

No. _____

IN THE SUPREME COURT OF THE STATE OF NEVADA

CANDICE SHAFFER AND TRAVIS HEINRICH,

Petitioners,

v.

THE EIGHTH JUDICIAL DISTRICT COURT, IN AND FOR THE COUNTY OF CLARK,
STATE OF NEVADA, AND THE HONORABLE NADIA KRALL,

Respondents,

and

MARK SHAFFER AND MYVEGAS MAGAZINE,

Real parties in interest.

From the Eighth Judicial District Court, County of Clark, Dept. IV
Dist. Court Case No. A-18-781276-C

**PETITIONERS' APPENDIX TO WRIT OF MANDAMUS OR, IN THE ALTERNATIVE,
WRIT OF PROHIBITION**

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In Proper Person

ALPHABETICAL ORDER

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Docket Sheet			PA205-08

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. I caused to be served a true and correct copy of the foregoing **PETITIONER'S APPENDIX TO WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, WRIT OF PROHIBITION** by the method indicated:

- ☒ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, as priority mail, in the United States mail at Las Vegas, Nevada addressed as set forth below on January 21, 2022.

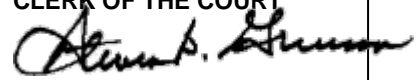
Honorable Nadia Krall
Department 4, Eighth Judicial District Court
Regional Justice Center
200 Lewis Ave.
Las Vegas, Nevada 89101

- ☒ **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case on January 24, 2022.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Plaintiff(s),

vs.

CANDICE SHAFFER, an individual;
TRAVIS HEINRICH, and individual;
CASSANDRA YOUSSEF, and individual;
and DOES I through X; and ROE
BUSINESS ENTITIES I through X,

Defendants.

CASE NO.: A-18-781276-C

DEPT. NO.: IV

**CANDICE SHAFFER'S MOTION TO
DISMISS THE FIRST AMENDED
COMPLAINT UNDER NRCP 16.1(e)(2)
FOR FAILURE TO TIMELY SUBMIT A
JOINT CASE CONFERENCE REPORT OR
INDIVIDUAL CASE CONFERENCE
REPORT**

– OR –

**IF PLAINTIFFS CAN DEMONSTRATE
GOOD CAUSE FOR NON-COMPLIANCE
WITH NRCP 16.1(c) and 16.1(e)(2), TO
CONTINUE THE TRIAL DATE, REQUIRE
THE PARTIES TO ATTEND A NEW CASE
CONFERENCE UNDER NRCP 16.1, AND
TO SCHEDULE A PRE-TRIAL
CONFERENCE UNDER NRCP 16**

HEARING REQUESTED

CANDICE SHAFFER,

Counterclaimant,

v.

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Counter defendants.

1 Defendant Candice Shaffer (“C. Shaffer”), through her pro bono attorney of record
2 Michael Stein, moves this Court for an order to dismiss this action against her because Plaintiffs
3 failed to file a Joint Case Conference Report (“JCCR”) or Individual Case Conference Report
4 (“ICCR”) in violation of NRCP 16.1(e)(2).

5
6 And only if the Court finds good cause for Plaintiffs’ failure to file a JCCR or ICCR, the
7 Court should continue the trial, require the parties to hold a new early case conference, file a
8 JCCR, attend a pre-trial conference under NRCP 16, and thereafter issue a Scheduling Order.

9 This motion is made under NRCP 16.1(e)(2) and EDCR 7.30, and supported by the
10 Memorandum of Points and Authorities incorporated herein, the exhibits attached, and the
11 Declaration of Attorney Michael Stein.

12
13 Dated November 8, 2021.

14 STEIN LAW GROUP

15 By: /s/ Michael Stein

16 Michael Stein, Esq. (Bar No. 4760)
17 1671 W. Horizon Ridge Pkwy., Suite 200
Henderson, NV 89012

18 *Attorney for Defendant and Counterclaimant*
19 *Candice Shaffer*
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Because over 240 days have passed since C. Shaffer filed her answer to Plaintiffs' First Amended Complaint and Plaintiffs have yet to submit a final JCCR or ICCR as NRCP 16.1 requires, this Court should dismiss this case as to C. Shaffer as NRCP 16.1(e)(2) requires.

II. FACTS AND RELEVANT PROCEDURAL HISTORY¹

A. The parties, the pleadings, and counsel.

Plaintiffs Mark Shaffer and MYVEGAS Magazine ("Plaintiffs") filed their original complaint on September 18, 2018.² Through their new counsel, Sagar Raich ("Attorney Raich"), Plaintiffs filed their First Amended Complaint on May 3, 2019 (the "FAC").³ Through attorney Robert J. Walsh ("Walsh"), Defendant Travis Heinrich ("Heinrich") filed his Answer to the FAC on June 21, 2019 (the "Heinrich Answer to FAC").⁴ Defendant Cassandra Youssef ("Youssef") was served with the FAC on May 28, 2019, but did not file an Answer. Through her pro bono attorney Michael Stein, Defendant Candice Shaffer ("C. Shaffer") filed her Answer and Counterclaim on August 16, 2019 (the "C. Shaffer Answer to FAC").⁵ On August 19, 2019, the Court's order granting Heinrich's attorney's motion to withdraw as counsel was entered.

B. The Default and Default Judgment entered against Youssef.

On July 25, 2019, Plaintiffs' counsel caused a default to be entered against Youssef. Plaintiffs moved for Default Judgment against Youssef on March 31, 2020. Following a prove-up hearing on February 22, 2021, the Court entered default judgment against Youssef.

¹ The pleadings, stipulations, orders, and court minutes filed with the court are authenticated under NRS 52.085 (public reports).

² A true and correct copy of the Complaint is attached as **Exhibit 2**.

³ A true and correct copy of the FAC is attached as **Exhibit 3**.

⁴ A true and correct copy of the Heinrich Answer to FAC is attached as **Exhibit 4**.

⁵ A true and correct copy of the C. Shaffer Answer to FAC is attached as **Exhibit 5**.

On February 22, 2021, the court held a prove-up hearing on Plaintiff's Motion for Default Judgment against Youssef. On April 6, 2021, the Court entered an Order granting default judgment against Youssef and in favor of Plaintiffs. On April 7, 2021, the Court entered its Order After Hearing regarding the default judgment against Youssef.

C. The Early Case Conference and Plaintiff's failure to file a JCCR or ICCR.

Plaintiffs failed to schedule a timely Early Case Conference ("ECC"). Because Heinrich filed his Answer to FAC on June 21, 2019, under NRCP 16.1(b)(2)(a), Plaintiffs were required to hold an ECC by Monday, July 22, 2019.⁶ Plaintiff did not serve their Notice of ECC until September 12, 2019, scheduling the conference for September 25, 2019 —65 days after the ECC was required to be held under NRCP 16.1(b)(2).⁷

Only Attorneys Raich and Stein participated in the September 25, 2019, telephonic 16.1 conference.⁸ Heinrich did not attend.⁹ A draft JCCR was circulated by Attorney Raich and Attorney Stein's office submitted revisions agreed upon by Attorney Raich's office and returned to Attorney Stein who agreed to insert additional information.¹⁰ But the parties took no further action regarding the draft JCCR.¹¹ A JCCR was never finalized, submitted to the discovery

⁶ Under NRCP 16.1(b)(2), "The early case conference must be held within 30 days after service of an answer by the first answering defendant. All parties who have served initial pleadings must participate in the first case conference. If a new party serves its initial pleading after the first case conference, a supplemental case conference must be held within 30 days after service by any party of a written request for a supplemental conference; otherwise, a supplemental case conference is not required." Because 30 days from June 21, 2019, was Sunday, July 21, 2019, the conference had to be held on or before Monday, July 22, 2019.

⁷ A true and correct copy of the Notice of Early Case Conference is attached as **Exhibit 6**.

⁸ Stein Decl. attached as **Exhibit 1**.

⁹ Stein Decl.

¹⁰ A true and correct copy of the April 8, 2020 e-mail from Attorney Raich's office to Attorney Stein's Office and revised draft JCCR is attached as **Exhibit 7**. (Stein Decl.).

¹¹ Stein Decl.

1 commissioner, nor filed with the Court.¹² And Plaintiffs' counsel never followed up with
2 Attorney Stein or Heinrich regarding the status of JCCR.¹³

3 Because no JCCR was filed, a scheduling order was never issued.¹⁴ See EDCR 1.90(b)((3)
4 (“Scheduling orders. In civil cases, the judge shall issue a scheduling order pursuant to NRCP (b).
5 In addition to the required contents of NRCP 16(b)(3)(A), the scheduling order shall contain dates
6 for any pretrial conferences, a final pretrial conference and/or calendar call, and the trial or trial
7 stack. The scheduling order may include any other appropriate matters.”); NRCP 16(b) (“Except
8 in categories of actions exempted by local rule, the court must, after consulting with the attorneys
9 for the parties and any unrepresented parties by a scheduling conference, case conference,
10 telephone conference, or other suitable means, enter a scheduling order.”). And because a
11 scheduling order was never filed, the parties could not conduct discovery. NRCP 26(a) (“At any
12 time after the filing of a joint case conference report, or not sooner than 14 days after a party has
13 filed a separate case conference report, or upon order by the court or discovery commissioner, any
14 party who has complied with Rule 16.1(a)(1), 16.2, or 16.205 may obtain discovery by any means
15 permitted by these rules.”).

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18 **D. The Order Statistically Closing Case and the confusion regarding the**
19 **status checks held on June 15 and June 17, 2021.**

20 On May 10, 2021, the Court mistakenly entered a Civil Order To Statistically Close Case
21 based upon the Default Judgment entered *only* against Youssef.¹⁵ Attorney Raich and Attorney
22 Stein agreed upon and signed a Stipulated [and Order] to Reopen Matter (the “Stipulation and
23 Order”) explaining:

24 [S]ome of the parties have filed responsive pleadings while other have not
25 responded and have been defaulted. The Parties that have filed claims and/or

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27 ¹² Stein Decl.

¹³ Stein Decl.

¹⁴ Stein Decl.

28 ¹⁵ A true and correct copy of the Civil Order To Statistically Close case is attached as **Exhibit 8**.

1 counterclaims have not received adjudication or judgment on said claims. As
2 such, it is necessary to reopen this matter such that the issues may be adjudicated
3 at a trial.¹⁶

4 Heinrich did not sign the stipulation, but Attorney Raich submitted the Stipulation and
5 Order to the Court and it was signed by the Court and filed on May 19, 2021. The
6 Stipulated and Order also included this language:

7 Accordingly, the Parties stipulate to the reopening of this matter with a status
8 check set for this matter *at the court's convenience on or after June 15, 2021*.

9 (Emphasis added).

10 Attorney Stein errantly assumed the court would issue an order setting a status
11 check for a date "at the court's convenience on or after June 15, 2021."¹⁷ Attorney Stein did not
12 learn of the status check until November 2, 2021, when he telephoned Raich about the *Amended*
13 *Order Setting Civil Bench Trial and Calendar Call* because he was confused about issuing an
14 *Amended Order* setting a trial since (a) neither a JCCR nor ICCR had been filed; (b) no
15 scheduling order was never issued by the Court; and (c) No Order Setting Civil Bench Trial had
16 been entered.¹⁸ Attorney Raich *mistakenly* told Attorney Stein he was the *only one who attended*
17 the status check and was unwilling to address this issue and that he was ready for trial.

18 Because of Attorney Raich's representations, Mr. Stein reviewed the Eighth Judicial
19 District Court Portal and learned, for the first time, that the clerk of court or court calendared a
20 status check for June 15, 2021, but no order or notice was issued. Attorney Stein did not see the
21 update to the docket and did not receive separate notice of the status check. Because Attorney
22 Stein did not see the change in the docket and did not receive separate notice of the status check,
23 he did not attend.
24

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27 ¹⁶ A true and correct copy of the Stipulation [and Order] to Reopen Matter is attached as **Exhibit**
28 **9.**

¹⁷ Stein Decl.

¹⁸ Stein Decl.

1 Senior Judge Michael A. Cherry presided over the June 15, 2021, status check and,
2 contrary to Attorney Raich's representations **neither Attorney Raich nor Attorney Stein – the**
3 **only attorneys who signed the Stipulation and Order – were present at the June 15 status**
4 **check.**

5 Because neither Attorney Raich nor Attorney Stein attended the June 15 status check, it
6 appears both understood the provision in the Stipulation and Order, "a status check set for this
7 matter *at the court's convenience on or after June 15, 2021*," was intended to give the Court
8 flexibility to schedule a status check for a date and time convenient for the Court on or after June
9 15, 2021. The *only attorney present* at the June 15, 2021, status check was Heinrich's former
10 attorney Anthony F. De Martino of Walsh & Friedman, who neither participated in the drafting
11 of or signed the Stipulation and Order, as reflected in the Court Minutes:¹⁹

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13
14 Mr. De Martino advised the stipulation and order [regarding the case being
15 statistically closed] was circulated, but believed it was *submitted without a*
16 *signature*; requested a continuance. Court So Ordered.

17 (Emphasis added).

18 Mr. De Martino was correct. The Stipulation and Order was only signed by Attorneys Raich and
19 Stein. It was never signed by Heinrich. Lacking a stipulation by all the parties, it was improper
20 for Attorney Raich to submit it to the Court.

21 The status check was continued to August 17, 2021, but Attorney Stein received no
22 notice from the Court that the status check was moved to August 17, 2021.²⁰ Attorney Raich
23 was present and upon the Court's inquiry:

24 Stated the case was ready to go to trial, however dates were pushed, and noted a
25 default motion was granted with one of the defendants. Mr. Raich requested the
26 case go to trial.²¹

27 ¹⁹ A true and correct copy of the June 15, 2021, Court Minutes is attached as **Exhibit 10.**

28 ²⁰ Stein Decl.

²¹ A true and correct copy of the June 17, 2021, Court Minutes is attached as **Exhibit 11.**

1 Attorney Raich failed to advise the court that neither a JCCR nor ICCR had been filed and no
2 Scheduling Order had been issued by the Court.

3 No stipulations were filed in this case (e.g., stipulation to extend time to hold the ECC
4 (NRCP 16.1(b)(2)(B) or to file a JCCR or ICCR) and, because no discovery has been permitted
5 or a Scheduling Order entered, the Defendants are not ready for trial.²²

7 **D. The Amended Order Setting Civil Bench Trial and Calendar Call.**

8 Based upon Attorney Raich's representations at the June 17, 2021, status check, the Court
9 entered an *Amended* [sic] Order Setting Civil Bench Trial and Calendar Call on October 7, 2021,
10 before a JCCR or ICCR being filed and without first filing a scheduling order.²³ Because no
11 scheduling order has been entered nor has a prior order setting trial been entered, the order setting
12 trial was improper under EDCR 2.60(a) which *mandates* that a scheduling order be entered before
13 a trial date may be set.

15 **II. ARGUMENT**

16 **A. Under Nevada Supreme Court precedent, because neither a JCCR**
17 **was filed by the parties nor an ICCR filed by Plaintiffs, the case**
18 **should be dismissed.**

19 **i. Plaintiffs bear the duty to diligently pursue their claims.**

20 The Nevada Rules of Civil Procedures state that the rules "shall be construed and
21 administered to secure the just, speedy, and inexpensive determination of every action." NRCP
22 21. It is incumbent upon the person suing to diligently pursue their claim. The
23 Nevada Supreme Court has held that it is the Plaintiff upon whom the duty rests to use diligence
24 at every stage of the proceeding to expedite his case to final determination. *Thran v. First*
25 *Judicial Dist. Court ex rel. Ormsby County*, 79 Nev. 176, 181, 380 P.2d 297, 300 (1963). The
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27 ²² Stein Decl.

28 ²³ A true and correct copy of the Amended Order Setting Civil Bench Trial and Calendar Call is
attached as **Exhibit 12**.

1 defendant is *only required to meet plaintiff step by step* as the plaintiff proceeds through the
2 litigation. *Id.* (Emphasis added).

3 To further the speedy determination of cases in Nevada, the Nevada Supreme Court has
4 provided Rule 16.1 to facilitate the process of discovery in civil cases, and to provide detailed
5 procedures which the Nevada Supreme Court believes will "aid in the efficient and fair
6 administration of justice." *Mays v. District Court*, 105 Nev. 60, 768 P.2d 877 (1989).

7
8 NRCP 16.1 (e)(2) clearly sets forth that **Plaintiff must file a case conference report**
9 **within 240 days after an appearance by the defendant.** The Rule places the burden upon
10 Plaintiff to file the case conference report and provides that the complaint may be dismissed,
11 without prejudice, for failure to do so.

12
13 **ii. NRCP 16.1(e)(2) mandates a JCCR or ICCR be filed within a specified time.**

14 Plaintiffs failed to file a JCCR and neither Plaintiffs nor any of the Defendants filed an
15 ICCR within 240 days of Defendant Heinrich and C. Shaffer filing their respective Answer to
16 FAC. Heinrich filed his Answer to FAC on June 21, 2019. C. Shaffer filed her Answer to FAC
17 on August 16, 2019. A JCCR had to be filed by February 16, 2020, regarding Heinrich and by
18 April 12, 2020 regarding C. Shaffer.²⁴

19 Under NRCP 16.1(c)(1)(A), parties are responsible for filing a JCCR, or if the parties
20 cannot agree upon the contents of a joint report, each party *must* serve and filed an ICCR. As of
21 the date of this motion, 869 days has passed since Heinrich filed his Answer to FAC and 813
22 days has passed since C. Shaffer filed her Answer to FAC and no JCCR nor ICCR has been
23 finalized, submitted to the Discovery Commissioner, or filed.
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28 ²⁴ February 16, 2020 is 240 days after June 21, 2019. April 12, 2020 is 240 days after August 16, 2019.

1 NRCP 16.1(e)(2) allows the court to dismiss the case against a defendant if the **plaintiff**
2 **fails to file the JCCR** within 240 days after the defendant's answer. *Arnold v. Kip*, 123 Nev. 410,
3 415, 168 P.3d 1050, 1053 (2007); *see also Moon v. McDonald, Carano & Wilson, Ltd. Liab.*
4 *P'ship*, 126 Nev. 510, 513, 245 P.3d 1138, 1139-40 (2010) and *Gholson v. Siegel Suites*, 2014
5 Nev. Unpub. LEXIS 1209 *, 130 Nev. 1181, 2014 WL 3747174. **These rules were promulgated**
6 **to encourage plaintiff's to timely pursue prosecution, and the defendant need not show**
7 **prejudice to obtain a dismissal**. *Id.* Rather, the district court should "address factors that
8 promote the purpose of the rule, rather than factors that focus on the consequences to the plaintiff
9 resulting from his or her failure to comply with the rule." *Id.*

11 Nothing in the language of NRCP 16.1(e)(2) – either the earlier version or the current
12 version – requires a defendant to demonstrate prejudice or the district court to determine whether
13 the defendant has suffered prejudice as a condition to granting a dismissal without prejudice.
14 NRCP 16.1(e)(2) was adopted to promote the prosecution of litigation within adequate timelines,
15 and it permits sanctions to ensure compliance with specific deadlines. Therefore, the factors to be
16 considered by the district court in dismissing an action under NRCP 16.1(e)(2) should be those
17 that relate to the purpose of the rule. *Kip*, 123 Nev. at 415.

19 In addition, injury to the defendant is presumed as a result of plaintiffs' delay of the
20 proceedings. *Northern Ill. Corp. v. Miller*, 78 Nev. 213, 217, 370 P.2d 955, 956-57 (1962). It is
21 not incumbent upon Defendant to demonstrate any prejudice. *Id.* The Nevada Supreme Court has
22 instructed district courts:

24 ***[T]he party moving for dismissal under NRCP 16.1 (e)(2) is not required to***
25 ***demonstrate prejudice, and the district court is not required to consider whether***
26 ***the defendant has suffered prejudice because of the delay in the filing of the***
27 ***case conference report.*** Nothing in the language of NRCP 16.1(e)(2)-either the
28 earlier version or the current version-requires the defendant to demonstrate
prejudice or the district court to determine whether the defendant has suffered
prejudice as a condition to granting a dismissal without prejudice. To hold
otherwise would largely eviscerate the rule because it would allow plaintiffs to

1 exceed the deadline for filing a case conference report as long as the defendant
2 could not demonstrate prejudice NRCP 16.1 (e)(2) was adopted to promote
3 the prosecution of litigation within adequate time lines [sic], and it permits
sanctions to ensure compliance with specific deadlines.

4 *See Arnold v. Kip*, 123 Nev. 410, 168 P.3d 1050 at 1050, (October 11, 2007). (Emphasis added).

5 The Supreme Court has instructed Nevada' district courts, "the district court's consideration of a
6 motion to dismiss without prejudice should *address factors that promote the purpose of the rule*,
7 *rather than factors that focus on the consequences to the plaintiff* resulting from his or her failure
8 to comply with the rule." *Kip*, 168 P.3d at 1053.

9 The relevant *Kip* factors for this matter are:

10
11 1. **The length of the delay.**

12 Here, at least 629 days after the Heinrich February 16, 2020 240-day deadline and 573
13 days after the C. Shaffer 240-day deadline has passed and Plaintiffs have failed to file a JCCR or
14 ICCR.

15 2. **Whether Defendants induced or caused the delay.**

16 Attorney's Raich and Stein attended the untimely scheduled telephonic ECC on
17 September 25, 2019.²⁵ Like the untimely scheduling of the ECC, Plaintiffs were not diligent
18 regarding preparing the JCCR. Attorney Raich's co-counsel, Brian Schneider, did not prepare and
19 circulate a draft JCCR until over 8 months later – April 2020.²⁶ When Plaintiffs circulated the
20 first draft of the JCCR in April of 2020, it was already past the 240-day deadline for Heinrich and
21 at the 240-day deadline for C. Schafer. The draft JCCR required revisions, which were agreed
22 upon between Plaintiffs' and C. Shaffer's counsel, and on April 8, 2020, a revised draft JCCR
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28 ²⁵ Stein Decl.

²⁶ Stein Decl.

1 was sent *only to* Attorney Stein.²⁷ Plaintiff did not send the e-mail with the revised JCCR to
2 Heinrich.

3 Under NRCP 16.1(e)(2), Plaintiffs had the ultimate responsibility of drafting and filing the
4 JCCR by the statutory deadline.²⁸ Ultimately, the parties did not timely file the JCCR nor did
5 Plaintiffs file an ICCR. Plaintiffs' counsel has not communicated with Defendants about the
6 JCCR since April 8, 2020. Plaintiffs' counsel neither followed up on the status of the JCCR nor
7 send Heinrich a copy of the last draft of the JCCR. While Defendants did not make all reasonable
8 efforts to have the JCCR timely filed, Defendants did not *cause* the delay.
9

10 **3. Whether the plaintiff can provide no good cause for the delay.**

11 NRCP 16.1(e)(2) requires *Plaintiffs* to file the JCCR within 240 days of Defendants'
12 answers. Plaintiff also had the option of stipulating to an extension to submit the JCCR, or
13 moving this Court to grant an extension (EDCR 2.35)—Plaintiffs did neither. Nor did Plaintiffs
14 file an ICCR. Under NRCP 16.1(e)(2), “If the plaintiff does not file a case conference report
15 within 240 days after service of an answer by a defendant, *the court, on motion or on its own,*
16 *may dismiss* the case as to that defendant, without prejudice.” The one exception under NRCP
17 16.1(e)(2) is if Defendants serve their answers *after* the first case conference. Here, Defendants
18 served their answers *before* the first case conference. Therefore, the exception does not apply.
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27 ²⁷ Exhibit 7.

28 ²⁸ See NRCP 16.1(e)(2) (“If the **plaintiff** does not file a case conference report within 240 days after service of an answer by a defendant, the court, on motion or on its own, may dismiss the case as to that defendant, without prejudice.”)(emphasis added)

B. If the Court finds “good cause” for Plaintiffs failure to file a JCCR or ICCR, the Parties should be ordered to hold a new case conference, submit a JCCR, and a pre-trial case conference scheduled under NRCp 16.1.

Even if Plaintiffs had good cause for violating NRC 16.1(e)(2), the trial must be continued and a scheduling order issued setting forth dates to (a) complete discovery; (b) join other parties and to amend pleadings; and (c) file and hear dispositive motions. EDCR 2.55. The Amended [sic] Order Setting Civil Bench Trial and Calendar Call was entered in error because no Scheduling Order was entered. Under EDCR 2.60(a), “A case commenced by the filing of a complaint **must first have a scheduling order entered** before a trial date is set.” (Emphasis added).

III. CONCLUSION

This case calls for strict adherence to the NRC and EDCR. Plaintiffs' FAC must be dismissed. In January 2020, Applying the precedent and factors the Nevada Supreme Court outlined in *Kip* case, this case must be dismissed because the Plaintiffs failed to file a timely JCCR or ICCR, can show no good cause for the delay, and that although defendant C. Shaffer did not make all efforts to have the joint case conference report timely filed, defendants did not *cause* the delay.

If the Court finds good cause for Plaintiffs' failure to comply with the NRCP and EDCR, the trial must be continued under EDCR 7.30 because good cause exists. Neither a JCCR nor an ICCR Report was filed in this Case. Under NRCP 26(a), the parties may not commence discovery until a JCCR or ICCR is filed.

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1 Because neither a JCCR nor ICCR were filed, a Scheduling Order under EDCR 2.55 was
2 never entered and, under EDCR 2.60, a scheduling order ***must first be filed*** before a trial date
3 may be set. Therefore, if the Court finds Plaintiff has demonstrated good cause for their failure to
4 complaint with NRCP 16.1(e)(2), the trial date must be continued to comply with EDCR 2.55
5 and 2.69, and allow for discovery.
6

7 Dated November 8, 2021.

8 STEIN LAW GROUP

9 By: /s/ Michael Stein

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12 *Attorney for Defendant and Counterclaimant*
13 *Candice Shaffer*
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CERTIFICATE OF SERVICE

I, the undersigned, declared under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in this action. On August 16, 2019, I caused to be served a true and correct copy of the foregoing **MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO CONTINUE TRIAL DATE** by method indicated:

x	BY ELECTRONIC SUBMISSION: submitted to the above-entitled Court for electronic filing and/or service through Wiznet for the above-referenced case.
	BY U.S. MAIL: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada, addressed as set forth below.
	BY FAX: by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document(s).
	BY ELECTRONIC MAIL TO:
	BY OVERNIGHT MAIL: by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
	BY PERSONAL DELIVERY: by causing personal delivery by _____, a messenger service with which this firm maintains an account, of the document(s) listed above to the person(s) at the address(es) set forth below.

Sagar Raich, Esq.
6785 S. Eastern Ave., Suite 5
Las Vegas, NV 89119
Email: sraich@raichattorneys.com
Attorney for Plaintiffs

Also, by first class mail and e-mail to:
Travis Heinrich
P.O. Box 19154
Las Vegas, NV 89132
Travis702heinrich@gmail.com

/s/ Michael Stein
An employee of Stein Law

EXHIBIT 1

Michael Stein, Esq. (Nevada Bar #4760)
Stein Law Group PLLC
1671 W. Horizon Ridge Pkwy., Suite 200
Henderson, NV 89012
Telephone: 702.744.8065
Facsimile: 702.991.7904
Email: mstein@steinlawlv.com

Attorney for Defendant and Counterclaimant Candice Shaffer

DISTRICT COURT
CLARK COUNTY, NEVADA

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Plaintiff(s),

vs.

CANDICE SHAFFER, an individual;
TRAVIS HEINRICH, and individual;
CASSANDRA YOUSSEF, and individual;
and DOES I through X; and ROE
BUSINESS ENTITIES I through X,

Defendants.

CANDICE SHAFFER,

Counterclaimant,

v.

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Counter defendants.

CASE NO.: A-18-781276-C

DEPT. NO.: IV

**DECLARATION OF MICHAEL STEIN IN
SUPPORT OF CANDICE SHAFFER'S
MOTION TO DISMISS THE FIRST
AMENDED COMPLAINT UNDER NRC
16.1(e)(2)**

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Michael Stein, Esq., hereby declare and say:

1. I am an attorney duly licensed to practice law in the State of Nevada and in good

1 standing. I have personal knowledge of the facts set forth herein. I execute this declaration in
2 support of the aforementioned Motion.

3 2. Plaintiffs Mark Shaffer and MYVEGAS Magazine (“Plaintiffs”) filed their original
4 complaint on September 18, 2018.

5 3. Through their new counsel, Sagar Raich (“Attorney Raich”), Plaintiffs filed their
6 First Amended Complaint on May 3, 2019 (the “FAC”).

7 4. Through attorney Robert J. Walsh (“Walsh”), Defendant Travis Heinrich
8 (“Heinrich”) filed his Answer to the FAC on June 21, 2019 (the “Heinrich Answer to FAC”).

9 5. Through her pro bono attorney Michael Stein, Defendant Candice Shaffer (“C.
10 Shaffer”) filed her Answer and Counterclaim on August 16, 2019 (the “C. Shaffer Answer to
11 FAC”).

12 6. Plaintiffs failed to schedule a timely Early Case Conference (“ECC”). Because
13 Heinrich filed his Answer to FAC on June 21, 2019, under NRCP 16.1(b)(2)(a), Plaintiffs were
14 required to hold an ECC by Monday, July 22, 2019.

15 7. Plaintiff did not serve their Notice of ECC until September 12, 2019, scheduling
16 the conference for September 25, 2019 —65 days after the ECC was-required to be held under
17 NRCP 16.1(b)(2). Only Attorneys Raich and I participated in the September 25, 2019, telephonic
18 16.1 conference. Heinrich did not attend.

19 8. Like the untimely scheduling of the ECC, Plaintiffs were not diligent in preparing
20 the JCCR. Attorney Raich’s office did not circulate a draft Joint Case Conference Report
21 (“JCCR”) until April 2020, over 8 months after the ECC. When Plaintiffs circulated the first draft
22 of the JCCR in April of 2020, it was already past the 240-day deadline for Heinrich and at the
23 240-day deadline for C. Schafer. The draft JCCR required revisions, which were agreed upon
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1 between Plaintiffs' and C. Shaffer's counsel, and on April 8, 2020, a revised draft JCCR was sent
2 *only to me*.

3 9. Plaintiffs' counsel did not send the e-mail with the revised JCCR to Heinrich.
4 Exhibit 13 attached to C. Shaffer's Motion to Dismiss is a true and correct copy of the April 8,
5 2020, email I received from Brian Schneider of Attorney Raich's office with a revised draft of the
6 JCCR. As evidenced in the e-mail, Heinrich was not sent a copy of the e-mail or revised draft of
7 the JCCR.
8

9 10. Ultimately, the parties did not timely file the JCCR nor did Plaintiffs file an ICCR.
10 Plaintiffs' counsel has not communicated with Defendants about the JCCR since April 8, 2020.
11 Plaintiffs' counsel neither followed up on the status of the JCCR nor send Heinrich a copy of the
12 last draft of the JCCR. While Defendants did not make all reasonable efforts to have the JCCR
13 timely filed, Defendants did not *cause* the delay.
14

15 11. Plaintiffs never filed an Individual Case Conference Report ("ICCR").

16 12. On May 10, 2021, the Court mistakenly entered a Civil Order To Statistically Close
17 Case based upon the Default Judgment entered *only* against Youssef. Attorney Raich and I agreed
18 upon and signed a Stipulated [and Order] to Reopen Matter (the "Stipulation and Order"). It was
19 never signed by Heinrich. The Stipulated and Order included this language:
20

21 Accordingly, the Parties stipulate to the reopening of this matter with a
22 status check set for this matter ***at the court's convenience on or after June 15, 2021.*** (Emphasis added).

23 13. I errantly assumed the court would issue an order setting a status check for a date
24 "at the court's convenience on or after June 15, 2021." I did not learn of the status check until
25 November 2, 2021, when I telephoned Raich about the *Amended* Order Setting Civil Bench Trial
26 and Calendar Call because I was confused about the issuance of an *Amended* Order setting a trial
27 since (a) neither a JCCR nor ICCR had been filed; (b) no scheduling order was never issued by
28

1 the Court; and (c) No Order Setting Civil Bench Trial had been entered. Attorney Raich
2 *mistakenly* told me he was the *only one who attended the status check* and was unwilling to
3 address this issue and that he was ready for trial.

4
5 14. Because of Attorney Raich's representations, I reviewed the Eighth Judicial
6 District Court Portal and learned, for the first time, that the clerk of court or court calendared a
7 status check for June 15, 2021, but no order or notice was issued. I did not see the update to the
8 docket and did not receive separate notice. Because I did not see the change in the docket and did
9 not receive separate notice, I did not attend.

10 15. Senior Judge Michael A. Cherry presided over the June 15, 2021, status check and,
11 contrary to Attorney Raich's representation to me, **neither Attorney Raich nor I – the only**
12 **attorneys who signed the Stipulation and Order – were present at the June 15 status check.**
13 The only attorney present was Heinrich's former attorney Anthony F. De Martino of Walsh &
14 Friedman who notified the court:
15

16 Mr. De Martino advised the stipulation and order [regarding the case being
17 statistically closed] was circulated, but believed it was submitted without a
signature; requested a continuance. Court So Ordered..

18 16. The status check was continued to August 17, 2021, but I received no notice from
19 the Court that the status check was moved to August 17, 2021. Attorney Raich was present and,
20 according to the Court Minutes, upon the Court's inquiry:
21

22 Stated the case was ready to go to trial, however dates were pushed, and
23 noted a default motion was granted with one of the defendants. Mr. Raich
requested the case go to trial.

24 17. Attorney Raich failed to advise the court that neither a JCCR nor ICCR had been
25 filed and no Scheduling Order has been issued by the Court.

26 18. No stipulations were filed in this case (e.g., stipulation to extend time to file a JCCR
27 or ICCR) and, because no discovery has been permitted, the Defendants are not ready for trial.
28

1 19. Plaintiffs failed to file a JCCR and neither Plaintiffs nor any of the Defendants filed
2 an ICCR within 240 days of Defendant Heinrich and C. Shaffer filing their respective Answer to
3 FAC. Heinrich filed his Answer to FAC on June 21, 2019. C. Shaffer filed her Answer to FAC
4 on August 16, 2019. A JCCR had to be filed by February 16, 2020, regarding Heinrich and by
5 April 12, 2020 regarding C. Shaffer. As of the date of this motion, over 869 days has passed since
6 Heinrich filed his Answer to FAC and over 813 days has passed since C. Shaffer filed her Answer
7 to FAC and no JCCR nor ICCR has been filed.

9 20. At least 629 days after the Heinrich February 16, 2020 240-day deadline and 573
10 days after the C. Shaffer 240-day deadline has passed and Plaintiffs have failed to file a JCCR or
11 ICCR. As of the date of this Affidavit, no complete proposed JCCR has ever been received
12 from Plaintiffs' counsel nor has an ICCR been filed by Plaintiffs. Plaintiffs never asked for an
13 extension to file a JCCR or ICCR.

14 I declare under penalty of perjury under the laws of the United States that the foregoing is
15 true and correct.

16 Executed November 8, 2021.


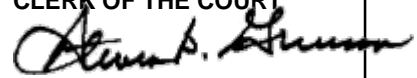
17 
18 _____
19 Michael Stein, Esq.

EXHIBIT 2



COM
MAYFIELD GRUBER & SHEETS
Damian Sheets, Esq.
Nevada Bar No. 10755
Kelsey Bernstein, Esq.
Nevada Bar No. 13825
726 S. Casino Center Blvd.
Las Vegas, Nevada 89101
Telephone: (702) 598-1299
Facsimile: (702) 598-1266
dsheets@defendingnevada.com
Attorney for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Mark Shaffer, individually and on behalf of) Case No.: A-18-781276-C
Mark One Media, Inc., d/b/a MyVegas) Dept. No: Department 4
Magazine,)
Plaintiff) **COMPLAINT**

vs.)

Candice Shaffer, an individual; Kyle Decker,)
an individual; and DOES I through X; and)
ROE CORPORATIONS I through X)
Defendants.)

- 1. DEFAMATION**
- 2. INTENTIONAL INTERFERENCE
WITH CONTRACTUAL RELATIONS**
- 3. INTENTIONAL INTERFERENCE
WITH PROSPECTIVE ECONOMIC
ADVANTAGE**

COMES NOW Plaintiff, Mark Shaffer, individually and on behalf of Mark One Media, Inc.,
d/b/a MyVegas Magazine, by and through his attorney of record, DAMIAN SHEETS, ESQ., of the
law firm MAYFIELD GRUBER & SHEETS, and for his causes of actions against Defendants
Candice Shaffer and Kyle Decker, individually, allege as follows:

///

///

Complaint - 1

PA023

VENUE

- 1
2
3 1. That at all times pertinent hereto, Plaintiff Mark Shaffer (hereinafter, "Plaintiff") is and
4 was a resident of Clark County, State of Nevada.
- 5
6 2. That at all times pertinent hereto, Mark One Media, Inc., d/b/a MyVegas Magazine, is and
7 was a domestic corporation in good standing in the State of Nevada.
- 8
9 3. That at all times pertinent hereto, Defendant Candice Shaffer (hereinafter "Defendant
10 Shaffer") was and is a resident of Clark County, State of Nevada.
- 11
12 4. That at all times pertinent hereto, Defendant Kyle Decker (hereinafter "Defendant
13 Decker") was and is a resident of Clark County, State of Nevada.
- 14
15 5. That the following alleged incidents occurred in Clark County, Nevada.
- 16
17 6. That Plaintiff is the owner/operator and authorized legal representative for MyVegas
18 Magazine, LLC.
- 19
20 7. The true names and capacities of Defendants DOES I through X and/or ROES I through X,
21 whether individual, company, associate, or otherwise, are unknown to the Plaintiff at the
22 time of filing of this Complaint, and Plaintiff therefore sues said Defendants by such
23 fictitious names. Plaintiff is informed, believes and therefore alleges that each of the
24 Defendants, designated as DOES I through X and/or ROES I through X are or may be,
25 legally responsible for the events referred to in this action, and caused damages to the
26 Plaintiff, as herein alleged, and Plaintiff will ask leave of this Court to amend the
27 Complaint to insert the true names and capacities of such Defendants, when the same
28 have been ascertained, and to join them in this action, together with the proper charges
and allegations.

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GENERAL ALLEGATIONS

8. On or about July of 2018, Defendant Shaffer's employment with MyVegas Magazine as a sales representative was terminated.

9. Since July 2018, Defendant Shaffer and her partner, Defendant Decker, have been directly contacting and communicating with current customers for MyVegas Magazine.

10. Defendant Shaffer and Defendant Decker (collectively "Defendants") have also been directly contacting and communicating with prospective customers who had previously expressed an interest in conducting business with MyVegas Magazine.

11. Defendants have stated to these current customers in writing that Plaintiff has "criminal history" for sexual criminal offenses and has "two open cases" for "rape."

12. Defendants have stated that by continuing to do business with MyVegas Magazine, these customers are associating themselves with an individual who has open criminal cases for rape.

13. Defendants have stated that by continuing to do business with MyVegas Magazine, these customers are associating themselves with an individual and product who will soon be the negative target of local news media.

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FIRST CAUSE OF ACTION

Defamation

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14. That Plaintiff incorporates by reference paragraphs 1 through 13 as though fully set forth herein.

- 1 15. That Defendants are writing to current clients of MyVegas Magazine via e-mail, social
2 media posts, and text message to convey that Plaintiff has a prior criminal history for
3 sexual offenses and also has "two open cases" for "rape."
- 4 16. That Defendants specifically told these current clients in writing that by continuing to do
5 business with MyVegas Magazine, they are associating themselves with an individual and
6 product who will soon be the negative target of local news media.
- 7
- 8 17. That Plaintiff does not, as a matter of fact, have any criminal convictions for sexual
9 offenses.
- 10
- 11 18. That Plaintiff does not, as a matter of fact, have any open criminal cases of any nature
12 whatsoever.
- 13
- 14 19. That the statements made by Defendants are indeed false.
- 15
- 16 20. That the false statements made by Defendants are defamatory.
- 17
- 18 21. That Defendants have both actual and constructive knowledge of the falsity of these
19 statements.
- 20
- 21 22. That Defendants have published these false statements to numerous third parties.
- 22
- 23 23. That Defendants have published these false statements to third parties without privilege
24 or justification.
- 25
- 26 24. That Defendants made these statements with actual knowledge of their falsity, or with
27 reckless disregard for the truth.
- 28
25. That these statements were deliberately made with the intent to harm Plaintiff in his
personal and business capacity.

1
2 26. That these statements were deliberately made with the intent to harm MyVegas
3 Magazine.

4 27. That these statements were deliberately made with the intent to lower Plaintiff in the
5 estimation of the community, to excite derogatory opinions against him, and to hold him
6 up to contempt.

7
8 28. That these statements were deliberately made with the intent to harm Plaintiff's personal
9 and business reputation.

10 29. That because Defendant's false statements were deliberately made with the intent to
11 harm Plaintiff's business, such actions constitute defamation *per se* and damages are
12 presumed under law.

13
14 30. That as a direct and proximate result of Defendant's false statements, Plaintiff has
15 suffered actual economic loss in excess of \$10,000.

16
17 31. That as a direct and proximate result of Defendant's false statements, Plaintiff has
18 suffered a loss of future income and profits in an amount to be determined at trial.

19
20 32. That as a direct and proximate result of the acts of the Defendant, Plaintiff has suffered
21 special damages in an amount in excess of \$10,000.00.

22
23 33. That it has been necessary for Plaintiff to retain the services of counsel to represent him
24 in the above-entitled matter, and that he should be awarded reasonable attorney's fees
25 and costs incurred herein.

SECOND CAUSE OF ACTION

Intentional Interference with Contractual Relations

34. That Plaintiff incorporates by reference paragraphs 1 through 33 as though fully set forth herein.

35. That valid and binding contracts exist between MyVegas Magazine and its current third-party clients.

36. That Defendants have actual knowledge of contracts between Plaintiff and existing customers for MyVegas Magazine.

37. That Defendants intentionally interfered with or disrupted these contracts by making false and defamatory statements as alleged in Paragraphs 1-33, above.

38. That Defendants' actions were intentionally designed to interfere with and interrupt these existing contracts between MyVegas Magazine and its clients.

39. That as a result of Defendants' false and defamatory statements, existing clients terminated their business relationship with MyVegas Magazine.

40. That existing clients notified Plaintiff in writing that they are terminating their business relationship with MyVegas Magazine as a result of the false and defamatory statements made by Defendants.

41. That Defendants' actions resulted in actual interference and disruption of existing contracts between MyVegas Magazine and its clients.

1 42. That as a direct and proximate result of Defendant's actions, Plaintiff has suffered actual
2 economic loss in excess of \$10,000.

3 43. That as a direct and proximate result of Defendant's actions, Plaintiff has suffered a loss
4 of future income and profits in an amount to be determined at trial.
5

6 44. That as a direct and proximate result of the Defendant's actions, Plaintiff has suffered
7 special damages in an amount in excess of \$10,000.00.
8

9 45. That it has been necessary for Plaintiff to retain the services of counsel to represent him
10 in the above-entitled matter, and that he should be awarded reasonable attorney's fees
11 and costs incurred herein.

12 **THIRD CAUSE OF ACTION**

13 Intentional Interference with Prospective Economic Advantage
14

15 46. That Plaintiff incorporates by reference paragraphs 1 through 45 as though fully set forth
16 herein.
17

18 47. That prospective contractual relations existed between MyVegas Magazine and
19 prospective third-party clients.
20

21 48. That Defendants have actual knowledge of these prospective contractual relations
22 between Plaintiff and prospective customers for MyVegas Magazine.
23

24 49. That Defendants intentionally interfered with or disrupted these prospective contractual
25 relations by making false and defamatory statements as alleged in Paragraphs 1-33,
26 above.
27
28

1 50. That Defendants' actions were intentionally designed to interfere with and prevent these
2 prospective contractual relations between MyVegas Magazine and its clients.

3
4 51. That as a result of Defendants' false and defamatory statements, Defendants prevented
5 MyVegas Magazine from forming a business relationship with these prospective clients.

6
7 52. That Defendants were without privilege or justification in preventing and interfering
8 with these prospective contractual relations.

9
10 53. That Defendants' actions resulted in actual prevention and interference of contractual
11 relations between MyVegas Magazine and its prospective clients.

12 54. That as a direct and proximate result of Defendant's actions, Plaintiff has suffered actual
13 economic loss in excess of \$10,000.

14
15 55. That as a direct and proximate result of Defendant's actions, Plaintiff has suffered a loss
16 of future income and profits in an amount to be determined at trial.

17
18 56. That as a direct and proximate result of the Defendant's actions, Plaintiff has suffered
19 special damages in an amount in excess of \$10,000.00.

20 57. That it has been necessary for Plaintiff to retain the services of counsel to represent him
21 in the above-entitled matter, and that he should be awarded reasonable attorney's fees
22 and costs incurred herein.
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1 **WHEREFORE, PLAINTIFF** prays for judgment against DEFENDANTS as follows:

- 2 1. For general damages in an amount in excess of \$10,000.00;
3 2. For compensatory damages in an amount in excess of \$10,000.00;
4 3. For special and future damages;
5 4. For presumed damages for defamation *per se* in excess of \$10,000;
6 5. For reasonable attorneys' fees and costs incurred herein; and
6 6. For such other and further relief as the court may find just and proper under the
circumstances.

7
8 DATED this 18 day of September, 2018.
9

10 By:
11 MAYFIELD GRUBER & SHEETS

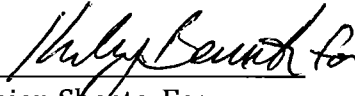
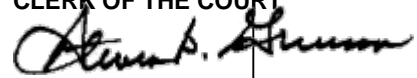
12 By: 
13 Damian Sheets, Esq.
14 Nevada Bar No. 10755
15 726 S. Casino Center Blvd.
16 Las Vegas, Nevada 89101
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EXHIBIT 3

PA032



FAC
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Attorney for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS MAGAZINE, a
Nevada Corporation,

Plaintiff(s),

vs.

CANDICE SHAFFER, an Individual; TRAVIS
HEINRICH, an Individual; CASSANDRA
YOUSSEF, an Individual; and DOES I through X;
and ROE BUSINESS ENTITIES I through X,

Defendant(s).

Case No.: A-18-781276-C
Dept. No.: IV

**FIRST AMENDED COMPLAINT
(Arbitration Exemption Claimed:
Amounts in excess of \$50,000,
Equitable Remedy Sought,
Declaratory Relief Requested,
Specific Performance Requested).**

Plaintiffs, MARK SHAFFER ("MARK") and MARK ONE MEDIA, INC. d/b/a
MYVEGAS MAGAZINE ("MYVEGAS"), by and through their attorney of record, SAGAR
RAICH, ESQ. of RAICH LAW PLLC, hereby file their First Amended Complaint
("Complaint") against Defendants CANDICE SHAFFER ("CANDY"), TRAVIS HEINRICH
("TRAVIS"), and CASSANDRA YOUSSEF ("CASSIE"):

PARTIES

1. That Plaintiff MARK SHAFFER, is, and at all times material hereto, was resident
of Clark County, NV.

2. That at all times pertinent hereto, MARK ONE MEDIA INC. d/b/a MYVEGAS

1 Magazine, is and was a domestic corporation in good standing in the State of Nevada.

2 3. That Defendant CANDICE SHAFFER is, and at all times material hereto, was an
3 individual residing in Clark County, Nevada.

4 4. That Defendant TRAVIS HEINRICH is, and at all times material hereto, was an
5 individual residing in Clark County, Nevada.

6 5. That Defendant CASSANDRA YOUSSEF is, and at all times material hereto,
7 was an individual residing in Clark County, Nevada.

8 6. That the true names and capacities of Defendants DOES I through X and/or ROE
9 BUSINESS ENTITIES I through X, whether individual, company associate, or otherwise are
10 unknown to the Plaintiff at the time of filing of this Complaint, and Plaintiff therefore sues said
11 Defendants by such fictitious names. Plaintiff is informed, believes and therefore alleges that
12 each of the Defendants, designated as DOES I through X and/or ROES I through X are or may
13 be, legally responsible for the events referred to in this action, and caused damages to the
14 Plaintiff, as herein alleged, and Plaintiff will ask leave of this Court to amend the Complaint to
15 insert the true names and capacities of such Defendants, when the same have been ascertained,
16 and to join them in this action, together with the proper charges and allegations.

17 **JURISDICTION**

18 7. That this Court has jurisdiction over all Defendants, not only due to their
19 residence in Clark County, NV, but also because the acts and omissions complained of herein
20 were committed within Clark County, Nevada, and thus the Defendants have had sufficient
21 minimum contacts with this forum such that exercise of personal jurisdiction will not offend the
22 traditional notions of fair play and substantial justice.

23 8. That venue is proper in the Eighth Judicial District Court in the County of Clark
24

1 because the subject matter of this Complaint and other acts alleged herein occurred within Clark
2 County and the amount in controversy exceeds \$15,000.00.

3 **ALLEGATIONS COMMON TO ALL CLAIMS**

4 9. That Plaintiff MARK is the father of Defendant CANDY.

5 10. That Plaintiff MARK wanted to give Defendant CANDY a respectable job and
6 so, in his capacity as President of Plaintiff MYVEGAS, brought Defendant CANDY on board as
7 an employee of Plaintiff MYVEGAS.

8 11. That Defendant CANDY worked for Plaintiff MYVEGAS from approximately
9 2010 until 2012, at which point she was terminated for sexual harassment.

10 12. In 2015, after Plaintiff MARK felt sorry for Defendant CANDY not being able to
11 support herself, he brought her back, in his capacity as President of Plaintiff MYVEGAS, on the
12 staff of Plaintiff MYVEGAS.

13 13. Plaintiff MARK had indicated to Defendant CANDY that he would like to groom
14 her to take his position in Plaintiff MYVEGAS, one day.

15 14. Defendant CANDY, on June 14, 2018, indicated to Plaintiff MARK that she
16 wanted the legal ownership of MYVEGAS immediately because it was her birthright to own
17 MYVEGAS and Plaintiff MARK refused such an absurd demand.

18 15. Defendant CANDY then became enraged and began threatening Plaintiff MARK
19 that she would destroy MYVEGAS magazine in any way possible, that she would steal away all
20 of MYVEGAS' clients, and that she would start a competing magazine to do so.

21 16. Defendant CANDY then resigned from her position and stopped going to the
22 offices of MYVEGAS magazine, only to come a couple of weeks later to collect her final
23 paycheck.

17. Defendant CANDY, with assistance of her former assistant at MYVEGAS magazine, Defendant CASSIE, and with direction and assistance of Defendant TRAVIS began a massive smearing and defamatory campaign to cause damage to Plaintiff MARK and Plaintiff MYVEGAS.

18. Defendants have, individually and through concert, spread falsehoods about Plaintiff MARK and made false claims stating that Plaintiff MARK has open criminal cases of rape and similar claims.

FIRST CAUSE OF ACTION

CONSPIRACY – AGAINST ALL DEFENDANTS

19. Plaintiffs repeat and reallege and incorporate herein each and every allegation set forth above.

20. That Defendants collectively intended to defame Plaintiff MARK.

21. That Defendants collectively intended to tortuously interfere with Plaintiff MYVEGAS' business.

22. That there was an agreement or otherwise an understanding between the Defendants to cause Plaintiffs damages as alleged in the Complaint herein.

23. That the Defendants' plans and actions were intended to cause harm to Plaintiffs.

24. That Defendants did in fact harm Plaintiffs by defaming them, by interfering with Plaintiffs' contracts, and by harassing Plaintiffs.

25. That as a direct and proximate result of Defendants' actions, Plaintiffs have suffered damages in excess of \$15,000.00.

26. That Plaintiffs have been required to retain the services of an attorney to prosecute this action and are entitled to reasonable attorney's fees and costs.

1 27. That the aforementioned actions of Defendants were willful, wanton, malicious,
2 and oppressive, were undertaken with the intent to defraud, and justify the awarding of punitive
3 damages.

4 **SECOND CAUSE OF ACTION**

5 **DEFAMATION (SLANDER) – AGAINST ALL DEFENDANTS**

6 28. Plaintiffs repeat and reallege and incorporate herein each and every allegation set
7 forth above.

8 29. That Defendants, collectively, individually, and through agents have conveyed to
9 third parties that Plaintiff MARK as a prior criminal history of sexual offenses and has two open
10 cases for and/or has committed the crime of rape.

11 30. That Defendants have told such lies to current and potential clients of Plaintiff
12 MYVEGAS to defame Plaintiff MARK and to steal business away from Plaintiff MYVEGAS.

13 31. That Plaintiff MARK does not have any criminal convictions for sexual offenses.

14 32. That Plaintiff MARK does not have any open criminal cases of rape and
15 otherwise has never even been arrested or convicted or prosecuted or even charged with rape.

16 33. That the statements made by and caused to be made by Defendants as stated in the
17 Complaint herein are false.

18 34. That the false statements made by Defendants were made by Defendants with
19 actual and constructive knowledge of their falsity and with reckless disregard for the truth.

20 35. That Defendants have undertaken unprivileged publication of these false
21 statements to third parties.

22 36. That Defendants' statements have harmed Plaintiff MARK in his personal
23 capacity as well as in his business, MYVEGAS magazine.
24

37. That Defendants' statements have harmed Plaintiff MYVEGAS magazine with lost revenues, lost profits, and loss of/harm to reputation.

38. That these statements were deliberately made with the intent to lower Plaintiff MARK in the estimation of the community, to excite derogatory opinions against him, and to hold him up to contempt.

39. That because Defendants' false statements were deliberately made with the intent to harm Plaintiffs' business, such actions constitute defamation *per se* and damages are presumed under law.

40. That as a direct and proximate result of Defendants' false statements, Plaintiffs have suffered a loss of future income and profits in an amount to be determined at trial.

41. That as a direct and proximate result of Defendants' actions, Plaintiffs have suffered damages in excess of \$15,000.00.

42. That Plaintiffs have been required to retain the services of an attorney to prosecute this action and are entitled to reasonable attorney's fees and costs.

43. That the aforementioned actions of Defendants were willful, wanton, malicious, and oppressive, were undertaken with the intent to defraud, and justify the awarding of punitive damages.

THIRD CAUSE OF ACTION

DEFAMATION (LIBEL) – AGAINST ALL DEFENDANTS

44. Plaintiffs repeat and reallege and incorporate herein each and every allegation set forth above.

45. That Defendants, collectively, individually, and through agents have conveyed to third parties in writing – via online posts, social media posts, emails, text messages, and other

1 written communications - that Plaintiff MARK as a prior criminal history of sexual offenses and
2 has two open cases for and/or has committed the crime of rape.

3 46. That Defendants have told such lies to current and potential clients of Plaintiff
4 MYVEGAS to defame Plaintiff MARK and to steal business away from Plaintiff MYVEGAS.

5 47. That Plaintiff MARK does not have any criminal convictions for sexual offenses.

6 48. That Plaintiff MARK does not have any open criminal cases of rape and
7 otherwise has never even been arrested or convicted or prosecuted or even charged with rape.

8 49. That the statements made by and caused to be made by Defendants are false.

9 50. That the false statements made by Defendants were made by Defendants with
10 actual and constructive knowledge of their falsity and with reckless disregard for the truth.

11 51. That Defendants have undertaken unprivileged publication of these false
12 statements to third parties.

13 52. That Defendants' statements have harmed Plaintiff MARK in his personal
14 capacity as well as in his business, MYVEGAS magazine.

15 53. That Defendants' statements have harmed Plaintiff MYVEGAS magazine with
16 lost revenues, lost profits, and loss of/harm to reputation.

17 54. That these statements were deliberately made with the intent to lower Plaintiff
18 MARK in the estimation of the community, to excite derogatory opinions against him, and to
19 hold him up to contempt.

20 55. That because Defendants' false statements were deliberately made with the intent
21 to harm Plaintiffs' business, such actions constitute defamation *per se* and damages are presumed
22 under law.

23 56. That as a direct and proximate result of Defendants' false statements, Plaintiffs
24

1 have suffered a loss of future income and profits in an amount to be determined at trial.

2 57. That as a direct and proximate result of Defendants' actions, Plaintiffs have
3 suffered damages in excess of \$15,000.00.

4 58. That Plaintiffs have been required to retain the services of an attorney to
5 prosecute this action and are entitled to reasonable attorney's fees and costs.

6 59. That the aforementioned actions of Defendants were willful, wanton, malicious,
7 and oppressive, were undertaken with the intent to defraud, and justify the awarding of punitive
8 damages.

9 **FOURTH CAUSE OF ACTION**

10 **INTENTIONAL INTERFERENCE WITH CONTRACTUAL RELATIONS –**
11 **AGAINST ALL DEFENDANTS**

12 60. Plaintiffs repeat and reallege and incorporate herein each and every allegation set
13 forth above.

14 61. That Valid and existing contracts exist between Plaintiff MYVEGAS and third
15 party clients.

16 62. That Defendants had knowledge of the valid contracts or had reason to know of
17 their existence.

18 63. That, as stated in the Complaint herein by and through all the allegations stated
19 herein, Defendants intentionally committed acts that were intended to and designed to interrupt
20 Plaintiff MYVEGAS' contractual relationships with third parties.

21 64. That Defendants' actions of defaming Plaintiff MARK and Plaintiff MYVEGAS
22 caused third parties to breach their contracts with Plaintiffs.

23 65. That existing clients notified Plaintiffs that they are terminating their business
24

1 relationships with MYVEGAS Magazine as a result of the false and defamatory statements made
2 by Defendants.

3 66. That Defendants' actions of defaming Plaintiff MARK and Plaintiff MYVEGAS
4 did actually disrupt Plaintiff MYVEGAS' contracts with third parties.

5 67. That the third parties' breach of contracts with Plaintiffs was in fact caused by the
6 wrongful and unjustified conduct of Defendants.

7 68. That as a direct and proximate result of Defendants' actions, Plaintiffs have
8 suffered damages in excess of \$15,000.00.

9 69. That Plaintiffs have been required to retain the services of an attorney to
10 prosecute this action and are entitled to reasonable attorney's fees and costs.

11 70. That the aforementioned actions of Defendants were willful, wanton, malicious,
12 and oppressive, were undertaken with the intent to defraud, and justify the awarding of punitive
13 damages.

14 **FIFTH CAUSE OF ACTION**

15 **INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC**

16 **ADVANTAGE – AGAINST ALL DEFENDANTS**

17 71. Plaintiffs repeat and reallege and incorporate herein each and every allegation set
18 forth above.

19 72. That prospective contractual relations existed between Plaintiff MYVEGAS
20 Magazine and prospective third-party clients.

21 73. That Defendants have actual knowledge of these prospective contractual relations
22 between Plaintiffs and prospective customers of MYVEGAS Magazine.

23 74. That Defendants intentionally interfered with or disrupted these prospective
24

1 contractual relations by making false and defamatory statements as alleged in the Complaint
2 herein.

3 75. That Defendants' actions were intentionally designed to interfere with and prevent
4 these prospective contractual relations between MYVEGAS Magazine and its clients.

5 76. That as a result of Defendants' false and defamatory statements, Defendants
6 prevented MYVEGAS Magazine from forming a business relationships with these prospective
7 clients.

8 77. That Defendants did not have any privilege or justification in interfering with
9 these prospective contractual relations between Plaintiffs and Plaintiffs' potential clients.

10 78. That Defendants' actions resulted in actual prevention and interference of
11 contractual relations between MYVEGAS Magazine and its prospective clients.

12 79. That as a direct and proximate result of Defendants' actions, Plaintiffs have
13 suffered damages in excess of \$15,000.00.

14 80. That Plaintiffs have been required to retain the services of an attorney to
15 prosecute this action and are entitled to reasonable attorney's fees and costs.

16 81. That the aforementioned actions of Defendants were willful, wanton, malicious,
17 and oppressive, were undertaken with the intent to defraud, and justify the awarding of punitive
18 damages.

19 **SIXTH CAUSE OF ACTION**

20 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS – AGAINST ALL**
21 **DEFENDANTS**

22 82. Plaintiffs repeat and reallege and incorporate herein each and every allegation set
23 forth above.

1 83. That Defendants, when they made false and defamatory statements to third parties
2 regarding the Plaintiffs and through their other actions as alleged in the Complaint herein, have
3 acted with extreme and outrageous conduct with the intention of or with reckless disregard for
4 causing emotional distress to Plaintiff MARK.

5 84. That Plaintiff MARK did suffer and is suffering from severe and extreme
6 emotional distress due to Defendants' actions.

7 85. That Defendants' actions including but not limited to calling Plaintiff MARK a
8 rapist, contacting third parties and alleging a criminal record of Plaintiff MARK, and other
9 actions were the actual and proximate cause of Plaintiff MARK's emotional distress.

10 86. That as a direct and proximate result of Defendants' actions, Plaintiffs have
11 suffered damages in excess of \$15,000.00.

12 87. That Plaintiffs have been required to retain the services of an attorney to
13 prosecute this action and are entitled to reasonable attorney's fees and costs.

14 88. That the aforementioned actions of Defendants were willful, wanton, malicious,
15 and oppressive, were undertaken with the intent to defraud, and justify the awarding of punitive
16 damages.

17 **SEVENTH CAUSE OF ACTION**

18 **HARASSMENT – ALL DEFENDANTS**

19 89. Plaintiffs repeat and reallege and incorporate herein each and every allegation set
20 forth above.

21 90. That Defendants, individually and through concert, have launched a campaign to
22 harass Plaintiff MARK and Plaintiff MYVEGAS.

23 91. That such harassment constitutes convincing third parties that Plaintiff MARK
24

1 abused his children and convincing such third parties to enter Plaintiff MARK's workplace,
2 MYVEGAS, and causing scenes.

3 92. That such harassment extended to on or about August of 2018 at Blue Martini
4 Lounge and Restaurant, when Defendants came to Plaintiffs' work event and disrupted
5 Plaintiffs' work celebration and defamed Plaintiffs to their clients openly and in a hostile
6 manner.

7 93. That Defendants have engaged in such harassment to cause harm to Plaintiff
8 MARK pain and suffering.

9 94. That Plaintiff MARK has wished nothing but goodness towards his daughter,
10 Defendant CANDY, but that Defendant CANDY, convinced by and assisted by Defendants
11 TRAVIS and CASSIE, has been attempting to hurt her father, Plaintiff MARK, in any way that
12 she can.

13 95. That as a direct and proximate result of Defendants' actions, Plaintiffs have
14 suffered damages in excess of \$15,000.00.

15 96. That Plaintiffs have been required to retain the services of an attorney to
16 prosecute this action and are entitled to reasonable attorney's fees and costs.

17 97. That the aforementioned actions of Defendants were willful, wanton, malicious,
18 and oppressive, were undertaken with the intent to defraud, and justify the awarding of punitive
19 damages.

20 **EIGHTH CAUSE OF ACTION**

21 **UNJUST ENRICHMENT – AGAINST ALL DEFENDANTS**

22 98. Plaintiffs repeat and reallege and incorporate herein each and every allegation set
23 forth above.

99. That by stealing Plaintiff MYVEGAS' clients through a false, defamatory, and harassing smearing campaign for the purpose of developing their own clientele for their new, competing magazine, REAL VEGAS, Defendants have been appreciating the benefits of receiving monies from such existing and potential clients of Plaintiff MYVEGAS at the expense of the Plaintiffs by not compensating Plaintiffs.

100. That it would be inequitable for the Defendants to continue to retain the benefits at the expense of the Plaintiffs.

101. That as a direct and proximate result of Defendants' actions, Plaintiffs have suffered damages in excess of \$15,000.00.

102. That Plaintiffs have been required to retain the services of an attorney to prosecute this action and are entitled to reasonable attorney's fees and costs.

103. That the aforementioned actions of Defendants were willful, wanton, malicious, and oppressive, were undertaken with the intent to defraud, and justify the awarding of punitive damages.

NINTH CAUSE OF ACTION

**BREACH OF CONTRACT – AGAINST DEFENDANT CANDY AND
DEFENDANT CASSIE**

104. Plaintiffs repeat and reallege and incorporate herein each and every allegation set forth above.

105. That Defendants CANDY and CASSIE were employees of Plaintiff MYVEGAS prior to their departure from MYVEGAS.

106. That Plaintiff MYVEGAS and Defendants CANDY and CASSIE had agreements with Plaintiff MYVEGAS that prevented them from working with competing businesses.

1 107. That Defendants CANDY and CASSIE were to be in compliance with the
2 agreement that they had with Plaintiff MYVEGAS and its employment policies and that
3 Defendants CANDY and CASSIE consistently breached multiple provisions of such agreements,
4 including but not limited to keeping the work environment free of drugs/alcohol, acting
5 professionally, not deleting databases and records, not to infringe on Plaintiff MYVEGAS'
6 intellectual property, not competing with Plaintiff MYVEGAS for 3 years, not soliciting
7 employees of Plaintiff MYVEGAS for 3 years after termination of the employment, etc.

8 108. That Defendants CANDY AND CASSIE breached said contract by deleting
9 company records prior to their departure to cause maximum damage to MYVEGAS, by
10 soliciting employees of MYVEGAS to go work for their struggling magazine (Real Vegas), by
11 creating a competing magazine (Real Vegas) when they had agreed not to create or work for
12 such a magazine under the terms of the non-competition clause, and other breaches.

13 109. That Defendant CANDY destroyed her work computer, prior to her departure, by
14 installing significant malware and other similar programs.

15 110. That Defendants CANDY and CASSIE's breach of the contract and failure to
16 provide the agreed on compensation to the Plaintiffs was unexcused given Plaintiffs' reliance on
17 the contract and promises provided by the Defendants under their former employment.

18 111. That all conditions precedent to Plaintiff's duty to perform were fulfilled by the
19 Plaintiff when Plaintiff provided Defendants CANDY and CASSIE with employment that the
20 Defendants then left.

21 112. That Defendants CANDY and CASSIE knew or should have known that their
22 multiple breaches of the contract with the Plaintiffs would cause damages to the Plaintiffs.

23 113. That as a direct and proximate result of Defendants' actions, Plaintiffs have
24

1 suffered damages in excess of \$15,000.00.

2 114. That Plaintiffs have been required to retain the services of an attorney to
3 prosecute this action and are entitled to reasonable attorney's fees and costs.

4 115. That the aforementioned actions of Defendants were willful, wanton, malicious,
5 and oppressive, were undertaken with the intent to defraud, and justify the awarding of punitive
6 damages.

7 **TENTH CAUSE OF ACTION**

8 **BREACH OF THE COVENANT OF GOOD FAITH AND FAIR DEALING –**
9 **AGAINST DEFENDANT CANDY AND DEFENDANT CASSIE**

10 116. Plaintiffs repeat and reallege and incorporate herein each and every allegation set
11 forth above.

12 117. That Defendants CANDY and CASSIE by deception and trick, convinced
13 Plaintiff MYVEGAS to enter into an employer/employee relationship, knowing full well that
14 they were going to cause maximum damage to Plaintiff MYVEGAS.

15 118. That Defendants CANDY and CASSIE, by violating the terms of their
16 employment with Plaintiff MYVEGAS, violated the implied covenant of good faith and fair
17 dealing.

18 119. That Defendants CANDY and CASSIE interfered tortuously between Plaintiff
19 MYVEGAS and its clients and benefited improperly from diverting Plaintiff MYVEGAS'
20 clients to Defendants' new venture, Real Vegas Magazine..

21 120. That as a direct and proximate result of Defendants' actions, Plaintiffs have
22 suffered damages in excess of \$15,000.00.

23 121. That Plaintiffs have been required to retain the services of an attorney to
24

1 prosecute this action and are entitled to reasonable attorney's fees and costs.

2 122. That the aforementioned actions of Defendants were willful, wanton, malicious,
3 and oppressive, were undertaken with the intent to defraud, and justify the awarding of punitive
4 damages.

5 **ELEVENTH CAUSE OF ACTION**

6 **WASTE AND PROPERTY DAMAGE – AGAINST DEFENDANT CANDY**

7 123. Plaintiffs repeat and reallege and incorporate herein each and every allegation set
8 forth above.

9 124. That Plaintiff MARK purchased a vehicle with a down payment of approximately
10 \$5,000.00 and co-signed the vehicle with CANDY for her to drive as she was unable to get a
11 vehicle due to a lack of financial ability.

12 125. That Plaintiff MARK and Defendant CANDY had an arrangement wherein
13 Defendant CANDY was to drive the vehicle and pay the financing bank the monthly payment for
14 the vehicle with Plaintiff MARK also having the ability to use the vehicle.

15 126. That Defendant CANDY could not financially afford to pay the monthly payment
16 thereby resulting in default of the loan and repossession of the vehicle.

17 127. That Defendant CANDY caused damage to the vehicle when she was in
18 possession of the property.

19 128. That Defendant CANDY's actions have caused lasting injury to the vehicle as the
20 vehicle was repossessed, thereby prejudicing Plaintiff MARK in being able to use the vehicle.

21 129. That Plaintiff MARK's interest in the property was severely diminished along
22 with potential impacts to his credit due to the damages caused by Defendant CANDY.

23 130. That Plaintiff is entitled to treble damages due to Defendant CANDY's malicious
24

1 and intentional actions.

2 131. That as a direct and proximate result of Defendants' actions, Plaintiffs have
3 suffered damages in excess of \$15,000.00.

4 132. That Plaintiffs have been required to retain the services of an attorney to
5 prosecute this action and are entitled to reasonable attorney's fees and costs.

6 133. That the aforementioned actions of Defendants were willful, wanton, malicious,
7 and oppressive, were undertaken with the intent to defraud, and justify the awarding of punitive
8 damages.

9 **TWELFTH CAUSE OF ACTION**

10 **DECLARATORY RELIEF – AGAINST ALL DEFENDANTS**

11 134. That Plaintiffs repeat and reallege and incorporates herein each and every
12 allegation set forth above.

13 135. That Plaintiffs contend that Defendants CANDY and CASSIE, under the terms of
14 the agreement between the parties, cannot spread false rumors, falsities, and defamatory
15 statements regarding Plaintiffs to their detriment.

16 136. That Plaintiffs contend that Defendants CANDY and CASSIE, under the terms of
17 the agreement between the parties, cannot solicit clients and employees of MYVEGAS magazine
18 for their benefit and to the detriment of Plaintiffs.

19 137. That Plaintiffs contend that Defendants CANDY and CASSIE, under the terms of
20 the agreement between the parties, cannot own, work for, run, or operate any competing
21 magazine, including but not limited to Real Vegas Magazine.

22 138. That Plaintiffs content that Defendant TRAVIS should not be allowed to defame
23 and harm Plaintiffs and assist Defendant CANDY and CASSIE from harming Plaintiffs as stated
24

1 herein.

2 139. That the interests of the Plaintiffs in preventing Defendants from stealing
3 potential and existing customers and clients are adverse as Defendants are lying to third parties
4 to convince them to advertise with Defendants' floundering magazine, Real Vegas.

5 140. That Plaintiff MYVEGAS has a legally protectable interest in the controversy in
6 the way of lost revenues and lost profits.

7 141. That Plaintiff seeks and is entitled to a declaratory judgment that Defendants
8 CANDY and CASSIE were subject to all the provisions of their employment agreement and to
9 the provisions of the policies and procedures employee manual including but not limited to the
10 non-defamation, non-solicitation and non-competition clauses of said agreements.

11 142. That Plaintiff seeks and is entitled to a declaratory judgment that Defendant
12 TRAVIS cannot cajole or otherwise convince Defendants CANDY and CASSIE to violate their
13 agreement(s) and contract(s) with Plaintiff MYVEGAS.

14 143. That a declaration of these rights and obligations is appropriate and will promote
15 judicial efficiency.

16 144. That the underlying issue is ripe for judicial determination as a declaratory
17 judgement.

18 **THIRTEENTH CAUSE OF ACTION**

19 **SPECIFIC PERFORMANCE – AGAINST ALL DEFENDANTS**

20 145. That Plaintiffs repeat and reallege and incorporates herein each and every
21 allegation set forth above.

22 146. That a valid contract, exists between Plaintiff MYVEGAS and Defendants
23 CANDY and CASSIE with definite and certain terms regarding their employment with
24

1 MYVEGAS and the limitations imposed after the ending of their employment.

2 147. That Defendants CANDY and CASSIE, along with the guidance, direction,
3 and/or assistance of Defendant TRAVIS, have engaged in a smearing campaign against Plaintiff
4 MARK and Plaintiff MYVEGAS for their benefit and to the detriment of the Plaintiffs.

5 148. That the remedy at law is inadequate to prevent Defendants from continuing the
6 smear campaign.

7 149. That Plaintiffs performed their obligations by providing employment to
8 Defendant CANDY and CASSIE and by providing indirect benefits to Defendant TRAVIS.

9 150. That the Court should order the specific performance of the Defendants to halt
10 their breaches of the agreement with Plaintiffs, to halt the smear and defamation campaign
11 against Plaintiffs and to abide by the terms of the agreement between Plaintiffs and Defendants.

12 151. That as a direct and proximate result of Defendants' actions, Plaintiffs have
13 suffered damages in excess of \$15,000.00.

14 152. That Plaintiffs have been required to retain the services of an attorney to
15 prosecute this action and are entitled to reasonable attorney's fees and costs.

16 153. That the aforementioned actions of Defendants were willful, wanton, malicious,
17 and oppressive, were undertaken with the intent to defraud, and justify the awarding of punitive
18 damages.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs MARK and Plaintiff MYVEGAS pray for judgment against Defendants CANDY, CASSIE, and TRAVIS as follows:

1. That the Court provide for a judgement in favor of Plaintiffs against Defendants, jointly and severally; and,
2. That the Court orders Defendants to halt their smearing campaign against Plaintiffs; and,
3. That the Court orders Defendants to cease and desist from stealing or otherwise contacting MYVEGAS' former, current, or future clients and orders Defendants to immediately cease all activities regarding Real Vegas Magazine; and,
4. Damages of \$5,000,000.00 or those proven at trial, whichever is higher; and,
5. Compensatory damages in excess of \$15,000.00; and,
3. Punitive damages in excess of \$15,000.00; and,
6. Cost of suit; and,
7. Reasonable Attorney's fees; and,
8. For such other and further relief as the Court may deem proper.

DATED this 3rd day of May, 2019



SAGAR RAICH
NEVADA BAR 13229
RAICH LAW PLLC
6785 S. Eastern Ave. Ste. 5
LAS VEGAS, NV 89119
Attorney for Plaintiffs

EXHIBIT 1

EXHIBIT 1

Affidavit of Mark Shaffer

1. My name is Mark Shaffer.
2. I am over 18 years of age.
3. I am the Founder and President of Mark One Media Inc.
4. Mark One Media Inc. does business as MyVegas Magazine.
5. I am the biological father of Candice Shaffer ("Candy").
6. Approximately 10 years ago, my daughter came to me and told me that she was struggling financially, at which point, I hired her in my capacity as President to work for MyVegas Magazine.
7. Candy worked for MyVegas from 2010-2012, when she was terminated for sexual harassment of other employees.
8. In 2015, due to her struggling more, I gave Candy a second chance, at which point she began to work for MyVegas once again.
9. Based on what I have heard, due to drug and alcohol usage, Candy became unhinged from 2015 to 2018.
10. On June 14, 2018, Candy and her boyfriend Travis Heinrich came into my office in an attempt to extort me.
11. On June 14, 2018, Candy stated that she wanted to take over the ownership, control, and management of MyVegas as her birthright and stated that should I not give her MyVegas Magazine immediately, that she would "destroy" MyVegas in any way possible, that she would steal all of MyVegas' clients, and that she would start a competing magazine to do so.

12. Candy then resigned from her position and on her way, out, destroyed MyVegas' property, computers, databases, etc.
13. Candy then stopped coming into the office and only came back two weeks later to pick up her final check.
14. When Candy left, she also solicited Cassandra Youssef ("Cassie") to leave with her to start a competing magazine.
15. Since that point, Candy, Cassie, and Travis began a campaign to defame and smear me and MyVegas magazine.
16. Candy, Cassie, and Travis have conspired to defame me and MyVegas magazine in an attempt to steal away MyVegas clients.
17. Specifically, Candy, Cassie, and Travis have told third parties, via verbal and written methods, that I have a prior history of sexual offenses, that I have two open cases for rape, and that I have committed rape in the past.
18. Candy, Cassie, and Travis have in fact interfered with the contractual relations between MyVegas Magazine and its clients and potential clients.
19. I have been caused significant emotional distress due to Candy, Cassie, and Travis' actions.
20. Additionally, because Candy couldn't afford a vehicle, I purchased a vehicle I cosigned it with her.
21. I made a down payment of \$5000.00 on the vehicle, with the arrangement that Candy was to drive the vehicle and make the monthly payment for the vehicle.
22. Candy could not pay the monthly payment of the vehicle thereby causing the default of the loan and repossession of the vehicle.

23. Candy also caused damage to vehicle itself.

24. Due to Candy's actions, I was not able to use the vehicle, my credit was harmed, and I was caused significant damages.

25. Due to Candy, Cassie, and Travis' actions, MyVegas Magazine and I have been damaged in excess of \$5,000,000.00.

26. I love my daughter, Candy, but due to what I believe to be a Drug and Alcohol addiction, she is attempting to cause me damage.

27. Due to the significant damages that have been caused and that are continuing to be caused to me and to MyVegas Magazine, I have been forced to litigate this issue.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on May 2, 2019 (date)

Mark Shaffer (Signature)
Mark Shaffer

State of NV)
County of Clark)

On May 2nd 2019 before me, Jamie Blankenship, personally appeared Mark Shaffer, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Seal)

[Signature]
Notary Public

1-8-2021
My commission expires

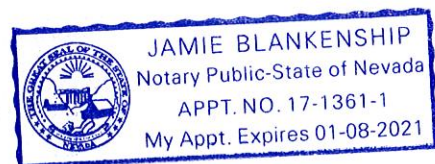


EXHIBIT 2

EXHIBIT 2

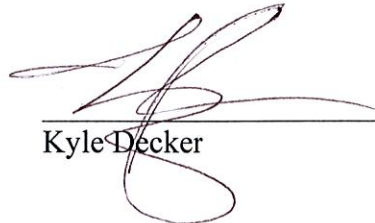
Affidavit of Kyle Decker

1. My name is Kyle Decker.
2. I am over 18 years of age.
3. I personally know and have known Candice Shaffer ("Candy"), Cassandra Youssef ("Cassie"), and Travis Heinrich ("Travis").
4. I am a relative of Candy and was recruited by Candy and Travis to help them defame and harm Mark Shaffer and MyVegas Magazine.
5. I have personally observed Candy, Travis, and Cassie planning on making false allegations regarding Mark Shaffer to harm him and to harm MyVegas Magazine.
6. I have personally observed Candy, Travis, and Cassie knowingly make false allegations of rape, verbally and in writing, against Mark Shaffer to harm him and to harm MyVegas Magazine.
7. Candy and Travis personally asked me to make phone calls to prior, existing, and potential clients of MyVegas Magazine to tell them lies about Mark Shaffer and to falsely state that he had committed rape.
8. I have personally observed Candy, Cassie, and Travis do drugs and alcohol in excess, to the point of addiction.
9. I have personally observed Candy, Travis, and Cassie scheming various plans to harm Mark Shaffer and MyVegas magazine.
10. I have personally observed Candy, Travis, and Cassie work on a competing magazine called Real Vegas Magazine in which they have attempted to and have successfully stolen some of MyVegas Magazine's clients by telling them lies.

11. I am swearing to the statements of this affidavit because my conscience has been significantly clouded due to the false allegations and the harm that Candy, Travis, and Cassie have caused and are causing to Mark Shaffer and to MyVegas Magazine.
12. I am further swearing to the statements of this affidavit because Candy, Travis, and Cassie had convinced me to join them in making false allegations against Mark Shaffer but that I cannot continue to harm a good man just for money.
13. Candy and Travis had forced me, through physical, emotional, and mental torture, to join their cause of harming Mark Shaffer and MyVegas magazine.
14. When I told Candy, Cassie, and Travis that I will no longer be a part of their extortion group, they exiled me and did not talk to me.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on 5/2/19 (date)

 (Signature)
Kyle Decker

State of NV)
County of Clark)

On May 2nd 2019 before me, Jamie Blankenship, personally appeared Kyle Decker, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

 (Notary Seal)
Notary Public

1-8-2021
My commission expires

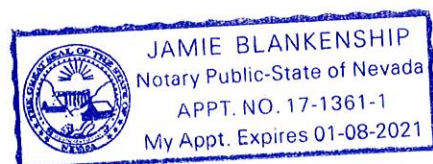
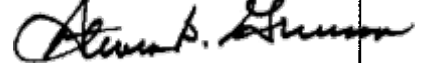


EXHIBIT 4

PA060



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ANS
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6 *Attorney for Defendant Travis Heinrich*

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

10 MARK SHAFFER, an individual; MARK
11 ONE MEDIA, INC. d/b/a MYVEGAS
12 MAGAZINE, a Nevada Corporation,

13 Plaintiffs,

14 vs.

15 CANDICE SHAFFER, an individual;
16 TRAVIS HEINRICH, an individual;
17 CASSANDRA YOUSSEF, an individual; and
18 DOES I through X; and ROE BUSINESS
19 ENTITIES I through X,

20 Defendants.

CASE NO.: A-18-781276-C

DEPT. NO.: 4

**DEFENDANT TRAVIS HEINRICH'S
ANSWER TO PLAINTIFF'S FIRST
AMENDED COMPLAINT**

21 COMES NOW, Defendant TRAVIS HEINRICH, an individual, by and through his
22 attorneys, ROBERT J. WALSH, ESQ. and MATTHEW P. PAWLOWSKI, ESQ., of WALSH
23 & FRIEDMAN, LTD., and for his Answer to Plaintiffs' First Amended Complaint on file
24 herein, alleges and states, as follows:
25

26 I.

27 Defendant ADMITS the allegations set forth in paragraphs 1, 2, 4 and 9 of Plaintiffs'
28 First Amended Complaint.

II.

Defendant DENIES the allegations set forth in paragraphs 17, 18, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57, 58, 62, 63, 68, 69, 73, 74, 75, 79, 80, 85, 86, 87, 90, 91, 92, 93, 94, 95, 96, 99, 100, 101, 102, 147, 149, 150, 151 and 152 of Plaintiffs' First Amended Complaint.

III.

Defendant is without sufficient information and/or belief to either admit or deny the allegations contained in paragraphs 3, 5, 6, 10, 11, 12, 13, 14, 15, 16, 61, 64, 65, 72, 84, 135, 136, 137, 140 and 146 of Plaintiffs' First Amended Complaint and, based thereon, DENIES the allegations contained therein.

IV.

Defendant asserts that the allegation or allegations contained in paragraphs 7, 8, 27, 43, 55, 59, 66, 67, 70, 77, 78, 81, 83, 88, 97, 103, 138, 139, 141, 142, 143, 144, 148 and 153 of Plaintiffs' First Amended Complaint, either in whole or in part, call for a legal conclusion or conclusions, and therefore require no response from Defendant. To the extent that an answer is required by the Defendant to said paragraphs, Defendant DENIES the allegations contained therein.

V.

Answering paragraphs 19, 28, 44, 60, 71, 82, 89, 98, 134 and 145 of Plaintiffs' First Amended Complaint, the Defendant repeats and reaffirms each and every response to all preceding paragraphs in the First Amended Complaint.

VI.

The responding Defendant asserts that paragraphs 104-133, inclusive, of Plaintiffs'

1 First Amended Complaint are contained within causes of action that have not been asserted
2 against the responding Defendant and, as such, require no response from this Answering
3 Defendant. To the extent that an answer is required by the Defendant to said paragraphs,
4 Defendant DENIES the allegations contained therein.
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7 **AFFIRMATIVE DEFENSES**

8 **FIRST AFFIRMATIVE DEFENSE**

9 The First Amended Complaint fails to state a claim against the Answering Defendant,
10 upon which relief may be granted.
11

12 **SECOND AFFIRMATIVE DEFENSE**

13 Whatever damages, if any, that were sustained by the Plaintiffs were caused in whole
14 or in part or were contributed to by reason of their own negligence.
15

16 **THIRD AFFIRMATIVE DEFENSE**

17 At the time and place, and under the circumstances alleged, the damages of the
18 Plaintiffs, if any, were caused solely by the acts or omissions of some third party over whom
19 the Answering Defendant had no control, and for whose acts said Defendant is neither
20 responsible nor liable to the Plaintiffs.
21

22 **FOURTH AFFIRMATIVE DEFENSE**

23 Other persons and entities, the true name and capacities of which the Defendant is
24 ignorant, were in some manner responsible, or were at fault, in proximately causing the
25 damages allegedly suffered by the Plaintiffs herein.
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FIFTH AFFIRMATIVE DEFENSE

That Defendant has been required to retain the services of the Law Firm of WALSH & FRIEDMAN, LTD., to defend against Plaintiffs' frivolous claims and by reason thereof, is entitled to recover from the Plaintiffs reasonable attorney's fees and costs incurred.

SIXTH AFFIRMATIVE DEFENSE

The claims and causes of action alleged by the Plaintiffs are barred by the doctrines of laches and unclean hands.

SEVENTH AFFIRMATIVE DEFENSE

The Plaintiffs are the initial breaching party(ies) under the subject contract at issue in this litigation and, as such, is legally barred from recovery in this action.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' First Amended Complaint violates the Statute of Limitations.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the doctrine of waiver.

TENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the doctrine of release.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the doctrine of duress.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiffs, through knowledge of all facts relating to the act alleged in their Complaint, ratified through their acts, omissions and/or failure(s) to act, any act alleged to have been done or committed by the Defendant.

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THIRTEENTH AFFIRMATIVE DEFENSE

There is no contract in place between Plaintiffs and the Answering Defendant, under which recovery for specific performance or declaratory relief is either possible or may be had by the Plaintiffs.

FOURTEENTH AFFIRMATIVE DEFENSE

Defendant asserts the affirmative defense of truth as an absolute bar to any liability and/or recovery by Plaintiffs under Plaintiffs' claims for libel, slander and defamation.

WHEREFORE, the Answering Defendant prays for judgment as follows:

1. That Plaintiffs take nothing by virtue of their First Amended Complaint, on file herein;
2. For reasonable attorney's fees;
3. For costs of suit; and
4. For such other relief as the Court may deem just and proper in the premises.

DATED: This 20 day of June, 2019.

WALSH & FRIEDMAN, LTD.


MATTHEW P. PAWLOWSKI, ESQ.

State Bar No. 009889

400 South Maryland Parkway

Las Vegas, Nevada 89101

Attorney for Defendant Travis Heinrich

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **DEFENDANT TRAVIS HEINRICH'S ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 28th day of June, 2019. Electronic service of the foregoing document was made in accordance with the all parties listed on the Wiznet e-service list associated with the subject litigation¹.

Sagar Raich, Esq. – sraich@raichattorneys.com

Counsel for Plaintiffs

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

n/a

/s/ Michelle Roeder
Michelle Roeder, an employee of
WALSH & FRIEDMAN, LTD.

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

EXHIBIT 5

PA067

Michael Stein, Esq. (Nevada Bar #4760)
STEIN LAW PLLC
1671 W. Horizon Ridge Pkwy., Suite 200
Henderson, NV 89012
Telephone: 702.744.8065
Facsimile: 702.991.7904
Email: mstein@steinlawlv.com

Attorney for Defendant Candice Shaffer

DISTRICT COURT
CLARK COUNTY, NEVADA

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Plaintiff(s),

vs.

CANDICE SHAFFER, an individual;
TRAVIS HEINRICH, and individual;
CASSANDRA YOUSSEF, and individual;
and DOES I through X; and ROE
BUSINESS ENTITIES I through X,

Defendants.

CASE NO.: A-18-781276-C

DEPT. NO.: IV

**CANDICE SHAFFER'S ANSWER TO
FIRST AMENDED COMPLAINT**

-and-

COUNTERCLAIM

CANDICE SHAFFER,

Counterclaimant,

v.

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Counter defendants.

Defendant Candice Shaffer ("C. Shaffer"), through her attorneys of record, admits, denies, and otherwise responds to Plaintiffs' Complaint as follows:

1. Admits the allegations in paragraph 1.
2. Answering paragraph 2, C. Shaffer lacks sufficient information and knowledge as to the truth of the allegations contained therein and therefore denies each allegation.

- 1 3. Admits the allegations in paragraph 3.
- 2 4. Admits the allegations in paragraph 4.
- 3 5. Admits the allegations in paragraph 5.
- 4 6. Denies the allegations in paragraph 6.
- 5 7. Answering paragraph 7, C. Shaffer admits that jurisdiction is proper in this court,
- 6 but denies all other allegations contained therein.
- 7 8. Admits the allegations in paragraph 8.
- 8 9. Admits the allegations in paragraph 9.
- 9 10. Answering paragraph 10, C. Shaffer admits that she was an employee at
- 10 MYVEGAS, but denies all other allegations contained therein.
- 11 11. Answering paragraph 11, C. Shaffer admits that she was an employee at MYVEGAS
- 12 between 2010 and 2012, but denies all other allegations contained therein.
- 13 12. Answering paragraph 12, C. Shaffer admits that she was an employee at MYVEGAS
- 14 in 2015, but denies all other allegations contained therein.
- 15 13. Denies the allegations in paragraph 13.
- 16 14. Answering paragraph 14, C. Shaffer admits that she asked Plaintiffs to prepare
- 17 documentation to transfer ownership of MYVEGAS to her as promised, but denies all other
- 18 allegations contained therein.
- 19 15. Denies the allegations in paragraph 15.
- 20 16. Denies the allegations in paragraph 16.
- 21 17. Denies the allegations in paragraph 17.
- 22 18. Denies the allegations in paragraph 18.
- 23 19. Answering paragraph 19, C. Shaffer incorporates the previous responses as if set
- 24 forth herein.
- 25 20. Denies the allegations in paragraph 20.
- 26 21. Denies the allegations in paragraph 21.
- 27 22. Denies the allegations in paragraph 22.
- 28 23. Denies the allegations in paragraph 23.

- 1 24. Denies the allegations in paragraph 24.
- 2 25. Denies the allegations in paragraph 25.
- 3 26. Denies the allegations in paragraph 26.
- 4 27. Denies the allegations in paragraph 27.
- 5 28. Denies the allegations in paragraph 28.
- 6 29. Denies the allegations in paragraph 29.
- 7 30. Denies the allegations in paragraph 30.
- 8 31. Denies the allegations paragraph 31.
- 9 32. Denies the allegations in paragraph 32.
- 10 33. Denies the allegations in paragraph 33.
- 11 34. Denies the allegations in paragraph 34.
- 12 35. Denies the allegations in paragraph 35.
- 13 36. Denies the allegations in paragraph 36.
- 14 37. Denies the allegations in paragraph 37.
- 15 38. Denies the allegations in paragraph 38.
- 16 39. Denies the allegations in paragraph 39.
- 17 40. Denies the allegations in paragraph 40.
- 18 41. Denies the allegations in paragraph 41.
- 19 42. Denies the allegations in paragraph 42.
- 20 43. Denies the allegations in paragraph 43.
- 21 44. Denies the allegations in paragraph 44.
- 22 45. Denies the allegations in paragraph 45.
- 23 46. Denies the allegations in paragraph 46.
- 24 47. Denies the allegations in paragraph 47.
- 25 48. Denies the allegations in paragraph 48.
- 26 49. Denies the allegations in paragraph 49.
- 27 50. Denies the allegations in paragraph 50.
- 28 51. Denies the allegations in paragraph 51.

- 1 52. Denies the allegations in paragraph 52.
- 2 53. Admits the allegations in paragraph 53.
- 3 54. Admits the allegations in paragraph 54.
- 4 55. Denies the allegations in paragraph 55.
- 5 56. Denies the allegations in paragraph 56.
- 6 57. Denies the allegations in paragraph 57.
- 7 58. Denies the allegations in paragraph 58.
- 8 59. Denies the allegations in paragraph 59.
- 9 60. Answering paragraph 60, C. Shaffer incorporates the previous responses as if set
10 forth herein.
- 11 61. Answering paragraph 61, C. Shaffer lacks sufficient information and knowledge as
12 to the truth of the allegations contained therein and therefore denies these allegations.
- 13 62. Answering paragraph 62, C. Shaffer lacks sufficient information and knowledge as
14 to the truth of the allegations contained therein and therefore denies these allegations.
- 15 63. Denies the allegations in paragraph 63.
- 16 64. Denies the allegations in paragraph 64.
- 17 65. Denies the allegations in paragraph 65.
- 18 66. Denies the allegations in paragraph 66.
- 19 67. Denies the allegations in paragraph 67.
- 20 68. Denies the allegations in paragraph 68.
- 21 69. Denies the allegations in paragraph 69.
- 22 70. Denies the allegations in paragraph 70.
- 23 71. Answering paragraph 71, C. Shaffer incorporates the previous responses as if set
24 forth herein.
- 25 72. Answering paragraph 72, C. Shaffer lacks sufficient information and knowledge as
26 to the truth of the allegations contained therein and therefore denies these allegations.
- 27 73. Denies the allegations in paragraph 73.
- 28 74. Denies the allegations in paragraph 74.

- 1 75. Denies the allegations in paragraph 75.
- 2 76. Denies the allegations in paragraph 76.
- 3 77. Denies the allegations in paragraph 77.
- 4 78. Denies the allegations in paragraph 78.
- 5 79. Denies the allegations in paragraph 79.
- 6 80. Denies the allegations in paragraph 80.
- 7 81. Denies the allegations in paragraph 81.
- 8 82. Answering paragraph 82, C. Shaffer incorporates the previous responses as if set
9 forth herein.
- 10 83. Denies the allegations in paragraph 83.
- 11 84. Denies the allegations in paragraph 84.
- 12 85. Denies the allegations in paragraph 85.
- 13 86. Denies the allegations in paragraph 86.
- 14 87. Denies the allegations in paragraph 87.
- 15 88. Denies the allegations in paragraph 88.
- 16 89. Answering paragraph 89, C. Shaffer incorporates the previous responses as if set
17 forth herein.
- 18 90. Denies the allegations in paragraph 90.
- 19 91. Denies the allegations in paragraph 91.
- 20 92. Denies the allegations in paragraph 92.
- 21 93. Denies the allegations in paragraph 93.
- 22 94. Denies the allegations in paragraph 94.
- 23 95. Denies the allegations in paragraph 95.
- 24 96. Denies the allegations in paragraph 96.
- 25 97. Denies the allegations in paragraph 97.
- 26 98. Answering paragraph 98, C. Shaffer incorporates the previous responses as if set
27 forth herein.
- 28 99. Denies the allegations in paragraph 99.

- 1 100. Denies the allegations in paragraph 100.
- 2 101. Denies the allegations in paragraph 101.
- 3 102. Admits the allegations in paragraph 102.
- 4 103. Denies the allegations in paragraph 103.
- 5 104. Answering paragraph 104, C. Shaffer incorporates the previous responses as if set
6 forth herein.
- 7 105. Admits the allegations in paragraph 105.
- 8 106. Denies the allegations in paragraph 106.
- 9 107. Denies the allegations in paragraph 107.
- 10 108. Denies the allegations in paragraph 108.
- 11 109. Denies the allegations in paragraph 109.
- 12 110. Denies the allegations in paragraph 110.
- 13 111. Denies the allegations in paragraph 111.
- 14 112. Denies the allegations in paragraph 112.
- 15 113. Denies the allegations in paragraph 113.
- 16 114. Denies the allegations in paragraph 114.
- 17 115. Denies the allegations in paragraph 115.
- 18 116. Answering paragraph 116, C. Shaffer incorporates the previous responses as if set
19 forth herein.
- 20 117. Denies the allegations in paragraph 117.
- 21 118. Denies the allegations in paragraph 118.
- 22 119. Denies the allegations in paragraph 119.
- 23 120. Denies the allegations in paragraph 120.
- 24 121. Denies the allegations in paragraph 121.
- 25 122. Denies the allegations in paragraph 122.
- 26 123. Answering paragraph 123, C. Shaffer incorporates the previous responses as if set
27 forth herein.
- 28 124. Admits the allegations in paragraph 124.

- 1 125. Admits the allegations in paragraph 125.
- 2 126. Admits the allegations in paragraph 126.
- 3 127. Denies the allegations in paragraph 127.
- 4 128. Denies the allegations in paragraph 128.
- 5 129. Denies the allegations in paragraph 129.
- 6 130. Denies the allegations in paragraph 130.
- 7 131. Denies the allegations in paragraph 131.
- 8 132. Denies the allegations in paragraph 132.
- 9 133. Denies the allegations in paragraph 133.
- 10 134. Answering paragraph 134, C. Shaffer incorporates the previous responses as if set
11 forth herein.
- 12 135. Denies the allegations in paragraph 135.
- 13 136. Denies the allegations in paragraph 136.
- 14 137. Denies the allegations in paragraph 137.
- 15 138. Denies the allegations in paragraph 138.
- 16 139. Denies the allegations in paragraph 139.
- 17 140. Denies the allegations in paragraph 140.
- 18 141. Denies the allegations in paragraph 141.
- 19 142. Denies the allegations in paragraph 142.
- 20 143. Admit the allegations in paragraph 143.
- 21 144. Denies the allegations in paragraph 144.
- 22 145. Answering paragraph 145, C. Shaffer incorporates the previous responses as if set
23 forth herein.
- 24 146. Denies the allegations in paragraph 146.
- 25 147. Denies the allegations in paragraph 147.
- 26 148. Denies the allegations in paragraph 148.
- 27 149. Denies the allegations in paragraph 149.
- 28 150. Denies the allegations in paragraph 150.

1 151. Denies the allegations in paragraph 151.

2 152. Denies the allegations in paragraph 152.

3 153. Denies the allegations in paragraph 153.

4 **AFFIRMATIVE DEFENSES**

5 1. Plaintiffs fail to state a claim upon which relief can be granted.

6 2. Plaintiffs' claims are barred in whole or in part under the doctrine of unclean
7 hands.

8 3. Plaintiffs' claims are barred in whole or in part under the doctrine of estoppel.

9 4. Plaintiffs' claims are barred in whole or in part under the doctrine of waiver.

10 5. Plaintiffs' claims are barred under the defense of consent.

11 6. Plaintiffs' claims for equitable relief are barred because their injury, if any, can be
12 remedied at law.

13 7. Plaintiffs' loss, if any, was directly and proximately caused by acts or omissions of
14 third parties over whom C. Shaffer had no control.

15 8. Plaintiffs have failed to allege actual damages.

16 9. Plaintiffs' claims for relief are barred by their own acts, omissions, and negligence.

17 10. Plaintiffs' damages, if any, were solely caused by them or Plaintiffs' agents' acts
18 and omissions.

19 11. If any relief or recovery is awarded to Plaintiffs, such relief or recovery must be
20 offset or set-off by benefits received by Plaintiffs or liabilities incurred by Plaintiffs because of
21 Plaintiffs' conduct.

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PRAYER

WHEREFORE, Defendant C. Shaffer prays for judgment as follows:

1. That Plaintiffs recover nothing because of the claims made in the Complaint and each of its purported claims;
2. For reasonable attorneys' fees and costs; and
3. For any such other and further relief as the Court may deem just and proper.

Dated August 15, 2019.

STEIN LAW

By: /s/ Michael Stein
Michael Stein, Esq. (Bar No. 4760)
1671 W. Horizon Ridge Pkwy., Suite 200
Henderson, NV 89012

Attorney for Defendant Candice Shaffer

COUNTERCLAIM

Candice Shaffer (“C. Shaffer”), through her undersigned counsel of record, files this Counterclaim against Mark Shaffer and Mark One Media, Inc. and alleges:

I.

PARTIES

1. Counterclaimant is a resident of Clark County, Nevada.
2. Counter defendant Mark One Media, Inc. (“Mark One”) is a Nevada corporation.
3. Counter defendant Mark Shaffer (“M. Shaffer”) is a resident of Clark County, Nevada.
4. Mark One does business in Clark County, Nevada.
5. The Eighth Judicial District Court has subject matter jurisdiction over this matter under Article 6, Section 6 of the Nevada State Constitution.
6. The Eighth Judicial District Court has personal jurisdiction over the counterclaim defendants under NRS 14.065.

II.

GENERAL ALLEGATIONS

7. Mark One owns and operates a magazine titled *My Vegas Magazine*.
8. Since Mark One was incorporated, M. Shaffer has been its President, Secretary, Treasurer and sole director.
9. In 2018, C. Shaffer was an employee of Mark One.
10. C. Shaffer is the biological daughter of M. Shaffer.
11. During a meeting with M. Shaffer, C. Shaffer shared her concerns about allegations of M. Shaffer’s sexual misconduct and harassment of female employees.
12. Unwilling to address the alleged misconduct and harassment issues, M. Shaffer undertook a retaliatory campaign to harass, humiliate, and demean C. Shaffer.
13. M. Shaffer subsequently terminated C. Shaffer.
14. After Mark One terminated C. Schaffer, she started creating a new magazine to serve the greater Las Vegas market.

15. After terminating C. Shaffer, M. Shaffer has undertaken a public campaign to humiliate, harass, and demean his daughter by defaming her through social media channels.

III.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(Breach of Contract—Against Mark One)

16. C. Shaffer repeats all prior allegations as if set forth herein.

17. While employed at Mark One in 2018, there existed an oral agreement between Mark One and C. Shaffer about her employment compensation.

18. This oral agreement was a valid and enforceable contract.

19. Under the oral agreement, C. Shaffer earned commissions based upon advertising sales she generated.

20. C. Shaffer performed all material terms under the oral agreement.

21. Upon her termination, C. Shaffer had earned commissions for advertising sales she generated.

22. Upon her termination, Mark One breached its obligations under the oral agreement with C. Shaffer when it failed and refused to pay C. Shaffer the commissions earned for advertising sales she generated.

23. Because of Mark One's breach of the oral agreement by failing to pay C. Shaffer commissions earned for advertising sales she generated, C. Shaffer has suffered damages in an amount in excess of \$3,500.

SECOND CLAIM FOR RELIEF

Breach of the Covenant of Good Faith and Fair Dealing—Against Mark One)

24. C. Shaffer repeats all prior allegations as if set forth herein.

25. In every agreement entered into in Nevada there is an implied covenant of good faith and fair dealing.

26. Mark One breached the covenant of good faith and fair dealing by failing to pay C. Shaffer—at the time of her termination—all commissions due and owing her for advertising sales

1 she generated.

2 27. As a direct result Mark One's conduct, C. Shaffer has suffered damages in an
3 amount in excess of \$3,500.

4 **THIRD CLAIM FOR RELIEF**

5 **(Defamation—Against Mark One)**

6 28. C. Shaffer repeats all prior allegations as if set forth herein.

7 29. In or around November 2018, M. Shaffer undertook to destroy C. Shaffer's
8 reputation in the community by posting statements on Facebook implying that she:

- 9 a. Was missing;
10 b. Involved in domestic violence at her home; and
11 c. Using methamphetamines.

12 30. M. Shaffer's statements were defamatory because they were false.

13 31. M. Shaffer's knew or should have known that anyone who read his posts would
14 conclude that his daughter was missing, engaged in domestic violence, and using or addicted to
15 methamphetamines.

16 32. M. Shaffer's statements were defamatory per se because they were false statements
17 imputing a crime—domestic violence and use of illegal drugs.

18 33. M. Shaffer's posts were made in bath faith with spite, ill will, and the wrongful
19 motivation of damaging C. Shaffer's reputation because she had started a competing magazine.

20 34. M. Shaffer knew that his statements were false and could not have had belief in the
21 probable truth of the statements when made.

22 35. Because of M. Shaffer defamatory statements, C. Shaffer has suffered damages in
23 an amount in excess of \$15,000.

24 36. Because M. Shaffer made the defamatory statements knowing they were false or
25 probably not true and to injure the reputation of his daughter after she started a competing
26 magazine, his actions were malicious, oppressive, and with conscious disregard for impact on his
27 daughter caused by his implying she was missing and on methamphetamines.
28

PRAYER

WHEREFORE, C. Shaffer prays for judgment as follows for reach of its Counterclaims:

1. For compensatory and consequential damages in an amount in excess of \$15,000;
2. For exemplary and punitive damages in the full measure as provided by law;
3. For any and all equitable relief as appropriate under the circumstances;
4. For reasonable attorneys' fees and costs; and
5. For any such other and further relief as the Court may deem just and proper.

Dated August 16, 2019.

STEIN LAW

By: /s/ Michael Stein

Michael Stein, Esq. (Bar No. 4760)
1671 W. Horizon Ridge Pkwy., Suite 200
Henderson, NV 89012

Attorneys for Counterclaimant Candice Shaffer

CERTIFICATE OF SERVICE

I, the undersigned, declared under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in this action. On August 16, 2019, I caused to be served a true and correct copy of the foregoing **CANDICE SHAFFER'S ANSWER TO FIRST AMENDED COMPLAINT -and- COUNTERCLAIM** by method indicated:

x		BY ELECTRONIC SUBMISSION: submitted to the above-entitled Court for electronic filing and/or service through Wiznet for the above-referenced case.
		BY U.S. MAIL: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada, addressed as set forth below.
		BY FAX: by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document(s).

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	BY ELECTRONIC MAIL TO:
	BY OVERNIGHT MAIL: by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
	BY PERSONAL DELIVERY: by causing personal delivery by _____, a messenger service with which this firm maintains an account, of the document(s) listed above to the person(s) at the address(es) set forth below.

Sagar Raich, Esq.
6785 S. Eastern Ave., Suite 5
Las Vegas, NV 89119
Email: sraich@raichattorneys.com
Facsimile: (702) 369-8597

Attorney for Plaintiff

/s/ Michael Stein
An employee of Stein Law

EXHIBIT 6

PA082

Michael Stein, Esq. (Nevada Bar #4760)
Amit Ben Moshe, Esq. (Nevada Bar # 15176)
BEN MOSHE & STEIN
522 E. Twain Ave.
Las Vegas, Nevada 89169
Telephone: 702.744.8065
Facsimile: 702.991.7904
Email: mstein@bmslawlv.com

*Attorneys for Plaintiff Ilan Raiter — individually and derivatively
on behalf of Libra L.L.C.*

DISTRICT COURT
CLARK COUNTY, NEVADA

ILAN RAITER, individually and
derivatively on behalf of LIBRA L.L.C.

Plaintiff,

v.

CARL GIUDICI and HANNI H. SAEED,

Defendants.

LIBRA L.L.C., a Nevada limited liability
company,

Nominal Defendant.

CARL GIUDICI and HANNI H. SAEED,

Counterclaimants,

v.

ILAN RAITER,

Counter-defendant.

CASE NO.: A-21-839403-B

DEPT. NO.: 31

**NOTICE OF EARLY CASE
CONFERENCE**

TO: DEFENDANTS CARL GIUDICI and HANNI H. SAEED; and

TO: DAVID ADKINS, their attorney.

1 **PLEASE TAKE NOTICE** that on **Tuesday, November 16, 2021, at the hour of 2:30**
2 **p.m.** and under N.R.C.P. 16.1(b), your attendance is requested at an early case conference in the
3 above-entitled matter. The conference will take place telephonically with **Defendant's counsel**
4 **David Adkins telephoning Plaintiff's counsel at (702) 744-8065.**

5
6 This is also a request you provide for copying all original documents available to
7 you that you contemplate will support allegations or denials of your pleadings herein.

8 You are also requested to identify, describe and/or produce all tangible things that
9 constitute or contain discoverable matter for inspection, copying, testing, or sampling by Plaintiff.

10 You are also requested to provide a list of those persons other than expert witnesses
11 or consultants whom you know or believe to have knowledge of facts relevant to the allegations
12 of any pleadings filed by any party, including persons having knowledge or rebuttal or
13 impeachment evidence. Please identify each person, including their name and address or location,
14 and a general description of the subject matter of the person's testimony.

15
16 Please be prepared to propose a plan and schedule of discovery including taking
17 depositions and to agree to any limitations and stipulations on any discovery requested.

18
19 Dated: November 3, 2021.

20 BEN MOSHE & STEIN

21
22 By: /s/ Michael Stein
23 Michael Stein, Esq. (NV Bar #4760)
24 522 E. Twain Ave.
 Las Vegas, NV 89169
 702.794.8065
 mstein@bmslawlv.com

25 *Attorneys for Plaintiff Ilan Raiter — individually*
26 *and derivatively on behalf of Libra L.L.C.*

1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, declared under penalty of perjury, that I am over the age of
3 eighteen (18) years, and I am not a party to, nor interested in this action. On November 3, 2021,
4 I caused to be served a true and correct copy of the foregoing **NOTICE OF EARLY CASE**
5 **CONFERENCE** by method indicated:

6 7	<input checked="checked" type="checkbox"/>	BY ELECTRONIC SUBMISSION: submitted to the above-entitled Court for electronic filing and/or service through Wiznet for the above-referenced case.
8 9	<input type="checkbox"/>	BY U.S. MAIL: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada, addressed as set forth below.
10 11 12	<input type="checkbox"/>	BY FAX: by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document(s).
13	<input type="checkbox"/>	BY ELECTRONIC MAIL TO:
14 15 16	<input type="checkbox"/>	BY OVERNIGHT MAIL: by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
17 18	<input type="checkbox"/>	BY PERSONAL DELIVERY: by causing personal delivery by _____, a messenger service with which this firm maintains an account, of the document(s) listed above to the person(s) at the address(es) set forth below.

19 David Adkins, Esq. (NV Bar No. 4503)
20 611 Sierra Rose Drive, Suite B
21 Reno, Nevada 89511
Email: david@algnv.com

22 *Attorney for Defendants and Counterclaimants*

23 /s/ Michael Stein
24 An employee of Ben Moshe & Stein
25
26
27
28

EXHIBIT 7

PA086

From: [Brian Schneider](#)
To: [Michael Stein](#); [Sagar Raich](#)
Subject: Shaffer
Date: Wednesday, April 8, 2020 3:00:37 PM
Attachments: [JCCR \(Shaffer\) rev1.docx](#)

Dear Michael,

Attached is the revised JCCR. We just accepted all the changes and filled in the dates. If acceptable, please let me know and I will circulate for your signature and file it.

Please let us know if you have had any contact with Mr. Heinrich regarding this document.
Sincerely,

Brian W. Schneider, Esq.
Associate*
6785-5 Eastern Ave.
Las Vegas, NV 89119
(702) 758-4240
* Licensed in CA

EXHIBIT 8

PA088

Heather S. Shuman

CLERK OF THE COURT

OSCC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

* * * *

MARK SHAFFER, PLAINTIFF(S)
VS.
CANDICE SHAFFER,
DEFENDANT(S)

CASE NO.: A-18-781276-C

DEPARTMENT 4

CIVIL ORDER TO STATISTICALLY CLOSE CASE

Upon review of this matter and good cause appearing,
IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to
statistically close this case for the following reason:

DISPOSITIONS:

- ☒ Default Judgment
- ☐ Judgment on Arbitration
- ☐ Stipulated Judgment
- ☐ Summary Judgment
- ☐ Involuntary Dismissal
- ☐ Motion to Dismiss by Defendant(s)
- ☐ Stipulated Dismissal
- ☐ Voluntary Dismissal
- ☐ Transferred (before trial)
- ☐ Non-Jury – Disposed After Trial Starts
- ☐ Non-Jury – Judgment Reached
- ☐ Jury – Disposed After Trial Starts
- ☐ Jury – Verdict Reached
- ☐ Other Manner of Disposition

DATED this 10th day of May, 2021.

Dated this 10th day of May, 2021

Nadia Krall

NADIA KRALL

DISTRICT COURT JUDGE

D0B 006 3EF1 3DEB

Nadia Krall

District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Mark Shaffer, Plaintiff(s)

CASE NO: A-18-781276-C

7 vs.

DEPT. NO. Department 4

8 Candice Shaffer, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order to Statistically Close Case was served via the court's electronic
13 eFile system to all recipients registered for e-Service on the above entitled case as listed
below:

14 Service Date: 5/10/2021

15 Christine Moreno

cmoreno@walshandfriedman.com

16 Robert Walsh

rwalsh@walshandfriedman.com

17 Robert Walsh

staff@wf-legal.com

18 Sagar Raich

sraich@raichattorneys.com

19 travis heinrich

travis702heinrich@gmail.com

20 Michael Stein

mstein@steinlawlv.com

21 Brian Schneider

bschneider@raichattorneys.com

22 Jennifer Sanchez

jsanchez@raichattorneys.com

23 General Information Raich Law

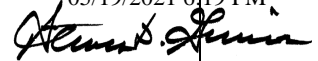
info@raichattorneys.com

24 Travis Akin

takin@walshandfriedman.com

EXHIBIT 9

PA091



CLERK OF THE COURT

1 **SAO**

2 Sagar Raich, ESQ.
3 NEVADA BAR NO. 13229
4 6785 S. Eastern Ave. Ste. 5
5 Las Vegas, NV 89119
6 Telephone: (702) 758-4240
7 Facsimile: (702) 369-8597
8 Email: sraich@raichattorneys.com
9 Attorney for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

7 MARK SHAFFER, individual; MARK ONE
8 MEDIA, Inc. d/b/a MYVEGAS MAGAZINE, a
9 Nevada Corporation,

Plaintiff(s),

vs.

10 CANDICE SHAFFER, an Individual; TRAVIS
11 HEINRICH, an Individual; CASSANDRA
12 YOUSSEF, an Individual; and DOES I through X;
and ROE BUSINESS ENTITIES I through X,

Defendant(s).

Case No.: A-18-781276-C
Dept. No.: IV

**STIPULATION AND ORDER TO
REOPEN MATTER**

STIPULATION TO REOPEN MATTER

15 PLEASE TAKE NOTICE that the matter herein is one that was filed on Sep. 18, 2018.
16 Since then, some of the parties have filed responsive pleadings while others have not responded
17 and have been defaulted. The Parties that have filed claims and/or counterclaims have not
18 received adjudication or judgment on said claims. As such, it is necessary to reopen this matter
19 such that the issues may be adjudicated at a trial.

20 Good cause for the reopening exists to adjudicate the claims and counterclaims between
21 the remaining parties in the above captioned suit.

22 Accordingly, the Parties stipulate to the reopening of this matter with a status check set
23 for this matter at the court's convenience on or after June 15, 2021.
24

1 Dated this 14th day of May, 2021.

2 /s/ Sagar Raich
3 SAGAR RAICH
4 NEVADA BAR 13229
5 RAICH LAW PLLC
6 6785 S. Eastern Ave., Suite 5
7 Las Vegas, NV 89119
8 Attorney for Plaintiffs

9 /s/ Michael Stein (signed with permission)
10 Michael Stein, Esq. (Nevada Bar #4760)
11 STEIN LAW PLLC
12 1671 W. Horizon Ridge Pkwy., Suite 200
13 Henderson, NV 89012
14 Email: mstein@steinlawlv.com
15 *Attorney for Candice Shaffer*

16 No response received after multiple emails

17 Travis Heinrich
18 P.O. Box 19154
19 Las Vegas, NV 89132
20 Travis702heinrich@gmail.com
21 *Defendant Pro Se*

22 GOOD CAUSE APPEARING, IT IS SO ORDERED.

23 Dated this 19th day of May, 2021

24 

JUDGE OF THE DISTRICT COURT
80A AF0 C196 E8AC
Nadia Krall
District Court Judge



Sagar Raich <sraich@raichattorneys.com>

RE: Stipulation and Order

1 message

Michael Stein <mstein@steinlawlv.com>

Tue, May 18, 2021 at 3:24 PM

To: Sagar Raich <sraich@raichattorneys.com>, "travis702heinrich@gmail.com" <travis702heinrich@gmail.com>

Cc: Brian Schneider <bschneider@raichattorneys.com>

Sagar,

I approve of the form of the stipulation. You may use my electronic signature.

STEIN LAW GROUP, PLLC

Michael Stein

[1671 W. Horizon Ridge Parkway, Suite 200](#)

[Henderson, NV 89012](#)

[Office: 702.744.8065](#)

Fax: 702.991.7904

E-mail: mstein@steinlawlv.com



From: Sagar Raich <sraich@raichattorneys.com>

Sent: Friday, May 14, 2021 10:11 AM

To: Michael Stein <mstein@steinlawlv.com>; travis702heinrich@gmail.com
Cc: Brian Schneider <bschneider@raichattorneys.com>
Subject: Stipulation and Order

Mr. Stein and Heinrich,

Please see the attached stipulation and order. If you agree/approve, please reply back confirming that I can sign your name to the order. I will submit the order and your email confirming the same to chambers to be signed.

Sincerely,

Sagar Raich, Esq.*^
Managing Member
Raich Law PLLC

*Ranked the Most Powerful Business Lawyer in Las Vegas, NV by MyVegas Magazine (Top 100 Lawyers Issue)

^Top 40 Under 40 Business Lawyers in NV by the Association of American Trial Lawyers

' Licensed in Nevada and California

Southern Las Vegas Offices:
[6785 S. Eastern Ave. Suite 5](#)
[Las Vegas, NV 89119](#)

Central Las Vegas Offices:
[953 E. Sahara Ave. Suite 21 B](#)
Las Vegas, NV 89104

702-758-4240

www.raichattorneys.com

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Mark Shaffer, Plaintiff(s)

CASE NO: A-18-781276-C

7 vs.

DEPT. NO. Department 4

8 Candice Shaffer, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Stipulation and Order was served via the court's electronic eFile system
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/19/2021

15 Christine Moreno

cmoreno@walshandfriedman.com

16 Robert Walsh

rwalsh@walshandfriedman.com

17 Robert Walsh

staff@wf-legal.com

18 Sagar Raich

sraich@raichattorneys.com

19 travis heinrich

travis702heinrich@gmail.com

20 Michael Stein

mstein@steinlawlv.com

21 Brian Schneider

bschneider@raichattorneys.com

22 Jennifer Sanchez

jsanchez@raichattorneys.com

23 General Information Raich Law

info@raichattorneys.com

24 Travis Akin

takin@walshandfriedman.com

EXHIBIT 10

PA097

A-18-781276-C Mark Shaffer, Plaintiff(s)
 vs.
 Candice Shaffer, Defendant(s)

June 15, 2021 09:00 AM Status Check: Stipulation and Order

HEARD BY: Cherry, Michael A. COURTROOM: RJC Courtroom 11B

COURT CLERK: Tucker, Michele

RECORDER: Scott, Deloris

REPORTER:

PARTIES PRESENT:

Anthony F. De Martino Attorney for Defendant

JOURNAL ENTRIES

Mr. DeMartino advised the stipulation and order was circulated, but believe it was submitted without a signature; requested a continuance. COURT SO ORDERED.

CONTINUED TO: 8/17/21 9:00 AM

EXHIBIT 11

PA099

Intentional Misconduct

COURT MINUTES

August 17, 2021

A-18-781276-C Mark Shaffer, Plaintiff(s)
vs.
Candice Shaffer, Defendant(s)

August 17, 2021 09:00 AM Status Check: Stipulation and Order

HEARD BY: Krall, Nadia COURTROOM: RJC Courtroom 03C

COURT CLERK: Matute, Sandra

RECORDER: Burgener, Melissa

REPORTER:

PARTIES PRESENT:

Sagar R. Raich Attorney for Counter Defendant, Plaintiff

JOURNAL ENTRIES

Upon Court's inquiry, Mr. Raich stated the case was ready to go to trial, however, dates were pushed, and noted a default motion was granted with one of the defendants. Mr. Raich requested the case go to trial. COURT ORDERED, Trial Order will issue.

EXHIBIT 12

1 **ORDR**

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 MARK SHAFFER,

5 Plaintiff(s)

Case No. A-18-781276-C

6
7 vs.

Dept. No. IV

8 CANDICE SHAFFER,

9
10 Defendant(s)

11
12 **AMENDED ORDER SETTING CIVIL BENCH TRIAL**
13 **AND CALENDAR CALL**

14 IT IS HEREBY ORDERED THAT:

15 A. The above entitled case is set for a JURY TRIAL on a five-week stack to
16 begin on the 7TH day of **FEBRUARY, 2022**, at **9:00 A.M.**

17 B. A Calendar Call with the designated trial attorney and/or parties in proper
18 person will be held on the 25TH day of **JANUARY, 2022**, at **11:00 A.M.**

19 C. **TEN (10)** Business days prior to the Calendar Call Date parties shall provide
20 the following information to the Court:

- 21 (1) Pre-Trial Memorandums;
22 (2) List of witnesses;
23 (3) Length of witness testimony to include direct, cross examination and re-
24 direct;
25 (4) What day they intend to call the witness and will the witness be called
26 in the AM and/or PM; and if the witness will appear in person or via
bluejeans.
27 (5) Each party shall provide dates for their expert witness availability.

28 D. All parties, (Attorneys and parties in proper person) **MUST** comply with **ALL**
REQUIREMENTS E.D.C.R. 2.67 and 2.69. Counsel should include in the Memorandum

1 an identification of orders on all motions in limine or motions for partial summary judgment
2 previously made, a summary of any anticipated legal issues remaining, a brief summary of
3 the opinions to be offered by any witness to be called to offer opinion testimony as well as
4 any objections to the opinion testimony.

5 E. All pre-trial motions, including but not limited to motions in limine, must be in
6 writing and **filed no later than 75 days prior to trial**, and must be heard not less than 14
7 days prior to trial (see E.D.C.R. 2.47). Parties will be required to provide Motion in Limine
8 binders to the Court. **Orders shortening time will not be signed except in extreme**
9 **emergencies**. An upcoming trial date is not an extreme emergency.

10 F. All discovery deadlines, deadlines for filing dispositive motions and motions
11 to amend the pleadings or add parties are controlled by the previously issued Scheduling
12 Order and/or any amendments or subsequent orders.

13 Pursuant to E.D.C.R. 2.35, a motion as to any discovery issues or deadlines must be
14 made before the Discovery Commissioner.

15 G. At Calendar Call parties shall provide the following;

16 (1) Typed Exhibit Lists;

17 (2) List of Depositions to be used in lieu of live testimony and/or
18 designations;

19 (3) List of equipment needed to trial; and

20 (4) Original depositions
21
22
23
24
25
26

27 Counsel must advise the Court immediately when the case settles or is otherwise
28 resolved prior to trial. A Stipulation which terminates a case by dismissal shall also indicate

1 whether a Scheduling Order has been filed and if a trial date has been set, and the date of that
2 trial. A copy should be given to Chambers.
3
4
5
6

7 Dated this 7th day of October, 2021

8 

9
10 C7A 52B C172 A406
Nadia Krall
District Court Judge
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28

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Mark Shaffer, Plaintiff(s)

CASE NO: A-18-781276-C

7 vs.

DEPT. NO. Department 4

8 Candice Shaffer, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/7/2021

15 Christine Moreno

cmoreno@walshandfriedman.com

16 Robert Walsh

rwalsh@walshandfriedman.com

17 Robert Walsh

staff@wf-legal.com

18 Sagar Raich

sraich@raichattorneys.com

19 travis heinrich

travis702heinrich@gmail.com

20 Michael Stein

mstein@bmslawlv.com

21 Brian Schneider

bschneider@raichattorneys.com

22 Jennifer Sanchez

jsanchez@raichattorneys.com

23 General Information Raich Law

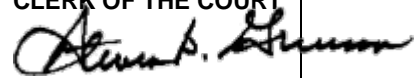
info@raichattorneys.com

24 Anthony DeMartino

ademartino@walshandfriedman.com

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
11/9/2021 8:28 AM
Steven D. Grierson
CLERK OF THE COURT



Mark Shaffer, Plaintiff(s)

vs.

Candice Shaffer, Defendant(s)

Case No.: A-18-781276-C

Department 4

NOTICE OF HEARING

Please be advised that the Defendant Candice Shaffer's Motion to Dismiss the First Amended Complaint Under NRCP 16.1(e)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report -or- If Plaintiffs Can Demonstrate Good Cause for Non-Compliance with NRCP 16.1(c) and 16.1(e)(2), to Continue the Trial Date, Require the Parties to Attend a New Case Conference Under NRCP 16.1, and to Schedule a Pre-Trial Conference Under NRCP 16 in the above-entitled matter is set for hearing as follows:

Date: January 18, 2022

Time: 9:00 AM

Location: RJC Courtroom 03C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

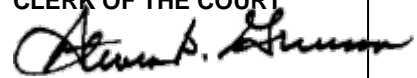
By: /s/ Chaunte Pleasant
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Chaunte Pleasant
Deputy Clerk of the Court

PA106



Travis Heinrich
P.O. Box 19154
Las Vegas, NV 89132
Telephone: (702) 523-0601
Email: Travis702heinrich@gmail.com

In proper person

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARK SHAFFER, individual; MARK
ONE MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Plaintiff(s),

vs.

CANDICE SHAFFER, an individual;
TRAVIS HEINRICH, and individual;
CASSANDRA YOUSSEF, and individual;
and DOES I through X; and ROE
BUSINESS ENTITIES I through X,

Defendants.

CASE NO.: A-18-781276-C

DEPT. NO.: IV

**DEFENDANT TRAVIS HEINRICH'S
JOINER IN CANDICE SHAFFER'S
MOTION TO DISMISS THE FIRST
AMENDED COMPLAINT UNDER NRCP
16.1(e)(2) FOR FAILURE TO TIMELY
SUBMIT A JOINT CASE CONFERENCE
REPORT OR INDIVIDUAL CASE
CONFERENCE REPORT – OR – IF
PLAINTIFFS CAN DEMONSTRATE
GOOD CAUSE FOR NON-COMPLIANCE
WITH NRCP 16.1(c) and 16.1(e)(2), TO
CONTINUE THE TRIAL DATE, REQUIRE
THE PARTIES TO ATTEND A NEW CASE
CONFERENCE UNDER NRCP 16.1, AND
TO SCHEDULE A PRE-TRIAL
CONFERENCE UNDER NRCP 16**

HEARING REQUESTED

CANDICE SHAFFER,

Counterclaimant,

v.

MARK SHAFFER, individual; MARK
ONE MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Counter defendants.

1 Defendant Travis Heinrich ("T. Heinrich") joins Defendant Candice Shaffer's
2 Motion to Dismiss the First Amended Complaint under NRCP 16.1(E)(2) For Failure To
3 Timely Submit A Joint Case Conference Report Or Individual Case Conference Report –
4 Or – If Plaintiffs Can Demonstrate Good Cause For Non-Compliance With NRCP
5 16.1(C) And 16.1(E)(2), to Continue the Trial Date, Require the Parties to Attend a New
6 Case Conference under NRCP 16.1, and to Schedule a Pre-Trial Conference under
7 NRCP 16 (the "Motion").
8

9 T. Heinrich joins the Motion because Plaintiffs failed to file a Joint Case
10 Conference Report ("JCCR") or Individual Case Conference Report ("ICCR") within 240
11 days from the date my Answer to the First Amended Complaint was filed in violation of
12 NRCP 16.1(e)(2).
13

14 This joinder to the Motion is made under NRCP 16.1(e)(2), EDCR 2.20(d), and
15 EDCR 7.30, and supported by the Memorandum of Points and Authorities incorporated,
16 the exhibits attached, and the Declaration of Travis Heinrich.
17

18 Dated November 12, 2021.

19 By: /s/ Travis Heinrich
20 P.O. Box 19154
21 Las Vegas, NV 89132
22 Travis702heinrich@gmail.com

23 *In Proper Person*
24
25
26
27
28

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. FACTS

3 Plaintiffs filed their complaint on September 18, 2018. Plaintiffs filed their First
4 Amended Complaint on May 3, 2019 (the “FAC”). My Answer to the FAC was filed by my
5 former attorney on June 21, 2019 (“Heinrich Answer to FAC”).
6

7 Plaintiffs failed to schedule a timely Early Case Conference (“ECC”). Under NRCP
8 16.1(b)(2)(a), Plaintiffs were required to hold an ECC within 30 days after service of an
9 answer by the first answering defendant - Monday, July 22, 2019.¹ Plaintiff did not serve
10 their Notice of ECC until September 12, 2019, scheduling the conference for September
11 25, 2019 —65 days after the ECC was required to be held under NRCP 16.1(b)(2).²
12

13 I was *never sent a copy of the draft of the Joint Case Conference Report* last
14 circulated between Plaintiffs’ and C. Shaffers’ attorneys on April 8, 2020 attached to the
15 Motion as Exhibit 7. No further action was taken by Plaintiffs regarding the draft JCCR.³
16 A JCCR was never finalized and circulated, submitted to the discovery commissioner,
17 nor filed with the Court.⁴ And Plaintiffs’ counsel never followed up with me regarding the
18 status of JCCR.⁵
19

20 I neither signed nor was I asked to sign a stipulation concerning the Joint Case
21 Conference Report.⁶ Because no discovery has been permitted or a Scheduling Order
22 entered, I cannot be ready for trial dated noted in the *Amended* [sic] Order Setting Civil
23 Bench Trial and Calendar Call.⁷
24

25 ¹ 30 days from June 21, 2019, was Sunday, July 21, 2019, the conference had to be
held on or before Monday, July 22, 2019.

26 ² The Notice of Early Case Conference is attached as Exhibit 6 to the Motion.

27 ³ Travis Heinrich Declaration attached as **Exhibit 1**.

28 ⁴ Heinrich Decl.

⁵ Heinrich Decl.

⁶ Heinrich Decl.

⁷ Heinrich Decl.

II. ARGUMENT

Under NRCP 16.1 (e)(2), Plaintiff must file a case conference report within 240 days after an appearance by the defendant. Plaintiffs failed to file a JCCR or ICCR by February 16, 2020 - 240 days of June 21, 2019, when my Answer to the FAC was filed.⁸ As of this Joinder, over 870 days has passed since my Answer to FAC and neither a JCCR nor ICCR has been finalized, submitted to the Discovery Commissioner, or filed.

NRCP 16.1(e)(2) allows the court to dismiss the case against a defendant if the **plaintiff fails to file the JCCR** within 240 days after the defendant's answer. *Arnold v. Kip*, 123 Nev. 410, 415, 168 P.3d 1050, 1053 (2007). The only factors to be considered by the district court in dismissing an action under NRCP 16.1(e)(2) should be those that relate to the purpose of the rule. *Kip*, 123 Nev. at 415. Injury to the defendant is presumed because of plaintiffs' delay of the proceedings. *Northern Ill. Corp. v. Miller*, 78 Nev. 213, 217, 370 P.2d 955, 956-57 (1962).

[T]he party moving for dismissal under NRCP 16.1 (e)(2) is not required to demonstrate prejudice, and the district court is not required to consider whether the defendant has suffered prejudice because of the delay in the filing of the case conference report. Nothing in the language of NRCP 16.1(e)(2)-either the earlier version or the current version-requires the defendant to demonstrate prejudice or the district court to determine whether the defendant has suffered prejudice as a condition to granting a dismissal without prejudice. To hold otherwise would largely eviscerate the rule because it would allow plaintiffs to exceed the deadline for filing a case conference report as long as the defendant could not demonstrate prejudice NRCP 16.1 (e)(2) was adopted to promote the prosecution of litigation within adequate time lines [sic], and it permits sanctions to ensure compliance with specific deadlines.

Arnold v. Kip, 123 Nev. 410, 168 P.3d 1050 at 1050, (October 11, 2007).

I did not cause Plaintiffs delay in scheduling the Early Case Conference or filing the JCCR. Plaintiffs did not even circulate the first draft JCCR until 240 days passed

⁸ 240 days after June 21, 2019, was February 16, 2020.

1 since I filed my Answer to FAC. Plaintiffs are solely responsible for failure to timely
2 circulate a draft JCCR, let alone file a JCCR or ICCR, or seek an extension to do so.
3 Plaintiffs are solely responsible for not getting out a timely draft JCCR, following up on
4 the status of the JCCR, requesting extensions to file the JCCR, or filing an ICCR.
5

6 III. CONCLUSION

7 Plaintiffs' FAC must be dismissed. Even if Plaintiffs had good cause for not
8 complying with NRCP 16.1, because neither a JCCR nor ICCR were filed, a Scheduling
9 Order under EDCR 2.55 was never entered and, under EDCR 2.60, a scheduling order
10 must first be filed before a trial date may be set. If the Court finds Plaintiffs have
11 demonstrated good cause for their failure to comply with NRCP 16.1(e)(2), the trial date
12 must be continued to comply with EDCR 2.55 and 2.69, and allow for discovery.
13

14 Dated: November 12, 2021.

15 /s/ Travis Heinrich
16 Travis Heinrich
17 P.O. Box 19154
18 Las Vegas, NV 89132
19 Telephone: (702) 523-0601
20 Email: Travis702heinrich@gmail.com

21
22
23
24
25
26
27
28
In proper person

1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, declared under penalty of perjury, that I am over the age of
3 eighteen (18) years, and I am not a party to, nor interested in this action. On November
4 12, 2021, I caused to be served a true and correct copy of the foregoing JOINDER by
5 method indicated:

6

XX	BY ELECTRONIC SUBMISSION: submitted for electronic filing and/or service through Wiznet
	BY U.S. MAIL: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada, addressed as set forth below.

7
8

9 Sagar Raich, Esq.
10 6785 S. Eastern Ave., Suite 5
Las Vegas, NV 89119
Email: sraich@raichattorneys.com
11 *Attorney for Plaintiffs*

12 Michael Stein, Esq.
13 522 E. Twain Avenue
Las Vegas, Nevada 89169
Email: mstein@steinlalv.com
14 *Attorney for Candice Shafer*

15
16 /s/ Travis Heinrich
Travis Heinrich
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EXHIBIT 1

Travis Heinrich
P.O. Box 19154
Las Vegas, NV 89132
Telephone: (702) 523-0601
Email: Travis702heinrich@gmail.com

In proper person

DISTRICT COURT

CLARK COUNTY, NEVADA

MARK SHAFFER, individual; MARK
ONE MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Plaintiff(s),

vs.

CANDICE SHAFFER, an individual;
TRAVIS HEINRICH, and individual;
CASSANDRA YOUSSEF, and individual;
and DOES I through X; and ROE
BUSINESS ENTITIES I through X,

Defendants.

CANDICE SHAFFER,

Counterclaimant,

v.

MARK SHAFFER, individual; MARK
ONE MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Counter defendants.

CASE NO.: A-18-781276-C

DEPT. NO.: IV

**DECLARATION OF TRAVIS HEINRICH IN
SUPPORT OF JOINDER TO CANDICE
SHAFFER'S MOTION TO DISMISS THE
FIRST AMENDED COMPLAINT UNDER
NRCP 16.1(e)(2)**

STATE OF NEVADA)
) **ss.**
COUNTY OF CLARK)

I, Travis Heinrich, hereby declare and say:

1 1. I personally know of the facts set forth herein. I execute this declaration to
2 support the Motion.

3 2. My Answer to the FAC was filed by my former attorney on June 21, 2019
4 (“Heinrich Answer to FAC”).

5 3. Plaintiff did not serve their Notice of ECC until September 12, 2019,
6 scheduling the conference for September 25, 2019 —65 days after the ECC was required
7 to be held under NRCP 16.1(b)(2).

8 4. I was never sent a copy of the draft of the Joint Case Conference Report
9 last circulated between Plaintiffs’ and C. Shaffers’ attorneys on April 8, 2020 attached to
10 the Motion as Exhibit 7.

11 5. No further action was taken by Plaintiffs regarding the draft JCCR. A JCCR
12 was never finalized and circulated, submitted to the discovery commissioner, nor filed
13 with the Court. And Plaintiffs’ counsel never followed up with me regarding the status of
14 JCCR.

15 6. I neither signed nor was I asked to sign a stipulation about the Joint Case
16 Conference Report. Because no discovery has been permitted or a Scheduling Order
17 entered, I cannot be ready for trial dated noted in the *Amended* [sic] Order Setting Civil
18 Bench Trial and Calendar Call.

19 7. Plaintiffs failed to file a JCCR or ICCR by February 16, 2020 - 240 days of
20 June 21, 2019, when my Answer to the FAC was filed. 240 days after June 21, 2019,
21 was February 16, 2020.

22 8. As of this Joinder, over 870 days has passed since my Answer to FAC and
23 neither a JCCR nor ICCR has been finalized, submitted to the Discovery Commissioner,
24 or filed
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1 .
2 9. I did not cause Plaintiffs delay in scheduling the Early Case Conference or
3 filing the JCCR. Plaintiffs did not even circulate the first draft JCCR until 240 days passed
4 since I filed my Answer to FAC. Plaintiffs are solely responsible for failure to timely
5 circulate a draft JCCR, let alone file a JCCR or ICCR, or seek an extension to do so.
6 Plaintiffs are solely responsible for not getting out a timely draft JCCR, following up on
7 the status of the JCCR, requesting extensions to file the JCCR, or filing an ICCR.
8

9 I declare under penalty of perjury under the laws of the United States that the
10 foregoing is true and correct.

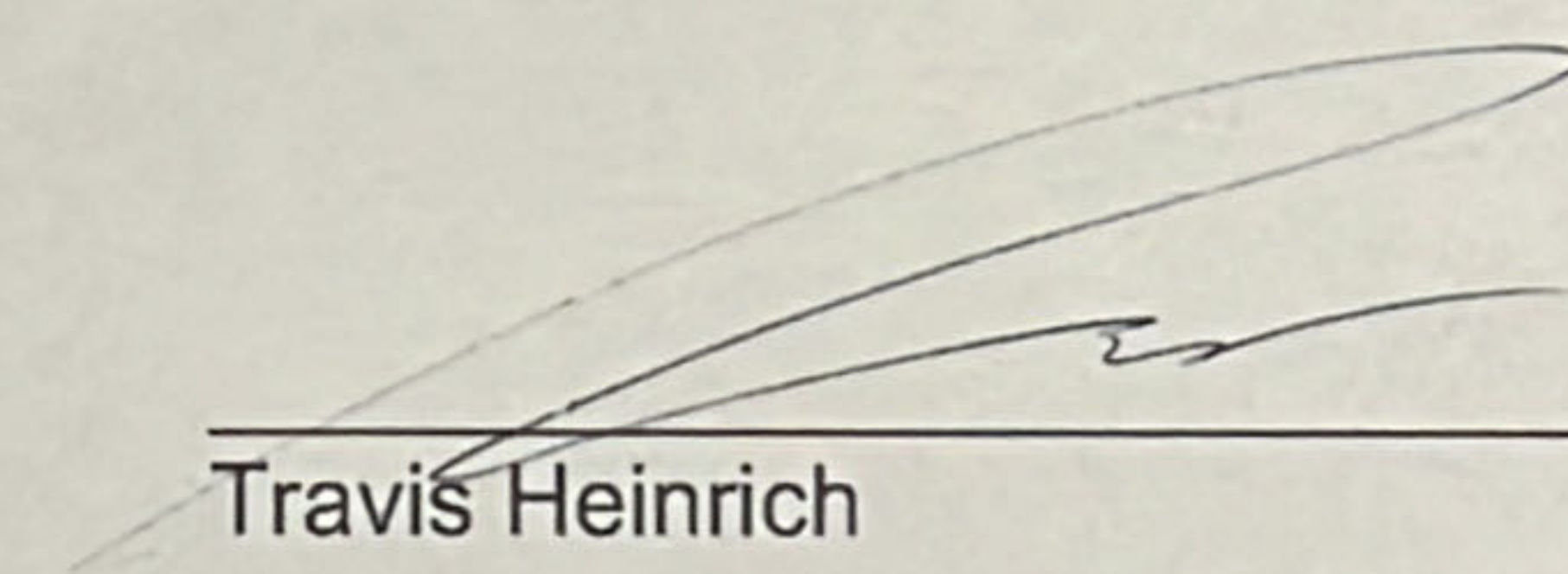
11 Dated this November 12, 2021.

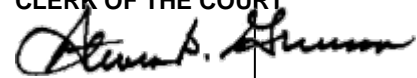
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13 /s Travis Heinrich
14 Travis Heinrich
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2 9. I did not cause Plaintiff's delay in scheduling the Early Case Conference or
3 filing the JCCR. Plaintiffs did not even circulate the first draft JCCR until 240 days passed
4 since I filed my Answer to FAC. Plaintiffs are solely responsible for failure to timely
5 circulate a draft JCCR, let alone file a JCCR or ICCR, or seek an extension to do so.
6 Plaintiffs are solely responsible for not getting out a timely draft JCCR, following up on
7 the status of the JCCR, requesting extensions to file the JCCR, or filing an ICCR.
8

9 I declare under penalty of perjury under the laws of the United States that the
10 foregoing is true and correct.

11 Dated this November 12, 2021.

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Travis Heinrich
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OPPM

Sagar Raich, Esq. (13229)
Brian Schneider, Esq. (15458)
6785 S. Eastern Ave. Ste. 5
Las Vegas, NV 89119
Telephone: (702) 758-4240
Facsimile: (702) 998-6930
Email: sraich@raichattorneys.com
Attorney for Plaintiffs
Mark Shaffer & Mark One Media

DISTRICT COURT

CLARK COUNTY, NEVADA

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS MAGAZINE, a
Nevada Corporation,

Plaintiffs,

vs.

CANDICE SHAFFER, an Individual; TRAVIS
HEINRICH, an Individual; CASSANDRA
YOUSSEF, an individual; and DOES I through
X; and ROE Business Entities I through X.

Defendants.

Case No.: A-18-781276-C

Dept. No.: IV

**OPPOSITION TO CANDICE
SHAFFER'S MOTION TO DISMISS
OR IN THE ALTERNATIVE FOR
MOTION TO CONTINUE TRIAL
DATE**

Plaintiffs MARK SHAFFER, individual; MARK ONE MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation, by and through Sagar Raich, ESQ. of Raich Law PLLC,
hereby submit their Opposition to Defendant CANDICE SHAFFER'S Motion to Dismiss or in
the alternative for a Motion to Continue Trial. This opposition is made and based upon the
pleadings and papers on file, the attached memorandum of points and authorities, and any oral
argument that the Court may entertain at the time of the hearing on this matter.

Dated this 29th day of November 2021.

/s/ Sagar Raich
SAGAR RAICH
NEVADA BAR 13229
RAICH LAW PLLC
6785 S. Eastern Ave., Suite 5
Las Vegas, NV 89119
Attorney for Plaintiffs

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Introduction**

3 Defendant CANDICE SHAFFER files her motion to try and dismiss this case for failure
4 to have a joint case conference report. Unfortunately, her counsel, likely mistakenly, failed to
5 participate in the JCCR filing as stated in his own email to Plaintiff's Counsel (Exhibit 1). Failure
6 of an attorney to participate in litigation and then to use that failure to try and dismiss the case is
7 highly improper. Additionally, while Plaintiff's counsel does not want to accuse Mr. Stein of
8 directly lying to this court, Mr. Stein may have forgotten that Defendant HEINRICH was present,
9 physically, at Plaintiffs' counsel's office for the initial case conference. Email from Plaintiff's
10 counsel to Defendant HEINRICH on November 11, 2019, in furtherance of the 16.1 conference,
11 is attached as EXHIBIT 2. Finally, Plaintiff's counsel was the only one present at the last status
12 check in this matter and appropriately requested the matter be set for trial; Defendants' failure to
13 participate in the status checks and participate in litigation does not thereafter entitle them to
14 dismissal.

15 **II. Defendants' failure to participate in litigation does not thereafter give them**
16 **the right to seek dismissal based on their own failure to participate.**

17 Defendant CANDICE SHAFFER's motion is primarily based on the lack of a JCCR being
18 filed. Unfortunately for Defendant CANDICE SHAFFER, her attorney was provided the
19 Plaintiffs' JCCR and it was her attorney's responsibility to complete the JCCR and provide it to
20 the Plaintiff. An email chain, attached as Exhibit 1, clearly shows Defendant CANDICE
21 SHAFFER's attorney receiving a draft JCCR and responding "I will send my requested
22 revisions...I will interlineate them directly into the draft JCCR..." See Exhibit 1. As such,
23 Defendant's counsel's failure to thereafter provide or otherwise file a JCCR does not give
24

1 Defendant the ability to seek dismissal on such grounds.

2 NCRP 16.1(e) provides in pertinent part, as follows:

3 “(2) **Untimely Case Conference Report.** If the plaintiff does not file a case
4 conference report within 240 days after service of an answer by a defendant, the
5 court, on motion or on its own, may dismiss the case as to that defendant, without
6 prejudice. This provision does not apply to a defendant who serves its answer after
7 the first case conference, unless a party has served a written request for a
8 supplemental conference in accordance with Rule 16.1(b)(2)(A).”

7 NCRP 37(f) provides:

8 “(f) **Failure to Participate in Framing a Discovery Plan.** If a party or its attorney fails to
9 participate in good faith in developing and submitting a proposed discovery plan as required by
10 Rule 16.1(b), the court may, after giving an opportunity to be heard, require that party or attorney
11 to pay to any other party the reasonable expenses, including attorney fees, caused by the failure.”

12 In this matter, based on the emails between counsel, it is apparent that the Plaintiffs were
13 working in good faith to develop discovery plans. Defendants’ failure to do the same should not
14 be grounds for dismissal.

15 **III. Defendants cannot show willful noncompliance by the lack of a filed JCCR**
16 **and no continuation is warranted in this matter**

17 “Generally, sanctions may only be imposed where there has been willful noncompliance
18 with a court order or where the adversary process has been halted by the actions of the
19 unresponsive party.” *GNLV Corp. v. Service Control Corp.*, 111 Nev. 866, 900 P.2d 323, 111
20 Nev. Adv. Rep. 92, 1995 Nev. LEXIS 103 (Nev. 1995). Additionally, a court does “not abuse its
21 discretion in denying a motion for case-concluding sanctions, where the objected-to discovery
22 practices did not constitute one of the “extreme situations” warranting case-concluding
23 sanctions.” *MEI-GSR Holdings, LLC v. Peppermill Casinos, Inc.*, 134 Nev. 235, 416 P.3d 249,
24 134 Nev. Adv. Rep. 31, 2018 Nev. LEXIS 32 (Nev. 2018).

1 “The decision to dismiss an action without prejudice for a plaintiff’s failure to comply
2 with the timing requirements of Nev. R. Civ. P. 16.1(e)(2) **remains within the district court’s**
3 **discretion**. Rule 16.1(e)(2) was adopted to promote the prosecution of litigation within adequate
4 time lines, and it permits sanctions to ensure compliance with specific deadlines. Therefore, the
5 factors to be considered by the district court in dismissing an action under Rule 16.1(e)(2) should
6 be those that relate to the purpose of the rule. A nonexhaustive list of such factors includes the
7 length of the delay, whether the defendant induced or caused the delay, whether the delay has
8 otherwise impeded the timely prosecution of the case, general considerations of case
9 management such as compliance with any case scheduling order or the existence or
10 postponement of any trial date, or whether the plaintiff has provided good cause for the delay.”
11 *Arnold v. Kip*, 123 Nev. 410, 411, 168 P.3d 1050, 1051 (2007) (emphasis added).

12 In this matter, the notice for the initial case conference was sent on September 12, 2019,
13 only 21 days after the Plaintiff’s answer to the counterclaims were filed. Thus, there was not a
14 delay in the initial case conference and the last party to answer any claims/counterclaims.
15 Additionally, the JCCR was completed by Plaintiff and provided to Defendants to review,
16 modify, etc. – failure of the Defendants to provide it back or otherwise file it was certainly an
17 inducement to not have the JCCR filed on time. Unfortunately for Defendants, the delay has not
18 impeded the prosecution of the case as the Defendants have not sent out a single discovery
19 request – Defendants have not served or filed notice of intent to serve *any* interrogatories, request
20 for production, request for admissions, subpoenas, etc. As such, the delay did not cause any
21 impediments in the prosecution of the case. Furthermore, Plaintiffs have complied with the
22 court’s scheduling orders and are ready for trial. Having Defendants delay this case for years and
23 now seek dismissal for not having a filed JCCR would be highly prejudicial to the Plaintiffs. In
24

1 this matter, the JCCR filing and issues associated with it took place in April of 2020, right when
2 the COVID crisis took hold. As such, there was good cause to not have the JCCR filed as issues
3 regarding discovery including discovery dates and other issues became non-concrete.

4 **IV. Conclusion**

5 Defendants should not receive the benefit of the matter being dismissed against them for
6 their counsel failing to participate in good faith in the filing of the JCCR. This matter is now set
7 for trial. Defendants should be foreclosed on attempting to dismiss the case for the filing of JCCR
8 as neither party undertook significant discovery and the matter is ready for trial and is witness
9 heavy.

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CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2021, I served a true and correct copy of the foregoing **OPPOSITION TO CANDICE SHAFFER'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR MOTION TO CONTINUE TRIAL DATE** through the electronic filing system of the Eighth Judicial District Court of the State of Nevada, and/or via first class mail postage prepaid from Las Vegas, NV, pursuant to Nevada Electronic Filing and Conversion Rules upon the following:

Travis Heinrich
P.O. Box 19154
Las Vegas, NV 89132
Travis702heinrich@gmail.com
Defendant Pro Se

Michael Stein, Esq. (Nevada Bar #4760)
STEIN LAW PLLC
1671 W. Horizon Ridge Pkwy., Suite 200 Henderson, NV 89012
Telephone: 702.744.8065
Facsimile: 702.991.7904
Email: mstein@steinlawlv.com
Attorney for Candice Shaffer

/s/ Sagar Raich

Sagar Raich, Esq., an Employee of Raich Law PLLC

EXHIBIT 1

Shaffer v Shaffer Scheduling Order

5 messages

Brian Schneider <bschneider@raichattorneys.com>

Wed, Apr 1, 2020 at 4:52 PM

To: Travis702heinrich@gmail.com, mstein@steinlawlv.com

Cc: Sagar Raich <sraich@raichattorneys.com>, Jennifer Sanchez <jsanchez@raichattorneys.com>

To all parties and their attorneys of record,

Attached please find our draft JCCR. Please let us know if you wish to join in with this scheduling order. If we do not hear back from you by this Friday, we will file as a separate order.

Sincerely,

Brian W. Schneider, Esq.
Associate*
6785-5 Eastern Ave.
Las Vegas, NV 89119
(702) 758-4240
* Licensed in CA

**JCCR (Shaffer).pdf**

250K

Michael Stein <mstein@steinlawlv.com>

Fri, Apr 3, 2020 at 10:20 AM

To: Brian Schneider <bschneider@raichattorneys.com>, "Travis702heinrich@gmail.com" <Travis702heinrich@gmail.com>

Cc: Sagar Raich <sraich@raichattorneys.com>, Jennifer Sanchez <jsanchez@raichattorneys.com>

Brian,

I will send my requested revisions to you by Monday. I will interlineate them directly into the draft JCCR. If we cannot agree, a separate JCCR may have to be filed. We can discuss over the phone on Friday.

STEIN LAW

Michael Stein

1671 W. Horizon Ridge Parkway, Suite 200

Henderson, NV 89012

Office: 702.744.8065

Fax: 702.991.7904

E-mail: mstein@steinlawlv.com



[Quoted text hidden]

Brian Schneider <bschneider@raichattorneys.com> Fri, Apr 3, 2020 at 10:27 AM
To: Michael Stein <mstein@steinlawlv.com>
Cc: "Travis702heinrich@gmail.com" <Travis702heinrich@gmail.com>, Sagar Raich <sraich@raichattorneys.com>, Jennifer Sanchez <jsanchez@raichattorneys.com>


Dear Mr. Stein,

Attached please find the JCCR in word format to facilitate any changes. Sagar is out of the office at the moment, but I'm sure Monday is fine.

Sincerely,

Brian W. Schneider, Esq.
Associate*
6785-5 Eastern Ave.
Las Vegas, NV 89119
(702) 758-4240
* Licensed in CA

[Quoted text hidden]

 **JCCR (Shaffer).docx**
52K

Michael Stein <mstein@steinlawlv.com> Fri, Apr 3, 2020 at 10:52 AM
To: Brian Schneider <bschneider@raichattorneys.com>
Cc: "Travis702heinrich@gmail.com" <Travis702heinrich@gmail.com>, Sagar Raich <sraich@raichattorneys.com>, Jennifer Sanchez <jsanchez@raichattorneys.com>

Thank you Brian. Have a good weekend.

STEIN LAW

Michael Stein
1671 W. Horizon Ridge Parkway, Suite 200
Henderson, NV 89012
Office: 702.744.8065
Fax: 702.991.7904
E-mail: mstein@steinlawlv.com

 88DD73D6

On Apr 3, 2020, at 10:27 AM, Brian Schneider <bschneider@raichattorneys.com> wrote:

Dear Mr. Stein,

Attached please find the JCCR in word format to facilitate any changes. Sagar is out of the office at the moment, but I'm sure Monday is fine.

Sincerely,

Brian W. Schneider, Esq.
Associate*
6785-5 Eastern Ave.
Las Vegas, NV 89119

PA126

EXHIBIT 2



Sagar Raich <sraich@raichattorneys.com>

MyVegas v. Heinrich, et. al.

1 message

Sagar Raich <sraich@raichattorneys.com>

Mon, Nov 11, 2019 at 12:17 PM

Reply-To: Sagar Raich <sraich@raichattorneys.com>

To: travis702heinrich@gmail.com

Mr. Heinrich:

Thank you for attending the 16.1 Conference in the MyVegas vs. Heinrich et. al. litigation. As requested, please see the attached apology letter, settlement agreement, and confession of judgment that would need to be executed prior to our client filing a dismissal of the lawsuit against you. We recommend seeking counsel to review the documents. Upon review, please sign the attached documents and please drop them off at our office at 6785 S. Eastern Ave., Ste. 5, Las Vegas, NV 89119. Thank you.

Sincerely,

Sagar Raich, Esq.*^
Managing Member
Raich Law PLLC

*Ranked the Most Powerful Business Lawyer in Las Vegas, NV by MyVegas Magazine (Top 100 Lawyers Issue, Jan. 2019)

^Top 40 Under 40 Business Lawyers in NV by the Association of American Trial Lawyers

Southern Las Vegas Offices:

6785 S. Eastern Ave. Suite 5

Las Vegas, NV 89119

Central Las Vegas Offices:

953 E. Sahara Ave. Suite 21 B

Las Vegas, NV 89104

Phone: 702-758-4240

www.raichattorneys.com

The information contained in this email is confidential and intended for the named recipient(s) only. No information in this email is meant to be advisory and should not be treated as such. If you are not an intended

recipient of this email please notify the sender immediately and delete your copy from your system. You must not read, copy, distribute or take any further action in reliance on it. Email is not a secure method of communication. E-mail messages may contain computer viruses or other defects, may not be accurately or completely replicated on other systems, or may be intercepted, deleted or interfered with without the knowledge of the sender or the intended recipient. Raich Law PLLC makes no warranties in relation to these matters and will not, to the extent permitted by law, accept responsibility or liability for (a) the accuracy or completeness of, or (b) the presence of any virus, worm or similar malicious or disabling code in, this message or any attachment(s) to it.

3 attachments**Apology Letter - Travis.pdf**

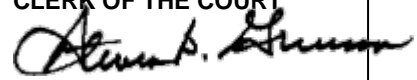
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**Confession of Judgment Travis.pdf**

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**Shaffer Heinrich Settlement Agreement.pdf**

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Michael Stein, Esq. (Nevada Bar #4760)
Stein Law Group PLLC
1671 W. Horizon Ridge Pkwy., Suite 200
Henderson, NV 89012
Telephone: 702.744.8065
Facsimile: 702.991.7904
Email: mstein@steinlawlv.com

Attorney for Defendant and Counterclaimant Candice Shaffer

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Plaintiff(s),

vs.

CANDICE SHAFFER, an individual;
TRAVIS HEINRICH, and individual;
CASSANDRA YOUSSEF, and individual;
and DOES I through X; and ROE
BUSINESS ENTITIES I through X,

Defendants.

CASE NO.: A-18-781276-C

DEPT. NO.: IV

**ERRATA TO CANDICE SHAFFER'S
MOTION TO DISMISS THE FIRST
AMENDED COMPLAINT UNDER NRCP
16.1(e)(2) FOR FAILURE TO TIMELY
SUBMIT A JOINT CASE CONFERENCE
REPORT OR INDIVIDUAL CASE
CONFERENCE REPORT**

– OR –

**IF PLAINTIFFS CAN DEMONSTRATE
GOOD CAUSE FOR NON-COMPLIANCE
WITH NRCP 16.1(c) and 16.1(e)(2), TO
CONTINUE THE TRIAL DATE, REQUIRE
THE PARTIES TO ATTEND A NEW CASE
CONFERENCE UNDER NRCP 16.1, AND
TO SCHEDULE A PRE-TRIAL
CONFERENCE UNDER NRCP 16**

CANDICE SHAFFER,

Counterclaimant,

v.

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Counter defendants.

1 The Notice of Early Case Conference for this case was served on September 12, 2019,
2 scheduling the conference for September 25, 2019 (the "Notice of ECC"). The Notice of ECC
3 was referenced in Candice Shaffer's Motion to Dismiss as Exhibit 6. However, a Notice of Early
4 Case Conference related to another case was attached in error.

5 The correct Notice of ECC is attached to this Eratta as **Exhibit 1**.

6
7 Dated December 8, 2021.

8 STEIN LAW GROUP

9 By: /s/ Michael Stein

10 Michael Stein, Esq. (Bar No. 4760)
11 1671 W. Horizon Ridge Pkwy., Suite 200
Henderson, NV 89012

12 *Attorney for Defendant and Counterclaimant*
13 *Candice Shaffer*

CERTIFICATE OF SERVICE

I, the undersigned, declared under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in this action. On December 8, 2021, I caused to be served a true and correct copy of the foregoing **ERRATA TO MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO CONTINUE TRIAL DATE** by method indicated:

x	BY ELECTRONIC SUBMISSION: submitted to the above-entitled Court for electronic filing and/or service through Wiznet for the above-referenced case.
	BY U.S. MAIL: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada, addressed as set forth below.
	BY FAX: by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document(s).
	BY ELECTRONIC MAIL TO:
	BY OVERNIGHT MAIL: by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
	BY PERSONAL DELIVERY: by causing personal delivery by _____, a messenger service with which this firm maintains an account, of the document(s) listed above to the person(s) at the address(es) set forth below.

Sagar Raich, Esq.
 6785 S. Eastern Ave., Suite 5
 Las Vegas, NV 89119
 Email: sraich@raichattorneys.com
Attorney for Plaintiffs

Also, by first class mail and e-mail to:
 Travis Heinrich
 P.O. Box 19154
 Las Vegas, NV 89132
Travis702heinrich@gmail.com

/s/ Michael Stein
 An employee of Stein Law

EXHIBIT 1

EXHIBIT 2

EXHIBIT 3

EXHIBIT 4

EXHIBIT 5

EXHIBIT 6

EXHIBIT 7

EXHIBIT 8

EXHIBIT 9

EXHIBIT 10

EXHIBIT 11

EXHIBIT 12

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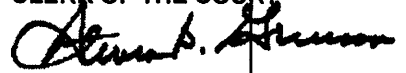
EXHIBIT 21

EXHIBIT 22

EXHIBIT 23

EXHIBIT 24

EXHIBIT 25



1 **NOTC**

2 Sagar Raich, ESQ.
3 NEVADA BAR NO. 13229
4 6785 S. Eastern Ave. Ste. 5
5 Las Vegas, NV 89119
6 Telephone: (702) 758-4240
7 Facsimile: (702) 369-8597
8 Email: sraich@raichattorneys.com
9 Attorney for Plaintiffs

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

8 MARK SHAFFER, individual; MARK ONE
9 MEDIA, Inc. d/b/a MYVEGAS MAGAZINE, a
10 Nevada Corporation,

11 Plaintiff(s),

12 vs.

13 CANDICE SHAFFER, an Individual; TRAVIS
14 HEINRICH, an Individual; CASSANDRA
15 YOUSSEF, an individual; and DOES I through
16 X; and ROE Business Entities I through X.

17 Defendant(s).

18 CANDICE SHAFFER, an Individual;

19 Counter-Claimant,

20 vs.

21 MARK SHAFFER, individual; MARK ONE
22 MEDIA, Inc. d/b/a MYVEGAS MAGAZINE, a
23 Nevada Corporation,

24 Counter-Defendant(s).

Case No.: A-18-781276-C
Dept. No.: IV

**NOTICE OF NRCP 16.1
CONFERENCE**

21 **NOTICE**

22 PLEASE TAKE NOTICE that the Conference pursuant to NRCP 16.1 in this matter has
23 been set for the following date, time, and location:

1 DATE: September 25, 2019

2 TIME: 11:00 a.m.

3 LOCATION: RAICH LAW PLLC
4 6785 S. Eastern Ave., Ste. 5
 Las Vegas, NV 89119

5 PLEASE TAKE FURTHER NOTICE that you are required to abide by the applicable
6 Nevada Rules of Civil Procedure, including those relating to Initial Disclosure to be made to
7 parties.

8 PLEASE TAKE FURTHER NOTICE that a lack of participation in Civil Procedures may
9 lead to adverse actions and/or outcomes in this matter against you, including but not limited to
10 sanctions, dismissal, and/or allocation of fees/costs to be paid to other parties, if approved by the
11 Court.

12
13 Submitted by:

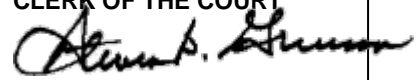
14 /s/ Sagar Raich
SAGAR RAICH
15 NEVADA BAR 13229
RAICH LAW PLLC
16 6785 S. Eastern Ave. Ste. 5
Las Vegas, NV 89119
17 Attorney for Plaintiffs
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Plaintiff(s),

vs.

CANDICE SHAFFER, an individual;
TRAVIS HEINRICH, and individual;
CASSANDRA YOUSSEF, and individual;
and DOES I through X; and ROE
BUSINESS ENTITIES I through X,

Defendants.

CASE NO.: A-18-781276-C

DEPT. NO.: IV

**CANDICE SHAFFER'S REPLY IN
SUPPORT OF MOTION TO DISMISS THE
FIRST AMENDED COMPLAINT UNDER
NRCP 16.1(e)(2) FOR FAILURE TO
TIMELY SUBMIT A JOINT CASE
CONFERENCE REPORT OR
INDIVIDUAL CASE CONFERENCE
REPORT**

CANDICE SHAFFER,

Counterclaimant,

v.

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Counter defendants.

Defendant Candice Shaffer ("C. Shaffer"), through her pro bono attorney of record
Michael Stein, replies to Plaintiffs' opposition to C. Shaffer's motion to dismiss joined by
Defendant Travis Heinrich ("Heinrich").

1 This reply brief is made under NRCP 16.1(e)(2) and EDCR 7.30, and supported by the
2 Memorandum of Points and Authorities incorporated herein, the exhibits attached, and the
3 Declarations of Attorney Michael Stein and Defendant Travis Heinrich (“Heinrich”) attached as
4 **Exhibits 1 and 2.**

5
6 Dated December 14, 2021.

7 STEIN LAW GROUP

8 By: /s/ Michael Stein

9 Michael Stein, Esq. (Bar No. 4760)
10 1671 W. Horizon Ridge Pkwy., Suite 200
Henderson, NV 89012

11 *Attorney for Defendant and Counterclaimant*
12 *Candice Shaffer*

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiffs' *untimely* opposition is a bewildering head scratcher. Plaintiffs concede that they filed neither a Joint Case Conference Report ("JCCR") nor Individual Case Conference Report ("ICCR") as required by NRCP 16.1(e)(2). And while Plaintiffs blame Defendants for Plaintiffs' *never filing* a JCCR or ICCR —over 2 ½ years have passed since a defendant filed an answer to Plaintiffs' First Amended Complaint ("FAC") — they provide no support for their finger pointing, offer no facts demonstrating that Defendants *induced or caused* the delay, and present no evidence of *good cause for the delay*. Plaintiffs own conduct resulted in their failure to file.

Instead of addressing the factors for dismissal under NRCP 16.1(e)(2) described *Arnold v. Kip*, 123 Nev. 410, 168 P.3d 1050 (2007), Plaintiffs wrongly accuse Defendants of the delay and failure to participate in the litigation, argue that they should be excused because their failure to file a JCCR or ICCR was not willful, contend that Defendants will not be prejudiced, and decry that Plaintiffs will be prejudiced — all excuses which the Nevada Supreme Court instructed should not be considered by district courts under NRCP 16.1(e)(2). *See Arnold v. Kip*, 123 Nev. 410, 168 P.3d 1050 (2007). Plaintiffs' attempt to shift blame on Defendants are unavailing, and this Court should reject them. Dismissal is merited.

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II. ARGUMENT

A. Plaintiffs' Opposition Brief was untimely and should be stricken.

C. Shaffer's Motion to Dismiss was filed and served on November 8, 2021. Heinrich's timely Joinder was filed on November 12, 2021. EDCR 2.20(d). Plaintiffs' Opposition was due by November 22, 2021. EDCR 2.20(e). Plaintiffs' opposition was untimely filed on November 29, 2021—a week after it was due. Plaintiffs did not request an extension to file their opposition brief from Attorney Stein or Heinrich nor did they file a timely motion with this Court seeking an extension. The brief should be stricken as untimely. *See generally* EDCR 2.20(e).

B. Defendants have participated in this litigation and did nothing to prevent Plaintiffs from filing a JCCR or ICCR. Regardless, Defendants' participation is not a factor for determining whether dismissal is appropriate under NRCP 16(e)(2) and *Arnold*.

Plaintiffs argue their failure to file a JCCR or ICCR is excusable because "Plaintiffs were working in good faith to develop discovery plans."¹ On April 8, 2021, Attorney Brian Schneider, on behalf of Plaintiffs, sent an e-mail to Attorney Stein noting, "We just accepted all the changes and filled in the dates. If acceptable, please let me know and I will circulate for your signature and file" (the "April 8 e-mail").² A draft JCCR was attached to the April 8 e-mail (the "April 8 Draft JCCR"). Plaintiffs argue that because Attorney Stein did not respond to the April 8 e-mail, Plaintiffs should be excused for their failure to file a JCCR or ICCR within the 240-day period under NRCP 16.1(e)(2).³ This specious argument ignores that Plaintiffs failed to send the first draft JCCR to Defendants before the 240-day period expired⁴, never sent Heinrich the April 8

¹ Opps. 3:12-13.

² A true and correct copy of the April 8, 2020 e-mail from Attorney Raich's office to Attorney Stein's Office and revised draft JCCR is attached as **Exhibit 3** and was attached to the Mot. to Dismiss as Exhibit 7. Stein Decl. ¶ 4.

³ Opps. 2: 2-23, 3: 1-14.

⁴ Heinrich filed his answer to the FAC on June 21, 2019, making the 240-day deadline for filing a JCCR February 16, 2020. NRCP (e)(2) ("If the plaintiff does not file a case conference report

1 Draft JCCR, and never followed up with Defendants on the status of the draft JCCR.⁵ Defendants
2 never refused to file a JCCR, but had Plaintiffs followed up with Heinrich and Attorney Stein
3 regarding the status of the April 8 Draft JCCR and both refused to respond or otherwise agree on
4 a final draft, Plaintiffs should file an ICCR as mandated by NRCP 16.1(c)(1)(A) (“[I]f the
5 parties are unable to agree upon the contents of a joint report, each party must serve and file an
6 individual case conference report.”). Plaintiffs cite no good cause for failure to file a JCCR or
7 ICCR.
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9 Attorney Stein’s overlooking the April 8 e-mail *did not cause* Plaintiffs’ failure to follow
10 up with Attorney Stein about the JCCR or file their own ICCR if Attorney Stein refused to
11 communicate or otherwise cooperate with completing the JCCR.⁶ Also, Attorney Stein’s
12 forgetfulness about the April 8 e-mail *did not cause delay* by Plaintiffs as they never sent
13 Heinrich the revised copy of the April 8 Draft JCCR – he was not included on the April 8 e-mail.⁷
14 No JCCR could be filed without all parties having reviewed, approved, and signed the JCCR.
15 Heinrich wasn’t given the opportunity to do so. And because the first draft of the JCCR was not
16 circulated until April 1, 2020, it was already past the 240-day deadline under NRCP 16.1(e)(2).⁸
17 Defendants did not cause Plaintiffs’ failure to circulate a draft JCCR before the 240-day period
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21 within 240 days after service of an answer by a defendant, the court . . . may dismiss the case.”).
22 The first draft of a JCCR was not circulated until April 1, 2020, over a month passed the 240-day
23 deadline for filing a JCCR. *See* further discussion at II(D)(2)(c) *infra*. **Exhibit 4** is a true and
24 correct copy of the April 1, 2020, e-mail circulated by Plaintiffs’ counsel with the first draft of the
25 JCCR. Declaration of Michael Stein, ¶ 4; Declaration of Travis Heinrich, ¶ 3.

26 ⁵ M. Stein Decl., ¶¶ 3-5; Declaration of Travis Heinrich, ¶¶ 2-4.

27 ⁶ M. Stein Decl. ¶ 3-5.

28 ⁷ *See* T. Heinrich Decl. ¶¶ 2-4; *see also* Exhibit 3 where Heinrich was not included on the e-mail
even though Plaintiffs had his email address and had previously corresponded with him regarding
an earlier draft JCCR. *See* Exhibit 1 to Opps.

⁸ *See* further discussion at II(D)(2)(c) *infra*.

1 expired under NRCP 16.1(e)(2) or, to this date, *never* file a JCCR or ICCR. Plaintiffs' own
2 dilatoriness was the cause.

3 Plaintiffs argument that Defendants did not participate in litigation is demonstrably false.
4 Defendants filed their Answers to FAC and attended the ECC, Attorney Stein requested revisions
5 to the untimely draft JCCR, Defendants attended the default judgment hearing about Defendant
6 Cassandra Youssef and Attorney Stein participated, Attorney Stein signed the stipulation and
7 order to re-open this case after it was closed by the court in error.⁹ Further, this argument is a *red*
8 *herring* because it ignores the plain language of NRCP 16.1(e)(2) that *permits* defendants to seek
9 dismissal if a plaintiff does not timely submit a JCCR or ICCR:
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11 If the **plaintiff** does not file a case conference report within 240 days after service
12 of an answer by a defendant, the court, on motion or on its own, may dismiss the
13 case as to that defendant, without prejudice. (Emphasis added).

14 Plaintiffs' argument that Attorney Stein's oversight to respond to the April 8 e-mail, which
15 Heinrich never received, is good cause for *never filing* a JCCR or ICCR must be rejected.

16 The Nevada Supreme Court applies the principal of statutory construction to the Nevada
17 Rules of Civil Procedure. *See Trs. of the Plumbers & Pipefitters Union Local 525 Health &*
18 *Welfare Tr. Plan v. Developers Sur. & Indem. Co.*, 120 Nev. 56, 61, 84 P.3d 59, 62 (2004)
19 ("Words in a statute should be given their plain meaning unless this violates the spirit of the act.
20 "The plain language of NRS 17.115 and NRCP 68 refers to "a party," meaning any party, and an
21 "offeree," meaning any offeree."). In NRCP 16.1(e)(2), the Nevada Legislature provides district
22 courts with the discretion to dismiss matters without prejudice when, as here, Plaintiffs fail to file
23 a JCCR or ICCR within the 240-day period. Here, Plaintiffs *never* filed a JCCR or ICCR.
24 Whether a defendant files an ICCR is irrelevant to the analysis under NRCP 16.1(e)(2). While
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28 ⁹ Stein Decl. ¶¶ 7-9

1 NRCP 16.1(c)(1)(A) requires the "parties" to file either a JCCR or an ICCR, NRCP 16.1(e)(2)
2 permits a district court the discretion to dismiss a case if the *plaintiff* does not file a case
3 conference report. *Wright v. Moldestad*, 2021 Nev. App. Unpub. LEXIS 433, *3.

4 **C. Neither NRCP 16(e)(2) nor *Arnold* require Defendants show “willful**
5 **noncompliance” by Plaintiffs to file a JCCR or ICCR.**

6 Like the defendants in *Arnold* who unsuccessfully “claimed that the failure [to file a case
7 conference report] was inadvertent and thereby insufficient to warrant dismissal,” *Arnold v. Kip*,
8 *123 Nev. 410, 413, 168 P.3d 1050, 1052 (2007)*, Plaintiffs assert that Defendants must show
9 “willful noncompliance” by Plaintiff.¹⁰ In *Arnold*, the Court rejected this argument. *Arnold*, 123
10 Nev. at 415, 168 P.3d at 1053.

11 Plaintiffs reliance on *GNLV Corp. v. Service Control Corp.*, 111 Nev. 866, 900 P.2d 323,
12 111 and *MEI-GSR Holdings, LLC v. Peppermill Casinos, Inc.*, 134 Nev. 235, 416 P.3d 249
13 (2018) for the proposition that a non-deliberate failure to file a JCCR or ICCR is a factor to be
14 considered by the trial court in deciding whether to grant a motion to dismiss is also misplaced.

15 First, these cases did not involve NRCP 16.1(e)(2). The factors to be considered by the
16 district court in dismissing an action under NRCP 16.1(e)(2) should be those that relate to the
17 purpose of the rule. *Arnold*, 123 Nev. at 415. Plaintiffs cites in their Opposition the list of *Arnold*
18 factors the trial court should consider – the length of the delay, whether the defendant induced or
19 caused the delay, whether the delay has otherwise impeded the timely prosecution of the case,
20 general considerations of case management such as compliance with any case scheduling order or
21 the existence or postponement of any trial date, or whether the plaintiff has provided good cause
22 for the delay – but failed to address these factors opting instead to make up their own factors.¹¹
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27 ¹⁰ Opps. 3:15-16.

28 ¹¹ Opps. 4:6-11.

"[T]he rules of statutory interpretation apply to Nevada's Rules of Civil Procedure." *Dornbach v. Tenth Judicial Dist. Court of Nev.*, 130 Nev. 305, 310, 324 P.3d 369, 372 (2014) (citing *Webb ex rel. Webb v. Clark Cnty. Sch. Dist.*, 125 Nev. 611, 618, 218 P.3d 1239, 1244 (2009). Unambiguous language in a rule "is given 'its ordinary meaning unless it is clear that this meaning was not intended.'" *Id.* (citing *State, Dep't of Taxation v. Am. Home Shield of Nev., Inc.*, 127 Nev. 382, 386, 254 P.3d 601, 603 (2011) (quoting *State, Dep't of Taxation v. DaimlerChrysler Servs. N. Am., L.L.C.*, 121 Nev. 541, 543, 119 P.3d 135, 136 (2005)). Nothing in the language of NRCP 16.1(e)(2) or *Arnold* requires a defendant to demonstrate willful noncompliance and it would be rare for any attorney to assert that he or she deliberately chose not to file a JCCR or ICCR. Such a requirement would render the Rule and *Arnold* decision superfluous. *Williams v. Clark Cnty. Da*, 118 Nev. 473, 487, 50 P.3d 536, 545 (2002) ("It is a long-standing legal rule that clear and unambiguous legislation should be enforced as written, and that no word or clause should be made superfluous by our interpretation.").

D. Plaintiffs failure to file a timely JCCR or ICCR is presumed to injure Defendants and injury to Plaintiffs may not be considered.

1. Injury to Defendants is presumed.

Plaintiffs wrongly assert that Defendants are not prejudiced by Plaintiffs' failure to file the JCCR or ICCR and erroneously conclude that dismissal would not be appropriate. The Supreme clarified in *Arnold*:

Nothing in the language of NRCP 16.1(e)(2) . . . requires the defendant to demonstrate prejudice or the district court to determine whether the defendant has suffered prejudice as a condition to granting a dismissal without prejudice. To hold otherwise would largely eviscerate the rule because it would allow plaintiffs to exceed the deadline for filing a case conference report as long as the defendant could not demonstrate prejudice.

See Arnold v. Kip, 123 Nev. at 416, 168 P.3d at 1053 (emphasis added).

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1 **2. The district court need not consider the prejudice to Plaintiffs by**
2 **dismissing the action.**

3 Plaintiffs mistakenly claim that “Defendants delay [sic] this case for years and now seek
4 dismissal for not having filed a JCCR would be highly prejudicial to the Plaintiffs.”¹² First,
5 “[n]othing in the language of NRCP 16.1(e)(2) . . . requires . . . the district court to determine
6 whether the defendant has suffered prejudice as a condition to granting a dismissal without
7 prejudice.” *Arnold v. Kip*, 123 Nev. 410, 415, 168 P.3d 1050, 1053 (2007). Second, the Supreme
8 Court has instructed, “the district court's consideration of a motion to dismiss without prejudice
9 should *address factors that promote the purpose of the rule, rather than factors that focus on*
10 *the consequences to the plaintiff* resulting from his or her failure to comply with the rule.”
11 *Arnold*, 168 P.3d at 1053. Third, Plaintiffs offer no facts to support their contention that
12 Defendants delayed this case. To the contrary, Plaintiffs have delayed this litigation since the
13 original complaint was filed.

14 **a. Plaintiffs’ delay related to Pleadings.**

15 Plaintiffs filed their original complaint on September 18, 2018. No summons was issued
16 and 8 months passed until Plaintiffs’ FAC was filed and summonses issued on May 3, 2019.
17 Under NRCP 4(e)(2), the case could have been dismissed after 4 months.
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28 ¹² Opps. 4:22-23.

1 **b. Plaintiffs failed to timely hold the ECC.**¹³

2 Plaintiffs inaccurately assert that the Notice of ECC and ECC were timely because their
3 Notice of ECC was sent “only 21 days after the *Plaintiffs’ answer to the counterclaims* were
4 filed.”¹⁴ The language in NRCP 16.1(b)(2)(a) is clear and unambiguous, “the early case
5 conference must be held within 30 days after service of an answer by the first answering
6 defendant.” *Dornbach*, 130 Nev. at 310, 324 P.3d at 372 (“Unambiguous language in a rule “is
7 given ‘its ordinary meaning[.]’”). Heinrich filed his Answer to FAC on June 21, 2019, making him
8 the “first answering defendant” under NRCP 16.1(b)(2)(a). Plaintiffs had to hold an ECC by
9 Monday, July 22, 2019.¹⁵ Plaintiff did not serve their Notice of ECC until September 12, 2019,
10 scheduling the conference for September 25, 2019 —65 days after the ECC had to be held under
11 NRCP 16.1(b)(2).¹⁶

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19 ¹³ Attorney Stein noted in the Motion to Dismiss that only Attorneys Raich and Stein participated
20 in the September 25, 2019, telephonically, Plaintiffs correctly assert that Heinrich attended in
21 person. Because Heinrich did not speak during the ECC, C. Shaffer’s counsel was unaware he
22 was present, but has since learned he was present.8F (T. Stein Decl. ¶ 2; Heinrich Decl. ¶ 2. But
this mistaken believe has no consequence to the matter before the court — Plaintiffs’ failure to
file a JCCR or ICCR.

23 ¹⁴ Opps. 4:13 (emphasis added).

24 ¹⁵ Under NRCP 16.1(b)(2), “The early case conference must be held within 30 days after service
25 of an answer by the first answering defendant. All parties who have served initial pleadings must
26 participate in the first case conference. If a new party serves its initial pleading after the first case
27 conference, a supplemental case conference must be held within 30 days after service by any
28 party of a written request for a supplemental conference; otherwise, a supplemental case
conference is not required.” Because 30 days from June 21, 2019, was Sunday, July 21, 2019, the
conference had to be held on or before Monday, July 22, 2019.

¹⁶ A true and correct copy of the Notice of Early Case Conference is attached as **Exhibit 5**.

1 c. **Plaintiffs failed to timely circulate the draft JCCR and never**
2 **filed a JCCR or ICCR.**

3 Because Heinrich filed his Answer to FAC on June 21, 2019, Plaintiff was required to file
4 the JCCR by February 16, 2020.¹⁷ Plaintiffs did not even circulate the first draft of the JCCR until
5 April 1, 2020 — *a month and 16 days past the 240-day deadline* and 189 days after the ECC.¹⁸
6 Plaintiffs filed neither a JCCR nor ICCR. And asserting this delay was induced or caused by
7 Defendants lacks merit. Nothing and no one prevented Plaintiffs from circulating a draft JCCR
8 *before* the 240-day period expired. Nothing and no one prevented Plaintiffs from *following up*
9 with Attorney Stein about the April 8 Draft JCCR. Nothing and no one prevented Plaintiffs from
10 *sending* the April 8 Draft JCCR to Heinrich for his review and consideration. Nothing and no one
11 prevented Plaintiffs from *contacting* Heinrich regarding the status of JCCR. And had Plaintiffs
12 done so and Defendants failed to respond or refused to sign the JCCR, nothing and no one
13 prevented Plaintiffs from *filing* their own case conference report as required by NRCP
14 16.1(c)(1)(A). In fact, Plaintiffs' counsel asserted in his April 1, 2020, with the first draft JCCR
15 attached, if Plaintiffs' counsel did not hear from Defendants regarding the JCCR, Plaintiffs would
16 file an ICCR.¹⁹ Failure to file a JCCR or ICCR was caused by Plaintiffs' inaction.

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26 ¹⁷ February 16, 2020 is 240 days after June 21, 2019; NRCP 16.1(e)(2) (If the plaintiff does not
file a case conference report within 240 days after *service of an answer by a defendant*) (emphasis
added).

27 ¹⁸ Opps., Exhibit 4.

28 ¹⁹ Opps., Exhibit 4.

1 d. **Plaintiffs failed to timely respond to Defendants' Motion to**
2 **Dismiss.**

3 Plaintiffs' opposition was untimely filed on November 29, 2021 —a week after it was
4 due.²⁰

5 **E. Plaintiffs failed to address the *Arnold* factors.**

6 The relevant *Arnold* factors for this matter are:

7 1. **The length of the delay.**

8 In *Arnold*, the defendant moved to dismiss the action with prejudice under NRCP
9 16.1(e)(2). The defendant was served with the summons and complaint on November 24, 2003,
10 making the NRCP 16.1(e)(2) deadline for the plaintiffs to file their case conference report late
11 July 2004. *Arnold v. Kip*, 123 Nev. 410, 412, 168 P.3d 1050, 1051 (2007). Because plaintiffs did
12 not file their case conference report by July 4, 2004, defendants moved to dismiss on August 6,
13 2004, just one month after Plaintiffs missed the 240-day deadline. Plaintiffs quickly served
14 defendants with a case conference report on August 17, 2004, but the district court considered this
15 one month delay fatal.
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17 Here, over 2 years, 5 months, and 3 weeks has passed since an answer to the FAC was
18 filed and Plaintiffs have failed to file a JCCR or ICCR. The delay is inexcusable since Plaintiffs
19 have shown no good cause for never filing a JCCR or ICCR.
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28 ²⁰ See Section II A of Argument *supra*.

1 **2. Plaintiffs alone are responsible for not filing a JCCR or ICCR.**

2 Plaintiffs offer no facts to support that Defendants induced or caused the delay other than
3 Attorney Stein's forgetting to respond to Plaintiffs' counsel's April 8 e-mail which, again, was
4 never sent to Heinrich for his review and approval.²¹

5 Plaintiffs' counsel has not communicated with Attorney Stein about the JCCR since April
6 8, 2020, or Heinrich since April 3, 2020.²² Plaintiffs' counsel *never* followed up on the status of
7 the JCCR which was already the 240-day deadline when the first draft was circulated. Plaintiffs
8 lackadaisical attitude alone was responsible for their failure to file a JCCR or ICCR.
9

10 **3 Plaintiffs' delay has impeded prosecution of the case.**

11 Because neither a JCCR nor ICCR were filed, a Scheduling Order under EDCR 2.55 was
12 never entered and, under EDCR 2.60(a), "[a] case commenced by the filing of a complaint must
13 first have a scheduling order entered before a trial date is set." (Emphasis added).
14

15 **4. Plaintiffs do not argue good cause exists for not filing a JCCR or**
16 **ICCR.**

17 Under *Arnold*, the alleged lack of prejudice to Defendants if the case is not dismissed and
18 prejudice to Plaintiffs if the case is dismissed may not be considered by the Court. *Arnold*, 123
19 Nev. at 416, 168 P.3d at 1053. And other than arguing that the failure to file a JCCR was not
20 intentional, Plaintiffs offer no other reason why they failed to file a JCCR or ICCR other than
21 dilatoriness.

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27 ²¹ T. Heinrich Decl., ¶ 3; *see also* Exhibit 3.

28 ²² M. Stein Decl. ¶ 5; T. Heinrich Decl., ¶ 4

III. CONCLUSION

This case calls for strict adherence to the NRCP and EDCR. Plaintiffs' FAC should be dismissed because the Plaintiffs failed to file a JCCR or ICCR, can show no good cause for failing to do so, and because the first draft of the JCCR was not even sent to Defendants for review until after the 240-day period passed and was never followed up on by Plaintiffs, defendants did not *induce* or *cause* Plaintiffs' failure to file a JCCR or ICCR.

Dated December 14, 2021.

STEIN LAW GROUP

By: /s/ Michael Stein

Michael Stein, Esq. (Bar No. 4760)
1671 W. Horizon Ridge Pkwy., Suite 200
Henderson, NV 89012

*Attorney for Defendant and Counterclaimant
Candice Shaffer*

CERTIFICATE OF SERVICE

I, the undersigned, declared under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in this action. On August 16, 2019, I caused to be served a true and correct copy of the foregoing **MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO CONTINUE TRIAL DATE** by method indicated:

x	BY ELECTRONIC SUBMISSION: submitted to the above-entitled Court for electronic filing and/or service through Wiznet for the above-referenced case.
	BY U.S. MAIL: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada, addressed as set forth below.
	BY FAX: by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document(s).
	BY ELECTRONIC MAIL TO:
	BY OVERNIGHT MAIL: by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
	BY PERSONAL DELIVERY: by causing personal delivery by _____, a messenger service with which this firm maintains an account, of the document(s) listed above to the person(s) at the address(es) set forth below.

Sagar Raich, Esq.
 6785 S. Eastern Ave., Suite 5
 Las Vegas, NV 89119
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Attorney for Plaintiffs

Also, by first class mail and e-mail to:
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 Las Vegas, NV 89132
Travis702heinrich@gmail.com

/s/ Michael Stein
 An employee of Stein Law

EXHIBIT 1

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Attorney for Defendant and Counterclaimant Candice Shaffer

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Plaintiff(s),

vs.

CANDICE SHAFFER, an individual;
TRAVIS HEINRICH, and individual;
CASSANDRA YOUSSEF, and individual;
and DOES I through X; and ROE
BUSINESS ENTITIES I through X,

Defendants.

CANDICE SHAFFER,

Counterclaimant,

v.

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Counter defendants.

CASE NO.: A-18-781276-C

DEPT. NO.: IV

**DECLARATION OF MICHAEL STEIN IN
SUPPORT OF CANDICE SHAFFER'S
REPLY BRIEF**

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Michael Stein, Esq., hereby declare and say:

1 1. Plaintiffs failed to schedule a timely Early Case Conference (“ECC”). Because
2 Heinrich filed his Answer to FAC on June 21, 2019, under NRCP 16.1(b)(2)(a), Plaintiffs had to
3 hold an ECC by Monday, July 22, 2019.

4 2. Plaintiff did not serve their Notice of ECC until September 12, 2019, scheduling
5 the conference for September 25, 2019 —65 days after the ECC had to be held under NRCP
6 16.1(b)(2). Only Attorneys Raich and I participated telephonically in the September 25, 2019,
7 telephonic 16.1 conference. Because I was not present at Attorney Raich’s offices, I was unaware
8 that Heinrich was present at Attorney Raich’s office during the ECC. Heinrich did not speak
9 during the ECC so I was unaware he was present. I erred in representing in the Motion to Dismiss
10 that Heinrich was not present, but this is not relevant to the motion to dismiss.

11 3. Like the untimely scheduling of the ECC, Plaintiffs were not diligent in preparing
12 the JCCR. Attorney Raich’s office did not circulate a draft Joint Case Conference Report
13 (“JCCR”) until April 2020, over 8 months after the ECC. When Plaintiffs circulated the first draft
14 of the JCCR in April of 2020, it was already past the 240-day deadline. **Exhibit 4** to the Reply
15 Brief is a true and correct copy of the April 1, 2020, e-mail with the first draft of the JCCR
16 attached. The draft JCCR required revisions, which were agreed upon between Plaintiffs’ and C.
17 Shaffer’s counsel, and on April 8, 2020, a revised draft JCCR was sent *only to me*.

18 4. A true and correct copy of the April 8, 2020 e-mail from Attorney Raich’s office
19 to Attorney Stein’s Office and revised draft JCCR is attached as **Exhibit 3** and was attached to
20 the Mot. to Dismiss as Exhibit 7. Plaintiffs’ counsel did not send the e-mail with the revised JCCR
21 to Heinrich. As evidenced in the e-mail, Heinrich was not sent a copy of the e-mail or revised draft
22 of the JCCR.

23 5. Ultimately, Plaintiffs did not timely file the JCCR nor did Plaintiffs file an ICCR.
24 Plaintiffs’ counsel has not communicated with Defendants about the JCCR since April 8, 2020.
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1 Plaintiffs' counsel neither followed up on the status of the JCCR nor send Heinrich a copy of the
2 last draft of the JCCR. While Defendants did not make all reasonable efforts to have the JCCR
3 timely filed, Defendants did not *cause* the delay.

4 6. Plaintiffs never filed an Individual Case Conference Report ("ICCR").

5 7. On May 10, 2021, the Court mistakenly entered a Civil Order To Statistically Close
6 Case based upon the Default Judgment entered *only* against Youssef. Attorney Raich and I agreed
7 upon and signed a Stipulated [and Order] to Reopen Matter (the "Stipulation and Order"). It was
8 never signed by Heinrich.


9 8. No stipulations were filed in this case (e.g., stipulation to extend time to hold the
10 ECC or to file a JCCR or ICCR) and, because no discovery has been permitted, the Defendants
11 are not ready for trial.

12 9. In its Opposition Brief, Plaintiffs argue that Defendants delayed the proceeding,
13 but offer not one instance when this occurred. Further, Plaintiffs argued that Defendants did not
14 participate in the litigation, but this is contrary to facts. Defendants filed their Answers to the FAC,
15 attended the ECC, attended and participated in the default judgment hearing about Defendant C.
16 Youssef, reviewed and made changes to draft JCCRs, and C. Shaffer's counsel stipulated to re-
17 open the case closed by the court in error.

18 I declare under penalty of perjury under the laws of the United States that the foregoing is
19 true and correct.

20 Executed December 15, 2021.

21
22
23
24
25
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28



Michael Stein, Esq.

EXHIBIT 2

Travis Heinrich
P.O. Box 19154
Las Vegas, NV 89132
Telephone: (702) 523-0601
Email: Travis702heinrich@gmail.com

In proper person

DISTRICT COURT

*** CLARK COUNTY, NEVADA**

MARK SHAFFER, individual; MARK
ONE MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Plaintiff(s),

vs.

CANDICE SHAFFER, an individual;
TRAVIS HEINRICH, and individual;
CASSANDRA YOUSSEF, and individual;
and DOES I through X; and ROE
BUSINESS ENTITIES I through X,

Defendants.

CANDICE SHAFFER,

Counterclaimant,

v.

MARK SHAFFER, individual; MARK
ONE MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Counter defendants.

CASE NO.: A-18-781276-C

DEPT. NO.: IV

**DECLARATION OF TRAVIS HEINRICH IN
SUPPORT OF CANDICE SHAFFER'S
REPLY BRIEF**

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///

1 **STATE OF NEVADA** }
2 **COUNTY OF CLARK** } **ss.**

3
4 I, Travis Heinrich, hereby declare and say:

5 1. I personally know of the facts set forth herein. I execute this declaration to
6 support the Motion.

7 2. Plaintiff did not serve their Notice of ECC until September 12, 2019,
8 scheduling the conference for September 25, 2019 —65 days after the ECC had to be
9 held under NRCP 16.1(b)(2). Attorney Raich and Attorney Stein participated
10 telephonically in the September 25, 2019, telephonic 16.1 conference. I was present at
11 Attorney Raich's offices. I do not believe Mr. Stein knew I was present because he was
12 participating by phone and I do not recall introducing myself or talking while Mr. Stein
13 was on the call.
14

15 3. Attorney Raich's office did not circulate a draft Joint Case Conference
16 Report ("JCCR") until April 1, 2020, over 8 months after the ECC. Exhibit 4 attached to
17 the Reply Brief is a true and correct copy of the e-mail with the first draft of the JCCR
18 attached. When Plaintiffs circulated the first draft of the JCCR in April of 2020, it was
19 already past the 240-day deadline because I filed my answer to the First Amended
20 Complaint on June 21, 2019, making the 240-day deadline for filing a JCCR February
21 16, 2020. I was never sent a copy of the draft of the Joint Case Conference Report last
22 circulated between Plaintiffs' and C. Shaffer's attorneys on April 8, 2020 attached to the
23 Motion to Dismiss as Exhibit 7 and the Reply Brief as Exhibit 3.
24

25 4. No further action was taken by Plaintiffs regarding the draft JCCR. A JCCR
26 was never finalized and circulated, submitted to the discovery commissioner, nor filed
27 with the Court. Other than a draft of the JCCR I received by e-mail from Plaintiffs' counsel
28

1 on April 3, 2021, I have never heard from Plaintiffs about this case and Plaintiffs' counsel
2 never followed up with me regarding the status of JCCR

3 5. I neither signed nor was I asked to sign a stipulation about the Joint Case
4 Conference Report. Because no discovery has been permitted or a Scheduling Order
5 entered, I cannot be ready for trial dated noted in the *Amended* [sic] Order Setting Civil
6 Bench Trial and Calendar Call.
7

8 I declare under penalty of perjury under the laws of the United States that the
9 foregoing is true and correct.

10 Dated this December 14, 2021.


11 
12 _____
13 Travis Heinrich
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EXHIBIT 3

From: [Brian Schneider](#)
To: [Michael Stein](#); [Sagar Raich](#)
Subject: Shaffer
Date: Wednesday, April 8, 2020 3:00:37 PM
Attachments: [JCCR \(Shaffer\) rev1.docx](#)

Dear Michael,

Attached is the revised JCCR. We just accepted all the changes and filled in the dates. If acceptable, please let me know and I will circulate for your signature and file it.

Please let us know if you have had any contact with Mr. Heinrich regarding this document.
Sincerely,

Brian W. Schneider, Esq.
Associate*
6785-5 Eastern Ave.
Las Vegas, NV 89119
(702) 758-4240
* Licensed in CA

EXHIBIT 4

From: [Brian Schneider](#)
To: Travis702heinrich@gmail.com; [Michael Stein](#)
Cc: [Sagar Raich](#); [Jennifer Sanchez](#)
Subject: Shaffer v Shaffer Scheduling Order
Date: Wednesday, April 1, 2020 4:53:18 PM
Attachments: [JCCR \(Shaffer\).pdf](#)

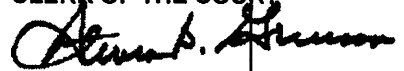
To all parties and their attorneys of record,

Attached please find our draft JCCR. Please let us know if you wish to join in with this scheduling order. If we do not hear back from you by this Friday, we will file as a separate order.

Sincerely,

Brian W. Schneider, Esq.
Associate*
6785-5 Eastern Ave.
Las Vegas, NV 89119
(702) 758-4240
* Licensed in CA

EXHIBIT 5



1 **NOTC**

2 Sagar Raich, ESQ.
3 NEVADA BAR NO. 13229
4 6785 S. Eastern Ave. Ste. 5
5 Las Vegas, NV 89119
6 Telephone: (702) 758-4240
7 Facsimile: (702) 369-8597
8 Email: sraich@raichattorneys.com
9 Attorney for Plaintiffs

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

8 MARK SHAFFER, individual; MARK ONE
9 MEDIA, Inc. d/b/a MYVEGAS MAGAZINE, a
10 Nevada Corporation,

11 Plaintiff(s),

12 vs.

13 CANDICE SHAFFER, an Individual; TRAVIS
14 HEINRICH, an Individual; CASSANDRA
15 YOUSSEF, an individual; and DOES I through
16 X; and ROE Business Entities I through X.

17 Defendant(s).

18 CANDICE SHAFFER, an Individual;

19 Counter-Claimant,

20 vs.

21 MARK SHAFFER, individual; MARK ONE
22 MEDIA, Inc. d/b/a MYVEGAS MAGAZINE, a
23 Nevada Corporation,

24 Counter-Defendant(s).

Case No.: A-18-781276-C
Dept. No.: IV

**NOTICE OF NRCP 16.1
CONFERENCE**

21 **NOTICE**

22 PLEASE TAKE NOTICE that the Conference pursuant to NRCP 16.1 in this matter has
23 been set for the following date, time, and location:

1 DATE: September 25, 2019

2 TIME: 11:00 a.m.

3 LOCATION: RAICH LAW PLLC
4 6785 S. Eastern Ave., Ste. 5
 Las Vegas, NV 89119

5 PLEASE TAKE FURTHER NOTICE that you are required to abide by the applicable
6 Nevada Rules of Civil Procedure, including those relating to Initial Disclosure to be made to
7 parties.

8 PLEASE TAKE FURTHER NOTICE that a lack of participation in Civil Procedures may
9 lead to adverse actions and/or outcomes in this matter against you, including but not limited to
10 sanctions, dismissal, and/or allocation of fees/costs to be paid to other parties, if approved by the
11 Court.

12
13 Submitted by:

14 /s/ Sagar Raich
SAGAR RAICH
15 NEVADA BAR 13229
RAICH LAW PLLC
16 6785 S. Eastern Ave. Ste. 5
Las Vegas, NV 89119
17 Attorney for Plaintiffs
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Travis Heinrich
P.O. Box 19154
Las Vegas, NV 89132
Travis702heinrich@gmail.com
Defendant Pro Se

Cassandra Youssef
10115 Jeffreys St., Apt. 2132
Las Vegas, NV 89183
Defendant Pro Se (No Appearance)

PA191

A-18-781276-C

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

January 05, 2022

A-18-781276-C Mark Shaffer, Plaintiff(s)
vs.
Candice Shaffer, Defendant(s)

January 05, 2022 8:00 AM Minute Order

HEARD BY: Krall, Nadia **COURTROOM:** Chambers

COURT CLERK: April Wolverson

JOURNAL ENTRIES

- A-18-781276-C Defendant Candice Shaffer's Motion to Dismiss the First Amended Complaint Under NRCP 16.1(c)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report-or If Plaintiff's Can Demonstrate Good Cause for Non-Complainace with NRCP 16.1(c) and NRCP 16.1(e)(2) to Continue Trial Date, Require the Parties to Attend a New Case Conference Under NRCP 16.1 and to Schedule a Pre-Trial Conference Under NRCP 16

NRCP 1 and NRCP 1.10 state that the procedures in District Court shall be administered to secure the efficient, just and inexpensive determination in every action and proceeding. Pursuant to EDCR 2.23(c), the Judge may consider the motion on its merits at any time with or without oral argument, and grant or deny it.

The Court reviewed all of the pleadings and attached exhibits regarding the pleadings on file, to wit: Defendant Candice Shaffer's Motion to Dismiss the First Amended Complaint Under NRCP 16.1(c)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report-or If Plaintiff's Can Demonstrate Good Cause for Non-Compliance with NRCP 16.1(c) and NRCP 16.1(e)(2) to Continue Trial Date, Require the Parties to Attend a New Case Conference Under NRCP 16.1 and to Schedule a Pre-Trial Conference Under NRCP 16 {filed 11.8.21}; Defendant Travis Heinrich's Joinder to Defendant Candice Shaffer's Motion to Dismiss the First Amended Complaint Under NRCP 16.1(c)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report-or If Plaintiff's Can Demonstrate Good Cause for Non-Compliance with NRCP 16.1(c) and NRCP 16.1(e)(2) to Continue Trial Date, Require the Parties to Attend a New Case Conference Under NRCP 16.1 and to Schedule a Pre-Trial Conference Under NRCP 16 {filed 11.12.21}; Plaintiff's Opposition to Defendant Candice Shaffer's Motion to Dismiss or in the

PRINT DATE: 01/05/2022

Page 1 of 2

Minutes Date: January 05, 2022

PA192

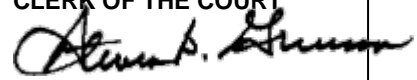
Alternative Motion to Continue Trial Date {filed 11.29.21}; Errata to Defendant Candice Shaffer's Motion to Dismiss the First Amended Complaint Under NRCP 16.1(c)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report-or If Plaintiff's Can Demonstrate Good Cause for Non-Compliance with NRCP 16.1(c) and NRCP 16.1(e)(2) to Continue Trial Date, Require the Parties to Attend a New Case Conference Under Reply in Support of Motion to Dismiss NRCP 16.1 and to Schedule a Pre-Trial Conference Under NRCP 16 {filed 12.8.21}; and Reply in Support of Motion to Dismiss {filed 12.15.21}

COURT ORDERED Defendant Candice Shaffer's Motion to Dismiss the First Amended Complaint Under NRCP 16.1(c)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report-or If Plaintiff's Can Demonstrate Good Cause for Non-Compliance with NRCP 16.1(c) and NRCP 16.1(e)(2) to Continue Trial Date, Require the Parties to Attend a New Case Conference Under NRCP 16.1 and to Schedule a Pre-Trial Conference Under NRCP 16 {filed 11.8.21}; and Defendant Travis Heinrich's Joinder to Defendant Candice Shaffer's Motion to Dismiss the First Amended Complaint Under NRCP 16.1(c)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report-or If Plaintiff's Can Demonstrate Good Cause for Non-Compliance with NRCP 16.1(c) and NRCP 16.1(e)(2) to Continue Trial Date, Require the Parties to Attend a New Case Conference Under NRCP 16.1 and to Schedule a Pre-Trial Conference Under NRCP 16 {filed 11.12.21}; are Hereby DENIED.

COURT FURTHER ORDERED Defendant Candice Shaffer's Motion to Dismiss the First Amended Complaint Under NRCP 16.1(c)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report-or If Plaintiff's Can Demonstrate Good Cause for Non-Compliance with NRCP 16.1(c) and NRCP 16.1(e)(2) to Continue Trial Date, Require the Parties to Attend a New Case Conference Under NRCP 16.1 and to Schedule a Pre-Trial Conference Under NRCP 16 {filed 11.8.21}; and Defendant Travis Heinrich s Joinder to Defendant Candice Shaffer's Motion to Dismiss the First Amended Complaint Under NRCP 16.1(c)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report-or If Plaintiff's Can Demonstrate Good Cause for Non-Compliance with NRCP 16.1(c) and NRCP 16.1(e)(2) to Continue Trial Date, Require the Parties to Attend a New Case Conference Under NRCP 16.1 and to Schedule a Pre-Trial Conference Under NRCP 16 {filed 11.12.21};scheduled for 1.18.2022 @ 9AM are hereby VACATED.

COURT FURTHER ORDERED counsel for Plaintiff to draft and circulate a proposed order for the above motion and have opposing counsel's signature prior to submitting it to the Department 4 Inbox for the Judge's review and signature within fourteen (14) days herein. Above counsel also to distribute a file-stamped copy to all parties involved in this matter.

Clerks Note, This Minute Order has been served to all registered parties via Odyssey File and Serve.
// ajw 01/05/22



Michael Stein, Esq. (Nevada Bar #4760)
Stein Law Group PLLC
1671 W. Horizon Ridge Pkwy., Suite 200
Henderson, NV 89012
Telephone: 702.744.8065
Facsimile: 702.991.7904
Email: mstein@steinlawlv.com

Attorney for Defendant and Counterclaimant Candice Shaffer

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Plaintiff(s),

vs.

CANDICE SHAFFER, an individual;
TRAVIS HEINRICH, and individual;
CASSANDRA YOUSSEF, and individual;
and DOES I through X; and ROE
BUSINESS ENTITIES I through X,

Defendants.

CASE NO.: A-18-781276-C

DEPT. NO.: IV

**NOTICE OF ENTRY OF ORDER
DENYING CANDICE SHAFFER'S
MOTION TO DISMISS THE FIRST
AMENDED COMPLAINT UNDER NRCP
16.1(e)(2) FOR FAILURE TO TIMELY
SUBMIT A JOINT CASE CONFERENCE
REPORT OR INDIVIDUAL CASE
CONFERENCE REPORT**

– OR –

**IF PLAINTIFFS CAN DEMONSTRATE
GOOD CAUSE FOR NON-COMPLIANCE
WITH NRCP 16.1(c) and 16.1(e)(2), TO
CONTINUE THE TRIAL DATE, REQUIRE
THE PARTIES TO ATTEND A NEW CASE
CONFERENCE UNDER NRCP 16.1, AND
TO SCHEDULE A PRE-TRIAL
CONFERENCE UNDER NRCP 16**

CANDICE SHAFFER,

Counterclaimant,

v.

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Counter defendants.

PLEASE TAKE NOTICE that the Order Denying Candice Shaffer's Motion to Dismiss the First Amended Complaint under NRCP 16.1(e)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report was entered in the above-captioned matter on January 11, 2023. A copy of said Order is attached hereto.

Dated January 12, 2022.

Dated January 12, 2022.

STEIN LAW GROUP

By: /s/ Michael Stein

Michael Stein, Esq. (Bar No. 4760)
1671 W. Horizon Ridge Pkwy., Suite 200
Henderson, NV 89012

*Attorney for Defendant and Counterclaimant
Candice Shaffer*

CERTIFICATE OF SERVICE

I, the undersigned, declared under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in this action. On January 12, 2022, I caused to be served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** by method indicated:

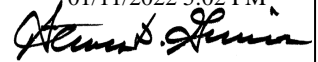
X	BY ELECTRONIC SUBMISSION: submitted to the above-entitled Court for electronic filing and/or service through Wiznet for the above-referenced case.
X	BY U.S. MAIL: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada, addressed as set forth below for Defendant Travis Heinrich
	BY FAX: by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document(s).
	BY ELECTRONIC MAIL TO:
	BY OVERNIGHT MAIL: by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
	BY PERSONAL DELIVERY: by causing personal delivery by _____, a messenger service with which this firm maintains an account, of the document(s) listed above to the person(s) at the address(es) set forth below.

Sagar Raich, Esq.
6785 S. Eastern Ave., Suite 5
Las Vegas, NV 89119
Email: sraich@raichattorneys.com
Attorney for Plaintiffs

Also, by first class mail and e-mail to:
Travis Heinrich
P.O. Box 19154
Las Vegas, NV 89132
Travis702heinrich@gmail.com

/s/ Michael Stein

An employee of Stein Law


CLERK OF THE COURT

Michael Stein, Esq. (Nevada Bar #4760)
Stein Law Group PLLC
1671 W. Horizon Ridge Pkwy., Suite 200
Henderson, NV 89012
Telephone: 702.744.8065
Facsimile: 702.991.7904
Email: mstein@steinlawlv.com

Attorney for Defendant and Counterclaimant Candice Shaffer

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Plaintiff(s),

vs.

CANDICE SHAFFER, an individual;
TRAVIS HEINRICH, and individual;
CASSANDRA YOUSSEF, and individual;
and DOES I through X; and ROE
BUSINESS ENTITIES I through X,

Defendants.

CASE NO.: A-18-781276-C

DEPT. NO.: IV

**ORDER DENYING CANDICE SHAFFER'S
MOTION TO DISMISS THE FIRST
AMENDED COMPLAINT UNDER NRCP
16.1(e)(2) FOR FAILURE TO TIMELY
SUBMIT A JOINT CASE CONFERENCE
REPORT OR INDIVIDUAL CASE
CONFERENCE REPORT**

– OR –

**IF PLAINTIFFS CAN DEMONSTRATE
GOOD CAUSE FOR NON-COMPLIANCE
WITH NRCP 16.1(c) and 16.1(e)(2), TO
CONTINUE THE TRIAL DATE, REQUIRE
THE PARTIES TO ATTEND A NEW CASE
CONFERENCE UNDER NRCP 16.1, AND
TO SCHEDULE A PRE-TRIAL
CONFERENCE UNDER NRCP 16**

CANDICE SHAFFER,

Counterclaimant,

v.

MARK SHAFFER, individual; MARK ONE
MEDIA, Inc. d/b/a MYVEGAS
MAGAZINE, a Nevada Corporation,

Counter defendants.

Stein Law Group
PLLC

LAW OFFICES
1671 W. Horizon Ridge Pkwy. Suite 200
Henderson, Nevada 89012
702.744.8065

1 NRCP 1 and NRCP 1.10 state that the procedures in District Court shall be administered
2 to secure the efficient, just and inexpensive determination in every action and proceeding.
3 Pursuant to EDCR 2.23(c), the Judge may consider the motion on its merits at any time with or
4 without oral argument, and grant or deny it.

5 The Court reviewed all of the pleadings and attached exhibits regarding the pleadings on
6 file, to wit: Defendant Candice Shaffer's Motion to Dismiss the First Amended Complaint Under
7 NRCP 16.1(c)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case
8 Conference Report-or If Plaintiff's Can Demonstrate Good Cause for Non-Compliance with
9 NRCP 16.1(c) and NRCP 16.1(e)(2) to Continue Trial Date, Require the Parties to Attend a New
10 Case Conference Under NRCP 16.1 and to Schedule a Pre-Trial Conference Under NRCP 16
11 (filed 11.8.210; Defendant Travis Heinrich's Joinder to Defendant Candice Shaffer's Motion to
12 Dismiss the First Amended Complaint Under NRCP 16.1(c)(2) for Failure to Timely Submit a
13 Joint Case Conference Report or Individual Case Conference Report-or If Plaintiff's Can
14 Demonstrate Good Cause for Non-Compliance with NRCP 16.1(c) and NRCP 16.1(e)(2) to
15 Continue Trial Date, Require the Parties to Attend a New Case Conference Under NRCP 16.1 and
16 to Schedule a Pre-Trial Conference Under NRCP 16 (filed 11.12.21); Plaintiff's Opposition to
17 Defendant Candice Shaffer's Motion to Dismiss or in the Alternative Motion to Continue Trial
18 Date (filed 11.29.21); Errata to Defendant Candice Shaffer's Motion to Dismiss the First
19 Amended Complaint Under NRCP 16.1(c)(2) for Failure to Timely Submit a Joint Case
20 Conference Report or Individual Case Conference Report-or If Plaintiff's Can Demonstrate Good
21 Cause for Non-Compliance with NRCP 16.1(c) and NRCP 16.1(e)(2) to Continue Trial Date,
22 Require the Parties to Attend a New Case Conference Under Reply in Support of Motion to
23 Dismiss NRCP 16.1 and to Schedule a Pre-Trial Conference Under NRCP 16 (filed 12.8.21); and
24 Reply in Support of Motion to Dismiss (filed 12.15.21).

25 IT IS HEREBY ORDERED that Defendant Candice Shaffer's Motion to Dismiss the First
26 Amended Complaint Under NRCP 16.1(c)(2) for Failure to Timely Submit a Joint Case
27 Conference Report or Individual Case Conference Report-or If Plaintiff's Can Demonstrate Good
28 Cause for Non-Compliance with NRCP 16.1(c) and NRCP 16.1(e)(2) to Continue Trial Date,

Require the Parties to Attend a New Case Conference Under NRCP 16.1 and to Schedule a Pre-Trial Conference Under NRCP 16 (filed 11.8.21); and Defendant Travis Heinrich's Joinder to Defendant Candice Shaffer's Motion to Dismiss the First Amended Complaint Under NRCP 16.1(c)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report-or If Plaintiff's Can Demonstrate Good Cause for Noncompliance with NRCP 16.1(c) and NRCP 16.1(e)(2) to Continue Trial Date, Require the Parties to Attend a New Case Conference Under NRCP 16.1 and to Schedule a Pre-Trial Conference Under NRCP 16 (filed 11.12.21) are DENIED.

IT HEREBY FURTHER ORDERED the hearing on the aforementioned motion scheduled for January 18, 2022, at 9 a.m. is VACATED.

DATED this ____ day of January, 2022.

Dated this 11th day of January, 2022



Submitted by:

STEIN LAW GROUP

3E8 838 E401 E3CC
Nadia Krall
District Court Judge

By: /s/ Michael Stein

Michael Stein, Esq. (Bar No. 4760)
1671 W. Horizon Ridge Pkwy., Suite 200
Henderson, NV 89012

Attorney for Defendant and Counterclaimant Candice Shaffer
Approved as to form and content:

/s/ Sagar Raich

Sagar Raich, Esq.
6785 S. Eastern Ave., Suite 5
Las Vegas, NV 89119
Email: sraich@raichattorneys.com
Attorney for Plaintiffs

Also, by first class mail and e-mail to:

/s/ Trasvis Heinrich

Travis Heinrich
P.O. Box 19154
Las Vegas, NV 89132
In proper person

Michael Stein

From: Sagar Raich <sraich@raichattorneys.com>
Sent: Monday, January 10, 2022 11:58 AM
To: Michael Stein
Cc: travis702heinrich@gmail.com
Subject: Re: Shaffer et al. v. Shaffer et al.

Hello,

I approve and affirm the affixing of my signature as to form and content.

Sincerely,

Sagar Raich, Esq.*^'
Managing Member
Raich Law PLLC

*Ranked the Most Powerful Business Lawyer in Las Vegas, NV by MyVegas Magazine (Top 100 Lawyers Issue)

^Top 40 Under 40 Business Lawyers in NV by the Association of American Trial Lawyers

' Licensed in Nevada and California

Southern Las Vegas Offices:
6785 S. Eastern Ave. Suite 5
Las Vegas, NV 89119

Central Las Vegas Offices:
953 E. Sahara Ave. Suite 21 B
Las Vegas, NV 89104

702-758-4240

www.raichattorneys.com

The information contained in this email is confidential and intended for the named recipient(s) only. No information in this email is meant to be advisory and should not be treated as such. If you are not an intended recipient of this email please notify the sender immediately and delete your copy from your system. You must not read, copy, distribute or take any further action in reliance on it. Email is not a secure method of communication. E-mail messages may contain computer viruses or other defects, may not be accurately or completely replicated on other systems, or may be intercepted, deleted or interfered with without the knowledge of the sender or the intended recipient. Raich Law PLLC makes no warranties in relation to these matters and will not, to the extent permitted by law, accept responsibility or liability for (a) the accuracy or completeness of, or (b) the presence of any virus, worm or similar malicious or disabling code in, this message or any attachment(s) to it.

On Mon, Jan 10, 2022 at 11:24 AM Michael Stein <mstein@steinlawlv.com> wrote:

Gentlemen,

I attach the proposed order denying C. Shaffer's Motion to Dismiss. If it meets with your approval, please send me an email confirming your approval and that I may use your e-signature to submit to the court.

Regards,

STEIN LAW GROUP, PLLC

Michael Stein

1671 W. Horizon Ridge Parkway, Suite 200

Henderson, NV 89012

Office: 702.744.8065

Fax: 702.991.7904

E-mail: mstein@steinlawlv.com



Michael Stein

From: Travis Heinrich <travis702heinrich@gmail.com>
Sent: Monday, January 10, 2022 12:30 PM
To: Sagar Raich
Cc: Michael Stein
Subject: Re: Shaffer et al. v. Shaffer et al.

Travis Heinrich, approve the form of the proposed order and you are authorized to use my e-signature. Thank you.

On Jan 10, 2022, at 11:57 AM, Sagar Raich <sraich@raichattorneys.com> wrote:

Hello,

I approve and affirm the affixing of my signature as to form and content.

Sincerely,

Sagar Raich, Esq.*^'
Managing Member
Raich Law PLLC

*Ranked the Most Powerful Business Lawyer in Las Vegas, NV by MyVegas Magazine (Top 100 Lawyers Issue)

^Top 40 Under 40 Business Lawyers in NV by the Association of American Trial Lawyers

' Licensed in Nevada and California

Southern Las Vegas Offices:
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Las Vegas, NV 89119

Central Las Vegas Offices:
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Las Vegas, NV 89104

702-758-4240

www.raichattorneys.com

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On Mon, Jan 10, 2022 at 11:24 AM Michael Stein <mstein@steinlawlv.com> wrote:

Gentlemen,

I attach the proposed order denying C. Shaffer's Motion to Dismiss. If it meets with your approval, please send me an email confirming your approval and that I may use your e-signature to submit to the court.

Regards,

STEIN LAW GROUP, PLLC

Michael Stein

1671 W. Horizon Ridge Parkway, Suite 200

Henderson, NV 89012

Office: 702.744.8065

Fax: 702.991.7904

E-mail: mstein@steinlawlv.com



1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Mark Shaffer, Plaintiff(s)

CASE NO: A-18-781276-C

7 vs.

DEPT. NO. Department 4

8 Candice Shaffer, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 1/11/2022

15 Christine Moreno

cmoreno@walshandfriedman.com

16 Robert Walsh

rwalsh@walshandfriedman.com

17 travis heinrich

travis702heinrich@gmail.com

18 Robert Walsh

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19 Sagar Raich

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20 Michael Stein

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21 Brian Schneider

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22 General Information Raich Law

info@raichattorneys.com

23 Anthony DeMartino

ademartino@walshandfriedman.com

REGISTER OF ACTIONS**CASE NO. A-18-781276-C****Mark Shaffer, Plaintiff(s) vs. Candice Shaffer, Defendant(s)**§
§
§
§
§
§
§Case Type: **Intentional Misconduct**Date Filed: **09/18/2018**Location: **Department 4**Cross-Reference Case Number: **A781276****PARTY INFORMATION**

Counter Claimant	Shaffer, Candice	Lead Attorneys Michael D. Stein <i>Retained</i> 702-784-5200(W)
Counter Defendant	Mark One Media Inc <i>Doing Business As</i> My Vegas Magazine	Sagar R. Raich <i>Retained</i> 702-758-4240(W)
Counter Defendant	Shaffer, Mark	Sagar R. Raich <i>Retained</i> 702-758-4240(W)
Defendant	Heinrich, Travis	Pro Se
Defendant	Shaffer, Candice	Michael D. Stein <i>Retained</i> 702-784-5200(W)
Defendant	Youssef, Cassandra	
Plaintiff	Mark One Media Inc <i>Doing Business As</i> My Vegas Magazine	Sagar R. Raich <i>Retained</i> 702-758-4240(W)
Plaintiff	Shaffer, Mark	Sagar R. Raich <i>Retained</i> 702-758-4240(W)

EVENTS & ORDERS OF THE COURT

DISPOSITIONS	
04/06/2021	Default Judgment (Judicial Officer: Krall, Nadia) Debtors: Cassandra Youssef (Defendant) Creditors: Mark Shaffer (Plaintiff), Mark One Media Inc (Plaintiff) Judgment: 04/06/2021, Docketed: 04/07/2021 Total Judgment: 7,055,573.00
04/07/2021	Default Judgment (Judicial Officer: Krall, Nadia) Debtors: Cassandra Youssef (Defendant) Creditors: Mark Shaffer (Plaintiff), Mark One Media Inc (Plaintiff) Judgment: 04/07/2021, Docketed: 04/08/2021 Comment: Certain Claims
OTHER EVENTS AND HEARINGS	
09/18/2018	Complaint Doc ID# 1 <i>[1] Complaint 1. Defamation 2. Intentional Interference With Contractual Relations 3. Intentional Interference With Prospective Economic Advantage</i>
09/18/2018	Initial Appearance Fee Disclosure Doc ID# 2 <i>[2] Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
09/18/2018	Summons Electronically Issued - Service Pending Doc ID# 3 <i>[3] Summons</i>
05/03/2019	Notice of Appearance Doc ID# 4 <i>[4] Notice of Appearance</i>
05/03/2019	First Amended Complaint Doc ID# 5 <i>[5] First Amended Complaint</i>

05/03/2019 **Summons Electronically Issued - Service Pending** Doc ID# 6
[6] Summons

05/10/2019 **Substitution of Attorney** Doc ID# 7
[7] Substitution of Attorneys

06/21/2019 **Initial Appearance Fee Disclosure** Doc ID# 8
[8] Initial Appearance Fee Disclosure

06/21/2019 **Answer** Doc ID# 9
[9] Defendant Travis Heinrich's Answer to Plaintiff's First Amended Complaint

07/10/2019 **Motion to Withdraw As Counsel** Doc ID# 10
[10] on Order Shortening Time, bg

07/12/2019 **Motion to Withdraw As Counsel** Doc ID# 11
[11] Motion to Withdraw as Counsel on Order Shortening Time

07/23/2019 **Notice of Service** Doc ID# 12
[12] Notice of Service - Cassandra Youssef

07/25/2019 **Default** Doc ID# 13
[13] Default - Cassandra Youssef

07/26/2019 **Minute Order** (3:00 AM) (Judicial Officer Earley, Kerry)
Minute Order - Motion to Withdraw as Counsel for Defendant
[Minutes](#)
Result: Granted

08/01/2019 **CANCELED Motion to Withdraw as Counsel** (9:00 AM) (Judicial Officer Earley, Kerry)
Vacated - Previously Decided

08/01/2019 **Status Check** (9:00 AM) (Judicial Officer Earley, Kerry)
08/01/2019, 09/10/2019
Status Check: Defendant Heinrich's New Counsel
[Parties Present](#)
[Minutes](#)
Result: Matter Continued

08/16/2019 **Answer and Counterclaim** Doc ID# 14
[14] Candice Shaffer's Answer and Counterclaim

08/19/2019 **Order Granting Motion** Doc ID# 15
[15] Order Granting Motion to Withdraw as Attorney of Record

08/22/2019 **Order Granting** Doc ID# 16
[16] Order granting Motion to Withdraw as Attorney of Record

08/22/2019 **Answer to Counterclaim** Doc ID# 17
[17] Plaintiffs' Answer to Defendant Candice Shaffer's Counterclaims

09/12/2019 **Notice** Doc ID# 18
[18] Notice of NRCP 16.1 Conference

03/31/2020 **Motion for Default Judgment** Doc ID# 19
[19] Motion for Default Judgment

03/31/2020 **Memorandum of Costs and Disbursements** Doc ID# 20
[20] Memorandum of Costs and Disbursements

03/31/2020 **Declaration** Doc ID# 21
[21] Declaration of Mark Shaffer in Support of Motion for Default Judgment

04/01/2020 **Clerk's Notice of Hearing** Doc ID# 22
[22] Notice of Hearing

05/11/2020 **Minute Order** (3:00 AM) (Judicial Officer Earley, Kerry)
[Minutes](#)
Result: Minute Order - No Hearing Held

07/14/2020 **CANCELED Motion for Default Judgment** (9:00 AM) (Judicial Officer Earley, Kerry)
Vacated
Plaintiff's Motion for Default Judgment

09/01/2020 **Notice of Hearing** Doc ID# 23
[23] Prove Up Hearing (in person)

09/09/2020 **Filing Fee Remittance** Doc ID# 24
[24] Filing Fee Remittance for Defendant and Counter claimant Candice Shaffer

01/04/2021 **Administrative Reassignment - Judicial Officer Change**
Judicial Reassignment to Judge Nadia Krall

01/21/2021 **Minute Order** (3:00 AM) (Judicial Officer Krall, Nadia)
[Minutes](#)
Result: Minute Order - No Hearing Held

02/17/2021 **Designation of Expert Witness** Doc ID# 25
[25] Designation of Expert Witness

02/22/2021 **Prove Up** (1:00 PM) (Judicial Officer Krall, Nadia)
[Parties Present](#)
[Minutes](#)
10/13/2020 Reset by Court to 01/19/2021
01/19/2021 Reset by Court to 01/26/2021
01/26/2021 Reset by Court to 02/22/2021

Result: Matter Heard

03/24/2021 **Notice of Entry of Order** Doc ID# 26
[26] Notice of Entry of Order

03/24/2021 **Minute Order** (3:00 AM) (Judicial Officer Krall, Nadia)
[Minutes](#)
Result: Minute Order - No Hearing Held

04/06/2021 **Order** Doc ID# 27
[27] Order

04/06/2021 **Notice of Entry of Order** Doc ID# 28
[28] Notice of Entry of Order

04/07/2021 **Order Doc ID# 29**
[29] Order After Hearing

04/08/2021 **Notice Doc ID# 30**
[30] Notice of Entry of Order

05/10/2021 **Order to Statistically Close Case Doc ID# 31**
[31] Civil Order to Statistically Close Case

05/19/2021 **Stipulation and Order Doc ID# 32**
[32] Stipulation and Order to Reopen Matter

06/15/2021 **Status Check (9:00 AM)** (Judicial Officer Cherry, Michael A.)
06/15/2021, 08/17/2021
Status Check: Stipulation and Order
[Parties Present](#)
[Minutes](#)

Result: Continued

10/07/2021 **Order Doc ID# 33**
[33] Amended Order Setting Civil Bench trial and Calendar Call

11/08/2021 **Motion to Dismiss Doc ID# 34**
[34] Defendant Candice Shaffer's Motion to Dismiss the First Amended Complaint Under NRCP 16.1(e)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report -or- If Plaintiffs Can Demonstrate Good Cause for Non-Compliance with NRCP 16.1(c) and 16.1(e)(2), to Continue the Trial Date, Require the Parties to Attend a New Case Conference Under NRCP 16.1, and to Schedule a Pre-Trial Conference Under NRCP 16

11/09/2021 **Clerk's Notice of Hearing Doc ID# 35**
[35] Notice of Hearing

11/12/2021 **Joinder To Motion Doc ID# 36**
[36] Defendant Trais Heinrich's Joinder in Candice Shaffer's Motion to Dismiss the First Amended Complaint Under NRCP 16.1(e)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report - or - if Plaintiffs can Demonstrate Good Cause for Non-Compliance with NRCP 16.1(c) and 16.1(e)(2), to Continue the Trial Date, Require the Parties to Attend a New Case Conference Under NRCP 16.1, and to Schedule a pre-Trial Conference Under NRCP 16

11/24/2021 **Motion in Limine to Exclude Expert Witness Doc ID# 37**
[37] Candice Shaffer's Motion in Limine No. 1

11/29/2021 **Clerk's Notice of Hearing Doc ID# 38**
[38] Notice of Hearing

11/29/2021 **Opposition to Motion to Dismiss Doc ID# 39**
[39] Opposition to Candice Shaffer's Motion to Dismiss or in the Alternative for Motion to Continue Trial Date

12/08/2021 **Errata Doc ID# 40**
[40] Errata to Candice Shaffer's Motion to Dismiss the First Amended Complaint under NRCP 16.1(E)(2) For Failure To Timely Submit a Joint Case Conference Report or Individual Case Conference Report Or If Plaintiffs Can Demonstrate Good Cause for Non-Compliance With NRCP 16.1(C) And 16.1(E)(2), To Continue the Trial Date, Require The Parties to Attend a New Case Conference under NRCP 16.1, And To Schedule a Pre-Trial Conference under NRCP 16

12/08/2021 **Opposition to Motion Doc ID# 41**
[41] OPM

12/15/2021 **Reply to Opposition Doc ID# 42**
[42] C. Shaffer's Reply in Support of Motion to Dismiss

01/05/2022 **Minute Order (8:00 AM)** (Judicial Officer Krall, Nadia)
[Minutes](#)

Result: Minute Order - No Hearing Held

01/11/2022 **Order Doc ID# 43**
[43] Order Denying Candice Shaffer's Motion to Dismiss the First Amended Complaint Under Nrcp 16.1 (e)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report -OR- If Plaintiffs Can Demonstrate Good Cause for Non-Compliance with NRCP 16.1 (c) and 16.1(e)(2), To Continue the Trial Date, Require the Parties to Attend a New Case Conference Under NRCP 16.1. and to Schedule a Pre-Trial Conference Under NRCP 16

01/12/2022 **Notice of Entry of Order Doc ID# 44**
[44] Notice of Entry of Order Denying Candice Shaffer's Motion to Dismiss the First Amended Complaint Under NRCP 16.1(3)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report -or- If Plaintiffs can Demonstrate Good Cause for Non-Compliance with NRCP 16.1(c) and 16.1(e)(2) to Continue the Trial Date, Require the Parties to Attend a new Case Conference Under NRCP 16.1, and Conference Under NRCP 16

01/18/2022 **CANCELED Motion to Dismiss (9:00 AM)** (Judicial Officer Krall, Nadia)
Vacated
Defendant Candice Shaffer's Motion to Dismiss the First Amended Complaint Under NRCP 16.1(e)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report -or- If Plaintiffs Can Demonstrate Good Cause for Non-Compliance with NRCP 16.1(c) and 16.1(e)(2), to Continue the Trial Date, Require the Parties to Attend a New Case Conference Under NRCP 16.1, and to Schedule a Pre-Trial Conference Under NRCP 16

01/18/2022 **CANCELED Joinder (9:00 AM)** (Judicial Officer Krall, Nadia)
Vacated
Defendant Trais Heinrich's Joinder in Candice Shaffer's Motion to Dismiss the First Amended Complaint Under NRCP 16.1(e)(2) for Failure to Timely Submit a Joint Case Conference Report or Individual Case Conference Report - or - if Plaintiffs can Demonstrate Good Cause for Non-Compliance with NRCP 16.1(c) and 16.1(e)(2), to Continue the Trial Date, Require the Parties to Attend a New Case Conference Under NRCP 16.1, and to Schedule a pre-Trial Conference Under NRCP 16

01/19/2022 **Minute Order (3:00 AM)** (Judicial Officer Krall, Nadia)
[Minutes](#)

Result: Minute Order - No Hearing Held

01/25/2022 **Calendar Call (11:00 AM)** (Judicial Officer Krall, Nadia)

02/07/2022 **Bench Trial (9:00 AM)** (Judicial Officer Krall, Nadia)

02/08/2022 **CANCELED Motion in Limine (9:00 AM)** (Judicial Officer Krall, Nadia)
Vacated
[37] Candice Shaffer's Motion in Limine No. 1

		Counter Claimant Shaffer, Candice		
		Total Financial Assessment		223.00
		Total Payments and Credits		223.00
		Balance Due as of 01/20/2022		0.00
09/10/2020	Transaction Assessment			223.00
09/10/2020	Efile Payment	Receipt # 2020-50391-CCCLK	Shaffer, Candice	(223.00)
		Counter Defendant Shaffer, Mark		
		Total Financial Assessment		300.00
		Total Payments and Credits		300.00
		Balance Due as of 01/20/2022		0.00
09/18/2018	Transaction Assessment			300.00
09/18/2018	Efile Payment	Receipt # 2018-62109-CCCLK	Shaffer, Mark	(300.00)
		Defendant Heinrich, Travis		
		Total Financial Assessment		223.00
		Total Payments and Credits		223.00
		Balance Due as of 01/20/2022		0.00
06/21/2019	Transaction Assessment			223.00
06/21/2019	Payment (Window)	Receipt # 2019-37998-CCCLK	Walsh & Friedman LTD	(223.00)