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4 **IN THE CIRCUIT COURT FOR THE STATE OF OREGON**  
5 **IN THE COUNTY OF JOSEPHINE**

6 CASEY MARIE HOUTSINGER, an  
7 individual,

8 Plaintiff,

9 v.

10 US SUPPORT LLC, a Nevada limited  
11 liability company, and JASON WATSON, an  
12 individual;

12 Defendants.

Case No. 24CV49697

**DEFENDANTS US SUPPORT LLC AND**  
**JASON WATSON'S MOTION FOR**  
**COSTS AND ATTORNEYS' FEES**

O.R.S. 31.152, O.R.S. 20.190

Oral Argument Requested: 1 Hour

13 Defendants US Support LLC ("US Support") and Jason Watson (collectively,  
14 "Defendants") file this Motion for Costs and Attorneys' Fees under Oregon's Anti-SLAPP law,  
15 O.R.S. 31.152 and O.R.S. 20.190. Defendants prevailed on their Special Motion to Strike under  
16 O.R.S. 31.150, and are thus entitled to a mandatory award of costs and reasonable attorneys' fees.  
17 The facts of this case also justify an enhanced prevailing party fee under O.R.S. 20.190.

18 Information requested by UTCR 5.050:

- 19 1. Oral argument is requested.  
20 2. Court Reporting Services are requested.  
21 3. It is estimated that 60 minutes will be sufficient for oral argument.

22 This Motion is based upon the attached memorandum of points and authorities and attached  
23 exhibits, the papers and pleadings on file in this action, and any oral argument permitted.  
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## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **1.0 INTRODUCTION**

Plaintiff Casey Marie Houtsinger filed a meritless lawsuit against Defendants, thinking she could extort a settlement from them and thus monetize her prior drunk driving arrest. In doing so, she violated Oregon's Anti-SLAPP law, O.R.S. 31.150, which entitles Defendants to an award of costs and reasonable attorneys' fees. There is no question as to entitlement to fees here; they are mandatory under O.R.S. 31.152. The only question is how large the fee award should be. The numerous factors Oregon courts apply in determining a reasonable fee support the fees Defendants request here. Houtsinger knew her claim was meritless from the inception of this case, but thought that the expense of litigation would cause Defendants to cave and settle with her. Her claim was objectively unreasonable, she pursued it in bad faith, it took significant work and skill to mount a successful defense that resulted in dismissal of her suit with prejudice, and granting the requested fees will deter similar meritless suits. The Court should thus grant \$1,647.51 in costs, \$114,240.00 in attorneys' fees under O.R.S. 31.152, and an additional \$5,000 as a prevailing party fee under O.R.S. 20.190.

### **2.0 FACTUAL BACKGROUND**

The factual background of this case is already set out in the parties' briefing on Defendants' Anti-SLAPP Motion. In short, Plaintiff was arrested for a DUI on May 12, 2020, her mugshot was taken and posted on the Oregon Department of corrections website, and shortly thereafter Defendants published her mugshot and booking info on the website <arre.st>. First Amended Complaint ("FAC") at ¶¶ 5, 7, 16. Houtsinger sent two requests to remove the booking photo from <arre.st> in January 2021, almost a year before O.R.S. 133.875 went into effect. FAC at ¶ 19; Declaration of Jason Watson in support of Anti-SLAPP Motion ("Watson Anti-SLAPP Dec.") at ¶ 19; January 29, 2021, letter and mailing envelope, attached as **Exhibit 1**.<sup>1</sup> Defendants did not

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<sup>1</sup> This document, as well as the November 26, 2022, letter, were previously filed as Exhibits 2 and 3 to the Anti-SLAPP Motion. Due to an issue with the filing process, however, the filed versions were largely illegible. Defendants' counsel provided a legible version of the documents

1 remove it, as they were not obligated under to do so under Oregon law and Houtsinger did not pay  
2 the fee Defendants charged for removal of booking photos, and so Houtsinger sent a second letter  
3 on November 26, 2022, this time signed by attorney Tucker Rossetto. FAC Exhibit 15; Watson  
4 Anti-SLAPP Dec. at ¶ 20; November 26, 2022, letter with mailing envelope, attached as Exhibit  
5 2. Houtsinger sent additional subsequent removal requests, but they changed nothing.

6 By the time O.R.S. 133.875 went into effect, <arre.st> charged less than \$50 for purchase  
7 of a license key which allowed a user to remove any booking photo. This conduct was permitted  
8 by O.R.S. 133.875(1)(b). Watson Anti-SLAPP Dec. at ¶ 10. And on November 22, 2022, <arre.st>  
9 stopped being a publish-for-pay publication (“PFPP”) under O.R.S. 133.875, as it no longer  
10 charged for removal of booking photos. *Id.* at ¶¶ 7, 14.

11 Houtsinger filed her original Complaint on October 9, 2024. Shortly thereafter, she made  
12 an initial settlement demand for \$450,000 and claimed she would obtain a likely jury award of “at  
13 least \$1,171,500.00 plus attorneys’ fees,” a figure she reached by calculating damages under  
14 O.R.S. 133.875 as starting to accrue in January 2021, a year before the law went into effect.  
15 October 16, 2024, demand letter,<sup>2</sup> attached as Exhibit 3.<sup>3</sup> She revised this position down to  
16 \$300,000 (including a \$50,000 payment to her attorneys specifically for unclear reasons) on  
17 January 2, 2025, after Defendants let Houtsinger know that <arre.st> had stopped being a PFPP as  
18 of November 22, 2022. December 9, 2024, letter from Jason Watson, attached as Exhibit 4;  
19 January 2, 2025, letter from Plaintiff’s counsel, attached as Exhibit 5. Though her demand had  
20 lowered, Houtsinger insisted that she “stands to gain a staggering judgment against you,  
21 individually, and US Support LLC.” *Id.*

22  
23 during the hearing on the Anti-SLAPP Motion, which the Court accepted as exhibits. Legible  
24 versions of the documents are filed again here for the sake of a complete record.

25 <sup>2</sup> Settlement communications are admissible under OEC 408 when not used to “prove  
26 liability for or invalidity of” claims, but instead to inform a court’s analysis of the attorney fee  
27 factors under ORS 20.075. *Bidwell & Bidwell*, 173 Or. App. 288, 293 (2001).

<sup>3</sup> The breakdown of the monetary demand was \$300,000 in “restitution” and \$150,000 in  
attorneys’ fees (an amount considerably higher than the award requested here), despite her counsel  
having done no more than file a complaint and send a demand letter. *Id.*

Defendants subsequently retained counsel and filed two Anti-SLAPP motions (the latter in response to Houtsinger's FAC, filed after the first Anti-SLAPP motion), resulting in dismissal of Houtsinger's suit with prejudice and a mandatory award of costs and reasonable attorneys' fees.

### 3.0 LEGAL STANDARD

For any case in which attorneys' fees are authorized or required by statute, a trial court shall consider the following factors under O.R.S. 20.075(1):

- (a) The conduct of the parties in the transactions or occurrences that gave rise to the litigation, including any conduct of a party that was reckless, willful, malicious, in bad faith or illegal.
- (b) The objective reasonableness of the claims and defenses asserted by the parties.
- (c) The extent to which an award of an attorney fee in the case would deter others from asserting good faith claims or defenses in similar cases.
- (d) The extent to which an award of an attorney fee in the case would deter others from asserting meritless claims and defenses.
- (e) The objective reasonableness of the parties and the diligence of the parties and their attorneys during the proceedings.
- (f) The objective reasonableness of the parties and the diligence of the parties in pursuing settlement of the dispute.
- (g) The amount that the court has awarded as a prevailing party fee under ORS 20.190.
- (h) Such other factors as the court may consider appropriate under the circumstances of the case.

A trial court is also required to consider the following additional factors under O.R.S. 20.075(2):

- (a) The time and labor required in the proceeding, the novelty and difficulty of the questions involved in the proceeding and the skill needed to properly perform the legal services.
- (b) The likelihood, if apparent to the client, that the acceptance of the particular employment by the attorney would preclude the attorney from taking other cases.
- (c) The fee customarily charged in the locality for similar legal services.
- (d) The amount involved in the controversy and the results obtained.
- (e) The time limitations imposed by the client or the circumstances of the case.
- (f) The nature and length of the attorney's professional relationship with the client.
- (g) The experience, reputation and ability of the attorney performing the services.
- (h) Whether the fee of the attorney is fixed or contingent.
- (i) Whether the attorney performed the services on a pro bono basis or the award of attorney fees otherwise promotes access to justice.

Consideration of these factors is mandatory. *Robinson v. DeFazio*, 284 Or. App. 98, 103 (2017); *Mouktabis v. Clackamas Cnty.*, 327 Or. App. 763, 780-81 (2023).

1 O.R.S. 20.190(3) provides that “in any civil action or proceeding in a circuit court in which  
2 recovery of money or damages is sought, the court may award to the prevailing party up to an  
3 additional \$5,000 as a prevailing party fee” upon consideration of the following factors, which are  
4 nearly identical to those in O.R.S. 20.075(1):

- 5 (a) The conduct of the parties in the transactions or occurrences that gave rise to the litigation,  
6 including any conduct of a party that was reckless, willful, malicious, in bad faith or illegal.  
7 (b) The objective reasonableness of the claims and defenses asserted by the parties.  
8 (c) The extent to which an award of a larger prevailing party fee in the case would deter others  
9 from asserting good faith claims or defenses in similar cases.  
10 (d) The extent to which an award of a larger prevailing party fee in the case would deter others  
11 from asserting meritless claims and defenses.  
12 (e) The objective reasonableness of the parties and the diligence of the parties and their  
13 attorneys during the proceedings.  
14 (f) The objective reasonableness of the parties and the diligence of the parties in pursuing  
15 settlement of the dispute.  
16 (g) Any award of attorney fees made to the prevailing party as part of the judgment.  
17 (h) Such other factors as the court may consider appropriate under the circumstances of the  
18 case.

19 Oregon courts use the lodestar method of calculating a reasonable fee. Under this method,  
20 “a court determines a reasonable attorney fee award by multiplying the reasonable hours expended  
21 by a reasonable hourly rate and, when appropriate, enhancing the lodestar amount with a fee  
22 multiplier.” *Moro v. State*, 360 Or. 467, 472 (2016). A court has discretion to reduce a requested  
23 fee that is otherwise reasonable, but this discretion is subject to “principled restraints. In particular,  
24 there must be a rational nexus between [O.R.S. 20.075] factor invoked, and its underlying  
25 circumstances, and the amount of the reduction.” *Grisby v. Progressive Preferred Ins. Co.*, 233  
26 Or. App. 210, 222 (2010).

#### 27 **4.0 ARGUMENT**

##### **4.1. The Requested Fees are Reasonable Under the O.R.S. 20.075 Factors**

28 Randazza Legal Group, PLLC (“RLG”) regularly litigates Anti-SLAPP cases and has a  
29 history of having its rates upheld. *See, e.g., Cheng v. Guo*, No. A-18-779172-C (Nev. Eighth Jud.  
30 Dist. Ct. June 5, 2020) (awarding hourly rates of \$800 for Randazza and \$550 for other partners);  
31 *Las Vegas Resort Holdings, LLC v. Roeben*, No. A-20-819171-C (Nev. Eighth Jud. Dist. Ct., Dec.

30, 2020) (same); *iQTAXX, LLC v. Boling*, No. A-15-728426-C, 2016 BL 154334 (Nev. Eighth Jud. Dist. Ct. May 10, 2016) (approving hourly rates of \$650 for Randazza and \$500 for other partners). The Court should note that these rates are, at their newest, five years old. Given inflation, from \$800 per hour to \$1,000 per hour is a reasonable raise over five years.

The compensable hours recorded by RLG's attorneys and paralegals, along with their hourly rates and amounts billed, are as follows:<sup>4</sup>

Timekeeper	Billable Hours	Hourly Rate	Amount Sought <sup>5</sup>
Marc J. Randazza	16.6	\$1,000	\$16,300.00
Ronald D. Green	11.6	\$700	\$7,700.00
Alex J. Shepard	122.3	\$700	\$73,600.00
Grean Anonuevo	3.5	\$175	\$612.50
Brittani Holt	6.1	\$175	\$997.50
Leora Dumanlang	2.6	\$175	\$455.00
<b>Totals</b>	<b>162.8</b>		<b>\$99,665.00</b>

Declaration of Marc Randazza ("Randazza Dec."), attached as **Exhibit 7**, at ¶ 8. Defendants' local counsel, Eric Fournier, charged \$4,575.00, representing 14.5 hours of work. Declaration of Eric Fournier ("Fournier Dec."), attached as **Exhibit 8**, at ¶ 4. Defendants additionally incurred \$1,647.51 in costs. *Id.*; Randazza Dec. at ¶ 13; copies of cost receipts, attached as **Exhibit 9**.

To limit additional briefing on fees incurred after the filing of this motion, RLG predicts it will incur an additional \$10,000 in fees in responding to Houtsinger's opposition to this motion, preparing a reply brief, and arguing the motion. Randazza Dec. at ¶ 16. If Houtsinger does not oppose this motion, however, then there will be no need to incur such fees.

<sup>4</sup> Other attorneys and paralegals worked on this matter, but their time has been excluded from this Motion as a matter of billing discipline.

<sup>5</sup> The amount sought for each timekeeper is not simply a matter of multiplying the hourly rates by the hours worked. As shown in the billing records attached as **Exhibit 6**, some time entries were either written off or charged at a reduced rate.

1                   **4.1.1. Time and Labor Required, Novelty and Difficulty, and Skill Needed**

2           Although Houtsinger only brought a single claim, this was not a simple case. O.R.S.  
3 133.875 had no reported interpretive case law, meaning everything about this case was a matter of  
4 first impression. Defendants brought both an Anti-SLAPP motion, which is similar in scope to a  
5 summary judgment motion due to the parties having to meet evidentiary burdens, as well as a  
6 motion to dismiss for lack of personal jurisdiction. To mount a fulsome defense, Defendants also  
7 had to research and brief the matter of immunity under 47 U.S.C. § 230 and the constitutionality  
8 of O.R.S. 133.875. The former issue had little definitive guidance because there is little case law  
9 on Section 230 and mugshot laws, and the latter issue required significant briefing due to the lack  
10 of any cases about Oregon's law. This case was thus surprisingly complex and required  
11 considerable skill, expertise, and time to make all arguments available to Defendants. Fournier  
12 Dec. at ¶ 29.

13                   **4.1.2. Preclusion of Attorney from Taking Other Cases**

14           Defendants' counsel is a small law firm that can only take a limited number of cases.  
15 Randazza Dec. at ¶ 17. Taking this case precluded the firm from accepting other work which would  
16 have filled the gap. *Id.* Defendants were aware of this likely preclusion when they retained their  
17 counsel. Declaration of Jason Watson ("Watson Fee Dec."), attached as **Exhibit 10**, at ¶ 7. This  
18 factor thus weighs in favor of the reasonableness of the requested fee award.

19                   **4.1.3. Fee Customarily Charged**

20           The Adjusted Laffey Matrix, attached as **Exhibit 11**,<sup>6</sup> provides some guidance as to  
21 customary rates for attorneys of comparable experience to Defendants' counsel. Mr. Randazza

22 \_\_\_\_\_  
23 <sup>6</sup> The Laffey Matrix has been used by courts as a guidepost in determining the  
24 reasonableness of attorneys' fees. *See, e.g., Vasquez v. Libre by Nexus, Inc.*, No. 17-cv-00755 CW,  
25 2022 U.S. Dist. LEXIS 180791, at \*46 n.11 (N.D. Cal. Oct. 3, 2022) ("The Laffey Matrix is 'a  
26 widely recognized compilation of attorney and paralegal rates based on various levels of  
27 experience' upon which courts, including those in this district, routinely rely to determine the  
reasonableness of attorney hourly rates.") (quoting *Theme Promotions, Inc. v. News Am. Mktg.*  
*FSI, Inc.*, 731 F. Supp. 2d 937, 948 (N.D. Cal. 2010)); *Rivera v. Rivera*, No. 5:10-CV-01345-LHK,  
2011 U.S. Dist. LEXIS 93704, at \*5-6 (N.D. Cal. Aug. 22, 2011); *Young v. Polo Retail, LLC*, 2007

1 bills at a rate of \$1,000 per hour and has 23 years of experience as an attorney. Randazza Dec. at  
2 ¶¶ 8, 26. According to the Adjusted Laffey Matrix, an attorney of Mr. Randazza's experience is  
3 able to bill at a rate of \$1,141 per hour, which is higher than his hourly rate. Exhibit 11.

4 Attorney Ronald D. Green's hourly rate is \$700 per hour and he has 25 years of experience  
5 as an attorney. Randazza Dec. at ¶¶ 8, 29. According to the Adjusted Laffey matrix, an attorney of  
6 Mr. Green's experience is able to bill at a rate of \$1,141 per hour, which is significantly higher  
7 than his hourly rate. Exhibit 11.

8 Attorney Alex J. Shepard's hourly rate is \$700 per hour and he has over eleven years of  
9 experience as an attorney. Randazza Dec. at ¶¶ 8, 30. According to the Adjusted Laffey matrix, an  
10 attorney of Mr. Shepard's experience is able to bill at a rate of \$839 per hour, which is higher than  
11 his hourly rate. Exhibit 11.

12 If the Court finds the Laffey Matrix is inapplicable, the Oregon State Bar Survey ("OSB  
13 Survey") is often used as an "initial benchmark" for determining reasonable rates in Oregon.  
14 *Behrens v. Smith & Greaves, LLP*, No. 3:11-cv-01225-MO, 2012 US Dist LEXIS 21888, at \*4 (D  
15 Or Feb. 22, 2012). The 2022 OSB Survey<sup>7</sup> (the most recent such survey) provides standard hourly  
16 rates for attorneys in Oregon. 2022 OSB Survey, attached as Exhibit 12. It shows that 2021 billing  
17 rates in southern Oregon had a mean rate of \$281/hour and a high rate of \$600/hour. *Id.* at 42. The  
18 mean rate for the state generally was \$344, with a high rate of \$1,375. *Id.* The mean rate for  
19 attorneys with 10-12 years of experience was \$281/hour in southern Oregon and \$334/hour in the  
20  
21

22 U.S. Dist. LEXIS 27269, \*20 (N.D. Cal. Mar. 28, 2007) (noting that "[o]ne reliable source for rates  
23 that vary by experience levels is the *Laffey* matrix used in the District of Columbia"); *In re HPL*  
24 *tech., Inc., Secs. Litig.*, 366 F. Supp. 2d 912, 921 (N.D. Cal. 2005) (finding that Laffey Matrix is a  
25 "well-established objective source for rates that vary by experience"); *Recouvreur v. Carreon*, 940  
26 F. Supp. 2d 1063, 1070 (N.D. Cal. 2013). However, Oregon state courts have been silent on its  
applicability and federal courts in Oregon have not adopted it. *See League of Wilderness Defs./Blue*  
*Mts. Biodiversity Project v. United States Forest Serv.*, No. 3:10-cv-01397-SI, 2014 US Dist  
LEXIS 96335, at \*41 n 11 (D Or July 15, 2014).

27 <sup>7</sup> Available at:  
[https://www.osbar.org/\\_docs/resources/Econsurveys/22EconomicSurvey.pdf](https://www.osbar.org/_docs/resources/Econsurveys/22EconomicSurvey.pdf).



1 state. *Id.* The mean rate for attorneys with 21-30 years of experience was \$312/hour in southern  
2 Oregon and \$371/hour in the state. *Id.* at 43.

3 The OSB Survey rates are only a starting point, however, and “[a]ttorneys may argue for  
4 higher rates based on inflation, specialty, or any number of other factors.” *Santoro v. Ocwen Loan*  
5 *Servicing, LLC*, 2025 US Dist LEXIS 179593, at \*27 (D. Or. Sep. 12, 2025) (quoting *Edwards v.*  
6 *Cincinnati*, No. 3:19-cv-01425-BR, 2021 U.S. Dist. LEXIS 24673, \*32 (D. Or. Feb. 8, 2021)).  
7 Rates in excess of those in the OSB Survey are justified where the attorneys have substantial  
8 experience in relevant legal areas. *Moro*, 360 Or. at 484-85 (approving rates above 95<sup>th</sup> percentile  
9 in region because attorneys had “substantial experience in appellate matters” and were “uniquely  
10 knowledgeable about the mechanics of PERS benefits and the relevant legal arguments”). As  
11 discussed in Section 4.1.7, *infra*, RLG’s attorneys have significant experience in Anti-SLAPP  
12 litigation and constitutional law that justifies rates higher than those in the OSB Survey. And while  
13 the 2022 OSB Survey is the most recent survey available, it only provides rates from 2021, before  
14 recent significant inflationary trends both in the legal industry and the U.S. in general.

#### 15 **4.1.4. Amount Involved and Results Obtained**

16 Defendants obtained a dismissal of Plaintiff’s lawsuit with prejudice before undergoing the  
17 time and expense of discovery, the best possible result for them. This spared Defendants from a  
18 possible judgment of, at least by Houtsinger’s reckoning, over \$1,000,000. *See Exhibit 3* (claiming  
19 likely jury award of at least \$1,171,500.00 plus attorneys’ fees”); *Exhibit 5* (despite lowering  
20 settlement demand, stating that Houtsinger “stands to gain a staggering judgment against you,  
21 individually, and US Support LLC”). The requested costs and attorneys’ fees thus represent  
22 approximately a tenth of the recovery Houtsinger sought from Defendants, and so this factor  
23 weighs in Defendants’ favor.

#### 24 **4.1.5. Time Limitations**

25 While Plaintiff’s counsel accommodated Defendants’ request for extension of time to  
26 respond to the Complaint after retaining counsel, Anti-SLAPP cases must be filed within a short  
27 timeframe, namely 60 days after service. O.R.S. 31.150(1). Because all parties are required to

1 make an evidentiary showing to support their respective burdens, an Anti-SLAPP motion is closer  
2 to a summary judgment motion than a motion to dismiss under ORCP 21A. Defendants were thus  
3 required to put in the majority of the work for the overall case within a short time, which created  
4 a significant time limitation that supports the reasonableness of the requested fees.

#### 5 **4.1.6. Nature and Length of Relationship with Client**

6 Defendants and their counsel do not have a pre-existing relationship. Randazza Dec. at ¶  
7 19. Defendants' counsel was thus required to learn about the nature of Defendants' business to  
8 mount a fulsome defense in this case, which required additional time. *Id.* This factor weighs in  
9 Defendants' favor.

#### 10 **4.1.7. Experience, Reputation, and Ability of the Attorney**

11 Marc Randazza's hourly rate is justified, as he is an experienced attorney who specializes  
12 in First Amendment litigation and is licensed to practice in the states of Nevada, California,  
13 Arizona, Florida, and Massachusetts. *See* Randazza Dec. at ¶ 20. Mr. Randazza was instrumental  
14 in the passage of Nevada's 2013 Anti-SLAPP legislation and played a significant role in shaping  
15 the statute's 2015 amendments. *See id.* at ¶ 21; *see also* Senate Committee on Judiciary Hearing  
16 on Nev. SB 286 (May 6, 2013), attached as **Exhibit 13** When Nevada's Anti-SLAPP statute was  
17 amended in 2015, Mr. Randazza successfully led the lobbying effort to save the statute from repeal  
18 and was instrumental in crafting the language in the statute today. *See* Randazza Dec. at ¶ 22; *see*  
19 *also* Minutes of Assembly Committee on Judiciary Hearing on SB 444, April 24, 2015, attached  
20 as **Exhibit 14**, at 35-38.

21 Mr. Randazza is a nationally recognized expert on Anti-SLAPP legislation, defamation,  
22 and free speech issues, and has assisted the legislatures in Nevada, Pennsylvania, Ohio, New York,  
23 Massachusetts, New Hampshire, and Wyoming on Anti-SLAPP legislation. Randazza Dec. at ¶ 23.  
24 He is the author of Nevada Lawyer articles on the Anti-SLAPP statute. *See* Marc Randazza,  
25 "Nevada's New Anti-SLAPP Law: The Silver State Sets the Gold Standard," NEVADA LAWYER  
26 (Oct. 2013), attached as **Exhibit 15**; Marc Randazza, "Nevada's Anti-SLAPP Law Update,"  
27 NEVADA LAWYER (Sept. 2016) attached as **Exhibit 16**. He has also published numerous other law

1 review articles on free speech issues. *See curriculum vitae* of Marc Randazza, attached as Exhibit  
2 17.

3 Randazza has been a commentator for both Fox News and CNN on Free Speech issues.  
4 *See* Randazza Dec. at ¶ 24. Randazza holds a JD from Georgetown University Law Center, a  
5 Master's in Mass Communications from the University of Florida (with a media/First Amendment  
6 law focus), and an international degree in the form of an LL.M. from the University of Turin, Italy,  
7 where he wrote and published a thesis on freedom of expression issues. *See* Exhibit 17; *see also*  
8 Marc J. Randazza, "Freedom of Expression and Morality-Based Impediments to the Enforcement  
9 of Intellectual Property Rights," 16 Nev. L.J., 107 (Jan. 15, 2016). Randazza has been a practicing  
10 attorney for over 23 years. *See* Randazza Dec. at ¶ 26. Randazza has taught First Amendment law  
11 at the law school level. *See* Exhibit 17. And, he gives presentations to attorneys in CLE courses  
12 on how to handle Anti-SLAPP litigation and publishes on this issue as well. *See id.* Former senator  
13 Justin Jones described Mr. Randazza as "one of the preeminent experts on the issue" of Anti-  
SLAPP litigation. *See* Exhibit 14 at 3.

14 Attorney Ronald D. Green has a JD from University of Pittsburgh School of Law and is a  
15 Nevada-licensed attorney with over 25 years of litigation experience. Randazza Dec. at ¶ 29. He  
16 has several years of experience with defamation and First Amendment cases. *Id.*

17 Attorney Alex J. Shepard earned his JD from Washington University School of Law, is  
18 licensed to practice in Nevada, California, and Washington, and has over 11 years of experience,  
19 having spent almost his entire career working on First Amendment and Anti-SLAPP cases.  
20 Randazza Dec. at ¶ 30. He has also been interviewed on issues of defamation and Anti-SLAPP  
21 law. *Id.*; Spencer Cornelia, "I'm Being Sued By a Fake Guru for \$2 MILLION," Youtube (May  
22 15, 2023).<sup>8</sup>

23 Grean Anonuevo, Brittani Holt, and Leora Dumanlang are paralegals with varying  
24 experience. Randazza Dec. at ¶¶ 31-33.

25 The experience, skill, and ability of Defendants' counsel directly led to a resounding  
26 success for Defendants, namely, dismissal with prejudice and entitlement to an award of costs and

27 <sup>8</sup> Available at: <https://www.youtube.com/watch?v=EkrwBYl2hil>

1 fees. Accordingly, the experience, reputation, and ability of Defendants' attorneys weigh in favor  
2 of the reasonableness of the requested fees. Attorney Eric Fournier, Defendants' local counsel, is  
3 familiar with the experience and reputation of RLG's attorneys and finds their hourly rates to be  
4 reasonable, particularly given the quality and quantity of work performed in this matter in a  
5 relatively short span of time. Fournier Dec. at ¶¶ 21-28, 30.

6 **4.1.8. Whether the Fee is Fixed or Contingent, and Promotion of Access to**  
7 **Justice**

8 Defendants' counsel did not charge a fixed or contingent fee in this matter. Randazza Dec.  
9 at ¶ 14. Defendants do not seek a multiplier, however, and so this factor is neutral.

10 **4.1.9. Promotion of Access to Justice**

11 Often, targets of litigation shakedowns like this case do not have access to resources to  
12 defend themselves. Even when they do, threats of litigation costs outpacing the settlement  
13 demands function as an extortionate lever to jam the wheels of justice. Establishing that full  
14 recovery of fees is available in cases like this will encourage nationally prominent law firms to  
15 step up to defend free speech cases like this.

16 **4.1.10. The Conduct of the Parties**

17 This factor looks to the parties' conduct "in the transactions or occurrences that gave rise  
18 to the litigation." O.R.S. 20.190(3). Defendants do not claim that Houtsinger engaged in any bad  
19 faith conduct by sending her requests for removal of her booking photo, and so this factor is  
20 neutral. As discussed in Section 4.1.11, however, Houtsinger and her counsel engaged in bad-faith  
21 conduct by knowingly bringing and continuing to prosecute a frivolous lawsuit once they were  
22 fully aware that the case was objectively unreasonable.

23 **4.1.11. Objective Reasonableness of the Claims and Defenses and Deterrent**  
24 **Effect**

25 As this Court found in granting Defendants' Anti-SLAPP Motion, Houtsinger's lawsuit  
26 was meritless and factually impossible. She made her initial requests for removal of her booking  
27 photo in 2021, well before O.R.S. 133.875 went into effect, and did not send a subsequent request

1 until after <arre.st> was no longer a PFPP. Defendants were thus at no point required to honor  
2 Houtsinger's removal request and could not have violated the mugshot law.

3 Houtsinger was well aware of the deficiency in her claim. Her initial Complaint identified  
4 only two takedown requests: one in January 2021 and one in November 2023. Complaint at ¶¶ 19,  
5 21. She also alleged that <arre.st> was a PFPP "at least as late as October 18, 2022," while  
6 conveniently failing to mention the website's license key system was deactivated the following  
7 month. *Id.* at ¶ 20. Considering the amount of time and effort Houtsinger claims to have spent in  
8 removing her booking photo and how easy it would have been to verify whether <arre.st> was still  
9 a PFPP at the time of the later removal request (and certainly at the time of filing her lawsuit), it  
10 is extraordinarily unlikely she was unaware of when <arre.st> stopped being a PFPP when she  
11 filed suit. But even if we give her the benefit of the doubt on this issue, any doubt was dispelled  
12 on December 9, 2024, when Defendant Watson informed her and her counsel that <arr.est> had  
13 disabled its license key system on November 22, 2022. **Exhibit 4**. Despite then having actual  
14 knowledge that her claim was factually impossible, Houtsinger continued to prosecute her case so  
15 that she could extract a \$300,000 settlement (down from \$450,000) from Defendants.

16 After Defendants appeared and filed their initial Anti-SLAPP Motion, Houtsinger filed her  
17 First Amended Complaint, adding a new exhibit that she hoped would save her suit, a removal  
18 request letter dated November 11, 2022. Amended Complaint at ¶ 21 & Exhibit 15. But the  
19 Amended Complaint's allegation was false. This letter was not sent on November 11,<sup>9</sup> but rather  
20 on November 26, 4 days after <arre.st> had stopped being a PFPP. **Exhibit 2**; Watson Anti-SLAPP  
21 Dec. at ¶ 20. Houtsinger (whether personally or through her attorney) *must* have known this crucial  
22 fact, but chose not to mention it in her Amended Complaint.

23 Since its inception, this lawsuit was a shakedown effort. Defendants have shown  
24 Houtsinger's claim for the sham it is, and the Court should award Defendants the entirety of their

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25 <sup>9</sup> The Amended Complaint states that Attorney Rossetto sent the letter himself, though the  
26 mailing envelope strongly suggests it was mailed out by Houtsinger instead, as it was sent from  
27 the same post office as Houtsinger's handwritten January 2021 letter. Compare **Exhibit 1** and  
**Exhibit 2**.

1 requested fees. Doing so will provide a strong deterrent to similar SLAPP plaintiffs trying to bring  
2 similar claims for the purpose of extracting nuisance settlements. A full fee award will not deter  
3 plaintiffs bringing claims in good faith, as their claims would be categorically different from the  
4 knowingly meritless claim Houtsinger asserted here. The reasonableness and deterrence factors  
5 favor Defendants. Fournier Dec. at ¶ 31.

#### 6 **4.1.12. Objective Reasonableness and Diligence in Pursuing Settlement**

7 The parties made a few attempts at settlement prior to Defendants retaining counsel and  
8 filing the Anti-SLAPP Motion. See Exhibits 3-5. Houtsinger's settlement demands were always  
9 outrageous, as there was no possible way she could have been entitled to over one million dollars  
10 in damages. Obviously, her damages did not start to accrue before O.R.S. 133.875 went into effect,  
11 but her initial demand letter used January 2021 as the starting date. Exhibit 3. She also claimed  
12 that damages continued to accrue even after <arrest> was no longer a PFPP, contrary to the plain  
13 language of the statute. These were not reasonable settlement demands, but rather an attempt to  
14 strong-arm Defendants into giving Houtsinger money. This further shows Houtsinger's bad faith,  
15 and this factor weighs in Defendants' favor. Fournier Dec. at ¶ 31.

#### 16 **4.1.13. Amount of O.R.S. 20.190 Prevailing Party Fee**

17 The additional prevailing party fee under O.R.S. 20.190 is capped at \$5,000. This is a  
18 relatively minor amount compared to the attorneys' fees Defendants incurred in prevailing against  
19 Houtsinger's frivolous lawsuit. If the Court awards the full \$5,000 under that section, that should  
20 not be used as justification for lowering the amount of attorneys' fees awarded, given the  
21 complexity of this case and the bad-faith nature of Houtsinger's suit.

#### 22 **4.2. Defendants are Entitled to a \$5,000 Prevailing Party Fee Under O.R.S. 20.190**

23 A court is permitted to award a prevailing party fee under ORS 20.190 in addition to a fee  
24 award under Oregon's Anti-SLAPP statute. *Robinson v. DeFazio*, 284 Or. App. 98, 110 (2017)  
25 (upholding award of \$550 under ORS 20.190(2)(a)(B) in addition to Anti-SLAPP fee award);  
26 *Mouktabis v. Clackamas Cnty.*, 327 Or. App. 763, 780-81 (2023) (affirming propriety of \$5,000  
27 award under ORS 20.190(3) in addition to Anti-SLAPP fees).

1 The factors under O.R.S. 20.190(3) are nearly identical to those in O.R.S. 20.075(1),  
2 discussed above. Because Houtsinger brought and prosecuted an objectively unreasonable claim  
3 with actual knowledge that it had no factual basis and made patently unreasonable settlement  
4 demands, and because the requested prevailing party fee would further deter such bad-faith  
5 litigation, the Court should award a prevailing party fee of \$5,000 under O.R.S. 20.190(3).

6 **5.0 CONCLUSION**

7 For the foregoing reasons, the Court should grant Defendants' Fee Motion and award  
8 Defendants \$1,647.51 in costs, \$114,240.00 in attorneys' fees under Oregon's Anti-SLAPP law,  
9 and an additional \$5,000 as a prevailing party fee under O.R.S. 20.190, for a total award of  
10 \$120,887.51.

11  
12  
13 Dated: October 3, 2025.

Respectfully Submitted,

14 /s/ Eric Fournier  
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27

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on this 3<sup>rd</sup> day of October 2025 and served via the Circuit Court for the State of Oregon electronic filing system.

/s/ Eric Fournier  
ATTORNEY