

1 Raees Mohamed, Esq.
2 Arizona Bar #027413
3 RM Warner, PLC
4 8283 N. Hayden Rd., Suite 229
5 Scottsdale, AZ 85258
6 (480) 331-9397
7 Raees@RMWarnerLaw.com
8 *Admitted Pro Hac Vice*

6 Amber Candelaria, Esq.
7 Nevada Bar #9992
8 Candelaria Law Group, LLC
9 8275 S. Eastern Avenue, Suite 200
10 Las Vegas, NV 89123
11 (702) 706-7065
12 amber@candelarialawgroup.com
13 Attorneys for Plaintiffs

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

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

17 Plaintiffs,

18 vs.

19 KIMBERLY ANN HAUETER and JOHN
20 DOE HAUETER, wife and husband;
21 ALEJANDRA JAVIER and JOHN DOE
22 JAVIER, wife and husband; SAVANNAH
23 BROWN and JOHN DOE BROWN, wife
24 and husband; MONICA SANDU and JOHN
25 DOE SANDU, wife and husband; SADIE
26 PAISLEY DOE AND JOHN DOE
27 PAISLEY, wife and husband; DOE
28 DEFENDANTS I-X, INCLUSIVE; AND
ROE DEFENDANTS I-X, INCLUSIVE.

Defendants.

Case No. A-21-837173-C

Department: 2

**PLAINTIFFS' RESPONSE IN
OPPOSITION TO
DEFENDANTS'
SUPPLEMENT TO THE
ANTI-SLAPP SPECIAL
MOTION TO DISMISS**

1 Plaintiffs, Stefan Wilhelmy and Pearadise, LLC, by and through undersigned
2 counsel, hereby file their response in opposition to Defendants’ Supplement to the
3 Anti-Slapp Special Motion to Dismiss (“Supplement”).
4

5 **I. INTRODUCTION**

6 Defendants’ Supplement makes two grave errors: (1) it fails to address their
7 burden to show the additional statements were protected speech (i.e., “Prong 1”); and
8 (2) it faults Plaintiffs for Defendants’ failure to obtain discovery with leave of court.
9 To prevail on their Motion, Defendants were required to satisfy their lofty burden
10 under NRS 41.660(3)(a) relating to the additional defamatory statements pled in First
11 Amended Complaint (“FAC”), if they believed the statements were protected speech.
12 The additional defamatory statements within the FAC (hereinafter “Additional
13 Defamatory Statements”) are as follows:
14
15
16
17

18 43. On or about July 13, 2021, Defendant Kimberly published
19 a TikTok video wherein she stated that Wilhelmy’s twin children
20 were conceived as a result of rape, which is absolutely false.

21 44. On or about August 9, 2021, Defendant Kimberly
22 published a TikTok video accusing Wilhelmy of luring underage
23 girls into his Discord chat in order to induce them into sex work
24 for a profit, which is absolutely false.

25 45. On or about August 10, 2021, Defendant Kimberly
26 published a TikTok video accusing Wilhelmy luring underage
27 girls to his home to drink alcohol.
28

1 Plaintiffs further alleged that, “In or about early September 2021, Wilhelmy learned
2 that the producer cancelled the Agreement and Program because of the Defendants’
3 interference.” FAC, ¶ 62.
4

5 Defendants utterly failed to satisfy their burden related to the Additional
6 Defamatory Statements under NRS 41-660(3)(a). Defendants were required to show
7 “by a preponderance of the evidence, that the claim [Additional Defamatory
8 Statements] is based upon a good faith communication in furtherance of the right to
9 petition or the right to free speech in direct connection with an issue of public
10 concern”. Instead of even *trying* to satisfy their burden, Defendants used their
11 Supplement to cast aspersions at Plaintiffs and counsel, and tried to compel evidence
12 from Plaintiffs by using wrongful tactics like abhorrent accusations of fabricating facts
13 and Rule 11 threats. Under NRS 41.660(4), Defendants were required to seek leave
14 for discovery if they needed evidence to support their burden of proof, which they also
15 failed to do.
16
17
18
19

20 Even *if* the Court finds that Defendants met their statutory burden of proof in
21 their hollow Supplement, the Additional Defamatory Statements cannot be a basis for
22 dismissing the FAC, because Plaintiffs have “demonstrated with prima facie evidence
23 a probability of prevailing on the claim [Additional Defamatory Statements].” *Id.*
24 Plaintiffs respectfully request the Court to deny Defendant’s Anti-SLAPP Special
25
26
27
28

1 Motion and award the Plaintiffs their attorneys' fees and costs, and an additional
2 \$10,000 pursuant to NRS 41.670(3), for engaging in this vexatious motion practice.

3
4 **II. FACTUAL BACKGROUND.**

5 On September 10, 2021, Defendants filed their Special Motion to Dismiss. In
6 light of newfound information, on September 28, 2021, Plaintiffs filed their First
7 Amended Complaint addressing three Additional Defamatory Statements made by
8 Defendant Haueter, as well as the cancellation of a television show Plaintiff
9 Wilhelmy's was being scouted for. FAC, ¶¶ 43-45, 62. After Plaintiffs filed the First
10 Amended Complaint, Defendants improperly began raising unfounded questions
11 regarding the origin and authenticity of the Additional Defamatory Statements and the
12 TV show being cancelled. On October 11, 2021, Plaintiffs' counsel emailed
13 Defendants' counsel and stated that the statements were made by Defendant Kimberly
14 Haueter on TikTok Live. On October 15, 2021, Plaintiffs' counsel directed
15 Defendants' counsel to the Anti-Slapp rules and requested compliance with the same:
16
17
18
19

20
21 Marc, if you need discovery in order to meet your burden under
22 the Anti-Slapp Motion that you decided to file, **the proper**
23 **procedure is for you to file a motion seeking leave to conduct**
24 **said discovery.** See NRS 41.660(4) ("Upon a showing by a party
25 that information necessary to meet or oppose the burden pursuant
26 to paragraph (b) of subsection 3 is in the possession of another
27 party or a third party and is not reasonably available without
28 discovery, the court shall allow limited discovery for the purpose
of ascertaining such information.") **If you are filing such a**
motion, then we are willing to stipulate to the discovery, on
the condition that you produce all 4 defendants for their
depositions, so they can attest under oath to who said what,

1 **when, and why to Piggy, about the sexual assault allegations**
2 **– which is germane to Prong 1.**

3 See email chain between counsel attached in **Exhibit 1**. (emphasis added). Plaintiff’s
4 counsel also cautioned Mr. Randazza that his “Rule 11 threat is an improper (albeit
5 slightly creative) **work-around the Anti-Slapp special procedure.**”, which stays
6 discovery while his Motion is pending. *Id.* (emphasis added). Defendants’ counsel
7 curtly responded “[w]rong.” On October 15, 2021, Defendants filed their Supplement,
8 which now also includes non-meritorious Rule 11 threats.

11 **III. ARGUMENT.**

12 **A. Defendants Failed to Comply with NRS 41.660(4) to Obtain Evidence,**
13 **and their Threat to Produce Evidence with Rule 11 Accusations is**
14 **Grossly Improper.**

15 Defendants are hoping to curtail the special procedural rules *triggered by their*
16 *own Motion* by stating groundless accusations to the Court and threatening Rule 11
17 sanctions. Defendants blatantly ignore the Anti-SLAPP rules. Defendants’ counsel
18 was informed of the proper method to request limited discovery in accordance with
19 NRS 41.660(4) and Rule 11, and Plaintiffs even proposed to stipulate to discovery.
20 However, Defendants chose to file the Supplement as-is anyway, at their own peril.

21 Defendants wrongfully attempt to utilize Rule 11 as a work-around the Anti-
22 SLAPP special procedure. Rule 11 does not require Plaintiffs to produce evidence at
23 this juncture in the case. Rule 11(b)(3) simply requires that counsel filing the pleading
24 “certifies that to the best of the person’s knowledge, information, and belief, formed
25 26 27 28

1 after an inquiry reasonable under the circumstances... **(3) the factual contentions**
2 **have evidentiary support or, if specifically so identified, will likely have**
3 **evidentiary support after a reasonable opportunity for further investigation or**
4 **discovery.”** (emphasis added).
5

6 The Additional Defamatory Statements *have* evidentiary support, i.e., the
7 testimony of Plaintiff Stefan Wilhelmy and other witnesses, and will “likely have
8 evidentiary support after a reasonable opportunity for further investigation or
9 discovery”, which has yet to occur in this case. For example, paragraph 62 of the FAC
10 about the TV show’s cancellation, which Defendants questioned, was supported by
11 Mr. Wilhelmy’s prior testimony. *See* Declaration of Plaintiff Stefan Wilhelmy in Ex.
12 6, ¶¶ 22-25, attached to Plaintiffs’ Response In Opposition to Motion to Dismiss. The
13 Additional Defamatory Statement relating to Defendant Kimberly Haueter’s false
14 accusation that Mr. Wilhelmy’s twin children were conceived as a result of Mr.
15 Wilhelmy raping her, was also supported by third-party witness, Ms. Cipreanna Ford’s
16 testimony. *See* Declaration of Cipreanna Ford in Ex. 5, ¶¶ 3-7, attached to Plaintiffs’
17 Response In Opposition to Motion to Dismiss.
18
19
20
21
22

23 Defendants have chosen to ignore the evidence and lodge false “Rule 11”
24 accusations. Ironically, Defendants’ accusations of fabricating facts and Rule 11
25 violations themselves unequivocally lack merit and therefore, are subject to Rule 11
26 sanctions. Defendants should not throw stones from a glass-house.
27
28

1 Defendants have also chosen to ignore the mandates of NRS 41.660 relating to
2 the automatic discovery stay. The Anti-Slapp statute instructs the court and parties,
3 that “[i]f a special motion to dismiss is filed pursuant to subsection 2, **the court**
4 **shall:** . . .[e]xcept as otherwise provided in subsection 4, **stay discovery** pending: (1)
5 a ruling by the court on the motion; and (2) The disposition of any appeal from the
6 ruling on the motion”. NRS 41.660(3)(e) (emphasis added). As such, Defendants were
7 required under subsection 4 to seek leave for discovery—not threaten Plaintiffs and
8 counsel with Rule 11 violations and sanctions. *See* NRS 41.660(4) (“[u]pon a showing
9 by a party that **information necessary to meet or oppose the burden pursuant to**
10 **paragraph (b) of subsection 3 is in the possession of another party or a third**
11 **party and is not reasonably available without discovery,** the court shall allow
12 limited discovery for the purpose of ascertaining such information.”) The statute is as
13 clear as day. If Defendants believed they needed additional information to support
14 their statutory burden under the Anti-Slapp Statute, Defendants were obligated to file
15 a motion seeking leave to conduct limited discovery. Defendants failed to do so.
16 Defendants’ crocodile tears of “sandbagging” and non-meritorious Rule 11 allegations
17 are contrary to the statute and not persuasive.
18
19
20
21
22
23
24

25 ///

26 ///

27 ///

28

1 **B. Defendants’ Failed to Meet Their Burden Under 41.660(3)(a) Relating**
2 **to the Additional False Statements; Therefore, Their Motion Must Be**
3 **Denied.**

4 To acquire anti-SLAPP protection, Defendants must establish, by a
5 preponderance of the evidence, that the Additional False Statements in the FAC are
6 “based upon a good faith communication in furtherance of...the right to free speech
7 in direct connection with an issue of public concern.” NRS 41.660(3)(a). Defendants
8 must meet all three elements of NRS 41.637(4), namely: (1) “[c]ommunication made
9 in direct connection with an issue of public interest”; (2) “in a place open to the public
10 or in a public forum,” and (3) “which is truthful or is made without knowledge of its
11 falsehood”.

12 Defendants failed to engage in any analysis in their Supplement for how the
13 Additional False Statements qualify for protection under NRS 41.637(4). The only
14 “evidence” they offered is a conclusory statement by Defendant Kimberly Haueter,
15 claiming to have not published the Additional False Statements. *See* Ex. 1 to Def’s
16 Supplement. Defendants have reduced their burden into playing a “he-said, she-said”
17 game, instead of seeking discovery to prove these claims. The Defendants have failed
18 to provide any evidence or any argument on how or why the Additional False
19 Statements meet all three elements of NRS 41.637(4). Therefore, Defendants have
20 failed to meet their burden.
21
22
23
24
25
26
27
28

1 **(1) Defendants’ Statements Were Not Made in Connection with an Issue of**
2 **“Public Interest” As Required Under Shapiro.**

3 Although what constitutes a “public interest” is defined broadly, it must still
4 meet all five *Shapiro* factors. *Shapiro*, 133 Nev. at 39, 389 P.3d at 268. **Defendants**
5 **not only utterly failed to engage in *any* analysis of the five *Shapiro* factors, but**
6 **Defendants also failed to analyze the additional statements in their entirety.** This
7 mistake is fatal to the entirety of Defendants’ burden of proof.
8
9

10 Under the five *Shapiro* factors, Defendants fail to meet their burden of showing
11 that the additional statements were made in connection with an issue of “public
12 interest.” Firstly, as stated in Plaintiffs’ Response in Opposition to Defendants’
13 Motion, whether Mr. Wilhelmy is a public figure is not relevant to the first prong of
14 the anti-SLAPP motion analysis. *See Annette F. v. Sharon S.*, 119 Cal. App. 4th 1146,
15 1162 (2004) (analyzing whether plaintiff is a public figure *under the second prong* of
16 the anti-SLAPP motion analysis). Secondly, statements regarding public figures may
17 still be *private* issues.
18
19
20

21 The Additional False Statements alleged in the FAC are: “Wilhelmy’s twin
22 children were conceived as a result of rape” (FAC at ¶ 43); "accusing Wilhelmy of
23 luring underage girls into his Discord chat in order to induce them into sex work for a
24 profit” (FAC at ¶ 44); and “accusing Wilhelmy luring [sic] underage girls to his home
25 to drink alcohol” (FAC at ¶ 45). The *Shapiro* factors weigh in favor of concluding that
26
27
28

1 the Additional False Statements are not statements made in connection with a “public
2 interest”.

3
4 Under factor one, mere curiosity and speculation about Plaintiff Wilhelmy’s
5 children and alleged criminal acts are not a “public interest” question. Under factor
6 two, false allegations of the conception of Wilhelmy’s children could only be “a matter
7 of concern to a speaker and a relatively small specific audience” and “is not a matter
8 of public interest”. *Shapiro*, 389 P.3d at 268. Under factor three, there is no nexus
9 between the Defendants’ asserted public interest, and the challenged statements, that
10 Wilhelmy conceived his children by rape, purchases sex with underage girls for
11 money, and provides alcohol to underage girls. The alleged concern over the so-called
12 pattern of “sexual assault against a public figure” is precisely the type of “broad and
13 amorphous public interest [that] is not sufficient”. *Shapiro*, 389 P.3d at 268. Under
14 factors four and five, the Defendants’ conduct here is purely a character assassination
15 scheme against Wilhelmy by four individuals who are engaged in a “mere effort to
16 gather ammunition for another round of private controversy”. *Shapiro*, 389 P.3d at
17 268. Specifically, Defendant Haueter, the speaker of the Additional False Statements,
18 is using sensationalism to draw more attention to the private controversy regarding
19 two adults who lived with Wilhelmy for 12 days while engaging in consensual adult
20 conduct. Therefore, Defendants cannot meet the public interest *Shapiro* factors.
21
22
23
24
25
26
27
28

1 **(2) Defendants’ Additional False Statements Were Not Made in “Good**
2 **Faith” Because the Allegations Are Not True.**

3 In their Supplement, Defendants merely deny that Defendant Haueter made the
4 Additional False Statements. They do not attempt to argue that a single word of the
5 Additional False Statements is true. Plaintiffs can easily demonstrate, by a
6 preponderance of the evidence, that the Additional False Statements are false. Witness
7 Cipreanna Ford, the mother of Wilhelmy’s twins, has already provided a written
8 declaration, attesting under the penalty of perjury, that their children were not
9 conceived through rape. *See* Decl. of C. Ford in Ex. 5, ¶¶ 3-7, attached to Plaintiffs’
10 Response In Opposition to Motion to Dismiss. Plaintiff Wilhelmy’s twin children
11 were not conceived as a result of rape (FAC at ¶ 43); he has never lured underage
12 girls into his Discord chat in order to induce them into sex work for a profit (FAC at
13 ¶ 44); and he has never lured underage girls to his home to drink alcohol” (FAC at ¶
14 45). *See* Declaration of Stefan Wilhelmy attached as **Exhibit 2**, ¶¶ 3-5.

15 Accusations of rape and illicit conduct with underage girls are actionable
16 statements of fact. *See Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 715, 57 P.3d
17 82, 88 (2002). (“In determining whether a statement is actionable for purposes
18 of defamation suit, court must ask whether a reasonable person would be likely to
19 understand the remark as an expression of the source's opinion or as a statement of
20 existing fact; if such published statements could be construed
21 as defamatory statements of fact, and therefore actionable, jury should resolve
22
23
24
25
26
27
28

1 matter.”) False assertions of objective facts are actionable. *See Pacquiao v.*
2 *Mayweather*, 803 F. Supp. 2d 1208, 1213 (D. Nev. 2011) (“defendants' alleged
3 statements are actionable defamatory statements because they falsely assert an
4 objective fact".)

5
6 Defendants failed to produce any evidence that these statements are true, and
7 attempted to avoid proving the accuracy of the statements altogether by falsely
8 accusing Plaintiffs of fabricating them. Therefore, Defendants cannot and have not
9 met their burden of proving that Defendant Haueter published the Additional False
10 Statements in “good faith.”
11
12

13
14 **C. Even if Defendants Met Their Burden on Prong 1 By A Preponderance**
15 **of the Evidence, on Prong 2, Plaintiffs’ Have Demonstrated With Prima**
16 **Facie Evidence A Probability Of Prevailing on Their Claims. Therefore,**
17 **The Anti-SLAPP Motion Must Be Denied Under NRS 41.660(3)(b).**

18 If Defendants have met their high burden, which they have not, the burden shifts
19 to the Plaintiffs to show “with prima facie evidence a probability of prevailing on the
20 claim.” *Shapiro v. Welt*, 389 P.3d at 268; *see also* NRS 41.660(3)(b). Just as
21 Defendants failed to do with the first prong, Defendants also failed to address whether
22 Plaintiffs can demonstrate a probability of prevailing on the claims related to the
23 Additional False Statements.
24

25 ///

26 ///

27
28

1 **(1) Plaintiffs Can Show a Probability of Prevailing on their Defamation**
2 **Claim Related to the Additional False Statements.**

3 The Additional False Statements have adequately stated and substantiated a
4 legally viable claim for defamation per se. *See Pope v. Motel 6*, 114 P.3d 277, 282
5 (2005) (“A false statement involving the imputation of a crime has historically been
6 designated.”) Plaintiffs hereby incorporate by reference the allegations within the
7 FAC ¶¶ 66-79.
8

9
10 Defendants’ accusations of rape and illicit conduct with underage girls are not
11 truthful, nor are they opinions. They are false statements of fact that are capable of
12 being proven. Factual accusations, like rape, are actionable as defamation if proven
13 false, and a jury should resolve this question. *Pegasus v. Reno Newspapers, Inc.*, 57
14 P.3d at 88; *see also Pacquiao v. Mayweather*, 803 F. Supp. 2d at 1213.
15

16
17 Plaintiffs hereby incorporate by reference the facts and analysis of Section
18 (B)(1)(b) of Plaintiffs’ Response in Opposition to Defendants’ Motion regarding
19 Plaintiff Wilhelmy’s status as a private person. If it is determined that Wilhelmy is
20 considered a limited public figure and the actual malice standard is applied, Plaintiffs
21 can demonstrate that Defendant Haueter published the additional alleged statements
22 with knowledge of falsity.
23

24
25 First, as the evidence produced already shows, Defendant Haueter was
26 specifically told that her allegations relating to Ms. Ford and Plaintiff Wilhelmy and
27 their twin children were false. *See Decl. of C. Ford in Ex. 5, ¶¶ 3-7 and Ex. 1 images*
28

1 [Wilhelmy_000040-44] attached thereto, attached to Plaintiffs' Response In
2 Opposition to Motion to Dismiss. Second, Ms. Ford specifically attests that Defendant
3 Haueter falsely accused her of being raped by Plaintiff Wilhelmy, and Ms. Ford told
4 Defendant Haueter that this was false. *See* Decl. of C. Ford attached as **Exhibit 3**.
5

6 Thirdly, Defendant Haueter has no knowledge of the circumstances of
7 Wilhelmy's children's conception and is unable to substantiate any claim that she
8 does. She has failed to make any statement, sworn or unsworn, regarding her
9 knowledge of his children's conception as well as her knowledge of the illicit
10 conduct she claims Wilhelmy has done with underage girls.
11
12

13 **(2) Plaintiff Wilhelmy's False Light Claim and Plaintiffs' Intentional**
14 **Interference with Prospective Economic Advantage, Intentional**
15 **Interference, and Aiding and Abetting and Conspiracy Claims Survive.**

16 Plaintiffs incorporate by reference all facts and analysis stated in Section (B)(2)
17 through (B)(5) of Plaintiffs' Response in Opposition to Defendants' Motion regarding
18 the survival of all Plaintiffs' claims. The additional factual allegation in the FAC
19 relating to the cancellation of the TV show because of Defendants' conduct further
20 substantiates Plaintiffs' interference-based claims: "In or about early September
21 2021, Wilhelmy learned that the producer cancelled the Agreement and Program
22 because of the Defendants' interference." FAC, ¶ 62. Defendants complain that ¶ 62
23 of the FAC is:
24
25
26

27 " . . . a conclusory allegation that fails to identify how Wilhelmy
28 learned of this alleged fact or how Defendants' alleged

1 interference resulted in cancellation of the planned TV program
2 and there is no evidence that there was even was a TV show, who
3 was supposedly producing it, or if it were ever under any serious
4 consideration, that it was not simply one of thousands per year
that are not deemed worthy of producing.”

5 None of these additional facts are even required to be pled to support any of Plaintiffs’
6 causes of action. Plaintiffs are only required to meet the notice pleading requirements.

7
8 If Defendants required these facts to support their burden under NRS 41-660(3)(a),
9 they were required to seek leave for discovery, which they failed to do. Finally,
10 Defendants do not even claim that these facts are material or would change anti-
11 SLAPP considerations, ostensibly because they do not. Therefore, Plaintiffs can show
12 by a preponderance of the evidence a probability of prevailing on all of their claims
13 alleged in the FAC.
14

15
16 **(3) Plaintiffs’ Have Alleged Viable Claims and They Must Proceed.**

17
18 Regardless of Defendants’ threshold showing or lack thereof, Plaintiffs have
19 demonstrated a probability of prevailing on their claims, which defeats the anti-
20 SLAPP Motion. *See Navellier v. Sletten*, 29 Cal. 4th 82, 95, 52 P.3d 703, 713 (2002)
21 (“As noted, no cause of action qualifies as a SLAPP merely because the defendant’s
22 actions conceptually fall within the ambit of the statute’s initial prong. Despite the
23 fact Sletten has made a threshold showing that plaintiffs may defeat the anti-SLAPP
24 motion by establishing a probability of prevailing on their claim.”) Plaintiffs’ claims
25 need only minimal merit. *Id.* at 52 P.3d 712. *See also Willbanks v. Wolk*, 121 Cal.
26
27
28

1 App.4th 883, 905 (App. 2004) (“It is enough that the plaintiff demonstrates that the
2 suit is viable, so that court should deny the special motion to strike and allow the
3 case to go forward.”).

4
5 **IV. CONCLUSION.**

6 Defendants failed to meet their lofty burden to show that the Additional
7 Defamatory Statements alleged in the FAC are good faith communications warranting
8 protection. Defendants have failed to provide *any* explanation for how or why the
9 Defendants can satisfy their burden under NRS 41-660(3)(a), that “by a
10 preponderance of the evidence, that the claim is based upon a good faith
11 communication in furtherance of the right to petition or the right to free speech in
12 direct connection with an issue of public concern”. Instead, Defendants used their
13 Supplement to cast aspersions at Plaintiffs and counsel. For all of the foregoing
14 reasons, Plaintiffs request the Supplement and their Motion to be denied, so that this
15 case can move into discovery. Given the vexatious nature of the Motion and
16 Supplement, Plaintiffs respectfully request that the Court deny both and award the
17 Plaintiffs their attorneys’ fees and costs, and an additional \$10,000.00 pursuant to
18 NRS 41.670(3).
19
20
21
22
23
24

25 Dated this October 25, 2021.

26 Submitted by:

27 **RM WARNER, PLC**
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ Raeesabbas Mohamed
Raeesabbas Mohamed, Esq.
AZ Bar No. 027418
Admitted Pro Hac Vice
8283 N. Hayden Road, #229
Scottsdale, AZ 85258
(480) 331-93979
Attorney for Plaintiffs

EXHIBIT 1

Re: Wilhelmy v. Brown | Meet and Confer on Operative Complaint

Marc Randazza <mjr@randazza.com>

Fri 10/15/2021 3:42 PM

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>

Wrong.

On Fri, Oct 15, 2021 at 6:35 PM Raees Mohamed <raees@rmwarnerlaw.com> wrote:

Marc, if you need discovery in order to meet your burden under the Anti-Slapp Motion that you decided to file, the proper procedure is for you to file a motion seeking leave to conduct said discovery. See NRS 41.660(4) ("Upon a showing by a party that information necessary to meet or oppose the burden pursuant to paragraph (b) of subsection 3 is in the possession of another party or a third party and is not reasonably available without discovery, the court shall allow limited discovery for the purpose of ascertaining such information.")

If you are filing such a motion, then we are willing to stipulate to the discovery, on the condition that you produce all 4 defendants for their depositions, so they can attest under oath to who said what, when, and why to Piggy, about the sexual assault allegations -- which is germane to Prong 1.

Your Rule 11 threat is an improper (albeit slightly creative) **work-around the Anti-Slapp special procedure**. Your Rule 11 threat to produce discovery while your Anti-Slapp Motion is pending cuts against the discovery stay under NRS 41.660(e). Moreover, Rule 11 does not require that I produce evidence to you at this juncture of your Anti-Slapp Motion. Rule 11(b)(3) states:

(b) Representations to the Court. 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: (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;**

Your suggestion that testimony is not "evidentiary support" is also comical.

So if you're in need of discovery to meet your burden, do not file a bogus Rule 11 motion that I will vigorously oppose -- follow the rules under the Anti-Slapp Motion you filed and ask the court for leave for discovery.

Raees Mohamed, Esq.

Partner

RM Warner P.L.C.

8283 North Hayden Road Ste. 229,

Scottsdale, AZ 85258

Phone: (480)-331-9397

Fax: 866-961-4984

www.rmwarnerlaw.com



Follow us on [Facebook](#), [Instagram](#), [Twitter](#), and [LinkedIn](#) to learn more.

Please confirm receipt of all time sensitive or important information sent by email. We are not responsible for e-mail not received due to excessive email or strong spam filters. This message and the information in it are attorney/client privileged and confidential. Use by anyone other than the intended recipient is strictly prohibited. Unless we have formally agreed to be retained by you as your attorney we are not your attorney and nothing in this e-mail is legal advice. Circular 230 Disclosure: Nothing herein is intended to convey an expression of an opinion as to the likelihood that a tax position would ultimately prevail if challenged by the IRS. Nothing herein was written, nor can it be used by the recipient or anyone else, for protection from penalties that might be imposed by the IRS. This e-mail is intended solely for the recipient to which it is addressed, and no-one else should rely on this e-mail. The person to which this e-mail is addressed is under no obligation to keep this email confidential. We are a debt relief agency. We provide assistance with respect to credit defaults, mortgage foreclosures, eviction proceedings, excessive debt, debt collection pressure or inability to pay any consumer debt. We help people file for bankruptcy relief under the Bankruptcy Code. If this communication concerns negotiation of a contract or agreement, the Uniform Electronic Transactions Act does not apply to this communication. Contract formation in this matter shall occur only with manually affixed original signatures on original documents.

From: Marc Randazza <mjr@randazza.com>
Sent: Tuesday, October 12, 2021 3:03 PM
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>
Subject: Re: Wilhelmy v. Brown I Meet and Confer on Operative Complaint

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

On Tue, Oct 12, 2021 at 6:00 PM Raees Mohamed <raees@rmwarnerlaw.com> wrote:
Your client is definitely lying to you. I believe they were on TikTok Live.

Raees Mohamed, Esq.
Partner
RM Warner P.L.C.
8283 North Hayden Road Ste. 229,
Scottsdale, AZ 85258
Phone: (480)-331-9397
Fax: 866-961-4984
www.rmwarnerlaw.com



RM WARNER
INTERNET / CORPORATE LAWYERS

Follow us on [Facebook](#), [Instagram](#), [Twitter](#), and [LinkedIn](#) to learn more.

Please confirm receipt of all time sensitive or important information sent by email. We are not responsible for e-mail not received due to excessive email or strong spam filters. This message and the information in it are attorney/client privileged and confidential. Use by anyone other than the intended recipient is strictly prohibited. Unless we have formally agreed to be retained by you as your attorney we are not your attorney and nothing in this e-mail is legal advice. Circular 230 Disclosure: Nothing herein is intended to convey an expression of an opinion as to the likelihood that a tax position would ultimately prevail if challenged by the IRS. Nothing herein was written, nor can it be used by the recipient or anyone else, for protection from penalties that might be imposed by the IRS. This e-mail is intended solely for the recipient to which it is addressed, and no-one else should rely on this e-mail. The person to which this e-mail is addressed is under no obligation to keep this email confidential. We are a debt relief agency. We provide assistance with respect to credit defaults, mortgage foreclosures, eviction proceedings, excessive debt, debt collection pressure or inability to pay any consumer debt. We help people file for bankruptcy relief under the Bankruptcy Code. If this communication concerns negotiation of a contract or agreement, the Uniform Electronic Transactions Act does not apply to this communication. Contract formation in this matter shall occur only with manually affixed original signatures on original documents.

From: Marc Randazza <mjr@randazza.com>

Sent: Monday, October 11, 2021 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>

Subject: Re: Wilhelmy v. Brown I Meet and Confer on Operative Complaint

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:

Our Amended Complaint does not moot the hearing or your Motion, nor is our Opposition to the Motion moot. The proper procedure here in Nevada is for Defendants to file a supplemental to the Motion limited to the amendments only. See EDCR 5.509 (b)"A supplement must pertain to the subject matter of an existing filing, provide information that could not reasonably have been supplied in the earlier filings, and reference the subject matter and filing to which it relates."

Plaintiffs then file a supplemental response in opposition. Your reply would then follow.

California's procedural rules re: amendments during an anti-SLAPP motion simply do not apply here. But, assuming *arguendo* that California's procedures applied to the filing of our amended complaint, California's procedures re: amending a pleading to *avoid liability of fees for claims that are the subject of the Motion* do not impact the analysis or outcome at all under our facts here. Our amendments do not seek to avoid liability for fees, because we are not withdrawing claims that were the subject of the Motion. Nor are we dismissing any cause of action that your Motion is directed at. Nor do any of the amendments seek to subvert a *ruling* on the Motion.

Under Nevada law, amending a complaint to conform to the evidence would be reviewed for an abuse of discretion. And as you know, amendments are freely granted. Under the federal rules, an amended complaint that cures any alleged "defects" in the original complaint would moot a motion to dismiss raising the prior defects. We addressed facts that arose after the complaint was filed (or which were discovered only after the complaint was filed). This includes the 3 additional defamatory statements made by Piggy, and the actual cancellation of the show. We also clarified that the false light claim is not being brought by Mr. Wilhelmy's entity, only him personally. We did not drop or add any causes of action.

If you agree, please propose dates for your supplement to your Motion, and I'll provide dates for our supplemental response. Your reply date is already fixed.

Finally, we request you withdraw your "Notice" pleading that you filed on 9/29. It's mooted by all of the above and is also not a proper pleading under Nevada rules. Otherwise, we are compelled to move to strike and seek fees for the same. We'll need to know by tomorrow 5 pm on this issue.

Raees Mohamed, Esq.

Partner

RM Warner P.L.C.

8283 North Hayden Road Ste. 229,

Scottsdale, AZ 85258

Phone: (480)-331-9397

Fax: 866-961-4984

www.rmwarnerlaw.com



RMWARNER
INTERNET / CORPORATE LAWYERS

Follow us on [Facebook](#), [Instagram](#), [Twitter](#), and [LinkedIn](#) to learn more.

Please confirm receipt of all time sensitive or important information sent by email. We are not responsible for e-mail not received due to excessive email or strong spam filters. This message and the information in it are attorney/client privileged and confidential. Use by anyone other than the intended recipient is strictly prohibited. Unless we have formally agreed to be retained by you as your attorney we are not your attorney and nothing in this e-mail is legal advice. Circular 230 Disclosure: Nothing herein is intended to convey an expression of an opinion as to the likelihood that a tax position would ultimately prevail if challenged by the IRS. Nothing herein was written, nor can it be used by the recipient or anyone else, for protection from penalties that might be imposed by the IRS. This e-mail is intended solely for the recipient to which it is addressed, and no-one else should rely on this e-mail. The person to which this e-mail is addressed is under no obligation to keep this email confidential. We are a debt relief agency. We provide assistance with respect to credit defaults, mortgage foreclosures, eviction proceedings, excessive debt, debt collection pressure or inability to pay any consumer debt. We help people file for bankruptcy relief under the Bankruptcy Code. If this communication concerns negotiation of a contract or agreement, the Uniform Electronic Transactions Act does not apply to this communication. Contract formation in this matter shall occur only with manually affixed original signatures on original documents.

From: Raees Mohamed <raees@rmwarnerlaw.com>
Sent: Thursday, October 7, 2021 12:42 PM
To: Alex Shepard <ajs@randazza.com>
Cc: amber@candelarialawgroup.com <amber@candelarialawgroup.com>; Marc Randazza <mjr@randazza.com>; Suzanne Levenson <ssl@randazza.com>
Subject: Re: Wilhelmy v. Brown I Meet and Confer on Operative Complaint

Thanks, Mr. Shephard. I will send you my position this afternoon. Assuming we need to hold a call, I'll make myself available tomorrow between 9 am and 1030 a.m. to try and resolve the issues raised.

Raees Mohamed
Partner
RM Warner PLC
8283 N. Hayden Road, Suite 229
Scottsdale, AZ 85258
Phone (480) 331-9397
Fax (866) 961-4984
www.rmwarnerlaw.com

From: Alex Shepard <ajs@randazza.com>
Sent: Wednesday, October 6, 2021, 11:09 AM
To: Raees Mohamed
Cc: amber@candelarialawgroup.com; Marc Randazza; Suzanne Levenson
Subject: Wilhelmy v. Brown | Meet and Confer on Operative Complaint

Dear Counsel,

In light of the court's order today granting our motion to continue the hearing on the Anti-SLAPP motion, we need to meet and confer within the next 48 hours regarding whether the First Amended Complaint is withdrawn or the Anti-SLAPP motion is moot. What is your availability between now and Friday to meet and confer on this issue?

-Alex

--

Alex James Shepard* | Randazza Legal Group, PLLC
[2764 Lake Sahara Drive | Suite 109 | Las Vegas, NV 89117](#)
Tel: 702-420-2001 | Email: ajs@randazza.com

* Licensed to practice law in California and Nevada

--

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

2764 Lake Sahara Drive, Suite 109, Las Vegas, NV 89117
30 Western Avenue, Gloucester, MA 01930
2 S Biscayne Boulevard, Suite 2680, Miami, FL 33131
Tel: 702-420-2001 | Email: mjr@randazza.com
Firm Offices - Las Vegas | Miami | New England

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

--

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

2764 Lake Sahara Drive, Suite 109, Las Vegas, NV 89117
30 Western Avenue, Gloucester, MA 01930
2 S Biscayne Boulevard, Suite 2680, Miami, FL 33131
Tel: 702-420-2001 | Email: mjr@randazza.com
Firm Offices - Las Vegas | Miami | New England

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

--

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

2764 Lake Sahara Drive, Suite 109, Las Vegas, NV 89117
30 Western Avenue, Gloucester, MA 01930
2 S Biscayne Boulevard, Suite 2680, Miami, FL 33131
Tel: 702-420-2001 | Email: mjr@randazza.com
Firm Offices - Las Vegas | Miami | New England

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

EXHIBIT 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

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 DOE 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

Department: 2

**DECLARATION OF
STEFAN WILHELMY
IN SUPPORT OF
PLAINTIFFS' RESPONSE TO
DEFENDANTS'
SUPPLEMENT TO THE
ANTI-SLAPP SPECIAL
MOTION TO DISMISS**

I, Stefan Wilhelmy hereby declare as follows:

1. I am over 18 years of age and I have first-hand knowledge of the facts set forth herein.

2. I am a party to this litigation, and I am providing this Declaration in support of Plaintiffs' Response to Defendants' Supplement to the Motion to Dismiss.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


3. My twin children conceived with Cipreanna Ford were not conceived as a result of rape. They were conceived consensually.

4. I have never lured underage girls into my Discord chat server in order to induce them into sex work for a profit.

5. I have never lured underage girls to my home to drink alcohol either.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10 / 25 / 2021.

By: .

Stefan Wilhelmy

TITLE	Ex 2- Declaration of Stefan Wilhelmy ISO Pls Response IOT...
FILE NAME	Ex%202-%20Declara...%20-%20%28fin.pdf
DOCUMENT ID	7bbbb4d6b3f3413da1abcec63e62126e877c45d7
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Completed

This document was requested from app.clio.com

Document History



SENT

10 / 25 / 2021

23:02:33 UTC

Sent for signature to Stefan Wilhelmy (stefan.wilhelmy@gmail.com) from anne@rmwarnerlaw.com
IP: 107.2.43.34



VIEWED

10 / 26 / 2021

00:28:38 UTC

Viewed by Stefan Wilhelmy (stefan.wilhelmy@gmail.com)
IP: 70.173.138.155



SIGNED

10 / 26 / 2021

00:29:12 UTC

Signed by Stefan Wilhelmy (stefan.wilhelmy@gmail.com)
IP: 70.173.138.155



COMPLETED

10 / 26 / 2021

00:29:12 UTC

The document has been completed.

EXHIBIT 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

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 DOE 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

Department: 2

**DECLARATION OF
CIPREANNA FORD
IN SUPPORT OF
PLAINTIFFS' RESPONSE TO
DEFENDANTS'
SUPPLEMENT TO THE
ANTI-SLAPP SPECIAL
MOTION TO DISMISS**

I, Cipseanna Ford hereby declare as follows:

1. I am over 18 years of age and I have first-hand knowledge of the facts set forth herein.

2. I am not a party to this litigation, and I am providing this Declaration in support of Plaintiffs' Response In Opposition to the Motion to Dismiss.

1 3. I have known Plaintiff Stefan Wilhelmy for approximately 4-years. I
2 am the mother of Plaintiff Stefan Wilhelmy's twin minor children, a fact that all of
3 the Defendants are generally aware of.
4

5 4. Defendant Kimberly Haueter has falsely accused Plaintiff Wilhelmy of
6 raping me, and has falsely stated that my twin children with Plaintiff Wilhelmy were
7 the result of rape.
8

9 5. In addition to public comments on Instagram in response to these false
10 accusations, I have also publicly stated in TikTok videos that the accusations relating
11 to my twins and Plaintiff Wilhelmy are false, a fact that Defendant Haueter is aware
12 of but fails to state.
13

14 I declare under penalty of perjury that the foregoing is true and correct.
15

16 Executed on 10 / 25 / 2021.

17 By: *Cipreanna Ford*
18

19 Cipreanna Ford
20
21
22
23
24
25
26
27
28

TITLE	Ex 3- Declaration of C Ford ISO Pls Respo IOT Supp - (final)...
FILE NAME	Ex%203-%20Declara...al%29%20-%201.pdf
DOCUMENT ID	9f1f00ceb3cc2a50ef6683a274e5f85f14856d0b
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Completed

This document was requested from app.clio.com

Document History



SENT

10 / 26 / 2021

00:13:21 UTC

Sent for signature to Cipseanna Ford (cipseannaf@yahoo.com) from anne@rmwarnerlaw.com
IP: 107.2.43.34



VIEWED

10 / 26 / 2021

00:51:18 UTC

Viewed by Cipseanna Ford (cipseannaf@yahoo.com)
IP: 70.173.138.155



SIGNED

10 / 26 / 2021

00:51:36 UTC

Signed by Cipseanna Ford (cipseannaf@yahoo.com)
IP: 70.173.138.155



COMPLETED

10 / 26 / 2021

00:51:36 UTC

The document has been completed.