

1 **RPLY**

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12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 **STEFAN WILHELMY**, an individual; and
15 **PEARADISE, LLC**, a Nevada limited liability
16 company,

17 *Plaintiffs,*

18 vs.

19 **KIMBERLY HAUETER** and **JOHN DOE**
20 **HAUETER**, wife and husband; **ALEJANDRA**
21 **JAVIER** and **JOHN DOE JAVIER**, wife and
22 husband; **SAVANNAH BROWN** and **JOHN**
23 **DOE BROWN**, wife and husband; **MONICA**
24 **SANDU** and **JOHN DOE SANDU**, wife and
25 husband; **SADIE PAISLEY DOE** and **JOHN**
26 **DOE PAISLEY**, wife and husband; **DOE**
27 **DEFENDANTS I-X**, inclusive; and **ROE**
DEFENDANTS I-X, inclusive.

Defendants.

Case No. A-21-837173-C

Dept. No. 2

REPLY IN SUPPORT OF
DEFENDANTS' ANTI-SLAPP
SPECIAL MOTION TO DISMISS
PURSUANT TO NRS 41.660

[HEARING REQUESTED]

Defendants Kimberly Haueter, Alejandra Javier, Savannah Brown, and Monica Sandu (collectively, "Defendants") hereby file their Reply in support of their Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.660.

MEMORANDUM OF POINTS AND AUTHORITIES

1.0 INTRODUCTION

Plaintiffs claim that there is evidence showing that all Defendants *knew* their statements were false, while simultaneously refusing to even provide evidence that many of the statements were ever published *at all*. None of their purported evidence establishes this knowing falsity. Instead, their argument boils down to: (1) Defendants Brown and Haueter did not wish to alienate themselves from the BBW community and thus did not loudly protest Wilhelmy’s sexual assault in a manner that Wilhelmy thinks a woman should, and they must have consented to everything he did to them, absent this “Wilhelmy approved” protest; (2) Any reference to “sexual assault” must, by necessity, equate to an allegation of criminal sexual penetration; and (3) Saying kind things about Wilhelmy in the past means that any future criticism of him must be in bad faith. Plaintiffs have provided no admissible evidence as to so much as the *existence* of the majority of the statements they allege defamed them.¹ The Court should dismiss all of Plaintiffs’ claims and award Defendants their attorneys’ fees and \$10,000 each under NRS 41.670(1)(a)-(b).

2.0 FACTUAL BACKGROUND

Wilhelmy founded Pearadise and the Pearadise Discord community. Plaintiffs are active on TikTok and have amassed a following of more than 210,000 people in a short amount of time. Wilhelmy *claims* that he created the Pearadise Discord community to satisfy his “passion for speaking up against bullying and discrimination against big girls to the next level.” In reality, he runs this as a way to collect women who satisfy his fetish. And Defendants have no desire to “kink shame” him – he is welcome to fetishize plus sized women. But, the “Pearadise community” is where he seeks out women to bring to his home, where he engages in behavior that has been

¹ The fact that Plaintiffs are facing an Anti-SLAPP motion, yet they have refused to provide the allegedly defamatory statements, or even to say where and when they were published, forecloses them establishing a *prima facie* case. Either the statements do not exist, they exist, but context would disprove them being defamatory, or they exist and Plaintiffs have chosen to waive the ability to present them in opposing the Anti-SLAPP motion. Presumably, if such evidence would help their case, they would have taken the opportunity to put it in the record.

1 described as “cult-like,” where he can isolate, analyze, and prey upon women when they find
 2 themselves most vulnerable, either due to substance use or emotional trauma. (Declaration of
 3 Alexandria Gilland [“Gilland Decl.”], attached as **Exhibit 1**.)

4 Ms. Brown and Ms. Javier were both active participants in the Pearadise Discord and
 5 stayed at Wilhelmy’s house in Las Vegas, where he frequently throws parties with Pearadise
 6 community members. While there, Wilhelmy sexually touched both Defendants Brown and
 7 Javier, despite both of them telling Wilhelmy that they were not interested in being used that way.
 8 Plaintiffs claim that this is false because *Plaintiffs* claim to have believed that Defendants
 9 consented, but Plaintiffs provide no evidence of this. Consent comes from the touched, not the
 10 person doing the touching. Further, Wilhelmy’s argument that the women were his for the taking,
 11 because some of them were physically affectionate *with one another* is to say the least, unavailing.
 12 A group of women enjoying each other’s company and a man making unwanted sexual advances
 13 is not the same thing.²

14 After the visit, Defendants published statements regarding their experiences at Wilhelmy’s
 15 home. As eye witnesses, and victims of Wilhelmy’s objectification and lack of boundaries,
 16 Defendants Brown and Javier believed their statements to be true or at least expressions of opinion,
 17 and Defendants Haueter and Sandu believed these women’s accounts of these traumatic events.
 18 Plaintiffs have provided no evidence that any Defendant knew their statements were false when
 19 they published them, or that they had any subjective doubt as to the accuracy of their statements.

20 Plaintiffs have inexplicably provided no admissible evidence of Defendants Brown, Javier,
 21 or Haueter’s allegedly defamatory statements. Plaintiffs’ Complaint quotes isolated statements
 22 from some purported videos, but none of these videos are attached to the Opposition, the
 23 Complaint, or the FAC, nor are they otherwise of record, nor has anyone even pointed to where,

24
 25 ² It shocks the conscience to imagine anyone taking the position that because two women were
 26 physically affectionate to each other, that declares them “fair game” for any man who observes
 27 them. While such a position might have been an effective defense in 1950, one cannot imagine a
 court accepting it in *this century*. Even when it may have worked in court, it was never a morally
 defensible position.

1 when, or how they were ever published, that anyone ever read them or heard them, nor even any
 2 proof that they happened at all. Bare allegations in a complaint are not evidence to support an
 3 Anti-SLAPP motion. Thus, there is nothing to support Plaintiffs’ core allegation that Defendants
 4 made these statements. But even if Wilhelmy were to testify as to the contents of the videos, his
 5 knowledge of their contents exclusively comes from viewing these documents, which would
 6 violate the best evidence rule.³

7 Plaintiffs argue that there was no pre-existing controversy regarding allegations of sexual
 8 assault against Wilhelmy, but this is false and Plaintiffs know it. Unlike Wilhelmy’s unsupported
 9 claims that Defendants could have known their statements were false, Wilhelmy’s knowledge that
 10 his own claims are false is provable.

11 Wilhelmy posted on the Pearadise Discord in August 2020 that he was “*being terrorized*
 12 *right now by a bitch who has been terrorizing me for over a month by coming in my live on fake*
 13 *accounts and saying ‘I raped her’ shit. Since yesterday they have been molesting my friends on*
 14 *Facebook and publicly posting on Facebook crazy shit about me.” (See Declaration of Kimberly*
 15 *Haueter [“Haueter Reply Decl.”], attached as **Exhibit 2**, at ¶ 3; see also August 4, 2020 Discord*
 16 *exchange with Wilhelmy, attached as **Exhibit 3**.) Does that sound like an absence of a pre-existing*
 17 *controversy? It most certainly does not.*

18 Plaintiffs’ First Amended Complaint claims that Haueter made new claims in three
 19 unidentified Tik-tok videos, namely that she (1) claimed “that Wilhelmy’s twin children were
 20 conceived as a result of rape” (FAC at ¶ 43); (2) was “accusing Wilhelmy of luring underage girls
 21 into his Discord chat in order to induce them into sex work for a profit” (*id.* at ¶ 44); and, (3) was
 22 “accusing Wilhelmy luring [sic] underage girls to his home to drink alcohol” (*id.* at ¶ 45).

23
 24
 25 ³ NRS 52.235 requires that a party provide an original (or a duplicate as per NRS 52.245) of a
 26 document in order “[t]o prove the content of a writing.” A party cannot provide “secondary oral
 27 proof” to establish the contents of a document. *Stephans v. State*, 262 P.3d 727, 733 (Nev. 2011).
 For this reason, none of the testimony from third-party declarants as to statements they claim that
 any Defendant published on the internet is admissible.

1 As explained in Ms. Haueter’s Supplemental Declaration, she denies ever making these
2 claims. The alleged statements are not quoted and the alleged videos are not attached, either,
3 making addressing them impossible.

4 However, at the time of these alleged statements, Wilhelmy provably engaged in a
5 disturbing Pearadise Discord exchange with a female **minor** who wrote: “Is it dumb of me to be
6 more inclined to talk to older men, especially knowing that if they’re talking to me it’s probable
7 that they are immature.” (August 5, 2021 Discord exchange, attached as **Exhibit 4.**) Wilhelmy
8 responded: “*Actually I wouldn’t even see it that way. It could also seem positive for you. If an
9 older guy talks to you or takes interest in you, it could also mean that you’re very mature for your
10 age and have your [poop emoji] together. I tend to see things from the positive side.*” (*Id.*)
11 Certainly, a male adult running a highly sexualized community telling an apparent minor that it’s
12 perfectly fine to spend time with older men is cause for concern, to put it charitably.

13 Furthermore, in late May 2021, members of the Pearadise Discord were analyzing the
14 August 2020 Discord post from Wilhelmy in which he said he had been accused of rape and
15 theorized that Wilhelmy’s wife, named CiCi, was the accuser. (Haueter Reply Decl. at ¶¶ 3-5.) On
16 June 7, 2021 Wilhelmy posted a video on the Pearadise Tik-Tok where he mentioned his twin
17 children, whom he had never mentioned previously, and addressed an unnamed individual who,
18 according to Wilhelmy, had been trying to drag his children into a dispute. (*See* Wilhelmy June
19 7, 2021 video, attached as **Exhibit 5.**) This caused members of the Pearadise community to be
20 reminded of Wilhelmy’s statement from August 2020 where he claimed to have been accused of
21 rape, and members began asking questions in the Pearadise Discord about whether the rape
22 accusation was related to the Wilhelmy’s children. (Haueter Reply Decl. at ¶¶ 5-11.) Moreover,
23 the mother of Wilhelmy’s children accused him of raping her in July 2020 to her coworkers and
24 asked several third parties to pressure Wilhelmy into admitting to this act of rape. (*See* Declaration
25 of Ashley Williams, attached as **Exhibit 6.**)
26
27

1 Wilhelmy brought these rape allegations to his community, then Wilhelmy used his
 2 children as props in his public relations campaign. A reasonable observer could be expected to
 3 come to the conclusion that he complains about here.

4 **3.0 ARGUMENT**

5 The parties have already briefed the two-step Anti-SLAPP analysis. Defendants must first
 6 show, by a preponderance of the evidence, that they published their statements in good faith and
 7 on a matter of public interest, in a public forum or place accessible to the public. If this light
 8 burden is met, Plaintiffs must then make a *prima facie* evidentiary showing of a probability of
 9 prevailing on their claims. Nevada treats an Anti-SLAPP motion as a motion for summary
 10 judgment. *See Coker v. Sassone*, 432 P.3d 746, 748-49 (Nev. 2019). Nevada courts look to case
 11 law applying California’s Anti-SLAPP statute, Cal. Code Civ. Proc. § 425.16. *Id.* at 749.

12 **3.1 Prong One: This Suit is Based Upon Protected Conduct**

13 As relevant here, the statute protects any “[c]ommunication made in direct connection with
 14 an issue of public interest in a place open to the public or in a public forum... which is truthful or
 15 is made without knowledge of its falsehood.” NRS 41.637(4). A defendant therefore must make
 16 three showings to satisfy the first prong: (1) the claims are based upon communications made in
 17 direct connection with an issue of public interest; (2) the communications were made in a place
 18 open to the public or in a public forum;⁴ and (3) the communications are truthful or were made
 19 without knowledge of their falsehood. All three requirements are met here.

20 **3.1.1 Definition of Issue of Public Interest**

21 “Issue of public interest” is defined broadly and may cover a wide range of topics that may
 22 be of interest only to a relatively limited number of people. *See, e.g., Nygard, Inc. v. Unsi-Kerttula*,
 23 159 Cal. App. 4th 1027, 1042 (2008); *Hilton v. Hallmark Cards*, 599 F.3d 894, 905 (9th Cir. 2009).
 24 Issues that involve even private conduct by public figures are of public interest. *See Sipple v.*
 25 *Foundation For Nat. Progress*, 71 Cal. App. 4th 226, 238 (2d Dis. 1999). This includes relatively
 26 low-level incidents of sexual misconduct. *See Mendoza v. ADP Screening and Selection Services*,

27 ⁴ Plaintiffs do not dispute that Defendants’ statements were published in a public forum.

1 *Inc.*, 182 Cal. App. 4th 1644, 1653 (2d Dist. 2010). Of course, whether the leader of a community
 2 is engaged in sexual misconduct is without a doubt a matter of interest to that community, to
 3 anyone who might join that community, or anyone concerned about the issues raised in general.
 4 *See, e.g., Guzman v. Finch*, 2019 U.S. Dist. LEXIS 71168, *15 (S.D. Cal. Apr. 26, 2019) (finding
 5 that the defendant’s Facebook post about alleged sexual abuse was not a private controversy
 6 because the post was “akin to domestic violence[.]” which courts have “found to be of widespread
 7 public interest”).

8 Plaintiffs do not contest this broad scope of the Anti-SLAPP statute. Instead, they focus
 9 on the Nevada Supreme Court’s decision in *Shapiro v. Welt*, 133 Nev. 35, 39 (2017), which
 10 adopted the five “guiding principles” laid out in *Piping Rock Partners, Inc. v. David Lerner*
 11 *Assocs., Inc.*, 946 F. Supp. 2d 957 (N.D. Cal. 2013). These principles are:

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

23 *Id.* at 968. These “guiding principles” are not a formulation of new law, but rather a distillation of
 24 California and U.S. Supreme Court decisions on what constitutes an issue of public interest. *See*
 25 *Piping Rock*, 946 F. Supp. 2d at 968. Nothing in *Welt* suggests that Nevada courts use this as an
 26 exclusive checklist. Instead, the cases cited above and in the Anti-SLAPP Motion also guide the
 27 public issue analysis and the application of the *Piping Rock* factors.

28 It is important to look at the cases relied on in *Piping Rock* in setting out these “guiding
 29 principles.” It primarily relied on *Weinberg v. Feisel*, 110 Cal. App. 4th 1122 (2003). In
 30 discussing the first “mere curiosity” principle, *Feisel* in turn cited *Time, Inc. v. Firestone*, 424 U.S.
 31 448, 454-55 (1976) and *Briscoe v. Reader’s Digest Association, Inc.*, 4 Cal. 3d 529, 537 (1979).

1 *Firestone* dealt with marriage dissolution judicial proceedings involving a public figure, an issue
2 that did not affect anyone beyond the immediate participants, and so the U.S. Supreme Court found
3 that this did not constitute an issue of public interest. *See Firestone*, 424 U.S. at 454. The court
4 in *Briscoe* found that the alleged involvement of a private citizen in a long-past crime, well after
5 his identification could be used for any purpose related to justice, was not an issue of public
6 interest. *Briscoe*, 4 Cal. 3d at 537-38. The *facts* of the case were of public interest, but not the
7 person's *identity*. *Id.*

8 As for principle 2, the number of people interested, the cases cited by *Feisel* are *Dun &*
9 *Bradstreet v. Greenmoss Builders*, 472 U.S. 749 (1985) and *Hutchinson v. Proxmire*, 443 U.S. 111
10 (1979). *Greenmoss* dealt with a false credit report which amounted to commercial speech that was
11 only disseminated to five people, who could not disseminate it any further. *Greenmoss*, 472 U.S.
12 at 762. *Proxmire* was primarily concerned with whether the recipient of a federal research grant
13 was a limited purpose public figure in a suit against the party that made him a public figure; the
14 only pre-existing public controversy that applied to him was expenditure of federal grant funds,
15 which was too amorphous to make statements about him on an issue of public concern. *Proxmire*,
16 443 U.S. at 135. This principle does not stand for the proposition that an issue must affect every
17 person in the country or a state to be an issue of public interest. It is also important to note that
18 both *Greenmoss* and *Proxmire* were decided before the age of the Internet and dealt with
19 publication of statements to a minuscule number of people.

20 For the third principle, the proximity between the statements at issue and the asserted public
21 interest, *Feisel* cites *Proxmire* and *Connick v. Myers*, 461 U.S. 138 (1983). As discussed above,
22 the relevant public controversy in *Proxmire* was allocation of federal grant funds, and the
23 plaintiff's only pre-existing connection to that controversy was receipt of such funds, which was
24 no closer a connection than any other federal grant recipient. *Proxmire*, 443 U.S. at 135. *Myers*
25 dealt with questions an employee asked her co-workers that were unrelated to the operation or
26 efficiency of her employer, and were instead planned to be used as part of a grievance she had with
27 her employer regarding a department transfer. *Myers*, 461 U.S. at 148. The Court found that her

1 “questionnaire, if released to the public, would convey no information at all other than the fact that
 2 a single employee is upset with the status quo.” *Id.*

3 For the fourth principle, whether the statements are made to further the public interest,
 4 *Feisel* cites *Myers*.⁵ As already explained, the speech at issue in *Myers* was a questionnaire by a
 5 disgruntled employee who wanted to obtain responses from co-workers she could use in a private
 6 dispute with her employer. *Myers*, 461 U.S. at 148.

7 And for the fifth principle, that information is not on a public issue merely due to
 8 widespread publication, *Feisel* cites *Proxmire* and *Rivero v. American Federation of State, County*
 9 *and Municipal Employees, AFL-CIO*, 105 Cal. App. 4th 913 (2003). *Proxmire* dealt with a U.S.
 10 senator giving an ironic “golden fleece” award for wasteful government spending to agencies that
 11 funded the plaintiff’s research. There was only a public controversy in that case because the
 12 defendant created one by accusing the plaintiff of wasteful research; there was no pre-existing
 13 controversy, and the defendant could not use the controversy he created as a defense. *Proxmire*,
 14 443 U.S. at 134-35. The court in *Rivero* found that an employer’s union could not transform a
 15 private dispute (such as a supervisor’s tardiness) into a public issue simply by publishing it in a
 16 union publication with a large audience. *Rivero*, 105 Cal. App. 4th at 926.

17 As explained below, the facts here are easily distinguishable from each of the cases cited
 18 in *Feisel* to form the foundation of the guiding principles in *Piping Rock*. Defendants exposed a
 19 sexual predator who created the Pearadise community to lure in BBWs who thought it was a safe
 20 and accepting place, then invite them to his home where he could freely sexually gratify himself
 21 at their expense.

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 24 ⁵ Plaintiffs argue that Defendant Haueter’s statements are a private dispute, as evidenced by the
 25 fact that she distributed the Anti-SLAPP Motion to third parties on social media platforms. This
 26 argument, of course, has no application to the other Defendants, as there is no allegation they
 27 engaged in such conduct. Furthermore, Plaintiffs’ argument misunderstands the fourth guiding
 principle in *Piping Rock*. There was no dispute between Plaintiffs and Haueter, public or private,
 prior to her publication of the statements at issue. How, then, could her statements be “another
 round of ammunition” in a non-existent dispute?

1 **3.1.2 Defendants’ Statements Were Made in Direct Connection with an Issue**
2 **of Public Interest**

3 Defendants’ statements relate directly to a significant issue of public interest, namely a
4 pattern of allegations of sexual harassment against a public figure. Wilhelmy created a community
5 of thousands, and sits at the top of that community as its cult-leader. Then, he sexually preys upon
6 members of that community. Why would it not be a matter of public interest to members of that
7 community and people who might be enticed to join that community, that they would then
8 potentially be sexually assaulted? Calling this “not a matter of public interest” is like saying that
9 Harvey Weinstein’s predations were just inter-personal disputes between him and his suitors, or
10 Reverend Jim Jones’s actions in Guyana were merely a private dispute about beverage choices.

11 The Supreme Court of Nevada recently held that allegations that a local business owner
12 that was well known in the thrifting community was a “bully” was an issue of public interest to a
13 substantial number of people that surpassed mere curiosity. *Smith v. Zilverberg*, 481 P.3d 1222,
14 1227 (Nev. 2021). The court in that case noted that “disclosure of [the plaintiff’s] behavior, which
15 occurred in connection with his thrifting business and related activities, informs the public’s
16 decision on whether to do business with him.” *Id.* at 1227-28. Wilhelmy noted in the Complaint
17 that he has a substantial following of 170,000 followers on TikTok. (*See* Complaint at ¶ 56). Since
18 the Complaint was written, Wilhelmy has grown to over 210,000 followers on the platform. (*See*
19 Anti-SLAPP Motion at *Exhibit B*). Wilhelmy created the community. He controls the community.
20 And he exploits the community for his own personal sexual gratification. He is most certainly a
21 public figure in the context of this community, or even in the context of women who might choose
22 to join it – and these women have every right to know what they’re getting themselves into.⁶

23 _____
24 ⁶ Plaintiffs argue that there is no pattern of allegations against Wilhelmy because Savannah and
25 Javier were the first to publicly accuse him of sexual misconduct, meaning there was no existing
26 controversy about his sexual assault at the time Defendants published their statements, and thus
27 their speech cannot be on an issue of public interest. But that is not the standard. In *Zilverberg*,
for example, the Court did not find there needed to be pre-existing public allegations of the
plaintiff’s bullying conduct in the thrifting community. Rather, it was sufficient that the plaintiff
was a public figure in that community, that the statements at issue related to his role in that
community, and that the statements were of interest to members of that community. *Id.* at 1227-

1 Wilhelmy is at least a limited purpose public figure for purpose of the anti-SLAPP analysis
 2 in this case. A limited-purpose public figure is a person who voluntarily injects himself or is thrust
 3 into a particular public controversy or public concern, and thereby becomes a public figure for a
 4 limited range of issues. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 720 (2002). The test
 5 for determining whether someone is a limited public figure includes examining whether a person's
 6 role in a matter of public concern is voluntary and prominent. *Id.* Wilhelmy created Pearadise,
 7 claiming that it is a “safe-space” for body positivity and inclusivity for all individuals, but
 8 specifically for “speaking up against bullying and discrimination against big girls.” (See Anti-
 9 SLAPP Motion at *Exhibit C*). Wilhelmy actively sought to hold himself out as a “white knight”
 10 for “big girls” and, indeed, welcomed this attention. Wilhelmy has stated that it was his “passion”
 11 to create the Discord server where a majority of his community hangs out on a regular basis. (*Id.*).

12 Plaintiffs argue that they are not public figures because there are larger and more prominent
 13 BBW communities than Pearadise, but they fail to provide any evidence of their existence.
 14 Wilhelmy claims they exist, but provides no foundation for his knowledge of these alleged facts,
 15 and there is no other evidence in the record even of their existence, much less their relative size
 16 and prominence. Further, you do not need to be the leader of the *largest* community in order to be
 17 a public figure. Would the governor of Rhode Island not be a public figure because California
 18 exists? Is Jack Dorsey less of a public figure because Mark Zuckerberg leads a larger platform?

19 Plaintiffs also claim Wilhelmy is not a public figure because “[h]e don’t [sic] hold public
 20 events, and he does not open his personal life up to the entire Pearadise community, only a select
 21 group of friends.” (Opposition at 23.) But a person can be a public figure without baring every
 22 aspect of their personal lives to the general public. In fact, most public figures do not do this.
 23 Wilhelmy does not keep his identity a secret, but talks about himself and his hobbies his on the

24 _____
 25 28. Those are the facts here. Plaintiffs’ argument would also lead to absurd results. For example,
 26 under their reasoning, the first public allegations of sexual abuse against Harvey Weinstein would
 27 not have been on an issue of public interest because there would not have been pre-existing
 allegations of abuse. Plaintiffs’ argument is also factually unsound, as Wilhelmy himself
 published the existence of a rape allegation against him in August 2020. (**Exhibit 3.**)

1 Pearadise TikTok account. (See “About Me” page of Pearadise TikTok account, attached as
2 **Exhibit 7**)⁷ (Wilhelmy sharing personal details, such as his interests and hobbies, and describing
3 Pearadise as a “new and exciting community of body positivity, empowerment and friendships in
4 a completely judgment free zone!”) In fact, Wilhelmy published a video on the Pearadise TikTok
5 account sharing that he had gotten a vasectomy, a medical procedure that most would consider
6 intensely private. (See Pearadise TikTok video dated October 4, 2021, attached as **Exhibit 8**.)⁸

7 As the leader of a community he advertises as a “safe space,” Wilhelmy’s offline behavior
8 is of particularly great concern to the public and particularly to the “big girl” community – who he
9 tries to entice to come to his house in large groups, so that he can use them as his own sexual
10 gratification harvest. Ms. Brown and Ms. Javier have recounted their personal experiences of
11 sexual misconduct committed by Wilhelmy in their statements. Ms. Haueter and Ms. Sandu have
12 described the stories of various women and their encounters with Wilhelmy. All of the statements
13 were made in order to notify the public of coercive and boundary-breaking behavior by a man
14 purporting to run a “safe space” for all women he knows to feel bullied and discriminated against.
15 In reality, he is creating a stable of women who fit his physical preferences, who have emotional
16 feelings of vulnerability, that he can sexually abuse at his leisure. Wilhelmy’s claims arise from
17 conduct that is protected by the Nevada Anti-SLAPP statute.

18 Plaintiffs argue that Wilhelmy’s public figure status is irrelevant to the first prong analysis.
19 This is plainly wrong, and none of the cases cited in their Opposition support this proposition.
20 They cite *Annette F. v. Sharon S.*, 119 Cal. App. 4th 1146 (2004), but that court did not discuss
21 the plaintiff’s public figure status in the first prong analysis because the statements at issue were
22 made in connection with an issue under consideration or review by a judicial body, a category of
23 speech that does not even implicate the “issue of public interest” aspect of California’s Anti-
24 SLAPP statute. It is a red herring. Plaintiffs cite *Pegasus*, but that case did not even deal with an

25 ⁷ Available at: <https://tiktok.mywo.org/index.php?action=about> (accessed Oct. 5, 2021).

26 ⁸ Available at:
27 https://www.tiktok.com/@pearadise1/video/7015297103702363397?lang=en&is_copy_url=1&is_from_webapp=v1 (last accessed Oct. 5, 2021).

1 Anti-SLAPP motion. They finally cite the statement in *Hilton v. Hallmark Cards*, 599 F.3d 894,
 2 905 (9th Cir. 2010), “that neither Hilton nor Hallmark are public officials, therefore, cannot be
 3 dispositive.” Plaintiffs fail to understand the language they quote. That discussion in *Hilton* was
 4 in relation to the question of whether the California Anti-SLAPP statute’s scope includes the
 5 conduct of private individuals and companies, in addition to public officials. The court
 6 affirmatively concluded that the conduct of private individuals is included within the statute’s
 7 scope. *Id.* Indeed, it went on to find that the statements at issue were on an issue of public interest
 8 because the plaintiff was “a person ‘in the public eye’ and ‘a topic of widespread, public interest.’”
 9 *Id.* at 907. The case simply does not support Plaintiffs’ argument.

10 Plaintiffs’ attempt to distinguish *Zilverberg* from the facts here is also misguided. The
 11 Court in *Zilverberg* found that a plaintiff’s public figure status does not *per se* make every
 12 statement about them on an issue of public interest. But Defendants do not argue this. If
 13 Defendants had accused Wilhelmy of driving to Arkansas to murder someone who made an ill-
 14 fitting tailored suit for him, the analysis would be very different. But Plaintiffs are public figures
 15 specifically because *they founded the Pearadise community, advertised it as a safe space for*
 16 *BBWs, and then exploited that position of trust for Wilhelmy’s sexual gratification.* Defendants’
 17 statements relate specifically to the nature of this community and provide information
 18 contradicting the narrative Plaintiffs tried to establish that it is a safe space. Defendants exposed
 19 the Pearadise community for what it really is: a curated hunting ground created to satisfy
 20 Wilhelmy’s fetish.⁹ This revelation is unquestionably of significant importance not only to every
 21

22
 23 ⁹ Incredibly, Plaintiffs argue that Defendants’ statements are not on a matter of public interest
 24 because “[m]ost of the Discord members will never be in direct contact with or stay overnight at
 25 Wilhelmy’s house.” (Opposition at 8.) Yes, there are only so many hours in a day and Wilhelmy
 26 can only sexually assault so many people, but that is hardly a response to Defendants’ claims. It
 27 does not matter to women who seek comfort and acceptance in the Pearadise community that
 Wilhelmy will only assault *some* of them. Danger of sexual assault aside, the fact that Wilhelmy
 assaulted *anyone* in the Pearadise community is of significant concern to everyone in that
 community. Wilhelmy and Pearadise are not worthy of trust in maintaining a safe space for BBWs,
 and the members of the community deserve to know this.

1 member of the Pearadise community, but also every BBW looking for a place to accept them.¹⁰
 2 Plaintiffs cannot seriously contend that letting the public know a self-proclaimed sheep is actually
 3 a wolf is of no interest to the wolf’s potential victims.

4 The only change to the First Amended Complaint relevant to the prong one analysis is the
 5 addition of three videos that Wilhelmy *claims that* Haueter published in which she allegedly
 6 claimed that Wilhelmy’s children were conceived from rape and that he has tried to lure underage
 7 girls to the Pearadise Discord and his home. As mentioned in Defendants’ Supplement to their
 8 Anti-SLAPP Motion, it is impossible to properly respond to these allegations because Plaintiffs
 9 do not identify these alleged statements or even purport to quote them, and further, Ms. Haueter
 10 never published statements containing these allegations. Without having any idea what the
 11 statements are or what their surrounding context could possibly be, it is extraordinarily difficult to
 12 define to what issues the statements are in relation. But Defendants should not be penalized for
 13 Plaintiffs’ failure to properly plead their claims or support them with evidence.¹¹

14 Even with Plaintiffs’ failure, however, there are public issues related to the
 15 characterizations of Haueter’s alleged statements mentioned in the FAC. There are statements
 16 from Wilhelmy himself showing that he tries to reach out to minors and bring them to the Pearadise
 17 Discord. Wilhelmy has also publicly acknowledged that he has been accused of rape and published
 18 a video in June 2021 addressing allegations that his children were the product of rape. This
 19 evidence, combined with the issues of public interest identified above, show that Haueter’s alleged
 20 additional statements are on issues of public interest. If the operator of an alleged safe space for
 21 BBWs is using that space not only for sexual predation of women, but also to groom minors, then

22
 23 ¹⁰ Wilhelmy testifies that members of the Pearadise community “do not join the Pearadise discord
 24 to date, have sexual relations with, or even meet others,” but he is not competent to testify as to
 25 the subjective mental state of third parties. (Opposition at *Exhibit 6*, ¶ 16.) Even if this were true,
 it only helps Defendants’ argument. Wilhelmy invites members of the community who did not
 join for sexual purposes to his home for explicitly sexual purposes. That is hardly the safe space
 Pearadise advertises.

26 ¹¹ These new allegations against Haueter are outright fabrications with no evidentiary support.
 27 Defendants will be filing a Rule 11 motion against Defendants and their counsel for not
 withdrawing these factually unsupported claims.

1 that is of particular interest to actual and potential members of the community. Therefore, while
2 Wilhelmy cannot show that Haueter ever said these things, Haueter can prove that these things are
3 directly connected to issues of public interest.

4 Plaintiffs attempt to defeat Defendants' showing that their statements are in connection
5 with an issue of public interest by speculating as to Defendants' motives and subjective knowledge.
6 The declarations Plaintiffs attached to their Opposition and response to Defendants' Supplement,
7 however, do not provide a basis for the declarants' personal knowledge of these alleged facts. The
8 Nevada Supreme Court has already decided that such evidence is insufficient to defeat an Anti-
9 SLAPP motion. The court in *Silverberg* found that the plaintiff providing a declaration claiming
10 that the defendants' "actions arose from 'animosity and personal spite' . . . contained conclusory
11 statements that were not based on first-hand factual information," and thus did not defeat the
12 defendants' Anti-SLAPP motion. 481 P.3d at 1228 (citing NRS 50.025(1)(a)). Plaintiffs'
13 declarations are thus insufficient to defeat Plaintiffs' evidentiary showing.

14 Plaintiffs, without any explanation, have chosen not to provide any evidence that any
15 Defendant other than Ms. Sandu made any of the statements at issue in this case. The Court should
16 not excuse Plaintiffs' failure to provide essentially *any* evidence that Defendants did what they
17 claim Defendants to have done. Plaintiffs are well aware of the nature of Anti-SLAPP motions
18 and their evidentiary burden. They cite case law in their Opposition establishing that Anti-SLAPP
19 motions are treated as summary judgment motions that must be supported by admissible evidence.
20 (*See* Opposition at p. 10) (citing *Sassone*, 432 P.3d at 748). Despite acknowledging the need to
21 provide evidence to support their claims, Plaintiffs did not provide any evidence of the statements
22 in question, instead relying on the allegations in their Complaint. In Defendants' supplement
23 addressing the new allegations in the First Amended Complaint, Defendants made it abundantly
24 clear that evidence of the additional statements allegedly made by Haueter was necessary, as
25 Haueter never made such statements. Despite this clear warning, Plaintiffs responded to this
26 supplement by choosing not to provide this necessary, foundational evidence, claiming that
27

1 reminding Plaintiffs of their evidentiary burden functioned as an attempt to circumvent the Anti-
2 SLAPP statute’s discovery stay. This could not be more wrong.

3 The court should not condone this attempt to defeat an Anti-SLAPP motion. There is
4 plenty of evidence, identified above, to show that Defendants’ alleged statements were in
5 connection with issues of public interest, and that the most salacious allegations are in fact true.
6 However, Plaintiffs’ approach here, particularly regarding the additional statements allegedly
7 made by Haueter identified in the First Amended Complaint, appears to be making up allegations
8 out of whole cloth and then claiming that these invented statements are not on matters of public
9 interest. Let’s think about that: essentially, Plaintiffs seem to be taking the position that if they
10 make up statements that nobody actually said, since they never were said, they could not be a
11 matter of public interest. This strategy is inventive, to say the least.

12 The Nevada Supreme Court has previously decided, in the context of determining whether
13 a defendant acted in “good faith,” how to resolve disputes as to whether a defendant even made
14 the statements at issue. *Taylor v. Colon*, 468 P.3d 820, 822-23 (Nev. 2020) dealt with a
15 presentation by a Nevada Gaming Control Board officer, the defendant, that allegedly implied a
16 well-known gambler, the plaintiff, was a cheater. The plaintiff also alleged the defendant claimed
17 he was a criminal and had been arrested, but the defendant disputed saying this. *Id.* at 823. In
18 evaluating the defendant’s Anti-SLAPP motion, the court found that a declaration from the
19 defendant denying he said some of the statements alleged was sufficient to establish good faith,
20 even though the plaintiff disputed this. *Id.* at 826. The Court reasoned that “[h]olding otherwise
21 would make it nearly impossible for a defendant to make a showing of good faith when the parties
22 dispute what was actually said.” *Id.*

23 This Court should adopt the same approach here as to public issue status, at least where
24 there is no evidence that a defendant actually made the alleged statements. It would be trivially
25 easy for a SLAPP plaintiff to defeat an anticipated Anti-SLAPP motion by filing a complaint with
26 utterly false allegations about a defendant’s statements or conduct that are not in connection with
27 a public issue. It would be “nearly impossible” for a defendant to meet their prong one burden as

1 to public issue status when trying to address fictional statements that are either not identified at all
 2 or are selectively quoted, as any plaintiff can characterize an alleged statement in such a way that
 3 it does not have an obvious relation to a public issue. While a defendant may potentially be able
 4 to later obtain an award of sanctions, after having been put through the burden of litigation the
 5 Anti-SLAPP statute is meant to prevent, entitlement to sanctions for frivolous and bad-faith claims
 6 under Nevada law is far more uncertain than the guaranteed entitlement to fees under the Anti-
 7 SLAPP statute. Plaintiffs should not be able to benefit from ambiguities they have deliberately
 8 created, or fabrications that come from their own imaginations.

9 But even if the Court were to require Defendants to show that Haueter’s fictional and
 10 unidentified statements were in connection with a public issue, this should not affect the outcome
 11 of the Anti-SLAPP Motion. Such statements are inextricably linked to the allegations in the
 12 original Complaint, making the claims regarding Haueter’s new alleged statements “mixed” causes
 13 of action for Anti-SLAPP purposes. These “mixed cause[s] of action [are] subject to the Anti-
 14 SLAPP statute if **at least one of the underlying acts is protected conduct**, unless the allegations
 15 of protected conduct are merely incidental to the unprotected activity.” *Lauter v. Anoufrieva*, 642
 16 F. Supp. 2d 1060, 1109 (C.D. Cal. 2008) (emphasis added); *see also Salma v. Capon*, 161 Cal.
 17 App. 4th 1275, 1287 (2008) (holding that a cause of action based on both protected and unprotected
 18 activity under California’s Anti-SLAPP statute is subject to an Anti-SLAPP motion); *Peregrine*
 19 *Funding, Inc. v. Sheppard Mullin*, 133 Cal. App. 4th 658, 675 (2005) (finding that because
 20 plaintiffs’ claims “are based in significant part on [defendant’s] protected petitioning activity,” the
 21 first anti-SLAPP prong was satisfied”). As explained above, all statements regarding Brown and
 22 Javier’s experience with Wilhelmy are in direct connection with a public issue, and Haueter’s
 23 additional alleged statements are not merely incidental to them. All alleged statements are thus
 24 protected.

25 **3.1.3 Defendants’ Statements Were Made in Good Faith**

26 To be protected under the Anti-SLAPP statute, statements must be “truthful or ... made
 27 without knowledge of [their] falsehood.” NRS 41.637. Even if a statement is false, defendants

1 must have made it with *actual knowledge* that it was false; neither negligence nor even reckless
 2 disregard for the truth can defeat a defendants’ showing under prong one. It is properly described
 3 as a standard even higher than that of the Actual Malice standard under *New York Times Co. v.*
 4 *Sullivan*, 376 U.S. 254 (1964). The fundamental inquiry is whether Defendants knowingly lied;
 5 “[t]he test is subjective, with the focus on what the defendant *believed* and *intended to convey*, not
 6 what a reasonable person would have understood the message to be.” *Nevada Indep. Broad. Corp.*
 7 *v. Allen*, 99 Nev. 404, 415 (1983) (emphasis in original). The term “good faith” in the Anti-SLAPP
 8 statute does not have any independent significance from its definition in the statute. The Nevada
 9 Supreme Court in *Welt* clarified that this simply means “[t]he declarant must be unaware that the
 10 communication is false at the time it was made.” 389 P.3d at 267. Accordingly, this analysis is
 11 completely unrelated to a defendant’s motivations in making a statement or whether they should
 12 have conducted a more thorough investigation prior to publication.

13 A statement of opinion cannot be false or defamatory, as there is no such thing as a “false”
 14 idea. *See Pegasus*, 118 Nev. at 714; *see also Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 339
 15 (1974). An “evaluative opinion” cannot be false or defamatory, either. *See PETA v. Bobby*
 16 *Berosini, Ltd.*, 111 Nev. 615, 624-25 (1995) (finding that claiming depictions of violence towards
 17 animals shown in video amounted to “abuse” was protected as opinion). Such an opinion is one
 18 that “convey[s] the publisher’s judgment as to the quality of another’s behavior, and as such, it is
 19 not a statement of fact.” *Id.* at 624. To determine whether a statement is one of protected opinion
 20 or an actionable factual assertion, the court must ask “whether a reasonable person would be likely
 21 to understand the remark as an expression of the source’s opinion or as a statement of existing
 22 fact.” *Pegasus*, 118 Nev. at 715. The Nevada Supreme Court has recognized that a statement of
 23 opinion cannot be made with knowing falsity for purposes of the “good faith” inquiry. *Abrams v.*
 24 *Sanson*, 458 P.3d 1062, 1068 (2020).

25 It is dispositive that Plaintiffs have provided no admissible evidence that Defendants other
 26 than Sandu actually uttered the alleged statements, or what those alleged statements actually are
 27 in their entirety. While Defendants do not deny making statements online about Wilhelmy’s

1 conduct that Brown and Javier felt constituted sexual assault,¹² this lack of admissible evidence
 2 regarding the context of the statements presents a serious problem for Plaintiffs. Their FAC does
 3 not purport to reproduce the videos in which they made these statements in their entirety, instead
 4 summarizing what Wilhelmy imagines they said and providing isolated quotes from the videos.
 5 However, “[i]n reviewing an allegedly defamatory statement, ‘[t]he words must be reviewed **in**
 6 **their entirety and in context** to determine whether they are susceptible of a defamatory meaning.”
 7 *Lubin v. Kunin*, 117 Nev. 107, 111 (2001) (quoting *Chowdhry v. NLVH, Inc.*, 109 Nev. 478, 484
 8 (1993)). Plaintiffs, despite acknowledging their evidentiary burden in opposing an Anti-SLAPP
 9 motion, have chosen to hide all evidence of the content or context of Defendants’ statements – to
 10 the extent they ever existed at all. Defendants should not be penalized for this failure of briefing,
 11 and any ambiguities as to whether a statement is one of fact or opinion resulting from it should be
 12 resolved in favor of Defendants.

13 The Anti-SLAPP Motion discusses how Defendants all subjectively believed the accuracy
 14 of their statements and did not make any statement with knowing falsity. Plaintiffs do not dispute
 15 that Wilhelmy touched Defendants Brown and Javier. Rather, they vaguely point to testimony
 16 about security camera footage of Wilhelmy’s home that he claims shows a lack of non-consensual
 17 touching. He does not explain how such footage could peer into Brown and Javier’s minds.

18 Plaintiffs also provide declarations from third-party witnesses who speculate as to Brown
 19 and Javier’s subjective mental state. But none of this evidence is competent to show that Brown
 20 or Javier knew the statements they made were false; they are the only ones who know whether
 21 they consented to Wilhelmy touching them, and they have already testified that they did not.
 22 Plaintiffs’ position is that because he alleges their statements are false, the Court may imply
 23 knowledge of falsity. This is not the state of the law, however. In fact, it doesn’t even make sense.
 24 The Court in *Stark v. Lackey*, 458 P.3d 342, 347 (Nev. 2020) held that a declaration attesting to
 25 making statements without knowledge of falsity is sufficient to show “good faith” under prong

26
 27 ¹² Haueter, of course, denies making any of the statements newly alleged in Plaintiffs’ FAC.

1 one “absent contradictory evidence in the record.” Plaintiffs argue that allegations of factual falsity
 2 constitute “contradictory evidence,” but this is not true. It must be contradictory evidence that
 3 specifically goes to a defendant’s subjective mental state – not just the plaintiff providing a
 4 declaration as to what he wishes the court to believe.

5 The Nevada Supreme Court recently clarified this point in *Williams v. Lazer*, 137 Nev.
 6 Adv. Rep. 44, 2021 Nev. LEXIS 43 (Nev. Sept. 16, 2021). That case dealt with a woman who
 7 purchased a condo and made statements about the real estate agent on the other side of the
 8 transaction, calling him racist, sexist, unprofessional, and unethical, and providing specific
 9 examples of conduct that she claimed supported these statements. After determining that
 10 allegations of the plaintiff being racist, sexist, unethical, and unprofessional were statements of
 11 opinion that could not be made with knowing falsity,¹³ the Court found that “[w]hile Lazer
 12 provided several declarations that allege some of Williams’s statements are factually wrong, such
 13 declarations do not constitute contrary evidence to refute Williams’s affidavit because they do not
 14 allege, much less show, that *Williams knew* any of the statements were false when she made them.”
 15 *Id.* at *10 (emphasis in original).

16 Plaintiffs only provide evidence seeking to claim that Defendants’ statements are false.
 17 They provide no evidence that Defendants *knew* their statements were false. The fact that Brown
 18 and Javier engaged in consensual touching with other women who were at Wilhelmy’s home has
 19 no relation to anything. There is a crucial contextual difference between women enjoying each
 20 other’s company and a man who owns the home in which they are staying making sexual

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 22
 23 ¹³ Plaintiffs, without any authority, continue to insist that Defendants could only have been
 24 referring to the criminal definition of “sexual assault” under Nevada law. Defendants are
 25 laypeople, and no one on a social media platform like TikTok will assume that laypeople without
 26 any claim to legal training or expertise will exclusively use the legal definitions of terms.
 27 Furthermore, Defendants’ statements include descriptions of how Wilhelmy touched them,
 allowing viewers to come to their own conclusions as to whether he actually committed sexual
 assault. They are statements of opinion. Plaintiffs’ argument is comparable to a situation where,
 during a soccer game, one player accidentally slams into another, then a commentator posts a
 TikTok video of the altercation and says one player assaulted the other.

1 advances.¹⁴ Furthermore, Plaintiffs ignore that a person can consent to being touched by one
 2 person at one time, but not consent to a different person touching them at a different time.
 3 Consenting to a single touch does not create open license for further touching. In fact, the
 4 argument to the contrary is shocking.

5 Plaintiffs’ reliance on security footage is also misguided. First, there is no statement that
 6 these short videos comprise all physical interactions Wilhelmy had with Brown and Javier.
 7 Second, the videos do not, and cannot, show either Brown or Javier’s subjective mental state or
 8 the existence of consent. Third, the videos show that Wilhelmy abruptly touched women at his
 9 home in an uncomfortable manner. For example, *Exhibit 6.2* to the Opposition shows Wilhelmy
 10 grabbing and squeezing a stomach multiple times for several seconds; he is not lightly brushing
 11 anyone’s stomach.

12 As for Defendants Haueter and Sandu, Plaintiffs also have no evidence that they made any
 13 statement with knowledge of falsity. Plaintiffs refer to a TikTok video Defendant Haueter
 14 published in February 2021, in which she was supportive of Wilhelmy, as evidence that Haueter
 15 knew her statements were false. The problem with this argument is that these statements were
 16 made months prior to Haueter learning that Wilhelmy sexually assaulted Brown and Javier. People
 17 are allowed to change their mind about someone after learning new information. By Plaintiffs’
 18 logic, someone claiming that Harvey Weinstein is a sexual predator today would be acting with
 19 knowledge of falsity if, prior to widespread reporting of allegations of sexual assault, that person
 20 once said that Weinstein was a good man.

23 ¹⁴ Similarly, Brown and Javier deciding not to immediately shout “sexual assault” after being
 24 sexually touched without consent and storming out of Wilhelmy’s home hardly shows affirmative
 25 consent on their part. They were part of a community that connected them with other BBWs and
 26 people accepting of them, and so it is natural they would try to preserve those relationships while
 27 limiting contact with Wilhelmy, rather than making a clean break from the community. Just like
 most powerful men who call their accusers liars, Wilhelmy is taking the position that no one who
 is assaulted could possibly have a reason for not immediately excising their attacker from their
 life. It is old hat, shockingly sexist, and entirely unconvincing.

1 Plaintiffs also argue that there is no way to determine whether Haueter and Sandu actually
2 believed Brown and Javier because their declarations do not specify what information Brown and
3 Javier told them prior to their publications. It should be obvious that when Brown and Javier
4 “shared their experiences with Plaintiff Stefan Wilhelmy,” Haueter and Sandu heard the same
5 information that Brown and Javier provided in their TikTok videos. (Haueter Decl. at ¶ 5; Sandu
6 Decl. at ¶ 4.) Haueter and Sandu then agreed with the conclusions Brown and Javier reached
7 regarding the sexual and unconsented nature of Wilhelmy’s touching. There is no room for
8 speculation here.

9 Finally, regarding the statements by Haueter newly alleged in the FAC, there is no evidence
10 that she ever even made such statements, and she has already testified that she did not make any
11 such statements. What a convenient device it would be to file a SLAPP suit, then in the face of an
12 Anti-SLAPP motion to simply make up new statements, without any evidence, and then claim that
13 this moots the motion.

14 The Nevada Supreme Court has determined that this is sufficient to establish good faith
15 under prong one. *Colon*, 468 P.3d at 826. Plaintiffs complain in their response to Defendants’
16 Supplement that this creates a “he-said, she-said” situation that should result in the Anti-SLAPP
17 Motion being denied, but they have it backwards. Plaintiffs alleged that Haueter made these
18 statements, Haueter provided a declaration denying this, and Plaintiffs responded with absolutely
19 no evidence. Good faith is established as to Haueter on all her alleged statements.

20 Defendants thus satisfy their burden under the first prong of the Anti-SLAPP analysis. The
21 burden now shifts to Plaintiffs to show a probability of prevailing on their claims.

22 **3.2 Prong Two: Plaintiffs Cannot Show a Probability of Prevailing on the Claims**

23 **3.2.1 Plaintiffs’ Defamation Claim Fails**

24 To establish a cause of action for defamation, a plaintiff must allege: (1) a false and
25 defamatory statement by the defendant concerning the plaintiff; (2) an unprivileged publication to
26 a third person; (3) fault, amounting to at least negligence; and (4) actual or presumed damages.
27 *See Wynn v. Smith*, 117 Nev. 6, 10 (Nev. 2001); *see also Pegasus*, 118 Nev. at 718. A statement

1 is only defamatory if it contains a factual assertion that can be proven false. *See Pope v. Motel 6*,
2 114 P.3d 277, 282 (Nev. 2005).

3 Plaintiffs' claims fail on a fundamental level at the outset of this analysis, as there is no
4 admissible evidence that Brown, Javier, or Haueter even made any of the alleged statements. The
5 burden is on Plaintiffs to demonstrate that Defendants made these statements and they failed to do
6 so. Plaintiffs do not dispute that Wilhelmy touched Brown and Javier in the manner described in
7 their declarations. Rather, Plaintiffs claim it was consensual, despite Defendants' testimony to the
8 contrary. As explained above, the only evidence regarding their consent is contained in their
9 declarations, which Plaintiffs have failed to contradict. Defendants' statements are thus true or
10 substantially true.

11 The Anti-SLAPP Motion discusses how minor inaccuracies cannot support a claim for
12 defamation, nor can statements of opinion, and that the context of a statement is important in
13 determining whether the average viewer will interpret a statement as one of fact or opinion. *See*,
14 *e.g., Lewis v. Time, Inc.*, 710 F.2d 549, 553 (9th Cir. 1983) (stating "even apparent statements of
15 fact may assume the character of statements of opinion, and thus be privileged, when made [under]
16 circumstances in which 'an audience may anticipate efforts by the parties to persuade others to
17 their position by use of epithets, fiery rhetoric or hyperbole'") (quoting *Information Control Group*
18 *v. Genesis One Computer*, 611 F.2d 781, 784 (9th Cir. 1980)). Statements of opinion cannot be
19 defamatory. *Pegasus*, 118 Nev. at 718.

20 The statements at issue here were published on TikTok, a platform where people typically
21 expect non-literal expression. Ms. Brown and Ms. Javier's statements were expressions of opinion
22 based on factual events that they experienced while with Wilhelmy. Ms. Brown and Ms. Javier
23 are of the opinion that they experienced sexual assault while at the hands of a predator. They get
24 to say that. Though their definitions of sexual assault do not conflate with Wilhelmy's definition,
25 that alone does not invalidate their experiences and their opinions on the matter. Likewise, Ms.
26 Haueter and Ms. Sandu's statements were merely their own opinions formed based off accurate
27 descriptions of Wilhelmy's unwanted sexual advances. Certainly it is not unreasonable for women

1 to label a man a predator when he has had multiple allegations of sexual assault and non-consensual
2 touching – especially when it has been revealed that his “safe space” was more of a “corral” to
3 entice in vulnerable women who might tolerate his boundary smashing behavior. Defendants
4 disclosed the facts on which they based their opinion, and thus their statements cannot be
5 defamatory. *Lazer*, 2021 Nev. LEXIS 43 at *10.

6 Furthermore, due to their refusal to provide any evidence supporting their claims, Plaintiffs
7 cannot hope to show that the alleged statements at issue here are factual, rather than expressions
8 of opinion, because they have not provided evidence for the Court even to engage in this analysis.
9 “In reviewing an allegedly defamatory statement, “[t]he words must be reviewed **in their entirety**
10 **and in context** to determine whether they are susceptible of a defamatory meaning.” *Kunin*, 117
11 Nev. at 111 (emphasis added) (quoting *Chowdhry*, 109 Nev. at 484). There is no context to review
12 other than what Defendants have provided, and that context shows the statements are of opinion.

13 Even assuming there are false factual statements at issue, Wilhelmy and Pearadise are both
14 limited purpose public figures, for the reasons explained above, and Defendants’ statements are
15 directly related to the public issue for which Plaintiffs are well-known. Plaintiffs provide little
16 response, arguing without support that founding a community with hundreds of thousands of
17 supporters does not make one a public figure. As public figures, *Plaintiffs must prove that they*
18 *can overcome the actual malice standard with clear and convincing evidence, otherwise any*
19 *finding of liability is reversible error as being contrary to the First Amendment. See Bose Corp.*
20 *v. Consumers Union*, 466 U.S. 485, 511 (1984). It is a question of law whether the evidence in
21 the record in a defamation case is sufficient to support a finding of actual malice. *See Underwager*
22 *v. Channel 9 Australia*, 69 F.3d 361, 365 (9th Cir. 1995).

23 The Anti-SLAPP statute sets out the actual malice standard. In short, a defendant must
24 have acted with knowledge of falsity or reckless disregard. Plaintiffs provide almost no analysis
25 specifically on the issue of actual malice, instead incorporating their arguments as the “good faith”
26 requirement under prong one. Defendants likewise incorporate that discussion, as well as their
27 briefing on this issue in the Motion.

1 **3.2.2 The Remaining Claims**

2 Plaintiffs abandon their false light claim as to Pearadise and agree that the false light
3 analysis as to Wilhelmy is essentially identical to the defamation analysis.

4 As for Plaintiffs’ intentional interference, aiding and abetting, and conspiracy claims, the
5 Opposition contains very little analysis particular to each claim. They each rise or fall on the
6 validity of the defamation claim. Furthermore, Plaintiffs provide no evidence of causation in
7 support of their intentional interference claim. The only record evidence consists of Wilhelmy’s
8 declaration attached to Plaintiffs’ Opposition, in which he claims (1) he signed an agreement for a
9 “television docuseries”; (2) Sandu published the contact information of the alleged producer; (3)
10 Defendants got the program canceled; and (4) Wilhelmy learned the program was canceled
11 because of Defendants’ interference. (Wilhelmy Declaration in support of Opposition, Opposition
12 *Exhibit 6*, at ¶¶ 22-25.) However, Wilhelmy does not attach this alleged agreement, violating the
13 best evidence rule, meaning there is no admissible evidence as to the existence of the planned TV
14 show. His declaration further provides no factual basis for personal knowledge of his conclusory
15 assertions regarding Defendants’ actions in allegedly getting the show canceled, or the alleged
16 producer’s reason for allegedly canceling the alleged show. *See* NRS 50.025(1)(a) (providing that
17 “[a] witness may not testify to a matter unless . . . [e]vidence is introduced sufficient to support a
18 finding that he has personal knowledge of the matter”). Wilhelmy does not assert that he spoke to
19 or had any communications with the producer, much less that the producer told him he was
20 canceling the show because of Defendants’ actions. Wilhelmy does not allege he observed or even
21 heard about Defendants doing or saying anything at all to the alleged producer. His conclusory
22 statements do not satisfy Plaintiffs’ evidentiary burden.

23 **4.0 CONCLUSION**

24 For the foregoing reasons, the Court should dismiss Plaintiffs’ claims with prejudice and
25 award Defendants the costs and fees they have incurred in defending themselves from Plaintiffs’
26 meritless suit, as well as award Defendants \$10,000 each in statutory damages under NRS
27 41.670(1)(b) (to be sought by separate motion).

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Dated: November 10, 2021.

Respectfully Submitted,

RANDAZZA LEGAL GROUP, PLLC

/s/ Marc J. Randazza

Marc J. Randazza, NV Bar No. 12265

Alex J. Shepard, NV Bar No. 13582

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Las Vegas, NV 89117

Attorneys for Defendants

Kimberly Haueter, Alejandra Javier,

Savannah Brown, and Monica Sandu

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on this 10th day of November 2021 and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Marc J. Randazza

Marc J. Randazza

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Exhibit 1

Declaration of Alexandria Gilland [“Gilland Decl.”].

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

STEFAN WILHELMY, an individual; and
PEARADISE, LLC, a Nevada
limited liability company;

Plaintiff,

vs.

KIMBERLY ANN HAUETER and **JOHN
DOE HAUETER**, wife and husband;
ALEJANDRA JAVIER and **JOHN DOE
JAVIER**, wife and husband; **SAVANNAH
BROWN** and **JOHN DOE BROWN**, wife and
husband; **MONICA SANDU** and **JOHN DOE
SANDU**; wife and husband; **SADIE PAISLEY**
and **JOHN DOE PAISLEY**, wife and husband;
DOE DEFENDANTS I-X, INCLUSIVE, and
ROE DEFENDANTS I-X, INCLUSIVE,,

Defendants.

Case No. A-21-837173-C
Dept. No. 2

**DECLARATION OF
ALEXANDRIA GILLAND
IN SUPPORT OF REPLY IN SUPPORT
OF ANTI-SLAPP SPECIAL MOTION
TO DISMISS UNDER NRS 41.660**

I, Alexandria Gilland, declare:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called as a witness, could and would testify competently thereto.

2. I was a member of the BBWPearadise (now "Pearadise") TikTok and Discord communities.

1 3. I stayed at Plaintiff Stefan Wilhelmy’s home in April to May of this year for a
2 period of approximately eight weeks. My stay with Wilhelmy coincided with Defendants
3 Savannah Brown and Alejandra Javier.

4 4. I am personally familiar with how Wilhelmy conducts himself on the Pearadise
5 Discord community and how he acts when meeting members of the community in-person.

6 5. Wilhelmy presents the Discord community as a safe, understanding, no judgment,
7 body-positive place for Big Beautiful Women (“BBWs”), who often are not accepted in general
8 society. This is why I joined the community in the first place.

9 6. However, in the times I have met Wilhelmy in-person, he is extremely sexually
10 predatory and deliberately creates an environment full of sexual pressure.

11 7. I am personally familiar with a pattern of his in which he invites a group of
12 Pearadise community members, typically from 4-10, to his Las Vegas home. I have observed that
13 he has a sexual preference for larger women, typically over 350 pounds. He has no interest in
14 having sex with women who do not fit this physical profile and often ridicules women who weigh
15 less than 400 pounds as “tiny”, having a “tiny booty” or as not being a “SSBBW” (supersized big,
16 beautiful woman), and thus unsatisfactory to his taste.

17 8. Then, when these women arrive at his home, he creates a toxic and sexual
18 environment in which he tries to have sex with these women. If he feels he is unable to do so, he
19 makes the environment extremely uncomfortable for them and tries to set the other women in
20 attendance against these people. I have observed that women who don’t want to have sex with
21 Wilhelmy typically do not last long in the Pearadise community.

22 9. After observing his conduct in-person and in the Pearadise TikTok and Discord
23 communities, I am firmly of the belief that Wilhelmy established these communities for the
24 purpose of selecting women who meet his sexual preferences so that he can try to have sex with
25 them. He uses Pearadise as a sexual hunting ground, not as a place to support BBWs.

 10. Wilhelmy makes a habit of live streaming what goes on at his home when he invites
these women to visit him. I have viewed some of these videos and third-party comments in

1 response to them. Some commenters have observed that Wilhelmy's conduct and the environment
2 he creates is similar to a cult. I agree with that characterization.

3 11. Immediately when I arrived at Wilhelmy's house in April 2021, he grabbed my
4 stomach without my consent. This was not a brief, innocuous incident of physical contact. I am
5 a large woman, and Wilhelmy grabbed my stomach with both hands and shook around my belly.
6 This was an obviously sexual touching and I immediately felt extremely uncomfortable.

7 12. When the other women visiting his home arrived, I personally observed him
8 touching them in a similar manner.

9 13. I did not immediately leave Wilhelmy's home after he touched me in such an
10 uncomfortable way because I considered the Pearadise community to be a supportive place at the
11 time and did not want to isolate myself from it. I also wanted to spend time with the other women
12 visiting Wilhelmy's home. I stayed despite Wilhelmy, not because of him.

13 14. While Brown was at Wilhelmy's home, I recall an incident where she left the hot
14 tub area, immediately after which she told me that Wilhelmy was making her feel sexually
15 uncomfortable.

16 15. Wilhelmy seemed to believe that Brown consenting to sexual touching by a woman
17 there meant that she was "fair game" for him. Brown was distraught at this.

18 16. I am aware that Wilhelmy claims that his touching Brown and Javier without their
19 consent does not constitute sexual assault because his conduct did not involve any sexual
20 penetration.

21 17. Wilhelmy sexually assaulted me by having sex with me twice while I was at his
22 home in 2021.

23 18. During the first incident, I was heavily inebriated and incapable of giving consent.

24 19. During the second incident, I was in the middle of having an emotional breakdown.
I was crying, with tears streaming down my face. Then Wilhelmy approached me and said "You
know what would make you feel better, Porky? If we fucked in the hot tub."

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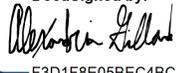
20. I felt this was ridiculous and refused initially. I explained to him that I was having an emotional breakdown, but Wilhelmy continued to pressure me into having sex with him. In my emotionally vulnerable state, I eventually acquiesced to this pressure. However, I would not call the encounter to be consensual, but rather predatory.

21. I regret both of these incidents and, if I were fully sober and in a normal state of mind, I would not have had sex with him on either occasion.

22. Aside from his general pattern of behavior, I believe Wilhelmy is a sexual predator and sexual assaulter because of what he did to me and what I have observed at his house. In particular, he made no sexual advances toward me aside from these two times when I was not in a clear state of mind. He was opportunistically waiting for me to be in a vulnerable state.

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

Executed on 10/5/2021.

DocuSigned by:

F3D1F8E05BEC4BC...

Alexandria Gilland

Exhibit 2

Declaration of Kimberly Haueter [“Haueter Reply Decl.”].

1 **DECL**

2 Marc J. Randazza, NV Bar No. 12265
3 Ronald D. Green, NV Bar No. 7360
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10 Attorneys for Defendants
11 Kimberly Haueter, Alejandra Javier,
12 Savannah Brown, and Monica Sandu

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

15 STEFAN WILHELMY, et al.,

16 Plaintiffs,

17 vs.

18 KIMBERLY ANN HAUETER, et al.,

19 Defendants.

20 Case No. A-21-837173-C

21 Dept. No. 2

22 **DECLARATION OF KIMBERLY**
23 **ANN HAUETER IN SUPPORT OF**
24 **REPLY IN SUPPORT OF ANTI-SLAPP**
25 **SPECIAL MOTION TO DISMISS**
26 **UNDER NRS 41.660**

27 I, Kimberly Ann Haueter, declare:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called as a witness, could and would testify competently thereto.

2. I am a defendant in this matter. I provide this Declaration in support of the Reply in support of my Anti-SLAPP Special Motion to Dismiss Under NRS 41.660 (the “Anti-SLAPP Reply”).

3. Shortly after May 25, 2021, I personally observed a post by Plaintiff Stefan Wilhelmy in the Pearadise Discord published in August 2020. This post states that Wilhelmy was “being terrorized right now by a bitch who has been terrorizing me for over a month by coming in

1 my live on fake accounts and saying ‘I raped her’ shit. Since yesterday they have been molesting
2 my friends on Facebook and publicly posting on Facebook crazy shit about me.”

3 4. A true and correct copy of this August 2020 Pearadise Discord post and some
4 comments in response is attached as **Exhibit 3** to the Anti-SLAPP Reply.

5 5. I heard speculation around this time within the Pearadise community that the person
6 accusing Wilhelmy of rape was the mother of his children, Cipreanna Ford, who goes by “CiCi.”

7 6. On June 7, 2021, after Defendants Savannah Brown and Alexandra Javier posted
8 their statements about their encounter with Wilhelmy, Wilhelmy published a TikTok live video to
9 the Pearadise TikTok community in which he addressed these allegations. I made a recording of
10 this video, a true and correct copy of which is attached as **Exhibit 5** to the Anti-SLAPP Reply and
11 can be found at the following Dropbox link:
12 [https://www.dropbox.com/s/brkzli28qw46p4i/yt5s.com-Bbw%20Pearadise%20Live%20-
13 %20Allegations.mp4?dl=0](https://www.dropbox.com/s/brkzli28qw46p4i/yt5s.com-Bbw%20Pearadise%20Live%20-%20Allegations.mp4?dl=0).

14 7. While the majority of the video addresses Brown and Javier’s allegations against
15 Wilhelmy, Wilhelmy and two other women, one of whom is identified as CiCi, refer to an
16 individual who tried to drag Wilhelmy’s children into a dispute with Wilhelmy. This discussion
17 starts at approximately 40:00 and continues to approximately 45:00 in the video.

18 8. This video is the first time that Wilhelmy informed the general Pearadise
19 community of the existence of his children. A number of comments from other Pearadise members
20 visible during this video show that many members of the community first learned of Wilhelmy’s
21 children from this video.

22 9. His children, as shown on the video, are clearly infants. Wilhelmy mentions in the
23 video that they are only a matter of months old.

24 10. I was initially confused as to why Wilhelmy would introduce his infant children
25 publicly in this manner. Then, however, I (and other members of the Pearadise community)
26 recalled the August 2020 Discord post from Wilhelmy in which she shared a rape allegation against
27 him.

Exhibit 3

August 4, 2020 Discord exchange with Wilhelmy.

**!ssbbwfan73** 08/04/2020

No I am being terrorized right now by a bitch who has been terrorizing me for over a month by coming in my live on fake accounts and saying "I raped her" shit. Since yesterday they have been molesting my friends on facebook and publicly posting on facebook crazy shit about me

**doubled007-David** 08/04/2020

This is crap. I'm doing a feedback to them.

**Mommy_Of_03** 08/04/2020

[@j1357](#) me too! I'm so sick of this happening' like we're all just hanging out talking ppl want so bad to make overweight people feel bad about themselves and they can't stand Stefan helping with confidence etc

**Kitti** 08/04/2020

Omg noooooo!!!

**doubled007-David** 08/04/2020

I'm so sorry Stefan.

**Kitti** 08/04/2020

I was just about to come back on the and watch the live stream 😱

**theshyone** 08/04/2020

So messed up!!

**FatAndNerdy30** 08/04/2020

I'm so sorry

**babydevil** 08/04/2020

Exhibit 4

August 5, 2021 Discord exchange.

dating • advice

something

Aug 5, 2021



Puppy Aug 5, 2021 11:48 AM

Is it dumb of me to be more inclined to talk to older men, especially knowing that if they're talking to me it's probable that they are immature? 😊

Puppy Is it dumb of me to be more inclined to talk to older men, especially knowing that if they're talking to me it's



!ssbbwfan73 Aug 5, 2021 4:26 PM

Actually I wouldn't even see it that way. It could also seen positive for you. If an older guy talks to you or takes interest in you, it could also mean that you're very mature for your age and have your 🤡 together. I tend to see things from the positive side 😊

👍 1 🍷 1 😊+

!ssbbwfan73 Actually I wouldn't even see it that way. It could also seen positive for you. If an older guy talks to you



Puppy Aug 5, 2021 5:02 PM

I've been told that! There're times I'm not sure about how genuine guys can be. It's appreciated though. 😊

Puppy I've been told that! There're times I'm not sure about how genuine guys can be. It's appreciated though. 😊



ElskeSolo (Bree) Aug 5, 2021 6:03 PM

I would follow your gut when talking with an older guy. (like more than 10 years) some will be genuine and like you as a person, and some may have an underlining fetish for small/younger girls and that can get really creepy. you will know the difference c easily when talking to them

Reply...

Message #dating • advice



Exhibit 5

Wilhelmy June 7, 2021 video.

<https://www.dropbox.com/s/brkzli28qw46p4i/yt5s.com-Bbw%20Pearadise%20Live%20-%20Allegations.mp4?dl=0>

Exhibit 6

Declaration of Ashley Williams.

1 **DECL**
 2 Marc J. Randazza, NV Bar No. 12265
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 10 Attorneys for Defendants
 11 Kimberly Haueter, Alejandra Javier,
 12 Savannah Brown, and Monica Sandu

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

11 STEFAN WILHELMY, et al.,

12 Plaintiffs,

13 vs.

14 KIMBERLY ANN HAUETER, et al.,

15 Defendants.

Case No. A-21-837173-C

Dept. No. 2

DECLARATION OF
ASHLEY WILLIAMS

16 I, ASHLEY WILLIAMS, declare:

17 1. I am over 18 years of age and have never been convicted of a crime involving fraud
 18 or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called as a witness,
 19 could and would testify competently thereto.

20 2. In 2019 and 2020, I worked at the Mirror Mirror Salon in Henderson, Nevada as a
 21 lead stylist and assistant to the owner along with Cipseanna Ford.

22 3. Cipseanna Ford is the mother of Stefans's children.

23 4. Cipseanna Ford is also known as Cici.

24 5. Stefan and Cici were dating during the time I worked at the salon.

25 6. In May 2020, Cici was throwing a graduation party at Stefan's home.
 26
 27

1 7. I attended that party along with a number of other employees from the salon.

2 8. At the party, Stefan touched Monica Sandu's stomach and said that she's losing
3 weight.

4 9. After Stefan made his comments toward Monica Sandu and touched her stomach,
5 I personally observed a change in Cici's mood and behavior, which I interpreted to mean she was
6 jealous of the attention Stefan was paying to Sandu. Stefan's conduct made the event
7 uncomfortable for those of us in attendance.

8 10. In July 2020, Cici told everyone in the salon that Stefan had raped her.

9 11. At that time, Cici had asked all the staff at the salon to make fake TikToks accounts
10 to mass report Stefan's account and to get Stefan to admit that he raped Cici.

11 12. In July 2020, Cici told me that she was pregnant.

12 13. In August 2020, Cici was fired from the salon for harassing me and threatening to
13 beat me up. This was the last contact I had with her.

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

16 Executed on 11/10/2021

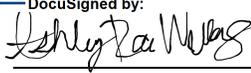
17 DocuSigned by:

18 Ashley Williams

Exhibit 7

“About Me” page of Pearadise TikTok account.

About Me

Who runs Pearadise?

I am Stefan, originally from Germany. Born and raised in Berlin. I have been in the US since 2004 and in Las Vegas since 2011. I run my own business and work from home doing electronics and software development.



I have absolutely no problems going out in public with a beautiful big girl and would never keep my preference for a large lady a shameful secret! I am a social person and enjoy good conversation, board game, Mario Cart, Tetris and of course pool party and barbecue with awesome friends 🍷

I love to travel! I have been to 47 out of the 50 states since I moved here. I can't say no to a good road trip and like to see interesting stuff like landmarks, nature and national parks. I also enjoy experiencing local culture and foods.

Lately I have gotten really addicted to TikTok and the awesome, confident people on there, which prompted me to start my own Discord server and support this beautiful and exciting new community of body positivity, empowerment and friendships in a completely judgment and bully free zone!

My Work pt.1

My Work pt.2

My Work pt.3

[INFO](#)

[DISCORD](#)

[EVENTS](#)

[ABOUT ME](#)

[LINKS](#)

Exhibit 8

Pearadise TikTok video dated October 4, 2021.



Search accounts

Upload Log in



For You



Following

Log in to follow creators, like videos, and view comments.

Log in

Suggested accounts

gordonramsayofficial ✓
Gordon Ramsay

jasonderulo ✓
Jason Derulo

selenagomez ✓
Selena Gomez

edsheeran ✓
Ed Sheeran

therock ✓
The Rock

See all

Discover

receta # nativeownedbusiness



pearadise1 Pearadise · 10-4

@cipreanna and I did a good job. Now it's #nomorebabies for me.
#pearadise #bodypositivity #friendsgroup #family #vegas #twins
#walkchallenge

🎵 Walk - Saucy Santana



2218

117

30

Introducing keyboard shortcuts!

- Go to previous video
- Go to next video
- Like video
- Mute / unmute video

Get TikTok for desktop

Get TikTok App

1 **DECL**

2 Marc J. Randazza, NV Bar No. 12265
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9 ecf@randazza.com

10 Attorneys for Defendants
11 Kimberly Haueter, Alejandra Javier,
12 Savannah Brown, and Monica Sandu

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

15 STEFAN WILHELMY, et al.;

16 Plaintiffs,

17 vs.

18 KIMBERLY ANN HAUETER, et al.,

19 Defendants.

Case No. A-21-837173-C

Dept. No. 2

DECLARATION OF KATHRINE VON
ARX IN SUPPORT OF REPLY IN
SUPPORT OF ANTI-SLAPP SPECIAL
MOTION TO DISMISS UNDER
NRS 41.660

20 I, Kathrine von Arx declare:

21 1. I am over 18 years of age and have never been convicted of a crime involving fraud
22 or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called as a witness,
23 could and would testify competently thereto.

24 2. I am paralegal employed by Randazza Legal Group, PLLC (“RLG”), counsel for
25 Defendants Kimberly Ann Haueter, Savannah Brown, Alexandra Javier, and Monica Sandu in this
26 matter.

27 3. I provide this declaration in support of Defendants’ Reply in Support of their Anti-
SLAPP Special Motion to Dismiss Under NRS 41.660 (the “Anti-SLAPP Motion”).

1 4. On November 10, 2021 at 1:18 p.m. Pacific time, while at the Las Vegas Office of
 2 RLG, and while using a MacBook Air laptop with the Google Chrome internet browser, I visited
 3 the “About Me” page for the Pearadise TikTok community at the url:
 4 <https://tiktok.mywo.org/index.php?action=about>. Immediately after viewing this page, I created a
 5 copy of the contents of this page using the Chrome browser’s print to PDF function. A true and
 6 correct copy of this printout is attached to the Anti-SLAPP Reply as **Exhibit 7**.

7 5. On November 10, 2021 at 1:24 p.m. Pacific time, while at the Las Vegas Office of
 8 RLG, and while using a MacBook Air laptop with the Google Chrome internet browser, I visited
 9 the TikTok post by “pearadise1” dated October 4, 2021 with the text “@cipreanna and I did a good
 10 job. Now it’s #nomorebabies for me” at the url:
 11 [https://www.tiktok.com/@pearadise1/video/7015297103702363397?lang=en&is_copy_url=1&is](https://www.tiktok.com/@pearadise1/video/7015297103702363397?lang=en&is_copy_url=1&is_from_webapp=v1)
 12 [from_webapp=v1](https://www.tiktok.com/@pearadise1/video/7015297103702363397?lang=en&is_copy_url=1&is_from_webapp=v1). Immediately after viewing this page, I created a copy of the contents of this
 13 page using Shift+Command+4 to save the contents of the screen, then File, Print, save to PDF to
 14 better preserve the formatting and contents of the page. A true and correct copy of this printout is
 15 attached to the Anti-SLAPP Reply as **Exhibit 8**.

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

18 Executed on November 10, 2021.

DocuSigned by:
Kathrine von Arx
 0760AE5112054F5...

 Kathrine von Arx

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