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DISTRICT COURT

COUNTY OF CLARK, NEVADA

JARED E. SHAFER, an individual; SOLOMON DWIGGINS & FREER, LTD., a Nevada professional limited partnership; ALAN D. FREER, an individual; ROBERT D. SIMPSON, an individual; PATIENCE BRISTOL, an individual; AMY DEITTRICK, an individual; PROFESSIONAL FIDUCIARY SERVICES OF NEVADA, INC., a Nevada corporation; AVID BUSINESS SERVICES OF NEVADA, INC., a Nevada corporation; GAMETT & KING, a Nevada corporation;

Plaintiffs;

vs.

REBECCA SCHULTZ, an individual;
CHARLES PASCAL, an individual; and DOES 1 through 19, inclusive;

Defendant(s).

Case No.: A-12-671427-C
Dept.: X

**PLAINTIFFS' OPPOSITION TO
DEFENDANT REBECCA SCHULTZ'S
MOTION TO DISMISS SECOND
AMENDED COMPLAINT**

Date of Hearing: July 15, 2014
Time of Hearing: 9:30 a.m.

Plaintiffs, JARED E. SHAFER, an individual; ALAN D. FREER, an individual; ROBERT D. SIMPSON, an individual; AMY DEITTRICK, an individual; SHAWN KING, an individual; SOLOMON DWIGGINS & FREER, LTD., a Nevada professional limited partnership; PROFESSIONAL FIDUCIARY SERVICES OF NEVADA, INC, a Nevada corporation; AVID BUSINESS SERVES OF NEVADA, INC., a Nevada corporation; and GAMETT & KING, a Nevada

1 corporation (collectively, “Plaintiffs”), by and through their counsel of record, Mark A. Solomon, Esq.
2 and Ross E. Evans, Esq. of Solomon Dwiggin & Freer, Ltd., hereby respectfully submit the foregoing
3 Opposition to Defendant Rebecca Schultz’s Motion to Dismiss Second Amended Complaint (“Motion
4 to Dismiss”).

5 This Opposition is based upon the memorandum of points and authorities contained herein, the
6 pleadings and papers on file with the Court, and any oral argument that this Court may hear on the
7 date set for hearing.

8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 **I.**

10 **INTRODUCTION**

11 Contrary to Defendant Schultz’s characterization, this case concerns at least one-hundred eleven
12 obscene and defamatory postings to the website <http://www.ripoffreport.com> (“Ripoffreport.com”), of
13 which Plaintiffs have gathered evidence demonstrating that at least four of the one-hundred eleven
14 were published on Ripoffreport.com directly by Defendant Schultz. Plaintiffs have additionally
15 gathered evidence demonstrating that Defendant Charles Pascal is the publisher of at least one-
16 hundred and two of the defamatory postings to Ripoffreport.com. While Schultz correctly states in her
17 Motion to Dismiss that the four Ripoffreport.com postings Plaintiffs attribute to having been published
18 by her only name Plaintiffs Jared Shafer and Alan Freer therein, Schultz erroneously concludes that
19 dismissal of the remaining Plaintiffs’ claims against her is appropriate. In her Motion to Dismiss,
20 however, Schultz deliberately and disingenuously ignores Plaintiffs’ claims and allegations that
21 Schultz and Pascal acted jointly pursuant to a conspiracy or by aiding and abetting each other’s
22 drafting and publication of each of the one-hundred and eleven defamatory postings. *See*, Second
23 Amended Complaint at ¶¶ 14, 15, 34-37, 46-47, 72-81, and 82-93. Dismissal of the remaining
24 Plaintiffs’ claims against Schultz is inappropriate at this stage, because Plaintiffs are entitled to prove
25 Schultz’s complicity in assisting, aiding, encouraging, and/or promoting the defamatory statements
26 which Plaintiffs attribute to having been published by Pascal. Accordingly, this Court should deny
27

1 Defendant Schultz's Motion in its entirety. Further, Plaintiffs request that this Court impose attorneys'
2 fees against Defendant Schultz for having to respond to Schultz's frivolous and disingenuous motion.

3 II.

4 LEGAL ARGUMENT

5 A. Standard of Review.

6 In reviewing a motion to dismiss for failure to state a claim, a court must determine whether or
7 not the challenged pleading sets forth allegations sufficient to make out the elements of a right to
8 relief. *Edgar v. Wagner*, 101 Nev. 226, 227, 699 P.2d 110, 111 (1985). A claimant must set forth
9 factual allegations, either direct or inferential, regarding each material element necessary to sustain
10 recovery under an actionable legal theory to successfully oppose a motion to dismiss for failure to
11 state a claim upon which relief may be granted. *See, Remco Distributors, Inc., v. Oreck Corp.*, 814
12 F.Supp. 171, 174, (D. Mass. 1992). "The test for determining whether the allegations of a complaint
13 are sufficient to assert a claim for relief is whether the allegations give fair notice of the nature and
14 basis of a legally sufficient claim and the relief requested." *Breliant v. Preferred Equities Corp.*, 109
15 Nev. 842, 858 P.2d 1258 (1993).

16 B. Plaintiffs Have Sufficiently Alleged that Defendants Schultz and Pascal Acted Jointly, 17 Aided and Abetted Each Other, and/or Participated in a Conspiracy to Defame and 18 Disparage Each of the Plaintiffs, and, Therefore None of Plaintiffs' Claims Against Schultz Should be Dismissed.

19 In her Motion to Dismiss, Schultz disingenuously asserts that only Plaintiffs Alan Freer and
20 Jared Shafer have stated claims against her due to Plaintiffs having attributed Schultz with directly
21 publishing only four of the one-hundred and eleven defamatory statements published on
22 Ripoffreport.com. As a sign of her bad faith, Schultz deliberately refrains from informing this Court
23 that Plaintiffs' specifically alleged that Schultz acted jointly with Defendant Pascal in authoring and
24 publishing the false defamatory statements, that Schultz and Pascal aided and abetted each other in
25 authoring and publishing the defamatory statements, and that Schultz and Pascal otherwise engaged in
26 a civil conspiracy to defame and disparage each of the Plaintiffs. As plainly set forth in their Second
27 Amended Complaint, Plaintiffs seek to hold Schultz liable as a joint tortfeasor along with Pascal as to

1 all of the defamatory statements, notwithstanding Pascal's publication of the majority of the same.
2 Accordingly, the simple fact that Pascal performed the final act of publishing the vast majority of the
3 defamatory statements on Ripoffreport.com is irrelevant as to Schultz's complicity with Pascal.

4 Having already conducted some discovery in this case, Plaintiffs have already identified by
5 obtaining records of their IP addresses and other personally identifying information, that Defendant
6 Schultz and Defendant Pascal are the publishers of at least 102 of the defamatory postings on
7 Ripoffreport.com. *See*, Second Amended Complaint, attached hereto as **Exhibit 1**, at ¶¶ 38-43.
8 Further, Plaintiffs have information that Charles Pascal and Defendant Schultz are close friends. In
9 fact, Charles Pascal's wife, Heidi Pascal, was also involved in Guardianship proceedings in Clark
10 County, Nevada, in which Plaintiff Jared Shafer became appointed guardian of Heidi Pascal's mother,
11 Marcy DuDeck. *See*, Order Establishing Guardian of the Person and Estate of Marcy DuDeck,
12 attached hereto as **Exhibit 2**. Moreover, like Defendant Schultz in the Olvera Guardianship, Heidi
13 Pascal also kidnapped her parent, a Nevada Ward, to California in direct violation of Nevada law. *See*,
14 Report and Recommendation dated August 16, 2007, attached hereto as **Exhibit 3**, finding Heidi
15 Pascal in contempt of Court; *see also*, Second Amended Complaint at ¶¶ 18-28, and 34-36. In
16 addition, during the Olvera Guardianship proceedings in Clark County, Nevada, Defendant Schultz
17 had Charles Pascal submit an Affidavit in Support of Schultz's Report of Malfeasance, in which
18 Schultz sought to establish facts supporting her request to remove Jared Shafer as guardian. *See*, Errata
19 dated August 16, 2010, attached hereto as **Exhibit 4**, which contains Charles Pascal's affidavit.
20 Further, having reviewed the entirety of the Ripoffreport.com postings, Plaintiffs discovered multiple
21 references in the statements Plaintiffs attribute to having been published by Defendant Charles Pascal
22 to Defendant Schultz's defamatory postings. Coupled with statements made by Defendant Schultz in
23 correspondence to the Center for Guardianship Certification and the Nevada Attorney General, in
24 which Schultz references the postings and encourages the reader to perform an internet search for the
25 postings, and in which Schultz specifically references Charles Pascal and the Marcy DuDeck
26
27
28

1 guardianship proceedings,¹ demonstrates that Defendant Schultz and Defendant Pascal are
2 coordinating their defamatory publications. Such coordination supports Plaintiffs' allegations that
3 Defendant Schultz and Pascal are acting in concert, or aiding and abetting each other in the publication
4 and dissemination of defamatory statements concerning the Plaintiffs.

5 In particular, the following excerpts from the Second Amended Complaint demonstrate that
6 Plaintiffs have met their burden of providing fair notice to Schultz and Pascal that the Plaintiffs'
7 claims are asserted against them jointly:

8 PARTIES

9 14. Plaintiffs are informed and believe, and thereupon allege, that at all times
10 relevant herein, **each of the Defendants conspired together to cause the actions which**
11 **Plaintiffs herein complain, or otherwise acted as the agent of one or more of the**
12 **other Defendants and with the full knowledge and consent, either express or**
13 **implied, of the other Defendants** and that each and every thing herein alleged was done
14 by each Defendant in the course and scope of said conspiracy or agency and in their
15 capacity as a co-conspirator with, principal of, or agent for, each of the other Defendants.

16 15. **All of the acts or failures to act alleged herein were duly performed by and**
17 **attributable to all Defendants through concerted action, and/or each acting as agent**
18 **or under the direction and/or control of the others or pursuant to an agreement and**
19 **in furtherance of a conspiracy to harm and cause damage to the Plaintiffs.** Said acts
20 or failures to act were within the scope of said agency, in furtherance of a conspiracy,
21 and/or at the direction and control of the other Defendants, and each Defendant ratified
22 the acts and omissions by the other Defendants. **Whenever and wherever reference is**
23 **made in this Complaint to any acts by Defendants, such allegations and reference**
24 **shall also be deemed to mean the acts of each Defendant acting individually, jointly**
25 **or severally.**

26 THIRD CAUSE OF ACTION
27 (Civil Conspiracy)

28 ¹ In her letter to the Center for Guardianship Certification ("CGC") dated January 18, 2012, Rebecca
Schultz stated:

Marcy Dudeck is deceased now, thanks to Mr. Shafer's extreme cruelty.
People working for Mr. Shafer and Ms. Bristol kidnapped her from
Sunrise Senior Living, a California facility near her daughter's residence.
Her son-in-law, Charles Pascal, can tell you much about what Mr. Shafer
did to his mother-in-law. You will hear from Mr. Pascal soon.

See, correspondence from Rebecca Schultz to CGC, dated January 18, 2012, attached hereto as
Exhibit 5.

In a follow up email to the CGC on January 28, 2012, Rebecca Schultz stated:

I highly advise you and your associates to contact Mr. Charles Pascal. He
has his own information on Mr. Shafer's malfeasance and threats and
details on conversations like I mentioned above. ... Mr. Pascal has much
to tell you about Mr. Shafer. He has not written to you yet because he's
been overwhelmed with a time sensitive project. He has given his
permission to be contacted:

Phone: 310-714-0524

Email: radiopascal@earthlink.net

See, correspondence from Rebecca Schultz to CGC, dated January 28, 2012, attached hereto as
Exhibit 6.

74. Although the Defamatory Statements were either published directly by Rebecca Schultz, Charles Pascal, or other as of this time unknown Defendants, the common and reoccurring themes, allegations, and defamatory statements appearing throughout the Defamatory publications appearing on Ripoffreport.com demonstrate that Schultz and Pascal co-authored the statements pursuant to a common agreement, and/or that Schultz and Pascal worked with a close-knit group of co-conspirators, cohorts and agents, whose names are not yet known to Plaintiffs, who acted pursuant to an agreement with or in concert with Defendant Schultz. For such purposes Plaintiffs have alleged the involvement of DOES 1 through 19.

FOURTH CAUSE OF ACTION
(Civil Aiding and Abetting)

83. Defendant Schultz aided and abetted Defendant Charles Pascal in the publication of the one-hundred (100) Defamatory Statements Plaintiffs attribute to having been published by Charles Pascal, by Schultz having substantially assisted, encouraged, or otherwise promoted Defendant Charles Pascal in the developing, authoring, reviewing, editing and publishing of such Defamatory Statements.

85. Defendant Charles Pascal aided and abetted Defendant Rebecca Schultz in the publication of the four (4) Defamatory Statements Plaintiffs attribute to having been published by Rebecca Schultz, by Charles Pascal having substantially assisted, encouraged, or otherwise promoted Defendant Rebecca Schultz in the developing, authoring, reviewing, editing and publishing of such Defamatory Statements.

See, Second Amended Complaint, **Exhibit 1**. (Emphasis added).

The Restatement (Second) of Torts § 886A, comment b, identifies joint tortfeasors as “two or more persons who are liable to the same person for the same harm,” and states that “[i]t is not necessary that they act in concert or in pursuance of a common design, nor is it necessary that they be joined as defendants.” The rules regarding joint tortfeasors are applicable “to all torts, including not only negligence but also misrepresentation, *defamation*, injurious falsehood, nuisance or any other basis of tort liability.” *Id.* (Emphasis added). Indeed, courts have held that defamation is capable of joint commission, and, thus, the proper subject of a claim for civil conspiracy.² Accordingly, it is of no moment that Plaintiffs have attributed Schultz with publishing only four of the defamatory statements, because if Schultz is found to have acted in concert or similarly have been complicit in the acts of Pascal, then she will be jointly and severally liable for the publications attributed by Plaintiffs to

² *See, e.g., Wright v. Bachmurski*, 29 P.3d 979 (Kan. Ct. App. 2001) (stating that “...whenever two or more persons cooperate in the publication of a libel, all are responsible for the resultant damages, and the victim can sue them either jointly or severally....”); *see also, Bunton v. Bentley*, 176 S.W.3d 1 (Tex. Ct. App. 1999) (stating that “[t]he jury having found that a civil conspiracy existed, all elements of defamation are imputed to Gates and Gates became responsible for all actions by Bunton during the conspiracy.”) *remanded for further proceedings by Bentley v. Bunton*, 94 S.W.3d 561 (Tex. 2002); *Murphy v. City of Aventura*, 2008 WL 4540055 (S.D. Fla. 2008) (unpublished disposition) (where Defendant argued that Plaintiff failed to state a claim because Plaintiff did not allege that Defendant published any defamatory statements regarding Plaintiff or that her actions contributed to the publication of defamatory statements, the Court held that a conspiracy claim did not have to allege that each participant in the conspiracy committed every element of the underlying tort, and, therefore, Plaintiff had sufficiently stated a claim against Defendant for conspiracy to defame.).

Pascal as well. *See, e.g., Applied Equipment Corp. v. Litton Saudi Arabia Ltd.*, 7 Cal.4th 503, 28 Cal.Rptr.2d 475 (Cal. 1994) (stating that “[i]n such an action [for civil conspiracy] the major significance of the conspiracy lies in the fact that it renders each participant in the wrongful act responsible as a joint tortfeasor for all damages ensuing from the wrong, irrespective of whether or not he was a direct actor and regardless of the degree of his activity.”); *see also John's Insulation Inc v Siska Construction Co.*, 774 F.Supp 156 (S.D. N.Y. 1991) (stating that conspiracy claim may be viewed as a “string” whereby plaintiff seeks to tie together those who, acting in concert, are responsible in damages for overt acts). Indeed, a person who aids, abets, encourages, or assists another in perpetrating an unlawful act is considered as liable as the person who actually committed the act. *Dow Chem. Co. v. Mahlum*, 114 Nev. 1468, 1488-1489, 970 P.2d 98, 112 (1998) (stating that an action for civil conspiracy exists when two or more persons act in concert with the intention of “accomplish[ing] an unlawful objective for the purpose of harming another, and damage results from the act or acts.”), *disfavored on other grounds, GES, Inc. v. Corbitt*, 117 Nev. 265, 270, 21 P.3d 11, 15 (2001). Further, an action for civil aiding and abetting arises where a “defendant substantially assists or encourages another’s conduct in breaching a duty to a third person.” *Dow Chem. Co. v. Mahlum*, 114 Nev. 1468, 1490, 970 P.2d 98, 112 (1998) (citing Restatement of Torts § 876(b)). Such substantial assistance or encouragement must be either in the form of a direct communication or conduct in close proximity to the primary tortfeasor. *Id.* at 1491, 970 P.2d at 113.

Thus, although, Plaintiffs have only alleged that Schultz directly published four of the Defamatory Statements, as shown in paragraphs 34-47, 73-78, and 83-91 of the Second Amended Complaint Plaintiffs have sufficiently alleged Schultz’s joint involvement in a civil conspiracy, and/or aiding and abetting, with Defendant Pascal as to each of the Defamatory Publications. Accordingly, Schultz’s Motion to Dismiss should be denied in its entirety.

C. The Four Defamatory Statements Plaintiffs Attribute to Being Published Directly by Defendant Schultz Contain Actionable False Statements of Fact and Do Not Constitute Opinion.

As further evidence of her bad faith in filing the instant motion, Schultz requests dismissal on the basis that the four defamatory statements Plaintiffs attribute to having been directly published by her

1 constitute non-actionable opinion. Schultz, however, fails to quote, attach, or otherwise cite from any
2 of the publications, and therefore, fails to provide an example, or even any argument, demonstrating
3 that any of the defamatory publications constitute non-actionable opinion.

4 In reviewing an allegedly defamatory statement, “[t]he words must be reviewed in their entirety
5 and in context to determine whether they are susceptible of a defamatory meaning.” *Chowdhry v.*
6 *NLVH, Inc.*, 109 Nev. 478, 484, 851 P.2d 459, 463 (1993). “A statement is defamatory when it would
7 tend to lower the subject in the estimation of the community, excite derogatory opinions about the
8 subject, and hold the subject up to contempt.” *K-Mart Corporation v. Washington*, 109 Nev. 1180,
9 1191, 866 P.2d 274, 281-82 (1993) (citing *Las Vegas Sun v. Franklin*, 74 Nev. 282, 287, 329 P.2d 867,
10 869 (1958)). Whether a statement is defamatory is generally a question of law; however, where a
11 statement is “susceptible of different constructions, one of which is defamatory, resolution of the
12 ambiguity is a question of fact for the jury.” *Posadas v. City of Reno*, 109 Nev. 448, 453, 851 P.2d
13 438, 442 (1993) (quoting *Branda v. Sanford*, 97 Nev. 643, 646, 637 P.2d 1223, 1225-26 (1981)).

14 The Nevada Supreme Court has said that the test for whether a statement constitutes fact or
15 opinion is: “whether a reasonable person would be likely to understand the remark as an expression of
16 the source’s opinion or as a statement of existing fact.” *See, Lubin v. Kunin*, 117 Nev. 107, 17 P.3d
17 422 (2001). Notwithstanding, the Nevada Supreme Court acknowledged that “[i]n certain contexts,
18 however, a statement may be ambiguous or a ‘mixed type,’ which is an opinion, which gives rise to
19 the inference that the source has based the opinion on underlying, undisclosed defamatory facts.”
20 *Nevada Independent Broadcasting Corp. v. Allen*, 99 Nev. 404, 411, 664 P.2d 337, 342 (1983). For
21 example, in *Nevada Independent Broadcasting Corp.*, the Nevada Supreme Court offered an example
22 illustrated by the Restatement (Second) of Torts Section 566 comment b (1977), wherein it was stated
23 that “it may be actionable to state an opinion that plaintiff is a thief, if the statement is made in such a
24 way as to imply the existence of information which would prove plaintiff to be a thief.” *Id.* The Court
25 in *Lubin* confirmed that “[i]n such situations, where a statement is ambiguous, the question of whether
26 it is a fact or evaluative opinion is left to the jury.” *Lubin*, 117 Nev. at 113, 17 P.3d at 426. Further,
27 although statements of opinion are not per se actionable, an opinion loses its constitutional protection

1 and becomes actionable when it is “based on implied, undisclosed facts” and “the speaker has no
2 factual basis for the opinion.” *Ruiz v. Harbor View Community Association*, 134 Cal.App.4th 1456,
3 1471, 37 Cal.Rptr.3d 133 (2005).³

4 For example, in *Piping Rock Partners, Inc. v. David Lerner Associates, Inc.*, 946 F.Supp.2d 957
5 (N.D. Cal. 2013) the plaintiff filed a defamation claim based on the defendant’s defamatory postings
6 on Ripoffreport.com, wherein the defendant fabricated business dealings with the plaintiff (where they
7 had never been in business), and made statements consisting of dissatisfaction with plaintiff and
8 plaintiff’s business. *Id.* at 971. While the defendant asserted that the statements constituted nothing
9 more than non-actionable opinion, the Court disagreed, specifically noting that “[the defendant]’s post
10 is not entirely opinion,” rather [i]t contains a blend of subjective opinions and provably false assertions
11 of fact” in which the defendant represented that he actually communicated with the plaintiff, where he
12 had not, and that the plaintiff failed to follow through on what had been promised, where no
13 communications or business relationship had ever occurred. *Id.* Thus, the Court held that “[t]o the
14 extent [the defendant] expresses opinions about plaintiffs, **that opinion appears to arise out of his**
15 **verifiably fabricated factual scenario.**” *Id.* at 272. Thus, the Court concluded that the post is an
16 actionable statement of fact, rather than opinion. *Id.* This Court should likewise find that Schultz’s
17 statements are actionable statements of fact rather than opinion as the posts, though containing
18 statements expressing an opinion, are completely fabricated and portend to be based upon false
19 statements of fact or undisclosed implications of fact which are clearly defamatory.

20 As set forth below, each of the four publications attributed to Schultz are clearly comprised of
21 false statements of fact, or, given the context in which they are made, at least qualify as an ambiguous
22 or “mixed type” statement giving rise to the inference that the author has based the “opinion” on
23 underlying, undisclosed defamatory facts.” *See, Nevada Independent Broadcasting Corp.*, 99 Nev. at
24 411, 664 P.2d at 342.

25 ³ Expressions of opinion do not enjoy blanket constitutional protection. *See Franklin v. Dynamic*
26 *Details, Inc.*, 116 Cal.App.4th 375, 384, 10 Cal.Rptr.3d 429 (2004). “If a statement of opinion implies
27 a knowledge of facts which may lead to a defamatory conclusion, the implied facts must themselves be
28 true.” *Ringler Associates Inc. v. Maryland Casualty Co.*, 80 Cal.App.4th 1165, 1181, 96 Cal.Rptr.2d
136 (2000).

1 The first Defamatory Publication attributed to Defendant Schultz states:

2 **Jared Shafer Professional Fiduciary Services of Nevada, Inc. or PFSN, Inc. Jared**
3 **Shafer Rips Off of Veterans of Their Pensions & Disability Benefits LAS VEGAS,**
4 **Nevada**

5 Jared E. Shafer is a professional guardian who is, robbing my Uncle of his Veterans
6 benefit money. My Uncle, who is 85, fought in the Korean War. He moved to Nevada to
7 retire and enjoy the desert sun and dry weather. Unfortunately, he developed Alzheimer's
8 disease five years after moving to Henderson. Jared E. Shafer was appointed as my
9 uncle's guardian by Commissioner Jon Norheim. My uncle has no immediate family,
10 which makes me his only living relative and I do not live in Nevada. When I finally got a
11 look at Shafer's accounting, I discovered over \$315,000 was taken away from my uncle's
12 trust in a time period of 15 months in very questionable guardian fees and several billings
13 by AVID Business Services, which apparently is a friend of his. After some checking, I
14 discovered that AVID Business services is not licensed by the state or county. I also
15 noticed that the trust was making payments in the name of Jared Shafer and his assistant,
16 Patience Bristol, rather than making payments to the business name he is licensed under
17 and also quite obviously printed on his invoices. I think the IRS should look into Mr.
18 Shafer's billing practices.

19 I filed an NRS Chapter 160 petition with the Nevada Family court. The statutes of 160 put
20 restrictions on professional guardians who have a ward that is a veteran but the violations
21 by Jared E. Shafer were rejected by Jon Norheim, the guardianship commissioner.
22 Norheim said something like "if I allow you to win this case, guardians would have a
23 difficult time conducting business in Las Vegas. I know we have laws on the books
24 protecting veterans, but when they get in the way of a guardians earning a living, I will
25 not enforce them." This was the most outrageous thing I've ever heard and very hard to
26 take because the NRS statutes regulate the amount a guardian may charge, which is no
27 more than 5% of the Veteran's annual income. Commissioner Norheim's refusal to
28 follow these regulations allows guardians like Shafer to take all of their money. To hear a
family court commissioner (he's not really a judge) actually state that he cares more about
a guardian making money (and at the ward's expense) is outrageous and criminal. Since
when is a family court more interested in protecting the income of a guardian over the
income of an elderly ward who served his country?

Commissioner NorHeim's statements greatly angered me because I fought in the Tet
Offensive of 1968 and lost the use of my left arm.

To add insult to injury, when Jared E. Shafer heard Norheim's ruling, he began to smile,
more like smirking. After we left the court, Patience Bristol, his obvious protege, said,
"don't fight Jared, he always wins. I work for winners and that is my boss. Give it up,
we'll wear you down and make you spend all your money and we'll bill your uncle for our
attorney fees and leave him a poor man." The state of Nevada allows the guardians to bill
the ward's for their over priced, cut-throat attorneys, depleting the ward's money. This is
one of the reasons Jared E. Shafer has gotten away with his exploiting of veterans and
other elders because he doesn't haven't to pay for his attorneys.

A week later Jared E. Shafer contacted me by phone. He said "stop this stupid Vet stuff,
if you don't your uncle will die a poor old man."

Jared E. Shafer delights in ripping off veterans. The Internet is full of postings that
accurately detail the fraud and exploitation committed by Shafer against families who do
not have the means to fight. Commissioner Norheim does what Shafer wants, which
brings to question, why? What is Jared E. Shafer doing for him? It doesn't matter if the
ward has placed his/her life in danger for our country, these people have no respect for
our veterans. Stop Jared E. Shafer and Commissioner Norheim before more innocent
families fall under the control of this corrupt system.

See, Defamatory Publication attributed to Schultz, published on Ripoffreport.com on November
25, 2010, attached hereto as **Exhibit 7**, and incorporated as Exhibit 18 to the Second Amended

1 Complaint. For example, such publication makes the following defamatory statements about the
2 Plaintiffs:

- 3 • Jared Shafer is robbing the author's uncle of Veterans benefit money, and implies that
4 Shafer, acting as guardian, is charging erroneous and unreasonable guardianship fees in
5 this particular guardianship case – where, however, such guardianship case does not
6 actually exist. All of such statements are factual in that they state and imply that the
7 events recounted therein actually occurred;
- 8 • Shafer has taken \$315,000 from author's uncle's trust – false statement of fact which
9 implies that this action took place under false or fraudulent pretenses;
- 10 • Avid Business Services has charged questionable fees to this case – false statement of
11 fact given that this guardianship case does not exist and implies that Avid, in this case,
12 accepted fees under false or fraudulent pretenses;
- 13 • Shafer's billing practices are possibly illegal (i.e. notification to the IRS) – false
14 statement of fact given that this case does not exist and implies that Jared is accepting
15 fees under false and/or fraudulent pretenses;
- 16 • Shafer is allowed to bill excessively in this case because the Guardianship Commissioner
17 did not follow Nevada statutes – false statement of fact given that Shafer has not accepted
18 any fees on this case because the case does not exist and implies official corruption
19 involving the Guardianship Commissioner;
- 20 • Accuses Shafer of acting unprofessionally during court, smiling and smirking at the
21 Guardianship Commissioner's allegedly wrongful decision – false statement of fact
22 because Shafer never appeared in court on this case because the case does not exist, and
23 statements are derogatory in nature because they would tend to lower the public opinion
24 of Jared Shafer if the statements were true;
- 25 • Accuses employee of Shafer stating "don't fight Jared, he always wins; we'll wear you
26 down and make you spend all your money and we'll bill your uncle for our attorney fees
27 and leave him a poor man" – false statement of fact because statement was never made
28 because the recounted case does not exist, and further implies official corruption and
false and/or fraudulent billing practices;
- States and implies that Jared Shafer has gotten away with exploiting of veterans and other
elders by abusive billing practices in this case and others – false statement of fact because
this case does not exist and implies that author has knowledge that Shafer has billed
under false and/or fraudulent pretenses in this case and other cases;
- Jared Shafer contacted author and threatened "if you don't [stop this stupid vet stuff] your
uncle will die a poor old man" – false statement of fact because this case never existed
and, therefore, the events and statements recounted by the author never took place,
statements imply that Jared is threatening author's uncle which would constitute
defamation if accepted as true;
- States that Jared Shafer delights in ripping off veterans and implies that Shafer has ripped
off at least the veteran mentioned in the publication – false statement of fact or at least
mixed type statement of fact because this case does not exist and the events recounted are
false, and implies that author has knowledge of facts that Shafer is actually ripping
people off in other cases where no such other cases exist;
- The internet is full of postings that accurately detail the fraud and exploitation committed
by Shafer against families who do not have the means to fight; – constitutes defamation
because it accuses Shafer of fraud and exploitation, and in context of article implies that
other false postings by Defendants Schultz and Pascal are accurate and truthful.

The second defamatory publication Plaintiffs attribute to Schultz states:

**Jared E. Shafer Professional Fiduciary Services of Nevada, Inc. or PFSN, Inc.
Guardian Exploitation of Veterans, Elderly & Disabled Las Vegas, Nevada**

Jared Shafer is a professional guardian who has been exploiting our senior citizens, the disabled and our honored veterans for nearly 30 years. He fine tuned his exploitation skills while being the public guardian of Clark County from 1979 until 2003. He transitioned to a private business, having learned all the tricks of the trade while in public office. The family court system in Las Vegas sanctions Mr. Shafer's exploitation by allowing him to take control over individuals that do not have a family member who live in Nevada. The family court, in particular, the guardianship commissioner, Jon Norheim, appears to be working for Jared Shafer, not in the best interest of the wards. In particular, veterans are exploited for their benefits and pensions from the U.S. government for serving and being injured fighting for our country.

The Las Vegas court system fights the families to prevent them from taking care of their loved one. The Clark County family court thrives on using lies, deception and the breaking of Nevada state statues that pertain to guardianship. Nevada even has a chapter in their NRS called 160, that provides added protection to veterans and their VA benefit payments. But the family court in Las Vegas doesn't care about the veterans or any other ward because all they care about is making sure that the guardians, especially Jared Shafer, earn a living off of all these elderly veteran's retirement, pensions and disability benefits.

Jared Shafer and Jon Norheim treat the families as if they are criminals when in reality they are the criminals, exploiting the families by forcing them to pay for attorneys to fight for guardianship of their family member while the court allows the guardian to hire expensive unethical attorneys which are paid from the ward's estate!

Clark County, Nevada, has a dirty secret, this whole guardianship racket. But the secret is out now as hundreds of victims are coming forth and reporting the abuses to the Nevada state attorney general, the Nevada Judicial Discipline Committee, the IRS, Social Security, the Veteran's Administration, the Government Accountability Office and many other entities. Major investigations are in the works and the more people that come forward the faster justice will be seen.

Reports and articles have been around for nearly 10 years but now the frequency and details of exploitation of guardian Jared Shafer and the Las Vegas family court are reaching a peak. For instance, read this from 2005,
<http://guardianshipgulag.blogspot.com/2005/12/billion-of-guardianshiptakings.html> and this updated editorial from 2002
<http://deukeproductions.blogspot.com/2010/11/jared-shafer-worse-than-alcapone.html> and this from 2008
<http://deukeproductions.blogspot.com/2008/12/public-enemy-number-one-jaredshafer-of.html> just to point out that this corruption and exploitation by Jared Shafer has been documented and published before.

If you know of anyone that is a victim of Jared Shafer, please report to the agencies above and post your story.

*See, Defamatory Publication attributed to Schultz, published on Ripoffreport.com on November 26, 2010, attached hereto as **Exhibit 8**, and incorporated as Exhibit 19 to the Second Amended Complaint. For example, the second Defamatory Publication set forth above makes the following false statements of fact, which are defamatory:*

- Accuses Shafer and PFSN of exploitation of veterans, the elderly, and the disabled; at least a mixed type statement because it implies that the author has knowledge of underlying facts which would demonstrate that Shafer and PFSN have performed acts

1 which constitute exploitation where no such facts exist and author uses statement to lend
2 support for other defamatory statements.

- 3 • Family Court in Las Vegas doesn't care about veterans or any other ward because all they
4 care about is making sure that the guardians, especially Jared Shafer, earn a living off of
5 all these elderly veteran's retirement, pensions and disability benefits. At least qualifies
6 as a mixed type statement because context of article implies that author is basing opinion
7 on underlying facts, and implies that Shafer is involved in acts of official corruption and
8 exploitation through his involvement in the Guardianship Court.
- 9 • States that hundreds of victims are coming forth – At least qualifies as a mixed type
10 statement because it implies that there are actual "victims" of conduct the author
11 attributes to Jared Shafer including the author's statements concerning exploitation and
12 abuse, and further, in the context of the article, implies that the author is basing opinion
13 on underlying facts where no such case(s) exist.
- 14 • Publication is intended to give credibility to Schultz and Pascal's other and more specific
15 defamatory postings.

16 The third Defamatory Publication Plaintiffs attribute to Schultz states:

17 **Alan D. Freer Solomon, Dwiggins Freer & Morse, Ltd. Steals Money From Senior**
18 **Citizens By Excessive Billings To Estates Of Wards On Behalf Of Corrupt**
19 **Guardian Jared Shafer- Las Vegas, Nevada**

20 Alan Freer is stealing money from my uncle in Nevada. He works for a corrupt guardian
21 by the name of Mr. Shafer. The court system is a mess there, they don't listen to the
22 families, only to Freer and Shafer, who exploit the wards. Freer over bills Shafer's wards,
23 which comes from the estate of the senior under Shafer's care. Care is a loose word here
24 because all Shafer does is send out his assistant, Patience Bristol, to check on my uncle
25 once in a while and then bills about \$3000 a month for her little 5 or 10 minute visits.
26 Freer helps Shafer fight the families because he can charge the ward's estate or trust and
27 the bank, Wells Fargo, gives Freer and Shafer all they want with no questions. They are
28 all working together in this guardianship racket in Las Vegas.

Alan Freer is very vicious and unethical, flinging lies about the ward's family members
who want to remove the ward from Mr. Shafer. My cousin has been trying to be guardian
of my uncle for months but Freer keeps making false accusations and threats to my
cousin, who is a good person and loves my uncle very much. Freer even laughs in court
when he get his way and insults my cousin with little comments that are very cruel. He
seems to get a big kick out of stealing my uncle's money AND treating my cousin
horribly. Shafer also laughs and grins and makes disrespectful comments about my uncle,
referring to him and his assets as "crap" or some other distasteful adjective.

I have gone to nearly all my uncle's hearings and witnessed this repugnant behavior by
Alan Freer and Jared Shafer. The family court commissioner, Jon Norheim, condons this
bad behavior and gives Freer and Shafer what they want, which is very suspicious and
we've heard rumors of bribes being given to the court.

The state of Nevada and the U.S. government had better do something about his Las
Vegas crime of elders. And, my uncle is a veteran, and veterans are given no respect by
Freer or Shafer, in fact they think it's funny to take his veteran benefits away from him.
If you are a victim of Las Vegas attorney Alan Freer, please report him to all agencies. I
have never seen such a creepy and despicable attorney ever in my life. His fees are over
the top high which leads us to believe that he's giving a cut to Jared Shafer because, after
all, they are stealing money from my uncle. They have no respect for the elderly or
anyone that may fall under their control. They are not human beings because they have
no soul or heart only a big fat appetite for greed. They do not care about anyone but
themselves and how much money they can steal. Freer acts like it's his money to take as
does Shafer.

Alan Freer, Jared Shafer, Patience Bristol, Jon Norheim--keep your eye on all of them
because they are all working together to rob senior citizens and veterans just like my

uncle in Las Vegas. My God save us all from these who suffer from one of the 7 deadly sins--GREED!

See, Defamatory Publication attributed to Schultz, published on Ripoffreport.com on December 28, 2010, attached hereto as **Exhibit 9**, and which was incorporated as Exhibit 21 to the Second Amended Complaint. For example, the third Defamatory Publication set forth above, makes the following false statements of fact, which are defamatory:

- The headline: Alan D. Freer Solomon, Dwiggins Freer & Morse, Ltd. Steals Money From Senior Citizens By Excessive Billings To Estates Of Wards On Behalf Of Corrupt Guardian Jared Shafer- Las Vegas, Nevada – constitutes a false statement of fact in context of article because the referenced Guardianship case does not exist, and, therefore, facts and events recounted by author are false, for example there cannot be excessive billings to a guardianship estate which does not exist. Further qualifies as a mixed type statement because it implies that the author is basing any opinions on actual facts, where no such facts exist because the guardianship case recounted by the author is made up.
- Alan Freer is stealing money from my uncle in Nevada – constitutes a false statement of fact because there is no such guardianship case, and therefore author's "opinion" that Alan Freer is stealing from author's uncle is entirely false and implies that facts and events recounted in the statement actually happened.
- All Shafer does is send out his assistant ... to check on my uncle once in a while and then bills about \$3000 a month for her little 5 or 10 minute visits. – Constitutes a false statement of fact, because events did not happen as there is no such guardianship case, and further would excite derogatory opinions about Shafer if accepted as true.
- Alan Freer flings lies about the ward's family members – Constitutes a false statement of fact, because case does not exist, and implies that Alan Freer makes derogatory statements about ward's family members. If the statement were accepted as true such statement would excite derogatory opinions about Plaintiff Freer.
- Freer makes false accusations and threats to my cousin; Freer laughs in court when he gets his way and insults my cousin with little comments that are very cruel; He seems to get a big kick out of stealing my uncle's money and treating my cousin horribly; Shafer also laughs and grins and makes disrespectful comments about my uncle, referring to him and his assets as crap or some other distasteful adjective. – False statements of fact as case does not exist, and statements could not have been made.

The fourth Defamatory Publication Plaintiffs attribute to Schultz states:

Attorney Alan D. Freer Financial Exploitation & Abuse of Elders, Las Vegas, Nevada

Alan Freer Corrupt Lawyer In Las Vegas Guardianship Racket:

Back in 2008 my father died in an auto accident in Las Vegas, leaving my mother alone. My mother was in the beginning stages of Alzheimer's and we had no other family members living in Las Vegas because my parents had fallen for propaganda from a home developer that moving to a retirement community in Nevada would be good for them, so my parents moved away from their family in Colorado. Because I was on the east coast giving a seminar at the time of my father's death, I was unable to get to Las Vegas immediately. Just days after my father's death, a private guardian was put in charge of my mother. It turned out that a neighbor, thinking she was helping, called the Clark County Senior Protective Services and explained that my mother was alone and was acting funny.

1 This county agency told the neighbor to call the guardianship commissioner office of Jon
2 Norheim for help. Someone in that office gave the neighbor the office number of a
3 private fiduciary, Jared Shafer of Professional Fiduciary Services of NV, who was
suppose to "protect" my mother until I could arrive from the east coast.

4 When I finally got into town, Mr. Shafer told me that he would draw up paperwork for
me to be co-guardian with him for my mother because I was not a resident of Nevada and
5 therefore I was not allowed to be her guardian, that a resident of Nevada was necessary to
serve as a co-guardian with me. Mr. Shafer said I would be hearing from his lawyer, Alan
6 Freer, in a few days and not too worry since a caregiver was placed in mom's home and
that she would be in good hands. Mr. Shafer also told me I could visit, but that I couldn't
7 spend the night at her home. I thought this was odd, but thought maybe this was how it
was supposed to be. He also told me I was not to remove anything from the home. I
8 thought these restrictions were unusual but because I was quite distraught over the death
of my father and concerned for my mother I let it go and I went back to work in Colorado
and waited to hear from Mr. Freer.

9 After 3 weeks went by with no word from Mr. Shafer or his attorney Alan Freer, I
contacted Mr. Freer, who told me that Mr. Shafer never accepts a co-guardian and that it
was too bad because he already had temporary guardianship and they had already filed
10 for permanent guardianship and that I could come and petition for guardianship myself
but I'd needed someone else in NV to be guardian with me. He also told me that if I
11 objected to Mr. Shafer or filed for guardianship that judge Norheim would give he and
Mr. Shafer what they wanted so there was no point in even trying. He said, "Mr. Shafer
and I tell judge Norheim what we want and you can't do anything about it. You will
12 never be guardian of your mother and if you go against us we'll make sure the judge
always rules in our favor and we'll make damn sure your parent's estate will be emptied,
13 leaving you nothing when she dies." And then he hung up the phone.

14 I was floored at hearing this. Since this conversation with this lawyer Alan Freer, I have
been fighting him to gain guardianship of my mother for over 2 years. They have gone
15 through over \$400,000 of my parent's estate and are about to sell mom's home, with the
help of Wells Fargo, and put her in a rest home. She is very depressed and wants to come
to Colorado and be with her children and grand children, but Mr. Shafer and Mr. Freer
16 will not allow her to leave. I am fearful for her safety and well being.

17 During the last 2 years, Mr. Alan Freer has done nothing but lie and make up bad things
about my family and me. Every time Mr. Freer or Mr. Shafer tell lies in Jon Norheim's
18 court he does nothing about it, it is as if he is deaf and blind to any of their bad behavior
in court. In fact, Commissioner Norheim allows them to use inappropriate words and
19 comments in court. Once Mr. Shafer referred to my mother's property as "a pile of crap".
Another time I tried to speak up to defend myself against their lies about me and my
family but Commissioner Norheim had the baliff threaten to arrest me if I spoke again.
20 This is all very unfair and this Clark County Family Court is run like a free for all, with
Mr. Norheim, Mr. Freer and Mr. Shafer all saying and doing want they want to exploit
and abuse the ward and their families. To add insult to injury, Mr. Freer and Mr. Shafer
21 smirk and laugh at us and Commission Norheim turns a blind eye and ear. Mr. Norheim
also exhibits some very bad behavior, even admitting that he doesn't have to follow the
22 law all the time. Attorney Freer did tell me that Mr. Norheim gives them what they want,
which sounds like Mr. Norheim is accepting some kind of favors.

23 This lawyer Alan Freer is the most horrible excuse of an attorney. He lies, he threatens
and he over bills my parent's estate for nothing and so does Jared Shafer. He repeatedly
24 files the same documents time after time all to create more billings. He insults me and my
family and my mother. He even insults my attorney and my mom's doctors. He is very
rude, mean and corrupt and I don't understand why he is still practicing law. My
25 experience tells me that the Clark County court system, the judges, the guardians, the
attorneys and the banks are all working together to take advantage of old people like my
26 mother.

27 We are also having a difficult time with Wells Fargo Bank, the trustee for my parent's
trust. A Ms. Eve Mills is the person working with Mr. Shafer and Mr. Freer to make sure
28 the estate is being disgorged of it's assets, with the highest amount of money being paid

1 to attorney Alan Freer, which makes my family think that Mr. Shafer is possibly getting a
2 cut of Mr. Freer's excessive fees. Ms. Eve Mills will not answer my questions or return
3 my calls, she acts like the trust is hers and I that I don't have any rights, even if I am a
beneficiary. She told me that Mr. Freer and Mr. Shafer are very important people in the
community, which sounded as if she admired these miserable excuses of human beings,
which doesn't say much for her or Wells Fargo Bank.

4 I just found that others have posted complaints about attorney Alan Freer and guardian
5 Jared Shafer and that they are being investigated by the government. I certainly hope so, I
6 will file my own complaints to as many agencies as possible, as will my relatives and
friends. Anyone with any information on these 2 and their associates should add
comments to my posting to help all of us victims and to stop further abuse of our elders
by attorneys like Alan Freer and guardians like Mr. Shafer.

7 After one of our hearings, in the court hallway, I heard attorney Alan Freer tell Mr. Jared
8 Shafer and his assistant, Patience Bristol, "Well, we screwed another jerk who thinks he's
9 going to save his mother and family estate. These out of state kids need to just go away
10 and let us rip off their parents." Mr. Shafer and Miss. Bristol laughed. They did not know
11 that I was standing behind them but even when they saw that I heard them, they acted as
if they were happy I had heard. These are very creepy people. Attorney Alan Freer should
be disbarred and he and professional guardian Jared Shafer should be in jail for exploiting
my mother and all the other senior citizens that moved to Nevada thinking they had found
their paradise. What a joke. Let's hope the joke is on them soon when all their dirty deeds
catch up with them. I'm one of those people who feel that justice will be seen so fellow
victims, please speak up.

12 *See*, Defamatory Publication attributed to Schultz, published on Ripoffreport.com on January 11,
13 2011, attached hereto as **Exhibit 10**, and which was incorporated as Exhibit 24 to Second Amended
14 Complaint. For example, the fourth Defamatory Publication set forth above likewise makes the
15 following false statements of fact, which are defamatory:

- 16 • Guardianship Commissioner's office forwarded client to Jared Shafer – false statement of
17 fact, as this case does not exist and implies official corruption between Guardianship
Court and Jared Shafer. Statement further implies author's reliance upon underlying facts
in order to lend credence to other defamatory statements made therein.
- 18 • Alan Freer said - "Mr. Shafer and I tell judge Norheim what we want and you can't do
19 anything about it. You will never be guardian of your mother and if you go against us
20 we'll make sure the judge always rules in our favor and we'll make damn sure your
parent's estate will be emptied, leaving you nothing when she dies." – constitutes a false
21 statement of fact as this case does not exist, and is defamatory as the statement states and
implies that Freer and Shafer are involved in acts of official corruption, and that they
intend to maliciously bill the ward's estate, which would tend to excite derogatory
opinion about Plaintiffs Freer and Shafer if accepted as true.
- 22 • Alan Freer and Shafer have gone through \$400,000 of author's parents estate, and about
23 to sell ward's home and put ward in a retirement home – constitutes a false statement of
24 fact as this case does not exist, and is defamatory because it implies that Freer and Shafer
have excessively billed, and/or billed under false or fraudulent pretenses, and that Freer
and Shafer are taking malicious actions against Ward which would excite derogatory
opinion about Plaintiffs Freer and Shafer if accepted as true.
- 25 • Alan freer - lies, he threatens and he over bills my parent's estate for nothing and so does
26 Jared Shafer. He repeatedly files the same documents time after time all to create more
27 billings. He insults me and my family and my mother. He even insults my attorney and
my mom's doctors. – Constitutes false statement of fact as this case does not exist and
therefore statements, acts, and events recounted by author are false. Statement is clearly

defamatory because if accepted as true would lower the public opinion of Freer and Shafer.

- Alan Freer told Jared Shafer “Well, we screwed another jerk who thinks he’s going to save his mother and family estate. These out of state kids need to just go away and let us rip off their parents.” – Constitutes a false statement of fact as this case does not exist, and therefore statements attributed by the author to Freer and Shafer are false. Statement is defamatory because it clearly implies that Freer and Shafer are involved in acts constituting official corruption.

The foregoing publications do not constitute opinion, insomuch as Schultz therein particularly describes guardianship cases which do not exist, and falsely recounts and attributes Plaintiffs with having actually taken certain positions, made certain statements, and performed certain acts which, if taken as true (as Schultz intends), “would tend to lower the subject in the estimation of the community, excite derogatory opinions about the subject, and hold the subject up to contempt.” *See, K-Mart Corporation v. Washington*, 109 Nev. 1180, 1191, 866 P.2d 274, 281-82 (1993);⁴ citing *Las Vegas Sun v. Franklin*, 74 Nev. 282, 287, 329 P.2d 867, 869 (1958) (“In determining whether words charged are libelous per se, they are to be taken in their plain and natural import according to the ideas they convey to those to whom they are addressed; reference being had not only to the words themselves but also to the circumstances under which they were used.”)). Accordingly, such statements constitute actionable false statements of fact.

D. Plaintiffs Have Alleged Sufficient Grounds to Obtain Declaratory Relief, and a Declaratory Judgment Should Issue in this Action.

NRS 30.030 broadly states that:

Courts of record within their respective jurisdictions shall have power to declare rights, status and other legal relations **whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for.** The declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree.

Plaintiffs request for a declaratory judgment that: “the Defamatory Publications published by Defendants are false, unlawful, and constitute defamation as adjudged by a Court of competent jurisdiction in the State of Nevada” clearly passes muster under Nevada’s Declaratory Judgment Act.

⁴ *Overruled on other grounds* by *Pope v. Motel 6*, 121 Nev. 307, 316, 114 P.3d 277, 283 (2005) (stating “by employing a statutory qualified privilege but suggesting that an absolute privilege might apply, *K-Mart* failed to answer whether a qualified or absolute privilege operates in such instances.”).

1 See, **Exhibit 1**, at p. 22, ¶ (c); see also, NRS 30.030. Further, in a *Special Note on Remedies for*
2 *Defamation Other Than Damages*, the Restatement Second of Torts expressly states that “[i]n a
3 jurisdiction where declaratory relief is available as a general remedy and statutory provisions do not
4 preclude it, resort may be had to a suit for a declaratory judgment that the defamatory statement is
5 untrue.” See, Division 5, Chapter, 27 Spec. Note (1977).

6 Notwithstanding, Schultz broadly (and erroneously) asserts that “[t]he Nevada Supreme Court
7 has routinely held that tort actions do not involve a declaration of any right, status or other relation.”
8 See, Motion, at p. 7, ll. 4-5. However, the opinions cited by Schultz fail to establish such claimed
9 precedent. Indeed, the Court in *Phelps v. Second Judicial Dist. Court*, 106 Nev. 917, 803 P.2d 1101
10 (1990) reversed the district court’s judgment rendering a declaration concerning evidence sought to be
11 admitted in a concurrent proceeding before the medical malpractice screening panel pursuant to NRS
12 Chapter 41A. Notably, the Supreme Court stated that the district court’s judgment was erroneous
13 because “rather than declaring the rights, status or legal relations of the parties properly before it, [the
14 court] instead simply usurp[ed] the authority of the screening panel to conduct its own affairs and
15 administer its own docket.” (Emphasis added). Indeed, the language and context in *Phelps* is
16 completely inapposite and unsupportive of the broad sweeping policy for which Schultz has attributed
17 such opinion in her brief. Likewise, Schultz’s citation to *Barrett v. Baird*, 111 Nev. 1496, 1513, 908
18 P.2d 689, 701 (1995) *overruled on other grounds by Lioce v. Cohen*, 124 Nev. 1, 174 P.3d 970 (2008)
19 is inapposite for identical reasons (holding that “[t]he action of the screening panel does not involve
20 the substantial right of any party to a medical malpractice action.”). Accordingly, this Court should
21 deny Schultz’s request to dismiss Plaintiffs’ cause of action for declaratory relief.

22 **E. Plaintiffs Have Alleged Sufficiently Alleged Facts Which Demonstrate Oppression, Fraud,**
23 **and/or Malice in Support of their Request for the Assessment of Punitive and Exemplary**
24 **Damages Against Schultz.**

25 In Nevada, “where it is proven by clear and convincing evidence that the defendant has been
26 guilty of oppression,⁵ fraud⁶ or malice,⁷ express or implied, the plaintiff, in addition to the

27 ⁵ ““Oppression” means despicable conduct that subjects a person to cruel and unjust hardship with
28 conscious disregard of the rights of the person.” NRS 42.001(4).

1 compensatory damages, may recover damages for the sake of example and by way of punishing the
2 defendant.” NRS 42.005(1). Punitive damages are “a means of punishing the tortfeasor and deterring
3 the tortfeasor and others from engaging in similar conduct.” *Coughlin v. Hilton Hotels Corp.*, 879 F.
4 Supp. 1047, 1050 (D. Nev. 1995). Indeed, “[p]unitive damages provide a means by which the
5 community ... can express community outrage or distaste for the misconduct of an oppressive,
6 fraudulent or malicious defendant and by which others may be deterred and warned that such conduct
7 will not be tolerated.” *Bongiovi v. Sullivan*, 122 Nev. 556, 580, 138 P.3d 433, 450 (2006) citing *Ace*
8 *Truck and Equipment Rentals, Inc. v. Kahn*, 103 Nev. 503, 746 P.2d 132, 134 (1987).

9 Notwithstanding, Schultz’s admission that Plaintiffs need only allege that Defendants’ conduct
10 was malicious (and Schultz’s admission that NRS 42.005 only requires a finding of oppression, fraud,
11 or malice), Plaintiffs’ have actually alleged that Defendants wrongful conduct amounted to
12 oppression, fraud, and express or implied malice. The following allegations from the Second Amended
13 Complaint clearly demonstrate that Plaintiffs have sustained their burden of putting Defendants on
14 notice of their claim for punitive damages, and that the wrongful conduct complained about
15 demonstrates oppression, fraud, and/or express or implied malice:

16 48. Moreover, due to the **widespread and overwhelming number of**
17 **the defamatory publications made by the Defendants**, the Defamatory
18 Statements are easily available online and have been indexed and
19 republished by search engines including Google, Yahoo!, and Bing, such
20 that the Defamatory Statements appear in search results when generally
21 searching the Plaintiffs by name alone.

22 49. By way of example, Georgia Perry, who is apparently a reporter
23 for the Santa Cruz Weekly, discovered such Defamatory Statements
24 published by Defendants in Google.com search results, and on July 31,
25 2012, reported that “[j]ust typing the name **Jared E. Shafer into**
26 **Google’s search engine pulls up several pages of complaints against**
27 **him on consumer report websites, making it impossible to unearth his**
28 **professional web site through the heaps of corruption accusations.”**

24 ⁶ ““Fraud” means an intentional misrepresentation, deception or concealment of a material fact known
25 to the person with the intent to deprive another person of his or her rights or property or to otherwise
injure another person.” NRS 42.001(2).

26 ⁷ ““Malice, express or implied” means conduct which is intended to injure a person or despicable
27 conduct which is engaged in with a conscious disregard of the rights or safety of others.” NRS
42.001(3).

1 53. The Defamatory Statements contained in the Appendix at Exhibits
2 4 through 114 are false and defamatory per se, by falsely stating, with
3 false specifics, that Plaintiffs have and are continuing to commit crimes in
4 the State of Nevada, including murder, attempted murder, neglect, abuse
5 of the elderly and vulnerable, theft, corruption, bribery, etc., which such
6 false statements adversely reflect upon Plaintiffs fitness to conduct
7 business as professional fiduciaries in the State of Nevada. The
8 Defamatory Statements are false and defamatory per se, by falsely stating,
9 with false specifics, that Plaintiffs have over-billed, or billed for work not
10 actually performed, the purported authors of such statements, whom do
11 not actually exist as the statements constitute false accounts of fictitious
12 individuals. The defamatory statements additionally include false
13 statements that Plaintiffs are users of illegal drugs, which negatively
14 reflect on Plaintiffs' fitness to conduct business as attorneys, and as
15 professional fiduciaries.

16 62. Plaintiffs are informed and believe, and on that basis allege, that
17 **the conduct of Defendants was intentional, and done willfully with**
18 **oppression, fraud, and malice toward Plaintiffs, and with conscious**
19 **disregard for their rights. Plaintiffs' injuries were intensified by the**
20 **malicious conduct of the Defendants,** and, therefore Plaintiffs are
21 entitled to an award of exemplary and punitive damages.

22 *See*, Second Amended Complaint, attached hereto as **Exhibit 1**.

23 To the extent Defendant Schultz seeks dismissal of Plaintiffs' requests that this Court authorize a
24 finding of punitive damages, Schultz's request is entirely premature as such issue should only be
25 determined after the evidence has been submitted to the trier of fact. Indeed, NRS 42.005 provides that
26 if punitive damages are claimed, "the **trier of fact** shall make a finding of whether such damages will
27 be assessed." NRS 42.005(3). Accordingly, although it may be a threshold question of law for the
28 court to determine whether there is sufficient evidence to justify an award of punitive damages, such a
determination cannot be made until the conclusion of trial. *See, Evans v. Dean Witter Reynolds, Inc.*,
116 Nev. 598, 605, 5 P.3d 1043, 1047 (Nev. 2000) (court determined whether there was sufficient
evidence to support a punitive damages at the conclusion of plaintiff's case-in-chief); *Bergmann v.*
Boyce, 109 Nev. 670, 856 P.2d 560 (Nev. 1993) (trial court dismissed punitive damages claim after
case-in-chief claim was presented); *Austin v. C & L Trucking, Inc.*, 610 F.Supp. 465, 469 (D.C. Nev.
1985) (defendants sought permission from court to move for directed verdict on issue of punitive
damages at close of the case); *Wickliffe v. Fletcher Jones of Las Vegas, Inc.*, 99 Nev. 353, 356, 661
P.2d 1295, 1296 (Nev. 1983) (punitive damages claim was dismissed at conclusion of appellant's
case-in-chief). Consequently, Schultz's attempt to prohibit Plaintiffs from seeking punitive damages

1 at this early stage should be denied because this Court will make its determination as to whether there
2 is sufficient evidence to justify an award of punitive damages at the conclusion of trial.

3 **F. Schultz's Alternative Requests Should be Denied.**

4 In her motion, Schultz alternatively requests "an Order striking certain exhibits which include
5 confidential information and an Order disqualifying Plaintiff Solomon Dwiggin & Freer, Ltd. from
6 representing the other Plaintiffs in this matter." *See*, Motion, at p. 4, ll. 20-23. Notwithstanding such
7 request, Schultz fails to make any argument in law or in fact to support such request, and, therefore,
8 Plaintiffs request that this Court deny such alternative relief pursuant to EDCR 2.20(c) (providing that
9 the absence of a memorandum of points and authorities may be construed as an admission that the
10 motion is not meritorious, as cause for its denial or as a waiver of all grounds not so supported).
11 Further, Schultz failed to demonstrate any evidence that Plaintiffs have submitted any confidential
12 records in their filings, nor does Schultz provide any analysis of why disqualification or striking
13 pleadings or exhibits would be an appropriate remedy even if Plaintiffs did file documents containing
14 confidential information. Accordingly, this Court should deny Schultz's requests for alternative relief.

15 **G. This Court Should Award Plaintiffs' Reasonable Attorneys' Fees.**

16 Eighth District Court Rule 7.60(b)(1) provides that the court may "impose upon an attorney or a
17 party any and all sanctions which may, under the facts of the case, be reasonable, including the
18 imposition of fines, costs or attorney's fees when an attorney or a party without just cause: (1)
19 [p]resents to the court a motion or an opposition to a motion which is obviously frivolous, unnecessary
20 or unwarranted."

21 As set forth above, Defendant Schultz's Motion to Dismiss is obviously frivolous, unnecessary
22 or unwarranted, as she deliberately misled this Court by omitting the fact that Plaintiffs seek to hold
23 her jointly liable as a joint tortfeasor along with Defendant Charles Pascal as to each of the defamatory
24 statements, and that Schultz's other arguments completely lack merit. Accordingly, this Court should
25 assess Plaintiffs' attorneys' fees against Schultz as a sanction.

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IV.

CONCLUSION

Wherefore, Defendant's Motion should be denied in its entirety.

DATED this 7th day of July, 2014.

SOLOMON DWIGGINS & FREER, LTD.

By 

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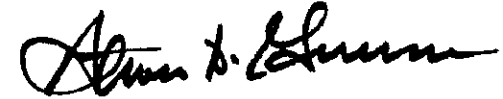
Attorneys for Plaintiffs

EXHIBIT 1

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8 *Deittrick, Professional Fiduciary Services*
of Nevada, Inc., AVID Business Services
9 *of Nevada, Inc., and Gamett & King*

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CLERK OF THE COURT

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 JARED E. SHAFER; an individual,
SOLOMON DWIGGINS & FREER, LTD., a
13 Nevada professional limited partnership; ALAN
D. FREER, an individual; ROBERT D.
14 SIMPSON; an individual, PATIENCE
BRISTOL; an individual, AMY DEITTRICK,
15 an individual; PROFESSIONAL FIDUCIARY
SERVICES OF NEVADA, INC., a Nevada
16 corporation; AVID BUSINESS SERVICES OF
NEVADA, INC., a Nevada corporation;
17 GAMETT & KING, a Nevada corporation;

18 Plaintiff;

19 vs.

20 REBECCA SCHULTZ, an individual;
CHARLES PASCAL, an individual; and DOES
21 1 through 19, inclusive;

22 Defendant(s).

Case No. A-12-671427-C

Dept. XXXI

SECOND AMENDED COMPLAINT

EXEMPT FROM ARBITRATION: Amount in
controversy exceeds \$50,000.00

23
24 Plaintiffs, JARED E. SHAFER, ALAN D. FREER, ROBERT D. SIMPSON, AMY
25 DEITTRICK, SOLOMON DWIGGINS & FREER, LTD., PROFESSIONAL FIDUCIARY
26 SERVICES OF NEVADA, INC., AVID BUSINESS SERVES OF NEVADA, INC., SHAWN KING,
27 and GAMETT & KING (hereinafter "Plaintiffs"), by and through their counsel of record, Mark A.
28 Solomon and Ross E. Evans of Solomon Dwiggins & Freer, Ltd., hereby complain against

Defendants, REBECCA SCHULTZ, CHARLES PASCAL, and DOES 1 through 19 (hereinafter “Defendants”), as follows:

PARTIES

1. At all times relevant hereto, Plaintiff, Jared E. Shafer, (hereinafter “Shafer”), is and continues to be a resident of Clark County, Las Vegas, Nevada.

2. At all times relevant hereto, Plaintiff, Alan D. Freer (hereinafter “Freer”), is and continues to be a resident of Clark County, Las Vegas, Nevada.

3. At all times relevant hereto, Plaintiff, Robert D. Simpson, (hereinafter “Simpson”), is and continues to be a resident of Clark County, Las Vegas, Nevada.

4. At all times relevant hereto, Plaintiff, Patience Bristol, (hereinafter “Bristol”), is and continues to be a resident of Clark County, Las Vegas, Nevada.

5. At all times relevant hereto, Plaintiff, Amy Deittrick, (hereinafter “Deittrick”), is and continues to be a resident of Clark County, Las Vegas, Nevada.

6. At all times relevant hereto, Plaintiff, Solomon Dwiggins & Freer, Ltd., (hereinafter “SDF”), is a professional limited liability partnership organized and existing under the laws of the State of Nevada, with its principal place of business at 9060 West Cheyenne Avenue, Las Vegas, Clark County, Nevada.

7. At all times relevant hereto, Plaintiff, Professional Fiduciary Services of Nevada, Inc., (hereinafter “PFSN”), is a Nevada corporation organized and existing under the laws of the State of Nevada, with its principal place of business located in Henderson, Clark County, Nevada.

8. At all times relevant hereto, Plaintiff, AVID Business Services of Nevada, Inc., (hereinafter “AVID”), is a Nevada corporation organized and existing under the laws of the State of Nevada, with its principal place of business located in Henderson, Clark County, Nevada.

9. At all times relevant hereto, Plaintiff, Shawn King (hereinafter “King”), is and continues to be a resident of Clark County, Las Vegas, Nevada.

10. At all times relevant hereto, Plaintiff, Gamett & King, Inc., (hereinafter “GAMETT”), is a Nevada corporation organized and existing under the laws of the State of Nevada, with its principal place of business located in Henderson, Clark County, Nevada.

1 11. At all times relevant hereto, Defendant, Rebecca Schultz, (hereinafter "Schultz") is an
2 individual residing in Santa Cruz County, California, who has intentionally directed her tortious
3 conduct at Plaintiffs in Clark County, Nevada, and has otherwise caused acts or events to occur within
4 the State of Nevada, out of which Plaintiffs' claims herein arise.

5 12. At all relevant times hereto, Defendant, Charles Pascal, (hereinafter "Pascal") is an
6 individual residing in Los Angeles County, California, who has intentionally directed his tortious
7 conduct at Plaintiffs in Clark County, Nevada, and has otherwise caused acts or events to occur within
8 the State of Nevada, out of which Plaintiffs' claims herein arise.

9 13. The true names and capacities of those individuals and entities, corporate or otherwise,
10 named as DOES 1 through 19, inclusive, are unknown to Plaintiffs at this time. However, Plaintiffs
11 allege, upon information and belief, that each of the fictitiously designated Defendants is responsible
12 in some manner for the events and occurrences alleged in this pleading, or conspired in some manner
13 with the named Defendants and/or each other, and that Plaintiffs' damages as alleged in this pleading
14 were directly or proximately caused by their conduct. Plaintiffs will seek leave of court to amend this
15 pleading to state the true names and capacities of such Doe Defendants once they have been
16 ascertained.

17 14. Plaintiffs are informed and believe, and thereupon allege, that at all times relevant herein,
18 each of the Defendants conspired together to cause the actions which Plaintiffs herein complain, or
19 otherwise acted as the agent of one or more of the other Defendants and with the full knowledge and
20 consent, either express or implied, of the other Defendants and that each and every thing herein
21 alleged was done by each Defendant in the course and scope of said conspiracy or agency and in their
22 capacity as a co-conspirator with, principal of, or agent for, each of the other Defendants.

23 15. All of the acts or failures to act alleged herein were duly performed by and attributable to
24 all Defendants through concerted action, and/or each acting as agent or under the direction and/or
25 control of the others or pursuant to an agreement and in furtherance of a conspiracy to harm and cause
26 damage to the Plaintiffs. Said acts or failures to act were within the scope of said agency, in
27 furtherance of a conspiracy, and/or at the direction and control of the other Defendants, and each
28 Defendant ratified the acts and omissions by the other Defendants. Whenever and wherever reference

1 is made in this Complaint to any acts by Defendants, such allegations and reference shall also be
2 deemed to mean the acts of each Defendant acting individually, jointly or severally.

3 **JURISDICTION**

4 16. As described more fully below, the wrongful acts complained of herein occurred in the
5 State of Nevada because the Defendants intentionally targeted their actions, defamatory statements,
6 and publications to affect the Plaintiffs in the State of Nevada, and that the Defendants intended to,
7 and did, cause the Plaintiffs damage and injury in the State of Nevada. Accordingly, this Court has
8 personal jurisdiction over Defendants.

9 **BACKGROUND AND GENERAL ALLEGATIONS**

10 17. Shafer served as the Clark County Public Administrator from 1979 to 2002. In 2002,
11 Shafer began working as a private professional fiduciary, serving in various capacities including
12 guardian, trustee, personal representative, etc.

13 ***DuDeck Guardianship Proceedings***

14 18. On or about July 5, 2006, proceedings were initiated in the Eighth Judicial District Court,
15 Clark County, Nevada, Case No. G-29530, by Defendant Charles Pascal's spouse, Heidi Pascal, and
16 her brother Lance DuDeck to appoint themselves Co-Guardians of the person and estate of their
17 mother, Marcy DuDeck.

18 19. Animosity developed between Heidi Pascal and Lance DuDeck, such that they were
19 unable to work together to serve the Ward's best interests, which resulted in a multitude of legal
20 filings by each of them, and ultimately, an Evidentiary Hearing which was scheduled to determine
21 who was best suited to serve as Guardian.

22 20. In the months leading up to the Evidentiary Hearing, despite clear statutory mandates,
23 and express findings and orders from the Guardianship Commissioner that Marcy DuDeck was in a
24 facility that was appropriate for her and suited her needs, and that she should not be removed from said
25 facility without a Court order authorizing the same, Heidi Pascal removed Marcy DuDeck from her
26 Las Vegas residence into an assisted living facility in Playa Vista, California. Although the Ward was
27 undisputedly domiciled in the State of Nevada, after an investigation and report by the Guardian Ad
28

1 Litem, the Guardianship Commissioner found that it was in the Ward's best interests to remain in
2 California.

3 21. After taking evidence as to the Ward's removal from Nevada at the May 1, 2007
4 Evidentiary Hearing, the Guardianship Commissioner found Heidi Pascal, "unsuitable to be the
5 guardian of her mother because of her repeated unwillingness to follow Court Orders." The
6 Commissioner recommended that Heidi Pascal be held in contempt and sanctioned for violating
7 previous court orders and wrongfully relocating the Ward to California, and for then ignoring the
8 subsequent Order requiring her to return the Ward to Nevada. The Commissioner also recommended
9 that Heidi Pascal be removed as the Ward's Guardian.

10 22. On or about August 29, 2007, Mr. Shafer was appointed as Marcy DuDeck's Guardian
11 and Trustee, and has served in such capacities since that time.¹

12 23. In November 2008, after unsuccessfully challenging Shafer's First Annual Account and
13 Report as Guardian of Marcy DuDeck, Heidi Pascal initiated conservatorship proceedings in
14 California, seeking to have herself appointed as Conservator of Marcy DuDeck's Person and Estate.

15 24. Martin Goldberg, the attorney appointed by the California Court as counsel for Marcy
16 DuDeck, on or about December 19, 2008, filed his second report with the California Court, in which
17 he stated that "Heidi Pascal, her attorney and her husband all accosted me outside of the courtroom
18 and followed me out of the courthouse in a hostile and aggressive manner. [Heidi Pascal's attorney]
19 accused me of accepting a bribe from Mr. Shafer, stating to me "how much is Shafer paying you? Mr.
20 and Mrs. Pascal were also very angry and expressed their opinion that all other parties, including me,
21 Mr. Shafer, his attorneys, the guardians ad litem, and the Nevada court were all engaged in a
22 conspiracy to loot Mrs. DuDeck's estate and that the statements of the guardians ad litem, Mr. Shafer,
23 the guardian, and the findings of the Nevada Guardianship Commissioner and District Court were all
24 lies."

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26
27 ¹ See, Order dated August 29, 2007, attached as **Exhibit 1** to the concurrently filed Appendix of
28 Exhibits to Second Amended Complaint ("Appendix" or "Appx."), and incorporated herein by
reference.

1 25. On or about August 4, 2009, mere days before the California Evidentiary Hearing
2 concerning the Heidi Pascal's petition to be appointed conservator of Marcy DuDeck, Lance DuDeck
3 removed Marcy DuDeck from the live-in care facility in Playa Vista, California, back to Las Vegas,
4 Nevada.

5 26. On August 7, 2009, the Nevada Court entered an Order requiring that Marcy DuDeck
6 stay in Las Vegas, Nevada, and remain under the guardianship of Mr. Shafer. The Court further
7 Ordered that Marcy DuDeck remain at the Jump for Joy residential care facility located at 7881
8 Rainshower Drive, Las Vegas, Nevada 89149.

9 27. On February 24, 2010, Marcy DuDeck passed away.

10 28. During the course of the DuDeck guardianship and estate proceedings, Heidi Pascal and
11 her husband Charles Pascal became obsessed with Jared Shafer, his company Professional Fiduciary
12 Services of Nevada, Inc., his family, friends, his guardianship cases, and his attorneys.

13 ***Olvera Guardianship Proceedings***

14 29. Defendant Schultz is the daughter of Guadalupe M. Olvera. On December 2, 2009,
15 Shafer was appointed as the guardian of the person and estate of Mr. Olvera by the Family Division of
16 the Eighth Judicial District Court of Clark County, Nevada, Case No. G-05-028163.²

17 30. Shafer retained SDF to represent him as guardian of Mr. Olvera.

18 31. Beginning in or about March 2010, Schultz repeatedly attempted to take control of Mr.
19 Olvera's estate and remove Mr. Shafer as guardian in favor of herself as chronicled in the pleadings
20 and orders filed in such proceeding.

21 32. Schultz raised various accusations against Shafer in her unsuccessful efforts to remove
22 Mr. Shafer as guardian, including, "selling securities without a license," "excessive billing," "violation
23 of NRS 160 Veterans Guardianship Uniform Act," "removing contents of Mr. Olvera's safe deposit
24
25
26

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28 ² See, Order dated December 2, 2009, attached at Appx. **Exhibit 2**, and incorporated herein by reference.

1 box,” etc. The Court consistently rejected Schultz’s continued efforts to remove Mr. Shafer as
2 guardian and take control of her father’s assets. The Court rejected all of her arguments as baseless.³

3 33. On September 22, 2010, Schultz kidnapped Mr. Olvera and brought him to California. In
4 disregard of numerous court orders, Schultz refused to return him to his home in Las Vegas, Nevada.
5 As a result of such action, Schultz was found in contempt of court, and a bench warrant was issued for
6 her arrest.

7 ***Defamatory Postings on Ripoffreport.com***

8 34. Upon information and belief, at some point prior to Schultz kidnapping Mr. Olvera on
9 September 22, 2010, Heidi Pascal and her husband Charles Pascal contacted Schultz, whereupon Heidi
10 Pascal and Charles Pascal told Schultz about the guardianship and estate proceedings of Marcy
11 DuDeck.

12 35. Upon information and belief, Charles Pascal and Schultz conspired together and aided
13 and abetted each other in the formulation of a plan to submit defamatory postings concerning Jared
14 Shafer, and the other plaintiffs named in this action, to the website <http://www.ripoffreport.com/>
15 (“Ripoffreport.com”) for the attempted purpose to substantiate and bolster Schultz’s arguments in the
16 Olvera Guardianship proceedings to have Shafer removed as Mr. Olvera’s guardian.

17 36. After Schultz kidnapped Mr. Olvera on September 22, 2010, Charles Pascal, Schultz,
18 and, upon information and belief other unknown individuals, began to effectuate their conspiracy by
19 publishing certain false and defamatory statements about Shafer and the remaining Plaintiffs to the
20 website Ripoffreport.com.

21 37. At the time of filing this Complaint, Plaintiffs have identified one-hundred and eleven
22 (111) separate defamatory postings to the website Ripoffreport.com, each of which contain defamatory
23 statements about the Plaintiffs to this action, and which were published by the Defendants pursuant to
24 a conspiracy designed to damage the Plaintiffs’ reputations.⁴

25
26 ³ See, Order dated January 21, 2011, attached at Appx. **Exhibit 3**, and incorporated herein by
reference.

27 ⁴ Collectively, the one-hundred and eleven defamatory postings are attached at Appx. **Exhibits 4**
28 through **114**, and are incorporated herein by reference to the “Defamatory Statements.”

1 38. Plaintiffs have discovered from Xcentric Ventures, LLC, the operator of the
2 Ripoffreport.com website, that one-hundred (100) of the Defamatory Statements were published by
3 Charles Pascal under various pseudonyms including: "Deon leveaux" and "Patience M. Bristol".⁵

4 39. The documents provided by Xcentric Ventures demonstrate that Charles Pascal signed up
5 for user accounts at Ripoffreport.com using his actual name, his actual work email address
6 "cpascal@abccotechnology.com", his personal email address "radiopascal@earthlink.net", his actual
7 personal telephone number "310-714-0524", and that Charles Pascal accessed the user accounts from
8 computers associated with his work internet protocol address ("ip address") assigned by Time Warner
9 Cable "64.183.54.226".⁶

10 40. Plaintiffs have discovered from Xcentric Ventures, LLC, that four (4) of the Defamatory
11 Statements were published by Rebecca Schultz under various pseudonyms including "Outraged
12 Citizen" and "Victim 5000".⁷

13 41. The documents provided by Xcentric Ventures, LLC, demonstrate that three of such four
14 Defamatory Statements were published by a user which provided the email address
15 "gmo1919@gmail.com", which upon information and belief is an email address used by Defendant
16 Schultz as it correlates with the identity of Schultz's father: Guadalupe Mena Olvera born in the year
17 1919.⁸

18 42. The documents provided by Xcentric Ventures, LLC, further demonstrate that the four
19 Defamatory Statements, stated above, were published by Schultz because Xcentric Ventures identified
20

21 ⁵ The one-hundred Defamatory Statements Plaintiffs attribute to having been published by Defendant
22 Charles Pascal are contained in the Appendix of Exhibits at **Exhibits 4, 6-17, 20, 22-23, 26-28, 30, 32, 34-43, and 45-113**, and are incorporated herein by reference.

23 ⁶ See, documents provided by Xcentric Ventures, LLC, in response to a subpoena dated October 23,
24 2013 at Appx. **Exhibit 115**, and incorporated herein by reference; *see also*, documents provided by
25 Time Warner Cable in response to a subpoena dated December 19, 2013 at Appx. **Exhibit 116**, and
incorporated herein by reference.

26 ⁷ The four Defamatory Statements Plaintiffs attribute to having been published by Defendant Rebecca
27 Schultz are contained in the Appendix of Exhibits at **Exhibits 18-19, 21, and 24**, and are incorporated
herein by reference.

28 ⁸ See, documents provided by Xcentric Ventures, LLC, at Appx. at **Exhibit 115**.

1 that the four reports were published by a user from ip address “98.234.59.253”,⁹ and Plaintiffs have
2 discovered that the ip address “98.234.59.253” is an ip address falling within a range of ip addresses
3 assigned to Comcast, and associated with Comcast dhcp servers in the Central Coast Region of
4 California, in proximity to Rebecca Schultz’s residence in Aptos, California, and that Rebecca Schultz
5 is a Comcast internet services subscriber.¹⁰ In addition, Plaintiffs have received discovery from
6 Network Solutions, LLC, demonstrating that Schultz was indeed assigned ip address “98.234.59.253”,
7 or had access to the same, between November 25, 2010 and January 11, 2011, the dates in which the
8 four Defamatory Statements were published on Ripoffreport.com.¹¹ Moreover, the four Defamatory
9 Statements match statements and allegations made by Rebecca Schultz in correspondence she drafted
10 and sent to the Center for Guardianship Certification and Nevada Attorney General between December
11 3, 2011 and January 28, 2012.¹²

12 43. Upon information and belief, two of the remaining seven Defamatory Statements, were
13 published by Charles Pascal, or an as of yet unknown co-conspirator of Schultz and Pascal, as
14 Plaintiffs have discovered that two of the Defamatory Statements were published by a person at the
15 Studio City Library, in Studio City California, which is proximately near to Charles Pascal.¹³

16
17 ⁹ See, Appx. at **Exhibit 115**.

18 ¹⁰ See, documents provided by Comcast in response to a subpoena dated January 22, 2014 at Appx.
Exhibit 117, and incorporated herein by reference.

19 ¹¹ See, documents provided by Network Solutions, LLC in response to a subpoena dated February 19,
20 2014 at Appx. **Exhibit 118**, and incorporated herein by reference.

21 ¹² See, correspondence from Rebecca Schultz to the Nevada Attorney General dated December 3,
22 2011, at Appx. **Exhibit 119**, and incorporated herein by reference; *see also*, correspondence from
23 Rebecca Schultz to the Center for Guardianship Certification, dated January 18, 2012 at Appx.
Exhibit 120; *see also*, correspondence from Rebecca Schultz to the Center for Guardianship
24 Certification, dated January 20, 2012 at Appx. **Exhibit 121**; *see also*, correspondence from Rebecca
25 Schultz to the Center for Guardianship Certification dated January 25, 2012 at Appx. **Exhibit 122**; *see*
also, correspondence from Rebecca Schultz to the Center for Guardianship Certification dated January
26 28, 2012, at Appx. **Exhibit 123**.

27 ¹³ The two Defamatory Statements which Plaintiffs attribute upon information and belief to having
28 been published by Defendant Charles Pascal from the Studio City Library are contained in the
Appendix of Exhibits at **Exhibits 25 and 29**. *See also*, documents provided by Xcentric Ventures,
LLC, at Appx. **Exhibit 115**, demonstrating that two of the Defamatory Statements were published
from a user associated with ip address “76.79.202.210”; *see also*, documents provided by Time

1 44. Upon information and belief, the remaining five Defamatory Statements were published
2 by Charles Pascal, Rebecca Schultz, or an unknown fictitiously named "doe" defendant.¹⁴

3 45. Rebecca Schultz caused her correspondence with the Center for Guardianship
4 Certification dated January 18, 2012, and her correspondence with the Nevada Attorney General dated
5 December 3, 2011, to be published on the website <http://www.stopguardianabuse.org/L.O.htm>. Such
6 correspondence contains additional defamatory statements of and concerning the Plaintiffs which upon
7 republication by Schultz constitute independent acts of defamation and business disparagement against
8 Plaintiffs.

9 46. Because of the various proceedings in the State of Nevada and California concerning the
10 guardianship of Marcy Dudeck and Guadalupe Olvera, and due to their involvement in the same,
11 Defendants have familiarized themselves with general principles of fiduciary and statutory obligations,
12 the legal standards for the appointment and removal of a guardian, and with the inner workings and
13 procedural stages of the judicial system particularly in Clark County, Nevada. Schultz and Pascal have
14 used such familiarity to invent plausible sounding, but false, stories of fact in which Schultz, Pascal, or
15 their co-conspirators, claim to be relatives of fictitious persons claiming to have been abused,
16 victimized, or otherwise damaged by the Plaintiffs during various stages of invented guardianship
17 proceedings.

18 47. Defendants Schultz, Pascal, and their co-conspirators, published such false stories online
19 and elsewhere, including Ripoffreport.com, using fictitious names for the purported authors of such
20 stories. Moreover, Defendants Schultz, Pascal, and their co-conspirators, present such stories as fact,
21 and the nature of the factual representations made in such statements are clearly false and defamatory
22 per se, as they generally disparage Plaintiffs in their professional and personal capacities, and falsely
23 implicate Plaintiffs as being involved in and having performed acts of corruption, bribery, theft,
24 embezzlement, abuse of the elderly, mentally infirm, and physically handicapped, and other crimes.

25 Warner Cable at Appx. **Exhibit 116**, demonstrating that ip address "76.79.202.210" is associated with
26 the Studio City Library.

27 ¹⁴ The five Defamatory Statements which Plaintiffs attribute upon information and belief to having
28 been published by Charles Pascal, Rebecca Schultz, or an unknown fictitiously named "doe"
defendant are contained in the Appendix of Exhibits at **Exhibits 5, 31, 33, 44, and 114**.

1 48. Moreover, due to the widespread and overwhelming number of the defamatory
2 publications made by the Defendants, the Defamatory Statements are easily available online and have
3 been indexed and republished by search engines including Google, Yahoo!, and Bing, such that the
4 Defamatory Statements appear in search results when generally searching the Plaintiffs by name alone.

5 49. By way of example, Georgia Perry, who is apparently a reporter for the Santa Cruz
6 Weekly, discovered such Defamatory Statements published by Defendants in Google.com search
7 results, and on July 31, 2012, reported that “[j]ust typing the name Jared E. Shafer into Google’s
8 search engine pulls up several pages of complaints against him on consumer report websites, making it
9 impossible to unearth his professional web site through the heaps of corruption accusations.”¹⁵

10 50. In the comments of Ms. Perry’s report posted online, Rebecca Schultz, herself, posted
11 additional Defamatory Statements,¹⁶ including that:

12 Jared E. Shafer has gotten away with bullying and threatening families
13 since 1979. He brags to all the victims about controlling and bribing the
14 judges, it’s disgusting. Millions of dollars from victims social security,
15 retirement pensions and veteran benefits have been stolen by him.

16 His wards mysteriously die days before their Medicare expires. I don’t
17 believe he has ever worked an honest day in his life, just feeds off of the
18 honest hard work of the elderly.

19 **FIRST CAUSE OF ACTION**
20 (Defamation and Defamation Per Se)

21 51. Plaintiffs repeat and re-allege the allegations contained in all preceding paragraphs, and
22 incorporate said Paragraphs as though fully set forth herein.

23 52. Upon information and belief, beginning on or about September 28, 2010, and continuing
24 through the filing of this lawsuit, Defendants published, and/or caused to be published, and/or continue
25 to publish, certain false and defamatory statements about Plaintiffs with knowledge of the falsity of
26 such statements, or with a reckless disregard for the truth or falsity of such statements (collectively

27 ¹⁵ See, Article dated July 31, 2012, at Appx. **Exhibit 124**, and incorporated herein by reference.

28 ¹⁶ See, Appx. at **Exhibit 124**.

1 referred to herein as the "Defamatory Statements") to multiple websites, including
2 <http://scaminformer.com> and <http://www.ripoffreport.com/> (Ripoffreport.com).¹⁷

3 53. The Defamatory Statements contained in the Appendix at **Exhibits 4 through 114** are
4 false and defamatory per se, by falsely stating, with false specifics, that Plaintiffs have and are
5 continuing to commit crimes in the State of Nevada, including murder, attempted murder, neglect,
6 abuse of the elderly and vulnerable, theft, corruption, bribery, etc., which such false statements
7 adversely reflect upon Plaintiffs fitness to conduct business as professional fiduciaries in the State of
8 Nevada. The Defamatory Statements are false and defamatory per se, by falsely stating, with false
9 specifics, that Plaintiffs have over-billed, or billed for work not actually performed, the purported
10 authors of such statements, whom do not actually exist as the statements constitute false accounts of
11 fictitious individuals. The defamatory statements additionally include false statements that Plaintiffs
12 are users of illegal drugs, which negatively reflect on Plaintiffs' fitness to conduct business as
13 attorneys, and as professional fiduciaries.

14 54. The Defendants' publication of the Defamatory Statements was unprivileged and not an
15 exercise of any protected right as the Defamatory Statements are false statements of fact.

16 55. Defendants knew that the Defamatory Statements would be widely disseminated in the
17 State of Nevada or otherwise readily and easily discoverable by persons in Nevada, knew that Nevada
18 is where the Plaintiffs principally conduct their business and where the Plaintiffs reside, and knew that
19 the Defamatory Statements would be visible in top Google and other search providers' search results
20 for the Plaintiffs names, and, therefore published the Defamatory Statements on Ripoffreport.com, and
21 upon information and belief, published the Defamatory Statements on other websites and publications
22 unknown to Plaintiffs at the time of filing this Complaint, with the specific intent of causing harm to
23 the Plaintiffs' reputations and business as attorneys, accountants, and professional fiduciaries in the
24 State of Nevada. In fact, due to the publication of the Defamatory Statements by the Defendants on
25 Ripoffreport.com, the Defamatory Statements were widely disseminated in the State of Nevada and
26 across the country.

27
28 ¹⁷ See, Appx. at **Exhibits 4 through 114**.

1 56. Upon information and belief, Defendants specifically chose to publish the Defamatory
2 Statements on Ripoffreport.com because the site advertises that: "Your Ripoff Report will be
3 discovered by millions of consumers! Search engines will automatically discover most reports,
4 meaning that within just a few days or weeks, your report may be found on search engines when
5 consumers search, using key words relating to your Ripoff Report."

6 57. The Ripoffreport.com website has achieved notoriety and infamy in the legal community
7 for its platform to widely disperse and broadcast the defamatory statements of its users across the
8 internet. Indeed, the Third District Court of Appeal for the State of Florida, noted that
9 "[Ripoffreport.com] does nothing to prevent users of its website from posting false and defamatory
10 statements[]." The Court went on to state that:

11 The business practices of [Ripoffreport.com], as presented by the evidence
12 before this Court, are appalling. [Ripoffreport.com] appears to pride itself
13 on having created a forum for defamation. No checks are in place to
14 ensure that only reliable information is publicized. [Ripoffreport.com]
15 retains no general counsel to determine whether its users are availing
16 themselves of its services for the purpose of tortious or illegal conduct.
Even when, as here, a user regrets what she has posted and takes every
effort to retract it, [Ripoffreport.com] refuses to allow it. Moreover,
[Ripoffreport.com] insists in its brief that its policy is never to remove a
post.

17 Moreover, the Ripoffreport.com website hides behind a loophole in the Communications
18 Decency Act which purportedly provides the site operators immunity for the defamatory content
19 published by the website's users. Upon information and belief, Defendants specifically chose to
20 publish the Defamatory Statements on the Ripoffreport.com website because the website advertises
21 that it does not remove reports under any circumstances, including when such reports contain false and
22 defamatory statements.

23 58. Upon information and belief, Defendants published and/or caused the Defamatory
24 Statements to be published with knowledge of their falsity, or with reckless disregard for the truth.
25 Defendants knew at the time of publishing the statements that they had no reasonable basis in fact to
26 make the statements, because they themselves invented the factual statements and false accounts.

27 59. At the time Defendants, published the Defamatory Statements, and as they continue to
28 publish the statements, Defendants had reason to know that the publication of those statements would

1 tend to lower Plaintiffs in the estimation of the community, tend to excite derogatory opinions against
2 Plaintiffs, tend to hold Plaintiffs up to ridicule, harm the reputation of Plaintiffs, and deter third
3 persons from associating, dealing with and/or engaging in business with the Plaintiffs.

4 60. Because the Defamatory Statements were published on the internet, for all intents and
5 purposes, the Defamatory Statements were published in Clark County, Nevada. The Defamatory
6 Statements were seen and read by persons who reside in Clark County, Nevada, and that Defendants
7 knew and intended that the Defamatory Statements would be seen and read by persons who reside in
8 Clark County, Nevada; specifically by persons who might be interested in employing the services of
9 one or more of the Plaintiffs.

10 61. As a direct and proximate result of the Defamatory Statements, the individual Plaintiffs
11 have each suffered injury to their reputations, including shame, mortification, hurt feelings, and
12 emotional distress in a general damage sum in excess of \$50,000.00, in an amount to be determined at
13 trial, and in an amount sufficient to exempt this matter from arbitration.

14 62. Plaintiffs are informed and believe, and on that basis allege, that the conduct of
15 Defendants was intentional, and done willfully with oppression, fraud, and malice toward Plaintiffs,
16 and with conscious disregard for their rights. Plaintiffs' injuries were intensified by the malicious
17 conduct of the Defendants, and, therefore Plaintiffs are entitled to an award of exemplary and punitive
18 damages.

19 63. It has been necessary for Plaintiffs to retain the services of Solomon Dwiggins & Freer,
20 Ltd., to bring this action, and Plaintiffs are entitled to an award of attorney's fees and costs.

21 **SECOND CAUSE OF ACTION**
22 (Business Disparagement)

23 64. Plaintiffs repeat and re-allege the allegations contained in all preceding paragraphs, and
24 incorporate said Paragraphs as though fully set forth herein.

25 65. The Defamatory Statements were intentionally published by Defendants to falsely
26 disparage and interfere with the businesses of Plaintiffs Solomon Dwiggins & Freer, Ltd., Professional
27 Fiduciary Services of Nevada, Inc., AVID Business Services of Nevada, Inc., and Gamett & King, in
28

1 the community, with the intent of causing damage to the reputation, good will, and value of services
2 rendered by such Plaintiffs.¹⁸

3 66. By way of example, the Defamatory Statements disparage generally the services provided
4 by Plaintiffs, specifically by falsely asserting that fictitious persons have been over-charged, charged
5 for services not actually provided, and double-billed by Plaintiffs. Moreover, the Defamatory
6 Statements, if accepted as true, falsely represent that fictitious persons have witnessed Plaintiff
7 businesses participate in criminal acts and in official corruption, including bribery, fraud, and theft.

8 67. The Defendants publication of the Defamatory Statements was unprivileged and not an
9 exercise of any protected right as the Defamatory Statements are false statements of fact.

10 68. The Defamatory Statements were published by Defendants with actual malice and
11 knowledge of the falsities contained in the statements, and with the specific intent of causing injury to
12 such Plaintiffs' businesses and pecuniary interests.

13 69. Upon information and belief, Defendants publication of the Defamatory Statements
14 caused special damages to the Plaintiff businesses resulting in loss of business and/or decline in profits
15 in excess of \$50,000.00, in an amount to be determined at trial.

16 70. It has been necessary for Plaintiffs to retain the services of Solomon Dwiggins & Freer,
17 Ltd., to bring this action, and Plaintiffs are entitled to an award of attorney's fees and costs.

18 71. Plaintiffs are informed and believe, and on that basis allege, that the conduct of
19 Defendants was intentional, and done willfully with oppression, fraud, and malice toward Plaintiffs,
20 and with conscious disregard for their rights. Plaintiffs' injuries were intensified by the malicious
21 conduct of the Defendants, and, therefore Plaintiffs are entitled to an award of exemplary and punitive
22 damages.

23 **THIRD CAUSE OF ACTION**
24 (Civil Conspiracy)

25 72. Plaintiffs repeat and re-allege the allegations contained in all preceding paragraphs, and
26 incorporate said Paragraphs as though fully set forth herein.

27
28 ¹⁸ See, Appx. at Exhibits 4 through 114.

1 73. Upon information and belief, the Defamatory Statements¹⁹ were published by Defendants
2 pursuant to a common agreement, scheme, and design, because the Defamatory Statements follow the
3 same reoccurring themes, allegations, and false, but factual, accounts of fictitious “victims”.

4 74. Although the Defamatory Statements were either published directly by Rebecca Schultz,
5 Charles Pascal, or other as of this time unknown Defendants, the common and reoccurring themes,
6 allegations, and defamatory statements appearing throughout the Defamatory publications appearing
7 on Ripoffreport.com demonstrate that Schultz and Pascal co-authored the statements pursuant to a
8 common agreement, and/or that Schultz and Pascal worked with a close-knit group of co-conspirators,
9 cohorts and agents, whose names are not yet known to Plaintiffs, who acted pursuant to an agreement
10 with or in concert with Defendant Schultz. For such purposes Plaintiffs have alleged the involvement
11 of DOES 1 through 19.

12 75. Defendants conduct was in concert and made pursuant to a scheme and/or agreement
13 between them with the common purpose and intent of publishing defamatory statements about the
14 Plaintiffs and causing damage to Plaintiffs’ reputation, and with the intent to damage Plaintiffs’
15 business and pecuniary interests.

16 76. Defendants’ concerted efforts constituted a scheme designed to maximize exposure of
17 their defamatory statements and publications to the public and potential clients of the Plaintiffs, and
18 designed to damage Plaintiffs’ business interests as attorneys, accountants, and professional fiduciaries
19 in the community.

20 77. Specifically, Defendants’ scheme included making multiple user accounts at various
21 websites, including Ripoffreport.com, utilizing fictitious user names, and then posting and publishing
22 defamatory statements concerning the Plaintiffs at such websites.

23 78. Defendants acted in concert in both drafting the defamatory statements and publishing the
24 defamatory statements on various websites.

25 79. As a direct and proximate result of the civil conspiracy by the Defendants, the Plaintiffs
26 have been damaged or injured in an amount exceeding \$50,000.00, in an amount to be determined at
27 trial.

28 ¹⁹ See, Appx, at Exhibits 4 through 114.

1 80. It has been necessary for Plaintiffs to retain the services of Solomon Dwiggins & Freer,
2 Ltd., to bring this action, and Plaintiffs are entitled to an award of attorneys' fees and costs.

3 81. Plaintiffs are informed and believe, and on that basis allege, that the conduct of
4 Defendants was intentional, and done willfully with oppression, fraud, and malice toward Plaintiffs,
5 and with conscious disregard for their rights. Plaintiffs' injuries were intensified by the malicious
6 conduct of the Defendants, and, therefore Plaintiffs are entitled to an award of exemplary and punitive
7 damages.

8 **FOURTH CAUSE OF ACTION**
9 (Civil Aiding and Abetting)

10 82. Plaintiffs repeat and re-allege the allegations contained in all preceding paragraphs, and
11 incorporate said Paragraphs as though fully set forth herein.

12 83. Defendant Schultz aided and abetted Defendant Charles Pascal in the publication of the
13 one-hundred (100) Defamatory Statements Plaintiffs attribute to having been published by Charles
14 Pascal,²⁰ by Schultz having substantially assisted, encouraged, or otherwise promoted Defendant
15 Charles Pascal in the developing, authoring, reviewing, editing and publishing of such Defamatory
16 Statements.

17 84. Defendant Schultz was aware of her role in substantially assisting Defendant Charles
18 Pascal in the publication of the one-hundred (100) Defamatory Statements which Plaintiffs attribute to
19 having been published by Charles Pascal.²¹

20 85. Defendant Charles Pascal aided and abetted Defendant Rebecca Schultz in the
21 publication of the four (4) Defamatory Statements Plaintiffs attribute to having been published by
22 Rebecca Schultz,²² by Charles Pascal having substantially assisted, encouraged, or otherwise promoted
23

24 ²⁰ The one-hundred (100) Defamatory Statements Plaintiffs attribute to having been published by
25 Defendant Charles Pascal are contained in the Appendix of Exhibits at **Exhibits 4, 6-17, 20, 22-23,**
26 **26-28, 30, 32, 34-43, and 45-113**, and are incorporated herein by reference.

27 ²¹ *Id.*

28 ²² The four Defamatory Statements Plaintiffs attribute to having been published by Defendant Rebecca
Schultz are contained in the Appendix of Exhibits at **Exhibits 18-19, 21, and 24**, and are incorporated
herein by reference.

1 Defendant Rebecca Schultz in the developing, authoring, reviewing, editing and publishing of such
2 Defamatory Statements.

3 86. Defendant Charles Pascal was aware of his role in substantially assisting Defendant
4 Rebecca Schultz in the publication of the four (4) Defamatory Statements which Plaintiffs attribute to
5 having been published by Rebecca Schultz.²³

6 87. With respect to the two (2) Defamatory Statements which Plaintiffs attribute upon
7 information and belief to having been published by Charles Pascal from the Studio City Library,²⁴
8 Defendant Rebecca Schultz aided and abetted Defendant Charles Pascal in the publication of such
9 Defamatory Statements by having substantially assisted, encouraged, or otherwise promoted
10 Defendant Charles Pascal in the developing, authoring, reviewing, editing and publishing of such
11 Defamatory Statements.

12 88. With respect to the two (2) Defamatory Statements which Plaintiffs attribute upon
13 information and belief to having been published by Charles Pascal from the Studio City Library,²⁵
14 Defendant Rebecca Schultz was aware of her role in substantially assisting Defendant Charles Pascal
15 in the publication of such Defamatory Statements.

16 89. With respect to the five (5) Defamatory Statements which Plaintiffs attribute upon
17 information and belief to having been published by Defendant Charles Pascal, Defendant Rebecca
18 Schultz, or an unknown fictitiously named "doe" defendant(s),²⁶ Defendants Charles Pascal and
19 Rebecca Schultz aided and abetted in the publication of such Defamatory Statements by having
20 substantially assisted, encouraged, or otherwise promoted the other in the developing, authoring,
21 reviewing, editing and publishing of such Defamatory statements.

22 ²³ *Id.*

23
24 ²⁴ The two Defamatory Statements which Plaintiffs attribute to having been published by Defendant
25 Charles Pascal from the Studio City Library are contained in the Appendix of Exhibits at **Exhibits 25**
26 **and 29.**

26 ²⁵ *Id.*

27 ²⁶ The five Defamatory Statements which Plaintiffs attribute upon information and belief to having
28 been published by Charles Pascal, Rebecca Schultz, or an unknown fictitiously named "doe"
defendant are contained in the Appendix of Exhibits at **Exhibits 5, 31, 33, 44, and 114.**

1 90. With respect to the five (5) Defamatory Statements which Plaintiffs attribute upon
2 information and belief to having been published by Defendant Charles Pascal, Defendant Rebecca
3 Schultz, or an unknown fictitiously named "doe" defendant(s),²⁷ Defendants Charles Pascal and
4 Rebecca Schultz were aware of their roles in substantially assisting the other or the fictitiously named
5 "doe" defendant(s) in the publication of such Defamatory Statements.

6 91. Defendants were each aware of their roles in promoting, aiding, and abetting, each other
7 in furtherance of the conspiracy and in the developing, authoring, and publishing of the Defamatory
8 Statements, and knew that their roles were in furtherance of their intended goal of publishing false and
9 defamatory statements concerning the Plaintiffs with the intent of causing damage to the Plaintiffs.

10 92. As a direct and proximate result of their aiding and abetting each other in the acts
11 described herein, Defendants have caused Plaintiffs to suffer damages in an amount exceeding
12 \$50,000.00, in an amount to be determined at trial.

13 93. It has been necessary for Plaintiffs to retain the services of Solomon Dwiggins & Freer,
14 Ltd., to bring this action, and Plaintiffs are entitled to an award of attorneys' fees and costs.

15 **FIFTH CAUSE OF ACTION**
16 (Declaratory Relief)

17 94. Plaintiffs repeat and re-allege the allegations contained in all preceding paragraphs, and
18 incorporate said Paragraphs as though fully set forth herein.

19 95. Nevada has adopted the Uniform Declaratory Judgments Act (the "Act").

20 96. The Act provides that "Courts of record within their respective jurisdictions shall have
21 power to declare rights, status and other legal relations whether or not further relief is or could be
22 claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment
23 or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and
24 such declarations shall have the force and effect of a final judgment or decree." See, NRS 30.030.

25 97. A ripe case in controversy exists between Plaintiffs and Defendants concerning the rights
26 of Plaintiffs to not be defamed and falsely disparaged in publications made by Defendants.

27 98. This controversy is capable of and in need of prompt judicial declaration to resolve.

28 ²⁷ *Id.*

1 99. The Plaintiffs should have declaratory relief to the effect that the Defamatory Statements
2 published by Defendants on Ripoffreport.com²⁸ and elsewhere, and as may appear in condensed or
3 other forms in search engine results, such as in Google, Yahoo! and Bing, search results, are false,
4 unlawful, and constitute defamation as adjudged by a Court of competent jurisdiction in the State of
5 Nevada.

6 100. As a foreseeable, direct and proximate, result of Defendants' conduct or activity,
7 Plaintiffs have been, and continue to be, damaged in excess of \$50,000.00 in an amount to be
8 determined at trial.

9 101. It has been necessary for Plaintiffs to retain the services of Solomon Dwiggins & Freer to
10 bring this action, and Plaintiffs are entitled to an award of attorney's fees and costs.

11 **SIXTH CAUSE OF ACTION**
12 (Temporary and Permanent Injunction)

13 102. Plaintiffs repeat and re-allege the allegations contained in all preceding paragraphs, and
14 incorporate said Paragraphs as though fully set forth herein.

15 103. Defendants have willfully published the Defamatory Statements on the internet, including
16 the website Ripoffreport.com,²⁹ and, upon information and belief, Defendants have republished such
17 Defamatory Statements elsewhere. Moreover, by specific intent and design, Defendants' publication
18 of the Defamatory Statements on Ripoffreport.com and other websites has resulted in the Defamatory
19 Statements being listed in top search engine results, such as in Google, Yahoo!, and Bing, search
20 results, causing immediate and irreparable harm to Plaintiffs as set forth herein.

21 104. Immediate and irreparable harm, injury, loss or damage to Plaintiffs has and will continue
22 to result if Defendants persist in their wrongful behavior including continuing to publish Defamatory
23 Statements about the Plaintiffs online and on Ripoffreport.com.

24 105. Immediate and irreparable harm, injury, loss or damage to Plaintiffs has and will continue
25 if the Defamatory Statements remain published on Ripoffreport.com because the website claims it will
26 not remove posts even if the original author requests removal, and because the Defamatory Statements

27 ²⁸ See, Appx. at Exhibits 4 through 114.

28 ²⁹ Id.

1 posted to Ripoffreport.com automatically appear in search engine results for the names of Plaintiffs,
2 the Plaintiffs have no way of knowing how many potential clients saw the Defamatory Statements and
3 continue to see the Defamatory Statements on a daily basis.

4 106. The Defamatory Statements constitute defamation per se, being obviously and patently
5 false on their face, accusing and implicating the Plaintiffs with engaging in criminal acts, and
6 disparaging the Plaintiffs' reputations, business and businesses, and as such, Plaintiffs are entitled to
7 temporary and permanent injunctive relief that prevents and restrains Defendants from publishing
8 further defamatory and/or disparaging statements concerning the Plaintiffs.

9 107. Plaintiffs are further entitled to temporary and permanent injunctive relief requiring
10 Defendants, including Schultz, to take any and all actions to identify, remove, and mitigate to the
11 Court's satisfaction, all publications of the Defamatory Statements, and other such defamatory
12 publications concerning the Plaintiffs as are known to Defendants, or as they become known in the
13 course of this litigation, including taking any and all actions to remove such defamatory publications
14 from Ripoffreport.com and elsewhere as known to Defendant, or as become known through the course
15 of litigation, and to take any and all actions to remove the publications from appearing in search
16 engine results, including Google, Yahoo!, and Bing. If the Defamatory Statements cannot be removed
17 by Defendants, Plaintiffs are entitled to an Order requiring Defendants to publish statements
18 identifying the instant Court proceeding and acknowledging the falsity of the Defamatory Statements,
19 and as may otherwise be necessary to inform the public that the publications are false.

20 108. It has been necessary for Plaintiffs to retain the services of Solomon Dwiggins & Freer to
21 bring this action, and Plaintiffs are entitled to an award of attorney's fees and costs.

22 **SEVENTH CAUSE OF ACTION**
23 (Exemplary and Punitive Damages)

24 109. Plaintiffs repeat and re-allege the allegations contained in all preceding paragraphs, and
25 incorporate said Paragraphs as though fully set forth herein.

26 110. As to the acts and allegations regarding the wrongful acts and breach of obligations not
27 arising from contract, Defendants have been guilty of oppression, fraud, or malice, express or implied,
28 thereby entitling Plaintiffs to an award of punitive damages, in an amount to be proven at trial.

111. To discourage such conduct by Defendants in the future, Plaintiffs should be awarded exemplary damages for the wrongful acts and breach of obligations not arising from contract, in an amount to be determined at trial.

112. It has been necessary for Plaintiffs to retain the services of Solomon Dwiggins & Freer, Ltd., to bring this action, and Plaintiffs are entitled to an award of attorney's fees and costs.

WHEREFORE, Plaintiffs pray for the following relief:

a. That Plaintiffs have judgment against the Defendants for general damages in excess of \$50,000.00, in an amount to be determined at trial;

b. That Plaintiffs have judgment against the Defendants for special damages due to loss of business suffered by Plaintiffs due to the wrongful acts of the Defendants, in an amount to be determined at trial;

c. That this Court award Plaintiffs declaratory relief to the effect that the Defamatory Statements published by Defendants are false, unlawful, and constitute defamation as adjudged by a Court of competent jurisdiction in the State of Nevada;

d. That this Court award Plaintiffs temporary and permanent injunctive relief immediately preventing and restraining Defendants from publishing further defamatory and/or disparaging statements concerning the Plaintiffs, and requiring Defendants to take any and all actions to identify, remove, and mitigate to the Court's satisfaction, all publications of the Defamatory Statements, and others as are known to Defendants, or as they become known in the course of this litigation, including taking any and all actions to remove the defamatory publications from Ripoffreport.com, and to remove the defamatory publications from appearing in search engine results, including Google, Yahoo!, and Bing;

e. That this Court award Plaintiffs exemplary and punitive damages in an amount to be proven at trial;

f. That this Court award Plaintiffs reasonable attorney's fees for this action;

g. That this Court award Plaintiff costs of suit in this action; and

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SOLOMON DWIGGINS & FREER, LTD.
9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TEL: (702) 853-5483 | FAX: (702) 853-5485

1 h. That this Court award Plaintiffs such other and further relief as the Court deems just and
2 proper.

3 DATED this 10th day of April, 2014.

4 SOLOMON DWIGGINS & FREER, LTD.

5
6 By: 
7 MARK A. SOLOMON, ESQ.
8 Nevada State Bar No. 00418
9 ROSS E. EVANS, ESQ.
10 Nevada State Bar No. 11374
11 9060 West Cheyenne Avenue
12 Las Vegas, Nevada 89129

13 *Attorneys for Plaintiffs Shafer, Solomon*
14 *Dwiggins & Freer Ltd., Freer, Simpson,*
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16 *of Nevada, Inc., AVID Business Services*
17 *of Nevada, Inc., and Gamett & King*
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27
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EXHIBIT 2

1 CODE: ORDR
2 SOLOMON DWIGGINS & FREER
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10 Attorneys for Jared E. Shafer

FILED

AUG 29 9 28 AM '07

CLERK OF THE COURT

11 DISTRICT COURT
12 FAMILY DIVISION
13 CLARK COUNTY, NEVADA

14 In the Matter of the Guardianship)
15 of the Person and Estate of)
16 MARCY DuDECK,)
17 An Adult.)

Case No.: G29530
Department: H
Guardianship
Date: August 29, 2007
Time: 9:00 a.m.

18 ORDER ESTABLISHING GUARDIANSHIP OF THE PERSON AND ESTATE,
19 AND FOR ISSUANCE OF GENERAL LETTERS OF GUARDIANSHIP

20 The Court, having reviewed the Petition of JARED E. SHAFER,
21 Petitioner, for Establishment of a Guardianship of the Person and
22 Estate of MARCY DuDECK, Ward, the hearing upon which was set by the
23 Clerk of the above entitled Court, for August 29, 2007, at 9:00
24 a.m., the Court having considered the Petition and examined the
25 evidence, being fully advised in the premises finds: (i) proper
26 notice of the hearing was duly given as required by law; (ii) the
27 facts alleged in the Petition are true and correct; (iii) Petitioner
28 is a professional fiduciary, who is presently serving as Temporary
Guardian of the Ward's Person and Estate pursuant to order of this

1 Court; (iv) the Ward is eighty-nine (89) years of age; (v) the Ward
2 is presently residing at Sunrise Assisted Living Center, 5555 Playa
3 Vista Drive, Playa Vista, California, 90094; and (vi) the Petition
4 for Establishment of a Guardianship of the Person and Estate of
5 MARCY DuDECK ought to be granted. Accordingly, it is hereby

6 **ORDERED, ADJUDGED AND DECREED** that a General Guardianship of
7 the Person and Estate of MARCY DuDECK be, and hereby is,
8 established;

9 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that JARED E.
10 SHAFER is appointed General Guardian of the Person and Estate of
11 MARCY DuDECK;

12 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that General
13 Letters of Guardianship be issued to JARED E. SHAFER, as Guardian of
14 the Person and Estate of MARCY DuDECK, upon his subscribing to oaths
15 of office;

16 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, to carry out
17 the function of General Guardian of the Person and the Estate of
18 MARCY DuDECK, JARED E. SHAFER is vested with all the powers set
19 forth in N.R.S. 159.077 through N.R.S. 159.175, inclusive, as are
20 required to carry out his Guardianship duties;

21 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the Guardian
22 is hereby authorized to obtain all financial and medical records and
23 information pertaining to the Ward, both current and historical,
24 whether such records are in the Ward's name individually, jointly
25 with another, or in the name of her Trust, including but not limited
26 to the Ward's financial accounts at Washington Mutual Bank and
27

1 Nevada State Bank, her brokerage accounts at Morgan Stanley, and any
2 and all safety deposit boxes the Ward may own at any financial
3 institution;

4 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Guardian
5 shall file an Inventory of Assets with this Court pursuant to N.R.S.
6 159.085;

7 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that this Court
8 previously assumed jurisdiction over the Ward's Trust and hereby
9 appoints JARED E. SHAFER as Successor Trustee pending further order
10 from this Court;

11 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the Guardian
12 is hereby granted investigatory powers to determine if the Ward has
13 entered into any potentially detrimental financial arrangements
14 and/or if the Ward is entitled to reimbursement for monies withdrawn
15 from her Trust and/or other financial accounts but not utilized for
16 her benefit;

17 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that any and all
18 Powers of Attorney previously executed by the Ward are hereby
19 revoked; and

20 . . .

21 . . .

22 . . .

23 . . .

24 . . .

25 . . .

26 . . .

27

28

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no bond shall
2 be required of the Guardian, but that any and all liquid assets not
3 held in the Ward's Trust shall be maintained in a blocked account.

4 Dated this 29 day of August, 2007.

5

6

CLAYTON RITCHIE, JR.
District Court Judge

7

8 Submitted by:

9 SOLOMON DWIGGINS & FREER

10

By: 

11

DANA A. DWIGGINS, ESQ.

Nevada Bar No. 7049

12

CATHERINE M. MAZZEO, ESQ.

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Attorneys for Jared E. Shafer

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EXHIBIT 3

ORIGINAL

49

REC

CAROL A. KINGMAN, ESQ.

Nevada Bar No.: 008531

JULIE C. ARNOLD, ESQ.

Nevada Bar No.: 003578

SENIOR CITIZENS LAW PROJECT

310 S. 9th St., Second Floor

Las Vegas, NV 89101

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Guardians ad Litem for MARCY DUDECK

FILED

Aug 16 1 25 PM '07

CLERK OF THE COURT

**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

In the Matter of the Guardianship)
Of the Person and Estate of:)

MARCY ELISA DuDECK,)

An Adult Ward)

Case No.: G29530

Dept. No.: H

Date of Hearing: May 1, 2007

Time of Hearing: 1:30 p.m.

**GUARDIANSHIP COMMISSIONER'S
REPORT AND RECOMMENDATION**

Appearances: Christopher Phillips, Esq., Trent, Tyrell, & Phillips, counsel for Lance DuDeck; Lance DuDeck

Carol Kingman, Esq., Julie Arnold, Esq. of the Senior Citizens Law Project, Guardians ad Litem

Patrick C. Clary, Esq., Vincent J. Kostiw, Esq., Clary, & Kostiw, LLP, counsel for Heidi Pascal; Heidi Pascal

An Evidentiary Hearing came on for evidentiary hearing on May 1, 2007, at 10 A.M. presided over by Commissioner Jon Norheim. Christopher Phillips, Esq., of Trent, Tyrell, & Phillips, counsel for Lance DuDeck, and guardian Lance DuDeck appeared. Carol Kingman, Esq., Julie Arnold, Esq. of the Senior Citizens Law Project, Guardians ad Litem, appeared. Patrick C. Clary, Esq., Vincent J. Kostiw, Esq., of Clary, & Kostiw, LLP, counsel for Heidi Pascal, and Heidi Pascal appeared. The Guardianship Commissioner,

1 having been presented with testimony from the Guardians ad Litem, guardian Lance
2 DuDeck, Heidi Pascal, and Charles Pascal, having reviewed the points and authorities,
3 having heard oral argument, and good cause appearing therefor, finds and recommends as
4 follows:

5 **I. FINDINGS**

6 THE COMMISSIONER FINDS neither of the Ward's children, Lance DuDeck and
7 Heidi Pascal, to be suitable guardians of the person or estate.

8 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
9 unsuitable as sole guardian due to financial improprieties. Lance has lived rent and utility
10 free in the ward's home for 5 or 6 months after the ward was removed.

11 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
12 unsuitable as sole guardian because he has driven the ward's automobile for his personal
13 use and without paying expenses related to the automobile.

14 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
15 unsuitable as sole guardian because he remains unemployed.

16 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
17 unsuitable as sole guardian because of concerns of Senior Protective Services regarding
18 allegations of domestic violence. Senior Protective Services removed the Ward from her
19 home, believing she was unsafe.

20 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
21 unsuitable as sole guardian based on the report of the Guardians ad Litem.

22 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
23 unsuitable as sole guardian due to a history of instability in personal relationships.

24 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
25 unsuitable as sole guardian due to his history of unemployment.

26 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
27 unsuitable as sole guardian due to a lack of a plan for self care, other than living off of his
28 parents' assets.

1 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
2 unsuitable as sole guardian due to a life pattern of irresponsibility.

3 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
4 unsuitable as sole guardian because of his inability to answer questions and to stay on point
5 during the evidentiary hearing.

6 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
7 unsuitable as sole guardian due to his inability to differentiate between his money and the
8 trust's money or to even know for what time periods he has paid for his own storage facility
9 bill.

10 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
11 unsuitable as sole guardian because of allegations of domestic violence in the home towards
12 his live-in girlfriend.

13 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
14 unsuitable as sole guardian due to his history of methamphetamine use, which was a
15 substantial problem for at least a month by Lance's own testimony. There is no evidence of
16 Lance's participation in an organized program to remain drug free.

17 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
18 unsuitable as sole guardian due to his poor ability to recall his life history.

19 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
20 unsuitable as sole guardian due to his cavalier attitude towards gambling issues. There is no
21 evidence of Lance's participation in an organized program dealing with problem gambling.

22 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
23 unsuitable as sole guardian due to his history of inability to maintain control over his life.

24 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
25 unsuitable as sole guardian due to a conflict of interest between his own interest and the
26 Ward's best interest.

27 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
28 unsuitable as sole guardian due to his strong resistance to what the Court views as needing

1 to be done for the Ward's benefit.

2 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
3 unsuitable as sole guardian because of Lance's own statement that he did not want to be the
4 Trustee of the Ward's estate.

5 THE COMMISSIONER FURTHER FINDS Lance DuDeck, son of the Ward, to be
6 unsuitable as sole guardian because his continued hostility toward sister, Heidi Pascal,
7 interferes with his ability to act in the Ward's best interest.

8 THE COMMISSIONER FURTHER FINDS that while many of these factors were
9 known to the Court at the time of the appointment of Lance DuDeck as co-guardian with
10 his sister, Heidi Pascal, the Court had hoped that the presence of the co-guardian would
11 balance out some of the areas of concern. However, since there is no longer a co-guardian,
12 THE COMMISSIONER FURTHER FINDS that it would not be in the ward's best interest
13 to appoint Lance DuDeck as sole guardian.

14 THE COMMISSIONER FURTHER FINDS Heidi Pascal, the Ward's daughter,
15 unsuitable to be guardian of her mother because Heidi had incredible ample notice
16 regarding taking the Ward out of State. Heidi was instructed to come into Court with a plan.
17 The Commissioner specifically told Heidi that the Ward was safe at Chancellor Gardens
18 and that it was a temporary placement. Heidi was told that there were at least three options
19 for the Ward's more permanent placement which included an assisted living facility in Las
20 Vegas, an assisted living facility in California, or a return to the Ward's home.

21 THE COMMISSIONER FURTHER FINDS that Heidi Pascal knew what was
22 expected of her but removed the Ward in violation of a court order not to do so.

23 THE COMMISSIONER FURTHER FINDS Heidi Pascal, the Ward's daughter,
24 unsuitable to be guardian of her mother because Heidi did not return the Ward to Nevada in
25 violation of yet another Court Order and in bad faith.

26 THE COMMISSIONER FURTHER FINDS despite Heidi Pascal's allegations,
27 there was no emergency situation requiring immediate removal of her mother from
28 Chancellor Gardens.

1 THE COMMISSIONER FURTHER FINDS Heidi Pascal, the Ward's daughter,
2 unsuitable to be guardian of her mother because Heidi had the Ward file a Temporary
3 Restraining Order in bad faith and as an obstructionist move.

4 THE COMMISSIONER FURTHER FINDS Heidi Pascal, the Ward's daughter,
5 unsuitable to be guardian of her mother because Heidi filed a perjured Temporary
6 Protective Order application.

7 THE COMMISSIONER FURTHER FINDS Heidi Pascal, the Ward's daughter,
8 unsuitable to be guardian of her mother because Heidi failed to check with the Ward's
9 doctors prior to removing her, which was potentially medically dangerous at the time.

10 THE COMMISSIONER FURTHER FINDS Heidi Pascal, the Ward's daughter,
11 unsuitable to be guardian of her mother because Heidi did not have a plan for the Ward's
12 placement at the time she removed the Ward and that placing the Ward in a motel was
13 inappropriate.

14 THE COMMISSIONER FURTHER FINDS Heidi Pascal, the Ward's daughter,
15 unsuitable to be guardian of her mother because of Heidi's immense hostility for her
16 brother, Lance Dudeck, which interferes with being able to act in the Ward's best interest.

17 THE COMMISSIONER FURTHER FINDS Heidi Pascal, the Ward's daughter,
18 unsuitable to be guardian of her mother because Heidi has reimbursed herself improperly
19 from the Ward's funds.

20 THE COMMISSIONER FURTHER FINDS Heidi Pascal, the Ward's daughter,
21 unsuitable to be guardian of her mother because of her repeated unwillingness to follow
22 Court orders.

23 THE COMMISSIONER FURTHER FINDS Heidi Pascal, the Ward's daughter,
24 unsuitable to be guardian of her mother because she continues to use powers of attorney
25 executed by the Ward previous to incapacity, and stated under oath that she will continue to
26 use those powers of attorney even though she knows they are no longer valid.

27 THE COMMISSIONER FURTHER FINDS that the attorney fees to challenge the
28 Temporary Protective Order were reasonable and for the Ward's benefit.

II. RECOMMENDATIONS

THE COMMISSIONER RECOMMENDS that Marcy DuDeck is to remain placed at Sunrise Manor in Playa del Rey, California. The testimony of the Guardians ad Litem is that she is well settled there, well cared for, and very happy. The Guardians ad Litem testified that when questioned as to whether she would rather stay at Sunrise Manor or return to her home in Las Vegas, she unhesitatingly said she would prefer to stay at Sunrise Manor. She has friends and activities there as well as having daily visits from her daughter.

THE COMMISSIONER FURTHER RECOMMENDS that both Lance DuDeck and Heidi Pascal should have contact with their mother and neither should interfere with the visitation of the other.

THE COMMISSIONER FURTHER RECOMMENDS that Heidi Pascal be held in contempt of court, and fines her \$10,000.00. Given that Ms. Pascal has no funds with which to pay this fine, it will be taken out of Ms. Pascal's share of the inheritance when the Ward dies. Not wishing to enrich Lance DuDeck by this amount, THE COMMISSIONER FURTHER RECOMMENDS that the \$10,000.00 be paid to the Senior Citizens Law Project upon the death of the Ward.

THE COMMISSIONER FURTHER RECOMMENDS that the Cadillac automobile belonging to the Ward should immediately be sold, the proceeds to be turned over to the guardian and successor trustee appointed by the Court.

THE COMMISSIONER FURTHER RECOMMENDS that the Ward's house located at 2709 Showcase Drive, Las Vegas, Nevada 89134, should immediately be listed and sold.

THE COMMISSIONER FURTHER RECOMMENDS that the Ward's personal belongings and furniture be moved to Sunrise Manor in Playa del Rey, California, where the Ward resides, the remaining things to be placed in storage.

THE COMMISSIONER FURTHER RECOMMENDS that the attorney fees to challenge the Temporary Protective Order be approved and paid out of the Ward's assets.

THE COMMISSIONER FURTHER RECOMMENDS that Mr. Phillips' fees of

1 \$7377.27 are approved.

2 THE COMMISSIONER FURTHER RECOMMENDS that there should be a
3 shifting of fees for \$4000.00 for the California attorney paid out of Heidi Pascal's share of
4 the decedent's estate.

5 THE COMMISSIONER FURTHER RECOMMENDS that Jared Schaffer, of
6 Professional Fiduciary, be appointed as temporary guardian and successor trustee.

7 Dated this 12 day of June, 2007.

8

9

10

Submitted by:

11

12 SENIOR CITIZENS LAW PROJECT

13

Carol A. Kingman
14 Carol A. Kingman, Esq.
Nevada Bar No.: 008531

15

Julie C. Arnold
16 Julie C. Arnold, Esq.
Nevada Bar No.: 003578

17

310 S. 9th St., Second Floor

18

Las Vegas, NV 89101

19

Guardians ad Litem for Marcy DuDeck

20

21

22

23

24

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GUARDIANSHIP COMMISSIONER

1 GUARDIANSHIP COMMISSIONER'S REPORT AND RECOMMENDATION
2 In the Matter of the Guardianship of Person and Estate of Marcy Elisa DuDeck

3 Approved as to form and content by:

4 TRENT, TYRELL AND PHILLIPS

5
6
7 Christopher Phillips, Esq.
8 11920 S. Highlands Parkway, #200
9 Las Vegas, NV 89141
10 Attorney for Lance DuDeck

11 CLARY AND KOSTIW, LLP

12
13 Patrick C. Clary, Esq.

14
15 Vincent J. Kostiw, Esq.
16 7201 W. Lake Mead Blvd., Suite 503
17 Las Vegas, NV 89128
18 Attorneys for Heidi Pascal
19
20
21
22
23
24
25
26
27
28

NOTICE

Pursuant to EDCR 2.34(f) an objection must be filed and served no more than five (5) days after receipt of the Guardianship Commissioner's Report. The Commissioner's Report is deemed received when signed and dated by a party, his attorney or his attorney's employee, or three (3) days after mailing to a party or his attorney, or three (3) days after the clerk of the court deposits a copy of the report in a folder of a party's lawyer in the Clerk's Office.

A copy of the foregoing Guardianship Commissioner's Report was:

Mailed to counsel and Guardian Ad Litem at the following addresses on the _____ day of _____, 2007.

Christopher Phillips, Esq.
TRENT, TYRELL AND PHILLIPS
11920 S. Highlands Parkway, #200
Las Vegas, NV 89141
Attorney for Lance DuDeck

Patrick C. Clary, Esq.
Vincent J. Kostiw, Esq.
CLARY AND KOSTIW
7201 W. Lake Mead Blvd., Suite 503
Las Vegas, NV 89128
Attorneys for Heidi Pascal

Carol A. Kingman, Esq.
Julie C. Arnold, Esq.
SENIOR CITIZENS LAW PROJECT
310 S. 9TH St., Second Floor
Las Vegas, NV 89101
Guardians ad Litem

✓
Place in the folder of the counsel and Guardians Ad Litem in the Clerk's Office on the 25 day of June, 2007.

By: Carol Critchett 6-25-07

CAROL CRITCHETT Deputy Clerk

Case Name: In the Matter of the
Guardianship of Person and
Estate of Marcy DuDeck

Case No.: G29530

ORDER

The Court, having reviewed the above Report and Recommendation prepared by the Guardianship Commissioner and,

_____ The parties having waived the right to object thereto,

_____ No timely objections having been filed thereto,

✓ Having received the objections thereto and the written arguments in support of said Objections, and good cause appearing,

✓ IT IS HEREBY ORDERED the Guardianship Commissioner's Report and Recommendations are affirmed and adopted.

_____ IT IS HEREBY ORDERED the Guardianship Commissioner's Report and Recommendations are affirmed and adopted as modified in the following manner. (Attached hereto.)

_____ IT IS HEREBY ORDERED that a hearing on the Guardianship Commissioner's Report and Recommendations is set for _____, 2007.

DATED this 14 day of August, 2007.


DISTRICT COURT JUDGE

Submitted By:

T. ARTHUR RITCHIE, JR.

SENIOR CITIZENS LAW PROJECT

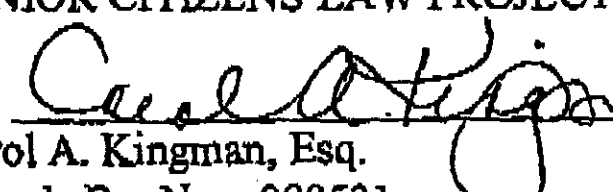
By: 
Carol A. Kingman, Esq.
Nevada Bar No.: 008531
Julie C. Arnold, Esq.
Nevada Bar No.: 003578
310 S. 9th St., Second Floor
Las Vegas, NV 89101
Telephone: (702) 229-6596
Fax: (702) 384-0314
Guardians as Litem

EXHIBIT 4

HUTCHISON & STEFFENA PROFESSIONAL LLC
PECCOLE PROFESSIONAL PARK
10080 WEST ALTA DRIVE, SUITE 200
LAS VEGAS, NV 89145**ERR**Mark J. Connot (10010)
Stephen J. Mayfield (10138)
HUTCHISON & STEFFEN, LLC
Peccole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145
(702) 385-2500
(702) 385-2086
smayfield@Hutchlegal.com*Attorneys for Rebecca Schultz***DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Person and Estate of)

Case No.: G 28163

GUADALUPE MENA OLVERA)

Dept. No.: E

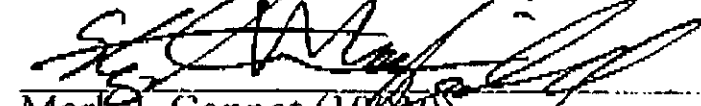
Adult Ward.)

Date of Hearing: August 18, 2010
Time of Hearing: 9:00 a.m.**ERRATA TO REPORT OF MALFEASANCE AND LACK OF QUALIFICATIONS
PURSUANT TO ORDER OF REMAND BY JUDGE HOSKIN**

Rebecca Schultz, daughter of Guadalupe Mena Olvera, an Adult Ward, by and her attorneys of record of the law firm of Hutchison & Steffen, LLC, filed with this Court her Report of Malfeasance and Lack of Qualifications on the aforementioned matter on August 13, 2010, omitted the following exhibit: Exhibit F, Affidavit from Charles Pascal. The exhibit is attached hereto.

DATED this 16th day of August, 2010.

HUTCHISON & STEFFEN, LLC

Mark J. Connot (10010)
Stephen J. Mayfield (10138)
Peccole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145
(702) 385-2500

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EXHIBIT PAGE ONLY

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

EXHIBIT F

1 AFFT
Mark J. Connot (10010)
2 Stephen J. Mayfield (10138)
HUTCHISON & STEFFEN, LLC
3 Peccole Professional Park
10080 West Alta Drive, Suite 200
4 Las Vegas, NV 89145
(702) 385-2500
5 (702) 385-2086
smayfield@Hutchlegal.com
6

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA
9

10 In the Matter of the Person and
Estate of
11 GUADALUPE MENA OLVERA,
12 An Adult Ward.
13
14

Case No.: G28163
Dept. No.: E

Date of Hearing: August 18, 2010
Time of Hearing: 9:00 a.m.

15 AFFIDAVIT

16 STATE OF CALIFORNIA
17 COUNTY OF LOS ANGELES
18

} ss.

CHARLES PASCAL, being first duly sworn, deposes and says as follows:

- 19 1. That I am a resident of the State of California.
20 2. That I am interested in the matter of the guardianship of the Adult Ward due
21 to the involvement of Jared Shafer who was also the guardian of the person and estate of my
22 mother in law, Marcy DuDeck.
23 3. Mr. Shafer acted unethically throughout the guardianship of Marcy DuDeck
24 and I want to assist where I can to prevent him for perpetrating similar wrongful behavior in
25 the guardianship of the Adult Ward.
26 4. On December 8, 2008 around 4.45 P.M, I received an angry telephone call
27 from Jared Shafer where attempted to bully me into dropping the guardianship action
28 initiated in California for the protection of my Marcy DuDeck.

MARCY (CP)

1 4. Mr. Shafer told me he would not follow any orders of the California courts
2 because he was the guardian appointed in Nevada. He then told me any action initiated in
3 Nevada would not be successful because, in his words, "the Nevada courts let me do what
4 I want and non-residents can't say shit in this state."

5 5. I told Mr. Shafer that I would report the conversation to Commissioner
6 Norheim. Mr. Shafer responded says, "these judges do what I want. When I say jump
7 Norheim and Ritchie ask how high."

8 6. Mr. Shafer also went on to say sarcastically that "if the California case wasn't
9 dropped, it would be very unpleasant for Marcy DuDeck and we wouldn't want that."

10 7. Further your affiant sayeth naught.

11 DATED this 13 day of August, 2010.



12
13 CHARLES PASCAL

14 SUBSCRIBED and SWORN to before me
15 this 13 day of August, 2010.

16 SEE ATTACHED
17 JURAT

18 NOTARY PUBLIC
19
20
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Jurat

State of California

County of Los Angeles

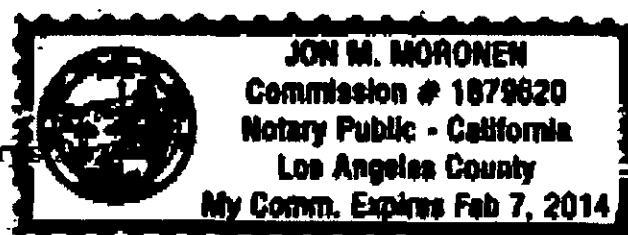
Subscribed and sworn to (or affirmed) before me on this 13 day of August,
20 10 by Charles P. PASCAL

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

[Signature]

Signature

(Notary)



Jon M. Moronen, Notary Public
[Signature]

OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

AFFIDAVIT of Charles P. PASCAL
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 2 Document Date 8/12/2010

(Additional information)

INSTRUCTIONS FOR COMPLETING THIS FORM

Any Jurat completed in California must contain verbiage that indicates the notary public either personally knew the document signer (affiant) or that the identity was satisfactorily proven to the notary with acceptable identification in accordance with California notary law. Any jurat completed in California which does not have such verbiage must have add the wording either with a jurat stamp or with a jurat form which does include proper wording. There are no exceptions to this law for any jurat performed in California. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.
 - ❖ Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document

EXHIBIT 5

Executive Director, Denise Calabrese
Center for Guardianship Certification
P.O. Box 5704
Harrisburg, Pennsylvania 17110

January 18, 2012

Re: Decertification of Jared E. Shafer, Professional Fiduciary Services of NV, Inc.

Dear Executive Director Denise Calabrese,

I'm writing you this letter on behalf of my widowed 92 yr old father who fought in World War II. The purpose of this letter is to respectfully request CGC begin a full investigation to determine if Jared E. Shafer, former public guardian of Clark County Nevada, is qualified to serve as a guardian under your regulations and policies because our experience and documentation says he is not. Mr. Shafer has continuously abused my father by ignoring several court qualified medical and psychological reports, which declare my father to be competent and not in need of guardianship services. Mr. Shafer and his attorneys gleefully disregard these medical reports so they can continue to deplete my father's estate. Mr. Shafer has told me and several other victim families he will create his own evidence and no one in Nevada will dare stop him. He insists upon running his practice in a manner that blatantly violates your key principles, which are dictated by the National Guardianship Association's Standards of Practice and Code of Ethics. Mr. Shafer also violates Nevada state statutes on a regular basis along with my father's constitutional rights. We have documented multiple breaches of fiduciary duty by Mr. Shafer. Unethical would be too kind of a word to describe his illegal practices and abuses. This letter will be posted on the website for the non-profit, National Association To Stop Guardian Abuse.

Jared E. Shafer took over my father's guardianship by lies, deceit and intimidation, not to mention bragging that the judges give him what he wants in return for his favor. We have several witnesses who are waiting to sign sworn statements confirming his bragging and his threats made against families who oppose his treatment of their relatives. For more than 2 years my father and I have been fighting to have Jared E. Shafer removed as guardian and to terminate the unnecessary and fraudulent guardianship of my father, which has deprived him of his pension, Social Security and military benefits. My father lives with my husband and me in California, but Mr. Shafer bills for a Nevada guardianship that he is not performing. Mr. Shafer, with the assistance of his attorney, Alan D. Freer of Solomon Dwiggon Freer and Morse, my father's Wells Fargo Trustee (Eve Mills), and the Bank of Nevada, has depleted my father's trust account from \$466,000 to less than half of this value in 2 years. Mr. Shafer uses excessive, bogus and even double billings as weapons against families who believe their loved ones are entitled to humane treatment. A large percentage of these funds have been spent on Mr. Shafer's attorneys who have bolstered Mr. Shafer's fraud by lying about the condition of my father, slandering me with false documents, and by filing harassing oppositions to all motions we file to protect my father. When Commissioner Norheim or Judge Chuck Hoskin rules in their favor, Mr. Shafer laughs out loud at us in Las Vegas Family court for all to see.

My father can't sleep at night because he tosses and turns thinking about why he can't enjoy his home and his assets, which he worked his entire life to acquire. He wants to retrieve my deceased mother's personal possessions and his valuables, sell his house and buy one for himself in California so he can live next to his daughter and granddaughter. My father came back to California of his own volition 16 months ago. He is a California resident and citizen with a California ID. Before moving to Nevada dad lived in California over 50 years. The Veterans Administration and Social Security deem my father competent and are now sending him his money. We have multiple reports from doctors of my father's competency from California and Nevada yet Mr. Shafer refuses to terminate the guardianship. He is not supporting or caring for my father nor is he concerned about my father. Oh, he tells people he is worried that "the daughter" is harming the father, but it is Jared E. Shafer who has exploited and abused my father. We have many people, including doctors, lawyers, the VA, Social Security, the VFW post, friends, neighbors, caregivers, a county court investigator and more, who all know the truth and are willing to testify to it.

Jared E. Shafer has NOT acted in my father's best interest. He uses another one of your certified guardians, Patience M. Bristol, to carry out many of his unethical and illegal practices. Ms. Bristol even told me she acts as Jared Shafer's "front person". When my father was in Nevada Mr. Shafer billed his estate for Ms. Bristol visiting him two or three times a month with amounts that averaged \$2000 to \$4000 a month for these 10 to 20 minute visits. I don't know of any professional who is paid at this level of excessive compensation. Even though my father has been gone from Nevada well over a year, my father's trust statements show thousands paid to Ms. Bristol AFTER he left Nevada. This waste of my father's life savings was one of the many reasons he pleaded with us to be removed from this horrible environment created for him by Mr. Shafer.

Mr. Shafer has done everything he possibly could to deny my father the right to be with his family. Even more distressing is Mr. Shafer took over the guardianship under the guise of helping me to get my father away from a low life exploiter who removed dad from his home after my mother died. Mr. Shafer and his attorney, Elyse Tyrell, promised me that his guardianship was temporary until they "saved" my father from this bad person. In reality we went from a low rent exploiter to a high end exploiter. I hired Ms. Tyrell to help my father but it turned out she was working for Mr. Shafer at the same time she was representing me. Tyrell's deliberate actions took advantage of my father's estate.

PL-001400

We have followed every rule, hired attorneys, made the proper filings and provided a long list of malfeasance to the courts documenting Mr. Shafer's breaches of fiduciary duties. The fact Mr. Shafer is allowed to continue as a guardian with the evidence that he settled out of a Federal Court Securities fraud case is very troubling about CGC's regulation policies. The fact that your organization has not performed background checks on their members is causing probably thousands of victims in the United States to be exploited and abused by fraudulent guardians like Mr. Shafer. The home page of your website now states under the headline:

"CGC Makes Major Changes to Certification Testing"

"CGC applicants will be required to submit to a criminal background check, employment verification and educational verification. We are in the process of setting-up the applications and processes for these new procedures, which will be posted to the CGC website by the end of January."

Obviously this new testing criteria has not been in place before. This is very serious because if you checked on your guardians you would have found Mr. Shafer was involved not only in selling securities without a license but also that he was brought before the Nevada Commission on Ethics, making him improper to be anyone's fiduciary. The person who was involved with Mr. Shafer in the ethics case was Ms. Tyrell. Ms. Tyrell did not disclose this fact to me prior to representing me, which is another breach of her disclosure duty. Research is now revealing that Mr. Shafer boasts of college degrees that do not exist.

Currently we have been in touch with an Assistant U.S. Attorney, the FBI, the IRS and Social Security regarding the illegal practices of Jared E. Shafer. Investigations into his exploitation of Social Security funds and other major malfeasance are under way. National media entities have contacted us and it appears our case will be getting nation wide attention soon.

I have spoken to several victims of Jared E. Shafer. They all state the same thing—he has plundered, exploited, slandered, committed fraud, kidnapped and caused the premature deaths of their loved ones. Hundreds, if not thousands of wards beginning in 1979 when he was a public guardian, have suffered. Marcy Dudeck is deceased now, thanks to Mr. Shafer's extreme cruelty. People working for Mr. Shafer and Ms. Bristol kidnapped her from Sunrise Senior Living, a California facility near her daughter's residence. Her son-in-law, Charles Pascal, can tell you much about what Mr. Shafer did to his mother-in-law. You will hear from Mr. Pascal soon. Mr. Shafer threatened him and his wife just as he did friends of ours that were helping us fight Mr. Shafer. I have spoken with the victims from the Williams, Passer and Moser families and heard of the terrible things Mr. Shafer did to their families and of his threats to them. It is also documented that Thomas Gaule suspected that Mr. Shafer killed his mother; she had suffered beatings in a facility he placed her in. My father is only one of the many, many victims of Mr. Shafer.

After reading the *Standards of Practice* and *Code of Ethics* (attached with this letter) that your certified guardians are to adhere to, I find that Mr. Shafer is in violation of every single one of these principals and rules. Here is a partial list of direct violations of the above-mentioned ethics and practice codes by Mr. Shafer and why he should not be allowed to practice as a guardian. We have abundant documentation to back all of this:

1. Social Security Misuse & Fraud
2. Double Billing, Fake Billing, Excessive Billing
3. Commingling of Wards Monies
4. Dad's carpenter pensions not accounted for
5. Violation of Nevada's Chapter 160 Veterans Guardianship Uniform Act, limits wards if one is a veteran
6. Violation of Nevada's Chapter 119, obstruction of public justice
7. Violation of dad's Civil Rights (not providing him an attorney, preventing him from attending hearings, not honoring his wishes
8. Claims of non-existent college degrees
9. Suspected felony conviction and incarceration prior to his term as Public Guardian and Public Administrator
10. Slander and liable, blatant lies about my father and myself
11. Creating an unnecessary and expensive federal interpleader case in CA over my father's carpenter retirement funds
12. Removing contents of dad's safe deposit box, closing it out to "save money" when it was a free box, contents not given to my father
13. Stealing the contents of my deceased mother's purse-wallet, checkbook, credit cards, as well as missing items from dad's home
14. Using Gamett & King, his fellow defendants in the Utah Securities case, to do my father's tax return and at an excessive fee
15. Having Gamett & King file tax returns claiming income my father did not receive in his trust and bank accounts because these monies went to Mr. Shafer's account at Bank of Nevada
16. Filing a Certificate of Incumbency on my father's home with Clark County stating my father was declared incompetent the date he became guardian without any evaluation AND ignoring the previous report by Dr. Sherk who stated, "The fact that he is on guardianship presents a legal problem as to his current contractual capacity and this issue will have to be addressed by appropriate measures. In my opinion he does not require a guardianship at this time."
17. Suspected Medicare fraud as my father received billings from Sundance Medical Center for visits he never made. We have 2 witnesses, in addition to my family, who were with my father during these false appointments; this was reported to Medicare and United Health Insurance. Curiously, other wards of Mr. Shafer's have received similar billings from the same facility
18. Excessive and unwarranted billings for Ms. Bristol and himself even though my father has not lived in Nevada for the last 16 months
19. Allowing payments to my father's Dish Network and Sun City Anthem Home Owners Community Association to be over due. The Sun City Anthem bill went to Red Rock Financial Services for collection, jeopardizing my father's credit
20. Removal of over \$10,000 in funds from my father's estate to hire attorneys for himself in Los Angeles, CA., for the federal case he caused over my father's CA carpenter pensions and removed over \$12,000 for the Grunsky law firm in northern CA who unsuccessfully tried to enforce a mere bench warrant
21. Despite the removal of thousands of dollars from dad's estate for his own attorneys for the CA interpleader, Mr. Shafer also DID NOT see to it that my father retained an attorney for the federal case in CA—he deliberately neglected my father's legal needs

PL-001401

22. Complete failure to protect my father's estate and doing everything in his power to NOT act in my father's best interest, resulting in exploiting dad's life savings and inflicting emotional and mental harm to my father
23. Operating as my father's guardian WITHOUT A BOND
24. Conflict of interest by using his friends for bookkeeping (AVID Business Services, an unlicensed entity), tax services (Gamett & King) and a care giver agency (Keep You Company) of which he was and probably still is, on the board of directors
25. Conflict of interest sending me to one of HIS attorneys, Elyse Tyrell

It is interesting that you have posted on your website a link to the 2010 GAO Report on Financial Exploitation, Neglect and Abuse of Seniors. Perhaps you did not read this report? It clearly states that they had undercover "fictitious" applicants being certified by your organization. The GAO report includes these statements:

"In addition, none of the certifying organizations verified our applicants' fingerprints or discovered that the Social Security number used by one fictitious applicant belonged to a dead person. This creates the risk that people with criminal convictions could steal a Social Security number and conceal their pasts to become certified guardians. The certification organizations we tested also did not verify the academic and professional credentials submitted by our fictitious applicants. Our undercover tests call into question the ability of these state certification programs to effectively prevent criminals and individuals with bad credit from gaining control over the lives and assets of vulnerable seniors."

Illinois and Nevada require certain guardians to obtain certification through the Center for Guardianship Certification (CGC), a private nonprofit that offers national guardian certification. We submitted applications to the organization using two fictitious identities with driver's licenses from Virginia. We also listed fake educational and professional backgrounds for our applicants, which the certifying organization did not verify. For example, one applicant claimed to have a law degree and almost 3 years experience as a guardian, while the other claimed 3 years of experience as a guardian at a nonexistent guardianship firm. Both applicants studied for and passed the National Certified Guardian Examination, which covers guardianship ethical principles and best practices. After the exam, a proctor asked to see the photo identifications of our fictitious applicants, but failed to recognize them as bogus driver's licenses. Once we passed the test, the names of our fictitious applicants were listed on the organization's website as nationally certified guardians. Passing the national exam is the sole requirement to be a certified guardian in Illinois and Nevada. Officials in both states told us that local courts do not conduct background or credit checks, indicating that each of the two fictitious guardians could have been appointed by a court in those states with no further screening."

Using two fictitious identities—one with bad credit and one with the Social Security number of a deceased person—GAO obtained guardianship certification or met certification requirements in the four states where we applied: Illinois, Nevada, New York, and North Carolina. Though certification is intended to provide assurance that guardians are qualified to fulfill their role, none of the courts or certification organizations utilized by these states checked the credit history or validated the Social Security number of the fictitious applicants. An individual who is financially overextended is at a higher risk of engaging in illegal acts to generate funds. In addition, people with criminal convictions could easily conceal their pasts by stealing a deceased person's identity. The tests raise questions about the effectiveness of these four state certification programs. In Nevada, a former case manager in the public guardian's office who started her own guardianship business is accused of using her position to take at least \$200,000 from her wards' accounts, in part, to support her gambling habit."

The above report really clarifies what has happened to my father; he has become a victim of someone who should have NEVER been certified to act as a guardian and it is your responsibility to ensure something this terrible doesn't happen to good, kind people like my father, a WW2 veteran who fought for our country. We would like to have faith in an organization like CGC to protect our families from becoming victims of guardians and conservators. Thus far we have seen that guardians have been allowed to run amok under the guise of "protecting" their wards. We are looking to CGC to IMMEDIATELY remove Mr. Shafer's guardian certification because he is guilty of, but not limited to, major breach of fiduciary duty, financial exploitation, fraud, commingling of funds and causing severe emotional and mental abuse of my father. His employee and protégé, Patience M. Bristol, should also not be allowed to practice as she has operated in the same unlawful mode at the side of her employer, Mr. Shafer. She is listed as an Approved CGC Proctor for Nevada, which appears to be highly inappropriate.

You will also be hearing from my father's Nevada attorney, Carmine J. Colucci.

Sincerely,

Rebecca Schultz

Rebecca Schultz
P.O. Box 217, Aptos, CA 95001
831-295-7562

PL-001402

CC:

National Association To Stop Guardian Abuse (NASGA)
<http://stopguardianabuse.org/>

National Guardianship Association, Inc. (NGA)
174 Crestview Drive
Bellefonte, PA 16823

Jim O'Donnell
Investigative Producer
ABC 7 I-Team
Jim.O'Donnell@abc.com

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Nevada Office of the Attorney General
Public Integrity Unit
555 East Washington Avenue, Suite 3900
Las Vegas NV 89101

Nevada Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

Governor Brian Sandoval
Nevada State Capitol

101 North Carson Street
Carson City NV 89701

Ms. Susan Brager, Chair
Clark County Commissioners
500 South Grand Central Parkway
Las Vegas NV 89155-1111

Honorable Gloria S. Sanchez
Chief Judge, Family Court
601 North Pecos
Las Vegas NV 89101

Jane Ann Morrison
Las Vegas Review-Journal
P.O. Box 70
Las Vegas NV 89125

Sally Ramm, Elder Rights Attorney
State of Nevada Aging & Disability Services Division
445 Apple Street, #104
Reno NV 89502

Noel Chotia
Social Security Administration
169 Walnut Ave.
Santa Cruz, CA 95060

Joel
Social Security Administration
10416 South Eastern Avenue
Henderson, NV 89052-3957

Assistant U.S. Attorney Susan Knight
150 Almaden Blvd. Suite 900
San Jose, Ca 95113

Tametrica Lee
Federal Bureau of Investigation
1919 South Bascom Ave. Suite 400
Campbell, CA 95008

Mr. John G. Stumpf, Chairman, CEO & President
Wells Fargo & Company
420 Montgomery Street
San Francisco, California 94104

Les L. Quock, SVP, Managing Director
Wells Fargo & Company
Trust Centers and Fiduciary Services
420 Montgomery Street 5th Floor
San Francisco, CA 94104

Inspector General
PO Box 50410
Washington, D.C. 20091
Re: VA #C15608141

Eve Mills
Vice President, Trust & Fiduciary Specialist
Wells Fargo Bank
3800 Howard Hughes Parkway, Second Floor
Las Vegas, Nevada 89169

Human Services Department County of Santa Cruz
Adult Protective Services
1400 Emeline Ave. K
Santa Cruz, CA 95060

Carpenters Pension Trust Fund For Northern California
265 Hegenberger Road. Suite 100
Oakland, CA 94621
Re: Benefit Account # U86905404 5

Southwest Carpenters Pension Trust
533 South Fremont Ave.
Los Angeles, CA 90071
Re: Member #81921

Special Agent James Wahleithner
United States Department of Veterans Affairs
Office of Inspector General
Criminal Investigations Division
P.O. Box 70732
Oakland, CA 94612

Alan D. Freer
Solomon, Dwiggin, Freer & Morse, Ltd.
9060 West Cheyenne Avenue
Las Vegas, NV 89129

Carmine J. Colucci, Chtd.
629 S. Sixth Street
Las Vegas, Nevada 89101

PL-001403

EXHIBIT 6

RE CGC - Request for more information on Jared E. Shafer
From: Becky Olvera Schultz <becky@native-expressions.com>
Sent: Saturday, January 28, 2012 2:31 AM
To: Info CGC
Cc: Fred Floreth; Fred Floreth; Hugh Webster
Subject: RE: CGC - Request for more information on Jared E. Shafer
Attachments: 01-14-11 VA Determination of Competence Rating.pdf; 07-26-11 Dr. Aron
Evaluation.pdf; 09-07-11 VA Determination of Competence Rating.pdf; 10-19-
10 Einhorn PhD 1st Evaluation.pdf; 10-27-10 Einhorn-2nd Evaluation.pdf; 10-
31-06 VA Ingham-01-05-07 Dr. Sherk Evaluations.pdf; 11-04-11 Dr. Aron's 2nd
Evaluation.pdf

Ms. Calabrese,

Below is the list of the attached documents regarding my father's competency.

VA Neurologist, Robert Ingham, M.D. , Oct. 31, 2006
Psychiatrist Louise Sherk, M.D. , Jan. 5, 2007
Psychologist Stanley Einhorn, PhD., Oct. 19, 2010
Psychologist Stanley Einhorn, PhD., Oct 27, 2010
Department of Veteran Affairs, Jan. 14, 2011
Psychiatrist Stephen Aron, M.D., July 26, 2011
Department of Veteran Affairs, Sept. 7, 2011
Psychiatrist Stephen Aron, M.D., Nov. 4, 2011

The last Veteran Administration doctor that spoke with my father in July asked, "why
has your father had so many evaluations? I don't see why this is needed." My
response was the truth, that the corrupt guardian in Nevada was on a campaign to
remove all my father's civil rights and make him to be an idiot so that he could
hold
claim to his home and finances, even though he was not caring for him nor cared
about him. The doctor was shocked.

My father refuses to be tested, evaluated or examined by any more psychologists,
psychiatrists or anyone else questioning his competency. He is 92 years old and is
fed-
up with the state of Nevada and Mr. Jared E. Shafer breaking every federal, state,
CGC
and NGA law, statute and code. Enough is enough. My father is a WW2 veteran and he
has been treated despicably. Mr. Shafer is the one that needs evaluating, claiming
to
have 2 college degrees, ranting and swearing and even writing on his inflated
invoices
personal juvenile comments about our case. His behavior is indicative of someone
who is not balanced yet he has had many people "deemed" incompetent by doctors
that do so for his benefit. Whether it is by bribes or threats, I don't know, but it
happens. I can tell you that our personal friends were threatened by a man sent by
Shafer and told to "Stop helping those people or bad things might happen to you."
He
even called another victim's attorney and told him to "Tell your client to stop
helping
those f*****g people! They don't deserve it!" Every other word was a foul curse
word,
very unprofessional when calling attorneys and ward's families.

I highly advise you and your associates to contact Mr. Charles Pascal. He has his
own
information on Mr. Shafer's malfeasance and threats and details on conversations
like
I mentioned above. Mr. Shafer took his mother-in-law's 1.4 million dollar estate

RE CGC - Request for more information on Jared E. Shafer

and

in 5 years dwindled it down so the daughter received only 8 thousand dollars by the time he was done, not to mention, the poor woman died a terrible death under his care. Mr. Pascal has much to tell you about Mr. Shafer. He has not written to you yet

because he's been overwhelmed with a time sensitive project. He has given his permission to be contacted:

Phone: 310-714-0524

Email: radiopascal@earthlink.net

More documents tomorrow.

Rebecca Schultz

EXHIBIT 7

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[Assisted Living Pricing](#) Get Pricing & Service Info on Top 5 Assisted Living Communities by City [BestSeniorCareOnline.com](#) [AdChoices](#)

Report: #665359

Complaint Review: Jared Shafer

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Privacy Invasion WARNING

Submitted: Thursday, November 25, 2010 **Last Posting:** Thursday, November 25, 2010
Reported By: Outraged Veteran — Boston Massachusetts USA

Jared Shafer
3642 RICK STRATTON DRIVE , NEVADA
891
LAS VEGAS Nevada 89120
United States of America

Phone: 702-456-8323, 702-456-5152
Web: [www.pfsn.com](#)
Category: [Assisted Living Elderly &
Disabled](#)

Jared Shafer Professional Fiduciary Services of Nevada, Inc. or PFSN, Inc. Jared Shafer Rips Off of Veterans of Their Pensions & Disability Benefits LAS VEGAS, Nevada

***UPDATE by author: Jared Shafer Professional Fiduciary Services
of Nevada, Inc. or PFSN, Inc. Jared Shafer Rips Off Veterans of
Their Pensions & Disability Benefits**

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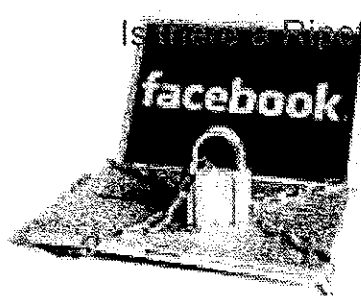
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Jared E. Shafer is a professional guardian who is
robbing my Uncle of his Veterans benefit money.
My Uncle, who is 85, fought in the Korean War.

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He moved to Nevada to retire and enjoy the desert sun and dry weather. Unfortunately, he developed Alzheimer's disease five years after moving to Henderson.

Jared E. Shafer was appointed as my uncle's guardian by Commissioner Jon Norheim. My uncle has no immediate family, which makes me his only living relative and I do not live in Nevada. When I finally got a look at Shafer's accounting, I discovered over \$315,000 was taken away from my uncle's trust in a time period of 15 months in very questionable guardian fees and several billings by AVID Business Services, which apparently is a friend of his. After some checking, I discovered that AVID Business services is not licensed by the state or county. I also noticed that the trust was making payments in the name of Jared Shafer and his assistant, Patience Bristol, rather than making payments to the business name he is licensed under and also quite obviously printed on his invoices. I think the IRS should look into Mr. Shafer's billing practices.

I filed an NRS Chapter 160 petition with the Nevada Family court. The statues of 160 put restrictions on professional guardians who have a ward that is a veteran but the violations by Jared E. Shafer were rejected by Jon Norheim, the guardianship commissioner. Norheim said something like "if I allow you to win this case, guardians would have a difficult time conducting business in Las Vegas. I know we have laws on the books protecting veterans, but when they get in the way of a guardians earning a living, I will not enforce them." This was the most outrageous thing I've ever heard and very hard to take because the NRS statutes regulate the amount a guardian may charge, which is no more than 5% of the Veteran's annual income. Commissioner Norheim's refusal to follow these regulations allows guardians like Shafer to take all of their money. To hear a family court commissioner (he's not really a judge) actually state that he cares more about a guardian making money (and at the ward's expense) is outrageous and criminal. Since when is a family court more interested in protecting the income of a guardian over the income of an elderly ward who served his country?

Commissioner NorHeim's statements greatly angered me because I fought in the Tet Offensive of 1968 and lost the use of my left arm.

To add insult to injury, when Jared E. Shafer heard Norheim's ruling, he began to smile, more like smirking. After we left the court, Patience Bristol, his obvious protege, said, "don't fight Jared, he always wins. I work for winners and that is my boss. Give it up, we'll wear you down and make you spend all your money and we'll bill your uncle for our attorney fees and leave him a poor man." The state of Nevada allows the guardians to bill the ward's for their over priced, cut-throat attorneys, depleting the ward's money. This is one of the reasons Jared E. Shafer has gotten away with his exploiting of veterans and other elders because he doesn't haven't to pay for his attorneys.

A week later Jared E. Shafer contacted me by phone. He said "stop this stupid Vet stuff, if you don't your uncle will die a poor old man."

Jared E. Shafer delights in ripping off veterans. The Internet is full of postings that accurately detail the fraud and exploitation committed by Shafer against families who do not have the means to fight. Commissioner Norheim does what Shafer wants, which brings to question, why? What is Jared E. Shafer doing for him? It doesn't matter if the ward has placed his/her life in danger for our country, these people have no respect for

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our veterans. Stop Jared E. Shafer and Commissioner Norheim before more innocent families fall under the control of this corrupt system.

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This report was posted on Ripoff Report on 11/25/2010 2:42:24 AM and is a permanent record located here: <http://www.ripoffreport.com/assisted-living-elderly-disabled/jared-shafer/jared-shafer-professional-fidu-36f28.htm>.

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#1 Update By Author

Jared E. Shafer, Guardian, Exploits Pensions & Disability Benifits From Veterans

AUTHOR: Outraged Citizen - Boston (USA)

SUBMITTED: Thursday, November 25, 2010

Jared E. Shafer is a professional guardian who is robbing my Uncle of his Veterans benefit money. My Uncle, who is 85, fought in the Korean War. He moved to Nevada to retire and enjoy the desert sun and dry weather. Unfortunately, he developed Alzheimer's disease five years after moving to Henderson.

Jared E. Shafer was appointed as my uncle's guardian by Commissioner Jon Norheim. My uncle has no immediate family, which makes me



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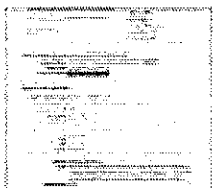
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 Harvill disabled
 veteran told by
 Paul and Carrie
 Harvill that the
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 N*ggerish and they didnt want
 people thinking n*ggers lived there.
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 people almost \$700 and got
 absolutely nowhere at all with them.
 Frederick, Maryland



DR. JAYANTHI
 GANNE WORKS IN
 DEPT OF
 DENTISTRY
 DOCTOR JAYANTHI
 GANNE WAS
 WORKING IN THE
 AGH ORAL SURGERY CLINIC
 WITHOUT A LICENSE AND SHE
 DID SURGERY ON MY MOUTH
 AND HURT ME BAD NOONE
 HELPED AND WHEN MY DOCTOR
 WAS NOT ABLE TO COME IN
 THEY LET DR. CELEBRATION.
 Florida



Big Timbers
 Kennel Karen
 Callahan Karen
 Callahan of Big
 Timbers Kennel
 Ripped Me Off
 \$1600.00!!!!
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his only living relative and I do not live in Nevada. When I finally got a look at Shafer's accounting, I discovered over \$315,000 was taken away from my uncle's trust in a time period of 15 months in very questionable guardian fees and several billings by AVID Business Services, which apparently is a friend of his. After some checking, I discovered that AVID Business services is not licensed by the state or county. I also noticed that the trust was making payments in the name of Jared Shafer and his assistant, Patience Bristol, rather than making payments to the business name he is licensed under and also quite obviously printed on his invoices. I think the IRS should look into Mr. Shafer's billing practices.

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cheater jerk a-
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product than I
ordered Internet



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Myles Schneit-part of con artist crew
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investigation for

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Los Angeles Can't Stop Lying Their
A**es Off Los Angeles, California

is my boss. Give it up, we'll wear you down and make you spend all your money and we'll bill your uncle for our attorney fees and leave him a poor man." The state of Nevada allows the guardians to bill the ward's for their over priced, cut-throat attorneys, depleting the ward's money. This is one of the reasons Jared E. Shafer has gotten away with his exploiting of veterans and other elders because he doesn't haven't to pay for his attorneys.

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#2 Update By Author

Jared Shafer Professional Fiduciary Services of Nevada, Inc. or PFSN, Inc. Jared Shafer Rips Off Veterans of Their Pensions & Disability Benefits

AUTHOR: Outraged Citizen - Boston (USA)


SUBMITTED: Thursday, November 25, 2010

Jared E. Shafer is a professional guardian who is robbing my Uncle of his Veterans benefit money. My Uncle, who is 85, fought in the Korean War. He moved to Nevada to retire and enjoy the desert sun and dry weather. Unfortunately, he developed Alzheimer's disease five years after moving to Henderson.




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Jared E. Shafer was appointed as my uncle's guardian by Commissioner Jon Norheim. My uncle has no immediate family, which makes me his only living relative and I do not live in Nevada. When I finally got a look at Shafer's accounting, I discovered over \$315,000 was taken away from my uncle's trust in a time period of 15 months in very questionable guardian fees and several billings by AVID Business Services, which apparently is a friend of his. After some checking, I discovered that AVID Business services is not licensed by the state or county. I also noticed that the trust was making payments in the name of Jared Shafer and his assistant, Patience Bristol, rather than making payments to the business name he is licensed under and also quite obviously printed on his invoices. I think the IRS should look into Mr. Shafer's billing practices.

I filed an NRS Chapter 160 petition with the Nevada Family court. The statues of 160 put restrictions on professional guardians who have a ward that is a veteran but the violations by Jared E. Shafer were rejected by Jon Norheim, the guardianship commissioner. Norheim said something like "if I allow you to win this case, guardians would have a difficult time conducting business in Las Vegas. I know we have laws on the books protecting veterans, but when they get in the way of a guardians earning a living, I will not enforce them." This was the most outrageous thing I've ever heard and very hard to take because the NRS statutes regulate the amount a guardian may charge, which is no more than 5% of the Veteran's annual income. Commissioner Norheim's refusal to follow these regulations allows guardians like Shafer to take all of their money. To hear a family court commissioner (he's not really a judge) actually state that he cares more about a guardian making money (and at the ward's expense) is outrageous and criminal. Since when is a family court more interested in protecting the income of a guardian over the income of an elderly ward who served his country?


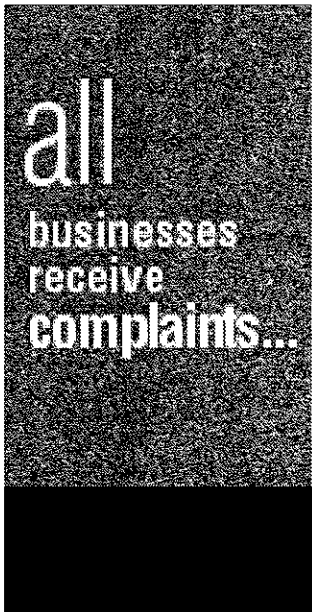
Commissioner NorHeim's statements greatly angered me because I fought in the Tet Offensive of 1968 and lost the use of my left arm.

officials accountable for their misdeeds.

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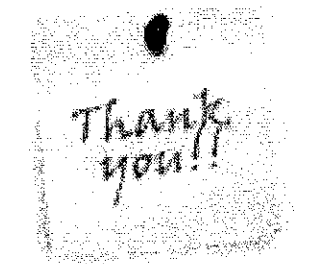


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To add insult to injury, when Jared E. Shafer heard Norheim's ruling, he began to smile, more like smirking. After we left the court, Patience Bristol, his obvious protege, said, "don't fight Jared, he always wins. I work for winners and that is my boss. Give it up, we'll wear you down and make you spend all your money and we'll bill your uncle for our attorney fees and leave him a poor man." The state of Nevada allows the guardians to bill the ward's for their over priced, cut-throat attorneys, depleting the ward's money. This is one of the reasons Jared E. Shafer has gotten away with his exploiting of veterans and other elders because he doesn't haven't to pay for his attorneys.

A week later Jared E. Shafer contacted me by phone. He said "stop this stupid Vet stuff, if you don't your uncle will die a poor old man."

Jared E. Shafer delights in ripping off veterans. The Internet is full of postings that accurately detail the fraud and exploitation committed by Shafer against families who do not have the means to fight. Commissioner Norheim does what Shafer wants, which brings to question, why? What is Jared E. Shafer doing for him? It doesn't matter if the ward has placed his/her life in danger for our country, these people have no respect for our veterans. Stop Jared E. Shafer and Commissioner Norheim before more innocent families fall under the control of this corrupt system.

My uncle is not the only victim, there are thousands. A search on the internet resulted in shocking findings about Jared E. Shafer. To list just a couple:
<http://guardianshipgulag.blogspot.com/2005/12/billion-of-guardianshiptakings.html> and
<http://deukeproductions.blogspot.com/2010/11/jared-shafer-worse-than-al-capone.html>

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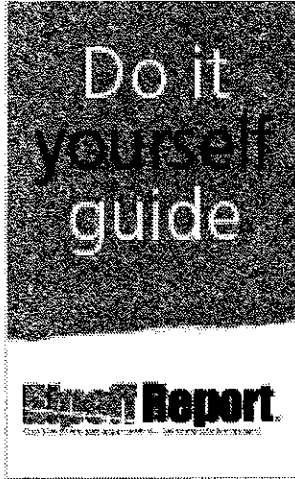
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Report: #665516

Complaint Review: Jared E. Shafer

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Junk lawsuits targeting free speech
are a major threat to the First
Amendment and have a chilling
effect on consumers first
amendment right to speak out.

Privacy Invasion WARNING

Submitted: Friday, November 26, 2010 Posted: Friday, November 26, 2010
Reported By: Fed Up — Las Vegas Nevada USA

Jared E. Shafer
3642 RICK STRATTON DRIVE
Las Vegas Nevada 89120
United States of America

Phone: 702-456-8323, 702-456-5152
Web: www.pfsn.com
Category: Assisted Living Elderly & Disabled

Jared E. Shafer Professional Fiduciary Services of Nevada, Inc. or PFSN, Inc. Guardian Exploitation of Veterans, Elderly & Disabled Las Vegas, Nevada

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Jared Shafer is a professional guardian who
has been exploiting our senior citizens, the
disabled and our honored veterans for nearly
30 years. He fine tuned his exploitation skills
while being the public guardian of Clark
County from 1979 until 2003. He transitioned to
a private business, having learned all the
tricks of the trade while in public office.

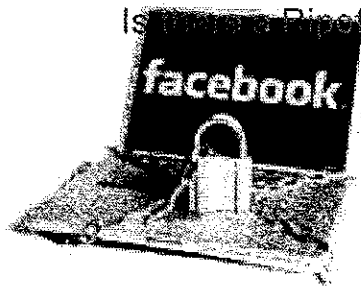
The family court system in Las Vegas
sanctions Mr. Shafer's exploitation by allowing

1 0 0
Author Consumer Employee/Owner

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Terry Allison womanizer player bad boy Las Vegas, Nevada



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Mitt Romney Jon Huntsman A Mormon (LDS Church Affiliate) Presidential Candidate Rips Off Americans – Why a Mormon (LDS) should not be president of the United States. Internet

bustedmugshots.com - Star Nine Ventures - KGP Media LLC Star Nine is the Parent Company 512-538-2215; Kyle Prall, Jeremy Brooks, Ryan Russell, Ace Elliot,

him to take control over individuals that do not have a family member who live in Nevada. The family court, in particular, the guardianship commissioner, Jon Norheim, appears to be working for Jared Shafer, not in the best interest of the wards. In particular, veterans are exploited for their benefits and pensions from the U.S. government for serving and being injured fighting for our country.

The Las Vegas court system fights the families to prevent them from taking care of their loved one. The Clark County family court thrives on using lies, deception and the breaking of Nevada state statues that pertain to guardianship. Nevada even has a chapter in their NRS called 160, that provides added protection to veterans and their VA benefit payments. But the family court in Las Vegas doesn't care about the veterans or any other ward because all they care about is making sure that the guardians, especially Jared Shafer, earn a living off of all these elderly veteran's retirement, pensions and disability benefits.

Jared Shafer and Jon Norheim treat the families as if they are criminals when in reality they are the criminals, exploiting the families by forcing them to pay for attorneys to fight for guardianship of their family member while the court allows the guardian to hire expensive unethical attorneys which are paid from the ward's estate!

Clark County, Nevada, has a dirty secret, this whole guardianship racket. But the secret is out now as hundreds of victims are coming forth and reporting the abuses to the Nevada state attorney general, the Nevada Judicial Discipline Committee, the IRS, Social Security, the Veteran's Administration, the Government Accountability Office and many other entities. Major investigations are in the works and the more people that come forward the faster justice will be seen.

Reports and articles have been around for nearly 10 years but now the frequency and details of exploitation of guardian Jared Shafer and the Las Vegas family court are reaching a peak. For instance, read this from 2005, <http://guardianshipqulag.blogspot.com/2005/12/billion-of-guardianshiptakings.html> and this updated editorial from 2002 <http://deukeproductions.blogspot.com/2010/11/jared-shafer-worse-than-al-capone.html> and this from 2008 <http://deukeproductions.blogspot.com/2008/12/public-enemy-number-one-jared-shafer-of.html> just to point out that this corruption and exploitation by Jared Shafer has been documented and published before.

If you know of anyone that is a victim of Jared Shafer, please report to the agencies above and post your story.

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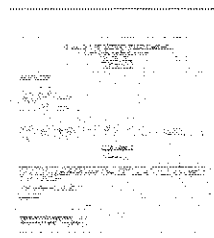
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This report was posted on Ripoff Report on 11/26/2010 12:33:49 AM and is a permanent record located here: <http://www.ripoffreport.com/assisted-living-elderly-disabled/jared-e-shafer/jared-e-shafer-professional-f-532f8.htm>.

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Zach Fragapane, David Breshears
these unethical people specialize in
Unethical and inaccurate mugshot
publishing Internet, Texas



Lucille Prince
aka: Lucille
McElroy Scams,
fraud, bad
checks, slander
Los Angeles,
California

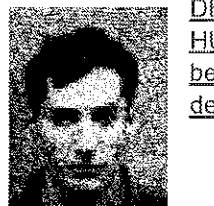


SKW Central
SKW Central,
Sean Keegan
Walker's Tax
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Cleaning, Inc
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destroys your
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Judy Machado
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property
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Brake and
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Report: #676163

Complaint Review: Alan D. Freer

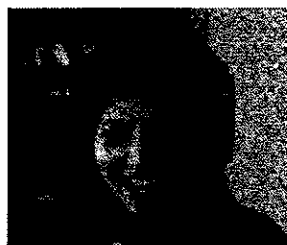
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Privacy Invasion WARNING

Submitted: Tuesday, December 28, 2010 **Posted:** Tuesday, December 28, 2010
Reported By: Carmen — Crown City Ohio USA

Alan D. Freer
9060 West Cheyenne Avenue
Las Vegas Nevada 89129
United States of America

Phone: 702-853-5483
Web: www.sdfnvlaw.com/
Category: [Lawyers](#)

Alan D. Freer Solomon, Dwiggins Freer & Morse, Ltd. Steals Money From Senior Citizens By Excessive Billings To Estates Of Wards On Behalf Of Corrupt Guardian Jared Shafer- Las Vegas, Nevada

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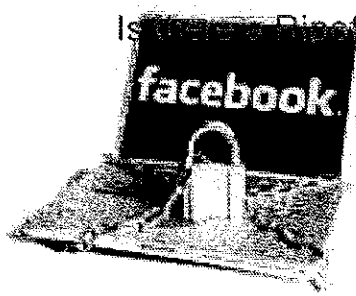
Alan Freer is stealing money from my uncle in Nevada. He works for a corrupt guardian by the name of Mr. Shafer. The court system is a mess there, they don't listen to the families, only to Freer and Shafer, who exploit the wards. Freer over bills Shafer's wards, which comes from the estate of the senior under Shafer's care. Care is a loose word here because all Shafer does is send out his assistant, Patience Bristol, to check on my uncle

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RODGERS
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proctor commits fraud
uses money on

himself that was to make a movie
so he lies to all the courts he has
an affair on his wife besides
with karen **** CULVER CITY,
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Dr Sola Ibogaine
clinic is
unprofessional
and are not
compassionate to
their patients.

They dropped me off at the airport
while I was still in withdrawa.
Internet Cancun Mexico



BIDZ BIDZ
SUSPENDED
ACCOUNT
BECAUSE OF
COMPLAINT Culver
City, California,
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Online Trading
Academy Online
Trading
Academy of
Orlando - Very

deceptive and unprofessional
Orlando, Florida

once in a while and then bills about \$3000 a month for her little 5 or 10 minute visits. Freer helps Shafer fight the families because he can charge the ward's estate or trust and the bank, Wells Fargo, gives Freer and Shafer all they want with no questions. They are all working together in this guardianship racket in Las Vegas.

Alan Freer is very vicious and unethical, flinging lies about the ward's family members who want to remove the ward from Mr. Shafer. My cousin has been trying to be guardian of my uncle for months but Freer keeps making false accusations and threats to my cousin, who is a good person and loves my uncle very much. Freer even laughs in court when he get his way and insults my cousin with little comments that are very cruel. He seems to get a big kick out of stealing my uncle's money AND treating my cousin horribly. Shafer also laughs and grins and makes disrespectful comments about my uncle, referring to him and his assets as "crap" or some other distasteful adjective.

I have gone to nearly all my uncle's hearings and witnessed this repugnant behavior by Alan Freer and Jared Shafer. The family court commissioner, Jon Norheim, condons this bad behavior and gives Freer and Shafer what they want, which is very suspicious and we've heard rumors of bribes being given to the court.

The state of Nevada and the U.S. government had better do something about his Las Vegas crime of elders. And, my uncle is a veteran, and veterans are given no respect by Freer or Shafer, in fact they think it's funny to take his veteran benefits away from him.

If you are a victim of Las Vegas attorney Alan Freer, please report him to all agencies. I have never seen such a creepy and despicable attorney ever in my life. His fees are over the top high which leads us to believe that he's giving a cut to Jared Shafer because, after all, they are stealing money from my uncle. They have no respect for the elderly or anyone that may fall under their control. They are not human beings because they have no soul or heart only a big fat appetite for greed. They do not care about anyone but themselves and how much money they can steal. Freer acts like it's his money to take as does Shafer.

Alan Freer, Jared Shafer, Patience Bristol, Jon Norheim--keep your eye on all of them because they are all working together to rob senior citizens and veterans just like my uncle in Las Vegas. My God save us all from these who suffer from one of the 7 deadly sins--GREED!

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This report was posted on Ripoff Report on 12/28/2010 7:09:51 PM and is a permanent record located here: <http://www.ripoffreport.com/lawyers/alan-d-freer/alan-d-freer-solomon-dwiggin-eca39.htm>.

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[appliancesconnection.com](#)
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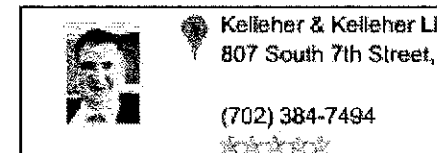
<http://www.ripoffreport.com/lawyers/alan-d-freer/alan-d-freer-solomon-dwiggin-eca39.htm> 4/11/2012

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Anti Slapp laws and why we need them. NOTICE to all consumers!
Junk lawsuits targeting free speech are a major threat to the First Amendment and have a chilling effect on consumers first amendment right to speak out.

Privacy Invasion WARNING

Submitted: Tuesday, January 11, 2011 Posted: Tuesday, January 11, 2011
Reported By: Angry Victim — Colorado United States of America

Attorney Alan D. Freer
9060 W. Cheyenne Ave.
Las Vegas Nevada 89129
United States of America

Phone: 702-853-5483
Web: www.sdfnlaw.com
Category: Lawyers

Attorney Alan D. Freer Financial Exploitation & Abuse of Elders, Las Vegas, Nevada

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Alan Freer Corrupt Lawyer In Las Vegas Guardianship Racket:

Back in 2008 my father died in an auto accident in Las Vegas, leaving my mother alone. My mother was in the beginning stages of Alzheimer's and we had no other family members living in Las Vegas because my parents had fallen for propaganda from a home developer that moving to a retirement community in Nevada would be good for them, so my parents moved away from their family in Colorado. Because I was on the east coast giving a seminar at the time of my father's

1 0 0
Author Consumer Employee/Owner

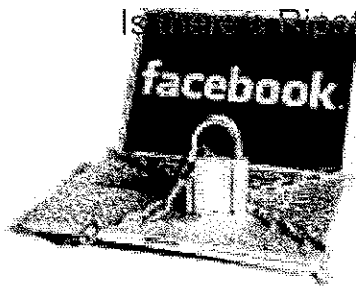
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TOM E PROCTOR
AND MARGIE
RODGERS
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uses money on

himself that was to make a movie so he lies to all the courts he has an affair on his wife besides with karen **** CULVER CITY, California



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Dr Sola Iboagine
clinic is unprofessional
and are not compassionate to their patients.

They dropped me off at the airport while I was still in withdrawa. Internet Cancun Mexico



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death. I was unable to get to Las Vegas immediately. Just days after my father's death, a private guardian was put in charge of my mother. It turned out that a neighbor, thinking she was helping, called the Clark County Senior Protective Services and explained that my mother was alone and was acting funny.

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This county agency told the neighbor to call the guardianship commissioner office of Jon Norheim for help. Someone in that office gave the neighbor the office number of a private fiduciary, Jared Shafer of Professional Fiduciary Services of NV, who was suppose to "protect" my mother until I could arrive from the east coast.

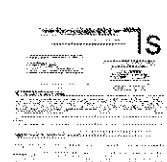
When I finally got into town, Mr. Shafer told me that he would draw up paperwork for me to be co-guardian with him for my mother because I was not a resident of Nevada and therefore I was not allowed to be her guardian, that a resident of Nevada was necessary to serve as a co-guardian with me. Mr. Shafer said I would be hearing from his lawyer, Alan Freer, in a few days and not too worry since a caregiver was placed in mom's home and that she would be in good hands. Mr. Shafer also told me I could visit, but that I couldn't spend the night at her home. I thought this was odd, but thought maybe this was how it was supposed to be. He also told me I was not to remove anything from the home. I thought these restrictions were unusual but because I was quite distraught over the death of my father and concerned for my mother I let it go and I went back to work in Colorado and waited to hear from Mr. Freer.


After 3 weeks went by with no word from Mr. Shafer or his attorney Alan Freer, I contacted Mr. Freer, who told me that Mr. Shafer never accepts a co-guardian and that it was too bad because he already had temporary guardianship and they had already filed for permanent guardianship and that I could come and petition for guardianship myself but I'd needed someone else in NV to be guardian with me. He also told me that if I objected to Mr. Shafer or filed for guardianship that judge Norheim would give he and Mr. Shafer what they wanted so there was no point in even trying. He said, "Mr. Shafer and I tell judge Norheim what we want and you can't do anything about it. You will never be guardian of your mother and if you go against us we'll make sure the judge always rules in our favor and we'll make damn sure your parent's estate will be emptied, leaving you nothing when she dies." And then he hung up the phone.

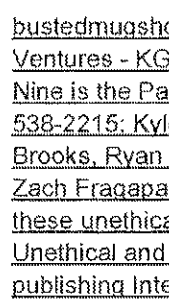
I was floored at hearing this. Since this conversation with this lawyer Alan Freer, I have been fighting him to gain guardianship of my mother for over 2 years. They have gone through over \$400,000 of my parent's estate and are about to sell mom's home, with the help of Wells Fargo, and put her in a rest home. She is very depressed and wants to come to Colorado and be with her children and grand children, but Mr. Shafer and Mr. Freer will not allow her to leave. I am fearful for her safety and well being.


During the last 2 years, Mr. Alan Freer has done nothing but lie and make up bad things about my family and me. Every time Mr. Freer or Mr. Shafer tell lies in Jon Norheim's court he does nothing about it, it is as if he is deaf and blind to any of their bad behavior in court. In fact, Commissioner Norheim allows them to use inappropriate words and comments in court. Once Mr. Shafer referred to my mother's property as "a pile of crap". Another time I tried to speak up to defend myself against their lies about me and my family but Commissioner Norheim had the baliff threaten to arrest me if I spoke again.

This is all very unfair and this Clark County Family Court is run like a free for all, with Mr. Norheim, Mr. Freer and Mr. Shafer all saying and doing what they want to exploit and abuse the ward and their families. To add insult to injury, Mr. Freer and Mr. Shafer smirk and laugh at us and Commission Norheim turns a blind eye and ear. Mr. Norheim also exhibits some very bad behavior, even admitting that he doesn't have to follow the law


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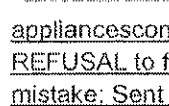
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all the time. Attorney Freer did tell me that Mr. Norheim gives them what they want, which sounds like Mr. Norheim is accepting some kind of favors.

This lawyer Alan Freer is the most horrible excuse of an attorney. He lies, he threatens and he over bills my parent's estate for nothing and so does Jared Shafer. He repeatedly files the same documents time after time all to create more billings. He insults me and my family and my mother. He even insults my attorney and my mom's doctors. He is very rude, mean and corrupt and I don't understand why he is still practicing law. My experience tells me that the Clark County court system, the judges, the guardians, the attorneys and the banks are all working together to take advantage of old people like my mother.

We are also having a difficult time with Wells Fargo Bank, the trustee for my parent's trust. A Ms. Eve Mills is the person working with Mr. Shafer and Mr. Freer to make sure the estate is being disgorged of it's assets, with the highest amount of money being paid to attorney Alan Freer, which makes my family think that Mr. Shafer is possibly getting a cut of Mr. Freer's excessive fees. Ms. Eve Mills will not answer my questions or return my calls, she acts like the trust is hers and I that I don't have any rights, even if I am a beneficiary. She told me that Mr. Freer and Mr. Shafer are very important people in the community, which sounded as if she admired these miserable excuses of human beings, which doesn't say much for her or Wells Fargo Bank.

I just found that others have posted complaints about attorney Alan Freer and guardian Jared Shafer and that they are being investigated by the government. I certainly hope so, I will file my own complaints to as many agencies as possible, as will my relatives and friends. Anyone with any information on these 2 and their associates should add comments to my posting to help all of us victims and to stop further abuse of our elders by attorneys like Alan Freer and guardians like Mr. Shafer.

After one of our hearings, in the court hallway, I heard attorney Alan Freer tell Mr. Jared Shafer and his assistant, Patience Bristol, "Well, we screwed another jerk who thinks he's going to save his mother and family estate. These out of state kids need to just go away and let us rip off their parents." Mr. Shafer and Miss. Bristol laughed. They did not know that I was standing behind them but even when they saw that I heard them, they acted as if they were happy I had heard. These are very creepy people. Attorney Alan Freer should be disbarred and he and professional guardian Jared Shafer should be in jail for exploiting my mother and all the other senior citizens that moved to Nevada thinking they had found their paradise. What a joke. Let's hope the joke is on them soon when all their dirty deeds catch up with them. I'm one of those people who feel that justice will be seen so fellow victims, please speak up.

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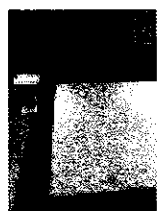
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