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**DISTRICT COURT
CLARK COUNTY, NEVADA**

DANIEL WANG aka WANG JIANPING
OR WANG JENPING, an individual,

Plaintiff,
vs.

KENT WU, an individual; JIA HUA, an
individual; CRYSTAL HSIUNG; LAS
VEGAS CHINESE NEWSPAPER aka LAS
VEGAS CHINESE NEWS NETWORK
(LVCNN) a corporation; DOES I through
X; and ROES XI through XX,

Defendants.

Case No.: A-25-911410-C
Dept. No.: 9

**OPPOSITION TO DEFENDANT
CRYSTAL Defendants'S ANTI-SLAPP
SPECIAL MOTION TO DISMISS
UNDER NRS 41.660**

Plaintiff DANIEL WANG aka WANG JIANPING, (referred to hereinafter as "Plaintiff")
by and through his attorney, Michael Sanft, Esq. of SANFT LAW, opposes Defendants KENT
WU ("Defendant Wu") and LAS VEGAS CHINESE NEWSPAPER aka LAS VEGAS
CHINESE NEWS NETWORK LVCNN ("Defendant LVCNN")'s Anti-SLAPP motion under
NRS 41.660.

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1 This Opposition is based on the following Points and Authorities, pleadings already filed
2 herein, and any oral argument this Court entertains.

3 **DATED** this 30th day of April, 2025.

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11 **POINTS AND AUTHORITIES**

12 **I. FACTS**

13 Defendant LVCNN is a publication predominately for the Asian community in Las Vegas.

14 LVCNN published an article alleging that Plaintiff essentially sexually assaulted Crystal
15 Hsiung, and subjected her to human trafficking.

16 Plaintiff asked LVCNN to retract their article. LVCNN and Defendant Wu refused.

17 In absence of a retraction, Plaintiff was forced to file his Complaint against LVCNN and
18 Defendant Wu to defend his reputation, and incorporates herein by reference the facts alleged in
19 his Complaint.

20 **II. LEGAL STANDARD**

21 Resolution of a special motion to dismiss pursuant to NRS 41.660, as is well-established
22 by a number of Nevada Supreme Court cases, is guided by a specific chain of determinations by
23 a district court, marked by two prongs.
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A. Was Defendants’ Communication Made in Good Faith Per NRS 41.637(4)?

First, the Court must here determine whether Defendants had established, by a preponderance of the evidence, that the claims against them are based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern. *See* NRS 41.660(3)(a); *see also Rosen v. Tarkanian*, 135 Nev. 436, 438, 453 P.3d 1220, 1223 (2019). If the moving party fails to meet its burden, the inquiry ends and the special motion is dismissed. *See Coker v. Sassone*, 135 Nev. 8, 10, 432 P.3d 746, 748 (2019).

NRS 41.637(4) defines a good faith communication in this case as “communication made in direct connection with an issue of public interest in a place open to the public or in a public forum, —which is truthful or is made without knowledge of its falsehood.”

Defendants, in order to argue that their communication was in “good faith,” must demonstrate that the statements were 1) made in direct connection with an issue of public interest, 2) made in a place open to the public or in a public forum, and 3) were either truthful or made without knowledge of their falsehood. Each of these elements, themselves, has clearly elucidated standards announced by the Nevada Supreme Court.

1. Defendants fail to pass the Shapiro factors and cannot establish that Plaintiff is of public interest or concern.

Nevada has adopted the following guiding principles as the Shapiro factors, for determining whether an issue is one of public interest or concern:

1. ‘public interest’ does not equate with mere curiosity;

1 2. a matter of public interest should be something of concern to a substantial number
2 of people; a matter of concern to a speaker and a relatively small specific audience is not a matter
3 of public interest;

4 3. there should be some degree of closeness between the challenged statements and
5 the asserted public interest—the assertion of a broad and amorphous public interest is not
6 sufficient;

7 4. the focus of the speaker’s conduct should be the public interest rather than a mere
8 effort to gather ammunition for another round of private controversy; and
9

10 5. a person cannot turn otherwise private information into a matter of public interest
11 simply by communicating it to a large number of people. *Smith v. Zilverberg*, 137 Nev. 65, 68,
12 481 P.3d. 1222, 1227 (2021).
13

14 Allegations of sexual conduct between consenting adults do not amount to public interest.
15 Plaintiff does not hold himself out as a pious figure to which the alleged behavior would be
16 relevant to his position in the community. Causing the publication in a newspaper accusations of
17 what allegedly happens in the privacy of the bedroom does not make it a matter of public
18 interest. As such, Defendants fail to satisfy the Shapiro factors, and cannot establish their
19 publication of highly sexual and intimate allegations as a matter of public interest.
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21 Plaintiff’s position as the president of the Taiwan Benevolent Association of Las Vegas
22 does not automatically qualify Defendants’ publication of a story on this issue as per se relating
23 to the public interest: “Courts must apply the Shapiro factors to determine whether statements
24 relate to a public interest even if the statements concern a public figure.” *Id.* If the Court
25 determines that Defendants’ article were not made regarding an issue of public concerns under
26 these factors, their motion must be denied at its outset, without going further.
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Finally, upon completing the first prong of an anti-SLAPP special motion to dismiss analysis, Defendants have the burden of demonstrating that their statements were truthful or were made without knowledge of their falsehood. *See Coker*, 135 Nev. at 12 n.5, 432 P.3d at 750 n.5. In doing so, the Nevada Supreme Court has instructed district courts not to “parse the individual words to determine the truthfulness of a statement; rather, we ask whether a preponderance of the evidence demonstrates that the gist of the story, or the portion of the story that carries the sting of the statement, is true.” *Smith*, 137 Nev. at 69, 481 P.3d. at 1228; *Rosen*, 135 Nev. at 441, 453 P.3d at 1224.

Defendants published a highly graphic account of sexual escapades that were false and geared only for economic gain. The photographs in the article were not of Plaintiff. Text messages between consenting adults do not establish their version of events, and the texts in this case were taken out of context. Publishing this article with such false and inflammatory content drove Plaintiff to file his Complaint.

B. Can Plaintiff Demonstrate a Probability of Prevailing on His Claims?

In the second prong of an anti-SLAPP determination reached only if the Court decides that Defendants had met their burden to establish that their statements qualify for the protections of the statute as described above, the Court determines whether Plaintiff has demonstrated, with prima facie evidence and minimal merit, a probability of prevailing on their claims. *See* NRS 41.660(3)(b); *Smith*, 137 Nev. at 70, 481 P.3d. at 1229; *see also Coker*, 135 Nev. at 12, 432 P.3d at 750. For purposes of analyzing an anti-SLAPP motion, much like a motion to dismiss generally, the Court must accept Plaintiff’s allegations as true, and considers only whether any contrary evidence from Defendants entitles him to prevail as a matter of law. *Coker*, 135 Nev. at 11, 432 P.3d at 749. Only Plaintiff’s version of events guides the Court’s analysis at this stage;

not even full-throated denial that challenged statements were made at all, much less constituted defamation, are pertinent at the anti-SLAPP juncture. *See Spirtos v. Yemenidjian*, 137 Nev. Adv. Op. 73, 499 P.3d 611, 616 (2021).

Plaintiff's probability of prevailing is determined by comparing the evidence presented with the elements of the claims at issue. To prevail on defamation claims, Plaintiff here must show:

1. A false and defamatory statement;
2. Unprivileged publication to a third person;
3. Fault;
4. Damages, presumed or actual; and
5. If Plaintiff is determined to be a public figure, actual malice, defined as knowledge the statements were false or reckless disregard of whether it was false or not. *Smith*, 137 Nev. at 71, 481 P.3d. at 1229.

What Plaintiff will show is that there is no credible evidence to substantiate Defendants' publication. They published photographs that were not of Plaintiff. The text messages are taken out of context, and establish nothing more than intimate communications between consenting adults. Essentially, they allowed for a jilted ex-girlfriend to slander Plaintiff without considering that what they had published was patently false.

III. CONCLUSION

To defeat LVCNN's Anti-SLAPP motion, Plaintiff needs show that his claims have a "minimum level of legal sufficiency and triability." Only good faith communications are entitled to the protections of the anti-SLAPP statutes codified in NRS 41.660. According to the Nevada Supreme Court, "[a] SLAPP suit is a meritless lawsuit that a party initiates primarily to chill a

1 defendant's exercise of his or her First Amendment free speech rights." *Stubbs v. Strickland*, 129
2 Nev. 146, 150, 297 P.3d 326, 329 (2013). The anti-SLAPP statute protects "good faith
3 communication in furtherance of the right to petition or the right to free speech in direct
4 connection with an issue of public concern." NRS 41.650.

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6 Plaintiff's lawsuit is not a SLAPP suit. It is neither "meritless" nor is it intended "to chill a
7 defendant's exercise of his or her First Amendment" rights. Plaintiff is seeking redress for the
8 clear reputational harm inflicted by Defendants' portrayal of him in a graphically sexual manner.
9 Defendants wield great power as a newspaper, but chose to publish a story that is patently false
10 and that has led Plaintiff to suffer severe damages as a result. As discussed above, Defendants'
11 statements were not made in good faith, nor can they establish that this is a matter of true public
12 interest. Accordingly, the Court should deny Defendants' motion.
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14 DATED this 30th day of April, 2025.

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