



**ANS**

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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

**ANSWER TO FIRST AMENDED  
COMPLAINT**

Defendant Daphne Williams hereby files her Answer to Plaintiff Charles "Randy" Lazer's First Amended Complaint ("FAC"). All averments in the FAC not explicitly admitted herein are denied.

1. Without knowledge, therefore denied.
2. Without knowledge, therefore denied.
3. Denied.
4. Admitted.
5. Admitted.
6. Without knowledge, therefore denied.
7. Without knowledge, therefore denied.
8. Without knowledge, therefore denied.
9. Without knowledge, therefore denied.

- 1           10.   Without knowledge, therefore denied.
- 2           11.   Without knowledge, therefore denied.
- 3           12.   Admitted.
- 4           13.   Without knowledge, therefore denied.
- 5           14.   Without knowledge, therefore denied.
- 6           15.   Denied.
- 7           16.   Admitted that Plaintiff and the seller granted three extensions of the
- 8 close of escrow. Otherwise denied.
- 9           17.   Without knowledge, therefore denied.
- 10          18.   Admitted that Plaintiff spoke with Ms. Williams regarding the need to
- 11 extend escrow. Otherwise denied.
- 12          19.   Denied.
- 13          20.   Denied. The quotation of the text message in the FAC omits the last
- 14 sentence, which reads: "I will use the emails and text you have sent to file a truthful
- 15 complaint."
- 16          21.   Denied.
- 17          22.   Denied.
- 18          23.   Admitted that Ms. Williams submitted a "Statement of Facts" to NRED.
- 19 Otherwise denied.
- 20          24.   Denied.
- 21          25.   Denied.
- 22          26.   Denied.
- 23          27.   Denied.
- 24          28.   Denied.
- 25          29.   Denied.
- 26          30.   Denied.
- 27          31.   Without knowledge, therefore denied.

1 32. Denied.

2 33. Denied.

3 **FIRST CLAIM FOR RELIEF**

4 34. Does not call for a response from Ms. Williams.

5 35. Denied.

6 36. Denied.

7 37. Denied.

8 38. Denied.

9 39. Denied.

10 **SECOND CLAIM FOR RELIEF**

11 40. Does not call for a response from Ms. Williams.

12 41. Denied.

13 42. Denied.

14 43. Denied.

15 44. Denied.

16 45. Denied.

17 **THIRD CLAIM FOR RELIEF**

18 46. Does not call for a response from Ms. Williams.

19 47. Denied.

20 48. Denied.

21 49. Denied.

22 **FOURTH CLAIM FOR RELIEF**

23 50. Does not call for a response from Ms. Williams.

24 51. Denied.

25 52. Denied.

26 53. Without knowledge, therefore denied.

27 54. Without knowledge, therefore denied.

1 55. Denied.

2 56. Denied.

3 57. Denied.

4 **FIFTH CLAIM FOR RELIEF**

5 58. Does not call for a response from Ms. Williams.

6 59. Denied.

7 60. Denied.

8 61. Denied.

9 62. Denied.

10  
11 **AFFIRMATIVE DEFENSES**

12 Ms. Williams asserts the following affirmative defenses to the claims in  
13 Plaintiff's FAC.

14 **First Affirmative Defense: Truth or Substantial Truth**

15 1. As a defamation plaintiff, Plaintiff has the ultimate burden of  
16 showing that Ms. Williams's statements are false.

17 2. Ms. Williams's statements made to the NRED are literally true.

18 3. To the extent some of Ms. Williams's statements are not completely  
19 accurate, the "gist" or "sting" of these statements is true, and thus cannot be  
20 defamatory.

21 **Second Affirmative Defense: Opinion**

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

24 2. Many of Ms. Williams's statements to the NRED, and the ones that  
25 form the core of the FAC, are statements of opinion that cannot be defamatory.

26 **Third Affirmative Defense: Absolute Privilege**

1           1.     An absolute privilege exists for statements made where a judicial or  
2 quasi-judicial proceeding is contemplated in good faith and under serious  
3 consideration, and where the communication is related to such a proceeding.

4           2.     Ms. Williams made her statements to the NRED while contemplating  
5 a quasi-judicial proceeding in good faith and under serious consideration, and  
6 her statements were related to this proceeding.

7           3.     Ms. Williams's statements are absolutely privileged and cannot form  
8 the basis for any legal claim.

9                           **Fourth Affirmative Defense: Lack of Damages**

10          1.     The only harm Plaintiff alleges is the time and stress of responding to  
11 Ms. Williams's complaint to the NRED and the NRED's subsequent investigation.

12          2.     These alleged injuries are not compensable under any legal claim  
13 brought by Plaintiff.

14          3.     To the extent these injuries are compensable, Plaintiff has not  
15 actually suffered such damages.

16                           **Fifth Affirmative Defense: Lack of Fault**

17          1.     To prevail on his claims for relief, Plaintiff must show that Ms. Williams  
18 acted at least with negligence.

19          2.     Ms. Williams did not act with any degree of fault, and thus cannot  
20 be liable for any of Plaintiff's alleged damages.

21                           **Sixth Affirmative Defense: Failure to State a Claim for Relief**

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

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Dated: January 10, 2020.

Respectfully submitted:

RANDAZZA LEGAL GROUP, PLLC

/s/ Alex J. Shepard

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Counsel for Defendant

Daphne Williams

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 10<sup>th</sup> day of January 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 and by email.

Respectfully submitted,  
/s/ Crystal C. Sabala  
Employee,  
Randazza Legal Group, PLLC