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EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

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STEVE SANSON ) Case No: A-23-884249-C  
VETERANS IN POLITICS ) Dept. 33  
*Plaintiffs,* )  
*vs.* ) ORDER DISMISSING  
 ) FIRST AMENDED COMPLAINT;  
 ) ORDER to SHOW CAUSE.  
DAVE SCHOEN )  
JULIE SCHOEN )  
MARK DICIERO )  
HAYDEN GADDIS )  
JENNIFER ABRAMS )  
DOES AND ROES I-X )  
*Defendants* )

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1 On Dec. 28, 2023, Plaintiffs, STEVE SANSON, VETERANS IN  
2 POLITICS sued Defendants, DAVE SCHOEN, JULIE SCHOEN, MARK  
3 DICIERO, HAYDEN GADDIS, JENNIFER ABRAMS, and DOES, ROES I-X.

4 On Mar. 21, 2024, Plaintiffs filed a *First Amended Complaint for*  
5 *Damages*. On Apr. 19, 2024, Defendants filed a *Motion to Dismiss*, [NRCP  
6 12(b)(5)], and an *Anti-SLAPP Motion*, [NRS 41.637].

7 The matter came before this department for hearing on July 19, 2024  
8 before the undersigned judicial officer. The parties were represented by  
9 Timothy Treffinger, Esq., (12877), of American Freedom Groups, for Plaintiffs,  
10 and James M. McGill, Esq., (165833), and Kimberly A. Wexler, (317048), of  
11 the firm Dewey, Cheatham & Howe, for Defendants.

### 12 13 **Plaintiffs' Complaint**

14 The operative complaint alleges three claims: (1) defamation; (2) false  
15 light (invasion of privacy); and (3) civil conspiracy. SANSON asserts he is  
16 *not* a “public figure.” SANSON alleges that Defendants published a barrage  
17 of defamatory statements, of and concerning Plaintiff, which began in 2017,  
18 and continued as late as Nov. 18, 2020. For reasons below discussed, the  
19 court GRANTS Defendants’ *Motion to Dismiss*.

### 20 21 **Statute of Limitations**

22 The court finds and concludes the applicable statute of limitations on  
23 defamation claims is two years, [NRS § 11.190.4(c)]. Likewise, a two-year  
24 statute of limitations applies to false light claims because the false light tort  
25 derives from invasion of privacy, which has a two-year limitations period.

26 While civil conspiracy claims have a four-year statute of limitations,  
27 Plaintiffs’ conspiracy claim, as a matter of law, cannot succeed. To state a  
28 claim for civil conspiracy, a plaintiff must allege an underlying tort, as well

1 as an agreement to commit that tort; *however*, Plaintiffs’ conspiracy claim  
2 necessarily fails because, of course, Plaintiffs’ alleged torts fail, based on  
3 two-year statutes of limitations for both defamation and false light.

4 As set forth in the operative complaint, the most recent defamatory  
5 statement allegedly occurred on Nov. 18, 2020; *however*, SANSON, did not  
6 file the instant lawsuit until Dec. 28, 2023, a period of time spanning more  
7 than three (3) years; *therefore*, as a matter of law, this court is duty-bound to  
8 dismiss, *with prejudice*, the *First Amended Complaint*. In common parlance,  
9 SANSON blew the statute.

10 And thus, even assuming, as this court must, the truth of the  
11 underlying allegations, the operative complaint nevertheless fails to state  
12 a claim upon which relief can be granted, [NRCP 12(b)(5)]. On its face, the  
13 operative complaint is defective as a matter of law.

14 Finally, the court concludes the defect *cannot* be cured by way of  
15 amendment; *therefore*, the court DENIES Plaintiffs’ request for leave to  
16 amend. The court GRANTS Defendants’ *Motion to Dismiss*; *however*, the  
17 court does not address the *Anti-SLAPP Motion*, which the court deems moot.  
18 Defendants are adjudged the prevailing party in this action.

### 20 **The Operative Complaint is Frivolous.**

21 The court concludes the operative complaint is frivolous *per se*. Rule  
22 11(b)(2) forbids attorneys from presenting papers not warranted by existing  
23 law. Rule 11(b)(2) creates an affirmative duty for lawyers to investigate  
24 substantive law as well as corresponding statutes of limitations. Plaintiffs  
25 could’ve undertaken a simple *Google* search, which would’ve instantly  
26 revealed a two-year statute of limitations on defamation and libel claims,  
27 [NRS § 11.190.4(c)]. Further, this judicial officer finds it stretches the limits  
28 of credibility to suggest SANSON is somehow not a “public figure.”

1           **The Requested Keep-Away Order**

2           SANSON seeks an injunction ordering the ABRAMS Defendants to  
3 not come within 1,000 yards of him; *however*, SANSON fails to state facts  
4 sufficient to support a claim for a protective order; and, in any case,  
5 protective orders are inappropriate remedies for defamation and libel torts.  
6

7           **Prior Restraints of Speech**

8           Plaintiffs seek an injunction preventing the ABRAMS Defendants from  
9 “[p]ublishing additional false, misleading, defamatory, and/or disparaging  
10 statements of fact regarding Mr. Sanson.” But even if SANSON had timely  
11 brought his claims, this remedy would constitute an unlawful prior restraint  
12 of speech, and no court may issue prior restraints of speech. And thus, even  
13 assuming, *arguendo*, that SANSON had meritorious claims, (he doesn’t),  
14 but hypothetically speaking, even if he had *otherwise* properly stated a claim,  
15 still, this court remains powerless to issue prior restraints of speech.  
16

17           **Attorney’s Fees**

18           This court follows *The American Rule*, *i.e.*, attorney’s fees are available  
19 only where authorized by statute or contract. Here, oddly enough, Plaintiffs  
20 seek attorney’s fees under NRS 41.600(3)(c); *however*, this statutory citation  
21 concerns claims by persons who allege to be victims of “consumer fraud.”  
22 This statutory citation is inapposite.

23           Plaintiffs’ statutory citation, NRS 41.600(3)(c), may be a typographical  
24 error; *however*, the ABRAMS Defendants urge the court to believe that  
25 SANSON calculated the instant action for retributive purposes, to vex and  
26 annoy Defendants, who apparently refused to R.S.V.P. in connection with  
27 VETERANS IN POLITICS’ biennial *Valentine’s Day Bash*, at Area 15, at  
28 Rancho Drive, Las Vegas, Nevada.

1 The ABRAMS Defendants seek an attorney's fees award; but again,  
2 attorney's fees must be based on statute or contract. Here, there exists no  
3 legal basis for attorney's fees because no statute or contract so provides.

4 After notice and opportunity to be heard, courts may rightly impose  
5 upon attorneys or parties, those sanctions which, under the circumstances,  
6 are just and reasonable, including the imposition of attorney's fees in  
7 instances where attorneys or parties present papers that lack a minimum  
8 factual and legal basis. Here, the court concludes the *First Amended*  
9 *Complaint* lacks even a minimum factual or legal basis.

10  
11 **Show Cause Order**

12 The court ORDERS SANSON and his counsel to SHOW CAUSE, via  
13 affidavits, to be filed with this court, on or before Aug. 19, 2024, explaining  
14 why this court should not impose sanctions measured at the amount of  
15 attorney's fees Defendants incurred in defending what amounts to a baseless  
16 action. On or before Aug. 19, 2024, attorneys, James M. McGill, Esq., and  
17 Kimberly A. Wexler, Esq., shall submit an itemized cost bill.

18  
19 **Disposition**

20 Having considered the parties' briefs and oral arguments, the court  
21 GRANTS Defendants' *Motion to Dismiss*; so too, the court dismisses, *with*  
22 *prejudice*, the *First Amended Complaint*. IT IS SO ORDERED.

23 Dated: **July 19, 2024**

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27 Hon. Saul Goodman  
28 District Judge  
Clark County, Dept. 33