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11 *Dale Buczkowski*

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 WEALTHY INC. and DALE
15 BUCZKOWSKI,

16 Plaintiffs,

17 v.

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

20 Defendants.

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

**PLAINTIFFS WEALTHY INC. AND
DALE BUCZKOWSKI'S OPPOSITION
TO DEFENDANTS' MOTION TO
CONSOLIDATE CASES [ECF NO. 43]**

**ORAL ARGUMENT REQUESTED
PURSUANT TO LR 78-1**

21 Plaintiffs Wealthy Inc. and Dale Buczkowski (collectively, "Plaintiffs" or "Wealthy") file
22 this Response in opposition to Defendants' "Motion to Consolidate Cases [ECF No. 43]" (the
23 "Motion to Consolidate").

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1 This Response is supported by the following Memorandum of Points and Authorities, the
2 exhibits attached hereto, the papers and pleadings on file herein, and any oral argument the Court
3 may wish to entertain.

4 Respectfully submitted this 30th day of August, 2022.

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6
7 By: /s/ Tamara Beatty Peterson
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Since the beginning of this lawsuit, Mr. Cornelia has inappropriately attempted to diminish his own responsibility for publishing false and defamatory statements about Plaintiffs on his YouTube account by pointing the finger at Mr. Mulvehill. Mr. Cornelia filed his Motion to Consolidate on the eve of the close of discovery on August 31, 2022, and both sides have completed written discovery and conducted all planned depositions of party witnesses and experts. Defendants now seek to consolidate this case with another case brought by Plaintiffs against Mr. Mulvehill which is in its earliest stages, without even an answer yet being filed by any of those defendants.

Plaintiffs brought a separate lawsuit against Mr. Mulvehill and his business entities in this court on May 9, 2022, after learning that Mr. Mulvehill (while apparently residing in Brazil) published the false and defamatory information at issue directly to Mr. Cornelia in this jurisdiction. *Wealthy, Inc. v. Mulvehill et al.*, Docket No. 2:22-cv-00740 (D. Nev. May 9, 2022) ("Mulvehill lawsuit"). On May 10, 2022, Plaintiffs filed a Notice of Related Case in Compliance with Local Rule 42-1, [ECF No. 37], identifying the Mulvehill lawsuit to this Court and to Defendants. Each of the defendants in the Mulvehill lawsuit have moved to dismiss, claiming that this Court cannot exercise personal jurisdiction over them.

Defendants' Motion to Consolidate glosses over all of the substantial differences between this case and the Mulvehill lawsuit. Consolidation is inappropriate here because (1) the defenses asserted by the defendants in each action are personal and specific to each defendant; (2) trying separate claims against multiple defendants where damages are not apportioned among the defendants would unnecessarily confuse the jury; (3) consolidating the cases would needlessly delay resolution of this lawsuit without providing any benefit to the parties or this Court; and (4) Defendants' delay in filing their Motion to Consolidate is unreasonable.

II. FACTUAL AND PROCEDURAL BACKGROUND

A. THIS LAWSUIT

On June 21, 2021, Plaintiffs filed their Complaint, asserting the following claims for relief:
1) Unfair Competition and False Advertising under the Lanham Act, 15 U.S.C. § 1125 et seq.; 2)

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1 Defamation; 3) Intentional Infliction of Emotional Distress; and 4) Business Disparagement.
2 (Complaint [ECF No. 1].) These claims are based on two (2) videos released by Defendant Spencer
3 Cornelia on his YouTube channel that contain false and defamatory statements that harmed
4 Plaintiffs. The videos consist of excerpts of interviews of Mr. Mulvehill conducted by Mr. Spencer
5 and include statements "which are neither matters of opinion nor based on disputed anonymous
6 accounts of potential witnesses, but are unqualified and provably false statements of fact."
7 (Complaint [ECF No. 1], at ¶ 57.)

8 These false statements include assertions that Mr. Buczkowski lied about his educational
9 achievement (*see id.*, at ¶¶ 59-62); that Mr. Buczkowski laundered money (*see id.*, at ¶¶ 63-65);
10 that Mr. Buczkowski manufactured and/or sold illegal drugs (*see id.*, at ¶¶ 66-69); that Mr.
11 Buczkowski framed Mr. Mulvehill for his 2013 arrest in Las Vegas, leading to four felony and four
12 misdemeanor charges (*see id.*, at ¶¶ 70-71); and that Mr. Buczkowski was involved in the death of
13 the woman who was the alleged victim in the arrest of Mr. Mulvehill (*see id.*, at ¶¶ 72-75). These
14 are serious and damaging falsehoods. Further, Plaintiffs assert that they have lost clients and have
15 suffered mental anguish, anxiety, tension, and loss of sleep as a result of the disparaging statements
16 made by Mr. Mulvehill. (*See id.*, at ¶ 110.)

17 On August 13, 2021, Mr. Cornelia filed his Answer, which included seven affirmative
18 defenses: (1) truth, (2) substantial truth, (3) opinion or rhetorical hyperbole, (4) lack of actual
19 malice, (5) lack of conduct by defendants, (6) failure to join an indispensable party, and (7) failure
20 to state a claim. (Answer [ECF No. 17].) Mr. Cornelia's fifth and sixth affirmative defenses sought
21 to shift responsibility to Mr. Mulvehill stating, for example: "The speaker of the allegedly
22 actionable statements, John Mulvehill (a.k.a. John Anthony), was not an employee or agent of
23 Defendants when he made the statements"; "Defendants are not liable for statements made by
24 Mulvehill"; "Plaintiffs have not named Mulvehill as a defendant in this action"; and "Mulvehill has
25 an interest relating to the subject of this action, as he is the sole speaker of allegedly actionable
26 statements." (*See Answer [ECF No. 17]*, at 10:25-11:6.).

1 On September 14, 2021, the Parties agreed to a Scheduling Order that set the deadline to
2 add additional parties for October 11, 2021. (*See* Stipulated Discovery Plan and Scheduling Order
3 [ECF No. 20], at 2:13-16.)

4 On May 10, 2022, Plaintiffs filed a Notice of Related Cases identifying the Mulvehill
5 lawsuit to the Court and to the Defendants in this action. (*See* Notice of Related Case in Compliance
6 with Local Rule 42-1, [ECF No. 37].)

7 On May 13, 2022, the Parties agreed to extend discovery until August 31, 2022 in order to
8 facilitate Defendants' deposition of Plaintiff Dale Buczkowski. (*See* Stipulation to Extend
9 Discovery Deadlines [Fourth Request] [ECF No. 38].) The deposition of Mr. Buczkowski was
10 conducted on August 13, 2022. Three days later and fifteen days before the close of discovery,
11 Defendants filed their Motion to Consolidate, on August 16, 2022.¹ (*See* Motion to Consolidate
12 [ECF No. 43].)

13 **B. THE MULVEHILL LAWSUIT**

14 Plaintiffs commenced the Mulvehill lawsuit on May 9, 2022, after learning that Mr.
15 Mulvehill, although residing in Brazil, published the false and defamatory information directly to
16 Mr. Cornelia in this jurisdiction. (*See* Exhibit 2 attached to Motion to Consolidate [ECF No. 43-
17 2].) The defendants in the Mulvehill lawsuit have made a limited appearance to move for dismissal
18 for lack of personal jurisdiction. The motions to dismiss filed by all three of the defendants in the
19 Mulvehill lawsuit are pending and no answers have been filed by any of the defendants.

20 **III. LEGAL ARGUMENT**

21 "If actions before the court involve a common question of law or fact, the court may: ...
22 consolidate the actions." FRCP 42(a)(2). In determining whether to consolidate cases, courts
23 weigh the time and effort that will be saved by the consolidation against any inconvenience, delay,
24

25 ¹ Meanwhile, on August 23, 2022, Defendants, without conferring with Plaintiffs, noticed
26 the deposition of non-party Mr. Mulvehill to be conducted seven calendar days later, on August 30,
27 2022. Plaintiffs wrote Defendants' counsel on August 24, 2022, objecting to the lack of adequate
28 notice in issuing the subpoena, and inquiring into whether Mr. Mulvehill had indicated he would
be voluntarily appearing for a deposition on the noticed date. Defendants then advised that Mr.
Mulvehill's counsel represented that Mr. Mulvehill would appear voluntarily at a deposition only
if discovery were extended.

1 or expense the consolidation would cause. *Huene v. U.S.*, 743 F.2d 703 (9th Cir. 1984). Whether
 2 to consolidate separate actions lies within the sound discretion of the trial court. *Skirvin v. Mesta*,
 3 141 F.2d 668, 672-73 (10th Cir. 1944).

4 **A. The Defense to Plaintiff's Claims for Relief in Each Action is Personal and**
 5 **Specific to Each Defendant.**

6 Defendants point to the fact that the complaints filed for this case and the Mulvehill lawsuit
 7 are "nearly identical." (Motion to Consolidate [ECF No. 43] at 2:16-17.) However, these cases are
 8 more notable for their differences than their similarities. Putting aside that none of the defendants
 9 has yet filed an answer in the Mulvehill lawsuit, the factual issues likely to go to trial in both cases
 10 are different, and each trial will focus more on issues unique to each defendant rather than the
 11 overlapping issues.

12 The common issues between this case and the Mulvehill lawsuit involve the asserted
 13 defamatory statements, and Mr. Cornelia's first three affirmative defenses: (1) truth, (2) substantial
 14 truth, and (3) opinion or rhetorical hyperbole.² The Defendants, however, have failed to offer
 15 evidence over the course of discovery supporting their first three affirmative defenses. Indeed,
 16 Defendant Cornelia has admitted that the statement alleging that Mr. Buczkowski lied about his
 17 educational achievement was false. (*See* Defendant Spencer Cornelia's Responses to Plaintiffs'
 18 First Set of Interrogatories to Defendants Pursuant to FRCP 33, attached as **Exhibit "1"**, at
 19 Response to Interrogatory No. 9.)

20 The common issues of law, such as whether Plaintiffs are public figures, do not favor
 21 consolidation because the Court is fully capable of deciding these legal issues in a consistent
 22 manner in both cases. *See Bongiovi v. Sullivan*, 122 Nev. Adv. Op. No. 52 (Nev. 2006) (whether
 23 someone is a public figure is a matter of law for the court to decide). Since both cases are pending
 24 before the same Judge and Magistrate Judge, there is little risk of inconsistent findings on matters
 25 of law.

26
 27
 28 ² Since no answer has been filed in the Mulvehill lawsuit, any commonality of defenses is hypothetical at this point.

1 Defendant Cornelia's remaining affirmative defenses are unique to Mr. Cornelia's liability,
2 including: (4) lack of actual malice, and (5) lack of conduct by defendants. To the extent that an
3 actual malice defense is available in this litigation, this question would focus solely on Mr.
4 Cornelia's knowledge, intentions, and actions supporting actual malice. On the other hand, in the
5 Mulvehill lawsuit the consideration of actual malice would focus on Mr. Mulvehill and his
6 knowledge, intentions and actions. Insofar as Mr. Cornelia argues lack of conduct, he will be
7 making arguments about his own alleged lack of conduct, not Mr. Mulvehill's lack of conduct.

8 Finally, Defendant Cornelia's arguments opposing the Lanham Act claim will likely focus
9 on his argument that Mr. Cornelia is a competitor of Plaintiffs. This is an issue that is squarely
10 focused on Mr. Cornelia, not Mr. Mulvehill, and consideration of his status as a competitor is
11 specific and personal to Mr. Cornelia and has no overlap with the Mulvehill lawsuit. Because the
12 determination of Plaintiffs' claims for relief is specific and personal to the separate defendants in
13 the separate actions, the Court should deny Defendants' Motion to Consolidate.

14 **B. Consolidation Would Unnecessarily Confuse the Jury**

15 Mr. Cornelia has repeatedly attempted to shift blame to Mr. Mulvehill despite having
16 published the defamatory videos at issue in this case on his own YouTube channel. For example,
17 in their Answer, Defendants state: "disposing of the action in [Mr. Mulvehill's] absence may leave
18 Defendants subject to a substantial risk of incurring double, multiple, or otherwise inconsistent
19 obligations because of [Mr. Mulvehill's] interest, namely by making Defendants liable for all
20 damages allegedly caused by Mulvehill's statements." (Answer [ECF No. 17], at 11:5-9.)

21 These arguments overlook that defamation is an intentional tort and, under Nevada law,
22 joint and several liability is applicable against individual defendants for intentional torts, such as
23 defamation. *See* NRS 41.141-4 ("Where recovery is allowed against more than one defendant in
24 such an action, except as otherwise provided in subsection 5, each defendant is severally liable to
25 the plaintiff only for that portion of the judgment which represents the percentage of negligence
26 attributable to that defendant"); NRS 41.141-5 ("This section does not affect the joint and several
27 liability, if any, of the defendants in an action based upon: . . . b) An intentional tort; . . .").
28

1 Allowing Defendant Cornelia to have his liability in this case considered at the same trial
2 along with Mr. Mulvehill would likely confuse the jury as to each defendant's joint and several
3 liability for the damages caused. The confusion would be exacerbated by Defendants' blame-
4 shifting defense that might confuse a jury into thinking only one party could be liable to Plaintiffs.
5 This risk of jury confusion would unfairly prejudice Plaintiffs' right to recover from each defendant
6 under Nevada law. Because of the risk of jury confusion in a consolidated action, the court should
7 deny Defendant's Motion to Consolidate.

8 **C. Consolidating Cases Could Needlessly Delay Resolution of This Lawsuit**
9 **Without Providing Any Benefit to the Parties or this Court.**

10 Consolidating two actions is proper if the district court finds that consolidation would
11 prevent unnecessary costs or unnecessary delay. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761-
12 62 (5th Cir. 1989). However, consolidation may be properly denied in instances where the cases
13 are at different stages of preparedness for trial. *Id.* at 762 (citation omitted); *see also Schacht v.*
14 *Javits*, 53 F.R.D. 321, 325 (S.D.N.Y 1971) ("[P]roper judicial administration does not recommend
15 consolidation where two actions are at such widely separate stages of preparation.").

16 Defendants' argument that consolidation will "slightly delay" this litigation is quite an
17 understatement. (Motion to Consolidate [ECF No. 43], at 5:9.) As noted above, Mr. Mulvehill has
18 moved to dismiss the Mulvehill lawsuit and has entered only a limited appearance for purposes of
19 contesting personal jurisdiction, with three motions to dismiss for lack of personal jurisdiction
20 currently pending. No answers have been yet filed in the Mulvehill lawsuit and a meaningful
21 comparison of defenses in each case cannot be conducted. Meanwhile, discovery is all but
22 completed in this action and the dispositive motion deadline is only one month away. (*See*
23 *Stipulation to Extend Discovery Deadlines [Fourth Request] [ECF No. 39]* filed on May 16, 2022.)

24 Defendant Cornelia's last-minute attempt to depose Mr. Mulvehill on the last day of
25 discovery does not justify consolidation of these cases. As Defendants acknowledge, Mr. Mulvehill
26 has been a central figure in this litigation from the very beginning. There is absolutely no excuse
27 for Defendant Cornelia to have waited until the very end of discovery to take Mr. Mulvehill's
28 deposition, notably without adequate notice. Although Mr. Mulvehill's deposition was noticed for

1 the same day this Response is being filed, Plaintiffs note that the deposition did not move forward.
2 This is not surprising since Mr. Mulvehill would have had to abandon his considerable efforts in
3 fighting this Court's exercise of personal jurisdiction over him to appear for such deposition.

4 Additionally, after minimizing the delay that would be caused by consolidating this action
5 with the Mulvehill lawsuit which still is in its infancy, procedurally, Defendants have the temerity
6 to then suggest that a delay resulting from consolidation "is primarily attributable to the choices of
7 the Plaintiffs, not the Defendants." (Motion to Consolidate [ECF No. 43], at 5:9-11.) In doing so,
8 Defendants ignore that they took over three and a half months to file their Motion to Consolidate
9 after Plaintiffs filed their Notice of Related Cases. (*See* Section III(D), *infra*.)

10 Because no answer has yet been filed in the Mulvehill lawsuit and discovery is about to
11 close in this action, consolidation would result in an unnecessary delay for Plaintiffs in this action
12 and the Court should deny the Motion to Consolidate.

13 **D. Defendants' Delay in Filing Their Motion to Consolidate is Unreasonable.**

14 The Mulvehill lawsuit was filed on May 9, 2022, over three months ago, and Plaintiffs
15 notified the court and Mr. Cornelia the next day, on May 10, 2022, by filing its Notice of Related
16 Cases in Compliance with Local Rule 42-1 [ECF No. 39]. Under LR 42-1, "[t]he court may make
17 a determination to consolidate actions sua sponte." Here, the Court chose not to exercise its
18 authority to consolidate the actions *sua sponte*.

19 Further, LR 42-1 states that the party filing for consolidation should do so "as soon as it
20 reasonably appears the actions involve common questions of law or fact and consolidation would
21 aid in the efficient and economic disposition of an action." Defendants waited over three and a half
22 months to file their Motion to Consolidate and did so on the eve of the close of discovery. What's
23 more, Defendants do not claim the discovery of new information that excuses their delay and
24 warrants consolidation. Rather, they base their entire argument on a comparison of the complaints
25 filed in each action, demonstrating that they had all the information they needed to file the Motion
26 to Consolidate months ago. (*See* Motion to Consolidate [ECF No. 43], at 3:11-4:11) (discussing
27 bases for similarity of cases all founded on a side-by-side comparison of the complaints of each
28 action.)

1 Plaintiffs agreed to extend discovery in order to facilitate the deposition of Plaintiff
2 Buczkowski. (*See* Section II(A), *supra*.) The Parties had previously agreed to a deadline of
3 October 2021 for adding additional parties. (*Id.*) Defendants waited until the very end of discovery
4 to file their Motion to Consolidate and did not, because they cannot, provide a reason to excuse
5 their decision to wait until the last minute before filing this their Motion to Consolidate. Because
6 of Defendants' unreasonable delay in bringing the Motion to Consolidate, the Court should deny it.

7 **IV. CONCLUSION**

8 For the foregoing reasons, the Court should deny the Motion to Consolidate.

9 Respectfully submitted this 30th day of August, 2022.

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CERTIFICATE OF SERVICE

Pursuant to Fed.R.Civ.P.5(b), and Section IV of District of Nevada Electronic Filing Procedures, I certify that I am an employee of Peterson Baker, PLLC, and that a true and correct copy of the **PLAINTIFFS WEALTHY INC. AND DALE BUCZKOWSKI'S OPPOSITION TO DEFENDANTS' MOTION TO CONSOLIDATE CASES [ECF NO. 43]** was served via electronic service, via CM/ECF, on this 30th day of August, 2022, and to the following:

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Exhibit Number	Title
1.	Defendant Spencer Cornelia's Responses to Plaintiffs' First Set of Interrogatories to Defendants Pursuant to FRCP 33

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EXHIBIT 1

Defendant Spencer Cornelia's Responses to Plaintiffs' First Set of Interrogatories to Defendants Pursuant to FRCP 33

EXHIBIT 1

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

14 WEALTHY INC. and DALE
15 BUCZKOWSKI,
16
17 Plaintiff,
18
19 v.
20 SPENCER CORNELIA, CORNELIA
21 MEDIA LLC, and CORNELIA
22 EDUCATION LLC,
23
24 Defendants.

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

**DEFENDANT SPENCER CORNELIA'S
RESPONSES TO PLAINTIFFS' FIRST
SET OF INTERROGATORIES TO
DEFENDANTS PURSUANT TO FRCP 33**

25 Pursuant to Fed. R. Civ. P. 26 and 33, Defendant Spencer Cornelia hereby respond to
26 Plaintiffs Wealthy Inc. and Dale Buczkowski's (collectively, "Plaintiffs") First Set of
27 Interrogatories Pursuant to FRCP 33.

These responses are made solely for the purpose of, and in relation to, this action. Each response is given subject to all appropriate objections (including but not limited to objections concerning competency, relevancy, materiality, propriety, and admissibility), which would require the exclusion of any statement contained herein if the request were asked of, or any statement contained herein was made by, a witness present and testifying in court. All such objections and grounds therefore are reserved and may be interposed at the time of trial.

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Except for facts explicitly admitted herein, no admission of any nature whatsoever is to be implied or inferred. The fact that any request herein has been responded upon should not be taken as an admission, or a concession, of the existence of any facts set forth or assumed by such request, or that such response constitutes evidence of any fact thus set forth or assumed. All responses must be construed as given on the basis of present recollection.

GENERAL OBJECTIONS

1. Defendant objects to the subject interrogatories to the extent that they request the disclosure of information protected by the attorney-client privilege, the work-product doctrine, or any other recognized privilege or immunity.

2. Defendant objects to the subject interrogatories to the extent that they do not seek relevant information or are not proportional to the needs of the case. The providing of answers in response to any request is not to be deemed or construed as an admission by Defendant that the information is in fact relevant to this action.

3. Defendant objects to the subject interrogatories to the extent that they call for information not in the possession, custody, or control of Defendant.

4. To the extent words or phrases used in the requests are vague, ambiguous, or otherwise overbroad, Defendant shall respond in a manner in which he believes, in good faith, to be requested thereby.

5. Defendant states that discovery in this matter is continuing and ongoing and that it is possible that additional information responsive to the interrogatories will be identified subsequent to the date of this response.

6. All responses made herein are based upon the best knowledge, information, and belief held by Defendant at the time of the response.

7. Defendant objects to the Definitions to the extent they conflict with the definitions applicable in the Federal Rules of Civil Procedure and/or the Local Rules of this Court.

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1 8. Defendant objects to the Instructions to the extent they impose any obligation
2 beyond that required by the Federal Rules of Civil Procedure or the Local Rules of this Court.

3 9. Defendant incorporates these General Objections into each and every specific
4 response as if fully set forth therein.

5 Subject to and without waiving the foregoing General Objections, Defendant specifically
6 responds to each numbered Interrogatory as follows:

7 **RESPONSES TO INTERROGATORIES**

8 **INTERROGATORY NO. 1:**

9 Identify the entity in the name of which the Spencer Cornelia YouTube channel is
10 registered, including all contact information for such entity provided to or held by Google LLC,
11 regarding the Spencer Cornelia YouTube channel.

12 **RESPONSE TO INTERROGATORY NO. 1:**

13 The channel is in the name of Spencer Cornelia. The email address associated with the
14 channel is <spencer0cornelia@gmail.com>.

15 **INTERROGATORY NO. 2:**

16 Identify all financial accounts (including but not limited to any and all bank accounts,
17 money market accounts, and brokerage accounts) now or previously receiving income from the
18 Spencer Cornelia YouTube channel.

19 **RESPONSE TO INTERROGATORY NO. 2:**

20 Objection: This request is overbroad and is not proportional to the needs of the case. This
21 request seeks all financial accounts that have received money from the Spencer Cornelia YouTube
22 channel, not just financial accounts which Defendant owns or of which he is a beneficiary. To the
23 extent this Interrogatory is limited to financial accounts evidencing income Defendant has received
24 from the Spencer Cornelia YouTube channel, it does not seek information relevant to any party's
25 claims or defenses.

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1 Notwithstanding the foregoing objections, Defendant responds as follows: Defendant owns
2 a Wells Fargo account that receives funds from the Spencer Cornelia YouTube Channel. {{I
3 recommend we not answer, and rest on objections }}

4 **INTERROGATORY NO. 3:**

5 Identify all financial accounts (including but not limited to any and all bank accounts,
6 money market accounts, and brokerage accounts) now or previously owned by CORNELIA
7 MEDIA LLC, and CORNELIA EDUCATION LLC that have received income from the Spencer
8 Cornelia YouTube channel.

9 **RESPONSE TO INTERROGATORY NO. 3:**

10 Objection: This Interrogatory is overbroad and is not proportional to the needs of the case.
11 This Interrogatory does not seek relevant information, as the subject financial accounts have no
12 bearing on Plaintiffs' claims.

13 Notwithstanding the foregoing objections, Defendant responds as follows: There are no
14 such accounts.

15 **INTERROGATORY NO. 4:**

16 Identify all social media and email accounts (including but not limited to Facebook,
17 YouTube, Twitter, Instagram, Reddit) you own (or owned) or control (or controlled) through
18 which you ever have communicated on the topic of any of the Plaintiffs or Derek Moneyberg.

19 **RESPONSE TO INTERROGATORY NO. 4:**

20 Objection: This Interrogatory is overbroad and unduly burdensome and is not proportional
21 to the needs of the case. It is not limited in scope to any of the statements at issue or any other
22 issue relevant to the parties' claims or defenses. It is also not limited to any relevant time period.

23 Notwithstanding the foregoing objections, Defendant responds as follows: Defendant has
24 spoken about Plaintiffs on his YouTube account and has communicated on the topics of Plaintiffs
25 or Derek Moneyberg using the email accounts <spencer0cornelia@gmail.com> and
26 <spencercornelialawsuit@gmail.com>.

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1 **INTERROGATORY NO. 5:**

2 Identify all persons or entities to whom or to which you ever have communicated on the
3 topic of any of the Plaintiffs or Derek Moneyberg.

4 **RESPONSE TO INTERROGATORY NO. 5:**

5 Objection: This Interrogatory is overbroad, unduly burdensome, and is not proportional to
6 the needs of the case. It is not limited in scope to any of the statements at issue or any other issue
7 relevant to the parties’ claims or defenses. It is also not limited to any relevant time period.

8 Notwithstanding the foregoing objections, Defendant responds as follows: John Anthony
9 Lifestyle, The Drip podcast, The Iced Coffee Hour Podcast, John Mulvehill, Graham Stephan, Jack
10 Selby, Stephen Findeisen, and Amish Patel.

11 **INTERROGATORY NO. 6:**

12 Identify and describe all facts that support Your contention that the statements complained
13 of in the Complaint are true or substantially true.

14 **RESPONSE TO INTERROGATORY NO. 6:**

15 As to all statements at issue, the representations of Mr. Mulvehill in the First and Second
16 Videos, produced as Bates Nos. COR000001 and COR000002. Responsive information is also
17 contained within documents previously produced as Bates Nos. COR000078-COR000084.

18 As to the statements regarding Larson Consulting, this entity only has one officer, Dale
19 Buczkowski. It has 1 share and a total authorized capital of \$100. There is no signage outside the
20 address listed on the Nevada Secretary of State’s website for the company, and there is only a “no
21 soliciting” sign on its door. The company has a Facebook page, but it does not appear to have
22 posted any content since November 15, 2013. It has 36 followers. It lists a website,
23 <laronconsultinginc.com>, but the site is under construction and does not display any content.
24 The current registrant did not acquire the domain until June 22, 2020. However, <archive.org>’s
25 Wayback Machine shows that it was displaying content for Plaintiffs’ Larson Consulting business
26 from April 2013 to January 2019. During this time, the site prominently displayed the name “Dale
27

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1 Buczkowski.” There was very little content on the site at this time, as it merely displayed some
2 mundane paragraphs about desirable characteristics such as “integrity” and “optimism,” and
3 contact information for the company. Based on these facts it appears that, at least as of the time
4 the videos at issue were published, Larson Consulting does not provide any legitimate goods or
5 services.

6 As for the statements regarding Buczkowski’s involvement in a drug operation,
7 Buczkowski made claims for property that was subject to civil asset forfeiture claims in *United*
8 *States v. 7212 Longboat Drive*, Case No. 4:12-cv-00484 (S.D. Iowa) and *United States v. 7215*
9 *Longboat Drive*, Case No. 4:12-cv-00487 (S.D. Iowa) (later consolidated). These documents have
10 previously been produced as Bates Nos. COR000087-COR000115. In these cases, The U.S. filed
11 civil forfeiture actions against 5 Iowa properties based on allegation they were purchased with, or
12 used to facilitate, drug crimes. The civil asset forfeiture complaint asserted that Daryl Buczkowski,
13 Buczkowski’s father and son-in-law of Mariani, “has a criminal history that includes a conviction
14 . . . for manufacturing and delivery of cocaine for which he was sentenced to a term of
15 imprisonment for 15 years.” (Complaint at ¶ 11.) It alleged that Daryl was the registered agent of
16 a company whose white vehicle was used to attempt to retrieve equipment from a storage unit that
17 was later searched and found to contain equipment for an indoor marijuana grow operation. (*Id.* at
18 ¶¶ 12-14.) It further alleged that a neighboring property, owned by a friend of Buczkowski,
19 Timothy Lantz, contained mail addressed to Buczkowski, credit cards in Plaintiff’s name,
20 Buczkowski’s tax returns, and that the neighboring property was being used to operate a marijuana
21 grow operation. (*Id.* at ¶¶ 15-20.) Lantz was also indicted for his involvement in this scheme.
22 Considering these facts, Defendant thinks it highly likely that Buczkowski was involved in a
23 marijuana grow operation. The fact that these civil asset forfeiture claims were later settled without
24 any finding of criminal wrongdoing does not constitute a finding that Buczkowski was uninvolved
25 in this activity.

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1 Regarding Buczkowski engaging in illegal activity in helping his clients obtain credit, not
2 authoring his own content, and coercing his clients to provide testimonials, documents with
3 information regarding the truth of such statements can be found at documents previously produced
4 as Bates Nos. COR000011-COR000084, as well as COR000151.

5 **INTERROGATORY NO. 7:**

6 Identify and describe all facts that support Your contention that Defendants knew or had a
7 significant subjective belief that the statements claimed to be actionable in the complaint were true
8 or substantially true at the time they were made.

9 **RESPONSE TO INTERROGATORY NO. 7:**

10 As to all statements at issue, the representations of Mr. Mulvehill in the First and Second
11 Videos, produced as Bates Nos. COR000001 and COR000002. Defendant found Mr. Mulvehill to
12 be a credible source of information regarding Plaintiffs.

13 As to the statements regarding Larson Consulting, this entity only has one officer, Dale
14 Buczkowski. It has 1 share and a total authorized capital of \$100. There is no signage outside the
15 address listed on the Nevada Secretary of State’s website for the company, and there is only a “no
16 soliciting” sign on its door. The company has a Facebook page, but it does not appear to have
17 posted any content since November 15, 2013. It has 36 followers. It lists a website,
18 <laronconsultinginc.com>, but the site is under construction and does not display any content.
19 The current registrant did not acquire the domain until June 22, 2020. However, <archive.org>’s
20 Wayback Machine shows that it was displaying content for Plaintiffs’ Larson Consulting business
21 from April 2013 to January 2019. During this time, the site prominently displayed the name “Dale
22 Buczkowski.” There was very little content on the site at this time, as it merely displayed some
23 mundane paragraphs about desirable characteristics such as “integrity” and “optimism,” and
24 contact information for the company. Based on these facts it appears that, at least as of the time
25 the videos at issue were published, Larson Consulting did not provide any legitimate goods or
26 services. A company that did not appear to do anything legitimate being owned and operated

1 apparently only by Buczkowski was a strong indicator that Larson Consulting was not a legitimate
2 business and could have existed for the purpose of laundering money.

3 As for the statements regarding Buczkowski’s involvement in a drug operation,
4 Buczkowski made claims for property that was subject to civil asset forfeiture claims in *United*
5 *States v. 7212 Longboat Drive*, Case No. 4:12-cv-00484 (S.D. Iowa) and *United States v. 7215*
6 *Longboat Drive*, Case No. 4:12-cv-00487 (S.D. Iowa) (later consolidated). These documents have
7 previously been produced as Bates Nos. COR000087-COR000115. In these cases, The U.S. filed
8 civil forfeiture actions against 5 Iowa properties based on allegation they were purchased with, or
9 used to facilitate, drug crimes. The civil asset forfeiture complaint asserted that Daryl Buczkowski,
10 Buczkowski’s father and son-in-law of Mariani, “has a criminal history that includes a conviction
11 . . . for manufacturing and delivery of cocaine for which he was sentenced to a term of
12 imprisonment for 15 years.” (Complaint at ¶ 11.) It alleged that Daryl was the registered agent of
13 a company whose white vehicle was used to attempt to retrieve equipment from a storage unit that
14 was later searched and found to contain equipment for an indoor marijuana grow operation. (*Id.* at
15 ¶¶ 12-14.) It further alleged that a neighboring property, owned by a friend of Buczkowski,
16 Timothy Lantz, contained mail addressed to Buczkowski, credit cards in Plaintiff’s name,
17 Buczkowski’s tax returns, and that the neighboring property was being used to operate a marijuana
18 grow operation. (*Id.* at ¶¶ 15-20.) Lantz was also indicted for his involvement in this scheme.
19 Defendant found nothing implausible or not credible about the facts alleged in these documents.
20 Considering these facts, Defendant thinks it highly likely that Buczkowski was involved in a
21 marijuana grow operation. The fact that these civil asset forfeiture claims were later settled without
22 any finding of criminal wrongdoing does not constitute a finding that Buczkowski was uninvolved
23 in this activity.

24 Regarding Buczkowski engaging in illegal activity in helping his clients obtain credit, not
25 authoring his own content, and coercing his clients to provide testimonials, documents with
26 information regarding the truth of such statements can be found at documents previously produced
27

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1 as Bates Nos. COR000011-COR000043. Defendant found that Mr. Mulvehill was a credible
2 source of information regarding Plaintiffs, as he credibly claimed to be personally familiar with
3 Buczkowski and he showed Defendant correspondence with individuals who appeared to be
4 former clients or employees of Plaintiffs. Defendant had no reason to doubt the authenticity of this
5 correspondence or the claims made in them. Furthermore, Defendant viewed a video interview
6 with Mr. Mulvehill and a man named Rohit (produced as Bates Nos. COR000151), who claimed
7 to be a former contractor for Plaintiffs, where Rohit made several claims about how deceptive and
8 fraudulent Plaintiffs' business practices are. Defendant found Rohit to be highly credible and had
9 no reason to doubt his claims regarding Plaintiffs.

10 **INTERROGATORY NO. 8:**

11 Identify all efforts made to investigate whether the statements claimed to be actionable in
12 the complaint are true or substantially.

13 **RESPONSE TO INTERROGATORY NO. 8:**

14 Defendant, through his own investigation or by being provided this information from third
15 parties including Mr. Mulvehill, possessed all the information referred to in his response to
16 Interrogatory No. 7 prior to publishing the videos at issue. Additionally, prior to publication,
17 Defendant reviewed a video Mr. Mulvehill published on his YouTube channel, John Anthony
18 Lifestyle, on May 10, 2020, which repeats many of the claims made in the First and Second
19 Videos regarding Plaintiffs. This May 10, 2020 video, however, has since been removed.

20 **INTERROGATORY NO. 9:**

21 Identify all statements claimed to be actionable in the complaint that you now believe are
22 false.

23 **RESPONSE TO INTERROGATORY NO. 9:**

24 The only statements alleged in the Complaint Defendant now believes to be false are those
25 concerning the legitimacy of Buczkowski's education credentials. Defendant did not believe such
26 statements to be false at the time the videos at issue were published.

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1 **INTERROGATORY NO. 10:**

2 Identify and describe the substance of all discussions you have had with Mr. Mulvehill
3 about this lawsuit, including but not limited to any efforts to raise money or find evidence
4 supporting your defenses in this lawsuit.

5 **RESPONSE TO INTERROGATORY NO. 10:**

6 Objection: This Interrogatory is overbroad, unduly burdensome, and is not proportional
7 to the needs of the case, as discussions regarding fundraising efforts have no bearing on any
8 party’s claims or defenses.

9 Notwithstanding the foregoing objections, Defendant responds as follows: Defendant has
10 not had any discussions with Mr. Mulvehill regarding fundraising efforts. Discussions regarding
11 finding evidence supporting Defendant’s defenses in this lawsuit are found in documents with
12 Bates Nos. COR000007-COR000043 and COR000078-COR000084.

13 **INTERROGATORY NO. 11:**

14 Identify and describe the substance of all discussions you have had about any of the
15 plaintiffs, Derek Moneyberg, or this lawsuit, including but not limited to any efforts to raise
16 money for the defense of or to find evidence supporting your defenses in this lawsuit, with the
17 following individuals: (1) Graham Stephan; (2) Jack Selby; (3) Stephen Findeisen (aka.,
18 Coffeezilla); and (4) Amish Patel.

19 **RESPONSE TO INTERROGATORY NO. 11:**

20 Objection: This Interrogatory is overbroad, unduly burdensome, and is not proportional
21 to the needs of the case. Discussions regarding fundraising efforts have no bearing on any party’s
22 claims or defenses. This Interrogatory is not limited in scope to the statements at issue in this case
23 or any other issue relevant to the parties’ claims or defenses. This Interrogatory is also not limited
24 to any relevant time period.

25 Notwithstanding the foregoing objections, Defendant responds as follows: The requested
26 information can be found by reviewing documents produced as Bates Nos. COR000004-

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1 COR000006, WEALTHY000184-WEALTHY000332, and WEALTHY000388-
2 WEALTHY000393.

3 **INTERROGATORY NO. 12:**

4 Identify any information you have about the current location of or ways to communicate
5 with, Mr. Mulvehill a/k/a John Anthony.

6 **RESPONSE TO INTERROGATORY NO. 12:**

7 Objection: This request seeks the address and contact information of a third-party witness
8 who has filed a motion to quash a subpoena seeking similar information. Mr. Mulvehill’s contact
9 information is not relevant to any party’s claims or defenses and the deadline to amend the
10 pleadings and add parties has passed, meaning this Interrogatory is not proportional to the needs
11 of the case.

12 Notwithstanding the foregoing objections, Defendant responds as follows: Defendant has
13 been informed that Mr. Mulvehill lives in Brazil, but has no further information regarding his
14 whereabouts.

15 Dated: March 21, 2022.

16 As to Objections,

17 /s/ Alex J. Shepard
18 Marc J. Randazza, NV Bar No. 12265
19 Alex J. Shepard, NV Bar No. 13582
20 RANDAZZA LEGAL GROUP, PLLC
21 2764 Lake Sahara Drive, Suite 109
22 Las Vegas, NV 89117

23 Attorneys for Defendants
24 Spencer Cornelia, Cornelia Media LLC,
25 and Cornelia Education LLC
26
27

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

VERIFICATION OF RESPONSES TO INTERROGATORIES

I, Spencer Cornelia, have reviewed the foregoing responses to Plaintiffs Wealthy Inc. and Dale Buczkowski’s First Set of Interrogatories Pursuant to FRCP 33, and I hereby declare under penalty of perjury that the foregoing responses are true and correct to the best of my knowledge and understanding.

Executed on: 3/21/2022 (date).

DocuSigned by:
Spencer Cornelia
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Spencer Cornelia

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 21, 2022, I served the foregoing document upon counsel for Plaintiffs Wealthy Inc. and Dale Buczkowski, listed below, via electronic mail:

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Respectfully submitted,

/s/ Suzanne Levenson
Employee,
Randazza Legal Group, PLLC