UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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WEALTHY INC. and DALE BUCZKOWSKI, Plaintiffs, v. SPENCER CORNELIA, CORNELIA MEDIA LLC, and CORNELIA EDUCATION, Defendants.	Case No. 2:21-cv-01173-JCM-EJY **ORDER**
WEALTHY INC. and DALE BUCZKOWSKI, Plaintiffs, v. JOHN MULVEHILL, JOHN ANTHONY LIFESTYLE, LLC and OPTIMIZED LIFESTYLE LLC, Defendants.	Consolidated with Case No. 2:22-cv-00740-JCM-EJY

Presently before the court is defendants' renewed motion for attorneys' fees. (ECF No. 293). Plaintiff filed a response (ECF No. 294), to which defendants replied (ECF No. 296). For the reasons stated below, the court GRANTS in part and DENIES in part defendants' renewed motion.

I. Background

This action arises from a series of interviews published on YouTube and conducted by defendants that plaintiff Wealthy Inc. perceived as defamatory. Defendants filed a special motion to dismiss under Nevada Revised Statute ("NRS") 41.660, which is Nevada's statute for strategic lawsuits against public participation ("SLAPP"). (ECF No. 61).

In 2020, this court denied defendants' original motion to dismiss and, consequently, the accompanying motion for attorneys' fees. (ECF Nos. 251, 280). On February 25, 2026, the Ninth Circuit dismissed all claims against Spencer Cornelia, Cornelia Media LLC, and Cornelia Education

LLC, (collectively, "Cornelia"). (ECF No. 291 at 14). Specifically, the Ninth Circuit granted Cornelia's special anti-SLAPP motion to dismiss and affirmed the dismissal of Cornelia's Lanham Act claim. (ECF No. 291 at 7).

The Ninth Circuit reversal prompted Cornelia to renew their motion for attorneys' fees. Cornelia's requests an award total of $645,912.50 for the attorneys' fees and costs incurred in defending Wealthy Inc.'s lawsuit. Specifically, Cornelia asserts that they are entitled to $589,905 under NRS 41.670(1)(a) and should be given a discretionary award of $30,000 under NRS 41.670(1)(b). (ECF No. 293 at 6). Cornelia also requests that the court award them $26,007.50 in fees charged by their expert witness. (*Id.* at 13). Cornelia further asserts that if the court does not award attorneys' fees and costs under the NRS, then their total requested amount should be granted under the Lanham Act. (*Id.* at 6).

II. Legal Standard

Under the "American rule," litigants must generally pay their own attorney's fees unless there is a contract or statute authorizing such an award. *See Alyeska Pipeline Co. v. Wilderness Soc'y*, 421 U.S. 240, 247 (1975); *MRO Commc'ns, Inc. v. Am. Tel. & Tel. Co.*, 197 F.3d 1276, 1280–81 (9th Cir. 1999). Nonetheless, the decision to award attorney's fees and the amount of such award is left to the sound discretion of the district court. *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983).

However, it remains important for the district court to provide a concise but clear explanation of its reasons for the fee award. *See id.* Notably, when a district court applies a percentage cut of greater than 10 percent, it must "set forth a concise but clear explanation of its reasons for choosing a given percentage reduction." *Gonzalez v. City of Maywood*, 729 F.3d 1196, 1203 (9th Cir. 2013).

III. Discussion

A. Cornelia Is Entitled to Reasonable Attorneys' Fees and Costs under Nevada's Anti-SLAPP Statute

SLAPP is "a meritless lawsuit that a plaintiff initiates to chill a defendant's freedom of speech and right to petition under the First Amendment." *Pope v. Fellhauer*, 135 Nev. 702, 2019 WL 1313365, at *2 (2019) (citing Nev. Rev. Stat. § 41.637). Nevada's anti-SLAPP statute attempts to

filter out unmeritorious claims arising from free speech by limiting the chilling effect of civil actions targeting valid exercises of that right. *Smith v. Zilverberg*, 137 Nev. 65, 73 (2021).

NRS 41.670(1)(a) requires a court to award reasonable attorneys' fees and costs to any party who prevails on a special anti-SLAPP motion to dismiss. NRS 41.670(1)(b) authorizes an additional award of up to $10,000.00 per defendant to deter future SLAPP suits.

1. NRS 41.670(1)(a) – Entitled Award

State law governs attorneys' fee awards based on state fee-shifting laws, like Nevada's anti-SLAPP statute. *See Graham-Sult v. Clainos*, 756 F.3d 724, 751 (9th Cir. 2014) (citing *Northon v. Rule*, 637 F.3d 937, 938 (9th Cir. 2011). In Nevada, when a special motion to dismiss under anti-SLAPP is granted, the defendant is entitled to attorneys' fees. *See* Nev. Rev. Stat. § 41.670; *Proton Assocs. LLC v. Avelo, Inc.*, Case No. 2:25-cv-00856-CDS-BNW, 2025 WL 3728419, at *4 (D. Nev. Aug. 12, 2025).

The Ninth Circuit granted Cornelia's motion to dismiss under Nevada's anti-SLAPP statute. (ECF No. 291, at 14). Accordingly, the dismissal triggered Cornelia's entitlement to reasonable costs and attorneys' fees. NRS 41.670(1)(a) ("[t]he court shall award reasonable costs and attorney's fees to the person against whom the action was brought").

i. Amount of Reasonable Costs and Attorney's Fees

In Nevada, "the method upon which a reasonable fee is determined is subject to the discretion of the court," which "is tempered only by reason and fairness." *Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 863-64 (2005) (quotation omitted). One permissible method of calculation is the lodestar approach, which involves multiplying "the number of hours reasonably spent on the case by a reasonable hourly rate." *See id.* at 864.

"In determining the amount of fees to award, the district court can follow any rational method so long as it applies the *Brunzell* factors." *Zilverberg*, 137 Nev. at 73 (referencing *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 349 (1969)).

The *Brunzell* factors are: "(1) the qualities of the attorney, (2) the character of the work done, (3) the actual work performed by the attorney, and (4) the work achieved." *Id.* (citations omitted). One "rational method" the court may employ to determine the reasonable fee amount is the lodestar

method, which involves "multiplying the number of hours reasonably spent on the case by a reasonable hourly rate." *Shuette*, 121 Nev. at 864. (quotations omitted). But regardless of the court's chosen method, its award of attorney's fees will be upheld so long as it is "supported by substantial evidence" and guided by the *Brunzell* factors. *Id.*

a. Reasonable Hours

Cornelia requests $589,905 for 1145.5 hours of attorney work under NRS 41.670(1)(a). (ECF No. 293, at 18). The total hours billed include work related to the anti-SLAPP motion, the Lanham Act claims, and work overlapping both. (*Id.*).

The Supreme Court of Nevada held that a defendant who prevails on an anti-SLAPP motion is *entitled* "to recover reasonable attorney fees and costs incurred from the *inception* of the litigation, rather than just those incurred in litigating the anti-SLAPP motion." *Zilverberg*, 137 Nev. at 73 (emphasis added). However, the court finds that awarding attorneys' fees for the entirety of this action would be unreasonable.

Here, Cornelia asks the court to grant 1145.5 hours of work. (ECF No. 293, at 18). The court recognizes the lengthy litigation in this case; however, granting an award for 1145.5 hours could not have been what legislature intended when constructing NRS 41.670(1)(a). *See* Nev. Rev. Stat. § 41.670.

Nevada legislature could not have possibly predicted that over 1000 hours of work could have been conducted in relation to an anti-SLAPP motion. The most hours that have been awarded in this district were 144.35 hours. *See Banerjee v. Cont'l Inc., Inc.*, Case No. 2:17-cv-00466-APG-GWF, 2018 WL 4469006, at *7 (D. Nev. Sept. 17, 2018) (finding an award of $48,617.50 in attorney's fees for 144.35 hours). The overwhelming majority of anti-SLAPP awards are granted in the early stages of litigation; thus attorneys expend only a few hours on these matters. Usually, the hours awarded in anti-SLAPP motions are between 15-55 hours. *See Smith & Wesson Brands, Inc. v. SW N. Am., Inc.*, Case No. 2:22-cv-1773-JCM-EJY, 2023 WL 7279950, at *1 (D. Nev. Nov. 3, 2023) (granting attorneys' fees award of $17,427 for 16.2 hours); *Walker v. Intelli-heart Servs., Inc.*, Case No. 3:18-cv-00132-MMD-CLB, 2020 WL 1694771, at *4 (D. Nev. Apr. 7, 2020) (awarding $14,670 for 43.6 hours of work related to motion); *LHF Prods., Inc. v. Kabala*, Case No. 2:16-cv-

02028-JAD-NJK, 2019 WL 7403960, at *9 (D. Nev. Dec. 31, 2019), *aff'd sub nom. LHF Prods., Inc. v. Does*, 848 Fed. Appx. 802 (9th Cir. 2021) (awarding $47,154 in attorney's fees 52.5 hours). This court finds that forcing Wealthy Inc. to pay for 1145.5 hours of work would impose an unfair deterrent effect inconsistent with the statute's objectives.

Additionally, Cornelia broadly categorizes the majority of its completed work as "inexplicably intertwined" with anti-SLAPP matters without sufficiently explaining how the work is intertwined. (ECF No. 293, at 13). This vague categorization calls into question the reliability of the hours attributed to anti-SLAPP work. Specifically, Cornelia's initial motion for attorneys' fees reported only 38.3 hours of non-Lanham act work. *See* (ECF No. 251, at 11). Because the only work falling outside the Lanham Act claims was work related to the anti-SLAPP motion, those 38.3 hours must reflect the time Cornelia initially attributed to anti-SLAPP-related work. *See id.* By contrast, Cornelia's renewed motion asserts that its counsel spent 1,118 hours on anti-SLAPP work. (ECF No. 293, at 13). This substantial discrepancy, coupled with the attempt to classify essentially all of its work as anti-SLAPP related matters indicates its attempt to take advantage of the underlying statute.

Even setting aside this discrepancy, much of the work categorized as "inexplicably intertwined" could not reasonably be attributed to anti-SLAPP matters. Many hours were spent on unrelated reply briefs, motions, and trial prep work. (*See generally* ECF No. 293, Ex. 6). Furthermore, the majority of the entries categorized as "inextricably intertwined" with anti-SLAPP work incurred after the special motion was filed, and therefore could not have reasonably been related to such matters. *See id.*; *Banerjee v. Cont'l Inc., Inc.*, Case No. 2:17-cv-00466-APG-GWF, 2018 WL 4469006, at *4 (D. Nev. Sept. 17, 2018) (finding that billing entries for work performed after the anti-SLAPP motion had already been filed could not have been related to the anti-SLAP motion); *see also* (ECF Nos. 60, 61).

Although *Zilverberg* makes clear that recoverable fees are not limited to work performed directly on an anti-SLAPP motion, awarding fees for hundreds of hours spent on matters unrelated to anti-SLAPP litigation would allow counsel to take undue advantage of the statute. *See* 137 Nev. at 73; *Century Sur. Co. v. Prince*, 782 Fed. Appx. 553, 558 (9th Cir. 2019) (matters unrelated to the

anti-SLAPP motion are not entitled to attorneys' fees); *Playtupus Wear, Inc. v. Goldberg*, 166 Cal. App. 4th 772, 785 (2008) (finding that fee recovery is only appropriate for fees actually incurred in the anti-SLAPP process). To hold otherwise would permit counsel to recover fees attributable to the numerous factors that prolonged this litigation, an outcome that Nevada legislature could not have intended.

Having independently reviewed the billing records submitted by Cornelia's counsel in connection with the statute, the court finds that the reported 1145.5 hours of work to be unreasonable. Accordingly, a 40% reduction in hours is appropriate here. So, 458.2 hours will be deducted from the awardable total.

Although Cornelia is entitled to attorneys' fees under NRS, the requested number of hours is unreasonable. The Brunzell factors therefore lead the court to its ultimate finding that the number of hours expended by Cornelia's attorneys should be 687.3.

b. Reasonable Rates

The hours in this case were billed by five attorneys and six paralegals at hourly rates between $175 and $900. (*See generally* ECF No. 293, Ex. 6). The court finds Cornelia's counsel rates to be unreasonable.

A reasonable hourly rate is the "rate prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation." *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 979 (9th Cir. 2008); *see Soule v. P.F. Chang's China Bistro, Inc.*, Case No. 2:18-cv-02239-GMN-GWF, 2019 WL 3416667, at *1 (D. Nev. July 26, 2019) (internal citation omitted).

Cornelia provides the Laffey matrix to account for the firm's hourly rates. (ECF No. 293, Ex. 8). However, the Laffey matrix is the tool for assessing legal fees in the Washington D.C. area, not Las Vegas. *See Prison Legal News v. Schwarzenegger*, 608 F.3d 446, 454 (9th Cir. 2010).

Accordingly, the court's analysis will based on the legal rates in Las Vegas. *See Camacho*, 523 F.3d at 979 (finding that the standard should be based on the prevailing rate in the community). Given that all of Cornelia's attorney rates exceed the upper threshold for the Las Vegas market, the court declines to award the requested rates.

For the Las Vegas market, this court generally awards fees where the hourly rates at issue were between $250 and $400. *See Kajan Johnson, Plaintiff, v. Zuffa, LLC, et al. Defendant.*, Case No. 2:21-cv-01189-RFB-BNW, 2026 WL 2731254, at *6 (D. Nev. Sept. 16, 2026) (citing *Scott v. Smith's Food & Drug Centers, Inc.*, Case No. 2:18-cv-303-JCM-VCF, 2020 WL 343642, at *2 (D. Nev. Jan. 21, 2020) (compiling cases)). However, hourly rates of $500 to $550 have recently been approved for attorneys who have between 15 and 30 years of experience. *See Energy Enhancement Sys. LLC v. Shurka*, Case No. 2:25-cv-00633-CDS-NJK, 2026 WL 776968, at *2 (D. Nev. Mar. 19, 2026) (awarding a rate of $500 per hour to attorneys with twenty years of experience); *Wunderlich v. State Farm Mut. Auto. Ins. Co.*, Case No. 2:21-cv-00486-JAD-EJY, 2021 WL 6138236, at *2 (D. Nev. Dec. 28, 2021) (finding that a reasonable rate for a 30-year practitioner, whose reputation in the community was well-known, was $550 per hour); *WSOU Inves., LLC v. Salesforce, Inc.*, Case No. 3:23-cv-00023-RCJ-CSD, 2024 WL 307617, at *7 (D. Nev. Jan. 26, 2024) (awarding $500 per hour to an attorney with 15 years of experience).

In recognition of Marc Randazza's, Ronald Green's, and Jay Wolman's 20+ years of experience, the court finds a reasonable hourly rate for representation of $550 per hour. (*See* ECF No. 293, at 22); *Shurka*, 2022 WL 4557360, at *2. Regarding Alex Shepard, with thirteen years of experience in anti-SLAPP and First Amendment law, an hourly rate of $385 is appropriate. *See* (ECF No. 293, at 22); *Cf. Sciara v. Campbell*, Case No. 2:18-cv-01700-DJA, 2021 WL 8321866, at *3 (D. Nev. Apr. 28, 2021) (finding an appropriate hourly rate for an associate with 10 years of experience to be $380-$390). Regarding Trey A. Rothell, with only two years of attorney experience, a rate of $275 per hour is reasonable. *Cf. Sciara*, 2021 WL 8321866, at *3 ("an associate with approximately 4 years of experience to be $325").

Additionally, Cornelia's counsel has not presented any information regarding the qualifications or experience of the paralegals it seeks reimbursement for. Case law in this district supports hourly rates ranging from $75 to $125 for paralegals. *See N. Am., Inc.*, Case No. 2:22-cv-01773-JCM-EJY, 2023 WL 7279950, at *3; *Sciara*, 2021 WL 8321866, at *3.

Therefore, the court finds that an hourly rate of $75 per hour is reasonable for Cornelia's paralegals. *See SW N. Am., Inc.*, 2023 WL 7279950, at *3.

2. NRS 41.670(1)(b) – Discretionary Award

Cornelia further requests for an additional award of $30,000, pursuant to NRS 41.670(1)(b), which states:

> The court may award, in addition to reasonable costs and attorney's fees awarded pursuant to paragraph (a), an amount of up to $10,000 to the person against whom the action was brought.

Nev. Rev. Stat. § 41.670.

Here, Cornelia is requesting $10,000 per defendant, totaling $30,000. This court finds this award to be appropriate, considering that many, if not a majority, of the hours spent in this case were necessitated by Wealthy Inc.'s litigation tactics. For example, Wealthy Inc.'s multiple amended complaints, motion for summary judgement, and appeal to the Ninth Circuit. (ECF Nos. 60, 100, 144, 255).

Therefore, Cornelia defendants are awarded a total of $30,000 pursuant to NRS 41.670(1)(b).

3. Other Costs

Cornelia also requests $26,007.50 for the non-taxable costs of its expert witness. (ECF No. 293, at 18). The NRS is silent on whether a prevailing party is entitled to expert witness fees under Nevada's anti-SLAPP statute. *See* Nev. Rev. Stat. § 41.670.

Moreover, expert witness fees are generally not recoverable as part of a reasonable attorney's fees and cost award. *See W. Virginia Univ. Hosps., Inc. v. Casey*, 499 U.S. 83, 99 (1991) ("Congress could easily have shifted 'attorney's fees and expert witness fees,' ... it chose instead to enact more restrictive language"); *Trustees of the Constr. Indus. & Laborers Health & Welfare Trust v. Redland Ins. Co.*, 460 F.3d 1253, 1258 (9th Cir.2006) ("reasonable attorney's' fees do not include costs that, like expert fees, have by tradition and statute been treated as a category of expenses distinct from attorney's fees.").

In sum, because the NRS does not expressly authorize an award of expert witness fees under Nevada's anti-SLAPP statute, the court declines to award Cornelia the requested $26,007.50.

4. Award Calculation

After applying the 40% reduction in hours and Las Vegas market fee adjustment, the court awards the following:

Counsel

Marc J Randazza: 111.96 hours x $550 per hour = $61,578

Ronald D. Green: 24.12 hours x $550 per hour =$13,266

Jay M. Wolman: 4.88 hours x $550 per hour =$2,684

Alex Shepard: 322.68 hours x $385 per hour =$124,231.80

Trey A. Rothell: 43.32 hours x $275 per hour =$11,913

Paralegals

Brittani Holt: 191.4 hours x $75 per hour =$14,355

Cassidy Flavin: 31.8 hours x $75 per hour =$2,385

Suzanne Levenson: 19.1 hours x $75 per hour =$1,432.50

Leora Dumanlang: 18.1 hours x $75 per hour =$1,357.50

Rachel Sinclair: 4.7 hours x $75 per hour =$352.50

Casey Spring: 3.9 hours x $75 per hour =$292.50

Accordingly, the court awards $233,847.80 under NRS 41.670(1)(a) and $30,000 under NRS 41.670(1)(b). Thus, the court awards a total fee of $263,847.80 under Nevada's anti-SLAPP statute.

B. Cornelia Is Not Entitled to Attorneys' Fees and Costs Under the Lanham Act Award

Cornelia also asserts that it is entitled to attorneys' fees and costs under the Lanham Act. (ECF No. 293, at 6). However, the court disagrees, as this case is not an exceptional one.

The Lanham Act allows for awards of attorney fees to prevailing parties in "exceptional cases." 15 U.S.C. § 1117(a). "District courts may determine whether a case is 'exceptional' in the case-by-case exercise of their discretion, considering the totality of the circumstances." *Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 572 U.S. 545, 554 (2014). The court must weigh several factors, including "frivolousness, motivation, objective unreasonableness (both in the factual and legal components of the case) and the need in particular circumstances to advance considerations of compensation and deterrence." *SunEarth, Inc. v. SunEarth Solar Power Co.*, 839 F.3d 1179, 1180 (9th Cir. 2016) (citing *Octane Fitness*, 572 U.S. at 554).

Cornelia proposes that because Wealthy pursued "meritless" claims, this case is exceptional under the Lanham Act. (ECF No. 293, at 27). However, Cornelia's argument is unavailing because

it fails to illustrate how Wealthy Inc.'s conduct exceeds the normal scope of litigation. *See SunEarth, Inc.*, 839 F.3d at 1181 ("The party moving for fees has the burden of showing exceptional circumstances by a preponderance of the evidence.").

Wealthy Inc.'s Lanham Act claim being dismissed does not automatically make it meritless. *See Upmann Sanchez Turf & Landscape v. US Turf LLC*, Case No. 2:21-cv-1749 JCM (DJA), 2024 WL 4287907, at *1 (D. Nev. Sept. 25, 2024). Wealthy Inc.'s honest, but mistaken, belief in the strength of its claims cannot be confused with meaningless litigation. (*Id.*). Surely, not *every* dismissed claim is necessarily groundless; otherwise, every case dismissed under the Lanham Act would be deemed "exceptional." *See id.*; *Brown v. Elec. Arts, Inc.*, 722 F. Supp. 2d 1148, 1154 (C.D. Cal. 2010) (emphasis added).

Furthermore, the majority of cases deemed "exceptional" in this district involved a finding of bad faith. *See Semas v. Chemetall US, Inc.*, Case No. 3:19-cv-00125-CLB, 2025 WL 822932, at *11 (D. Nev. Mar. 14, 2025) (finding that blatant attempt to forum shop constituted the case exceptional under the Lanham Act); *Oracle Int'l Corp. v. Rimini St., Inc.*, Case No. 2:14-cv-01699-MMD-DJA, 2024 WL 4267783, at *5 (D. Nev. Sept. 23, 2024), *vacated*, Case No. 2:14-cv-01699-MMD-DJA, 2025 WL 1568742 (D. Nev. June 2, 2025) (concluding that the case was exceptional because of defendants' willfully false statements); *Las Vegas Skydiving Adventures LLC v. Groupon, Inc.*, Case No. 2:18-cv-02342-APG-VCF, 2022 WL 2664124, at *1 (D. Nev. July 11, 2022) (finding the case to be meritless because court directly expressed concerns about ability to make claims early on in litigation, yet plaintiffs still pursued).

Cornelia fails to demonstrate how Wealthy Inc. was frivolous, improperly motivated, or objectively unreasonable. Thus, Cornelia has not shown that Wealthy pursued its Lanham Act claim in an exceptional manner. *See SunEarth, Inc.*, 839 F.3d at 1181. Consequentially, the court will not grant attorneys' fees and costs under the Landham Act.

IV. Conclusion

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendants' renewed motion (ECF No. 293) is, GRANTED in part and DENIED in part, consistent with the foregoing.

Specifically, the court awards $233,847.80 in attorneys' fees and $30,000.00 in a discretionary award to paid by Plaintiff.

IT IS FURTHER ORDERED that defendants' request for expert witness fees is DENIED.

IT IS FURTHER ORDERED that defendants' request for attorneys' fees pursuant to 15 U.S.C. § 1117(a) is DENIED.

Dated this 19th day of October, 2026.

JAMES C. MAHAN
UNITED STATES DISTRICT JUDGE