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Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
RANDAZZA LEGAL GROUP, PLLC
8991 W. Flamingo Road, Ste. B
Las Vegas, NV 89147
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Defendants
Kent Wu and Las Vegas Chinese Newspaper aka
Las Vegas Chinese News Network

**DISTRICT COURT
CLARK COUNTY, NEVADA**

DANIEL WANG aka WANG JIANPING
OR WANG JENPING, an individual,

Plaintiffs,

v.

KENT WU, an individual; JIA HUA, an
individual; CRYSTAL HSIUNG; LAS
VEGAS CHINESE NEWSPAPER aka LAS
VEGAS CHINESE NEWS NETWORK
(LVCNN) a corporation; DOES I through
X; and ROES XI through XX,

Defendants.

Case No. A-25-911410-C

Dept. XXIV

**ORDER GRANTING DEFENDANTS'
ANTI-SLAPP SPECIAL MOTIONS TO
DISMISS UNDER NRS 41.660**

This matter is before the Court on Defendants Kent Wu and Las Vegas Chinese Newspaper aka Las Vegas Chinese News Network's ("LVCNN") Anti-SLAPP Motion Under NRS 41.660 and Defendant Crystal Hsiung's Anti-SLAPP Special Motion to Dismiss Under NRS 41.660 (collectively, the "Anti-SLAPP Motions"). After reviewing the motions, oppositions, and replies of the parties, as well as listening to oral argument on May 13, 2025, the Court finds as follows:

A special motion to dismiss under NRS 41.660, colloquially known as an Anti-SLAPP motion, is analyzed under two prongs. First, the moving party must show, by a preponderance of the evidence, that the statements upon which a plaintiff's claims are based are protected under NRS 41.637. Defendants argue that their statements are protected under NRS 41.637(4), and so they must establish that their statements were (1) in direct connection with an issue of public

1 interest; (2) published in a public forum or place open to the public; and (3) true or published
2 without actual knowledge of falsity. If Defendants make this showing, then the burden falls to
3 Plaintiff to provide a prima facie evidentiary showing that he has a probability of prevailing on his
4 claims.

5 **Prong One Findings**

6 The Court finds that Defendants have shown by a preponderance of the evidence that their
7 statements are in direct connection with an issue of public interest. Defendants Kent Wu and
8 LVCNN provided un rebutted evidence that Plaintiff is a public figure, as shown by his role as
9 former President of the Taiwan Benevolent Association of Las Vegas and his roles in other
10 organizations, along with media coverage of him in these contexts. Defendants’ statements are not
11 merely about Plaintiff’s sexual proclivities, but rather specific allegations of sexual misconduct.
12 Particularly when regarding public figures, courts have consistently found that allegations of
13 sexual misconduct concern an issue of public interest. *Ruth v. Carter*, 560 P.3d 659, 2024 Nev.
14 Unpub. LEXIS 923, *4 (Nev. Nov. 26, 2024); *Wynn v. AP*, 555 P.3d 272, 277 (2024) (concluding
15 that “reports of sexual misconduct would be of concern to a substantial number of people,
16 including consumers . . . and the business and governmental entities investigating precisely this
17 kind of behavior”); *Sipple v. Foundation For Nat. Progress*, 71 Cal. App. 4th 226, 238 (2d Dist.
18 1999) (finding that lawsuit based on reported allegations against nationally prominent media
19 strategist for political figures, accusing him of physically and verbally abusing his wife, involved
20 a matter of public interest). *Terry v. Davis Cmty. Church*, 131 Cal.App.4th 1534, 1547 (2005)
21 (finding that, in the context of sexual abuse allegations against church youth group leaders, “[t]he
22 public interest is society’s interest in protecting minors from predators . . . It need not be proved
23 that a particular adult is in actuality a sexual predator in order for the matter to be a legitimate
24 subject of discussion.”); *Todd v. Lovecraft*, 2020 U.S. Dist. LEXIS 2309, *44 (N.D. Cal. Jan. 6,
25 2020) (finding that “[p]ublicly accusing individuals of rape and sexual assault is unquestionably
26 controversial, but the controversy itself serves to demonstrate that it is a matter of public interest
27 and debate . . . the public has an interest in identifying individuals who commit sexual abuse and

1 accusations of abuse are matters of public concern”). Defendants’ statements here fall within this
2 line of case law, and so, in consideration of the five “guiding principles” set out in *Shapiro v. Welt*,
3 133 Nev. 35, 39-40, 389 P.3d 262, 268 (2017), the statements at issue are in direct connection with
4 an issue of public interest. Plaintiff provided attorney argument that Defendants’ *motives* may have
5 been questionable in publishing their statements, but provided no evidence to substantiate such
6 argument. Nevertheless, even if the motives were questionable, which the Court does not find,
7 this would not change the legal analysis.

8 The Court finds that Defendants’ statements were published in a public forum or a place
9 open to the public. Plaintiff’s claims all stem from an article published by Defendant LVCNN
10 relaying allegations originally made by Defendant Crystal Hsiung. The article in question was
11 published on LVCNN’s website, with a monthly readership of 21,588, and in print with a
12 circulation of approximately 5,000 copies every two weeks. Newspapers are considered public
13 forums for purposes of Anti-SLAPP laws. *Nygard v. Uusi-Kerttula*, 159 Cal. App. 4th 1027, 1038-
14 39 (2008). Defendants’ statements were thus published in a public forum or place open to the
15 public, and Plaintiff made no argument regarding this requirement.

16 The Court finds that Defendants published their statements in good faith. The Nevada
17 Supreme Court held in *Stark v. Lackey*, 136 Nev. 38, 38-39, 458 P.3d 342, 344, 347 (Nev. 2020),
18 that when a defendant provides a declaration stating that they did not have actual knowledge that
19 the statements at issue were false and the plaintiff provides no evidence rebutting such a
20 declaration, then the defendant has satisfied their burden of showing good faith. Defendants
21 provided declarations stating that they neither knew nor believed any of their statements were
22 false, and Plaintiff provided no evidence in rebuttal. Defendants thus satisfied their burden of
23 showing they made their statements in good faith.

24 **Prong Two Findings**

25 To satisfy their burden at prong two, a plaintiff must “demonstrate[] with *prima facie*
26 evidence a probability of prevailing on the claim.” NRS 41.660(3)(b). An Anti-SLAPP motion is
27 generally treated as a motion for summary judgment, except that the non-moving party has the

burden of proof regarding the merits of their claims. *Stubbs v. Strickland*, 129 Nev. 146, 150-51, 297 P.3d 326, 329 (2013); *Coker v. Sassone*, 135 Nev. 8, 11, 43 P.3d 746, 748 (2019); *Panik v. TMM, Inc.*, 538 P.3d 1149, 2023 Nev. LEXIS 46, *10-11 (Nev. Nov. 30, 2023). In short, the plaintiff cannot rest on the allegations in their complaint, but must present admissible evidence. Mere allegations, even if made in a verified complaint, are insufficient. *Anderson Bus. Advisors, Ltd. Liab. Co. v. Foley*, 540 P.3d 1055, 2023 Nev. Unpub. LEXIS 918, *5 (Nev. 2023) (quoting *Newport Harbor Offices & Marina, LLC v. Morris Cerullo World Evangelism*, 23 Cal. App. 5th 28, 232 Cal. Rptr. 3d 540, 556 (Ct. App. 2018)).

Plaintiff failed to make a prima facie evidentiary showing on any of his claims, including those asserted against Defendant Crystal Hsiung, Kent Wu, and LVCNN. First and most obviously, Plaintiff has not provided any admissible evidence regarding his claims whatsoever—no declarations, affidavits, exhibits, or other competent materials—in opposition to the Anti-SLAPP Motions. This alone is enough to establish he has not met his prong two burden under NRS 41.660(3)(b). A party opposing an Anti-SLAPP motion must go beyond the pleadings and submit admissible evidence supporting a probability of prevailing on each claim. *See Coker*, 135 Nev. at 11; *Stubbs*, 129 Nev. at 150. Second, Plaintiff has not provided sufficient factual allegations that would support any of his claims against Defendant Hsiung, Wu, or LVCNN in his Verified Complaint. The Complaint is replete with conclusory assertions, but it fails to articulate facts that, if true, would satisfy the elements of any of the fourteen causes of action. His Complaint would thus be subject to dismissal even under an NRCP 12(b)(5) standard. Third, Plaintiff’s defamation claims against are particularly deficient because he is a public figure, and thus must establish actual malice by clear and convincing evidence. *See Wynn*, 555 P.3d at 278. Plaintiff has failed entirely to meet this burden. Defendant Hsiung submitted a sworn declaration, verified text message evidence, and a written admission by Plaintiff, all of which demonstrate that she either reasonably believed her statements to be true or lacked any awareness of falsity. Defendants Kent Wu and LVCNN provided sufficient evidence of a lack of actual malice that there is no conceivable evidence that Plaintiff could have provided to overcome it. Actual malice is largely a matter of the

1 defendant's state of mind, and Defendants Wu and LVCNN provided full evidentiary support for
2 the fact that they did a thorough investigation into the facts and harbored no doubt at all about the
3 veracity of the statements

4 Just as Defendants' un rebutted evidence shows good faith, it also forecloses any showing
5 of actual malice. *See New York Times Co. v. Sullivan*, 376 U.S. 254, 279–80 (1964); *St. Amant v.*
6 *Thompson*, 390 U.S. 727, 731 (1968). Even if minor factual disputes existed, they would not
7 change the gist or sting of Defendants' published allegations. *See Masson v. New Yorker Magazine,*
8 *Inc.*, 501 U.S. 496, 517 (1991). Accordingly, Plaintiff cannot meet the clear and convincing
9 evidence threshold required to show actual malice. *See Bose Corp. v. Consumers Union*, 466 U.S.
10 485, 511 (1984); *Wynn*, 555 P.3d at 278.

11 Accordingly, the Court ORDERS that Defendants' Anti-SLAPP Motions are granted in
12 their entirety.

13 The Court FURTHER ORDERS that all of Plaintiff's claims asserted in his Verified
14 Complaint are dismissed with prejudice. This operates as an adjudication on the merits as to all
15 claims against all Defendants pursuant to NRCp 41(b). While the Verified Complaint asserts
16 claims against "Jia Hua," Defendant Kent Wu explained in his declaration that "Jia Hua" is a pen
17 name he used when writing the article at issue. There are thus no remaining claims or defendants.

18 The Court FURTHER ORDERS that Defendants are entitled to an award of costs and
19 reasonable attorneys' fees under NRS 41.670. Defendants may file motions for costs, attorneys'
20 fees, and an additional award of up to \$10,000 per defendant under NRS 41.670(1)(b).

21 Dated this 21st day of May, 2025

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23 81A 40D 633D 3D49
24 Erika Ballou
25 District Court Judge
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