

1 **ANS**

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3 Ronald D. Green, NV Bar No. 7360

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10 Attorneys for Defendant

11 Scott Roeben

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13 **EIGHTH JUDICIAL DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 **LAS VEGAS RESORT HOLDINGS, LLC**
16 dba SAHARA LAS VEGAS, a Delaware limited
17 liability company,

18 Plaintiff,

19 vs.

20 **SCOTT ROEBEN** dba VITALVEGAS
21 dba VITALVEGAS.COM, an individual; and
22 **DOES I-X**, inclusive,

23 Defendants.

Case No. A-20-819171-C

Dept. No. 8

DEFENDANT SCOTT ROEBEN'S
ANSWER TO COMPLAINT

24 Defendant Scott Roeben dba VITALVEGAS dba VITALVEGAS.com hereby files his
25 Answer to Plaintiff Las Vegas Resort Holdings, LLC dba Sahara Las Vegas's ("Sahara") Complaint.

26 All averments in the Complaint not explicitly admitted herein are denied.

27 **PARTIES**

- 28 1. Without knowledge, therefore denied.
- 29 2. Without knowledge, therefore denied.
- 30 3. Admitted that Mr. Roeben is and at all relevant times was an individual and resident
31 of Clark County, Nevada.

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4. Admitted that Mr. Roeben operates the website at <vitalvegas.com> and Twitter account @vitalvegas. Denied to the extent this paragraph implies Mr. Roeben is synonymous with or is an alter ego of VITALVEGAS or VITALVEGAS.com.

5. Without knowledge, therefore denied.

6. Denied as to Mr. Roeben. As to all other unnamed Defendants, without knowledge, therefore denied.

JURISDICTION AND VENUE

7. Admitted that Mr. Roeben resides in Clark County, Nevada. Otherwise denied.

GENERAL ALLEGATIONS

8. Without knowledge, therefore denied.

9. Without knowledge, therefore denied.

10. Without knowledge, therefore denied.

11. Without knowledge, therefore denied.

12. Admitted.

13. Denied. The language quoted in the Complaint is an incomplete quote. The language appearing on the <vitalvegas.com> website is “We’re here to give you the essential news and information you need to get the most from your next Las Vegas visit, all with a slightly skewed, occasionally intoxicated, perspective.”

14. Admitted that the <vitalvegas.com> website contains the quoted language. Otherwise denied.

15. Admitted.

16. Admitted.

17. Denied that any reasonable reader would be stupid and incurious enough to assume that there is no content following an image in a news article. Admitted that the article contains a picture.

18. Denied.

1 19. Admitted. A public relations representative of Sahara previously informed Mr.
 2 Roeben that Sahara would never speak with him.

3 20. Denied.

4 21. Without knowledge, therefore denied.

5 22. Without knowledge, therefore denied.

6 23. Without knowledge, therefore denied.

7 24. Without knowledge, therefore denied.

8 25. Without knowledge, therefore denied.

9 26. Without knowledge, therefore denied.

10 27. Admitted that Mr. Roeben removed his original article after receiving a complaint from
 11 Sahara and replaced it with a new article. Otherwise denied.

12 28. Admitted that Mr. Roeben updated the article on August 2, 2020. Otherwise denied.

13 29. Denied.

14 30. Admitted that Mr. Roeben published the cited statements on Twitter. Otherwise
 15 denied.

16 31. Denied.

17 32. Admitted. A public relations representative of Sahara previously informed Mr.
 18 Roeben that Sahara would never speak with him.

19 33. Without knowledge, therefore denied.

20 34. Without knowledge, therefore denied.

21 35. Denied.

22 36. Denied.

23 37. Without knowledge, therefore denied.

24 **FIRST CAUSE OF ACTION – DEFAMATION BY TRADE LIBEL**

25 38. Does not call for a response from Mr. Roeben.

26 39. Admitted that Mr. Roeben published the statements cited in the Complaint.
 27 Otherwise denied.

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- 40. Denied.
- 41. Denied.
- 42. Denied.
- 43. Without knowledge, therefore denied.
- 44. Denied.

SECOND CAUSE OF ACTION – FALSE LIGHT

- 45. Does not call for a response from Mr. Roeben.
- 46. Denied.
- 47. Denied.
- 48. Without knowledge, therefore denied.
- 49. Denied.
- 50. Denied.

THIRD CAUSE OF ACTION – CONSPIRACY

- 51. Does not call for a response from Mr. Roeben.
- 52. Denied.
- 53. Denied.
- 54. Denied.
- 55. Denied.
- 56. Denied.

FOURTH CAUSE OF ACTION – BUSINESS DISPARAGEMENT

- 57. Does not call for a response from Mr. Roeben.
- 58. Denied.
- 59. Denied.
- 60. Denied.
- 61. Without knowledge, therefore denied.
- 62. Denied.

FIFTH CAUSE OF ACTION – INJUNCTIVE RELIEF

63. Does not call for a response from Mr. Roeben.

64. Denied.

65. Denied.

66. Denied.

AFFIRMATIVE DEFENSES

Mr. Roeben asserts the following affirmative defenses to the claims in Plaintiff's Complaint.

First Affirmative Defense: Truth or Substantial Truth

1. As a defamation plaintiff, Plaintiff has the ultimate burden of showing that Mr. Roeben's statements are false.

2. Mr. Roeben's statements are literally true, as he merely reported on rumors and statements of third parties.

3. To the extent some of Mr. Roeben's statements are not completely accurate, the "gist" or "sting" of these statements is true, and thus cannot be defamatory.

Second Affirmative Defense: Opinion

1. To be defamatory, a statement must be factual in nature; a statement of opinion cannot be defamatory.

2. To the extent any statement is not literally or substantially true, Mr. Roeben's statements are statements of opinion that cannot be defamatory.

Third Affirmative Defense: Common Interest Privilege

1. A privilege "exists where a defamatory statement is made in good faith on any subject matter in which the person communicating has an interest, or in reference to which he has a right or a duty, if it is made to a person with a corresponding interest or duty." *Circus Circus Hotels v. Witherspoon*, 99 Nev. 56, 62 (1983).

2. Mr. Roeben regularly publishes articles providing information on Las Vegas businesses that are of significant interest to Las Vegas residents and visitors.

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3. To the extent any statement by Mr. Roeben is potentially defamatory, he made such statements in good faith and to people with an interest in the status and well-being of Las Vegas businesses like Sahara, making such statements privileged.

Fourth Affirmative Defense: Lack of Actual Malice

- 1. Plaintiff is a public figure either generally or for the purpose of its casino operations.
- 2. As a public figure, Plaintiff must allege and prove that Mr. Roeben published his statements with actual malice.
- 3. Plaintiff has not alleged Mr. Roeben acted with actual malice and cannot prove he did.

Fifth Affirmative Defense: Failure to State a Claim for Relief

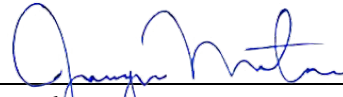
Plaintiff has failed to plead all the essential elements for his claims for relief, and will not be capable of providing evidence of each essential element.

Dated: August 31, 2020.

Respectfully Submitted,
/s/ Marc J. Randazza
 Marc J. Randazza, NV Bar No. 12265
 Ronald D. Green, NV Bar No. 7360
 Alex J. Shepard, NV Bar No. 13582
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 Attorneys for Defendant
 Scott Roeben

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of August, 2020, I caused a true and correct copy of the foregoing document to be served via the Eighth Judicial District Court's Odyssey electronic filing system.



Employee,
Randazza Legal Group, PLLC

RANDAZZA | LEGAL GROUP

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