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 (702) 386-0536; FAX (702) 386-6812
 5 *Attorneys for Defendants*

6 IN THE UNITED STATES DISTRICT COURT
 7 FOR THE DISTRICT OF NEVADA

9 SUZANNE HARRIS, an individual

Case No. 2:16-cv-00163-RFB-NJK

10 Plaintiff,

11 v.

12 STEFAN STROMS, an individual,
 NICOLE WILSON, an individual,
 13 and JOHN DOES 1-5, individuals
 whose true identities are unknown

**DEFENDANTS' MOTION FOR LEAVE
 TO AMEND ANSWER TO COMPLAINT**

14 Defendant.
 15 _____/

16 COMES NOW Defendants, Stefan Stroms and Nicole Wilson by and through their attorney of
 17 record, Adam Levine, Esq. of the Law Office of Daniel Marks, and submits their Motion for Leave to
 18 Amend Answer to Complaint.

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1 This Motion is based upon the Memorandum of points and Authorities attached hereto, the
2 pleadings and papers on file herein, and any arguments of counsel the Court may entertain.

3 DATED this 4th day of March, 2016.

4 LAW OFFICE OF DANIEL MARKS

5
6 /s/ Adam Levine, Esq.
7 DANIEL MARKS, ESQ.
8 Nevada State Bar No. 002003
9 ADAM LEVINE, ESQ.
10 Nevada State Bar No. 004673
11 610 South Ninth Street
12 Las Vegas, Nevada 89101
13 *Attorneys for Defendants*

14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **STANDARDS GOVERNING MOTIONS FOR LEAVE TO AMEND**

16 Fed. R. Civ. P. 15(a) governs amendments of pleadings, and states:
17 (a) AMENDMENTS BEFORE TRIAL. A party may amend its pleading once as a
18 matter of course within: 21 days after serving it, or if the pleading is one to which a
19 responsive pleading is required, 21 days after service of a responsive pleading or 21
20 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. **In
21 all other cases, a party may amend its pleading only with the opposing party's
22 written consent or the court's leave. The court should freely give leave when
23 justice so requires.**

24 FED. R. CIV. P. 15(a) (Emphasis added).

On February 12, 2016 Defendants filed their Answer to Complaint in the above entitled action.
Since the filing a review of the Answer to Complaint was made and revealed at least eight (8) were
insufficient, contained typographical errors and/or erroneous responses in that Answer to Complaint.
The proposed Amended Answer to Complaint is attached hereto as Exhibit "A".

It would be an injustice to deny the Defendants the opportunity to correct any insufficiency,
typographical or erroneous answer.

1 **PROCEEDINGS TO DATE**

2 This case is just beginning and the only documents filed have been the Complaint and Answer
3 to Complaint.

4 The should be no delay in the proceedings as the Early Case Conference pursuant to FRCP
5 26(f) has not taken place as of the date of this Motion.

6 **CONCLUSION**

7 Based upon the foregoing, the Defendants respectfully request that the Court grant them leave
8 to Amend their Answer to Complaint.

9 DATED this 3rd day of March, 2016.

10 LAW OFFICE OF DANIEL MARKS

11 /s/ Adam Levine, Esq.
12 DANIEL MARKS, ESQ.
13 Nevada State Bar No. 002003
14 ADAM LEVINE, ESQ.
15 Nevada State Bar No. 004673
16 610 South Ninth Street
17 Las Vegas, Nevada 89101
18 *Attorneys for Defendants*

19 **ORDER**

20 The Court has reviewed [9] Motion for Leave to Amend Answer to Complaint. Pursuant to Fed.
21 R. Civ. P. 15(a)(1)(A), a party may amend its pleading once as a matter of course within 21 days after
22 serving it. Defendants sought leave to amend their answer within 21 days after serving it.

23 Therefore, IT IS ORDERED that [9] Motion for Leave to Amend Answer is GRANTED.
24 Defendants shall have until March 15, 2016 to file their Amended Answer.

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
United States District Judge

DATED this 8th day of March, 2016.

EXHIBIT “A”

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6 IN THE UNITED STATES DISTRICT COURT
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10 Plaintiff,

11 v.

12 STEFAN STROMS, an individual,
13 NICOLE WILSON, an individual,
and JOHN DOES 1-5, individuals
14 whose true identities are unknown

AMENDED
ANSWER TO COMPLAINT

JURY TRIAL DEMANDED

15 Defendant.
_____ /

16 COMES NOW Defendants, Stefan Stroms and Nicole Wilson by and through their attorney of
17 record, Adam Levine, Esq. of the Law Office of Daniel Marks, and for their Amended Answer to the
18 Complaint admit, deny, and respond as follows: **Amended Answers are in bold.**

19 1. In answering Paragraphs 9, 10, 11, 14, 15, 20, 23, 25-28, 30, 33-34, 38, 43, 46, 50, 59,
20 64 and 80-82 of Plaintiff's Complaint Defendants admit each and every allegation contained therein

21 2. In answering Paragraphs 1-3, 6, 12, -13, 16-17, **29, 31-32, 35**, 39-41, 44-45, 47-49, 51-
22 56, **60-62**, 65-66, 69-77, **79**, 83, 91-97, 99-105, 107-114, 116-123, 125-130, and 132-138 of Plaintiff's
23 Complaint Defendants deny each and every allegation contained therein.

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2 3. Paragraphs 4-7 Plaintiff's Complaint are inapplicable as the Defendants filed a Petition
3 for Removal of Action to Federal Court Under 28 U.S.C. §1442(a) on January 28, 2016.

4 4. In answering Paragraphs 8, 18-19, 21-22, 24, 36, 42, 57-58, 63, 68, and 84-89 of
5 Plaintiff's Complaint Defendants are without sufficient knowledge and/or information to admit or deny
6 and therefore deny each allegation contained therein.

7 5. In answering Paragraph 37, Defendants admit that Stroms was requested to leave the
8 interview but deny that that request was repeatedly made.

9 6. In answering Paragraph 67, Defendants admit that Stroms' email of February 5, 2015
10 contained the phrase "could not come at a worst time" but deny that the incident with **Harris** was
11 fabricated.

12 7. In answering Paragraph 78, Defendants admit that Stroms filed a police report on
13 February 6, 2015 with Las Vegas Metropolitan Police Department but deny that the police report
14 contained false statements about Harris.

15 8. In answering Paragraphs 90, 98, 106, 115, 124 and 131 of Plaintiff's Complaint, this
16 paragraphs do not contain any allegation to admit or deny.

17 **AFFIRMATIVE DEFENSES**

18 1. The Complaint fails to state a claim upon which relief may be granted.

19 2. Any statements made by Defendants which form the basis for the claims were true.

20 3. Any statements made by Defendants which form the basis for the claims were
21 privileged.

22 4. Any statements made by Defendant which form the basis for the claims are with regard
23 to a public figure and/or a matter of public concern so as to be subject to the actual malice standard.

24 5. The Complaint is barred by laches.

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- 6. The Complaint is barred by the doctrine of unclean hands.
- 7. The Complaint is barred by estoppel.
- 8. The Complaint is barred by fraud.
- 9. The Complaint is barred by waiver.
- 10. The Complaint is a strategic lawsuit against public participation.

WHEREFORE, Defendants Stefan Stroms and Nicole Wilson pray for judgment as follows:

- 1. That Plaintiff take nothing by virtue of her Complaint on file herein;
- 2. That the Court dismiss all causes of action included in Plaintiff's Complaint against the Defendants with prejudice;
- 3. For an award of reasonable attorney fees and costs of suit incurred in the defense of the causes of action included in Plaintiff's Complaint; and
- 4. For such other and further relief as the Court deems.

DATED this ____ day of March, 2016.

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Las Vegas, Nevada 89101
Attorneys for Defendants

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2 **CERTIFICATE OF SERVICE BY ELECTRONIC MEANS AND MAILING**

3 I hereby certify that I am an employee of the Law Office of Daniel Marks and that on the ____
4 day of March, 2016, I did serve by way of court mandated electronic filing and did deposit in the
5 United States Post Office at Las Vegas, Nevada with first class postage fully prepaid thereon a true and
6 correct copy of the above and foregoing AMENDED ANSWER TO COMPLAINT to the email
7 addresses and address as follows:

8 J. Malcolm DeVoy, Esq.
9 DEVOY LAW
10 200 E. Charleston Blvd.
11 Las Vegas, Nevada 89104
12 Email: ecf@devoylaw.com
13 jmd@devoylaw.com
14 Attorney for Plaintiff

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An employee of the
LAW OFFICE OF DANIEL MARKS