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28 **DISTRICT COURT**

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

Case No. A-17-749318-C
Dept. No. SENIOR JUDGE PROGRAM

**ORDER GRANTING SCHNEIDER
DEFENDANTS' SPECIAL MOTION
TO DISMISS PLAINTIFFS' SLAPP
SUIT PURSUANT TO NRS 41.660 AND
REQUEST FOR ATTORNEY'S FEES,
COSTS, AND DAMAGES PURSUANT
TO NRS 41.670**

Schneider Defendants' Special Motion to Dismiss Plaintiffs' SLAPP¹ Suit Pursuant to NRS 41.660 and Request for Attorney's Fees, Costs, and Damages Pursuant to NRS 41.670 (the "Special Motion to Dismiss") having come on for hearing on June 5, 2017, the Honorable Michelle Leavitt presiding;² Plaintiffs Jennifer V. Abrams ("Ms. Abrams") and the Abrams & Mayo Law Firm (together, the "Abrams Parties"), appearing by and through their attorneys, Joshua P. Gilmore, Esq. of Bailey ♦ Kennedy and Marshal S. Willick, Esq. of Willick Law Group; Defendants Steve W. Sanson ("Sanson") and Veterans in Politics International, Inc. ("VIPI") (collectively, the "VIPI Defendants"), appearing by and through their attorneys, Margaret A. McLetchie, Esq. and Alina M. Shell, Esq. of McLetchie Shell LLC; and Defendants Louis C. Schneider, Esq. ("Schneider") and Law Office of Louis C. Schneider (together, the "Schneider Defendants"), appearing by and through their attorney, Cal Potter, Esq. of Potter Law Offices; and the Court, having read and considered all of the papers and pleadings on file, including the transcript from the June 5, 2017 hearing, and being fully advised, and good cause appearing therefor, hereby makes the following findings of fact and conclusions of law, and order granting the Schneider Defendants' Special Motion to Dismiss:

I.

FINDINGS OF FACT

1. Schneider is a licensed attorney in Las Vegas, Nevada.
2. On January 9, 2017, the Abrams Parties filed a Verified Complaint against the Schneider Defendants, as well as several other Defendants. The original Complaint included causes of action for defamation, intentional infliction of emotional distress, negligent infliction of emotional distress, false light, business disparagement, harassment, concert of action, civil conspiracy, RICO, and injunctive relief.
3. On January 27, 2017, the Abrams Parties filed a First Amended Verified Complaint, adding copyright infringement as a cause of action.

¹ "SLAPP" is an acronym for "strategic lawsuit against public participation."

² This matter was reassigned to the undersigned Senior Judge pursuant to the March 5, 2018 Notice of Department Reassignment.

1 12. Courts must evaluate a special anti-SLAPP motion to dismiss using a two-step
2 process. First, the defendant bears the burdens of persuasion and production: He must show by a
3 preponderance of the evidence that each of the plaintiff's claim "is based upon a good faith
4 communication in furtherance of the right to petition or the right to free speech in direct connection
5 with an issue of public concern." NRS 41.660(3)(a); *see also John v. Douglas County Sch. Dist.*,
6 125 Nev. 746, 754, 219 P.3d 1276, 1282 (2009).

7 13. Second, assuming that the defendant satisfies the aforementioned threshold
8 showing, a court must then "determine whether the plaintiff has demonstrated with prima facie
9 evidence a probability of prevailing on the claim[s]." NRS 41.660(3)(b).

10 14. NRS Section 41.637 defines a "good faith communication in furtherance of the right
11 to petition or the right to free speech in direct connection with an issue of public concern" in
12 pertinent part as follows:

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

15 Communication made in direct connection with an issue of public interest in a place
16 open to the public or in a public forum,

17 ↳ which is truthful or is made without knowledge of its falsehood.

18 NRS 41.637(4).

19 15. In *Shapiro v. Welt*, 133 Nev., Adv. Op. 6, 389 P.3d 262 (2017), the Nevada
20 Supreme Court outlined the following guiding principles for determining what constitutes "public
21 interest" for purposes of NRS Section 41.637(4):

22 (1) "public interest" does not equate with mere curiosity;

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

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

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

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

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

4 ***The Schneider Defendants Met Their Initial Burden***

5 16. The Court finds that no statement at issue in this case was directly made by Mr.
6 Schneider. As noted above, the Abrams Parties seek to hold the Schneider Defendants liable for
7 statements made by the VIPI Defendants.

8 17. Having reviewed the communications at issue in the First Amended Verified
9 Complaint, the Court finds that the VIPI Defendants' statements concerning the Abrams Parties
10 arise from good faith communications in furtherance of the right to free speech in direct connection
11 with an issue of public concern.

12 18. Moreover, the Court finds that a majority of the statements at issue in this case took
13 place on the public forum of the internet – e.g., they were published on VIPI's website.

14 19. Finally, the Court finds that the statements at issue in this case were made without
15 knowledge of falsehood, or were statements of opinion which are incapable of being true or false.

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

17 20. Because the Schneider Defendants met their burden, the burden now shifts to the
18 Abrams Parties to demonstrate "with prima facie evidence a probability of prevailing on the[ir
19 remaining] claims." NRS 41.660(3)(b).

20 21. The Abrams Parties have failed to meet their burden, as they cannot show a
21 probability of success on their remaining claims.

22 **Defamation**

23 22. In Nevada, the elements of a defamation claim are: (1) a false and defamatory
24 statement by a defendant concerning the plaintiff; (2) an unprivileged publication of this statement
25 to a third person; (3) fault of the defendant, amounting to at least negligence; and (4) actual or
26 presumed damages. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 718, 57 P.3d 82, 90 (2002).

1 23. The Schneider Defendants made none of the statements at issue in this case, and the
2 VIPI Defendants' statements consist of either opinions or facts. Thus, the Abrams Parties have not
3 established a probability of success on their defamation claim.

4 **Intentional Infliction of Emotional Distress**

5 24. The elements of a cause of action for intentional infliction of emotional distress
6 ("IIED") are: "(1) extreme and outrageous conduct with either the intention of, or reckless
7 disregard for, causing emotional distress, (2) the plaintiff's [sic] having suffered severe or extreme
8 emotional distress and (3) actual or proximate causation." *Dillard Dep't Stores, Inc. v. Beckwith*,
9 115 Nev. 372, 378, 989 P.2d 882, 886 (1999) (quoting *Star v. Rabello*, 97 Nev. 124, 125, 625 P.2d
10 90, 92 (1981)).

11 25. The Abrams Parties fail to allege facts sufficient to show that the Schneider
12 Defendants' conduct was "extreme and outrageous" or that the Abrams Parties suffered emotional
13 distress. Thus, the Abrams Parties have not established a probability of success on their IIED
14 claim.

15 **Negligent Infliction of Emotional Distress**

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

23 27. The Abrams Parties fail to allege facts sufficient to show that the Schneider
24 Defendants owed Ms. Abrams or her law firm any duty of care. The Abrams Parties also fail to
25 allege facts sufficient to show that they suffered emotional distress. Thus, the Abrams Parties have
26 not established a probability of success on their NIED claim.

1 **False Light**

2 28. The false light tort requires that “(a) the false light in which the other was placed
3 would be highly offensive to a reasonable person, and (b) the actor had knowledge of or acted in
4 reckless disregard as to the falsity of the publicized matter and the false light in which the other
5 would be placed.” *Franchise Tax Bd. of Cal. v. Hyatt*, 130 Nev., Adv. Op. 71, 335 P.3d 125, 141
6 (2014) (quoting RESTATEMENT (SECOND) OF TORTS § 652E (1977)).

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

13 **Business Disparagement**

14 30. The elements of a business disparagement cause of action are: “(1) a false and
15 disparaging statement, (2) the unprivileged publication by the defendant, (3) malice, and (4) special
16 damages.” *Clark Cty. Sch. Dist. v. Virtual Educ. Software, Inc.*, 125 Nev. 374, 386, 213 P.3d 496,
17 504 (2009) (citing *Hurlbut v. Gulf Atlantic Life Ins. Co.*, 749 S.W.2d 762, 766 (Tex. 1987)).

18 31. The Abrams Parties cannot prevail on their business disparagement claim for the
19 same reason that their defamation claim fails. Thus, the Abrams Parties have not established a
20 probability of success on their business disparagement claim.

21 **Concert of Action**

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

1 33. The conduct alleged in this case is not inherently dangerous. Further, because the
2 other tort claims fail, so does this one.

3 **Civil Conspiracy**

4 34. The elements of a cause of action for civil conspiracy are: (1) defendants, "by some
5 concerted action, intend to accomplish an unlawful objective for the purpose of harming another;
6 and (2) damage resulting from the act(s). *Consol. Generator-Nevada, Inc. v. Cummins Engine Co.*,
7 114 Nev. 1304, 1311, 971 P.2d 1251, 1255 (1999) (quoting *Hilton Hotels v. Butch Lewis*
8 *Productions*, 109 Nev. 1043, 1048, 862 P.2d 1207, 1210 (1993)).

9 35. Because the other tort claims fail, so does this one.

10 **III.**

11 **ORDER**

12 36. Accordingly, for the reasons stated above, the Schneider Defendants' Special
13 Motion to Dismiss is GRANTED.

14 37. If a Court grants a special anti-SLAPP motion to dismiss, the defendants are entitled
15 to an award of reasonable costs and attorneys' fees. NRS 41.670(1)(a). A Court may also award
16 up to \$10,000.00. NRS 41.670(1)(b).

17 38. Additionally, upon the granting of a special anti-SLAPP motion to dismiss, the
18 defendants can bring a separate cause of action against the plaintiffs for compensatory damages,
19 punitive damages, and attorney's fees and costs of bringing the separate action. NRS 41.670(c).

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IT IS SO ORDERED this 20 day of April, 2018.

Ching  DISTRICT COURT JUDGE 

BAILEY ♦ KENNEDY

By:

AND

AND

Attorneys for Plaintiffs,

JENNIFER V. ABRAMS and
THE ABRAMS & MAYO LAW FIRM

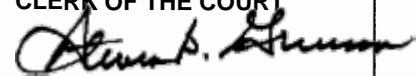
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(fn) The Chief Judge signs this for Sr. Judge K. Hardcastle pending decision by the parties related to the disclosure ^{Page 9 of 9} made on 20 April 2018.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

vs.

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

CASE NO: A-17-749318-C
DEPT. NO: I

DATE OF HEARING:
TIME OF HEARING:

NOTICE OF APPEAL

TO: STEVE W. SANSON, Defendant;
TO: LOUIS SCHNEIDER, ESQ., Defendant;
TO: MARGARET MCLECHIE, ESQ., attorney for Defendant, Steve Sanson; and
TO: JOSEPH HOUSTON, ESQ., attorney for Defendant, Louis Schneider;

NOTICE IS HEREBY GIVEN that the WILLICK LAW GROUP, attorneys for Plaintiffs, Jennifer V. Abrams and the Abrams and Mayo Law Firm, hereby appeals to the Supreme Court of Nevada from the *Order Granting Schneider Defendants' Special Motion to Dismiss Pursuant to NEV. REV. STAT. 41.660 (Anti-Slapp) and Request for Attorney's Fees, Costs, and Damages Pursuant to NRS 41.670* rendered by the District Court, Chief Judge, Elizabeth Gonzalez, and entered on the 24th day of April, 2018.

DATED this 7th day of May, 2018.

Respectfully Submitted By:
WILLICK LAW GROUP

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Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

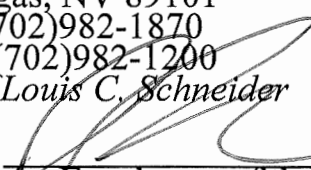
Pursuant to NRCP 5(b), I certify that I am an employee of the WILLICK LAW GROUP and that on this 7th day of May, 2018, I caused the document entitled *Notice of Appeal* to be served as follows:

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

To the attorney's listed below at the address, email address, and/or facsimile number indicated below:

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MCLETCHIE SHELL LLC
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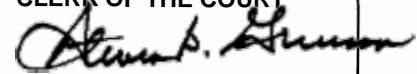
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

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

vs.

LOUIS SCHNEIDER; LAW OFFICES OF LOUIS C.
SCHNEIDER, LLC; STEVE W. SANSON;
VETERANS IN POLITICS INTERNATIONAL, INC;
and DOES I THROUGH X,

DATE OF HEARING:
TIME OF HEARING:

Defendant.

**OPPOSITION TO
“MOTION TO REASSIGN CASE TO JUDGE MICHELLE LEAVITT
AND REQUEST FOR WRITTEN DECISION OR ORDER”
AND
COUNTERMOTION FOR ATTORNEY’S FEES**

I. INTRODUCTION

The pending motion is *actually* a request to reconsider an order denying a motion to reconsider. It is improper, at best, and should be summarily denied.

1 **II. STATEMENT OF FACTS**

2 The factual history of this case is extensive. In the interest of judicial economy, we will
3 instead focus on only the facts relevant to the issues before the court. The primary issue before the
4 district court, while the rest of the matter is on appeal, is which judge should hear this matter.

5 The *Complaint for Damages* was filed on January 9, 2017. The case was assigned to
6 department 1.

7 The first time the case was reassigned was on January 18, 2017, after plaintiffs filed a
8 peremptory challenge on January 17, 2017. The case landed in department 14. On January 20, 2017,
9 the case was reassigned from department 14 to department 21 due to a “clerical error with previous
10 Peremptory Challenge reassignment.”

11 Defendants’ attempts to reach and tamper with the courts hearing both actions
12 (Willick/Sanson and Abrams/Schneider) have been relentless throughout the time the case has been
13 pending, as previously documented at length.

14 On March 3, 2017, the case landed in Department 12 after being reassigned again. The
15 Minute order from that date reads as follows:

16 As this Court is personally acquainted with Deft. Sanson, has appeared on his radio
17 show and has attended Deft’s events, in accordance with rule 2.11 (A) and to avoid
18 the appearance of impropriety and implied bias this Court hereby disqualifies itself
19 and ORDERS the case be reassigned at random.

20 Over the next year, Steve Sanson’s systematic campaign to gain influence over the Clark
21 County District Court Judges was in full swing. Not only had Sanson “declared war” on the entire
22 20-judge family court division of this judicial district, he also launched smear campaigns against
23 several judges. He contacted multiple judges on their home phones, cell phones, and approached
24 them personally on a variety of pretexts, so he could question their decisions, criticize their taking
25 of personal days off, or even meet with them in “back hallway” conversations. Sanson’s antics in
26 one divorce case, where he tried to sway the judge on behalf of one of the litigants, even made the
27 judge recuse himself – which the litigant involved with him has since admitted was their joint plan
28 all along.

1 After all of Sanson's recent gimmicks and games, Plaintiffs in this case, in *Willick v. Sanson*
2 (A-17-750171-C), and in *DiCiero v Sanson* (A-18-767961-C), filed their *Motion to Disqualify*
3 *Eighth Judicial District Court Elected Judiciary, and a Permanent Assignment to the Senior Judge*
4 *Program or, Alternatively, to a District Court Judge Outside of Clark County* on January 24, 2018.

5 Counsel for Sanson and the other defendants filed their opposition on January 31, 2018, and
6 joinder thereto on February 7, 2018. Plaintiff's *Reply* was filed on February 23, 2018.

7 On March 2, 2018, the Hon. Chief Judge Elizabeth Gonzalez issued a minute order that
8 assigned all three cases to the senior judge department. Judge Gonzalez stated that "given the high
9 number of recusal by sitting district judges, this matter is referred to the senior judge department for
10 assignment of a senior judge to this case." The Chief Judge didn't grant or deny Plaintiffs' Motion;
11 the Motion was just taken off calendar.

12 The Case was then assigned to the Hon. Judge Kathy Hardcastle. On March 12, 2018,
13 Defendant's filed their *Motion to Reconsider March 2, 2018 Minute Order Granting Plaintiffs'*
14 *Motion to Disqualify*. Once again, a joinder to the Motion was filed on March 13, 2018, attaching
15 all of the defendants to one Motion. Plaintiffs opposed the Motion on March 26; a *Reply* was filed
16 on April 12.

17 At the April 17 and 20 hearings, it was brought to light that one of Defendants' counsel has
18 had a close personal relationship and professional relationship with Judge Hardcastle, her family,
19 and her former spouse. The Court stated that it would recuse itself if anyone had any issue with this
20 connection. Plaintiffs stated in open court that we had no issue and did not request recusal.

21 Defendants used this as an opportunity take another bite at the apple by filing their *Motion*
22 *to Reassign Case to Judge Michelle Leavitt and Request for Written Decision or Order* on April 20,
23 2018. Their intention is to defy Judge Gonzalez's order assigning the case to the senior judge
24 program and get this case back in front of a specific judge of their choice.

25 It is unfortunate that Defendants are attempting to capitalize on an appearance that Judge
26 Hardcastle might be *favorably* disposed toward one of their attorneys by surreptitiously trying to
27 evade the reassignment order. A minute order was issued on April 23 wherein Judge Hardcastle
28 indeed recused herself and the case was given back to the Chief Judge for reassignment.

1 This Opposition follows.

2 **III. OPPOSITION TO MOTION**

3 The most recent filing does not add anything to the “merits” of the position that Defendants
4 have already twice argued unsuccessfully. While we could go back through our prior filings
5 explaining all the reasons why this Court’s order reassigning the case to the senior judge department
6 is appropriate, and all of the discovery and other orders that would be instantly necessary if it was
7 not, this Court presumably is fully informed and remembers why it did what it did perfectly well with
8 no need of reminders from us.

9 Accordingly, in the interest of judicial economy, we will simply incorporate those prior
10 filings by reference, and volunteer to supply any further points and authorities that this Court feels
11 might be necessary.

12
13 **IV. COUNTERMOTION**

14 **A. ATTORNEY’S FEES**

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

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

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

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

25 Additionally, NRS 18.010, dealing with awards of attorney’s fees, states that fees may be
26 awarded:

27 (b) Without regard to the recovery sought, when the court finds that
28 the claim, counterclaim, cross-claim or third-party complaint or

1 defense of the opposing party was brought or maintained without
2 reasonable ground or to harass the prevailing party. The court shall
3 liberally construe the provisions of this paragraph in favor of
4 awarding attorney's fees in all appropriate situations. *It is the intent*
5 *of the Legislature that the court award attorney's fees pursuant to*
6 *this paragraph and impose sanctions pursuant to Rule 11 of the*
7 *Nevada Rules of Civil Procedure in all appropriate situations to*
8 *punish for and deter frivolous and vexatious claims and defense*
9 *because such claims and defenses overburden limited judicial*
10 *resources, hinder the timely resolution of meritorious claims and*
11 *increase the costs of engaging in business and providing*
12 *professional services to the public.*

13 [Emphasis added.]

14 The Supreme Court has re-adopted "well-known basic elements," which in addition to hourly
15 time schedules kept by an attorney, are to be considered in determining the reasonable value of an
16 attorney's services, and qualities, commonly referred to as the *Brunzell* factors:¹

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

27 Each of these factors should be given consideration, and no one element should predominate
28 or be given undue weight.² Additional guidance is provided by reviewing the "attorney's fees" cases
most often cited in Family Law cases.³

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

¹ *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

² *Miller v. Wilfong*, 121 Nev. 119, P.3d 727 (2005).

³ Discretionary Awards: Awards of fees are neither automatic nor compulsory, but within
the sound discretion of the Court, and evidence must support the request. *Fletcher v. Fletcher*, 89
Nev. 540, 516 P.2d 103 (1973), *Levy v. Levy*, 96 Nev. 902, 620 P.2d 860 (1980), *Hybarger v.*
Hybarger, 103 Nev. 255, 737 P.2d 889 (1987).

1 First, respectfully, we suggest that the undersigned is A/V rated, a peer-reviewed and certified
2 (and re-certified) Fellow of the American Academy of Matrimonial Lawyers, and a Certified
3 Specialist in Family Law⁴ who has been in practice nearly 40 years. Mr. Willick is the principal of
4 the WILICK LAW GROUP.

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

9 The fees charged by paralegal staff are reasonable, and compensable, as well. The tasks
10 performed by staff in this case were precisely those that were “some of the work that the attorney
11 would have to do anyway [performed] at substantially less cost per hour.”⁵ As the Nevada Supreme
12 Court reasoned, “the use of paralegals and other nonattorney staff reduces litigation costs, so long
13 as they are billed at a lower rate,” so ‘reasonable attorney’s fees’ . . . includes charges for persons
14 such as paralegals and law clerks.”

15 The work actually performed will be detailed in a *Memorandum of Fees and Costs*, at the
16 Court’s request (redacted as to confidential information), consistent with the requirements under
17 *Love*.⁶

18 19 **V. CONCLUSION**

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

- 21 1. Denying the *Motion to Reassign Case to Judge Michelle Leavitt and Request*
22 *for Written Decision or Order*, with prejudice.

23
24 ⁴ Per direct enactment of the Board of Governors of the Nevada State Bar, and independently
25 by the National Board of Trial Advocacy. Mr. Willick was privileged (and tasked) by the Bar to
26 write the examination that other would-be Nevada Family Law Specialists must pass to attain that
status.

27 ⁵ *LVMPD v. Yeghiazarian*, 129 Nev. ___, ___ P.3d ___ (Adv. Opn. No. 81, Nov. 7, 2013)
28 citing to *Missouri v. Jenkins*, 491 U.S. 274 (1989).

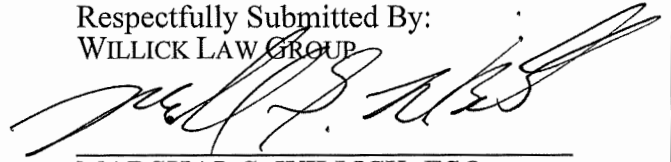
⁶ *Love v. Love*, 114 Nev. 572, 959 P.2d 523 (1998).

1 2. Granting Plaintiffs' request for fees.

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

3 **DATED** this 7th day of May, 2018.

4 Respectfully Submitted By:
5 WILLICK LAW GROUP



6 MARSHAL S. WILLICK, ESQ.
7 Nevada Bar No. 2515
8 3591 E. Bonanza, Suite 200
9 Las Vegas, Nevada 89110-2101
10 (702) 438-4100 Fax (702) 438-5311
11 Attorney for *Plaintiffs*

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 7th day of May, 2018, I caused the above and foregoing document, to be served as follows:

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

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

Maggie McLetchie, Esq.
MCLECHIE SHELL LLC
701 E Bridger Avenue, #520,
Las Vegas, Nevada 89101
Attorney for *Steve W. Sanson* and
VETERANS IN POLITICS INTERNATIONAL, INC.

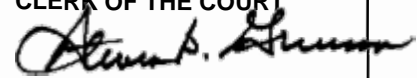
Joseph W. Houston, Esq.
430 S. Seventh St.
Las Vegas, Nevada 89101
Attorney for Louis C. Schneider, and
LAW OFFICES OF LOUIS C. SCHNEIDER, LLC


An Employee of the WILICK LAW GROUP

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WILICK LAW GROUP
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 2515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
Attorney for *Plaintiffs*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

vs.

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

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

DATE OF HEARING:
TIME OF HEARING:

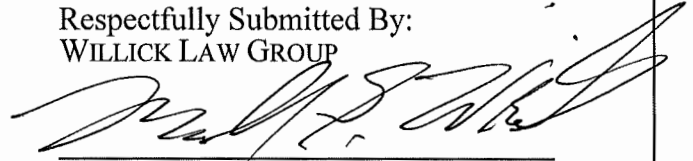
**ERRATA TO
OPPOSITION TO
“MOTION TO REASSIGN CASE TO JUDGE MICHELLE LEAVITT
AND REQUEST FOR WRITTEN DECISION OR ORDER”
AND
COUNTERMOTION FOR ATTORNEY’S FEES**

Jennifer Abrams submits this Errata to her *Opposition to “Motion to Reassign Case to Judge Michelle Leavitt and Request for Written Decision or Order”* and *Counter-motion for Attorney’s Fees* filed on May 7, 2018.

1 Specifically, the Plaintiff was unable to provide a signed copy of the Declaration at the time
2 of filing. The attached Declaration is signed and meant to replace the unsigned Declaration attached
3 to the Opposition.

4 DATED this 8th day of May, 2018.

5 Respectfully Submitted By:
6 WILICK LAW GROUP



7 MARSHAL S. WILICK, ESQ.
8 Nevada Bar No. 2515
9 3591 E. Bonanza, Suite 200
10 Las Vegas, Nevada 89110-2101
11 (702) 438-4100 Fax (702) 438-5311
12 Attorney for *Plaintiffs*

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 9th day of May, 2018, I caused the above and foregoing document, to be served as follows:

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

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

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

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


An Employee of the WILICK LAW GROUP

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ATTACHMENT


ATTACHMENT

ATTACHMENT

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

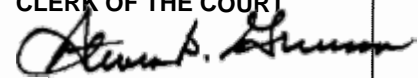
I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is true and correct.


JENNIFER V. ABRAMS, ESQ.

JENNIFER V. ABRAMS, ESQ.

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1 **ASTA**
2 Willick Law Group
3 MARSHAL S. WILLICK, ESQ.
4 Nevada Bar No. 002515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 Phone (702) 438-4100; Fax (702) 438-5311
8 email@willicklawgroup.com
9 Attorneys for *Plaintiff*

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DISTRICT COURT
CLARK COUNTY, NEVADA

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

vs.

LOUIS SCHNEIDER; LAW OFFICES OF
LOUIS C. SCHNEIDER, LLC; STEVE W.
SANSON; VETERANS IN POLITICS
INTERNATIONAL, INC; and DOES I
THROUGH X,

Defendant.

CASE NO: A-17-749318-C
DEPT. NO: I

DATE OF HEARING:
TIME OF HEARING:

CASE APPEAL STATEMENT

Pursuant to Nevada Rule of Appellate Procedure 3(f)(1), Plaintiffs Jennifer V. Abrams and The Abrams & Mayo Law Firm file their Case Appeal Statement.

1. Name of Appellants Filing This Case Appeal Statement:

Jennifer V. Abrams

The Abrams & Mayo Law Firm.

2. Identify the Judge Issuing the Decision, Judgment, or Order Appealed From:

The Hon. Elizabeth Gonzalez, District Court Chief Judge, Eighth Judicial District Court (of decision rendered by the Hon. Michele Leavitt).

3. Identify Each Appellant and the Name and Address of Counsel for Each Appellant:

Appellants ("Abrams Parties"): Jennifer V. Abrams
The Abrams & Mayo Law Firm

Counsel for Abrams Parties: Dennis L. Kennedy
Nevada Bar No. 1462
Joshua P. Gilmore
Nevada Bar No. 11576
BAILEY KENNEDY
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302

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

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

4. Identify Each Respondent and the Name and Address of Appellate Counsel, if Known, for Each Respondent (if the Name of a Respondent's Appellate Counsel Is Unknown, Indicate as Much and Provide the Name and Address of That Respondent's Trial Counsel):

Respondents ("Schneider Parties") Louis C. Schneider, Esq.
Law Offices of Louis C. Schneider, LLC

Counsel for Schneider Parties: Joseph E. Houston, Esq.
Nevada Bar No. 1440
430 S. Seventh Street
Las Vegas, NV 89101

5. Indicate Whether Any Attorney Licensed Above in Response to Question 3 or 4 is Not Licensed to Practice Law in Nevada, and, if so, Whether the District Court Granted That Attorney Permission to Appear Under SCR 42 (Attach a Copy of Any District Court Order Granting Such Permission):

Appellants believe that all counsel referenced above are licensed to practice law in the State of Nevada.

6. Indicate Whether Appellant Was Represented by Appointed or Retained Counsel in the District Court:

Appellants were represented by retained counsel as indicated in Response No. 3.

7. Indicate Whether Appellant Is Represented by Appointed or Retained Counsel on Appeal:

Appellants are represented by retained counsel as indicated in Response No. 3.

8. Indicate the Date the Proceedings Commenced in the District Court (e.g., Date Complaint, Indictment, Information, or Petition Was Filed):

Appellants commenced this Case in the District Court on January 9, 2017, by filing a Complaint.

9. Provide a Brief Description of the Nature of the Action and Result in the District Court, Including the Type of Judgment or Order Being Appealed and the Relief Granted by the District Court:

The Abrams Parties' First Amended Complaint alleges various causes of action arising out of statements relating to Appellants' professional reputation and conduct. The VIPI Parties filed a Motion to Dismiss under NRCP 12(b) and a Special Motion

1 to Dismiss under NRS 41.660 (Anti-SLAPP). On July 5, 2017, Judge Leavitt rendered
2 an oral decision, but no written decision was submitted or entered; on April 24, 2018,
3 the District Court entered an Order Granting Schneider Defendants' Special Motion
4 to Dismiss Plaintiffs' Suit Pursuant to NRS 41.660.

5
6 **10. Indicate Whether the Case Has Previously Been the Subject of an Appeal**
7 **or Original Writ Proceeding in the Supreme Court, and, if so, the Caption and**
8 **Supreme Court Docket Number of the Prior Proceeding:**

9 This Respondent party has not previously been the subject of any proceeding
10 in the Supreme Court or the Court of Appeals, but the other parties to the underlying
11 case are already on appeal.

12 Jennifer V. Abrams; and the Abrams and Mayo Law Firm v. Steve W. Sanson;
13 and Veterans in Politics International, Inc. Case number 73838.

14
15 **11. Indicate Whether This Appeal Involves Child Custody or Visitation:**

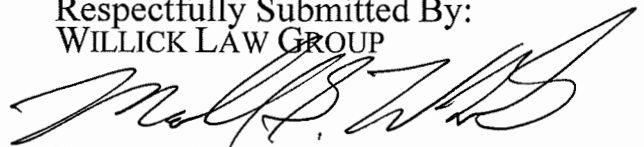
16 This Case does not involve child custody or visitation.

17
18 **12. If This Is a Civil Case, Indicate Whether This Appeal Involves the**
19 **Possibility of Settlement:**

20 Appellants believe that this case is unlikely to settle, but the possibility exists.

21 **DATED** this 9th day of May, 2018.

22 Respectfully Submitted By:
23 WILICK LAW GROUP

24 

25 MARSHAL S. WILICK, ESQ.
26 Nevada Bar No. 002515
27 3591 East Bonanza Road, Suite 200
28 Las Vegas, NV 89110-2101
Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILLICK LAW GROUP and that on this 9th day of May, 2018, I caused the document entitled *Case Appeal Statement* to be served as follows:

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

To the attorney's listed below at the address, email address, and/or facsimile number indicated below:

Maggie McLetchie, Esq.
MCLECHIE SHELL LLC
701 E Bridger Avenue, #520,
Las Vegas, Nevada 89101
Attorney for *Steve W. Sanson* and
VETERANS IN POLITICS INTERNATIONAL, INC.

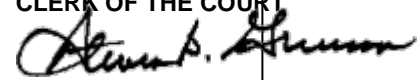
Joseph W. Houston, Esq.
430 S. Seventh St.
Las Vegas, Nevada 89101
Attorney for *Louis C. Schneider*, and
LAW OFFICES OF LOUIS C. SCHNEIDER, LLC


An Employee of the WILLICK LAW GROUP

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RPLY

MARGARET A. MCLEATCHIE, Nevada Bar No. 10931

ALINA M. SHELL, Nevada Bar No. 11711

MCLEATCHIE SHELL LLC

701 East Bridger Ave., Suite 520

Las Vegas, Nevada 89101

Telephone: (702) 728-5300

Facsimile: (702) 425-8220

Email: maggie@nvlitigation.com

Attorneys for Defendants Steve W. Sanson and

Veterans in Politics International, Inc.

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

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

vs.

LOUIS C. SCHNEIDER; LAW OFFICES
OF LOUIS C. SCHNEIDER, LLC; STEVE
W. SANSON; VETERANS IN POLITICS
INTERNATIONAL, INC.; SANSON
CORPORATION; et al.,
Defendants.

Case No.: A-17-749318-C

Dept. No.: (senior judge)

**REPLY TO PLAINTIFFS'
OPPOSITION TO MOTION TO
REASSIGN CASE TO JUDGE
MICHELLE LEAVITT AND
REQUEST FOR WRITTEN
DECISION OR ORDER AND
OPPOSITION TO
COUNTERMOTION FOR
ATTORNEY'S FEES**

Defendants Steve W. Sanson and Veterans in Politics International (the "VIPI Defendants") hereby reply to Plaintiffs' Opposition to the VIPI Defendants' Motion to Reassign Case to Judge Michelle Leavitt and Request for Written Decision or Order, and hereby oppose Plaintiffs' Countermotion for Attorney's Fees. This Reply and Opposition are based on the arguments herein and the pleadings on file in this case.

DATED this the 18th day of May, 2018.

/s/ Alina M. Shell

Margaret A. McLetchie, Nevada State Bar No. 10931

Alina M. Shell, Nevada Bar No. 11711

MCLEATCHIE SHELL, LLC

701 E. Bridger Ave., Ste. 520

Las Vegas, NV 89101

*Counsel Defendants Steve W. Sanson and Veterans
in Politics International*

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This Court must grant the instant Motion for Reassignment and Request for a Written Order. Plaintiffs’ Opposition (“Opp.”)—consisting of dubious accusations, an impermissible “incorporation of prior filings by reference,” and a copied-and-pasted counter-motion for attorney’s fees—is essentially an admission of the instant motion’s merit. Plaintiffs’ Opposition does not even address the arguments raised by the VIPI Defendants; instead, it directs the Court to look through Plaintiffs’ previous filings in this matter without even a single citation to a cogent legal argument. Such wholesale dereliction of one’s duties as an advocate should be construed as a non-opposition and an admission that the instant Motion for Reassignment and Request for a Written Order is meritorious.

II. REPLY TO PLAINTIFFS’ “STATEMENT OF FACTS”

Plaintiffs devote the bulk of their Opposition to a “statement of facts” pertaining to “which judge should hear this matter.” (Opp., p. 2:4.) This “statement of facts,” while replete with potentially defamatory statements about the VIPI Defendants and irrelevant procedural history, is wholly devoid of any facts that would preclude denial of Plaintiffs’ Motion to Disqualify and reassignment of this matter to Judge Leavitt.

A. The Instant Motion is Not “Another Bite at the Apple.”

Plaintiffs claim that the VIPI Defendants use Judge Hardcastle’s revelation that she had a close personal and professional relationship with one of the attorneys in this case “as an opportunity to take another bite at the apple.” (Opp., p. 3:21.) Plaintiffs further accuse the VIPI Defendants of attempting “to defy Judge Gonzalez’s order assigning the case to the senior judge program and get this case back in front of a specific judge of their choice.” (Opp., p. 3:23-24.) Plaintiffs apparently forget that it was they—not the VIPI Defendants—who moved this Court to disqualify Judge Leavitt (in favor of the senior judge program—i.e. judges of Plaintiffs’ choosing) several months after she dismissed their case with prejudice pursuant to Nevada’s Anti-SLAPP statute.

///

In any case, Judge Hardcastle made clear that—despite Plaintiffs obtaining the exact relief they moved for in their motion to disqualify—“there has been no ruling on [Plaintiffs’] motion to disqualify.” (Minutes of April 20, 2018 Hearing on Motion for Clarification, *on file with this court*.) Indeed, the VIPI Defendants’ Motion to Reconsider was not denied on its merits; rather, because the Court had not issued a ruling on the Motion to Disqualify, there was nothing to reconsider in the first place. Thus, because the Court has never ruled on Plaintiffs’ Motion to Disqualify, Defendants have not “already twice argued unsuccessfully” (Opp., p. 4:3-4) their position that Plaintiffs’ Motion to Disqualify should be denied and that Judge Leavitt should preside over the remainder of this case.

B. Plaintiffs’ “Statement of Facts” Contains Irrelevant, Potentially Defamatory Accusations, Against VIPI Defendants.

Plaintiffs claim the VIPI Defendants’ “attempts to reach and tamper with the courts hearing both actions (Willick/Sanson and Abrams/Schneider) have been relentless throughout the time the case has been pending, as previously documented at length.” (Opp. p. 2:11-13.) Despite the purportedly lengthy documentation of these allegations, Plaintiffs do not provide a single citation to support these “facts.” Nor can they. Plaintiffs simply resort to the same tactic they have used throughout this litigation—a “smear campaign” of baseless accusations against the VIPI Defendants lacking in factual support.

Plaintiffs’ “facts” regarding the VIPI Defendants’ “systematic campaign to gain influence over the Clark County District Court Judges” (*see* Opp., p. 2:18-26) again consist of uncited accusations and nothing more. Even if, *arguendo*, Plaintiffs’ allegations were truthful, expressing one’s negative opinions of family court judges is speech protected by the First Amendment. Additionally, interacting with judges when not a litigant before said judges—even questioning their decisions and criticizing their conduct—is neither a crime nor a tort, and is simply irrelevant to the question of whether Judge Leavitt should preside over this case to its conclusion. *See Jacobsen v. Manfredi by Manfredi*, 100 Nev. 226, 230, 679 P.2d 251, 254 (1984) (“[A judge] must have neighbors, friends, and acquaintances, business and social relations, and be a part of his day and generation.”) (internal citation

omitted).

III. LEGAL ARGUMENT

The Eighth Judicial District Court Rules mandate that a party opposing a motion must “serve and file written notice of ... opposition thereto, together with a memorandum of points and authorities” and that failure to do so “may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.” EDCR 2.20(e). Plaintiffs’ opposition—essentially a statement of facts and an incorporation of unspecified filings by reference—is so devoid of cogent legal arguments that, pursuant to EDCR 2.20(e), it should be construed as an admission that the VIPI Defendants’ motion is meritorious for the reasons set forth below.

A. The Opposition’s Memorandum of Points and Authorities Does Not Comport With EDCR 2.20(i), and Therefore the Court Should Not Consider It.

The Eighth Judicial District Court Rules permit the Court to decline consideration to “[a] memorandum of points and authorities which consists of bare citations to statutes, rules or case authority.” EDCR 2.20(i). If the Court disregards Plaintiffs’ Opposition’s memorandum of points and authorities, then logically Plaintiffs’ Opposition may be construed as a non-opposition pursuant to EDCR 2.20(e).

In the instant case—excepting, of course, the same old countermotion for attorney’s fees copied-and-pasted into several of Plaintiffs’ motions—Plaintiffs do not even bother providing the Court with citations to anything. Apparently disinterested in presenting arguments that cannot be copied-and-pasted from previous motions, Plaintiffs note in their brief’s two paragraph “opposition” section that they “could go back through [their] prior filings explaining all the reasons why this Court’s order reassigning the case to the senior judge department is appropriate.” (Opp., p. 4:4-6.) Plaintiffs instead chose to, “in the interest of judicial economy ... simply incorporate those prior filings by reference, and volunteer to supply any further points and authorities that this Court feels might be necessary.” (*Id.*, p. 4:9-11.)

///

A memorandum consisting of a blanket, uncited incorporation of previous filings by reference—essentially, “please do my job for me, your honor”—is even less helpful to the Court than a memorandum consisting of “bare citations to statutes, rules or case authority,” which EDCR 2.20(i) authorizes this Court to disregard. Forcing the Court to comb through the filings in this litigation to divine Plaintiffs’ arguments transfers the work Plaintiffs’ counsel should have done to the Court and its clerks. It should be self-evident that pawing off an attorney’s work to the overburdened judiciary is the opposite of promoting “judicial economy.” *See United States v. Dunkel*, 927 F.2d 955, 956 (7th Cir. 1991) (“Judges are not like pigs, hunting for truffles buried in briefs.”); *see also Huey v. United Parcel Serv., Inc.*, 165 F.3d 1084, 1085 (7th Cir. 1999) (“As we have held many times, however, judges need not paw over the files without assistance from the parties.”). Plaintiffs’ disingenuous attempt to make arguments without actually arguing should not be rewarded by this Court. As this Court should disregard Plaintiffs’ Opposition pursuant to EDCR 2.20(i), this Court should, pursuant to EDCR 2.20(e), construe Plaintiffs’ Opposition as an admission that the instant motion is meritorious.

B. The Nevada Rules of Civil Procedure Do Not Authorize Adoption by Reference of Statements Made in Prior Motions.

The Nevada Rules of Civil Procedure¹ allow litigants to incorporate statements from prior pleadings by reference. *See Nev. R. Civ. P. 10(c)* (“Statements in a *pleading* may be adopted by reference in a different part of the same pleading or in another pleading or in any motion.”) (emphasis added). However, these rules do not permit litigants to incorporate statements from prior *motions* by reference. This rule is unambiguous. “According to its

¹ Nevada courts may look to the federal courts’ interpretation of the Federal Rules of Civil Procedure for guidance in interpreting parallel Nevada Rules of Civil Procedure. *See Exec. Mgmt., Ltd. v. Ticor Title Ins. Co.*, 118 Nev. 46, 53, 38 P.3d 872, 876 (2002) (“Federal cases interpreting the Federal Rules of Civil Procedure ‘are strong persuasive authority, because the Nevada Rules of Civil Procedure are based in large part upon their federal counterparts.’”) (quoting *Las Vegas Novelty v. Fernandez*, 106 Nev. 113, 119, 787 P.2d 772, 776 (1990)).

plain meaning, Rule 10(c)² does not apply to statements in filings outside of pleadings, e.g., documents [that are not enumerated in Fed. R. Civ. P. 7(a)].” *Roth v. Meridian Fin. Network, Inc.*, No. CIV.07-00045 JMS/BMK, 2008 WL 3850478, at *2 (D. Haw. Aug. 19, 2008). “Rule 7(a) makes clear that motions are not pleadings.” *Cothard v. J.D. Ben. Servs., Inc.*, No. 3:12-CV-00270-HDM, 2014 WL 202570, at *3 (D. Nev. Jan. 15, 2014); *see also* Nev. R. Civ. P. 7(a) (enumerating pleadings as “a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim ... ; a third-party complaint ... ; and a third-party answer, if a third-party complaint is served.”).

If Plaintiffs’ blanket incorporation has any effect at all, it has the effect of incorporating only the statements from Plaintiffs’ pleadings into their argument. Incorporating only this case’s pleadings by reference is of no moment in opposing the instant motion. This is because the last pleading in this case, Plaintiffs’ Amended Complaint, was filed on January 27, 2017; obviously, that pleading contains no statements that argue against the instant motion, as Plaintiffs moved to disqualify Judge Leavitt almost a year later on January 24, 2018. Thus, Plaintiffs’ Opposition does not contain any argument against the instant motion and should be construed as an admission that the instant motion is meritorious.

C. Even If Adoption by Reference of Statements Made in Prior Motions Were Permissible, the Opposition Does Not Adopt These Statements With Sufficient Specificity.

Even if, *arguendo*, the Nevada Rules of Civil Procedure permitted adoption by reference of arguments made in previous motions as well as previous pleadings, Plaintiffs’ Opposition fails to adopt these arguments with sufficient specificity to comport with those rules.

Nevada courts have not had occasion to determine whether a legal argument that consists only of an unspecific, blanket reference to previous pleadings is acceptable under Nev. R. Civ. P. 10(c). However, several federal courts, interpreting the nearly-identical Rule 10(c) of the Federal Rules of Civil Procedure, have determined that it is not. For instance,

² Nev. R. Civ. P. 10(c) and Fed. R. Civ. P. 10(c) are identical in substance, and nearly identically worded.

the District Court for Massachusetts held that, to comply with Fed. R. Civ. P. 10(c), a “later pleading must ‘specifically identify which portions of the prior pleading are adopted therein.’” *Lowden v. William M. Mercer, Inc.*, 903 F. Supp. 212, 216 (D. Mass. 1995) (quoting *Federal National Mortgage Association v. Cobb*, 738 F. Supp. 1220, 1227 (N.D. Ind. 1990)). The District Court for the Eastern District of Pennsylvania also mandated that incorporation of prior pleadings by reference “must be done with a degree of clarity which enables the responding party to ascertain the nature and extent of the incorporation.” *Heintz & Co. v. Provident Tradesmens Bank & Tr. Co.*, 29 F.R.D. 144, 145 (E.D. Pa. 1961). *See also Nycomed U.S. Inc. v. Glenmark Generics Ltd.*, No. 08-CV-5023(CBA)(RLM), 2010 WL 1257803, at *4 (E.D.N.Y. Mar. 26, 2010) (rejecting wholesale incorporation of reply).³

The Federal (and, presumably, Nevada) Rules of Civil Procedure’s “drafters [did not intend Rule 10(c) to] allow the use of a sweeping adoption clause which serves as nothing more than [sic] a boiler plate ‘safety valve.’” *Wolfe v. Charter Forest Behavioral Health Sys., Inc.*, 185 F.R.D. 225, 230 (W.D. La. 1999). The District Court for Nevada also disapproves of incorporating by reference arguments made elsewhere. *See Sci. Games Corp. v. AGS LLC*, No. 217CV00343JADNJK, 2017 WL 3013251, at *4, n. 8 (D. Nev. July 13, 2017) (calling this tactic “improper”).

In the instant case, Plaintiffs’ “opposition by incorporation” has no degree of clarity or specificity and is exactly the type of “boiler plate ‘safety valve’” the court decried in *Wolfe*. Plaintiffs do not mention a single specific filing—much less a specific statement from any filing—and are apparently content to let this Court pick up their slack. (*See generally* Opp., p. 4:3-11.) This Court should not entertain this “offer” and should instead grant the VIPI Defendants’ instant motion.

³ In the context of objecting to Magistrate Judges’ Reports and Recommendations, federal courts are even less forgiving of attempts to incorporate by reference earlier filings. *See, e.g., Morrison v. Parker*, 90 F. Supp. 2d 876, 878 (W.D. Mich. 2000) (“Plaintiffs’ general, nonspecific objections, purporting to incorporate by reference their earlier brief, are tantamount to no objection at all and do not warrant further review”). Analogously, Plaintiffs’ Opposition to the instant Motion is tantamount to no opposition at all.

IV. OPPOSITION TO COUNTERMOTION FOR ATTORNEY’S FEES

Plaintiffs have appended a boilerplate countermotion for attorney’s fees—which appears to have been copied and pasted wholesale from previous filings in this matter (*see* Opposition to Motion to Dismiss filed March 6, 2017, *on file with this Court*; *see also* Opposition to Motion for Reconsideration filed March 26, 2018, *on file with this Court*)—to the end of their reply. While this countermotion provided another opportunity for Plaintiffs’ counsel, Mr. Willick, to brag about his family law accolades—which are wholly irrelevant to the civil claims at issue in this case—it is without merit. This is because the instant motion is reasonable and because Plaintiff Abrams and Mr. Willick cannot properly recover fees for representing themselves or each other.

A. The Instant Motion Was Brought with Reasonable Grounds.

EDCR 7.60(b) provides for sanctions in limited circumstances, when “an attorney or party without cause: (1) Presents to the court a motion or opposition to a motion which is obviously frivolous, unnecessary or unwarranted. ... (3) So multiplies the proceedings in a case as to increase the costs unreasonably and vexatiously.” Of course, Plaintiffs do not provide any actual basis for how the instant motion is frivolous, unnecessary, or unwarranted. Nor do Plaintiffs attempt to explain how it increased the costs of this litigation unreasonably or vexatiously. Nor can they in light of the fact it is Plaintiffs’ wildly untimely attempt to disqualify Judge Leavitt that is vexatious and has turned this matter into the type of “judicial hot potato” Plaintiffs claim to abhor.

B. Plaintiff Abrams and Mr. Willick Cannot Recover for Their Own Fees.

For much of the litigation in this matter, Plaintiff Abrams and, one of her attorneys, Mr. Willick, were representing themselves and each other (and each other’s law firms) in the similar lawsuits the couple filed to silence VIPI Defendants. Even if the Plaintiffs in this case were entitled to fees, which they of course are not, they would not be entitled to recover fees in this case for their own work or for their romantic partner’s work. It is well-established in Nevada that attorneys representing themselves *pro se* are not entitled to awards for their own work in a mater such as this. *Sellers v. Fourth Judicial Dist. Court of State, in & for Cty. Of*

Elko, 119 Nev. 256, 259, 71 P.3d 492, 497-98 (2003), as corrected (July 9, 2003).

Further, even if Mr. Willick performed all the work for Plaintiffs before the hiring of additional counsel from the Bailey Kennedy firm, fees still could not be recovered. An underpinning of the *Sellers* holding is that there has to be a genuine obligation to pay fees by the attorney before the attorney can recover them. *Id.* (“[A]n attorney pro [se] litigant must be genuinely obligated to pay attorney fees before he may recover such fees.”) The Nevada Supreme Court further explained,

This interpretation gives effect to the Legislature’s clear intent that the prevailing party in justice’s court be reimbursed by the losing party for out-of-pocket costs incurred to prosecute the suit. To interpret the statute otherwise would require us to redefine what is meant by an attorney fee, which is commonly understood to be the sum paid or charged for legal services.

Id. at 259-60. Here, even if Mr. Willick in fact performed work for Plaintiffs before Bailey Kennedy was retained to assist him and Ms. Abrams in this case, there is no assertion that Plaintiff Abrams (or her Plaintiff) is even actually paying him; if an attorney agreement even exists, that does not necessarily mean they are intending to pay each other. They are engaged to be married. And, of course, even if Plaintiff Abrams “owed” or paid Mr. Willick money *on paper*, that would not mean that there are actual out-of-pocket costs for fees that would allow for an award, should Plaintiffs otherwise be entitled, which they are not.

V. CONCLUSION

No matter how thoroughly Plaintiffs pepper their briefs with spurious accusations against the VIPI Defendants, and no matter whether other judges have decided to recuse themselves from cases involving the VIPI Defendants, Plaintiffs cannot overcome the single most relevant fact of all: ***Judge Leavitt did not recuse herself from this case.*** Indeed, she submitted to the Court an affidavit testifying to her ability to preside over this case fairly and impartially. Judge Leavitt is familiar with this case, and judicial economy is best served by allowing her to preside through its conclusion instead of forcing another judge to get up to speed with this tortured litigation. That is why this case should be reassigned to her.

///

Judicial economy is certainly not best served by asking the Court to do legal work on behalf of the litigants, as Plaintiffs do by purporting to incorporate by reference their previous arguments in this litigation. This Court should not countenance such indolent, insulting tactics. Therefore, this Court should construe Plaintiffs' opposition as a non-opposition, and grant Defendants' instant motion.

DATED this the 18th day of May, 2018.

/s/ Alina M. Shell

Margaret A. McLetchie, Nevada State Bar No. 10931

Alina M. Shell, Nevada State Bar No. 11711

MCLETSCHIE SHELL, LLC

701 E. Bridger Ave., Ste. 520

Las Vegas, NV 89101

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

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of May, 2018, I served a true and correct copy of the foregoing REPLY TO PLAINTIFFS' OPPOSITION TO MOTION TO REASSIGN CASE TO JUDGE MICHELLE LEAVITT AND REQUEST FOR WRITTEN DECISION OR ORDER AND OPPOSITION TO COUNTERMOTION FOR ATTORNEY'S FEES via electronic service using Odyssey File & Serve's electronic court filing system and, pursuant to NRCP 5(b)(2)(B), by First Class United States Mail, postage fully prepaid, to the following:

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G LAW
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Las Vegas, NV 89101
Attorney for Defendants Ortiz, Hanusa, Spicer, Steelmon, Woolbright, and Sanson Corporation

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

/s/ Pharan Burchfield
EMPLOYEE of McLetchie Shell LLC

Reception

From: efilingmail@tylerhost.net
Sent: Friday, May 18, 2018 4:03 PM
To: BKfederaldownloads
Subject: Notification of Service for Case: A-17-749318-C, Jennifer Abrams, Plaintiff(s)vs.Louis Schneider, Defendant(s) for filing Reply - RPLY (CIV), Envelope Number: 2581940

Notification of Service

Case Number: A-17-749318-C
Case Style: Jennifer Abrams, Plaintiff(s)vs.Louis Schneider, Defendant(s)
Envelope Number: 2581940



This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	A-17-749318-C
Case Style	Jennifer Abrams, Plaintiff(s)vs.Louis Schneider, Defendant(s)
Date/Time Submitted	5/18/2018 2:32 PM PST
Filing Type	Reply - RPLY (CIV)
Filing Description	Reply to Plaintiffs' Opposition to Motion to Reassign Case to Judge Michelle Leavitt and Request for Written Decision or Order and Opposition
Filed By	Pharan Burchfield
Service Contacts	Louis C Schneider: Joseph Houston, II (jwh7408@yahoo.com) Steve W Sanson: Margaret McLetchie (maggie@nvlitigation.com) Alina Shell (alina@nvlitigation.com) Veterans In Politics International Inc.: Margaret McLetchie (maggie@nvlitigation.com) Alina Shell (alina@nvlitigation.com)

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

May 25, 2018

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

May 25, 2018	3:00 AM	All Pending Motions
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HEARD BY: Gonzalez, Elizabeth	COURTROOM: Chambers
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COURT CLERK: Madalyn Kearney

JOURNAL ENTRIES

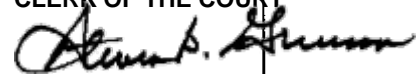
- MOTION TO REASSIGN CASE TO JUDGE MICHELLE LEAVITT AND REQUEST FOR WRITTEN DECISION OR ORDER... OPPOSITION TO "MOTION TO REASSIGN CASE TO JUDGE MICHELLE LEAVITT AND REQUEST FOR WRITTEN DECISION OR ORDER" AND COUNTERMOTION FOR ATTORNEY'S FEES

The Court having reviewed Motion to Reassign Case to Leavitt and the related briefing and being fully informed, denies the motion. The matter has been previously reassigned to the senior judge department by 3/2/18 minute order. Given Judge K. Hardcastle's recusal, a new senior judge should be appointed. The countermotion is referred to the presiding senior for determination. Counsel for Abrams is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment.

CLERK'S NOTE: A copy of this minute order has been placed in the attorney folder(s) of: Jennifer Abrams, Esq. (The Abrams Law Firm LLC) and Margaret McLetchie, Esq. (McLetchie Shell LLC)

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1 **ORDR**

3 **EIGHTH JUDICIAL DISTRICT COURT**

4 **CLARK COUNTY, NEVADA**

5 JENNIFER V. ABRAMS; AND THE
6 ABRAMS
7 & MAYO LAW FIRM,

8 Plaintiff(s),

9 vs.

10 LOUIS C. SCHNEIDER; AND LOUIS C.
11 SCHNEIDER, LLC,

12 Defendant(s).

Case No.: A-17-749318-C

Dept. No.: Senior Judge

Date of Hearing: May 25, 2018

Time of Hearing: Chambers

13 **ORDER**

14 This Court, having considered all pleadings filed in relation to the Motion to Reassign
15 Case to Judge Michelle Leavitt and Request for Written Decision or Order filed on April 20th,
16 2018, and the Countermotion for Attorney's Fees, decides this limited matter upon the pleadings
17 and without oral argument pursuant to EDCR 2.23.

18 This Court's prior Minute Order, dated March 2, 2018, referred this matter to the Senior
19 Judge Department as there were a high number of recusals by sitting District Court Judges.
20 Pursuant to the Minute Order, this case was reassigned to Sr. Judge Kathy Hardcastle on March
21 5, 2018. Judge Hardcastle ultimately recused herself from this case on April 23, 2018 due to a
22 prior relationship with Joe Huston, counsel for the Schneider Defendants.

23 Given this Court's prior ruling in this case, and Judge Hardcastle's recusal, a new Senior
24 Judge shall be appointed.

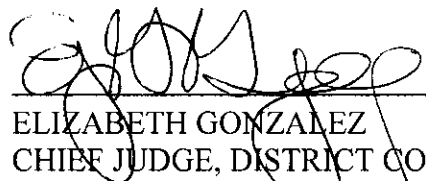
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JUL 02 2018

CLERK OF THE COURT

1 Therefore, the Motion to Reassign Case to Judge Michelle Leavitt and Request for
2 Written Decision or Order is DENIED, and the Countermotion is referred to the presiding senior
3 judge for determination.

4
5 Dated this 29th day of June, 2018

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9 ELIZABETH GONZALEZ
10 CHIEF JUDGE, DISTRICT COURT
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on or about the date filed, I mailed a copy of the Order Denying
3 Motion to Reassign Case to Michelle Leavitt and Request for Written Decision or Order, or
4 placed a copy in the attorney's folder, to:

5 Jennifer V. Abrams, Esq.
6 THE ABRAMS & MAYO LAW FIRM
7 6252 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118

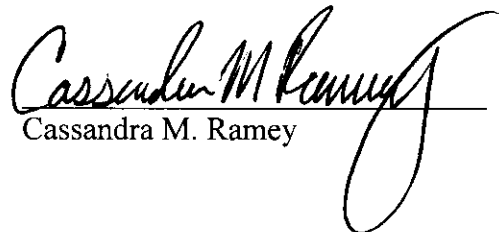
Joseph E. Houston, Esq.
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Las Vegas, NV 89101
Attorneys for Schneider Defendants

8 Marshal Willick, Esq.
9 WILLICK LAW GROUP
3591 E. Bonanza Road, Suite 200

Margaret McLetchie, Esq.
Alina M. Shell
MCLETCHIE SHELL, LLC
701 East Bridger Ave., Suite 520
Las Vegas, Nevada 89101

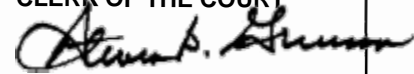
10 Dennis L. Kennedy
11 Joshua P. Gilmore
12 BAILEY KENNEDY
8984 Spanish Ridge Avenue
13 Las Vegas, NV 89148
Attorneys for Plaintiff

14
15 Dated this 29th day of June, 2018

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19 Cassandra M. Ramey
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NEOJ
WILICK LAW GROUP
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 2515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
Attorney for *Plaintiffs*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

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

vs.

LOUIS SCHNEIDER; LAW OFFICES OF LOUIS C.
SCHNEIDER, LLC; STEVE W. SANSON;
VETERANS IN POLITICS INTERNATIONAL, INC;
and DOES I THROUGH X,

DATE OF HEARING:
TIME OF HEARING:

Defendant.

NOTICE OF ENTRY OF ORDER

TO: Steve W. Sanson, Defendant,

TO: Louis C. Schneider, Defendant

TO: Margaret McLetchie, Esq., Attorney for Steve Sanson

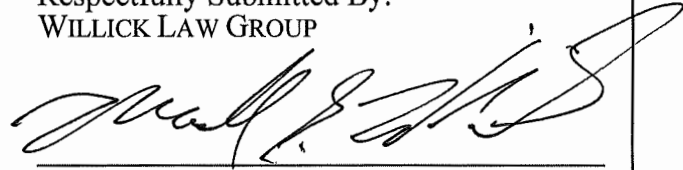
TO: Joseph E. Houston, ESQ., Attorney for Louis C. Schneider.

PLEASE TAKE NOTICE that the *Order* was duly entered in the above action on the 2nd

1 day of July, 2018, by filing with the clerk of the court; a true and correct copy is attached.

2 DATED this 3/5th day of July, 2018.

3 Respectfully Submitted By:
4 WILICK LAW GROUP



6 MARSHAL S. WILICK, ESQ.
7 Nevada Bar No. 2515
8 3591 E. Bonanza, Suite 200
9 Las Vegas, Nevada 89110-2101
10 (702) 438-4100 Fax (702) 438-5311
11 Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

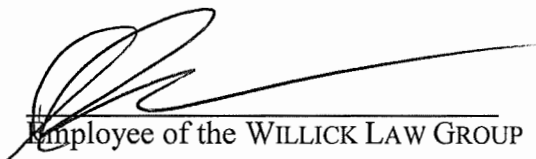
Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 1st day of ~~July~~^{August}, 2018, I caused the above and foregoing document entitled *Notice of Entry of Order* to be served as follows:

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

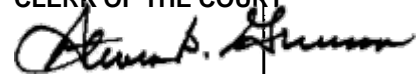
To the person listed below at the address, email address, and/or facsimile number indicated:

Maggie McLetchie, Esq.
McLetchie Shell LLC
701 E Bridger Avenue, #520,
Las Vegas, Nevada 89101
Attorney for Steve W. Sanson and
Veterans in Politics International, Inc.

Joseph W. Houston, Esq.
430 S. Seventh St.
Las Vegas, Nevada 89101
Attorney for Louis C. Schneider, and
Law Offices of Louis C. Schneider, LLC


Employee of the WILICK LAW GROUP

P:\wp16\ABRAMS,JENNI\DRAFTS\00250062.WPD/jj



1 **ORDR**

3 **EIGHTH JUDICIAL DISTRICT COURT**

4 **CLARK COUNTY, NEVADA**

5 JENNIFER V. ABRAMS; AND THE
6 ABRAMS
7 & MAYO LAW FIRM,

8 Plaintiff(s),

9 vs.

10 LOUIS C. SCHNEIDER; AND LOUIS C.
11 SCHNEIDER, LLC,

12 Defendant(s).

Case No.: A-17-749318-C

Dept. No.: Senior Judge

Date of Hearing: May 25, 2018

Time of Hearing: Chambers

13 **ORDER**

14 This Court, having considered all pleadings filed in relation to the Motion to Reassign
15 Case to Judge Michelle Leavitt and Request for Written Decision or Order filed on April 20th,
16 2018, and the Countermotion for Attorney's Fees, decides this limited matter upon the pleadings
17 and without oral argument pursuant to EDCR 2.23.

18 This Court's prior Minute Order, dated March 2, 2018, referred this matter to the Senior
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20 Pursuant to the Minute Order, this case was reassigned to Sr. Judge Kathy Hardcastle on March
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22 prior relationship with Joe Huston, counsel for the Schneider Defendants.

23 Given this Court's prior ruling in this case, and Judge Hardcastle's recusal, a new Senior
24 Judge shall be appointed.

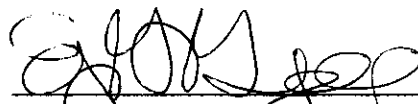
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JUL 02 2018

CLERK OF THE COURT

1 Therefore, the Motion to Reassign Case to Judge Michelle Leavitt and Request for
2 Written Decision or Order is DENIED, and the Countermotion is referred to the presiding senior
3 judge for determination.

4
5 Dated this 29th day of June, 2018

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9 ELIZABETH GONZALEZ
10 CHIEF JUDGE, DISTRICT COURT
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on or about the date filed, I mailed a copy of the Order Denying
3 Motion to Reassign Case to Michelle Leavitt and Request for Written Decision or Order, or
4 placed a copy in the attorney's folder, to:

5 Jennifer V. Abrams, Esq.
6 THE ABRAMS & MAYO LAW FIRM
7 6252 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118

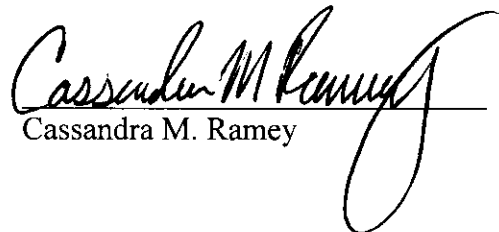
Joseph E. Houston, Esq.
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13 Las Vegas, NV 89148
Attorneys for Plaintiff

14
15 Dated this 29th day of June, 2018

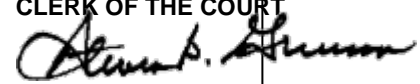
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49.	Reply to Oppositions to Motion to Disqualify Eighth Judicial District Court Elected Judiciary, and for Permanent Assignment to the Senior Judge Program or, Alternatively, to a District Court Judge Outside of Clark County	2/23/2018	JVA001471 - JVA001539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

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

55

55



RPLY

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ALINA M. SHELL, Nevada Bar No. 11711

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*Attorneys for Defendants Steve W. Sanson and
Veterans in Politics International, Inc.*

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

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

vs.

LOUIS C. SCHNEIDER; LAW OFFICES
OF LOUIS C. SCHNEIDER, LLC; STEVE
W. SANSON;; VETERANS IN POLITICS
INTERNATIONAL, INC.; SANSON
CORPORATION; et al.,
Defendants.

Case No.: A-17-749318-C

Dept. No.: (senior judge)

**REPLY TO PLAINTIFFS'
OPPOSITION TO MOTION TO
RECONSIDER MARCH 2, 2018
MINUTE ORDER GRANTING
PLAINTIFFS' MOTION TO
DISQUALIFY AND OPPOSITION
TO PLAINTIFFS' MOTION FOR
ATTORNEY'S FEES AND COSTS**

Defendants Steve W. Sanson and Veterans in Politics International, by and through their counsel, Margaret A. McLetchie and Alina M. Shell of the law firm McLetchie Shell LLC, hereby reply to Plaintiffs' Opposition to Mr. Sanson's Motion to reconsider the March 2, 2018 Minute Order granting Plaintiffs' Motion to Disqualify the Eighth Judicial District Court Elected Judiciary, and for Permanent Assignment to the Senior Judge Program and oppose Plaintiffs' Countermotion for Attorney's Fees and Costs. This reply and opposition is based upon the attached memorandum of points and authorities, the papers and pleadings on file herein, and any argument this Court may permit at the hearing on this motion.

DATED this the 10th day of April, 2018.

/s/ Margaret A. McLetchie

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

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

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This Court must grant the instant Motion for Reconsideration. This is because Plaintiffs’ Motion to Disqualify was untimely and because Plaintiffs did not meet the legal standard for judicial disqualification. Thus, Steve Sanson and Veterans in Politics International (collectively, the “VIPI Defendants”) properly filed a Motion for Reconsideration establishing that the case should not have been reassigned away from Judge Leavitt. While it is full of many things, Plaintiffs’ Opposition does not show otherwise.

At its essence, the instant case is about whether the VIPI Defendants defamed Ms. Abrams and her law firm in 2016. The district court correctly found that the speech Plaintiffs attempted to characterize as a tortious “smear campaign” against them was in fact First-Amendment-protected expressions of true facts and negative opinions about Ms. Abrams’ infamous legal tactics and courtroom manner. Contrary to her solipsistic view of the world, Ms. Abrams is not beyond the reach of criticism for matters such as sealing her cases just because she and her co-counsel/fiancé are prominent members of the family court bar. Plaintiffs’ baseless complaint targeted public speech concerning a topic of public interest and was so full of nonsense that it included, *inter alia*, emotional distress claims on behalf of Ms. Abrams’ law firm and a copyright claim that was plainly outside the district court’s—or any state court’s—jurisdiction. The vexatious complaint was correctly dismissed with prejudice under Nevada’s Anti-SLAPP statute. Unable to persuade the Court to abet their quest to silence Mr. Sanson, and unable to resolve this case (now under appeal) at a settlement conference, Plaintiffs suddenly filed a Motion to Disqualify in a transparent effort to forum shop and delay an order on fees and costs—and, ironically, to use the motion pleading system as a trojan horse to deliver Ms. Abrams’ and Mr. Willick’s own “smear campaigns” against Mr. Sanson and Judge Leavitt.

Instead of addressing the VIPI Defendants’ arguments in their “Opposition,” Plaintiffs mainly use it as an opportunity to bully, launching *ad hominem* attacks and baseless accusations against the VIPI Defendants and Judge Leavitt. None of these unsupported

1 attacks merit a response, and they are not properly before this Court.¹ In fact, Plaintiffs’
2 sparsely-supported Opposition is an attempt to distract this court from the legal issues at
3 hand. The few somewhat substantive arguments Plaintiffs actually attempt all fail. First,
4 Plaintiffs argue that because other judges have recused themselves and because the VIPI
5 Defendants did not challenge disqualifications in other matters,² that Judge Leavitt must be
6 disqualified in this matter. However, the relevant inquiry is whether Judge Leavitt—and
7 Judge Leavitt alone—harbors any actual bias or exhibits any implied bias toward any party
8 in this case. As explained in Judge Leavitt’s affidavit—which this Court should have
9 afforded substantial weight when considering the Motion to Disqualify—Judge Leavitt does
10 not harbor actual bias and believes that she is capable of fulfilling her duty to preside over
11 this case in a fair and impartial manner. (*See* February 2, 2018 Affidavit of Judge Michelle
12 Leavitt, *on file with this Court*, ¶¶ 18-20.) Indeed, had Judge Leavitt been incapable of
13 performing these duties, she would have recused herself. (*Id.*, ¶ 21.)

14 Furthermore, Plaintiffs misapprehend the burden of proof for disqualification.
15 Again, to prevail on a Motion to Disqualify, Plaintiffs should have been required to establish
16 actual or implied bias on the part of Judge Leavitt. Ruling for the VIPI Defendants (or
17 allowing the undersigned to argue extensively in open court) is not evidence of judicial bias.
18 Plaintiffs cannot throw accusations against the wall and hope something sticks—or shift the
19 burden to the VIPI Defendants to prove negatives and disprove baseless accusations. For
20 similar reasons, Plaintiffs are not entitled to a court-sanctioned fishing expedition for “proof”
21 of actual or implied bias that they should have established in their Motion to Disqualify.
22 Finally, the cases involving the VIPI Defendants are not consolidated—each involves
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24 ¹ If not for the litigation privilege, the statements made in the Opposition would be legally-
25 actionable defamation. They are also unsupported, and raise Rule 11 concerns with
26 Plaintiffs’ filing. Further, much of the included vitriol is akin to asking the question, “when
27 did you stop beating your wife?”

28 ² The undersigned does not represent the VIPI Defendants in *Willick v. Sanson*, No. A-17-
750171-C or *DiCiero v. Sanson*, No. A-18-767961-C.

different facts and plaintiffs. While Ms. Abrams, Mr. Willick, and Mr. DiCiero³ appear to have crafted their complaints from the same flawed template, that does not require that this case be reassigned merely because the other two were. Instead, it promotes judicial efficiency to allow the same judge to address the remaining matter at hand in the instant case: fees against Plaintiffs (and perhaps their counsel).

What Plaintiffs do not address is perhaps most telling. While they point to additional (but unsupported) allegations they believe support their conspiracy theories, Plaintiffs do not even attempt to argue that their Motion to Disqualify was timely. It was not, which alone is sufficient basis to require reconsideration. Plaintiffs likewise do not deny that this Court failed to give substantial weight to Judge Leavitt's affidavit. In light of these infirmities, the decision to disqualify Judge Leavitt was clearly erroneous and the VIPI Defendants' Motion to Reconsider should be granted.

II. LEGAL ARGUMENT

A. Legal Standard for Motion to Reconsider.

Plaintiffs imply that because no "fact or law has changed since entry of the [March 2 Order]" a motion to reconsider is improper. (Opp., p. 2:16-17.) However, this analysis ignores unambiguous Nevada precedent: "[a] district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced *or the decision is clearly erroneous.*" *Masonry and Tile v. Jolley, Urga & Wirth*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997) (emphasis added). Later in the Opposition, Plaintiffs admit that they do "not have a problem with the assertion that the legal standard for a motion for reconsideration can include whether the existing order is 'clearly erroneous.'" (Opp. p. 5:19-20.) Thus, the Motion to Reconsider is properly before this Court by Plaintiffs' own admission.

³ Although Mr. DiCiero purports to represent himself in Case No. A-18-767961-C, circumstantial evidence suggests that Ms. Abrams is "ghost lawyering" on behalf of Mr. DiCiero in that case. (See Register of Actions, Case No. A-18-767961-C, attached as **Exhibit 4**, noting that a "Motion To Require Pro Se Litigant Mark Diciero To Disclose Whether He Is Being Assisted By Jennifer Abrams, Esq., If So To Require Ms. Abrams To Enter An Appearance And Sign All Pleadings Submitted By Mr. Diciero" has been filed in that case.)

B. Plaintiffs’ Motion Was Not Filed As Soon as Possible After They Became Aware of “New Information.”

1. Timeliness of a Motion to Disqualify is Relevant Under Any Standard.

Plaintiffs brazenly claim that Mr. “Sanson mis-states [sic] the actual holding of the little relevant authority⁴ he cites.” (Opp., p. 4:16.) However, it is Plaintiffs’ contentions that lack legal authority. Plaintiffs correctly recite part of the Supreme Court’s holding in *Towbin Dodge*—“when new grounds for disqualification are discovered after the statutory time has passed, the Nevada Code of Judicial Conduct provides an additional, independent basis for seeking disqualification through a motion under the governing court rules.”⁵ (Opp., p. 4:18-21.) But then, Plaintiffs attempt to mislead this Court, implying that timeliness is irrelevant to a motion to disqualify by omitting a relevant section of the Court’s *Towbin Dodge* decision: “if new grounds for a judge’s disqualification are discovered after the time limits in NRS 1.235(1) have passed, then a party may file a motion to disqualify based on Canon 3E *as soon as possible after becoming aware of the new information.*” *Towbin Dodge, LLC v. Eighth Judicial Dist. Court of State ex rel. Cty. of Clark*, 121 Nev. 251, 260, 112 P.3d 1063, 1069 (2005) (emphasis added). Far from misstating the holding of *Towbin Dodge*, the Motion for Reconsideration correctly pointed out that Plaintiffs’ motion to disqualify was untimely both under NRS 1.235 and the Supreme Court’s holding in *Towbin Dodge*.

Plaintiffs are simply incorrect when they nakedly assert that the VIPI Defendants’ “entire multi-page complaint about timeliness under the statute ... is disingenuous” (Opp., p. 5:11-12.) The requirement that motions to disqualify be timely is not something that the VIPI Defendants invented in this case; it is the unambiguous law of the land. Nev. Rev. Stat. § 1.235(1)(b) sets a clear time limit—not less than 3 days before the date set for the hearing of any pretrial matter—to move for disqualification. Plaintiffs missed this time limit by several

⁴ Discounting the citations in the Countermotion for Attorney Fees, Plaintiffs only cite to two cases in support of their Opposition to the Motion to Reconsider.

⁵ As noted in the Motion for Reconsideration, Plaintiffs explicitly based the Motion to Disqualify on Nev. Rev. Stat. § 1.235, not NCJC 2.11(A). (Motion for Reconsideration, *on file with this Court*, p. 20:1-10.)

months. In *Towbin*, the Supreme Court set forth an alternate time limit to move for disqualification pursuant to the Nevada Code of Judicial Conduct—“as soon as possible after becoming aware of the new information.” *Towbin Dodge*, 121 Nev. at 260. As argued below, Plaintiffs did not meet this deadline either. Due to Plaintiffs’ unquestionable untimeliness in moving to disqualify Judge Leavitt, it was clear error for the Court to grant the Motion to Disqualify and therefore it must grant the instant Motion to Reconsider.

2. Plaintiffs Did Not File the Motion to Disqualify As Soon As Possible After Becoming Aware of “New Information” Which They Allege Merited Judge Leavitt’s Disqualification.

Plaintiffs claim that their motion to disqualify was “definitionally filed ‘as soon as possible after becoming aware of the new information.’” (Opp., p. 5:5-6.) This is not true, and Plaintiffs admit as much in their Opposition. Plaintiffs claim that the “Judge Duckworth recusal order, *in and of itself*, substantiates and justifies the order of assignment to the senior judge department.” (Opp., p. 4:6-8 (emphasis in original).) Of course, the VIPI Defendants dispute that Judge Duckworth’s recusal order in an unrelated family court case justifies Judge Leavitt’s disqualification in this civil case. However, even if we assume for the sake of argument that Judge Duckworth’s recusal substantiated or justified Judge Leavitt’s disqualification in this case, that means that Plaintiffs was aware of the “basis” for disqualification as early as September 5, 2017, when Judge Duckworth authored his order of recusal. That was more than four months before Plaintiffs filed their Motion to Disqualify in 2018. A four-month gap between discovery of new information and moving to disqualify based on such information simply cannot be “as soon as possible after becoming aware of the new information.”

As the Supreme Court has held, “time limitations on a challenge to a district judge’s impartiality are not extended for litigants who knew or should have known the necessary facts at an earlier date . . . counsel, knowing facts assertively supportive of a motion for reconsideration, recusal or vacatur based upon charges of bias and impropriety, ‘may not lie in wait’ and raise those allegations in a motion only after learning the court’s ruling on the merits.” *Ainsworth v. Combined Ins. Co. of Am.*, 105 Nev. 237, 259–60, 774 P.2d 1003, 1019

(1989) (*abrogated on other grounds by Powers v. United Servs. Auto. Ass’n*, 114 Nev. 690, 962 P.2d 596 (1998)) (internal quotations and citations omitted). This precisely describes Plaintiffs’ strategy in the instant litigation. Plaintiffs (and the plaintiffs in related cases against the VIPI Defendants) propounded allegations of the VIPI Defendants’ alleged corruption and *ex parte* contacts with judges for months before filing their Motion to Disqualify. Either Plaintiffs had sufficient grounds to merit Judge Leavitt’s disqualification several months ago—and thus failed to timely move for disqualification, i.e. as soon as possible after discovering the new information—or Plaintiffs do not have (and never had) sufficient grounds to merit Judge Leavitt’s disqualification and is attempting to perpetuate a fraud upon this Court while dragging the VIPI Defendants through the metaphorical mud. No matter which of these scenarios (or both) is true, this Court erred in granting Plaintiffs’ untimely motion to disqualify, and must now reconsider it.

3. “Continuing and Cumulative” Information Regarding Disqualification Does Not Toll or Reset Time Limits for Motion to Disqualify.

Plaintiffs makes the assertion—unsupported by any citation to the record or to exhibits, let alone actual evidence—that “evidence indicating that the reassignment was necessary has been continuing and cumulative; much of it has been learned only recently.” (Opp., p. 5:3-5.) Even if such evidence existed, it would not make their Motion to Disqualify timely. Plaintiffs do not cite to any case law or statute which supports their position that the time limit for a motion to disqualify is reset every time a party alleges that she found new information that purportedly merits judicial disqualification. Nor can they—allowing parties to “sit on” information until they can use it to disqualify a judge who makes a ruling adverse to them would be directly opposed to the Supreme Court’s precedent that a party “may file a motion to disqualify based on Canon 3E as soon as possible after becoming aware of the new information.” *Towbin Dodge*, 121 Nev. at 260. Thus, no matter the quantity or recency of Plaintiffs’ latest allegations about the VIPI Defendants, they cannot render the Motion to Disqualify timely.

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C. Plaintiffs Are Not Situated Similarly to the Plaintiffs in *Willick v. Sanson* and *DiCiero v. Sanson*.

Plaintiffs vaguely argue that “in a wide variety of circumstances, the Nevada Supreme Court has held that even where it might be possible for district court judge to render impartial rulings, those rulings definitionally become unfair ‘when different parties similarly situated obtain different results.’” (Opp., p. 6:8-10.) Despite their contention that this has happened in “a wide variety of circumstances,” Plaintiffs only manage to cite to *Rivero v. Rivero*, 125 Nev. 410 216 P.3d 213 (2009), a case that pertains to the Family Court’s discretion when awarding custody, for this proposition. In any case, the only commonality between the instant case, *Willick v. Sanson*, and *DiCiero v. Sanson* is that they are all attempts by related litigants to pursue their vendettas against the VIPI Defendants by alleging that Mr. Sanson defamed them. In every other respect, they are not “similarly situated,” and this Court should reject Plaintiffs’ abortive equal protection argument.

First, these three cases were not filed together or consolidated, and have three different procedural postures. In the instant case, the only remaining issue to be decided by this Court is how much Plaintiffs (and perhaps their counsel) will owe Mr. Sanson and VIPI in attorney’s fees, costs and awards pursuant to the special Anti-SLAPP Motion to Dismiss that was granted by the Court. In *Willick*, the complaint survived a special Anti-SLAPP Motion to Dismiss—those proceedings are currently stayed pending appeal of this decision. (See Register of Actions, Case No. A-17-750171-C, attached as **Exhibit 5**.) In *DiCiero*, there has not even been a contested hearing; the first such hearing, at which the Court will consider, *inter alia*, a motion to dismiss pursuant to Nev. R. Civ. P. 12(b)(5), is set for April 17, 2018. (See **Exhibit 4**.)

Plaintiffs argue that these cases stem from the same facts because “Sanson used different words in his defamation campaigns against the various plaintiffs is irrelevant to the issue of disqualification.” (Opp., p. 5, n. 4.) This could not be further from the truth. Plaintiffs accuse Judge Leavitt of being biased in favor of the VIPI Defendants precisely because Judge Leavitt dismissed the instant case while Judge Thompson allowed Mr. Willick’s to continue.

(See **Exhibit 5**.) Thus, it is important to note that these cases were decided differently due to factors that have nothing to do with alleged judicial bias.

The gravamen of a complaint for defamation is whether the defendant’s statements consist of false assertions of fact. This necessitates an examination of the exact words used by the defendant. In the instant case, Judge Leavitt found that Mr. Sanson’s words about Plaintiffs were not defamatory as a matter of law and granted the VIPI Defendants’ special Anti-SLAPP Motion to Dismiss. Again, in *Willick*, Judge Thompson found that Mr. Sanson’s words about Mr. Willick, which were completely different from those he published about Plaintiffs, could be found by a jury to be defamatory and thus denied Mr. Sanson’s special Anti-SLAPP Motion to Dismiss in that case. (See Judge Thompson’s Order in *Willick v. Sanson*, attached as **Exhibit 6**, at ¶ 8.) Because these two cases had different outcomes based on the differing facts at issue in each case rather than judicial bias, Plaintiffs and Mr. Willick are not similarly situated litigants for the purpose of judicial disqualification or any other purpose.

In any case, Plaintiffs have not even articulated a legal argument supporting the idea that all the cases that are part of their coordinated vexatious campaign must stand in the same procedural position with regard to disqualification—or that the VIPI Defendants’ decision not to challenge the decision to disqualify in other cases has any bearing in this case. This argument must be rejected.

D. Substantial Discovery Would Not Be Required if this Case Remained Before Judge Leavitt

In their ongoing effort to distract and flip legal burdens on their head, Plaintiffs claim, without any citation whatsoever, that if Judge Leavitt were to be reinstated on this case, that they would be entitled to discovery that “would include, at minimum, the cell phone, e-mail, and text message history of Judge Leavitt, Sanson, Schneider, and each of Sanson’s lawyers for the 60 days preceding the motion hearing.” (Opp., 7:9-11.) Discovery is precluded in this case and Plaintiffs are not entitled to a fishing expedition to prove something they were required to establish in their original Motion to Disqualify.

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E. The Nevada Code of Judicial Conduct Mandates that Judge Leavitt has a Responsibility to Decide this Case.

Controversial litigants are entitled to their day in court just like other litigants. Indeed, the Nevada Code of Judicial Conduct explicitly prohibits judges from refusing to hear controversial cases.⁶ Rule 2.7, entitled “Responsibility to Decide,” provides that “[a] judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11 or other law.” The commentary is of relevance to the instant case. It provides:

Judges must be available to decide the matters that come before the court. Although there are times when disqualification is necessary to protect the rights of litigants and preserve public confidence in the independence, integrity, and impartiality of the judiciary, judges must be available to decide matters that come before the courts. Unwarranted disqualification may bring public disfavor to the court and to the judge personally. The dignity of the court, the judge’s respect for fulfillment of judicial duties, and a proper concern for the burdens that may be imposed upon the judge’s colleagues require that a judge not use disqualification to avoid cases that present difficult, controversial, or unpopular issues or involve difficult, controversial, or unpopular parties or lawyers.

Nevada Code of Judicial Conduct, Rule 2.7, Comment (1). This underscores the need for cases which involve controversial issues and parties—such as the instant case—to be heard, and emphasizes that judges should not recuse themselves or be disqualified from such cases merely because they are controversial. Plaintiffs, in contrast, have argued for (and obtained) the disqualification of the entire Eighth Judicial District bench, other than retired judges. Regularly granting such disqualifications in cases that involve controversial litigants and lawyers would have absurd, chaotic results. For instance, the course advocated by Plaintiffs would potentially force every family court judge to recuse themselves from cases

⁶ While other judges may have voluntarily recused themselves from cases involving the VIPI Defendants, we cannot know whether those recusals were proper because none of them were challenged. In any case, those judges’ decisions cannot be relied on as evidence that Judge Leavitt is in fact biased, as argued above. In short, there is no “bias by association”—just because some judges recused themselves, we cannot infer that all elected judges in the Eighth Judicial District are biased. This is especially so because we do not know whether, the judges opted out of this case consistently with Rule 2.7.

litigated by Mr. Willick and Ms. Abrams, as they are high-profile, controversial litigators⁷ who have contributed to family court judges' campaigns.

Any contact between Judge Leavitt and the VIPI Defendants was *de minimis* in comparison to the contact Ms. Abrams and Mr. Willick have with family court judges. Judge Leavitt properly stayed on this case despite the controversial nature of the case and the high-profile and controversial nature of the litigants. She comported with Rule 2.7, and this Court improperly disqualified her without evidence of bias. The result is a waste of judicial resources and a distortion of court rules that cannot stand.

III. OPPOSITION TO COUNTERMOTION FOR ATTORNEY'S FEES

Plaintiffs and their counsel have appended a boilerplate countermotion for attorney's fees—which appears to have been copied and pasted wholesale from a previous pleading in this matter (*compare* Opposition to Motion to Dismiss filed March 6, 2017, *on file with this Court*)—to the end of their Opposition. (Opp., pp. 7:13 – 9:17.) While this countermotion provided another opportunity for Plaintiffs' counsel to brag about his family law accolades—which are wholly irrelevant to the civil claims at issue in this case⁸—it is without merit. This is because the VIPI Defendants' Motion for Reconsideration is more than reasonable and because Plaintiffs and Mr. Willick cannot properly recover fees for representing themselves or each other. In the spirit of efficient practice, the undersigned has based the bulk of the Opposition to this Countermotion on the already-successful Opposition to Plaintiffs' previous Countermotion for Attorney's Fees. (*see* Omnibus Reply filed May 30, 2017, *on file with this Court*.)

⁷ Indeed, Judge Elliot recognized that Ms. Abrams' reputation precedes her to the point that every family court judge is too scared of her to handle the cases she litigates. (see Transcript of *Saiter* Hearing, attached as Exhibit 13 to Anti-SLAPP Motion at, e.g., pp. 13-15 (*on file with this Court*)) Under the rubric advocated by Plaintiffs in the instant case, Ms. Abrams would be *de facto* prohibited from appearing in front of any family court judge.

⁸ The fact that Mr. Willick's experience is essentially limited to family court explains why so many baseless causes of action were initially included in this suit, then subsequently disavowed when counsel from Bailey Kennedy was litigating this case.

A. Defendants’ Motion to Dismiss Was Brought With Reasonable Grounds.

EDCR 7.60(b) provides for sanctions in limited circumstances, when “an attorney or party without cause: (1) Presents to the court a motion or opposition to a motion which is obviously frivolous, unnecessary or unwarranted. ... (3) So multiplies the proceedings in a case as to increase the costs unreasonably and vexatiously.” Of course, Plaintiffs do not provide any actual basis for how the VIPI Defendants’ Motion for Reconsideration is frivolous, unnecessary, or unwarranted. Nor do Plaintiffs attempt to explain how it increased the costs of this litigation unreasonably or vexatiously. Nor can they in light of the fact it is their own Motion to Disqualify that is vexatious, as Plaintiffs pursued the untimely disqualification of Judge Leavitt as a means to subject the VIPI Defendants, Judge Leavitt, and the officers of this Court to more insults. The Court’s granting Defendants’ Anti-SLAPP Motion to Dismiss has already decreased the costs of this litigation by cutting off Plaintiffs’ ill-advised case before discovery and a trial. Now, because this Court has granted the Anti-SLAPP Motion to Dismiss, it is the VIPI Defendants that are entitled to their attorney’s fees and costs—and damages. Furthermore, allowing Judge Leavitt—who is already familiar with the facts and law of this case—to preside over this case to its conclusion promotes judicial economy. Because this Motion to Reconsider was brought with reasonable grounds and, if granted, would prevent the waste of judicial resources involved in familiarizing a new judge with the history of this case, Plaintiffs are not entitled to fees.

B. Plaintiffs and Mr. Willick Cannot Recover for Their Own Fees.

For much of the litigation in this matter, Plaintiffs and one of her attorneys, Mr. Willick, were representing themselves and each other (and each other’s law firms) in the twin lawsuits the couple filed to silence VIPI Defendants. Even if the Plaintiffs in this case were entitled to fees, which they of course are not, they would not be entitled to recover fees in this case for their own work or for their romantic partners’ work. It is well-established in Nevada that attorneys representing themselves pro se are not entitled to awards for their own work in a matter such as this. *Sellers v. Fourth Judicial Dist. Court of State, in & for Cty. Of Elko*, 119 Nev. 256, 259, 71 P.3d 492, 497-98 (2003), *as corrected* July 9, 2003.

Further, even if Mr. Willick performed all the work for Plaintiffs before the hiring of additional counsel from the Bailey Kennedy firm,⁹ fees still could not be recovered. An underpinning of the *Sellers* holding is that there has to be a genuine obligation to pay fees by the attorney before the attorney can recover them. *Id.* (“[A]n attorney pro [se] litigant must be genuinely obligated to pay attorney fees before he may recover such fees.”) The Nevada Supreme Court further explained,

This interpretation gives effect to the Legislature’s clear intent that the prevailing party in justice’s court be reimbursed by the losing party for out-of-pocket costs incurred to prosecute the suit. To interpret the statute otherwise would require us to redefine what is meant by an attorney fee, which is commonly understood to be the sum paid or charged for legal services.

Id. at 259-60. Here, even if Mr. Willick in fact performed work for Plaintiffs, there is no assertion that Plaintiffs are actually paying him; if an attorney agreement even exists, that does not necessarily mean they actually intend to pay each other. While Ms. Abrams sued over the fact that Mr. Sanson said as much, Ms. Abrams and Mr. Willick are engaged to be married. Thus, while they might be jointly liable for the fees, costs, and other awards that may be granted to the VIPI Defendants in this case, they are not entitled to receive fees for representing themselves and each other.

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⁹ Tellingly, the Bailey Kennedy firm appears to be absent from Plaintiffs’ recent return to vexatious litigation tactics.

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Respectfully submitted this 10th day of April, 2018.

Margaret A. McLetchie, Nevada State Bar No. 10931
MCLECHIE SHELL, LLC
701 E. Bridger Ave., Ste. 520
Las Vegas, NV 89101
*Attorney for Defendants Steve W. Sanson and
Veterans in Politics International*

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of April, 2018, I served a true and correct copy of the foregoing REPLY TO PLAINTIFFS' OPPOSITION TO MOTION TO RECONSIDER MARCH 2, 2018 MINUTE ORDER GRANTING PLAINTIFFS' MOTION TO DISQUALIFY AND OPPOSITION TO PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS via electronic service using Odyssey File & Serve's electronic court filing system and, pursuant to NRCP 5(b)(2)(B), by First Class United States Mail, postage fully prepaid, to the following:

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EXHIBIT 4

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REGISTER OF ACTIONS

CASE NO. A-18-767961-C

Mark DiCiero, Plaintiff(s) vs. Steve Sanson, Defendant(s)

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Case Type: **Intentional Misconduct**

Date Filed: **01/18/2018**

Location: **Department Unassigned**

Cross-Reference Case Number: **A767961**

PARTY INFORMATION

Counter Claimant	Ghibaudo, Alex B.	Lead Attorneys Alex Ghibaudo, ESQ Retained 702-978-7090(W)
Counter Defendant	DiCiero, Mark D	Pro Se
Defendant	Alex B. Ghibaudo, PC.	Alex Ghibaudo, ESQ Retained 702-978-7090(W)
Defendant	Cardenas, Marcel	
Defendant	Ghibaudo, Alex B.	Alex Ghibaudo, ESQ Retained 702-978-7090(W)
Defendant	Sanson, Steve W.	
Defendant	Veterans in Politics International, Inc.	Paul S. Padda Retained 702-366-1888(W)
Plaintiff	DiCiero, Mark D	Pro Se

EVENTS & ORDERS OF THE COURT

	OTHER EVENTS AND HEARINGS
01/18/2018	Complaint <i>Complaint for Damages</i>
01/18/2018	Summons Electronically Issued - Service Pending <i>Summons</i>
01/24/2018	Motion to Disqualify Judge <i>Motion to Disqualify Eighth Judicial District Court Elected Judiciary, and for Permanent Assignment to the Senior Judge Program or, Alternatively, to a District Court Judge Outside of Clark County</i>
01/26/2018	Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
01/29/2018	CANCELED Motion to Disqualify Judge (8:30 AM) (Judicial Officer Gonzalez, Elizabeth) <i>Vacated - Set in Error</i>
01/29/2018	Minute Order (1:54 PM) (Judicial Officer Kephart, William D.) <i>Minute Order Re: Recusal</i> Minutes
01/30/2018	Result: Recused Notice of Department Reassignment <i>Notice of Department Reassignment</i>
02/02/2018	Minute Order (7:30 AM) (Judicial Officer Escobar, Adriana) Minutes
02/02/2018	Result: Minute Order - No Hearing Held Notice of Department Reassignment <i>Notice of Department Reassignment</i>
02/09/2018	Declaration <i>Declaration of Rob Bare</i>
02/12/2018	Opposition to Motion <i>Veterans In Politics International, Inc. S Opposition To Plaintiffs Motion To Disqualify Eighth Judicial District Court Elected Judiciary, And For Permanent Assignment To The Senior Judge Program Or, Alternatively, To A District Court Judge Outside Of Clark County</i>

JVA001649

02/12/2018	Notice of Appearance <i>Notice of Appearance</i>
02/13/2018	Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure (VIPI)</i>
02/22/2018	Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>
02/22/2018	Motion to Dismiss <i>Defendant's Motion to Dismiss Under NRCP 12(b)(5) for Failure to State a Claim Upon Which Relief May Be Granted</i>
02/22/2018	Notice of Appearance <i>Notice of Appearance</i>
02/24/2018	Reply to Opposition <i>Plaintiff's Reply to Defendant Veterans in Politics International, Inc.'s Opposition to Motion to Disqualify Eighth Judicial District Court Elected Judiciary, and for Permanent Assignment to the Senior Judge Program or, Alternatively, to a District Court Judge Outside of Clark County</i>
03/01/2018	Motion for Preliminary Injunction <i>Motion for a Preliminary Injunction Pursuant to NRS 33.010, NRCP 65, and EDCR 2.10 and for Expedited Discovery Under NRCP 26(a)</i>
03/01/2018	Motion <i>Motion To Strike Plaintiff s Opposition To Defendants Motion To Dismiss Under Nrcp 12(b)(5) Pursuant To Nrcp 12(f) And Motion To Require Pro Se Litigant Mark Diciro To Disclose Whether He Is Being Assisted By Jennifer Abrams, Esq., If So To Require Ms. Abrams To Enter An Appearance And Sign All Pleadings Submitted By Mr. Diciro</i>
03/02/2018	Motion to Disqualify Judge (3:00 AM) (Judicial Officer Gonzalez, Elizabeth) <i>Plaintiff's Motion to Disqualify Eighth Judicial District Court Elected Judiciary, and for Permanent Assignment to the Senor Judge Program or, Alternative, to a District Court Judge Outside of Clark County</i> 02/26/2018 Reset by Court to 03/02/2018 Result: Off Calendar
03/02/2018	Ex Parte Application <i>Ex Parte Application For An Order Shortening Time And To Consilidate The Hearing Date For All Three Motions Filed Thus Far By Defendant Alex Ghibaudo</i>
03/02/2018	Answer and Counterclaim <i>Answer and Counterclaim for Damages</i>
03/02/2018	Certificate of Service <i>Certificate of Service</i>
03/02/2018	Minute Order (2:58 PM) (Judicial Officer Gonzalez, Elizabeth) <i>Minute Order re: Case Reassignment</i> Result: Matter Transferred
03/02/2018	All Pending Motions (2:58 PM) (Judicial Officer Gonzalez, Elizabeth) Minutes Result: Minute Order - No Hearing Held
03/04/2018	Opposition <i>Opposition to Defendant Alex B. Ghibaudo's Motion to Dismiss Under NRCP 12(b)(5) and Countermotion for Sanctions and Costs</i>
03/07/2018	Notice of Department Reassignment <i>Notice of Department Reassignment</i>
04/17/2018	Motion to Dismiss (9:00 AM) (Judicial Officer Hardcastle, Kathy) <i>Motion to Dismiss Under NRCP (b)(5) for Failure to State a Claim Upon Which Relief May be Granted</i> 04/17/2018 Reset by Court to 04/17/2018
04/17/2018	Motion for Preliminary Injunction (9:00 AM) (Judicial Officer Hardcastle, Kathy) <i>Motion for a Preliminary Injunction Pursuant to NRS 33.010, NRCP 65, and EDCR 2.10 and for Expedited Discovery Under NRCP 26(a)</i> 04/24/2018 Reset by Court to 04/17/2018
04/17/2018	Motion to Strike (9:00 AM) (Judicial Officer Hardcastle, Kathy) <i>Motion To Strike Plaintiff s Opposition To Defendants Motion To Dismiss Under Nrcp 12(b)(5) Pursuant To Nrcp 12(f) And Motion To Require Pro Se Litigant Mark Diciro To Disclose Whether He Is Being Assisted By Jennifer Abrams, Esq., If So To Require Ms. Abrams To Enter An Appearance And Sign All Pleadings Submitted By Mr. Diciro</i> 04/24/2018 Reset by Court to 04/17/2018
04/17/2018	Opposition and Countermotion (9:00 AM) (Judicial Officer Hardcastle, Kathy) <i>Opposition to Defendant Alex Ghibaudo's Motion to Dismiss Under NRCP 12(b)(5) and Countermotion for Sanctions and Costs</i> 04/17/2018 Reset by Court to 04/17/2018

FINANCIAL INFORMATION

Counter Claimant Ghibaudo, Alex B.			
	Total Financial Assessment		223.00
	Total Payments and Credits		223.00
	Balance Due as of 04/10/2018		0.00
02/23/2018	Transaction Assessment		223.00
02/23/2018	Efile Payment	Receipt # 2018-13445-CCCLK	Ghibaudo, Alex B. (223.00)
Counter Defendant DiCiero, Mark D			
	Total Financial Assessment		270.00
	Total Payments and Credits		270.00
	Balance Due as of 04/10/2018		0.00
01/19/2018	Transaction Assessment		270.00
01/19/2018	Efile Payment	Receipt # 2018-04637-CCCLK	DiCiero, Mark D (270.00)

4/10/2018	https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=11837206			
	Defendant	Veterans in Politics International, Inc.		
	Total Financial Assessment			223.00
	Total Payments and Credits			223.00
	Balance Due as of 04/10/2018			0.00
02/13/2018	Transaction Assessment			223.00
02/13/2018	Efile Payment	Receipt # 2018-10291-CCCLK	Veterans in Politics International, Inc.	(223.00)

EXHIBIT 5

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New District Civil/Criminal Search](#) [Refine Search](#) [Back](#) Location : District Court Civil/Criminal [Help](#)

REGISTER OF ACTIONS

CASE No. A-17-750171-C

Marshal Willick, Plaintiff(s) vs. Steve Sanson, Defendant(s)

§
§
§
§
§
§
§
§

Case Type: **Intentional Misconduct**

Date Filed: **01/27/2017**

Location: **Department Unassigned**

Cross-Reference Case Number: **A750171**

Supreme Court No.: **72778**

PARTY INFORMATION

Lead Attorneys

Defendant Sanson, Steve W

Annat R. Levy, ESQ
Retained
310-621-1199(W)

Defendant Veterans in Politics International Inc

Annat R. Levy, ESQ
Retained
310-621-1199(W)

Plaintiff Willick Law Group

Jennifer V. Abrams
Retained
702-222-4021(W)

Plaintiff Willick, Marshal S *Doing Business*
As Willick Law Group

Jennifer V. Abrams
Retained
702-222-4021(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

01/27/2017	Complaint <i>Complaint for Damages</i>
02/06/2017	Declaration <i>Declaration of Service</i>
02/08/2017	Declaration <i>Declaration of Service</i>
02/08/2017	Declaration <i>Declaration of Service</i>
02/08/2017	Declaration <i>Declaration of Service</i>
02/08/2017	Declaration <i>Declaration of Service</i>
02/08/2017	Declaration <i>Declaration of Service</i>
02/08/2017	Declaration <i>Declaration of Service</i>
02/10/2017	Declaration <i>Declaration of Service</i>
02/17/2017	Motion to Dismiss <i>Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.650 et. seq.</i>
02/23/2017	Peremptory Challenge <i>Peremptory Challenge of Judge</i>
02/24/2017	Minute Order (3:00 AM) (Judicial Officer Cadish, Elissa F.) <i>Minute Order Re: Dept. VI Recusal</i> Minutes
	Result: Recused
02/24/2017	Initial Appearance Fee Disclosure
02/24/2017	Motion to Dismiss <i>Motion to Dismiss for Failure to State a Claim (NRCP 12(b)(5))</i>
02/24/2017	Motion to Dismiss <i>Motion to Dismiss Ninth Cause of Action for Copyright Infringement for Lack of Subject Matter Jurisdiction (NRCP 12(b)(1))</i>

JVA001653

02/24/2017 **Motion to Strike**

02/24/2017 **Request for Judicial Notice**
Request for Judicial Notice in Support of Motion to Dismiss for Failure to State a Claim

02/27/2017 **Minute Order** (10:45 AM) (Judicial Officer Crockett, Jim)
[Minutes](#)

02/28/2017 Result: Minute Order - No Hearing Held
Minute Order (3:00 AM) (Judicial Officer Jones, David M)
[Minutes](#)

02/28/2017 Result: Minute Order - No Hearing Held
Minute Order (10:00 AM) (Judicial Officer Adair, Valerie)
[Minutes](#)

03/01/2017 Result: Minute Order - No Hearing Held
Notice of Department Reassignment
Notice of Department Reassignment

03/07/2017 **Opposition and Countermotion**
(3/8/2017 Please See Errata) Opposition to Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.650 et. seq.; and Countermotion for Attorney's Fees and Costs

03/08/2017 **Errata**
Errata to Opposition to Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.650 et. seq.; and Countermotion for Attorney's Fees and Costs

03/08/2017 **Exhibits**
Exhibits to Opposition to Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.650 et. seq.; and Countermotion for Attorney's Fees and Costs

03/09/2017 **Reply in Support**
Reply in Support of Defendants' Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.650 et. seq.

03/09/2017 **Supplemental**
Supplemental Declaration of Steve Sanson in Support of Anti-SLAPP Motion

03/13/2017 **Affidavit**
Affidavit of Marshal S. Willick in Support of Plaintiff's Opposition to Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.650 et. seq.; and Countermotion for Attorney's Fees and Costs

03/13/2017 **Notice of Association of Counsel**
Notice of Association of Counsel

03/13/2017 **Motion to Strike**
Defendants' Motion to Strike and Response to Plaintiffs' Untimely Supplemental Brief

03/14/2017 **Motion to Dismiss** (9:00 AM) (Judicial Officer Thompson, Charles)
Defendants' Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.650
03/14/2017 Reset by Court to 03/14/2017

03/14/2017 Result: Denied

03/14/2017 **Opposition and Countermotion** (9:00 AM) (Judicial Officer Thompson, Charles)
Plaintiffs' Opposition to Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.650 et. seq.; and Countermotion for Attorney's Fees and Costs
[Parties Present](#)

03/14/2017 Result: Denied

03/14/2017 **All Pending Motions** (9:00 AM) (Judicial Officer Thompson, Charles)
[Parties Present](#)
[Minutes](#)

03/20/2017 Result: Matter Heard
Response
Plaintiffs' Response to Defendants Steve W. Sanson and Veterans In Politics International, Inc.'s (i) Motion to Dismiss 9th Cause of Action; (ii) Motion to Dismiss for Failure to State a Claim; (iii) Motion to Strike

03/26/2017 **Declaration**
Declaration of Anat Levy; Proposed Order Attached Thereto.

03/28/2017 **Response**
Plaintiffs' Response to the VIPI Defendants' Motion to Strike

03/29/2017 **Declaration**
Declaration of Service

03/30/2017 **Order Denying**
Order Denying: (i) The VIPI Defendants' Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.650 et seq.; (ii) the Willick Parties' Countermotion for Attorney's Fees and Costs

03/31/2017 **Notice of Entry of Order**
Notice of Entry of Order

03/31/2017 **Notice of Entry of Order**
Notice of Entry of Order Denying: (i) The VIPI Defendants' Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.650 et seq.; (ii) The Willick Parties' Countermotion for Attorney's Fees and Costs

04/03/2017 **First Amended Complaint**
First Amended Complaint

04/03/2017 **Notice of Appeal**
Notice of Appeal

04/03/2017 **Case Appeal Statement**
Case Appeal Statement

04/04/2017 **Motion to Dismiss** (9:00 AM) (Judicial Officer Thompson, Charles)
Defendants' Motion to Dismiss for Failure to State a Claim (NRCP 12(b)(5))
[Parties Present](#)

04/04/2017 Result: Moot

04/04/2017 **Motion to Dismiss** (9:00 AM) (Judicial Officer Thompson, Charles)
Defendants' Motion to Dismiss Ninth Cause of Action for Copyright Infringement for Lack of Subject Matter Jurisdiction (NRCP 12(b)(1))
[Parties Present](#)

04/04/2017 Result: Moot

04/04/2017 **Motion to Strike** (9:00 AM) (Judicial Officer Thompson, Charles)
Defendants' Motion to Strike
[Parties Present](#)

04/04/2017 Result: Moot

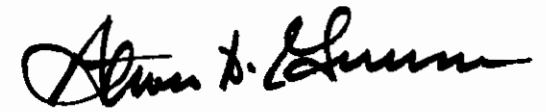
04/04/2017	All Pending Motions (9:00 AM) (Judicial Officer Thompson, Charles) Parties Present Minutes Result: Off Calendar
04/07/2017	Ex Parte Motion <i>Defendants' Ex Parte Motion to Shorten Time on Motion to Stay Proceedings Pending Appeal on Order Denying Defendants' Anti-SLAPP Motion; (Attached Declaration of Anat Levy in support Thereof; Proposed Order Attached Thereto).</i>
04/07/2017	Motion to Stay <i>Motion to Stay Proceedings Pending Appeal on Order Denying Defendants' Anti-Slapp Motion</i>
04/07/2017	Declaration <i>Declaration of Anat Levy in Support of Defendants' Motion to Stay Proceedings Pending Appeal on Order Denying Defendants' Anti-SLAPP Motion</i>
04/11/2017	Order Shortening Time <i>Order Shortening time</i>
04/11/2017	Notice of Entry of Order <i>Notice of Entry of Order Shortening Time</i>
04/14/2017	Opposition to Motion <i>Plaintiffs' Opposition to Defendants Steve W. Sanson and Veterans In Politics International, Inc.'s Motion to Stay Proceedings Pending Appeal on Order Denying Defendants' Anti-Slapp Motion</i>
04/18/2017	Motion to Stay <i>Reply in Support of Motion to Stay Proceedings Pending Appeal on Order Denying Defendants' Anti-SLAPP Motion.</i>
04/20/2017	Motion to Stay (9:00 AM) (Judicial Officer Thompson, Charles) <i>Defendants' Motion to Stay Proceedings Pending Appeal on Order Denying Defendants' Anti-Slapp Motion on Order Shortening Time</i> Parties Present Minutes Result: Granted
04/20/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Defendants' Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.650 ET. Seq.; and Countermotion for Attorney's Fees and Costs March 14, 2017</i>
05/07/2017	Order <i>Order on Defendants' Motion to Stay Proceedings Pending Appeal on Order Denying Defendants' Anti-SLAPP Motion.</i>
05/09/2017	Notice of Entry of Order <i>Notice of Entry of Order Staying Proceedings</i>
05/11/2017	CANCELED Motion to Stay (9:00 AM) (Judicial Officer Estes, Robert) <i>Vacated - per Secretary</i> <i>Motion to Stay Proceedings Pending Appeal on Order Denying Defendants' Anti-Slapp Motion</i>
05/26/2017	Transcript of Proceedings <i>Request for Filing of Transcript of Proceedings</i>
06/05/2017	Administrative Reassignment - Judicial Officer Change <i>From Judge David Barker to Judge Mark B. Bailus</i>
11/29/2017	Motion to Disqualify Judge <i>Motion to Disqualify Judge</i>
12/04/2017	Opposition <i>Opposition to Motion to Recuse Judge Bailus; Request for Sanctions.</i>
12/04/2017	Declaration <i>Declaration of Steve Sanson in Opposition to Motion to Recuse Judge Bailus</i>
12/06/2017	Affidavit of Service <i>Declaration of Service</i>
12/06/2017	Affidavit <i>Affidavit of Mark B. Bailus in Response to Plaintiffs' Motion to Disqualify Judge</i>
12/28/2017	Reply to Opposition <i>Reply to Opposition to Motion to Disqualify Judge, and Opposition to Request for Sanctions</i>
01/04/2018	Motion to Disqualify Judge (1:15 PM) (Judicial Officer Gonzalez, Elizabeth) <i>Plaintiffs' Motion to Disqualify Judge</i> <i>01/05/2018 Reset by Court to 01/04/2018</i> Result: Recused
01/04/2018	Minute Order (1:14 PM) (Judicial Officer Gonzalez, Elizabeth) <i>Minute Order: Case Reassignment</i> Result: Matter Transferred
01/04/2018	All Pending Motions (1:16 PM) (Judicial Officer Gonzalez, Elizabeth) Minutes Result: Minute Order - No Hearing Held
01/04/2018	Notice of Department Reassignment <i>Notice of Department Reassignment</i>
01/05/2018	Minute Order (3:00 AM) (Judicial Officer Escobar, Adriana) <i>Minute Order: Recusal</i> Minutes Result: Minute Order - No Hearing Held
01/05/2018	Notice of Department Reassignment <i>Notice of Department Reassignment</i>
01/08/2018	Minute Order (9:05 AM) (Judicial Officer Earley, Kerry) <i>Recusal</i> Minutes Result: Recused
01/08/2018	Notice of Department Reassignment <i>Notice of Department Reassignment</i>
01/14/2018	Peremptory Challenge <i>Peremptory Challenge of Judge</i>
01/24/2018	Motion to Disqualify Judge

	<i>Motion to Disqualify Eighth Judicial District Court Elected Judiciary, and for Permanent Assignment to the Senior Judge Program or, Alternatively, to a District Court Judge Outside of Clark County</i>
02/08/2018	Opposition
	<i>Opposition to Motion to Disqualify Entire Eighth Judicial District Court Bench; Request for Sanctions</i>
02/08/2018	Declaration
	<i>Declaration of Steve Sanson in Opposition to Motion to Disqualify Entire Eighth Judicial District Court Bench</i>
02/08/2018	Declaration
	<i>Declaration of Anat Levy in Opposition to Motion to Disqualify Entire Eighth Judicial District Court Bench</i>
02/23/2018	Reply to Opposition
	<i>Statement of Facts and Law in Support of Appeal</i>
03/02/2018	Motion to Disqualify Judge (3:00 AM) (Judicial Officer Gonzalez, Elizabeth)
	<i>Plaintiffs' Motion to Disqualify Eighth Judicial District Court Elected Judiciary, and for Permanent Assignment to the Senior Judge Program or, Alternatively, to a District Court Judge Outside of Clark County</i>
	Result: Off Calendar
03/02/2018	Notice of Department Reassignment
	<i>Notice of Department Reassignment</i>
03/02/2018	Minute Order (3:02 PM) (Judicial Officer Denton, Mark R.)
	Minutes
	Result: Minute Order - No Hearing Held
03/02/2018	Minute Order (2:58 PM) (Judicial Officer Gonzalez, Elizabeth)
	<i>Minute Order: Case Reassignment</i>
	Result: Matter Transferred
03/02/2018	CANCELED All Pending Motions (3:00 AM) (Judicial Officer Gonzalez, Elizabeth)
	<i>Vacated - Duplicate Entry</i>
03/02/2018	All Pending Motions (2:58 PM) (Judicial Officer Gonzalez, Elizabeth)
	Minutes
	Result: Minute Order - No Hearing Held
03/05/2018	Notice of Department Reassignment
	<i>Notice of Department Reassignment</i>
03/05/2018	Notice of Department Reassignment
	<i>Notice of Department Reassignment</i>

FINANCIAL INFORMATION

	Defendant Sanson, Steve W		
	Total Financial Assessment		30.00
	Total Payments and Credits		30.00
	Balance Due as of 04/10/2018		0.00
03/02/2017	Transaction Assessment		30.00
03/02/2017	Payment (Window)	Receipt # 2017-20447-CCCLK	Anat Levy & Associations (30.00)
	Defendant Veterans in Politics International Inc		
	Total Financial Assessment		697.00
	Total Payments and Credits		697.00
	Balance Due as of 04/10/2018		0.00
03/02/2017	Transaction Assessment		223.00
03/02/2017	Payment (Window)	Receipt # 2017-20447-CCCLK	Anat Levy & Associations (223.00)
04/04/2017	Transaction Assessment		24.00
04/04/2017	Efile Payment	Receipt # 2017-31760-CCCLK	Veterans in Politics International Inc (24.00)
01/17/2018	Transaction Assessment		450.00
01/17/2018	Efile Payment	Receipt # 2018-03549-CCCLK	Veterans in Politics International Inc (450.00)
	Plaintiff Willick Law Group		
	Total Financial Assessment		30.00
	Total Payments and Credits		30.00
	Balance Due as of 04/10/2018		0.00
01/27/2017	Transaction Assessment		30.00
01/27/2017	Efile Payment	Receipt # 2017-08935-CCCLK	Willick Law Group (30.00)
	Plaintiff Willick, Marshal S		
	Total Financial Assessment		720.00
	Total Payments and Credits		720.00
	Balance Due as of 04/10/2018		0.00
01/27/2017	Transaction Assessment		270.00
01/27/2017	Efile Payment	Receipt # 2017-08934-CCCLK	Willick, Marshal S (270.00)
02/24/2017	Transaction Assessment		450.00
02/24/2017	Efile Payment	Receipt # 2017-18256-CCCLK	Willick, Marshal S (450.00)

EXHIBIT 6



CLERK OF THE COURT

1 **ORDR**

2 DENNIS L. KENNEDY
Nevada Bar No. 1462

3 JOSHUA P. GILMORE
Nevada Bar No. 11576

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11 JVAGroup@theabramslawfirm.com

12 *Attorneys for Plaintiffs*

Marshal S. Willick and Willick Law Group

DISTRICT COURT

CLARK COUNTY, NEVADA

16 MARSHAL S. WILLICK and WILLICK LAW
17 GROUP,

18 Plaintiffs,

19 vs.

20 STEVE W. SANSON; HEIDI J. HANUSA;
21 CHRISTINA ORTIZ; JOHNNY SPICER; DON
WOOLBRIGHT; VETERANS IN POLITICS
INTERNATIONAL, INC.; SANSON
22 CORPORATION; KAREN STEELMON; and
DOES I through X,

23 Defendants.

Case No. A-17-750171-C
Dept. No. XVIII

**ORDER DENYING: (i) THE VIPI
DEFENDANTS' ANTI-SLAPP SPECIAL
MOTION TO DISMISS PURSUANT TO
NRS 41.650 ET SEQ.; (ii) THE WILLICK
PARTIES' COUNTERMOTION FOR
ATTORNEY'S FEES AND COSTS; AND
(iii) THE VIPI DEFENDANTS'
MOTION TO STRIKE** (pw)

26 This matter came before the Court (the Honorable Charles Thompson presiding) for hearing
27 on the 14th day of March, 2017, at 9:00 AM, in Department 18, on (i) Defendants Steve W. Sanson
28 ("Mr. Sanson") and Veterans in Politics International, Inc.'s ("VIPI") (together, the "VIPI

1 Defendants”) Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.650 et seq. (the “Special
2 Motion to Dismiss”); and (ii) Plaintiffs Marshal S. Willick (“Mr. Willick”) and Willick Law Group’s
3 (“Willick Law”) (together, the “Willick Parties”) Countermotion for Attorney’s Fees and Costs (the
4 “Countermotion”). Joshua P. Gilmore, Esq. of Bailey ♦ Kennedy and Jennifer V. Abrams, Esq. of
5 The Abrams & Mayo Law Firm appeared on behalf of the Willick Parties. Anat Levy, Esq. of Anat
6 Levy & Associates, P.C. appeared on behalf of the VIPI Defendants.

7 The Court, having examined the memoranda of the parties and the records and documents on
8 file, heard argument of counsel, and being fully advised of the premises, and good cause appearing,
9 hereby makes the following Findings of Fact, Conclusions of Law, and Order with regard to the
10 Special Motion to Dismiss and Countermotion (and related Motion to Strike):

11 **FINDINGS OF FACT**

12 1. On January 27, 2017, the Willick Parties filed their Complaint against the VIPI
13 Defendants (among others).

14 2. On February 17, 2017, the VIPI Defendants filed their Special Motion to Dismiss,
15 arguing that the defamatory statements at issue in the Complaint fall within the ambit of NRS
16 41.637, in part because Mr. Willick is a public figure or limited purpose public figure, and that the
17 Willick Parties lack prima facie evidence supporting their claims.

18 3. On March 7, 2017, the Willick Parties filed their Opposition to the Special Motion to
19 Dismiss, arguing that the defamatory statements at issue in the Complaint do not fall within the
20 ambit of NRS 41.637; but, even if they did, they have presented prima facie evidence supporting
21 their claims. The Willick Parties also denied that Mr. Willick is a public figure or limited purpose
22 public figure. The Willick Parties separately filed their Countermotion, requesting an award of
23 attorneys’ fees and costs pursuant to NRS 41.670(2).

24 4. On March 9, 2017, the VIPI Defendants filed their Reply in Support of their Special
25 Motion to Dismiss, together with Mr. Sanson’s Supplemental Declaration, and their Opposition to
26 the Countermotion.

3 6. On March 13, 2017, the VIPI Defendants filed a Motion to Strike and Response to
4 Plaintiffs' Untimely Supplemental Brief (the "Motion to Strike").²

CONCLUSIONS OF LAW

1. Pursuant to NRS 41.660(1), a person against whom an action is brought “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” may file a special motion to dismiss. The motion must be filed within 60 days after service of the complaint. NRS 41.660(2).

2. 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” is defined to mean, *inter alia*, a “[c]ommunication made in direct connection with an issue of public interest in a place open to the public or in a public forum, which [was] truthful or [was] made without knowledge of its falsehood.” NRS 41.637(4).³

3. In *Shapiro v. Welt*, 133 Nev. ___, 389 P.3d 262 (2017), the Nevada Supreme Court adopted “guiding principles . . . for determining whether an issue is of public interest under NRS 41.637(4)”; specifically:

- (1) “public interest” does not equate with mere curiosity;
- (2) a matter of public interest should be something of concern to a substantial number of people; a matter of concern to a speaker and a relatively small specific audience is not a matter of public interest;
- (3) there should be some degree of closeness between the challenged statements and the asserted public interest — the assertion of a broad and amorphous public interest is not sufficient;

¹ The Court did not have an opportunity to review the Affidavit prior to the March 14, 2017 hearing.

² The Court did not have an opportunity to review the Motion to Strike, and the Willick Parties did not have an opportunity to respond to the Motion to Strike, prior to the March 14, 2017 hearing.

³ Although the VIPI Defendants also relied on NRS 41.637(3) in their Special Motion to Dismiss, they abandoned that argument in their Reply. (*See id.*, 5:26 – 6:6.)

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

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

5 *Id.*, at ___, 389 P.3d at 268 (citation omitted).

6 4. If the Court determines that "the issue is of public interest, it must next determine
7 whether the communication was made 'in a place open to the public or in a public forum.'" *Id.*
8 (quoting NRS 41.673(4)). Finally, the Court must determine whether the communication was
9 "truthful or [was] made without knowledge of its falsehood." *Id.* (quoting NRS 41.637(4)).

10 5. Courts do not "simply rubber stamp" assertions by a defendant that a plaintiff's
11 claims fall within the ambit of the anti-SLAPP statute. *Flatley v. Mauro*, 139 P.3d 2, 13 (Cal. 2006).
12 Rather, the defendant must establish, by a preponderance of the evidence, that each claim is based on
13 a communication as specifically defined under NRS 41.637. NRS 41.660(3)(a); *see also Century 21*
14 *Chamberlain & Assocs. v. Haberman*, 92 Cal. Rptr. 3d 249, 256 (Cal. Ct. App. 2009) (stating that
15 the defendant bears the initial burden of establishing that each cause of action in the complaint arises
16 from "activity protected by the anti-SLAPP statute").

17 6. If the defendant is unable to meet its initial burden of proof, the burden does not shift
18 to the plaintiff to establish "with prima facie evidence a probability of prevailing on [each] claim."
19 NRS 41.660(3)(b); *see also Commonwealth Energy Corp. v. Investor Data Exchange, Inc.*, 1 Cal.
20 Rptr. 3d 390, 393 (Cal. Ct. App. 2003) ("The point is, if the moving defendant cannot meet the
21 threshold showing, then the fact that he or she might be able to otherwise prevail on the merits under
22 the 'probability' step is irrelevant.").

23 7. If the defendant meets its initial burden of proof, the burden shifts to the plaintiff to
24 put forth "prima facie evidence" of a probability of prevailing on each claim. NRS 41.660(3)(b). In
25 other words, the plaintiff must show that each claim has "minimal merit." *Soukup v. Law Offices of*
26 *Herbert Hafif*, 139 P.3d 30, 51 (Cal. 2006).

27 8. Based on these legal principles, the Court finds that the VIPI Defendants have failed
28 to meet their initial burden of proof with regard to their Special Motion to Dismiss, for the following
reasons:

1 a. First, having considered the *Shapiro* factors, the Court finds that the VIPI
2 Defendants have not established, by a preponderance of the evidence, that each claim in the
3 Complaint is based on a communication involving “an issue of public interest.”

4 b. Second, in light of the Nevada Supreme Court’s holding in *Doe v. Brown*, No.
5 62752, 2015 WL 3489404 (2015), the Court finds that Mr. Willick is not a public figure or
6 limited purpose public figure.

7 c. Third, upon review of the defamatory statements at issue in the Complaint, the
8 Court finds that the VIPI Defendants have not established, by a preponderance of the
9 evidence, that each was truthful or was made without knowledge of its falsehood.

10 9. Because the VIPI Defendants have failed to meet their initial burden of proof, the
11 Court need not address whether the Willick Parties have presented prima facie evidence supporting
12 their claims. *See, e.g., Stenehjem v. Sareen*, 173 Cal. Rptr. 3d 173, 191 n.19 (Cal. Ct. App. 2014)
13 (“Because we have concluded that Stenehjem did not meet his threshold showing that the activity
14 underlying the allegations of the Cross-Complaint was protected under the anti-SLAPP statute, we
15 need not consider the second prong, i.e., whether the record demonstrates that Sareen established a
16 probability of prevailing.”).

17 10. The Court does not find that the Special Motion to Dismiss was “frivolous or
18 vexatious,” and therefore, the Court declines to award fees and costs to the Willick Parties.

19 11. In light of the Court’s ruling, the Motion to Strike is deemed moot.

20 12. At the end of the March 14, 2017 hearing, the VIPI Defendants orally moved for a
21 stay of this proceeding pending an appeal, which the Court denied as premature.

22 13. Any conclusion of law set forth herein more appropriately designated as a finding of
23 fact shall be so designated.

24 ///

25 ///

26 **ORDER**

27 Based on the foregoing Findings of Fact and Conclusions of Law, and good cause appearing,
28

1 THE COURT HEREBY ORDERS that the Special Motion to Dismiss shall be, and hereby
2 is, DENIED.

3 THE COURT HEREBY FURTHER ORDERS that the Countermotion shall be, and hereby
4 is, DENIED.

5 ~~THE COURT HEREBY FURTHER ORDERS that the Motion to Strike shall be, and hereby~~
6 ~~is, DENIED as moot.~~


7 IT IS SO ORDERED.

8 DATED this 29th day of March, 2017.

9
10 
11 DISTRICT COURT JUDGE

12 Submitted by:

13 BAILEY ♦ KENNEDY

14 
15 By: _____
16 DENNIS L. KENNEDY
JOSHUA P. GILMORE

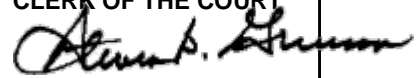
17 and

18 JENNIFER V. ABRAMS
Nevada Bar No. 7575
19 THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100

20 *Attorneys for Plaintiffs,*
21 Marshal S. Willick and Willick Law Group

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

JENNIFER ABRAMS, PLAINTIFF(S)	CASE NO.: A-17-749318-C
VS.	
LOUIS SCHNEIDER, DEFENDANT(S)	SENIOR JUDGE DEPARTMENT

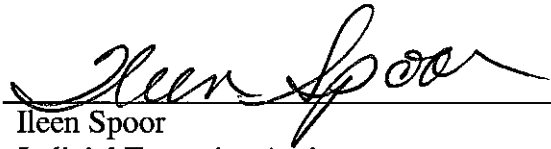
NOTICE OF HEARING

TO: Jennifer V. Abrams
Joseph W. Houston, II
Margaret A. McLetchie

Please be advised that the above-entitled matter has been scheduled for Motion for Clarification, to be heard by the Honorable KATHY HARDCASTLE, at the Phoenix Building, 330 South Third Street, Las Vegas, Nevada 89101, on the 20th day of April, 2018, at the hour of 9:00 AM, in Department 18, 11th Floor.

YOUR PRESENCE IS NECESSARY

HONORABLE KATHY HARDCASTLE

By: 
Ileen Spoor
Judicial Executive Assistant

JVA001664

CERTIFICATE OF SERVICE

I hereby certify that on or about the date e-filed, I served a copy of the foregoing document by electronic service as follows:

Jennifer V. Abrams

Joseph W. Houston

Margaret A. McLetchie


Ileen Spoor
Judicial Executive Assistant
Senior Judge Department

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

April 20, 2018

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

April 20, 2018 9:00 AM Motion for Clarification

HEARD BY: Hardcastle, Kathy

COURTROOM: Phoenix Building 11th Floor
110

COURT CLERK: April Watkins

RECORDER: Patti Slattery

PARTIES

PRESENT:	Abrams, Jennifer V.	Plaintiff
	Gilmore, Joshua P.	Attorney for Pltfs'
	Houston, Joseph W., II	Attorney for Law Offices of Louis C. Schneider, LLC & Louis C. Schneider
	McLetchie, Margaret A.	Attorney for Veterans In Politics, Inc.
	Willick, Marshal Shawn	Attorney for Pltfs'

JOURNAL ENTRIES

- Court noted there has been no ruling on motion to disqualify. Matter was transferred from Chief Judge due to number of recusals. After hearing from Monday of this week, the Court was given a letter from Joseph Houston indicating he and this Court's ex-husband, Gerald Hardcastle, shared office space in the past and also, this Court shared office space in the past with Mr. Houston as well. Further, Mr. Houston previously represented this Court's daughter in uncontested matters, not currently representing daughter and Mr. Houston's wife was Gerald Hardcastle's Judicial Executive Assistant (JEA) while he was on the District Court bench. Additionally, this Court's daughter and Mr. Houston's daughter spent time together in gymnastics. Mr. Houston advised that he is not on Willick case (A750171). Ms. McLetchie stated he client is not present and would like to confer regarding this development. COURT ORDERED, parties to advise the Court's JEA, Ms. Spoor, as to what the parties agree to and a minute order will issue. Further, the Court stated if requested to step down, Chief Judge will be contacted regarding reassignment. Upon Court's inquiry, Ms. McLetchie advised parties attended a settlement conference in *Abrams v. Willick* which was very unsuccessful

PRINT DATE: 04/20/2018

Page 1 of 2

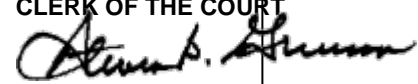
Minutes Date: April 20, 2018

JVA001666

and unlikely not to settle. Further, Ms. McLetchie advised she is always open to settlement and is not sure what parameters, if any, would help. Mr. Gilmore stated settlement conference pushed parties further apart and believes direction from the Supreme Court would be helpful. Further, in Willick case, brief is completed. Mr. Houston advised the Sater matter is intertwined and on appeal. Further, there was an order to show cause in the Supreme Court, order show cause was responded to, under submission and waiting for decision. Additionally, Mr. Houston advised he is appellant counsel in Sater matter and proceeding with settlement in that case. Ms. Levy inquired even though Mr. Houston not in case, will the Court look for waiver. Court stated there is no conflict on the other two cases, only Willick v. Abrams case. Mr. Willick advised in the Sater case, Mr. Schneider counsel on other case and is associated with Mr. Houston. Ms. McLetchie noted there was an outstanding issue in Abrams case as to a motion for attorney fees. Court stated that will be addressed after appeal. If dismissal was upheld, the Court will need to look at fees. If matter is overturned, will be moot and if this Court remains on case, will decide and noted there are competing orders. If not on case, other Judge will have to handle. Ms. McLetchie argued under the anti-slap motion, District Court is required to award fees and costs. Court stated other issue has to be decided first. Mr. Houston inquired if the Court is setting a deadline to notify the Court. Ms. McLetchie stated she will contact her client and requested to notify the Court by Monday, 1:00 p.m. COURT SO ORDERED. Mr. Houston stated there is an order from the Schneider case that has not been signed from original hearing, have reviewed order and request the Court sign. Court stated order will be given to the Chief Judge for signature. Mr. Gilmore stated he has no objection as to this Court remaining on case.

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MOT

MARGARET A. MCLEATCHIE, Nevada Bar No. 10931

ALINA M. SHELL, Nevada Bar No. 11711

MCLEATCHIE SHELL LLC

701 East Bridger Ave., Suite 520

Las Vegas, Nevada 89101

Telephone: (702) 728-5300

Facsimile: (702) 425-8220

Email: maggie@nvlitigation.com

Attorneys for Defendants Steve W. Sanson and

Veterans in Politics International, Inc.

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

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

vs.

LOUIS C. SCHNEIDER; LAW OFFICES
OF LOUIS C. SCHNEIDER, LLC; STEVE
W. SANSON; VETERANS IN POLITICS
INTERNATIONAL, INC.; SANSON
CORPORATION; et al.,
Defendants.

Case No.: A-17-749318-C

Dept. No.: (senior judge)

**MOTION TO REASSIGN CASE TO
JUDGE MICHELLE LEAVITT
AND REQUEST FOR WRITTEN
DECISION OR ORDER**

Defendants Steve W. Sanson and Veterans in Politics International (the “VIPI Defendants”) respectfully request that the Court reassign this case to Judge Michelle Leavitt, Department XII. This Motion and Request are based on the arguments herein and the pleadings on file in this case.

DATED this the 20th day of April, 2018.

/s/ Margaret A. McLetchie

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

701 E. Bridger Ave., Ste. 520

Las Vegas, NV 89101

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

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NOTICE OF MOTION

TO: ALL INTERESTED PARTIES.

YOU WILL TAKE NOTICE that the undersigned will bring on for hearing the above-noted MOTION TO REASSIGN CASE TO JUDGE MICHELLE LEAVITT AND REQUEST FOR WRITTEN DECISION OR ORDER and to be heard the **25th** day of **In Chambers** **May** 2018, at the hour of ~~-----a.m./p.m.~~, in the above-entitled Court or as soon thereafter as counsel may be heard.

DATED this the 20th day of April, 2018.

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

MEMORANDUM OF POINTS AND AUTHORITIES

On January 24, 2018, Plaintiff Abrams filed a Motion to Disqualify the Entire Eighth Judicial District, and For Permanent Assignment to the Senior Judge Program Or, Alternatively, to a District Court Judge Outside of Clark County (the “Motion to Disqualify”). The Motion to Disqualify was not filed until over seven months after Judge Leavitt had granted the VIPI Defendants’ dispositive Anti-SLAPP Motion to Dismiss with prejudice. Indeed, the only remaining issue at bar is the VIPI Defendants’ Motion for Attorney’s Fees and Costs. On February 2, 2018, Judge Leavitt filed an affidavit in support of her remaining on the case.

Despite the Motion to Disqualify’s untimeliness and Judge Leavitt’s averments, on March 2, 2018, Judge Gonzalez considered the Motion to Disqualify and entered a Minute Order (the “Reassignment Order”) which reassigned this matter to the Senior Judge Program due to “the high number of recusals by sitting judges.” Although this Court did not explicitly use the word “granted” in the Reassignment Order, this amounted to a *de facto* granting of Plaintiff’s untimely motion.¹ That same day, the matter was randomly assigned to Senior District Court Judge Kathy Hardcastle.

The VIPI Defendants filed a Motion for Reconsideration on March 12, 2018. After briefing on that motion was completed, Judge Hardcastle conducted a hearing on April 17, 2018. At that hearing, Judge Hardcastle summarily denied the Motion for Reconsideration without permitting any argument. She did so on the basis that—despite granting the exact relief requested by Plaintiffs in their Motion to Disqualify—the Reassignment Order was not a ruling on Plaintiffs’ Motion to Disqualify, but rather a customary practice of the Eighth Judicial District Court.

One day later, on April 18, 2018, the undersigned received notice from Judge Hardcastle requiring an appearance for a hearing on April 20, 2018. At that hearing, Judge

¹ The February 7, 2018 minutes vacating the court hearing reflect that a written decision would be entered on the Motion to Disqualify. While the minutes reflect that the Motion to Disqualify was granted, a written decision has not been entered.

Hardcastle revealed to the parties for the first time that Joe Houston, counsel for Defendant Louis Schneider, had previously represented Judge Hardcastle’s daughter in an unrelated matter and that she and her husband had extensive connections with Mr. Houston (and his wife). These facts were all known to Judge Hardcastle prior to the April 18, 2018 hearing on the Motion for Reconsideration, but not disclosed to the parties. Judge Hardcastle gave the parties until 1:00 p.m. on April 23, 2018 to notify the Court whether they would waive disqualification.

Far from promoting judicial efficiency and the swift disposition of cases, the Reassignment Order has taken this case from one of the few judges willing to preside over it to completion and passed it on to a judge who must now disqualify herself. Reassignment to the Senior Judge Program has instead turned the case into the very type of “hot potato” that Plaintiffs decried in their Motion to Disqualify.

Instead, judicial efficiency is promoted by reassigning this case back to Judge Leavitt, who properly attempted to fulfill her judicial duties consistent with the mandates of Rule 2.7 of the Nevada Code of Judicial Conduct, which provides that “[a] judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11 or other law.” As discussed in the Commentary to Rule 2.7:

Judges must be available to decide the matters that come before the court. Although there are times when disqualification is necessary to protect the rights of litigants and preserve public confidence in the independence, integrity, and impartiality of the judiciary, judges must be available to decide matters that come before the courts. Unwarranted disqualification may bring public disfavor to the court and to the judge personally. The dignity of the court, the judge’s respect for fulfillment of judicial duties, and a proper concern for the burdens that may be imposed upon the judge’s colleagues require that a judge not use disqualification to avoid cases that present difficult, controversial, or unpopular issues or involve difficult, controversial, or unpopular parties or lawyers.

Nevada Code of Judicial Conduct, Rule 2.7, Comment (1). The Reassignment Order did not find that Judge Leavitt had any actual or implied bias in this case. Nor did it cite to Rule 2.11 or any other law in *de facto* disqualifying Judge Leavitt by reassigning this case to the Senior Judge Program.

In this case, Judge Leavitt specifically explained, in her February 2, 2018 affidavit in response to Plaintiffs’ Motion to Disqualify, that she found there was no reason for her to disqualify herself from the matter, and that she could be fair and impartial to all parties in this action (*see* February 2, 2018 Affidavit, ¶¶ 18-22). This determination should have been accorded substantial weight pursuant to Nevada Supreme Court precedent. *See, e.g., In re Dunleavy*, 104 Nev. 784, 788 (1988) (“[When] a judge or justice determines that he may not voluntarily disqualify himself, his decision should be given substantial weight, and should not be overturned in the absence of a clear abuse of discretion.”); *Sonner v. State*, 112 Nev. 1328, 1335, 930 P.2d 707, 712 (1996) (“this court has always accorded substantial weight to a judge’s determination that he can fairly and impartially preside over a case”).

Accordingly, the VIPI Defendants respectfully request that this Court enter a written order denying the Motion to Disqualify and reassign this matter to Judge Leavitt.

DATED this the 20th day of April, 2018.

/s/ Margaret A. McLetchie

Margaret A. McLetchie, Nevada State Bar No. 10931
MCLEATCHIE SHELL, LLC
701 E. Bridger Ave., Ste. 520
Las Vegas, NV 89101
Attorney for Defendants Steve W. Sanson and Veterans in Politics International

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of April, 2018, I served a true and correct copy of the foregoing MOTION TO REASSIGN CASE TO JUDGE MICHELLE LEAVITT AND REQUEST FOR WRITTEN DECISION OR ORDER via electronic service using Odyssey File & Serve's electronic court filing system and, pursuant to NRCP 5(b)(2)(B), by First Class United States Mail, postage fully prepaid, to the following:

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

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

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

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

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

/s/ Pharan Burchfield
EMPLOYEE of McLetchie Shell LLC

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**DISTRICT COURT
CLARK COUNTY, NEVADA****Intentional Misconduct****COURT MINUTES****April 23, 2018**

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

April 23, 2018 8:13 AM Minute Order Re: Case Reassignment

HEARD BY: Hardcastle, Kathy

COURTROOM: Chambers

COURT CLERK: April Watkins

JOURNAL ENTRIES

- By order of the Chief Judge Elizabeth Gonzalez three cases including Abrams v Schneider, Willick v Sanson and Dicio v Sanson were assigned to Senior Judge Kathy Hardcastle. A hearing was set on pending motions in Dicio v Sanson. Subsequently the Court was notified that the motions had been resolved and a stipulation and order would follow. No stipulation and order was filed so the hearing date in that case was not vacated. Judge Kathy Hardcastle was notified on Tuesday, April 16, 2018, that additional motions in Abrams v Schneider had been filed and set for hearing on the same date and time as the Dicio matter. When the matter was called, neither Mr. Schneider nor his counsel were present and remaining parties indicated they were ready to proceed. The hearing went forward. After the hearing, Judge Hardcastle was notified that Joe Houston was counsel for Schneider and was provided a copy of Mr. Houston's letter bringing his representation to the Court's attention.

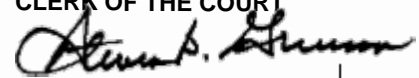
The Court set the matter back on calendar on April 20, 2018, to make a court record on disclosure of the Judge's prior relationship with Joe Houston and his family and his previous representation of the Judge's daughter. The Judge gave counsel until Monday at 1 pm to notify the senior judge department if her continued handling of the case would make anyone uncomfortable, in which case she would then recuse on this case and refer the matter back to the Chief Judge for reassignment.

Subsequently a motion to reassign was filed by a party. So Judge Hardcastle has now RECUSED in Abrams v Schneider and REFERRED to matter back to the Chief Judge.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, April Watkins, to all registered parties for Odyssey File & serve. aw

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1 **ORDR**

2 DENNIS L. KENNEDY (Nevada Bar No. 1462)
3 JOSHUA P. GILMORE (Nevada Bar No. 11576)

4 **BAILEY ♦ KENNEDY**

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11 JENNIFER V. ABRAMS (Nevada Bar No. 7575)

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24 Marshal@willicklawgroup.com

25 *Attorneys for Plaintiffs*

26 Jennifer V. Abrams and The Abrams & Mayo
27 Law Firm

28 **DISTRICT COURT**

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

Case No. A-17-749318-C
Dept. No. SENIOR JUDGE PROGRAM

**ORDER GRANTING SCHNEIDER
DEFENDANTS' SPECIAL MOTION
TO DISMISS PLAINTIFFS' SLAPP
SUIT PURSUANT TO NRS 41.660 AND
REQUEST FOR ATTORNEY'S FEES,
COSTS, AND DAMAGES PURSUANT
TO NRS 41.670**

Schneider Defendants' Special Motion to Dismiss Plaintiffs' SLAPP¹ Suit Pursuant to NRS 41.660 and Request for Attorney's Fees, Costs, and Damages Pursuant to NRS 41.670 (the "Special Motion to Dismiss") having come on for hearing on June 5, 2017, the Honorable Michelle Leavitt presiding;² Plaintiffs Jennifer V. Abrams ("Ms. Abrams") and the Abrams & Mayo Law Firm (together, the "Abrams Parties"), appearing by and through their attorneys, Joshua P. Gilmore, Esq. of Bailey ♦ Kennedy and Marshal S. Willick, Esq. of Willick Law Group; Defendants Steve W. Sanson ("Sanson") and Veterans in Politics International, Inc. ("VIPI") (collectively, the "VIPI Defendants"), appearing by and through their attorneys, Margaret A. McLetchie, Esq. and Alina M. Shell, Esq. of McLetchie Shell LLC; and Defendants Louis C. Schneider, Esq. ("Schneider") and Law Office of Louis C. Schneider (together, the "Schneider Defendants"), appearing by and through their attorney, Cal Potter, Esq. of Potter Law Offices; and the Court, having read and considered all of the papers and pleadings on file, including the transcript from the June 5, 2017 hearing, and being fully advised, and good cause appearing therefor, hereby makes the following findings of fact and conclusions of law, and order granting the Schneider Defendants' Special Motion to Dismiss:

I.

FINDINGS OF FACT

1. Schneider is a licensed attorney in Las Vegas, Nevada.
2. On January 9, 2017, the Abrams Parties filed a Verified Complaint against the Schneider Defendants, as well as several other Defendants. The original Complaint included causes of action for defamation, intentional infliction of emotional distress, negligent infliction of emotional distress, false light, business disparagement, harassment, concert of action, civil conspiracy, RICO, and injunctive relief.
3. On January 27, 2017, the Abrams Parties filed a First Amended Verified Complaint, adding copyright infringement as a cause of action.

¹ "SLAPP" is an acronym for "strategic lawsuit against public participation."

² This matter was reassigned to the undersigned Senior Judge pursuant to the March 5, 2018 Notice of Department Reassignment.

1 12. Courts must evaluate a special anti-SLAPP motion to dismiss using a two-step
2 process. First, the defendant bears the burdens of persuasion and production: He must show by a
3 preponderance of the evidence that each of the plaintiff's claim "is based upon a good faith
4 communication in furtherance of the right to petition or the right to free speech in direct connection
5 with an issue of public concern." NRS 41.660(3)(a); *see also John v. Douglas County Sch. Dist.*,
6 125 Nev. 746, 754, 219 P.3d 1276, 1282 (2009).

7 13. Second, assuming that the defendant satisfies the aforementioned threshold
8 showing, a court must then "determine whether the plaintiff has demonstrated with prima facie
9 evidence a probability of prevailing on the claim[s]." NRS 41.660(3)(b).

10 14. NRS Section 41.637 defines a "good faith communication in furtherance of the right
11 to petition or the right to free speech in direct connection with an issue of public concern" in
12 pertinent part as follows:

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

15 Communication made in direct connection with an issue of public interest in a place
16 open to the public or in a public forum,

17 ↳ which is truthful or is made without knowledge of its falsehood.

18 NRS 41.637(4).

19 15. In *Shapiro v. Welt*, 133 Nev., Adv. Op. 6, 389 P.3d 262 (2017), the Nevada
20 Supreme Court outlined the following guiding principles for determining what constitutes "public
21 interest" for purposes of NRS Section 41.637(4):

22 (1) "public interest" does not equate with mere curiosity;

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

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

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

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

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

4 ***The Schneider Defendants Met Their Initial Burden***

5 16. The Court finds that no statement at issue in this case was directly made by Mr.
6 Schneider. As noted above, the Abrams Parties seek to hold the Schneider Defendants liable for
7 statements made by the VIPI Defendants.

8 17. Having reviewed the communications at issue in the First Amended Verified
9 Complaint, the Court finds that the VIPI Defendants' statements concerning the Abrams Parties
10 arise from good faith communications in furtherance of the right to free speech in direct connection
11 with an issue of public concern.

12 18. Moreover, the Court finds that a majority of the statements at issue in this case took
13 place on the public forum of the internet – e.g., they were published on VIPI's website.

14 19. Finally, the Court finds that the statements at issue in this case were made without
15 knowledge of falsehood, or were statements of opinion which are incapable of being true or false.

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

17 20. Because the Schneider Defendants met their burden, the burden now shifts to the
18 Abrams Parties to demonstrate "with prima facie evidence a probability of prevailing on the[ir
19 remaining] claims." NRS 41.660(3)(b).

20 21. The Abrams Parties have failed to meet their burden, as they cannot show a
21 probability of success on their remaining claims.

22 **Defamation**

23 22. In Nevada, the elements of a defamation claim are: (1) a false and defamatory
24 statement by a defendant concerning the plaintiff; (2) an unprivileged publication of this statement
25 to a third person; (3) fault of the defendant, amounting to at least negligence; and (4) actual or
26 presumed damages. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 718, 57 P.3d 82, 90 (2002).

1 23. The Schneider Defendants made none of the statements at issue in this case, and the
2 VIPI Defendants' statements consist of either opinions or facts. Thus, the Abrams Parties have not
3 established a probability of success on their defamation claim.

4 **Intentional Infliction of Emotional Distress**

5 24. The elements of a cause of action for intentional infliction of emotional distress
6 ("IIED") are: "(1) extreme and outrageous conduct with either the intention of, or reckless
7 disregard for, causing emotional distress, (2) the plaintiff's [sic] having suffered severe or extreme
8 emotional distress and (3) actual or proximate causation." *Dillard Dep't Stores, Inc. v. Beckwith*,
9 115 Nev. 372, 378, 989 P.2d 882, 886 (1999) (quoting *Star v. Rabello*, 97 Nev. 124, 125, 625 P.2d
10 90, 92 (1981)).

11 25. The Abrams Parties fail to allege facts sufficient to show that the Schneider
12 Defendants' conduct was "extreme and outrageous" or that the Abrams Parties suffered emotional
13 distress. Thus, the Abrams Parties have not established a probability of success on their IIED
14 claim.

15 **Negligent Infliction of Emotional Distress**

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

23 27. The Abrams Parties fail to allege facts sufficient to show that the Schneider
24 Defendants owed Ms. Abrams or her law firm any duty of care. The Abrams Parties also fail to
25 allege facts sufficient to show that they suffered emotional distress. Thus, the Abrams Parties have
26 not established a probability of success on their NIED claim.

False Light

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

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

Business Disparagement

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

31. The Abrams Parties cannot prevail on their business disparagement claim for the same reason that their defamation claim fails. Thus, the Abrams Parties have not established a probability of success on their business disparagement claim.

Concert of Action

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

1 33. The conduct alleged in this case is not inherently dangerous. Further, because the
2 other tort claims fail, so does this one.

3 **Civil Conspiracy**

4 34. The elements of a cause of action for civil conspiracy are: (1) defendants, "by some
5 concerted action, intend to accomplish an unlawful objective for the purpose of harming another;
6 and (2) damage resulting from the act(s). *Consol. Generator-Nevada, Inc. v. Cummins Engine Co.*,
7 114 Nev. 1304, 1311, 971 P.2d 1251, 1255 (1999) (quoting *Hilton Hotels v. Butch Lewis*
8 *Productions*, 109 Nev. 1043, 1048, 862 P.2d 1207, 1210 (1993)).

9 35. Because the other tort claims fail, so does this one.

10 **III.**

11 **ORDER**

12 36. Accordingly, for the reasons stated above, the Schneider Defendants' Special
13 Motion to Dismiss is GRANTED.

14 37. If a Court grants a special anti-SLAPP motion to dismiss, the defendants are entitled
15 to an award of reasonable costs and attorneys' fees. NRS 41.670(1)(a). A Court may also award
16 up to \$10,000.00. NRS 41.670(1)(b).

17 38. Additionally, upon the granting of a special anti-SLAPP motion to dismiss, the
18 defendants can bring a separate cause of action against the plaintiffs for compensatory damages,
19 punitive damages, and attorney's fees and costs of bringing the separate action. NRS 41.670(c).

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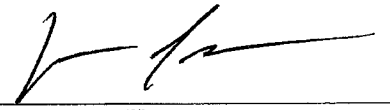
1 39. The Schneider Defendants may file any additional motions pursuant to NRS 41.670
2 on or before July 24, 2017 (subsequently extended to September 12, 2017 by Order dated August
3 31, 2017).

4 IT IS SO ORDERED this 20 day of April, 2018.

5
6  DISTRICT COURT JUDGE (fn)

7 Submitted by:

8 BAILEY ♦ KENNEDY

9
10 By: 

11 DENNIS L. KENNEDY
JOSHUA P. GILMORE

12 AND
JENNIFER V. ABRAMS
13 **THE ABRAMS & MAYO LAW FIRM**

14 AND
MARSHAL S. WILLICK
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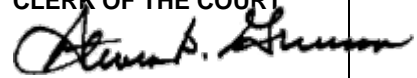
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(fn) The Chief Judge signs this for Sr. Judge
K. Hardcastle pending decision by the parties
related to the disclosure ^{Page 9 of 9} made on 20 April 2018.

JVA001683

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NEOJ

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Attorneys for Plaintiffs

Jennifer V. Abrams and The Abrams & Mayo Law
Firm

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

Case No. A-17-749318-C
Dept. No. SENIOR JUDGE PROGRAM

NOTICE OF ENTRY OF ORDER
GRANTING SCHNEIDER
DEFENDANTS' SPECIAL MOTION TO
DISMISS PLAINTIFFS' SLAPP SUIT
PURSUANT TO NRS 41.660 AND
REQUEST FOR ATTORNEY'S FEES,
COSTS, AND DAMAGES PURSUANT
TO NRS 41.670

1 PLEASE TAKE NOTICE that an Order Granting Schneider Defendants' Special Motion to
2 Dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 and Request for Attorney's Fees, Costs, and
3 Damages Pursuant to NRS 41.670 was entered on April 24, 2018; a true and correct copy of which is
4 attached hereto.

5 DATED this 24th day of April, 2018.

6 BAILEY❖KENNEDY

7
8 By: /s/ Joshua P. Gilmore
9 DENNIS L. KENNEDY
JOSHUA P. GILMORE

10 AND

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16 Jennifer V. Abrams and The Abrams &
17 Mayo Law Firm
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CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY❖KENNEDY and that on the 24th day of April, 2018, service of the foregoing Notice of Entry of Order Granting Schneider Defendants’ Special Motion to Dismiss Plaintiffs’ SLAPP Suit Pursuant to NRS 41.660 and Request for Attorney’s Fees, Costs, and Damages Pursuant to NRS 41.670 was made by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

MAGGIE MCLECHIE MCLECHIE SHELL LLC 701 E. Bridger Avenue, Ste. 520 Las Vegas, NV 89101	Email: maggie@nvlitigation.com <i>Attorneys for Defendants</i> STEVE W. SANSON and VETERANS IN POLITICS INTERNATIONAL, INC.
--	---

ALEX GHIBAUDO G LAW 703 S. 8 th Street Las Vegas, NV 89101	Email: alex@alexglaw.com <i>Attorneys for Defendants</i> LOUIS C. SCHNEIDER, LLC; LAW OFFICES OF LOUIS C. SCHNEIDER, LLC; CHRISTINA ORTIZ, HEIDI J. HANUSA, SANSON CORPORATION, JOHNNY SPICER, KAREN STEELMON, and DON WOOLBRIGHT
---	--

JOSEPH HOUSTON 430 S. 7 th Street Las Vegas, NV 89101	Email: <i>Attorneys for Defendant,</i> LOUIS C. SCHNEIDER
--	---

/s/ Susan Russo
Employee of BAILEY❖KENNEDY

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

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

Appellant,

vs.

LOUIS C. SCHNEIDER; LAW OFFICES
OF LOUIS C. SCHNEIDER, LLC; STEVE
W. SANSON; VETERANS IN
POLITICS INTERNATIONAL, INC;

Respondent.

SC NO: 73838
DC NO: 73838
Electronically Filed
Oct 15, 2018 09:57 a.m.
A-17-749318-C
Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANT'S
INDEX TO
APPENDIX -
DATE ORDER**

VOLUME IX

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APPENDIX INDEX

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5.	Declaration of Service	1/25/2017	JVA00084
6.	Amended Complaint for Damages	1/27/2017	JVA000085- JVA000164
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8.	Declaration of Service	2/8/2017	JVA000178
9.	Declaration of Service	2/8/2017	JVA000179
10.	Declaration of Service	2/8/2017	JVA000180
11.	Declaration of Service	2/8/2017	JVA000181
12.	Opposition to "Defendant Louis Schneider's and Law Offices of Louis Schneider's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)" and Countermotion for Attorney's Fees	2/14/2017	JVA000182 - JVA000204
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21.	Declaration of Margaret A. McLetchie in Support of Special Anti-Slapp Motion to Dismiss	3/28/2017	JVA000470 - JVA000538
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28.	Plaintiffs' Supplement to Their Omnibus Opposition to: 1. Schneider Defendants' Special Motion to Dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 and request for Attorney's Fees, Costs, and Damages Pursuant to NRS 41.670; 2. Special Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-Slapp); and 3. Defendants' Special Motion to Dismiss Under Nevada's Anti Slapp Statute, NRS 41.660	6/6/2017	JVA000863 - JVA000866
29.	VIPI Defendants' Supplement to VIPI Defendants' Omnibus Reply to: (1) Plaintiffs' Opposition to Special motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-Slapp); and (2) Plaintiffs' Opposition to Motion to Dismiss and Countermotion for Attorneys' Fees	6/9/2017	JVA000867 - JVA000883
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58.	Motion to Reassign Case to Judge Michelle Leavitt and Request for Written Decision and Order	4/20/2018	JVA001668 - JVA001673
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IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

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

Appellant,

vs.

STEVE W. SANSON; VETERANS IN
POLITICS INTERNATIONAL, INC; LOUIS
C. SCHNEIDER; AND LAW OFFICES
OF LOUIS C. SCHNEIDER, LLC;

Respondent.

SC NO: 73838/75834
DC NO: A-17-749318-C

**APPELLANTS'
INDEX TO
APPENDIX -
ALPHABETICAL
ORDER**

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APPENDIX INDEX

EXHIBIT	DOCUMENT	FILE STAMP DATE	PAGES
43.	Affidavit of Counsel Cal J. Potter, IV. Esq.	1/26/2018	JVA001371 - JVA001383
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65.	Case Appeal Statement	5/9/2018	JVA001713 - JVA001717
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50.	Court Minutes	3/2/2018	JVA001540
57.	Court Minutes	4/20/2018	JVA001666 - JVA001667
59.	Court Minutes	4/23/2018	JVA001674
67.	Court Minutes	5/25/2018	JVA001732

74.	Declaration of Due Diligence	1/25/2017	JVA001746 - JVA001747
21.	Declaration of Margaret A. McLetchie in Support of Special Anti-Slapp Motion to Dismiss	3/28/2017	JVA000470 - JVA000538
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7.	Defendant Louis Schneider's and Law Offices of Louis Schneider's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)	1/30/2017	JVA000165 - JVA000177
24.	Defendants' Steve W. Sanson and Veterans in Politics International, Inc.'s Request to Unseal Exhibit 13 to Their Special Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-Slapp)	5/26/2017	JVA000805 - JVA000808
17.	Errata to Opposition to "Defendants Steve W. Sanson and Veterans in Politics International, Inc's Motion to Dismiss" and Countermotion for Attorney's Fees	3/6/2017	JVA000331 - JVA000336
64.	Errata to Opposition to "Motion to Reassign Case to Judge Michelle Leavitt and Request for Written Decision and Order" and Countermotion for Attorney's Fees	5/8/2018	JVA001708 - JVA001712
22.	Exhibit 13 to Declaration of Margaret A. McLetchie in Support of Special Anti-Slapp Motion to Dismiss - Sealed	3/28/2017	JVA000539 - JVA000655
48.	Joinder to Louis Schneider's Opposition to Plaintiff's Motion to Disqualify Eighth Judicial District Court Elected Judiciary, and for Permanent Assignment to the Senior Judge Program or, Alternatively, to a District Court Judge Outside of Clark County	2/7/2018	JVA001453 - JVA001469
53.	Joinder in Motion for Reconsideration	3/13/2018	JVA001618 - JVA001620
38.	Louis Schneider Defendants' Joinder to Defendant Steve W. Sanson and VIPI Defendants' Motion for Attorney Fees and Costs Pursuant to Nev. Rev. Stat. 41.670	9/15/2017	JVA001078 - JVA001080

27.	Louis Schneider Defendants' Joinder to Defendant Steve W. Sanson and VIPI Defendants'Reply to Plaintiffs' Opposition to Motion to Strike and Opposition to Plaintiffs' Countermotion for Attorney's Fees	6/1/2017	JVA000860 - JVA000862
36.	Motion for Attorney Fees and Costs Pursuant to NEV. Rev. Stat. 41.670	9/13/2017	JVA001014 - JVA001076
42.	Motion to Disqualify Eighth Judicial District Court Elected Judiciary, and for Permanent Assignment to the Senior Judge Program or, Alternatively, to a District Court Judge Outside of Clark County	1/24/2018	JVA001266 - JVA001370
58.	Motion to Reassign Case to Judge Michelle Leavitt and Request for Written Decision and Order	4/20/2018	JVA001668 - JVA001673
52.	Motion to Reconsider March 2, 2018 Minute Order Granting Plaintiffs' Motion to Disqualify	3/12/2018	JVA001542 - JVA001617
14.	Motion to Strike	2/16/2017	JVA000266 - JVA000273
33.	Notice of Appeal	8/21/2017	JVA000995 - JVA000998
62.	Notice of Appeal	5/7/2018	JVA001696 - JVA001698
37.	Notice of Change of Hearing	9/13/2017	JVA001077
51.	Notice of Department Reassignment	3/5/2018	JVA001541
32.	Notice of Entry of Order	7/24/2017	JVA000971 - JVA000994
69.	Notice of Entry of Order	8/1/2018	JVA001736 - JVA001741

61.	Notice of Entry of Order Granting Schneider Defendants' Special Motion to Dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 and Request for Attorney's Fees, Costs, and Damages Pursuant to NRS 41.670	4/24/2018	JVA001684 - JVA001695
82.	Notice of Entry of Stipulation and Order to Dismiss with Prejudice All Claims Against Hanusa Parties	10/16/2017	JVA001757 - JVA001762
56.	Notice of Hearing	4/18/2018	JVA001664 - JVA001665
16.	Notice of Motion to Dismiss; Memorandum of Points and Authorities in Support Thereof	2/16/2017	JVA000205 - JVA000265
68.	Order	7/2/2018	JVA001733 - JVA001735
60.	Order Granting Schneider Defendants' Special Motion to Dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 and Request for Attorney's Fees, Costs, and Damages Pursuant to NRS 41.670	4/24/2018	JVA001675 - JVA001683
12.	Opposition to "Defendant Louis Schneider's and Law Offices of Louis Schneider's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)" and Countermotion for Attorney's Fees	2/14/2017	JVA000182 - JVA000204
15.	Opposition to "Defendants Steve Sanson and Veterans in Politics International, Inc's Motion to Dismiss" and Countermotion for Attorney's Fees	3/6/2017	JVA000274 - JVA000315
44.	Opposition to Motion to Disqualify	1/31/2018	JVA001384 - JVA001393
54.	Opposition to "Motion to Reassign Case to Judge Michelle Leavitt and Request for Written Decision and Order" and Countermotion for Attorney's Fees	5/7/2018	JVA001699 - JVA001707

43.	Opposition to “Motion to Reconsider March 2, 2018 Minute Order granting Plaintiffs’ Motion to Disqualify” and Countermotion and Attorney’s Fees	3/26/2018	JVA001621 - JVA001632
16.	Opposition to “Motion to Strike” and Countermotion for Attorney’s Fees	3/6/2017	JVA000317 - JVA000330
23.	Plaintiffs’ Omnibus Opposition To: 1. Schneider Defendants’ Special Motion to Dismiss Plaintiffs’ Slapp Suit Pursuant to NRS 41.660 and Request for Attorney’s Fees, Costs, and Damages Pursuant to NRS 41.670; 2. Special Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-Slapp); and 3. Defendants’ Special Motion to Dismiss Under Nevada’s Anti Slapp Statute, NRS 41.660	4/28/2017	JVA000656 - JVA000804
40.	Plaintiffs’ Omnibus Opposition to Defendants’ Motion for Attorney’s Fees, Costs, and Sanctions	10/27/2017	JVA001144 - JVA001259
28.	Plaintiffs’ Supplement to Their Omnibus Opposition to: 1. Schneider Defendants’ Special Motion to Dismiss Plaintiffs’ SLAPP Suit Pursuant to NRS 41.660 and request for Attorney’s Fees, Costs, and Damages Pursuant to NRS 41.670; 2. Special Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-Slapp); and 3. Defendants’ Special Motion to Dismiss Under Nevada’s Anti Slapp Statute, NRS 41.660	6/6/2017	JVA000863 - JVA000866
31.	[Proposed] Order Granting VIPI Defendants’ Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (Anti-Slapp)	7/24/2017	JVA000951 - JVA000970