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**IN THE SUPREME COURT OF NEVADA**

HOWARD SHAPIRO,

Appellants,

vs.

GLENN WELT, RHODA WELT,  
LYNN WELT, and MICHELLE  
WELT,

Respondents.

Case No.: 80395

Dist. Ct. No. A-14-706566-C

**APPELLANT'S APPENDIX VOL I**

/s/ Alex Ghibaud

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## **CERTIFICATE OF SERVICE**

Pursuant to NRAP 25, I hereby certify that on this 24<sup>th</sup> day of September, 2020, I did cause a true copy of the foregoing APPENDIX to be served via the Court's electronic service system to the following:

Michael Lowry, Esq.  
**WILSON ELSER et al.**

Michael.lowry@wilsonelser.com

/s/ Alex Ghibauda

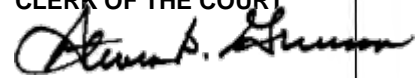
EMPLOYEE of Alex B. Ghibauda, PC

Shapiro v. Welt

Docket No. 80395

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**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

Howard Shaprio and Jenna Shapiro,  
Plaintiffs,

vs.

Glenn Welt, Rhoda Welt, Lynn Welt, Michelle Welt,  
individuals; Checksnet.com, a corporation; Does I  
through X, and Roe Corporations I through X,  
inclusive,  
Defendants.

Case No.: A-14-706566-C  
Dept. No.: 27

**Glenn Welt, Rhoda Welt, Lynn Welt &  
Michele Welt's Motion to Dismiss  
Certain Causes of Action**

**Hearing Requested**

Defendants Glenn Welt, Rhoda Welt, Lynn Welt and Michele Welt have moved to dismiss the complaint entirely per NRS 41.660. Should that motion be denied, there are still individual causes of action within the complaint that do not plead a claim for relief. Those causes of action should be dismissed with prejudice.

DATED this 2<sup>nd</sup> day of May, 2019.



BY: /s/ Michael P. Lowry

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Appellant's Exhibits 001

1 **Memorandum of Points & Authorities**

2 **I. The complaint contains causes of action that fail to state a claim for relief.**

3 The complaint was filed on September 4, 2014 and lists six causes of action. 1)  
4 Defamation per se; 2) Defamation; 3) Extortion; 4) Civil Conspiracy; 5) Fraud; and 6) Punitive  
5 Damages. This motion concerns the extortion, fraud, and punitive damages causes of action, as  
6 well as all claims asserted by Jenna Shapiro.

7 **a. Extortion is not recognized as a civil cause of action.**

8 The complaint alleges the Welts attempted to extort Howard by threatening to publish  
9 information on the website.<sup>1</sup> This allegation apparently relies upon NRS 200.560, however the  
10 statute does not authorize or create a civil cause of action. “Long ago the courts of these United  
11 States established that criminal statutes cannot be enforced by civil actions.”<sup>2</sup>

12 There is a limited exception for narrowly drawn criminal statutes, however the exception  
13 does not apply to NRS 200.560. For example, in *Collins v. Palczewski* the plaintiff sued based  
14 upon NRS 197.200, “a criminal statute which prohibits oppression under color of office.”<sup>3</sup> The  
15 court refused to apply the exception rule to this statute. NRS 197.200 “provides protection to the  
16 general population of Nevada against the oppressive, injurious or confiscatory actions of state  
17 officers.... Section 197.200 does not mention any particular class of citizen. Thus, § 197.200 is  
18 strictly criminal in nature and possess no civil implications.”<sup>4</sup>

19 NRS 200.560 is general in nature. It does not specify or mention any particular class of  
20 citizen. Howard may not rely upon it to create a civil cause of action.

21 Other jurisdictions have also refused to recognize a civil cause of action for “extortion.”  
22 Instead extortion is recognized, in almost all jurisdictions, as a crime, not a civil cause of action.<sup>5</sup>

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26 <sup>1</sup> Complaint at ¶¶ 37-38.

27 <sup>2</sup> *Collins v. Palczewski*, 841 F. Supp. 333, 340 (D. Nev. 1993) (string citation omitted).

28 <sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See *Scheidler v. National Organization for Women, Inc.*, 537 US 393, 410 (2003) (“[T]he Model Penal Code and a majority of States recognize the *crime* of extortion....”) (emphasis added).

1 For example, courts in Colorado,<sup>6</sup> Delaware,<sup>7</sup> Florida,<sup>8</sup> Hawaii,<sup>9</sup> New Jersey,<sup>10</sup> Pennsylvania,<sup>11</sup>  
2 and Texas<sup>12</sup> have refused to recognize such a claim. The Pennsylvania court elegantly  
3 summarized the status of the case law. “[N]either the Restatement nor Prosser on Torts delineates  
4 a cause of action for civil extortion. Although there are a ‘handful’ of reported cases which  
5 consider the existence of the tort, none stand for the proposition that it exists at common law.”<sup>13</sup>

6 Nevada does not recognize “extortion” as a civil case of action. It should be dismissed with  
7 prejudice.

8 **b. Plaintiffs do not allege specific facts supporting a “fraud” cause of action.**

9 The complaint also alleges a cause of action labeled “fraud.” It alleges “Defendants  
10 intended to induce Plaintiff to pay money or turn over property...” and then “the public justifiably  
11 relied upon those representations to formulate an opinion of Plaintiff, putting pressure upon  
12 Plaintiff to cooperate with Defendants.”<sup>14</sup>

13 These allegations indicate Howard is pleading fraudulent inducement. The elements of  
14 fraudulent inducement must be proven by clear and convincing evidence: (1) a false  
15 representation made by the defendant; (2) defendant’s knowledge or belief that the representation  
16 is false (or insufficient basis for making the representation); (3) defendant’s intention to induce the  
17 plaintiff to act or to refrain from acting in reliance upon the misrepresentation; (4) plaintiff’s  
18 justifiable reliance upon the misrepresentation; and (5) damage to the plaintiff resulting from such  
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22 <sup>6</sup> *Natural Wealth Real Estate, Inc. v. Cohen*, 2006 U.S. Dist. LEXIS 87439, 2006 WL 3500624  
23 (D. Colo. 2006).

24 <sup>7</sup> *Rader v. ShareBuilder Corp.*, 772 F. Supp. 2d 599, 606 (D. Del. 2011).

25 <sup>8</sup> *Bass v. Morgan, Lewis & Bockius*, 516 So.2d 1011 (Fla. App. 1987).

26 <sup>9</sup> *Myers v. Cohen*, 687 P.2d 6 (Haw. App. 1984) (rev’d on other grounds 688 P.2d 1145 (1984)).

27 <sup>10</sup> *Pegasus Blue Star Fund, LLC v. Canton Prods.*, 2009 U.S. Dist. LEXIS 93080, 2009 WL  
28 3246616 (D.N.J. 2009).

<sup>11</sup> *Second & Ashbourne Assocs. v. Cheltenham Twp.*, 1989 U.S. Dist. LEXIS 8823 (E.D. Pa.  
1989).

<sup>12</sup> *B.F. Jackson, Inc. v. Costar Realty Info., Inc.*, 2009 U.S. Dist. LEXIS 54101 (S.D. Tex. 2009).

<sup>13</sup> *Second & Ashbourne Assocs. v. Cheltenham Twp.*, 1989 U.S. Dist. LEXIS 8823 (E.D. Pa.  
1989).

<sup>14</sup> Complaint at ¶¶ 47-48.

1 reliance.<sup>15</sup> Nevada has also “recognized that fraud is never presumed; it must be clearly and  
2 satisfactorily proved.”<sup>16</sup>

3 The complaint fails to adequately plead a fraudulent inducement cause of action. “In all  
4 averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with  
5 particularity. Malice, intent, knowledge, and other condition of mind of a person may be averred  
6 generally.”<sup>17</sup> “In actions involving fraud, the circumstances of the fraud are required by NRCP  
7 9(b) to be stated with particularity. The circumstances that must be detailed include averments to  
8 the time, the place, the identity of the parties involved, and the nature of the fraud or mistake.”<sup>18</sup>  
9 *Swartz v. KPMG LLP* discussed the federal counterpart to NRCP 9(b) and concluded “Rule 9(b)  
10 does not allow a complaint to merely lump multiple defendants together but ‘require[s] plaintiffs  
11 to differentiate their allegations when suing more than one defendant . . . and inform each  
12 defendant separately of the allegations surrounding his alleged participation in the fraud.’”<sup>19</sup>

13 The complaint does not specifically identify or allege any particular conduct by the Welts.  
14 The complaint instead impermissibly lumps all four together and does not state the time, place,  
15 manner or nature of the fraud he individually asserts against each individual defendant.

16 Second, even if the facts in the complaint were true, Plaintiffs have not pled a fraudulent  
17 inducement claim. To allege a claim, Plaintiffs must demonstrate they justifiably relied upon a  
18 fraudulent representation. Yet the complaint does not allege Plaintiffs relied upon anything said  
19 on the Welts’ website. It instead alleges unidentified members of the public may have relied upon  
20 an unspecified statement on that website. If so, then these unidentified members of the public may  
21 have standing, but Plaintiffs do not.

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25 <sup>15</sup> *J.A. Jones Constr. Co. v. Lehrer McGovern Bovis, Inc.*, 120 Nev. 277, 290-91, 89 P.3d 1009,  
26 1018 (2004).

27 <sup>16</sup> *Id.*

<sup>17</sup> NRCP 9(b).

<sup>18</sup> *Brown v. Kellar*, 97 Nev. 582, 583-84, 636 P.2d 874, 874 (1981).

28 <sup>19</sup> 476 F.3d 756, 764-65 (9th Cir. 2007) (alterations in original) (quoting *Haskin v. R.J. Reynolds Tobacco Co.*, 995 F. Supp. 1437, 1439 (M.D. Fla. 1998)).

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**Certificate of Service**

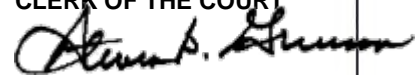
Pursuant to NRCp 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on May 2, 2019, I served **Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Motion to Dismiss Certain Causes of Action** as follows:

- ☐ 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;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

Alex B. Ghibaudo G Law 7720 Cimarron Rd., Suite 110B Las Vegas, NV 89113 Tel: 702.778.1238/Fax: 702.924.6553 E-mail: <a href="mailto:alex@alexglaw.com">alex@alexglaw.com</a> Attorneys for Howard Shapiro and Jenna Shapiro	
--	--

BY: /s/ Cynthia Kelley  
An Employee of





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Michelle Welt

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

Howard Shaprio and Jenna Shapiro,  
Plaintiffs,

vs.

Glenn Welt, Rhoda Welt, Lynn Welt, Michelle Welt,  
individuals; Checksnet.com, a corporation; Does I  
through X, and Roe Corporations I through X,  
inclusive,

Defendants.

Case No.: A-14-706566-C  
Dept. No.: 27

**Glenn Welt, Rhoda Welt, Lynn Welt &  
Michele Welt's Motion to Dismiss re  
NRS 41.660**

**Hearing Requested**

The district court has dismissed this case twice as barred by NRS 41.660. The Supreme Court reversed once, developing the law further in this area and remanding for further consideration. The Supreme Court reversed the second time, directing further analysis of whether the Welts have satisfied NRS 41.660. Defendants provide that analysis in this renewed motion and request dismissal with prejudice. The complaint still arises from statements made in direct connection to a New Jersey conservatorship proceeding involving the parties. The complaint's goal was to silence the Shapiros' critics in the New Jersey case, a result expressly barred by Nevada's anti-SLAPP statutes.

///

///

///



1 DATED this 2<sup>nd</sup> day of May, 2019.



4 BY: /s/ Michael P. Lowry

5 MICHAEL P. LOWRY

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10 Attorneys for Glenn Welt; Rhoda Welt; Lynn Welt;  
11 Michelle Welt

12 **Memorandum of Points & Authorities**

13 **I. This case concerns an intra-familial dispute in New Jersey.**

14 This matter stems from comments made on a website regarding a conservatorship case  
15 litigated in New Jersey. Walter Shapiro is the father of plaintiff Howard Shapiro.<sup>1</sup> On August 5,  
16 2014 Howard petitioned a New Jersey court to appoint him as Walter's conservator.<sup>2</sup> The petition  
17 alleged Walter was allegedly no longer mentally fit to care for himself. The Wels are relatives of  
18 Walter and opposed Howard's petition.<sup>3</sup> Allen Shapiro, Walter's brother, also vehemently  
19 opposed Howard's petition.<sup>4</sup> It appears even Walter opposed the petition based upon his  
20 statements to his court appointed attorney requesting that Michele Welt be appointed as  
21 conservator of his property.<sup>5</sup> Although not stated in the petition, Glenn Welt is Walter's nephew.

22 The Nevada complaint alleges defamation arising from a website that concerned the New  
23 Jersey petition, [www.howardshapirovictims.com](http://www.howardshapirovictims.com). The complaint lists Glenn Welt as the  
24 webmaster for this website.<sup>6</sup> The complaint attaches an email and letter from Glenn Welt stating  
25 he would post the website for public viewing.<sup>7</sup> Glenn's stated goal was to invite Howard  
26 Shapiro's "known victims to appear in court along with other caretakers, neighbors, acquaintances  
27 and relatives you've threatened."

28 <sup>1</sup> To avoid confusion due to identical last names, the parties are referenced by their first names.

<sup>2</sup> Petition attached as Exhibit A.

<sup>3</sup> Answer attached as Exhibit B.

<sup>4</sup> Statement attached as Exhibit C.

<sup>5</sup> December 11, 2014 letter from Benjamin H. Mabie, attached as Exhibit D.

<sup>6</sup> Complaint at ¶ 20.

<sup>7</sup> *Id.* at Exhibits 3, 4.

1 **II. Nevada's anti-SLAPP statutes protect the Welts' free speech rights to participate in**  
2 **public discourse by prohibiting lawsuits such as Plaintiffs have filed.**

3 The Shapiros' complaint sought to silence their critics to gain an advantage in their New  
4 Jersey litigation. Nevada law does not permit this type of intimidation.

5 **a. Nevada's anti-SLAPP statutes protect free speech rights.**

6 "A SLAPP suit is a meritless lawsuit that a party initiates primarily to chill a defendant's  
7 exercise of his or her First Amendment free speech rights."<sup>8</sup> "The hallmark of a SLAPP lawsuit is  
8 that it is filed to obtain a financial advantage over one's adversary by increasing litigation costs  
9 until the adversary's case is weakened or abandoned."<sup>9</sup> "When a plaintiff files a SLAPP suit  
10 against a defendant, Nevada's anti-SLAPP statute allows the defendant to file a special motion to  
11 dismiss in response to the action."<sup>10</sup>

12 When this complaint was filed in 2014, the Nevada Legislature's most recent amendments  
13 to the anti-SLAPP statutes were enacted in 2013.<sup>11</sup> "A person who engages in a good faith  
14 communication in furtherance of the right to petition or the right to free speech in direct  
15 connection with an issue of public concern is immune from any civil action for claims based upon  
16 the communication."<sup>12</sup> This statute was designed to protect the free speech rights of citizens who  
17 wish to participate in the marketplace of ideas.

18 Anti-SLAPP statutes are invoked when "an action is brought against a person based upon a  
19 good faith communication in furtherance of ... the right to free speech in direct connection with an  
20 issue of public concern"<sup>13</sup> NRS 41.637 defines "[g]ood faith communication in furtherance of the  
21 right ... to free speech in direct connection with an issue of public concern." This term includes a  
22 "[w]ritten or oral statement made in direct connection with an issue under consideration by a  
23 legislative, executive or judicial body, or any other official proceeding authorized by law."<sup>14</sup> It  
24

25 <sup>8</sup> *Stubbs v. Strickland*, 129 Nev. Adv. Op. 15, 297 P.3d 326, 329 (2013) (citations omitted).

26 <sup>9</sup> *John v. Douglas Cnty. Sch. Dist.*, 125 Nev. 746, 752, 219 P.3d 1276, 1280 (2009).

27 <sup>10</sup> *Stubbs*, 297 P.3d at 329 (citations omitted).

28 <sup>11</sup> S.B. 286, 77th Leg., effective on October 1, 2013. The statutes were subsequently amended in the 2015 Legislative Session.

<sup>12</sup> NRS 41.650.

<sup>13</sup> NRS 41.660(1).

<sup>14</sup> NRS 41.637(3).

1 also includes “[c]ommunication made in direct connection with an issue of public interest in a  
2 place open to the public or in a public forum.”<sup>15</sup> These protections extend to any communication  
3 “which is truthful or is made without knowledge of its falsehood.”<sup>16</sup>

4 **b. The Legislature specified the standard of review for anti-SLAPP motions.**

5 Substantively, when resolving this motion the district court shall “[c]onsider such  
6 evidence, written or oral, by witnesses or affidavits, as may be material in making a determination  
7 pursuant to paragraphs (a) and (b).”<sup>17</sup> After the 2013 amendments, when a special motion to  
8 dismiss is filed, the district court must first “[d]etermine whether the moving party has  
9 established, by a preponderance of the evidence, that the claim is based upon a good faith  
10 communication in furtherance of the right to petition or the right to free speech in direct  
11 connection with an issue of public concern.”<sup>18</sup> If the moving party meets its burden, the court then  
12 determines “whether the plaintiff has established by clear and convincing evidence a probability  
13 of prevailing on the claim.”<sup>19</sup> This standard is quite stringent.

14 [C]lear and convincing evidence must produce “satisfactory” proof that is so strong  
15 and cogent as to satisfy the mind and conscience of a common man, and so to  
16 convince him that he would venture to act upon that conviction in matters of the  
17 highest concern and importance to his own interest. It need not possess such a degree  
18 of force as to be irresistible, but there must be evidence of tangible facts from which a  
legitimate inference ... may be drawn. ... [T]he evidence must eliminate any serious  
or substantial doubt about the correctness of the conclusions to be drawn from the  
evidence.<sup>20</sup>

19 The opposing party must provide actual, admissible evidence, not merely a narrative  
20 disagreement with the moving party.<sup>21</sup> This clear and convincing evidence must demonstrate the  
21 communications were not a matter of reasonable concern to the moving party.<sup>22</sup> For comparison,  
22 in *John*, a school district’s communications were part of an investigation of a school security

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24 <sup>15</sup> NRS 41.637(4).

25 <sup>16</sup> NRS 41.637.

26 <sup>17</sup> NRS 41.660(3)(d).

27 <sup>18</sup> NRS 41.660(3)(a).

28 <sup>19</sup> NRS 41.660(3)(b).

<sup>20</sup> *In re Jane Tiffany Living Trust 2001*, 124 Nev. 74, 79, 177 P.3d 1060, 1063 (2008) (quotation omitted).

<sup>21</sup> *John*, 125 Nev. at 762, 219 P.3d at 1287.

<sup>22</sup> *Id.*

1 officer for unprofessional conduct.<sup>23</sup> The Supreme Court concluded that the communications at  
2 issue “were of reasonable concern to the district because they addressed the school environment as  
3 it applied to staff and students and they impacted the school district's potential legal liability.”<sup>24</sup>  
4 The opposing party failed to show that “the communications were not matters of reasonable  
5 concern to the school district.”<sup>25</sup> The special motion to dismiss was appropriately granted.

6 **a. The Shapiros’ complaint is based upon protected speech.**

7 To qualify for dismissal, the Welts must demonstrate the Shapiros’ complaint is “based  
8 upon a good faith communication in furtherance of the right to petition or the right to free speech  
9 in direct connection with an issue of public concern.”<sup>26</sup> In the absence of Nevada authority, it is  
10 appropriate to consider California authority. “Nevada’s anti-SLAPP statute was enacted in 1993,  
11 shortly after California adopted its statute, and both statutes are similar in purpose and  
12 language.”<sup>27</sup> *Shapiro* reaffirmed this link. “Because this court has recognized that California’s  
13 and Nevada’s anti-SLAPP statutes are similar in purpose and language, we look to California law  
14 for guidance on this issue.”<sup>28</sup> By borrowing from California, Nevada implicitly adopted  
15 California case law interpreting that statute.<sup>29</sup>

16 NRS 41.660(1)’s “based upon” requirement is substantively identical to California’s “arise  
17 from” requirement. In California, it “means simply that the defendant’s act underlying the  
18 plaintiff’s cause of action must itself have been an act in furtherance of the right of petition or free  
19 speech.”<sup>30</sup> “[T]he critical point is whether the plaintiff’s cause of action itself was based on an act  
20 in furtherance of the defendant’s right of petition or free speech.”<sup>31</sup> The focus “is not the form of  
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23 <sup>23</sup> *Id.* at 750, 219 P.3d at 1279.

24 <sup>24</sup> *Id.* at 762, 219 P.3d at 1287.

25 <sup>25</sup> *Id.*

26 <sup>26</sup> NRS 41.660(1).

27 <sup>27</sup> *John*, 125 Nev. at 752, 219 P.3d at 1281.

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

29 <sup>29</sup> *International Game Technology, Inc. v. Dist. Ct.*, 122 Nev. 132, 153, 127 P.3d 1088, 1103  
26 (2006) (“When the Legislature adopts a statute substantially similar to a federal statute, a  
27 presumption arises that the legislature knew and intended to adopt the construction placed on the  
28 federal statute by federal courts.”)

<sup>30</sup> *City of Cotati v. Cashman*, 52 P.3d 695, 701 (Cal. 2002) (internal citations omitted).

<sup>31</sup> *Id.*

1 the plaintiff's cause of action but, rather, the defendant's *activity* that gives rise to his or her  
2 asserted liability—and whether that activity constitutes protected speech or petitioning.”<sup>32</sup>

3 The motive for the speech is irrelevant. “[C]auses of action do not arise from motives;  
4 they arise from acts.”<sup>33</sup> “[T]he defendant’s purported motive in undertaking speech and  
5 petitioning activities is irrelevant in determining whether the plaintiff’s cause of action is based on  
6 those activities.”<sup>34</sup> California’s anti-SLAPP statute “applies to claims ‘based on’ or ‘arising from’  
7 statements or writings made in connection with protected speech or petitioning activities,  
8 regardless of any motive the defendant may have had in undertaking its activities, or the motive  
9 the plaintiff may be ascribing to the defendant’s activities.”<sup>35</sup>

10 The Shaprios are suing based upon the Welts’ website. If the speech on that website is  
11 protected, then the Welts are immune from suit.<sup>36</sup>

12 **III. NRS 41.637(3) protects the speech on the Welts’ website because it was in direct**  
13 **connection with an issue under consideration by a judicial body.**

14 The complaint alleges Howard filed the petition for a guardianship over Walter, “[s]ince  
15 then, Defendants ... posted a website online.”<sup>37</sup>

16 NRS 41.637(3) protects a “[w]ritten or oral statement made in direct connection with an issue  
17 under consideration by a ... judicial body.”<sup>38</sup> Nevada law on this topic has developed since the  
18 district court last heard this case. *Patin v. Ton Vinh Lee* interpreted NRS 41.637(3)’s language in  
19 determining “whether an attorney’s statement on a website summarizing a jury’s verdict is a  
20 statement in direct connection with an issue under consideration by a judicial body.”<sup>39</sup> *Patin*  
21 adopted California case law and concluded to qualify for NRS 41.637(3)’s protection, the  
22 communication at issue must “(1) relate to the substantive issues in the litigation and (2) be  
23 directed to persons having some interest in the litigation.”<sup>40</sup> *Patin* noted “the anti-SLAPP statute’s

24 <sup>32</sup> *Navellier v. Sletten*, 52 P.3d 703, 711 (Cal. 2002) (emphasis in original).

25 <sup>33</sup> *Wallace v. McCubbin*, 196 Cal. App. 4th 1169, 1186 (2011).

26 <sup>34</sup> *Tuszynska v. Cunningham*, 199 Cal.App.4th 257, 271 (2011).

27 <sup>35</sup> *Id.* at 269.

28 <sup>36</sup> NRS 41.650.

<sup>37</sup> Complaint at ¶¶ 16-17.

<sup>38</sup> NRS 41.637(3).

<sup>39</sup> 134 Nev. Adv. Op. 87, 429 P.3d 1248, 1249 (2018).

<sup>40</sup> *Id.*

1 purpose [is] protecting the right of litigants to the utmost freedom of access to the courts without  
2 the fear of being harassed subsequently by derivative tort actions.”<sup>41</sup>

3 **a. The Welts’ satisfy NRS 41.637(3)’s direct connection requirement.**

4 *Shapiro II* concluded the dismissal order made findings only as to the first question,  
5 whether the communication related to the substantive issues in the litigation. *Shapiro II* did not  
6 address the merits of those findings. As the findings on the first prong were not reversed, they are  
7 not at issue in this motion.

8 **b. The Welts’ speech was directed to people having some interest in the litigation.**

9 The Supreme Court reversed because “[a]lthough [the Welts] directed their speech on the  
10 website to unidentified victims and potential witnesses, it is unclear how these persons have an  
11 interest in the conservatorship proceeding.”<sup>42</sup> The sole question upon remand as to NRS  
12 41.637(3) is what interest do these people have in the conservatorship proceeding?

13 The website stated:

14 All persons with knowledge of Howard A. Shapiro’s actions against Walter Shapiro  
15 or other illegal acts committed by Howard Shapiro are encouraged to appear in court.  
16 You may also submit information via email. Information is being forwarded to at  
least 4 attorneys representing injured parties, news media, government agencies and  
law enforcement as of 8/27/2014.<sup>43</sup>

17 Glenn Welt created the website. The website’s intent was also to locate potential witnesses  
18 and evidence relevant to the question qualification and suitability question before the New Jersey  
19 court. Mr. Welt’s declaration explains that the website was designed with key words that would  
20 specifically target people with knowledge about the way Howard Shapiro treated Walter Shapiro,  
21 such as neighbors, friends, medical assistants, and others.<sup>44</sup>

22 These individuals may not necessarily have possessed a legal interest that would have  
23 made them a party to the conservatorship proceeding. However, each had an interest in the  
24 proceeding’s outcome as, from the Welts’ perspective, if Howard was appointed Walter’s  
25 conservator elder abuse could continue. Ruling that anti-SLAPP protections narrowly extend only

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26  
27 <sup>41</sup> *Id.* at 1252.

<sup>42</sup> *Shapiro II* at 7.

<sup>43</sup> Exhibit 1 to Complaint at 2.

<sup>44</sup> Exhibit E.



1 to those with a legal interest in the proceeding is contrary to “the anti-SLAPP statute’s purpose of  
2 protecting the right of litigants to the utmost freedom of access to the courts without the fear of  
3 being harassed subsequently by derivative tort actions.”<sup>45</sup>

4 **II. NRS 41.637(4) also protects the Welts’ speech because it was made in direct**  
5 **connection with an issue of public interest, in a public forum.**

6 NRS 41.637(4) protects any “[c]ommunication made in direct connection with an issue of  
7 public interest in a place open to the public or in a public forum,”<sup>46</sup> but only if that communication  
8 “is truthful or is made without knowledge of its falsehood.”<sup>47</sup> *Shapiro I* did not determine whether  
9 the Welts’ website was within NRS 41.637(4). It instead adopted a framework to determine what  
10 is “an issue of public interest.” It noted “California ‘courts have established guiding principles for  
11 what distinguishes a public interest from a private one.’”<sup>48</sup> In California

- 12 (1) “public interest” does not equate with mere curiosity;  
13 (2) a matter of public interest should be something of concern to a substantial number  
14 of people; a matter of concern to a speaker and a relatively small specific audience is  
15 not a matter of public interest;  
16 (3) there should be some degree of closeness between the challenged statements and  
17 the asserted public interest—the assertion of a broad and amorphous public interest is  
18 not sufficient;  
19 (4) the focus of the speaker’s conduct should be the public interest rather than a mere  
20 effort to gather ammunition for another round of private controversy; and  
21 (5) a person cannot turn otherwise private information into a matter of public interest  
22 simply by communicating it to a large number of people.<sup>49</sup>

23  
24 *Shapiro I* adopted these “California’s guiding principles ... for determining whether an issue is of  
25 public interest under NRS 41.637(4).”<sup>50</sup> “On remand, we instruct the district court to apply  
26 California’s guiding principles in analyzing whether the Welts’ statements were made in direct  
27 connection with an issue of public interest under NRS 41.637(4).”<sup>51</sup>

28 <sup>45</sup> *Patin*, 429 P.3d at 1252.

<sup>46</sup> NRS 41.637(4).

<sup>47</sup> NRS 41.637.

<sup>48</sup> *Shapiro*, 389 P.3d at 268 (quoting *Piping Rock Partners, Inc. v. David Lerner Assocs., Inc.*, 946 F. Supp. 2d 957, 968 (N.D. Cal. 2013)).

<sup>49</sup> *Id.* (quoting *Piping Rock Partners*, 946 F. Supp. 2d at 968).

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

1 On remand the district court's order noted California case law conflicted as to what these  
2 principles meant and how they are applied. *Shapiro II* reversed and instructed the district court to  
3 apply *Piping Rock*, but did not address the conflicts noted in the district court's order. The  
4 Supreme Court did not disturb the district court's finding that the Welts' website constituted 1) a  
5 communication 2) made in a place open to the public or in a public forum. It did not disturb the  
6 district court's finding that the speech on the website was in direct connection with a given issue.  
7 The sole question on remand as to NRS 41.637(4) is whether that issue is one of public interest.

8 **a. Preventing elder abuse is a public interest.**

9 "Following California's lead, we too define an issue of public interest broadly."<sup>52</sup> In  
10 California, "'an issue of public interest' within the meaning of [§ 425.16(e)(3)] is *any issue in*  
11 *which the public is interested.*"<sup>53</sup> "[T]he issue need not be 'significant' to be protected by the anti-  
12 SLAPP statute—it is enough that it is one in which the public takes an interest."<sup>54</sup>

13 Applied in this case, the Welts initially argued that applying for court approval to invoke a  
14 state's sovereign power to involuntarily take control of another person's life was a public interest.  
15 *Shapiro II* disagreed, concluding "it does not follow that petitioning a court to be appointed as  
16 conservator for one's father renders the qualifications and suitability of the petitioner a matter of  
17 public interest."<sup>55</sup>

18 However, even if applying to be a conservator in that circumstance is not a public interest,  
19 preventing elder abuse is. New Jersey has expressed the public's interest in preventing the type of  
20 abuse that the Welts' were concerned could occur should Howard be appointed as conservator.  
21 N.J. Stat. § 2C:24-8(a) creates a criminal offense if a person having a duty to care for an elderly or  
22 disabled adult then neglects their duties. N.J. Stat. § 30:1A-3 imposes a mandatory reporting  
23 requirement upon "[a]ny person who has reasonable cause to suspect that a resident of a  
24 residential health care facility, rooming house or boarding house is suffering or has suffered abuse  
25 or exploitation...."

26  
27 <sup>52</sup> 135 Nev. Adv. Op. 2 432 P.3d 746, 751 (2019).

<sup>53</sup> *Nygård, Inc. v. Uusi-Kerttula*, 159 Cal. App. 4th 1027, 1042 (2008) (emphasis in original).

<sup>54</sup> *Id.*

<sup>55</sup> *Shapiro II* at 7-8.

1           These statutes evidence an intent in New Jersey to identify and prevent potential elder  
2 abuse. The Welts' website expressed concerns about actions taken, or that might be taken, that  
3 could be abusive to Walter.<sup>56</sup> These concerns were at least part of their objection to Howard's  
4 request to be appointed Walter's conservator and were an interest of public concern.

5           **b. Preventing elder abuse is a concern to a substantial number of people.**

6           "A matter of public interest should be something of concern to a substantial number of  
7 people; a matter of concern to a speaker and a relatively small specific audience is not a matter of  
8 public interest." New Jersey has enacted statutes that evidence the public's interest in preventing  
9 and identifying potential mistreatment of people like Walter. If the public is not interested in the  
10 qualifications of conservators, it is interested to know if abuse has occurred. If the public's  
11 interest is in preventing and identifying potential mistreatment, then the statements contained on  
12 the Welts' website were closely related to that purpose.

13           **c. Blended speech is protected.**

14           As to the focus of the speech, the Welts' website had dual purposes. It both highlighted  
15 concerns about Walter's potential treatment, but also sought information that could be used to  
16 challenge Howard's qualifications to be a conservator. If appointed, the Welts were concerned  
17 about whether the treatment may continue.

18           This means the Welts' engaged in blended speech that both addressed a public interest, but  
19 also a private controversy. However, the public interest in preventing elder abuse is inseparable  
20 from the Welts' interest in preventing potential elder abuse against Walter. The mere fact that  
21 speech is about public and private matters does not disqualify it from protection.<sup>57</sup>

22           **III. Plaintiffs lack clear and convincing evidence that they can prevail.**

23           The Welts have met their burden to demonstrate "by a preponderance of the evidence, that  
24 the claim is based upon a good faith communication in furtherance of the right to petition or the  
25 right to free speech in direct connection with an issue of public concern."<sup>58</sup> The burden of proof

26           <sup>56</sup> Exhibit 1 to complaint at 1-2.

27           <sup>57</sup> The final *Piping Rock* factor is inapplicable. The Welts argue Howard's alleged treatment of  
28 Walter is a matter of public interest, not that his treatment has become a public interest because of  
a website.

<sup>58</sup> NRS 41.660(3)(a).

1 now shifts to the Shapiros. The court must determine “whether the plaintiff has established by  
2 clear and convincing evidence a probability of prevailing on the claim.”<sup>59</sup> “[A] plaintiff opposing  
3 an anti-SLAPP motion cannot rely on allegations in the complaint, but must set forth evidence that  
4 would be admissible at trial.”<sup>60</sup> The Shapiros lack the clear and convincing evidence required to  
5 demonstrate a probability of prevailing upon any of their claims.

6 **a. Jenna alleges no claims against the Welts.**

7 The only statement on the Welts’ website concerning Jenna Shapiro was that she is  
8 married to Howard. The complaint does not allege this factual statement is inaccurate. As the  
9 website does not otherwise concern Jenna at all, she has failed to assert a claim for relief. This is  
10 not clear and convincing evidence that would meet her burden to avoid dismissal.

11 **b. Howard’s defamation and defamation per se fail for multiple reasons.**

12 The complaint alleges both defamation and defamation per se. These causes of action are  
13 allegedly separates but the analysis of both is combined because they fail for identical reasons.

14 **i. The Welts’ speech was absolutely privileged.**

15 Nevada has adopted and applied the litigation privilege.

16 A party to a private litigation ... is absolutely privileged to publish defamatory matter  
17 concerning another in communications preliminary to a proposed judicial proceeding,  
18 or in the institution of or during the course and as a part of, a judicial proceeding in  
which he participates, if the matter has some relation to the proceeding.<sup>61</sup>

19 “We conclude that the absolute privilege affords parties to litigation the same protection from  
20 liability that exists for an attorney for defamatory statements made during, or in anticipation of,  
21 judicial proceedings.”<sup>62</sup> *Shapiro II* reversed the prior order concluding the Shapiros’ complaint  
22 was barred by the litigation privilege because it “remains unclear how any of the victims or  
23 potential witnesses that respondents’ website encouraged to appear in court actually have a  
24 relevant interest in the outcome of Howard’s appointment as his father’s conservator.”<sup>63</sup>

25  
26 <sup>59</sup> NRS 41.660(3)(b).

27 <sup>60</sup> *Overstock.com, Inc. v. Gradient Analytics, Inc.*, 151 Cal.App.4th 688, 699 (2007).

28 <sup>61</sup> RESTATEMENT OF TORTS (SECOND) § 587 (1965).

<sup>62</sup> *Clark Cnty. Sch. Dist. v. Virtual Educ. Software, Inc.*, 125 Nev. 374, 378, 213 P.3d 496, 499 (2009).

<sup>63</sup> *Shapiro II* at 8.

1 As stated before, the relevant interest is in preventing potential elder abuse against Walter.  
2 This interest is sufficient as there is no requirement that the potential recipients have a direct legal  
3 interest in the litigation.

4 If attorneys in the New Jersey matter had posted a website identifying Howard and asking  
5 potential witnesses to come forward, it would be absolutely privileged. In modern times, posting  
6 a website is indistinguishable from mailing letters to Howard's known associates, identifying him  
7 and asking these individuals if they have any information relevant to his qualifications and  
8 suitability. The Supreme Court of Nevada has previously concluded if the statement would be  
9 privileged if issued by a lawyer, it is privileged if issued by a party.<sup>64</sup> "[T]here is no good reason  
10 to distinguish between communications between lawyers and nonlawyers."<sup>65</sup>

11 **ii. Howard is a limited-purpose public figure who lacks clear and**  
12 **convincing evidence of actual malice.**

13 *Shapiro II* implicitly concluded Howard was not a public official by applying to be a  
14 conservator.<sup>66</sup> *Shapiro II* did not address the alternative argument that, by applying to be a  
15 conservator, Howard is a limited-purpose public figure as to the New Jersey conservatorship  
16 proceedings. "A limited-purpose public figure is a person who voluntarily injects himself or is  
17 thrust into a particular public controversy or public concern, and thereby becomes a public figure  
18 for a limited range of issues. The test for determining whether someone is a limited public figure  
19 includes examining whether a person's role in a matter of public concern is voluntary and  
20 prominent."<sup>67</sup>

21 "Once the plaintiff is deemed a limited-purpose public figure, the plaintiff bears the burden  
22 of proving that the defamatory statement was made with actual malice, rather than mere  
23 negligence. This is to ensure that speech that involves matters of public concern enjoys  
24  
25

26 <sup>64</sup> *Clark Cnty. Sch. Dist.*, 125 Nev. at 384, 213 P.3d at 503.

27 <sup>65</sup> *Id.* at 383, 213 P.3d at 502.

28 <sup>66</sup> *Shapiro II* at 7 ("*Young* stands for the proposition that a conservator with approximately 100 clients is a public official, which is not analogous to this case.").

<sup>67</sup> *Pegasus*, 118 Nev. at 720, 57 P.3d at 91.

1 appropriate constitutional protection.”<sup>68</sup> “Whether a plaintiff is a limited-purpose public figure is  
2 a question of law....”<sup>69</sup>

3 Applied here, Howard voluntarily petitioned a New Jersey court to appoint him as Walter’s  
4 conservator. This put his qualifications and suitability for that position at issue. The statements  
5 on the website were expressly designed to discuss potential elder abuse while also seeking  
6 information that support the Welts’ position that Howard was not qualified or suitable to be a  
7 conservator because of potential abuse.

8 As a limited-purpose public figure, Howard must show the statements on the Welts’  
9 website were made with actual malice.

10 Actual malice is proven when a statement is published with knowledge that it was  
11 false or with reckless disregard for its veracity. Reckless disregard for the truth may  
12 be found when the defendant entertained serious doubts as to the truth of the  
13 statement, but published it anyway. This test is a subjective one, relying as it does on  
14 what the defendant believed and intended to convey, and not what a reasonable  
15 person would have understood the message to be. Recklessness or actual malice may  
16 be established through cumulative evidence of negligence, motive, and intent.<sup>70</sup>

17 To succeed, Howard must provide actual, clear and convincing evidence that the Welts  
18 knew their statements on the website were false or had serious doubts about the statements’  
19 veracity and published them anyway. He cannot meet this standard.

20 The defamation cause of action arises solely from the website’s statements.<sup>71</sup> The  
21 complaint specifically lists the factual statements Howard believes were defamatory<sup>72</sup> and  
22 included a printout of the website as Exhibit 1. The website lists Howard’s contact information.  
23 The complaint does not allege these statements of fact are false. The website then states a  
24 background check of Howard Shapiro revealed certain information. The background check upon  
25 which this statement relied is attached to this motion.<sup>73</sup> The website accurately stated the  
26 information contained in the background check. The website also accurately noted the foreclosure  
27 status of Howard’s home.<sup>74</sup>

28 <sup>68</sup> *Bongiovi v. Sullivan*, 122 Nev. 556, 572, 138 P.3d 433, 445 (2006).

<sup>69</sup> *Id.*

<sup>70</sup> *Pegasus*, 118 Nev. at 722, 57 P.3d at 92-93.

<sup>71</sup> Complaint at ¶ 25.

<sup>72</sup> *Id.* at ¶ 17.

<sup>73</sup> Attached as Exhibit F.

<sup>74</sup> Lis Pendens attached as Exhibit G.

1 The website then stated Walter loaned \$100,000 to Howard and executed a power of  
2 attorney in his favor. The complaint does not deny the loan and the power of attorney is attached  
3 to the New Jersey petition. The website also listed acts that were reasonably believed to be taken  
4 by Howard concerning Walter that would be inconsistent with the acts of a conservator. As the  
5 website noted, these statements arose from conversations with two witnesses.

6 Howard lacks clear and convincing evidence of actual malice. All of his defamation  
7 claims fail as a matter of law.

8 **c. Extortion is not recognized as a civil cause of action.**

9 The complaint alleges the Welts attempted to extort Howard by threatening to publish  
10 information on the website.<sup>75</sup> This allegation apparently relies upon NRS 200.560, however the  
11 statute does not authorize or create a civil cause of action. “Long ago the courts of these United  
12 States established that criminal statutes cannot be enforced by civil actions.”<sup>76</sup>

13 There is a limited exception for narrowly drawn criminal statutes, however the exception  
14 does not apply to NRS 200.560. For example, in *Collins v. Palczewski* the plaintiff sued based  
15 upon NRS 197.200, “a criminal statute which prohibits oppression under color of office.”<sup>77</sup> The  
16 court refused to apply the exception rule to this statute. NRS 197.200 “provides protection to the  
17 general population of Nevada against the oppressive, injurious or confiscatory actions of state  
18 officers.... Section 197.200 does not mention any particular class of citizen. Thus, § 197.200 is  
19 strictly criminal in nature and possess no civil implications.”<sup>78</sup>

20 NRS 200.560 is general in nature. It does not specify or mention any particular class of  
21 citizen. Howard may not rely upon it to create a civil cause of action.

22 Other jurisdictions have also refused to recognize a civil cause of action for “extortion.”  
23 Instead extortion is recognized, in almost all jurisdictions, as a crime, not a civil cause of action.<sup>79</sup>

24  
25 <sup>75</sup> Complaint at ¶¶ 37-38.

26 <sup>76</sup> *Collins v. Palczewski*, 841 F. Supp. 333, 340 (D. Nev. 1993) (string citation omitted).

27 <sup>77</sup> *Id.*

28 <sup>78</sup> *Id.*

<sup>79</sup> See *Scheidler v. National Organization for Women, Inc.*, 537 US 393, 410 (2003) (“[T]he Model Penal Code and a majority of States recognize the *crime* of extortion....”) (emphasis added).



1 For example, courts in Colorado,<sup>80</sup> Delaware,<sup>81</sup> Florida,<sup>82</sup> Hawaii,<sup>83</sup> New Jersey,<sup>84</sup> Pennsylvania,<sup>85</sup>  
2 and Texas<sup>86</sup> have refused to recognize such a claim. The Pennsylvania court elegantly  
3 summarized the status of the case law. “[N]either the Restatement nor Prosser on Torts delineates  
4 a cause of action for civil extortion. Although there are a ‘handful’ of reported cases which  
5 consider the existence of the tort, none stand for the proposition that it exists at common law.”<sup>87</sup>

6 Nevada does not recognize “extortion” as a civil case of action. The fourth cause of action  
7 alleging extortion is not exempt from Nevada’s anti-SLAPP statutes.

#### 8 **d. Civil Conspiracy**

9 The fourth cause of action claims the four defendants engaged in a civil conspiracy. It  
10 claims “Defendants conspired amongst themselves to unlawfully harm Plaintiff by constructing  
11 and posting [www.howardshapirovictims.com](http://www.howardshapirovictims.com).”<sup>88</sup> It also asserts “Defendants defrauded the public  
12 in furtherance of their scheme to extort Plaintiff ... by knowingly lying about Plaintiff in a public  
13 forum, namely [www.howardshapirovictims.com](http://www.howardshapirovictims.com).”<sup>89</sup>

14 Under Nevada law, an actionable civil conspiracy “consists of a combination of two or  
15 more persons who, by some concerted action, intend to accomplish an unlawful objective for the  
16 purpose of harming another, and damages results from the act or acts.”<sup>90</sup> To prevail in a civil  
17 conspiracy action, a plaintiff must prove an explicit or tacit agreement between the tortfeasors.<sup>91</sup>

18 Fundamentally, the statements on [www.howardshapirovictims.com](http://www.howardshapirovictims.com) were not designed to  
19 accomplish an unlawful objective to harm another: they were designed to accomplish a lawful

20  
21 <sup>80</sup> *Natural Wealth Real Estate, Inc. v. Cohen*, 2006 U.S. Dist. LEXIS 87439, 2006 WL 3500624 (D. Colo. 2006).

22 <sup>81</sup> *Rader v. ShareBuilder Corp.*, 772 F. Supp. 2d 599, 606 (D. Del. 2011).

23 <sup>82</sup> *Bass v. Morgan, Lewis & Bockius*, 516 So.2d 1011 (Fla. App. 1987).

24 <sup>83</sup> *Myers v. Cohen*, 687 P.2d 6 (Haw. App. 1984) (rev'd on other grounds 688 P.2d 1145 (1984)).

25 <sup>84</sup> *Pegasus Blue Star Fund, LLC v. Canton Prods.*, 2009 U.S. Dist. LEXIS 93080, 2009 WL 3246616 (D.N.J. 2009).

26 <sup>85</sup> *Second & Ashbourne Assocs. v. Cheltenham Twp.*, 1989 U.S. Dist. LEXIS 8823 (E.D. Pa. 1989).

27 <sup>86</sup> *B.F. Jackson, Inc. v. Costar Realty Info., Inc.*, 2009 U.S. Dist. LEXIS 54101 (S.D. Tex. 2009).

28 <sup>87</sup> *Second & Ashbourne Assocs. v. Cheltenham Twp.*, 1989 U.S. Dist. LEXIS 8823 (E.D. Pa. 1989).

<sup>88</sup> Complaint at ¶ 41.

<sup>89</sup> *Id.* at ¶ 42.

<sup>90</sup> *Hilton Hotels Corp. v. Butch Lewis Prods.*, 109 Nev. 1043, 1048, 862 P.2d 1207, 1210 (1993).

<sup>91</sup> *GES, Inc. v. Corbitt*, 117 Nev. 265, 271-72, 21 P.3d 11, 15 (2001).



1 objective of discussing potential elder abuse and locating information relevant to an ongoing  
2 judicial proceeding in New Jersey. As such, they are protected and the civil conspiracy claim  
3 fails.

4 Second, civil conspiracy is a derivative claim. It exists only if other claims remain viable.  
5 Here, as all of Howard's other substantive causes of action fail, so too must the civil conspiracy  
6 claim fail as a matter of law. In *Sahara Gaming Corp. v. Culinary Workers Union Local 226*<sup>92</sup>  
7 Sahara alleged certain defamatory statements. It acknowledged, however, the civil conspiracy  
8 claim was derivative of the defamation claim. If the defamatory statements were privileged, the  
9 civil conspiracy claim necessarily failed. The Court adopted this position in affirming summary  
10 judgment regarding the privileged nature of the statements. The result that a civil conspiracy  
11 claim is derivative and fails if the root cause of action fails is consistent with opinions of other  
12 jurisdictions. This ruling was consistent with the majority of jurisdictions.<sup>93</sup>

13 **e. The complaint does not allege facts supporting a "fraud" cause of action.**

14 The complaint's final substantive cause of action is labeled "fraud." It alleges "Defendants  
15 intended to induce Plaintiff to pay money or turn over property..." and then "the public justifiably  
16 relied upon those representations to formulate an opinion of Plaintiff, putting pressure upon  
17 Plaintiff to cooperate with Defendants."<sup>94</sup>

18  
19  
20 <sup>92</sup> 115 Nev. 212, 984 P.2d 164 (1999).

21 <sup>93</sup> *Miyashiro v. Roehrig, Roehrig, Wilson & Hara*, 228 P.3d 341, 363 (Hawai'i App. 2010) (claim  
22 for civil conspiracy failed due to failure of predicate claim upon which civil conspiracy was  
23 based); *Chu v. Hong*, 249 S.W.3d 441, 444 (Tex. 2008) ("Conspiracy is a derivative tort requiring  
24 an unlawful means or purpose, which may include an underlying tort."); *Rusheen v. Cohen*, 128  
25 P.3d 713, 722 (Cal. 2006) ("Additionally, a civil conspiracy does not give rise to a cause of action  
26 unless an independent civil wrong has been committed."); *Larobina v. McDonald*, 876 A.2d 522,  
27 531 (Conn. 2005) ("[T]here is no independent claim of civil conspiracy. Rather, [t]he action is for  
28 damages caused by acts committed pursuant to a formed conspiracy rather than by the conspiracy  
itself.... Thus, to state a cause of action, a claim of civil conspiracy must be joined with an  
allegation of a substantive tort.") (citation omitted); *McPheters v. Maile*, 64 P.3d 317, 321 (Idaho  
2003) ("The essence of a cause of action for civil conspiracy is the civil wrong committed as the  
objective of the conspiracy, not the conspiracy itself."); *Granewich v. Harding*, 985 P.2d 788, 792  
(Or. 1999) ("For reasons explained more fully below, neither 'conspiracy' nor 'aid and assist' is a  
separate theory of recovery. Rather, conspiracy to commit or aiding and assisting in the  
commission of a tort are two of several ways in which a person may become jointly liable for  
another's tortious conduct.").

<sup>94</sup> Complaint at ¶¶ 47-48.

1           These allegations indicate Howard is pleading fraudulent inducement. The elements of  
2 fraudulent inducement must be proven by clear and convincing evidence: (1) a false  
3 representation made by the defendant; (2) defendant's knowledge or belief that the representation  
4 is false (or insufficient basis for making the representation); (3) defendant's intention to induce the  
5 plaintiff to act or to refrain from acting in reliance upon the misrepresentation; (4) plaintiff's  
6 justifiable reliance upon the misrepresentation; and (5) damage to the plaintiff resulting from such  
7 reliance.<sup>95</sup> Nevada has also "recognized that fraud is never presumed; it must be clearly and  
8 satisfactorily proved."<sup>96</sup>

9           The complaint fails to adequately plead a fraudulent inducement cause of action. "In all  
10 averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with  
11 particularity. Malice, intent, knowledge, and other condition of mind of a person may be averred  
12 generally."<sup>97</sup> "In actions involving fraud, the circumstances of the fraud are required by NRCP  
13 9(b) to be stated with particularity. The circumstances that must be detailed include averments to  
14 the time, the place, the identity of the parties involved, and the nature of the fraud or mistake."<sup>98</sup>  
15 *Swartz v. KPMG LLP* discussed the federal counterpart to NRCP 9(b) and concluded "Rule 9(b)  
16 does not allow a complaint to merely lump multiple defendants together but 'require[s] plaintiffs  
17 to differentiate their allegations when suing more than one defendant . . . and inform each  
18 defendant separately of the allegations surrounding his alleged participation in the fraud.'"<sup>99</sup>

19           Howard's complaint does not specifically identify or allege any particular conduct by the  
20 Welts. The complaint instead impermissibly lumps all four together and does not state the time,  
21 place, manner or nature of the fraud he individually asserts against each individual defendant.

22           Second, even if the facts in the complaint were true, Plaintiffs have not pled a fraudulent  
23 inducement claim. To allege a claim, Howard must demonstrate *he* justifiably relied upon a  
24 fraudulent representation. Yet Howard's complaint does not allege he relied upon anything said

25 <sup>95</sup> *J.A. Jones Constr. Co. v. Lehrer McGovern Bovis, Inc.*, 120 Nev. 277, 290-91, 89 P.3d 1009,  
26 1018 (2004).

<sup>96</sup> *Id.*

<sup>97</sup> NRCP 9(b).

<sup>98</sup> *Brown v. Kellar*, 97 Nev. 582, 583-84, 636 P.2d 874, 874 (1981).

<sup>99</sup> 476 F.3d 756, 764-65 (9th Cir. 2007) (alterations in original) (quoting *Haskin v. R.J. Reynolds Tobacco Co.*, 995 F. Supp. 1437, 1439 (M.D. Fla. 1998)).

1 on the Welts' website. He instead alleges unidentified members of the public may have relied  
2 upon an unspecified statement on that website. If so, then these unidentified members of the  
3 public may have standing, but Howard does not.

4 **f. Punitive damages are not a cause of action.**

5 The final cause of action listed in the complaint is entitled "punitive damages." Punitive  
6 damages are not a substantive cause of action in Nevada, they are merely a remedy.<sup>100</sup> To even  
7 qualify for punitive damages, there must first be a viable underlying cause of action.<sup>101</sup> Howard  
8 cannot demonstrate a probability of prevailing on a claim that does not exist.

9 **IV. The Welts should be reimbursed their attorneys' fees and costs for this case.**

10 If an anti-SLAPP special motion to dismiss is granted, the court "shall award reasonable  
11 costs and attorney's fees to the person against whom the action was brought...."<sup>102</sup> The Welts  
12 should also receive further relief. "The court may award, in addition to reasonable costs and  
13 attorney's fees awarded pursuant to paragraph (a), an amount of up to \$10,000 to the person  
14 against whom the action was brought."<sup>103</sup> Texas has a similar statute. There, the purpose and  
15 amount of this discretionary award should be "sufficient to deter the party who brought the legal  
16 action from bringing similar actions described in this chapter."<sup>104</sup>

17 The Welts should each receive \$10,000 from Howard Shapiro and a separate \$10,000 each  
18 from Jenna Shapiro. The statute permits an award "to the person against whom the action was  
19 brought."<sup>105</sup> Howard Shapiro brought this action against all four Welts and Jenna Shapiro also  
20 brought her own causes of action against all four. This permits the Welts to obtain \$10,000 each  
21 from each Shapiro.

22  
23  
24 <sup>100</sup> 22 AM. JUR. 2D DAMAGES § 551 (2003) ("[A]s a rule, there is no cause of action for punitive  
25 damages itself; a punitive-damages claim is not a separate or independent cause of action."  
(footnotes omitted)).

26 <sup>101</sup> *Wolf v. Bonanza Investment Co.*, 77 Nev. 138, 143, 360 P.2d 360, 362 (1961) ("[I]n the  
27 absence of a judgment for actual damages, there [cannot be] a valid judgment for exemplary  
28 damages.")

<sup>102</sup> NRS 41.660(1)(a).

<sup>103</sup> NRS 41.660(1)(b).

<sup>104</sup> Texas Civil Practice and Remedies Code § 27.009(a)(2).

<sup>105</sup> NRS 41.660(1)(b).

These awards are merited by the disturbing facts of this case. The Welts came to the assistance of an elderly family member who may be suffering from mental decline and who may be vulnerable to exploitation. Their act of kindness was met only with litigation both in New Jersey and Nevada. Family members with greater financial resources have effectively attempted to use litigation to intimidate the Welts into silence. This action is precisely what the Nevada Legislature sought to prevent via its anti-SLAPP statutes.

**V. Plaintiffs' complaint must be dismissed with prejudice, the Welts awarded their attorneys' fees and costs, and an appropriate deterrent award entered.**

The Shapiros filed this lawsuit in an attempt to silence their opposition in a New Jersey conservatorship dispute over a potentially vulnerable family member. This type of litigation is precisely what Nevada's current anti-SLAPP statute was designed to prevent. The motion should be granted and the Welts provided the relief the anti-SLAPP statutes provides them.

DATED this 2<sup>nd</sup> day of May, 2019.



BY: /s/ Michael P. Lowry

**MICHAEL P. LOWRY**  
Nevada Bar No. 10666  
300 South 4<sup>th</sup> Street, 11<sup>th</sup> Floor  
Las Vegas, NV 89101-6014  
Tel: 702.727.1400/Fax: 702.727.1401  
Attorneys for Glenn Welt; Rhoda Welt; Lynn Welt;  
Michelle Welt

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**Certificate of Service**

Pursuant to NRCP 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on May 2, 2019, I served **Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Motion to Dismiss re NRS 41.660** as follows:

- ☐ 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;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

Alex B. Ghibaudo G Law 7720 Cimarron Rd., Suite 110B Las Vegas, NV 89113 Tel: 702.778.1238/Fax: 702.924.6553 E-mail: <a href="mailto:alex@alexglaw.com">alex@alexglaw.com</a> Attorneys for Howard Shapiro and Jenna Shapiro	
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BY: /s/ Cynthia Kelley  
An Employee of

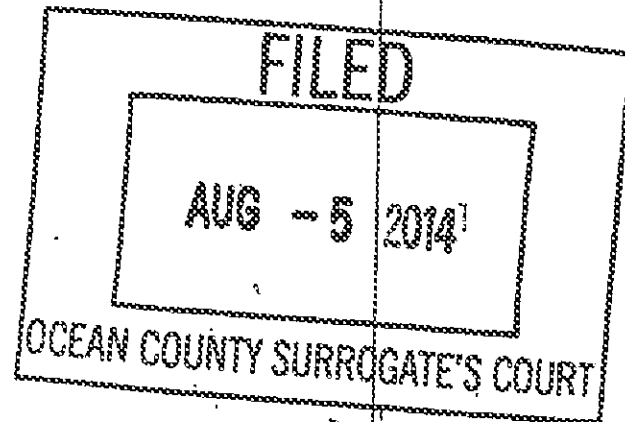


# EXHIBIT 1

# EXHIBIT 1

EXHIBIT "A"

DAVID A. SEMANCHIK, ESQ.  
1130 Hooper Avenue  
Toms River, New Jersey 08753  
(732) 240-4055  
Attorney for Plaintiff  
DAS5336



IN THE MATTER OF  
WALTER SHAPIRO

An Alleged Mentally  
Incapacitated Person

SUPERIOR COURT OF NEW JERSEY  
OCEAN COUNTY - PROBATE PART  
CHANCERY DIVISION

DOCKET NO.: 206637

Civil Action

VERIFIED COMPLAINT FOR APPOINTMENT OF  
FULL GUARDIAN AND FURTHER RELIEF

RECEIVED AUG - 8 2014

I, HOWARD SHAPIRO, whose principal address is 623 Skyline Drive, Lake Hopatcong, New Jersey 07849, by way of Complaint says:

1. Plaintiff, Howard Shapiro, is the son of Walter Shapiro and is familiar with the facts pertaining to the alleged incapacitated person.
2. The alleged incapacitated person, Walter Shapiro, is presently residing at 345 Eagle Rock Avenue #229, Roseland, NJ 07068. His former address was 159 St. Nicholas Avenue, Lakewood, NJ 08701.
3. Walter Shapiro is an 81 year old Caucasian male with a date of birth of January 28, 1933. Walter Shapiro is currently suffering from significant cognitive deficits and impaired insight and is in need of a full permanent legal guardian.
4. The known Next-of-Kin and/or interested parties to be noticed in the within matter, to the best of Plaintiff's knowledge, are as follows:



<u>NAME:</u>	<u>ADDRESS:</u>	<u>RELATIONSHIP:</u>
Helen C. Dodick	P.O. Box 812 Trenton, NJ 08625	Office of Public Guardian
Howard Shapiro	623 Skyline Drive Lake Hopatcong, NJ 0749	Son
Adam Shapiro	2330 Peppercorn St. Kissimmee, Florida 34741	Son
Allen Shapiro	990 Rao Dr. Monroe, Georgia 30065	Brother
Rhoda Welt	1040 Fieldgate Lane Roswell, Georgia 30075	Sister
Lynn Welt	1040 Fieldgate Lane Roswell, Georgia 30075	Niece
Michele Welt	580 Elgaen Ct. Roswell, Georgia 30075	Niece

5. Upon information and belief Walter Shapiro has been diagnosed with Lewy Body Dementia by a physician at Shady Oak Hospital in Long Island, NY.

6. Walter Shapiro is mentally incapacitated and unable to govern and/or manage her affairs as will appear from the reports of Dr. Beverlee A. Tegeder, dated July 1, 2014, (attached hereto as Exhibit A) and Dr. Martin Whiteman, dated July 7, 2014, (attached hereto as Exhibit B), which are incorporated herein by reference.

7. The financial estate of Walter Shapiro is more particularly set forth in the Affidavit of Estate, which is incorporated herein by reference. (See, Exhibit C).

8. Upon information and belief, the nieces of Walter Shapiro, Lynn Welt and Michele Welt, have requested to remove Walter Shapiro from the State of New Jersey. Walter's

son and Power of Attorney, Howard Shapiro, objects to any attempt to move Walter Shapiro from this jurisdiction.

WHEREFORE, Plaintiff demands Judgment:

- a. Adjudicating Walter Shapiro to be mentally incapacitated as a result of unsoundness of mind;
- b. Appointing a Full Guardian for Walter Shapiro;
- c. Appointing a Full Guardian to enable such person to have access and management over the alleged incapacitated person's Social Security and other monthly income and also to marshal his financial estate pending the Return Date for the full Hearing; and
- d. To set a Bond as applicable; and
- e. To provide for Accountings as ordered by the Court;
- f. Allowance of the costs of this proceeding to be paid from the estate of the incapacitated person;
- g. Allowance of Attorney's fees, the undersigned Counsel as Plaintiff; Physicians for their examination and/or reports; and as otherwise approved by the Court; and
- h. For such other relief as the Court deems equitable and just.

DATED: July 29, 2014

DAVID A. SEMANCHIK,  
Attorney for Plaintiff

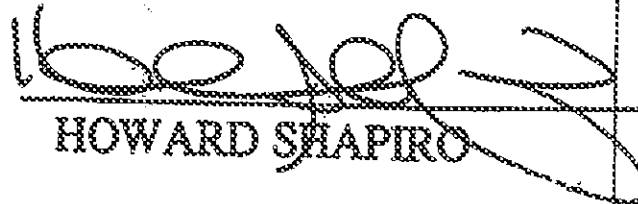
VERIFICATION

STATE OF NEW JERSEY:

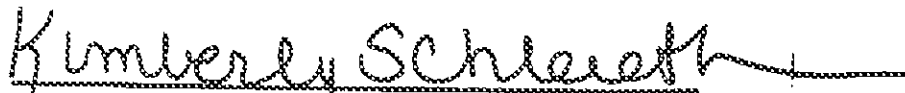
COUNTY OF <sup>Morris</sup> ~~OCEAN~~ SS:

I, HOWARD SHAPIRO, of full age, being duly sworn according to law, upon my oath,  
depose and say:

1. I am the Plaintiff in the above-entitled matter and am familiar with the facts  
pertaining to Walter Shapiro as set forth in the Complaint.

  
HOWARD SHAPIRO

Sworn and Subscribed to before me  
this 31st day of July, 2014

  
Notary Public of New Jersey  
Commission Expires:

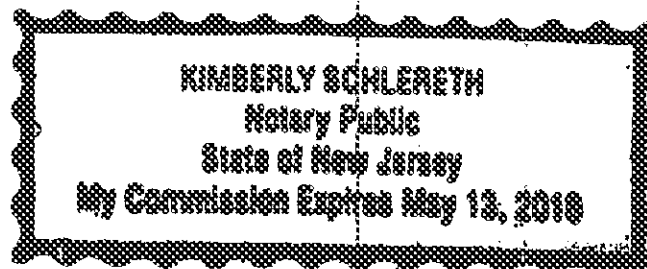


EXHIBIT A

RECEIVED JUL 02 2014

Beverlee A. Tegeder, Psy.D.  
509 Main Street  
Toms River, NJ 08753  
N.J. Licensed Psychologist # 3472  
(732) 244-4440

David Semanchik,  
Attorney at Law  
1130 Hooper Avenue  
Toms River, NJ 08753

Re: Walter Shapiro

July 1, 2014

CERTIFICATION

Beverlee A. Tegeder, Psy.D. here by certifies the following:

1. I am a permanent resident of the state and a psychologist licensed to practice in the state of New Jersey (N.J. License #3472). I received a degree of Doctorate of Psychology from Rutgers University in New Jersey.
2. I am not a relative either through blood or marriage of the alleged incompetent. I am not the proprietor, director, or chief executive of any institution for the care and treatment of the insane in which the alleged incompetent is living or in which it is proposed to place him. I am not employed by the management of any such institution as a resident psychologist, nor do I have any financial interest therein.
3. I am not treating, nor have I treated the alleged incompetent in the past. I examined Walter Shapiro on June 27, 2014 and the findings of said examination are attached and incorporated as part of this certification.
4. It is my professional opinion that Walter Shapiro is incompetent and unable to govern all of his affairs. The basis for this opinion is found in the attached report.
5. Walter Shapiro is capable of attending a guardianship hearing; however, he would be unable to fully participate and comprehend such a proceeding.

6. I certify that the foregoing statements are true and I understand that if any of the above statements are willfully false I am subject to punishment.

Beverlee A. Tegeder, Psy.D. 7/1/14  
Beverlee A. Tegeder, Psy.D. / Date  
N.J. Licensed Psychologist

Beverlee A. Tegeder, Psy.D.  
509 Main Street  
Toms River, NJ 08753  
N.J. Licensed Psychologist # 3472  
(732) 244-4440

Competency Evaluation

Client's Name      Walter Shapiro  
Date of Birth:      1/26/32  
Address:            159 St. Nicholas Avenue  
                         Lakewood, NJ

Date of Evaluation: 6/27/14

Reason for Referral:

Mr. Walter Shapiro was referred for a competency evaluation by Mr. David Semanchik, Attorney, who has been retained by his son, Howard Shapiro, in a guardianship matter. Howard Shapiro reported that his father, Walter Shapiro, had recently been admitted to a psychiatric facility in Long Island as a result of paranoid delusions. Walter Shapiro was discharged after 8 days, and he was prescribed Aricept and Seroquil. Howard Shapiro indicated that his father presently has a health care worker with him 24 hours a day. Howard Shapiro had attempted to place his father in an assistive living facility; however, his father became paranoid and the police had to intervene. The purpose of this evaluation was to determine Mr. Shapiro's mental competency and his ability to manage his affairs.

Clinical Observations & Interview:

Mr. Walter Shapiro was evaluated by the examiner in the living room of his home at 159 St. Nicholas Avenue in Lakewood, New Jersey. Mr. Shapiro greeted the examiner upon her arrival for the scheduled appointment, and he readily agreed to participate with the interview and assessment. Mr. Shapiro presented in a cordial manner and was cooperative. He appeared relaxed and comfortable in the examiner's company.

Mr. Shapiro is an 82 year old Caucasian male with balding grey hair, a mustache and hazel eyes. Mr. Shapiro was casually dressed for the assessment wearing jeans, a blue shirt, and sneakers. Mr. Shapiro has difficulty hearing so it was necessary for the examiner to speak loudly and to face him. His hygiene was good. Mr. Shapiro is an average built man weighing approximately 195 pounds, and he is 5' 5" feet tall. Mr. Shapiro is ambulatory, and he is able to care for his personal hygiene.

Mr. Shapiro spoke in moderate volume and at an even pace, and he frequently smiled during the testing session. He maintained good eye contact with the examiner, and his speech was clear and understandable with no articulation problems evident. Mr. Shapiro displayed poor concentration and an adequate attention span. Mr. Shapiro's mood was positive and his affect was full.

Mr. Shapiro indicated that he has lived in his present home for the past 42 years. He reported that his wife, Bertha, passed away 9 years ago. Mr. Shapiro told the examiner that his son recently set up a health care worker to stay with him 24 hours daily. Mr. Shapiro indicated that he has two sons; Adam and Howard.

Mr. Shapiro reported that he attended Tildon High School in Brooklyn, and he graduated in 1951. He then attended a trade school. Mr. Shapiro indicated that he worked as a compositor for the New York Times. He indicated that he worked evenings at the New York Times for 42 years until his retirement in 1998.

Mr. Shapiro indicated that he receives approximately \$40,000 year in combined income from social security, pension income, and union pension. He indicated that he pays his own bills each month, and he is able save money each month.

When asked about his medical history and medical concerns, Mr. Shapiro indicated that he had recently been hospitalized at a "Jewish Hospital in Long Island" and he was then transferred to South Oaks Psychiatric Facility. Mr. Shapiro indicated that he was told that he was "incompetent." Mr. Shapiro could not recall the medication that was prescribed to him upon his discharge. He told the examiner that he takes medication for his high blood pressure, "a pill for dementia," and a sleeping pill. Mr. Shapiro's health care worker provided the examiner with his medication information. Mr. Shapiro is prescribed: quetiapine fumarate (25 mg), donepezil HCL (5 mg), amlodipine besylate (10 mg), pravastatin sodium (20 mg), and enalapril maleate (10 mg).

When asked how he spends his time, Mr. Shapiro indicated that he spends his days shopping, watching sporting events on television, and getting out for lunch. Mr. Shapiro also enjoys sitting outside every day and enjoying the outdoors. Mr. Shapiro does not have a valid N.J. driver's license. He reported that he has a good appetite, and he has been sleeping well at night since he has been prescribed sleeping medication. Mr. Shapiro described his moods as irritable at times. He did not verbalize or exhibit any symptoms of anxiety. At the time of the evaluation, no hallucinations, delusions or paranoid thinking were indicated.

#### Folstein Mini-Mental Status Exam

Mr. Shapiro was cooperative during the assessment, and he appeared well motivated to do his best on the tasks presented. He exhibited an adequate attention span and poor concentration. Mr. Shapiro knows the day, date, month, year and season. He knows the place, address, city, county and state. He could register three words after one trial, and he



was able to recall two of the three words after distraction. He can count backwards from 100 by serial 7's for one problem. He is unable to repeat a sentence presented aloud. He could name simple objects such as pencil and watch. He could follow a three-step command. He is unable to follow a written command. He is able to write a complete sentence; however, he cannot adequately copy a design of two intersecting pentagons. Mr. Shapiro's Folstein Mental State Examination Score is 22/30 consistent with mild cognitive impairment.

#### Controlled Oral Word Association Test (COWAT)

Mr. Walter Shapiro was administered the Controlled Oral Word Association Test (COWAT). He responded in a slow, deliberate manner and was persistent in his efforts. He is able to name 12 words beginning with the letter "F", 5 words beginning with the letter "A", and 10 words beginning with the letter "S." He has five repetitions. Mr. Shapiro obtained a score of 27 indicating impaired executive functioning. Impaired executive functioning impacts the ability to think abstractly, order actions towards a goal, and adapt to the unexpected resulting in an inability to carry out activities of daily living as well as independent activities. Impaired executive functioning may impact activities such as the capacity to execute health care decisions, the ability to exercise self-control and the ability to manage finances and bills.

#### Clock Drawing Test

Mr. Shapiro was administered the Clock Drawing Test, a screening for cognitive impairment and dementia. Errors on his drawing were as follows: omission of numbers, drawing numbers outside of the circle, hands of the clock the same size, and unable to make any denotation of time. Mr. Shapiro's drawing was reflective of moderate visuospatial disorganization, and his results are indicative of moderate cognitive impairment.

#### Summary and Recommendations:

Mr. Walter Shapiro is an 82 year old Caucasian male who presently resides in his own home in Lakewood, New Jersey. Mr. Shapiro was recently diagnosed with dementia, and he has a health care worker with him 24 hours daily. Mr. Shapiro was cooperative and motivated to do his best on the assessment. He exhibited an adequate attention span and poor concentration. Mr. Shapiro reported having a good appetite and good sleeping habits. He does not present symptoms of anxiety. No hallucinations, delusions or paranoid thinking were indicated.

On the Folstein Mini-Mental Status Exam, Mr. Shapiro receives a score of 22/30 consistent with mild cognitive dysfunction. On the Controlled Oral Word Association Test (COWAT), he obtained a score of 27 indicating impaired executive functioning. Impaired executive functioning may impact activities such as the capacity to execute health care decisions, the ability to exercise self-control and the ability to manage

finances and bills. Results of the Clock Drawing Test are reflective of moderate visuospatial disorganization and are indicative of moderate cognitive impairment.

In conclusion, Mr. Shapiro is unable to make rational decisions about his well being. He is unable to make simple and complicated medical decisions that require informed consent. He does not have an understanding of his financial resources and needs. Based on this evaluation, Mr. Walter Shapiro is mentally incompetent. He is capable of attending a guardianship hearing; however, he would be unable to fully participate and comprehend such a proceeding.

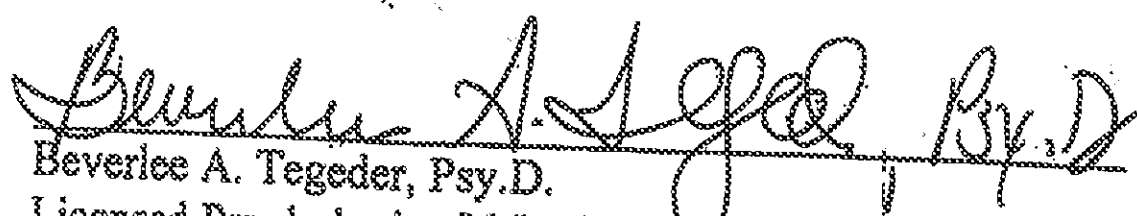
  
Beverlee A. Tegeder, Psy.D.  
Licensed Psychologist (N.J. License #3472)

EXHIBIT B

LAW OFFICE OF DAVID A. SEMANCHIK  
1130 Hooper Avenue, Suite 1  
Toms River, NJ 08753  
(888) 691-1099  
David A. Semanchik, Esq.  
Attorney for Plaintiff  
DAS5336

IN THE MATTER OF  
WALTER SHAPIRO

An Alleged Incapacitated  
Person

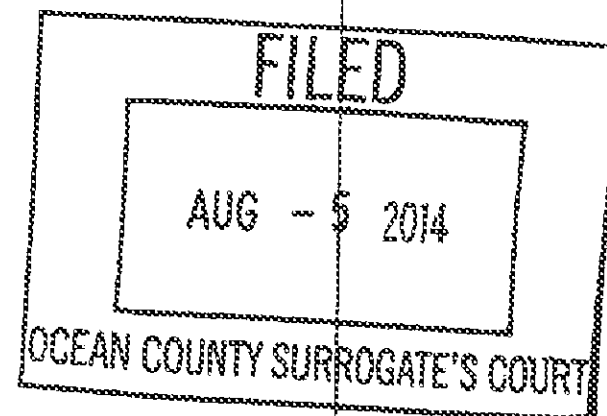
: SUPERIOR COURT OF NEW JERSEY  
: CHANCERY DIVISION - OCEAN COUNTY

: PROBATE PART

: DOCKET NO.: 206637

: CIVIL ACTION

: CERTIFICATION OF MARTIN WHITEMAN, D.O.



RECEIVED AUG - 8 2014

I, Martin Whiteman, D.O., being of full age certify as follows:

1. I am a permanent resident of the state of New Jersey and a physician licensed to practice medicine in the state of New Jersey for twenty-one years. I received a degree of Doctor of Osteopathy from the New York College of Osteopathic Medicine.
2. Pursuant to Rule 4:86-3, I hereby certify to the Court that I am not disqualified pursuant to said Rule and I am not related, either through blood or marriage, to the alleged incapacitated person, WALTER SHAPIRO, or to a proprietor, director or Chief Executive Officer of any institution for the care and treatment of the ill in which the alleged incapacitated person is living, or in which it is proposed to place him, or who is professionally employed by the management thereof as a resident physician or a psychologist or who is financially interested therein.

3. I am WALTER SHAPIRO'S examining physician. On July 2, 2014 I examined him in his home located at 159 St. Nicholas Avenue, Lakewood, NJ 08701 to evaluate his mental capacity and ability to govern his affairs.
4. WALTER SHAPIRO is an 82 year old gentleman with hazel eyes and grey hair with fronto-parietooceipital male pattern balding and a thick grey mustache.
5. WALTER SHAPIRO has a diagnosis of dementia, probable dementia with Lewy bodies, which is based on my evaluation and available clinical history, which is set forth in more detail in my attached report. His overall prognosis for any significant improvement in his cognitive status appears poor.
6. Based on my examination and the available clinical history, it is my medical opinion that WALTER SHAPIRO is unfit and unable to manage his affairs and is mentally incompetent. The particular circumstances and factual, medical basis for my opinion is set forth in my report.
7. Although WALTER SHAPIRO appears capable of attending a guardianship hearing, he would not likely be fully capable of comprehending or participating in such a proceeding due to his cognitive deficits and recurrent paranoid delusions.
8. I certify that the foregoing statements are true and I understand that if any of the above statements are willfully false I am subject to punishments.

Date: July 7, 2014

  
Martin Whiteman, D.O.

ADULT AND GERIATRIC NEUROLOGY  
GUARDIANSHIPS & MEDICOLEGAL SERVICES

Phone 732-399-9477  
Fax 732-279-0424

Diplomate, American Board  
of Psychiatry & Neurology

MENTAL CAPACITY REPORT OF WALTER SHAPIRO  
ALLEGED INCAPACITATED PERSON

IDENTIFYING DATA AND REASON FOR EVALUATION

Walter Shapiro is an 82 year-old-gentleman who was referred by the Ocean County Adult Protective Services' social worker Ms. Tiffany Tamasco. Mr. Shapiro was recently hospitalized in a psychiatric hospital in New York for eight days and diagnosed with dementia with Lewy bodies. He was examined in his home in Lakewood, New Jersey.

BACKGROUND INFORMATION

The following information was obtained during my telephone conversation with Mr. Shapiro's son Walter. Mr. Shapiro was fully independent and resided alone until being hospitalized at South Oaks Hospital in Amityville, New York. His wife died eight years ago. A precipitous decline in his condition became apparent when he recently drove to visit his girlfriend in Queens, New York. She reported that his paranoia had escalated to the point that he began sleeping with a knife and destroyed all the mirrors in his car with a hammer. When Walter took his father to the local emergency room in Queens, a psychiatric consultant deemed him not to be of immediate danger to himself or others. When Walter disagreed with their assessment of his father, he was referred for an outpatient geriatric psychiatry evaluation at South Oaks Hospital. After their evaluation, he was immediately admitted and underwent testing. Mr. Shapiro was diagnosed with Lewy body dementia. He was advised to stop driving and to have twenty-four hour supervision. Walter has noted a decline in his father's short-term memory, although his remote memory remains intact. In April of this year he had delusions of objects moving around in his house. His father's girlfriend reported him acting out his nightmares. He had been flailing his arms during his sleep. On one occasion he stood up over her holding a flashlight in the middle of the night saying that the television evangelists were telling her what to do. Mr. Shapiro has not been bathing or changing his clothes regularly. Over the past year he has exhibited a shuffling type gait, which he attributed to his "bad knees". He fell once about a month ago when he was dizzy. On a referral from his primary care physician Dr. Axelrod, Walter had previously taken him to see a neurologist. He had underwent cognitive testing, an MRI and an EEG, but was not given a diagnosis. Mr. Shapiro also has hypertension and hypercholesterolemia. Walter reported his current medications as Aricept, Seroquel, Vasotec, and Pravachol. Although Mr. Shapiro's sister in Georgia has been attempting to get him to move near her, Walter wants him to move into an assisted living facility near him in Lake Hopatcong, New Jersey. Since his hospitalization, Mr. Shapiro has resided in his home with a twenty-four hour aide. He has continued to exhibit significant paranoid delusions. He believed that Walter was coming to kill him and his girlfriend. He also accused Walter of stealing jewelry from his house. Walter had informed him that he removed the jewelry for security when he was hospitalized. He also had been observed sitting outside all day because he was "scared to be in the house". When he recently became extremely agitated, he ran out and took refuge in a neighbor's house. He also had withdrawn over \$7,500 from his bank account and given it to his niece for no apparent reason. After the niece was confronted about it, she eventually returned the money.



### INTERVIEW AND MENTAL STATUS EXAMINATION

Mr. Walter Shapiro reported taking medications for hypertension, hypercholesterolemia and insomnia. He also uses a hearing aid in his ear. He did not know the names of his medications, but his aide showed me his medication containers, which listed generic formulations of Aricept, Seroquel, Vasotec, Norvasc, and Pravachol. Mr. Shapiro believed that Seroquel was for his sleep and reported to me that he had taken one shortly before my evaluation at 11:30 AM. He reported having "two people around the clock, twenty-four hours a day". He said, "I started to get a little weaker". He added that he "lost the privilege of driving. Without driving I need help to carry groceries". He reported that he manages his own finances and denied needing any assistance in doing so. When I inquired about his memory he said "very good long-term, better than short-term". He added, "I took a test a couple of weeks ago by a memory doctor and I was told that I did quite well". He retired in 1998 after working forty-two years as a composer for the New York Times. He showed me a picture of him and his girlfriend who resides in Queens. He stated his wife died nine years ago and her husband died ten years ago. He has two sons, ages 47 and 54 in Lake Hopatcong, New Jersey and Kissimmee, Florida respectively.

On examination he appeared alert and oriented to his street address, the town, county, state, month, season and year. He reported the date as the third and the day Thursday. He performed serial seven's as "100 - 93 - 85 - 78 - 71 - 68". He was unable to recall any of three objects after a several minute delay. He named two simple objects, repeated a given phrase and followed a three-step verbal and a written command. He was unable to copy a diagram of two intersecting pentagons but wrote a simple sentence. He scored 22/30 on the Folstein Mini-Mental State Exam. He named the current President and Vice President of the United States. He named the previous President but not the Vice President. He stated there were thirty-five nickels in \$1.35 of all nickels but correctly stated the number of nickels, dimes and quarters in one dollar respectively. When I asked him to tell me about any recent major news events he said, "Obama talked about the three kids that were abducted and killed in California". He added, "they want to send arms to the Syrian rebels". When I asked him to tell me about any major news events that occurred in New York City over the past fifteen years he said, "9-11, two planes crashed into the North and South Towers of the World Trade Center". When I inquired how it occurred he said, "the planes were hijacked and forced them to fly into it". He stated al-Qaeda was believed responsible. When I asked if they apprehended those believed to be responsible he said, "they caught a few, they caught the master mind, I believe he was killed by one of the drone planes, they bombed it". In addition, the Saint Louis University Mental Status Examination for Detecting Mild Cognitive Impairment and Dementia was performed. He scored 15/30 on this examination. During this exam he solved a problem requiring him to total two objects being purchased and give the correct change from one hundred dollars. He recalled two of five objects after a several minute delay. He named twelve animals one minute. He did not perform a digit span of three or four backwards. He was unable to place the hour markers or hands correctly on a clock face. After being read a brief story, he answered two of four questions correctly regarding it.

### BRIEF NEUROLOGICAL EXAMINATION

His cranial nerves (II - VII) appeared essentially intact except for decreased hearing. His strength appeared good in both his arms and legs. His sensation was intact to pinprick and vibration in both his arms and legs. His deep tendon reflexes were symmetrically active in both his arms and legs except absent at both ankles. His gait was slightly small-stepped, although fairly steady.

### DIAGNOSIS AND RECOMMENDATIONS

Walter Shapiro has evidence of mild cognitive deficits with a history of recent severe recurrent paranoid delusions. His scores of 22/30 on the Folstein Mini-Mental State Exam and 15/30 on the Saint Louis University Mental Status Examination were both within the range of a dementia. He exhibited significant short-term memory loss, impaired calculations, an impaired general fund of knowledge, constructional apraxia, and a diminished word fluency (naming twelve animals in one minute). According to his son Walter Shapiro, he had undergone prior cognitive testing, an MRI of the brain and EEG. Although it's a clinical diagnosis and not demonstrated on testing, I concur that he likely has dementia with Lewy bodies. The differential diagnosis includes a vascular dementia, Alzheimer's disease, Vitamin B12 deficiency, and hypothyroidism, although the latter two may have been excluded during his prior testing. Based on my evaluation and available clinical information, it is my medical opinion that Walter Shapiro should be adjudicated incompetent for medical, legal and financial decisions and should have a responsible legal guardian appointed to provide for his needs.

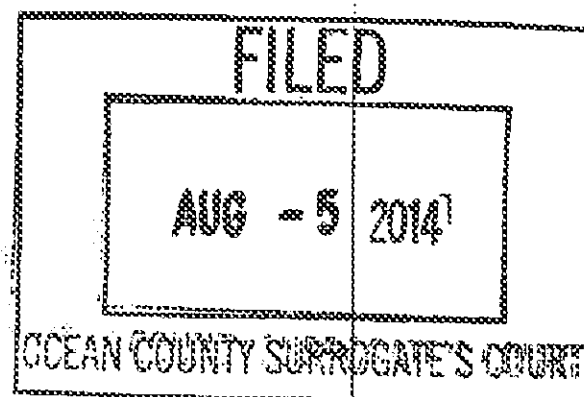
Date: July 7, 2014

  
Martin Whiteman, D.O.



EXHIBIT C

DAVID A. SEMANCHIK, ESQ.  
1130 Hooper Avenue  
Toms River, New Jersey 08753  
(732) 240-4055  
Attorney for Plaintiff  
DAS5336



IN THE MATTER OF:

WALTER SHAPIRO

An Alleged Mentally  
Incapacitated Person

: SUPERIOR COURT OF NEW JERSEY  
: OCEAN COUNTY - PROBATE PART  
: CHANCERY DIVISION

: DOCKET NO.: 206637

Civil Action

AFFIDAVIT OF ESTATE

RECEIVED AUG - 8 2014

STATE OF NEW JERSEY:

SS:

COUNTY OF OCEAN :

I, HOWARD SHAPIRO, of full age, being duly sworn according to law, upon his oath, deposes and says:

1. I am the Plaintiff in the above-entitled matter and somewhat familiar with the facts and circumstances pertaining to this matter. I have a Power of Attorney that was signed by Walter Shapiro on April 28, 2011, a copy of which is attached hereto, appointing me as Walter Shapiro's Durable Power of Attorney.

2. To the best of our knowledge, the assets of the estate are as follows:

INCOME

1. Social Security - Monthly:	\$ 1,875.00
2. CWA/ITA Pension	\$ 1,210.60
3. Metlife Pension	\$ 768.68
TOTAL KNOWN MONTHLY INCOME:	\$ 3,854.28

ASSETS

BANK ACCOUNTS:

1. Santander Bank	\$ 230,810.55
TOTAL LIQUID ASSETS:	\$ 230,810.55

PERSONAL PROPERTY

1. Contents of assisted living unit (estimate)

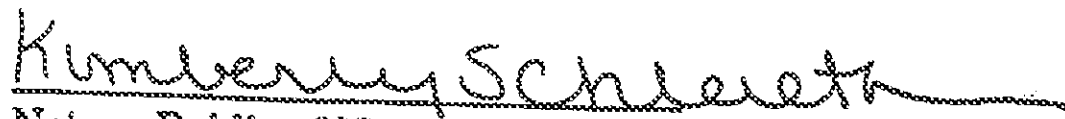
\$2,000.00

TOTAL ESTATE:

\$232,810.55

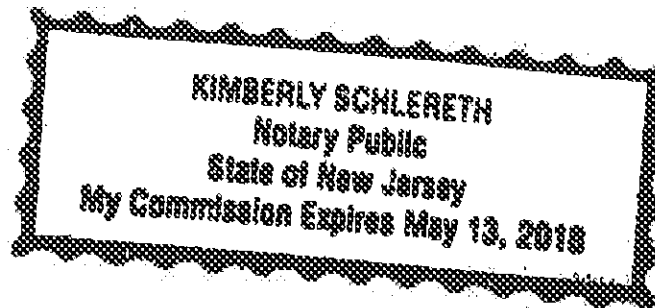
  
HOWARD SHAPIRO

Sworn and Subscribe to before me  
this 31st day of July, 2014



Notary Public of New Jersey

Commission Expires:



DURABLE POWER OF ATTORNEY  
(BROAD FORM)

KNOW ALL MEN BY THESE PRESENTS:

That, WALTER SHAPIRO residing at 159 St. Nicholas Avenue, in the Township of Lakewood, County of Ocean and State of New Jersey, as Principal does make, constitute and appoint Howard Andrew Shapiro, as his true and lawful attorney-in-fact for him in his name, place and stead for the following uses and purposes:

1. In the event that Howard Andrew Shapiro is unable, unwilling, or unavailable to act as my lawful attorney-in-fact, then I nominate, constitute and appoint, Adam Roy Shapiro, to act as my attorney-in-fact with the same powers.

2. To enter into, on my behalf, any kind or type of agreement or contract, written or oral, and perform the same which in my said attorney-in-fact's absolute judgment is deemed in my interest.

3. To buy and sell any and/or all securities of any kind or type now or hereafter belonging to me, including, without being by way of limitation, stocks, bonds, debentures, etc., and to effect such sale or purchase to make, execute and/or deliver any assignments, bills of sale or otherwise that may be necessary.

4. To deposit or withdraw any and all monies in any financial institution of any kind or type which shall come into my attorney-in-fact's hands.

My attorney-in-fact is specifically authorized "to conduct banking transactions" as set forth in section 2 of P.L. 1991-95 (C.46:2B-11) in accordance with the full authority conferred by that statute.

For the purpose of this paragraph, the term "monies" shall include every kind of chose in action which is redeemable in money, including, without being by way of limitation, checks, drafts, promissory notes, bills of exchange, certificates of deposit and withdrawal orders.

5. To demand, sue for, collect, recover, apply for and receive all goods, claims, monies, choses in action, proceeds, collateral, or interest of any kind or type either now due or that may hereafter be due, or belong to me, and to make, execute and deliver receipts, releases or discharges therefore, together with the right to engage accountants, attorneys at law, workmen and others, either in connection with this right for such other purposes my attorney-in-fact shall deem proper, and to pay the same such remuneration as my attorney-in-fact shall deem proper, giving and granting unto said attorney-in-fact full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present with full power of substitution and revocation, hereby ratifying and confirming all that said attorney-in-fact or substitute shall lawfully do or cause to be done by virtue hereof.

6. To borrow, from time to time, such sums of money at such rate or rates of interest, for such period or periods, and on such terms as my attorney-in-fact may deem proper in his, her or their absolute discretion, and, in connection therewith, to subject, to mortgage, liens, pledge or

hypothecation, either my real property or my personal property, all or any part thereof, and, in connection therewith, execute in my name, acknowledge and deliver all necessary documents including, without being by way of limitation, mortgages, notes, deeds of trust, etc., containing such conditions, terms, conveyances, provisions, and warranties as my attorney-in-fact may deem proper to evidence and secure the loans so procured.

7. I specifically authorize my attorney-in-fact to enter into and deposit in and/or remove anything in any safe deposit box that I may have in my name alone, or that I may have access to in my own right.

8. To contract to sell any and all real estate which I may own, wherever located, and to that end to negotiate completely the terms of the sale, including price, method of payment, and all related items and to execute a Deed or Deeds, Affidavit of Title or Affidavits of Title, and all related documents sufficient to effect conveyance of my real estate and to receive any and all proceeds of sale, whether cash, check or mortgage, in my attorney-in-fact's own name and to deal with the proceeds in all respects as if the absolute owner thereof.

9. In addition to the foregoing powers and in expansion of same, my attorney-in-fact is specifically further authorized to purchase and/or mortgage any real estate on my behalf, and execute in my name all documents of every kind and type necessary to effect said purchase or mortgage transaction or refinancing, including Deed, Affidavit of Title, Survey Affidavit, etc., Change, Closing Statements, mortgage, mortgage bonds and notes, and any and all other necessary documents.

10. To conduct, engage in, and transact any and all lawful business of whatever name or kind for me, on my behalf, and in my name.

I specifically authorize my attorney-in-fact to manually sign my signature in connection with the exercise of this Power of Attorney without the addition of any notations indicating that the signature was other than my own. I specifically make this authorization because I recognize the difficulty that sometimes attends the use of the Power of Attorney and I wish to minimize such difficulty to the greatest extent possible.

The power to exercise the authority herein conferred shall not be affected by my disability as Principal as defined in N.J.S.A. 46:2B-8b, or any similar Statute which applies in this or any other jurisdiction.

11. In further addition to the foregoing powers and in expansion of same, my attorney-in-fact is specifically authorized to consult with my physicians as to my condition and treatment and to consent, on my behalf, to the performance of any medical procedures which he or she may reasonably feel appropriate in the circumstances including my personal care, medical treatment, hospitalization and health care, and to withhold or withdraw any type of medical procedure even though my death will ensue.

My attorney-in-fact shall have the same access to any medical records that relate to me that I have, including the right to disclose the contents to others.



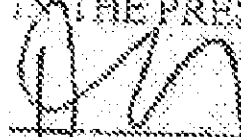
My attorney-in-fact shall also have full power to make a disposition of any part or of all of my body for medical purposes and/or to authorize an autopsy and direct the disposition of my remains.

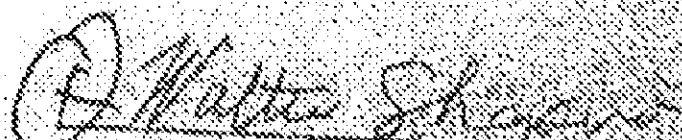
These powers in paragraph 11, shall be used to effect my wishes as set forth in the following Intervivos Direction to family and physicians: I do not want my life to be prolonged, nor do I want life sustaining treatment, including hydration and nutrition, to be provided or continued if my agent believes the burdens of treatment outweigh the expected benefits. I want my attorney-in-fact to consider the relief of suffering, the expense involved, and quality, as well as the possible extension of my life in making these decisions concerning life sustaining treatment. I specifically authorize the use of pain relieving drugs even if it may hasten my death.

If a Guardian needs to be appointed, I nominate the following to serve as Guardian: Howard Andrew Shapiro if available and if not, then I nominate Adam Roy Shapiro.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 28<sup>th</sup> day of April, 2011.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

  
Jonathan Rudnick Esq


  
WALTER SHAPIRO

STATE OF NEW JERSEY

ss:

COUNTY OF MONMOUTH

BE IT REMEMBERED, that on this 28th day of April, 2011 before me the subscriber, personally appeared WALTER SHAPIRO, who I am satisfied is the person named in and who executed the within instrument, and thereupon he acknowledged that he signed, sealed and delivered the same as his act and deed for the uses and purposes therein expressed.

  
Jonathan Rudnick Esq

Prepared by:  
CARTON & RUDNICK  
788 Shrewsbury Avenue  
Building 2 - Suite 204  
Tinton Falls, New Jersey 07724  
(732) 842-2070

**EXHIBIT "B"**

Christopher D. Olszak, Esq.  
NJ Attorney ID#017292001  
Law Office of Olszak & Olszak, L.L.C.  
Leisure Square Mall  
1000 State Highway No. 70  
Lakewood, New Jersey 08701  
(732) 367-7775  
Attorney for Respondents, Rhoda Wasserstrom and Lynn Welt

IN THE MATTER OF  
WALTER SHAPIRO,  
An Alleged Mentally  
Incapacitated Person.

: SUPERIOR COURT OF NEW JERSEY  
: CHANCERY DIVISION-PROBATE PART  
: OCEAN COUNTY  
:  
: DOCKET NO. 206637  
:  
: Civil Action  
:  
: ANSWER AND COUNTERCLAIM

The Respondents, Rhoda Wasserstrom and Lynn Welt, are the sister and niece of the alleged incapacitated person, Walter Shapiro, and reside at 1040 Fieldgate Lane, Roswell, Georgia, 30075. The Respondents, by way of Answer to Plaintiff's Complaint, say that:

1. The Respondents admit the allegations of paragraph 1.
2. The Respondents admit the allegations of paragraph 2 in part. Walter Shapiro's domicile is 159 St. Nicholas Avenue, Lakewood, Ocean County, New Jersey, 08701. The Respondents neither admit nor deny the remaining allegations of paragraph 2 and the Plaintiff is left to his proofs.
3. The Respondents admit the allegations of paragraph 3 in part. Walter Shapiro is an 81 year old Caucasian with a date of birth of January 28, 1933. The Respondents deny that Walter Shapiro is currently suffering from significant cognitive deficits and impaired insight and is in need of a full permanent legal guardian and the Plaintiff is left to his proofs.



4. The Respondents deny the allegations of paragraph 4 and believe that there is another interested party must be added to the Complaint. Specifically, Walter has a girlfriend, Alice Walker, who resides at 13640 242 Street, Rosedale, New York, 11422.

5. The Respondents neither admit nor deny the remaining allegations of paragraph 5 and the Plaintiff is left to his proofs. The Respondents note that the Plaintiff has not submitted any physician report or notes from a doctor at Shady Oak Hospital in Long Island that allegedly diagnoses Walter Shapiro with Lewy Body Dementia.

6. The Respondents deny the allegations of paragraph 6 and the Plaintiff is left to his proofs. The Respondents deny that the information contained in the reports support the physicians' opinions that Walter Shapiro is unable to make decisions about his well being and that he is mentally incompetent.

7. The Respondents neither admit nor deny the allegations of paragraph 7 and the Plaintiff is left to his proofs.

8. The Respondents deny the allegations of paragraph 8.

**WHEREFORE**, Respondents, Rhoda Wasserstrom and Lynn Welt, demand judgment:

A. Dismissing the Complaint with prejudice, or in the alternative, appointing a third-party other than Howard Andrew Shapiro of Adam Shapiro to serve as Guardian of Walter Shapiro;

B. For attorney fees and costs to together with attorney fees and costs of suit,

C. Allowing remittance of reasonable costs and fees from the assets of Walter Shapiro of against Howard Andrew Shapiro individually; and

D. For such other relief as the Court deems equitable and just.

## COUNTERCLAIM

### ACCOUNTING

1. Howard Andrew Shapiro was named as the attorney-in-fact for Walter Shapiro pursuant to a durable power of attorney dated April 28, 2011. A copy of Walter Shapiro's power of attorney dated April 28, 2011 is attached hereto as "Exhibit A."

2. Walter Shapiro's power of attorney dated April 28, 2011 did not authorize his attorney-in-fact to make gifts of his assets.

3. After obtaining power of attorney from his father, Howard Andrew Shapiro closed all of Walter Shapiro's bank accounts and restricted Walter's access to his funds.

4. Upon information and belief, Howard Andrew Shapiro used Walter Shapiro's money to purchase a BMW for himself within the last three months.

5. Upon information and belief, Howard Andrew Shapiro's mortgage encumbering his house located at 623 Skyline Drive, Lake Hopatcong, New Jersey, 07849, is subject to a pending foreclosure action and the Respondents are concerned that he will use or has used Walter's money for himself and to pay his own debts. A copy of a lis pendens filed in Morris County on September 24, 2013 is attached hereto as "Exhibit B".

6. On or about July 7, 2014, Howard Andrew Shapiro and Adam Shapiro removed Walter Shapiro from his residence located at 159 St. Nicholas Avenue, Lakewood, Ocean County, New Jersey, 08701 and immediately listed the house for sale by owner.

7. Upon information and belief, Walter Shapiro did not wish to sell his residence located at 159 St. Nicholas Avenue, Lakewood, Ocean County, New Jersey, 08701.

8. Upon information and belief, Howard Andrew Shapiro entered into a contract to sell Walter's residence located at 159 St. Nicholas Avenue, Lakewood, Ocean County, New Jersey, 08701 as attorney-in-fact for Walter Shapiro.

9. On or about July 17, 2014, Howard Andrew Shapiro as attorney-in-fact for Walter Shapiro, sold the real property and premises located at 159 St. Nicholas Avenue, Lakewood, Ocean County, New Jersey, 08701 for less than fair market value to David Holtz for Two Hundred Thirty Thousand (\$230,000.00) Dollars. A copy of the deed July 17, 2014 is attached hereto as "Exhibit C".

10. Upon information and belief, Howard Andrew Shapiro intentionally delayed filing the present guardianship until after the closing occurred on 159 St. Nicholas Avenue, Lakewood, Ocean County, New Jersey, 08701 so that the Court would not inquire as to the adequacy of the sale price or whether or not the sale was in Walter's best interest.

**WHEREFORE**, Plaintiffs demand judgment:

A. Requiring Howard Andrew Shapiro to account to the Plaintiffs and the Court for all acts, expenditures, and financial transactions that he has taken in regard to Walter Shapiro's assets since April 28, 2011, including, but not limited to, his bank accounts, jewelry, his automobile, the proceeds from the sale of 159 St. Nicholas Avenue, Lakewood, Ocean County, New Jersey, 08701, and the sale of the contents of the house;

B. Requiring Howard Andrew Shapiro to return any of Walter Shapiro's assets that may have been transferred into Howard's name alone;

C. Allowing remittance of reasonable costs and fees from the assets of Walter Shapiro of against Howard Andrew Shapiro individually; and

D. For such other relief as the Court may deem appropriate and necessary under the circumstances.

Law Office of Olszak and Olszak, L.L.C.

Date: \_\_\_\_\_

\_\_\_\_\_  
By Christopher D. Olszak, Esq.  
Attorney for Respondents  
Rhoda Wasserstrom and Lynn Welt

**CERTIFICATION OF FILING AND SERVICE**

I certify that the within pleading has been filed and served within the time prescribed by the Rules of Court.

**TRIAL COUNSEL DESIGNATION**

Pursuant to Rule 4:25-4, Christopher D. Olszak, Esq. of the Law Office of Olszak and Olszak, L.L.C. is hereby designated as trial counsel on behalf of the Respondents, Rhoda Wasserstrom and Lynn Welt.

**CERTIFICATION PURSUANT TO RULE 4:5-1**

I certify, pursuant to Rule 4:5-1, that the matter in controversy is not the subject of any other action or arbitration proceeding, now or contemplated, with the exception of a possible future need to declare the estate insolvent, and that aside from Alice Walker, no other parties should be jointed in this action. I further certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

OLSZAK & OLSZAK, L.L.C.  
Attorney for the Respondents  
Rhoda Wasserstrom and Lynn Welt

Dated: September 3, 2014

By: \_\_\_\_\_  
Christopher D. Olszak, Esquire

EXHIBIT "C"

For: Court Record  
Re: Guardianship of Walter Shapiro  
From: Allan E. Shapiro, Brother of Walter

In my assessment of Walter Shapiro's needs, I find the following persons unsuitable to manage the welfare and financial affairs of Walter Shapiro.

Said persons:

Howard Shapiro, Walter's son

Adam Shapiro, Walter's son

Jenna Shapiro, Howard's spouse

Maryann Shapiro, Adam's spouse

I strongly recommend an independent senior advocate case manager who is close to wherever Walter resides.

The past behaviors and history of their interactions with Walter and their financial instabilities attest to my recommendations.

Maryann and Jenna Shapiro willfully discouraged Walter from visiting their homes or having any contact with his grandchildren. Howard rarely contacted his father but only through emails via Walter's friend, Alice Walker, in order to conceal this. Adam would secretly call Walter on his cell phone while driving so as his wife would not be aware.

However, all of the above mentioned persons and their children were not adverse to receiving monies and gifts from Walter. I find these hypocritical behaviors deceitful, perverse and lacking in moral character.

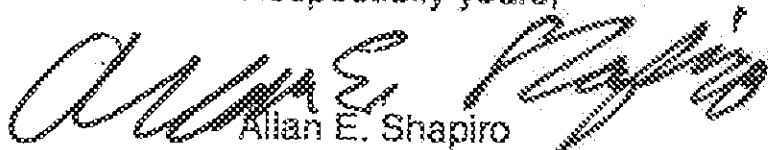
Further investigation revealed that the listed persons have a poor history of attending to financial obligations in a responsible manner.

When I was made aware of Howard Shapiro willfully abusing the joint checking account funded by Walter's Social Security and pension deposits, I notified Social Services and Adult Protective Services in Toms River, New Jersey, to the dismay of Jenna Shapiro. Another suspicious behavior by Howard Shapiro was the coercion of Walter to purchase a new expensive BMW SUV which Adam agreed was probably for the future benefit of Howard. It seemed inappropriate for an 81 year old person and is likely presently in Howard's possession.

Howard also possesses the only keys to Walter's home which was recently rifled through by the above persons and their children to secure items they may have desired. Walter had first been abducted from his home in order to do this.

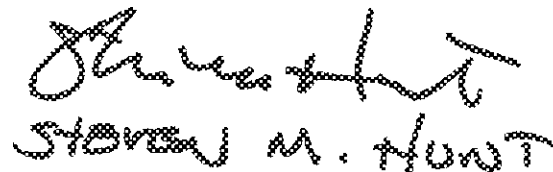
In view of my impressions, I strongly object to Walter's sons, their spouses, or children to be appointed by the court to any form of guardianship for Walter Shapiro.

Respectfully yours,



Allan E. Shapiro  
Lt. Col. US Army (Retired)  
Psychiatric Clinical Nurse Specialist  
990 Rao Drive  
Monroe GA 30655

Witnessed by:

  
STEVEN M. HUNT

Residing at:

930 Rao Dr  
Monroe, GA 30655

Walton County, Georgia

This 12<sup>th</sup> day in the August  
year 2014

EXHIBIT "D"



**LAW OFFICES OF  
BENJAMIN H. MABLE, III**

A PROFESSIONAL LIMITED LIABILITY COMPANY

ATTORNEY AT LAW

GLEN COVE PROFESSIONAL BUILDING

769 U.S. HIGHWAY NINE

BERKELEY TOWNSHIP, NEW JERSEY 08721-2540

TELEPHONE: (732) 606-9100 • FACSIMILE: (732) 606-9696

Benjamin H. Mable, III\*

Madeline M. Buczynski

December 11, 2014

**SENT VIA FACSIMILE (732) 506-5087 AND REGULAR MAIL**

The Honorable John A. Peterson, Jr., J.S.C.

Ocean County Courthouse

118 Washington Street

PO Box 2191

Toms River, New Jersey 08754-2191

RE: IMO Walter Shapiro  
Docket No. #206637

Dear Judge Peterson:

This office serves as the Court Appointed Attorney as it relates to the above referenced matter. Please accept this letter as a Supplemental Report to our report forwarded to the Court on November 5, 2014.

Pursuant to ongoing discussions between all the parties, on November 17, 2014 Mr. Walter Shapiro was examined by Dr. Dennis Coffey, Psy. D. from South Jersey Psychology. In his report Dr. Coffey states that Mr. Shapiro was seen in a nursing facility in Roseland, New Jersey where he has been since July 2014. Mr. Shapiro gave Dr. Coffey a tour of the facility as soon as he arrived and stated that he loves it there. According to Dr. Coffey, Mr. Shapiro did not have any problem following the topic of conversation or participating in the interview, his mood was normal and affect appropriate according to the report. Mr. Shapiro indicated that he had "bad hallucinations" and was told that "he needed help and he got help". Mr. Shapiro stated that his son took him to Solana at Roseland and he did not want to be there but after a 10 day trial he loved it. According to Dr. Coffey, Mr. Shapiro stated that Howard sold his home without his knowledge and "never let him do back to the house", and believes that Howard took \$30,000.00 in cash from his bank account. It is the medical opinion of Dr. Coffey that Walter Shapiro would benefit from the appointment of a Conservatorship of his choosing to assist him in the management of his affairs. Dr. Coffey states that there is no need for a guardian to be appointed at this time.

As previously stated in this office's aforementioned Court Appointed Attorney report and based on the foregoing, as Mr. Walter Shapiro's Court Appointed Counsel, we oppose the declaration of incapacity of Walter Shapiro. However, Mr. Shapiro has no objection to the appointment of a Conservator of his property. At this time of this report Mr. Shapiro's niece, Ms. Michele Welt is Mr. Shapiro's choice to serve as his Conservator.

If the Court requires any additional information, I will provide the same at the final hearing. As always, if you have any questions with regards to this or any other matter, please do not hesitate to contact me at your convenience at (732) 606-9100.

By copy of this letter all interested parties below will be receiving copies of the same.

Very truly yours,  
Law Offices of Benjamin H. Mable, III, LLC

BENJAMIN H. MABLE, III

BHM:esa

Cc: David Semanchik, Esq.  
Christopher Olszak, Esq.  
James Gluck, Esq.

File

\*Licensed to Practice Before the United States Supreme Court, in the State of New Jersey and the District of Columbia  
\*Rule 1:40 Qualified Mediator \*Member of the National Academy of Elder Law Attorneys

LAW OFFICES OF  
**BENJAMIN H. MABIE, III**  
A PROFESSIONAL LIMITED LIABILITY COMPANY

ATTORNEY AT LAW  
 GLEN COVE PROFESSIONAL BUILDING  
 769 U.S. HIGHWAY NINE  
 BERKELEY TOWNSHIP, NEW JERSEY 08721-2540  
 TELEPHONE: (732) 606-9100 • FACSIMILE: (732) 606-9696

DATE: 12-11-14

**MULTIPLE FAX TRANSMISSION COVER SHEET**

CLIENT/MATTER no father Shapiro FROM: Endr.

Total Number of Pages including this page: 2

PLEASE DELIVER THE FOLLOWING PAGES TO:

1. Name: Judge Peterson

Firm: \_\_\_\_\_

City: \_\_\_\_\_

Fax. No.: 732-288-7697

3. Name: Christopher Dwyer

Firm: \_\_\_\_\_

City: \_\_\_\_\_

Fax. No.: 732-367-4722

2. Name: David Demarchi

Firm: \_\_\_\_\_

City: \_\_\_\_\_

Fax. No.: 732-240-3044

4. Name: James Glick

Firm: \_\_\_\_\_

City: \_\_\_\_\_

Fax. No.: 732-505-4813

MESSAGE: \_\_\_\_\_

**CONFIDENTIALITY NOTE**

THE DOCUMENTS ACCOMPANYING THE FACSIMILE TRANSMISSION CONTAIN INFORMATION FROM THE LAW OFFICES OF BENJAMIN H. MABIE, III, L.L.C., WHICH IS CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ON THIS TRANSMISSION SHEET. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS FACSIMILE INFORMATION IS STRICTLY PROHIBITED, AND THAT THE DOCUMENTS SHOULD BE RETURNED TO THIS OFFICE IMMEDIATELY. IN THIS REGARD, IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY SO THAT WE CAN ARRANGE FOR THE RETURN OF THE ORIGINAL DOCUMENTS AT NO COST TO YOU. THANK YOU.

EXHIBIT "E"

**Affidavit of Glenn Welt**

1. I created a website with key words to specifically target people with knowledge of Walter Shapiro such as neighbors, friends or medical assistants who witnessed elder abuse of Walter by Howard. I also hoped to attract anyone with knowledge of Howard Shapiro's prior ill deeds that would make him unsuitable as a conservator.

DATED this 1<sup>st</sup> day of MAY, 2019.

  
GLENN WELT

SUBSCRIBED AND SWORN TO before me by Glenn Welt  
this 1<sup>st</sup> day of May, 2019.

  
NOTARY PUBLIC

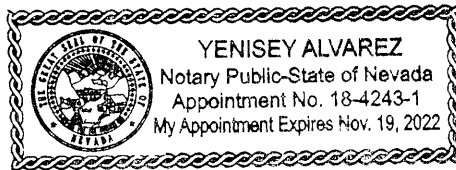


EXHIBIT "F"

# Background Report

Howard Shapiro

Report Expiration  
December 30, 2014

Name Howard Shapiro

Age 46

Date of Birth 9/1/1967

Phone Number 973-663-1203

Additional Phone Numbers 732-364-6348, 610-539-3802

Most Recent Address 623 Skyline Dr, Lake Hopatcong, NJ 07849-2473

Criminal Records 1 records found

Aliases/Name Variations Howard A Shapiro, Howard Andrew Shapiro

## Email:

h****@axx.cxx	Howard Shapiro 159 Saint Nicholas Ave Lakewood, NJ 08701
h****@hxxxxxx.cxx	Howard Shapiro 159 Saint Nicholas Ave Lakewood, NJ 08701
s****@nj.rr.com	Howard Shapiro 159 Saint Nicholas Ave Lakewood, NJ 08701-3008
s****@address.com	Howard.Shapiro 159 Saint Nicholas Ave Lakewood, NJ 08701
s****@aol.com	Howard Shapiro 159 Saint Nicholas Ave Lakewood, NJ 08701

## 6 addresses were found

Address	City, State, Zip	Phone	Added	Updated
623 Skyline Dr	Lake Hopatcong, NJ 07849-2473	973-663-1203		
623 Skyline Dr	Jefferson Lake, NJ 07849-2473	973-663-1203		
623 Skyline Dr	Jeffersn Twp, NJ 07849-2473	973-663-1203		
159 Saint Nicholas Ave	Lakewood, NJ 08701-3008	732-364-6348		
194 N Whitehall Rd	Norristown, PA 19403-2868	610-539-3802		
991 Jessica Ct	Lakewood, NJ 08701-3654	732-364-6348		

## Social Network Profiles

Social Network search results include Facebook, LinkedIn and Twitter profiles. Social networks require that you give us permission to run a Social Network search. No one in your network will be notified and your account information is not added to our search database.

No social network profiles were found

## Work Information

Work Information listings are compiled from databases containing over 75 million professional contacts.

1 potential work result was found

---

*Name:* Howard Shapiro  
*Job Title:* Regional Sales Manager  
*Company Name:* Staples  
*Address:* Jersey City, NJ 07310-  
*Email Addresses:* s\*\*\*\*@staplescom.com

## Possible Relatives

Possible relatives are people who are likely relatives of Howard Shapiro based on matching surname and shared addresses. Please note that this will not include all relatives.

4 possible relatives were found

---

Name	Age	Address
Jenna G Shapiro	42	623 Skyline Dr Lake Hopatcong, NJ 07849-2473
Howard Barry Shapiro	57	25234 Finchgrove Ln Katy, TX 77494-6474
Walter B Shapiro	81	159 Saint Nicholas Ave Lakewood, NJ 08701-3008
Berta W Shapiro	77	159 Saint Nicholas Ave Apt A Lakewood, NJ 08701-3008

---

## Neighbors

Neighbors are people who, based on known addresses, currently live or have lived near Howard Shapiro's current and previous addresses.

19 neighbors were found

Name	Age	Address
------	-----	---------

Marc Amy Ingoglia	40	621 Skyline Dr Lake Hopatcong, NJ 07849-2473
Aurora P Sabala		626 Skyline Dr Lake Hopatcong, NJ 07849-2451
Elizabeth Klantschi		615 Skyline Dr Lake Hopatcong, NJ 07849-2473
Fritz Elizabeth Klantschi	56	615 Skyline Dr Lake Hopatcong, NJ 07849-2473
Yisroel Moshe Scheinerman	45	156 Saint Nicholas Ave Lakewood, NJ 08701-3007
Malika A Scheinerman	67	156 Saint Nicholas Ave Lakewood, NJ 08701-3007
Nancy B Snyder	60	164 Saint Nicholas Ave Lakewood, NJ 08701-3007
Deena L Holland	65	151 Saint Nicholas Ave Lakewood, NJ 08701-3008
Seymour S Holland	74	151 Saint Nicholas Ave Lakewood, NJ 08701-3008
Nicholas P Ditomassi	46	193 N Whitehall Rd Norristown, PA 19403-2870
Patricia L Ditomassi	46	193 N Whitehall Rd Norristown, PA 19403-2870
Lydia M Trecroce	84	195 N Whitehall Rd Norristown, PA 19403-2870
Bhavik R Patel	40	192 N Whitehall Rd Norristown, PA 19403-2868
Ranchhodbhai J Patel	68	192 N Whitehall Rd Norristown, PA 19403-2868
Trinidad M Zavala	32	192 N Whitehall Rd Norristown, PA 19403-2868
Julio C Saavedra		990 Jessica Ct Lakewood, NJ 08701-3654
Maria Perez	99+	992 Jessica Ct Lakewood, NJ 08701-3654
Luis Forero	31	992 Jessica Ct Lakewood, NJ 08701-3654
Luis E Forero Sr	72	992 Jessica Ct Apt 46 Lakewood, NJ 08701-3654

#### Criminal Records

*Name* Howard A Shapiro  
*Birthdate* 9/1967  
*Offense:* Failure To Stop At Red Signal  
*Offense Date:* 10/1/2011  
*Offense:* Obedience To Traffic-Control Devices  
*Offense Date:* 10/1/2011  
*Location* Pennsylvania  
*Court* Criminal Court



Case Number MJ-38121-TR-0005045-2011

Offender ID PU80545391445881366MJ-38121-TR-0005045-201120111006

[Click here to run more criminal searches. FREE with your membership.](#)

#### Motor Accidents

Motor Accidents records are known automobile accidents and the associated individuals.

A comprehensive search of motor accidents was run and Howard Shapiro was not associated with any motor accidents.

No motor accidents were found

#### Employment History

No employment history was found

#### Business Ownership

Business ownership records are compiled from public filings, commercial records and SEC registrations.

A comprehensive search of business records was run and Howard Shapiro was not listed as an owner of any businesses. This does not necessarily reflect employment with a company.

No owned businesses found

#### Property Ownership

Property ownership records are compiled from nationwide real property records commonly found with the county tax assessor.

A comprehensive search of real property records for Howard Shapiro was run and no listings were found.

No owned properties were found

#### Bankruptcies

Bankruptcy is the declared inability to pay creditors. Bankruptcies records are compiled from local, state, and federal courts to include Chapter 7, 11, and 13 bankruptcies. Please note that these records cannot be used to determine an individual's eligibility for credit, insurance, employment or other purposes under the Fair Credit Report Act (FCRA). [Learn more](#) about FCRA compliance.

2 bankruptcies were found

Chapter Description: Chapter 7

Filing Date: 6/5/2008

Resolution Date: 9/12/2008

Court: New Jersey - Newark

Type: Individual

Filer Type: Individual

*Debtors:* Howard A Shapiro

*Attorneys:* Dean G Sutton Att At Law

Dean G Sutton

*Trustees:* Jay L Lubetkin

*Chapter Description:* Chapter 7

*Filing Date:* 6/9/1998

*Resolution Date:* 9/21/1998

*Court:* New Jersey - Trenton

*Type:* Individual

*Filer Type:* Individual

*Debtors:* Hs Security Systems

Hs Security Systems

*Attorneys:* Michele Lombardo

Carbone Lombardo

*Trustees:* Karen E Bezner

---

## Judgments + Liens

A court-ordered lien is a legal claim issued to secure payment when someone fails to pay state and/or federal taxes. Depending on the jurisdiction, judgments are generally found within the lower courts often referred to as Small Claims and Municipal Courts. Please note that these records cannot be used to determine an individual's eligibility for credit, insurance, employment or other purposes under the Fair Credit Report Act (FCRA). [Learn more](#) about FCRA compliance.

20 judgments or liens were found

---

*Type* Civil New Filing (ID: DC00540608)  
*Amount* \$15,000  
*Filing Date* 5/12/2008  
*Debtors* Howard Shapiro  
*Creditors* Deterrent Technologi Es Inc

---

*Type* Civil Judgment (ID: DC01103007)  
Civil New Filing (ID: DC01103007)  
*Amount* \$10,180  
*Filing Date* 3/31/2008  
*Debtors* Howard Shapiro  
*Creditors* American Express Tra Vel Relat  
American Express Tra Vel Relat E

---

Type Civil New Filing (ID: DC00313808)  
Amount \$14,999  
Filing Date 3/14/2008  
Debtors Howard Shapiro  
Creditors Aurora Electrical Su Pply

Type Civil Judgment (ID: DC00965807)  
Civil New Filing (ID: DC00965807)  
Amount \$2,288  
Filing Date 12/27/2007  
Debtors Howard A Shapiro  
Creditors Jet Line Products In C

Type Civil Judgment (ID: L00438406)  
Vacated Judgment (ID: L00438406)  
Amount \$81,019  
Filing Date 6/20/2007  
Debtors Howard A Shapiro  
Creditors Pnc Bank Na

Type Civil Judgment (ID: L00057207)  
Amount \$53,481  
Filing Date 5/29/2007  
Debtors Howard Shapiro  
Creditors Home Vest Capital Llc

Type Judgment (ID: J-247139-2006)  
Amount \$107,001  
Filing Date 9/22/2006  
Debtors Howard A Shapiro  
Creditors Pnc Bank Na

Type Civil Suit (ID: L 002096 06)  
Amount \$39,002  
Filing Date 8/2/2006  
Debtors Howard A Shapiro  
Creditors Jpmorgan Chase Bank Na

Type Civil Suit (ID: L 004384 06)  
Amount N/A  
Filing Date 5/25/2006  
Debtors Howard A Shapiro  
Creditors Pnc Bank N A

Type Civil Suit (ID: L 000318 06)  
Amount N/A  
Filing Date 1/25/2006

Debtors Howard Shapiro  
Jenna Shapairo  
Creditors Township Of Jefferson

Type Public Defender Lien (ID: PD-174537-2003)  
Amount \$50  
Filing Date 7/16/2003  
Debtors Howard Shapiro  
Creditors Office Of The Public Defender

Type Civil Suit (ID: DC-005864-2001)  
Amount \$595  
Filing Date 7/9/2001  
Debtors Howard Shapiro  
Creditors Springfield Rehab

Type Civil Suit (ID: DC 003652 1998)  
Amount \$6,569  
Filing Date 4/17/1998  
Debtors Howard A Shapiro  
Creditors L & H Plumbing & Heating Supp

Type Judgment (ID: DC 000629 1998)  
Amount \$5,475  
Filing Date 3/24/1998  
Debtors Howard Shapiro  
Creditors Beneficial New Jersey

Type Civil Suit (ID: DC 000629 1998)  
Amount \$5,647  
Filing Date 1/8/1998  
Debtors Howard Shapiro  
Creditors Beneficial New Jersey

Type Judgment  
Amount \$8,509  
Filing Date 5/23/1996  
Debtors Howard A Shapiro  
Creditors Household Finance Corporationi

Type Civil Suit  
Amount \$8,018  
Filing Date 4/16/1996  
Debtors Howard A Shapiro  
Creditors Household Finance Corporation

Type Civil Suit

Amount \$413  
Filing Date 10/5/1995  
Debtors Howard Shapiro  
Creditors Edwin J O Malley Jr  
Gregory A Surman

Type Civil Suit  
Amount \$1,025  
Filing Date 2/8/1995  
Debtors Howard Shapiro  
Creditors Monmouth Auto Body  
Tartan Inc.

Type Civil Suit (ID: L 000139 1995)  
Amount \$2,600  
Filing Date 1/23/1995  
Debtors Howard A Shapiro  
Creditors Spt Electric Supply Co Inc.

#### Professional Licenses

License Number: 34EI01190500  
License Type: Electrical Contractor  
Status: Active  
Issuing State: New Jersey  
Issue Date: 1/6/1993  
Expiration Date: 3/31/2009  
Address: 623 Skyline Dr  
Lake Hopatcong, NJ 07849-2473

License Number: 34EI01190500  
License Type: Electrical Contractor  
Status: Active  
Issuing State: New Jersey  
Issue Date: 1/6/1993  
Expiration Date: 3/31/2006  
Address: 159 Saint Nicholas Ave  
Lakewood, NJ 08701-3008

In addition, a broader search for professional licenses was run for Howard Shapiro in Lake Hopatcong, NJ who may also have the following licenses:

First Name: Howard  
Last Name: Shapiro  
License Number: 34EI01190500  
License Type: Contractor: Electrical Contractor  
Status: Expired  
Issuing State: NJ  
Issue Date: 03/29/2012

Expiration Date: 02/28/2012  
Address: Lake Hopatcong, NJ

First Name: Howard  
Last Name: Shapiro  
License Number: 34EI01190500  
License Type:  
Status: Expired  
Issuing State: NJ  
Issue Date: 03/29/2009  
Expiration Date: 02/27/2009  
Address: Lake Hopatcong, NJ 07849

**Professional Licenses**

In addition, a broader search for professional licenses was run for Howard Shapiro in Lake Hopatcong, NJ who may also have the following licenses:

First Name: Howard  
Last Name: Shapiro  
License Number: 34EI01190500  
License Type: Contractor: Electrical Contractor  
Status: Expired  
Issuing State: NJ  
Issue Date: 03/29/2012  
Expiration Date: 02/28/2012  
Address: Lake Hopatcong, NJ

---

First Name: Howard  
Last Name: Shapiro  
License Number: 34EI01190500  
License Type:  
Status: Expired  
Issuing State: NJ  
Issue Date: 03/29/2009  
Expiration Date: 02/27/2009  
Address: Lake Hopatcong, NJ 07849

---

**Registered Aircrafts**

No aircrafts were found

---

**Registered Watercrafts**

No watercrafts were found

---

**FAA Certification**

No FAA certifications were found

---

UCC Filings

*Filing Number* 22468062

*Location* New Jersey

*Filing Date* 7/9/2004

*Debtors* Howard A Shapiro

*Secureds*

Commerce Bank N A

Commerce Bank, N.A.

Td Bank, N.A. Successor By Merger To Commerce Bank, N.A.

*Collateral*

07/09/2004 22468062 - Equipment All And Proceeds;account(s) All And Proceeds;general Intangible(s) All And Proceeds;inventory All And Proceeds;chattel Paper All And Proceeds

## Exhibit “G”





**Morris County**  
**Document Summary Sheet**

MORRIS COUNTY  
PO BOX 315  
COURT STREET  
MORRISTOWN NJ 07963 0315

MORRIS COUNTY, NJ  
Joan Bramhall  
LPF-OR BOOK 22426 PG 304  
RECORDED 09/24/2013 11:37:33  
FILE NUMBER 2013077756  
RCPT # 908187; RECD BY: eRecord  
RECORDING FEES 104.00  
INDEX FEE 54.00  
*Official Use Only*

**Transaction Identification Number**

2084864 1298890

Submission Date(mm/dd/yyyy)	09/24/2013
No. of Pages (excluding Summary Sheet)	2
Recording Fee (excluding transfer tax)	\$104.00
Realty Transfer Tax	\$0.00
Total Amount	\$104.00

**Return Address** *(For recorded documents)*

PHELAN, HALLINAN & SCHMIDT, P.C.  
400 FELLOWSHIP ROAD  
SUITE 100  
MT. LAUREL NJ 08054

**Document Type** LIS PENDEN/FORECLOSURE

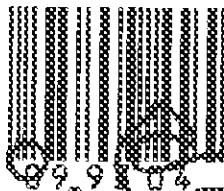
**Municipal Codes**

JEFFERSON TWP 1414

**Batch Type**

L2 - LEVEL 2 (WITH IMAGES)

Bar Code(s)



**Additional Information (Official Use Only)**

**\* DO NOT REMOVE THIS PAGE.**

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**Morris County  
Document Summary Sheet**

LIS  
PENDEN/FORECL  
OSURE

Type	LIS PENDEN/FORECLOSURE			
Consideration				
Submitted By	PHELAN, HALLINAN & SCHMIEG, P.C.			
Document Date	06/19/2013			
Reference Info				
Book ID	Book	Beginning Page	Instrument No	Recorded/File Date
M	18098	235		
DEFENDANT	Name			Address
	HOWARD SHAPIRO			
	FICTITIOUS SPOUSE			
	JENNA THORSLAND SHAPIRO			
	FICTITIOUS SPOUSE			
	CITIBANK, NA			
	JPMORGAN CHASE BANK, N.A.			
	HOME VEST CAPITAL LLC			
	VALLEY NATIONAL BANK			
	PNC BANK, NA			
	UNIVERSAL SUPPLY GROUP INC			
	UNKNOWN TENANTS			
	BANK OF AMERICA			
PLAINTIFF	Name			Address
	US BANK NATIONAL ASSOCIATION			
	BEAR STEARNS ASSET BACKED SECURITIES I TRUST 2005-AC2			

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**Morris County**  
**Document Summary Sheet**

Parcel Info						
Property Type	Tax Dist.	Block	Lot	Qualifier	Municipality	

This is not a certified copy

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146957  
Phelan Hallinan & Diamond, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
Phone: 856-813-5500  
Attorneys for Plaintiff

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR BEAR STEARNS ASSET  
BACKED SECURITIES I TRUST 2005-AC2  
ASSET-BACKED CERTIFICATES, SERIES  
2005-AC2  
PLAINTIFF

Vs.

HOWARD SHAPIRO,  
MRS. HOWARD SHAPIRO, HIS WIFE;  
JENNA THORSLAND SHAPIRO,  
MR. SHAPIRO, HUSBAND OF JENNA  
THORSLAND SHAPIRO;  
CITIBANK, NA;  
JPMORGAN CHASE BANK, N.A.;  
HOME VEST CAPITAL LLC, SUCCESSOR IN  
INTEREST TO BANK OF AMERICA, NA;  
VALLEY NATIONAL BANK;  
PNC BANK, NA;  
UNIVERSAL SUPPLY GROUP INC.;  
UNKNOWN TENANTS  
DEFENDANT(S)

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MORRIS COUNTY

DOCKET NO: F-019298-12

CIVIL ACTION  
NOTICE OF LIS PENDENS

TO WHOM IT MAY CONCERN

Notice is hereby given of the commencement and pendency of the above-entitled Civil Action, the general objects of which are:

1. To foreclose the following mortgage covering the premises hereinafter described, to wit:

Mortgage made by HOWARD SHAPIRO and JENNA THORSLAND SHAPIRO and given to UNION FEDERAL BANK OF INDIANAPOLIS dated November 19, 2004 and recorded December 3, 2004 in the Office of the MORRIS County Clerk in Book 18098, Page 235. Said mortgage was subsequently assigned to Plaintiff herein.

2. To recover possession of the lands and premises hereinafter described.

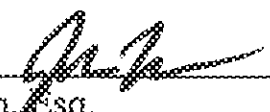
The land and premises to be affected by said suit are described in Exhibit "A" annexed hereto.

3. The Foreclosure Complaint in the above-entitled action was filed in the Office of the Clerk of the Superior Court of New Jersey on June 6, 2013.

PHELAN HALLINAN & DIAMOND, PC

Date: June 19, 2013

By:

  
John D. Krohn, Esq.  
Attorney for Plaintiff

All that certain lot, tract or parcel of land, lying and situated at 523 Skyline Drive, Township of Jefferson, Morris County and State of New Jersey, bounded and described as follows:

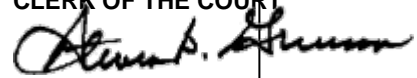
Beginning at a point on the Easterly line of Skyline Drive, said point being located a distance of 1,859.24' from the intersection of the Easterly line of Skyline Drive and the terminus of a curve leading from Hunters Ridge and from said point running THENCE

1. North 60 degrees 00 minutes 34 seconds East 156.46' to a point; THENCE
2. South 00 degrees 28 minutes 23 seconds East 135.1' to a point; THENCE
3. South 70 degrees 17 minutes 48 seconds West 103.35' to a point on the Easterly line of Skyline Drive; THENCE
4. Along the Easterly line of Skyline Drive North 19 degrees 42 minutes 12 seconds West 32.85' to a point of curvature; THENCE
5. Still further along the Easterly line of Skyline Drive on a curve to the left having a radius of 375.00' and an arc length of 67.33' to the point and place of beginning

Being known and designated as Lot 25 Block 250.05 as shown on the Tax Maps of the Township of Jefferson. Being also known as Lot 25 Block 250.05 as shown on a certain map entitled "Jefferson Village Final Plat Phase B" situated in the Township of Jefferson, Morris County, New Jersey. Filed in the Morris County Clerks Office.

Description prepared in accordance with survey of Keller & Kirkpatrick, dated 9/25/03.

Legal taken from the deed as referenced in the mortgage.



**OPPM**

Alex Ghibaudo, Esq.  
Bar No. 10592  
**ALEX B. GHIBAUDO, PC.**  
703 South 8<sup>th</sup> St.  
Las Vegas, Nevada 89101  
T: (702) 978-7090  
F: (702) 924-6553  
Email: alex@abgpc.com  
*Attorney for Defendant,*  
*Alex B. Ghibaudo*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

HOWARD SHAPIRO, et al.,

Plaintiffs,

vs.

GLEN WELT, et al.,

Defendants.

Case No.: A-14-706566-C

Dept. No.: XXVII

**OPPOSITION TO DEFENDANTS'**  
**MOTION TO DISMISS**  
**PURSUANT TO NRS 41.660**

Plaintiffs Howard and Jenna Shapiro, by and through their counsel Alex B. Ghibaudo, Esq., of the law firm Alex B. Ghibaudo, PC, hereby oppose Defendants' special motion to dismiss pursuant to NRS 41.660. This motion is based on the following Memorandum of Points and Authorities, the papers and pleadings already on file herein, the attached affidavits, and any oral argument the Court may permit at the hearing of this Motion.

Dated this the 8<sup>th</sup> day of July, 2019.

/s/ Alex Ghibaudo

Alex B. Ghibaudo, Nevada State Bar No. 10592  
ALEX B. GHIBAUDO, PC  
*Attorney for Plaintiffs*



## Memorandum of Points and Authorities

### **I. INTRODUCTION**

Defendants have filed their third motion to dismiss pursuant to Nevada's anti-SLAPP statute (NRS 41.660). In their first motion to dismiss, Plaintiff's argued that the public has an interest in private guardianship disputes and that the litigation privilege rendered the challenged speech protected. The Nevada Supreme Court disagreed. The second time around, Defendants, **again**, argued that the litigation privilege shielded the Defendants, particularly Glen Welt, and that because Howard sought appointment as conservator over his father, that fact made him a public figure whose conduct is a per se interest to the public. Again, the Nevada Supreme Court disagreed. Now, for their third try Defendants, AGAIN, argue that the litigation privilege in this context renders the challenged speech protected and, for a novel twist on the same argument advanced for the past five (5) years, the challenged statements are protected because they addressed elder abuse, which the citizens of New Jersey are surely interested in (and, again, as before, claim Howard is a limited-purpose public figure which must demonstrate malice to prevail on his defamation claim).

### **II. SUMMARY OF FACTS**

The facts of this case have been discussed in great detail. To avoid rehashing the same facts ad nauseum, Plaintiffs rely on those facts stated in the complaint on file in this case, on each and every opening brief filed in the various appellate matters, and each and every opposition and countermotion filed by Plaintiffs addressing Defendants various motions to dismiss, and those facts are incorporated here by reference pursuant to NRCPC 10(c) .



1                   **III.     LEGAL ANALYSIS**

2                   A. Defendants third motion to dismiss is untimely and should be time-barred

3                   NRS 41.660 allows for a special motion to dismiss to be filed no later than 60  
4                   days from service of the complaint. The complaint in this matter was filed September 4,  
5                   2014. All parties were served by September 11, 2019. On October 13, 2014 Mr. Lowry  
6                   made an appearance on behalf of Glen Welt and accepted service of the complaint on  
7                   behalf of all parties. On December 15, 2014 the first motion to dismiss pursuant to NRS  
8                   41.660 was filed. Judging either by the date Rhoda, Michelle, or Lynn Welt were served  
9                   (September 11, 2014) or when Mr. Lowry made his first appearance and accepted service  
10                  of the complaint on behalf of the remaining Defendant, Glen Welt (October 13, 2014),  
11                  the first motion to dismiss pursuant to NRS 41.660 was already untimely. Nevertheless, it  
12                  was heard and granted. That decision was appealed and the Nevada Supreme Court  
13                  reversed this court's order dismissing Plaintiffs' claims and remanded the matter to this  
14                  court for further consideration.

15                  On May 4, 2017 notice of remittitur was filed with this court and the case was  
16                  reopened. The second motion to dismiss was filed May 26, 2017, 22 days after the case  
17                  was reopened. Again, this court granted Defendants renewed motion to dismiss. Again,  
18                  that decision was challenged. Remittitur issued the second time around on January 29,  
19                  2019. The instant, renewed motion to dismiss, was not filed until May 2, 2019 – 93 days  
20                  after the case was reopened. This last motion to dismiss, therefore, which was filed 93  
21                  days after the district court case was reopened, is untimely. In other words, by any  
22                  reasonable measure, far more than 60 days have elapsed from service of the complaint  
23                  and filing this last motion to dismiss, rendering the motion untimely.





1 It should be noted that this case is now almost five (5) years old. Each time this  
2 court's order was reversed (twice) the Defendants filed a motion to dismiss pursuant to  
3 NRS 41.660. Each motion to dismiss pursuant to NRS 41.660 filed by Defendants has  
4 advanced a new theory why Defendants challenged statements are protected speech.  
5 Thus, Defendants have now taken three (3) bites at the apple without any regard to how  
6 much time has actually elapsed since service of the complaint or any indication that there  
7 is a limit to how many different motions to dismiss may be filed in this matter. At this  
8 rate, the case will never close. As such, Plaintiffs ask this court to deny Defendants  
9 newest motion to dismiss because it is untimely pursuant to NRS 41.660(2).  
10

11 B. The speech contained in Glen Welt's abhorrent website is of no public interest

12 As has become their custom, Defendants begin their discussion of whether the  
13 challenged statements were made in the public interest by 1) citing California case law  
14 when there is Nevada case law on point, and 2) mischaracterizing the cited law. Here,  
15 Defendants' state that Nevada follows California's lead in that it too defines an issue of  
16 public interest broadly.<sup>1</sup> Then, Defendants' claim that in California "an issue of public  
17 interest within the meaning of [California law] is any issue in which the public is  
18 interested."<sup>2</sup> Furthermore, the Defendants claim that "the issue need not be 'significant'  
19 to be protected by the anti-SLAPP statute – it is enough that it is one in which the public  
20 takes an interest."<sup>3</sup>

21 Defendants clearly believe that the "public interest" prong of the analysis should  
22 be as broad and amorphous as possible, that a mere curiosity qualifies, so along as the  
23 "public" is interested in that curiosity, that even if the challenged statements have no  
24

25  
26  
27  
28 <sup>1</sup> *Coker v. Sassone*, 135 Nev., Adv. Op. 2, 432 P.3d 746, 748 (2019)

<sup>2</sup> *Citing Nygard, Inc. v. Uusi-Kettula*, 159 Cal. App. 4<sup>th</sup> 1027, 1042 (2008).

<sup>3</sup> *Id.*

1 relation to the asserted public interest those statements may not be challenged, and that  
2 even if the focus of the speaker is actually on gathering ammunition for a private  
3 controversy, so long as those statements tangentially advance or support some amorphous  
4 public interest and that the communication is made to an equally amorphous and  
5 undefined public, **the statements, no matter how egregious and offensive, cannot be**  
6 **challenged.**  
7

8 Such a contention absolutely flies in the face of the holding in *Shapiro v. Welt*,  
9 389 P.3d 262 (Nev. 2017), which establishes the guiding principles district courts in this  
10 State must utilize to distinguish a public interest from a private one. It must be noted,  
11 given how many times this case has been remanded for further consideration, that  
12 *Shapiro v. Welt* is not only the law in Nevada, it is the law of this case and must be  
13 adhered to without regard to California law to the contrary. The guiding principles  
14 mentioned above are as follows:  
15

- 16 1. "public interest" does not equate with mere curiosity;
- 17 2. a matter of public interest should be something of concern to a substantial number  
18 of people; a matter of concern to a speaker and a relatively small specific  
19 audience is not a matter of public interest;
- 20 3. there should be some degree of closeness between the challenged statements and  
21 the asserted public interest—the assertion of a broad and amorphous public  
22 interest is not sufficient;
- 23 4. the focus of the speaker's conduct should be the public interest rather than a mere  
24 effort to gather ammunition for another round of private controversy; and
- 25 5. a person cannot turn otherwise private information into a matter of public interest  
26 simply by communicating it to a large number of people.

27 *Shapiro v. Welt*, 389 P.3d 262, 268 (Nev. 2017). Here, the asserted public interest is the  
28 public's interest in elder abuse. That is the new party line – that Mr. Welt was merely  
informing the public of what he believed to be was an abuser of the elderly. In this  
regard, Mr. Welt's counsel now advances this novel theory:

1 [E]ven if applying to be a conservator in that circumstance is not a public  
2 interest, preventing elder abuse is...[t]he Welts' website expressed  
3 concerns about actions taken, or that might be taken, that could be abusive  
4 to Walter. These concerns were at least part of their objection to Howard's  
5 request to be appointed Walter's conservator and were an interest of public  
6 concern.

7 But, Mr. Welt's affidavit suggests that informing the public was the last thing on his  
8 mind. That affidavit states:

9 I created a website with key words to specifically target people with  
10 knowledge of Walter Shapiro such as neighbors, friends or medical  
11 assistants who witnessed elder abuse of Walter by Howard. I also hoped to  
12 attract anyone with knowledge of Howard Shapiro's prior ill deeds that  
13 would make him unsuitable as a conservator.

14 So, according to Glen Welt, the website's stated purpose was to locate witnesses  
15 willing to testify that Howard Shapiro is unfit to be a conservator, not to alert the public  
16 to elder abuse.

17 According to *Shapiro v. Welt*, this does not qualify as an issue of public concern.  
18 According to Shapiro's guiding principles, a matter of concern should be something of  
19 concern to a substantial number of people; a matter of concern to a speaker and a  
20 relatively small specific audience is not a matter of public interest. Here, Mr. Welt is  
21 targeting, at best, a handful of people – people who witnessed alleged elder abuse  
22 committed by Howard upon Walter and others with personal knowledge of any other "ill  
23 deeds."

24 Furthermore, the focus of the speaker's conduct should be the public interest  
25 rather than a mere effort to gather ammunition for another round of private controversy.  
26 In this case, Mr. Welt's affidavit makes abundantly clear that the purpose of the website  
27 and the conduct at issue, i.e., the defamatory statements posted on that website, was to  
28 recruit witnesses to be utilized in the ongoing conservatorship litigation in New Jersey –



1 i.e., Mr. Welt's conduct is a mere effort to gather ammunition for another round of  
2 private controversy.

3 Moreover, there should be some degree of closeness between the challenged  
4 statements and the asserted public interest—the assertion of a broad and amorphous  
5 public interest is not sufficient. Here, the Welts' acknowledge that their new theory  
6 concerning the public interest at issue (elder abuse) is broad and amorphous. That being  
7 said, rather than acknowledge that settled law in this State and the law of the case  
8 prohibits such a theory from being advanced, the Welts, through their counsel, who  
9 should know better, attempt to cobble cases from California together that would allow  
10 such a theory to be utilized. Again, and again and again and again, there is Nevada case  
11 law on point, and that case is the law of this case, rendering a search for California case  
12 law unnecessary and inappropriate.

13 For all these reasons, the challenged statements do not address matters of public  
14 concern.

15 C. The litigation privilege does not shield the Welts from liability for the  
16 defamatory statements

17 Here, Defendants, and their counsel, all but acknowledge that for the litigation  
18 privilege to apply, those people targeted by the challenged statements **must have a legal**  
19 **interest in the outcome of the litigation.** However, in a determined effort to fit a round  
20 peg in a square hole, Defendants and their counsel resort to a public policy argument,  
21 stating:

22 These individuals may not necessarily have possessed a legal interest that  
23 would have made them a party to the conservatorship proceeding. However,  
24 each had an interest in the proceedings outcome as, from the Welts'  
25 perspective, if Howard was appointed Walter's conservator elder abuse  
26 could continue. Ruling that anti-SLAPP protections narrowly extend only  
27  
28

1 to those with a legal interest in the proceeding is contrary to “the anti-  
2 SLAPP statute’s purpose of protecting the right of litigants to the utmost  
3 freedom of access to the courts without the fear of being harassed  
4 subsequently by derivative tort actions.”

5 That is not the law in Nevada, or the law of this case. As the Nevada Supreme  
6 Court held in *Shapiro II*, for a statement to fall within the scope of NRS 41.637(3) as a  
7 statement “made in direct connection with an issue under consideration by a...judicial  
8 body,” it must (1) relate to the substantive issues in the litigation *and* (2) be directed to  
9 persons having some interest in the litigation.

10 Here, the second prong of that analysis is pertinent. For the litigation privilege to  
11 apply, the statements must be made “to persons having some interest in the litigation. In  
12 *Jacobs v. Adelson*, the Nevada Supreme Court clarified that such “communications are  
13 not sufficiently related to judicial proceedings when they are made to someone without  
14 an interest in the outcome.” *Jacobs v. Adelson*, No. 58740, at \*6 (Nev. May. 30, 2014).  
15 Hence, those persons targeted by Mr. Welt must have an interest in the outcome of the  
16 litigation; i.e., a legal interest. The rationale behind the ruling is of importance:  
17

18 Based on the policy considerations underlying the absolute privilege, we  
19 adopt the majority view that statements made to the media are not subject  
20 to absolute privilege. Extension of the absolute privilege to cover statements  
21 to the media, **when the media are not a party to the lawsuit or inextricably**  
22 **intertwined with the lawsuit**, would not further the policy underlying the  
23 absolute privilege. This position is also in line with our previous caselaw  
24 acknowledging that the privilege was created in part because the public  
25 interest in free speech during litigation outweighs the possibility of abuse  
26 of the privilege through the making of false and malicious statements. See  
27 *Cucinotta*, 129 Nev. at \_\_\_, 302 P.3d at 1101; *Circus Circus Hotels*, 99 Nev.  
28 at 61, 657 P.2d at 104. However, protecting speech made during a judicial  
proceeding does not warrant allowing the dissemination of defamatory  
communications outside of the judicial proceedings. See *Kelley*, 606 A.2d  
at 707; *Asay*, 594 F.2d at 697. (Emphasis added).



1 *Jacobs v. Adelson*, No. 58740, at \*8-9 (Nev. May. 30, 2014). That is, statements made to  
2 disinterested third parties “not a party to the lawsuit or inextricably intertwined with the  
3 lawsuit” are not protected by the litigation privilege.

4 In *Shapiro II*, the Nevada Supreme Court noted that “[a]lthough respondents  
5 directed their speech on the website to unidentified victims and potential witnesses, it is  
6 unclear how these persons have an interest in the conservatorship proceeding.” In the  
7 *Welts* third go at a motion to dismiss, they have still failed, within the body of their  
8 motion or by affidavit, to make such a showing – because they cannot: simply stated,  
9 potential witnesses do not have a dog in the hunt (i.e., they have no legal interest in the  
10 outcome of the proceedings). Therefore, the litigation privilege does not apply in this  
11 matter.  
12

13  
14 D. The *Welts* have failed to demonstrate that the challenged statements were  
15 truthful or made without knowledge of its falsehood

16 In *Shapiro v. Welt* the Nevada Supreme Court clarified that “no communication  
17 falls within the purview of NRS 41.660 unless it is ‘truthful or is made without  
18 knowledge of its falsehood.’” 133 Nev. at 40, 389 P.3d at 268 (quoting NRS 41.637). In  
19 *Coker v. Sassone*, the Court held that the appellant in that matter “would need to provide  
20 evidence persuading this court that at the time he advertised and sold the lithographs  
21 online, he believed that they were original and, thus, advertised them as such.” 135 Nev.,  
22 Advance Opinion 2, at \*10 (Nev. Jan. 3, 2019). No such evidence has been submitted  
23 here (i.e., no evidence concerning the truth or ignorance as to the truth of the matter  
24 concerning the challenged statements has been advanced by the *Welts*). Therefore, the  
25 *Welts* have failed to demonstrate that this requirement has been met.  
26  
27  
28

1 E. Howard Shapiro can prevail on his claims

2 It should be noted that Plaintiff's intend to amend their complaint to remove  
3 Jenna Shapiro as a party. Also, the only claims Howard intends to move forward on are  
4 1) defamation per se, and 2) civil conspiracy. The following addresses those claims.

5 Defendants argue that Howard is a limited purpose public figure because he  
6 voluntarily injected himself into a public controversy. However, it has already been  
7 demonstrated that the instant controversy is not one of any concern to the public.  
8 Therefore, Howard cannot be a limited purpose public figure and he need not prove  
9 actual malice to prevail on his claim.  
10

11 F. Defamation

12 Defamation is a publication of a false statement of fact.<sup>4</sup> In Nevada, the elements  
13 of a defamation claim are: (1) a false and defamatory statement by a defendant  
14 concerning the plaintiff; (2) an unprivileged publication of this statement to a third  
15 person; (3) fault of the Defendant, amounting to at least negligence; and (4) actual or  
16 presumed damages.<sup>5</sup> Here, the following false statements of fact were uttered:  
17

- 18 1. That Howard abducted his father and held him against his will;
- 19 2. That Howard sold his father's home for \$230,000.00 and kept the proceeds for
- 20 himself;
- 21 3. That Howard stole tangible and intangible goods from his father, including cash
- 22 and furniture;
- 23 4. That Howard diverted his father's retirement payments to himself;
- 24 5. That Howard isolated his father from other relatives;
- 25 6. That Howard left his father destitute;
- 26 7. That Howard starved his father;
- 27 8. That Howard threatened his father's life;
- 28 9. That Howard stole his father's money and bragged about traveling with that
- money;

<sup>4</sup> *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 57 P.3d 82, 87 (Nev., 2002); citing *Posadas v. City of Reno*, 109 Nev. 448, 851 P.2d 438, 442 (1993).

<sup>5</sup> *Pegasus v. Reno Newspaper, Inc.*, 118 Nev. 706, 718 (2003).

10. That Howard is armed and dangerous;  
11. That Howard is a liar;  
12. That Howard has a criminal record;  
13. That Howard stole almost a million dollars from his father...

Among other things. **These statements are false, each and every one of them.** The statements were posted online, they were made deliberately without actual knowledge of their truth or falsity, and the statements were unprivileged. Therefore, no matter the burden, Howard can and will prevail on his claims.

It must be noted that certain classes of defamatory statements are considered so likely to cause serious injury to reputation and pecuniary loss that these statements are actionable without proof of damages.<sup>6</sup> The four types of slander historically designated as defamatory per se are false statements made involving: (1) the imputation of a crime; (2) the imputation of having a loathsome disease; (3) imputing the person's lack of fitness for trade, business, or profession; and (4) imputing serious sexual misconduct.<sup>7</sup> No proof of any actual harm to reputation or any other damage is required for the recovery of damages for these four kinds of slander.<sup>8</sup> Here, the statements made above impute various and sundry crimes and impute dishonesty, or the lack of fitness for trade, business or profession. Therefore, they are defamatory per se.

<sup>6</sup> *K-Mart Corp. v. Washington*, 866 P.2d 274, 282, 109 Nev. 1180 (Nev., 1993). See also *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 349, 94 S.Ct. 2997, 3011-3012, 41 L.Ed.2d 789 (1974) ("the doctrine of presumed damages in the common law of defamation per se" is an oddity of tort law, for it allows recovery of purportedly compensatory damages without evidence of actual loss." The doctrine has been defended on the grounds that those forms of defamation that are actionable per se are virtually certain to cause serious injury to reputation, and that this kind of injury is extremely difficult to prove.

<sup>7</sup> See *Carey v. Piphus*, 435 U.S. 247, 262 n. 18, 98 S.Ct. 1042, 1052 n. 18, 55 L.Ed.2d 252 (1978); *Branda v. Sanford*, 97 Nev. 643, 646, 637 P.2d 1223, 1225 (1981). F. Harper & F. James, *Law of Torts* §§ 5.9-5.13 (1956); Restatement (Second) of Torts §§ 558, 559, 569-574 (1977); W. Prosser, *Law of Torts* § 112 (4th ed. 1971).

<sup>8</sup> W. Page Keeton et al., *Prosser & Keeton on the Law of Torts* § 112, at 788 (5th ed. 1984).





1 This court should not ignore the obvious – these statements, on their face, are  
2 egregious. There is no dispute that Mr. Welt made those statements. There is also no  
3 dispute that he cannot say with any degree of certainty that he has personal knowledge of  
4 these “facts” – if he did, he would not have been seeking witnesses or information that fit  
5 his narrative. As such, it is almost impossible to imagine a situation were Howard does  
6 not prevail on the merits, no matter the evidentiary burden imposed on him.  
7

8 G. Civil conspiracy

9 The elements of a cause of action for civil conspiracy are: (1) Defendants, by acting in  
10 concert, intended to accomplish an unlawful<sup>9</sup> objective for the purpose of harming  
11 plaintiff; and (2) Plaintiff sustained damage resulting from defendants’ act or acts.<sup>10</sup>

12 Here, damages are presumed, satisfying the second prong of the analysis. As to the first  
13 prong, discovery would have to be conducted in order to determine if any of the other  
14 Defendants in this matter acted in concert with Mr. Glen Welt. Though the website  
15 suggests as much, and that fact has never been disputed in this matter, only some  
16 discovery could clarify the issue.  
17  
18

19  
20  
21  
22  
23  
24  
25  
26 <sup>9</sup> To understand the meaning of the word unlawful, it is instructive to refer to its synonyms: illegal, illicit,  
27 illegitimate, against the law, criminal, felonious, prohibited, banned, outlawed, proscribed, forbidden. In other  
28 words, unlawful means criminal. That being said, even if construed liberally, i.e., that conspiring to defame  
Patty and cast her in a bad light is unlawful, the claim fails because Christine did not defame Patty or cast her  
in a bad light.

<sup>10</sup> *Consol. Generator-Nevada, Inc. v. Cummins Engine Co.*, 114 Nev. 1304, P.2d 1251 (Nev. 1999).

1                   **IV.     CONCLUSION**

2                   For the foregoing reasons, Plaintiffs ask this court to deny Defendants motion  
3 entirely.

4                   Respectfully submitted this 8<sup>th</sup> day of July, 2019.

5  
6  
7                   /s/ Alex Ghibaud

8                   ALEX B. GHIBAUDO, Nevada Bar No. 10592

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1 **CERTIFICATE OF SERVICE**

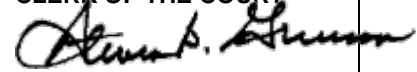
2 Pursuant to NRCP 5, Administrative Order 14-2 and N.E.F.C.R. 9, I hereby certify  
3 that on this 9<sup>th</sup> day of July, 2019, I did cause a true copy of the foregoing OPPOSITION TO  
4 DEFENDANTS' SPECIAL MOTION TO DISMISS PURSUANT TO NEV. REV. STAT.  
5 § 41.660 (ANTI-SLAPP) in *Shapiro v. Welt, et al.*, Clark County District Court Case No. A-  
6 14-706566-C, to be served electronically using the Odyssey Electronic Service system, to all  
7 parties with an email address on record.

8 Michael Lowry, Esq. michael.lowry@wilsonelser.com  
9 **WILSON ELSE**  
10 300 South 4<sup>th</sup> Street, 11<sup>th</sup> Floor  
11 Las Vegas, NV 89101

12  
13 /s/ Alex Ghibaud  
14 EMPLOYEE of Alex B. Ghibaud, PC  
15  
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Michelle Welt

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

Howard Shaprio and Jenna Shapiro,  
  
Plaintiffs,

vs.

Glenn Welt, Rhoda Welt, Lynn Welt, Michelle Welt,  
individuals; Checksnet.com, a corporation; Does I  
through X, and Roe Corporations I through X,  
inclusive,

Defendants.

Case No.: A-14-706566-C  
Dept. No.: 27

**Glenn Welt, Rhoda Welt, Lynn Welt &  
Michele Welt's Reply re Motion to  
Dismiss re NRS 41.660**

Howard's opposition agreed to certain facts that in turn indicate the speech on the Welt's website was protected. Howard then had the burden to provide clear and convincing evidence of a probability he would prevail on his claims. Nearly five years after this dispute started, he still has presented none. Howard's factual concessions and inability after nearly five years to provide the clear and convincing evidence required to support his remaining causes of action confirms what the Wels have argued from the beginning: this lawsuit was filed for the sole purpose of silencing Howard's critics. Nevada does not allow its courts to be used for that purpose. The motion should be granted.

///

///

///

1 DATED this 12<sup>th</sup> day of July, 2019.



3  
4 BY: /s/ Michael P. Lowry  
5 MICHAEL P. LOWRY  
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7 300 South 4<sup>th</sup> Street, 11<sup>th</sup> Floor  
8 Las Vegas, NV 89101-6014  
9 Tel: 702.727.1400/Fax: 702.727.1401  
10 Attorneys for Glenn Welt; Rhoda Welt; Lynn Welt;  
11 Michelle Welt

12 **Memorandum of Points & Authorities**

13 **I. The Welts' motion was timely.**

14 The Shapiros complain, for the first time, that the Welts' motions to dismiss have been  
15 untimely. This argument relies entirely upon NRS 41.660(2). "A special motion to dismiss must  
16 be filed within 60 days after service of the complaint, which period may be extended by the court  
17 for good cause shown." As to the first two motions, if the motions were untimely, the Shapiros  
18 waived this argument years ago by failing to raise it.<sup>1</sup>

19 As to the pending motion, NRS 41.660(2) simply does not apply. Its plain text applies  
20 only to the initial motion brought after the complaint is served. The pending motion is not  
21 brought in those circumstances. Instead, this motion was brought after two prior motions to  
22 dismiss were granted and the Supreme Court reversed for further consideration in this developing  
23 area of law. NRS 41.660(2) does not create a deadline for renewed motions after appellate  
24 decisions. As it does not apply, the motion is timely.

25 **II. NRS 41.637(3) protects the speech on the Welts' website because it was in direct  
26 connection with an issue under consideration by a judicial body.**

27 The Welts argue NRS 41.637(3) protects the speech on their website. The statute protects  
28 a "[w]ritten or oral statement made in direct connection with an issue under consideration by a ...  
judicial body."<sup>2</sup> To qualify for NRS 41.637(3)'s protection, the communication at issue must "(1)

<sup>1</sup> Plaintiffs' opposition arguing the Welts' motion was late is itself late, filed less than 24 hours before the July 10 hearing date the parties specifically requested.

<sup>2</sup> NRS 41.637(3).

1 relate to the substantive issues in the litigation and (2) be directed to persons having some interest  
2 in the litigation.”<sup>3</sup> The statute’s purpose is “protecting the right of litigants to the utmost freedom  
3 of access to the courts without the fear of being harassed subsequently by derivative tort actions.”<sup>4</sup>

4 The Shapiros do not dispute that the Welts’ speech related to the substantive issues in the  
5 New Jersey conservatorship proceeding. The dispute is instead whether the speech was directed  
6 to persons having some interest in the litigation. This is why the Supreme Court in *Shapiro II*  
7 reversed for further factual development. “Although [the Welts] directed their speech on the  
8 website to unidentified victims and potential witnesses, it is unclear how these persons have an  
9 interest in the conservatorship proceeding.”<sup>5</sup>

10 The Welts’ responded to the Supreme Court’s order by providing further factual  
11 information about how the website was developed, the types of people it targeted, and why these  
12 people would have an interest in the conservatorship proceeding. The Shapiros’ response  
13 acknowledges the website “is targeting, at best, a handful of people – people who witnessed  
14 alleged elder abuse committed by Howard upon Walter and others with personal knowledge of  
15 any other ‘ill deeds’”<sup>6</sup> In acknowledging this, the Shapiros concede the website’s speech was  
16 targeted at a narrowly drawn group of people who had an interest based upon the alleged abuse  
17 they witnessed and other ‘ill deeds’ concerning Walter.

18 Perhaps recognizing this, the Shapiros then argue within the context of their litigation  
19 privilege discussion, that those “targeted by the challenged statements must have a legal interest in  
20 the outcome of the litigation.”<sup>7</sup> If the Shapiros also intended this argument to apply to NRS  
21 41.637(3), it lacks any citation to authority. The Supreme Court required in 2018 that the speech  
22 “be directed to persons having some interest in the litigation.”<sup>8</sup> It did not state the speech would  
23 be protected only if directed to those with legal standing to appear or intervene in the case. If  
24 construed as the Shapiros propose, the statute’s protection would be very, very narrow. Again,

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25  
26 <sup>3</sup> *Patin v. Ton Vinh Lee*, 134 Nev. Adv. Op. 87, 429 P.3d 1248, 1249 (2018).

27 <sup>4</sup> *Id.* at 1252.

28 <sup>5</sup> *Shapiro II* at 7.

<sup>6</sup> Opposition at 6:18-22.

<sup>7</sup> Opposition at 7:21-22.

<sup>8</sup> *Patin*, 429 P.3d at 1249.

1 this would be inconsistent with the statute’s purpose of “protecting the right of litigants to the  
2 utmost freedom of access to the courts without the fear of being harassed subsequently by  
3 derivative tort actions.”<sup>9</sup>

4 Further, a legal standing requirement would conflict with persuasive California law. In  
5 *Healy v. Tuscan Hills Landscape & Recreation Corp.* an HOA filed suit against one of its unit  
6 owners and sent a letter to its membership about the topic of the lawsuit.<sup>10</sup> The unit owner’s  
7 counterclaim for defamation arising from the letter was dismissed. “Because one purpose of the  
8 letter was to inform members of the association of pending litigation involving the association, the  
9 letter is unquestionably in connection with judicial proceedings and bears some relation to judicial  
10 proceedings.”<sup>11</sup> If the Shapiros’ interpretation applied, the letter would not be protected because  
11 the recipients (association members) lacked legal standing to appear or intervene in the ongoing  
12 dispute between the HOA and an individual member.

13 *Contemporary Services Corp. v. Staff Pro Inc.* concluded an email update to a group of  
14 customers concerning court rulings and favorable imposition of sanctions in litigation against the  
15 company’s competitor was protected activity because it was in connection with an issue under  
16 consideration or review by a judicial body.<sup>12</sup> Again, if the Shapiros’ interpretation applied, the  
17 email would not have been protected because the customers had no standing to appear in the  
18 lawsuit.

19 **III. NRS 41.637(4) also protects the Welts’ speech because it was made in direct**  
20 **connection with an issue of public interest, in a public forum.**

21 NRS 41.637(4) protects any “[c]ommunication made in direct connection with an issue of  
22 public interest in a place open to the public or in a public forum,”<sup>13</sup> but only if that communication  
23 “is truthful or is made without knowledge of its falsehood.”<sup>14</sup> *Shapiro I* adopted “California’s  
24 guiding principles ... for determining whether an issue is of public interest under NRS  
25

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26 <sup>9</sup> *Id.* at 1252.

27 <sup>10</sup> 137 Cal. App. 4th 1 (2006).

28 <sup>11</sup> *Id.* at 5-6 (internal quotations omitted).

<sup>12</sup> 152 Cal. App. 4th 1043, 1055-1056 (2007).

<sup>13</sup> NRS 41.637(4).

<sup>14</sup> NRS 41.637.

1 41.637(4).”<sup>15</sup> “On remand, we instruct the district court to apply California’s guiding principles in  
2 analyzing whether the Welts’ statements were made in direct connection with an issue of public  
3 interest under NRS 41.637(4).”<sup>16</sup> *Shapiro II* reversed and instructed the district court to apply  
4 *Piping Rock*, but did not disturb the district court’s finding that the Welts’ website constituted 1) a  
5 communication 2) made in a place open to the public or in a public forum; and 3) was in direct  
6 connection with a given issue. The sole question now is whether that issue is one of public  
7 interest.

8 **What is a public interest?**

9 “Following California’s lead, we too define an issue of public interest broadly.”<sup>17</sup> In  
10 California, “‘an issue of public interest’ within the meaning of [§ 425.16(e)(3)] is *any issue in*  
11 *which the public is interested*.”<sup>18</sup> “[T]he issue need not be ‘significant’ to be protected by the anti-  
12 SLAPP statute—it is enough that it is one in which the public takes an interest.”<sup>19</sup>

13 **a. Elder abuse is a public interest.**

14 The Welts note various New Jersey statutes addressing potential elder abuse and making  
15 efforts to prevent it. Howard does not deny elder abuse is a public interest. He instead argues his  
16 specific, potential abuse of Walter is not an issue of public interest.

17 **b. Preventing elder abuse is a concern to a substantial number of people.**

18 The Welts note that New Jersey’s statutes that specifically address elder abuse are  
19 evidence that identifying or preventing elder abuse is a concern to a substantial number of people,  
20 or at least majorities in New Jersey’s legislature. Howard argues if he abused Walter that was  
21 merely a private matter between them. This cannot be. Those who are prone to abuse are often  
22 those least capable of defending themselves.

23 **c. The speech was related to the asserted public interest.**

24 If the public’s interest is in preventing and identifying potential elder abuse, then there is  
25 “some degree of closeness” between the website’s statements and the asserted public interest.

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26 <sup>15</sup> *Shapiro v. Welt*, 133 Nev. Adv. Op. 6, 389 P.3d 262, 268 (2017).

27 <sup>16</sup> *Id.*

28 <sup>17</sup> *Coker v. Sassone*, 135 Nev. Adv. Op. 2, 432 P.3d 746, 751 (2019).

<sup>18</sup> *Nygård, Inc. v. Uusi-Kerttula*, 159 Cal. App. 4th 1027, 1042 (2008) (emphasis in original).

<sup>19</sup> *Id.*



Howard responds that New Jersey's interest in preventing and identifying potential elder abuse is broad, amorphous, and could not have any specific interest in his potential abuse of Walter. Howard's argument simply ignores New Jersey's specific statutes on this point.

**d. Blended speech is protected.**

Finally, the speaker's conduct should focus on "the public interest rather than a mere effort to gather ammunition for another round of private controversy."<sup>20</sup> The Welts concede the website's speech blended in that it addressed both a public interest (elder abuse), but also a private controversy (Howard's qualifications and suitability to be Walter's conservator). However, the public interest in preventing elder abuse is inseparable from the Welts' interest in preventing potential elder abuse against Walter through a court appointed conservator. Howard cites no authority holding that speech is protected if it exclusively addresses some public interest.

**IV. Plaintiffs lack clear and convincing evidence that they can prevail.**

The Welts met their burden to demonstrate "by a preponderance of the evidence, that the claim is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern."<sup>21</sup> Consequently Howard now has the burden of proof to demonstrate "by clear and convincing evidence a probability of prevailing on the claim."<sup>22</sup> "[A] plaintiff opposing an anti-SLAPP motion cannot rely on allegations in the complaint, but must set forth evidence that would be admissible at trial."<sup>23</sup>

Plaintiffs concede Jenna Shapiro cannot meet this burden.<sup>24</sup> Howard asserts he can meet this burden only as to the defamation per se and civil conspiracy causes of action.<sup>25</sup> The other causes of action fail by his admission. The Welts' motion should be granted on at least these points.

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<sup>20</sup> *Shapiro*, 389 P.3d at 268

<sup>21</sup> NRS 41.660(3)(a).

<sup>22</sup> NRS 41.660(3)(b).

<sup>23</sup> *Overstock.com, Inc. v. Gradient Analytics, Inc.*, 151 Cal.App.4th 688, 699 (2007).

<sup>24</sup> Opposition at 10:2-3.

<sup>25</sup> *Id.* at 10:3-4.

1           **a. Howard’s defamation per se cause of action fails for multiple reasons.**

2           “A defamation claim requires demonstrating (1) a false and defamatory statement of fact  
3 by the defendant concerning the plaintiff; (2) an unprivileged publication to a third person; (3)  
4 fault, amounting to at least negligence; and (4) actual or presumed damages.”<sup>26</sup>

5                           **i. Howard lacks clear and convincing evidence of a false factual**  
6                           **statement.**

7           Howard’s first step to proving defamation requires clear and convincing evidence of “a  
8 false and defamatory statement of fact by the defendant concerning the plaintiff.”

9           [C]lear and convincing evidence must produce “satisfactory” proof that is so strong  
10 and cogent as to satisfy the mind and conscience of a common man, and so to  
11 convince him that he would venture to act upon that conviction in matters of the  
12 highest concern and importance to his own interest. It need not possess such a degree  
13 of force as to be irresistible, but there must be evidence of tangible facts from which a  
legitimate inference ... may be drawn. ... [T]he evidence must eliminate any serious  
or substantial doubt about the correctness of the conclusions to be drawn from the  
evidence.<sup>27</sup>

14           Howard attempts to meet his burden by listing 13 statements he believes were 1) on the  
15 website; 2) are factual; and 3) inaccurate.<sup>28</sup> He then declares “[t]hese statements are false, each  
16 and every one of them.”<sup>29</sup> However, he provides no evidence, let alone the required clear and  
17 convincing evidence, to support his conclusion. “[A] plaintiff opposing an anti-SLAPP motion  
18 cannot rely on allegations in the complaint, but must set forth evidence that would be admissible  
19 at trial.”<sup>30</sup> The result is Howard fails to establish the very first element of defamation, meaning he  
20 cannot overcome an anti-SLAPP motion to dismiss.

21                           **ii. The publication was privileged.**

22           If Howard could satisfy the first element of defamation, he must then demonstrate an  
23 unprivileged publication to a third person. Assuming without conceding that merely creating a  
24 website is a publication to a third person, was the website’s speech privileged?

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26 <sup>26</sup> *Pope v. Motel 6*, 121 Nev. 307, 315, 114 P.3d 277, 282 (2005).

27 <sup>27</sup> *In re Jane Tiffany Living Trust 2001*, 124 Nev. 74, 79, 177 P.3d 1060, 1063 (2008) (quotation  
omitted).

28 <sup>28</sup> Opposition at 10:19-11:3.

29 <sup>29</sup> *Id.* at 11:4.

30 <sup>30</sup> *Overstock.com*, 151 Cal.App.4th at 699.

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**1. The litigation privilege applied.**

The Welts assert the website was within the litigation privilege. *Shapiro II* reversed the prior order applying this privilege because it “remains unclear how any of the victims or potential witnesses that respondents’ website encouraged to appear in court actually have a relevant interest in the outcome of Howard’s appointment as his father’s conservator.”<sup>31</sup>

As discussed before, the website’s speech was blended in that it concerned both a public interest (elder abuse) and the ongoing controversy between the parties (Howard’s qualifications and suitability to be Walter’s conservator). Again, the Shapiros’ response acknowledges the website “is targeting, at best, a handful of people – people who witnessed alleged elder abuse committed by Howard upon Walter and others with personal knowledge of any other ‘ill deeds’”<sup>32</sup> This concession resolves the Supreme Court’s concern in *Shapiro II* as the relevant interest has been identified and conceded. Thus the litigation privilege applies to the website’s speech and Howard cannot demonstrate a probability of prevailing on his cause of action.

**2. Howard is a limited-purpose public figure who lacks clear and convincing evidence of actual malice.**

“A limited-purpose public figure is a person who voluntarily injects himself or is thrust into a particular public controversy or public concern, and thereby becomes a public figure for a limited range of issues. The test for determining whether someone is a limited public figure includes examining whether a person’s role in a matter of public concern is voluntary and prominent.”<sup>33</sup> “Whether a plaintiff is a limited-purpose public figure is a question of law....”<sup>34</sup>

Here, the Welts argue the matter of public concern is identifying and preventing elder abuse and, second, whether Howard was qualified and suitable to be Walter’s conservator. The two issues are inseparably intertwined. Howard’s role in the matter was voluntary in that he petitioned a New Jersey court to be appointed. His role in that issue of concern was also prominent in that the Welts believed Howard may have perpetrated elder abuse against Walter and

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<sup>31</sup> *Shapiro II* at 8.

<sup>32</sup> Opposition at 6:18-22.

<sup>33</sup> *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 720, 57 P.3d 82, 91 (2002)

<sup>34</sup> *Bongiovi v. Sullivan*, 122 Nev. 556, 572, 138 P.3d 433, 445 (2006).

1 could perpetrate further abuse if appointed as conservator. These factors combine to make  
2 Howard a limited-purpose public figure as to the potential elder abuse discussed on the Welts'  
3 website.

4 "Once the plaintiff is deemed a limited-purpose public figure, the plaintiff bears the burden  
5 of proving that the defamatory statement was made with actual malice, rather than mere  
6 negligence. This is to ensure that speech that involves matters of public concern enjoys  
7 appropriate constitutional protection."<sup>35</sup> Howard offers no evidence of actual malice to meet his  
8 burden opposing this motion. The Welts have provided the information upon which they relied.  
9 Howard offers nothing to demonstrate that the Welts knew that information was false or they  
10 recklessly disregarded whether that information was accurate.

11 **iii. Howard has not demonstrated fault at least amounting to negligence.**

12 If a false statement of fact was published to a third person, Howard must still demonstrate  
13 that publication was the result of fault at least amounting to negligence. The Welts have provided  
14 the bases upon which they relied for the factual statements on the website. Howard provides no  
15 clear and convincing evidence indicating the facts were mistakenly published or that it was  
16 negligent for the Welts to rely upon these sources. Howard fails this element of defamation too.

17 **iv. Howard has not demonstrated damages.**

18 The final required element for defamation is demonstrating damages. Howard's complaint  
19 alleges he was damaged, but opposing an anti-SLAPP motion requires admissible evidence.  
20 Howard presents no evidence indicating how, or even if, the website damaged him.

21 **1. Defamation per se doesn't apply.**

22 Nevada has recognized "[c]ertain classes of defamatory statements are, however,  
23 considered defamatory per se and actionable without proof of damages."<sup>36</sup> Those recognized thus  
24 far "are false statements made involving: (1) the imputation of a crime; (2) the imputation of  
25 having a loathsome disease; (3) imputing the person's lack of fitness for trade, business, or  
26 profession; and (4) imputing serious sexual misconduct."<sup>37</sup> Howard does not allege the loathsome

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27 <sup>35</sup> *Id.*

28 <sup>36</sup> *Pope*, 121 Nev. at 315, 114 P.3d at 282.

<sup>37</sup> *K-Mart Corp. v. Washington*, 109 Nev. 1180, 1192, 866 P.2d 274, 282 (1993).

1 disease and serious sexual misconduct classifications apply. He instead argues they “impute  
2 various and sundry crimes and impute dishonesty, or the lack of fitness for trade, business, or  
3 profession.”<sup>38</sup>

4 The fitness for trade, business, or profession except does not apply. The Welts’ website’s  
5 speech on whole is directed at whether Howard was qualified and suitable to be Walter’s  
6 conservator. Howard does not argue being a conservator is his trade, business, or profession.  
7 Even if the website could be read as imputing a crime at some point as opposed to boorish  
8 behavior, then Howard still needed to prove every other element of defamation with clear and  
9 convincing evidence. He didn’t.

10 **b. Howard doesn’t offer admissible evidence to demonstrate civil conspiracy**

11 Civil conspiracy is Howard’s only other cause of action. He does not dispute that civil  
12 conspiracy is derivative, meaning if his defamation cause of action fails the civil conspiracy cause  
13 of action also fails.

14 Under Nevada law, an actionable civil conspiracy “consists of a combination of two or  
15 more persons who, by some concerted action, intend to accomplish an unlawful objective for the  
16 purpose of harming another, and damages results from the act or acts.”<sup>39</sup> To prevail in a civil  
17 conspiracy action, a plaintiff must prove an explicit or tacit agreement between the tortfeasors.<sup>40</sup>

18 Howard specifically defines “unlawful objective.” “In other words, unlawful means  
19 criminal.”<sup>41</sup> Howard cites no New Jersey or Nevada law under which the Welts’ website would  
20 be criminal. Using his own definition, Howard cannot prove his civil conspiracy claim with clear  
21 and convincing evidence.

22 As to the remaining elements, Howard offers no clear and convincing evidence about  
23 them. He instead requests what amounts to NRCP 56(d) relief.<sup>42</sup> However, this is not a summary  
24 judgment motion per NRCP 56. It is a special motion to dismiss per NRS 41.660(1)(a). The

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26 <sup>38</sup> Opposition at 11:17-20.

27 <sup>39</sup> *Hilton Hotels Corp. v. Butch Lewis Prods.*, 109 Nev. 1043, 1048, 862 P.2d 1207, 1210 (1993).

28 <sup>40</sup> *GES, Inc. v. Corbitt*, 117 Nev. 265, 271-72, 21 P.3d 11, 15 (2001).

<sup>41</sup> Opposition at n.9.

<sup>42</sup> Opposition at 12:13-15. “[D]iscovery would have to be conducted in order to determine if any  
of the other Defendants in this matter acted in concert with Mr. Glen [sic] Welt.”

1 statute contains no equivalent to NRCp 56(d). Further, allowing discovery would defeat NRS  
2 41.660(1)(a)'s purpose. "The hallmark of a SLAPP lawsuit is that it is filed to obtain a financial  
3 advantage over one's adversary by increasing litigation costs until the adversary's case is  
4 weakened or abandoned."<sup>43</sup> Applied here, allowing Howard to proceed with discovery would  
5 subject the Welts to the exact type of harassment Nevada sought to eliminate by enacting its anti-  
6 SLAPP statutes.<sup>44</sup>

7 **V. Howard's complaint should be dismissed with prejudice.**

8 This case has a long history already. The Supreme Court used the first dismissal to  
9 develop Nevada law. It used the second to require further factual development. The factual  
10 development it wanted has been provided and, in some instances, Howard agrees to the operative  
11 facts. These facts indicate the speech on the Welts' website was protected, even if it was a blunt  
12 rather than finely tuned instrument. This means Howard had the burden, nearly five years after  
13 the complaint was filed, to provide clear and convincing evidence that he could prevail on his  
14 causes of action. The fact that he couldn't, for the third time, only cements the perception that the  
15 point of this lawsuit was to silence his critics. That goal is precisely what the Legislature sought  
16 to bar in creating the anti-SLAPP statutes and it means the Welts' motion should be granted.

17 DATED this 12<sup>th</sup> day of July, 2019.



20 BY: /s/ Michael P. Lowry

MICHAEL P. LOWRY

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Attorneys for Glenn Welt; Rhoda Welt; Lynn Welt;  
Michelle Welt

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27 <sup>43</sup> *John v. Douglas Cnty. Sch. Dist.*, 125 Nev. 746, 752, 219 P.3d 1276, 1280 (2009).

28 <sup>44</sup> Howard does not dispute the Welts request for fees and costs if this motion is granted. As before, the Welts anticipate separate briefing as to the exact amount of the fees and costs if the motion is granted.

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**Certificate of Service**

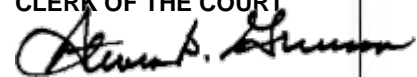
Pursuant to NRCP 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on July 12, 2019, I served **Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Reply re Motion to Dismiss re NRS 41.660** as follows:

- ☐ 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;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

Alex B. Ghibaudo G Law 7720 Cimarron Rd., Suite 110B Las Vegas, NV 89113 Tel: 702.778.1238/Fax: 702.924.6553 E-mail: <a href="mailto:alex@alexglaw.com">alex@alexglaw.com</a> Attorneys for Howard Shapiro and Jenna Shapiro	
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BY: /s/ Naomi E. Sudranski  
An Employee of





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Attorneys for Glenn Welt; Rhoda Welt; Lynn Welt;  
Michelle Welt

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

Howard Shaprio and Jenna Shapiro,  
  
Plaintiffs,

Case No.: A-14-706566-C  
Dept. No.: 27

vs.

**NOTICE OF ENTRY OF ORDER**

Glenn Welt, Rhoda Welt, Lynn Welt, Michelle Welt,  
individuals; Checksnet.com, a corporation; Does I  
through X, and Roe Corporations I through X,  
inclusive,

Defendants.

PLEASE TAKE NOTICE that an Order re Glenn Welt, Rhoda Welt, Lynn Welt & Michelle Welt's 1) Motion to Dismiss re NRS 41.660, & 2) Motion to Dismiss Certain Causes of Action was entered by the Court on August 7, 2019. A true and correct copy is attached hereto as Exhibit A.

DATED this 8<sup>th</sup> day of August, 2019.



BY: /s/ Michael P. Lowry

MICHAEL P. LOWRY  
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**Certificate of Service**

Pursuant to NRCp 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on August 8, 2019, I served **Notice of Entry of Order** as follows:

- ☐ 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;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

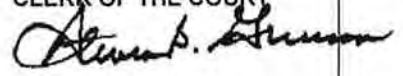
Alex B. Ghibaudo G Law 7720 Cimarron Rd., Suite 110B Las Vegas, NV 89113 Tel: 702.778.1238/Fax: 702.924.6553 E-mail: <a href="mailto:alex@alexglaw.com">alex@alexglaw.com</a> Attorneys for Howard Shapiro and Jenna Shapiro	
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BY: /s/ Cynthia Kelley  
An Employee of



# EXHIBIT A

# EXHIBIT A



MICHAEL P. LOWRY, ESQ.  
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Attorneys for Glenn Welt; Rhoda Welt; Lynn Welt;  
Michelle Welt

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

Howard Shapiro and Jenna Shapiro,  
Plaintiffs,

vs.

Glenn Welt, Rhoda Welt, Lynn Welt, Michelle Welt,  
individuals; Checksnet.com, a corporation; Does I  
through X, and Roe Corporations I through X,  
inclusive,

Defendants.

Case No.: A-14-706566-C  
Dept. No.: 27

**Order re Glenn Welt, Rhoda Welt,  
Lynn Welt & Michelle Welt's 1)  
Motion to Dismiss re NRS 41.660, & 2)  
Motion to Dismiss Certain Causes of  
Action**

On May 2, 2019 Glenn Welt, Rhoda Welt, Lynn Welt & Michelle Welt (collectively "the Welts") filed two motions. The first sought global dismissal per NRS 41.660. The second sought dismissal of certain causes of action and all claims filed by Jenna Shapiro. Howard Shapiro and Jenna Shapiro ("the Shapiros") opposed on July 9, 2019. The Welts replied on July 12, 2019. The Shapiros filed an additional exhibit on July 16, 2019. The motions were heard on July 17, 2019. Alex Ghibaudo appeared at the hearing for the Shapiros, Michael Lowry appeared for the Welts.

At the hearing, the Welts first orally moved to strike the additional exhibit the Shapiros filed on July 16 at 4:38 p.m. The Welts argued this motion had been pending for two months and this supplemental exhibit at the close of business the day before the hearing was improper. The Shapiros responded the exhibit merely discussed the facts Howard Shapiro believed were stated about him and are false. The court agrees with the Welts and orders the exhibit struck. The exhibit was not considered in ruling upon the motions.

1 Second, the Shapiros' opposition conceded Jenna Shapiro cannot meet her burden of proof  
2 as to NRS 41.660.<sup>1</sup> Howard Shapiro conceded he could not meet the burden as to four of the six  
3 causes of action alleged in the complaint. Those that he did argue are the defamation per se and  
4 civil conspiracy causes of action.<sup>2</sup> This was confirmed in open court on July 17. The Welts'  
5 motion to dismiss as to Jenna Shapiro is granted. It is also granted as to all causes of action except  
6 defamation per se and civil conspiracy.

7 **I. Motion to Dismiss per NRS 41.660**

8 The Welts argue NRS 41.637(3) and (4) protect the speech on their website. They move to  
9 dismiss per NRS 41.660(1)(a). This action was filed in 2014. At that time, when resolving this  
10 motion the district court shall "[c]onsider such evidence, written or oral, by witnesses or  
11 affidavits, as may be material in making a determination pursuant to paragraphs (a) and (b)."<sup>3</sup> The  
12 district court must first "[d]etermine whether the moving party has established, by a  
13 preponderance of the evidence, that the claim is based upon a good faith communication in  
14 furtherance of the right to petition or the right to free speech in direct connection with an issue of  
15 public concern."<sup>4</sup> If the moving party meets its burden, the district court then determines  
16 "whether the plaintiff has established by clear and convincing evidence a probability of prevailing  
17 on the claim."<sup>5</sup>

18 **a. NRS 41.637(3) does not apply.**

19 NRS 41.637(3) protects a "[w]ritten or oral statement made in direct connection with an  
20 issue under consideration by a ... judicial body."<sup>6</sup> To qualify for NRS 41.637(3)'s protection, the  
21 communication at issue must "(1) relate to the substantive issues in the litigation and (2) be  
22 directed to persons having some interest in the litigation."<sup>7</sup> The statute's purpose is "protecting  
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25 <sup>1</sup> Opposition at 10:2-3.

26 <sup>2</sup> *Id.* at 10:3-4.

27 <sup>3</sup> NRS 41.660(3)(d).

28 <sup>4</sup> NRS 41.660(3)(a).

<sup>5</sup> NRS 41.660(3)(b).

<sup>6</sup> NRS 41.637(3).

<sup>7</sup> *Patin v. Ton Vinh Lee*, 134 Nev. Adv. Op. 87, 429 P.3d 1248, 1249 (2018).

1 the right of litigants to the utmost freedom of access to the courts without the fear of being  
2 harassed subsequently by derivative tort actions.”<sup>8</sup>

3 The court twice previously concluded this statute applied. But the Supreme Court reversed  
4 in *Shapiro II* for further factual development. “Although [the Welts] directed their speech on the  
5 website to unidentified victims and potential witnesses, it is unclear how these persons have an  
6 interest in the conservatorship proceeding.”<sup>9</sup> The Welts’ motion provides further factual  
7 information. The Shapiros states the website “is targeting, at best, a handful of people – people  
8 who witnessed alleged elder abuse committed by Howard upon Walter and others with personal  
9 knowledge of any other ‘ill deeds.’”<sup>10</sup>

10 The parties do not dispute that the Welts’ website constitutes a written statement. The  
11 parties agree that when the website was published, there was a conservatorship proceeding  
12 pending before a New Jersey court where Howard Shapiro sought appointment as Walter  
13 Shapiro’s conservator. The question remaining is whether the website’s speech was “made in  
14 direct connection with an issue under consideration” in that proceeding.

15 The Shapiros argue the website’s speech did not relate to the substantive issues in the  
16 litigation, nor was it be directed to persons having some interest in the litigation.”<sup>11</sup> The court  
17 agrees. The issue before the New Jersey court was whether Howard Shapiro was qualified and  
18 suitable to be Walter’s conservator. It did not concern whether Howard may have previously  
19 abused Walter, or whether he may do so in the future. Further, as the Shapiros argue, the people  
20 targeted by the website’s speech did not have a legal interest in the conservatorship’s outcome.  
21 Stated another way, NRS 41.637(3) protects statements only to those with a legal interest in the  
22 litigation’s outcome. The Shapiros’ analogy to the litigation privilege is appropriate in that NRS  
23 41.637(3)’s protection does not extend to statements made to someone who is not 1) a party to the  
24 lawsuit, or 2) inextricably intertwined with the lawsuit.

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27 <sup>8</sup> *Id.* at 1252.

28 <sup>9</sup> *Shapiro II* at 7.

<sup>10</sup> Opposition at 6:18-22.

<sup>11</sup> *Patin*, 429 P.3d at 1249.

1 As the website did not relate to the substantive issues in the New Jersey conservatorship,  
2 nor was it directed to persons with a legal interest in the conservatorship's outcome, NRS  
3 41.637(3)'s protection does not apply to the Welts' website.

4 **b. NRS 41.637(4) does not apply.**

5 NRS 41.637(4) protects any "[c]ommunication made in direct connection with an issue of  
6 public interest in a place open to the public or in a public forum,"<sup>12</sup> but only if that communication  
7 "is truthful or is made without knowledge of its falsehood."<sup>13</sup> Prior orders in this case determined  
8 the Welts' website constituted 1) a communication; 2) made in a place open to the public or in a  
9 public forum; and 3) the communication was in direct connection with a given issue. The  
10 question now is whether that issue is one of public interest.

11 Nevada uses five guiding principles for distinguishing a public interest from a private one.

- 12 (1) "public interest" does not equate with mere curiosity;  
13 (2) a matter of public interest should be something of concern to a substantial number  
14 of people; a matter of concern to a speaker and a relatively small specific audience is  
15 not a matter of public interest;  
16 (3) there should be some degree of closeness between the challenged statements and  
17 the asserted public interest—the assertion of a broad and amorphous public interest is  
18 not sufficient;  
19 (4) the focus of the speaker's conduct should be the public interest rather than a mere  
20 effort to gather ammunition for another round of private controversy; and  
21 (5) a person cannot turn otherwise private information into a matter of public interest  
22 simply by communicating it to a large number of people.<sup>14</sup>

23 The Welts argue whether Howard had previously committed elder abuse against Walter was  
24 a matter of public interest in the context of the conservatorship proceeding. They note that  
25 blended speech, addressing both a public interest but also a private concern, should be protected.  
26 But the Shapiros correctly note the website's stated purpose was to locate witnesses willing to  
27 testify that Howard Shapiro is unfit to be a conservator, not to alert the public to elder abuse. Mr.  
28 Welt's affidavit makes abundantly clear the website's purpose was to recruit witnesses to be  
utilized in the ongoing conservatorship litigation in New Jersey, which was a private controversy.

Further, the Shapiros also correctly note there must be some degree of closeness between  
the challenged statements and the asserted public interest; an assertion of a broad and amorphous

<sup>12</sup> NRS 41.637(4).

<sup>13</sup> NRS 41.637.

<sup>14</sup> *Shapiro v. Welt*, 133 Nev. Adv. Op. 6, 389 P.3d 262, 268 (2017) (quotation omitted).

1 public interest is not sufficient. The Welts' concern about potential elder abuse is broad,  
2 amorphous, and does not qualify for NRS 41.637(4)'s protection.

3 **c. Even if NRS 41.637(3) or (4) applied, Howard presented clear and convincing**  
4 **evidence of a probability of prevailing on his two remaining claims.**

5 The Welts did not meet their burden to demonstrate "by a preponderance of the evidence,  
6 that the claim is based upon a good faith communication in furtherance of the right to petition or  
7 the right to free speech in direct connection with an issue of public concern."<sup>15</sup> If they had, the  
8 district court would then need to determine "whether the plaintiff has established by clear and  
9 convincing evidence a probability of prevailing on the claim."<sup>16</sup> "[A] plaintiff opposing an anti-  
10 SLAPP motion cannot rely on allegations in the complaint, but must set forth evidence that would  
11 be admissible at trial."<sup>17</sup>

12 The Welts first argue the website's speech was protected by the litigation privilege.  
13 However, that privilege does not apply because the protection extends to only statements made to  
14 someone who is not 1) a party to the lawsuit, or 2) inextricably intertwined with the lawsuit. As  
15 previously discussed, that is not whom the Welts' website targeted.

16 The Welts then argue the website's speech was protected because by applying for court  
17 appointment as a conservator, Howard made himself a limited purpose public figure. "A limited-  
18 purpose public figure is a person who voluntarily injects himself or is thrust into a particular  
19 public controversy or public concern, and thereby becomes a public figure for a limited range of  
20 issues. The test for determining whether someone is a limited public figure includes examining  
21 whether a person's role in a matter of public concern is voluntary and prominent."<sup>18</sup> But the  
22 controversy or concern at issue here was whether Howard was qualified or suitable to be Walter's  
23 conservator. That was a private controversy or concern, not a public one. Consequently, Howard  
24 was not a limited purpose public figure.

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27 <sup>15</sup> NRS 41.660(3)(a).

28 <sup>16</sup> NRS 41.660(3)(b).

<sup>17</sup> *Overstock.com, Inc. v. Gradient Analytics, Inc.*, 151 Cal.App.4th 688, 699 (2007).

<sup>18</sup> *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 720, 57 P.3d 82, 91 (2002).

1                                    **i. There is clear and convincing evidence of defamation.**

2            Howard's two remaining causes of action are for 1) defamation; and 2) civil conspiracy.  
3            "A defamation claim requires demonstrating (1) a false and defamatory statement of fact by the  
4            defendant concerning the plaintiff; (2) an unprivileged publication to a third person; (3) fault,  
5            amounting to at least negligence; and (4) actual or presumed damages."<sup>19</sup> As to the first element,  
6            although "a plaintiff opposing an anti-SLAPP motion cannot rely on allegations in the complaint,  
7            but must set forth evidence that would be admissible at trial,"<sup>20</sup> here Howard has provided his own  
8            denial of the facts stated about him on the Welts' website. This is sufficiently clear and  
9            convincing evidence for the first element of defamation. The second element is met because it is  
10           undisputed the statements were published on a website and this court has already concluded they  
11           were not privileged.

12           The third element is also met. In *Coker v. Sassone* a district court denied a motion to  
13           dismiss per NRS 41.660(3). The defendant appealed, but the denial was affirmed because "Coker  
14           failed to demonstrate that his conduct was 'truthful or made without knowledge of its falsehood.'  
15           We agree, and further conclude that Coker failed to sufficiently prove that his communication was  
16           made in direct connection with an issue of public interest."<sup>21</sup> Similarly here, the Welts did not  
17           meet their preponderance of the evidence burden. Even had they, there is clear and convincing  
18           evidence of fault, amounting to at least negligence.

19           Finally, Howard is not required to present clear and convincing evidence of actual or  
20           presumed damages because he relies upon the damages exception provided for statements that are  
21           defamatory per se. Nevada has recognized "[c]ertain classes of defamatory statements are,  
22           however, considered defamatory per se and actionable without proof of damages."<sup>22</sup> Howard  
23           relies upon two specific exceptions: (1) the imputation of a crime; and (2) imputing the person's  
24           lack of fitness for trade, business, or profession.<sup>23</sup> The statements on the website could certainly  
25

26           <sup>19</sup> *Pope v. Motel 6*, 121 Nev. 307, 315, 114 P.3d 277, 282 (2005).

27           <sup>20</sup> *Overstock.com*, 151 Cal.App.4th at 699.

28           <sup>21</sup> 135 Nev. Adv. Op. 2, 432 P.3d 746, 750 (2019).

<sup>22</sup> *Pope*, 121 Nev. at 315, 114 P.3d at 282.

<sup>23</sup> *K-Mart Corp. v. Washington*, 109 Nev. 1180, 1192, 866 P.2d 274, 282 (1993).



1 be construed as being within these two exceptions, which is sufficient to demonstrate a probability  
2 of prevailing on the claim.



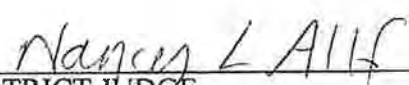
3 **ii. There is clear and convincing evidence of civil conspiracy.**

4 An actionable civil conspiracy “consists of a combination of two or more persons who, by  
5 some concerted action, intend to accomplish an unlawful objective for the purpose of harming  
6 another, and damages results from the act or acts.”<sup>24</sup> To prevail in a civil conspiracy action, a  
7 plaintiff must prove an explicit or tacit agreement between the tortfeasors.<sup>25</sup> The Shapiros  
8 correctly define “unlawful objective” to mean criminal conduct. The conduct alleged in this  
9 matter is sufficient to infer the Welts intended to accomplish criminal conduct.

10 Howard also requested an opportunity to conduct discovery to allow him to present further  
11 evidence on this point. However, this request is denied as moot given the ruling on this topic.

12 **II. Motion to Dismiss Certain Causes of Action**

13 This motion is granted in part as to Jenna Shapiro and all causes of action except  
14 defamation and civil conspiracy, as previously described. The Welts are to file an answer no later  
15 than August 9, 2019.

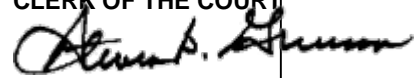
<p>17 ALEX B. GHIBAUDO, P.C.</p> <p>18 BY: <i>Approval requested but not received.</i></p> <p>19 ALEX GHIBAUDO</p> <p>20 Nevada Bar No. 10592</p> <p>21 703 S. 8<sup>th</sup> St.</p> <p>22 Las Vegas, NV 89101</p> <p>23 Attorneys for Howard Shapiro; Jenna</p> <p>24 Shapiro</p>	<p>17  WILSON ELSER</p> <p>18 BY:  #13929</p> <p>19 MICHAEL P. LOWRY</p> <p>20 Nevada Bar No. 10666</p> <p>21 300 South 4<sup>th</sup> Street, 11<sup>th</sup> Floor</p> <p>22 Las Vegas, NV 89101-6014</p> <p>23 Attorneys for Glenn Welt; Rhoda Welt;</p> <p>24 Lynn Welt; Michelle Welt</p>
	<p>22 It is so ordered.</p> <p>23</p> <p>24 </p> <p>25 DISTRICT JUDGE</p>

26

27

28 <sup>24</sup> *Hilton Hotels Corp. v. Butch Lewis Prods.*, 109 Nev. 1043, 1048, 862 P.2d 1207, 1210 (1993).

<sup>25</sup> *GES, Inc. v. Corbitt*, 117 Nev. 265, 271-72, 21 P.3d 11, 15 (2001).



TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

HOWARD SHAPIRO,  
Plaintiff(s),

vs.

GLEN WELT,  
Defendant(s).

Case No. A-14-706566-C  
DEPT. XXVII

BEFORE THE HONORABLE NANCY ALLF, DISTRICT COURT JUDGE

WEDNESDAY, JULY 17, 2019

***TRANSCRIPT OF PROCEEDINGS RE:***  
**ALL PENDING MOTIONS TO DISMISS**

APPEARANCES:

For the Plaintiff(s): ALEX GHIBAUDO, ESQ.

For the Defendant(s): MICHAEL P. LOWRY, ESQ.

RECORDED BY: BRYNN WHITE, COURT RECORDER

1                   **LAS VEGAS, NEVADA, WEDNESDAY, JULY 17, 2019**

2                   [Proceeding commenced at 10:46 a.m.]

3  
4                   THE COURT: Appearances, please. Left to your -- my --  
5 your right to left.

6                   MR. GHIBAUDO: Good morning, Your Honor. Alex  
7 Ghibaudo for the Shapiros.

8                   MR. LOWRY: Michael Lowry on behalf of the Welts.

9                   THE COURT: Thank you.

10                  I've reviewed everything and I thank you for your  
11 professional courtesy in making that donation, Mr. Ghibaudo.

12                  MR. GHIBAUDO: And I appreciate you allowing the  
13 continuance, Your Honor.

14                  THE COURT: Good enough.

15                  So we have the defendant's Motion to Dismiss?

16                  MR. LOWRY: Yes. We also have another issue. The  
17 plaintiff, last night at 4:38, filed a supplementary exhibit. At this  
18 point --

19                  THE COURT: 4:38?

20                  MR. GHIBAUDO: It's just an affidavit for my client,  
21 denying the allegations.

22                  MR. LOWRY: And my clients are going to move to strike  
23 that orally here in court. This is getting ridiculous. The motion was  
24 filed two months ago. The opposition was filed hours before the  
25 last hearing. Now I'm getting a supplemental affidavit from

1 Mr. Shapiro less than 12 hours or so before the hearing. I prefer to  
2 have that struck from the record. And we can proceed on the  
3 pleadings that are -- or the briefing that's already been submitted.

4 MR. GHIBAUDO: It's a one-page --

5 THE COURT: And your response, please.

6 MR. GHIBAUDO: It's a one-page document, Your Honor,  
7 that confirms what was said in the body of the motion. It's no  
8 surprise to anybody that my client denies all the allegations that  
9 were made in the website. I -- it's up to the Court what it wants to  
10 do with it.

11 THE COURT: Your response -- your reply, please.

12 MR. LOWRY: The affidavit -- well, this file has been  
13 ongoing for five years. I have no idea why it is Mr. Shapiro was  
14 unable to provide an affidavit that he wanted to attach to his motion  
15 until after -- looks like -- well, until July 9 is when it's dated. I  
16 don't -- the signature is not dated, the notary stamp is not dated. I  
17 have no idea why it wasn't filed until last night at 4:38. If it was that  
18 important to them, perhaps they should have attached that to the  
19 opposition.

20 So again, we move to strike it.

21 THE COURT: The oral Motion to Strike will be granted  
22 and the exhibits filed on or about July 16, 2019, will be stricken  
23 from the record. I have not read it, I just looked at it. It contains  
24 nothing new.

25 MR. GHIBAUDO: That's right, Your Honor.

1 MR. LOWRY: Thank you, Your Honor.

2 THE COURT: So let's argue the Motion to Dismiss.

3 MR. LOWRY: As to the Motion to Dismiss, we've been  
4 here a few times, and I know that the Court has already reviewed  
5 things. And rather than sitting here and going through a laundry  
6 list of the items about why the motion should be granted, I would  
7 rather focus the argument upon any questions that you may have  
8 or have highlighted in your review. It seems like a better use of our  
9 time and everyone in this courtroom.

10 THE COURT: I didn't really have any questions.

11 MR. LOWRY: Okay.

12 THE COURT: So if you'll --

13 MR. LOWRY: So I will just hit the highlights, then.

14 Based upon the briefing, it really comes down -- as far as  
15 NRS 41.6373, that's the statement concerning an issue before a  
16 judicial body. The question really is whether the -- what the  
17 Shapiros categorize as comments on the website targeting, at best,  
18 the handful of people, people who witnessed the alleged elder  
19 abuse committed by Howard upon Walter, whether that qualifies.  
20 It's a very -- at this point, it becomes a very narrow question of law,  
21 as best I can tell. So that's, again, up to you.

22 And based upon what the Supreme Court has told us  
23 twice now, I believe this addresses the factual questions that it had  
24 on that second ruling about why the people that were targeted for  
25 the speech would qualify within the statute. So that factual

1 development is now there.

2           The plaintiff -- I'm sorry, the Shapiros respond that, well,  
3 the people should have to have some legal interest in the litigation,  
4 but we don't have a statute requiring that. There's a difference  
5 between having some interest in the litigation and having legal  
6 standing. And it appears the Shapiros want to interpret the statute  
7 as requiring that legal standing to be protected under the statute.  
8 But that conflicts with the case law that we've discussed in prior  
9 motions, that the Supreme Court has discussed in other cases on  
10 this statute. So it can't be that narrow, but it does have to have  
11 some relation.

12           And so we've tried to strike that balance with the factual  
13 development about who these people necessarily were.

14           As far as the public interest, I can see that's a little bit  
15 more difficult to discuss. But it really comes down to, at the end, is  
16 blended speech going to be protected?

17           It's -- if the Shapiros' argument is that it must be either  
18 public interest or private interest, it cannot be both, then it becomes  
19 very difficult for us to identify what is a public interest.

20           If we're talking about abstract public interest, pure  
21 abstract public interest, then the person making the speech cannot  
22 have any private interest in it at all. And I was trying to come up  
23 with an example of one where someone would have a public  
24 interest that they're advocating in which they have no investment  
25 whatsoever. And I couldn't, because why would you be talking

1 about an issue in public that doesn't somehow affect you? Doesn't  
2 somehow relate back to an issue that you have in your personal life.

3 So they have this blended speech; it does address an  
4 issue of public interest, as evidenced by the New Jersey statutes;  
5 and does it relate to a private matter as well? Yes. But we don't  
6 have anything saying it must be pure public interest speech, that it  
7 cannot be both.

8 At that point, that's really it, other than the conversation  
9 about the defamation and whether they can prove that or not. But  
10 that's kind of second.

11 I know that the Shapiros have conceded that Jenna  
12 Shapiro has no causes of action at this point, and that the -- four of  
13 the six causes of action will not be pursued, so I'm not going to  
14 address those with you or waste time.

15 THE COURT: Thank you.

16 And the opposition, please?

17 MR. GHIBAUDO: Thank you, Your Honor.

18 I do want to highlight some points. And because of my  
19 side, I'm going to be standing here so I'm closer to my documents.

20 So there's two things here. The defendants are asserting  
21 a defense that first these statements were made during the course  
22 of judicial proceedings. I think that's subsection 3 of the statute, and  
23 that the statements are a matter of public interest. And for those  
24 reasons, they're protected speech. So the opposition addresses  
25 both those points.

1           The first point, the public interest point, this is the same  
2 argument that was made before, different species of the same  
3 argument. Initially, the claim was that the public has an interest in  
4 the operation of the courts. That's a broad and amorphous public  
5 interest that the Supreme Court rejected in the first instance. This is  
6 the same kind of argument.

7           Now the argument is the public has an interest in  
8 generally in elder abuse. Again, that's bottom and amorphous. It's  
9 not difficult to figure out what's in the public interest. The Shapiro  
10 case outlines and sets forth guiding principles to determine what is  
11 in the public interest and what is not.

12           So the first public interest does not equate with mere  
13 curiosity. What they're alleging here is that if the public is curious,  
14 if they have an interest, it's enough. That's not what Shapiro says.  
15 A mere curiosity or an interest in some issue doesn't equate to a  
16 public interest.

17           A matter of public interest should be something of  
18 concern to a substantial number of people. Second clause of that is  
19 a matter of interest, of concern to a speaker, and a relatively small,  
20 specific audience is not a matter of public interest.

21           That is exactly what this is. In their motion, they attach an  
22 affidavit for Mr. Welt. And Mr. Welt states specifically that:

23           I created a website with key words to specifically target  
24 people with knowledge of Walter Shapiro, such as neighbors,  
25 friends, or medical assistants, who witnessed elder abuse. I



1 also, to attract anyone with knowledge of Howard Shapiro's  
2 prior LDs.

3 That is, by definition, a small, specific audience, which the  
4 Supreme Court in this case -- and one of the two times that we've  
5 been up to the Supreme Court -- said is not a matter of public  
6 interest.

7 So what they are alleging now, specifically, what Mr. Welt  
8 is saying was a purpose of this website, is not a matter of public  
9 interest. In fact, what it is, is a mere effort to gather ammunition for  
10 another round of private controversy, which subsection 4 of the  
11 guiding principles again says it's not a matter of public interest.  
12 That's what we have here.

13 So this controversy, this -- these -- because also keep in  
14 mind, the Supreme Court said the -- what the Welts have to show is  
15 how the public is interested in these -- in this conservatorship  
16 proceedings. They haven't demonstrated that yet. They're saying  
17 the elder abuse before was the operation of the courts, broad and  
18 amorphous. It's not enough.

19 With respect to the second issue, which is the litigation.  
20 This subsection 3, basically, what it says is that if there are judicial  
21 proceedings, statements made during the course of judicial  
22 proceedings are protected. Now, that, essentially, is a litigation  
23 privilege.

24 What the Nevada Supreme Court has stated in this case  
25 and in previous cases is that those that you are targeting, your

1 audience, has to have an interest in the outcome of the litigation.

2 And it's, specifically, in the case of *Jacobson v. Adelson*, the  
3 Supreme Court defines that, in this context the media, it says:

4 When the media are not a party to the lawsuit or are  
5 inextricably intertwined with the lawsuit, they don't have an  
6 interest in the litigation.

7 None of the people that Mr. Welt identified as having -- as  
8 specifically being his targets are either inextricably intertwined with  
9 the litigation, nor do they have what it says here, or are a party to  
10 the lawsuit. There's just nothing there.

11 It's instructed to note the cases that they cite in the reply.  
12 One is an HOA case and one is a case where corporations were  
13 suing each other. In the HOA case, a letter was sent out to  
14 members of the HOA. Arguably, they have an interest in the  
15 outcome of the litigation, because what happens to the HOA is  
16 going to arguably affect them somehow in terms of how the rules  
17 in the HOA change or whether their fees are increased or whatever.

18 With respect to the corporation, this feud between the  
19 corporations, the customers had an interest, because they would be  
20 affected by the outcome of that litigation in some way. You don't  
21 have to necessarily have an interest in the litigation, but it has to  
22 affect you in some way.

23 These people that he was targeting, witnesses, neighbors,  
24 no interest whatsoever. Zero. So the litigation privilege at  
25 subsection 3 doesn't apply.

1           Now, with respect to whether the burden shifts to Mr. --  
2 that the Shapiros demonstrate that they have a clear and  
3 convincing -- or they can show a clear and convincing evidence to  
4 prevail. On this defamation claim, this is about as egregious a set  
5 of statements that were made as you can find in any defamation  
6 case.

7           They're alleging elder abuse, theft of the father, beating  
8 him up. It's outlined right there. It's all stated explicitly stating that  
9 this -- that my client is an egregious -- has committed egregious  
10 acts that are felonious, that are in the nature of fraud and theft, that  
11 imputes his ability -- or his ability to carry on a business, and it  
12 imputes felonious conduct. That's defamation.

13           Now, is it true? My client says no. Obviously, he's going  
14 to say no. What else do you have that would suggest that it's not  
15 true? Well, since then, Your Honor, in actuality, my client is now  
16 guardianship over his father. He has guardianship over him. If  
17 those things were true, that would have never have happened.

18           Now, if the Court needs more -- if I have to prove now by  
19 clear and convincing evidence we could prevail, we need to go  
20 through discovery. And the statute provides an opportunity to do  
21 that. And so if the Court is inclined to say that this was a good-faith  
22 communication made and furthers the right to speech, yadda,  
23 yadda, then give me the opportunity to conduct some discovery to  
24 show that we have enough to prove by clear and convincing  
25 evidence, could prevail on defamation claim.

1                   That's all I have, Your Honor.

2                   THE COURT: So you did concede that some of the causes  
3 of action could be dismissed?

4                   MR. GHIBAUDO: Yeah, there was extortion, some of  
5 those other causes of action, I --

6                   THE COURT: Civil conspiracy?

7                   MR. GHIBAUDO: They're not causes of action in -- the  
8 only one that survives defamation per se in civil conspiracy.

9                   THE COURT: Not the defamation?

10                  MR. GHIBAUDO: Well, defamation, yeah. Defamation per  
11 se.

12                  THE COURT: And defamation per se?

13                  MR. GHIBAUDO: Right. Those two. Defamation,  
14 defamation per se, civil conspiracy.

15                  THE COURT: Thank you.

16                  And the reply, please.

17                  MR. LOWRY: What the argument is -- you're hearing is an  
18 attempt to blend various parts of the law that applies to the various  
19 parts of this case into one argument.

20                  The comments about an issue before -- under  
21 consideration for judicial bodies under subsection 3, the litigation  
22 privilege does not factor in to subsection 3. What it factors into is  
23 the later conversation about whether the Shapiros, whether  
24 Howard, at this point, is able to meet his burden of proof with clear  
25 and convincing evidence.

1           So they're discreet. You can -- the Welts can satisfy their  
2 burden to qualify for relief under subsection 3 without the litigation  
3 privilege. The litigation privilege, again, just is a subset of one of  
4 the arguments about the defamation claim and whether that can  
5 apply.

6           Other than that, you've heard this case several times  
7 before. Unless you have some specific questions, we can submit.

8           THE COURT: I don't.

9           The motion will be granted in part for those causes of  
10 action the plaintiff does not intend to pursue.

11           The Motion to Dismiss will be granted. Jenna will be  
12 dismissed.

13           I consider that punitive damages request is a remedy.  
14 And so the motion will be granted in part, denied in the balance.  
15 And the answer will be due on or about August 9, 2019.

16           Mr. Lowry, since you are successful in obtaining a partial  
17 dismissal, you'll prepare the order.

18           Mr. Ghibaud, you wish to sign off on the form that  
19 order?

20           MR. GHIBAUDO: Yes, Your Honor.

21           THE COURT: Present an order that's agreed as to form.  
22 Is there a question?

23           MR. LOWRY: I have an administrative question about the  
24 order. The statute does create an immediate right of appeal on one  
25 of these motions when they're denied. And we've been up before

1 on -- and the Supreme Court has asked --

2 THE COURT: I take no offense.

3 MR. LOWRY: I'm sorry?

4 THE COURT: I take no offense.

5 MR. LOWRY: No, no, no. No, and I understand the  
6 motions denied. What I'm asking is --

7 MR. GHIBAUDO: Been there before.

8 MR. LOWRY: -- I think they're going to ask us for  
9 clarification as to why it's not -- because right now I'm not sure  
10 what argument I'm going to make. So --

11 THE COURT: I have adopted all of the arguments of the  
12 opposition.

13 MR. LOWRY: That's what I needed.

14 MR. GHIBAUDO: I can prepare the order, if you want,  
15 Your Honor.

16 MR. LOWRY: No, with that clarification, I can make it  
17 work.

18 THE COURT: Let's agree as other form. Technically, he --  
19 one, since part of the motion is granted. And so, present -- if you  
20 have any problems in formulating the order, let me know --

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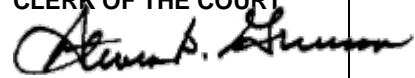
MR. LOWRY: Understood.  
THE COURT: -- either by different versions.  
MR. LOWRY: All right. Thank you, Judge.  
THE COURT: Thank you both.  
MR. GHIBAUDO: Thank you, Your Honor.

[Proceeding concluded at 11:02 a.m.]

///

ATTEST: I do hereby certify that I have truly and correctly  
transcribed the audio/video proceedings in the above-entitled case  
to the best of my ability.

  
Shawna Ortega, CET\*562



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Michelle Welt

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

HOWARD SHAPIRO and JENNA SHAPIRO, Case A-14-706566-C  
Dept. 27

Plaintiffs,

vs.

**Glenn Welt, Rhoda Welt, Lynn Welt &  
Michele Welt's Motion for Fees, Costs, and  
Discretionary Relief**

GLEN WELT, RHODA WELT, LYNN WELT,  
MICHELLE WELT, individuals;  
CHECKSNET.COM, a corporation; DOES I  
through X, and ROE CORPORATIONS I  
through X, inclusive,

Hearing Requested

Defendants.

If an anti-SLAPP special motion to dismiss is granted, the court "shall award reasonable costs and attorney's fees to the person against whom the action was brought..."<sup>1</sup> The Welts' filed such a motion to dismiss. Jenna Shapiro did not oppose it. Howard Shapiro did not oppose it as to four of his six causes of action. The motion was granted on those points and denied as to the remainder. The Welts now request attorneys' fees on those parts that were granted.

The Welts also request a discretionary award against both Jenna and Howard. They did not oppose the motion to dismiss on areas noted above. The Welts spent nearly five years litigating those points, advancing the same position consistently throughout. The Shapiros spent almost five years pursuing claims they couldn't support. That is exactly the type of conduct NRS 41.660 is intended to deter.

///

<sup>1</sup> NRS 41.660(1)(a).



1 DATED this 15<sup>th</sup> day of August, 2019.



3  
4 BY: /s/ Michael P. Lowry  
5 MICHAEL P. LOWRY  
6 Nevada Bar No. 10666  
7 300 South 4<sup>th</sup> Street, 11<sup>th</sup> Floor  
8 Las Vegas, NV 89101-6014  
9 Tel: 702.727.1400/Fax: 702.727.1401  
10 Attorneys for Glenn Welt; Rhoda Welt; Lynn Welt;  
11 Michelle Welt

12 **DECLARATION OF MICHAEL LOWRY**

13 Exhibits 1-5 are billing and cost records concerning this lawsuit. The statements were  
14 prepared at my direction, I have reviewed them, and they accurately reflect all fees and costs the  
15 Welts have incurred through this motion. These fees reflect a reasonable charge for the services  
16 provided and were necessarily incurred. The statements have been partially redacted to protect  
17 attorney-client and attorney work product privileges.

18 I declare under penalty of perjury that the foregoing is true and correct, per NRS  
19 53.045(1).

20 DATED this 15<sup>th</sup> day of August, 2019.

21 /s/ Michael P. Lowry  
22 MICHAEL P. LOWRY, ESQ.  
23  
24  
25  
26  
27  
28

1 **Memorandum of Points & Authorities**

2 **I. NRS 41.670(1)(a) is unambiguous and requires an award of all reasonable fees.**

3 “If the court grants a special motion to dismiss filed pursuant to NRS 41.660: (a) The  
4 court shall award reasonable costs and attorney’s fees to the person against whom the action was  
5 brought....”<sup>2</sup> Here, the Welts filed a special motion to dismiss. That motion was granted in full  
6 as to Jenna Shapiro. It was granted as to four of Howard’s six causes of action. As a result, an  
7 award of reasonable costs and fees is mandated on those parts that were granted.

8 In the past, the Shapiros have argued only certain fees are recoverable. The court has  
9 previously rejected that argument because NRS 41.670(1)(a) contains no language limiting the  
10 award of attorney’s fees to those within certain categories. For instance, if the Legislature had  
11 wished to limit the categories of recoverable fees, NRS 41.670(1)(a) could have mirrored  
12 Guam’s anti-SLAPP statute. If a Guam court grants an anti-SLAPP motion to dismiss, it shall  
13 award the “costs of litigation, including reasonable attorney and expert witness fees, incurred in  
14 connection with the motion....”<sup>3</sup> NRS 41.670(1)(a) contains no similar restriction. Even had it,  
15 Guam’s limiting language is broadly interpreted to include far more than merely drafting and  
16 arguing the motion itself.<sup>4</sup>

17 **a. If NRS 41.670 is ambiguous, Legislative intent requires an award of all**  
18 **reasonable attorneys’ fees.**

19 “If the statutory language fails to address the issue, this court construes the statute  
20 according to that which reason and public policy would indicate the legislature intended.”<sup>5</sup> “The  
21 Legislature’s intent is the primary consideration when interpreting an ambiguous statute.”<sup>6</sup>  
22 “When construing an ambiguous statutory provision, this court determines the meaning of the

23 <sup>2</sup> NRS 41.670(1)(a).

24 <sup>3</sup> 7 Guam Code § 17106(g)(1) (2014).

25 <sup>4</sup> *Enriquez v. Smith*, 2015 Guam 29, ¶ 34 (“Smith’s initial appeal arguing that the trial court be  
26 compelled to address her anti-SLAPP motion on the merits, as well as her defense of the appeal  
27 in the present case are certainly covered by the statutory mandate. Additionally, because the  
28 award of attorney’s fees and sanctions are a mandatory result of success on a CPGA motion,  
Smith’s counterclaims regarding these issues are also sufficiently connected to her motion to  
warrant compensation for preparation of these arguments.”).

<sup>5</sup> *Hardy Cos. v. SNMARK, LLC*, 126 Nev. Adv. Op. 49, 245 P.3d 1149, 1153 (2010) (quotation  
and citation omitted).

<sup>6</sup> *Id.*

1 words used in a statute by examining the context and the spirit of the law or the causes which  
2 induced the legislature to enact it.”<sup>7</sup>

3 The Supreme Court has previously discussed the Legislature’s intent in enacting  
4 Nevada’s anti-SLAPP statutes. The Court concluded “[a] SLAPP suit is a meritless lawsuit that  
5 a party initiates primarily to chill a defendant’s exercise of his or her First Amendment free  
6 speech rights.”<sup>8</sup> “The hallmark of a SLAPP lawsuit is that it is filed to obtain a financial  
7 advantage over one’s adversary by increasing litigation costs until the adversary’s case is  
8 weakened or abandoned.”<sup>9</sup> “When amending Nevada’s anti-SLAPP statute in 1997, the  
9 Legislature explained that SLAPP lawsuits abuse the judicial process by chilling, intimidating,  
10 and punishing individuals for their involvement in public affairs.”<sup>10</sup> “The Legislature further  
11 reasoned that the number of SLAPP lawsuits in Nevada had increased, and therefore,  
12 implementation of an anti-SLAPP statute was essential to protect citizens’ constitutional  
13 rights.”<sup>11</sup>

14 “The hallmark of a SLAPP lawsuit is that it is filed to obtain a financial advantage over  
15 one’s adversary by increasing litigation costs until the adversary’s case is weakened or  
16 abandoned.”<sup>12</sup> If NRS 41.670(1)(a) is interpreted to restrict a successful defendant to recovering  
17 only those attorney’s fees in specific categories of work, a financial motivation would still exist  
18 to file the SLAPP lawsuit to gain a financial advantage. The defendants, who should never have  
19 been sued, would still be forced to spend money on attorney’s fees defending themselves from a  
20 non-meritorious lawsuit but only a fraction of those fees are recoverable. This is precisely what  
21 occurred here as to Jenna Shapiro and four of Howard’s six causes of action. Reading a  
22 limitation into what fees are recoverable is contrary to the Legislature’s stated intent of  
23 protecting its citizens’ ability to participate in public affairs.

24  
25  
26 <sup>7</sup> *Id.* (quotation and citation omitted).

27 <sup>8</sup> *Stubbs v. Strickland*, 129 Nev. Adv. Op. 15, 297 P.3d 326, 329 (2013) (citations omitted).

28 <sup>9</sup> *John v. Douglas Cnty. Sch. Dist.*, 125 Nev. 746, 752, 219 P.3d 1276, 1280 (2009)..

<sup>10</sup> *Id.*, 219 P.3d at 1281 (*citing* 1997 Nev. Stat., ch. 387, preamble, at 1364).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*, 219 P.3d at 1280.

1                   **b. The Welts may also recover their reasonable attorneys' fees and costs**  
2                   **incurred on the appeals.**

3                   The Welts' also request their attorneys' fees and costs incurred on the prior appeals in  
4 this case. Multiple courts construing anti-SLAPP fee shifting statutes have concluded the  
5 prevailing defendants may also recover their reasonable attorney's fees and costs incurred  
6 appealing a ruling on an anti-SLAPP motion. In Guam, "the trial court erred in denying Smith's  
7 request for attorney's fees associated with the appeal...."<sup>13</sup> Multiple state and federal courts  
8 interpreting California's anti-SLAPP statute have reached the same conclusion.<sup>14</sup> Washington<sup>15</sup>  
9 and Oregon<sup>16</sup> have also ruled this way.

10                  These conclusions are consistent with NRS 41.670(1)(a), as it contains no language  
11 excluding reasonable costs and attorneys' fees on appeal from the award.

12                  **II. The Welts request \$32,156.61 from Jenna and \$21,435.60 from Howard.**

13                  Applied here, the Welts have incurred total fees of \$62,906, and total costs of \$1,407.22.  
14 There were two plaintiffs, so the Welts divide those totals in half. As the motion was granted in  
15 full as to Jenna Shapiro, the Welts request the court award a judgment against her totaling  
16 \$32,156.61, which is her 50% share of the fees and costs incurred.

17                  As to Howard Shapiro, he did not oppose the motion as to four of his six causes of action.  
18 The Welts thus request the court award them  $\frac{2}{3}$  of Howard's 50%. Howard's 50% is also  
19 \$32,156.61,  $\frac{2}{3}$  of that is \$21,435.60.

20                  **a. The total fees and costs incurred.**

21                  Michael Lowry has been the Welts' lead counsel since the case started. When it started,  
22 Mr. Lowry was an attorney with Thorndal Armstrong Delk Balkenbush & Eisinger. While Mr.  
23 Lowry was there, the Welts incurred 121.9 hours of time, at an hourly rate of \$250.00, for a total  
24

25 <sup>13</sup> *Enriquez*, 2015 Guam at ¶ 35.

26 <sup>14</sup> *Manufactured Home Communities, Inc. v. Cnty. of San Diego*, 655 F.3d 1171, 1181 (9th Cir.  
2011); *Metabolife Int'l, Inc. v. Wornick*, 213 F. Supp. 2d 1220, 1222 (S.D. Cal. 2002); *Dove*  
*Audio, Inc. v. Rosenfeld, Meyer & Susman*, 54 Cal. Rptr. 2d 830, 835 (App. 1996).

27 <sup>15</sup> "[W]here a prevailing party is entitled to attorney fees below, they are entitled to attorney fees  
if they prevail on appeal." *Davis*, 325 P.3d at 275.

28 <sup>16</sup> *Northon v. Rule*, 637 F.3d 937 (9th Cir. 2011) (applying ORS § 31.152(3) and permitting  
attorneys' fees for appeal).

1 fee of 30,475.00.<sup>17</sup> The Welts were also assessed \$1,101.90 for both district and appellate court  
2 filing fees.<sup>18</sup> All of the costs listed are for actual filings that can be verified against both court  
3 systems' dockets.

4 In July, 2016, Mr. Lowry joined the Wilson Elser Moskowitz Edelman & Dicker law  
5 firm. Mr. Lowry's hourly rate remained \$250 per hour through December 31, 2017, then  
6 changing to \$265 per hour on January 1, 2018. Since then and through this motion he has spent  
7 115.3 hours on the case, for a total charge of \$29,441.50.<sup>19</sup> Mr. Lowry has also been assisted by  
8 associate Amanda A. Ebert. Ms. Ebert has spent 13.2 hours working on this matter and her rate  
9 adjusted from \$225 an hour to \$240 an hour on January 1, 2018. The combined fee for her time  
10 totals \$2,989.50.

11 The Welts have incurred court filing costs of \$301.82, through August 15, 2019.<sup>20</sup>  
12 Missing from the cost report is the \$3.50 e-filing charge for this motion, increasing the total to  
13 \$305.32.

14 **b. The Welts satisfy the *Brunzell* factors.**

15 NRS 41.670(1)(a) permits an award of only "reasonable" attorney's fees. *Brunzell v.*  
16 *Golden Gate Nat. Bank* provides the analysis by which to evaluate if the attorneys' fees were  
17 reasonable. *Brunzell* requires district courts to consider at least four factors.

- 18 (1) the qualities of the advocate: his ability, his training, education, experience,  
19 professional standing and skill;  
20 (2) the character of the work to be done: its difficulty, its intricacy, its importance,  
21 time and skill required, the responsibility imposed and the prominence and  
22 character of the parties where they affect the importance of the litigation;  
23 (3) the work actually performed by the lawyer: the skill, time and attention given  
24 to the work;  
25 (4) the result: whether the attorney was successful and what benefits were  
26 derived.<sup>21</sup>

27 *Brunzell* provides the district court with a method to evaluate whether the attorney's fees  
28 requested are appropriate for the facts and circumstances of the individual case. They are

26 <sup>17</sup> Redacted billing records attached as Exhibit 1.

27 <sup>18</sup> *Id.* at 28-29; Cost receipts attached as Exhibit 2.

28 <sup>19</sup> Redacted billing records attached as Exhibit 3.

<sup>20</sup> Cost itemization and receipts attached as Exhibit 4.

<sup>21</sup> *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

1 designed to protect opposing parties from exorbitant rates from less qualified lawyers, dubious  
2 billing activities, or poor quality work. The court previously addressed these factors in its two  
3 prior orders granting attorneys' fees to the Welts. The analysis remains largely the same.

4 The Welts' lead counsel, Michael Lowry, is a licensed attorney practicing in Nevada  
5 since 2007 and has represented the Welts since this case was filed. His rate for this matter  
6 started at \$250 rate in 2014, and increased to \$265 on January 1, 2018. Associate Amanda Ebert  
7 has practiced in Nevada since 2012 and billed at \$225 an hour until the rate changed to \$240 an  
8 hour on January 1, 2018. This rate reflects their differing experience levels.

9 As the court found in its February 20, 2015 order, "[t]he character of the work done was  
10 intricate, and required research into a developing area of law."<sup>22</sup> This analysis still applies. This  
11 case has been appealed twice. During those appeals, the law in this area changed repeatedly.  
12 This analysis also satisfies the third *Brunzell* factor as the work actually performed reflects a  
13 level of skill, time, and attention that matches the intricate nature the analysis that was required.

14 Finally, the fourth factor is also satisfied. The Welts' position was successful as to all but  
15 two causes of action. The decision benefitted the Welts by terminating Jenna's claims against  
16 them and narrowing the scope of Howard's.

17 **a. Filing costs are expressly recoverable.**

18 The \$1,407.22 for court filing fees that have been incurred are expressly recoverable.  
19 NRS 18.005(1) defines the term "costs" to include clerks' fees.

20 **III. A discretionary award is also merited.**

21 The relief available when a special motion to dismiss is granted is not limited to  
22 attorneys' fees and costs. "The court may award, in addition to reasonable costs and attorney's  
23 fees awarded pursuant to paragraph (a), an amount of up to \$10,000 to the person against whom  
24 the action was brought."<sup>23</sup> Texas has a similar statute. There, the purpose and amount of this  
25 discretionary award should be "sufficient to deter the party who brought the legal action from  
26 bringing similar actions described in this chapter."<sup>24</sup> An award is merited here.

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27 <sup>22</sup> Order at 2:1-2.

28 <sup>23</sup> NRS 41.660(1)(b).

<sup>24</sup> Texas Civil Practice and Remedies Code § 27.009(a)(2).

1                   **a. Jenna Shapiro sued the Welts for a factual statement she agrees is accurate.**

2           As to Jenna Shapiro, the Welts have argued since December, 2014 that her claims should  
3 be dismissed because that the only factual statement about her on the disputed website was that  
4 she was married to Howard.<sup>25</sup> Jenna never argued that fact was wrong, nor did the Welts’  
5 position ever change. Despite that, she pursued her claims against the Welts for years before  
6 finally not opposing the third motion to dismiss.<sup>26</sup>

7           She sued the Welts for accurately stating the fact she is married to Howard. She then  
8 pursued that claim for almost five years before simply giving it up. That type of conduct is  
9 exactly what NRS 41.660 is intended to deter. It merits a discretionary award of \$10,000 to each  
10 of the Welts.

11                   **b. Howard dropped four of his causes of action for reasons the Welts have**  
12                   **argued since December, 2014.**

13           Howard’s complaint alleged four causes of action: 1) defamation per se; 2) defamation;  
14 3) extortion; 4) civil conspiracy; 5) fraud; and 6) punitive damages. After the Welts filed their  
15 third motion to dismiss, Howard conceded all causes of action except defamation per se and civil  
16 conspiracy.<sup>27</sup>

17           The Welts have argued since December, 2014 that all of these claims failed for multiple  
18 reasons. They have argued defamation could not survive for multiple factual reasons.<sup>28</sup> They  
19 have long noted extortion is not a civil cause of action.<sup>29</sup> They always objected that the  
20 complaint failed to properly plead a “fraud” cause of action.<sup>30</sup> Finally, they have always noted  
21 that “punitive damages” is not an independent cause of action.<sup>31</sup>

22           Howard never conceded any of these points for nearly five years. His refusal to concede  
23 them led to nearly five years of litigation and two appeals. This unnecessarily increased the fees  
24

25                   <sup>25</sup> December 15, 2014 Motion to Dismiss at 10:14-19.

26                   <sup>26</sup> July 9, 2019 opposition at 10:2-3.

27                   <sup>27</sup> July 9, 2019 opposition at 10:3-4.

28                   <sup>28</sup> December 15, 2014 Motion to Dismiss at 10:11-17:10.

<sup>29</sup> *Id.* at 17:11-18:20.

<sup>30</sup> *Id.* at 20:4-21:23.

<sup>31</sup> *Id.* at 22:1-6.

1 and costs related to this litigation for claims Howard had no basis to bring. It too It merits a  
2 discretionary award of \$10,000 to each of the Welts.

3 **IV. Judgments against the Shapiros are merited.**

4 This case has a long procedural history already that supports the fees and costs incurred.  
5 A total judgment should be entered as follows:

- 6 • Jenna Shapiro, individually: \$32,156.61 (Fees & Costs)
- 7 • Jenna Shapiro, individually: \$10,000 to Glenn Welt, Rhoda Welt, Lynn Welt, and  
8 Michele Welt, each, per NRS 41.660(1)(b).
- 9 • Howard Shapiro, individually: \$21,435.60 (Fees & Costs)
- 10 • Howard Shapiro, individually: \$10,000 to Glenn Welt, Rhoda Welt, Lynn Welt, and  
11 Michele Welt, each, per NRS 41.660(1)(b).

12 DATED this 15<sup>th</sup> day of August, 2019.



15 BY: /s/ Michael P. Lowry  
16 MICHAEL P. LOWRY  
17 Nevada Bar No. 10666  
18 300 South 4<sup>th</sup> Street, 11<sup>th</sup> Floor  
19 Las Vegas, NV 89101-6014  
20 Tel: 702.727.1400/Fax: 702.727.1401  
21 Attorneys for Glenn Welt; Rhoda Welt; Lynn Welt;  
22 Michelle Welt  
23  
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☐ 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;

☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

BY: /s/ Cynthia Kelley  
An Employee of  
WILSON ELSE MOSKOWITZ EDELMAN & DICKER LLP

Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Motion  
for Attorneys' Fees & to Amend Order Granting Summary  
Judgment

A-14-706566-C

Exhibit 1

Thorndal Armstrong Billing Records

Bill to: Glenn Welt  
35 E. Horizon Ridge Pkwy.  
Suite 110-48  
Henderson NV 89002

Client Attorney Michael P. Lowry  
Client Type 1 Commercial (gen bus/breach)  
Office Las Vegas

Resp Atty 1 Michael P. Lowry  
Case Type 1 Commercial (gen bus/breach)  
Department Las Vegas Cases

Status Code 1 X Alternate Billing Format IV3  
Finance Charges N Fee BCC M Cost BCC M  
Sales Tax None  
Retainer Acct Min 0 No auto transfers chosen  
Unbilled only N

HOLD: \_\_\_\_\_ COMMENTS: \_\_\_\_\_  
BILL: \_\_\_\_\_  
(with corrections)  
FINAL BILL ?? \_\_\_\_\_ CLOSE FILE ?? \_\_\_\_\_  
Re: Glen Welt; Lynn Welt; Michelle Welt;  
Rhoda Welt; Checksnet.com adv.  
Howard Shapiro; Jenna Shapiro

===== FEES =====

Date	Emp	Hours	Dollars	Gp	
09/15/14	MPL	0.30	75.00	B P	Telephone call with Glenn Welt re facts of case and scope of retention.
09/16/14	MPL	0.20	50.00	B P	Telephone call with Glenn Welt re strategy of
09/18/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
09/19/14	MPL	0.20	50.00	B P	Telephone call with Glenn Welt re implications of
09/22/14	MPL	0.30	75.00	B P	Draft correspondence to Glenn Welt re strategy of f
09/22/14	MPL	0.20	50.00	B P	Draft correspondence to Alex Ghibaudo re representing Welts, service of process and anti-SLAPP motion.
09/22/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re status of NJ hearing.
09/22/14	MPL	0.10	25.00	B P	Analysis of correspondence from Lynn Welt re
09/22/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re adding

Date	Emp	Hours	Dollars	Gp	
09/22/14	MPL	0.20	50.00	B P	Analysis of correspondence from Glenn Welt re service of process and H
09/22/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
09/22/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
09/22/14	MPL	0.20	50.00	B P	Draft correspondence to Alex Ghibauda re lack of jurisdiction over clients, insisting on service of process and applying anti-SLAPP to case.
09/23/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re
09/23/14	MPL	0.10	25.00	B P	Analysis of correspondence from Michele Welt re persuading
09/23/14	MPL	0.10	25.00	B P	Draft correspondence to Michele Welt re probability of
09/23/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re any
09/23/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re
09/23/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
09/23/14	MPL	0.10	25.00	B P	Analysis of correspondence from Michele Welt re
09/24/14	MPL	0.10	25.00	B P	Analysis of correspondence from Michele Welt requesting
09/24/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
09/24/14	MPL	0.10	25.00	B P	Analysis of more correspondence from Glenn Welt re circumstances
09/24/14	MPL	0.40	100.00	B P	Draft correspondence to Glenn Welt re
09/24/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re strategy of
09/24/14	MPL	0.10	25.00	B P	Analysis of correspondence from Michele Welt re

Date	Emp	Hours	Dollars	Gp	
09/24/14	MPL	0.10	25.00	B P	Draft correspondence to Michele Welt re potential pros/cons
09/24/14	MPL	0.10	25.00	B P	Analysis of correspondence from Michele Welt re
09/25/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re anticipated
09/25/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re anticipated h
09/25/14	MPL	0.10	25.00	B P	Draft correspondence to Michele Welt re timeline
09/25/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re alternative
09/25/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re strategy
09/25/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re strategy
09/25/14	MPL	0.10	25.00	B P	Analysis of correspondence from Michele Welt re
09/25/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt approving
09/26/14	MPL	0.10	25.00	B P	Draft initial appearance fee disclosure for Rhoda & Lynn.
09/26/14	MPL	0.10	25.00	B P	Draft NRS 18.130 demand for security of costs for Rhoda & Lynn.
09/27/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
09/29/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt
09/29/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt
10/01/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
10/01/14	MPL	0.10	25.00	B P	Telephone call with Glenn Welt re
10/01/14	MPL	0.10	25.00	B P	Draft NRCP 7.1 disclosure for judicial conflict check.

Date	Emp	Hours	Dollars	Gp	
10/02/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re
10/03/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
10/03/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re possibility of
10/04/14	MPL	5.80	1,450.00	B P	Begin drafting motion to dismiss for Rhoda & Lynn. Draft detailed factual section and begin preparing declarations re jurisdictional facts. Begin drafting argument that Nevada lacks either general or specific jurisdiction over them due to lack of contacts with state. Begin drafting section of motion that explains to court the basis of Nevada's anti-SLAPP statutes and the standard of review for these motions.
10/05/14	MPL	5.20	1,300.00	B P	Continue drafting motion to dismiss for Rhoda and Lynn. Draft section arguing that if they made any statements that were repeated on the website, these statements were protected communications for the purpose of the anti-SLAPP statute and argue Shapiro's lack of clear and convincing evidence to demonstrate a probability of success on the merits.
10/06/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re proposed
10/06/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re
10/06/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt asking if
10/06/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re
10/06/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re advice
10/06/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re
10/06/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re edits
10/06/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
10/06/14	MPL	0.10	25.00	B P	Analysis of correspondence from Lynn Welt re
10/06/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re basis for

Date	Emp	Hours	Dollars	Gp	
10/07/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
10/08/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re procedure for
10/08/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re merits of m
10/08/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re strategy options
10/08/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re merits of
10/08/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt instructing to
10/08/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt correcting instructions
10/08/14	MPL	0.40	100.00	B P	Draft correspondence to Glenn Welt re potential impact of
10/08/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re strategy of m
10/08/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re can file
10/08/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt confirming instructions
10/09/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
10/09/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re timing for
10/09/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re anticipated timing for
10/10/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
10/10/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re

Date	Emp	Hours	Dollars	Gp	
10/10/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re no knowledge of
10/13/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
10/13/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re o
10/13/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re ability to
10/13/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re not yet able to
10/13/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re instructions to
10/13/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re strategy for
10/13/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt instructing to
10/13/14	MPL	0.10	25.00	B P	Draft NRS 18.130 demand for security of costs for Glenn & Michele
10/13/14	MPL	0.10	25.00	B P	Draft initial appearance fee disclosure for Glenn & Michele.
10/13/14	MPL	0.10	25.00	B P	Draft NRCP 7.1 disclosure statement for Glenn & Michele.
10/14/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re possibility that
10/14/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re merits of
10/14/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re options for
10/14/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt instructing to
10/16/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re status of
10/16/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re



Date	Emp	Hours	Dollars	Gp	
10/17/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
10/28/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
10/29/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
10/29/14	MPL	0.30	75.00	B P	Draft correspondence to Glenn Welt re .
10/29/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re details of .
10/29/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
10/29/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re meaning of .
10/29/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
10/29/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
11/07/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re whether .
11/07/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
11/13/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re no .
11/14/14	MPL	0.40	100.00	B P	Finalize motion to dismiss for failure to post security of costs by deadline.
11/14/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
11/17/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re requirement t .
11/17/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
11/18/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re strategy of .

Date	Emp	Hours	Dollars	Gp	
11/18/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re considerations for .
11/18/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re pursuing strategy of .
11/18/14	MPL	0.20	50.00	B P	Draft correspondence to Glenn Welt re advising .
11/18/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
11/19/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
11/19/14	MPL	0.20	50.00	B P	Legal analysis of 4 cost bonds filed for Howard and Jenna Shapiro.
11/19/14	MPL	0.20	50.00	B P	Draft correspondence to Glenn Welt explaining .
11/19/14	MPL	0.10	25.00	B P	Draft correspondence to Evan Schwab re failure to serve cost bonds.
11/19/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
11/19/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re strategy of .
11/19/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re advising on strategy .
11/19/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re will .
12/01/14	MPL	0.10	25.00	B P	Analysis of correspondence from Evan Schwab re cost bonds and requesting that motion to dismiss be withdrawn.
12/01/14	MPL	0.10	25.00	B P	Draft correspondence to Evan Schwab re cost bonds did not meet minimum demanded and declining to withdraw motion to dismiss.
12/01/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
12/01/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re updates to .

Date	Emp	Hours	Dollars	Gp	
12/01/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re updates
12/01/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
12/02/14	MPL	0.10	25.00	B P	Telephone call with Evan Schwab re basis for \$4,000 demand for security.
12/03/14	MPL	0.10	25.00	B P	Draft correspondence to Evan Schwab re file-stamped copies of demands for security for each defendant.
12/04/14	MPL	0.20	50.00	B P	Legal analysis of Shapiros' opposition to motion to dismiss.
12/04/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re impact of
12/04/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re impact of
12/04/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
12/04/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
12/04/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
12/05/14	MPL	0.20	50.00	B P	Draft correspondence to Glenn Welt answering various questions about
12/05/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re strategy of
12/06/14	MPL	1.90	475.00	B P	Draft reply supporting motion to dismiss per NRS 18.130.
12/08/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re strategy of
12/08/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re strategic considerations for
12/08/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re timing of
12/08/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re

Date	Emp	Hours	Dollars	Gp	
12/08/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re further thoughts on .
12/08/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re understand instructions to w .
12/08/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re potential of .
12/08/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re potential .
12/10/14	MPL	0.20	50.00	B P	Finalize and file reply re NRS 18.130 motion to dismiss.
12/10/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
12/10/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
12/10/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
12/11/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re strategy of .
12/11/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
12/11/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
12/11/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
12/11/14	MPL	2.60	650.00	B P	Resume drafting anti-SLAPP motion to dismiss; analysis of whether Howard Shapiro is a public figure for purposes of defamation analysis.
12/12/14	MPL	0.10	25.00	B P	Legal analysis of second set of cost bonds.
12/12/14	MPL	0.10	25.00	B P	Analysis of correspondence from Evan Schwab re second set of cost bonds and withdrawing motion to dismiss for lack of them.
12/12/14	MPL	0.10	25.00	B P	Draft correspondence to Evan Schwab re improper service of second set of cost bonds.
12/12/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re additional .

Date	Emp	Hours	Dollars	Gp	
12/12/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re additional .
12/12/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re additional .
12/12/14	MPL	1.20	300.00	B P	Resume drafting anti-SLAPP motion to prepare for 12/15 filing.
12/12/14	MPL	0.10	25.00	B P	Legal analysis of Shapiros' supplemental opposition.
12/15/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re notice of .
12/15/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re notice of .
12/15/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
12/15/14	MPL	0.20	50.00	B P	Telephone call with Glenn Welt re .
12/15/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
12/15/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
12/15/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re obtaining .
12/15/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re filing .
12/15/14	MPL	7.30	1,825.00	B P	Continue drafting anti-SLAPP motion to dismiss noting that Howard Shapiro is a public figure for purposes of the conservatorship proceedings and must show actual malice to prevail on Nevada defamation claims.
12/15/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re locating .
12/15/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
12/15/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re strategy of a .
12/15/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re able to .
12/16/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re

Date	Emp	Hours	Dollars	Gp	
12/16/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re ?
12/16/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt containing
12/16/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re reasons
12/16/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re no
12/16/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re not
12/16/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
12/17/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
12/17/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re documentation that
12/17/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re which
12/17/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re need
12/18/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re impact of
12/18/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re updated
12/19/14	MPL	0.10	25.00	B P	Analysis of correspondence from Alex Ghibaudo re opposition to anti-SLAPP motion.
12/19/14	MPL	0.10	25.00	B P	Draft correspondence to Alex Ghibaudo re inappropriate service of opposition to anti-SLAPP motion.
12/19/14	MPL	0.10	25.00	B P	Analysis of correspondence from Alex Ghibaudo acknowledging inappropriate service of opposition to anti-SLAPP motion.
12/19/14	MPL	0.30	75.00	B P	Analysis of correspondence from Shapiros' opposition to anti-SLAPP motion.
12/19/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re

Date	Emp	Hours	Dollars	Gp		
12/19/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re	.
12/19/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re removing	.
12/19/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re strategy of r	?
12/19/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re	.
12/19/14	MPL	5.20	1,300.00	B P	Draft reply supporting anti-SLAPP motion.	
12/20/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re	.
12/22/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re	.
12/22/14	MPL	0.10	25.00	B P	Legal analysis of Lynn Welt's	.
12/22/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re	.
12/22/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re	.
12/23/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re	.
12/23/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re	.
12/24/14	MPL	2.40	600.00	B P	Prepare oral argument for court re merits of anti-SLAPP motion.	
12/24/14	MPL	1.40	350.00	B P	Attend court hearing re anti-SLAPP motion.	
12/24/14	MPL	0.20	50.00	B P	Draft correspondence to Glenn Welt re minutes of court hearing on anti-SLAPP motion and	.
12/24/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re obtaining	.
12/24/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re preserving	.
12/24/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re obtaining	.

Date	Emp	Hours	Dollars	Gp	
12/29/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re attempts to .
12/29/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re attempts to .
12/29/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
12/29/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re anticipated .
12/29/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re updated .
12/29/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re time .
12/29/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re time .
12/29/14	MPL	0.10	25.00	B P	Legal analysis of NJ order resolving conservatorship.
12/29/14	MPL	0.10	25.00	B P	Draft supplemental brief re NJ order resolving conservatorship.
12/29/14	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re need to .
12/29/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
12/30/14	MPL	0.10	25.00	B P	Telephone call with Alex Ghibaudo re status of court's ruling.
12/31/14	MPL	0.20	50.00	B P	Legal analysis of order granting anti-SLAPP motion.
12/31/14	MPL	0.30	75.00	B P	Draft correspondence to Glenn Welt analyzing .
12/31/14	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re interpretation of .
01/02/15	MPL	0.10	25.00	B P	Per local rules, draft notice of entry of order granting anti-SLAPP motion.
01/02/15	MPL	0.10	25.00	B P	Draft correspondence to Alex Ghibaudo re notice of entry on order granting anti-SLAPP motion.
01/05/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re using



Date	Emp	Hours	Dollars	Gp	
01/05/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re collecting
01/05/15	MPL	0.60	150.00	B P	Draft affidavit detailing fees and costs recoverable per court order and statute.
01/05/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re potential strategy of d
01/05/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re potential strategy of
01/05/15	MPL	0.10	25.00	B P	Draft correspondence to Alex Ghibaudo re potential dismissal of Rhoda, Michele and Lynn.
01/05/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re anticipated
01/05/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re anticipated
01/06/15	MPL	0.20	50.00	B P	Telephone call with Glenn Welt re potential for
01/06/15	MPL	0.10	25.00	B P	Analysis of correspondence from Alex Ghibaudo re Shapiros intend to appeal ruling.
01/07/15	MPL	0.10	25.00	B P	Draft correspondence to Alex Ghibaudo re need to dismiss Checksnet.com before appeal is possible.
01/07/15	MPL	0.30	75.00	B P	Draft correspondence to Glenn Welt re
01/07/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re intent to
01/07/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
01/08/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re
01/08/15	MPL	0.10	25.00	B P	Legal analysis of substitution of attorneys.
01/08/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re meaning of

Date	Emp	Hours	Dollars	Gp	
01/08/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re
01/08/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re proposed
01/08/15	MPL	0.20	50.00	B P	Draft correspondence to Glenn Welt re proposed changes
01/08/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re probability of
01/08/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re low probability
01/08/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re revised
01/08/15	MPL	0.10	25.00	B P	Analysis of correspondence from Alex Ghibaudo re direct communications between Glenn Welt and Howard Shapiro.
01/08/15	MPL	0.10	25.00	B P	Draft correspondence to Alex Ghibaudo re direct communications between Glenn Welt and Howard Shapiro; appeal procedurally invalid.
01/08/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re
01/09/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re impact of
01/09/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re court's
01/09/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re failed
01/09/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re arguments i
01/10/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re additional support
01/10/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re potential
01/12/15	MPL	0.60	150.00	B P	Draft correspondence to Glenn Welt analyzing options for

Date	Emp	Hours	Dollars	Gp	
01/13/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re could ?
01/13/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re viability of .
01/16/15	MPL	0.10	25.00	B P	Legal analysis of Shapiros' opposition to request for fees.
01/16/15	MPL	0.40	100.00	B P	Draft reply supporting affidavit for judgment; address reasonableness of fees and costs.
01/16/15	MPL	0.20	50.00	B P	Telephone call with Evan Schwab re Rule 41 dismissal for Checksnet.
01/20/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re pending .
01/20/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
01/20/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re requesting .
01/21/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
01/30/15	MPL	0.10	25.00	B P	Draft correspondence to Alex Ghibaudo re Rule 41 dismissal of Checksnet.
01/30/15	MPL	0.10	25.00	B P	Analysis of correspondence from Alex Ghibaudo re Rule 41 dismissal.
01/31/15	MPL	0.10	25.00	B P	Draft correspondence to Alex Ghibaudo re stipulation to dismiss v. Rule 41 dismissal.
02/03/15	MPL	0.10	25.00	B P	Analysis of Shapiros' Rule 41 dismissal of Checksnet.
02/03/15	MPL	0.10	25.00	B P	Analysis of Shapiros' notice of appeal.
02/03/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re meaning of .
02/03/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt explaining meaning of .
02/03/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
02/03/15	MPL	0.20	50.00	B P	Draft order granting fees and costs per NRS 41.670.
02/05/15	MPL	0.10	25.00	B P	Legal analysis of Shapiros' case appeal statement.
02/05/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .

Date	Emp	Hours	Dollars	Gp	
02/06/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re if
02/06/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re
02/06/15	MPL	0.10	25.00	B P	Legal analysis of notice of appeal filed in Supreme Court.
02/09/15	MPL	0.10	25.00	B P	Legal analysis of Supreme Court order suspending briefing for settlement conference.
02/10/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt discussing
02/10/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re will inform
02/11/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re options for
02/11/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt providing options for
02/12/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
02/12/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re order on
02/12/15	MPL	0.10	25.00	B P	Telephone call with Glenn Welt re potential
02/12/15	MPL	0.10	25.00	B P	Legal analysis of order appointing William Turner as mediator.
02/12/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt instructing to
02/13/15	MPL	0.20	50.00	B P	Draft notice of appeal.
02/13/15	MPL	0.60	150.00	B P	Draft case appeal statement.
02/13/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re
02/13/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re meaning of
02/13/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re

Date	Emp	Hours	Dollars	Gp	
02/13/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re efforts to
02/17/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re seeking
02/17/15	MPL	0.10	25.00	B P	Draft correspondence to Alex Ghibaudo re seeking reimbursement for fees from Walter Shapiro.
02/17/15	MPL	0.10	25.00	B P	Analysis of correspondence from Alex Ghibaudo re reimbursement for fees from Walter Shapiro.
02/19/15	MPL	0.10	25.00	B P	Legal analysis of court order granting partial attorneys' fees.
02/19/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re objections to
02/19/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re objections to
02/23/15	MPL	0.10	25.00	B P	Per local rules, draft notice of entry of order granting motion for attorneys' fees.
02/23/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt advising of
02/23/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re strategy of
02/23/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re begin
02/23/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt approving
02/23/15	MPL	0.20	50.00	B P	Draft correspondence to Christina Murphy re collecting judgment against cost bonds.
02/25/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re draft of
02/25/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt recommending
02/25/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re questions about

Date	Emp	Hours	Dollars	Gp	
02/25/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re answering questions about n
02/25/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt
02/26/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt approving
02/26/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt explaining
02/26/15	MPL	0.10	25.00	B P	Draft correspondence to William Turner re Welts request in-person settlement conference.
02/26/15	MPL	0.10	25.00	B P	Legal analysis of Shapiro's case appeal statement.
02/26/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re strategy for
02/27/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re mechanics of
02/27/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re requesting
03/02/15	MPL	0.10	25.00	B P	Analysis of correspondence from Alex Ghibaudo re terms of potential settlement conference.
03/03/15	MPL	0.10	25.00	B P	Legal analysis of Shapiro's docketing statement describing procedural nature of appeal.
03/05/15	MPL	0.10	25.00	B P	Analysis of correspondence from Bill Turner re intent to proceed with settlement conference.
03/09/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re responsibility for
03/11/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re misrepresentation
03/12/15	MPL	0.10	25.00	B P	Analysis of correspondence from Evan Schwab re potential Supreme Court settlement conference.
03/13/15	MPL	0.40	100.00	B P	Telephone call with settlement judge Bill Turner about viability of settlement at settlement conference.
03/13/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re conversations with Bill Turner about

Date	Emp	Hours	Dollars	Gp	
					viability of settlement.
03/14/15	MPL	0.10	25.00	B P	Draft notice of appeal re order on attorneys' fees.
03/14/15	MPL	0.10	25.00	B P	Draft case appeal statement re order on attorneys' fees.
03/18/15	MPL	0.10	25.00	B P	Analysis of correspondence from Rhoda Welt re difficulties
03/18/15	MPL	0.10	25.00	B P	Draft correspondence to Rhoda Welt re options for
03/18/15	MPL	0.20	50.00	B P	Draft motion to consolidate appeals for procedural and efficiency reasons.
03/19/15	MPL	0.10	25.00	B P	Analysis of correspondence from Rhoda Welt re
03/23/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re strategy of
03/23/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt instructing
03/24/15	MPL	1.00	250.00	B P	Draft docketing statement for appeal of award on attorneys' fees.
03/24/15	MPL	0.10	25.00	B P	Analysis of correspondence from Bill Turner re viability of settlement conference.
03/31/15	MPL	0.10	25.00	B P	Telephone call with Bill Turner re merits of settlement.
04/13/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re status of
04/13/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re status of
04/16/15	MPL	0.20	50.00	B P	Conference call with Alex Ghibaudo and Bill Turner re viability of settlement conference producing actual settlement.
04/16/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re preparing for
04/20/15	MPL	0.20	50.00	B P	Telephone call with Alex Ghibaudo re finding common ground to attempt resolution.
04/27/15	MPL	0.40	100.00	B P	Telephone call with Glenn Welt re potential coming mediation.
04/29/15	MPL	1.70	425.00	B P	Begin drafting settlement conference brief.
04/30/15	MPL	0.40	100.00	B P	Finalize settlement conference statement.

Date	Emp	Hours	Dollars	Gp	
04/30/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
05/02/15	MPL	0.10	25.00	B P	Analysis of correspondence from Alex Ghibaudo re Shapiros suddenly unable to personally attend settlement conference.
05/02/15	MPL	0.10	25.00	B P	Draft correspondence to Bill Turner re personal presence essential to settlement conference.
05/02/15	MPL	0.10	25.00	B P	Analysis of correspondence from Bill Turner re will proceed with settlement conference as scheduled.
05/03/15	MPL	0.10	25.00	B P	Analysis of correspondence from Bill Turner asking about jurisdictional basis in Nevada for Rhoda, Lynn and Michelle.
05/03/15	MPL	0.10	25.00	B P	Draft correspondence to Bill Turner explaining Rhoda, Lynn and Michelle consented to Nevada's jurisdiction.
05/04/15	MPL	0.80	200.00	B P	Drive to/from Peel Brimley for Supreme Court settlement conference.
05/04/15	MPL	1.40	350.00	B P	Attend Supreme Court settlement conference with Glenn Welt. Settlement did not occur.
05/04/15	MPL	0.10	25.00	B P	Draft correspondence to Michelle Nelsen at RLI re payment on cost bonds.
05/04/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re penalties for .
05/05/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re likely .
05/07/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt instructing to .
05/07/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt advising .
05/11/15	MPL	0.10	25.00	B P	Telephone call with Glenn Welt re potential consequences .
05/11/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re proposed .
05/11/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt approving .
05/11/15	MPL	0.10	25.00	B P	Send email to Alex Ghibaudo about 2nd lawsuit and potential settlement.



Date	Emp	Hours	Dollars	Gp	
05/11/15	MPL	0.10	25.00	B P	Analysis of correspondence from Alex Ghibaudo advising Shapiros unlikely to agree to settlement proposal.
05/11/15	MPL	0.10	25.00	B P	Analysis of correspondence from Alex Ghibaudo confirming Shapiros reject settlement proposal.
05/11/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt advising .
05/11/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt instructing to .
05/11/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt instructing to .
05/11/15	MPL	1.80	450.00	B P	Begin drafting motion to dismiss for failure to attend settlement conference.
05/12/15	MPL	0.80	200.00	B P	Finalize motion to dismiss for failure to personally attend the settlement conference.
05/12/15	MPL	0.10	25.00	B P	Analysis of correspondence from Alex Ghibaudo attacking merits of motion to dismiss.
05/12/15	MPL	0.20	50.00	B P	Draft correspondence to Alex Ghibaudo correcting attack on merits of motion to dismiss.
05/12/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt recommending .
05/12/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re anticipated c .
05/12/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
05/12/15	MPL	0.20	50.00	B P	Telephone call with Alex Ghibaudo re motion to dismiss.
05/12/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
05/12/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
05/12/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt indicating .
05/12/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re strategy of .
05/13/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re proposed

Date	Emp	Hours	Dollars	Gp	
05/13/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt advising
05/13/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt directing
05/13/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt requesting
05/13/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt again recommending
05/14/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re advising S
05/14/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt advising
05/20/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re status
05/20/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt explaining the status of
05/20/15	MPL	0.30	75.00	B P	Legal analysis of Shapiro's opposition to motion to dismiss appeal.
05/20/15	MPL	2.60	650.00	B P	Draft response to Shapiro's opposition to motion to dismiss appeal.
05/20/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt commenting on
05/20/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re proposed
05/21/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re language
05/21/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt indicating
05/26/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
05/26/15	MPL	0.20	50.00	B P	Finalize reply supporting motion to dismiss Shapiro's appeal.

Date	Emp	Hours	Dollars	Gp	
06/19/15	MPL	0.10	25.00	B P	Legal analysis of Supreme Court order denying motion to dismiss.
06/19/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re scheduling order and order denying motion to dismiss appeal.
08/06/15	MPL	0.10	25.00	B P	Legal analysis of notice documenting district court transcripts are now in Supreme Court record.
09/10/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re potential
09/10/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt discussing
09/15/15	MPL	0.10	25.00	B P	Legal analysis of Supreme Court order granting Shapiros an extension to file opening brief.
09/15/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re order granting Shapiros an extension to file opening brief.
10/02/15	MPL	0.10	25.00	B P	Legal analysis of Shapiro's motion to extend period to file brief.
10/02/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
10/21/15	MPL	0.10	25.00	B P	Legal analysis of Supreme Court order allowing Shapiros to file opening brief.
10/21/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re
11/10/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re obtaining
11/14/15	MPL	0.60	150.00	B P	Begin drafting jurisdictional statement and statement of issues for appellate brief.
11/16/15	MPL	1.20	300.00	B P	Draft statement of case and summary of argument for appellate brief.
11/17/15	MPL	3.20	800.00	B P	Draft statement of facts, standard of review section and section about shortcomings in Shapiros' appendix.
11/17/15	MPL	6.50	1,625.00	B P	Draft argument that district court's decision was substantively correct and appropriately relied upon Jacobs v. Adelson.
11/18/15	MPL	3.50	875.00	B P	Begin drafting argument that district court's ruling on discretionary award, fees and costs was incorrect or an abuse of discretion.

Date	Emp	Hours	Dollars	Gp	
11/23/15	MPL	0.60	150.00	B P	Draft motion to dismiss new constitutionality arguments from Shapiros' opening brief.
11/23/15	MPL	1.30	325.00	B P	Continue drafting argument that district court's ruling on recoverable attorneys' fees was incorrect.
11/23/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re anticipated appellate arguments.
11/23/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
11/23/15	MPL	0.10	25.00	B P	Finalize motion to dismiss new argument in Shapiros' opening brief.
11/23/15	MPL	1.90	475.00	B P	Finalize answering brief to include references in appendix and hone arguments to supporting documents.
11/23/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt advising .
12/04/15	MPL	0.10	25.00	B P	Legal analysis of Supreme Court order denying motion to dismiss new argument from opening brief.
12/04/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
12/04/15	MPL	1.60	400.00	B P	Begin drafting supplemental answering brief addressing constitutionality arguments raised for the first time in the Shapiros' opening brief.
12/04/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
12/06/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re efforts to .
12/06/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re proposed .
12/07/15	MPL	2.90	725.00	B P	Finalize supplemental answering brief addressing new constitutional arguments.
12/07/15	MPL	0.10	25.00	B P	Draft motion for leave to file supplemental answering brief addressing new constitutional arguments.
12/07/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
12/07/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
12/07/15	MPL	0.10	25.00	B P	Analysis of correspondence from Marc Randazza requesting consent to file

Date	Emp	Hours	Dollars	Gp	
12/07/15	MPL	0.10	25.00	B P	Draft correspondence to Marc Randazza noting consent is not required from parties for amicus brief.
12/07/15	MPL	0.10	25.00	B P	Analysis of correspondence from Marc Randazza discussing deadlines for amicus brief.
12/08/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re whether
12/08/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt stating
12/11/15	MPL	0.10	25.00	B P	Legal analysis of proposed consent form to allow Nevada Press Association to file an amicus brief.
12/11/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re proposed consent form to allow Nevada Press Association to file an amicus brief.
12/11/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt approving
12/14/15	MPL	0.10	25.00	B P	Legal analysis of Randazza's motion to file amicus brief.
12/18/15	MPL	0.10	25.00	B P	Legal analysis of Shapiro's non-opposition to supplemental brief if 45 day continue approved.
12/29/15	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt asking about
12/29/15	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt
01/06/16	MPL	0.10	25.00	B P	Legal analysis of proposed stipulation to extend Shapiros' deadline to file reply.
01/06/16	MPL	0.10	25.00	B P	Draft correspondence to Alex Ghibaudo conditioning approval of proposed stipulation to extend Shapiros' deadline to file reply upon also approving filing the Welts' supplemental brief.
01/06/16	MPL	0.10	25.00	B P	Analysis of correspondence from Alex Ghibaudo agreeing to terms of stipulation re briefing.
01/07/16	MPL	0.10	25.00	B P	Draft correspondence to Evan Schwab and Alex Ghibaudo re conflicting representation of Shapiros.
01/07/16	MPL	0.10	25.00	B P	Analysis of correspondence from Alex Ghibaudo claiming he continues to represent the Shapiros.

Date	Emp	Hours	Dollars	Gp	
01/21/16	MPL	0.10	25.00	B P	Legal analysis of order from Supreme Court granting Welts' motion to file supplemental answering brief.
02/04/16	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re .
02/08/16	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re strategy for .
02/08/16	MPL	0.20	50.00	B P	Read Mullen v Meredith Oregon case.
02/08/16	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt answering question a .
02/11/16	MPL	0.40	100.00	B P	Legal analysis of Shapiros' reply brief on constitutional issues and response to brief about attorneys' fees.
02/11/16	MPL	0.10	25.00	B P	Analysis of correspondence from Glenn Welt re strategy for .
02/14/16	MPL	3.90	975.00	B P	Draft reply brief on attorney's fees recovery.
02/16/16	MPL	0.10	25.00	B P	Draft correspondence to Glenn Welt re .
Total FEES		-----	-----		
		121.90	30,475.00		121.90 30,475.00 (CP 01/01/81 - 07/25/17)
		121.90	30,475.00		121.90 30,475.00 (CTD Through 07/25/17)
		=====	=====		
		Actual Hours/\$			Billable Hours/\$

----- Fee Analysis (CP 01/01/81 - 07/25/17)						
Code	Name	----- Hours	Actual Dollars	Actual \$/ Actual Hrs	----- Billable Hours	----- Billable\$/ Actual Hrs
MPL	Michael P. Lowry	121.90	30,475.00	250.00	121.90	30,475.00 250.00

=====

COSTS - Direct

COSTS - Direct

Date	Units	Dollars	Gp	
10/03/14		3.50	B P	E112 - Mandatory Clark County Electronic Filing Fee re: Rhonda Welt and Lynn Welt's NRCP 7.1 Disclosure Statement
10/03/14		3.50	B P	E112 - Mandatory Clark County Electronic Filing Fee re: Initial Appearance Fee Disclosure for Rhoda Welt and Lynn Welt
10/03/14		264.09	B P	E112 - Mandatory Clark County Electronic Filing Fee re: Rhoda Welt and Lynn

Date	Units	Dollars	Gp	
				Welt's Demand for Security of Costs
10/15/14		3.50	B P	E112 - Mandatory Clark County Electronic Filing Fee re: Glenn Welt & Michele Welt's Initial Appearance Fee Disclosure
10/15/14		3.50	B P	E112 - Mandatory Clark County Electronic Filing Fee re: Glenn Welt & Michele Welt's NRCF 7.1 Disclosure Statement
10/15/14		264.09	B P	E112 - Mandatory Clark County Electronic Filing Fee re: Glenn Welt & Michele Welt's Demand for Security of Costs
12/11/14		3.50	B P	E112 - Mandatory Clark County Electronic Filing Fee re: Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Reply re Motion to Dismiss
12/16/14		3.50	B P	E112 - Mandatory Clark County Electronic Filing Fee re: Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Motion to Dismiss
12/16/14		3.50	B P	E112 - Mandatory Clark County Electronic Filing Fee re: Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Notice of Withdrawal of Motion
12/23/14		3.50	B P	E112 - Mandatory Clark County Electronic Filing Fee re: Glenn Welt, Rhonda Welt, Lynn Welt and Michele Welt's Reply Re Motion to Dismiss
01/05/15		3.50	B P	E112 - Mandatory Clark County Electronic Filing Fee re: Notice of Entry of Order Granting Motion to Dismiss
01/06/15		3.50	B P	E112 - Mandatory Clark County Electronic Filing Fee re: Affidavit in Support of Fees and Costs per NRS 41.670
01/20/15		3.50	B P	E112 - Mandatory Clark County Electronic Filing Fee re: Reply in Support of Affidavit re Fees and Costs per NRS 41.670
02/17/15		3.50	B P	E112 - Mandatory Clark County Electronic Filing Fee re: Cross-Appeal Case Statement
02/17/15		28.22	B P	E112 - Mandatory Clark County Electronic Filing Fee re: Notice of Cross-Appeal
02/24/15		3.50	B P	E112 - Mandatory Clark County Electronic Filing Fee re: Notice of Entry of Order Granting Motion for Attorneys' Fees
03/09/15	MPL	250.00	B P	//165026//E123 - Chase Credit Card Services- Reimburse Mike Lowry for Supreme Court filing fee
04/17/15	MPL	250.00	B P	//165922//E112 - Chase Credit Card Services- Reimburse Mike Lowry, Esq. for Supreme Court Filing Fee

Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Motion  
for Attorneys' Fees & to Amend Order Granting Summary  
Judgment

A-14-706566-C

Exhibit 2

Thorndal Armstrong Cost Records



**Details of filing:** Rhoda Welt and Lynn Welt's NRCP 7.1 Disclosure Statement  
**Filed in Case Number:** A-14-706566-C

OCT 03 2014

**E-File ID:** 6218153**Lead File Size:** 67751 bytes**Date Filed:** 2014-10-01 15:51:00.0**Case Title:** A-14-706566-C**Case Name:** Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)**Filing Title:** Rhoda Welt and Lynn Welt's NRCP 7.1 Disclosure Statement**Filing Type:** EFS**Filer's Name:** Carry van Eekhout**Filer's Email:** cve@thorndal.com**Account Name:** Thorndal,Armstrong, Delk, Balkenbush & Eisinger**Filing Code:** DSST**Amount:** \$ 3.50**Court Fee:** \$ 0.00**Card Fee:** \$ 0.00**Payment:** 02-OCT-2014 10:12:43 AM: Approved \$3.50 on Visa account "Thorndal,Armstrong, Delk, Balkenbush & Eisinger"  
[\*\*\*\*-5671]**Comments:****Courtesy Copies:** mpl@thorndal.com**Firm Name:** Thorndal, Armstrong Delk, Balkenbush & Eisinger**Your File Number:** Welt.Shapiro/MPL

WELTG. SHAPIRO/MPL

**Status:** Accepted - (A)**Date Accepted:** 2014-10-02 07:12:44.0**Review Comments:****Reviewer:** Terri Stringer**File Stamped  
Copy:** A-14-706566-C-6218153\_DSST Rhoda Welt and Lynn Welt s NRCP 7 1 Disclosure Statement.pdf**Cover Document:****Documents:****Lead Document:** 71.pdf 67751 bytes**Data Reference ID:****Credit Card System Response:** VSHCC35CD3C2**Response:** Reference:

**Details of filing:** *Initial Appearance Fee Disclosure for Rhoda Welt and Lynn Welt*  
**Filed in Case Number:** A-14-706566-C

OCT 03 2014

**E-File ID:** 6218140**Lead File Size:** 67737 bytes**Date Filed:** 2014-10-01 15:50:13.0**Case Title:** A-14-706566-C**Case Name:** Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)**Filing Title:** Initial Appearance Fee Disclosure for Rhoda Welt and Lynn Welt**Filing Type:** EFS**Filer's Name:** Carry van Eekhout**Filer's Email:** cve@thorndal.com**Account Name:** Thorndal,Armstrong, Delk, Balkenbush & Eisinger**Filing Code:** IAFD**Amount:** \$ 3.50**Court Fee:** \$ 0.00**Card Fee:** \$ 0.00**Payment:** 01-OCT-2014 07:41:46 PM: Approved \$3.50 on Visa account "Thorndal,Armstrong, Delk, Balkenbush & Eisinger"  
[\*\*\*\*-5671]**Comments:****Courtesy Copies:****Firm Name:** Thorndal, Armstrong Delk, Balkenbush & Eisinger**Your File Number:** Welt.Shapiro/MPL

WELTG.SHAPIRO/MPL

**Status:** Accepted - (A)**Date Accepted:** 2014-10-01 16:41:47.0**Review****Comments:****Reviewer:** Walter Abregow**File Stamped**  
**Copy:** A-14-706566-C-6218140 IAFD Initial Appearance Fee Disclosure for Rhoda Welt and Lynn Welt.pdf**Cover Document:****Documents:****Lead Document:** IAFD for Rhoda & Lynn.pdf 67737 bytes**Data Reference ID:****Credit Card** System Response: VUYCC4C2D8CE**Response:** Reference:

**Details of filing:** Rhoda Welt and Lynn Welt's Demand for Security of Costs  
**Filed in Case Number:** A-14-706566-C

OCT 03 2014

**E-File ID:** 6218132**Lead File Size:** 68244 bytes**Date Filed:** 2014-10-01 15:49:31.0**Case Title:** A-14-706566-C**Case Name:** Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)**Filing Title:** Rhoda Welt and Lynn Welt's Demand for Security of Costs**Filing Type:** EFS**Filer's Name:** Carry van Eekhout**Filer's Email:** cve@thorndal.com**Account Name:** Thorndal,Armstrong, Delk, Balkenbush & Eisinger**Filing Code:** DMSC**Amount:** \$ 3.50**Court Fee:** \$ 253.00**Card Fee:** \$ 7.59**Payment:** 01-OCT-2014 07:41:26 PM: Approved \$264.09 on Visa account "Thorndal,Armstrong, Delk, Balkenbush & Eisinger"  
[\*\*\*\*-5671]**Comments:****Courtesy Copies:** mpl@thorndal.com**Firm Name:** Thorndal, Armstrong Delk, Balkenbush & Eisinger**Your File Number:** Welt.Shapiro/MPL

WELTG. SHAPIRO/MPL

**Status:** Accepted - (A)**Date Accepted:** 2014-10-01 16:41:29.0**Review****Comments:****Reviewer:** Walter Abregow**File Stamped**  
**Copy:** A-14-706566-C-6218132\_DMSC\_Rhoda\_Welt\_and\_Lynn\_Welt\_s\_Demand\_for\_Security\_of\_Costs.pdf**Cover Document:****Documents:****Lead Document:** Demand for Security of Costs for Rhoda & Lynn.pdf 68244 bytes**Data Reference****ID:****Credit Card** System Response: VUJCC4C2D7EB**Response:** Reference:

**Details of filing:** *Glenn Welt & Michele Welt's Initial Appearance Fee Disclosure*  
**Filed in Case Number:** A-14-706566-C

OCT 15 2014

**E-File ID:** 6262537

**Lead File Size:** 67926 bytes

**Date Filed:** 2014-10-13 13:19:14.0

**Case Title:** A-14-706566-C

**Case Name:** Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)

**Filing Title:** Glenn Welt & Michele Welt's Initial Appearance Fee Disclosure

**Filing Type:** EFS

**Filer's Name:** Carry van Eekhout

**Filer's Email:** cve@thorndal.com

**Account Name:** Thorndal,Armstrong, Delk, Balkenbush & Eisinger

**Filing Code:** IAFD

**Amount:** \$ 3.50

**Court Fee:** \$ 0.00

**Card Fee:** \$ 0.00

**Payment:** 13-OCT-2014 06:47:03 PM: Approved \$3.50 on Visa account "Thorndal,Armstrong, Delk, Balkenbush & Eisinger"  
[\*\*\*\*-5671]

**Comments:**

**Courtesy Copies:**

**Firm Name:** Thorndal, Armstrong Delk, Balkenbush & Eisinger

**Your File Number:** Welt.Shapiro/MPL

WELTG.SHAPIRO/MPL

**Status:** Accepted - (A)

**Date Accepted:** 2014-10-13 15:47:05.0

**Review Comments:**

**Reviewer:** Pamela Pullan

**File Stamped**  
**Copy:** A-14-706566-C-6262537 IAFD Glenn Welt Michele Welt s Initial Appearance Fee Disclosure.pdf

**Cover Document:**

**Documents:**  
**Lead Document:** IAFD for Glenn & Michele.pdf 67926 bytes

**Data Reference ID:**

**Credit Card** System Response: VPECB443008F

**Response:** Reference:

**Details of filing:** *Glenn Welt & Michele Welt's NRCP 7.1 Disclosure Statement*  
**Filed in Case Number:** A-14-706566-C

OCT 15 2014

**E-File ID:** 6262540**Lead File Size:** 67870 bytes**Date Filed:** 2014-10-13 13:19:49.0**Case Title:** A-14-706566-C**Case Name:** Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)**Filing Title:** Glenn Welt & Michele Welt's NRCP 7.1 Disclosure Statement**Filing Type:** EFS**Filer's Name:** Carry van Eekhout**Filer's Email:** cve@thorndal.com**Account Name:** Thorndal,Armstrong, Delk, Balkenbush & Eisinger**Filing Code:** DSST**Amount:** \$ 3.50**Court Fee:** \$ 0.00**Card Fee:** \$ 0.00**Payment:** 13-OCT-2014 06:47:27 PM: Approved \$3.50 on Visa account "Thorndal,Armstrong, Delk, Balkenbush & Eisinger"  
[\*\*\*\*-5671]**Comments:****Courtesy Copies:****Firm Name:** Thorndal, Armstrong Delk, Balkenbush & Eisinger**Your File Number:** Welt.Shapiro/MPL

WELTG.SHAPIRO/MPL

**Status:** Accepted - (A)**Date Accepted:** 2014-10-13 15:47:31.0**Review Comments:****Reviewer:** Pamela Pullan**File Stamped Copy:** A-14-706566-C-6262540\_DSST\_Glenn\_Welt\_Michele\_Welt's\_NRCP\_7.1\_Disclosure\_Statement.pdf**Documents:** Cover Document:

Lead Document: Z.pdf 67870 bytes

**Data Reference ID:****Credit Card** System Response: VLFCB622C5B2**Response:** Reference:

**Details of filing:** *Glenn Welt & Michele Welt's Demand for Security of Costs*  
**Filed in Case Number:** A-14-706566-C

OCT 15 2014

**E-File ID:** 6262527

**Lead File Size:** 68148 bytes

**Date Filed:** 2014-10-13 13:18:30.0

**Case Title:** A-14-706566-C

**Case Name:** Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)

**Filing Title:** Glenn Welt & Michele Welt's Demand for Security of Costs

**Filing Type:** EFS

**Filer's Name:** Carry van Eekhout

**Filer's Email:** cve@thorndal.com

**Account Name:** Thorndal,Armstrong, Delk, Balkenbush & Eisinger

**Filing Code:** DMSC

**Amount:** \$ 3.50

**Court Fee:** \$ 253.00

**Card Fee:** \$ 7.59

**Payment:** 13-OCT-2014 06:15:12 PM: Approved \$264.09 on Visa account "Thorndal,Armstrong, Delk, Balkenbush & Eisinger" [\*\*\*-5671]

**Comments:**

**Courtesy Copies:**

**Firm Name:** Thorndal, Armstrong Delk, Balkenbush & Eisinger

**Your File Number:** Welt.Shapiro/MPL

WELTG. SHAPIRO/MPL

**Status:** Accepted - (A)

**Date Accepted:** 2014-10-13 15:15:16.0

**Review**

**Comments:**

**Reviewer:** Pamela Pullan

**File Stamped**

**Copy:** A-14-706566-C-6262527-DMSC-Glenn Welt Michele Welt s Demand for Security of Costs.pdf

**Cover Document:**

**Documents:**

**Lead Document:** Demand for Security of Costs for Glenn & Michele.pdf 68148 bytes

**Data Reference**

**ID:**

**Credit Card** System Response: VTHCC5FC668B

**Response:** Reference:

**Details of filing:** *Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Reply re Motion to Dismiss*  
**Filed in Case Number:** A-14-706566-C

**E-File ID:** 6452424

**Lead File Size:** 115416 bytes

**Date Filed:** 2014-12-10 08:46:36.0

**Case Title:** A-14-706566-C

**Case Name:** Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)

**Filing Title:** Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Reply re Motion to Dismiss

**Filing Type:** EFS

**Filer's Name:** Carry van Eekhout

**Filer's Email:** cve@thorndal.com

**Account Name:** Thorndal,Armstrong, Delk, Balkenbush & Eisinger

**Filing Code:** ROPP

**Amount:** \$ 3.50

**Court Fee:** \$ 0.00

**Card Fee:** \$ 0.00

**Payment:** 10-DEC-2014 11:49:04 AM: Approved \$3.50 on Visa account "Thorndal,Armstrong, Delk, Balkenbush & Eisinger"  
[\*\*\*\*-5671]

**Comments:**

**Courtesy**  
**Copies:**

**Firm Name:** Thorndal, Armstrong Delk, Balkenbush & Eisinger

**Your File**  
**Number:** Welt.Shapiro/MPL

**Status:** Accepted - (A)

**Date Accepted:** 2014-12-10 08:49:10.0

**Review**  
**Comments:**

**Reviewer:** Patty Azucena

**File Stamped** A-14-706566-

**Copy:** C-6452424 ROPP Glenn Welt Rhoda Welt Lynn Welt Michele Welt s Reply re Motion to Dismiss.pdf

**Cover Document:**

**Lead Document:** Mtn to Dismiss re Cost Bond\_Reply\_.pdf 115416 bytes

**Documents:** Attachment # 1: Reply Exhibit 1.pdf 56911 bytes

Attachment # 2: Reply Exhibit 2.pdf 59651 bytes

Attachment # 3: Reply Exhibit 3.pdf 112624 bytes

Attachment # 4: Reply Exhibit 4.pdf 57904 bytes

**Data Reference**  
**ID:**

**Credit Card** System Response: VPECB69D3B43

**Response:** Reference:

**Details of filing:** *Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Motion to Dismiss*  
**Filed in Case Number:** A-14-706566-C

**E-File ID:** 6467378

**Lead File**  
**Size:** 236911 bytes

DEC 16 2014

**Date Filed:** 2014-12-15 12:19:57.0

**Case Title:** A-14-706566-C

**Case Name:** Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)

**Filing Title:** Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Motion to Dismiss

**Filing Type:** EFS

**Filer's Name:** Carry van Eekhout

**Filer's Email:** cve@thorndal.com

**Account**  
**Name:** Thorndal,Armstrong, Delk, Balkenbush & Eisinger

**Filing Code:** MDSM

**Amount:** \$ 3.50

**Court Fee:** \$ 0.00

**Card Fee:** \$ 0.00

**Payment:** 15-DEC-2014 04:36:31 PM: Approved \$3.50 on Visa account "Thorndal,Armstrong, Delk, Balkenbush & Eisinger" [\*\*\*\*-5671]

**Comments:** NRS 41.660(f) requires the court to "[r]ule on the motion within 7 judicial days after the motion is served upon the plaintiff." This impacts the hearing schedule as the 7 days expires on 12/24.

**Courtesy**  
**Copies:**

**Firm Name:** Thorndal, Armstrong Delk, Balkenbush & Eisinger

**Your File**  
**Number:** Welt.Shapiro/MPL

WELTG. SHAPIRO/MPL

**Status:** Accepted - (A)

**Date**  
**Accepted:** 2014-12-15 13:36:35.0

**Review**  
**Comments:**

**Reviewer:** Joshua Raak

**File Stamped**  
**Copy:** A-14-706566-C-6467378\_MDSM\_Glenn\_Welt\_Rhoda\_Welt\_Lynn\_Welt\_Michele\_Welt\_s\_Motion\_to\_Dismiss.pdf

Cover Document:

**Documents:** Lead Document: Welt Mtn.pdf 236911 bytes

Attachment # 1: Welt Mtn Exhibits.pdf 2405671 bytes

**Data**  
**Reference ID:**

**Credit Card** System Response: VQCCB89881DD

**Response:** Reference:



**Details of filing:** *Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Notice of Withdrawal of Motion*  
**Filed in Case Number:** A-14-706566-C

**E-File ID:** 6467293

**Lead File Size:** 71454 bytes

DEC 16 2014

**Date Filed:** 2014-12-15 12:07:23.0

**Case Title:** A-14-706566-C

**Case Name:** Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)

**Filing Title:** Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Notice of Withdrawal of Motion

**Filing Type:** EFS

**Filer's Name:** Carry van Eekhout

**Filer's Email:** cve@thorndal.com

**Account Name:** Thorndal,Armstrong, Delk, Balkenbush & Eisinger

**Filing Code:** NWM

**Amount:** \$ 3.50

**Court Fee:** \$ 0.00

**Card Fee:** \$ 0.00

**Payment:** 15-DEC-2014 04:24:09 PM: Approved \$3.50 on Visa account "Thorndal,Armstrong, Delk, Balkenbush & Eisinger"  
[\*\*\*\*-5671]

**Comments:** This notice withdraws the motion pending in this case that is set for hearing on 12/17. The hearing may be vacated.

**Courtesy**

**Copies:**

**Firm Name:** Thorndal, Armstrong Delk, Balkenbush & Eisinger

**Your File Number:** Welt.Shapiro/MPL

WELTG. SHAPIRO/MPL

**Status:** Accepted - (A)

**Date Accepted:** 2014-12-15 13:24:11.0

**Review Comments:** Your Notice has been filed but a hearing cannot be vacated without department approval. Thank you

**Reviewer:** Joshua Raak

**File Stamped** A-14-706566-

**Copy:** C-6467293 NWM Glenn Welt Rhoda Welt Lynn Welt Michele Welt s Notice of Withdrawal of Motion.pdf

**Cover Document:**

**Documents:**

**Lead Document:** Welt Withdrawal.pdf 71454 bytes

**Data Reference**

**ID:**

**Credit Card** System Response: VLFCBA20CF3A

**Response:** Reference:

**Details of filing:** *Glenn Welt, Rhoda Welt, Lynn Welt and Michele Welt's Reply Re Motion to Dismiss*  
**Filed in Case Number:** A-14-706566-C

**E-File ID:** 6487606

**Lead File Size:** 134860 bytes

**Date Filed:** 2014-12-19 15:36:07.0

**Case Title:** A-14-706566-C

**Case Name:** Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)

**Filing Title:** Glenn Welt, Rhoda Welt, Lynn Welt and Michele Welt's Reply Re Motion to Dismiss

**Filing Type:** EFS

**Filer's Name:** Carry van Eekhout

**Filer's Email:** cve@thorndal.com

**Account Name:** Thorndal,Armstrong, Delk, Balkenbush & Eisinger

**Filing Code:** ROPP

**Amount:** \$ 3.50

**Court Fee:** \$ 0.00

**Card Fee:** \$ 0.00

**Payment:** 22-DEC-2014 11:40:17 AM: Approved \$3.50 on Visa account "Thorndal,Armstrong, Delk, Balkenbush & Eisinger"  
[\*\*\*\*-5671]

**Comments:**

**Courtesy**

**Copies:**

**Firm Name:** Thorndal, Armstrong Delk, Balkenbush & Eisinger

**Your File Number:** Welt.Shapiro/MPL

WELTG.SHAPIRO/MPL

**Status:** Accepted - (A)

**Date Accepted:** 2014-12-22 08:40:19.0

**Review**

**Comments:**

**Reviewer:** Pamela Pullan

**File Stamped** A-14-706566-

**Copy:** C-6487606 ROPP Glenn Welt Rhoda Welt Lynn Welt and Michele Welt s Reply Re Motion to Dismiss.pdf

**Cover Document:**

**Documents:** Lead Document: Anti-SLAPP Mtn Reply .pdf 134860 bytes

Attachment # 1: Answer to Petition for Conservatorship & Counterclaim.pdf 5572697 bytes

**Data Reference**

**ID:**

**Credit Card** System Response: VTJCCA7C8500

**Response:** Reference:

DEC 23 2014

**Details of filing:** *Notice of Entry of Order Granting Motion to Dismiss*  
**Filed in Case Number:** A-14-706566-C

JAN 05 2015

**E-File ID:** 6516486

**Lead File Size:** 66765 bytes

**Date Filed:** 2015-01-02 12:49:53.0

**Case Title:** A-14-706566-C

**Case Name:** Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)

**Filing Title:** Notice of Entry of Order Granting Motion to Dismiss

**Filing Type:** EFS

**Filer's Name:** Carry van Eekhout

**Filer's Email:** cve@thorndal.com

**Account Name:** Thorndal,Armstrong, Delk, Balkenbush & Eisinger

**Filing Code:** NEOJ

**Amount:** \$ 3.50

**Court Fee:** \$ 0.00

**Card Fee:** \$ 0.00

**Payment:** 02-JAN-2015 03:52:36 PM: Approved \$3.50 on Visa account "Thorndal,Armstrong, Delk, Balkenbush & Eisinger"  
[\*\*\*\*-5671]

**Comments:**

**Courtesy Copies:**

**Firm Name:** Thorndal, Armstrong Delk, Balkenbush & Eisinger

**Your File Number:** Welt.Shapiro/MPL

WELTG. SHAPIRO/MPL

**Status:** Accepted - (A)

**Date Accepted:** 2015-01-02 12:52:39.0

**Review Comments:**

**Reviewer:** Leona Asifoa

**File Stamped Copy:** A-14-706566-C-6516486 NEOJ Notice of Entry of Order Granting Motion to Dismiss.pdf

**Cover Document:**

**Documents:** Lead Document: NOE\_Order\_Granteeing Anti-SLAPP motion.pdf 66765 bytes

Attachment # 1: Order Granting Anti-SLAPP Mtn.pdf 97301 bytes

**Data Reference ID:**

**Credit Card** System Response: VUYCCA9FEB57

**Response:** Reference:

**Details of filing:** Affidavit in Support of Fees and Costs per NRS 41.670  
**Filed in Case Number:** A-14-706566-C

**E-File ID:** 6520297

**Lead File Size:** 80709 bytes

**Date Filed:** 2015-01-05 12:59:23.0

**Case Title:** A-14-706566-C

**Case Name:** Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)

**Filing Title:** Affidavit in Support of Fees and Costs per NRS 41.670

**Filing Type:** EFS

**Filer's Name:** Carry van Eekhout

**Filer's Email:** cve@thorndal.com

**Account Name:** Thorndal,Armstrong, Delk, Balkenbush & Eisinger

**Filing Code:** AFFD

**Amount:** \$ 3.50

**Court Fee:** \$ 0.00

**Card Fee:** \$ 0.00

**Payment:** 05-JAN-2015 04:02:03 PM: Approved \$3.50 on Visa account "Thorndal,Armstrong, Delk, Balkenbush & Eisinger"  
[\*\*\*\*-5671]

**Comments:**

**Courtesy Copies:**

**Firm Name:** Thorndal, Armstrong Delk, Balkenbush & Eisinger

**Your File Number:** Welt.Shapiro/MPL

WELT.C. SHAPIRO/MPL

**Status:** Accepted - (A)

**Date Accepted:** 2015-01-05 13:02:05.0

**Review Comments:**

**Reviewer:** Walter Abregow

**File Stamped Copy:** A-14-706566-C-6520297 AFFD Affidavit in Support of Fees and Costs per NRS 41.670.pdf

**Cover Document:**

**Documents:** Lead Document: DOC.pdf 80709 bytes

Attachment # 1: Welt Billing.pdf 140088 bytes

**Data Reference ID:**

**Credit Card** System Response: VQECB9C3638A

**Response:** Reference:

JAN 06 2015

**Details of filing:** *Reply in Support of Affidavit re Fees and Costs per NRS 41.670*

**Filed in Case Number:** A-14-706566-C

**E-File ID:** 6560351

**Lead File Size:** 89253 bytes

**Date Filed:** 2015-01-16 08:24:34.0

**Case Title:** A-14-706566-C

**Case Name:** Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)

**Filing Title:** Reply in Support of Affidavit re Fees and Costs per NRS 41.670

**Filing Type:** EFS

**Filer's Name:** Carry van Eekhout

**Filer's Email:** cve@thorndal.com

**Account Name:** Thorndal,Armstrong, Delk, Balkenbush & Eisinger

**Filing Code:** RIS

**Amount:** \$ 3.50

**Court Fee:** \$ 0.00

**Card Fee:** \$ 0.00

**Payment:** 16-JAN-2015 11:53:40 AM: Approved \$3.50 on Visa account "Thorndal,Armstrong, Delk, Balkenbush & Eisinger"  
[\*\*\*\*-5671]

**Comments:**

**Courtesy Copies:**

**Firm Name:** Thorndal, Armstrong Delk, Balkenbush & Eisinger

**Your File Number:** Welt.Shapiro/MPL

*Welt.G. Shapiro/MPL*

**Status:** Accepted - (A)

**Date Accepted:** 2015-01-16 08:53:42.0

**Review Comments:**

**Reviewer:** Kory Schlitz

**File Stamped**  
**Copy:** A-14-706566-C-6560351 RIS Reply in Support of Affidavit re Fees and Costs per NRS 41.670.pdf

**Cover Document:**

**Documents:**

**Lead Document:** Welt Reply.pdf 89253 bytes

**Data Reference ID:**

**Credit Card** System Response: VUYCCB6664A6

**Response:** Reference:

**Details of filing:** *Cross-Appeal Case Statement*  
**Filed in Case Number:** A-14-706566-C

**E-File ID:** 6656141

**Lead File Size:** 92958 bytes

**Date Filed:** 2015-02-13 10:37:37.0

**Case Title:** A-14-706566-C

**Case Name:** Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)

**Filing Title:** Cross-Appeal Case Statement

**Filing Type:** EFS

**Filer's Name:** Carry van Eekhout

**Filer's Email:** cve@thorndal.com

**Account Name:** Thorndal,Armstrong, Delk, Balkenbush & Eisinger

**Filing Code:** ASTA

**Amount:** \$ 3.50

**Court Fee:** \$ 0.00

**Card Fee:** \$ 0.00

**Payment:** 13-FEB-2015 01:55:41 PM: Approved \$3.50 on Visa account "Thorndal,Armstrong, Delk, Balkenbush & Eisinger"  
[\*\*\*\*-5671]

**Comments:**

**Courtesy Copies:**

**Firm Name:** Thorndal, Armstrong Delk, Balkenbush & Eisinger

**Your File Number:** Welt.Shapiro/MPL

WELTG. SHAPIRO/MPL

**Status:** Accepted - (A)

**Date Accepted:** 2015-02-13 10:55:43.0

**Review Comments:**

**Reviewer:** Chauntel Hahn

**File Stamped Copy:** A-14-706566-C-6656141 ASTA Cross Appeal Case Statement.pdf

**Documents:** Cover Document:

Lead Document: Cross-Appeal Case Statement.pdf 92958 bytes

**Data Reference ID:**

**Credit Card System Response:** VXHCCD605917

**Response:** Reference:

**Details of filing:** *Notice of Cross-Appeal*

**Filed in Case Number:** A-14-706566-C

**E-File ID:** 6656127

**Lead File Size:** 67752 bytes

**Date Filed:** 2015-02-13 10:36:19.0

**Case Title:** A-14-706566-C

**Case Name:** Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)

**Filing Title:** Notice of Cross-Appeal

**Filing Type:** EFS

**Filer's Name:** Carry van Eekhout

**Filer's Email:** cve@thorndal.com

**Account Name:** Thorndal,Armstrong, Delk, Balkenbush & Eisinger

**Filing Code:** NOAS

**Amount:** \$ 3.50

**Court Fee:** \$ 24.00

**Card Fee:** \$ 0.72

**Payment:** 13-FEB-2015 01:55:17 PM: Approved \$28.22 on Visa account "Thorndal,Armstrong, Delk, Balkenbush & Eisinger" [\*\*\*\*-5671]

**Comments:**

**Courtesy Copies:**

**Firm Name:** Thorndal, Armstrong Delk, Balkenbush & Eisinger

**Your File Number:** Welt.Shapiro/MPL

WELT.G. SHAPIRO/MPL

**Status:** Accepted - (A)

**Date Accepted:** 2015-02-13 10:55:18.0

**Review Comments:**

**Reviewer:** Chauntel Hahn

**File Stamped Copy:** A-14-706566-C-6656127 NOAS Notice of Cross Appeal.pdf

**Cover Document:**

**Documents:**

**Lead Document:** Notice of Cross-Appeal.pdf 67752 bytes

**Data Reference ID:**

**Credit Card** System Response: VUYCCCFE039

**Response:** Reference:

**Details of filing:** *Notice of Entry of Order Granting Motion for Attorneys' Fees*  
**Filed in Case Number:** A-14-706566-C

**E-File ID:** 6680790

**Lead File Size:** 66957 bytes

**Date Filed:** 2015-02-23 06:28:18.0

**Case Title:** A-14-706566-C

**Case Name:** Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)

FEB 24 2015

**Filing Title:** Notice of Entry of Order Granting Motion for Attorneys' Fees

**Filing Type:** EFS

**Filer's Name:** Carry van Eekhout

**Filer's Email:** cve@thorndal.com

**Account Name:** Thorndal,Armstrong, Delk, Balkenbush & Eisinger

**Filing Code:** NEOJ

**Amount:** \$ 3.50

**Court Fee:** \$ 0.00

**Card Fee:** \$ 0.00

**Payment:** 23-FEB-2015 11:26:57 AM: Approved \$3.50 on Visa account "Thorndal,Armstrong, Delk, Balkenbush & Eisinger" [\*\*\*\*-5671]

**Comments:**

**Courtesy Copies:**

**Firm Name:** Thorndal, Armstrong Delk, Balkenbush & Eisinger

**Your File Number:** Welt.Shapiro/MPL

**Status:** Accepted - (A)

**Date Accepted:** 2015-02-23 08:26:59.0

**Review Comments:**

**Reviewer:** Kadir Beckom

**File Stamped Copy:** A-14-706566-C-6680790 NEOJ Notice of Entry of Order Granting Motion for Attorneys Fees.pdf

**Cover Document:**

**Documents:** Lead Document: NOE Order re Fees.pdf 66957 bytes

Attachment # 1: Affidavit in Support of Fees and Costs (Order).pdf 102034 bytes

**Data Reference ID:**

**Credit Card Response:** System Response: VRFCBCB310FA  
Reference:



ENTITY VENDOR  
TADBE Chase Credit Card Services [CHS2L]

CHECK DATE CHECK NO.  
03/09/2015 115671

DOC NO	APPLY TO	DATE	VENDOR CREDIT NO	VENDOR INVOICE NO	DOC AMOUNT	DISCOUNT	PAYMENT AMOUNT
115671	165024	03/09/2015			64.49	0.00	64.49
	YAMPOL-VAHEY/BKT	1260-0-000					
115671	165025	03/09/2015			400.00	0.00	400.00
	DOLGEN-TORRES/CJC	1260-0-000					
115671	165026	03/09/2015			250.00	0.00	250.00
	WELTG-SHAPIRO/MPL	1260-0-000					
115671	165027	03/09/2015			332.55	0.00	332.55
	LUNCH MEETING WITH DOUG LAWSON FROM KEOLIS- MPL	8720-1-629					
115671	165028	03/09/2015			11.58	0.00	11.58
	COFFEE MEETING WITH CLAIMS MANAGER FROM NATIONAL INTERSTATE- MPL	8720-1-629					
115671	165029	03/09/2015			28.50	0.00	28.50
	MARCH 2015 RIMS LUNCH- MPL	8720-1-629					
115671	165030	03/09/2015			1,559.00	0.00	1,559.00
	REGISTRATION FOR USLAW 2015 SPRING CONFERENCE- MPL	8730-1-000					
							2,646.12

THORNDAL ARMSTRONG  
DELK, BALKENBUSH & EISINGER  
A Professional Corporation  
P.O. Box 2070 (702) 366-0622  
Las Vegas, NV 89125-2070

THORNDAL ARMSTRONG  
DELK, BALKENBUSH & EISINGER  
A Professional Corporation  
P.O. Box 2070 (702) 366-0622  
Las Vegas, NV 89125-2070  
88-0111721

Wells Fargo Bank  
P.O. Box 19250  
Las Vegas, NV 89132-0250  
(800) 869-3557

94-7074/3212 CHECK NO  
115671

CST 03/09/2015

DATE	AMOUNT
03/09/2015	*****2,646.12

Pay TWO THOUSAND SIX HUNDRED FORTY SIX AND 12/100 DOLLARS

Void after 180 days

To The Chase Credit Card Services  
Order  
Of

NOT NEGOTIABLE

/115671/ &321270742&5127342367/

Appellant's Exhibits 190

**TADBE**  
**CHECK REQUEST**

Amount \$ 290.00Date Submitted 3/19/15

Date Needed \_\_\_\_\_

PAYEE: [ ] COUNTY CLERK, or

Chase Card ServicesPRODUCT/SERVICE: Supreme Court of Nevada Filing Fee

FULL CASECODE INCLUDING ATTORNEY INITIALS/OFFICE PURPOSE: \_\_\_\_\_

Wetrg. Shapiro / MPL☒

The firm must advance all costs in this matter.

☐ The firm must advance costs up to \$ \_\_\_\_\_ pursuant to guidelines  
of \_\_\_\_\_  
(Insurance company or self-insured)

ATTORNEY: MPLRETURN CHECK TO: MPL

APPROVAL: \_\_\_\_\_

E-CODE: \_\_\_\_\_

**NOTE:** Check requests should include copies of appropriate backup documents that will  
NOT be returned with the check.

**NOTE:** All case costs in excess of \$300 are to be submitted to the client for payment.

ALL CHECK REQUESTS REQUIRING APPROVAL BY THE COMMITTEE WILL BE  
CONSIDERED AT THE NEXT SCHEDULED MEETING. PLEASE PLAN ACCORDINGLY.

## Receipt

# Supreme Court of Nevada

### Payment Receipt

[PRINT](#)

**Merchant Location Code:** 0001

**Payment Status:** Success

**Payment Date:** 02/27/2015

**Confirmation Number:** 15022762434220

**Billing Address:** Michael Lowry

**E-Mail Address:** mlowry@thorndal.com

**Total Amount:** 250.00 USD

**Card Type:** VISA

**Account #:** x6445

**Authorization Code:** 00383D

### Efiling Rules

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ENTITY TADBFC . VENDOR Chase Credit Card Services [CHS2L]

CHECK DATE 04/17/2015 CHECK NO. 116103

DOC NO	APPLY TO	DATE	VENDOR CREDIT NO	VENDOR INVOICE NO	DOC AMOUNT	DISCOUNT	PAYMENT AMOUNT
116103	165922	04/17/2015			250.00	0.00	250.00
	WELTG SHAFIRO/MPL	1260-0-000					
116103	165923	04/17/2015			250.00	0.00	250.00
	YAMPOL-VAHEY2/BKT	1260-0-000					
116103	165924	04/17/2015			238.22	0.00	238.22
	AUTUM-VALLEY/PNG	1260-0-000					
116103	165925	04/17/2015			1,309.66	0.00	1,309.66
	HOTEL & MILEAGE FOR CLM ANNUAL CONF. IN PALM DESERT, CA- MPL	0710-1-629					
116103	165926	04/17/2015			24.50	0.00	24.50
	APRIL 2015 RIMS LUNCH- MPL	0720-1-629					
116103	165927	04/17/2015			1,612.80	0.00	1,612.80
	AIRFARE, HOTEL, ETC. FOR USLAN CONF. IN SAN ANTONIO, TX- MPL	0730-1-000					
116103	165934	04/17/2015			45.00	0.00	45.00
	MEET YOUR JUDGES MIXER- MPL	0710-1-629					
							3,734.18

THORNDAL ARMSTRONG  
DELK, BALKENBUSH & EISINGER  
A Professional Corporation  
P.O. Box 2070 (702) 366-0622  
Las Vegas, NV 89125-2070

THORNDAL ARMSTRONG  
DELK, BALKENBUSH & EISINGER  
A Professional Corporation  
P.O. Box 2070 (702) 366-0622  
Las Vegas, NV 89125-2070  
88-0111721

Wells Fargo Bank  
P.O. Box 19250  
Las Vegas, NV 89132-0250  
(800) 869-3557

94-7074/3212 CHECK NO  
116103

DATE	AMOUNT
04/17/2015	*****3,734.18

Pay THREE THOUSAND SEVEN HUNDRED THIRTY FOUR AND 18/100 DOLLARS

Void after 180 days

To The Chase Credit Card Services  
Order  
Of

NOT NEGOTIABLE

/116103/ &321270742&5127342367/

Appellant's Exhibits 193

CHS2L

**TADBE  
CHECK REQUEST**

Amount \$ 250.00

Date Submitted 4/16/15  
Date Needed \_\_\_\_\_

PAYEE: [ ] COUNTY CLERK, or

Chase Card Services

PRODUCT/SERVICE: \_\_\_\_\_

FULL CASECODE INCLUDING ATTORNEY INITIALS/OFFICE PURPOSE: \_\_\_\_\_

Weltg. Shop. 110 / MPL Supreme Court Filing Fee

\_\_\_\_\_ The firm must advance all costs in this matter.

\_\_\_\_\_ The firm must advance costs up to \$ \_\_\_\_\_ pursuant to guidelines  
of \_\_\_\_\_  
(Insurance company or self-insured)

ATTORNEY: \_\_\_\_\_

RETURN CHECK TO: MPL

APPROVAL: CL

E-CODE: E 112

**NOTE:** Check requests should include copies of appropriate backup documents that will NOT be returned with the check.

**NOTE:** All case costs in excess of \$300 are to be submitted to the client for payment.

ALL CHECK REQUESTS REQUIRING APPROVAL BY THE COMMITTEE WILL BE CONSIDERED AT THE NEXT SCHEDULED MEETING. PLEASE PLAN ACCORDINGLY.

**Receipt**

# Supreme Court of Nevada

**Payment Receipt****PRINT****Merchant Location Code:** 0001**Payment Status:** Success**Payment Date:** 03/18/2015**Confirmation Number:** 15031865097691**Billing Address:** Michael Lowry**E-Mail Address:** mlowry@thorndal.com**Total Amount:** 250.00 USD**Card Type:** VISA**Account #:** x6445**Authorization Code:** 00154D**Efiling Rules**

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Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Motion  
for Attorneys' Fees & to Amend Order Granting Summary  
Judgment

A-14-706566-C

Exhibit 3

Wilson Elser Billing Records

Time Report

Billed and Unbilled

WELT, GLENN / Howard Shapiro v. Glenn Welt / Shapiro, Howard (18875-1)

08/13/2019

Date	SM/Task	Attorney	Name	Staff Level	Description	Rate	Orig Hrs	Orig Amt	Orig Rate	Rev Hrs	Rev Amt	Rev Rate	Service	Activity	Invoice	Status
10/04/2016	L530	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2707313	Billed
Analysis of correspondence from Glenn Welt re <a href="#">Redaction</a>																
10/06/2016	L530	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2707313	Billed
Draft correspondence to Glenn Welt explaining <a href="#">Redaction</a>																
10/06/2016	L530	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2707313	Billed
Analysis of correspondence from Glenn Welt re <a href="#">Redaction</a>																
11/03/2016	L530	7465	LOWRY M P	00030	PARTNERS - I	B	6.00	1,500.00	250.00	6.00	1,500.00	250.00	10099	A101	2707313	Billed
Begin preparing oral argument about constitutionality of anti-SLAPP mechanisms and how court need not decide on constitutional grounds.																
11/04/2016	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A104	2707313	Billed
Analysis of amici's proposed motion to participate in oral argument.																
11/04/2016	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2707313	Billed
Draft correspondence to Glenn Welt asking how <a href="#">Redaction</a>																
11/07/2016	L530	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A108	2707313	Billed
Analysis of correspondence from Marc Randazza re potential media coverage at oral argument.																
11/07/2016	L530	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2707313	Billed
Analysis of correspondence from Glenn Welt re <a href="#">Redaction</a>																
11/09/2016	L530	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2707313	Billed
Analysis of correspondence from Glenn Welt re <a href="#">Redaction</a>																
11/09/2016	L530	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2707313	Billed
Analysis of correspondence from Marc Randazza re media coverage of oral argument.																
11/17/2016	L530	7465	LOWRY M P	00030	PARTNERS - I	B	0.80	200.00	250.00	0.80	200.00	250.00	10099	A101	2707313	Billed
Continue oral argument preparations; cease preparation when informed Shapiros' attorney is being taken into surgery and cannot appear.																
11/17/2016	L530	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2707313	Billed
Draft correspondence to Glenn Welt re <a href="#">Redaction</a>																
12/05/2016	L530	7465	LOWRY M P	00030	PARTNERS - I	B	4.60	1,150.00	250.00	4.60	1,150.00	250.00	10099	A101	2715461	Billed
Resume preparations for oral argument; specifically prepare to address the constitutional arguments the Shapiros assert.																
12/06/2016	L530	7465	LOWRY M P	00030	PARTNERS - I	B	3.40	850.00	250.00	3.40	850.00	250.00	10099	A101	2715461	Billed
Continue preparations for oral argument; finalize preparations for constitutional arguments and begin preparations for statutory arguments.																
12/07/2016	L530	7465	LOWRY M P	00030	PARTNERS - I	B	4.40	1,100.00	250.00	4.40	1,100.00	250.00	10099	A101	2715461	Billed
Finalize all preparations for oral argument; specifically prepare to address arguments about the recovery of attorneys' fees.																
12/07/2016	L530	7465	LOWRY M P	00030	PARTNERS - I	B	0.80	200.00	250.00	0.80	200.00	250.00	10099	A109	2715461	Billed
Attend oral argument before Supreme Court of Nevada.																
12/07/2016	L530	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2715461	Billed
Draft correspondence to Glenn Welt re <a href="#">Redaction</a>																
02/02/2017	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.40	100.00	250.00	0.40	100.00	250.00	10099	A104	2744103	Billed
Analysis of Supreme Court's decision and reasoning for its result.																
02/02/2017	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.60	150.00	250.00	0.60	150.00	250.00	10099	A104	2744103	Billed



Time Report

Billed and Unbilled

WELT, GLENN / Howard Shapiro v. Glenn Welt / Shapiro, Howard (18875-1)

08/13/2019

Date	SM/Task	Attorney	Name	Staff Level	Description	Rate	Orig Hrs	Orig Amt	Orig Rate	Rev Hrs	Rev Amt	Rev Rate	Service	Activity	Invoice	Status
Conduct legal analysis of California law referenced in the decision as relates to the judicial proceeding statute.																
02/02/2017	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.40	100.00	250.00	0.40	100.00	250.00	10099	A106	2744103	Billed
Draft correspondence to Glenn Welt re Supreme Court's decision, <a href="#">Redaction</a>																
02/03/2017	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2744103	Billed
Analysis of correspondence from Glenn Welt approving <a href="#">Redaction</a>																
02/05/2017	L510	7465	LOWRY M P	00030	PARTNERS - I	B	1.40	350.00	250.00	1.40	350.00	250.00	10099	A103	2744103	Billed
Begin drafting petition for rehearing based upon failure to address NRS 41.637(3) arguments.																
02/06/2017	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.40	100.00	250.00	0.40	100.00	250.00	10099	A103	2744103	Billed
Finalize petition for rehearing.																
<a href="#">Redaction</a>																
04/01/2017	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A104	2764615	Billed
Analysis of Supreme Court order denying petition for re-hearing.																
<a href="#">Redaction</a>																
04/05/2017	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2764615	Billed
Draft correspondence to Glenn Welt re options for <a href="#">Redaction</a>																
<a href="#">Redaction</a>																
04/06/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2764615	Billed
Analysis of correspondence from Glenn Welt advising can proceed <a href="#">Redaction</a>																
<a href="#">Redaction</a>																
04/24/2017	L240	7461	EBERT A	00005	5th YEAR ASSOCIATE	B	2.40	540.00	225.00	2.40	540.00	225.00	10099	A103	2764615	Billed
Begin drafting revised motion to dismiss regarding anti-SLAPP statute; draft factual and procedural summaries, summary of Supreme Court findings on original grant of motion to dismiss.																
04/24/2017	L240	7461	EBERT A	00005	5th YEAR ASSOCIATE	B	0.60	135.00	225.00	0.60	135.00	225.00	10099	A102	2764615	Billed
Research case law cited by Nevada Supreme Court in opinion regarding public interest test and absolute legal privilege.																
<a href="#">Redaction</a>																

Time Report

Billed and Unbilled

WELT, GLENN / Howard Shapiro v. Glenn Welt / Shapiro, Howard (18875-1)

08/13/2019

Date	SM/Task	Attorney	Name	Staff Level	Description	Rate	Orig Hrs	Orig Amt	Orig Rate	Rev Hrs	Rev Amt	Rev Rate	Service	Activity	Invoice	Status
Redaction																
04/25/2017	L240	7461	EBERT A	00005	5th YEAR ASSOCIATE	B	2.10	472.50	225.00	2.10	472.50	225.00	10099	A103	2764615	Billed
Continue drafting motion to dismiss (Anti-SLAPP); draft analysis of 5 part public interest test; analysis of absolute privilege pursuant to Jacobs.																
Redaction																
04/26/2017	L240	7461	EBERT A	00005	5th YEAR ASSOCIATE	B	1.80	405.00	225.00	1.80	405.00	225.00	10099	A103	2764615	Billed
Continue drafting motion to dismiss (Anti-SLAPP); draft additional arguments regarding Piping Rock decision, argument regarding timeliness of motion pursuant to Supreme Court remitter.																
Redaction																
04/28/2017	L240	7461	EBERT A	00005	5th YEAR ASSOCIATE	B	0.60	135.00	225.00	0.60	135.00	225.00	10099	A103	2764615	Billed
Continue drafting motion to dismiss; draft additional argument regarding good faith standard.																
Redaction																
Continue drafting motion to dismiss; supplement arguments regarding absolute litigation standard under Jacobs, public interest test under Piping Rock.																
05/01/2017	L240	7461	EBERT A	00005	5th YEAR ASSOCIATE	B	3.80	855.00	225.00	3.80	855.00	225.00	10099	A103	2774271	Billed
Continue drafting motion to dismiss; supplement arguments regarding absolute litigation standard under Jacobs, public interest test under Piping Rock.																
Redaction																
05/16/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2774271	Billed
Telephone call from Lynn Welt re Redaction																
05/17/2017	L120	7461	EBERT A	00005	5th YEAR ASSOCIATE	B	0.30	67.50	225.00	0.30	67.50	225.00	10099	A106	2774271	Billed
Telephone call with client regarding Redaction																
05/23/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	2.30	575.00	250.00	2.30	575.00	250.00	10099	A103	2774271	Billed
Begin revising renewed anti-SLAPP motion. Expand analysis to include cases from Louisiana, Georgia, and Vermont that address the "public interest" topic like California.																
05/24/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	2.70	675.00	250.00	2.70	675.00	250.00	10099	A103	2774271	Billed
Continue drafting renewed dispositive motion; work on distinguishing California law applicable to matters of public interest as opposed to those concerning a judicial proceeding.																
05/25/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	8.10	2,025.00	250.00	8.10	2,025.00	250.00	10099	A103	2774271	Billed
Continue drafting renewed dispositive motion; draft long section discussing how California's anti-SLAPP statute protects speech concerning matters under review before a judicial body and how the Welts' website was protected speech within that definition.																
05/26/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	8.50	2,125.00	250.00	8.50	2,125.00	250.00	10099	A103	2774271	Billed
Continue drafting renewed dispositive motion; draft section addressing Nevada statute protecting speech in direct connection with an issue of public interest in a place open to the public or in a public forum, 3 different manners in which California has applied that same protection, and why the Welts' website is protected under all 3.																

Time Report

Billed and Unbilled

WELT, GLENN / Howard Shapiro v. Glenn Welt / Shapiro, Howard (18875-1)

08/13/2019

Date	SM/Task	Attorney	Name	Staff Level	Description	Rate	Orig Hrs	Orig Amt	Orig Rate	Rev Hrs	Rev Amt	Rev Rate	Service	Activity	Invoice	Status
05/30/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A103	2774271	Billed
Draft correspondence to Glenn Welt re status of <a href="#">Redaction</a>																
06/20/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A107	2784892	Billed
Telephone call from Alex Ghibaudo re late opposition to motion to dismiss.																
06/20/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2784892	Billed
Draft correspondence to Glenn Welt answering his questions about <a href="#">Redaction</a>																
06/20/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2784892	Billed
Analysis of correspondence from Rhoda Welt re <a href="#">Redaction</a>																
06/21/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.60	150.00	250.00	0.60	150.00	250.00	10099	A104	2784892	Billed
Analysis of Shapiros' opposition to anti-SLAPP motion to dismiss.																
06/21/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	3.50	875.00	250.00	3.50	875.00	250.00	10099	A103	2784892	Billed
Draft reply debunking Shapiros' arguments in opposition.																
06/21/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A104	2784892	Billed
Analysis of court order moving hearing to July 19 due to Shapiros' delinquent opposition.																
06/22/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2784892	Billed
Draft correspondence to Glenn Welt answering his questions about <a href="#">Redaction</a>																
07/06/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.40	100.00	250.00	0.40	100.00	250.00	10099	A104	2796055	Billed
Analysis of Supreme Court of Nevada's new Delucchi decision interpreting NRS 41.637 as argued in Welts' motion to dismiss.																
07/09/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	1.20	300.00	250.00	1.20	300.00	250.00	10099	A103	2796055	Billed
Draft supplemental briefing re why new Delucchi decision supports Welts' motion to dismiss.																
07/10/2017	L250	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2796055	Billed
Draft correspondence to Glenn Welt re supplemental brief re new Supreme Court decision.																
07/10/2017	L160	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2796055	Billed
Analysis of correspondence from Glenn Welt instructing to <a href="#">Redaction</a>																
07/10/2017	L160	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A107	2796055	Billed
Draft correspondence to Alex Ghibaudo outlining terms of settlement offer.																
07/19/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	1.10	275.00	250.00	1.10	275.00	250.00	10099	A101	2796055	Billed
Prepare oral argument for court concerning merits of Welts' renewed motion to dismiss.																
07/19/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	2.20	550.00	250.00	2.20	550.00	250.00	10099	A109	2796055	Billed
Attend court hearing on motion to dismiss for anti-SLAPP.																
07/19/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.20	50.00	250.00	0.20	50.00	250.00	10099	A106	2796055	Billed
Draft correspondence to Glenn Welt re court's ruling on motion to dismiss and next steps in the process.																
07/19/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	3.70	925.00	250.00	3.70	925.00	250.00	10099	A103	2796055	Billed
Convert all briefing in support of the Welts into a 24 page court order granting their motion and other relief.																
07/24/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2796055	Billed
Draft correspondence to Glenn Welt answering his questions about <a href="#">Redaction</a>																
07/24/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A107	2796055	Billed

Time Report

Billed and Unbilled

WELT, GLENN / Howard Shapiro v. Glenn Welt / Shapiro, Howard (18875-1)

08/13/2019

Date	SM/Task	Attorney	Name	Staff Level	Description	Rate	Orig Hrs	Orig Amt	Orig Rate	Rev Hrs	Rev Amt	Rev Rate	Service	Activity	Invoice	Status
Analysis of correspondence from Alex Ghibaudo refusing to approve order granting anti-SLAPP motion.																
08/09/2017	L240	7461	EBERT A	00006	6th YEAR ASSOCIATE	B	0.30	67.50	225.00	0.30	67.50	225.00	10099	A106	2809364	Billed
Draft correspondence to client regarding court's decision on motion to dismiss; <a href="#">Redaction</a>																
08/14/2017	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2809364	Billed
Draft correspondence to Glenn Welt re terms of court's order granting summary judgment.																
08/14/2017	L460	7465	LOWRY M P	00030	PARTNERS - I	B	0.90	225.00	250.00	0.90	225.00	250.00	10099	A103	2809364	Billed
Begin drafting motion for attorneys' fees.																
08/15/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.30	75.00	250.00	0.30	75.00	250.00	10099	A106	2809364	Billed
Draft correspondence to Glenn Welt answering his questions about <a href="#">Redaction</a>																
08/15/2017	L460	7465	LOWRY M P	00030	PARTNERS - I	B	2.40	600.00	250.00	2.40	600.00	250.00	10099	A103	2809364	Billed
Continue drafting motion for attorneys' fees and costs, including redacting 33 pages of legal bills from Thorndal Armstrong and 8 pages from Wilson Elser to protect attorney client and attorney work product privileges																
08/15/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2809364	Billed
Draft correspondence to Glenn Welt answer his questions about <a href="#">Redaction</a>																
08/15/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2809364	Billed
Analysis of correspondence from Glenn Welt instructing to <a href="#">Redaction</a>																
08/16/2017	L160	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2809364	Billed
Analysis of correspondence from Glenn Welt instructing to <a href="#">Redaction</a>																
08/17/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2809364	Billed
Draft correspondence to Glenn Welt answering his questions about <a href="#">Redaction</a>																
08/28/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.30	75.00	250.00	0.30	75.00	250.00	10099	A103	2809364	Billed
Draft judgment debtor interrogatories to Howard and Jenna Shapiro.																
08/28/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.20	50.00	250.00	0.20	50.00	250.00	10099	A103	2809364	Billed
Draft judgment debtor requests for production to Howard and Jenna Shapiro.																
09/06/2017	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A104	2818660	Billed
Analysis of notice of appeal.																
09/07/2017	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2818660	Billed
Analysis of correspondence from Glenn Welt re impact of <a href="#">Redaction</a>																
09/11/2017	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A104	2818660	Billed
Analysis of court's order for Shapiros to submit case appeal statement.																
09/13/2017	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A104	2818660	Billed
Analysis of Shapiros' case appeal statement.																
09/14/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2818660	Billed
Draft correspondence to Glenn Welt answering his questions about <a href="#">Redaction</a>																
09/20/2017	L460	7465	LOWRY M P	00030	PARTNERS - I	B	0.90	225.00	250.00	0.90	225.00	250.00	10099	A103	2818660	Billed
Draft amended order granting summary judgment and order granting motion for \$50,000+ in fees/costs.																
09/20/2017	L460	7465	LOWRY M P	00030	PARTNERS - I	B	0.60	150.00	250.00	0.60	150.00	250.00	10099	A109	2818660	Billed

Time Report

Billed and Unbilled

WELT, GLENN / Howard Shapiro v. Glenn Welt / Shapiro, Howard (18875-1)

08/13/2019

Date	SM/Task	Attorney	Name	Staff Level	Description	Rate	Orig Hrs	Orig Amt	Orig Rate	Rev Hrs	Rev Amt	Rev Rate	Service	Activity	Invoice	Status
Attend hearing re motion for attorneys' fees and costs; motion granted.																
09/20/2017	L460	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2818660	Billed
Draft correspondence to Glenn Welt re motion for attorneys' fees granted.																
09/20/2017	L160	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2818660	Billed
Analysis of correspondence from Glenn Welt re potential <a href="#">Redaction</a>																
09/21/2017	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.00	0.00	0.00	10099	A104	2818660	Billed
Analysis of Shapiros' case appeal statement.																
09/22/2017	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A104	2818660	Billed
Analysis of court order exempting case from appellate settlement program.																
09/22/2017	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2818660	Billed
Draft correspondence to Glenn Welt re case appeal statement available; no settlement conference ordered.																
09/25/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2818660	Billed
Draft correspondence to Glenn Welt answering his questions about <a href="#">Redaction</a>																
09/25/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2818660	Billed
Analysis of correspondence from Glenn Welt instructing <a href="#">Redaction</a>																
10/03/2017	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A104	2843001	Billed
Analysis of Shaprios' docketing statement listing numerous issues for appeal.																
10/04/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A107	2843001	Billed
Draft correspondence to Alex Ghibaudo re Shapiros' pending responses to judgment debtor discovery.																
11/09/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.20	50.00	250.00	0.20	50.00	250.00	10099	A104	2843001	Billed
Analysis of Shapiros' motion to stay enforcement of judgment.																
11/10/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2843001	Billed
Draft correspondence to Glenn Welt re merits of <a href="#">Redaction</a>																
11/10/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	3.70	925.00	250.00	3.70	925.00	250.00	10099	A103	2843001	Billed
Draft opposition to Shapiros' motion to stay enforcement of judgment.																
11/13/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2843001	Billed
Analysis of correspondence from Glenn Welt re options for <a href="#">Redaction</a>																
11/28/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2843001	Billed
Analysis of correspondence from Glenn Welt re potential <a href="#">Redaction</a>																
12/05/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A104	2854541	Billed
Analysis of Shapiros' Ex Parte Application for Order Shortening Time on Plaintiffs' Motion to Stay Proceedings																
12/11/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.20	50.00	250.00	0.20	50.00	250.00	10099	A107	2854541	Billed
Telephone call from Alex Ghibaudo re his potential Rule 60 motion to have judgment set aside.																
12/12/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.30	75.00	250.00	0.30	75.00	250.00	10099	A101	2854541	Billed
Prepare oral argument for court about why Shapiros' motion to stay collection efforts should be denied.																
12/13/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	1.00	250.00	250.00	1.00	250.00	250.00	10099	A109	2854541	Billed

Time Report

Billed and Unbilled

WELT, GLENN / Howard Shapiro v. Glenn Welt / Shapiro, Howard (18875-1)

08/13/2019

Date	SM/Task	Attorney	Name	Staff Level	Description	Rate	Orig Hrs	Orig Amt	Orig Rate	Rev Hrs	Rev Amt	Rev Rate	Service	Activity	Invoice	Status
Attend court hearing on Shapiros' motion to stay collection; motion granted in part.																
12/13/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.40	100.00	250.00	0.40	100.00	250.00	10099	A103	2854541	Billed
Draft order granting, in part, motion to stay collection.																
12/13/2017	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	25.00	250.00	0.10	25.00	250.00	10099	A106	2854541	Billed
Draft correspondence to Glenn Welt re order granting, in part, motion to stay collection.																
Redaction																
01/19/2018	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A104	2874397	Billed
Analysis of Shapiros' renewed motion to stay collection.																
01/19/2018	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A104	2874397	Billed
Analysis of Shapiros' motion to have the court hear their renewed motion to stay collection earlier than scheduled.																
01/19/2018	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	2874397	Billed
Draft correspondence to Glenn Welt discussing the Shapiros' renewed motion to stay collection.																
01/19/2018	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	2874397	Billed
Analysis of correspondence from Glenn Welt re status of collection in NJ.																
Redaction																

Time Report

Billed and Unbilled

WELT, GLENN / Howard Shapiro v. Glenn Welt / Shapiro, Howard (18875-1)

08/13/2019

Date	SM/Task	Attorney	Name	Staff Level	Description	Rate	Orig Hrs	Orig Amt	Orig Rate	Rev Hrs	Rev Amt	Rev Rate	Service	Activity	Invoice	Status
01/20/2018	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A104	2874397	Billed
Analysis of order to hear Shapiros' renewed motion on 1/31 instead of February 22.																
01/20/2018	L470	7465	LOWRY M P	00030	PARTNERS - I	B	1.00	265.00	265.00	1.00	265.00	265.00	10099	A104	2874397	Billed
Draft opposition to Shapiros' renewed motion to stay collection efforts while case is on appeal.																
01/20/2018	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	2874397	Billed
Draft correspondence to Glenn Welt re status of <a href="#">Redaction</a>																
<a href="#">Redaction</a>																
01/23/2018	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	2874397	Billed
Draft correspondence to Glenn Welt re <a href="#">Redaction</a>																
<a href="#">Redaction</a>																
01/24/2018	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	2874397	Billed
Analysis of correspondence from Glenn Welt advising <a href="#">Redaction</a>																
<a href="#">Redaction</a>																
01/25/2018	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.20	53.00	265.00	0.20	53.00	265.00	10099	A101	2874397	Billed
Prepare oral argument for court about how Shapiros' concerns are moot because can't collect against business accounts anyway.																
01/25/2018	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.90	238.50	265.00	0.90	238.50	265.00	10099	A109	2874397	Billed
Attend hearing on renewed motion to stay collections; motion denied.																
01/25/2018	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	2874397	Billed
Draft correspondence to Glenn Welt re court's ruling on 2nd motion to stay collection.																
01/25/2018	L470	7465	LOWRY M P	00030	PARTNERS - I	B	0.50	132.50	265.00	0.50	132.50	265.00	10099	A103	2874397	Billed

Time Report

Billed and Unbilled

WELT, GLENN / Howard Shapiro v. Glenn Welt / Shapiro, Howard (18875-1)

08/13/2019

Date	SM/Task	Attorney	Name	Staff Level	Description	Rate	Orig Hrs	Orig Amt	Orig Rate	Rev Hrs	Rev Amt	Rev Rate	Service	Activity	Invoice	Status
Draft court's proposed order denying Shapiros' renewed motion to stay collection efforts.																
Redaction																
02/06/2018	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A104	2894070	Billed
Analysis of Shapiros' motion for additional time to file opening brief.																
Redaction																
02/06/2018	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	2894070	Billed
Draft correspondence to Glenn Welt re Redaction																
Redaction																
02/22/2018	L520	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	2894070	Billed
Analysis of correspondence from Glenn Welt re Redaction																
03/02/2018	L520	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	2894070	Billed
Analysis of correspondence from Glenn Welt re Redaction																
03/05/2018	L520	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	2894070	Billed
Analysis of correspondence from Glenn Welt re Redaction																
03/13/2018	L530	7465	LOWRY M P	00030	PARTNERS - I	B	0.40	106.00	265.00	0.40	106.00	265.00	10099	A104	2894070	Billed
Analysis of Shapiros' opening brief.																
03/19/2018	L530	7465	LOWRY M P	00030	PARTNERS - I	B	5.80	1,537.00	265.00	5.80	1,537.00	265.00	10099	A104	2894070	Billed
Draft response brief noting flaws in Shapiro's appellate arguments and stressing why district court should be affirmed.																
03/22/2018	L520	7465	LOWRY M P	00030	PARTNERS - I	B	0.30	79.50	265.00	0.30	79.50	265.00	10099	A106	2894070	Billed
Draft correspondence to Glenn Welt analyzing the arguments in Shapiros' brief, Redaction																
03/23/2018	L520	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	2894070	Billed
Analysis of correspondence from Glenn approving strategy for Redaction																
03/26/2018	L520	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	2894070	Billed
Analysis of correspondence from Glenn Welt re potential affects of Redaction																
05/15/2018	L520	7465	LOWRY M P	00030	PARTNERS - I	B	0.20	53.00	265.00	0.20	53.00	265.00	10099	A104	2963000	Billed
Analysis of Shapiros' reply brief supporting their appeal.																



Time Report

Billed and Unbilled

WELT, GLENN / Howard Shapiro v. Glenn Welt / Shapiro, Howard (18875-1)

08/13/2019

Date	SM/Task	Attorney	Name	Staff Level	Description	Rate	Orig Hrs	Orig Amt	Orig Rate	Rev Hrs	Rev Amt	Rev Rate	Service	Activity	Invoice	Status
09/13/2018	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	2963000	Billed
Analysis of correspondence from Glenn Welt re Shapiros' emergency motion to stay.																
09/13/2018	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.30	79.50	265.00	0.30	79.50	265.00	10099	A104	2963000	Billed
Analysis of Shapiros' emergency motion to stay.																
09/13/2018	L510	7465	LOWRY M P	00030	PARTNERS - I	B	1.40	371.00	265.00	1.40	371.00	265.00	10099	A103	2963000	Billed
Draft Welts' opposition to Shapiros' emergency motion to stay.																
09/14/2018	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A103	2963000	Billed
Draft correspondence to Glenn Welt answering his question about Redaction																
09/14/2018	L510	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A104	2963000	Billed
Analysis of Supreme Court order denying Shapiros' 3rd request for stay.																
11/15/2018	L520	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A104	2989431	Billed
Analysis of court order that case will be decided without oral argument.																
11/16/2018	L510	7465	LOWRY M P	00030	PARTNERS - I	B	1.40	371.00	265.00	1.40	371.00	265.00	10099	A106	2989431	Billed
Draft update to Glenn Welt discussing Redaction																
12/28/2018	L510	7465	LOWRY M P	00030	PARTNERS - I	B	1.30	344.50	265.00	1.30	344.50	265.00	10099	A104	3001633	Billed
Draft correspondence to Glenn Welt discussing Supreme Court's ruling and Redaction																
12/28/2018	L120	7465	LOWRY M P	00030	PARTNERS - I	B	0.20	53.00	265.00	0.20	53.00	265.00	10099	A106	3001633	Billed
Draft correspondence to Glenn answering his questions about Redaction																
01/09/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.20	53.00	265.00	0.20	53.00	265.00	10099	A106	3024779	Billed
Analysis of Glenn's potential Redaction																
01/11/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A107	3024779	Billed
Telephone call from Alex Ghibaudo asking whether 3rd anti-SLAPP motion will be filed; amending complaint to drop Jenna Shapiro.																
01/14/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	3024779	Billed
Draft correspondence to Glenn Welt answering his questions about Redaction																
01/14/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	3024779	Billed
Analysis of correspondence from Glenn instructing to Redaction																
02/11/2019	L250	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A104	3024779	Billed
Analysis of court order to appear re Supreme Court order reversing dismissal.																
03/19/2019	L250	7461	EBERT A	00007	7th YEAR ASSOCIATE	B	0.50	120.00	240.00	0.50	120.00	240.00	10099	A101	3039019	Billed
Prepare for upcoming status check hearing regarding Supreme Court Order; review order and court minutes, as well as correspondence detailing intention to file dispositive motions.																
03/20/2019	L250	7461	EBERT A	00007	7th YEAR ASSOCIATE	B	0.80	192.00	240.00	0.80	192.00	240.00	10099	A109	3039019	Billed
Attend hearing regarding status check on Supreme Court order and remand issues.																
04/10/2019	L210	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	3063002	Billed
Draft correspondence to Glenn Welt answering his question about potential that Redaction																
04/12/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.40	106.00	265.00	0.40	106.00	265.00	10099	A103	3063002	Billed
Begin drafting 3rd motion to dismiss per anti-SLAPP statutes.																
04/30/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	4.60	1,219.00	265.00	4.60	1,219.00	265.00	10099	A103	3063002	Billed

Time Report

Billed and Unbilled

WELT, GLENN / Howard Shapiro v. Glenn Welt / Shapiro, Howard (18875-1)

08/13/2019

Date	SM/Task	Attorney	Name	Staff Level	Description	Rate	Orig Hrs	Orig Amt	Orig Rate	Rev Hrs	Rev Amt	Rev Rate	Service	Activity	Invoice	Status
Continue drafting third motion to dismiss per NRS 41.660.																
05/01/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	1.30	344.50	265.00	1.30	344.50	265.00	10099	A103	3063002	Billed
Continue drafting third motion to dismiss; add discussion re absolute privilege.																
05/01/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	3063002	Billed
Draft correspondence to Glenn Welt answering his questions re <a href="#">Redaction</a>																
05/02/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	3063002	Billed
Analysis of correspondence from Glenn Welt approving <a href="#">Redaction</a>																
05/02/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.40	106.00	265.00	0.40	106.00	265.00	10099	A103	3063002	Billed
Draft alternative motion to dismiss based upon individual causes of action not pleading a claim for relief.																
05/02/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	3063002	Billed
Draft correspondence to Glenn Welt re 2 motions to dismiss filed.																
05/06/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.20	53.00	265.00	0.20	53.00	265.00	10099	A104	3063002	Billed
Analysis of <a href="#">Redaction</a> and potential affects on pending motion to dismiss.																
05/06/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	3063002	Billed
Draft correspondence to Glenn Welt re <a href="#">Redaction</a>																
06/05/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	3087585	Billed
Analysis of correspondence from Glenn Welt re potential <a href="#">Redaction</a>																
07/10/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.40	106.00	265.00	0.40	106.00	265.00	10099	A104	3087585	Billed
Analysis of Plaintiffs' very late opposition to motion to dismiss.																
07/10/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.80	212.00	265.00	0.80	212.00	265.00	10099	A101	3087585	Billed
Prepare oral argument for court re why motions to dismiss should be granted despite arguments in late opposition.																
07/10/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.40	106.00	265.00	0.40	106.00	265.00	10099	A109	3087585	Billed
Attend hearing on motions to dismiss; court continued them to July 17 due to late opposition.																
07/10/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	3087585	Billed
Draft correspondence to Glenn Welt recapping the events at 7/10 hearing on motion to dismiss.																
07/10/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.20	53.00	265.00	0.20	53.00	265.00	10099	A103	3087585	Billed
Draft reply supporting motion to dismiss Jenna Shapiro and certain of Howard's causes of action.																
07/10/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.90	238.50	265.00	0.90	238.50	265.00	10099	A103	3087585	Billed
Begin drafting reply brief supporting anti-SLAPP motion to dismiss. Start discussion re why NRS 41.660(3) protects the website.																
07/11/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	2.80	742.00	265.00	2.80	742.00	265.00	10099	A103	3087585	Billed
Begin drafting Welts' written reply to points in Howard's opposition about motion to dismiss. Begin analysis of NRS 41.637(3) and (4) on points in opposition.																
07/12/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	2.10	556.50	265.00	2.10	556.50	265.00	10099	A103	3087585	Billed
Continue drafting Welts' written reply to Howard's opposition. Draft section re Howard cannot prove elements of his claims with clear and convincing evidence.																
07/17/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	3087585	Billed
Analysis of correspondence from Glenn Welt re today's hearing on 3rd motion to dismiss.																
07/17/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.60	159.00	265.00	0.60	159.00	265.00	10099	A101	3087585	Billed

Time Report

Billed and Unbilled

WELT, GLENN / Howard Shapiro v. Glenn Welt / Shapiro, Howard (18875-1)

08/15/2019

Date	SM/Task	Attorney	Name	Staff Level	Description	Rate	Orig Hrs	Orig Amt	Orig Rate	Rev Hrs	Rev Amt	Rev Rate	Service	Activity	Invoice	Status
Finalize oral argument preparations based upon concessions in Shapiros' opposition and application to anti-SLAPP statutes.																
07/17/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.90	238.50	265.00	0.90	238.50	265.00	10099	A109	3087585	Billed
Attend hearing re anti-SLAPP motion. Granted in part, but mostly denied.																
07/17/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.40	106.00	265.00	0.40	106.00	265.00	10099	A106	3087585	Billed
Draft correspondence to Glenn Welt re <a href="#">Redaction</a>																
07/17/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	1.70	450.50	265.00	1.70	450.50	265.00	10099	A103	3087585	Billed
Starting drafting order granting in part, but mostly denying, anti-SLAPP motion to dismiss.																
07/17/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	3087585	Billed
Draft correspondence to Glenn Welt answering his question about <a href="#">Redaction</a>																
07/18/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A107	3087585	Billed
Draft correspondence to Alex Ghibaudo re 1st draft of order on MTD.																
07/22/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.60	159.00	265.00	0.60	159.00	265.00	10099	A106	3087585	Billed
Draft correspondence to Glenn Welt answering his questions about <a href="#">Redaction</a>																
07/22/2019	L160	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A107	3087585	Billed
Draft correspondence to Alex Ghibaudo re terms of potential walkaway dismissal.																
07/23/2019	L160	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	3087585	Billed
Draft correspondence to Glenn Welt re <a href="#">Redaction</a>																
07/23/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	3087585	Billed
Draft correspondence to Glenn Welt answering his question about <a href="#">Redaction</a>																
07/30/2019	L240	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A107	3087585	Billed
Draft correspondence to Alex Ghibaudo re order on motion to dismiss? settlement walkaway number?																
08/01/2019	L210	7465	LOWRY M P	00030	PARTNERS - I	B	0.40	106.00	265.00	0.40	106.00	265.00	10099	A103	0	Unbilled
Begin drafting answer to complaint.																
08/01/2019	L210	7465	LOWRY M P	00030	PARTNERS - I	B	0.20	53.00	265.00	0.20	53.00	265.00	10099	A106	0	Unbilled
Draft correspondence to Glenn Welt re <a href="#">Redaction</a>																
08/01/2019	L210	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	0	Unbilled
Analysis of correspondence from Glenn Welt re <a href="#">Redaction</a>																
08/01/2019	L210	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	0	Unbilled
Analysis of correspondence from Glenn Welt providing <a href="#">Redaction</a>																
08/01/2019	L210	7465	LOWRY M P	00030	PARTNERS - I	B	0.30	79.50	265.00	0.30	79.50	265.00	10099	A103	0	Unbilled
Continue drafting answer <a href="#">Redaction</a>																
08/02/2019	L210	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	0	Unbilled
Draft email to Glenn Welt answering his question re <a href="#">Redaction</a>																

[Redaction](#)

[Redaction](#)

Time Report

Billed and Unbilled

WELT, GLENN / Howard Shapiro v. Glenn Welt / Shapiro, Howard (18875-1)

08/15/2019

Date	SM/Task	Attorney	Name	Staff Level	Description	Rate	Orig Hrs	Orig Amt	Orig Rate	Rev Hrs	Rev Amt	Rev Rate	Service	Activity	Invoice	Status
08/09/2019	L210	7465	LOWRY M P	00030	PARTNERS - I	B	0.30	79.50	265.00	0.30	79.50	265.00	10099	A106	0	Unbilled
Draft correspondence to Glenn Welt re family's answer timely filed; court filed formal order denying motion to dismiss; <a href="#">Redaction</a>																
08/12/2019	L460	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	0	Unbilled
Analysis of correspondence from Glenn Welt re potential options for <a href="#">Redaction</a>																
08/13/2019	L460	7465	LOWRY M P	00030	PARTNERS - I	B	2.20	583.00	265.00	2.20	583.00	265.00	10099	A103	0	Unbilled
Begin drafting motion for fees and costs, along with discretionary award, based upon court partially granting motion to dismiss.																
08/13/2019	L460	7465	LOWRY M P	00030	PARTNERS - I	B	0.10	26.50	265.00	0.10	26.50	265.00	10099	A106	0	Unbilled
Draft correspondence to Glenn Welt answering his question re <a href="#">Redaction</a>																
08/15/2019	L460	7465	LOWRY M P	00030	PARTNERS - I	B	0.60	159.00	265.00	0.60	159.00	265.00	10099	A103	0	Unbilled
Finalize motion for certain fees and costs.																
Report Totals:							128.50	32,431.00		128.40	32,406.00					

Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Motion  
for Attorneys' Fees & to Amend Order Granting Summary  
Judgment

A-14-706566-C

Exhibit 4

Wilson Elser Cost Receipts

Cost Report

Billed and Unbilled

WELT, GLENN / Howard Shapiro v. Glenn Welt / Shapiro, Howard (18875-1)

08/15/2019

Date	SM/Task	Service Code	Description	Attorney	Orig Qty	Orig Amt	Rev Qty	Rev Amt	Vendor	Voucher	Check No.	Check Date	Check Status	Invoice	Status
07/29/2016	E118	00134	E-Filing	9999	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2359284	51334	09/22/2016	Cleared	2707313	Billed
E-Filing 97;DINERS CLUB INTERNATIONAL AUGUST282016 ACCT. ENDING 5754															
11/03/2016	E106	00123	Lexis - Online Research	7465	0.00	34.30	0.00	34.30		0				2707313	Billed
Lexis - Online Research															
12/07/2016	E106	00123	Lexis - Online Research	7465	0.00	0.10	0.00	0.00		0				2715461	Billed
Lexis - Online Research															
02/02/2017	E106	00123	Lexis - Online Research	7465	0.00	0.60	0.00	0.00		0				2744103	Billed
Lexis - Online Research															
02/05/2017	E106	00123	Lexis - Online Research	7465	0.00	4.55	0.00	0.00		0				2744103	Billed
Lexis - Online Research															
02/06/2017	E118	00050	Filing fees	7465	0.00	150.00	0.00	150.00	MICHAEL LOWRY	2408379	170227197	02/27/2017	Cleared	2744103	Billed
Filing fees CR Expense Report / Michael Lowry / Filing fee per NRAP 40 for petition for rehearing															
05/23/2017	E106	00123	Lexis - Online Research	7465	0.00	3.70	0.00	0.00		0				2784892	Billed
Lexis - Online Research															
05/25/2017	E106	00123	Lexis - Online Research	7465	0.00	0.40	0.00	0.00		0				2784892	Billed
Lexis - Online Research															
05/26/2017	E106	00123	Lexis - Online Research	7465	0.00	18.20	0.00	0.00		0				2784892	Billed
Lexis - Online Research															
05/30/2017	E118	00134	E-Filing	9999	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2468745	58444	07/21/2017	Cleared	2796055	Billed
E-Filing 96;DINERS CLUB INTERNATIONAL JUNE282017 ACCT ENDING#2194															
06/21/2017	E106	00123	Lexis - Online Research	7465	0.00	16.30	0.00	0.00		0				2796055	Billed
Lexis - Online Research															
06/22/2017	E118	00134	E-Filing	9999	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2468777	58444	07/21/2017	Cleared	2796055	Billed
E-Filing 96;DINERS CLUB INTERNATIONAL JUNE282017 ACCT ENDING#2194															
07/09/2017	E106	00123	Lexis - Online Research	7465	0.00	4.05	0.00	0.00		0				2796055	Billed
Lexis - Online Research															
07/10/2017	E118	00134	E-Filing	7499	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2476420	59031	08/15/2017	Cleared	2809364	Billed
E-Filing 96;DINERS CLUB INTERNATIONAL JULY282017 ACCT ENDING#2194															
08/07/2017	E118	00134	E-Filing	7465	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2491127	59655	09/15/2017	Cleared	2818660	Billed
E-Filing 96;DINERS CLUB INTERNATIONAL AUG282017 ACCT ENDING#2194															
08/07/2017	E118	00134	E-Filing	7465	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2491138	59655	09/15/2017	Cleared	2818660	Billed
E-Filing 96;DINERS CLUB INTERNATIONAL AUG282017 ACCT ENDING#2194															
08/14/2017	E106	00123	Lexis - Online Research	7465	0.00	3.95	0.00	0.00		0				2809364	Billed

Cost Report

Billed and Unbilled

WELT, GLENN / Howard Shapiro v. Glenn Welt / Shapiro, Howard (18875-1)

08/15/2019

Date	SM/Task	Service Code	Description	Attorney	Orig Qty	Orig Amt	Rev Qty	Rev Amt	Vendor	Voucher	Check No.	Check Date	Check Status	Invoice	Status
Lexis - Online Research															
08/16/2017	E118	00134	E-Filing	7465	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2491399	59655	09/15/2017	Cleared	2818660	Billed
E-Filing 96;DINERS CLUB INTERNATIONAL AUG282017 ACCT ENDING#2194															
09/21/2017	E118	00134	E-Filing	7465	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2504747	60480	10/19/2017	Cleared	2843001	Billed
E-Filing 96;DINERS CLUB INTERNATIONAL SEPT282017 ACCT ENDING#5754															
09/25/2017	E118	00134	E-Filing	7465	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2504767	60480	10/19/2017	Cleared	2843001	Billed
E-Filing 96;DINERS CLUB INTERNATIONAL SEPT282017 ACCT ENDING#5754															
10/23/2017	E118	00134	E-Filing	9999	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2516830	61371	11/22/2017	Cleared	2843001	Billed
E-Filing 96;DINERS CLUB INTERNATIONAL OCT282017 ACCT ENDING#5754															
10/24/2017	E118	00134	E-Filing	9999	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2516844	61371	11/22/2017	Cleared	2843001	Billed
E-Filing 96;DINERS CLUB INTERNATIONAL OCT282017 ACCT ENDING#5754															
10/24/2017	E118	00134	E-Filing	9999	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2516845	61371	11/22/2017	Cleared	2843001	Billed
E-Filing 96;DINERS CLUB INTERNATIONAL OCT282017 ACCT ENDING#5754															
10/25/2017	E102	00087	Photocopying Charges (outside)	7499	0.00	5.00	0.00	0.00	CASH	2508312	15624	10/27/2017	Cleared	2843001	Billed
Photocopying Charges (outside) 41 PETTY															
10/26/2017	E108	00010	Postage	7465	0.00	1.82	0.00	1.82		0				2843001	Billed
Postage															
11/10/2017	E106	00123	Lexis - Online Research	7465	0.00	16.50	0.00	0.00		0				2843001	Billed
Lexis - Online Research															
01/03/2018	E118	00134	E-Filing	7465	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2546485	63277	02/20/2018	Cleared	2894070	Billed
E-Filing 96;DINERS CLUB INTERNATIONAL JAN282018 ACCT ENDING#5754															
01/10/2018	E118	00134	E-Filing	7465	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2546560	63277	02/20/2018	Cleared	2894070	Billed
E-Filing 96;DINERS CLUB INTERNATIONAL JAN282018 ACCT ENDING#5754															
01/23/2018	E118	00134	E-Filing	7465	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2546673	63277	02/20/2018	Cleared	2894070	Billed
E-Filing 96;DINERS CLUB INTERNATIONAL JAN282018 ACCT ENDING#5754															
02/09/2018	E118	00134	E-Filing	7465	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2563722	64133	03/27/2018	Cleared	2894070	Billed
E-Filing 96;DINERS CLUB INTERNATIONAL FEB282018 ACCT ENDING#5754															
02/15/2018	E124	00122	Fees for Record Production	7465	0.00	11.25	0.00	0.00	American Legal Services Nevada	2561715	61717	04/17/2018	Cleared	2894070	Billed
Fees for Record Production, A/P Batch - 0266774, American Legal Services Nevada, Invoice # 37014223, Invoice Date 02/15/2018, Deliver order to court for signature.															

Cost Report

Billed and Unbilled

WELT, GLENN / Howard Shapiro v. Glenn Welt / Shapiro, Howard (18875-1)

08/15/2019

Date	SM/Task	Service Code	Description	Attorney	Orig Qty	Orig Amt	Rev Qty	Rev Amt	Vendor	Voucher	Check No.	Check Date	Check Status	Invoice	Status
03/09/2018	E118	00134	E-Filing	7465	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2571783	64833	04/20/2018	Cleared	2963000	Billed
E-Filing 96;DINERS CLUB INTERNATIONAL APRIL282018 ACCT ENDING#5754															
03/19/2018	E106	00123	Lexis - Online Research	7465	0.00	4.05	0.00	0.00		0				2894070	Billed
Lexis - Online Research															
09/13/2018	E106	00123	Lexis - Online Research	7465	0.00	0.10	0.00	0.10		0				2989431	Billed
Lexis - Online Research, LAS VEGAS															
04/30/2019	E106	00123	Lexis - Online Research	7465	0.00	33.00	0.00	33.00		0				3063002	Billed
Lexis - Online Research, LAS VEGAS															
05/02/2019	E118	00134	E-Filing	9999	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2734602	74751	06/04/2019	Cleared	3087585	Billed
E-FILING 96;DINERS CLUB INTERNATIONAL MAY282019 ACCT ENDING#5754															
07/11/2019	E106	00123	Lexis - Online Research	7465	0.00	12.15	0.00	12.15		0				3087585	Billed
Lexis - Online Research, LAS VEGAS															
07/12/2019	E118	00134	E-Filing	7465	0.00	3.50	0.00	3.50	DINERS CLUB INTERNATIONAL	2763325	76377	08/12/2019		0	Unbilled
E-FILING 96;DINERS CLUB INTERNATIONAL JULY282019 ACCT ENDING#5754															
07/17/2019	E106	00123	Lexis - Online Research	7465	0.00	3.95	0.00	3.95		0				3087585	Billed
Lexis - Online Research, LAS VEGAS															
Report Totals:					0.00	390.47	0.00	301.82							



Odyssey File & Serve - Envelope Receipt

120

Page 1 of 2

Envelope Information

Envelope Id

1359809

Submitted Date

8/15/2017 6:28 PM PST

Submitted User

Name

michael.lowry@wilsonelser.com

Case Information

Location

Department 27

Category

Civil

Case Type

Other Civil Matters

Case Initiation Date

9/4/2014

Case #

A-14-706566-C

Assigned to Judge

Alif, Nancy

Filings

Filing Type

EFileAndServe

Filing Code

Motion for Attorney Fees and Costs  
- MAFC

Filing Description

Glenn Welt, Rhoda Welt, Lynn Welt  
& Michele Welt's Motion for  
Attorneys' Fees & to Amend Order  
Granting Summary Judgment

Client Reference

Number

18875.00001 7465

Filing on Behalf of

Glen Welt

Filing Status

Accepted

Accepted Date

8/16/2017 4:12 PM PST

Lead Document

File Name

Motion.pdf

Security

Public Filed Document

Download

Original File  
Court Copy

2491399

9/20/2017

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156

## Envelope Information

**Envelope Id**

1523020

**Submitted Date**

9/20/2017 4:21 PM PST

**Submitted User Name**

pamela.lamper@wilsonelser.com

## Case Information

**Location**

Department 27

**Category**

Civil

**Case Type**

Other Civil Matters

**Case Initiation Date**

9/4/2014

**Case #**

A-14-706566-C

**Assigned to Judge**

Alf, Nancy

## Filings

**Filing Type**

EFileAndServe

**Filing Code**

Order Granting Motion - OGM

**Filing Description**

Amended Order Granting Glenn Weit,  
Rhoda Weit, Lynn Weit & Michele Weit's  
Renewed Motion to Dismiss

**Client Reference Number**

18875117465

**Courtesy Copies**

pamela.lamper@wilsonelser.com

**Filing on Behalf of**

Glen Weit, Rhoda Weit, Lynn Weit, Michele  
Weit

**Filing Status**

Submitting

2504747

## Lead Document

**File Name**

Amended Order Granting Renewed  
MTN to Dismiss - Shapiro.pdf

**Security****Download**

Original File

## eService Details

Status	Name	Firm	Served	Date Opened
Not Sent	Alex Ghibaudo	G Law	No	Not Opened

9/20/2017

Odyssey File & Serve - Envelope Receipt

156

**Description**

**Amount**

Filing Fee

\$0.00

**Filing Total: \$0.00**

Total Filing Fee

\$0.00

E-File Fee

\$3.50

**Envelope Total: \$3.50**

**Party Responsible for Fees**

Glen Welt

**Transaction Amount**

\$3.50

**Payment Account**

WEMED Diners Club

**Transaction Id**

2074939

**Filing Attorney**

Michael Lowry

**Order Id**

001523020-0

**Transaction Response**

Authorized

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Version: 3.16.2.5794

169

## Envelope Information

## Envelope Id

1537292

## Submitted Date

9/25/2017 9:31 AM PST

## Submitted User Name

pamela.lamper@wilsonelser.com

## Case Information

## Location

Department 27

## Category

Civil

## Case Type

Other Civil Matters

## Case Initiation Date

9/4/2014

## Case #

A-14-706566-C

## Assigned to Judge

Allf, Nancy

## Filings

## Filing Type

EFileAndServe

## Filing Code

Notice of Entry of Order - NEOJ

## Filing Description

Notice of Entry of Amended Order

## Client Reference Number

6876;1-7465

## Courtesy Copies

alex@abgpc.com; danielle@abgpc.com;

maryam@abgpc.com;

pamela.lamper@wilsonelser.com

## Filing on Behalf of

Glen Welt, Rhoda Welt, Lynn Welt, Michele Welt

## Filing Status

Submitting

2504767

## Lead Document

## File Name

NTC of Entry of Amended Order -  
Shapiro.pdf

## Security

## Download

Original File

## eService Details

Status	Name	Firm	Served	Date Opened
Not Sent	Alex Ghibaudo	G Law	No	Not Opened

9/25/2017

Odyssey File & Serve - Envelope Receipt

169

Filing Fee

\$0.00

Filing Total: \$0.00

Total Filing Fee

\$0.00

E-File Fee

\$3.50

Envelope Total: \$3.50

Party Responsible for  
Fees

Glen Welt

Transaction Amount

\$3.50

Payment Account

WEMED Diners Club

Transaction Id

2092067

Filing Attorney

Michael Lowry

Order Id

001537292-0

Transaction Response

Authorized

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Version: 3.16.2.5794

# Odyssey File & Serve - View Envelope Details

Page 1 of 3

168

## Envelope Information

**Envelope Id**  
1883351

**Submitted Date**  
10/20/2017 4:18 PM PST

**Submitted User Name**  
naomi.sudranski@wilsonelser.com

## Case Information

**Location**  
Department 27

**Category**  
Civil

**Case Type**  
Other Civil Matters

**Case Initiation Date**  
9/4/2014

**Case #**  
A-14-706568-C

**Assigned to Judge**  
AJH, Nancy

## Party Information

Party Type	Party Name	Lead Attorney
Defendant	Glen Welt	
Plaintiff	Howard Shapiro	Pro Se (+1 more)
Plaintiff	Jenna Shapiro	Pro Se (+1 more)

## Filings

Filing Code	Client Ref #	Filing Description
Stipulation and Order - SAO	18875.00001 7465	Stipulation and Order for Second Amended...
Amended Order - AMOR	18875.00001 7465	Second Amended Order Granting Glenn W...

## Filing Details

**Filing Type**  
EFileAndServe

**Filing Code**  
Stipulation and Order - SAO

**Filing Description**  
Stipulation and Order for Second  
Amended Order Granting Glenn Welt,  
Rhoda Welt, Lynn Welt & Michele Welt's  
Renewed Motion to Dismiss

**Client Reference Number**  
18875.00001 7465

**Filing on Behalf of**  
Rhoda Welt, Lynn Welt, Michele Welt

**Filing Status**  
Accepted

**Accepted Date**  
10/23/2017 10:34 AM PST

2516830

## Stamped Documents

This is a collection of the court copies for this filing

## ▶ Party: Jenna Shapiro - Plaintiff

## ▼ Other Service Contacts

E-File Desk .	EfileLasVegas@wilsonelser.com
Michael P Lowry .	michael.lowry@wilsonelser.com
Naomi Sudranski .	naomi.sudranski@wilsonelser.com

## Parties with No eService

Name	Address
Glen Welt	
Jenna Shapiro	623 Skyline DR Lake Hopatcong New Jersey 07849

## Fees

## ▼ Stipulation and Order - SAO

Description	Amount
Filing Fee	\$0.00
<b>Filing Total:</b>	<b>\$0.00</b>

## ▼ Amended Order - AMOR

Description	Amount
Filing Fee	\$0.00
<b>Filing Total:</b>	<b>\$0.00</b>

Total Filing Fee	\$0.00
E-File Fee	\$3.50
<b>Envelope Total:</b>	<b>\$3.50</b>

Party Responsible for Fees	Michele Welt	Transaction Amount	\$3.50
Payment Account	WEMED Diners Club	Transaction Id	2238830
Filing Attorney	Michael Lowry	Order Id	001663351-0
Transaction Response	Payment Complete		

# Odyssey File & Serve - View Envelope Details

Page 1 of 3

184

## Envelope Information

**Envelope Id**  
1675124

**Submitted Date**  
10/24/2017 2:55 PM PST

**Submitted User Name**  
naomi.sudranski@willsonelser.com

## Case Information

**Location**  
Department 27

**Category**  
Civil

**Case Type**  
Other Civil Matters

**Case Initiation Date**  
9/4/2014

**Case #**  
A-14-708568-C

**Assigned to Judge**  
Allf, Nancy

## Party Information

Party Type	Party Name	Lead Attorney
Defendant	Glen Welt	
Plaintiff	Howard Shapiro	Pro Se (+1 more)
Plaintiff	Jenna Shapiro	Pro Se (+1 more)

## Filings

Filing Code	Client Ref #	Filing Description
Notice of Entry of Stipulation and Order -...	18875.00001 7465	Notice of Entry of Stipulation and Order

## Filing Details

**Filing Type**  
EFileAndServe

**Filing Code**  
Notice of Entry of Stipulation and Order -  
NTSO

**Filing Description**  
Notice of Entry of Stipulation and Order

**Client Reference Number**  
18875.00001 7465

**Filing on Behalf of**  
Glen Welt

**Filing Status**  
Accepted

**Accepted Date**  
10/24/2017 3:03 PM PST

2516844

## Stamped Documents

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E-File Desk .	EfileLasVegas@wilsonelser.com
Michael P Lowry .	michael.lowry@wilsonelser.com
Naomi Sudranski .	naomi.sudranski@wilsonelser.com

## Parties with No eService

Name	Address
Glen Welt	
Jenna Shapiro	623 Skyline DR Lake Hopatcong New Jersey 07849

## Fees

### ▼ Notice of Entry of Stipulation and Order - NTSO

Description	Amount
Filing Fee	\$0.00
<b>Filing Total:</b>	<b>\$0.00</b>

Total Filing Fee	\$0.00
E-File Fee	\$3.50
<b>Envelope Total:</b>	<b>\$3.50</b>

Party Responsible for Fees	Glen Welt	Transaction Amount	\$3.50
Payment Account	WEMED Diners Club	Transaction Id	2248221
Filing Attorney	Michael Lowry	Order Id	001675124-0
Transaction Response	Payment Complete		

# Odyssey File & Serve - View Envelope Details

Page 1 of 3

185

## Envelope Information

**Envelope Id**  
1675179

**Submitted Date**  
10/24/2017 2:59 PM PST

**Submitted User Name**  
naomi.sudranski@wilsonelser.com

## Case Information

**Location**  
Department 27

**Category**  
Civil

**Case Type**  
Other Civil Matters

**Case Initiation Date**  
9/4/2014

**Case #**  
A-14-706566-C

**Assigned to Judge**  
Allf, Nancy

## Party Information

Party Type	Party Name	Lead Attorney
Defendant	Glen Welt	
Plaintiff	Howard Shapiro	Pro Se (+1 more)
Plaintiff	Jenna Shapiro	Pro Se (+1 more)

## Filings

Filing Code	Client Ref #	Filing Description
Notice of Entry of Order - NEOJ	18875.00001 7465	Notice of Entry of Order

## Filing Details

**Filing Type**  
EFileAndServe

**Filing Code**  
Notice of Entry of Order - NEOJ

**Filing Description**  
Notice of Entry of Order

**Client Reference Number**  
18875.00001 7465

**Filing on Behalf of**  
Glen Welt

**Filing Status**  
Accepted

**Accepted Date**  
10/24/2017 3:02 PM PST

## Stamped Documents

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2516845

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E-File Desk .	EfileLasVegas@wilsonelser.com
Michael P Lowry .	michael.lowry@wilsonelser.com
Naomi Sudranski .	naomi.sudranski@wilsonelser.com

## Parties with No eService

Name	Address
Glen Welt	
Jenna Shapfro	623 Skyline DR Lake Hopatcong New Jersey 07849

## Fees

### ▼ Notice of Entry of Order - NEOJ

Description	Amount
Filing Fee	\$0.00
<b>Filing Total:</b>	<b>\$0.00</b>

Total Filing Fee	\$0.00
E-File Fee	\$3.50
<b>Envelope Total:</b>	<b>\$3.50</b>

Party Responsible for Fees	Glen Welt	Transaction Amount	\$3.50
Payment Account	WEMED Diners Club	Transaction Id	2248201
Filing Attorney	Michael Lowry	Order Id	001875179-0
Transaction Response	Payment Complete		

# PETTY CASH REQUISITION

OFFICE

SUB CODE

FILE NO.	AMOUNT	ATTY. NO.
18875•00001	500	7499
MATTER NAME		

EXPLANATION	MEALS	
Copy of Certification	LOCAL TRAVEL	
	OTHER	
	OTHER	
	TOTAL	
DATE INCURRED	RECEIVED BY	
10/25/17		

APPROVED BY
R.M.

FOR ACCOUNTING USE ONLY	
G/L A/C	G/L NO.

# OFFICIAL RECEIPT

District Court Clerk of the Court 200 Lewis Ave, 3rd Floor Las Vegas, NV 89101

Payor  
Wilson Elser Moskowitz & Edelman

Receipt No.  
**2017-81680-CCCLK**

Transaction Date  
10/25/2017

Description	Amount Paid
Shapiro, Howard	
A-14-706566-C	
Howard Shapiro, Plaintiff(s) vs. Glen Welt, Defendant(s)	
12A Certification of Copy --- Civil fee sch	5.00
<b>SUBTOTAL</b>	<b>5.00</b>
Remaining Balance Due: \$0.00	

**PAYMENT TOTAL** **5.00**

Cash Tendered	5.00
Total Tendered	<b>5.00</b>
Change	0.00

10/25/2017  
03:56 PM

Cashier  
Station RJC1C

Audit  
35991725

## OFFICIAL RECEIPT

18875.1

002508312

## ORDER FOR DOCUMENT COPIES

Case No. A-14-706566-C    ☒ Certify    ☐ Exemplify    ☐ Plain Copy    Amount Due \$5.00

PLAINTIFF/ESTATE OF: Howard Shapiro  
DEFENDANT: Glen Welt

I request copies of the following documents from the above-entitled file:

Second Amended Order Granting Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Renewed Motion to Dismiss

Filed On: 10/20/2017

Date Requested: 10/25/2017

Date Required: \_\_\_\_\_

Date Completed: \_\_\_\_\_

Ordered By: Naomi

Law Firm or Business (if applicable): Wilson Elser

Phone Number: 7027271369 Fax Number: \_\_\_\_\_ E-Mail: naomi.sudranski@wilsonelser.com

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## Case Information

**Location**  
Department 27**Category**  
Civil**Case Type**  
Other Civil Matters**Case Initiation Date**  
9/4/2014**Case #**  
A-14-706586-C**Assigned to Judge**  
Allf, Nancy

## Party Information

Party Type	Party Name	Lead Attorney
Defendant	Glen Welt	
Plaintiff	Howard Shapiro	Pro Se (+1 more)
Plaintiff	Jenna Shapiro	Pro Se (+1 more)

## Filings

Filing Code	Client Ref #	Filing Description
Order - ORDR (CIV)	18875.00001 7465	Order re Plaintiffs' Motion to St...

## Filing Details

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Order - ORDR (CIV)**Filing Description**  
Order re Plaintiffs' Motion to  
Stay Proceedings and to Waive  
Supersedeas Bond

2546485

**Client Reference  
Number**

18875.00001 7465

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Glen Welt**Filing Status**  
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Department 27**Category**  
Civil**Case Type**  
Other Civil Matters**Case Initiation Date**  
9/4/2014**Case #**  
A-14-706566-C**Assigned to Judge**  
Alif, Nancy

## Filings

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Department 27**Category**  
Civil**Case Type**  
Other Civil Matters**Case Initiation Date**  
9/4/2014**Case #**  
A-14-706566-C**Assigned to Judge**  
Allf, Nancy

## Party Information

Party Type	Party Name	Lead Attorney
Defendant	Glen Welt	
Plaintiff	Howard Shapiro	Pro Se (+1 more)
Plaintiff	Jenna Shapiro	Pro Se (+1 more)

## Filings

Filing Code	Client Ref #	Filing Description
Opposition to Motion - OPPM...	18875.00001 7465	Defendants' Opposition to Ren...

## Filing Details

**Filing Type**  
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Opposition to Motion - OPPM  
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Defendants' Opposition to  
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Department 27Category  
CivilCase Type  
Other Civil MattersCase Initiation Date  
9/4/2014Case #  
A-14-708566-CAssigned to Judge  
Alif, Nancy

## Filings

Filing Type  
EFileAndServeFiling Code  
Order - ORDR (CIV)Filing Description  
Order re Plaintiffs' Renewed Motion  
to Stay Proceedings and to Waive  
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## Parties with No eService

**Name** **Address**  
Glen Welt

**Name** **Address**  
Jenna Shapiro  
623 Skyline DR Lake Hopatcong  
New Jersey 07849

## Fees

## Order - ORDR (CIV)

Description	Amount
Filing Fee	\$0.00
<b>Filing Total:</b>	<b>\$0.00</b>

Total Filing Fee	\$0.00
E-File Fee	\$3.50
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<b>Party Responsible for Fees</b>	Glen Welt	<b>Transaction Amount</b>	\$3.50
<b>Payment Account</b>	WEMED Diners Club	<b>Transaction Id</b>	2756708
<b>Filing Attorney</b>	Michael Lowry	<b>Order Id</b>	002119601-0
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Department 27Category  
CivilCase Type  
Other Civil MattersCase Initiation Date  
9/4/2014Case #  
A-14-706566-CAssigned to Judge  
Alif, Nancy

## Filings

Filing Type  
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## Parties with No eService

**Name**                      **Address**  
Glen Welt

**Name**                      **Address**  
Jenna Shapiro              623 Skyline DR Lake Hopatcong  
New Jersey 07849

## Fees

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Total Filing Fee	\$0.00
E-File Fee	\$3.50
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<b>Party Responsible for Fees</b>	Glen Welt	<b>Transaction Amount</b>	\$3.50
<b>Payment Account</b>	WEMED Diners Club	<b>Transaction Id</b>	2904828
<b>Filing Attorney</b>	Michael Lowry	<b>Order Id</b>	002251743-0
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27

**Case # A-14-706566-C - Howard Shapiro, Plaintiff(s) vs. Gl**

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5/2/2019 2:11 PM PST

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**Case Information**

**Location**

Department 27

**Category**

Civil

**Case Type**

Other Civil Matters

**Case Initiation Date**

9/4/2014

**Case #**

A-14-706566-C

**Assigned to Judge**

Allf, Nancy

**Filings**

**Filing Type**

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**Filing Code**

Motion to Dismiss - MDSM (CIV)

**Filing Description**

Glenn Welt, Rhoda Welt, Lynn Welt  
& Michele Welt's Motion to Dismiss  
Certain Causes of Action

**Client Reference**

**Number**

18875.01 Shapiro v Welts

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Glen Welt

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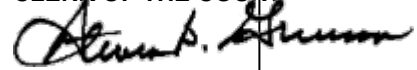
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Page 4 of 4

<b>Party Responsible for Fees</b>	Glen Welt	<b>Transaction Amount</b>	\$3.50
<b>Payment Account</b>	WEMED Diners Club	<b>Transaction Id</b>	5171522
<b>Filing Attorney</b>	Michael Lowry	<b>Order Id</b>	004238401-0
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**OPPS**

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Bar No. 10592

**ALEX B. GHIBAUDO, PC.**

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F: (702) 924-6553

Email: alex@abgpc.com

*Attorney for Plaintiff*

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

HOWARD SHAPIRO et al.,

Plaintiff,

vs.

GLEN WELT et al.,

Defendants.

Case No.: A-14-706566-C

Dist. Ct. Dept. No.: 27

**OPPOSITION TO DEFENDANTS'  
MOTION**

Plaintiff Howard Shapiro ("Howard"), through his counsel Alex B. Ghibauda, Esq. of the law firm Alex B. Ghibauda, PC, hereby opposes Defendants' motion for attorney's fees, costs and discretionary relief. This motion is based on the following Memorandum of Points and Authorities, the papers and pleadings already on file herein, the attached affidavits, if any, and any oral argument the court may permit at the hearing of this Motion.

Dated this 2<sup>nd</sup> day of October, 2019.

/s/ Alex Ghibauda

Alex B. Ghibauda, Nevada State Bar No. 10592

ALEX B. GHIBAUDO, PC

*Attorney for Plaintiff Howard Shapiro*

**MEMORANDUM OF POINTS AND AUTHORITIES**

Defendants have filed a motion for attorney’s fees and costs pursuant to NRS 41.670(1)(a) alleging that they are entitled to attorney’s fees and costs because Defendants’ motion to dismiss was granted in part as to Jenna Shapiro. However, Mrs. Shapiro was not dismissed on the merits. Rather, after 5 years of litigation, she opted to end any further participation in this case. Mr. Lowry was informed of that even prior to the time that the latest motion to dismiss was filed on Defendants behalf. Indeed, the minutes to the August 1, 2019 hearing reflect as much when those minutes state that the “Motion to Dismiss re NRS 41.660 GRANTED IN PART for those causes of action the Plaintiff does not intend to pursue, Jenna Shapiro will be dismissed...” (emphasis added).

To be clear, it was undersigned counsel’s intent to communicate to the court that Mrs. Shapiro simply voluntarily dismissed the action as to her, pursuant to NRCP 41, not that she concedes that Defendants’ motion had any merit at all because it did not, as the Nevada Supreme Court affirmed on two occasions.

Furthermore, the causes of action that Howard Shapiro dismissed (extortion, fraud, punitive damages) were not related to Defendants’ good faith communication in furtherance of their right to petition or speech. Therefore, the dismissal of those causes of action do not fall under the purview of NRS 41.660.

**CONCLUSION**

Defendants' instant motion should be denied because: (1) Defendants' motion to dismiss was not granted on the merits; and (2) the causes of action Howard Shapiro dismissed had nothing to do with free speech rendering NRS 41.660 inapplicable.

Respectfully submitted this 2<sup>nd</sup> day of October, 2019.

/s/ Alex Ghibaud

ALEX B. GHIBAUDO, Nevada Bar No. 10592

**ALEX B. GHIBAUDO, PC**

703 S. 8<sup>th</sup> Street

Las Vegas, Nevada 89101

*Attorney for Plaintiff Howard Shapiro*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I hereby certify that on  
3 this 3<sup>rd</sup> day of October, 2019, I did cause a true copy of the foregoing OPPOSITION TO  
4 DEFENDANTS' MOTION in *Shapiro v. Welt et al.*, Clark County District Court Case No.  
5 A-18-779200-C, to be served electronically using the Wiznet Electronic Service system, to  
6 all parties with an email address on record.

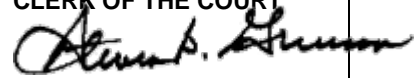
7 Michael Lowry, Esq.  
8 **WILSON ELSE ET AL**  
9 300 South 4<sup>th</sup> Street, 11<sup>th</sup> Floor  
Las Vegas, Nevada 89101

Michael.lowry@wilsonelser.com

11 /s/ Alex Ghibaud

12 EMPLOYEE of Alex B. Ghibaud, PC

ALEX B. GHIBAUDO, PC  
703 S. 8<sup>th</sup> STREET  
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MICHAEL P. LOWRY, ESQ.  
Nevada Bar No. 10666  
E-mail: Michael.Lowry@wilsonelser.com  
300 South 4<sup>th</sup> Street, 11<sup>th</sup> Floor  
Las Vegas, NV 89101-6014  
Tel: 702.727.1400/Fax: 702.727.1401  
Attorneys for Glenn Welt; Rhoda Welt; Lynn Welt;  
Michelle Welt

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

HOWARD SHAPIRO and JENNA SHAPIRO, Case A-14-706566-C  
Dept. 27

Plaintiffs,

vs.

**Glenn Welt, Rhoda Welt, Lynn Welt &  
Michele Welt's Reply re Motion for Fees,  
Costs, and Discretionary Relief**

GLEN WELT, RHODA WELT, LYNN WELT,  
MICHELLE WELT, individuals;  
CHECKSNET.COM, a corporation; DOES I  
through X, and ROE CORPORATIONS I  
through X, inclusive,

Defendants.

Plaintiffs' opposition ignores reality in an attempt to escape responsibility for their choices. Plaintiffs' filed this suit. They decided what facts to allege and what causes of action to bring. They decided to pursue it for five years despite the Welts' consistent arguments that Jenna had no claims for relief and that at least four of Howard's six causes of action were not viable. They then decided to *not oppose* the third motion to dismiss on these grounds. Each of these decisions comes with risks, rewards, and consequences. The Shapiros are now just trying to escape the consequences of pursuing meritless claims for five years.

The Welts' motion is well supported in fact and law. It should be granted.

///

///

1 DATED this 4<sup>th</sup> day of October, 2019.



3  
4 BY: /s/ Michael P. Lowry  
5 MICHAEL P. LOWRY  
6 Nevada Bar No. 10666  
7 300 South 4<sup>th</sup> Street, 11<sup>th</sup> Floor  
8 Las Vegas, NV 89101-6014  
9 Tel: 702.727.1400/Fax: 702.727.1401  
10 Attorneys for Glenn Welt; Rhoda Welt; Lynn Welt;  
11 Michelle Welt

12  
13 **Memorandum of Points & Authorities**

14 **I. NRS 41.670(1)(a) is unambiguous and requires an award of all reasonable fees.**

15 “If the court grants a special motion to dismiss filed pursuant to NRS 41.660: (a) The  
16 court shall award reasonable costs and attorney’s fees to the person against whom the action was  
17 brought....”<sup>1</sup> Here, the Welts filed a special motion to dismiss. That motion was granted in full  
18 as to Jenna Shapiro. It was granted as to four of Howard’s six causes of action. As a result, an  
19 award of reasonable costs and fees is mandated on those parts that were granted.

20 **a. Jenna chose not to oppose a valid motion.**

21 Jenna Shapiro opposes with two arguments. She first argues that she “was not dismissed  
22 on the merits. Rather, after 5 years of litigation, she opted to end any further participation in this  
23 case.”<sup>2</sup> She relies upon court minutes rather than the court’s written order. However, the  
24 Supreme Court of Nevada has expressly determined a ““court’s oral pronouncement from the  
25 bench, the clerk’s minute order, and even an unfiled written order are ineffective for any  
26 purpose.””<sup>3</sup>

27 Once the opposing party enters an appearance, there are only two ways out of a lawsuit:  
28 1) a stipulation to dismiss; or 2) dismissal via motion. Jenna Shapiro got neither. Instead, she

<sup>1</sup> NRS 41.670(1)(a).

<sup>2</sup> Opposition at 2:6-7.

<sup>3</sup> *Div. of Child & Family Servs. v. Dist. Ct.*, 120 Nev. 445, 451, 92 P.3d 1239, 1243 (2004)  
(quoting *Rust v. Clark Cty. School District*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987)).



1 received the Welts motion to dismiss and decided not to oppose it. That was her choice and she  
2 gets to live with the consequences of her choice. Perhaps had she actually proposed a stipulation  
3 to dismiss, the Welts might have considered it.

4 Jenna's argument also ignores the fact that she sued the Welts for accurately stating the  
5 fact she is married to Howard. The Welts have presented that argument since December, 2014.  
6 Yet Jenna still pursued the Welts for five years before finally not opposing the third motion to  
7 dismiss.<sup>4</sup> That conduct is *exactly* what NRS 41.660 is intended to deter. "A SLAPP suit is a  
8 meritless lawsuit that a party initiates primarily to chill a defendant's exercise of his or her First  
9 Amendment free speech rights."<sup>5</sup> "The hallmark of a SLAPP lawsuit is that it is filed to obtain a  
10 financial advantage over one's adversary by increasing litigation costs until the adversary's case  
11 is weakened or abandoned."<sup>6</sup> She sued the Welts for five years because they told the truth. The  
12 fact that she finally decided to stop does not save her from the consequences of that choice.

13 Ruling as Jenna proposes would gut the remedy NRS 41.660 was designed to provide as  
14 the plaintiff filing a SLAPP lawsuit could avoid the statute's deterrent effects by unilaterally  
15 abandoning the case.

16 **b. Jenna could not voluntarily dismiss.**

17 Her second argument is that she planned to dismiss per Rule 41. She seems to argue that  
18 she could unilaterally dismiss herself from the lawsuit at any time. However, the procedural  
19 posture of the case did not allow a unilateral, voluntary dismissal per Rule 41(a)(1)(A). Again,  
20 the only way out for her was either via a stipulation or motion. She pursued neither.

21 **c. Howard's dismissed causes of action all related to protected activity.**

22 Howard pled six causes of action. He chose not to oppose the Welts motion to dismiss as  
23 to four of those six causes of action. He now argues that three of those he conceded, "(extortion,  
24 fraud, punitive damages) were not related to Defendants' good faith communication in  
25 furtherance of their right to petition or speech,"<sup>7</sup> so the Welts are ineligible for an award of fees  
26

27 <sup>4</sup> July 9, 2019 opposition at 10:2-3.

28 <sup>5</sup> *Stubbs v. Strickland*, 129 Nev. Adv. Op. 15, 297 P.3d 326, 329 (2013) (citations omitted).

<sup>6</sup> *John v. Douglas Cnty. Sch. Dist.*, 125 Nev. 746, 752, 219 P.3d 1276, 1280 (2009).

<sup>7</sup> Opposition at 2:17-19.

1 and costs. In so arguing, Howard implicitly concedes at least the defamation cause of action was  
2 related. Howard's 50% share of the fees and costs is \$32,156.61, one sixth of that is \$5,359.44.  
3 That much should be summarily awarded.

4 However, Howard's arguments as to the extortion, fraud, and punitive damages causes of  
5 action directly conflict with the allegations he pursued for five years. Paragraphs 7 through 23 in  
6 the complaint he filed on September 4, 2014 pled a single common fact pattern that related  
7 *entirely* to the website that is at the center of this case. Each cause of action then incorporated  
8 those facts as pled without adding anything new. Howard cannot stick his head in the sand five  
9 years later and pretend something else happened so he can avoid responsibility for \$21,435.60 in  
10 fees and costs his complaint caused.

11 **d. The Welts request the award be increased \$106.**

12 This motion was filed on August 16, 2019, and noticed that same day for hearing on  
13 September 19, 2019. On September 11, 2019 the parties emailed with the court and agreed to  
14 move the hearing to October 3 at 9:30 a.m., at the Shapiros' request. Yet Plaintiffs did not  
15 oppose this motion until October 3 at 3:01 a.m. Plaintiffs' counsel did not appear for the  
16 hearing, instead emailing the Welts' counsel indicating he had a conflicting hearing in North Las  
17 Vegas. The court elected to continue the hearing to October 10, over the Welts' objections.

18 The Welts were billed 0.4 for attending this hearing that ultimately served no purpose.  
19 The hearing had no purpose because of the Shapiros' actions. The award should be increased by  
20 \$106.00 (\$265 x 0.4) to offset this waste of time.

21 **II. The Welts' motion should be granted.**

22 The Shapiros do not oppose any other aspect of the motion. They concede the fees and  
23 costs are reasonable. They concede the statute's language is mandatory. They do not dispute the  
24 method by which the Welts apportioned the fees or costs. Their objections are unpersuasive.

25 The court should enter a judgment in the Welts' favor as below:

- 26 • Jenna Shapiro, individually: \$32,209.61 (Fees & Costs)
- 27 • Jenna Shapiro, individually: \$10,000 to Glenn Welt, Rhoda Welt, Lynn Welt, and
- 28 Michele Welt, each, per NRS 41.660(1)(b).

- Howard Shapiro, individually: \$21,488.60 (Fees & Costs)
- Howard Shapiro, individually: \$10,000 to Glenn Welt, Rhoda Welt, Lynn Welt, and Michele Welt, each, per NRS 41.660(1)(b).

DATED this 4<sup>th</sup> day of October, 2019.



BY: /s/ Michael P. Lowry  
MICHAEL P. LOWRY  
Nevada Bar No. 10666  
300 South 4<sup>th</sup> Street, 11<sup>th</sup> Floor  
Las Vegas, NV 89101-6014  
Tel: 702.727.1400/Fax: 702.727.1401  
Attorneys for Glenn Welt; Rhoda Welt; Lynn Welt;  
Michelle Welt

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