

PETERSON BAKER, PLLC
701 S. 7th Street
Las Vegas, NV 89101
702.786.1001

1 TAMARA BEATTY PETERSON, ESQ., Bar No. 5218
tpeterson@petersonbaker.com
2 NIKKI L. BAKER, ESQ., Bar No. 6562
nbaker@petersonbaker.com
3 PETERSON BAKER, PLLC
701 S. 7th Street
4 Las Vegas, NV 89101
Telephone: 702.786.1001
5 Facsimile: 702.786.1002

6 JEFFREY VOCKRODT, ESQ. (*Admitted Pro Hac Vice*)
jvockrodt@cm.law
7 CM LAW PLLC
National Litigation Support Center
8 13101 Preston Road, Suite 110-1510
Dallas, TX 75240
9
10 *Attorneys for Plaintiffs Wealthy Inc. and
Dale Buczkowski*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 WEALTHY INC. and DALE
14 BUCZKOWSKI,

15 Plaintiffs,

16 v.

17 SPENCER CORNELIA, CORNELIA
18 MEDIA LLC, and CORNELIA
EDUCATION LLC,

19 Defendants.

Case No.: 2:21-cv-01173-JCM-EJY

**PLAINTIFFS WEALTHY INC. AND
DALE BUCZKOWSKI'S RESPONSE TO
SPENCER CORNELIA, CORNELIA
MEDIA LLC, AND CORNELIA
EDUCATION LLC'S MOTION FOR
COSTS AND ATTORNEYS' FEES (ECF
NO. 293)**

20
21 WEALTHY INC. and DALE
BUCZKOWSKI,

22 Plaintiffs,

23 v.

24 JOHN MULVEHILL, JOHN ANTHONY
LIFESTYLE, LLC, and OPTIMIZED
LIFESTYLE LLC

25 Defendants.
26
27
28

Consolidated With:
Case No.: 2:22-cv-00740-JCM-EJY

1 Plaintiffs Wealthy Inc. and Dale Buczkowski (collectively, "**Plaintiffs**" or "**Wealthy**"), by
2 and through their counsel of record, the law firms of Peterson Baker, PLLC and CM LAW, PLLC,
3 hereby submit their Response to Defendants Spencer Cornelia, Cornelia Media LLC, and Cornelia
4 Education LLC's Renewed Motion for Costs and Attorneys' fees, filed on April 28, 2026 [ECF No.
5 293] (the "**Renewed Motion**"). This Response is supported by the Memorandum of Points and
6 Authorities below, the paper and pleadings on file in this case, and any oral argument the Court
7 may wish to hear.

8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 **I. Introduction**

10 By their Renewed Motion, the Cornelia Defendants seek \$645,912.50 in costs and attorneys'
11 fees under 15 U.S.C. § 1117(a), NRS 41.670(1)(a), and NRS 41.670(1)(b), comprising \$15,995.00
12 attributable to Lanham Act work, \$71,147.50 attributable to Anti-SLAPP work, \$502,762.50 in
13 "inextricably intertwined" time, \$26,007.50 in expert-witness fees, and a discretionary \$30,000
14 sanction. *See Renewed Motion* [ECF No. 293]. The Renewed Motion should be denied or
15 substantially reduced on three independent grounds.

16 First, the fees requested are not reasonable. The Cornelia Defendants themselves magnified
17 the proceedings by withholding responsive WhatsApp communications with co-defendant
18 Mulvehill – information requested in this action but uncovered only recently through an order
19 compelling production in *Wealthy Inc. v. Optimized Lifestyle LLC*, 23-cv-00141-ABJ (D. Wyo.)
20 (the "Wyoming Action"). The withheld record also shows that Cornelia used discovery for purposes
21 wholly unrelated to defending against Plaintiffs' claims — generating YouTube content, obtaining
22 ammunition for collateral proceedings, and aiding a co-defendant. The Cornelia Defendants further
23 inflate the lodestar, improperly bundle fees, and seek substantial non-recoverable categories.

24 Second, this case is not "exceptional" under the Lanham Act. Merely prevailing at summary
25 judgment does not transform a case into a "rare[]", "exceptional case", *Sand Hill Advisors, LLC v.*
26 *Sand Hill Advisors, LLC*, 2010 WL 8500520, at *3 (N.D. Cal. Sept. 20, 2010), and a claim "is not
27 objectively unreasonable . . . where it could be considered an attempt to extend existing law."
28 *Perfect 10 v. Giganews*, 2015 WL 1746484 at *3 (C.D. Ca. 2015).

PETERSON BAKER, PLLC
701 S. 7th Street
Las Vegas, NV 89101
702.786.1001

1 Finally, the discretionary \$30,000 sanction under NRS § 41.670(1)(b) is unwarranted.
2 Defendants' reliance on extraneous "Buczowski's More Recent Scams" material is improper
3 character evidence unrelated to the claims against the Cornelia Defendants.

4 The Court should deny the Renewed Motion in full.

5 **II. Factual and Procedural Background**

6 As detailed in the Complaint, between December 2020 and February 2021, the Cornelia
7 Defendants produced and published multiple video interviews with co-defendant John Mulvehill
8 on their YouTube channel. Plaintiffs alleged that the videos promoted the Cornelia Defendants'
9 competing products and services, and that the videos contained five materially false assertions
10 about Buczowski: that he (1) lied about his educational achievement, (2) laundered money, (3)
11 manufactured and/or sold illegal drugs, (4) framed a co-defendant for a 2013 arrest leading to felony
12 and misdemeanor charges, and (5) was involved in the death of a 28-year-old woman. Cornelia
13 himself reviewed and edited the videos prior to publication. [ECF No. 1]

14 Plaintiffs filed their Complaint [ECF No. 1] against Spencer Cornelia, Cornelia Media,
15 LLC, and Cornelia Education, LLC (the "Cornelia Defendants"), stating claims for Unfair
16 Competition and False Advertising under the Lanham Act; Defamation; and others. The Cornelia
17 Defendants did not challenge the sufficiency of the Complaint, filing an Answer on August 13,
18 2021. [ECF No. 17]. The parties proceeded to discovery and entered their stipulated discovery
19 plan and scheduling order. [ECF No. 20]. On September 30, 2022, the Cornelia Defendants moved
20 for summary judgment on all claims and separately filed a Special Motion to Dismiss under NRS
21 41.660. [ECF No. 61, 62] This Court granted summary judgment on all claims and separately
22 denied the anti-SLAPP special motion, finding that the Cornelia Defendants failed to satisfy the
23 first-prong good-faith requirement. [ECF No. 247]

24 Plaintiffs appealed. The Ninth Circuit initially affirmed the summary-judgment rulings and
25 dismissed the anti-SLAPP denial as moot. Case No. 23-16132, 23-3227, 23-3390, 24-159 (9th Cir.
26 Dec. 30, 2025) After the Cornelia Defendants sought panel and en banc rehearing, the Court
27 withdrew its original disposition and, on February 25, 2026, issued a superseding decision that
28 maintained the summary-judgment rulings but reversed the District Court's denial of the anti-

1 SLAPP motion and granted the motion the District Court had denied — triggering NRS
2 41.670(1)(a)'s mandatory fee award. Case No. 23-16132, 23-3227, 23-3390, 24-159 (9th Cir. Feb.
3 25, 2026). On March 16, 2026, the Ninth Circuit denied Plaintiffs' motion for leave to file a petition
4 for rehearing en banc and motion to stay the mandate pending petition for certiorari.

5 **III. Argument**

6 **A. Cornelia's December 2021 Non-Disclosure of WhatsApp Communications**
7 **Caused Much of the Burden for Which He Now Seeks to Recover in Fees**

8 Early on in discovery in this case, Plaintiffs sought from the Cornelia Defendants any
9 communications with Mulvehill. By withholding plainly responsive WhatsApp communications
10 with co-defendant Mulvehill, Cornelia himself multiplied the consolidated proceedings.

11 **1. Plaintiffs Squarely Demanded the WhatsApp Thread**

12 In their First Set of Requests for Production of Documents, Plaintiffs sought "any
13 correspondence or communication between or among any of the defendants, on one hand, and John
14 Mulvehill, on the other, concerning the Defamatory Statements." However, Cornelia's December
15 15, 2021 response asserted only relevance and proportionality objections and produced 37 pages of
16 a WhatsApp Chat with Mr. Mulvehill and 7 pages of email correspondence — without identifying
17 the ongoing WhatsApp thread and without any contemporaneous privilege log. *See Cornelia's*
18 *Responses to Plaintiffs' First Request to Defendants for Production of Documents Pursuant to*
19 *FRCP 34*, served December 15, 2021 (the "**December 2021 Responses**"), **Exh. 6** at 422¹; *see also*
20 **COR000007-43, 78-84, Exh. 1.**

21 **2. The Only Plausible Privilege — Joint Defense / Common Interest —**
22 **Was Never Asserted, Never Logged, and Ultimately Rejected in Another**
23 **Matter**

24 The Stipulated Discovery Plan and Scheduling Order [ECF Nos. 19, 20] itself contains no
25 ESI protocol and no provision modifying Rule 26(b)(5), so there is no structural basis in the
26 case-management orders for omitting a log of co-defendant communications. The Cornelia—
27

28 ¹ The Appendix to the Response is being filed concurrently herewith.

PETERSON BAKER, PLLC
701 S. 7th Street
Las Vegas, NV 89101
702.786.1001

1 Mulvehill WhatsApp thread was a co-defendant communication, not an attorney–client
2 communication, so the only plausible basis for withholding would have been a joint-defense or
3 common-interest privilege. The December 2021 Responses did not assert such a privilege, and only
4 invoked a general objection textually limited to post-filing attorney–client communications and did
5 not address co-defendant communications. *See Exh. 6* at 419.

6 The first time Cornelia's counsel asserted joint-defense privilege over the Cornelia–
7 Mulvehill communications on the record was at Mulvehill's February 1, 2023 deposition ("We're
8 going to object on the joint defense privilege"). *Transcript of Deposition of John Mulvehill*
9 ("**Mulvehill Dep.**"), **Exh. 5** at 415. That objection independently triggered Rule 26(b)(5)(A) as to
10 Cornelia, who nevertheless failed to serve a privilege log of his own at any point. By contrast,
11 Mulvehill's counsel served a Supplemental Privilege Log on February 7, 2023 identifying 47-plus
12 entries of withheld Cornelia–Mulvehill communications by date, Bates range, description, and
13 basis — a log the Wyoming Court ultimately found inadequate, but whose mere existence
14 highlights Cornelia's complete failure to log. *See Supplemental Privilege Log, Exh. 9*. The
15 Wyoming Court ultimately rejected the joint-defense/common-interest theory on its merits, finding
16 that Cornelia "has not been jointly represented by counsel"; that Cornelia and Mulvehill "were at
17 all times represented by separate counsel"; that they pursued separate strategies and were dismissed
18 on different grounds (Cornelia on summary judgment, Mulvehill on personal jurisdiction); and that
19 Cornelia's August 13, 2021 affirmative defense disclaimed any agency relationship with Mulvehill.
20 Order. **Exh. 11**, at 497 n.2.² The Wyoming Court found that any claimed protection was therefore
21 both waived and substantively meritless. *Id.* at 504.

22 3. The Withholding Was Coordinated, Strategic, and Quantitatively 23 Massive

24 Cornelia's response to the third set of requests for production of documents again refused
25 to produce communications with Mulvehill, objecting that Plaintiffs should pursue Mulvehill in the
26

27 ² *United States v. Black*, 482 F.3d 1035, 1041 (9th Cir. 2007) (Federal courts "may take notice of
28 proceedings in other courts, both within and without the federal judicial system, if those
proceedings have a direct relation to matters at issue.")

1 parallel case. *See Responses to Plaintiffs' Third Set of Requests for Production of Documents*,
2 served August 26, 2022 (the "August 2022 Responses") (**Exh. 7**) at 430. Mulvehill did produce
3 WhatsApp communications with Cornelia up until May 2021 – just prior to the very inception of
4 the lawsuit – and identified no further information on a privilege log. *See John Mulvehill's*
5 *Responses to Plaintiffs' First Set of Requests for Production of Documents*, served December 15,
6 2022 (**Exh. 8**) and documents produced as JAL000798–912 (**Exh. 2**). The artificial cutoff and lack
7 of any log gave the appearance of a complete production, when in fact hundreds of pages of
8 subsequent responsive Cornelia–Mulvehill communications were being withheld.³

9 The magnitude of the withholding is striking: Cornelia's December 2021 production, *see*
10 *Exh. 1*, covered only the first 37 pages of the WhatsApp thread, while the full thread — comprising
11 *Exh. 2* (which includes the same first 37 pages of substantive content re-produced by Mulvehill)
12 and *Exh. 3* — spans 353 Bates pages, meaning 316 pages of the thread were never produced by
13 Cornelia at all. By the time of Cornelia's May 11, 2022 deposition, *see Cornelia Dep. (Exh. 4)*,
14 approximately 201 pages of responsive Cornelia–Mulvehill content had never been produced, and
15 by August 26, 2022 that figure had grown to roughly 262 pages — meaning Cornelia's August 2022
16 "already produced" representation omitted approximately seven times more responsive WhatsApp
17 content than it had disclosed. On March 21, 2022, Cornelia verified under penalty of perjury, in
18 response to Interrogatory No. 12, *see Cornelia's Responses to Plaintiffs' First Set of Interrogatories*
19 (**Exh. 10**), that he had "no further information regarding [Mulvehill's] whereabouts" beyond
20 knowing Mulvehill lived in Brazil; the withheld WhatsApp record, *see Exh. 3*, which Plaintiffs
21 could not access until December 2025, proves that statement was materially false because Cornelia
22 was in continuous WhatsApp and email contact with Mulvehill, knew his number and email, and
23 tracked his movements in real time. At his May 11, 2022 deposition, Cornelia minimized his
24 Mulvehill communications channels, *see Exh. 4* at 404-405, repeatedly invoked lack of recall on

25 ³ Plaintiffs first became aware of post-May 2021 withholding at Mulvehill's February 1,
26 2023 deposition (**Exh. 5**), which prompted the February 7, 2023 Supplemental Privilege Log (**Exh.**
27 **9**). The log's service at the close of fact discovery left no practical opportunity to test the privilege
28 within the existing schedule, and after the Court denied leave to amend [ECF No. 144] and
dismissed all claims, **Wyoming became the only available forum.**

1 substantive Mulvehill topics, see *Exh. 4* at 407-411, and initially denied any WhatsApp
 2 communication with witness Rohit Dan before correcting himself, see *Exh. 4* at 406 — all while
 3 contemporaneously WhatsApp-messaging Mulvehill the day before and during deposition prep.

4 The contemporaneous record also includes consciousness-of-concealment evidence. On
 5 March 31, 2022, Mulvehill messaged: "shocked to see our email/whatsapp convos. that's nice," and
 6 Cornelia replied: "Yea I was like how the f**k did he get access that easily to our entire convo. ...
 7 I don't remember sending those over". See *Exh. 3*, at 291. Cornelia's contemporaneous statement
 8 that "I'm going to delete these messages just in case we have to share in lawsuit", see *Exh. 3*, at 271
 9 — confirms deliberate concealment.

10 **4. The Withholding Caused the Following Avoidable Burdens**

11 **a. Unnecessary litigation over Mulvehill's personal jurisdiction.**

12 The WhatsApp thread (**Exh. 3**) contains direct evidence of coordinated activity between
 13 Cornelia (a Nevada-based YouTuber) and Mulvehill bearing on Mulvehill's purposeful availment
 14 of Nevada. On August 14, 2022, Mulvehill asked: "how do we prove he is not a resident of NV,"
 15 and Cornelia responded with a four-step deposition script, see *Exh. 3*, at 332, then directed the next
 16 day, "We just need to verify his Chicago address". See *Exh. 3*, at 337. Cornelia had already
 17 identified the residency angle as a deposition target ("[The residency angle] may be a good thing
 18 to go after in your deposition of Derek", see *Exh. 3*, at 330, and the thread reflects his direct contact
 19 with Mulvehill's counsel and post-hearing report-backs ("Marc and Alex said it went as well as we
 20 needed." See *Exh. 3*, at 316. The Ninth Circuit ultimately reversed in part, dismissed in part,
 21 affirmed in part, and remanded; the appellate burden is traceable to the WhatsApp non-disclosure.

22 **b. The Google/YouTube subpoena and motion to quash.**

23 Plaintiffs were forced to subpoena Google to establish the channel of communication
 24 between Cornelia and Mulvehill, and to litigate Defendants' motion to quash — work that would
 25 have been unnecessary had the WhatsApp thread been disclosed. The Cornelia Billing Records
 26 include entries stating "subpoena to Google", "analysis of subpoena", "motion to quash" and
 27 "hearing on Mulvehill motion to quash." See *Exhibit 6 to Renewed Motion*, ECF No. 293-6 at 10-
 28 11 and 25.

1 WhatsApp record demonstrates that the Hague Convention representation was contradicted by
2 counsel's own conduct, and fees obtained on the strength of that representation — including
3 extensions of discovery, the summary-judgment briefing stay, and all related motion practice —
4 cannot be shifted to Plaintiffs.

5 **e. The fraudulent-transfer and creation of OL as determined by the**
6 **Wyoming summary judgment proceeding.**

7 The withheld thread contains Cornelia's contemporaneous coaching of Mulvehill on LLC
8 bankruptcy and digital-asset transfer to defeat any judgment, including his "purposefully lose and
9 force him to spend years and money chasing you" framing. *See Exh. 3*, at 311-313; *see also* Section
10 III.B.5 *infra*. Had Cornelia produced or properly logged the thread in his December 2021
11 Responses, Plaintiffs could have moved to amend the Mulvehill/John Anthony Lifestyle ("JAL")
12 complaint to add a fraudulent-transfer claim against Optimized Lifestyle ("OL")/JAL years earlier
13 — at a stage when it could have been litigated efficiently in Nevada — instead of being forced to
14 file the Wyoming action and obtain summary judgment in February 2026. *See Exh. 12*. On May
15 15, 2022 — the same day Cornelia counseled Mulvehill on LLC bankruptcy and digital-asset
16 transfer — Cornelia's lead counsel billed a one-hour "Call with JM", *see Exhibit 6 to Renewed*
17 *Motion*, ECF No. 293-6 at 24. The billing record's consistent use of "client"/"Cornelia" for Cornelia
18 communications and "mulvehill counsel" for communications with Mulvehill's lawyer suggests
19 that "Call with JM" is a direct attorney-to-co-defendant call, and the next day's separate one-hour
20 "Confer with mulvehill counsel" entry, *see id.*, suggests the substance of the JM call was carried
21 into Mulvehill's lawyer's office the following day. This sequence supports an inference that
22 Cornelia's counsel had contemporaneous knowledge of, and may have participated in, the
23 judgment-frustration discussion memorialized in WhatsApp earlier that same day. At minimum,
24 the contemporaneous billing entry confirms the WhatsApp content was the subject of attorney time
25 on the very day the messages were sent — time that is non-recoverable because it was not
26 "reasonably incurred" defending against Plaintiffs' claims.

PETERSON BAKER, PLLC
701 S. 7th Street
Las Vegas, NV 89101
702.786.1001

1 **5. The Fees are not Reasonable**

2 Fees attributable to (i) the Mulvehill personal-jurisdiction litigation and appeal, (ii) the
3 Google subpoena fight, (iii) the Sixth Motion to Extend Discovery, (iv) all extensions and motion
4 practice obtained on the Hague Convention representation, (v) the Wyoming fraudulent-transfer
5 summary judgment proceeding were burdens Cornelia created — and they cannot be shifted to
6 Plaintiffs under 15 U.S.C. § 1117(a) or NRS 41.670.

7 **B. Cornelia Used Discovery for Purposes Unrelated to the Defense of Plaintiffs'**
8 **Claims**

9 Under *Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 572 U.S. 545 (2014), the Court
10 may consider a party's litigation conduct and motivation as part of the totality of the circumstances.
11 The WhatsApp record, *see* Exh. 3, establishes that Cornelia treated the litigation itself as a
12 retaliatory and monetized enterprise — conduct that defeats the equitable showing Defendants must
13 make to obtain an exceptional-case fee award. Indeed, none of the categories below represent fees
14 that were "reasonably incurred".

15 **1. Cornelia Used the Litigation to Obtain Content for His YouTube**
16 **Channel**

17 Cornelia treated the litigation itself as a content engine. The withheld WhatsApp thread
18 reflects that he openly stated he wanted the case to drag out for view counts, *see* Exh. 3 at 238
19 ("What's funny is the longer this drags out, the more views the inevitable video will get lmao");
20 pre-planned a "clown video" upon dismissal, *see* **Exh. 3** at 238 ("Once my case gets dismissed, I'm
21 making a clown video on him ... It'll get 5x more views than our video"); and framed the entire
22 enterprise as content-warfare, *see* **Exh. 3** at 390 ("We can use media to punish — in the form of
23 views and attention"). He recorded depositions for direct video use, *see* **Exh. 3** at 386 ("Yes I plan
24 on screen recording. ... Carlos' deposition tomorrow is going to be very telling"); timed video
25 releases around discovery events, *see id.*, ("Just need to wait until Carlos' deposition. I won't release
26 until I know what he said"); and produced a multi-video series sourced from discovery, *see* **Exh. 3**
27 at 395 ("Because he sued, I found all this s**t about him and the series will eclipse 2mm views by
28 the time it's done"). He drafted titles tied directly to material his counsel placed on the docket,

1 *compare* **Exh. 3** at 391 ("Next video will be 'This Influencer Sued Me Because I Made Him Fat')
2 with ECF No. 44 at 6, where counsel put Buczkowski's "fat" deposition testimony—and a post-
3 deposition YouTube screengrab of him—on the public record just six weeks earlier, handing
4 Cornelia the very framing and visuals he then repackaged into video content.

5 **2. Cornelia Used the Litigation to Obtain Ammunition for Use in Other**
6 **Proceedings**

7 Cornelia filed an Illinois tax-fraud report against Plaintiffs, *see* Exh. 3 at 332 ("I filled out
8 the tax fraud form on Illinois website.") and Exh. 3 at 342 ("Submitted documents to Illinois
9 department of revenue today. Will arrive Thursday"); framed the residency investigation as a
10 tax-evasion theory months before any litigation event made residency relevant, and hoped for
11 personal "whistleblower" rewards, *see* Exh. 3 at 347 ("What would be amazing is if there's some
12 whistle blower type rewards if he's caught committing tax fraud"). He also stated he would "contact
13 the Nevada real estate division" to "[n]otify them of him being complicit in tax fraud". *See* Exh. 3
14 at 385. The "list of criminal stuff" included FBI referrals for "death threats" and a "drug-network"
15 investigation, *see* Exh. 3 at 353; and Mulvehill told Cornelia that the defense team was "putting
16 [a] discovery request for irs tax records. they will deny and we will compel." *See* Exh. 3, at 352.

17 **3. Cornelia Sought to Aid a Co-Defendant's Defense Rather Than**
18 **Cornelia's Own**

19 Cornelia coached Mulvehill on residency questions and addresses to obtain in deposition,
20 *see* Exh. 3 at 332 ("Hopefully you ask these first and if he supplies 275 Glen Way Incline Village
21 NV as his address, then we're golden"), scripted deposition tactics for content value, and pushed
22 for Buczkowski residency exhibits to be filed in support of Mulvehill's jurisdictional motion.
23 *See* **Exh. 3** at 304 (Cornelia to Mulvehill re upcoming deposition: "Hopefully it'll be a rug pull and
24 you'll have content for days haha"; asking whether he could "add some" questions to counsel's
25 deposition outline); *id.* at 384 and 386 ("I won't release until I know what he said" and I'll include
26 his video deposition in mine"); *id.* at 386 ("Yes I plan on screen recording"); *id.* at 390 ("We can
27 use media to punish — in the form of views and attention"); *id.* at 398 (timing video releases around
28 the litigation because opposing counsel "can't really do anything about it"). The Ninth Circuit

1 ultimately reversed the dismissal of the complaint against Mulvehill on the grounds of the lack of
2 personal jurisdiction, confirming that the residency theory was legally untenable as deployed. As a
3 result, time billed on the residence of the Plaintiffs was not "reasonably incurred" defending the
4 Cornelia Defendants and should be excluded.

5 **4. Cornelia Sought to Coordinate Cross-Case Defense Material With**
6 **Mulvehill Outside Permitted Channels**

7 Cornelia treated the litigation as a vehicle for cross-defendant coordination on substantive
8 defense material, including (i) keeping Mulvehill apprised in real time of Randazza's decision to
9 retain a damages-rebuttal expert, *see* Exh. 3 at 254; (ii) sharing a granular cost breakdown of his
10 own defense, *see* Exh. 3 at 258; (iii) offering his Hoffman expert rebuttal report directly to
11 Mulvehill as a \$22,000 cost-sharing substitute, *see* **Exh. 3** at 310 (addressed further in Section
12 III.H); and (iv) framing case consolidation itself as a cost-and-discovery-sharing arrangement, *see*
13 Exh. 3 at 310. The cross-case coordination prompted the Court's November 14, 2022 order directing
14 pre-consolidation document exchanges only on an attorneys'-eyes-only basis — additional motion
15 practice that would not have been required absent Cornelia's persistent efforts to use the litigation
16 as a joint cross-defendant platform. Time devoted to facilitating these cross-case exchanges was
17 not "reasonably incurred" defending the Cornelia Defendants and should be excluded.

18 **5. Cornelia Sought to Counsel a Co-Defendant on Frustrating Judgment**
19 **Collection**

20 The same withheld thread contains Cornelia's contemporaneous coaching of Mulvehill on
21 LLC bankruptcy and digital-asset transfer to defeat any Plaintiffs' judgment, *see* Exh. 3 at 311-313,
22 and Cornelia's "purposefully lose and force him to spend years and money chasing you" framing is
23 itself an admission of intent to weaponize the litigation process for collection-frustration purposes.

24 **C. Cornelia Used the Court Record as a Defamation Shield, and Related Fees Are**
25 **Not Reasonable**

26 Cornelia explained his strategy about the litigation in his own words: "Throw in as much
27 s**t on public record as possible so when we make videos about him we can discuss it with no
28 issues of future litigation." *See* Exh. 3 at 287. Earlier iterations include "He'd be buried", *see* Exh.

1 3 at 181; "I want to use the video as a way to really damage him without repercussion", *see* Exh. 3
2 at 183; and "there's no repercussions." *See* Exh. 3 at 321. The strategy is applied to specific
3 evidence: as to the chart of Plaintiffs' course sales, *see* Exh. 3 at 295 ("Would love for this s**t to
4 be on public record"; and inversely to material Cornelia did not want filed, *see* Exh. 3 at 326 ("I'm
5 going to delete these messages just in case we have to share in lawsuit").

6 Cornelia's counsel apparently made drafting choices based upon Cornelia's strategy:

7 **1. The "fat / man boobs" material in ECF No. 44.**

8 The Sixth Motion to Extend Discovery devoted multiple pages to Buczkowski's body-fat
9 testimony and embedded a YouTube screenshot, framed on the rationale that "Buczkowski made
10 statements about his weight an issue during his deposition," and tied that testimony back to the
11 "man boobs" reference in Cornelia's video. ECF 44. The deposition excerpts pressed Buczkowski
12 on whether he would call Randazza "obese" and whether he owns an "InBody scale," with the full
13 transcript attached as Exhibit 1 to ECF No. 44. Within weeks, Cornelia announced that his "Next
14 video will be 'This Influencer Sued Me Because I Made Him Fat.'" *See* Exh. 3, at 391.

15 **2. The Huerta material in ECF No. 44.**

16 The same motion extensively discussed Carlos Huerta's criminal background and arrest
17 beyond what was needed for a discovery extension, and Cornelia later used Huerta-related material
18 for his Nevada Real Estate Division complaint and channel content. *See* Exh. 3 at 355 (Cornelia: "I
19 can also contact the real estate division of Nevada and verify Carlos' home address"; "He could lose
20 his brokers license"); *id.* at 385 ("I'll contact the Nevada real estate division though.... Notify them
21 of him being complicit in tax fraud"); *id.* at 341 ("Going to make interesting content when this is
22 over tho hahahaha"); *id.* at 384 ("I'll include his video deposition in mine.... Carlos' deposition
23 tomorrow is going to be very telling"); *id.* at 393-394 (touting that the resulting Moneyberg video
24 was "closing in on 680k views").

25 **3. The course-sales chart and customer-information AEO dispute.**

26 The Renewed Motion criticizes Plaintiffs for insisting that any discussion of customers
27 occur under the protective order's highest confidentiality tier. *See* ECF 45-1 (Randazza Decl.) ¶¶
28 11–14. The withheld WhatsApp record proves Plaintiffs' confidentiality concerns were not

1 pretextual but precisely correct. On April 27, 2022, Cornelia told Mulvehill he "wish[ed] [he] could
 2 share the chart showing his course sales"; when asked whether the chart was public, he answered
 3 "I don't believe so" but added that "[i]f this gets filed with my motion to dismiss, then yes" and "I
 4 really hope it does." *See* Exh. 3 at 299. That is a contemporaneous admission that Cornelia (i)
 5 wanted Plaintiffs' customer/sales data for his YouTube content, (ii) understood the confidentiality
 6 designation was the only barrier, and (iii) was actively hoping his counsel's filing choices would
 7 strip the designation. The August 15, 2022 thread is corroborative. *See* Exh. 3 at 340 ("He also
 8 doesn't want to unveil his \$250k clients lmao"). Plaintiffs' AEO insistence was not obstructionism;
 9 the appetite for Plaintiffs' customer information was content-driven, not defense-driven.

10 **4. ECF No. 293 repeats the pattern.**

11 The Renewed Motion devotes an entire Section 2.2 to extraneous post-judgment "scam" material
 12 (the "BJJ scam," etc.) that has no bearing on the reasonableness of any fee award. It suggests that
 13 this material, too, is inserted for content.

14 **D. The Cornelia Defendants Fail to Carry Their Burden of Proof on the**
 15 **Reasonableness of the Fees Requests**

16 Defendants have failed to meet their burden of proving that the attorneys' fees they seek are
 17 reasonable. *See Diamond v. John Martin Co.*, 753 F.2d 1465, 1467 (9th Cir. 1985) (stating that
 18 "the burden of proof is on the party seeking the fee award").

19 **1. The Fee Spreadsheet is Replete with Material that is Non-Compensable**

20 The Fee Spreadsheet is replete with material that is non-compensable. First, the Court
 21 should not award fees representing purely clerical or secretarial tasks. *See Missouri v. Jenkins*, 491
 22 U.S. 274, 288 n. 10. The Cornelia Defendants offer a litany of clerical or secretarial tasks that have
 23 nothing to do with factual investigation, discovery, or case development. This includes⁴ tasks such
 24 as **saving documents to their file**, *see, e.g.*, ECF No. 293-6 at 3 ("Save the order of Pro hac vice
 25 being granted to Jeffrey Vockrodt to file; advise attorneys"; ECF No. 293-6 at 12 ("Receive . . .
 26 Documents via USB drive, and save them to the file"); ECF No. 293-6 at 13 ("retrieve files from
 27

28 ⁴ These are only some examples of the Cornelia Defendants' attempt to recover clerical fees
 in their Renewal Motion and are not exhaustive.

1 the Google Link provided by Mr. Cornelia, and save them to the file"); ECF No. 293-6 at 41
2 ("Receive the filed Stipulation to Extend Time as to the Opposition to Defendants' Special Motion
3 to Dismiss, and save it to the file"); **formatting documents**, *see, e.g.*, ECF No. 293-6 at 6 ("Format
4 Defendants' First Set of Interrogatories to Plaintiffs"); ECF No. 293-6 at 6 ("format Defendants
5 First Set of Admissions to Plaintiffs"); ECF No. 293-6 at 16 ("Formatted for service, and submitted
6 to attorney for approval of service"); ECF No. 293-6 at 17 ("Prepped and served"); **and placing**
7 **items on a calendar**, *see, e.g.*, ECF No. 293-6 at 6 ("attention to calendar"); ECF No. 293-6 at 9
8 ("calendar of expert call"); ECF No. 293-6 at 25 ("analyze for deadlines to calendar"); The
9 Court should deny the Renewed Motion as to any clerical or secretarial tasks.

10 Second, the Court should not award fees that are not related to the litigation of this case.
11 *See Davis v. City and County of San Francisco*, 976 F.2d 1536, 1558 (9th Cir. 1992) (vacated in
12 part on other grounds) (remanding to district court to deduct hours spent on unrelated matters). The
13 Cornelia Defendants offer various non-legal tasks, such as addressing client payment issues, *see*,
14 *e.g.*, ECF No. 293-6 at 3 ("attention to client accounting, deposit of trust, trust deposit memorandum
15 and confer with MJR"); and tasks related to people not even identified with this case. *See, e.g.*,
16 ECF No. 293-6 at 42 ("Factual research re: Julien Blanc controversy").

17 Third, various entries are vague, and the Court cannot find that such tasks are reasonable.
18 *See, e.g.*, ECF No. 293-6 at 17 ("attention to expert call"); ECF No. 293-6 at 96 ("internal
19 organization of documents").

20 Fourth, courts generally do not compensate for travel time, or planning for travel. *See, e.g.*,
21 *Interfaith Cmty. Org. v. Honeywell Int'l, Inc.*, 426 F.3d 694, 710 (3d Cir. 2005), as amended (Nov.
22 10, 2005); *Guckenberger v. Boston Univ.*, 8 F. Supp.2d 91, 106 (D. Mass. 1998). The spreadsheet
23 is replete with entries in this regard. *See, e.g.*, ECF No. 293-6 at 28 ("Travel to and from
24 Buczkowski deposition"); ECF No. 293-6 at 44 ("travel to and from hearing on MTC reasonable
25 depo dates"); ECF No. 293-6 at 55 ("Travel to and from hearing on Mulvehill motion for protective
26 order"); ECF No. 293-6 at 56 ("Travel to and from Wealthy Inc. 30(b)(6) deposition"); ECF No.
27 293-6 at 24 ("Return travel planning from deposition for MJR, confer with MJR and flight booking,
28 calendar of same and memos to MJR").

1 Fifth, courts generally do not compensate for redundant billing, such as when two attorneys
2 bill for the same task. *See Gates v. Deukmejian*, 987 F.2d 1392, 1398–99 (9th Cir. 1992) (vacating
3 the district court's determination regarding the reasonableness of plaintiffs' proposed discounted
4 lodestar, including its findings related to billing reductions to compensate for overbilling or
5 duplication). The matter involved five attorneys and six paralegals on a single defamation/Lanham
6 Act case, with pervasive intra-firm conferences and redundant review of the same drafts, and
7 Slack-channel monitoring billed at \$1,000/hour. None of these requested fees should be permitted.

8 Sixth, LR 54-14 requires "a reasonable itemization and description of the work performed."
9 Multiple entries in Defendants' billing records, *see Exhibit 6 to Renewed Motion*, ECF No. 293-6,
10 lump several discrete tasks into a single time block without allocation, defeating any meaningful
11 reasonableness review — for example, Shepard's February 27, 2023 entry "Review of additional
12 depo transcripts. Notation of portions to cite in opp. to partial MSJ and reply ISO Anti-SLAPP
13 motion" billed 2.50 hours at \$450 across multiple motions without allocation. [ECF No. 293-6 at
14 72]. Numerous entries contain only ellipses, blanks, or stub descriptions that prevent any
15 reasonableness review (e.g., the February 11, 2023 Randazza entry (no description, 0.20 hr,
16 \$180.00) [ECF No. 293-6 at 59; and Shepard's October 04, 2023 entry "Phone call with MJR re:"
17 (0.20 hr, \$140.00)). [ECF No. 293-6 at 72]. Defendants concede the spreadsheet was marked for
18 "privilege redactions" on April 27, 2026, see ECF No. 293-6 at 109, but the resulting entries fail
19 LR 54-14(a) because they do not describe the work performed.

20 2. The Cornelia Defendants Fail to Apportion Their Requested Fees

21 "It is well-established law that a party entitled to attorney's fees as a prevailing party on a
22 particular claim, but not on other claims in the same lawsuit, can only recover attorney's fees
23 incurred in defending against that one claim or any 'related claims.'" *Entm't Research Grp., Inc. v.*
24 *Genesis Creative Grp., Inc.*, 122 F.3d 1211, 1230 (9th Cir. 1997).

25 As to fees claimed pursuant to the Lanham Act, "[o]nly Lanham Act claims are
26 compensable" and parties "may not recover attorneys' fees under the Lanham Act unless the non-
27 Lanham Act claims are so intertwined it is impossible" to separate them. *Gracie v. Gracie*, 217
28 F.3d 1060, 1069 (9th Cir. 2000), overruled on other grounds by *SunEarth, Inc. v. Sun Earth Solar*

1 *Power Co.*, 839 F.3d 1179 (9th Cir. 2016). In reviewing such claims, the court must consider
2 "whether the legal and factual basis are substantial". *Gracie v. Semaphore Ent. Grp.*, 52 F. App'x
3 43 (9th Cir. 2002). In this case, the Cornelia Defendants do not carry their burden in establishing
4 that the legal and factual basis are sufficiently identical and the Court should deny them on that
5 basis.

6 The Cornelia Defendants fail to distinguish in their billing spreadsheet or their Motion on
7 Fees what work was done in connection with the Lanham Act claim. Previously, the Cornelia
8 Defendants claimed that 629.8 of their then-total 668.1 hours expended were in connection with
9 the Lanham Act. *See Renewed Motion*, ECF No. 251 at 16. Now, however, it appears that the
10 Cornelia Defendants only assert that 27.5 hours are directly attributable to the Lanham Act. *See*
11 *Renewed Motion*, ECF 293-5 at 3. Defendants seek \$502,762.50 as "inextricably intertwined" with
12 both Anti-SLAPP and Lanham Act work.

13 The Lanham Act and Nevada's anti-SLAPP fee-shifting statute cannot both be invoked to
14 recover the same intertwined hours absent a showing the "exceptional case" standard has been met.
15 Congress calibrated Lanham Act fee-shifting to authorize recovery only in "exceptional cases," 15
16 U.S.C. § 1117(a), and the Supreme Court has confirmed that this standard is a deliberate,
17 demanding limit on fee-shifting in trademark and false-advertising cases. *See Octane Fitness*, 572
18 U.S. at 553-54. Allowing a prevailing defendant to recover those same hours under NRS
19 41.670(1)(a)—which contains no exceptional-case limitation—on an "intertwined" theory would
20 let state law supply a fee award Congress declined to authorize, eroding the federal balance *Octane*
21 *Fitness* preserves. NRS 41.670(1)(a) only authorizes fees for the state-law claims subject to the
22 special motion, and Lanham Act work and Lanham Act appellate work must be excluded from the
23 Anti-SLAPP recovery.

24 Similarly, Defendants' billing records intermix Cornelia-matter and Mulvehill-matter time
25 entries, and entries reflecting direct attorney communications with co-defendant John Mulvehill —
26 including the May 15, 2022 "Call with JM", *see Exhibit 6 to Renewed Motion*, ECF No. 293-6 at
27 24); the May 16, 2022 "Confer with mulvehill counsel", *id.*; the August 15, 2022 "Prepare for
28 and participate in call with Mulvehill counsel", *id.* at 29; the August 31, 2022 "Confer with John

1 Mulvehill counsel, review file after call," *id.* at 34; the September 1, 2022 "analysis of items for
 2 John Mulvehill declaration ... outlining elements for declaration," *id.* at 34; and the October 13,
 3 2022 "Post deposition call with Counsel for Mulvehill", *id.* at 41 — were not "reasonably incurred"
 4 defending against Plaintiffs' claims and should be excluded.

5 3. The Lodestar is Improperly Inflated

6 Rates of \$1,000/hour for Mr. Randazza, \$750/hour for Wolman and Green, and \$700/hour
 7 for Shepard exceed the prevailing Las Vegas market, and mid-litigation rate increases (e.g.,
 8 Shepard from \$450 to \$700) further inflate the lodestar. Indeed, Mr. Randazza's Declaration does
 9 not establish a prevailing Las Vegas market rate, and even admits that no court has adjudicated Mr.
 10 Randazza's rate as reasonable. *See Declaration of Marc Randazza*, ECF 293-5 at ¶19. Defendants
 11 admit a 25% client discount on "all fees in connection with District Court work". *See Declaration*
 12 *of Marc Randazza*, ECF 293-5 at ¶41. Nonetheless, the Cornelia Defendants are seeking "lodestar
 13 fees at RLG's customary rates". *Id.* Mr. Cornelia stated on April 28, 2022 that "Randazza is \$625/hr
 14 after my 25% discount." *See* Exh. 3, at 300. To the extent that the Cornelia Defendants are seeking
 15 attorneys' fees for a greater amount than the discounted rate they were actually charged, they
 16 provide no authority to allow this, and the Court should deny the request.

17 E. The Lanham Act Claim Was Not "Exceptional" Under 15 U.S.C. § 1117(a)

18 The Lanham Act fee statute is not merely a prevailing-party statute, and a federal court is
 19 not obligated to award fees simply because one party prevailed. 15 U.S.C. § 1117(a); *see*
 20 *Buckhannon Bd. & Care Home, Inc. v. W. Va. Dep't of Health & Hum. Res.*, 532 U.S. 598 (2001).
 21 The statute is not designed to award fees as a penalty or to "punish a party for losing." *Munchkin,*
 22 *Inc. v. Luv n' Care, Ltd.*, 960 F.3d 1373, 1378 (Fed. Cir. 2020); *see Octane Fitness*, 572 U.S. at
 23 548.

24 Rather, §1117(a) reflects Congress's intent "to abrogate the American Rule in a narrow
 25 range of cases and grant district courts the **discretion in rare, extraordinary** cases." *Express*
 26 *Homebuyers USA v. WBH Mktg*, 343 F. Supp. 3d 562, 565 (E.D. Va. 2018). An "exceptional" case
 27 is "one that stands out from others with respect to the substantive strength of a party's litigating
 28 position . . . or the unreasonable manner in which the case was litigated," *Octane Fitness*, 572 U.S.

1 at 554, and even an exceptional case may not warrant fees in the court's discretion under the totality
2 of the circumstances. *Id.*

3 Fee awards under the Lanham Act remain the exception rather than the rule, and Defendants'
4 theory is largely a policy argument.⁵ The *Octane Fitness* inquiry asks whether the case stands out
5 from others either with respect to (1) the substantive strength of the losing party's litigating position
6 or (2) the unreasonable manner in which the case was litigated. 572 U.S. at 554. Neither prong is
7 satisfied here.

8 1. Plaintiffs' Litigating Position Was Not Substantively Weak

9 A claim is objectively unreasonable only where the proponent "should have known from
10 the outset that its chances of success in th[e] case were slim to none." *SOFA Entm't, Inc. v. Dodger*
11 *Prods., Inc.*, 709 F.3d 1273, 1280 (9th Cir. 2013). Plaintiffs' position cleared that low bar,
12 particularly on the contested commercial-speech question. Plaintiffs advanced a colorable theory
13 that the challenged videos crossed into commercial speech because they were hosted on the same
14 Cornelia YouTube channel that promoted Cornelia's competing House Hack Expert e-book and
15 YouTube-growth materials sold through Patreon — making the channel itself the promotional
16 vehicle for a competing product — and Cornelia confirmed under oath that he published House
17 Hacking content on the same channel and offered the House Hack Expert e-book for sale. The Court
18 rejected that theory on the merits, but rejection on summary judgment is not the same as objective
19 unreasonableness; the Court's "fatal flaw" finding went to the absence of in-video promotion, not
20 to the broader question whether platform-level commercial activity could supply the missing
21 commercial-speech element — a question on which Defendants themselves acknowledged
22 unsettled Ninth Circuit law on the commercial-competition prong. *See, e.g., Ariix, LLC v.*
23 *NutriSearch Corp.*, 985 F.3d 1107, 1120 (9th Cir. 2021); *Lexmark Int'l, Inc. v. Static Control*
24 *Components, Inc.*, 572 U.S. 118 (2014)).

25 Defendants' own briefing below underscores the point: ECF No. 62 devoted only a single
26 short paragraph to the "particular product" prong (§ 4.1.1.2) and expressly declined to brief the

27 _____
28 ⁵ Defendants' own numbers concede that only \$15,995 is "specifically attributable" to Lanham Act work, with \$502,762.50 claimed as "intertwined".

1 commercial-competition element at all, citing *Lexmark* and *Ariix*, and never squarely engaging
2 Plaintiffs' channel-as-promotional-vehicle theory, leaving Plaintiffs without a fully developed
3 adversarial record to respond to on summary judgment. The commercial context at issue —
4 promotion and monetization through a YouTube creator's channel that simultaneously hosts critical
5 commentary and sells the creator's own competing products — is a relatively novel one with no
6 Ninth Circuit or Supreme Court authority directly on point at the time. That asymmetry cannot now
7 be repackaged as Plaintiffs' unreasonableness; the *Octane Fitness* inquiry asks whether the losing
8 party's position was so weak that no reasonable litigant would have pressed it, and it does not reward
9 a prevailing party that left a contested element unbriefed and then relied on appellate elaboration
10 to manufacture exceptionality after the fact. Defendants' Renewed Motion criticizes Plaintiffs for
11 raising arguments "waived by not raising them below" [ECF No. 293 at § 4.1.1] — but that critique
12 cuts both ways, and Defendants' own appellate development of the commercial-speech analysis
13 cannot retroactively render Plaintiffs' district-court position objectively unreasonable. At
14 minimum, even if any Lanham Act fees were awarded, the Court should exclude time spent on
15 commercial-speech analysis and appellate work that was not fairly presented in Defendants'
16 summary judgment briefing.

17 Defendants' contention that Plaintiffs should have abandoned the Lanham Act claim by
18 Cornelia's May 11, 2022 deposition cannot be squared with the discovery record. As detailed in
19 Section III.A, approximately 201 pages of the Cornelia–Mulvehill thread were still being withheld
20 without a privilege log as of that deposition, and the withheld material includes Cornelia's own
21 contemporaneous acknowledgment that the commercial-competition theory Defendants now treat
22 as obviously meritless was a real exposure. On June 22, 2021, immediately after recognizing that
23 Plaintiffs' "main claim is that I brought you on to ruin Derek's reputation," Cornelia wrote: "Us both
24 having courses to sell doesn't help." *See* Exh. 3 at 174. A prevailing party cannot manufacture
25 objective unreasonableness by suppressing the opposing party's own admissions and then faulting
26 Plaintiffs for not folding before those admissions surfaced.

27 To the extent any of Cornelia's post-takedown statements are relied upon in this Opposition,
28 they are offered for two narrow purposes only: (i) as evidence bearing on Cornelia's

1 continued-publication state of mind during the December 2020–June 9, 2021 window the videos
 2 remained live, and (ii) as evidence of post-suit litigation conduct relevant to the *Octane Fitness*
 3 totality analysis. Plaintiffs do not rely on post-publication animus statements as direct proof of
 4 actual malice at the moment of original publication.

5 2. The Manner of Litigation Was Not Unreasonable

6 The second *Octane Fitness* prong likewise does not support an exceptional-case finding. To
 7 the extent Defendants point to discovery friction, that friction was mutual and was substantially
 8 driven by Cornelia's own conduct — not Plaintiffs'. A case in which both sides engaged in
 9 aggressive discovery conduct is run-of-the-mill, not an *Octane Fitness* outlier. More
 10 fundamentally, as detailed in Section III.B above, Cornelia used the discovery process for purposes
 11 wholly unrelated to defending Plaintiffs' claims — generating YouTube content, gathering
 12 ammunition for collateral tax-fraud and regulatory referrals, coaching his co-defendant on personal-
 13 jurisdiction tactics and judgment-frustration mechanics, and coordinating cross-case defense
 14 material outside permitted channels. And as detailed in Section III.C, Cornelia and his counsel used
 15 the court record itself as a defamation shield, weaponizing public filings for use in his YouTube
 16 content. Under *SunEarth's* totality-of-the-circumstances framework, these equitable considerations
 17 weigh decisively against — not in favor of — an exceptional-case finding, and no interim sanctions,
 18 Rule 11 finding, or judicial admonishments support the contrary conclusion. *See SunEarth, Inc. v.*
 19 *Sun Earth Solar Power Co.*, 839 F.3d 1179, 1181 (9th Cir. 2016) (en banc) (district courts apply
 20 "equitable discretion" under the totality of the circumstances").

21 F. The Discretionary \$30,000 NRS 41.670(1)(b) Sanction Should Be Denied

22 The NRS 41.670(1)(b) award is discretionary. Cornelia's contemporaneous WhatsApp
 23 record disqualifies the equities he must show: the "litigation record as defamation shield"
 24 admissions; YouTube content-monetization admissions; tax-fraud and regulatory referral
 25 admissions; witness-coaching for a co-defendant; and judgment-evasion counseling. The motion's
 26 reliance on extraneous "Buczowski's More Recent Scams" material is improper character
 27 evidence, and joint representation undermines a per-defendant award because the three Cornelia
 28 entities filed a single motion through a single firm without distinct showings of harm per entity.

1 The spreadsheet [ECF No. 293-6] also seeks fees-on-fees for time spent preparing the very
2 fee motion now under review (e.g., 04/02–04/27/2026 entries) presented in bulk without allocation
3 between Lanham Act, Anti-SLAPP, and "INTW" categories Defendants concede were only
4 retroactively assigned on 04/26/2026, and reflects unjustified mid-litigation rate increases (Shepard
5 from \$450 to \$700 to \$750; Randazza from \$800 to \$900 to \$1,000) inconsistent with LR 54-14(b)'s
6 "customary fee" requirement. The clerical-work and lump-billing deficiencies addressed in Section
7 III.D.1 apply equally here.

8 **G. The Court Should Not Consider the Extraneous Section 2.2**

9 Section 2.2 (pp. 4–6) is untethered to any fee inquiry pursuant to LR 54-14, as it addresses
10 (i) Buczkowski's claimed BJJ black belt, (ii) MMA-community criticism of Buczkowski (citing
11 nine YouTube/Instagram/blog sources), and (iii) Buczkowski's alleged threat of a defamation suit
12 against Sean Strickland — none of which occurred in this case or involves Plaintiffs' litigation
13 conduct before this Court. Defendants' supporting "exhibits" are largely YouTube and Instagram
14 hyperlinks, not authenticated record evidence; the Shepard authenticating declaration [ECF No.
15 293-11] confirms that counsel merely visited the public URLs and printed screenshots on April 27,
16 2026 — the day before the Renewed Motion was filed. Section 2.2 is the sole predicate for
17 Defendants' Section 4.3 request for an additional \$30,000 sanction under NRS 41.670(1)(b) — a
18 statute that authorizes an award "of up to \$10,000" per defendant in a successful Anti-SLAPP case
19 but does not transform a fee motion into a vehicle for litigating collateral controversies. The Court
20 should decline to consider the entire Section 2.2 as immaterial, impertinent, and scandalous matter
21 inserted to inflame the Court's discretion.

22 **H. Expert Witness Fees (\$26,007.50) Are Not Recoverable**

23 Expert fees are not recoverable as "costs" under 15 U.S.C. § 1117(a). Further, NRS 41.670
24 does not clearly authorize expert fees beyond taxable costs. For those reasons, the Court should
25 decline to award the expert witness fees.

26 Independently, the WhatsApp record, *see* Exh. 3, shows Cornelia treated his Hoffman
27 rebuttal expert as a shared cross-defendant resource, disclosing the engagement and its budget to
28 Mulvehill in real time and offering Mulvehill direct use of the report on the express rationale that

1 it would "save you \$22k". See Exh. 3 at 311. Expert work pitched to a co-defendant as a \$22,000
2 cost-avoidance benefit was not "reasonably incurred" solely to defend the Cornelia Defendants and
3 cannot be shifted in full to Plaintiffs.

4 **IV. Conclusion**

5 For the foregoing reasons, the Court should deny the Renewed Motion in its entirety.
6 Alternatively, any award should be limited to Anti-SLAPP-attributable, properly documented,
7 market-rate work, with the exclusion of all of the items highlighted in this Response.

8 DATED: May 12, 2026.

PETERSON BAKER, PLLC

/s/ Tamara Beatty Peterson

TAMARA BEATTY PETERSON, ESQ., Bar No. 5218
tpeterson@petersonbaker.com
PETERSON BAKER, PLLC
701 S. 7th Street
Las Vegas, NV 89101

JEFFREY VOCKRODT, ESQ. (*Admitted Pro Hac Vice*)
jvockrodt@cm.law
CM LAW, PLLC
National Litigation Support Center
13101 Preston Road, Suite 110-1510
Dallas, TX 75240

Attorneys for Plaintiffs Wealthy Inc. and Dale Buczkowski

PETERSON BAKER, PLLC
701 S. 7th Street
Las Vegas, NV 89101
702.786.1001

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 12, 2026, I electronically filed the foregoing PLAINTIFFS WEALTHY INC. AND DALE BUCZKOWSKI'S RESPONSE TO SPENCER CORNELIA, CORNELIA MEDIA LLC, AND CORNELIA EDUCATION LLC'S MOTION FOR COSTS AND ATTORNEYS' FEES (ECF NO. 293) with the Clerk of the United States District of Nevada using the CM/ECF system, which sends notice to all counsel of record in the above-entitled action, as listed below:

MARC J. RANDAZZA, ESQ.
mjr@randazza.com
RONALD D. GREEN, JR., ESQ.
rdg@randazza.com
ALEX J. SHEPARD, ESQ.
ajs@randazza.com
RANDAZZA LEGAL GROUP, PLLC
8991 West Flamingo Rd. Suite B
Las Vegas, NV 89147
Attorneys for Defendants
Spencer Cornelia, Cornelia Media LLC,
and Cornelia Education LLC

TYLER WATSON, ESQ.
tjwatson@sjwlawfirm.com
L. RENEE GREEN, ESQ.
rgreen@sjwlawfirm.com
MARTA DUNNING, ESQ.
mdunning@sjwlawfirm.com
SCHNITZER JOHNSON & WATSON, CHTD.
8985 So. Eastern Avenue, Suite 200
Las Vegas, Nevada 89123
Attorneys for Defendants John Anthony
Lifestyle, LLC and John Mulvehill

JAMES A. KOHL, ESQ.
jak@h2law.com
JOANNA M. MYERS, ESQ
jmm@h2law.com
HOWARD & HOWARD ATTORNEYS PLLC
3800 Howard Hughes Parkway, Suite 1000
Las Vegas, Nevada 89169
Attorneys for Defendant Optimized Lifestyle
LLC

/s/ Julia L. Melnar
On behalf of Peterson Baker, PLLC

PETERSON BAKER, PLLC
701 S. 7th Street
Las Vegas, NV 89101
702.786.1001