FAC

Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
Trey A. Rothell, NV Bar No. 15993
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiff
Lenard E. Schwartzer as Trustee for the Bankruptcy Estate of Charles Randall Lazer

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

LENARD E. SCHWARTZER, as Trustee for the Bankruptcy Estate of Charles Randall Lazer, Plaintiff, v. ADAM TRIPPIEDI, an individual; MICHAEL BOHN, an individual; LAW OFFICES OF MICHAEL F. BOHN, ESQ., LTD., a Nevada corporation; and TRIPPIEDI LAW, PLLC d/b/a TriLaw, a Nevada professional limited liability company; Defendants.	Case No. A-23-879142-C Dept. 25 **FIRST AMENDED COMPLAINT** JURY TRIAL DEMANDED ARBITRATION EXEMPT: AMOUNT IN CONTROVERSY IN EXCESS OF $50,000.00

Plaintiff Lenard E. Schwartzer, as Trustee for the Bankruptcy Estate of Charles Randall Lazer ("Plaintiff") brings this First Amended Complaint against Defendants Adam Trippiedi ("Trippiedi"), Michael Bohn ("Bohn"), Law Offices of Michael F. Bohn, Esq., Ltd. ("Bohn Law") (collectively, "Bohn Defendants"), and Trippiedi Law, PLLC d/b/a TriLaw ("TriLaw") (with the Bohn Defendants, "Defendants") and seeks compensatory damages against the Defendants.

INTRODUCTION

In 2017, Randy Lazer and Daphne Williams got into a dispute. Ms. Williams believed that Mr. Lazer had treated her in a disrespectful manner, in a racist manner, and in a sexist manner. Mr. Lazer believed that he had not done so at all. This difference of opinion was the focus of the dispute. Ms. Williams reported her opinions to the Nevada Real Estate Division.

Mr. Lazer filed a *pro se* complaint against Ms. Williams, and Ms. Williams sought Anti-SLAPP relief from the suit. Mr. Lazer, realizing that he was in over his head, sought out professional legal help, and he eventually retained Attorney Adam Trippiedi, while employed by the Law Offices of Michael F. Bohn.

At this point, Mr. Lazer should have been advised as to the fact that this case was dead on arrival. No reasonably competent attorney would have advised him to move forward—Ms. Williams's complaint was clearly protected by the absolute litigation privilege. But, these attorneys preferred to collect fees rather than advise him to take a quick exit from the case.

The case ground on, and while Lazer initially prevailed when an Anti-SLAPP motion was filed against him, this decision was in clear error. The case reached the Nevada Supreme Court, which entered an 8-0 decision ending the case and ordering that the Anti-SLAPP motion be granted. At that point, Lazer could have sought to drop the claim, despite its procedural posture. He was never advised that this was a possibility. On the advice of his attorneys, Mr. Lazer raised patently frivolous objections to the fee motions in that case, which just increased the amount of fees due under the Anti-SLAPP law. Finally, Mr. Lazer's lawyers refused to so much as advise him to try to compromise the liability. Meanwhile what Lazer was willing and able to pay was in excess of what Ms. Williams was willing and able to accept. The only thing that stood in the way of Lazer's inability to connect the dots was malpractice—level advice from his lawyers to avoid so much as discussing a resolution with Ms. Williams. Lazer, as a result of all of this malpractice, was then indebted to Ms. Williams for the amount of $168,231.30 and was forced to declare bankruptcy, believing that was his only option.

Mr. Lazer's attorneys broke it. They should buy it. Had they rendered competent advice, or advice that was in Lazer's interest, Mr. Lazer would have been able to resolve this matter. This suit seeks to maximize the bankruptcy estate by seeking for the parties who led Lazer to this financial ruin to take responsibility for doing so.

THE PARTIES

1. Plaintiff Lenard E. Schwartzer is the Trustee of the Bankruptcy Estate of Charles Randall Lazer, appointed by the U.S. Bankruptcy Court for the District of Nevada, Case No. 22-11549-mkn.

2. Non-party Charles Randall Lazer ("Lazer") is the debtor in the U.S. Bankruptcy Court for the District of Nevada, Case No. 22-11549-mkn.

3. Defendant Adam Trippiedi is a natural person who conducts business under the name "TriLaw" and resides in Clark County, Nevada.

4. Defendant Trippiedi Law, PLLC, is a Nevada Professional Limited Liability Company with a principal place of business of 2520 St. Rose Parkway, Suite 203F, Henderson, Clark County, Nevada 89074. TriLaw is a registered service mark of Trippiedi Law, PLLC, Nevada Mark No. 202200036782-23.

5. Defendant Michael Bohn is a natural person who resides in Clark County, Nevada.

6. Defendant Law Offices of Michael F. Bohn, Esq., Ltd., is a Nevada Corporation with a principal place of business at 2260 Corporate Circle, Ste. 480, Henderson, Clark County, Nevada 89074.

JURISDICTION AND VENUE

7. This Court has general personal jurisdiction over Defendant Trippiedi because he resides and conducts business in the State of Nevada.

8. This Court has general personal jurisdiction over Defendant Bohn because he resides and conducts business in the State of Nevada.

9. This Court has general personal jurisdiction over Defendant Bohn Law because it is organized and conducts business in the State of Nevada.

10. This Court has general personal jurisdiction over Defendant TriLaw because it is organized and conducts business in the State of Nevada.

11. The amount in controversy, represented by actual and consequential damages to Plaintiff, and possible punitive damages, exceeds $15,000.00. This Court thus has jurisdiction over this matter.

12. Venue is proper before this Court because the actions that form the basis of Plaintiff's claims took place in Clark County, Nevada, and all parties reside and conduct business in Clark County, Nevada.

STATEMENT OF RELEVANT FACTS

The Williams Matter

13. On June 21, 2019, Lazer filed a *pro se* complaint in the Eighth Judicial District Court for Clark County, Nevada against Williams, Case No. A-19-797156-C (the "Williams Lawsuit").

14. On August 9, 2019, Williams filed a Special Motion to Dismiss Under NRS 41.660 (the "Original Anti-SLAPP Motion") in the Williams Lawsuit seeking to dismiss all of Lazer's claims with prejudice and for an award of costs and attorneys' fees.

15. Subsequent to the filing of the *pro se* complaint, Lazer retained Defendants Trippiedi and Bohn, through Bohn Law, as his attorneys to represent him in the Williams Lawsuit.

16. On August 13, 2019, Defendants filed their appearances in the Williams Lawsuit.

17. Specifically, the Notice of Appearance of Counsel filed in the Williams Lawsuit entered the appearance of Bohn Law, with Trippiedi and Bohn identified as counsel twice thereon.

18. As the employer of Trippiedi, Bohn Law is responsible under the doctrine of *respondeat superior* for Trippiedi's errors and omissions committed in the course and scope of his employment with that entity.

19. As the employer of Trippiedi, TriLaw is responsible under the doctrine of *respondeat superior* for Trippiedi's errors and omissions committed in the course and scope of his employment with that entity.

20. As Trippiedi's supervising attorney, Bohn is responsible for the errors and omissions committed by Trippiedi under such supervision, as evidenced by Rule 5.1 of the Nevada Rules of Professional Conduct and common law.

21. Bohn Defendants, on behalf of Lazer, filed an opposition to Williams's Original Anti-SLAPP Motion on August 22, 2019, along with a countermotion to amend the complaint.

22. Defendant Trippiedi signed the opposition and countermotion for Bohn Law, and identified Bohn in the signature block as well.

23. After the court in the Williams Lawsuit granted the countermotion to amend the complaint, Bohn Defendants, on behalf of Lazer, amended Lazer's complaint, with the operative Amended Complaint being filed on October 8, 2019. Lazer's Amended Complaint brought five claims against Williams relating to her alleged defamation of Lazer. *See* Amended Complaint in Williams Lawsuit, attached as **Exhibit 1**.

24. Defendant Trippiedi signed the Amended Complaint for Bohn Law, and identified Bohn in the signature block as well.

25. Pursuant to NRCP 11(b):

> By presenting to the court a pleading, written motion, or other paper-whether by signing, filing, submitting, or later advocating it-an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:
>
> (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
>
> (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;
>
> (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
>
> (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

26. Although Bohn Defendants certified the Amended Complaint under Rule 11, the certification was in violation of that Rule.

27. The allegations in the Williams Lawsuit were based on a complaint made by Williams to the Nevada Real Estate Division ("NRED") relating to unprofessional comments made by Lazer to Williams.

28. The complaint made by Williams was speech on a matter of public concern protected under the First Amendment of the U.S. Constitution and entitled to absolute privilege.

29. On October 22, 2019, Williams filed her Anti-SLAPP Special Motion to Dismiss Under NRS 41.660 (the "Anti-SLAPP Motion") as to all of Lazer's claims. *See* Anti-SLAPP Motion, attached as **Exhibit 2**.

30. On November 14, 2019, Bohn Defendants, for Lazer, filed their opposition to the Anti-SLAPP Motion.

31. On December 18, 2019, the Court entered an order denying Ms. Williams's Anti-SLAPP Motion, and Ms. Williams filed her notice of appeal as to the Anti-SLAPP denial on December 26, 2019.

32. Following an unsuccessful mediation, the parties briefed the appeal, with Bohn Defendants appearing and arguing for Lazer, and on November 25, 2020, the Nevada Court of Appeals entered an Order affirming the Court's decision denying the Anti-SLAPP Motion.

33. Williams petitioned the Nevada Supreme Court to review the Court of Appeals decision on December 28, 2020, and review was granted on March 22, 2021.

34. On February 23, 2021, Bohn Law gave notice that it had changed its name to "Bohn & Trippiedi."

35. On February 23, 2021, Bohn himself filed a notice of appearance of Trippiedi, himself, and Bohn Law for Lazer.

36. On March 8, 2021, Bohn Defendants filed their answer to Ms. Williams's petition for review in the Nevada Supreme Court.

37. On or about May 10, 2021, Trippiedi organized and formed TriLaw.

38. On July 28, 2021, Trippiedi, through TriLaw, purported to substitute as counsel for Bohn Law in the Nevada Supreme Court and otherwise appeared through TriLaw.

39. The purported substitution of Trippiedi, through TriLaw, in place of Bohn, through Bohn Law, in the Nevada Supreme Court was ineffective because it violated NRAP 46(d)(2). *See* Nevada Electronic Filing and Conversion Rules, Rules 11(a)-(c).

40. Bohn and Bohn Law both remained as counsel of record before the District Court in the Williams Lawsuit.

41. On September 16, 2021, the Nevada Supreme Court issued an opinion unanimously reversing the Court of Appeals' decision and remanded the case to the District Court with instructions to grant the Anti-SLAPP Motion.

42. Following the reversal by the Nevada Supreme Court, counsel for Williams reached out to Lazer, through Trippiedi and TriLaw, on September 16, 2021, and offered to settle the outstanding fee issue in the interest of avoiding further fee liability for Mr. Lazer and preserve judicial resources. *See* letter from Marc J. Randazza dated September 16, 2021, attached as **Exhibit 3**. Lazer did not respond.

43. Trippiedi and TriLaw, for Lazer, petitioned the Nevada Supreme Court for rehearing of the matter on October 4, 2021, which was denied on October 20, 2021, and remittitur was issued on November 15, 2021. The District Court entered its Order granting Williams's Anti-SLAPP Motion on December 9, 2021.

44. Between September 16, 2021, and December 9, 2021, Williams's counsel transmitted numerous offers inviting settlement to Lazer's attorneys as to Lazer's fee liability.

45. Lazer told Trippiedi that he could come up with as much as $30,000, including through using funds from family, as an offer of settlement to Williams for her fee liability, but Trippiedi and TriLaw never conveyed that offer to Williams or her attorneys.

46. Trippiedi and TriLaw advised Lazer to refrain from making any offer of compromise at all.

47. On December 9, 2021, Williams filed a Notice of Entry of Order giving notice that the district court granted Williams's Anti-SLAPP Motion, dismissing all of Lazer's claims against Williams with prejudice under NRS 41.660. *See* Anti-SLAPP Order, attached as **Exhibit 4**.

48. Thereafter, on December 29, 2021, Williams filed a Motion for Costs and Attorneys' Fees in the Williams Lawsuit pursuant to NRS 41.670. Trippiedi and TriLaw filed an opposition on behalf of Lazer on January 13, 2022, necessitating a reply that Williams filed on January 24, 2022.

49. On February 18, 2022, Williams filed a Notice of Entry of Order giving notice that the district court granted Williams's Fee Motion, awarding Williams $781.30 in costs, $166,450.00 in attorneys' fees, $1,000.00 in damages, and post-judgment interest. *See* Fee Order, attached as **Exhibit 5**.

50. Although Trippiedi began practicing through TriLaw during the course of the Williams Lawsuit, at no time did Bohn or Bohn Law withdraw from their representation of Lazer in the District Court.

The Lazer Bankruptcy

51. On May 2, 2022, Lazer filed a petition under Chapter 7 of the U.S. Bankruptcy Code in the U.S. Bankruptcy Court for the District of Nevada, Case No. 22-11549.

52. On that same May 2, 2022, Lenard Schwartzer was appointed as Trustee of the Bankruptcy Estate of Charles Randall Lazer.

53. As set forth in his petition, Lazer's single largest creditor is Williams.

54. Six creditors filed claims in Lazer's bankruptcy, including Williams.

55. Under 11 U.S.C. § 541(a)(1), a bankruptcy trustee succeeds to claims held by the debtor as of the commencement of bankruptcy. Accord *Gajiu v. Ehrenberg (In re Goldshtadt)*, No. CC-18-1333-LSTa, 2019 Bankr. LEXIS 2792, at *11 (B.A.P. 9th Cir. Sep. 4, 2019) ("a bankruptcy trustee succeeds to a debtor's interests in estate property, including legal claims and defenses").

56. By order of the bankruptcy court on August 22, 2022, undersigned counsel was authorized to be employed by the Trustee to pursue the instant claims against Defendants.

CAUSES OF ACTION

COUNT I

(Professional Negligence)

57. Plaintiff hereby repeats and realleges the paragraphs numbered 1 through 52 of the Complaint as if set out in full herein.

58. At all relevant times herein, Trippiedi was an employee and/or agent of Bohn and Bohn Law.

59. At all relevant times herein, Trippiedi was held out as an agent of Bohn and Bohn Law.

60. At all relevant times herein, Trippiedi acted individually and on behalf of Bohn and Bohn Law.

61. Subsequent to the formation of TriLaw, Trippiedi was an employee and/or agent of TriLaw.

62. Subsequent to the formation of TriLaw, Trippiedi was held out as an agent of TriLaw.

63. At all relevant times herein, Bohn was an employee and/or agent of Bohn Law.

64. By August 13, 2019, if not sooner, Bohn Defendants provided legal counsel to Lazer with respect to the Williams Lawsuit.

65. An attorney-client relationship existed between Lazer and the Bohn Defendants from at least August 13, 2019, through February 18, 2022, with respect to the Williams Lawsuit.

66. An attorney-client relationship existed between Lazer and TriLaw from at least July 28, 2021, through February 18, 2022.

67. At all relevant times herein, Lazer sought advice and assistance from Defendants, with respect to the Williams Lawsuit.

68. Such advice and assistance pertained to matters within Trippiedi's and Bohn's professional competence.

69. Defendants provided advice and assistance within the scope of that relationship.

70. Defendants were paid by Lazer for such advice and assistance.

71. Lazer could have sought to withdraw (*i.e.*, voluntarily dismissed) the Williams Lawsuit without being obligated to pay all or some of Williams's fees prior to the December 9, 2021, order upon remand, after the anti-SLAPP motion was filed, upon appearance of counsel, upon the Nevada Supreme Court's acceptance of the appeal, and even after the Nevada Supreme Court ruling.

72. Mr. Lazer relied on Defendants' advice in deciding whether to continue on with his case or to withdraw his claims.

73. Had Defendants counseled Lazer to withdraw, or seek to withdraw, the Williams Lawsuit at any time during their representation, Lazer would have instructed Defendants to withdraw, or seek to withdraw, the Williams lawsuit.

74. Had Defendants counseled Lazer to withdraw the Williams Lawsuit pursuant to NRCP 41(a)(1)(A)(i) before Williams filed her Answer on January 1, 2020, he would have instructed Defendants to do so, and Lazer could have avoided all liability for attorneys' fees and costs.

75. Had Defendants counseled Lazer to seek Williams's stipulation to dismissal of the case pursuant to NRCP 41(a)(1)(A)(ii) at any time before the Court entered its Anti-SLAPP Order on December 9, 2021, he would have instructed Defendants to do so, and Williams would have stipulated to dismissal on more favorable terms than to which Lazer was ultimately subjected if Williams was given evidence of Lazer's insolvency.

76. Had Defendants counseled Lazer to seek to withdraw the Williams Lawsuit pursuant to NRCP 41(a)(2) after Williams filed her Answer on January 1, 2020, and before the Court entered its Anti-SLAPP Order on December 9, 2021, he would have instructed Defendants to do so, and the Court would have dismissed the Williams Lawsuit on more favorable terms than to which Lazer was ultimately subjected.

77. After the Court entered its Anti-SLAPP Order on December 9, 2021, Defendants failed to counsel Lazer to attempt to reach a more favorable settlement with Williams and instead discouraged Lazer from making any settlement offer whatsoever.

78. Had Defendants counseled Lazer to extend a settlement offer to Williams, Williams would have accepted a release of her attorneys' fees and costs claims against Lazer on more favorable terms than to which Lazer was ultimately subjected if Williams was given evidence of Lazer's insolvency.

79. Had Defendants counseled Lazer to withdraw, or seek to withdraw, the Williams Lawsuit at any time during their representation, Lazer would not have incurred some or all of legal fees from Defendants.

80. Had Defendants counseled Lazer to withdraw, or seek to withdraw, the Williams Lawsuit at any time during their representation, Lazer would not have faced some or all of the award of fees to Williams.

81. An attorney using reasonable care and skill would have withdrawn, or sought to withdraw, the Williams Lawsuit or counseled Lazer to withdraw, or seek to withdraw, the Williams Lawsuit.

82. Defendants failed to competently counsel Lazer to withdraw, or seek to withdraw, the Williams Lawsuit.

83. An attorney using reasonable care and skill would not have filed the Amended Complaint in the Williams Lawsuit.

84. An attorney using reasonable care and skill would not have filed the appellate briefing in the Williams Lawsuit.

85. An attorney using reasonable care and skill would not have filed the petition for rehearing in the Williams Lawsuit.

86. Defendants were presented with numerous opportunities to negotiate potential settlement for Lazer but failed to competently counsel him to do so.

87. Defendants failed to convey Lazer's settlement offer to Williams.

88. Defendants advised Lazer against conveying any offer of settlement to Williams, even after Lazer's fee liability was clear.

89. Had Defendants counseled Lazer to make a settlement offer to Williams, Lazer would have made a settlement offer to Williams of at least $10,000 or up to and possibly exceeding $30,000.

90. Lazer could have obtained settlement funds from family of at least $10,000 and with reasonable certainty could have obtained up to $30,000 to pay Williams.

91. Lazer would have used any funds given or lent to him by family to make a settlement offer to Williams.

92. Had Lazer made a settlement offer of $2,000 or more to Williams, Williams would have accepted the offer in light of Lazer's financial state.

93. However, because Defendants advised Mr. Lazer against making any settlement offer, Mr. Lazer was unable to reach a more favorable outcome in the form of a settlement.

94. Because Defendants advised Mr. Lazer against making any settlement offer, Mr. Lazer was deprived of even the opportunity to engage in talks to secure more favorable outcome in the form of a settlement, and he would without a doubt have reached a more favorable outcome had he so much as engaged in settlement discussions.

95. An attorney using reasonable care and skill would have competently counseled Lazer to settle the Williams Lawsuit or to at least attempt to do so.

96. Defendants had a duty to advise Lazer to attempt to negotiate a settlement with Williams, particularly in light of Lazer's financial condition, and Defendants failed to do so.

97. An attorney using reasonable care and skill would have competently counseled Lazer to at least engage in settlement discussions.

98. An attorney using reasonable care and skill would have competently conveyed Lazer's settlement offer to Williams.

99. Trippiedi and TriLaw were negligent in their representation in advising Lazer to refrain from any settlement discussions at all.

100. Williams' counsel did everything they could to try and bring Lazer to the table, but Trippiedi and TriLaw negligently or recklessly advised Lazer to simply avoid the possibility of a less impactful end to the case.

101. Had Defendants counseled Mr. Lazer to make a settlement offer to Ms. Williams, Mr. Lazer would have made a settlement offer to Ms. Williams and Ms. Williams would have accepted it, as both parties were prepared to compromise their positions to an extent that settlement would have occurred.

102. Such settlement would have represented a more favorable outcome than that which Mr. Lazer obtained as a result of Defendants' negligent advice.

103. Defendants failed to competently counsel Lazer as to the implications of losing the Anti-SLAPP Motion, including facing a large fee award, invasive post-judgment discovery into his finances, and the shame and humiliation of being driven to bankruptcy.

104. As a result of Lazer's having to file for bankruptcy, Lazer has suffered adverse consequences including damage to his credit, embarrassment, mental anguish, and harm to her personal and professional reputation.

105. As a result of Defendants' failures, Lazer incurred additional attorneys' fees.

106. As a result of Defendants' failures, Lazer wasted time and suffered mental anguish associated with litigating a defective case.

107. Defendants failed to competently counsel Lazer as to the said Williams Lawsuit.

108. Such failures to use reasonable care and skill constitute professional negligence by Defendants.

109. At all relevant times herein, Defendants knew or should have known that their failures would cause significant financial harm to Lazer and otherwise cause him damage.

110. As a proximate result of Defendants' professional negligence, Lazer incurred significant legal fees and faced a significant award of fees to Williams, as well as injury to reputation and emotional distress.

111. Lazer has a right of action against Defendants for said professional negligence.

112. Lazer had that right of action at the time he filed for bankruptcy.

113. Plaintiff succeeds to Lazer's right of action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendants in an amount that will fairly and adequately compensate Plaintiff for financial loss with interest and costs, and such other relief as this Honorable Court may deem appropriate.

JURY DEMAND

Pursuant to NRCP 38, Plaintiff requests a jury trial on all issues so triable.

Dated: February 8, 2024.

Respectfully submitted,

/s/ Marc J. Randazza

Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
Trey A. Rothell, NV Bar No. 15993
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118

Attorneys for Plaintiff
Lenard E. Schwartzer as Trustee for the
Bankruptcy Estate of Charles Randall Lazer

Case No. A-23-879142-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on February 8, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Marc J. Randazza
MARC J. RANDAZZA

EXHIBIT 1

Amended Complaint in Williams Lawsuit

FAC

MICHAEL F. BOHN, ESQ.
Nevada Bar No.: 1641
mbohn@bohnlawfirm.com
ADAM R. TRIPPIEDI, ESQ.
Nevada Bar No. 12294
atrippiedi@bohnlawfirm.com
LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LTD.
2260 Corporate Cir, Suite 480
Henderson, Nevada 89074
(702) 642-3113/ (702) 642-9766 FAX
Attorney for plaintiff Charles "Randy" Lazer

DISTRICT COURT

CLARK COUNTY, NEVADA

CHARLES "RANDY" LAZER, Plaintiff, vs. DAPHNE WILLIAMS, Defendant.	CASE NO.: A-19-797156-C DEPT NO.: XV **PLAINTIFF CHARLES "RANDY" LAZER'S FIRST AMENDED COMPLAINT**

Plaintiff Charles "Randy" Lazer, by and through its attorney, the Law Offices of Michael F. Bohn, Esq., Ltd., hereby alleges as follows:

1. Plaintiff is a licensed Nevada real estate agent and has been so licensed since 1991.

2. In the spring of 2017, plaintiff was representing Rosane Krupp, the seller of the real property commonly known as 1404 Kilimanjaro Ln #202, Las Vegas, Nevada 89128 (hereinafter "**the property**"), which is a condominium unit.

3. On May 20, 2017, defendant Daphne Williams, at the time a tenant renting the property, entered into a contract to purchase the property from the seller.

4 Defendant did not employ a real estate agent to represent her in the purchase.

5. The original close of escrow date for the sale of the property to defendant was June 30, 2017.

6. On June 23, 2017, plaintiff learned defendant's lender had, just that day, obtained the condominium certification package, also known as a condominium questionnaire, which is a requirement

to obtain financing for a condominium purchase.

7. Defendant's lender informed plaintiff that the reason for the delay in obtaining the condominium questionnaire was because defendant neglected to pay for the questionnaire in a timely manner.

8. As part of the sale of a condominium, a lender requires certain information, which is obtained by way of a condominium certification package, also known as a condo questionnaire.

9. The condo questionnaire is a document filled out by a representative of the condo's homeowner association and provies information such as what percentage of the units in the association are owner-occupied versus renter-occupied; whether the condo association is currently involved in litigation; what percentage of the units are delinquent in their HOA dues; and the financial health of the HOA, such as whether it is meeting its reserve requirements.

10. If the figures provided in the condo questionnaire do not meet certain requirements, the lender may refuse to provide financing for a condo purchase.

11. Because defendant was financing the purchase of the property, defendant and/or her lender needed to obtain the condo questionnaire in order to obtain approval for a loan.

12. Defendant's lender, Bryan Jolly at Alterra Home Loans, received the fully executed contract on May 23, 2017, more than a month prior to the June 30, 2017, close of escrow date.

13. However, Mr. Jolly did not receive the condo questionnaire until June 23, 2017.

14. Mr. Jolly disclosed to plaintiff that the reason for the delay in obtaining the condo questionnaire was because defendant neglected to pay for the questionnaire in a timely manner.

15. Defendant's delay in obtaining the condo questionnaire ultimately delayed the close of the deal for 24 days.

16. During the negotiation of defendant's purchase, plaintiff and the seller granted defendant three extensions of the close of escrow in order for defendant's lender to review the condo questionnaire and perform its analysis to determine whether it would finance defendant's purchase.

17. Plaintiff first became aware of the delay in obtaining the condo questionnaire as a result of Mr. Jolly's June 23, 2017, email.

18. Following this email, plaintiff spoke with defendant to inform her that it would be necessary to extend escrow due to her and/or her lender's failure to obtain the condo questionnaire until June 23, 2017.

19. After the June 23, 2017, phone call between plaintiff and defendant, defendant became agitated and defensive, which started the chain of events that eventually led to her accusing plaintiff of racism and sexism in her Nevada Real Estate Division ("**NRED**") "Statement of Fact" and, in turn, this lawsuit.

20. On June 27, 2017, defendant sent a text message to plaintiff as follows:

> Randy if this racist, sexiest [sic - sexist] and unprofessional behavior of yours continues, and Rosane [the seller] and I aren't able to close this deal, you will leave me with no other remedy than to file a complaint with the Nevada Board of Realtors and HUD against you and your broker for your unethical and unprofessional behavior as noted in the emails and text messages you have sent during this process.

21. Defendant's very serious allegations that plaintiff is racist, sexist, unprofessional, and unethical are based on plaintiff's alleged statement that he thinks the defendant will be successful in the future and that plaintiff would like to represent defendant in any future real estate transactions.

22. Due to defendant's delay in paying for the condo questionnaire, the close of escrow had to be extended from June 30, 2017, to July 17, 2017; then July 20, 2017; and finally, July 24, 2017.

23. Following the close of escrow, defendant submitted a "Statement of Facts" to NRED alleging plaintiff was racist, sexist, unprofessional, and unethical, and which contained a number of false statements of fact.

24. First, defendant stated on multiple occasions in her Statement of Facts that plaintiff engaged in unethical, unprofessional, sexist, and racist behavior, largely based on the fact that he complimented her on her purchase of the condo and that as she progressed with her career and became more successful, I would be happy to represent her in future real estate purchases should her brother retire from real estate. No reasonable person could believe, in good faith, that the statement defendant attributes to plaintiff could possibly re racist, sexist, unprofessional, or unethical.

25. Second, defendant claimed in her Statement of Facts that plaintiff shared "confidential info" with defendant regarding the seller, which [defendant] understood realtors aren't supposed to do. In

reality, plaintiff did not share any confidential information with defendant. Defendant lied in her Statement of Facts by stating plaintiff told her he met the seller on a dating website, when in reality, the seller told that piece of information to defendant. Regardless, defendant does not state how this is confidential information that would be relevant to NRED. More importantly, defendant claims plaintiff told defendant the amount of plaintiff's commission, which is confidential, but in reality, the seller authorized plaintiff to release the amount of the commission to defendant in order to move the sale along at the optimal price for seller. Accordingly, this information was not "confidential," and if defendant had simply spoken to plaintiff or the seller about this issue, she would have known plaintiff was authorized to release the commission amount.

26. Third, defendant claims plaintiff acted unethically because defendant attempted to communicate with the appraiser. However, there is nothing unethical about a real estate agent communicating with an appraiser. To the contrary, ethics require that when representing a seller, an agent should communicate with the appraiser and provide information regarding comparable sales and upgrades to the appraiser.

27. Fourth, defendant states plaintiff "lied on several occasions." To support this claim, defendant states plaintiff lied about defendant not allowing plaintiff to remove all of her personal property from the condo. However, plaintiff's statement is true. As stated in the seller's declaration, defendant did in fact refuse to allow the seller to remove all of her personal property, and to this day, some of the seller's personal property remains at the condo. Defendant also refused to sign an addendum providing the seller access to remove her personal property from the condo.

28. Fifth, defendant claims plaintiff never provided her a "signed copy of the contract," which is completely false. On May 18, 2017, plaintiff emailed defendant and attached the Residential Purchase Agreement signed by the seller.

29. Sixth, defendant states plaintiff "falsely" accused her of failing to meet the due diligence timeframes in the contract. Defendant blames plaintiff's alleged failure to provide her with the signed contract for her inability to meet her obligation to pay for the condo questionnaire, but as noted above, plaintiff had provided the signed contract to defendant more than a month prior to the close of escrow.

Accordingly, defendant's statement that plaintiff "falsely" accused her of failing to meet all requirements to close escrow is false. Defendant also claims that plaintiff never provided her with "a receipt for defendant's earnest money," but a real estate agent does not provide receipts for earnest money unless the earnest money is deposited into a broker's trust account. When earnest money is deposited with the title and/or escrow company, a was the case here, title and/or escrow be the entity to provide such a receipt. Plaintiff did provide escrow company contact information to Bryan Jolly, defendant's lender, so defendant's lender did have notice of who the escrow company was and could have obtained an earnest money receipt from escrow. Thus, while defendant's statement that plaintiff did not provide an earnest money receipt is technically true, it is also very misleading.

30. Seventh, defendant makes false allegations that the seller told defendant that plaintiff was "trying to sabotage this deal" and that plaintiff had "an ulterior motive." However, as proven by the declaration of the seller also attached to the opposition, the seller never told defendant that plaintiff was trying to sabotage the deal or that plaintiff had an ulterior motive, so this is another false, defamatory statement. In fact, plaintiff expended great effort to keep this deal alive, including securing three extensions of the close of escrow, so clearly plaintiff had no intention of sabotaging the deal.

31. As a result of defendant's NRED complaint, plaintiff was then forced to defend himself against for approximately eight months, including spending more than 50 hours responding to the complaint and NRED's investigation.

32. Ultimately, NRED chose to dismiss the complaint and plaintiff was cleared of any wrongdoing.

33. However, the damage had been done due to defendant's defamatory Statement of Facts which in and of itself caused harm to plaintiff, and also caused other damage by forcing plaintiff to spend so much time defending himself.

FIRST CLAIM FOR RELIEF

34. Plaintiff repeats, realleges, and incorporates the allegations contained in paragraphs 1 through 33 as though fully set forth herein.

35. Defendant made false and defamatory statements about plaintiff in her NRED Statement of

Facts, as outlined in detail above.

36. Defendant published the NRED Statement of Facts to NRED and NRED's employees and investigators, which was an unprivileged publication.

37. Defendant either purposely or negligently published the Statement of Facts to NRED with knowledge that many of her statements were false.

38. As a direct and proximate result of defendant's defamatory NRED Statement of Facts, plaintiff has suffered damages in an amount in excess of $15,000.00.

39. Plaintiff has had to retain an attorney and incur attorney's fees and costs in order to bring this claim, and plaintiff is entitled to recover the same.

SECOND CLAIM FOR RELIEF

40. Plaintiff repeats, realleges, and incorporates the allegations contained in paragraphs 1 through 39 as though fully set forth herein.

41. Defendant's defamatory statements in her NRED Statement of Facts impute plaintiff's lack of fitness for his chosen profession, real estate agents.

42. Defendant's defamatory statements do so by claiming plaintiff acted unethically and unprofessionally; by claiming plaintiff was racist and sexist; by claiming plaintiff lied about his actions in selling the subject property; by claiming plaintiff failed to act properly in completing the sale of the subject property; by wrongly claiming plaintiff violated the seller's confidentiality by releasing the seller's confidential information to a third-party; by falsely claiming plaintiff failed to provide defendant with a copy of the purchase agreement signed by the seller; and by attributing to the seller statements impugning plaintiff's behavior during the deal - statements which the seller never made.

43. Because defendant committed defamation imputing plaintif's lack of fitness for his profession, plaintiff's damages are presumed and plaintiff does not need to provide proof of such damages.

44. As a direct and proximate result of defendant's defamatory NRED Statement of Facts, plaintiff has suffered damages in an amount in excess of $15,000.00.

45. Plaintiff has had to retain an attorney and incur attorney's fees and costs in order to bring this

claim, and plaintiff is entitled to recover the same.

THIRD CLAIM FOR RELIEF

46. Plaintiff repeats, realleges, and incorporates the allegations contained in paragraphs 1 through 45 as though fully set forth herein.

47. Defendant's defamatory statements to NRED served to disparage plaintiff's business by falsely impugning his actions during the sale of the subject property.

48. As a direct and proximate result of defendant's defamatory NRED Statement of Facts, plaintiff has suffered damages in an amount in excess of $15,000.00.

49. Plaintiff has had to retain an attorney and incur attorney's fees and costs in order to bring this claim, and plaintiff is entitled to recover the same.

FOURTH CLAIM FOR RELIEF

50. Plaintiff repeats, realleges, and incorporates the allegations contained in paragraphs 1 through 45 as though fully set forth herein.

51. By submitting her false NRED Statement of Facts, defendant acted with extreme and outrageous conduct with either the intention of, or reckless disregard for, causing emotional distress, because defendant had actual notice, as described herein, that her Statement of Facts contained numerous false, disparaging statements about plaintiff.

52. Plaintiff suffered severe emotional distress as a result of defendant submitting her Statement of Facts to NRED, and the ensuing investigation which consumed over 50 hours of plaintiff's time to defend against.

53. Because of defendant's false Statement of Facts, plaintiff suffered from loss of sleep, stress over the possible loss of his entire livelihood, and stress over the damage to his reputation with NRED, the governing body of Nevada real estate agents.

54. Additionally, plaintiff developed pneumonia, fever, inflammation, and a serious cough due to the stress he suffered after he learned defendant had reported him to NRED.

55. Defendant's conduct in submitting the NRED Statement of Fact was the actual or proximate cause of plaintiff's distress discussed herein.

56. As a direct and proximate result of defendant's defamatory NRED Statement of Facts, plaintiff has suffered damages in an amount in excess of $15,000.00.

57. Plaintiff has had to retain an attorney and incur attorney's fees and costs in order to bring this claim, and plaintiff is entitled to recover the same.

FIFTH CLAIM FOR RELIEF

58. Plaintiff repeats, realleges, and incorporates the allegations contained in paragraphs 1 through 57 as though fully set forth herein.

59. At a minimum, defendant acted negligently when she submitted a false Statement of Fact to NRED.

60. Defendant's submission of the false Statement of Fact resulted in plaintiff developing pneumonia, fever, inflammation, and a serious cough due to the stress he suffered.

61. As a direct and proximate result of defendant's defamatory NRED Statement of Facts, plaintiff has suffered damages in an amount in excess of $15,000.00.

62. Plaintiff has had to retain an attorney and incur attorney's fees and costs in order to bring this claim, and plaintiff is entitled to recover the same.

WHEREFORE, plaintiff prays for relief as follows:

1. For judgment against defendant in an amount in excess of $15,000.00;
2. Punitive damages in an amount to be proven at trial;
3. Attorney's fees and costs; and
4. Such further relief as the Court finds just and proper.

DATED this 8th day of October, 2019

LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LTD.

By: */s/ Adam R. Trippiedi, Esq.*
Michael F. Bohn, Esq.
Adam R. Trippiedi, Esq.
2260 Corporate Cir, Suite 480
Henderson, Nevada 89074
Attorney for plaintiff

CERTIFICATE OF SERVICE

Pursuant to NRCP 5, NEFCR 9 and EDCR 8.05, I hereby certify that I am an employee of Law Offices of Michael F. Bohn., Esq., and on the 8th day of October, 2019, an electronic copy of the PLAINTIFF CHARLES "RANDY" LAZER'S FIRST AMENDED COMPLAINT was served on opposing counsel via the Court's electronic service system to the following counsel of record:

Marc J. Randazza, Esq.
Alex J. Shepard, Esq.
RANDAZZA LEGAL GROUP, PLLC
2764 Lake Sahara Dr, Suite 109
Las Vegas, Nevada 89117
Attorney for defendant

/s/ /Marc Sameroff/
An Employee of the LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LTD.

EXHIBIT 2

Anti-SLAPP Motion

[Internal Exhibits Omitted]

ELECTRONICALLY SERVED
10/22/2019 10:49 PM

Electronically Filed
10/22/2019 10:28 PM
Steven D. Grierson
CLERK OF THE COURT

MDSM
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 Defendant
Daphne Williams

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

CHARLES "RANDY" LAZER, Plaintiff, vs. **DAPHNE WILLIAMS,** Defendants.	Case No. A-19-797156-C Dept. XV HEARING REQUESTED **DEFENDANT DAPHNE WILLIAMS'S ANTI-SLAPP SPECIAL MOTION TO DISMISS FIRST AMENDED COMPLAINT UNDER NRS 41.660**

Defendant Daphne Williams hereby files her Anti-SLAPP Special Motion to Dismiss Plaintiff Charles "Randy" Lazer's First Amended Complaint Under NRS 41.660.

This Motion is based upon the attached memorandum of points and authorities and attached exhibits, the papers and pleadings on file in this action, and any oral argument permitted by this Court.

Case Number: A-19-797156-C

MEMORANDUM OF POINTS AND AUTHORITIES

1.0 INTRODUCTION

In a classic SLAPP suit, the plaintiff sues the defendant for exercising her First Amendment right to petition the government. Plaintiff filed an ill-considered pro se complaint. After hiring professional and competent counsel, Plaintiff now attempts to create an issue of fact by combing through Ms. Williams' complaint to the NRED, desperately searching for minor, immaterial, factual nits to pick. While they have found grains of dispute, not one of them is material. In the interest of leaving absolutely nothing to question, however, Ms. Williams will reluctantly and wastefully address these immaterial nits. But, the Court should not lose track of the fact that this kind of cherry picking of minor immaterial facts is not the kind of thing that sustains a defamation claim.

Ms. Williams filed a complaint with the Nevada Department of Business and Industry, Real Estate Division (the "NRED") about Plaintiff's conduct during a real estate transaction. Ms. Williams subjectively considered Mr. Lazer's interactions with her and her loan officer to be racist, sexist, unprofessional, and unethical. She disclosed the basis for these *opinions* to the NRED in August 2017, approximately one month after the sale of the property with which Plaintiff was involved. While the NRED ultimately chose not to take action against Plaintiff after he appealed its initial finding of statutory and ethics violations, Ms. Williams was entitled to her opinion of his conduct and her filing a complaint was privileged.

Ms. Williams made no knowingly false statements to the NRED; in fact, Plaintiff either admits to the truth of, or does not dispute, most statements in Ms. Williams's complaint. Even if some statements were false, her filing of the complaint enjoyed an absolute privilege.

Plaintiff cannot prevail on any of his claims, and so the Court should dismiss these claims with prejudice and award Ms. Williams her attorneys' fees and costs incurred in defending herself from these claims.

2.0 STATEMENT OF FACTS

For the sake of simplicity, the statement of facts in this case is attached to this Motion as a separate document. Ms. Williams recognizes this is not typical in this Court, but counsel for Ms. Williams believes that, given the breadth of factual discussion necessary to show Ms. Williams made her statements in good faith, it will be simpler for the Court and the parties to process this information if it is contained in a separate document. The separate Statement of Facts will be cited as "SF at [page or section number]," and the Statement of Facts contains the numbering and explanation of all exhibits.

3.0 LEGAL STANDARDS

Evaluating an Anti-SLAPP motion is a two-step process. First, the defendant must show, by a preponderance of the evidence, that the plaintiff's claim is "based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern." NRS 41.660(3)(a).

Second, once the defendant meets his minimal burden on the first prong, the plaintiff must make a *prima facie* evidentiary showing that he has a probability of prevailing on his claims. *See* NRS 41.660(3)(b); *see also John*, 125 Nev. at 754.

Nevada courts look to case law applying California's Anti-SLAPP statute, Cal. Code Civ. Proc. § 425.16, which shares many similarities with Nevada's law. *See John*, 125 Nev. at 756 (stating that "we consider California case law because California's anti-SLAPP statute is similar in purpose and language to Nevada's anti-SLAPP statute"); *see also Shapiro v. Welt*, 389 P.3d 262, 268 (Nev. 2017) (same); *Sassone*, 432 P.3d at 749 n.3 (finding that "California's and Nevada's statutes

share a near-identical structure for anti-SLAPP review … Given the similarity in structure, language, and the legislative mandate to adopt California's standard for the requisite burden of proof, reliance on California case law is warranted"); *and see* NRS 41.665(2) (defining the plaintiff's *prima facie* evidentiary burden in terms of California law).

4.0 ARGUMENT

4.1 Ms. Williams Satisfies the First Prong of the Anti-SLAPP Analysis

The Anti-SLAPP statute protects

> 1. Communication[s] that [are] aimed at procuring any governmental or electoral action, result or outcome;
>
> 2. Communication[s] of information or a complaint to a Legislator, officer or employee of the Federal Government, this state or a political subdivision of this state, regarding a matter reasonably of concern to the respective governmental entity;
>
> 3. Written or oral statement[s] made in direct connection with an issue under consideration by a legislative, executive or judicial body, or any other official proceeding authorized by law; or
>
> 4. Communication[s] made in direct connection with an issue of public interest in a place open to the public or in a public forum,
>
> Which [are] truthful or [are] made without knowledge of its falsehood.

NRS 41.637(2)-(3). The merits of a plaintiff's claims, and the legality of the defendant's actions, are not relevant to the first prong analysis. If relevant at all, they should only be considered during the second prong analysis. *See Coretronic v. Cozen O'Connor*, 192 Cal. App. 4th 1381, 1388 (2d Dist. 2011); *see also Taus v. Loftus*, 40 Cal. 4th 683, 706-07, 713, 727-299 (2007). **The moving party must make only a *threshold* showing as to the first prong of the analysis, while questions going to the merits of the plaintiff's claims are reserved for the second prong**. *See John*

v. Douglas County Sch. Dist., 125 Nev. 746, 750 (2009); *see also City of Costa Mesa v. D'Alessio Investments, LLC*, 214 Cal. App. 4th 358, 371 (4th Dist. 2013) (stating that "[t]he merits of [the plaintiff's] claims should play no part in the first step of the anti-SLAPP analysis").[1]

4.1.1 Plaintiff's Claims are Based Upon Protected Conduct

Plaintiff's claims are based upon Ms. Williams's August 2017 NRED Complaint. There is no question that these statements fall under NRS 41.637(1)-(3). First, the Complaint was aimed at procuring governmental action, namely the NRED taking action against Plaintiff for conduct which Ms. Williams believed was racist, sexist, unprofessional, and unethical in the form of imposing discipline and/or fines. NRS 41.637(1) is thus satisfied.

Second, the NRED Complaint was a communication of information to the NRED, which is tasked with regulating the behavior of licensed real estate agents in the State of Nevada, regarding the improper conduct of a licensed real estate agent. In fact, the NRED had jurisdiction to initially impose discipline on Plaintiff. (*See* **Exhibits 13-14**.) NRS 41.637(2) is thus satisfied.

Third, the NRED Complaint was a statement made in direct connection with an issue consideration by an executive body, or any other official proceeding. The complaint initiated the NRED's investigation of Plaintiff, an official proceeding of an executive body. The NRED is an executive body, and the Real Estate Commission of the NRED, the body responsible for conducting disciplinary proceedings, is appointed by the Nevada Governor, the chief executive of the State. (*See* "real Estate Commission" page of NRED web site, attached as **Exhibit**

[1] This is of the utmost importance to focus on – since Plaintiff seems to wish to conflate the two – apparently arguing that "good faith" requires that the claims be evaluated in their entirety in the first prong. This is unsupported by a single reported case or any reasonable interpretation of the statute.

15.)[2] "The Nevada State Legislature . . . created the Department of Business and Industry . . . as a State Department included under the State Executive Branch." *White v. Conlon*, 2006 U.S. Dist. LEXIS 43182, *9 (D. Nev. June 6, 2006). The NRED Complaint initiated the NRED's investigation of Plaintiff, an official proceeding of an executive body, thus satisfying NRS 41.637(3). NRS 41.637(3) is thus satisfied.

4.1.2 Ms. Williams Made Her Statements in Good Faith

Plaintiff has argued that "good faith" under the statute somehow means that the Court should look at whether the defendant had ill will in her heart. That is so unsupportable that it should draw sanctions if it is made again. Plaintiff previously also attempted to argue that good faith requires the Court to evaluate the claims, and if the claims have merit, then the statements could not have been made in "good faith." That is wrong too. Good faith is a very simple term, defined clearly by the statute. The statement is made in "good faith" if it is "truthful or … made without knowledge of its falsehood." NRS 41.637. That is the entire analysis.

Therefore, when looking at the first prong, falsity is statutorily irrelevant – so let us not be bamboozled by Plaintiff's attempts to throw mud all over the pages, desperately praying that some of it will stain the analysis. This standard is properly described as even higher than the actual malice standard under *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964). That standard requires knowing falsity or reckless disregard for the truth. Under the first prong of the Anti-SLAPP law, even a recklessly false statement is insufficient to defeat a prong one showing. Furthermore, by the Anti-SLAPP statute's plan language, the "good faith" analysis is completely unrelated to a defendant's motivations in making a statement.

Plaintiff's FAC takes a different approach from his initial Complaint. He now appears to premise liability primarily on a number of factual nits in the NRED

[2] Available at: http://red.nv.gov/content/real_estate/commission/ (last accessed Sept. 4, 2019).

Complaint. (*See* FAC at ¶¶ 24-30.) It is still obvious, however, that his dispute is entirely with Ms. Williams's opinion that he is "racist," "sexist," "unprofessional," and "unethical." His Initial Complaint discussed these statements at length, and his response to the NRED made it clear that he was concerned with these statements of *opinion*. (*See, generally*, Initial Complaint and **Exhibit 5**.) Plaintiff should not now be rewarded for trying to mislead the Court by claiming he is actually concerned only with the factual nits in Ms. Williams's NRED Complaint, and the Court should consider her statements of opinion in deciding whether her complaint was made in good faith – as if the statute did not define that term.

Plaintiff's core assertion is that Ms. Williams's statements that Plaintiff engaged in racist, sexist, unprofessional, and unethical behavior are actionable. But these are statements of opinion, not fact. To be false, a statement must include an assertion of fact that can be proven true or false. As explained in Section 4.2.2, *infra*, the statements Plaintiff claims are defamatory are not factual statements. It is thus impossible for her to have made them with knowledge of their falsity. However, for the sake of completeness, Ms. Williams can even show that these nits are not worth considering.

4.1.2.1 Plaintiff's May 13, 2017 Statements

Plaintiff does not contest that he said to Ms. Williams on May 13, 2017 "Daphne, I think you are going to be successful. When you become successful and you want to buy a bigger house and if your brother is retired by then, I'd be glad to be your realtor." (Williams Decl. at ¶ 5; FAC at ¶ 24.) Ms. Williams subjectively felt that this statement was sexist because Plaintiff did not know Ms. Williams, and yet he apparently assumed that she was not successful and needed to rely on her brother. (*See* Williams Decl. at ¶ 6.) Plaintiff does not allege any part of this statement is false, but rather that "[n]o reasonable person could believe, in good faith, that" the above statement "could possibly re [sic] sexist,

unprofessional, or unethical." (FAC at ¶ 24.) The implication that Ms. Williams was not already "successful" is certainly insulting, as is the implication that she mooches off her brother. It is not beyond the pale to believe that Ms. Williams could at least subjectively extrapolate that it was a bias-driven statement.

Ms. Williams's conclusion regarding the nature of Plaintiff's statement is an opinion. She disclosed the facts on which she based her opinion to the NRED. The statement is thus incapable of being a statement of fact, and Ms. Williams could not have made it with knowledge of falsity. Even if this were a statement that could potentially have been made in bad faith, Plaintiff does not allege this. Ms. Williams made this statement in good faith, as the law defines that term.

4.1.2.2 Plaintiff Shared Information Ms. Williams Thought Was Confidential

Plaintiff denies only that he told Ms. Williams that he and the Seller met on an online dating web site. He admits that he told Ms. Williams the commission he was set to earn on the sale of the condo, and he is silent on Ms. Williams's claim that he told her further information on how he and the Seller met. As explained in SF Section 2.0, Plaintiff admitted to the NRED in 2017 that he told Ms. Williams personal information about the Seller and the nature of their alleged "friendship," but claimed he was authorized to do so. Ms. Williams was not aware of any authorization either to tell her about the Seller's personal life or Plaintiff's commission, and Plaintiff does not allege Ms. Williams was aware of such authorization.[3] (*See* Williams Decl. at ¶ 9.)

Ms. Williams was thus, in August 2017, in a position where she believed Plaintiff told her information about the Seller's personal life and his commission

[3] Plaintiff claims that Ms. Williams would have known about this alleged authorization if she asked the Seller about it. (*See* FAC at ¶ 25.) But that is not an allegation of knowing falsity, and Ms. Williams was not required to perform a reasonable investigation to have made her statements in good faith.

without authorization from the Seller. (*See id*.) Ms. Williams believed that sharing this information without authorization from the Seller was unethical. (*See id*.) It does not matter whether someone else allegedly already told Ms. Williams this information; Ms. Williams did not tell Plaintiff she was already aware of it, and she had no reason to believe Plaintiff was aware she already knew it. (*See id*.) Whether Plaintiff actually did commit a legally recognizable ethical violation is irrelevant. The only thing that matters is whether Ms. Williams subjectively believed he was acting unethically, from her layperson's perspective, based on this information, which she affirmatively did. (*See id*.) She made these statements in good faith as the statute defines that term.

4.1.2.3 Plaintiff's Contact with the Appraiser

Plaintiff admits that he has a practice of communicating with appraisers prior to their appraisal of real estate where he is acting as a realtor. (*See* FAC at ¶ 26.) He claims there is nothing unethical about this practice, but he does not allege that Ms. Williams knew this practice was permissible. On the contrary, Ms. Williams spoke with an NRED employee prior to filing the NRED Complaint, and the employee told her realtors are not supposed to do this. (*See* Williams Decl. at ¶ 12.) Ms. Williams thus subjectively believed that Plaintiff's practice was unethical – bolstered by an NRED employee's opinion. (*See id*.) She made this statement in good faith as defined by the statute.

4.1.2.4 Ms. Williams Allowed Removal of Property from the Condo

Ms. Williams stated in the NRED Complaint that Plaintiff falsely claimed she "didn't let the seller's 'movers' get into the house to access her [the Seller's] property." As explained in SF Section 4.0, Plaintiff's claim to this extent is a false statement of fact. Ms. Williams allowed people with the Seller's authorization into

the condo to remove the Seller's property. Plaintiff admitted this in his response to the NRED and his Initial Complaint. (*See* **Exhibit 5** at 11, 17, 22-23.)

Ms. Williams did not agree to the Seller's proposed contractual addendum on this issue, which would have required her to give strangers ill-defined "reasonable access" to her residence; this was not acceptable to her. (*See* Williams Decl. at ¶¶ 14-15.) The only remaining items in the condo are wall-mounted shelves and a television bracket, which Ms. Williams believes are fixtures that, per the terms of the RPA, were sold along with the condo. (*See* Williams Decl. at ¶ 16; **Exhibit 2** at p. 2 of 10, ¶ 4; **Exhibit 5** at 11, 17, 22-23.)

Plaintiff's assertion that Ms. Williams did not allow the Seller's "movers," into the condo to remove the Seller's property was thus factually false, meaning Ms. Williams's statement in the NRED Complaint is true. Even if there is some possible ambiguity in the meaning of the words in the NRED Complaint, she made this statement without knowing it to be false. She thus made this statement in good faith as defined by the statute.

4.1.2.5 Plaintiff Did Not Send Ms. Williams a Fully Executed Copy of the RPA

Plaintiff claims Ms. Williams lied when she told the NRED that he did not provide her a signed copy of the RPA because he sent her a version with the Seller's signature on May 18, 2017. (*See* FAC at ¶ 28.)[4] However, Ms. Williams's statement is provably true. The version he sent was not the final version, as Ms. Williams made revisions to the terms of the RPA during a May 20, 2017 meeting at a Whole Foods. (*See* SF at § 5.0.) As the Seller needed to approve these

[4] Elsewhere, Plaintiff mentions that he sent Mr. Jolly a fully executed copy of the RPA. (*See* FAC at ¶ 12.) This is irrelevant because Ms. Williams's claim to the NRED is that Plaintiff did not send *her* a fully executed copy. Furthermore, Plaintiff did not tell Mr. Jolly to forward this copy to Ms. Williams, or tell Ms. Williams to receive it from Mr. Jolly. (*See* Williams Decl. at ¶ 20; Jolly Decl. at ¶ 17.)

additional terms, Ms. Williams asked Plaintiff to send her a fully executed copy once the Seller signed it. (*See* Williams Decl. at ¶¶ 17-20.) He did not, and Ms. Williams did not receive a copy until after close of escrow. (*See id*. at ¶¶ 20-21.)

Ms. Williams's statement is thus literally true. Even if there is some possible ambiguity in the meaning of the words in the NRED Complaint, she made this statement without knowing it to be false. She thus made this statement in good faith as defined by the statute.

4.1.2.6 Plaintiff Falsely Claimed Ms. Williams Was Responsible for Delays in Closing Escrow[5]

Plaintiff claimed during the sale of the condo that the delays in closing escrow were due to Ms. Williams's negligence and failure to meet due diligence deadlines. (*See, generally*, Jolly Decl. at *Exhibit A*.) Plaintiff's claims were false at the time he made them.

The appraisal of the condo was delayed due to scheduling issues not Ms. Williams's fault (Williams Decl. at ¶¶ 25, 27-28; Jolly Decl. at ¶¶ 10, 12, 14 and *Exhibit A* at 7, 12, 18; **Exhibit 9**); Ms. Williams did not order the condo questionnaire until after the appraisal report came in because she did not want to pay a non-refundable fee if the condo was not sufficiently valuated (Williams Decl. at ¶ 21; Jolly Decl. at ¶¶ 4-7, 11; **Exhibit 2** at p. 1 of 10, ¶ 1(G), and p. 2 of 10, ¶ 2(B)); she made the normal decision of making a standard delivery order for the condo questionnaire, which she was told would take 7 days; (*See* Williams Decl. at ¶ 26; Jolly Decl. at ¶¶ 5-6); she ordered the questionnaire on June 10, 2017 (Williams

[5] Plaintiff also complains of Ms. Williams's statement in the NRED Complaint that he never provided a receipt for earnest money paid under the RPA. (*See* FAC at ¶ 29.) He admits the truth of this statement, ending the good faith inquiry. (*See id*.) He claims that it is not normal for a realtor to provide this receipt and thus the statement is "misleading," but whether a statement is misleading is irrelevant to the good faith inquiry. The statement is true, and thus Ms. Williams made it in good faith.

Decl. at ¶ 25); the RPA did not set a timeline regarding the condo questionnaire (see **Exhibit 2**.); delays in closing escrow were due to Alterra being short-staffed (see Williams Decl. at ¶ 27; Jolly Decl. at ¶ 14); and Ms. Williams was always timely in providing documents and information to Alterra (see Williams Decl. at ¶ 28; Jolly Decl. at ¶ 17).

Plaintiff's claims that Ms. Williams was responsible for delays in closing escrow were thus false at the time he made them. Plaintiff may try to claim that Ms. Williams was responsible for the first delay in closing escrow because she made the reasonable choice of not paying a non-refundable fee before knowing whether the sale could proceed on acceptable terms, and because she did not pay for a more expensive rush delivery of the questionnaire. But even this would be wrong because the delay in conducting the appraisal and the condo questionnaire arriving later than usual were not Ms. Williams's fault. And there is no question that the delays in July 2017 were due to Alterra being short-staffed, and not because of Ms. Williams. (*See* Williams Decl. at ¶ 27; Jolly Decl. at ¶ 14.)

Regardless of whether Plaintiff believed these delays were due to Ms. Williams's actions, he falsely claimed she was responsible for delays in closing escrow. Ms. Williams's statement is thus true or made without knowledge of its falsity. She thus made it in good faith as defined by the statute.

4.1.2.7 The June 2017 Call with the Seller

Ms. Williams had a phone call with the Seller on June 27, 2017 during which the Seller said, *inter alia*, that Plaintiff instructed her to tell Ms. Williams to apologize to Plaintiff, that Plaintiff was trying to sabotage the sale of the condo, and that Plaintiff had ulterior motives. (*See* Williams Decl. at ¶¶ 29-30.) Ms. Williams contemporaneously told her mother about this conversation. (*See* Harris Decl. at ¶ 7.) The Seller, in opposing Ms. Williams's prior Anti-SLAPP motion, did not deny that this conversation took place or that Plaintiff instructed her to tell Ms. Williams

to apologize. (*See* Declaration of the Seller in support of Opposition to Anti-SLAPP Motion at ¶¶ 12-13.)

While Plaintiff disputes the contents of this conversation, he makes no allegation and provides no evidence that Ms. Williams made her statements regarding this conversation with knowledge they were false. This is particularly unlikely given that she contemporaneously relayed these statements to her mother. She has met her burden of showing she made this statement in good faith as defined by the statute.

4.1.3 Ms. Williams's NRED Complaint is Protected if Any of the Statements in it Were Made in Good Faith as defined by the statute

Ms. Williams's factual statements are by and large true, and any dispute Plaintiff may have with the majority of them are insignificant. Given this, and the fact that the allegedly actionable core of Ms. Williams's statements are expressions of opinion, Ms. Williams made her statements in good faith. Ms. Williams satisfies her burden under the first prong of the Anti-SLAPP law, and now Plaintiff must show a probability of prevailing on his claims. He cannot do so.

Even if Plaintiff could rebut Ms. Williams's showing of good faith as to some of her statements at issue, he has not done so as to all of them. Any possibly questionable statements are inextricably intertwined with statements that undeniably are either true or that Ms. Williams made without knowledge of falsity. This makes Plaintiff's claims "mixed" causes of action for Anti-SLAPP purposes. These "mixed cause[s] of action [are] subject to the Anti-SLAPP statute if **at least one of the underlying acts is protected conduct**, unless the allegations of protected conduct are merely incidental to the unprotected activity." *Lauter v. Anoufrieva*, 642 F. Supp. 2d 1060, 1109 (C.D. Cal. 2008) (emphasis added); *see also Salma v. Capon*, 161 Cal. App. 4th 1275, 1287 (2008) (holding that a cause of

action based on both protected and unprotected activity under California's Anti-SLAPP statute is subject to an Anti-SLAPP motion); *Peregrine Funding, Inc. v. Sheppard Mullin*, 133 Cal. App. 4th 658, 675 (2005) (finding that because plaintiffs' claims "are based in significant part on [defendant's] protected petitioning activity," the first anti-SLAPP prong was satisfied"). Several of Ms. Williams's statements were unquestionably expressions of opinion, true, or made without knowledge of falsity. None of the statements on which Plaintiff premises liability are merely incidental to these protected statements, and thus all of Ms. Williams's statements are protected.

4.2 Plaintiff Cannot Show a Probability of Prevailing on His Claims

NRS 41.660 defines a plaintiff's burden of proof as "the same burden of proof that a plaintiff has been required to meet pursuant to California's anti-Strategic Lawsuit Against Public Participation law as of the effective date of this act." NRS 41.665(2). Plaintiff cannot simply make vague accusations or provide a mere scintilla of evidence to defeat Ms. Williams's Motion. Rather, to satisfy his evidentiary burden under the second prong of the Anti-SLAPP statute, Plaintiff must present "substantial evidence that would support a judgment of relief made in the plaintiff's favor." *S. Sutter, LLC v. LJ Sutter Partners, L.P.*, 193 Cal. App. 4th 634, 670 (2011); *see also Mendoza v. Wichmann*, 194 Cal. App. 4th 1430, 1449 (2011) (holding that "substantial evidence" of lack of probable cause was required to withstand Anti-SLAPP motion on malicious prosecution claim). Plaintiff cannot make this showing as to any of his claims.

4.2.1 Ms. Williams's Statements are Absolutely Privileged

Ms. Williams's statements to the NRED are absolutely protected under the litigation privilege. Statements made in quasi-judicial proceedings, such as those before administrative bodies, are absolutely privileged. *See Sahara Gaming Corp. v. Culinary Workers Union Local 226*, 115 Nev. 212, 217 (1999); *see also Lewis*

v. Benson, 101 Nev. 300, 301 (1985) (applying absolute privilege to citizen complaint to internal affairs bureau against police officer). This privilege completely bars any liability for statements made in the course of these proceedings, **even if they are made maliciously and with knowledge of their falsity**. *See Sahara Gaming*, 115 Nev. at 219. It is not "limited to the courtroom, but encompasses actions by administrative bodies and quasi-judicial proceedings. The privilege extends beyond statements made in the proceedings, and includes statements made to initiate official action." *Wise v. Thrifty Payless, Inc.*, 83 Cal. App. 4th 1296, 1303 (2000) (holding absolute privilege applied to husband's report to the Department of Motor Vehicles regarding wife's drug use and its possible impact on her ability to drive); *see also Fink v. Oshins*, 118 Nev. 428, 433-34 (2002) (holding that "the privilege applies not only to communications made during actual judicial proceedings, but also to 'communications preliminary to a proposed judicial proceeding"').

"[The] absolute privilege exists to protect citizens from the threat of litigation for communications to government agencies whose function it is to investigate and remedy wrongdoing." *Id*. *Wise*, 83 Cal. App. 4th at 1303. "[C]ourts should apply the absolute privilege liberally, resolving any doubt 'in favor of its relevancy or pertinency,"' and district courts should "resolve[] any doubt in favor of a broad application of the absolute privilege." *Oshins*, 118 Nev. at 434. Finally, the privilege applies to all claims based on the same set of facts: "[i]f a statement is protected, either because it is true or because it is privileged, that 'protection does not depend on the label given the cause of action."' *Francis v. Dun & Bradstreet, Inc.*, 3 Cal. App. 4th 535, 540 (1992) (quoting *Reader's Digest Assn. v. Superior Court*, 37 Cal. 3d 244, 265 (1984)).

Though the Nevada Supreme Court apparently has not yet dealt with a case applying the absolute privilege to claims against a realtor, California has

recognized that its similar absolute privilege applies to such circumstances. *See King v. Borges*, 28 Cal. App. 3d 27, 34 (1972) (extending absolute privilege to complaint against realtor filed with state division of real estate); *see also Vultaggio v. Yasko*, 215 Wis. 2d 326, 334 (Wis. 1998) (noting Wisconsin extending absolute privilege to "statements made to a real estate broker's board").

Nevada has found that establishing this absolute privilege requires two elements to be satisfied: "(1) a judicial [or quasi-judicial] proceeding must be contemplated in good faith and under serious consideration, and (2) the communication must be related to the litigation." *Jacobs v. Adelson*, 325 P.3d 1282, 1285 (Nev. 2014).[6] "Good faith" here is a low bar because the privilege applies "even when the motives behind [the statements] are malicious and they are made with knowledge of the communications' falsity." *Id*. This condition of the absolute privilege is satisfied if the speaker makes a statement while seriously considering litigation or a quasi-judicial proceeding, regardless of their motives.[7]

The FAC show this to be the case. Ms. Williams told Plaintiff in June 2017 she planned to file a complaint against him, then did so two months later. To bolster the strength of her complaint, at least initially, **the NRED found cause to discipline Plaintiff** – albeit they later reversed course. (*See* **Exhibits 13-14**.) The privilege thus applies even if every statement in the NRED Complaint was false and Ms. Williams knew every statement to be false. *See Fitzgerald v. Mobile Billboards, Ltd. Liab. Co.*, 416 P.3d 209, 211 (Nev. 2018) (noting that "the common law absolute

---

[6] This privilege applies equally to lawyers and non-lawyers alike. *See Clark Cty. Sch. Dist. V. Virtual Educ. Software, Inc.*, 125 Nev. 374, 383 (2009) ("VESI").

[7] This requirement of the privilege is meant to prevent parties from abusing the privilege by, for example, making defamatory statements in a demand letter with no intention of initiating litigation, then distributing these statements to media outlets and claiming an absolute privilege. The facts here are the exact opposite of this scenario.

privilege bars any civil litigation for defamatory statements even when the defamatory statements were published with malicious intent").

The NRED Complaint is unquestionably absolutely privileged, even if Ms. Williams knew that every statement in it was false.[8] All of Plaintiff's claims must fail and he cannot show a probability of prevailing on them. But even if the absolute privilege did not apply, Plaintiff's claims fail on the merits.

4.2.2 Plaintiff's Defamation Claims Fail[9]

To establish a cause of action for defamation, a plaintiff must allege: (1) a false and defamatory statement by the defendant concerning the plaintiff; (2) an unprivileged publication to a third person; (3) fault, amounting to at least negligence; and (4) actual or presumed damages. *See Wynn v. Smith*, 117 Nev. 6, 10 (Nev. 2001); *see also Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 718 (2002). A statement is only defamatory if it contains a factual assertion that can be proven false. *See Pope v. Motel 6*, 114 P.3d 277, 282 (Nev. 2005).

A statement must include a false assertion of fact to be defamatory. "[M]inor inaccuracies do not amount to falsity unless the inaccuracies 'would have a different effect on the mind of the reader from that which the pleaded truth would have produced.'" *Pegasus*, 118 Nev. at 715 n.17. If the "gist" or "sting" of a story is true, it is not defamatory even if some details are incorrect. *Masson v. New Yorker Magazine, Inc.*, 501 U.S. 496, 517 (1991). None of the nits in the amended complaint rise to a level of actionability.

A statement of opinion cannot be defamatory, as the First Amendment recognizes that there is no such thing as a "false" idea. *See Pegasus v. Reno*

[8] This, of course, is not the case, as Ms. Williams believed every statement in the complaint to be true. (*See* Williams Decl. at ¶ 36.)

[9] Plaintiff's first two causes of action are for defamation and defamation *per se*. The same analysis applies to both.

Newspapers, Inc., 118 Nev. 706, 714 (Nev. 2002); *see also Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 339 (1974). An "evaluative opinion" cannot be defamatory, either. *See People for the Ethical Treatment of Animals v. Bobby Berosini, Ltd.*, 11 Nev. 615, 624-25 (1995) (finding that claiming depictions of violence towards animals shown in video amounted to "abuse" was protected as opinion) (modified on unrelated grounds in *City of Las Vegas Downtown Redevelopment Agency v. Hecht*, 113 Nev. 644, 650 (Nev. 1997)). Such an opinion is one that "convey[s] the publisher's judgment as to the quality of another's behavior, and as such, it is not a statement of fact." *Id*. at 624. To determine whether a statement is one of protected opinion or an actionable factual assertion, the court must ask "whether a reasonable person would be likely to understand the remark as an expression of the source's opinion or as a statement of existing fact." *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 715 (Nev. 2002).

As explained in Section 4.1.2, *supra*, the vast majority of the statements in the FAC which contain factual assertions are true or substantially true, and are not defamatory. This only leaves the statements that Plaintiff's conduct described in the NRED Complaint was racist, sexist, unprofessional, and unethical. These are statements of opinion which cannot support a defamation claim.

It hardly requires explaining that "racist," "sexist," and "unprofessional" are extremely vague terms that lack a precise meaning, and which any number of readers could interpret in any different number of ways. Merely accusing someone of being racist or discriminatory "is no more than meaningless name calling" and is not defamatory. *See Overhill Farms, Inc. v. Lopez*, 190 Cal. App. 4th 1248, 1262 (2010) (citing *Stevens v. Tillman*, 855 F.2d 394, 402 (7th Cir. 1988)). Calling someone "sexist" is likewise purely a statement of opinion. *See Hanson v. County of Kitsap*, 2014 U.S. Dist. LEXIS 89036, *15-16 (W.D. Wash. June 30, 2014) (finding statement that plaintiff made a "sexist response" was expression of non-

actionable opinion). So too is the term "unprofessional." *See Moldea v. New York Times Co.*, 22 F.3d 310 (D.C. Cir. 1994) (finding that criticisms of a journalist's "sloppy journalism" and unprofessional techniques were not defamatory).

"Unethical" is arguably susceptible to a defamatory meaning if it implies false, undisclosed facts. But that is not what happened here. The NRED Complaint lays out precisely what conduct Ms. Williams alleged was unethical, and Plaintiff does not dispute he engaged in any such conduct. Plaintiff disagrees that his conduct was unethical, but Ms. Williams's evaluative opinion of it is non-actionable because she disclosed the facts on which she based her opinion. *See Berosini*, 11 Nev. at 624-25. The facts here are similar to those in *IQTAXX, LLC v. Boling*, 44 Med.L.Rptr. 1561 (Nev. Dist. Ct. 2016), where an individual published a review of a tax preparation company containing undisputed facts and then concluding that the company's conduct constituted "MALPRACTICE!" The court found that this constituted an opinion based on disclosed facts and was thus not defamatory. *See id*. at 1565. To the extent "racist," "sexist," or "unprofessional" are not statements of pure opinion, they are also expressions of evaluative opinion based on disclosed facts.

None of Ms. Williams's statements are capable of defamatory meaning and are thus protected under the First Amendment. Plaintiff cannot show a probability of prevailing on his defamation claims.

4.2.3 Plaintiff's Business Disparagement Claim Fails

A defamation action concerns statements that injure a plaintiff's personal reputation, while a business disparagement claim concerns statements regarding the quality of the plaintiff's goods or services. "Thus, if a statement accuses an individual of personal misconduct in his or her business or attacks the individual's business reputation, the claim may be one for defamation per se; however, if the statement is directed towards the quality of the individual's product or services,

the claim is one for business disparagement." *VESI*, 125 Nev. at 385-86. Plaintiff attempts to plead a claim for defamation, not business disparagement. Ms. Williams's NRED Complaint clearly makes claims targeted at Plaintiff's personal characer, not the quality of Plaintiff's services as a realtor, and the statements at issue could only possibly harm Plaintiff's personal reputation. Ms. Williams's statements are not of the character that a claim for business disparagement is concerned with. Even if they were, though, the claim still fails. A business disparagement claim requires falsity and a lack of privilege, in addition to a higher malice requirement and proof of special damages. *See id*. at 386. This claim thus fails for the same reasons the defamation claims fail.

4.2.4 Plaintiff's Intentional Infliction of Emotional Distress Claim Fails

To establish a cause of action for intentional infliction of emotional distress, Plaintiff must affirmatively prove: "(1) extreme and outrageous conduct with either the intention of, or reckless disregard for, causing emotional distress, (2) the plaintiff's having suffered severe or extreme emotional distress, and (3) actual or proximate causation." *Olivero v. Lowe*, 116 Nev. 395, 398-99 (2000) (citing *Star v. Rabello*, 97 Nev. 125, 126 (1981) (citations omitted). "Extreme and outrageous conduct is that which is outside all possible bounds of decency and is regarded as utterly intolerable in a civilized community." *Maduike v. Agency Rent-A-Car*, 114 Nev. 1, 4 (1998). The bar for establishing extreme and outrageous conduct is high, and not every statement that one finds personally upsetting may provide the basis for liability. *See Chehade Refai v. Lazaro*, 614 F. Supp. 2d 1103, 1121-22 (D. Nev. 2009). Harm is only recognized for this tort if "the stress [is] so severe and of such intensity that no reasonable person could be expected to endure it." *Alam v. Reno Hilton Corp.*, 819 F. Supp. 905, 911 (D. Nev. 1993).

First, Plaintiff's claim fails because the majority of the statements at issue are undeniably true, and an IIED claim cannot be premised on a true statement. *See*

Dun & Bradstreet, 3 Cal. App. 4th at 540. Second, Plaintiff cannot prove the elements of an IIED claim. There is nothing extreme or outrageous about Ms. Williams's conduct. She followed the NRED's procedures for submitting a complaint against a licensed realtor, and the NRED felt the allegations were sufficient initially to impose discipline on him. And as explained above, Ms. Williams's statements were either true or statements of opinion. There is nothing extreme about telling an executive body tasked with overseeing realtors about the actual or perceived misconduct of a realtor. Even if Ms. Williams's statements were false, they amount to nothing more than minor insults which cannot make out an IIED claim. Furthermore, there is nothing particularly severe or extreme about the stress Plaintiff alleges. Having to spend time responding to the NRED is not stress so severe and of such intensity that no reasonable person could be expected to endure it." *Alam*, 819 F. Supp. at 911. Plaintiff's IIED claim fails.

4.3 Plaintiff's Negligence Claim Fails

Plaintiff's negligence claim is completely subsumed by his defamation claims. Negligence is already an element of a defamation claim, and so this is duplicative of Plaintiff's other claims and must be dismissed.

5.0 CONCLUSION

For the foregoing reasons, the Court should dismiss all of Plaintiff's claims with prejudice and award both Ms. Williams's costs and reasonable attorneys' fees, as well as award her $10,000, to be sought by separate motion.

DATED October 22, 2019.

Respectfully submitted,

/s/ Alex J. Shepard

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

Attorneys for Defendant
Daphne Williams

Case No. A-19-797156-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of October 2019, I served a true and correct copy of the foregoing document via the Eighth Judicial District Court's Odyssey electronic filing system:

/s/ Crystal C. Sabala
Employee,
Randazza Legal Group

RANDAZZA | LEGAL GROUP

EXHIBIT 3

Letter from Marc J. Randazza
dated September 16, 2021

[Internal Exhibits Omitted]

RANDAZZA
LEGAL GROUP

Marc J. Randazza, JD, MAMC, LLM
Licensed in AZ, CA, FL, MA, NV

16 September 2021

Via Email Only
<adam@trilawnv.com>

Adam R. Trippiedi, Esq.
TRILAW
2260 Corporate Circle, Ste. 480
Henderson, NV 89074

Re: Lazer v. Williams | Attorneys' Fees and Costs

Dear Attorney Trippiedi:

I am writing to you concerning the Supreme Court of Nevada's unanimous decision reversing and remanding the District Court's denial of Ms. Williams' anti-SLAPP motion. Ms. Williams is now entitled to her attorneys' fees in this case. They are significant.

Under Nevada's anti-SLAPP statute, the grant of an anti-SLAPP motion results in a mandatory award of attorneys' fees to the prevailing defendant. *See* NRS 41.670. Such an award includes all fees "incurred from the inception of the litigation, rather than just those incurred in litigating the anti-SLAPP motion." *Smith v. Zilverberg*, 481 P.3d 1222, 1230 (Nev. 2021). This also includes all post-motion fees, such as fees on fees, fees in connection with defending an award of fees, fees on appeal of an Anti-SLAPP motion, and fees incurred in attempting to collect an award of fees. *See Wanland v. Law Offices of Mastagni, Holstedt & Chiurazzi*, 141 Cal. App. 4th 15, 21 (2006); *Ketchum v. Moses*, 24 Cal. 4th 1122, 1141 n.6 (2001); *York v. Strong*, 234 Cal. App. 4th 1471, 1477-78 (2015). The court may additionally award damages in an amount up to $10,000. *See* NRS 41.670(3)(a).

The Eighth Judicial District Court has consistently recognized that this firm's billing records and rates are reasonable in relation to anti-SLAPP matters. *See iQTAXX, LLC v. Boling*, No. A-15-728426-C, 2016 BL 154334 (Nev. Dist. Ct. May 10, 2016), attached as **Exhibit 1** (granting this firm's fees at its rates in 2016 – with Judge Hardy agreeing to my 2016 rate of $600 per hour); *Guo v. Cheng*, No. A-18-779172-C (Nev. Dist. Ct. Jun. 4, 2020), attached as **Exhibit 2**; *Las Vegas Resort Holdings, LLC v. Roeben*, No. A-20-819171-C (Nev. Dist. Ct. Dec. 30, 2020), attached as **Exhibit 3**.

We will seek our attorneys' fees and costs expended in this matter. At this moment, those fees and costs amount to approximately **$143,835.23**. If we are required to move for an award of fees, our request will ultimately include fees expended in drafting our motion for fees and reply, arguing the motion at hearing, and any time spent collecting on our fee award. Based upon the established history of our firm's success on anti-SLAPP motions in this state, we see no reason to believe that we will be awarded any less than the full amount of fees which we have incurred in this matter.

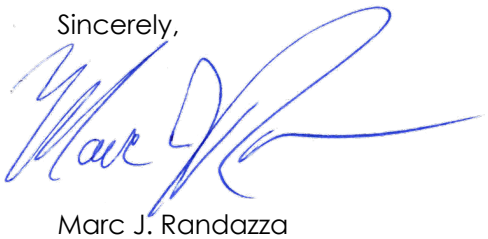
/ /

RANDAZZA
LEGAL GROUP

We would prefer to avoid the necessity of making our motion for fees, and it is, of course, in Mr. Lazer's interest to avoid becoming responsible for paying our fees incurred past this point.

If you would like to have a conversation tomorrow or Monday to discuss a plan to resolve Mr. Lazer's fee liability, please consider lines of communication to be open.

Sincerely,



Marc J. Randazza

cc: Client (via separate email)

encl: Fee Decisions

EXHIBIT 4

Anti-SLAPP Order

NEOJ
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 Defendant
Daphne Williams

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

CHARLES "RANDY" LAZER,

Plaintiff,

vs.

DAPHNE WILLIAMS,

Defendant.

Case No. A-19-797156-C

Dept. XV

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on December 9, 2021, the Court entered its Order Granting Defendant Daphne Williams's Anti-SLAPP Special Motion to Dismiss First Amended Complaint Under NRS 41.660, which is attached hereto as **Exhibit 1**.

Dated: December 9, 2021.

Respectfully submitted,

/s/ Alex J. Shepard
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

Attorneys for Defendant Daphne Williams

Case No. A-19-797156-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on this 9th day of December 2021 and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/Alex J. Shepard
An employee of Randazza Legal Group

EXHIBIT 1

Order Granting Defendant Daphne Williams's Anti-SLAPP Special Motion to Dismiss First Amended Complaint Under NRS 41.660

ORDR
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 Defendant
Daphne Williams

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

CHARLES "RANDY" LAZER,

Plaintiff,

vs.

DAPHNE WILLIAMS,

Defendant.

Case No. A-19-797156-C

Dept. XV

ORDER GRANTING DEFENDANT DAPHNE WILLIAMS'S ANTI-SLAPP SPECIAL MOTION TO DISMISS FIRST AMENDED COMPLAINT UNDER NRS 41.660

Defendant Daphne Williams's Anti-SLAPP Special Motion to Dismiss Plaintiff William "Randy" Lazer's First Amended Complaint Under NRS 41.660, having come on for hearing on December 9, 2019 at 9:00 a.m., and the Nevada Supreme Court having issued its decision in *Williams v. Lazer*, No. 80350, 137 Nev. Adv. Rep. 44 (Nev. Sept. 16, 2021) reversing and remanding with instructions to grant Defendant's special motion to dismiss, and remittitur having issued,

IT IS HEREBY ORDERED that Defendant's Anti-SLAPP Special Motion to Dismiss First Amended Complaint Under NRS 41.660 is GRANTED.

IT IS FURTHER ORDERED that Plaintiff William "Randy" Lazer's claims against Defendant asserted in his First Amended Complaint are hereby dismissed with prejudice.

IT IS FURTHER ORDERED that a final judgment is hereby entered against Plaintiff in favor of Defendant.

IT IS FURTHER ORDERED that Defendant is entitled to an award of costs and reasonable attorneys' fees pursuant to NRS 41.660(1)(a) and may be entitled to an additional award of up to $10,000 pursuant to NRS 41.660(1)(b). Defendant may file a bill of costs and a motion for costs and attorneys' fees seeking these amounts no later than 21 days following service of written notice of entry of this Order.

~~DATED this _____ day of _____, 2021~~. **Dated this 9th day of December, 2021**

DISTRICT COURT JUDGE

F0A F2F 2273 2AEC
Joe Hardy
District Court Judge

Submitted by:

/s/ Marc J. Randazza

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, Nevada 89117

Attorneys for Defendant
Daphne Williams

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Charles Lazer, Plaintiff(s)	CASE NO: A-19-797156-C
vs.	DEPT. NO. Department 15
Daphne Williams, Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 12/9/2021

E-Service BohnLawFirm	office@bohnlawfirm.com
Michael Bohn	mbohn@bohnlawfirm.com
Marc Randazza	ecf@randazza.com

EXHIBIT 5

Fee Order

NEOJ

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 Defendant
Daphne Williams

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

CHARLES "RANDY" LAZER,

Plaintiff,

vs.

DAPHNE WILLIAMS,

Defendant.

Case No. A-19-797156-C

Dept. XV

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on February 17, 2022, the Court entered its Order Granting Defendant Daphne Williams's Motion for Costs and Attorneys' Fees and Final Judgment, which is attached hereto as **Exhibit 1**.

Dated: February 18, 2021.

Respectfully submitted,

/s/ Alex J. Shepard
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

Attorneys for Defendant Daphne Williams

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on this 18th day of February 2022 and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/Alex J. Shepard
An employee of Randazza Legal Group

EXHIBIT 1

Order Granting Defendant Daphne Williams's Motion for Attorneys' Fees and Costs and Final Judgment

ORDR
Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
Trey A. Rothell, NV Bar No. 15593
RANDAZZA LEGAL GROUP, PLLC
2764 Lake Sahara Drive, Suite 109
Las Vegas, NV 89117
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Defendant
Daphne Williams

DISTRICT COURT

CLARK COUNTY, NEVADA

CHARLES "RANDY" LAZER,

Plaintiff,

vs.

DAPHNE WILLIAMS,

Defendant.

Case No. A-19-797156-C

Dept. XV

ORDER GRANTING DEFENDANT DAPHNE WILLIAMS'S MOTION FOR COSTS AND ATTORNEYS' FEES AND FINAL JUDGMENT

This matter, having come before the Court on Defendant Daphne Williams's Motion for Costs and Attorneys' Fees, and having reviewed the opposition brief filed by Plaintiff Charles "Randy" Lazer and the Defendant's brief in reply, and it appearing, for good cause shown, the motion is granted in part:

Ms. Williams filed a special motion to dismiss under NRS 41.660, which this Court granted on December 9, 2021. Ms. Williams is entitled to a mandatory award of costs and reasonable attorneys' fees. *See* NRS 41.670(1)(a) ("The court ***shall*** award reasonable costs and attorney's fees to the person against whom the action was brought" (emphasis added).) Because Ms. Williams's special motion to dismiss resolved all of Plaintiff's claims, Ms. Williams may recover all fees incurred in defending herself, not just fees directly related to the special motion to dismiss. *See Smith v. Zilverberg*, 481 P.3d 1222, 1231 (Nev. 2021).

The Court declines to adopt the holding set forth in *Tarkanian v. Rosen*, No. A-16-746797-C, where the defendant's Anti-SLAPP motion was denied by the district court, but the Nevada Supreme Court reversed and remanded with instructions to grant the motion. The court there found that because there were no reported cases in Nevada granting appellate fees in such circumstances, it was not appropriate to award such fees. It reasoned that such fees are appropriate to award where it is a losing plaintiff who decides to foist the costs of appeal on a prevailing defendant, but not the inverse, because NRS 41.670(1)(a) "is ambiguous as to whether this statute mandating awarding costs and attorneys' fees includes appellate costs and attorneys' fees." (Opposition *Exhibit 2* at 5.) The Court notes that the *Tarkanian* decision predates, and is inconsistent with, *Zilverberg*. The Court there directly addressed the scope of NRS 41.670(1)(a), acknowledging there was some ambiguity in its language and reviewing the legislative intent of the law. *Zilverberg*, 481 P.3d at 1230. It noted that NRS 41.670(1)(a) lacks any qualifying language as to what fees are recoverable and concluded that "the Legislature intended for prevailing defendants to recover reasonable attorney fees and costs incurred from the inception of the litigation, rather than just those incurred in litigating the anti-SLAPP motion." *Id*. It then noted that the purpose of the Anti-SLAPP statute was to protect citizens' First Amendment rights and that NRS 41.650 provides substantive immunity from suit, which can only be effected if NRS 41.670(1)(a) allows for recovery of *all* fees incurred in dismissing a SLAPP suit. *Id*. at 1231. In resolving the ambiguity of NRS 41.670(1)(a), the Court held that the Anti-SLAPP statute "is intended to permit a prevailing defendant to recover all reasonable fees and costs incurred from the inception of the litigation under NRS 41.670(1)(a)." *Id*.

Additionally, California courts have likewise held that a defendant's fees incurred in relation to an anti-SLAPP motion on appeal are properly taxed against the plaintiff.[1] *See Makaeff v. Trump Univ., LLC*, No. 10cv0940, 2015 U.S. Dist. LEXIS 46749, *34-36 (S.D. Cal. Apr. 9,

[1] While the Nevada Supreme Court has not issued a decision on this point, Nevada relies on California cases in interpreting its Anti-SLAPP statute. *Coker v. Sassone*, 432 P.3d 746, 749 n.3 (Nev. 2019).

2015) (following reversal of trial court's denial of Anti-SLAPP motion, finding that fees incurred on appeal were compensable under Anti-SLAPP statute); *Bel Air Internet, LLC v. Morales*, 20 Cal. App. 5th 924, 946, 230 Cal. Rptr. 3d 71, 76 (2018) (finding that SLAPP defendant whose Anti-SLAPP motion was denied at trial court but prevailed on appeal was entitled to fees); *Chiu v. Collectronics, Inc.*, No. A110182, 2006 Cal. App. Unpub. LEXIS 9335, *39-40 (Oct. 19, 2006) (finding that "[h]ad the trial court properly granted Collectronics' motion to strike, respondents would have been liable for attorney fees and costs ... We see no basis for a different result, merely because the trial court erred and the successful result was not obtained until decision on appeal"); *Chiu v. Creditors Trade Ass'n*, No. A111393 & A111509, 2007 Cal. App. Unpub. LEXIS 4206, *46-47 (May 24, 2007) (same); *Berger v. Dobias*, 2009 Cal. App. Unpub. LEXIS 7822, *2 (Sept. 29, 2009) (noting in procedural history that, following reversal of denial of Anti-SLAPP motion on appeal, trial court properly included appellate fees in fee award to prevailing defendant). Accordingly, Ms. Williams's costs and fees incurred throughout her appeal are compensable under NRS 41.670(1)(a).

The Court has reviewed the evidence provided in support of the motion for fees, including the spreadsheet of time entries and the declaration of an expert, Joseph P. Garin, who rendered an opinion as to the reasonableness of the fees and expenses. Upon consideration of this evidence and the factors regarding reasonableness of fees enumerated in *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349 (1969), the Court finds that Ms. Williams should be awarded fees commensurate with the lodestar rates of her attorneys.

The Court finds that a lodestar hourly rate of $650 for attorney Marc J. Randazza is reasonable in light of his skill and experience.

The Court finds that a lodestar hourly rate of $500 for attorney Ronald D. Green is reasonable in light of his skill and experience.

The Court finds that a lodestar hourly rate of $350 for attorney Alex J. Shepard is reasonable in light of his skill and experience.

The Court finds that a lodestar hourly rate of $200 for attorney Trey A. Rothell is reasonable in light of his skill and experience.

The Court finds that a lodestar hourly rate of $175 is reasonable for paralegals Crystal Sabala, Heather Ebert, and Suzanne Levenson in light of their skill and experience. (Randazza Decl. at ¶¶ 19–21.)

In support of these rates, the Court accepts that other courts have found the hourly rates of Ms. Williams's counsel to be reasonable. The court in *Tobinick v. Novella*, 207 F. Supp. 3d 1332 (S.D. Fla. 2016) approved of hourly rates for attorneys similar to those awarded here,[2] and ultimately awarded $223,598.75 to the defendant for fees in connection with the plaintiff's Lanham Act claims. This Court found hourly rates similar to those sought here to be reasonable and awarded $40,852.58 in attorneys' fees to a successful Anti-SLAPP movant. (*See iQTAXX, LLC v. Boling*, No. A-15-728426-C, 2016 BL 154334 (Nev. Dist. Ct. May 10, 2016), Fee Motion **Exhibit 17** (finding hourly rates of $650 for Mr. Randazza, $500 for Mr. Green, and $325 for Mr. Shepard to be reasonable).) This Court recently awarded fees to parties that Defendant's counsel represented in separate Anti-SLAPP matters. (*See* Fee Motion **Exhibit 18**; Decision and Order, *Las Vegas Resort Holdings, LLC v. Roeben*, No. A-20-819171-C (Eighth Jud. Dist. Ct., Dec. 30, 2020).

The Court further finds that the number of hours worked by Ms. Williams's counsel is reasonable upon consideration of the *Brunzell* factors and the declarations of Marc J. Randazza and Ms. Williams's expert, Joseph Garin. The Court finds that this was a particularly complex anti-SLAPP case, which required extensive work on appeal. Additionally, the factual complexity of the case supports the reasonability of Ms. Williams's counsel's rates and time spent working on this matter.

As for nature of work and result, the case took multiple appeals to reach the ultimate conclusion. Under the totality of the circumstances, Mr. Lazer is not powerful or especially

[2] The defendant in that matter sought rates of $650/hour for Mr. Randazza, $325/hour for Mr. Shepard, and $180/hour for paralegal time.

wealthy, but he ignored attempts to resolve this case early, despite being given ample opportunities and all later attempts to resolve this case. Mr. Lazer willfully proceeded with his meritless claims despite being put on notice that they were meritless and that he would be liable for Ms. Williams's attorneys' fees. On this point, the Court considers Mr. Lazer's statement filed with his Opposition brief and notes that the statement did not contain any acknowledgment of liability or responsibility. Mr. Lazer's failure to accept liability or responsibility additionally supports granting fees and costs. It appears, based on this statement, that Mr. Lazer intended as a consequence of filing his meritless claims to subject Ms. Williams to the burden and expense of defending herself.

The Court finds good cause to awarded anticipated fees to Ms. Williams as an estimate of those reasonably incurred by her counsel in arguing this Motion, preparing her reply brief, and preparing a proposed order based upon the Court's findings. The Court finds that an anticipated fee award of 5 hours for attorney Marc J. Randazza, 7 hours for attorney Alex J. Shepard, and 7 hours for attorney Trey A. Rothell is reasonable under the circumstances.

The Court additionally finds that the attorneys' fees of $4,607.50 incurred by Ms. Williams's expert, Joseph P. Garin, in preparing his expert opinion are reasonable, and an award of those fees is proper.

The Court finds that an award of a multiplier on Ms. Williams's attorneys' fees is not warranted under the totality of the circumstances.

The Court finds that Ms. Williams's costs in the amount of $781.30, as outlined in her Verified Memorandum of Costs and Disbursements, are compensable under to NRS 41.670(1)(a).

The Court further finds that a $1,000 award under NRS 41.670(1)(b) is proper in order to deter the Plaintiff and other would-be SLAPP plaintiffs from filing further bad faith suits barred under Nevada's anti-SLAPP statute. Such an award is in line with the text and purpose of Nevada's anti-SLAPP statute.

Accordingly, **IT IS HEREBY ORDERED AND ADJUDGED** that Defendant Daphne Williams's Motion for Costs and Attorneys' Fees is hereby GRANTED IN PART.

IT IS FURTHER ORDERED AND ADJUDGED that Ms. Williams is awarded $781.30 in costs and $166,450.00 in attorneys' fees.

IT IS FURTHER ORDERED AND ADJUDGED that Ms. Williams is awarded $1,000 in damages under NRS 41.670(1)(b).

IT IS FURTHER ORDERED AND ADJUDGED that there is a final judgment against Plaintiff Charles "Randy" Lazer in the amount of $168,231.30, for which let execution issue immediately.

IT IS FURTHER ORDERED AND ADJUDGED that Ms. Williams is entitled to post-judgment interest, which shall accrue pursuant to the statutory rate from the date on which the notice of this Court's granting of Defendant Williams's Anti-SLAPP motion was served.

Dated this 17th day of February, 2022

ABA B71 0813 7F87
Joe Hardy
District Court Judge

Submitted by:

RANDAZZA LEGAL GROUP, PLLC

/s/ Alex J. Shepard

Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
Trey A. Rothell, NV Bar No. 15593
2764 Lake Sahara Drive, Suite 109
Las Vegas, Nevada 89117

Counsel for Defendant
Daphne Williams

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Charles Lazer, Plaintiff(s)	CASE NO: A-19-797156-C
vs.	DEPT. NO. Department 15
Daphne Williams, Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 2/17/2022

E-Service BohnLawFirm	office@bohnlawfirm.com
Michael Bohn	mbohn@bohnlawfirm.com
Marc Randazza	ecf@randazza.com
Adam Trippiedi	adam@trilawnv.com