

RANDAZZA | LEGAL GROUP

Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
RANDAZZA LEGAL GROUP, PLLC
2764 Lake Sahara Drive, Suite 109
Las Vegas, NV 89117
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Defendants
Spencer Cornelia, Cornelia Media LLC,
and Cornelia Education LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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

WEALTHY INC. and DALE
BUCZKOWSKI,

Plaintiff,

v.

SPENCER CORNELIA, CORNELIA
MEDIA LLC, and CORNELIA
EDUCATION LLC,

Defendants.

**DEFENDANTS SPENCER CORNELIA,
CORNELIA MEDIA LLC, AND
CORNELIA EDUCATION LLC'S
ANSWER AND AFFIRMATIVE
DEFENSES**

JURY TRIAL DEMANDED

Defendants Spencer Cornelia, Cornelia Media LLC, and Cornelia Education LLC (collectively, “Defendants”) submit the following Answer and Affirmative Defenses to Plaintiffs Wealthy Inc. and Dale Buczkowski’s Complaint (Doc. No. and deny all allegations unless expressly admitted below.

ANSWER

JURISDICTION AND VENUE

1. Denied.
2. Denied.
3. Denied.
4. Denied.

PARTIES

- 5. Without knowledge and therefore denied.
- 6. Without knowledge and therefore denied.
- 7. Admitted.
- 8. Admitted.
- 9. Admitted.

FACTUAL BACKGROUND

WEALTHY AND DEREK MONEYBERG

- 10. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.
- 11. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.
- 12. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.
- 13. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.
- 14. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.
- 15. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.
- 16. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.
- 17. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.
- 18. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.
- 19. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.
- 20. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.
- 21. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.
- 22. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.
- 23. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.
- 24. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.
- 25. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.
- 26. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without knowledge and therefore denied.

1 19. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without
2 knowledge and therefore denied.

3 20. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without
4 knowledge and therefore denied.

5 21. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without
6 knowledge and therefore denied.

7 22. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without
8 knowledge and therefore denied.

9 23. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without
10 knowledge and therefore denied.

11 24. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without
12 knowledge and therefore denied.

13 25. Admitted to the extent Plaintiffs admit they are public figures. Otherwise, without
14 knowledge and therefore denied.

15 **SPENCER CORNELIA**

16 26. Admitted that Cornelia has a YouTube channel. Otherwise denied.

17 27. Admitted.

18 28. Admitted.

19 29. Admitted. The following sentence on the “About” page reads: “This involves deep
20 dives into the scammy world of online marketing, analyzing the personal finances of athletes and
21 musicians, and telling stories that I find entertaining.”

22 30. Admitted.

23 31. Admitted.

24 32. Admitted.

25 33. Admitted.

26 34. Admitted.

27 35. Admitted.

1 36. Admitted.

2 37. Admitted.

3 38. Admitted.

4 39. Admitted.

5 40. Denied.

6 **JOHN MULVEHILL (A.K.A. JOHN ANTHONY)**

7 41. Without knowledge and therefore denied.

8 42. Without knowledge and therefore denied.

9 43. Without knowledge and therefore denied.

10 44. Without knowledge and therefore denied.

11 45. Without knowledge and therefore denied.

12 46. Without knowledge and therefore denied.

13 47. Without knowledge and therefore denied.

14 48. Without knowledge and therefore denied.

15 49. Without knowledge and therefore denied.

16 50. Without knowledge and therefore denied.

17 51. Without knowledge and therefore denied.

18 52. Without knowledge and therefore denied.

19 53. Without knowledge and therefore denied.

20 54. Denied.

21 **DEFENDANTS' FALSE AND DEFAMATORY VIDEOS**

22 55. Admitted as to the titles and URLs of the cited YouTube videos. Otherwise denied.

23 56. Admitted.

24 57. Denied.

25 58. Denied.

26 59. Admitted that the quoted statements were made. Otherwise denied.

27 60. Without knowledge and therefore denied.

- 1 61. Without knowledge and therefore denied.
- 2 62. Without knowledge and therefore denied.
- 3 63. Admitted that the quoted statements were made. Otherwise denied.
- 4 64. Without knowledge and therefore denied.
- 5 65. Denied.
- 6 66. Admitted that the quoted statements were made. Otherwise denied.
- 7 67. Without knowledge and therefore denied.
- 8 68. Denied.
- 9 69. Without knowledge and therefore denied.
- 10 70. Admitted that the quoted statements were made. Otherwise denied.
- 11 71. Without knowledge and therefore denied.
- 12 72. Admitted that the quoted statements were made. Otherwise denied.
- 13 73. Without knowledge and therefore denied.
- 14 74. Without knowledge and therefore denied.
- 15 75. Without knowledge and therefore denied.
- 16 76. Due to the Complaint not setting forth any particular statements, without knowledge
17 and therefore denied.
- 18 77. Denied.
- 19 78. Denied.
- 20 79. Denied.
- 21 80. Admitted that there is a video titled “2020 Charlatan of the Year Awards” at the cited
22 URL. Otherwise denied.
- 23 81. Denied.
- 24 82. Admitted.
- 25 83. Admitted.
- 26 84. Admitted that the quoted statements were made. Otherwise denied.
- 27

1 85. Admitted that Cornelia speculated as to whether Plaintiff Buczkowski’s “man boobs
2 were against Instagram’s Terms of Service” in an obvious joke. Otherwise denied.

3 86. Denied.

4 87. Admitted that Mulvehill used hyperbolic language and made the quoted statement.
5 Otherwise denied.

6 88. Admitted that this allegation relates solely to Mulvehill’s state of mind. Otherwise,
7 without knowledge and therefore denied.

8 89. Denied.

9 90. Admitted that the quoted statements were made. Otherwise denied.

10 91. Admitted that Defendants provided the referenced links. Otherwise denied.

11 92. Admitted as to the descriptions of the contents of Defendants’ “about” page.
12 Otherwise denied.

13 93. Admitted.

14 94. Denied.

15 95. Denied.

16 96. Without knowledge and therefore denied.

17 97. Without knowledge and therefore denied.

18 98. Admitted that Mulvehill made the quoted statement. Otherwise, without knowledge
19 and therefore denied.

20 99. Denied.

21 100. Denied.

22 101. Denied.

23 102. Admitted that the quoted statements were made. Otherwise denied.

24 103. Denied.

25 104. Denied.

26 105. Without knowledge and therefore denied.

27 106. Denied.

1 107. Without knowledge and therefore denied.

2 108. Without knowledge and therefore denied.

3 109. Denied.

4 110. Without knowledge and therefore denied.

5 **CLAIMS FOR RELIEF**

6 **AS AND FOR A FIRST CLAIM**

7 **UNFAIR COMPETITION AND FALSE ADVERTISING**
8 **UNDER THE LANHAM ACT, 15 U.S.C. § 1125 *et seq.***

9 111. Does not call for a response from Defendants.

10 112. Denied.

11 113. Denied.

12 114. Denied.

13 115. Denied.

14 116. Denied.

15 117. Denied.

16 118. Denied.

17 119. Denied.

18 120. Denied.

19 **AS AND FOR A SECOND CLAIM**

20 **DEFAMATION**

21 121. Does not call for a response from Defendants.

22 122. Denied.

23 123. Denied.

24 124. Denied.

25 125. Denied.

26 126. Denied.

27 127. Denied.

1 128. Denied.

2 129. Denied.

3 **AS AND FOR A THIRD CLAIM**

4 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

5 130. Does not call for a response from Defendants.

6 131. Denied.

7 132. Without knowledge, therefore denied.

8 133. Denied.

9 **AS AND FOR A FOURTH CLAIM**

10 **BUSINESS DISPARAGEMENT**

11 134. Does not call for a response from Defendants.

12 135. Denied.

13 136. Denied.

14 137. Denied.

15 138. Without knowledge and therefore denied.

16 JURY DEMAND

17 Defendants demand trial by jury on all issues so triable.

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AFFIRMATIVE DEFENSES

Defendants’ affirmative defenses set forth herein are based solely upon Plaintiffs’ allegations in the Complaint, which do not describe the events and claims therein with sufficient particularity to enable Defendants to determine all of the defenses that might exist to their claims. Without these and other details, Defendants cannot respond further to Plaintiffs’ Complaint. Therefore, Defendants reserve the right to assert and rely upon additional defenses that become available or apparent during the pendency of this action and to modify the affirmative defenses herein as additional information is obtained by Defendants.

Defendants assert the affirmative defenses set forth below, each as separate and distinct affirmative defenses to Plaintiffs’ alleged causes of action. Insofar as any of the following expresses denial of an element of any claim alleged against Defendants, that denial does not indicate that Plaintiffs are relieved of their burden to prove each and every element of any such claims or that Defendants have assumed any burden of proof. Defendants hereby give notice that they intend to rely upon such other and further defenses as may become available or apparent during, for example, pre-trial proceedings in this case, and hereby reserve the right to amend this Answer and offer or assert additional defenses that cannot now be articulated because, among other reasons, Defendants have not completed discovery.

First Affirmative Defense

Truth

1. Although the burden of proof for falsity is upon Plaintiffs, Defendants aver that all statements allegedly made by Defendants complained of by Plaintiffs are true.

2. Any complained-of statements allegedly made by Defendants that may happen to lack 100% factual veracity are substantially true, and thus treated as true as a matter of law.

3. As truth is an absolute defense and there is nothing false or misleading about the statements, Defendants cannot be liable for Plaintiffs’ claims.

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Second Affirmative Defense

Substantial Truth

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3 1. Any statements made by Defendants complained of by Plaintiffs that are not literally true
4 are substantially true, in that the “gist” or “sting” of the statements is true.

5 2. As substantial truth is a defense to claims for defamation, Defendants cannot be liable for
6 Plaintiffs’ tort claims.

Third Affirmative Defense

Opinion or Rhetorical Hyperbole

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9 1. The statements at issue in the Complaint are either statements of opinion based on
10 disclosed facts or statements of rhetorical hyperbole that no reasonable reader is likely to interpret as
11 a literal statement of fact.

12 2. Statements of opinion based on disclosed facts and statements of rhetorical hyperbole
13 cannot form the basis of defamation and related tort claims, and so Defendants cannot be liable for
14 Plaintiffs’ tort claims.

Fourth Affirmative Defense

Lack of Actual Malice

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17 1. Due to their notoriety in the self-improvement, business, finance, dating, and lifestyle
18 communities, Plaintiffs are general or limited purpose public figures.

19 2. Defendants did not make any statements at issue with any degree of fault, much less the
20 actual malice required for Plaintiffs to prevail on their tort claims.

Fifth Affirmative Defense

Lack of Conduct by Defendants

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23 1. The allegedly actionable statements identified in the Complaint were made by third
24 parties other than Defendants.

25 2. The speaker of the allegedly actionable statements, John Mulvehill (a.k.a. John
26 Anthony), was not an employee or agent of Defendants when he made the statements.

27 3. Defendants are not liable for statements made by Mulvehill.

Sixth Affirmative Defense

Failure to Join an Indispensable Party

1. Plaintiffs allege that Mulvehill was the speaker of the allegedly actionable statements.
2. Plaintiffs have not named Mulvehill as a defendant in this action.
3. Mulvehill has an interest relating to the subject of this action, as he is the sole speaker of allegedly actionable statements and is so situated that disposing of the action in his absence may leave Defendants subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of his interest, namely by making Defendants liable for all damages allegedly caused by Mulvehill's statements.

Seventh Affirmative Defense

Failure to State a Claim

1. Plaintiffs have failed to sufficiently plead the elements of any cause of action as to any Defendant.

Dated: August 13, 2021.

Respectfully Submitted,

/s/ Marc J. Randazza

Marc J. Randazza, NV Bar No. 12265

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 13, 2021, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document being served via transmission of Notices of Electronic Filing generated by CM/ECF.

Respectfully submitted,

/s/ Marc J. Randazza

Marc J. Randazza
Randazza Legal Group, PLLC

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