postal Annex, owned by Defendant Jello’s Jiggin, LLC and operated by Defendant Darryl  
11 McCullough.

12 A victim of a deceptive trade practice may recover upon a showing by a preponderance  
13 of the evidence of the violation. *Betsinger v. D.R. Horton, Inc.*, 126 Nev. 162 232 P.3d 433  
14 (2010). The showing here is more than sufficient.

15 **2. Third and Fourth Claims for Relief – Nevada RICO.**

16 Nevada’s RICO (Racketeer Influenced and Corrupt Organizations) Act, NEV. REV. STAT.  
17 §§ 207.350-207.520, provides a civil remedy, § 207.470, for exactly the kind of mischief in  
18 which the defendants engaged:

19 “To state a claim under Nevada’s RICO statute, a plaintiff must allege that  
20 the defendant ‘engag[ed] in at least two crimes related to racketeering that have  
21 the same or similar pattern, intents, results, accomplices, victims or methods of  
22 commission, or are otherwise interrelated by distinguishing characteristics and are  
23 not isolated incidents . . . .’ NEV. REV. STAT. § 207.390. A plaintiff must plead  
24 the two crimes relating to racketeering with specificity. *Hale v. Burkhardt*, 104  
25 Nev. 632, 764 P.2d 866, 869-70 (1988). A ‘crime relating to racketeering’ or  
26 predicate act includes “obtaining possession of money or property valued at \$250  
27 or more . . . by means of false pretenses” as well as “[a]ny violation of NRS  
90.570” prohibiting fraud, deceit, and materially false or misleading statements  
“in connection with the offer to sell, sale, offer to purchase or purchase of a  
security . . . .” NEV. REV. STAT. § 207.360. To attain standing, a plaintiff must  
allege injury that flowed from the violation of a predicate RICO act. *See Allum v.*  
*Valley Bank of Nev.*, 109 Nev. 280, 849 P.2d 297, 299 (1993). However, a  
plaintiff is not required to allege any injury separate and distinct from the harm

28 <sup>s</sup> This refers to the operative complaint in this case. the First Amended Complaint, filed October 3, 2016.

1 caused by the predicate acts themselves. *Hale*, 764 P.2d at 868.”

2 *Brown v. Kinross Gold, U.S.A.*, 378 F. Supp. 2d 1280, 1287, (D. Nev. 2005).

3 Plaintiff Sassone’s Complaint and supporting declarations are more than adequate to  
4 establish what the case law requires. *See generally* Exhibits 1-6.

5 As elaborated in the attached declarations, Plaintiff Sassone discovered that his works  
6 were being advertised on various websites as “original signed lithography by artist Marco  
7 Sassone.” *See* Exhibit 1. As an artist who has neither produced nor sold lithographs, it was clear  
8 to Plaintiff Sassone that the purported lithographs were counterfeit. *Id.*

9 After the alarming discovery of counterfeit items, Plaintiff Sassone located a catalogue of  
10 past sales on *ICollector.com* and found **countless** past sales of the counterfeits advertised as  
11 “original signed lithograph by artist Marco Sassone.” *Id.* (emphasis added). Plaintiff Sassone  
12 thereby contacted four (4) of his close friends and requested that they visit the websites/auction  
13 houses offering his counterfeit works and place bids on the works advertised as Plaintiff  
14 Sassone’s original lithographs. *See* Exhibits 1-5. Upon reviewing and bidding on the advertised  
15 lithographs, Plaintiff Sassone learned that Defendants Coker, McCullough, and Jello’s Jigglin,  
16 LLC were associated with these various auction houses. 6

17 Immediately upon placing low bids, consumers were shocked to find that their bids were  
18 almost immediately accepted. *See* Exhibits 2-5. After bids were accepted, consumers made their  
19 payments through to various different merchants such as “Art and Jewelry Auction House.” 7 *Id.*  
20 Sarah Burton-Sousa, for example, placed a bid on an item titled “View from Avalon” that was  
21 advertised as an “Original Signed lithograph by Artist Marco Sassone”; once her bid was  
22

23 6 For example, customer Diane Nelson-Menninger visited *icollector.com* who listed “Fine Art Online Auctions” as  
24 the auction house selling the counterfeit lithographs; this auction house is located in Denver, Colorado. *See* Exhibit  
25 4. “Fine Art Online Auctions” listed the address of the auction house as 1300 W. Colfax Avenue, Denver, Colorado,  
26 80204. *See* Exhibit 4. A search of the Colorado Secretary of State records, however, contain an **alternate** mailing  
27 address of 6130 W. Flamingo Rd., Las Vegas, Nevada. This is the address of Defendant Jello’s Jigglin, LLC, d/b/a  
28 Postal Annex. *See* Colorado Secretary of State Summary, Fine Art Online Auctions, LLC, a true and correct copy of  
which is appended hereto and incorporated herein as **Exhibit 11**, compare with Exhibit 3 ¶ 11 “...the shipper was  
identified as Darryl McCullough, Postal Annex, 6130 W. Flamingo Rd., Las Vegas, NV.”

7 Art and Jewelry Auction House is a Nevada based business operated in the name of Defendant Darrell T. Coker.  
*See* Secretary of State for Art and Jewelry Auction House, a true and correct copy of which is appended hereto and  
incorporated herein as **Exhibit 9**.

1 accepted for the counterfeit lithograph by “Wholesale Art Auctions,” she made payment to “Art  
2 and Jewelry Auction House”—the business operated in the name of Defendant Coker. *See*  
3 Exhibits 5, 9. Upon making payments for the items, consumers were provided shipment and  
4 tracking information from Defendants McCullough and Jello’s Jiggin. *See* Exhibits 2-5.  
5 Specifically, some consumers received emails *directly* from Defendant McCullough confirming  
6 the shipment information including the tracking number. *See* Exhibit 2. The emails from  
7 Defendant McCullough were accompanied by the logo of “Postal Annex,” Defendant Jello’s  
8 Jiggin, LLC’s company. *Id.* Additionally, some consumers even received commercial invoices  
9 from FedEx that listed the “exporter” of the package as Defendant McCullough. *See* Exhibit 5.

10 When consumers finally received the prints, they found that the prints were not in fact  
11 lithographs, but instead were poorly produced, cheap posters. *See* Exhibit 2. In addition to the  
12 counterfeit posters, consumers received a counterfeit *purported* “Certificate of Authenticity.” *See*  
13 Exhibits 2-5. These *purported* certificates detailed Plaintiff Sassone’s biography and allegedly  
14 authenticated the cheap posters as original works of Plaintiff Sassone. *See id.*

15 When the lithographs arrived, the items had Plaintiff Sassone’s forged signature affixed  
16 to the lower right-hand corner. *See id.* Again, Plaintiff Sassone has neither produced nor sold  
17 lithographs. *See* Exhibit 1. Therefore, it is clear that any item in which is advertised as an  
18 “original signed lithography by artist Marco Sassone,” that bears a signature of Plaintiff Sassone  
19 is counterfeit. *Id.*

20 At this point, there is no debate regarding Defendant Coker’s involvement in the  
21 fraudulent enterprise. In fact, Defendant Coker admitted to both copying and disseminating the  
22 counterfeit works in his Subject Motion.<sup>8</sup> The contention, rather, is whether this conduct is  
23 fraudulent, and whether Plaintiff Sassone has demonstrated a prima facie showing of Nevada’s  
24 Deceptive Trade Practice and RICO statutes.

25 Plaintiff Sassone’s Complaint alleged that Defendants violated Nevada RICO statute by:  
26 (1) engaging in multiple transactions involving fraud or deceit in the course of an enterprise or

27  
28 <sup>8</sup> “Mr. Coker was thus free to copy and disseminate these works, and create derivative works from there... **There is thus nothing false about his conduct.**” *See* Subject Motion, p. 10 (emphasis added).

1 occupation in violation of NRS § 205.377; (2) forgery in violation of NRS § 205.090; and (3)  
2 obtaining possession of money or property valued at \$650 or more by false pretenses in violation  
3 of NRS § 205.380. *See* Amended Complaint, ¶¶ 63, 69. His Complaint further alleges that  
4 Defendants violated Nevada’s RICO statute when they: (1) created fake lithographs of Sassone’s  
5 Works’; (2) created various websites and auction houses advertising the Lithographs as  
6 Sassone’s original Lithograph Works through the auction houses; (3) forged Sassone’s signature  
7 on the lithographs; and (4) sold the sham lithographs to customers online through their various  
8 auction houses. *See* Amended Complaint, ¶¶ 62, 68.

9 This opposition and supporting declarations clearly demonstrate that Defendants Coker,  
10 McCullough, and Jello’s Jiggin created and facilitated a long-standing *fraudulent* enterprise  
11 producing, advertising, and selling counterfeit posters as Plaintiff Sassone original lithographs.  
12 Plaintiff Sassone’s Complaint alleges and this Opposition and supporting declarations establish a  
13 prima facie case that Defendants Coker, McCullough and Jello’s Jiggin violated Nevada’s  
14 Deceptive Trade Practice and RICO statutes.

15 Plaintiff Sassone has demonstrated that his “complaint is legally sufficient and supported  
16 by a sufficient prima facie showing of facts to sustain a favorable judgment.” *Hilton*, 599 F.3d at  
17 908. This Court should therefore deny the Subject Motion in its entirety.

18 ***D. The Court Is Required to Award Attorneys’ Fees in Favor of Plaintiff***

19 Nevada’s Anti-SLAPP law serves a noble purpose. However, like many statutory rights,  
20 it brings with it the potential for abuse, for which this motion is a poster child.

21 Defendant Coker’s anti-SLAPP motion, with which Defendants Darryl McCullough and  
22 The Jello’s Jiggin, LLC join is a scatter-gun effort to impede the orderly proceeding of this  
23 action, as was their frivolous removal to federal court. (The case was unceremoniously  
24 remanded for the obvious reason that all defendants failed to join.)

25 NEV. REV. STAT. § 41.670(2) (emphasis added) provides:

26 “If the court denies a special motion to dismiss filed pursuant to NRS  
27 41.660 and finds that the motion was frivolous or vexatious, the court *shall* award  
28 to the prevailing party reasonable costs and attorney’s fees incurred in responding  
to the motion.”

1           Begin with the pattern: It started when Defendant Coker removed the case to federal  
2 court, which Judge Gordon summarily rejected, remanding the case to this court.<sup>9</sup> The second is  
3 this anti-SLAPP motion. Presumably, the third will be that some defendant will file a Chapter 11  
4 bankruptcy. That is a typical pattern of lawsuit obstruction.

5           Consider some of the claims in the motion:

6           1.       “The public has a right to and significant interest in widespread access to creative  
7 works.” (Motion at 6). To be sure, this is true. But a public interest in fraudulent activities does  
8 not exist. The gravamen of this action is the defendant’s conspiracy to defraud the public by  
9 misrepresenting cheap copies of Mr. Sassone’s artwork as original and authentic.

10          2.       “Whenever a plaintiff asserts copyright protection, he should do so within the  
11 confines of the Copyright Act; to do otherwise is cuts [*sic*] against the values of free expression,  
12 which the Anti-SLAPP statute stands to protect.” (Motion at 7). As explained above, the  
13 defendants’ attempt to characterize this case as sounding in copyright is absurd.

14          3.       “A robust public domain also helps to benefit creators of artistic works.” (Motion  
15 at 8). True enough. But is it beneficial to fraudulently claim that a cheap copy of an artistic  
16 work is an authentic original?

17          4.       “Despite the public interest in a robust public domain, Plaintiff is attempting to  
18 restrict the dissemination of artistic works beyond what would be permissible under the ‘clear’  
19 and ‘limited’ rights delineated by the Copyright Act.” (Motion at 8). The Copyright Act has  
20 nothing to do with this case. Nothing in the gravamen of the complaint plays off any claim that  
21 the copies of the artwork was illegal. Rather, it is the lying about the originality of the works.

22          5.       “Mr. Coker also engaged in his conduct in good faith . . . .” (Motion at 9). Really?  
23 How can lying to steal money be good faith?

24               The defendant has advanced absurd theories in support of his motion. His counsel should  
25 know better. <sup>10</sup>

26 \_\_\_\_\_  
27 <sup>9</sup> See Order Granting Remand, a true and correct copy of which is appended hereto and incorporated herein as  
28 **Exhibit 10.**

<sup>10</sup> Movant’s counsel, Marc Randazza, Esq. should know better; he almost literally “wrote the book” on anti-SLAPP  
statutes. *E.g.* M. Randazza, *The Need for a Unified and Cohesive National Anti-SLAPP Law*, 91 ORE. L. REV. 627

1 At this juncture, the court need only enter a finding that Plaintiff is entitled to an award of  
2 attorneys' fees. The court should order that, based upon that finding, Plaintiff should file a  
3 motion for attorneys' fees pursuant to NEV. R. CIV. PROC. § 54(d).

4 ***E. The Court Should Award Damages in Favor of Plaintiff***

5 NEV. REV. STAT. § 41.670(3) (emphasis added) provides:

6 "In addition to reasonable costs and attorney's fees awarded pursuant to  
7 subsection 2, the court may award:

- 7 "(a) An amount of up to \$10,000; and
- 8 "(b) Any such additional relief as the court deems proper to punish and  
9 deter the filing of frivolous or vexatious motions."

10 The legislative objective of this statute is obvious; attorneys' fees and cost may not be  
11 enough to deter frivolous and vexatious anti-SLAPP motions like this one. A good analogy is  
12 found in the Copyright Act's allowance for statutory damages, 17 U.S.C. § 504. "Statutory  
13 damages are available in order to effectuate two purposes underlying the remedial provisions of  
14 the Copyright Act: to provide adequate compensation to the copyright holder and to deter  
15 infringement." *Frank Music Corp. v. Metro-Goldwyn-Mayer Inc.*, 886 F.2d 1545, 1554 (9th Cir.  
16 1989). Obviously, the Nevada Legislature's addition of NEV. REV. STAT. § 41.670(3), quoted  
17 above, was intended to provide a deterrent comparable to section 504 of the Copyright Act.

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24 \_\_\_\_\_ (continued)  
25 (2012); M. Randazza, *Nevada Needs A Revised Anti-SLAPP Statute, But The Ninth Circuit Gives Us Some Daylight*,  
26 DIGITAL MEDIA LAW PROJECT (July 9, 2012); M. Randazza, *Nevada's New Anti-SLAPP Law: The Silver State Sets  
27 the Gold Standard*, 21 NEV. LAWYER (October, 2013); M. Randazza, *Nevada's Anti-SLAPP Law Update*, 24 Nev.  
Lawyer 50 (September 2016). Additionally, when it was considering anti-SLAPP legislation, he also wrote a  
substantially detailed letter to the Nevada State Senate on March 28, 2013, urging legislation.

28 <http://www.leg.state.nv.us/Session/77th2013/Exhibits/Senate/JUD/SJUD623D.pdf>

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III.

CONCLUSION

For the foregoing reasons, this Court is compelled to deny the Subject Motion in its entirety; and further find it to be vexatious and frivolous, accordingly finding that Plaintiff is entitled to an award of attorneys' fees and costs, along with \$10,000 damages, jointly and severally against the Defendants who participated in this misadventure.

Dated this 10<sup>th</sup> day of April, 2017.

GENTILE CRISTALLI  
MILLER ARMENI SAVARESE

*/s/ Lauren E. Paglini*

---

DOMINIC P. GENTILE  
Nevada Bar No. 1923  
CLYDE DEWITT  
Nevada Bar No. 9791  
LAUREN E. PAGLINI  
Nevada Bar No. 14254  
410 S. Rampart Blvd., Suite 420  
Las Vegas, Nevada 89145  
Tel: (702) 880-0000  
*Attorneys for Plaintiff Marco Sassone*

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**CERTIFICATE OF SERVICE**

The undersigned, an employee of Gentile Cristalli Miller Armeni Savarese, hereby certifies that on the 10<sup>th</sup> day of April, 2017, she caused to be served, a copy of **PLAINTIFF’S OPPOSITION TO DEFENDANT DARRELL T. COKER’S MOTION TO DISMISS PLAINTIFF SASSONE’S COMPLAINT PURSUANT TO NRS 41.660**, by electronic service in accordance with Administrative Order 14.2, to all interested parties, through the Court’s **Odyssey E-File & Serve**, system addressed to:

John C. Fernandez, Esq.  
Marc J. Randazza, Esq.  
Ronald D. Green, Esq.  
Alex J. Shepard, Esq.  
Randazza Law Group, PLLC  
4035 S. El Capitan Way  
Las Vegas, NV 89147  
Email: [ecf@randazza.com](mailto:ecf@randazza.com)  
Attorneys for Darrell T. Coker

Riley A. Clayton, Esq.  
Hall, Jaffe & Clayton, LLP  
7425 Peak Drive  
Las Vegas, NV 89128  
Email: [RClayton@lawHJC.com](mailto:RClayton@lawHJC.com)  
Attorneys for Defendants  
Darryl McCullough and  
The Jello’s Jigglin, LLC

*/s/ Anna Diallo*

---

An employee of  
GENTILE CRISTALLI  
MILLER ARMENI SAVARESE



# EXHIBIT 1

# EXHIBIT 1

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GENTILE CRISTALLI  
MILLER ARMENI SAVARESE  
DOMINIC P. GENTILE  
Nevada Bar No. 1923  
Email: [dgentile@gcmaslaw.com](mailto:dgentile@gcmaslaw.com)  
CLYDE DEWITT  
Nevada Bar No. 9791  
Email: [clydedewitt@earthlink.net](mailto:clydedewitt@earthlink.net)  
LAUREN E. PAGLINI  
Nevada Bar No. 14254  
Email: [lpaglini@gcmaslaw.com](mailto:lpaglini@gcmaslaw.com)  
410 S. Rampart Blvd., Suite 420  
Las Vegas, NV 89145  
Tel: (702) 880-0000  
Fax: (702) 778-9709  
*Attorneys for Plaintiff Marco Sassone*

DISTRICT COURT  
CLARK COUNTY, NEVADA

MARCO SASSONE,  
Plaintiff,

vs.

DARRELL T. COKER an individual,  
DARRELL R. COKER, an individual,  
RICHARD MORELLO an individual,  
DARRYL MCCULLOUGH an individual,  
AND THE JELLO'S JIGGLIN, LLC d/b/a  
Postal Annex, DOES 1-10, and ROE  
ENTITIES 1-10, inclusive,  
Defendants.

CASE NO. A-16-742853-C  
DEPT. XXXII

DECLARATION OF MARCO SASSONE  
[NEV. REV. STAT. § 53.045]

I, Marco Sassone, hereby declare and state as follows:

1. I am over the age of eighteen (18) years and am mentally competent to testify. If called upon to testify as to the matter herein, I could and would do so. I have, unless otherwise indicated, personal knowledge of the following:
2. I make this Declaration in support of Plaintiff Sassone's Opposition to Defendant Coker's Special Motion to Dismiss Pursuant to NRS 41.660.
3. I am an established, working artist. My income is dependent on selling both my

1 paintings and original prints produced using the art medium of Serigraphy. Serigraphy is a  
2 complex, time consuming, process that produces high quality multiple original prints.

3 4. I have been a working artist since the early 1960's. I have produced a large  
4 volume of work that has, fortunately, afforded me a comfortable living, and is the foundation of  
5 my future income.

6 5. I currently reside in Toronto, Canada where I maintain both a home and art studio.

7 6. I have produced paintings in my native Italy, Southern California, Northern  
8 California, and Canada.

9 7. A significant amount of my work was depicted in a large volume (monograph)  
10 titled "Sassone" written by art historian Donelson F. Hoopes, which was published in 1979 and  
11 1985 by Arti Grafiche. The monograph is still available for sale in the United States. The  
12 monograph is a book in which many images of my work are printed on glossy paper that typifies  
13 commercial art books. The quality does not approach that of a lithograph or a serigraph.

14 8. Although I currently work and reside in Toronto, Ontario, Canada, I am a  
15 naturalized citizen of the United States.

16 9. Serigraphy, sometimes known as screen printing is a procedure for achieving  
17 original multiple prints in color. A serigraph is produced by stretching fabric (such as silk, nylon,  
18 polyester, or organdy) over a rectangular frame, blocking out the fabric where unprinted areas will  
19 be, and then squeegeeing (a plastic or rubber blade in a handle) out or brushing a color (paint or  
20 ink) through the open mesh of the unblocked section of the stretched fabric to produce an image  
21 on paper or another surface underneath. Complex screen prints are created with multiple screens,  
22 each of which has different sections of the art work blocked out (color separations), and each of  
23 which is used with a different single color. The print-in-progress is set to dry after each screen.  
24 Different colors are passed through subsequent screens, creating richly textured multi-tone screen  
25 prints.<sup>1</sup>

26 10. As with many artists who produce them, I create serigraphs in limited numbers.

27 <sup>1</sup> See B. Oliver, EXPANDING ART MARKETS: PRINTS, CERTIFICATES OF AUTHENTICITY, AND ART  
28 LICENSING (2004).

1 Each serigraph has a unique number within a series, such as 5/100, which would indicate that the  
2 particular serigraph is number 5 of a limited edition of 100 prints.

3 11. A lithograph is created by a process called lithography and is unique in that it  
4 does not rely on the physical separation of inked and un-inked areas to produce an image. Rather,  
5 the repellency of grease to water and water to grease is the basis for the lithographic image. On a  
6 piece of limestone or fine-grained metal moistened with water, an image is drawn with a greasy  
7 crayon or stick, and then is etched with a diluted acidic mixture to fix the drawing to the stone and  
8 keep the undrawn areas from receiving the ink. A print is made when a sheet of paper is placed on  
9 the inked stone and pressed against it.<sup>2</sup>

10 12. Like serigraphs, lithographs are generally produced in limited number, with an  
11 indicium of the print number and the number in the series, such as 5/100 as described above.

12 13. A "Numbered Print" means a print of a serigraph or lithograph that is a numbered  
13 as part of a limited series and signed by the artist, such as "Sassone 5/100," which would mean  
14 Numbered Print number 5 in a series of 100. "Numbered Lithograph" means a Numbered Print  
15 that is a lithograph; "Numbered Serigraph" means a Numbered Print that is a serigraph.

16 14. I have never produced or sold lithographs.

17 15. As is the case with all artists of high repute my Numbered Prints are profoundly  
18 more valuable than mere copies of art work, mass produced. That value is increased further by an  
19 accompanying certificate of authenticity.

20 16. A certificate of authenticity in the art realm is a paper authenticating a specific art  
21 work which and is made to demonstrate that the artwork is authentic. Generally speaking, a valid  
22 certificate of authenticity for an artwork will include specific details about the artwork like when  
23 and how it was produced, the names of publisher and studio where the artwork was created; the  
24 work's exact title, and the dimensions of the art. Generally, a certificate of authenticity also states  
25 the qualifications and complete, current contact information of the individual or entity that  
26 authored the certificate with his or her signature. Certificates of authenticities have been a target

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<sup>2</sup> *Id.*

1 of much controversy due to online auction sites where sellers are providing counterfeit certificates  
2 of authenticity to market or sell their art works.<sup>3</sup>

3 17. I know that a genuine signature of the artist adds significant value in terms of  
4 price to an original painting as well as a Serigraph or Lithograph of original work. The existence  
5 of works with forged signatures can have serious, negative influence on the value of an artists  
6 collected work.

7 18. In addition to where I produce much of my current art, my art studio is a  
8 successful, ongoing business. One component of that business is an in-house computer system  
9 which I use for business purposes, correspondence, and as a tool to monitor all aspects that  
10 contribute to my business interests.

11 19. One function of my computer system is to notify me of any news or postings  
12 circulating on the internet related to me or my art. Such notifications include notice of sales and  
13 auctions at which my work is being offered. That function is accomplished through Google  
14 Alerts and has been in place at my studio for many years.

15 20. On October 24, 2014, my Toronto studio received a Google Alert that pieces of  
16 my art were being sold through internet auction sites as "original, signed Lithographs with a  
17 Certificate of Authenticity." This information immediately attracted my attention because I have  
18 never produced art using the Lithograph medium. I was also immediately concerned because the  
19 pieces of art were being offered at a very low price which was far below the current market value  
20 of my work. I realized that a flood of low cost, poorly produced counterfeits of my work posed  
21 an immediate and substantial risk to my business and my ability to make a living and insure my  
22 wellbeing in later life.

23 21. I went online and began a lengthy process of locating and examining the  
24 offerings. I retained printouts of those first discoveries and they are part of my business records.  
25 Upon close examination of the prints being offered, I determined that the prints were counterfeit  
26 and that the signature was forged.

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28 <sup>3</sup>

[https://en.wikipedia.org/wiki/Certificate\\_of\\_authenticity](https://en.wikipedia.org/wiki/Certificate_of_authenticity).

1           22.     I first researched the website ICollector.com on which I discovered the first  
2 examples of counterfeit prints.

3           23.     On ICollector.com, I found a catalogue of past sales. The catalogue established  
4 that there had been countless past sales of the worthless counterfeits advertised as "ORIGINAL  
5 SIGNED LITHOGRAPH BY ARTIST MARCO SASSONE."

6           24.     The prices listed for the counterfeits were prices significantly below the market  
7 value of my original works of art.

8           25.     I also became aware of similar counterfeits being sold on the website  
9 LiveAuctioneers.com.

10          26.     As an experienced artist, I know both ICollector.com and LiveAuctioneers.com to  
11 be websites through which low cost art is routinely offered for sale and auction.

12          27.     All of the listings of counterfeits I found on October, 2014 were identified as:  
13 "ORIGINAL SIGNED LITHOGRAPH BY ARTIST MARCO SASSONE."

14          28.     After examining the listings, it was obvious to me that the listings were  
15 fraudulent.

16          29.     The first offerings I discovered can be found in the 1979 monograph of my work  
17 described above. For example, to name a few of them, the art pieces offered were:

- 18           a. "Darsena" appears on page 46 of the monograph.
- 19           b. "Porto Santo Stefano" appears on page 95 of the monograph.
- 20           c. "The Rialto Bridge - Dusk" appears on page 119 of the monograph.
- 21           d. "Case Veneziane" appears on page 139 of the monograph.

22          30.     Upon review of ICollector.com and LiveAuctioneers.com, I discovered that the  
23 photograph of the art being sold was so carelessly and poorly produced that one of them included  
24 the page numbers of the monograph from which they were copied.  
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1           31.     After determining the amount of ongoing fraud, I contacted four, longtime friends  
2 and associates and asked them to assist me in establishing that my art and business were being  
3 victimized by fraud. Those friends and associates were: Jelena Popovic, Dianne Nelson-  
4 Menninger, Sarah Burton-Sousa and Collin Clark. All four (4) immediately agreed to help by  
5 ordering prints in their own names and having them shipped to their home addresses.

6           32.     When the cheap prints arrived, those people delivered the prints to me. Upon my  
7 review of the prints, I quickly determined that they were worthless counterfeits. The prints were  
8 not my original work; the signatures on the art were forged; and the "Certificates of Authenticity"  
9 that accompanied the art were self-produced and meaningless frauds detailing my biography.

10           33.     In addition to not being my original work, the prints are not even Lithographs.  
11 They are cheap and poorly produced and near worthless photocopies of my work that appears to  
12 have been copied from the monograph. I am familiar with the photocopy process and estimate  
13 that these fraudulently and mass produced photocopies cost about one dollar to produce.

14           34.     In fact, none of those purchasing efforts were necessary for me be sure that  
15 fraudulent sales were taking place because the advertised products were identified as:  
16 "ORIGINAL SIGNED LITHOGRAPH BY ARTIST MARCO SASSONE"; and I had never  
17 produced or signed a lithograph.

18           35.     Upon review of the paperwork and billing information associated with the prints,  
19 I determined that the true merchant was Darrell T. Coker in Las Vegas, Nevada.

20           36.     Upon review of the paperwork and billing information associated with the prints,  
21 I determined that Darryl McCullough was shipping the work through a company named Postal  
22 Annex.

23           37.     I researched online and established that Darrell T. Coker had a lengthy criminal  
24 history—including art fraud.  
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1 38. I continued to gather information about the operation and Darrell T. Coker's  
2 history until I felt I had enough information to take it to my longtime attorney, James H. Niven of  
3 San Francisco. Mr. Niven had represented my interests during the years that I resided in that city.

4 39. Mr. Niven examined the information that I had gathered and referred me to an  
5 attorney, Dominic P. Gentile, Esq., in Las Vegas, Nevada where the fraudulent activity was  
6 centered.

7  
8 40. Throughout 2016 and up until this date, I have worked with Mr. Gentile's office  
9 in the preparation of this case.

10 I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045)  
11 that the foregoing is true and correct.

12   
13 MARCO SASSONE



# EXHIBIT 2

# EXHIBIT 2

1 GENTILE CRISTALLI  
MILLER ARMENI SAVARESE  
2 DOMINIC P. GENTILE  
Nevada Bar No. 1923  
3 Email: [dgentile@gcmaslaw.com](mailto:dgentile@gcmaslaw.com)  
CLYDE DEWITT  
4 Nevada Bar No. 9791  
Email: [cdewitt@gcmaslaw.com](mailto:cdewitt@gcmaslaw.com)  
5 LAUREN E. PAGLINI  
Nevada Bar No. 14254  
6 Email: [lpaglini@gcmaslaw.com](mailto:lpaglini@gcmaslaw.com)  
410 S. Rampart Blvd., Suite 420  
7 Las Vegas, NV 89145  
Tel: (702) 880-0000  
8 Fax: (702) 778-9709  
*Attorneys for Plaintiff Marco Sassone*

10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA

12 MARCO SASSONE,

13 Plaintiff,

14 vs.

15 DARRELL T. COKER an individual,  
16 DARRELL R. COKER, an individual,  
17 RICHARD MORELLO an individual,  
18 DARRYL MCCULLOUGH an individual,  
AND THE JELLO'S JIGGLIN, LLC d/b/a  
Postal Annex, DOES 1-10, and ROE  
19 ENTITIES 1-10, inclusive,

20 Defendants.

CASE NO. A-16-742853-C  
DEPT. XXXII

**DECLARATION OF COLLIN CLARK**

21 I, Collin Clark, hereby declare and state as follows:

22 1. I am over the age of 18 years and am mentally competent to testify. If called  
23 upon to testify as to the matter herein, I could and would do so. I have, unless otherwise  
24 indicated, personal knowledge of the following:

25 2. I make this Declaration in support of Plaintiff Marco Sassone's Opposition to  
26 Defendant Coker's Special Motion to Dismiss Pursuant to NRS 41.660.

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1           3.     I have known Marco Sassone ("Marco") for approximately ten (10) years and  
2 know him to be a highly-regarded, international artist who has produced many pieces of art over  
3 the decades.

4           4.     I grew up with Marco's son, Nicola, and spent many years in Marco's art studio.  
5 Growing up around his studio, I have grown to know and appreciate Marco's works of art.

6           5.     I own one of Marco's original serigraphs.

7           6.     In December 2014, Marco informed me that he discovered cheap, counterfeit  
8 copies of his art were being sold on the internet. Marco informed me that he was attempting to  
9 determine which persons or companies were selling unauthorized and counterfeit copies of his  
10 valuable art work. Accordingly, he asked me to assist him in that effort by purchasing some of  
11 the art in my name and having it shipped to my personal address. I agreed to do so.

12          7.     On or about December 22, 2014, I went to the ICollectores.com website and  
13 located offerings of Marco's work that were posted for bid on the website.

14          8.     From what was available on that website, I chose a single piece of art and offered  
15 a bid of \$229.95 on a single print advertised as an "Original Signed Lithograph by Artist Marco  
16 Sassone." I made the purchase of it through an account at PayPal.com.

17          9.     The name of the merchant selling the lithograph was Whole Sale Art Auctions  
18 with an address of 5278 S. Pinemont Dr. Ste A250, Murray Utah 84123  
19 (Wholesaleartauctions.com).

20          10.    The purchase was quickly confirmed and payment of \$229.25 was completed  
21 through the Pay Pal account.

22          11.    The entire transaction was completed in one day.

23          12.    Within the following week, the item arrived at my home and I took possession of  
24 the art. I inspected it and found that it had a signature purported to be that of Marco affixed to  
25 the lower right corner of the work.

26          13.    I am familiar with Marco's signature and, in fact, have one of his original works  
27 affixed with his legitimate signature at my home. I compared the two signatures and  
28 immediately confirmed that the signature on the cheap, poorly produced poster was a forgery.

1 Marco's biography and information about the purchased lithograph.

2 15. The item arrived via FedEx shipment and the shipper was identified as Postal  
3 Annex which was further identified by e-mail address

4 16. I informed Marco Sassone's son, Nicola, that I had possession of the counterfeit  
5 art. I retain possession of the print at this time.

6 17. I was able to easily determine that it was counterfeit and not a lithograph based  
7 upon my familiarity with lithographs in general and Marco's art in particular..

8 I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045)<sup>1</sup>,  
9 that the foregoing is true and correct.

10 Executed this 7 day of April, 2017.

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12 COLLIN CLARK

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<sup>1</sup> NRS 53.045 Use of unsworn declaration in lieu of affidavit or other sworn declaration. Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated, in substantially the following form:

# EXHIBIT 3

# EXHIBIT 3

1 GENTILE CRISTALLI  
MILLER ARMENI SAVARESE  
2 DOMINIC P. GENTILE  
Nevada Bar No. 1923  
3 Email: [dgentile@gcmaslaw.com](mailto:dgentile@gcmaslaw.com)  
CLYDE DEWITT  
4 Nevada Bar No. 9791  
Email: [cdewitt@gcmaslaw.com](mailto:cdewitt@gcmaslaw.com)  
5 LAUREN E. PAGLINI  
Nevada Bar No. 14254  
6 Email: [lpaglini@gcmaslaw.com](mailto:lpaglini@gcmaslaw.com)  
410 S. Rampart Blvd., Suite 420  
7 Las Vegas, NV 89145  
Tel: (702) 880-0000  
8 Fax: (702) 778-9709  
*Attorneys for Plaintiff Marco Sassone*

10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA

12 MARCO SASSONE,  
13 Plaintiff,

14 vs.

15 DARRELL T. COKER an individual,  
16 DARRELL R. COKER, an individual,  
17 RICHARD MORELLO an individual,  
18 DARRYL MCCULLOUGH an individual,  
AND THE JELLO'S JIGGLIN, LLC d/b/a  
Postal Annex, DOES 1-10, and ROE  
19 ENTITIES 1-10, inclusive,  
20 Defendants.

CASE NO. A-16-742853-C  
DEPT. XXXII

**DECLARATION OF JELENA POPOVIC**

21 I, Jelena Popovic, hereby declare and state as follows:

- 22 1. I am over the age of 18 years and am mentally competent to testify. If called  
23 upon to testify as to the matter herein, I could and would do so. I have, unless otherwise  
24 indicated, personal knowledge of the following:
- 25 2. I make this Declaration in support of Plaintiff Sassone's Opposition to Defendant  
26 Coker's Special Motion to Dismiss Pursuant to NRS 41.660.

27 *///*

1           3.     I have known Marco Sassone ("Marco") to be a highly-regarded, international  
2 artist who has produced many pieces of art over the decades.

3           4.     I have known Marco for roughly ten (10) years as a social friend. Through the  
4 years as his friend, I became familiar with Marco's works of art. I am active in the local art  
5 industry in Toronto, Canada.

6           5.     In January 2015, Marco informed me that he had discovered his art being sold in  
7 the lithograph medium through auction websites found on the internet. He also told me that he  
8 was attempting to determine which persons or companies were selling unauthorized and  
9 counterfeit copies of his valuable art work. Accordingly, he asked me to assist him in that effort  
10 by purchasing some of the art in my name and having it shipped to my personal address. I  
11 agreed to do so.

12          6.     On the evening of January 20, 2015, I went to the LiveAuctioneers.com website  
13 and located offerings of Marco's work that were posted for bid on that website.

14          7.     I chose a single piece of art and offered a bid in the amount of \$275.00 for a  
15 single lithograph. I do not know the name of the individual piece which was identified as a  
16 lithograph and more specifically identified as item number 67a.

17          8.     The item was advertised as a "Lithograph After Marco Sassone."

18          9.     I made the purchase through my account at PayPal.com. The name of the  
19 merchant selling the lithograph was Wilson Fine Art and Antiques and had a mailing address of  
20 1942 Broadway, Suite 314C, Boulder Colorado, US, 80302. (Wilsonfineartandantiques.com).

21          10.    The entire transaction was completed in one day.

22          11.    Within the following week, the item arrived at my home. The art arrived via  
23 FedEx shipment and the shipper was identified as Darryl McCullough, Postal Annex, 6130 W.  
24 Flamingo Rd, Las Vegas, NV 89103, US. The names Darryl McCulloch and Postal Annex had  
25 also appeared on some of the preliminary paperwork involved in the sale.

26          12.    I inspected the item and found that it had a signature purported to be that of  
27 Marco Sassone affixed to the lower right corner of the work along with a number identifying it  
28 as a specific print number in the lower left corner.


1           13. Along with the item, I received a purported "Certificate of Authenticity" detailing  
2 Marco's biography and information about the purchased lithograph.

3           14. I was able to easily determine that the item was counterfeit based on my  
4 familiarity with Marco's art.

5           15. After taking possession of the item, I gave it to Marco for his use in determining  
6 who was responsible for selling his counterfeit art

7           I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045)<sup>1</sup>.  
8 that the foregoing is true and correct.

9           Executed this 7 day of April, 2017.

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12 JELENA POPOVIC

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<sup>1</sup> NRS 53.045 Use of unsworn declaration in lieu of affidavit or other sworn declaration. Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated, in substantially the following form:



# EXHIBIT 4

# EXHIBIT 4

1 GENTILE CRISTALLI  
MILLER ARMENI SAVARESE  
2 DOMINIC P. GENTILE  
Nevada Bar No. 1923  
3 Email: [dgentile@gcmaslaw.com](mailto:dgentile@gcmaslaw.com)  
CLYDE DEWITT  
4 Nevada Bar No. 9791  
Email: [cdewitt@gcmaslaw.com](mailto:cdewitt@gcmaslaw.com)  
5 LAUREN E. PAGLINI  
Nevada Bar No. 14254  
6 Email: [lpaglini@gcmaslaw.com](mailto:lpaglini@gcmaslaw.com)  
410 S. Rampart Blvd., Suite 420  
7 Las Vegas, NV 89145  
Tel: (702) 880-0000  
8 Fax: (702) 778-9709  
*Attorneys for Plaintiff Marco Sassone*

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

12 MARCO SASSONE,  
13 Plaintiff,

14 vs.

15 DARRELL T. COKER an individual,  
16 DARRELL R. COKER, an individual,  
17 RICHARD MORELLO an individual,  
18 DARRYL MCCULLOUGH an individual,  
AND THE JELLO'S JIGGLIN, LLC d/b/a  
Postal Annex, DOES 1-10, and ROE  
19 ENTITIES 1-10, inclusive,  
20 Defendants.

CASE NO. A-16-742853-C  
DEPT. XXXII

**DECLARTAIION OF DIANE NELSON-  
MENNIGER**

21 I, Diane Nelson-Menniger, hereby declare and state as follows:

22 1. I am over the age of 18 years and am mentally competent to testify. If called  
23 upon to testify as to the matter herein, I could and would do so. I have, unless otherwise  
24 indicated, personal knowledge of the following:

25 2. I make this Declaration in support of Plaintiff Sassone's Opposition to Defendant  
26 Coker's Special Motion to Dismiss Pursuant to NRS 41.660.

27 *///*  
28

1           3.     I have known Marco Sassone ("Marco") for many years and know him to be a  
2 highly-regarded, international artist who has produced many pieces of art over the decades. I  
3 have also operated successful art galleries for over thirty (30) years. I am very familiar with  
4 Marco and his work.

5           4.     I am aware that Marco has never produced or authorized the production of his  
6 work in the art medium known as lithograph.

7           5.     In late November or early December 2014, Marco told me that he had discovered  
8 his art being sold in the lithograph medium through auction websites found on the internet. He  
9 also told me that he was attempting to determine which persons or companies were selling  
10 unauthorized and counterfeit copies of his valuable art work. Accordingly, asked me to assist  
11 him in that effort by purchasing some of the art in my name and having it shipped to my personal  
12 address. I agreed to do so.

13           6.     On or about December 11, 2014, I went to the ICollectores.com website and  
14 located offerings of Marco's work that were posted for bid. I was shocked to find the large  
15 number of Marco's work being offered as "Original signed lithographs by artist Marco Sassone."  
16 I selected one of the prints and offered a bid in the amount of \$275.50 for the lithograph.

17           7.     The item I selected was advertised as an "Original Signed Lithograph by Artist  
18 Marco Sassone."

19           8.     The name of the merchant selling the lithograph was Fine Art Online Auctions  
20 with an address of 1300 W. Colfax Avenue, Denver, Colorado, US, 80204. (fineartonline.com).

21           9.     The purchase was quickly confirmed and payment was completed through a  
22 PayPal account.

23           10.    Shortly thereafter, I received an email signed by Darryl McCullough with the  
24 company Postal Annex and its information affixed in the bottom left corner. Darryl McCullough  
25 provided me with the Federal Express tracking number and urged me to respond if I had any  
26 questions.

27           11.    In about one (1) week, the item arrived at my home. The art arrived via FedEx  
28 shipment and the shipper was identified as Darryl McCullough, Postal Annex, 6130 W.

1 Flamingo Rd, Las Vegas, NV 89103, US.

2 12. A second "Merchant" was identified as Art and Jewelry Auction House with a  
3 telephone number of 702-439-1570.

4 13. When the item arrived at my home, I took possession of it. I inspected it and  
5 found that it had a signature of "Sassone" affixed to the lower right corner. I was immediately  
6 concerned and angered to discover that this horrific counterfeit was a cheap and poorly produced  
7 counterfeit poster of Marco Sassone's work.

8 14. Along with the item, I received a purported "Certificate of Authenticity" detailing  
9 Marco's biography and information about the purchased lithograph.

10 15. In my professional capacity, I am aware of the reputational and economic damage  
11 that such poorly produced counterfeits can do to the reputation and income of a highly acclaimed  
12 and recognized artist such as Mr. Sassone.

13 16. After taking possession of the art, I sent it to Marco for his use in determining  
14 who was responsible for selling his counterfeit art.

15 I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045)<sup>1</sup>,  
16 that the foregoing is true and correct.

17 Executed this 9 day of April, 2017.

18   
19 \_\_\_\_\_  
20 DIANE NELSON MENNINGER

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<sup>1</sup> NRS 53.045 Use of unsworn declaration in lieu of affidavit or other sworn declaration. Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated, in substantially the following form:

# EXHIBIT 5

# EXHIBIT 5

1 GENTILE CRISTALL  
MILLER ARMENI SAVARESE  
2 DOMINIC P. GENTILE  
Nevada Bar No. 1923  
3 Email: [dgentile@gcmaslaw.com](mailto:dgentile@gcmaslaw.com)  
CLYDE DEWITT  
4 Nevada Bar No. 9791  
Email: [cdewitt@gcmaslaw.com](mailto:cdewitt@gcmaslaw.com)  
5 LAUREN E. PAGLINI  
Nevada Bar No. 14254  
6 Email: [lpaglini@gcmaslaw.com](mailto:lpaglini@gcmaslaw.com)  
410 S. Rampart Blvd., Suite 420  
7 Las Vegas, NV 89145  
Tel: (702) 880-0000  
8 Fax: (702) 778-9709  
*Attorneys for Plaintiff Marco Sassone*

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

12 **MARCO SASSONE,**  
13 **Plaintiff,**

14 vs.

15 **DARRELL T. COKER an individual,**  
16 **DARRELL R. COKER, an individual,**  
17 **RICHARD MORELLO an individual,**  
18 **DARRYL MCCULLOUGH an individual,**  
19 **AND THE JELLO'S JIGGLIN, LLC d/b/a**  
**Postal Annex, DOES 1-10, and ROE**  
**ENTITIES 1-10, inclusive,**  
20 **Defendants.**

CASE NO. A-16-742853-C  
DEPT. XXXII

**DECLARATION OF SARAH BURTON-SOUSA**

21 I, Sarah Burton-Sousa, hereby declare and state as follows:

22 1. I am over the age of 18 years and am mentally competent to testify. If called  
23 upon to testify as to the matter herein, I could and would do so. I have, unless otherwise  
24 indicated, personal knowledge of the following.

25 2. I make this Declaration in support of Plaintiff Sassone's Opposition to Defendant  
26 Coker's Special Motion to Dismiss Pursuant to NRS 41.660.  
27  
28

1           3.     I am a former, employee who worked as Marco Sassone's ("Marco") studio  
2 administrator. I worked, for Marco for a total of seven (7) years, and left Marco's employment in  
3 2012.

4           4.     In capacity as studio administrator, I came to know Marco as a highly-regarded,  
5 international artist who has produced many pieces of art over the decades. I also became  
6 familiar with his art work and business practices.

7           5.     Along with other information, I came to know that Marco has never produced any  
8 of his art in the medium known as lithograph. I also know and recognize his legitimate signature  
9 on sight.

10          6.     In November 2014, Marco explained that he had discovered his art being sold in  
11 the lithograph medium through auction websites found on the internet. He also told me that he  
12 was attempting to determine which persons or companies were selling counterfeit copies of his  
13 valuable art work. Accordingly, he asked me to assist him in that effort by purchasing some of  
14 the art in my name and having it shipped to my personal address. I agreed to do so.

15          7.     In or around December 2014, I went to the ICollectors.com website and located a  
16 large number of his art works being offered through "auctions" on the website. I had come to  
17 know about ICollectors.com during the years that I had worked for Marco.

18          8.     The offerings on ICollectors.com were being made by, among others, a business  
19 named Wholesale Art Auctions.

20          9.     On or about December 11, 2014, I offered a bid for one of the lithographs of  
21 Marco's original work named "View From Avalon." The item was described as an "Original  
22 Signed lithograph by Marco Sassone."

23          10.    The name of the merchant selling the lithograph was a business named Wholesale  
24 Art Auctions which listed and address of 5278 S. Pinemount Dr. Suite A250, Murray, Utah  
25 84123.

26          11.    The purchase was quickly confirmed and made a total payment of \$199.12 using  
27 my PayPal account for the item.

28          12.    As part of the sequence of events documenting the purchase, I received a number

1 of communications confirming the sale and informing me of shipment. Among them was a  
2 notification from PayPal further identifying the "merchant" as Art and Jewelry Auction House  
3 with an associated e-mail address of Antiqueprofessor@gmail.com.

4 13. I also received a commercial invoice from the shipping company, Federal  
5 Express, that the exporter was Darryl McCullough at a company named Postal Annex with an  
6 associated e-mail address of pa47@Postalannex.com.

7 14. Within a week, the item arrived at my home and I took possession of the art. I  
8 inspected it and found that it had a signature purported to be that of Marco affixed to the lower  
9 right corner of the work.

10 15. I immediately recognized that the art was a cheap print reproduction of Marco  
11 Sassone's original work and was of poor quality.

12 16. Having seen it countless times over the years, I am familiar with Marco's genuine  
13 signature. I also immediately recognized that the purported signature of Marco Sassone was a  
14 forgery.

15 17. Along with the item, I received a purported "Certificate of Authenticity" detailing  
16 Marco's biography and information about the purchased lithograph.

17 18. I was able to easily determine that it was counterfeit and not a lithograph based  
18 upon my familiarity with lithographs in general and Marco's art in particular.

19 19. I informed Marco that the print had arrived and he came to my house and took  
20 possession of the counterfeit art.

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///

I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045)<sup>1</sup>,  
that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of April, 2017.

  
SARAH BURTON

<sup>1</sup> NRS 53.045 Use of unsworn declaration in lieu of affidavit or other sworn declaration. Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated, in substantially the following form:

# EXHIBIT 6

# EXHIBIT 6

1 GENTILE CRISTALLI  
MILLER ARMENI SAVARESE  
2 DOMINIC P. GENTILE  
Nevada Bar No. 1923  
3 Email: [dgentile@gcmaslaw.com](mailto:dgentile@gcmaslaw.com)  
CLYDE DEWITT  
4 Nevada Bar No. 9791  
Email: [cdewitt@gcmaslaw.com](mailto:cdewitt@gcmaslaw.com)  
5 LAUREN E. PAGLINI  
Nevada Bar No. 14254  
6 Email: [lpaglini@gcmaslaw.com](mailto:lpaglini@gcmaslaw.com)  
410 S. Rampart Blvd., Suite 420  
7 Las Vegas, NV 89145  
Tel: (702) 880-0000  
8 Fax: (702) 778-9709  
*Attorneys for Plaintiff Marco Sassone*  
9

10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA

12 MARCO SASSONE,  
13 Plaintiff,

14 vs.

15 DARRELL T. COKER an individual,  
16 DARRELL R. COKER, an individual,  
RICHARD MORELLO an individual,  
17 DARRYL MCCULLOUGH an individual,  
AND THE JELLO'S JIGGLIN, LLC d/b/a  
18 Postal Annex, DOES 1-10, and ROE  
ENTITIES 1-10, inclusive,  
19 Defendants.  
20

CASE NO. A-16-742853-C  
DEPT. XXXII

**DECLARTAIION OF DONALD DIBBLE**

21 I, Donald Dibble, hereby declare and state as follows:

22 1. I am over the age of 18 years and am mentally competent to testify. If called  
23 upon to testify as to the matter herein, I could and would do so. I have, unless otherwise  
24 indicated, personal knowledge of the following:

25 2. I am a private investigator, having been licensed as such by the State of Nevada  
26 since 1993 (license number 659).

27 3. I am a staff investigator for Gentile Cristalli Miller Armeni & Savarese and have  
28 been in that position since the firm was founded in 2015.

1           4.     I Have 25 years of combined experience with the Las Vegas Metropolitan Police  
2 Department and its predecessor, the Las Vegas Police Department. I retired from law  
3 enforcement as a homicide detective in July of 1992. I was a detective during most of my career  
4 there, including assignments to investigate Burglary, Commercial Burglary, Violent Crimes,  
5 Special/Privileged Investigations, Intelligence and Homicide. Since retiring from the Police  
6 Department, I have been a private investigator except a period from 2009-2015, when I took  
7 some time away from investigating to pursue other interests.

8           5.     From the above experience, I am well familiar with the process of acquiring  
9 criminal records.

10          6.     Among my assignments in the above-captioned matter, I was assigned to  
11 determine whether any of the defendants had any criminal background.

12          7.     I undertook an investigation accordingly. In conducting that investigation, I  
13 discovered that Darrell T. Coker had a rather extensive criminal record.

14          8.     In particular, I learned that, among other criminal arrests and convictions, he had  
15 been charged, tried and convicted of Fraud and Racketeering arising from a large art counterfeit  
16 fraud in the State of Florida. After learning of that charge and conviction, I contacted the Leon  
17 County, Florida Clerk and made a written request for certified records of the Information,  
18 Indictment(s) and Judgement of Conviction filed in that case.

19          9.     Attached to this declaration as Exhibit A are copies of request for records along  
20 with copies of the certified records received as a result of the request.

21          10.

22          Executed this 10<sup>th</sup> day of April, 2017.

23   
24 DONALD DIBBLE

# **EXHIBIT A**

**LAW OFFICE  
GENTILE CRISTALLI  
MILLER ARMENI SAVARESE**  
Attorneys at Law  
410 South Rampart Boulevard, Suite 420  
Las Vegas, NV 89145  
Telephone: (702) 880-0000 · Facsimile: (702) 778-9709  
[www.gentilecristalli.com](http://www.gentilecristalli.com)

December 14, 2015

LEON COUNTY CLERK & COMPTROLLER'S OFFICE  
ATTN: TRAFFIC CITATIONS  
1276 METROPOLITAN BLVD., #101  
TALLAHASSEE, FL 32312-2558

Sent by FAX to: 850-577-8016

To whom it may concern;

Please accept this request for certified copies of the below listed records from your criminal case number # 1997-CF-001914, State of Florida v Darrell T Coker. Please contact me at (702) 880-0000 to facilitate payment of fees or to resolve any questions you may have regarding this matter.

The specific records sought are:

1. Direct Information filed on June 2, 1997.
2. Indictment unsealed and filed on June 2, 1997.
3. Information and Superseding Indictment filed on July 26, 1999.
4. Judgement of Conviction filed February 4, 2000.

Again, please contact me at the above number once you have determined the cost of producing the records in order to accomplish payment.

Thank you, in advance, for your timely attention to this matter,

Sincerely,

Don Dibble, Investigator  
GENTILE CRISTALLI  
MILLER ARMENI SAVARESE

In the Circuit Court, Second Judicial Circuit,  
in and for Leon County, Florida

Division: Felony

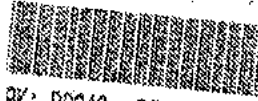
State of Florida  
v.

DARRELL T. COKER  
Defendant

Case No. 897-1914AF

Probation Violator  Retrial  
 Community Control Violator  Resentance

R20000012637  
RECORDED IN  
PUBLIC RECORDS LEON COUNTY FL  
BOOK: 80366 PAGE: 06973  
FEB 22 2000 02:13 PM  
DAVE LANG, CLERK OF COURTS



BK: R2346 PG: 00973

**JUDGMENT**

The Defendant, DARRELL T. COKER, being personally before this court  
represented by, A. HAYES, the attorney of record, and the state  
represented by M. CAMPBELL, and having

xxx been tried and found guilty by jury/by court of the following crime(s)  
       entered a plea of guilty to the following crime(s)  
       entered a plea of nolo contendere to the following crime(s)

Count	Crime	Offense Statute Number(s)	Degree of Crime	Case Number	OBTS Number
1	RACKETEERING	885.03	FEL. 1	897-1914AF	

FILED  
CLERK OF COURTS  
LEON COUNTY FLORIDA  
FEB 22 2000

and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crime(s), and pursuant to section 943.325, Florida Statutes, having been convicted of attempts or offenses relating to sexual battery (ch. 794) or lewd and lascivious conduct (ch. 800) or section 782.04 (murder) or section 784.045 (aggravated battery) or section 812.133 (carjacking) or section 812.135 (home invasion robbery) the defendant shall be required to submit two blood specimens in accordance with section 943.325(8). and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

Page \_\_\_ of \_\_\_

000193  
Rev. 11/96

A Certified Copy  
Attest:  
**Bob Inzer**  
Clerk & Comptroller  
Leon County, Florida  
By C.P. 12/12/15  
Deputy Clerk



State of Florida

R20000012837  
RECORDED IN  
PUBLIC RECORDS LEON COUNTY FL  
BOOK: R2346 PAGE: 08974  
FEB 22 2000 02:13 PM  
BRUCE LANG, CLERK OF COURTS



BK: R2346 PG: 08974

v.  
Darrell Carter  
Defendant

Case Number R97-1914A

FINGERPRINTS OF DEFENDANT

1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
6. Left Thumb	7. Left Index	8. Left Middle	9. Left Ring	10. Left Little

Fingerprints taken by: R. L. Funder HSP  
Name DEBBY SHERIFF  
Title

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant,

Darrell Tyrone Carter, and that they were placed thereon by  
the defendant in my presence in open court this date.

DONE AND ORDERED in open court in Leon County, Florida, this 28<sup>TH</sup> day of January, 2000

Royce Agner  
Judge

The court hereby places the Defendant on  
probation/community control as to count(s) \_\_\_\_\_  
for a \_\_\_\_\_

period of \_\_\_\_\_  
under the supervision of the Department of Corrections  
(conditions of probation set forth in separate order).

000194

Rev. 7/31/98

Page \_\_\_\_\_ of \_\_\_\_\_



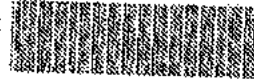
Defendant DARRELL T. COKER

Case Number 202-12144E

OBTS Number \_\_\_\_\_

R20000012637  
RECORDED IN  
PUBLIC RECORDS LEON COUNTY FL  
BOOK: 02348 PAGE: 00975  
FEB 22 2000 02:13 PM  
HARVE LANG. CLERK OF COURTS

SENTENCE



BK: R234E PG: 00975

(As to Count 1)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, \_\_\_\_\_, and having been adjudicated guilty herein, and the court having given defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown

(Check one if applicable)

- and the Court having on \_\_\_\_\_ deferred imposition of sentence until this date (date)
- and the Court having previously entered a judgment in this case on \_\_\_\_\_ now resentsences the defendant (date)
- and the Court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control.

It Is The Sentence Of The Court that:

- The defendant pay a fine of \$ \_\_\_\_\_, pursuant to section 775.083, Florida Statutes, plus \_\_\_\_\_ as the 5% surcharge required by section 938.04, Florida Statutes.
- The defendant is hereby committed to the custody of the Department of Corrections.
- The defendant is hereby directed to the custody of the Sheriff of \_\_\_\_\_ County, Florida.
- The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To Be Imprisoned (Check one; unmarked sections are inapplicable):

- For a term of natural life.
- For a term of 60 months
- Said SENTENCE SUSPENDED for a period of \_\_\_\_\_ subject to conditions set forth in this order.

If "split" sentences, complete the appropriate paragraph.

- Followed by a period of \_\_\_\_\_ on probation/community control under the supervision of the Department of Corrections according to the terms and conditions set forth in a separate order entered herein.
- However, after serving a period of \_\_\_\_\_ imprisonment in \_\_\_\_\_ the balance of the sentence shall be suspended and the defendant be placed on probation/community control for a period of \_\_\_\_\_ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

000195

Defendant DARRELL T. COKER

Case Number R97-1914AF

R20000012637  
RECORDED IN  
PUBLIC RECORDS, LEON CNTY, FL  
BOOK: R2346 PAGE: 00976  
FEB 22 2000 02:13 PM  
DAVE LANG, CLERK OF COURTS

**SPECIAL PROVISIONS**

(As to Count 1 )



EK: R2346 PG: 00976

By appropriate notation, the following provisions apply to the sentence imposed:

**Mandatory/Minimum Provisions:**

- Firearm \_\_\_\_\_ It is further ordered that the 3-year minimum imprisonment provisions of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.
- Drug Trafficking \_\_\_\_\_ It is further ordered that the \_\_\_\_\_ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.
- Controlled Substance \_\_\_\_\_ It is further ordered that the 3-year minimum imprisonment provisions of section Within 1,000 Feet of School 893.13(1)(c), Florida Statutes, is hereby imposed for the sentence specified in this count.
- 1,000 Feet of School \_\_\_\_\_
- Habitual Felony Offender \_\_\_\_\_ The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Habitual Violent \_\_\_\_\_ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of \_\_\_\_\_ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.
- Felony Offender \_\_\_\_\_
- Prison Releasee Reoffender \_\_\_\_\_ The defendant is adjudicated a prison releasee reoffender and has been sentenced to serve 100 percent of the court-imposed sentence in accordance with section 775.082(8)(b).
- Law Enforcement \_\_\_\_\_ It is further ordered that the defendant shall serve a minimum of \_\_\_\_\_ years before release in accordance with section 775.0823, Florida Statutes.
- Protection Act \_\_\_\_\_ It is further ordered that the defendant shall be ineligible for Parole in accordance with the provisions of section 775.082(1), Florida Statutes.
- Capital Offense \_\_\_\_\_ It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.
- Short-Barreled Rifle, \_\_\_\_\_ It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.
- Shotgun, Machine Gun \_\_\_\_\_
- Continuing Criminal Enterprise \_\_\_\_\_

**Other Provisions:**

- Retention of Jurisdiction \_\_\_\_\_ The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).
- Jail Credit *RA*  \_\_\_\_\_ It is further ordered that the defendant shall be allowed a total of 009 days as credit for time incarcerated before imposition of this sentence. *96*



Defendant DARRELL T. COKER

Case Number 07-1914AP

Other Provisions' continued:

Prison Credit \_\_\_\_\_

It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

Consecutive/Concurrent  
As to Other Counts \_\_\_\_\_

It is further that the sentence imposed for this count shall run (check one) \_\_\_\_\_ consecutive to \_\_\_\_\_ concurrent with the sentence set forth in count \_\_\_\_\_ of this case.

Consecutive/Concurrent \_\_\_\_\_

It is further ordered that the composite term of all sentences imposed for the counts as to Other Convictions specified in this order shall run (check one) \_\_\_\_\_ consecutive to \_\_\_\_\_ concurrent with the following: (check one)

\_\_\_\_\_ any active sentence being served

\_\_\_\_\_ specific sentences \_\_\_\_\_

In the event the above sentence is to the Department of Corrections, the Sheriff of LEON County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

In imposing the above sentence, the court further recommends \_\_\_\_\_

*COURT ORDERS RESTRICTION TO WORKERS NOT TO EXCEED \$125,713.00 - RESTRICTION HEARING TO BE SET AT A LATER DATE; COURT RESERVES JURISDICTION ON ALL OTHER MONIES THAT MAY BE DUE TO F.A.L.S., STATEWIDE PROSECUTOR, LEON COUNTY AND ANY FINE! NO CONTACT w/ WITNESS'S; DEF NOT TO BE INVOLVED IN ANY ILLEGAL AUCTIONS, or any illegal activities.*

61000  
Rev. 7/31/93

**CREDIT FOR TIME SERVED IN RE-SENTENCING AFTER VIOLATION OF PROBATION OR COMMUNITY CONTROL**

IT IS FURTHER ORDERED that the defendant be allowed 8 days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and unforfeited gain time previously awarded on case/count.

(Offenses committed before October 1, 1989)

IT IS FURTHER ORDERED that the defendant be allowed \_\_\_\_\_ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served on case/count.

(Offenses committed between October 1, 1989 and December 31, 1993)

\_\_\_\_\_ The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under section 948.06(6).

\_\_\_\_\_ The Court allows unforfeited gain time previously awarded on the above case/count. (Gain time may be subject to forfeiture by the Department of Corrections under section 944.28(1)).

IT IS FURTHER ORDERED that the defendant be allowed \_\_\_\_\_ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served only pursuant to section 921.0017, Florida Statutes, on case/count.

(Offenses committed on or after January 1, 1994) R20000012637

RECORDED IN  
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FEB 22 2000 02:13 PM  
DAVE LANG, CLERK OF COURTS



BK: R2346

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7/31/98  
96100

Page \_\_\_\_\_ of \_\_\_\_\_

Defendant DARRELL T. COKER

Case Number R97-1914AF

**FELONY  
FINES/COSTS**

IT IS THE FURTHER JUDGMENT AND ORDER OF THE COURT THAT DEFENDANT SHALL PAY THE FOLLOWING:

1. \$ \_\_\_\_\_ fine pursuant to Section 775.083, Florida Statutes.
2. \$ \_\_\_\_\_ as the 5% surcharge required by Section 938.04, Florida Statutes.
3. \$50.00 pursuant to Section 938.03, Florida Statutes (Crimes Compensation Trust Fund).
4. \$200.00 pursuant to Section 938.05, Florida Statutes (Local Government Criminal Justice Trust Fund).
5. \$3.00 as a court cost pursuant to Section 938.01(1) Florida Statutes (Criminal Justice Trust Fund).
6. \$3.00 as a court cost pursuant to Section 938.17, Florida Statutes (Juvenile Justice Assessment).
7. \$2.00 as a court cost pursuant to Section 938.15, Florida Statutes (County Criminal Justice Education).
8. \$2.00 as a court cost pursuant to Section 938.15, Florida Statutes (City Criminal Justice Education).
9. \$3.00 as a court cost pursuant to Section 938.19, Florida Statutes (Teen Court).
10. \$20.00 as a court cost pursuant to Section 938.06, Florida Statutes (Crime Stopper Trust Fund).

\$ \_\_\_\_\_ Total Statutorily Mandated Costs And Fines [Which shall be first satisfied from all sums paid and for which let execution issue].

AND DEFENDANT IS ALSO FURTHER ORDERED TO PAY THE FOLLOWING, IF CHECKED:

- A fine in the sum of \$ \_\_\_\_\_ pursuant to Section 775.0835(1), Florida Statutes. (Optional fine for the Crimes Compensation Trust Fund).
- \$20.00 pursuant to Section 939.015, Florida Statutes (Handicapped and Elderly Security Assistance Trust Fund).
- A 10% surcharge in the sum of \$ \_\_\_\_\_ pursuant to Section 775.0836, Florida Statutes (Handicapped and Elderly Security Assistance Trust Fund).
- A sum of \$ \_\_\_\_\_ pursuant to Section 939.01, Florida Statutes (Prosecution/Investigative Costs).
- A sum of \$ \_\_\_\_\_ pursuant to Section 27.56, Florida Statutes (Public Defender Fees).
- Application Fee (up to \$40.00) \$ \_\_\_\_\_, Section 27.52(c), Florida Statutes (Indigent Criminal Defense Trust Fund).
- Other: \_\_\_\_\_
- Court Costs/Fines waived.
- Court Costs/Fines reduced to civil judgment if defendant sentenced to DOC incarceration.

\$ \_\_\_\_\_ TOTAL DISCRETIONARY COSTS, FEES AND FINES

( ) If checked, discretionary items are reduced to judgment for which execution issue.

IT IS FURTHER ORDERED that, (if defendant has not been sentenced to incarceration in the Department of Corrections):

A. Defendant shall pay directly to the clerk of this court the total amount of the statutorily mandated costs and fines specified above within thirty (30) days from the date hereof; or, instead,

B. Defendant may pay such total amount in 12 equal monthly installments of \$ \_\_\_\_\_, beginning thirty (30) days after release from custody, if you serve straight jail time. If defendant does not receive any straight jail time, payments begin thirty (30) days from the date hereof, and shall be paid by the 10<sup>th</sup> of each month until payment in full.

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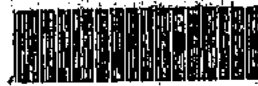


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v. 7/31/98

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Defendant DARRELL T. COKER

Case Number R97-1914AF

IT IS FURTHER ORDERED AND NOTICE IS HEREBY GIVEN THAT further required court appearances and hearings are set forth in the Notice of Statutorily Mandated Costs and Fine Provisions handed to you in court which dates are incorporated herein and made a part of this judgment and order.

AT SUCH FURTHER COURT APPEARANCES AND HEARINGS, the defendant shall appear in person to review defendant's payment record of statutorily mandated costs and fines imposed and to show legal cause. In the event the defendant has not paid or is not completely and fully current with his/her payments, why defendant should not be adjudged guilty of civil contempt for failing to obey this judgment and order requiring full and regular payment and there and then be committed to jail with purge or fined in accordance with law.

NO FURTHER NOTICE OF THESE HEARINGS WILL BE MAILED, SERVED OR GIVEN TO YOU.

IF YOU HAVE PAID IN FULL OR ARE CURRENT IN YOUR PAYMENTS BY TWELVE O'CLOCK NOON ON THE DAY BEFORE EACH HEARING YOU DO NOT HAVE TO APPEAR -- IF YOU ARE NOT CURRENT OR PAID IN FULL, YOU MUST APPEAR IN COURT EACH OF THE SCHEDULED DATES AND IF YOU FAIL TO APPEAR ON SUCH DATE(S), A CAPIAS WILL IMMEDIATELY ISSUE FOR YOUR DELIVERY TO JAIL FROM WHICH YOU SHALL BE BROUGHT BY THE SHERIFF TO DULY APPEAR IN COURT AS MAY BE ORDERED.

THESE FURTHER COURT HEARINGS AND YOUR APPEARANCE ARE REQUIRED WHETHER OR NOT YOU HAVE BEEN PLACED ON PROBATION AND ARE REQUIRED AFTER YOUR PROBATION HAS EXPIRED UNTIL PAYMENT IS MADE IN FULL.

YOU MUST ALSO IMMEDIATELY NOTIFY THE CLERK OF THIS COURT IN - WRITING-- OF ANY CHANGE IN YOUR ADDRESS AND YOU WILL BE FURTHER SUBJECT TO CONTEMPT, SENTENCE AND/OR FINE IF YOU FAIL TO DO SO.

ALL FINE/COSTS PAYMENTS MUST BE IN MONEY ORDER PAYABLE TO: CLERK OF COURT, LEON COUNTY COURTHOUSE.

DONE AND ORDERED in open court this 4 day of February, 2000.

*Serial* Royce Aguar  
CIRCUIT JUDGE

Page \_\_\_\_ of \_\_\_\_

000200  
7/31/98

IN THE SUPREME COURT OF FLORIDA  
JANUARY TERM, 1996  
CASE NUMBER 86,726

FILED  
1/22/97  
SIO J. WHITE, Clerk  
Supreme Court of Florida  
By: Richard L. Lewis  
Deputy Clerk  
#1448

STATE OF FLORIDA,  
Plaintiff,

THIRTEENTH STATEWIDE GRAND JURY  
CASE NO. 27

vs.

LEON COUNTY  
CASE NO. R97-1914AF42  
SP# 10 7146  
OSWP CASE NO. 95-180 NFB

DARRELL TYRONE COKER,  
Defendant.

INDICTMENT FOR:

COUNT 1: Organized Fraud  
F.S. 817.034(4)(a)(1) (1°F)

COUNT 2: Grand Theft  
F.S. 812.014(2° Felony)

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA

COUNT 1

The Grand Jurors of the Thirteenth Statewide Grand Jury for the State of Florida, duly called, impaneled and sworn to inquire and true presentment make, upon their oaths, do present and charge that **DARRELL TYRONE COKER**, on or between February 1, 1995, and September 1, 1996, in the Second, Fourth, Fifth, Seventh, Fourteenth, Fifteenth and Eighteenth Judicial Circuits, that is, in Leon, Duval, Marion, Seminole, Volusia, Bay, Palm Beach and Brevard Counties, did engage in a scheme to defraud in connection with the offering of merchandise for sale at auctions, to wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to wit: Maxwell and Shirley Goldberg, or Algirdas Savickas or Jamie Amerson, or Elizabeth Dyke, or Norma P. Eastman, or Betty and Paul Lewis, or Richard Pisarski, or Ronald Howe, or Valerie Terk, or William Fenwick, or Paulette Lowe, or with the intent to obtain property from Maxwell and Shirley Goldberg, or Algirdas Savickas or Jamie Amerson, or Elizabeth Dyke, or Norma P. Eastman, or Betty and Paul Lewis, or Richard Pisarski, or Ronald Howe, or Valerie Terk, or William Fenwick, or Paulette Lowe, by false or fraudulent pretenses, representations or promises, or willful misrepresentations of a future act, did obtain property, to wit: U.S. currency with an aggregate value of more than \$50,000, in violation of Section 817.034(4)(a)(1), and said offense was connected to an organized criminal conspiracy affecting two or more judicial circuits or part of a related transaction.

000132

A Certified Copy  
Attest:

**Bob Inzer**

Clerk & Comptroller  
Leon County, Florida

By: E-P 12/15/15  
Deputy Clerk

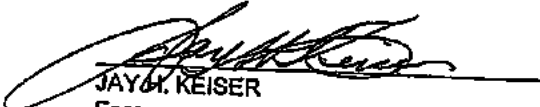


occurring in two or more judicial circuits.

**COUNT TWO**

The Grand Jurors of the Thirteenth Statewide Grand Jury for the State of Florida, duly called, impaneled and sworn to inquire and true presentment make, upon their oaths, do present and charge that DARRELL TYRONE COKER, on or between, February 1, 1995 and October 31, 1996, as part of a related transaction occurring in two or more judicial circuits, to-wit: the First, Second, Fourth, Fifth, Tenth, Eighteenth, Nineteenth and Twentieth Judicial Circuits, that is, in Okaloosa, Walton, Escambia, Leon, Duval, Marion, Polk, Bay, Palm Beach, Seminole, Brevard, Indian River, Martin and Lee Counties, did knowingly obtain or use, or endeavor to obtain or use U.S. Currency of a value of more than \$20,000, the property of another, to-wit: The State of Florida, with the intent to temporarily or permanently deprive said person of a right to the property, or a benefit therefrom, or to appropriate the property for the defendant's own use or to the use of a person not entitled thereto, in violation of Section 812.014(2)(b), Florida Statutes.

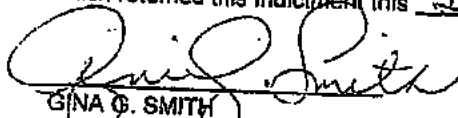
ALL OF SAID OFFENSES BEING AGAINST THE PEACE AND DIGNITY OF THE STATE OF FLORIDA.



JAY G. KEISER  
Foreperson  
Thirteenth Statewide Grand Jury of Florida

May 22, 1997  
DATE

I, GINA G. SMITH, Assistant Legal Adviser, Thirteenth Statewide Grand Jury, and Assistant Statewide Prosecutor for the State of Florida, hereby certify that I, as such Prosecuting Officer and as authorized and required by law have advised the Grand Jury which returned this Indictment this 22 day of May, 1997.



GINA G. SMITH  
Assistant Legal Adviser  
Thirteenth Statewide Grand Jury  
Assistant Statewide Prosecutor

000133



The foregoing indictment was returned before me in open court this 22<sup>nd</sup> day of May, 1997, and further, it is hereby sealed as to each defendant until their arrest, at which time it shall be unsealed (as to that defendant) without necessity of further Order of this Court, and further the clerk is directed to issue a summons for the arrest of the defendants named herein, when so directed by the prosecutor. I hereby certify and order the transfer of this indictment to Leon County, Florida, pursuant to Florida Statute 905.34.

[Signature]  
Presiding Judge  
Thirteenth Statewide Grand Jury

Filed in this Circuit Court, Leon County, Florida, this 22 day of May 1997.

[Signature]  
Clerk of the Circuit Court  
Deputy Clerk

**DEFENDANT DATA:**

**NAME:** DARRELL TYRONE COKER  
628 East Wildmere Avenue  
Longwood, FL 32750  
**DOB:** 8/4/49  
**SSN:** 410-82-1441  
White/Male  
Brown Hair/Brown Eyes  
Height: 6' Weight: 145 lbs.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL  
CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO: R97-1914AF  
OSWF NO.: 1995-0180-NFB

vs.

DARRELL TYRONE COKER,

INFORMATION SUPERSEDING  
INDICTMENT #27 ISSUED  
BY THE THIRTEENTH STATEWIDE  
GRAND JURY FILED MAY 22, 1997

Defendant.

COUNT I: RACKETEERING  
F.S. 895.03 (1<sup>st</sup> Felony)

COUNT II: FAILURE TO REMIT TAXES  
F.S. 212.15 (2<sup>nd</sup> Felony)

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

COUNT I: RACKETEERING

MELANIE ANN HINES, Statewide Prosecutor for the State of Florida, by and through her undersigned Assistant Statewide Prosecutor, under oath, CHARGES that on or between October 24, 1993 and February 15, 1997, DARRELL TYRONE COKER, as part of a related transaction occurring in two or more judicial circuits, or in connection with an organized criminal conspiracy affecting two or more judicial circuits, to-wit: the First, Second, Fourth, Fifth, Sixth, Seventh, Tenth, Twelfth, Thirteenth, Fourteenth, Seventeenth, and Eighteenth Judicial Circuits of Florida, that is, Escambia, Okaloosa, Leon, Duval, Marion, Pinellas, Volusia, Polk, Manatee, Hillsborough, Bay, Broward, and Brevard Counties, did unlawfully, intentionally, and knowingly, while employed by or associated with an enterprise as defined in Section 895.02(3), Florida Statutes, to-wit: a sole proprietorship, corporation chartered under the laws of this state, or other legal entity, or group of individuals associated in fact although not a legal entity, to-wit: Jewelry Auction, Inc. d/b/s Henry Bonnard Bronze Company, in violation of Sections 777.011 and 895.03(3), did conduct or participate, directly or indirectly, in such enterprise, through a continuous pattern of racketeering activity, as defined in Section 895.02(4), Florida Statutes, by engaging in at least two incidents of racketeering conduct which had similar intents, results, accomplices, victims or methods of commission or otherwise related by distinguishing characteristics and were not isolated instances, including at least two of the following:

**COPY TO CLIENT**

AUG 4 1999

*jd*  
INITIALS

000125  
JUL 28 10 52

Robert Augustus Harp

A Certified Copy  
Attest:

**Bob Inzer**

Clerk & Comptroller  
Leon County, Florida

By *CP* 12/16/15  
Deputy Clerk



PREDICATE INCIDENT A

In Escambia County, on or around June 30, 1995, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: RILEY SHIPMAN, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

PREDICATE INCIDENT B

In Escambia County, on or around April 1, 1994, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: ROBERT F. HEISER, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

PREDICATE INCIDENT C

In Okaloosa County, on or around July 2, 1995, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: NORMA EASTMAN, and did obtain property, to-wit: U.S. currency with an aggregate value of \$20,000 or more but less than \$50,000, in violation of Section 817.034(4)(a)2, Florida Statutes.

PREDICATE INCIDENT D

In Leon County, on or around July 30, 1995, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: MICHAEL RUSSO, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

PREDICATE INCIDENT E

In Duval County, on or around May 19, 1996, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: WILLIAM FENWICK, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

PREDICATE INCIDENT F

In Duval County, on or around May 2, 1996, DARRELL TYRONE COKER did engage

in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: VALERIE TERK, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

PREDICATE INCIDENT G

In Marion County, on or around February 4, 1996, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: RICHARD W. PISARSKI, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

PREDICATE INCIDENT H

In Pinellas County, on or around January 14, 1995, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: JOSEPH J. ARGENTINE, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

PREDICATE INCIDENT I

In Pinellas County, on or around January 14, 1995, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: DUANE A. DOW, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

PREDICATE INCIDENT J

In Pinellas County, on or around September 30, 1995, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: PIERRE GOIRAN, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

PREDICATE INCIDENT K

In Pinellas or Hillsborough Counties, between or around December 6, 1995 and October 20, 1996, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: ROGER JOHNSON, and did obtain property, to-wit: U.S. currency with an aggregate value of \$20,000 or

more but less than \$50,000, in violation of Section 817.034(4)(a)2, Florida Statutes.

**PREDICATE INCIDENT L**

In Volusia County, on or around February 15, 1997, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: LORENZO B. BUTTS, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

**PREDICATE INCIDENT M**

In Polk County, on or around June 23, 1996, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: JAMES C. RAMSBOTTOM, JR., and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

**PREDICATE INCIDENT N**

In Manatee County, on or around January 15, 1995, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: ROBERT OR SHERRY WOOD, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

**PREDICATE INCIDENT O**

In Hillsborough County, on or around December 31, 1995, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: MARIE M. GOSSER, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

**PREDICATE INCIDENT P**

In Bay County, between or around July 5, 1995 and May 26, 1996, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: JAMES OR SUSAN ROBERSON, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

**PREDICATE INCIDENT O**

In Bay County, between or around May 28, 1995 and May 26, 1996, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: ALGIRDES SAVICKES, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

**PREDICATE INCIDENT R**

In Bay County, on or around July 5, 1996, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: KENNETH OR SUE WILLIAMS, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

**PREDICATE INCIDENT S**

In Broward County, on or around October 24, 1993, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: ANTHONY J. ARD, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

**PREDICATE INCIDENT T**

In Brevard County, on or around January 1, 1996, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: PAUL OR BETTY LEWIS, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.

**PREDICATE INCIDENT U**

In Brevard County, on or around December 11, 1994, DARRELL TYRONE COKER did engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct, with the intent to defraud one or more persons, to-wit: MARGARET SWAN, and did obtain property, to-wit: U.S. currency with an aggregate value of less than \$20,000, in violation of Section 817.034(4)(a)3, Florida Statutes.


**COUNT TWO: FAILURE TO REMIT TAXES**

MELANIE ANN HINES, Statewide Prosecutor for the State of Florida, by and through

her undersigned Assistant Statewide Prosecutor, under oath, further CHARGES that DARRELL TYRONE COKER, between or around March 26, 1995 and June 18, 1996, as part of a related transaction occurring in two or more judicial circuits, to-wit: the First, Second, Fourth, Fifth, Tenth, Fourteenth, Fifteenth, Eighteenth, Nineteenth, and Twentieth Judicial Circuits of Florida, that is, Escambia, Okaloosa, Leon, Duval, Marion, Polk, Highlands, Bay, Palm Beach, Brevard, Martin, Indian River, Lee, and Collier Counties, did, with intent to unlawfully deprive or defraud the STATE OF FLORIDA of its moneys or the use and benefit thereof, fail to remit taxes collected pursuant to Chapter 212, Florida Statutes, in violation of Sections 777.011 and 212.15(2)(c), Florida Statutes.

ALL OF SAID OFFENSES BEING AGAINST THE PEACE AND DIGNITY OF THE STATE OF FLORIDA.

MELANIE ANN HINES  
STATEWIDE PROSECUTOR  
STATE OF FLORIDA

  
MARK A. CAMPBELL  
Assistant Statewide Prosecutor  
Florida Bar No. 0080209  
PL-01 The Capitol  
Tallahassee, FL 32399-1050  
(850) 414-3700

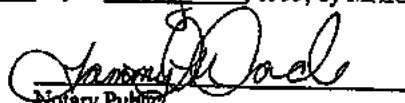
STATE OF FLORIDA )  
COUNTY OF LEON ) ss

Personally appeared before me, MARK A. CAMPBELL, Assistant Statewide Prosecutor for the State of Florida, who, being first duly sworn, says that he has received testimony under oath from the material witnesses which, if true, could constitute the offenses herein charged, and that this prosecution is instituted in good faith.

Sworn to and subscribed before me this 22<sup>nd</sup> day of July, 1999, by MARK A. CAMPBELL, who is personally known to me.



TAMMY L. WADE  
My Commission GC549577  
Expires Apr. 22, 2000

  
Notary Public  
State of Florida at Large

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy hereof has been furnished to Robert A. Harper,  
Esquire, 325 W. Park Avenue, Tallahassee, Florida 32301 by U.S. Mail this 23 day of July,  
1999.

  
\_\_\_\_\_  
MARK A. CAMPBELL  
Assistant Statewide Prosecutor

1000131



# EXHIBIT 7

# EXHIBIT 7

1 GENTILE CRISTALLI  
2 MILLER ARMENTI SAVARESE  
3 DOMINIC P. GENTILE  
4 Nevada Bar No. 1923  
5 Email: [dgentile@gcmaslaw.com](mailto:dgentile@gcmaslaw.com)  
6 410 S. Rampart Blvd., Suite 420  
7 Las Vegas, NV 89145  
8 Tel: (702) 880-0000  
9 Fax: (702) 778-9709  
10 *Attorney for Plaintiff Marco Sassone*

11  
12  
13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 MARCO SASSONE,  
16  
17 Plaintiff,

18 vs.

19 DARRELL T. COKER an individual,  
20 DARRELL R. COKER, an individual,  
21 RICHARD MORELLO an individual,  
22 DARRYL MCCULLOUGH an individual,  
23 AND THE JELLO'S JIGGLIN, LLC d/b/a  
24 Postal Annex, DOES 1-10, and ROE  
25 ENTITIES 1-10, inclusive,  
26  
27 Defendants.

CASE NO. 2:16-cv-03037-APG-PAL

**NOTICE OF VOLUNTARY DISMISSAL  
OF COUNT TWO (VIOLATION OF THE  
RIGHT OF PUBLICITY), AND COUNT  
FIVE (VIOLATION OF WORKS OF ART)  
WITH PREJUDICE**

28 Pursuant to Federal Rule of Civil Procedure 41, Plaintiff MARCO SASSONE ("Mr. Sassone"), by and through counsel, Dominic P. Gentile, Esq., of the law firm of Gentile Cristalli Miller Armeni Savarese, hereby provides notice of voluntary dismissal of Count 2 (Violation of Right of Publicity), and Count 5 (Violation of Works of Art) against Defendants DARRELL T.

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COKER and RICHARD MORRELLO, with prejudice, in the above-entitled action.

Dated this 20<sup>th</sup> day of January, 2017.

GENTILE CRISTALLI  
MILLER ARMENTI SAVARESE



---

DOMINIC P. GENTILE  
Nevada Bar No. 1923  
410 S. Rampart Blvd., Suite 420  
Las Vegas, Nevada 89145  
Tel: (702) 880-0000  
*Attorney for Plaintiff, Marco Sassone*

**CERTIFICATE OF SERVICE**

The undersigned, an employee of Gentile Cristalli Miller Armeni Savarese, hereby certifies that on the 20<sup>th</sup> day of January, 2017, true and correct copies of **NOTICE OF VOLUNTARY DISMISSAL OF COUNT 2 (VIOLATION OF THE RIGHT OF PUBLICITY), AND COUNT 5 (VIOLATION OF WORKS OF ART) WITH PREJUDICE**, were served via the United States District Court CM/ECF system as follows:

John C. Fernandez, Esq.  
Marc J. Randazza, Esq.  
Ronald D. Green, Esq.  
Alex J. Shepard, Esq.  
Randazza Law Group, PLLC  
4035 S. El Capitan Way  
Las Vegas, NV 89147  
Email: [ecf@randazza.com](mailto:ecf@randazza.com)  
Attorneys for Darrell T. Coker

Kenneth M. Roberts, Esq.  
Dirk A. Ravenholt, Esq.  
Dempsey, Roberts & Smith, Ltd.  
1130 Wigwam Pkwy.  
Henderson, NV 89074  
Email: [KenRoberts@drsLtd.com](mailto:KenRoberts@drsLtd.com);  
[Criminaldefenseattorney@drsLtd.com](mailto:Criminaldefenseattorney@drsLtd.com)  
Attorneys for Defendants  
Darryl McCullough and  
The Jello's Jigglin, LLC



An employee of  
GENTILE CRISTALLI  
MILLER ARMENTI SAVARESE

# EXHIBIT 8

# EXHIBIT 8

1 GENTILE CRISTALLI  
 2 MILLER ARMENI SAVARESE  
 3 DOMINIC P. GENTILE  
 Nevada Bar No. 1923  
 4 Email: [dgentile@gcmaslaw.com](mailto:dgentile@gcmaslaw.com)  
 410 S. Rampart Blvd., Suite 420  
 5 Las Vegas, NV 89145  
 Tel: (702) 880-0000  
 Fax: (702) 778-9709  
 Attorneys for Plaintiff Marco Sassone

7 UNITED STATES DISTRICT COURT  
 8 DISTRICT OF NEVADA

9 MARCO SASSONE,

10 Plaintiff,

11 vs.

13 DARRELL T. COKER an individual,  
 14 DARRELL R. COKER, an individual,  
 RICHARD MORELLO an individual,  
 15 DARRYL MCCULLOUGH an individual,  
 AND THE JELLO'S JIGGLIN, LLC d/b/a  
 Postal Annex, DOES 1-10, and ROE  
 16 ENTITIES 1-10, inclusive,

17 Defendants.

CASE NO. 2:16-cv-03037-APG-PAL

STIPULATION FOR DISMISSAL OF  
 COUNT TWO (VIOLATION OF THE  
 RIGHT OF PUBLICITY) AND COUNT  
 FIVE (VIOLATION OF WORKS OF ART)  
 WITH PREJUDICE

18 Plaintiff MARCO SASSONE and Defendant DARRYL MCCULLOUGH, and THE  
 19 JELLO'S JIGGLIN, LLC d/b/a Postal Annex, by and through their respective attorneys of  
 20 record, hereby stipulate that Count Two (Violation of Right of Publicity) and Count Five  
 21 (Violation of Works of Art) against Defendant DARRYL MCCULLOUGH, and THE JELLO'S  
 22 JIGGLIN, LLC d/b/a Postal Annex are dismissed with prejudice, in the above-referenced action.

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IT IS HEREBY STIPULATED.

DATED this 22nd day of February, 2017. DATED this 22nd day of February, 2017.

GENTILE CRISTALLI  
MILLER ARMENI SAVARESE

HALL JAFFE & CLAYTON, LLP

/s/ Dominic P. Gentile  
DOMINIC P. GENTILE  
Nevada Bar No. 1923  
LAUREN E. PAGLINI  
Nevada Bar No. 14254  
410 South Rampart Boulevard, Suite 420  
Las Vegas, Nevada 89145  
*Attorneys for Plaintiff, Marco Sassone*

/s/ Riley A. Clayton  
RILEY A. CLAYTON  
Nevada Bar No. 5260  
7425 Peak Drive  
Las Vegas, Nevada 89128  
*Attorney for Defendants, Darryl McCullough  
and The Jello's Jigglin, LLC*

**ORDER**

The Court, having reviewed and considered the Stipulation of the parties, and good cause appearing therefore, HEREBY ORDERS Count 2 (Violation of Rights of Publicity) and Count 5 (Violation of Works of Art) against Defendants DARRYL MCCULLOUGH, and THE JELLO'S JIGGLIN, LLC d/b/a Postal Annex be dismissed with prejudice from the above-referenced action.

IT IS SO ORDERED this 22 day of February, 2017.



UNITED STATES DISTRICT COURT JUDGE

Dated: February 22, 2017

# EXHIBIT 9

# EXHIBIT 9



# ART & JEWELRY HOUSE LLC.

Business Entity Information			
<b>Status:</b>	Active	<b>File Date:</b>	12/17/2012
<b>Type:</b>	Domestic Limited-Liability Company	<b>Entity Number:</b>	E0644602012-8
<b>Qualifying State:</b>	NV	<b>List of Officers Due:</b>	12/31/2017
<b>Managed By:</b>	Managers	<b>Expiration Date:</b>	
<b>NV Business ID:</b>	NV20121749574	<b>Business License Exp:</b>	12/31/2017

Additional Information	
<b>Central Index Key:</b>	

Registered Agent Information			
<b>Name:</b>	DARRELL T. COKER SR	<b>Address 1:</b>	3380 CAMINO GARDEN WAY LAS VEGAS
<b>Address 2:</b>		<b>City:</b>	LAS VEGAS
<b>State:</b>	NV	<b>Zip Code:</b>	89146
<b>Phone:</b>		<b>Fax:</b>	
<b>Mailing Address 1:</b>	3380 CAMINO GARDEN WAY LAS VEGAS	<b>Mailing Address 2:</b>	
<b>Mailing City:</b>	LAS VEGAS	<b>Mailing State:</b>	NV
<b>Mailing Zip Code:</b>	89146		
<b>Agent Type:</b>	Noncommercial Registered Agent		

Financial Information			
<b>No Par Share Count:</b>	0	<b>Capital Amount:</b>	\$ 0
<b>No stock records found for this company</b>			

- Officers		<input checked="" type="checkbox"/> Include Inactive Officers	
<b>Manager - DARRELL T COKER SR.</b>			
<b>Address 1:</b>	3380 CAMINO GARDEN WAY LAS VEGAS	<b>Address 2:</b>	
<b>City:</b>	LAS VEGAS	<b>State:</b>	NV
<b>Zip Code:</b>	89146	<b>Country:</b>	USA
<b>Status:</b>	Historical	<b>Email:</b>	
<b>Manager - DARRELL T COKER SR.</b>			
<b>Address 1:</b>	3380 CAMINO GARDEN WAY LAS VEGAS	<b>Address 2:</b>	
<b>City:</b>	LAS VEGAS	<b>State:</b>	NV
<b>Zip Code:</b>	89146	<b>Country:</b>	USA
<b>Status:</b>	Active	<b>Email:</b>	

**- Actions\Amendments**

<b>Action Type:</b>	<b>Articles of Organization</b>		
<b>Document Number:</b>	<b>20120846057-65</b>	<b># of Pages:</b>	<b>1</b>
<b>File Date:</b>	<b>12/17/2012</b>	<b>Effective Date:</b>	
<b>(No notes for this action)</b>			
<b>Action Type:</b>	<b>Initial List</b>		
<b>Document Number:</b>	<b>20120846058-76</b>	<b># of Pages:</b>	<b>1</b>
<b>File Date:</b>	<b>12/17/2012</b>	<b>Effective Date:</b>	
<b>(No notes for this action)</b>			
<b>Action Type:</b>	<b>Annual List</b>		
<b>Document Number:</b>	<b>20130793279-33</b>	<b># of Pages:</b>	<b>1</b>
<b>File Date:</b>	<b>12/4/2013</b>	<b>Effective Date:</b>	
<b>(No notes for this action)</b>			
<b>Action Type:</b>	<b>Annual List</b>		
<b>Document Number:</b>	<b>20140712452-68</b>	<b># of Pages:</b>	<b>1</b>
<b>File Date:</b>	<b>10/13/2014</b>	<b>Effective Date:</b>	
<b>(No notes for this action)</b>			
<b>Action Type:</b>	<b>Annual List</b>		
<b>Document Number:</b>	<b>20150453051-36</b>	<b># of Pages:</b>	<b>1</b>
<b>File Date:</b>	<b>10/13/2015</b>	<b>Effective Date:</b>	
<b>(No notes for this action)</b>			
<b>Action Type:</b>	<b>Annual List</b>		
<b>Document Number:</b>	<b>20160443990-08</b>	<b># of Pages:</b>	<b>1</b>
<b>File Date:</b>	<b>10/6/2016</b>	<b>Effective Date:</b>	
<b>(No notes for this action)</b>			

# EXHIBIT 10

# EXHIBIT 10

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

MARCO SASSONE,

Plaintiff,

v.

DARRELL T. COKER, DARRELL R.  
COKER, an individual; RICHARD  
MORELLO, an individual; DARRYL  
MCCULLOUGH, an individual; THE  
JELLO'S JIGGLIN, LLC d/b/a Postal Annex;  
DOES 1-10; and ROE ENTITIES 1-10,  
inclusive,

Defendants.

Case No. 2:16-cv-03037-APG-PAL

**ORDER REMANDING CASE TO STATE  
COURT**

(ECF No. 12)

Defendant Darrell T. Coker removed this case to federal court on December 30, 2016. The plaintiff moves to remand to state court. ECF No. 12. Because none of the defendants timely joined in the removal, I will remand the case.

Federal courts are courts of limited jurisdiction. *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 374 (1978). "A federal court is presumed to lack jurisdiction in a particular case unless the contrary affirmatively appears." *Stock West, Inc. v. Confederated Tribes of the Colville Res.*, 873 F.2d 1221, 1225 (9th Cir. 1989). "Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance." *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992) (citing *Libhart v. Santa Monica Dairy Co.*, 592 F.2d 1062, 1064 (9th Cir. 1979)). Thus, courts "strictly construe the removal statute against removal jurisdiction." *Id.* "The 'strong presumption' against removal jurisdiction means that the defendant always has the burden of establishing that removal is proper." *Id.*

Under 28 U.S.C. § 1446(b)(2)(A), all defendants who have been properly joined and served must join in or consent to removal within 30 days of the notice of removal. *Pattison v. Nevada Dept. of Corrections*, Case No. 3:14-cv-00020-MMD-VPC, 2014 WL 2506467 \*3 (D. Nev. June

1 3, 2014). The lack of all defendants joining in removal is a procedural defect requiring remand  
2 unless waived. *National Roofing Industry Pension Plan v. Acropolis Investments, Ltd.*, Case No.  
3 2:10-cv-1882-JCM-LRL, 2011 WL 830269 \*2 (D. Nev. March 4, 2011).

4 Given Coker's December 30, 2016 removal notice, the other defendants were required to  
5 join in removal by January 29, 2017. Not all defendants did so. Defendants Darryl McCullough  
6 and The Jello's Jigglin, LLC did not join in the removal because they did not want the case heard  
7 in federal court. ECF No. 5 at 2:23-27. These two defendants later changed counsel and filed a  
8 notice of joinder in removal, but that was filed 24 days late. ECF No. 20. Defendant Richard  
9 Morello never joined in the removal. Because none of other the defendants timely joined in the  
10 removal, remand is required.

11 Coker attempts to avoid remand by arguing that under 28 U.S.C. § 1454(b), the "rule of  
12 unanimity" does not apply. That statute provides that "removal of an action under [§ 1454] shall  
13 be made in accordance with section 1446, except that if the removal is based solely on this section  
14 (1) the action may be removed by any party . . . ." 28 U.S.C. § 1454(b) (emphasis added). This  
15 language does not address the rule of unanimity, and Coker points to no case interpreting it in that  
16 way. Moreover, Coker did not remove this case "based solely on" § 1454. Rather, his notice of  
17 removal states that "removal is proper pursuant to 28 U.S.C. §§ 1454 and 1441." ECF No. 1 at  
18 2:10. Thus, unanimity is not excused in this case by § 1454(b).

19 Finally, Coker alleges that unanimity is excused if the non-joining defendants are merely  
20 "nominal defendants." ECF No. 14 at 10-11. However, the other defendants in this case are not  
21 nominal. The Amended Complaint asserts substantive and serious claims against them. *See, e.g.*,  
22 ECF No. 1-1 at ¶¶ 22-25, 31-36, 61-65, 68-71. Because the defendants have an interest in the  
23 outcome of this action and are not joined merely to perform ministerial acts in furtherance of the  
24 plaintiff's requested relief, they are not nominal parties. *Prudential Real Estate Affiliates, Inc. v.*  
25 *PPR Realty, Inc.*, 204 F.3d 867, 873 (9th Cir. 2000).

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1 IT IS THEREFORE ORDERED that the plaintiff's motion to remand (ECF No. 12) is  
2 GRANTED. This case is remanded to the state court from which it was removed for all further  
3 proceedings. The Clerk of the Court is instructed to close this case.

4 Dated: March 13, 2017.



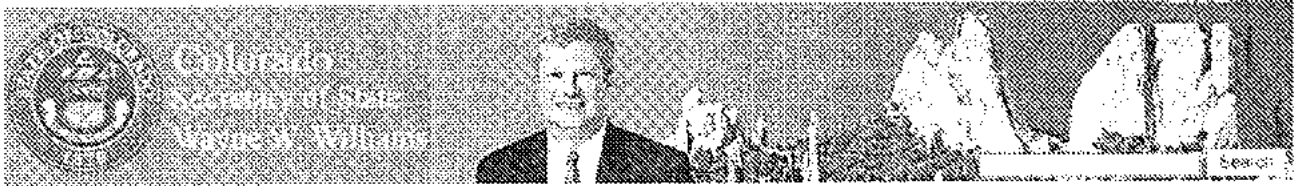
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6 ANDREW P. GORDON  
7 UNITED STATES DISTRICT JUDGE

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# EXHIBIT 11

# EXHIBIT 11



**For this Record...**  
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 Register a business

FAQs, Secretary and  
 Information

## Summary

Details			
Name	FINE ART ONLINE AUCTIONS, LLC.		
Status	Good Standing	Formation date	06/13/2014
ID number	70141264234	Form	Limited Liability Company
Periodic report month	March	Jurisdiction	Colorado
Principal office street address	1880 OFFICE CLUB PT. COLORADO SPRINGS, CO 80920, United States		
Principal office mailing address	8130 W. FLAMINGO RD, LAS VEGAS, NV 89150, United States		

Registered Agent	
Name	CNF BUSINESS CONCEPTS, LLC
Street address	1880 OFFICE CLUB PT. COLORADO SPRINGS CO 80920, United States
Mailing address	n/a

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