

1 **SUPPL**

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10 Attorneys for Defendants
11 Kimberly Haueter, Alejandra Javier,
12 Savannah Brown, and Monica Sandu

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

15 STEFAN WILHELMY, and
16 PEARADISE, LLC,

17 Plaintiffs,

18 v.

19 KIMBERLY HAUETER, *et al.*,

20 Defendants.

Case No. A-21-837173-C

Dept. No. 2

**SUPPLEMENT TO DEFENDANTS’
ANTI-SLAPP SPECIAL MOTION TO
DISMISS PURSUANT TO NRS 41.660**

[HEARING REQUESTED]

21 Defendants Kimberly Haueter, Alejandra Javier, Savannah Brown, and Monica Sandu
22 (collectively, “Defendants”), per stipulation, supplement their Anti-SLAPP Motion to address new
23 allegations made in the First Amended Complaint (“FAC”).

24 Plaintiffs’ newfound allegations are focused on statements they claim were published by
25 Defendant Kimberly Ann Haueter. ¶ 62 of the FAC also alleges that “Wilhelmy learned that the
26 producer canceled the Agreement and Program [for a television series featuring Wilhelmy]
27 because of the Defendants’ Interference,” but this is a conclusory allegation that fails to identify
how Wilhelmy learned of this alleged fact or how Defendants’ alleged interference resulted in
cancellation of the planned TV program, and there is no evidence that there even was a TV show,

1 who was supposedly producing it, or if it were ever under any serious consideration, that it was
2 not simply one of thousands per year that are not deemed worthy of producing. In short, Wilhelmy
3 may as well have alleged that the Defendants have prevented him from fulfilling his dreams of
4 becoming an astronaut. He has no evidence of this, and has refused to provide evidence when
5 asked, through counsel, to do so. (*See Exhibit 3*)

6 As far as at least *hypothetically* “factual” allegations go, we have a few, but they are
7 unsupportable. Plaintiffs allege that, from July to August 2021, Defendant Haueter published 3
8 TikTok videos containing the following statements:

- 9 1) “that Wilhelmy’s twin children were conceived as a result of rape” (¶ 43);
- 10 2) “accusing Wilhelmy of luring underage girls into his Discord chat in order to induce
11 them into sex work for a profit” (¶ 44); and,
- 12 3) “accusing Wilhelmy luring [sic] underage girls to his home to drink alcohol” (¶ 45).

13 Tellingly, Plaintiffs do not actually quote any of her statements, provide transcripts of the
14 videos, provide the videos themselves, nor even an authenticating declaration. Why not? Because
15 the allegations appear to be fabrications. Consistent with NRCP 11, before making such a
16 statement, Ms. Haueter pored through *every* online statement that she made during the operative
17 period, and was unable to find a single video stating what Wilhelmy claims in the FAC. (*See*
18 Supplemental Declaration of Kimberly Ann Haueter [“Haueter Supp. Decl.”], attached as **Exhibit**
19 **1**, at ¶ 3-4.) Further, prior to accusing Wilhelmy of simply fabricating these accusations, the
20 undersigned asked counsel for Plaintiffs to provide these statements. (*See* October 11-12, 2021
21 email exchange between Marc Randazza and Raees Mohamed, attached as **Exhibit 2**.) Plaintiffs’
22 counsel responded that he believed the statements were published “on TikTok Live,” but never
23 provided evidence to support these allegations, not even a reference to where the videos could be
24 found, despite Mr. Randazza specifically asking for it. (*See id.*) Mr. Randazza even sent a Rule
25 11 letter and draft Rule 11 motion to Plaintiffs’ counsel due to what appeared to be Plaintiffs’
26 allegations completely devoid of any factual support. (*See* October 12, 2021 letter from Marc
27 Randazza, attached as **Exhibit 3**.) As of the time of filing this Supplement, Plaintiffs have yet to

1 provide any evidence of their new claims. Presumably, if the statements even existed, they would
 2 have been provided. The most logical conclusion, at this time, is that they do not exist.

3 By all available evidence, Wilhelmy fabricated these additional statements in an attempt to
 4 create a factual dispute – but there is no factual dispute. One cannot simply make an allegation
 5 like “Defendant called me a sex trafficker in a TikTok video” and refuse to produce the video,
 6 refuse to quote the video, refuse to provide an authentication of the video, and in every other way
 7 refuse to support the allegation, yet still prevail in an Anti-SLAPP hearing. This is somewhat
 8 unusual in the Anti-SLAPP context, since it is rare to have a defamation claim where there is a
 9 highly specific allegation of a published statement, yet zero tangible proof backing up the
 10 allegation. Had Wilhelmy simply stated that he overheard Haueter saying these things in a
 11 crowded bar, he would have more hope for creating a genuine factual dispute. Instead, he simply
 12 refuses to provide the receipts.

13 For these reasons, the FAC does not change the analysis in the Anti-SLAPP Motion. The
 14 only thing it does is add even less defensible claims against Ms. Haueter that must be dismissed.
 15 The FAC also raises a question as to Rule 11 – as to why Wilhelmy would raise such allegations,
 16 without providing proof of the statements being made at all, and not one of the attorneys on his
 17 team appears to have viewed them – since all indications to date are that they do not exist.
 18 Naturally, proving a negative is nearly impossible, but Ms. Haueter has made a thorough review
 19 of every one of her TikTok videos during the relevant period, and she was unable to find where or
 20 when these statements were published.

21 Since Defendants requested the proof prior to the filing of this Supplement, and Plaintiffs
 22 refused to provide any of it, Plaintiffs should be compelled to provide this proof along with their
 23 Reply to this Supplement. Because they have failed to provide evidence of these new allegations,
 24 Plaintiffs have prejudiced Defendants’ ability to provide substantive argument in this Supplement.
 25 In the interest of having a full evidentiary record, however, Defendants will not seek exclusion of
 26 such evidence if it is provided in Plaintiffs’ response to this Supplement. However, this attempt
 27 to sandbag Defendants shows Plaintiffs’ bad faith in filing suit and in filing their FAC. Such bad

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faith warrants imposition of the maximum possible sanction of \$10,000 against Plaintiffs under NRS 41.670(b) in addition to costs and attorneys’ fees for this bad-faith litigation conduct.

Dated: October 15, 2021.

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
RANDAZZA LEGAL GROUP, PLLC
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Attorneys for Defendants
Kimberly Haueter, Alejandra Javier,
Savannah Brown, and Monica Sandu

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on this 15th day of October, 2021 and served via the Eighth Judicial District Court's Odyssey electronic filing system.

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

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EXHIBIT 1

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

STEFAN WILHELMY, an individual; and
PEARADISE, LLC, a Nevada
limited liability company;

Plaintiff,

vs.

KIMBERLY ANN HAUETER and **JOHN
DOE HAUETER**, wife and husband;
ALEJANDRA JAVIER and **JOHN DOE
JAVIER**, wife and husband; **SAVANNAH
BROWN** and **JOHN DOE BROWN**, wife and
husband; **MONICA SANDU** and **JOHN DOE
SANDU**; wife and husband; **SADIE PAISLEY**
and **JOHN DOE PAISLEY**, wife and husband;
DOE DEFENDANTS I-X, INCLUSIVE, and
ROE DEFENDANTS I-X, INCLUSIVE.,

Defendants.

Case No. A-21-837173-C
Dept. No. 2

**SUPPLEMENTAL DECLARATION OF
KIMBERLY ANN HAUETER IN
SUPPORT OF ANTI-SLAPP SPECIAL
MOTION TO DISMISS UNDER NRS
41.660**

[HEARING REQUESTED]

I, Kimberly Ann Haueter, declare:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called as a witness, could and would testify competently thereto.

EXHIBIT 2

Wilhelmy v. Brown | Meet and Confer on Operative Complaint

Marc Randazza <mjr@randazza.com>

Mon, Oct 11, 2021 at 9:16 AM

To: Raees Mohamed <raees@rmwarnerlaw.com>

Cc: Alex Shepard <ajs@randazza.com>, "amber@candelarialawgroup.com" <amber@candelarialawgroup.com>, Suzanne Levenson <ssl@randazza.com>, Anne Griffith <Anne@rmwarnerlaw.com>

In looking at your amended complaint, these are the three new statements you allege are defamatory:

“Wilhelmy’s twin children were conceived as a result of rape” (FAC at ¶¶ 43)

“accusing Wilhelmy of luring underage girls into his Discord chat in order to induce them into sex work for a profit” (FAC at ¶¶ 44);

“accusing Wilhelmy luring [sic] underage girls to his home to drink alcohol” (FAC at ¶¶ 45)

My client that she denies ever making these statements. Your complaint alleges they were in TikTok videos. I presume you have these videos?

I have asked my client, prior to asking you. Her position is that the allegations are 100% false, that she never even said these things. So, either she is lying to me, or Wilhelmy is lying to you. I'll have some severe words for my client if I discover that she is not being forthcoming with me.

On Thu, Oct 7, 2021 at 7:53 PM Raees Mohamed <raees@rmwarnerlaw.com> wrote:

[Quoted text hidden]

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Marc John Randazza, JD, MAMC, LLM* | Randazza Legal Group

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* Licensed to practice law in Arizona, California, Florida, Massachusetts, and Nevada.

Wilhelmy v. Brown | Meet and Confer on Operative Complaint

Raes Mohamed <raees@rmwarnerlaw.com>

Tue, Oct 12, 2021 at 3:00 PM

To: Marc Randazza <mjr@randazza.com>

Cc: Alex Shepard <ajs@randazza.com>, "amber@candelarialawgroup.com" <amber@candelarialawgroup.com>, Suzanne Levenson <ssl@randazza.com>, Anne Griffith <Anne@rmwarnerlaw.com>

L

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From: a w mjr@randazza.com
Sent: a h a
To: w a raees@rmwarnerlaw.com
Cc: ajs@randazza.com amber@candelarialawgroup.com amber@candelarialawgroup.com
 ssl@randazza.com Anne@rmwarnerlaw.com

[Quoted text hidden]

[Quoted text hidden]



Alex Shepard <ajs@randazza.com>

Wilhelmy v. Brown | Meet and Confer on Operative Complaint

Marc Randazza <mjr@randazza.com>

Tue, Oct 12, 2021 at 3:03 PM

To: Raees Mohamed <raees@rmwarnerlaw.com>

Cc: Alex Shepard <ajs@randazza.com>, "Amber" <amber@candelarialawgroup.com>, Suzanne Levenson <ssl@randazza.com>, Anne Griffith <Anne@rmwarnerlaw.com>

I am open minded to that possibility. Does *anyone* have them? Or are we going entirely from Mr. Wilhelmy's memory?

[Quoted text hidden]

EXHIBIT 3

12 October 2021

Via [Email Only]

Raees Mohamed, Esq.,
RM Warner, PLC
8283 N. Hayden Rd., Suite 229
Scottsdale, AZ 85258
raees@rmwarnerlaw.com

Amber Candelaria, Esq.
Candelaria Law Group, LLC
8275 S. Eastern Ave., Suite 200
Las Vegas, NV 89123
amber@candelarialawgroup.com

Re: Rule 11 Issue in your allegations against Haueter

Dear Raees and Amber,

On September 28, 2021, you filed an amended complaint. In that amended complaint, you made four new factual allegations.

1. That a Producer of a Reality TV show about Wilhelmy canceled it, allegedly because of my clients' statements (FAC at ¶¶ 58-62);
2. That Haueter said "that Wilhelmy's twin children were conceived as a result of rape" (FAC at ¶¶ 43);
3. That Haueter made a statement "accusing Wilhelmy of luring underage girls into his Discord chat in order to induce them into sex work for a profit" (FAC at ¶¶ 44);
4. That Haueter made a statement "accusing Wilhelmy luring [sic] underage girls to his home to drink alcohol" (FAC at ¶¶ 45).

Rule 11(b) of the Nevada Rules of Civil Procedure requires that factual allegations have evidentiary support.

I would imagine that, in the face of a pending Anti-SLAPP motion, that you would have at least perused such evidentiary support. We requested it on Monday, October 11, 2021 via email. You both chose to ignore that request.

I presumed the best of you – namely that you could not possibly have presented these allegations without some evidentiary support. Accordingly, I did task my clients and staff with the duty of reviewing each and every statement made by Ms. Haueter in the relevant time period, and they are all prepared to swear under penalty of perjury that the statements in 2-4 above were never made at all.

With respect to the first item, I presume that you have some evidentiary support for this contention as well. Well, I presume no such thing. I presume that it is a lie. I presume that it is a lie that Wilhelmy told you, not that you invented yourselves. However, I also presume that you did not request that Wilhelmy provide you with anything to back up this contention – thus again violating Rule 11(b). I presume this because if there were a scintilla

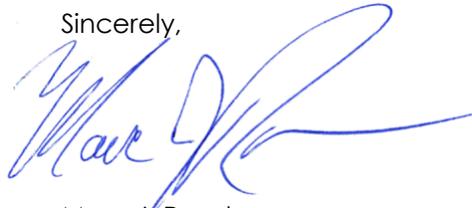
of evidence that there was, indeed, a plan for a reality show about this whole bizarre thing Wilhelmy has going on, that it was either pure vapor from the beginning – or that such salacious allegations would actually make it *more* interesting.

If you decline to provide anything to back this up before we file our supplement to the Anti-SLAPP motion, that supplement will need to include the fact that we have now requested (twice) that you back up these factual contentions, and that you refused. As as you know, a Rule 11 motion can only be filed after a 21-day period in which you may correct your actions. However, under Rule 11(b)(3) “On its own, the court may order an attorney, law firm, or party to show cause why conduct specifically described in the order has not violated Rule 11(b).”

If you can neither present any evidence to support your new allegations, nor can you bring yourselves to withdraw these four allegations, I have no other option but to request in our supplement that the court invoke its authority under Rule 11(b)(3). Should it decline to do so, we will also file the attached motion as soon as the 21-day period has expired.

I sincerely do not wish to do such a thing. However, I also have done *my* due diligence to ensure that I am not requesting such sanctions lightly. If you wish to continue to ignore my attempts to avoid doing this, I will not be compelled to feel guilty for doing so.

Sincerely,



Marc J. Randazza

cc: Kimberly Haueter, Savannah Brown, Monica Sandu, Alejandra Javier

encl: Draft Rule 11 motion