

1
2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

3 * * *

4 CAROLYN STARK, AN INDIVIDUAL,
5 D/B/A NDOW WATCH KEEPING
6 THEM TRANSPARENT,

7 Appellant,

8 vs.

9 CARL LACKEY,

10 Respondent.

Electronically Filed
Apr 16 2018 12:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court Case No. 20149
District Court Case No. CV17-00434

11 **JOINT APPENDIX**

12 **VOLUME III**

13 JA 0165 – JA 0230

14
15
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NDOW Watch: Keeping them honest

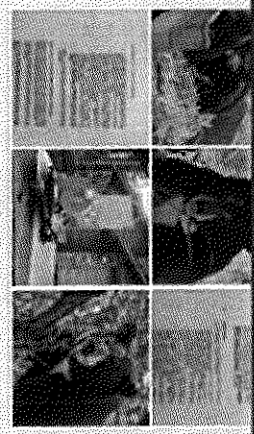
VISITOR POSTS

John Stepp

Like · Reply · 20 hrs
NDOW Watch: Keeping them honest. This picture was from last summer. She became NDOW's casualty when they executed her on 12/17/15.
Like · Reply · 18 hrs
Jana Hallett DISGUSTING!!! Thank You for getting back to me!!!
HATE NDOW!!!!

https://www.facebook.com/NDOW-Watch-ke... (4) NDOW Watch: Keeping t... Vectronic Aerospace GmbH

NDOW Watch: Keeping them honest



VISITOR POSTS

John Stepp
July 20 at 8:25pm
True story: When I first moved here I got a nice little gig working ... See More

2 Comments
Like · Comment

Fanny Bryan
July 19 at 8:48am
This is the jewel of beaches so much beauty and history just going d... See More

3 Likes
Like · Comment

Mark Smith
July 19 at 8:25pm
Send Harbor Peace in today's RGJ about the track mess at Sand Har... See More

2 Likes
Like · Comment

PEOPLE ALSO LIKE

sign, you might have signed it when it first was circulating.

Like · Reply · 1 · August 5 at 8:05am

Karen Leitold-Wick I was able to sign it on the 2nd try!

Like · Reply · August 5 at 8:14am

Mary Morton-Johnson Signed and shared!

Like · Reply · 2 · August 5 at 7:54am

Zina Semenovskaya Signed! Disgraceful

Like · Reply · 2 · August 5 at 8:32am

Abigail Edwards When is this going to stop!!!

Like · Reply · 1 · August 5 at 8:36am

Abigail Edwards Why is the petition showing up in Spanish?

Like · Reply · August 5 at 8:40am

NDOW Watch: Keeping them honest. It's showing up in English for me... I don't know why it's Spanish for you.

Like · Reply · August 5 at 8:13am

Kathi Marie Signed & shared!

Like · Reply · 2 · August 5 at 8:12am · Edited

Nancy Cooper Leckley is such an incompetent asshole!! F'n n's ass!!

Like · Reply · 1 · August 5 at 8:31am

Nancy Cooper Signed and shared

Like · Reply · August 5 at 8:32am

Lori Van Dyck Apparently they don't know how to read

Like · Reply · August 5 at 8:47am

JoAnn Hill He needs to go! I've been saying that for along time. I don't know when the "3 strikes" way of handling bears stopped. Another one of his policies in 2006. Hazing a bear out of a trap right where they were caught worked just fine. When that was done at Sand Harbor those bears never returned. "Negative reinforcement" worked. Rather than him coming to the park I would see a bear for up to 3 hours then back away and let them down. Not one of those bears returned. Someone needs to contact the media, get him on camera and ask him about the Meisters and taking them away from their Cubs. See if he has on camera about that. We need to call for his removal.

Like · Reply · 2 · August 5 at 2:26pm

ndow watch: keeping them transparent

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- 2016
- 2015
- Choose a Date



NDO Watch: Keeping them transparent feeling sad

Almost two years ago, on 3/10/15 NDOW went into a den that had a mother bear with two cubs. They were just 7 weeks old. She almost got one dose of the tranquilizer delivered by NDOW and fled leaving her two cubs behind.

NDOW says she "abandoned" her cubs. Correction: They were "orphaned" because of NDOW's interference. Using the term "abandoned" blames her. This is on NDOW. She wouldn't have left if NDOW didn't interfere.

NDOW fostered the cubs to two different mother bears nearby - so they lived. Well, one lived; more on this in the coming weeks. Y66 (iron) has not been seen since.

This would NOT be the first time a mother bear left her den and cubs because NDOW interfered like this.

Photo: North American Bear Center



Tom Hiddleston

16K people talking about this

George and Anna Clooney

12K people talking about this

Arianna Franklin

57K people talking about this

Grey Gardens

3.6K people talking about this

United States Court of Appeals

100K people talking about this

Oroville Dam

3.1K people talking about this

Times Square

73K people talking about this

Rosario Dawson

7.7K people talking about this

Dear White People

7K people talking about this

Ivanka Trump

47K people talking about this

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Instagram

42,146,419 likes

Facebook

184,228,223 likes

Facebook Engineering

9,268,813 likes

Mark Zuckerberg

82,896,834 likes

WWE

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Cory Campbell

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George and Asma Clooney

Grass Gardens

[illegible][illegible]

Ivanka Trump

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WERNER

Facebook

Facebook Engineering

1

Corey Campbell

100

THE

Fractures of the Tibia

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

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NDOW Watch: Keeping them transparent

January 27 at 9:45am · 48

FORTY NINE PERCENT (49%) is the number of times vitals were taken and recorded by NDOW employees when bears were tranquilized. In a random sampling of wildlife immobilization forms NDOW employees took and recorded vitals 21 out of 43 times.

Lackey, the head of NDOW's bear team took vitals ONLY 35% of the time (7 out of 20).

Note: Vitals should be taken every 10 minutes to insure the animal is OK. Yet, NDOW does it less than half the time.

Pictured here is one of many stock photos for NDOW for publicity purposes. We don't have the record on this animal but wonder if vitals were taken here.



17

Like Comment Share

Comments

View 1 more comments

Bonnie Turner-Estepp Little kid!

Like Reply · 1 January 27 at 9:23am

John H. It does look like it's temp is being taken but it could be a fake it's supposed to be taken every few minutes when working on them. I'm not surprised by these % at all. So against protocol. The only reason they are acting like protocols are being followed here is because of the reason the photo was being taken. Lackey needs to GO. And NDOW as well. Our poor bears.

Like Reply · 1 January 26 at 12:32am · Edited

Write a comment...

NDOW Watch: Keeping them transparent

January 24 at 7:14am · 48

More things that make you go hmmm...

In presentations to Local Law Enforcement Officials NDOW stated that

Tom Hiddleston

16K people talking about this

George and Amaal Clooney

15K people talking about this

Aarha Franklin

15K people talking about this

Gary Gardens

15K people talking about this

United States Court of Appeals

15K people talking about this

Oroville Dam

2.1K people talking about this

Times Square

75K people talking about this

Rosario Dawson

7.7K people talking about this

Dear White People

7K people talking about this

Wanda Trump

470K people talking about this

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Instagram · 42,748,816 likes

Facebook · 184,208,223 likes

Facebook Engineering · 9,808,013 likes

Mark Zuckerberg · 65,809,554 followers

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WWE · 20K people like this

FREE AND FREEDOM 813

Corey Campbell · 1. Confirmed Friend

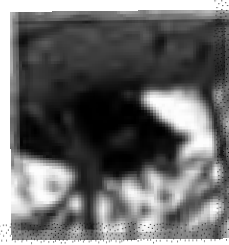
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Crissy Hei

NDOW Watch: Keeping them honest.



NDOW Watch: Keeping them honest.

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Chronological

Jane Rolman "Lacey" is a liar. He promotes trapping, killing and relocating our bears under the guise of "Public Safety" but then after trapping (usually the wrong bear), he takes the bear that is waking up from anesthesia to a screen for show and tell?!!!! How can Lacey and Healy make public statements to the press stating NDOW has to kill and relocate bears to the hunt zone due to "labry issues" and at the same time act in such reckless manner by taking the bear into a School?!! Stop the double talk NDOW and Lacey you are a twisted individual. #Nodoubletalk #Nodoubletalk #Nodoubletalk

Like Reply 9 September 3 at 6:42am Edited

Lisa Helget 6 September 2 at 1:44pm

Bonnie Turner-Estrop He also takes his children to work with him and then lets them hold bear cubs. It's hard to see it but the little smallest child is nodding one too. If bears are as dangerous as he tries to tell people they are 1) why does he take his children to work with him and 2) why does he take bears to his home prior to his child's school to be around other people's children?



Like Reply 1 September 2 at 11:10am Edited

Sharon Ruppel Why on earth would anyone relocate a bear from its natural habitat to an area that is desert like with juniper trees and lava rock and no water or food resources? How does any hunter and this is a challenge and continue to participate with a clear conscience? Isn't it a major conflict of interest that Lacey works for NDOW, captures bears and kills them?!!!! I wonder if his bank account shows a bunch of deposits from miso hunters who pay him for his bear trapping services? Absolutely crazy that Sandoval, NDOW, the Feds and everyone else allows this to happen. How can the community be so blind that they cannot see what damage he is doing and continue to call him?

Like Reply 3 September 3 at 10:42pm



Write a comment...



NDOW Watch: Keeping them honest. shared their photo. September 1 at 12:30am

DAY ELEVEN. TRAP WATCH: According to neighbors, a bear has gained access into the homeowners garage three times. NDOW brought a trap to "protect" the family.

VISITOR POSTS

Amy Barker Cranch August 18 at 8:10pm

There is a trap currently set up on Tins Court, top of Kingsbury, I.. See More

5 Likes 15 Comments 25 Shares Like Comment

Learn Dyer August 16 at 6:31am

Welcome to our home. What we resident's ask is

2 Likes Like Comment

Frammy Brynn July 19 at 9:40pm

This is the jewel of beaches so much beauty and history just going d... See More

3 Likes Like Comment

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Tahoe Quarterly Like



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Chris Hill

NDOW Watch: Keeping them honest.

VISITOR POSTS

Amy Barker Cranch
August 18 at 8:10pm

There is a trap currently set up on Tine Court, top of Kingsbury, I... See More

4 Likes · 12 Comments · 16 Shares
Like Comment

Leann Dyer
August 2 at 6:31pm

Welcome to our home. What we resident's ask is

2 Likes
Like Comment

John Stepp
July 23 at 8:20am

True story: When I first moved here I got a nice little pig working... See More

2 Comments
Like Comment

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Wildlife Sanctuary

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Bill Lea Photography
Professional Service

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Bear Smart
Community

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+

NDOW Watch: Keeping them honest. Totally fucked up by the Association and NDOW.
Like Reply 1 August 18 at 9:10pm

Mary I Oburno Byrden it's time for the NV ENGINEERED bear hunt. NDOW traps the bears and moves them to the Pinnacles. Poor bears mother and cubs are not caught. That's beyond cruel.
Like Reply 3 August 18 at 8:25pm

Amy Barker Cranch Mary of the homes are vacation rentals so its hard to know who's making those calls to NDOW. We need flyers in all vacation homes letting people know our bears are threatened every time trash is left out. The tone of this thread is not productive by blaming the Statewide residents. There are many concerned residents trying to help and protect these bears. We need more education and signage posted in neighborhoods to make people aware. As we know, there are thousands of tourists and vacationers who visit here and leave trash out. I've seen it too many times to count. The solution is to stop blaming the local residents, and start being proactive and sharing solutions how to stop NDOW. The selfishness of the people who are calling NDOW to set traps are surely not people who are reading this post or any other posts about our bears being trapped and killed. The negative comments here are enough to turn people away who are only trying to help.
Like Reply 1 August 18 at 8:25pm

NDOW Watch: Keeping them honest. The Homeowners Association calls for these traps. Not the tourists.
This is the second one this year.
Other communities get it done without asking for bear traps.
Move on. Don't read this post or the page if you don't like it because we are tired of NDOW killing bears for being bears. And we will be negative of NDOW and and this specific Homeowners Association that solve their problems with bear traps. The only long term solution is removing attractants and this association does not.
Like Reply 22 hrs Edited

Colleen Hemmings Not right
Like Reply 12 August 18 at 11:31pm

Michael McCarthy Has your group considered direct action? Cut back on trap traps rich with bait catchers. Hook the trap up with a truck and back it up into the lake. Unhook trap. Leave trap at bottom of lake. Sending a few traps to the bottom of Tahoe will get the message across much faster and louder than any letter or social media campaign.
Like Reply 1 Yesterday at 8:24am

NDOW Watch: Keeping them honest. No, we can't condone breaking any laws.
Like Reply 23 hrs

Michael McCarthy "Anyone in a free society where the laws are unjust has an obligation to break the law." - Thoreau
Like Reply 23 hrs

Aaron Jones Dump things in the lake? Mentley
Like Reply 15 hrs

Write a reply...

Pistacia Phillips Kathy Compton will bail you out of jail right!
Like Reply 172 Yesterday at 8:30am

Hope Linde These are the signs posted in some vacation rentals here, does anybody know if they are posted in one's on the Nevada side? It may help...poor bear! Damn you NDOW

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NDOW Watch: Keeping them honest.


VISITOR POSTS

 Amy Barker Crutch
August 18 at 8:13pm · 

 There is a trap currently set up on Tina Court, top of Kingsbury, I... See More

4 Likes · 12 Comments · 16 Shares
Like Comment

 Leann Dyer
August 9 at 8:21am · 

 Welcome to our home. What we residents ask is

2 Likes
Like Comment

 John Stepp
July 20 at 8:28am · 

True story. When I first moved here I got a nice bite gig working ... See More


2 Comments
Like Comment

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 Luke Tahoe Wildlife Care...
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 Bill Lea Photography
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 Bear Smart
Community
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 Bill Speagle Why not start a neighborhood watch to correct the problems. Venting on Facebook won't save any bears

Like · Reply · 21 hrs
Ann Bryant Oh yes it does!


Like · Reply · 21 hrs
Bill Speagle Certainly takes less effort Ann

Like · Reply · 21 hrs
Shamen Ruppel Its the neighbors who call NDOW. Why doesnt Gov Sandaval and NDOW better regulate their employees? Call lives in harmony with the bears

Like · Reply · 18 hrs
Christine Vinose Sandoval does not seem to care about the Bears

 Carol Raphael who called NDOW for the trap?

Like · Reply · 17 hrs
NDOW Watch: Keeping them honest. We believe Summit Village Homeowners Association did.

 Aaron Jones Hummm unnatural food again to trap a bear. The true nuisance animals are the ones at NDOW, they need to be removed from the Tahoe basin.

Like · Reply · 11 hrs
Aaron Jones Well that thing shut

Like · Reply · 11 hrs
Aaron Jones How about removing the people who create these problems?

Like · Reply · 11 hrs
Chris Campbell Go throw a rock in them and close it

Like · Reply · 11 hrs
Shamen Ruppel I dont think a rock will do it

 Chris Campbell Cant wait till some tourists kid goes in that thing and gets trapped.

Like · Reply · 13 hrs
John Brydon This trap is in the overflow parking lot where the dumpster is. It may be that the bear just smells the dumpster and comes by to see if it is open. It was locked last time they put the family trap there. Maybe one of the residents is scared to go near the dumpster so deposit trash when the bear is near by.

Like · Reply · 7 hrs
When a comment...

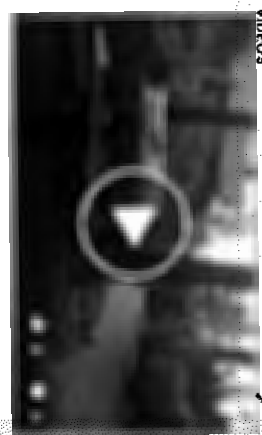
 NDOW Watch: Keeping them honest. updated their cover photo
20 hrs · 



Chat
Chatty Hm
Search



VIDEOS



VISITOR POSTS

Amy Barker Cramb
August 18 at 8:13pm
There is a trap currently set up on Tina Court, top of Kingsbury. ... See More

4 Likes · 12 Comments · 18 Shares
Like · Comment

Leann Dyer
August 18 at 6:31am
Welcome to our home. What we residents ask is

2 Likes
Like · Comment

John Stepp
July 20 at 9:20am
True story. When I first moved here I got a nice little pig working ... See More

2 Comments
Like · Comment

PEOPLE ALSO LIKE

Lake Tahoe Wildlife Car...
Wildlife Sanctuary
Like

Bill Lea Photography
Like

NDOW Watch: Keeping them honest. Updated their cover photo.
NDOW Watch



5 Like · Comment · Share

Carol Raphael been dog loss?
Like · Reply · 13 hrs

John Boehm This is a bear trap you are looking at. The Nevada Department of Wildlife sets these Bear traps up per request of people on the Nevada side of Lake Tahoe. They bait the traps with food bears like, then when the bears are trapped and helpless, sometimes mother bears with her cubs, they shoot them, or transport them to hunting areas and let them go. Rather than educating the people, who live in bear territory, how to deal with bears, i.e. no food left in their cars, garbage cans with bear tight closures, etc. they would rather kill them.

Like · Reply · 13 hrs

Dianne Gross Sed
Like · Reply · 1 · 6 hrs

Wendy 2 comments

NDOW Watch: Keeping them honest.
22 hrs

NINETEEN is the number of times trap happy NDOW has placed traps (where the current trap sits) in this area of Kingsbury in the last five years. Tina Court and Galaxy are the most common places traps are placed. The Summit Village HOA office is on Tina Court. Clearly, trapping is not a long term solution. If it were, why do they ask for bear traps every year?

Create Page

Chrisy Hill
20

Search

EXHIBIT 6

EXHIBIT 6

POSTED BY

- Anyone
- You
- Your Friends
- Your Groups
- Your Friends and Groups
- Choose a Source...

TAGGED LOCATION

- Anywhere
- Carson City, NV
- Choose a Location...

DATE POSTED

- Anytime
- 2017
- 2016
- 2015
- Choose a Date...



NDOW Watch: Keeping them transparent
April 7 at 10:30am

They just can't help themselves from misstating, embellishing and distorting facts and information:

"...a national expert in bear biology... Mr Lackey on a conference call with a whole lot of groups" stated:
"More stress is applied on a daily basis by the adult male whose (sic) FREQUENTLY kills and eats the less dominant bears..."
"He has documented and noted an increase in infanticide of young bears by the mature male..."

Ok, Let's state the TRUTH from NDOW's own data:
There is just ONE documented situation three years ago in which a male bear raided a den and killed the mother and her three cubs. ONE Documented NDOW case. Yet, Carl Lackey through a spokesperson says its increasing and says these are "ferocious wild animals".
How the hell do they get away with this?

This was at an Assembly Committee last week where they were testifying in favor of hunting and killing bears with dogs.

Please note: infanticide is rare in black bears but does happen - rarely. It is more a grizzly bear trait than anything else.
For the record, NDOW is by far more dangerous to bears than any bear or any car. In the last six years, 82 bears have been killed by hunters which NDOW actively promoted to insure a bear hunt was reinstated in NV. 51 have been killed by NDOW in the same time period.

133 from NDOW to just 4 by a bear. What is more dangerous to NV bears? Other bears or NDOW?
One more thing, why make stuff up like this?
More on this next week.
Photo Credit: BEAR League



10 Comments · Share

NDOW Watch: Keeping them transparent
March 31 at 10:30am

- Tanta, Egypt
Blasts at Christian churches in Egypt kill dozens on Palm Sunday - [april 2017](#)
- IBC24
Briave news anchor reads out breaking news on... - [all news june 2017](#)
- United States Navy
U.S. Navy sends strike group toward Korean peninsula - [watching june 2017](#)
- Stockholm
British man among four people killed in Stockholm terror attack - [april 2017](#)
- Dardanis vs. Royal Challengers
Bangalore dodge Pant to outfit Delhi - [cricket june 2017](#)
- Caracas, Venezuela
Venezuelans pour into Caracas streets in anti-Maduro protest - [april 2017](#)
- Mangocher Province
U.S. Soldier killed in Afghanistan Amid Operations Against... - [military june 2017](#)
- Indian Navy
Indian, Chinese navies thwart attack on ship by suspected... - [in india june 2017](#)
- Xiang Jumbo
China investigates Regulator of Fast-Moving Insurance Industry - [business june 2017](#)
- Turkish Airlines
"It's a girl" Turkish Airlines cabin crew deliver baby mid-flight - [news june 2017](#)

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Crispy Hill

1650

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Facsimile: (775) 322-3014

Attorneys for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

CARL LACKEY,

Plaintiff,

vs.

Case No.: CV17-00434

BEAR LEAGUE, a California Corporation, ANNE
BRYANT, an individual, MARK E. SMITH, an
individual dba LAKE TAHOE WALL OF SHAME,
CAROLYN STARK, an individual dba NDOW
WATCH KEEPING THEM TRANSPARENT and
DOES 1-20, INCLUSIVE,

Defendants.

Dept. No.:4

**ERRATA TO PLAINTIFF CARL LACKEY'S OPPOSITION TO DEFENDANT CAROLYN
STARK'S SPECIAL MOTION TO DISMISS/ANTI-SLAP**

Plaintiff Carl Lackey hereby amends *Plaintiff Carl Lackey's Opposition to Defendant Carolyn Stark's Special Motion to Dismiss/Anti-Slap* dated May 8, 2017. In particular, Plaintiff adds the documents attached hereto as Exhibit 2A, as the documents were inadvertently not included in Exhibit 2 to the Opposition. In addition, the paragraph located at page 3 lines 5-18 referenced the incorrect authors of the statements referred to in Exhibit 2A. Accordingly, the paragraph is amended to read as follows:

1 More disturbingly, some of these comments incite violence or illegal conduct. *See, e.g., id.* ¶ 14.z.
2 (post suggests that Plaintiff should be assassinated); *see also* August 3, 2015 Post from Victoria
3 LeDoux Serpa ("time for assassination"); May 21, 2013 Post from Lake Tahoe Wall of Shame ("we
4 must rid Nevada of this monster who lives and is paid to kill bears"); August 23, [year unknown]
5 Post from Carolyn Ford ("Carl Lackey needs to be relocated. Preferably to someplace hot for
6 eternity."); August 24, [year unknown] Post from Vicki Brown ("how bout putting Carl Lackey in
7 trap and roll into bear territory"); August 24, [year unknown] Post from Aron Jones ("I'd love to
8 run into Carl at a bar. I'll ram a fist full of marshmallows and a pie up his backside, tie him to a
9 trailer and let the bears climb on, then take to Iraq and drop him off in a hunting zone"); July 3
10 [year unknown] Post from Carolyn D Bennett Ford ("Carl Lackey is de grace!! I wish someone
11 would shoot him with a tranquilizer and let him see how it feels!"); Unknown Dated Post from
12 Cindy Pollard McAyeal ("I agree. Lackey need to be darted in a trap and drive far away hard
13 release. Bring in the dogs shot guns pellets bags rock salt."); and April 17, [year unknown] Post
14 from Cathy Compton ("I'd like to put both of them [referring to Plaintiff and his wife] in the trap."),
15 collectively **Exhibit 2** hereto.

16 **AFFIRMATION**

17 The undersigned hereby affirms that the preceding document does not contain the social security
18 number of any person.

19 **DATED** this 9 day of May, 2017.

20 **ROSE LAW OFFICE**

21 
22 SEAN P. ROSE, ESQ.

23 State Bar No. 5472

24 150 W. Huffaker Lane, Suite 101

25 Reno, NV 89511

26 (775) 824-8200

LIST OF EXHIBITS

Exhibit Description

Pages

2A Bear League, Lake Tahoe Wall of Shame and NDOW Watch
Keeping them Transparent posts

5

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Rose Law Office and
3 that on the date indicated below, I served a true copy of the foregoing *Errata to Plaintiff Carl*
4 *Lackey's Opposition to Defendant Carolyn Stark's Special Motion to Dismiss/Anti-Slapp*, on the
5 party(s) set forth below by:

6 _____ Placing an original or true copy thereof in a sealed envelope, postage prepaid
7 for collection and mailing in the United States Mail, at Reno, Nevada

8 _____ Hand Delivery

9 _____ Facsimile

10 X All parties signed up for electronic filing have been served electronically, all
11 others have been served by placing a true copy thereof in a sealed envelope
12 for collection and mailing in the United States mail, at Reno, Nevada, postage
13 prepaid, following ordinary business practices

14 addressed as follows:

15 Del Hardy, Esq.
16 Stephanie Rice, Esq.
17 WINTER STREET LAW GROUP
18 96 & 98 Winter Street
19 Reno, NV 89503




20 Thomas R. Brennan, Esq.
21 Durney & Brennan, Ltd.
22 6900 S. McCarran Blvd. Suite 2060
23 Reno, NV 89509


24 DATED this 9th day of May, 2017

25 Collette Zahniser
26 Collette Zahniser
27
28



EXHIBIT 2A

EXHIBIT 2A

 9:05 PM 97%  

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 Phone
 income, Inc.
 INSTALLED

OPEN



97%  



Find Anyone



Cast



Locky



Incline Village, NV



97%  

97%  

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97%  

97%  

We're looking for Carl Lackey and found 4 records in NY.


<p>Carl William Lackey Age 61 View Full Profile</p>	<p>Alexander 1784 Rome ST Melton, NY 13423 1822 Elm Park CT Melton, NY 13423 PO Box 277 Genoa, NY 13941 E-Mail</p>	<p>Pauline 10000 Meadow Landing Rd North Lacey, WA 98540</p>	<p>John 10000 Meadow Landing Rd North Lacey, WA 98540</p>
--	---	---	--

Food Back

Find results by

All India Home

<p>Pinkie 676-6121, 677-726-6130 Contact Info</p>	<p>Eugene Biologist Hemlock Department of Wildlife</p>	<p>Karen University of Tennessee - Memphis Address</p>
--	---	---





Dianne Gross


13 hrs

Like

Comment

Write a comment...



Qln Chen

Tracy J. Wholf is a mutual friend.

Confirm Friend

Friend Requests

See All

posts about carl lackey

Top Latest People Photos Videos Pages Groups Apps Events

POSTED BY

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Your Friends and Groups

Choose a Source...

TAGGED LOCATION

Anywhere

Custom City, NY

Choose a Location...

DATE POSTED

Anytime

2016

2017

2018

Choose a Date



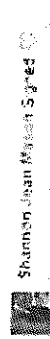
BEAR LEAGUE Lake Tahoe Wall of Shame

PLEASE SIGN AND SHARE. WE HAVE A WALL OF SHAME FOR THE BEAR LEAGUE. WE HAVE A WALL OF SHAME FOR THE BEAR LEAGUE. WE HAVE A WALL OF SHAME FOR THE BEAR LEAGUE.

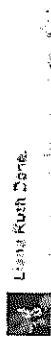


Nevada Dept of Wildlife: Fire Carl Lackey

Another home video bear video last night by Carl Lackey of NDO. Thanks to Car we are down to three bears left in this area. A woman at her...



Shannon Jean Mylett Signed



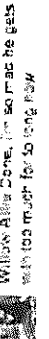
Liama Ruth Dore



Renee Hecker Dore, get that SOS cute head!



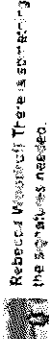
Laine Ryan-Pearce Signed and shared.



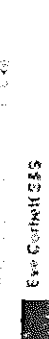
Willow Alta Dore, the so much he gets fed to do this. He has gotten away with too much for so long now



Eva Lisa Dore



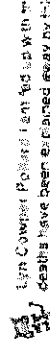
Rebecca Woodruff There is something wrong with the picture, keeps saying the squirrel was needed.



Eve Corbett SSS

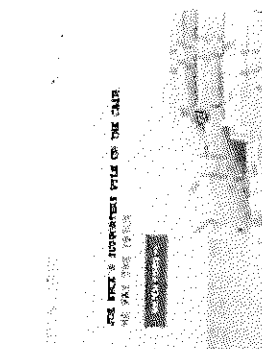


Isa Victoria Valdes You signed 4 more necessary

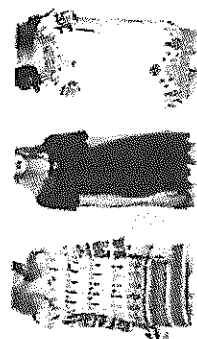


Lyn Cowper Pollard I am fed up with the number of times these animals bear deaths have been placed away by this man, while other versions of their

Profile action



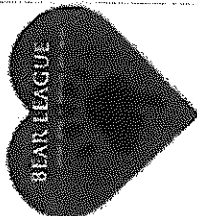
Watch the Video...



From \$4.99

Chat

2:57 PM



BEAR LEAGUE

- Home
- Videos
- Photos
- About
- Reviews
- Likes
- Posts
- Events
- Welcome
- Welcome



Like Reply 100 August 24 at 12:21pm
Martha Donaldson When I moved West I was horrified at the propensity of Westerners to kill anything and everything with four feet. Never thought I'd see the mustangs being rounded up and killed along with so many others. Very tragic to me.

Like Reply 104 August 24 at 1:13pm
Christine Virdee
Like Reply August 24 at 1:01pm

Jackie Bowen Not tight
Like Reply August 24 at 1:13pm

Kerry Mahoney I have no words that I can use safely here.....they are animal terrorists

Like Reply 101 August 24 at 1:13pm
Pat Faye Disgusting! Leave the bears ALONE AHOLLES
Like Reply 102 August 24 at 1:13pm

Alberta Finnegan NVDW stop the killing. You have become part of the problem, not part of the solution. You are supposed to protect the animals not kill them. The animals are part of the reason we all moved here

Like Reply 104 August 24 at 1:13pm
Shata Fredson People run everything
Like Reply 102 August 24 at 1:13pm

1 Reply

Vicki Brown How about suing Carl Sackey in that trap and not into bear territory

Like Reply 101 August 24 at 1:13pm
Kelly Pettit-Lopez Can't get my vote
Like Reply 101 August 24 at 1:13pm

Carol Dickerson Stocking the pond. Did he disqualify for a permit? What a major conflict of interest. Can't believe Nevada enables such corruption.

Like Reply 102 August 24 at 1:13pm
Christine Virdee Nevada enables such corruption. It's sad. You can see the hunting permits for his wife and other NODW people (and relatives) as they are public info. They hunt black bears, mountain lions and most other wildlife.

Like Reply August 24 at 1:13pm

Jill Beede This is horrible. Can we organize a protest to Douglas County???

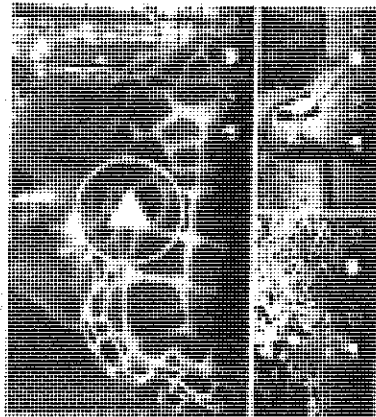
Like Reply 102 August 24 at 1:13pm
Aaron Jones I'd love to run into Carl at a bar
Like Reply 105 August 24 at 1:13pm

Aaron Jones I'll run a fist full of marshmallows and a pie up his backside. Tie him to a trailer and let the bears climb on it. Then take him to Iraq and drop him off in a hunting zone.... seems fair to me

Like Reply 105 August 24 at 1:13pm
Christine Virdee So sad. Humans :-(
Like Reply August 24 at 1:13pm

Deborah Delaney Can anything be done so close to the bear hunt? Every year I just pray all the hunters who participate don't shoot straight.

VIDEOS



VISITOR POSTS



Katrina Leica Madgley

How can I get involved with your organization?

Like Comment



Randy L Simar

Like Comment



Cherie Smutnick

What a beautiful story about your mother and those sweet Bulldogs. So nice

Like Comment

Sharon M. Escobar - Petaluma, CA
Petaluma, CA

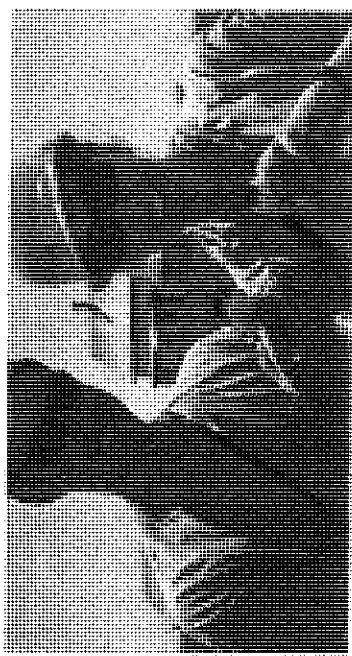
Sharon M. Escobar - Petaluma, CA
Petaluma, CA



Chat

Lake Tahoe Wall of Shame

NDOW's chief bear biologist, Carl Lackey, takes frequent selfies of himself and with friends and family with trapped or tranquilized bears. <https://theconversation.com/even-scientists-take-selfies-wi-#lacie/mustgo>



Even scientists take selfies with wild animals. Here's why they shouldn't.

Why do so many people take safety risks or abuse wild animals for the sake of a photo with them? In one researcher's view, scientists may encourage this trend by...

Like Comment Share

25

Chronological

View 0 more comments

Learn Dyer So very unprofessional. Do your job! Lackey. Stop taking Bears and all Wildlife

Like Reply 10

Carolyn D Bennett Ford Carl Lackey is a disgrace!!! With someone would shoot him with tranquilizer's and let him see how it feels! He doesn't care about wildlife and should be fired!

Like Reply 10

Many Campillo You see him on tv. The local news (ABC) has him on all the time as if he were King. Can't stand the man. Full of bs!

Like Reply 10

Lake Tahoe Wall of Shame He's an arrogant, incompetent POS

Like Reply 10

Melanie Olin Can charges of professionalism be brought up? ASAP?

Like Reply 10

Carol Raphael Lake Tahoe Wall of Shameand it's so apparent to those of us outside that self-indulgent circle of cronies.

Like Reply 10

View 4 replies

VISITOR POSTS

Peter Hussmann Yesterday at 7:15pm

Like Comment

Peter Hussmann Yesterday at 7:15pm

Like Comment

Behind CVS (Emerald Bay Rd) in South Lake Tahoe

Like Comment

Peter Hussmann Yesterday at 7:15pm

Like Comment

1 Comment

Like Comment

PEOPLE ALSO LIKE

Lake Tahoe Wildlife Car...

Like

Bill Lea Photography

Like

Tahoe Daily Tribune

Like

LIKED BY THIS PAGE

Mark E. Smith Foundati...

Like

Advocating for Bears

Like

Lake Tahoe Wall of Shame

Matthew Thralls
May 22 at 8:35am

Please make sure your dumpster is fully secured. 3 inches is all it... See More

Like Comment

Aaron Sturm
May 16 at 4:35pm

Religious bigot seen in Truckee, SHAME, SHAME, SHAME!

Like Comment

PEOPLE ALSO LIKE

Lake Tahoe Wildlife Care...
May 22 at 8:35am

Bear Smart
May 22 at 8:35am

Bill Lea Photography
May 22 at 8:35am

LIKED BY THIS PAGE

Mark E. Smith Foundation
May 22 at 8:35am

Bear With Us Sanctuary...
May 22 at 8:35am

CHARLIE RUSSELL: 50...
May 22 at 8:35am

Enzo's (aka Enzo's) Portuguese (Braz...)
May 22 at 8:35am

Robert's (aka Robert's) American (Braz...)
May 22 at 8:35am

Eleanor Briscoe Campbell Does he report to Gov. Sandover? Call and complain to him. I had his number, but can't find it right now. I am sure anyone can find his office Number. Complain, Complain!!!!

Carolyn Stark Unfortunately, according to the Deputy Director of NDOW (second in charge) the Governor fully supports this type of crap.

DC Dean Call anyway. I send emails and get a canned response but it can hurt.

Carolyn Stark DC Dean, absolutely, I agree and thank you!

Dorina Kyozuk this lake is the wilderness!

Patricia Miller Has anyone thought of the obvious? Relocate Carl Lackey. Has anyone looked into the four (4) orphaned cubs born Jan. 1 and trying to grow up without the direction of their mother. One of the first things a baby bear learns is "climb a tree". They don't have that luxury. And what about the beautiful teenager that was killed in Sand Harbor two weeks ago. He didn't even have one ear tag but NDOW shot him anyway. So, so sad.

Cindy Pollard McAyeal The Cubs are doing well last photos I saw they were all on a tree. Animal ark has them. I agree Lackey needs to be taken on tour and driven to the away. Hard to see. Bring in the dogs and get the dogs out of the way. I don't know how he sleeps at night.

John Bryden Lackey and his ndow will continue to set traps when these people who fear bears continue to call them. So perhaps it would be better to focus on tour and educate the homesome's education. So many think our black bears are dangerous like grizzlies. That is not the case with Tahoe black bears.

Tom Panek I don't know how you can relocate bears. They have such a wide range and an instinct to their territory that it wouldn't surprise me if they showed up again a few days or weeks later.

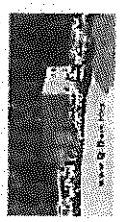
Kathryn Bricker This new ndow.org (Recovering Lackey's reputation.pdf)

Lake Tahoe Wall of Shame Tom studies have shown that relocation rarely works. In part for the reason you cite and in part because most relocated bears - two out of three - die within a year.

Dianna Mueller If the lake is so remote, why don't they give aversion training for the humans?

Rey Gonzalez Does a bear shit in the woods?

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Bella Mountain Homes For Sale, Bella Mountain New Construction for Sale, Bella

Like Page



Crissy Hill

1 **CODE: 3795**

2 DEL HARDY, ESQ.(SBN 1172)
3 STEPHANIE RICE, ESQ. (SBN 11627)
4 WINTER STREET LAW GROUP
5 96 & 98 Winter Street
6 Reno, Nevada 89503
7 Telephone: (775) 786-5800
8 Fax: (775) 329-8282

9 *Attorneys for Defendant Carolyn Stark*

10
11
12 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
13 **IN AND FOR THE COUNTY OF WASHOE**

14 CARL LACKEY,
15 Plaintiff,
16 vs.

CASE NO.: CV17-00434

DEPT. NO.: 4

**DEFENDANT CAROLYN STARK'S REPLY
TO ANTI-SLAPP MOTION**

17 BEAR LEAGUE, a California Corporation,
18 ANNE BRYANT, an individual, MARK E.
19 SMITH, an individual dba LAKE TAHOE WALL
20 OF SHAME, CAROLYN STARK, an individual
21 dba NDOW WATCH KEEPING THEM
22 TRANSPARENT, and DOES 1-20, INCLUSIVE.

23 Defendants.

24 COMES NOW Defendant Carolyn Stark and files this reply. In support thereof, she
25 submits the following memorandum and points and authorities and the exhibits attached
26 hereto, and the pleadings and papers on file herein.

27 **MEMORANDUM POINTS AND AUTHORITIES**

28 The Plaintiff, in his Response, does not specifically address parts of the factual issues
raised in this Defendant's Motion or address some of the key case law cited in the Anti-SLAPP
Motion. Instead, either through design or ignorance, Plaintiff attempts to lump this Defendant
in with the other defendants named in the case and other non-named persons, fails to recognize
that a public official is a public figure for the purposes of defamation and attempts to limit the
rights of free speech that are not only constitutionally allowed, but also statutorily allowed
pursuant to statutes such as, NRS 41.637, the Anti-SLAPP statute and federal statute for The

1 Communications Decency Act 47 USC § 230.

2 In order for the Anti-SLAPP statute to apply, the Court must decide pursuant to NRS
3 41.637, whether the statements made that are attributed to defendant Carolyn Stark constitute
4 an issue of public interest. Carolyn Stark, in her initial motion cited the case of *Shapiro v. Welt*,
5 133 Nev. Adv. Op. 6, 389 P.3d 262 (2017). In that case, the Court found that the rights of an
6 elderly individual, is a matter of public concern. That case also determined that as to Anti-
7 SLAPP statutes and what is a matter of public concern, Nevada would “look to California law for
8 guidance on this issue” (Shapiro supra). The Court went on to do an analysis of Piping Rock
9 Partners, 946 F. Supp 2d 957 (N.D. Cal. 2013), a case which found that one of those guiding
10 principles as to public interest was if the matter is “something of concern to a substantial
11 number of people”. If one simply investigates a little more of the guiding principles of
12 Californian law as it applies to Anti-SLAPP, the case of *Hecimovich v. Encinal School Parent-
13 Teacher Organization* 203. Cal.App.4th 450,137 Cal. Rptr. 3d 455 (2012) discloses where the
14 Court found that an issue of “public interest” as defined under the anti-strategic lawsuit against
15 public participation (SLAPP) “is any issue in which the public is interested”, and that the
16 question of whether something is an issue of “public interest” “must be construed broadly”. A
17 Court simply needs to look in part at the “principle thrust and gravamen of Plaintiff’s cause of
18 action”. That case was about a coach of a non-profit school where apparently, some of the
19 parents disagreed with his coaching techniques. The Court in that case looked at the “critical
20 consideration is what the cause of action is based on”. There, it was a defamation suit as is here.
21 One of the key reasons why the legislature enacted Anti-SLAPP statutes is to combat
22 defamation cases. California and Nevada’s Anti-SLAPP statutes are considered to be the
23 strongest in the nation. That is for a reason. It is to avoid lawsuits such as Mr. Lackey’s suing
24 this defendant Carolyn Stark to shut her up. That is a violation of her first amendment rights.

25 As the California Anti-SLAPP statute legislative history states “there has been a
26 disturbing increase in lawsuits brought primary to chill the valid exercise by citizens of their
27 constitutional right to freedom of speech”. In its declaration “that it is in the public interest to
28 encourage continued participation in matters” thus adding section 425.16 to the California Civil

1 Code effective January 1, 1993" (Stats 1992, c. 726 § 2).

2 As previously stated, Anti-SLAPP motions must be broadly applied in a broad number of
3 cases. Such as *Gilbert v. Sykes* (infra), where a plastic surgeon was sued for malpractice. He
4 cross-complained for defamation and an Anti-SLAPP motion was brought, which was granted.
5 The Court found that applying the broad standards of "public interest" finding that the doctor
6 was at least a limited purpose public figure, which required the patient to show actual malice to
7 prevail in his defamation case. The Court dismissed his cross-complaint. *Gilbert v. Sykes*, 147
8 Cal.App 4th 13 (2016). Public interest within the meaning of the statute that prohibits strategic
9 lawsuits against public participation is not limited to government matters; rather the term has
10 been broadly construed to even include private matters that impacts a broad segment of
11 society and/or that affects a community in a manner similar to that of a governmental entity.
12 See *Hailstone v. Martinez*, 169 Cal.App 4th 728 (2012). Here, we have both in this case where we
13 have a governmental official taking a governmental action which is being complained about by
14 a community. Is it the whole community? No. Part of the community? Yes. Bizarrely, the
15 Plaintiff argues that this is not a matter of public interest or concern. The Plaintiff fails in
16 addressing the issue of what is a public interest other than citing the *Shapiro* case (supra) and
17 *Piping Rock Partners* (supra), and provides no case law to this Court showing any cases such as
18 this one are not of public interest.

19 Plaintiff admits that Carolyn Stark's Facebook page alone has over nine hundred
20 followers. This is a Facebook page directly associated to the treatment of bears in the Tahoe
21 basin. That is why it is called "NDOW Watch Keeping Them Transparent". This clearly is a
22 matter of public interest and concern and as shown as Exhibit A, is a recent front page article
23 about bear treatment in the Tahoe basin, in particular the front page article being about this
24 bear biologist "biting back". See Exhibit B attached hereto being The Tahoe Daily Tribune
25 article about tension high over bear management in the Nevada side of Tahoe basin dated
26 September 24, 2016. Mr. Lackey, who in that article, "brushes off online comments made about
27 him". He states "I do my best to ignore it. I know who I am. I know why I got into this business
28 and what I've done for bear conservation in Nevada. So what they say does not bother me." I

1 suppose the next questions to ask Mr. Lackey, the Plaintiff in this case, are: If it does not bother
2 you, why are you suing? Unless you think you are going to hit the proverbial lottery? You are
3 suing for money, right? And you are suing to shut Carolyn Stark up?

4 The treatment of wildlife is a public interest and concern. The public Trust Doctrine
5 applies to wildlife management in conservation and public lands and waterways. The Nevada
6 Supreme Court expressively adopted the public trust doctrine in Lawrence v. Clark County, 127
7 Nev. Adv. Op. No. 32 254 P3d. 606 (2011).

8 THE STATEMENTS

9 As we look at the statements about Plaintiff, both in the Plaintiff's Amended Complaint
10 and the Plaintiff's Response to the Anti-SLAPP motion, what statements are directly attributed
11 to the defendant Carolyn Stark? The answer is that in the Amended Complaint, there is not one
12 statement attributed to Carolyn Stark that she said. Is there one statement that is attributed
13 directly to what Carolyn Stark wrote? The answer is no. Not one statement attributed to what
14 Carolyn Stark said or wrote or communicated.

15 This Court is reminded of Defendant's Carolyn Stark's statement for damages she made
16 in her Motion and about the fact that the damages of \$10,000 are allowable to her pursuant to
17 NRS 41.670 because of this frivolous suit and Plaintiff's attempts in its response to "skirt the
18 errors of its Amended Complaint by opposing her motion". Here, Plaintiff sues Carolyn Stark to
19 shut her up. He cannot attribute one statement to her that she made that is actionable. He
20 cannot attribute even one statement that she somehow got someone else to say something that
21 would be actionable. What does Plaintiff Lackey do instead of focusing on Defendant Carolyn
22 Stark and her personal actions? He uses generalized statements saying her actions are
23 "outrageous, harassing, intimidating and threatening". Really? How? What specific acts did
24 Carolyn Stark do that was "outrageous"? What specific acts did Carolyn Stark do that were
25 harassing? What specific acts did Carolyn Stark do that were intimidating? What specific acts
26 did Carolyn Stark do that were threatening?

27 Not one comment can be attributed to Carolyn Stark. Instead Plaintiff Lackey says that
28 Carolyn Stark insighted "conduct" and "colluded" with others to make false statements and it

1 was a "scheme" regarding the Plaintiff (Pg. 2 of Response Lines 22-25). Really? How
2 specifically? What specific conduct? How did Carolyn Stark specifically "collude" with others?
3 How did Carolyn Stark specifically "scheme"?

4 Answers: She had a Facebook page which the public comments on. That is what
5 Paragraph 13 of the Amended Complaint alleges (See also page 3 of the Response, lines 1-4).

6 Carl Lackey, a claimed biologist, who has no degree in biology, participates in the
7 handling of bears in a highly questionable manner. Exhibit 3 to Stark's Motion are photographs
8 of Carl Lackey's handling of these "dangerous" and "killing" bears. Some of those photos have
9 been posted by others on Facebook, not Stark directly, all questioning Lackey's behavior.
10 Attached hereto and marked Exhibit C is Carl Lackey with his wife Heather and their baby who
11 appears to be less than a year old releasing a bear with state equipment and on the public
12 dollar. And that should not be questioned? What happens if the bear turns around and turns
13 dangerous? Mrs. Lackey is holding a baby in one hand and holding a child's hand just off the
14 camera with the other. Is she going to bite the bear? Or is Lackey the trained expert biologist
15 going to tame the bear on the spot? Should the public just say "Good job Nevada Department of
16 Wildlife. Great employee", or can the question how tax dollars are spent with a public official
17 having personal photos taken in a dangerous situation.

18 Your undersigned counsel also now needs direction from the Court, should this photo be
19 reported to Child Protective Services, along with the other photos contained in Defendant
20 Carolyn Stark's Motion, Exhibit 3, depicting Carl Lackey's children in various poses with bears?
21 Or is this ok, parents can place their children around "dangerous" live bears?

22 What is free speech for if it is not to call into question a public official's questionable
23 actions? Again, not one statement that Defendant Carolyn Stark makes is false or is not clearly
24 an opinion. Defendant Carolyn Stark's comments from her Facebook page are Exhibits 5 and 6
25 to Plaintiff's Response.

26 Plaintiff argues that Carolyn Stark is liable for the third-party posters on her Facebook
27 page. It is not what she says, but what others say on her page and Mr. Lackey wants to make
28 sure they are all shut up.

1 Federal law provides that:

2 No provider or user of an interactive computer service shall be treated as the publisher
3 or speaker of any information provided by another information content provider.

4 47 U.S.C. § 230(c)(1), and that [n]o cause of action may be brought and no liability may be
5 imposed under any State or local law that is inconsistent with this section.

6 *id.* § 230(e)(3)).

7 As California and other courts have held, Section 230 “immunizes providers of
8 interactive computer services... and their users from causes of action asserted by persons
9 alleging harm caused by content provided by a third party.” *Gentry v. eBay, Inc.*, 99 Cal.App.4th
10 816, 830 (2002), this is a case cited by defendant Carolyn Stark and was ignored by Plaintiff in
11 his Reply; *Kathleen R. v. City of Livermore*, 87 Cal.App.4th 684, 692 (2001) (city immune under
12 § 230 from liability for public library’s providing computers allowing access to pornography);
13 *see also Zeran v. America Online, Inc.*, 129 F.3d 327, 330 (4th Cir. 1997), cert. denied, 524 U.S.
14 937 (1998) (“[b]y its plain language, § 230 creates a federal immunity to any cause of action
15 that would make service providers liable for information originating with a third-party user of
16 the service”).

17 The relevant statutory text expressly grants providers and users the same immunity on
18 the same terms. 47 U.S.C. § 230(c)(1) (“[n]o provider or user ...”); *see also Batzel v. Smith*, 333
19 F.3d 1018, 1030 (9th Cir. 2003), cert. denied, 124 S.Ct. 2812 (2004) (the “language of §
20 230(c)(1) confers immunity not just on ‘providers’ of such services, but also on ‘users’ of such
21 services.”). This parity of treatment is also reflected in the statute’s second immunity provision,
22 subsection 230(c)(2), which uses the same phrasing of “[n]o provider or user...”

23 The text of Section 230 also makes clear that Congress created this immunity in order to
24 limit the impact on the Internet of federal or state regulation imposed either through statute or
25 through the application of common law causes of action. 47 U.S.C. § 230(a)(4) (the Internet and
26 other interactive computer services “have flourished, to the benefit of all Americans, with a
27 minimum of government regulation”; *id.* § 230(b)(2) (“[i]t is the policy of the United States’ to
28 minimize Internet regulation).

1 This policy of regulatory forbearance clearly applies to the imposition of defamation
2 liability for the communications of others. As the U.S. Court of Appeals for the Fourth Circuit
3 found in the seminal case interpreting Section 230, such liability was, "for Congress, simply
4 another form of intrusive government regulation of speech." *Zeran*, 129 F.3d at 330("Section
5 230 was enacted, in part, to maintain the robust nature of Internet communication and,
6 accordingly, to keep government interference in the medium to a minimum."). Congress thus
7 recognized in Section 230 what the U.S. Supreme Court later confirmed in extending the highest
8 level of First Amendment protection to the Internet: "governmental regulation of the content of
9 speech is more likely to interfere with the free exchange of ideas than to encourage it." *Reno v.*
10 *ACLU*, 521 U.S. 844, 885 (1997).

11 Thus, courts across the country have upheld Section 230 immunity and its policy of
12 regulatory forbearance in a variety of factual contexts. *Batzel v. Smith*, 333 F.3d 1018 (9th Cir.
13 2003) (website operator immune for distributing email sent to listserv); *Carafano v.*
14 *Metrosplash.com, Inc.*, 339 F.3d 1119 (9th Cir. 2003)(Internet dating service provider was
15 entitled to Section 230 immunity from liability stemming from a third party's submission of
16 false profile); *Gentry*, 99 Cal.App.4th at 830 (eBay is entitled to immunity even though in
17 violation of state law); *Kathleen R.*, 87 Cal.App.4th at 692 (library not liable for providing
18 access); *Schneider v. Amazon.com, Inc.*, 31 P.3d 37, 39 (Wash.Ct.App. 2001)(online bookseller
19 providing forum for others to submit book reviews is "interactive computer service" provider
20 ("ICS provider")). An ICS provider is defined as "any information service, system, or access
21 system provider that provides or enables computer access by multiple users to a computer
22 servicer." 47 U.S.C. § 230 (f)(2). *Doe v. America Online*, 783 So.2d 1010, 1013-1017 (Fl. 2001),
23 cert. denied, 122 S.Ct. 208 (2000) (§230 immunizes America Online, 206 F.3d 980, 984-985
24 (10th Cir. 2000), cert. denied, 531 U.S. 824 (2000) (no liability for posting incorrect stock
25 information); *Marczeski v. Law*, 122 F.Supp.2d 315, 327 (D. Conn. 2000) (individual who
26 created private "chat room" was ICS provider entitled to immunity); *Blumenthal v. Drudge*, 982
27 F. Supp. 44, 49-53 (D.D.C. 1998) (AOL has Section 230 immunity from liability for content of
28 independent contractor's news reports, despite agreement with contractor allowing AOL to

1 modify or remove such content).

2 The Plaintiff argues that the third-party speech of others is actionable against Stark. The
3 Plaintiff points out that not all speech is constitutionally protected citing the case of *The United*
4 *States v. Oliver*, 132 S.Ct. 2537 (2012). The case where Supreme Court Justice Kennedy
5 writing an opinion for the Court indicated that The Stolen Valor Act constituted a content based
6 restriction on freedom of speech and was enforceable. The Court found "as a general matter,
7 the first amendment means that government has no power to restrict expression because of its
8 message, its ideas, its subject matter, or its content." (citations omitted) The "fighting words"
9 citation of that case cites *Shaplinsky v. State of New Hampshire* 315 U.S 568, 62 S. Ct. 766
10 (1942), where a Jehovah Witness was cited for calling someone "fascist", which in the Court's
11 opinion at that time was likely to provoke the average person to retaliate. In light of the most
12 recent presidential debates in New Hampshire, one would question if the same decision would
13 be made. That case also explained that "fighting words" are those which by their very nature
14 inflicts injury or tends to incite an immediate breach of the peace. Things have evolved from
15 that 1942 case. Society has broadened our freedom of speech in this country. Here Facebook
16 speech is somewhat removed. It is not directly made to the face of a person, but rather posted
17 online and again by third parties, not Carolyn Stark, which Mr. Lackey had the ability to go
18 challenge or go to Facebook and ask that the statements be removed.

19 The Plaintiff also cites the case of *D.C. v. R.R.*, 106 Cal Rptr. 3d 399 (2010), which
20 involved a teenage bullying case involving a student who was allegedly gay and has his own
21 website. On that website, many derogatory remarks were made about him to him. In that case,
22 the high school student was not a public figure or a limited public figure. However here, Mr.
23 Lackey is a public official (see *Gertz v. Robert Welch Inc.* 418 U.S. 323 at 351 (1974), which
24 makes him a public figure) and also a limited public figure. The Court in *D.C. v. R.R.* also found
25 that the contended statements "if they were a joke" as argued, then they were not a matter of
26 public interest or concern under the statute. Therefore, Anti-SLAPP did not apply. The same is
27 just exactly the opposite here and frankly, the argument made in *D.C. v. R.R.* was misargued by
28 the defendant student there as it was not a joke, rather it was something about sexual

1 orientation, which is of interest and public concern. That aside, the Court also went into great
2 lengths in discussing the importance of curbing cyber bullying and how it is expanding and how
3 it needed to be curbed. What can be rapidly distinguished from the DC case, is that this is not a
4 case about children cyberbullying another child. This is an adult who earlier said, as discussed
5 in Exhibit A, things like this don't "bother him". More importantly again, the statements made
6 were made by third parties, not by Carolyn Stark nor again, can the Plaintiff point to a
7 statement that Carolyn Stark made or a statement that Carolyn Stark incited someone else to
8 make. In the D.C. case (supra), the statement "I've wanted to kill you. If I ever see you I'm ...
9 going to pound your head in with an icepick." That statement made directly by R.R. seems a
10 little more than a threat than the rhetorical statements of these third parties on Carolyn Stark's
11 webpage. What specifically did these parties say on Carolyn Stark's webpage (Exhibit 5 and 6 of
12 Plaintiff's Reply) that specifically are threatening? Plaintiff does not tell us.

13 And as the Court pointed out in the D.C. case, court supervision is required of teens so
14 that discipline can be maintained and student conduct regulated. As the Court indicated,
15 students can engage in aggressive and impulsive behavior, unlike adults. Adults exercise a
16 degree of discretion, judgment, and concern for safety. Mr. Lackey feels that apparently, god
17 forbid anybody question or challenge NDOW or him and even if they say stuff that does not
18 bother him, he is going to make sure that they pay for their comments. But here, Carolyn Star
19 did not say any of these offensive words.

20 Plaintiff does properly cite the case of Planned Parenthood v. American Coalition of Life
21 Activists, 290 F.3d 1058, 9th Circuit (2002), it provides that one may advocate violence and that
22 is protected. Threatening a person with real violence however, is not. Here, there is no
23 statements by Carolyn Stark encouraging others, but she may (although she did not)
24 "encourage the violence actions of others, its speech would be protected." (See Planned
25 Parenthood at 1070 supra).

26 The way that the Plaintiff tries to argue that Stark is liable is that she is not an
27 "information content provider" and that because she operates her Facebook page NDOW Watch
28 Keeping Them Transparent, the Plaintiff argues that "any posting made by NDOW Watch

1 Keeping Them Transparent is essentially defendant Stark's postings." Plaintiff points to the
2 postings made on Exhibit 5 and 6 of the defendant Carolyn Stark's Facebook pages. Plaintiff
3 provides no case citations or statutory citation to support the argument that Carolyn Stark is
4 somehow responsible for the third parties. On the other hand, defendant Carolyn Stark has
5 provided a number of citations stating that she is not responsible for third party content or
6 comments.

7 In examining pages of Exhibit 5 to Plaintiff's Response, it shows that a window is open to
8 Vectronic Aerospace. That site is the bear collar tracking site used by NDOW. That means
9 someone was copying these pages at NDOW on the public dollar. There is also a person noted
10 on the side bar, a Christy Hill who is apparently a friend or colleague of the person printing
11 these pages. The point being those are the type of actions by NDOW that should and can be
12 commented on by a concerned public.

13 More to the point, the statements made by Carolyn Stark are based on the facts. Unlike
14 Plaintiff who just points to a stack of papers and says look "threats" and "defamation". Carolyn
15 Stark has broken down each statement attributed to her and shows that they are all factual. See
16 Exhibit D attached hereto, which is a list by date and statement with the background to show
17 that the statements made therein are factual.

18 Plaintiff Lackey also attributes Exhibit 6 in his Response to Carolyn Stark. First, there is
19 no false or threatening statements therein made by Carolyn Stark and second, what is
20 contained therein is not threatening or false by anyone? Granted that there is rhetoric and
21 hyperbole but that is all protected speech.

22 Plaintiff makes a lot of baseless claims against Defendant Carolyn Stark. Let's first look
23 at the other Exhibits of Plaintiff in his Response:

24 Exhibit 1: Carolyn Stark is a board member of the Bear League. She is not and has not
25 been since December 10, 2015. See Affidavit of Carolyn Stark. What allegations of Plaintiff that
26 alleges any statements in violation that are not protested that occurred before December 2015?
27 None. Also, acting as board member for a non-profit does not create liability for that board
28 member without some type of wrongful activity of that member. (NRS 78.037 and NRS 78.300)

1 Exhibit 2 to Plaintiff's Response is the Bear League Facebook page of which only one
2 statement is made by Carolyn Stark and she doesn't even talk about Mr. Lackey in it. It is also
3 interesting to note in that same chain, Leslie Benton states "I took a screenshot, reported it to
4 FB they deleted it..." That is normally what people do if they think that there is something
5 irregular about a statement or unfair about a statement on Facebook. They report it to
6 Facebook and have it deleted, not sue someone for defamation. More of the point, this involves
7 the Bear League of which Carolyn Stark is not a director or board member of. Frankly, nothing
8 contained within Exhibit 2 is more than a rhetorical comment. If Mr. Lackey or NDOW really
9 has a problem with any of the statements, sue the individual that made the comment. The
10 comment such as the fact that Mr. Lackey's wife put in for a bear hunting permit is a fact. Yes,
11 that would be upsetting to some people in light of the fact that Mr. Lackey is the one controlling
12 the bears and where they are released, is clearly protected.

13 Let's take one of the more outrageous comments by Mr. Jones. He said "I'll ram a fist full
14 of marshmallows and pie up his backside. Tie him to a trailer and let the bears climb on him.
15 Then take him to Iraq and drop him off in a hunting zone... seems fair to me." Although some
16 pretty bold and strong language, it is unlikely that Mr. Jones really thinks that Mr. Lackey
17 should be taken to Iraq and dropped off. I think that Mr. Jones, and most people would read,
18 this is about as fair as how Mr. Lackey trapping the bear and then releases it to an area that is
19 completely unknown and hostile to the bear.

20 As both Plaintiff and Defendant Carolyn Stark will agree, Mr. Jones' comment has to be
21 read in an objective standard, which this Court will apply. More of the point, the statement is
22 not attributed to Carolyn Stark nor did Carolyn Stark have anything to do with the Bear League
23 at the time other than being a poster, like the rest of the public, which is allowable even under
24 Mr. Lackey's limited view of the first amendment.

25 Exhibit 3 of Mr. Lackey's Response, Mr. Lackey belongs to the Lake Tahoe Wall of Shame,
26 another Facebook page not maintained or operated by Carolyn Stark. There is another
27 statement therein contained that is made by Carolyn Stark. This particular post is attached
28 hereto marked Exhibit E, being the comments about the photo of Mr. Lackey and his wife with

1 their baby releasing a bear. The Court is encouraged to read the entire four pages of that
2 Facebook posting. The Court is then asked what violation of the First Amendment occurred
3 therein.

4 Exhibit 4 to Mr. Lackey's Response is for the other postings of the Lake Tahoe's Wall of
5 Shame. A non-Carolyn Stark cite. The only post made by Carolyn Stark is attached hereto and
6 marked as Exhibit E and everything that Carolyn Stark says in it is true. Mr. Lackey did take a
7 tranquilized bear to Minden Elementary School for his kid's show and tell. The bear was
8 starting to wake up and was stumbling in its trap and all the kids were laughing at it. Also,
9 Carolyn Stark questioned that a civil volunteer towing a bear trap was not insured by the State
10 of Nevada. The comments that followed Carolyn Stark's posting about Mr. Lackey was that he is
11 "out of line" will he "ever get it together and actually provide responsible bear care", he is a
12 "disgusting human being", and that "Lackey needs to be fired for exploiting wild life for his
13 personal glory". It goes on to state that was "stupid", "terrible", "shame on him", "absolute
14 misconduct of his position", and exactly why is this not showing that this matter is of public
15 interest and concern? Why is this not showing that this is all issues of freedom of speech?
16 Whether the Court agrees or disagrees with the commenters, the point is, these are matters of
17 speech, which are allowed.

18 **ANTI-STALKING**

19 Plaintiff attempts to rely on the Anti-Stalking statute 18 USC 2661A. It should be pointed
20 out that the Plaintiff's Amended Complaint is devoid of any citation or claim of stalking or any
21 claim of application of this statute. Plaintiff now claims stalking and cites three cases to support
22 his claim that Carolyn Stark's speech is not protected. All three cases involve people who are
23 directly acting and speaking. In U.S. v. Petrovic, 701 F.3d 849(8th Cir.2012), a scorned husband
24 posted and sent out 1000's of nude photos and secret sex tapes of his ex-wife, who was a
25 private individual. In U.S. v. Sayer, 748 F.3d 425 (1st Cir.2014), a scorned boyfriend posted
26 secret sex tapes on swinger sites with his ex-girlfriend's address, who was a private individual.
27 In U.S. v. Osinger, 753 F.3d 939 (9th Cir.2014), the scorned boyfriend sent sexual exploitation
28 messages to his ex-girlfriend and started a Facebook page using a name substantially similar to

1 his ex-girlfriend's, posting sexually suggestive pictures of his ex-girlfriend on it. She was a
2 private individual.

3 In all these cases, the Court found that the prescribed acts are tethered to the underlying
4 criminal conduct, not to the speech. Here the acts are about The Nevada Department of Wildlife
5 and its employee Carl Lackey, that is protected speech, not stalking.

6 Finally, again if the claim of Carl Lackey is emotional distress, Lackey has said "I've got a
7 pretty thick skin" "I've got too many things on my plate to worry about things they're saying
8 especially when they are lies". Or as the news article in Exhibit B says, "what they say does not
9 bother me."

10 The fact is Lackey has no chance of prevailing. The statement as to Carolyn Stark are
11 truthful or statement of opinion. She is an information content provider as defined within 47
12 USC 230. The third-party statements attributed against her arise from her Facebook page.

13 Further, even assuming Lackey can somehow beats the protections of Anti-SLAPP and
14 the First Amendment of the United States Constitution, what claim for emotional distress really
15 exists based on Lackey's own recent statements. What chance does Lackey have to prevail?

16 Lackey claims conspiracy and other than some vague claim that Carolyn Stark and the
17 other posters, conspired what is shown by Plaintiff that anybody conspired? These are just like-
18 minded people who like MSNBC or Fox are stating their opinions. There is no conspiracy.

19 Here what the Court has is a lawsuit of which the only thing the Defendant Carolyn Stark
20 needs to show to strike the complaint is the challenged lawsuit arose from an act, by the
21 Defendant in furtherance her right of petition or free speech and from that, the court can
22 presume the action by Plaintiff is to chill that Defendant's right of free speech. (See Equilon
23 Enterprises LLC. v. Consumer Cause, Inc., 29 Cal.4th 53, 52 P.3d 685) (2002) What is before this
24 Court is that type of suit and it should be dismissed.

25 Dated this 15 day of May, 2017.



26 DEL HARDY, ESQ. (SBN 1172)
27 WINTER STREET LAW GROUP
28 Attorneys for Defendant

AFFIDAVIT OF CAROLYN STARK

STATE OF NEVADA }
 }ss.
COUNTY OF WASHOE }

I, Defendant Carolyn Stark, hereby affirm under penalty of perjury, that the following assertions are true of my own personal knowledge:

1. That I, Carolyn Stark, am the defendant in the above entitled matter;

2. I have read the Anti-SLAPP Motion, the Response by Plaintiff Carl Lackey and the Reply, which this Affidavit is attached hereto and know the contents thereof and as to those contents attributed to me in support of the Motion and Reply, I know the contents there to be true to the best of my knowledge;

3. I have not been a Director or Board Member of the non-profit organization known as the Bear League since December 10, 2015;

4. I have never conspired or joined in concert with any person or organization to personally attack Carl Lackey;

5. The purpose of my Facebook page is to bring light to the actions of The Department of Wildlife and their employees about the treatment of wildlife, in particular bears in the Tahoe region.

6. All statements I have made in regards to The Nevada Department of Wildlife or its employees including Carl Lackey, have all been truthful and that I have posted no lies about either and all other comments have been opinion and nothing more.

7. That I have no malice or ill intent whatsoever as to Carl Lackey or his family but I am concerned about his treatment of bears and how he is interjected his family into the treatment of bears while working for the Nevada Department of Wildlife.

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1 FURTHER YOUR AFFIANT SAYETH NAUGHT.

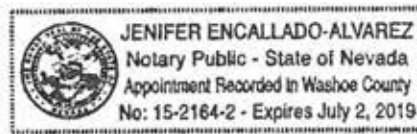
2 DATED this 15th day of ~~April~~ May, 2017.

3 
4 Carolyn Stark

5
6 SUBSCRIBED and SWORN to

7 before me this 15 day of May, 2017.

8 
9 NOTARY PUBLIC



AFFIDAVIT OF DEL HARDY, ESQ.

I, Del Hardy, first being sworn under penalty of perjury do depose and say:


1. That I am a duly licensed attorney to practice in the State of Nevada;
2. That I am the attorney for the Defendant in the above-entitled action;
3. That I affirm that the Exhibits attached to such DEFENDANT CAROLYN STARK'S

REPLY TO ANTI-SLAPP MOTION, above-mentioned, are true and correct copies of such documents; and,

4. That the same is true of my knowledge except as to those matters therein stated information and belief, and as to those matters I believe them to be true.

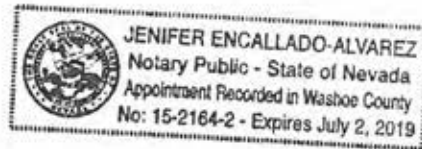
FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 15 day of May 2017.



DEL HARDY

SUBSCRIBED and SWORN TO before me
this 15 day of May 2017





NOTARY PUBLIC

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of WINTER STREET LAW GROUP,
3 96 & 98 Winter Street, Reno, Nevada 89503, and that on this date I served the foregoing
4 document(s) described as **DEFENDANT CAROLYN STARK'S REPLY TO ANTI-SLAPP MOTION**
5 on all parties to this action by:

6 _____ Placing an original or true copy thereof in a sealed envelope placed for collection
7 and mailing in the United States Mail, at Reno, Nevada, postage paid, following
8 ordinary business practices.

9 _____ Personal Delivery

10 _____ Facsimile (FAX)

11 _____ Federal Express or other overnight delivery

12 _____ Messenger Service

13 _____ Certified Mail with Return Receipt Requested

14 ☒ _____ Electronically filed

15 addressed as follows:

16 **Sean P. Rose, Esq.**
17 **Rose Law Office**
18 **150 W. Huffaker Lane, Suite 101**
19 **Reno, NV 89511**
20 **F: 775-657-8517**

21 **Thomas R. Brennan, Esq.**
22 **Durney & Brennan, Ltd.**
23 **6900 S. McCarran Blvd., Suite 2060**
24 **Reno, NV 89509**
25 **F: 775-322-3014**

26 **AFFIRMATION**

27 Pursuant to NRS 239B.030, the undersigned does hereby affirm that the proceeding
28 document and attached exhibits, if any, do not contain the Social Security Number of any
person.

DATED this 15 day of May, 2017.



EMPLOYEE OF WINTER STREET LAW GROUP

EXHIBIT "A"

EXHIBIT "A"

RENO GAZETTE-JOURNAL

PART OF THE USA TODAY NETWORK

WEDNESDAY, MAY 3, 2017

ONLINE AT RGJ.COM

USA TODAY IRAQIS IN MOSUL FOUGHT ISLAMIC STATE FROM WITHIN **PAGE 1B**

Lawsuit alleges Facebook users defamed, threatened state biologist



BEAR BIOLOGIST BITES BACK

BENJAMIN SPILLMAN BSPELLMAN@RGJ.COM

A Nevada bear biologist who's been subjected to heated online attacks is striking back in court.

Carl Lackey, a biologist for the Nevada Department of Wildlife, filed a lawsuit claiming critics used Facebook in a "vicious and calculated effort to damage his reputation and jeopardize his employment."

The suit names the leader of the Bear League, an animal rights group, and two

Biologist Carl Lackey watches as a yearling male is successfully released from a trap.

PHOTO BY THE NEVADA DEPARTMENT OF WILDLIFE

other people who Lackey claims are responsible for Facebook pages that are rife with attacks.

"Defendants ... continuously over the past several years have acted in concert with one another to accomplish the goals of harassing and threatening Plaintiff and causing him fear, anxiety, embarrassment and damaging his reputation," the complaint states.

Lackey's complaint cites dozens of

See BIOLOGIST, Page 2A

Judge: Rand to stay in jail

Reno doctor again denied release bid

MARCELLA CORDINA
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A federal judge denied Dr. Robert Rand's motion to reopen his detention hearing on Tuesday and ordered he remain in jail until his trial in late July.

Judge Valerie Cooke found that Rand, who was accused of being involved in an alleged prescription drug ring operating from the Jones West Ford dealership, was still a flight risk. Cooke said Rand still has access to fi-

Financial resources, has foreign ties and faces a maximum sentence of 10 or more years in jail.

Rand faces three felony charges: conspiracy to distribute a controlled substance, distributing a controlled substance

and distributing a controlled substance causing death.

Rand was returning to Reno from a family vacation in Hawaii when he was arrested by federal agents at a hotel in San Francisco in April last year. He stayed overnight in San Francisco and was expected to surrender the next morning.

"Over a year has gone by," defense attorney Jack Fox said at Tuesday's hearing in federal court. "In that one year, he missed his child's first steps. He celebrated his birthday in jail. He lost his practice and all because he was (alleged) to be a flight risk."

Rand's defense lawyers argued there was new evidence in the case that would suggest their client should be released from jail. Prosecutors previously requested the trial be delayed after their expert witness suffered a stroke.

According to court documents, prosecutors wanted to delay the trial until August or late October to allow their

See RAND, Page 7A

CSD names 7 new principals for 2017-18; more likely

IAN MCANDREW
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Washoe County School District named seven new principals for the 2017-18 year. The district said there likely will be more but at least seven principals including longtime leader of Dore High School Denise Hau-

seuer, are retiring. Haaseuer's successor is Damonte's assistant principal Darvel Bell.

Other schools with new principals include:

- Amy Marable, assistant principal at Sparks High School, will become principal of McCusker High School.
- Den Angotti, principal at Grace

Warner Elementary School, will serve as Sun Valley Elementary School principal.

• Allison Fanning, currently working as assistant principal at Corbett Elementary School, will be principal at Katherine Dunn Elementary School.

• Mark Hutchinson, who serves as assistant principal at Cold Springs Middle School, will be principal at Bellinghurst

Middle School next year.

• Erin Lane, principal at Lemmon Valley Elementary School, will become principal at Jessie Beck Elementary School.

• Gis Marascini, who currently serves as assistant principal at Sun Valley Elementary School, will become principal at Natchez Elementary School.

ay's highlight

USA TODAY

World War III? Americans

EXHIBIT "B"

EXHIBIT "B"

Tension high over bear management in Nevada side of Tahoe Basin

September 24, 2016

A recent bear trap set in a neighborhood off Kingsbury Grade has reignited the debate on wildlife management on the Nevada side of the Tahoe Basin.

In one corner of the ring is the Homewood, California-based Bear League and those against the trap and release process of wildlife management, and in the other, the Nevada Department of Wildlife (NDOW).

"NDOW should be teaching people how to cohabitate with bears, but in fact what they do is find a home owner who has a nuisance bear and they perpetuate mistruths about the bears. In fact there has never been a bear bite or a death of a human by a bear in California, Nevada or Oregon in the last 100 years," said Staci Baker, a veterinarian, resident in the Kingsbury Grade neighborhood, and opponent of bear traps.

According to Baker, the trap was set in her neighborhood in mid-August after a bear went into the open garage of her 93-year-old neighbor on three separate occasions to get food. This neighbor, claimed Baker, had a history of feeding bears.

Baker said the trap was placed at the insistence of the neighbor's caretaker, despite her offers to install electric fences and pour ammonia around her garage to deter the bear.

After the trap was in place for over two weeks, two cubs were caught in the trap, with a mother bear roaming outside. They were released on site by NDOW wildlife biologist Carl Lackey.

"There could be better ways to promote coexisting with bears and dealing with nuisance bears," said Baker. "Seventy percent of bears that are trapped are not the offending bear."

Baker said she uses an exercise ball to play "dodgeball" with bears that find their way into her neighborhood as a way to scare them off.

"I also put ammonia around my garbage and I stow my garbage in different places," said Baker. "So there are simple things you can do without putting yourself in harm's way."

Baker alleged that NDOW, and Lackey in particular, is trapping and relocating Lake Tahoe bears to areas where the Nevada Bear Hunt is legal in order to stock the hunt.

Chris Healy, NDOW spokesman, said this accusation is simply not true.

"Up through 2015, we've had 71 bears killed in our hunt, and only four of them have been bears that you would call 'conflict bears.' The rest had either never been touched before, or when they were touched they were touched for research purposes," said Healy.

The hunt began in 2011 and caps the quota at 20 bears a year.

"For instance if we capture a bear in South Lake and we move it up the hill and release it on the Gardnerville-Minden side, technically we've released it on to the hunt side. Did we put it there so a hunter could go after it? No, we're trying to give the bear a chance and trying to stop its conflict behavior with the use of Karelian bear dogs if that's the appropriate thing."

Lackey, who has been targeted online with petitions calling for his termination and referred to as a "bear murderer," said NDOW's first option is always an onsite release, which may not always mean the exact spot of capture, but within the same watershed or mountain range.

If conflict behavior continues — NDOW operates on a three-strike policy for nuisance bears — or the bear presents immediate danger to a human, lethal force must be taken.

"When we do have to euthanize a bear, it sucks. It's a sucky part of the job, but we are charged by Nevada Revised Statutes and it's part of the job," said Lackey, who brushes off the online comments made about him.

"I do my best to ignore it. I know who I am. I know why I got into this business and what I've done for bear conservation in Nevada. So what they say does not bother me."

In 2015, nine bears were killed for public safety and none were killed due to the three-strikes policy. Fourteen were killed in the Nevada Bear Hunt, 21 were hit by cars, and five died due to "other" causes.

Healy added that the idea perpetuated by groups like the Bear League that bears are docile creatures not capable of causing harm to humans is dangerous.

"That's not a good thing for them to be saying because there is documentation all throughout the country that bears around humans can cause problems—the potential for death, the potential for injury, the potential for major property damage," said Healy, pointing to 22-year-old student who was killed by a black bear in the woods of West Mildford, New Jersey in 2014.

"We need to respect the power they have as wild animals and aggressively try to keep the bears at a distance because when they are breaking into houses, that's not good news."

THE ROOT OF THE ISSUE

Despite the conflict between NDOW and wildlife groups like the Bear League, they all agree on one thing: the issue of conflict and nuisance bears is human-caused.

"We have advocated for many years now that bear-proof garbage containers in the Lake Tahoe Basin, both with commercial and residential, is the best solution. We haven't gotten to that point yet, and it's frustrating for us. We don't have authority over garbage," said Healy.

Lackey said that although a 2001 Douglas County ordinance was put in place for trash management, it has only been somewhat effective.

"If you allow a bear access to your trash, code enforcement will come out and give you a warning. If this happens a second time within a two-year period then you are required to get a bear can," explained Lackey.

"The problem is it requires homeowners to tattletale on other homeowners."

The high cost of bear-proof garbage canisters, which can range from \$200 to \$2,000, has been cited in the past as the biggest hurdle in making this solution mandatory in the counties that make up the Lake Tahoe Basin.

But until that happens, or if it ever does, said Lackey, the public can work at properly storing and disposing of garbage—and scaring away bears in human-inhabited areas, not snapping their pictures.

Tension high over bear management in Nevada side of

September 24, 2016

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"NDOW should be teaching people owner who has a nuisance bear an been a bear bite or a death of a hu said Staci Baker, a veterinarian, res traps.

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EXHIBIT "C"

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EXHIBIT "D"

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Compilation of Plaintiff's Exhibit 5: NDoW Watch Facebook Posts

January 17, 2017

"FIFTEEN: Equals the number of bear families **NDoW** interfered with by going into dens since 2010. They "handled" a whopping 47 bears. 15 moms and 32 cubs. Not all ended well for many of these families either. We will be posting in the next few weeks their stories and what **NDoW's** interference did."

Source: NDoW's Bear Data Report obtained pursuant to NRS 239.0107, the Nevada Public Records Act.

February 16, 2017

"What can we say about this? We have much to say, so let's start with some of the quotes:"¹

"She died from unknown causes" Say what???

- Let's not forget **NDoW** went into her den tranquilized her taking zero vital signs to monitor and insure she does not vomit or breath in dirt.²

- **NDoW** invited non-scientific hunter friends for photo ops at the den site with the tiny cubs weighing just five lbs. It looked like a party more than anything else.³

- It is veterinary protocol to monitor vitals every 10 minutes as bears can be susceptible to aspiration pneumonia, a slow and painful way of dying.⁴

- This mother bear died four weeks after **NDoW** interfered with mom and cubs.⁵

- Despite this being the second mother bear that died after **NDoW** invaded their dens and tranquilized them, they performed no necropsies. They left both bodies where they died. Two research bears dead and no necropsy was performed. It's strange that **NDoW** has performed necropsies under less suspicious deaths but not these two.⁶

"We rescued the four cubs": Correction: You orphaned the four cubs. (These 4 were fortunate; the 3 from the prior year died - where's the publicity on this?)

¹ Reference to NDoW's publicized release of four orphaned cubs from the prior year into man-made dens.

² NDoW's Wildlife Immobilization Form obtained through 239.0107, public records request.

³ Facebook posts made public at the time of David Beronio, a hunting guide. Beronio's and his wife were posing in the den with the tranquilized mother bear and posing with the cubs.

⁴ AVMA protocols and North Carolina Wildlife Resources Commission.

⁵ NDoW's Bear Data Report obtained through 239.0107, public records request.

⁶ Field notes, a field report on the diseased bear, mortality reports and NDoW's Bear Data Report obtained through 239.0107, public records request.

February 16, 2017, continued: "Hopefully, they'll stay out of trouble": Here goes **NDoW** putting the blame publicly on bears when their own research says 95% of the time people are to blame.⁷ Sorry, the bears aren't bad; people are. **NDoW** needs to own that.

It's ironic that CAFW denned orphaned cubs a few weeks earlier. They went out on cross country skis and did so without TV cameras, without press releases and without fanfare. They did so quietly and discretely.⁸

January 18, 2017

Almost two years ago, on 3/10/15 **NDoW** went into a den that had a mother bear with two cubs.

They were just 7 weeks old.

She almost got one dose of the tranquilizer delivered by **NDoW** and fled leaving her two cubs behind.

NDoW says she "abandoned" her cubs.

Correction: They were "orphaned" because of **NDoW's** interference.

Using the term "abandoned" blames her. This is on **NDoW**.

She wouldn't have left if **NDoW** didn't interfere.

NDoW fostered the cubs to two different mother bears nearby - so they lived. Well, one lived; more on this in the coming weeks. Y68 (mom) has not been seen since.

This would NOT be the first time a mother bear left her den and cubs because **NDoW** interfered like this.

Source: NDoW's Bear Data Report obtained pursuant to NRS 239.107, the Nevada Public Records Act.

January 26, 2017

There are problems when **NDoW** chooses to invade dens.

Between our posts this week and last week, things went inherently wrong 29% of the time (5 out of 17) since 2010.

Let's summarize what we know.

- 3 mother bears fled never to return
- 2 mother bears dead
- 9 cubs were orphaned; 5 went to surrogate families; 4 went to animal ark and had no surrogate mom.
- 3 cubs dead.⁹

⁷ Source: NDoW.

⁸ Source: Lake Tahoe Wildlife Care.

⁹ NDoW's Bear Data Report and mortality reports obtained through 239.0107.

January 26, 2017, continued: A fail rate of 29% is not a good thing. If it were a test, it's barely passing at just 71%.

We don't understand what the purpose was of these invasive actions.

Problems like this should not have been allowed to continue for so long.

NDoW did say they have no intention of interrupting bear families in their dens this year. They said if something comes up, appropriate personnel will be there¹⁰ - unlike the picture shown here with **Lackey's** friends and their photo ops.

Unfortunately, they also said they want to trap and tranquilize more bears this year. They want to trap, tranquilize and use delayed aversive conditioning in the bears' home range. (No more trans-locations)

More interference using tranquilizers could lead to more complications and more dead bears.

More education and more holding people accountable and refusing to bring traps when people are to blame will have more of an impact than their trap happy ways.

Source: NDoW's Bear Data Report obtained pursuant to NRS 239.107, the Nevada Public Records Act.

January 27, 2017

FORTY NINE PERCENT (49%) is the number of times vitals were taken and recorded by **NDoW** employees when bears were tranquilized.¹¹

In a random sampling of wildlife immobilization forms **NDoW** employees took and recorded vitals 21 out of 43 times.

Lackey, the head of **NDoW's** bear team took vitals ONLY 35% of the time (7 out of 20).¹²

Note: Vitals should be taken every 10 minutes to insure the animal is ok. Yet, **NDoW** does it less than half the time.¹³

Pictured here is one of many stock photos for **NDoW** for publicity purposes. We don't have the record on this animal but wonder if vitals were taken here.

¹⁰ NDoW's Deputy Director, Jack Robb.

¹¹ Random Sampling through NRS 239.0107, NDoW's Wildlife Immobilization Forms.

¹² Random Sampling through NRS 239.0107, NDoW's Wildlife Immobilization Forms.

¹³ AVMA Protocols and other Wildlife Agencies.

January 30, 2017

Things that make you go hmmm...

"Once immobilized, we monitor the bears' vital signs (heart rate, pulse, temperature) throughout the process to ensure a stable condition for the animal." stated a bear technician with North Carolina Wildlife Resources Commission.

And yet a review of **NDoW's** immobilization forms show that vitals are taken and recorded JUST 49% of the time. (21 out of 43 times)

<https://research.cnr.ncsu.edu/sites/fwcnews/2017/01/19/a-day-in-the-life-of-a-black-bear-technician/>

Source: NDoW's Wildlife Immobilization Forms obtained pursuant through NRS 239.0107 and North Carolina Wildlife Resources Commission.

January 31, 2017:

More things that make you go hmmm....

In presentations to Local Law Enforcement Officials **NDoW** stated that "Black bears kill 2 to 3 people per year."¹⁴

That statement is UNTRUE.

- The fact is since 1900, 59 people have been killed by non-captive black bears. This equates to 1 person every other year.¹⁵

- The fact is since 1991, 31 people have been killed by non-captive black bears. This equates to 1 person per year.¹⁶

Try as we may, we could not get to **NDoW's** calculation of 3 people killed by black bears per year. Even when we took into account captive black bears, we couldn't come up with their calculation either.

Why the embellishment? Why the false numbers? Shouldn't **NDoW** provide facts?

Is this another attempt to demonize black bears?

Here is the link where the data is published.

¹⁴ "Dangerous Wildlife Response, Guidelines for the Law Enforcement Professionals" presentation by NDoW

¹⁵ Wikipedia. List of fatal bear attacks in North America

¹⁶ Wikipedia. List of fatal bear attacks in North America

January 31, 2017, continued: (This information was obtained through a public records request)
https://en.m.wikipedia.org/wiki/List_of_fatal_bear_attacks_in_North_America

April 7, 2017

They just can't help themselves from misstating, embellishing and distorting facts and information:

"...a national expert in bear biology... **Mr. Lackey** on a conference call with a whole lot of groups" stated:

"More stress is applied on a daily basis by the adult male whose (sic) FREQUENTLY kills and eats the less dominant bears..."

"He has documented and noted an increase in infanticide of young bears by the mature male..."¹⁷

Ok. Let's state the TRUTH from **NDoW's** own data:

There is just ONE documented situation three years ago in which a male bear raided a den and killed the mother and her three cubs. ONE Documented **NDoW** case.¹⁸ Yet, **Carl Lackey** through a spokesperson says it's increasing and says these are "ferocious wild animals".¹⁹

How the hell do they get away with this?

This was at an Assembly Committee last week where they were testifying in favor of hunting and killing bears with dogs.

Please note: Infanticide is rare in black bears but does happen - rarely. It is more a grizzly bear trait than anything else.

For the record, **NDoW** is by far more dangerous to bears than any bear or any car. In the last six years, 82 bears have been killed by hunters which **NDoW** actively promoted to insure a bear hunt was reinstated in NV; 51 have been killed by **NDoW** in the same time period.

133 from **NDoW** to just 4 by a bear.²⁰ What is more dangerous to NV bears? Other bears or **NDoW**?

One more thing, why make stuff up like this?

More on this next week.

¹⁷ Verbatim testimony by Mr. Larry Johnson at the Assembly Committee on Natural Resources, Agriculture, and Mining on March 30, 2017.

¹⁸ NDoW's Bear Data Report obtained through NRS 239.0107.

¹⁹ Verbatim testimony by Mr. Larry Johnson at the Assembly Committee on March 30, 2017.

²⁰ NDoW's Bear Data Report obtained through NRS 239.0107.

April 18, 2017

A beautiful bear in CA during the day.

Stay in CA beautiful bear...you are allowed to be out in the daytime in that state.

<https://www.facebook.com/MikeHerronPhotography/photos/a.1257317421053815.1073741870.564334910352073/1277095372409353/?type=3>

Source: References made to Channel 7 News, San Francisco and other local news sources that bears should not be out in the day. Picture of bear out in the day near Heavenly Ski Resort.

April 19, 2017

Let's translate the below comment in the attached article as to what it really meant.

It meant that in 2007, **NDoW** killed or approved bear depredations a whopping 23 times.²¹

This figure includes bears killed illegally (3) and depredations (9) as **NDoW** either approved the depredation or apparently did not pursue any legal action if homeowners killed bears and did not get approval from **NDoW**.²² 23 bears dead.

According to **NDoW**, back then, we had 200-300 bears. They killed and/approved of 23 bears to be killed. That's more than 10% of the population at that time.

"Here's the curve-ball," said **Healy**. "Back in 2007, we had a pretty good winter, but we had a late freeze over Memorial Day that froze all of the budding crops, like the nuts and the berries the bears like to eat. Later in June, it got hot and didn't cool down. Between the factor of all the natural food being frozen and not able to come to fruition, and the heat, we had our busiest bear year ever."²³

<http://www.tahoedailytribune.com/news/the-bears-are-back-in-town/>

August 3, 2016

EIGHT TIMES: is the number of times **NDoW** killed Lake Tahoe bears compared to ZERO Times by the State of CA since 1/1/15.²⁴

The latest victim of **NDoW's** outdated bear policy is B54. The **Nevada Department of Wildlife** killed her with a shotgun on 7/28/16. RIP 54.²⁵

²¹ NDoW's Bear Data Report obtained through NRS 239.0107.

²² NDoW's Bear Data Report obtained through NRS 239.0107.

²³ NDoW's Chris Healy to The Tahoe Daily Tribune.

²⁴ NDoW's Bear Data Report and discussions with CA Fish and Wildlife.

²⁵ Information obtained from NDoW through NRS 239.0107; subsequently reported by RGJ and MyNews4 and other news outlets.

August 4, 2016

THREE TIMES: is the number of times **NDoW** Research bears died in 2015. Three bears died accidentally at the hands of **NDoW** in their snares.

They trapped ten and three are dead. A death rate of 30%.

That is an extremely high percentage.

Shouldn't we expect more from **our Wildlife Department**?

Source: NDoW's Bear Data Report obtained pursuant to NRS 239.107, the Nevada Public Records Act.

August 6, 2016

The following is available on line and is public.

This is the unsuccessful hunting draws for this year's hunting season in NV.

Heather Lackey, wife of **Carl Lackey** of **NDoW**, applied for a license to hunt and kill a bear. She did not win the draw to hunt and kill a bear.

If she did win the lottery, who do you suppose would be her hunting guide?

Source: Public Website, HuntNevada.com, Tag Results.

August 19, 2016

NINETEEN: is the number of times trap happy **NDoW** has placed traps (where the current trap sits) in this area of Kingsbury in the last five years.

Tina Court and Galaxy are the most common places traps are placed. The Summit Village HOA office is on Tina Court.

Clearly, trapping is not a long term solution. If it were, why do they ask for bear traps every year?

Source: NDoW's Bear Data Report obtained pursuant to NRS 239.107, the Nevada Public Records Act.

September 1, 2016

DAY ELEVEN, TRAP WATCH:

According to neighbors, a bear has gained access into the home-owners garage three times.

NDoW brought a trap to "protect" this family.

Wouldn't the prudent thing be to have them clean their garage and get rid of the odors from the garage that is baiting bears? No, **NDoW** is not doing that.

September 1, 2006 continued: Instead, they are holding out to trap a bear, any bear.

They have confirmed they will translocate any bear trapped to the Pinenuts.²⁶ They will move a Tahoe alpine woodland bear to a juniper plant desert area with limited water. Limited water with temperatures reaching above 90 degrees.

NDoW's practices are cruel and inhumane. Soon men with guns and dogs will be hunting these translocated bears in the Pinenuts.²⁷

#Enoughisenough.

October 7, 2016

Things that make you go hmmm?

First, lattice work is not a secured way to block a crawl space in bear country. Two separate times,²⁸ two different bears being attracted to the spot.

Second, look closely at the cookies and donuts inside this trap. NDoW baits bears with exactly the things they don't want bears to eat.

Why is NDoW placing traps when this place of business has not secured their crawl space?

Something is really wrong here. Feel free to complain about this Incline trap to NDoW @775-688-1500. They don't follow their science or manuals.

"Trapping a bear to resolve a conflict situation should only occur under certain circumstances. In almost all cases of bear-human conflicts, emphasis should be placed on removing all attractants rather than removing the bear(s)."

Page 7 of Managing Bear-Human Conflicts written by NDoW - Carl Lackey²⁹

²⁶ Source: Phone conversation with NDoW's Deputy Director, Jack Robb.

²⁷ Bear hunting season started 9/15/16.

²⁸ At a bear trap set in Incline Village at the business of a personal friend of Carl Lackey's who also happens to be a volunteer with NDoW's Bear Team. Two different bears accessed under the building through flimsy lattice. In June, BEAR League volunteers loaned an electric matt deterrent to help deter bears. Tony Robinson, trap requestor and member of the NDoW Bear Team never secured the crawl space.

²⁹ NDoW's Manual *Managing Bear-Human Conflicts*.

EXHIBIT "E"

EXHIBIT "E"

Lake Tahoe Wall of Shame

Country Club Center is finished and I hope all my efforts save the Bears!!

Like Comment



Christine Vidée

Our lovely community amenity, the Championship Golf Course, which is... See More

Like Comment

PEOPLE AL SO LIKE



Support Farmers Markets

Like Like



Living Off The Grid

Like Like



Groupon

Like Like

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Visit Lake Tahoe South

Like Like



Jim Hammerel - IVGID Tr...

Like Like

Escorial France (France) Portogal (Brazil) Davison Islands

Like Like

Q

Country Club Center is finished and I hope all my efforts save the Bears!!

Like Reply 1 5 hrs

Lake Tahoe Wall of Shame RGL rarely publishes anything even remotely critical of NDOW

Like Reply 2 hrs



Janis Halbert Good idea!!!!

Like Reply 6 hrs

2 Replies 6 hrs



Mike Conrad The fact that he photographed the mishandling of bears and bear cubs shows how stupid and egotistical he is. At this point he feels entitled to do what ever he hell he wants regardless of laws and regulations to which he is so obey

Like Reply 1 5 hrs



Leslie D Hambrick Douche rocket Faking funny!

Like Reply 1 5 hrs



Chrissy Schaeffer This makes me 20000 mad.

Like Reply 1 5 hrs



Carolyn Stark So Carl Lasky allows certain volunteers to tow bear traps with their personal vehicles (which is not insured by the State of NY per the Park Manager). He also took a tranquilized bear to Minden Elementary School last year for his kids show and tell. The bear was starting to wake up and was stumbling in the trap and the kids were laughing. Now all this? Wow

Like Reply 1 5 hrs



Lillian Mae Lang He is despicable and should be removed from his job immediately... He is a murderer of the lowest form against defenseless creatures...

Like Reply 1 5 hrs



Tiffany Jade Laderoute Ugh screw these stupid people!

Like Reply 4 hrs



Tiffany Jade Laderoute Timba Nawa

Like Reply 4 hrs



Alessandra McLachlan Fire Lasky!

Like Reply 1 5 hrs



Sean Tate Hey crap. You're got to be kidding

Like Reply 1 5 hrs



Dan Sitte What is wrong with these people? Why they ever get a together and actually provide responsible bear care?

Like Reply 1 5 hrs



Kristen Miller Ferrill Oh My Gosh. So out of line!

Like Reply 1 5 hrs



Carolyn D Bennett Fold Lasky needs to go!! What a disgusting human he is!!

Like Reply 1 5 hrs



Janis Halbert What's Toogee Swiss have to say about this?????

Like Reply 2 hrs



Robbie Demille This is terrible and Lasky needs to be fired for exploiting wildlife for his personal glory

Like Reply 1 5 hrs

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Crazy Hill

3880

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

CARL LACKEY,

Plaintiff,

CASE NO.: CV17-00434

vs.

DEPT. NO.: 4

BEAR LEAGUE, a California corporation,
ANNE BRYANT, an individual; MARK E.
SMITH, an individual, dba LAKE TAHOE
WALL OF SHAME; CAROLYN STARK,
an individual, dba NDOW WATCH
KEEPING THEM TRANSPARENT and
DOES 1-20, inclusive,

Defendants.

RESPONSE AFTER MAY 24, 2017 CONFERENCE CALL

Rose Law Office
SEAN P. ROSE
150 W. Huffaker Lane, Suite 101, Reno, Nevada 89511
Telephone (775) 824-8200 Facsimile (775) 657-8517

May 25, 2017

VIA FACSIMILE (328-3532)
VIA E-MAIL (Audrey.Austin@washoecourts.us)
ORIGINAL VIA U.S. REGULAR MAIL

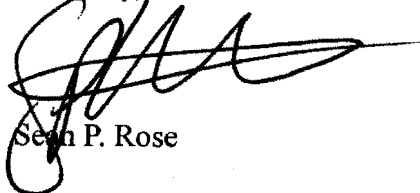
Honorable Connie Steinheimer
Second Judicial District Court
Department 4
75 Court Street
Reno, NV 89501

RE: Lackey v. Bear League et al. – Case No. CV17-00434

Dear Judge Steinheimer:

In follow-up to the telephonic hearing on May 24, 2017, I have discussed with my client and Mr. Brennan the fact that you own a home in Incline Village, Nevada and that you had a bear incident at your home in the past. We have no objection to you remaining as the trial judge on this matter.

Sincerely,



Sean P. Rose

SPR:sts

Cc: Carl Lackey
Thomas Brennan, Esq.



LAW OFFICES OF
MOLSBY & BORDNER, LLP
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May 30, 2017

SENT VIA EMAIL AND U.S. MAIL

The Honorable Connie J. Steinheimer
Second Judicial District Court
75 Court Street, Dept. 4
Reno, Nevada 89501
c/o marci.trabert@washoccourts.us

Re: **Carl Lackey v. Bear League, et al.**
Case No. CV17-00434

Dear Judge Steinheimer:

Thank you for contacting us regarding the Lackey v. BEAR League case and arranging the telephone conference among all counsel on May 24, 2017. We sincerely appreciate your candor about your encounters with bears in Incline Village and we have discussed the issue with our clients (Ann Bryant, individually and as the authorized representative of the BEAR League, and Mark Smith), as you requested. Based on those discussions, we do not feel that you need to recuse yourself in this matter. If you need any additional information, please do not hesitate to contact our office.

Sincerely,

Robin D. Shofner, Esq.
MOLSBY & BORDNER, LLP

cc: Sean P. Rose, Esq.
Thomas R. Brennan, Esq.
Del Hardy, Esq.
(all via email)

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JA 0228



Del Hardy, Esq.
Del@WinterStreetLawGroup.com

May 30, 2017

2nd Judicial District Court - Department 4
ATTN: Audrey Austin
75 Court Street
Reno, NV 89501

RE: *Lackey v. Stark et al.*
Case No: *CV17-00434*

Via fax only: 775 328 3821

Dear Judge Steinheimer:

As you know, this office represents defendant Carolyn Stark. Ms. Stark has no objection or concern about you being on the case. She was told about your bear experience and does not feel that would have any impact on your opinion in the case.

Also, in discussing the matter with her, she expressed that she wishes and requests that her matter be decided as soon as practicable by the court in that the pressure and stress of litigation has been very taxing on her.

Sincerely,

Del Hardy, Esq.

Cc: client
Cc: Cameron Bordner, Esq. via fax
Cc: Sean Rose, Esq. via fax

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SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE, STATE OF NEVADA

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, _____

Response After May 24, 2017

Conference Call

(Title of Document)

filed in case number: _____



Document does not contain the social security number of any person

-OR-



Document contains the social security number of a person as required by:



A specific state or federal law, to wit:

(State specific state or federal law)

-or-



For the administration of a public program

-or-



For an application for a federal or state grant

-or-



Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: May 30, 2017

Audrey A. Austin

(Signature)

Audrey A. Austin

(Print Name)

(Attorney for)