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**IN THE DISTRICT COURT
FOR THE STATE OF NEVADA, COUNTY OF CLARK
EIGHTH JUDICIAL DISTRICT**

OPINION CORPORATION., a New York
corporation, d/b/a PISSED CONSUMER,

Plaintiff,

vs.

NEVADA CORPORATE HEADQUARTERS,
INC., a Nevada corporation,

Defendant.

Case No.: _____

Dept. No.: _____

**PLAINTIFF'S INITIAL COMPLAINT
FOR**

- **DAMAGES PURSUANT TO N.R.S. 41.670**
- **ABUSE OF PROCESS**

**ARBITRATION EXEMPTION
REQUESTED: DEMAND IN
EXCESS OF \$50,000.00**

PLAINTIFF'S INITIAL COMPLAINT

Plaintiff OPINION CORPORATION brings this Complaint against Defendant NEVADA CORPORATE HEADQUARTERS, INCORPORATED, and alleges as follows:

I. INTRODUCTION

Plaintiff Opinion Corporation ("Opinion Corp.") is a consumer review service that provides a forum for consumers to post their experiences, good and bad, about companies with whom other consumers may do business. Defendant Nevada Corporate Headquarters, Inc. ("NVCHQ") has engaged in an apparent campaign to scrub consumer review sites of any negative reviews by filing baseless lawsuits against the consumer review sites. NVCHQ does this in the

1 hopes of intimidating consumer review sites or otherwise suppressing their First Amendment rights
2 by confronting them with a choice between removing only negative reviews of their services or
3 facing legal bills for defending the integrity of its review site.

4 NVCHQ has filed at least two of these suits in the past, and as a result was well-educated
5 on the fact that these kinds of consumer review sites are fully protected under 47 U.S.C. § 230.
6 Despite this actual knowledge of the fact that its cases were legally and factually unsupportable,
7 NVCHQ still filed a strategic lawsuit against public participation, a “SLAPP” suit, against Opinion
8 Corp. in order to improperly suppress negative reviews of its business. (*See* Justice Court
9 Complaint, attached as Exhibit A)

10
11 Opinion Corp. moved to dismiss NVCHQ’s lawsuit under the Nevada Anti-SLAPP statute.
12 (*See* Plaintiff’s Special Motion to Dismiss, attached as Exhibit B) Predictably, Opinion Corp.
13 prevailed on this motion. (*See See* Referee’s Findings, attached as Exhibit C) However, since the
14 matter was brought in small claims court, the small claims judge determined that she did not have
15 jurisdiction to award attorneys’ fees as provided for in N.R.S 41.670, but she did not deny the
16 attorneys’ fee award on its merits. Under the Nevada Anti-SLAPP statute, an award of attorneys’
17 fees and costs to a successful movant is mandatory.
18

19
20 N.R.S 41.670 provides relief to the victims of SLAPP suits both through a special motion
21 to dismiss and, to deal with situations like the one at hand, it also provides for a positive cause of
22 action against plaintiffs who file SLAPP suits. Since the applicability of N.R.S 41.670 and 47 U.S.C.
23 § 230 to Plaintiff has already been determined, the entitlement to damages under N.R.S 41.670 is
24 already determined.

25
26 Opinion Corp. has a right to be made whole after expending significant fees to dispense
27 with the meritless SLAPP suit, which NVCHQ knew full well was meritless. However, this
28 litigation is not entirely about the fees incurred, but is also about manifesting this state’s clear public

1 policy against SLAPP suits, and deterring NVCHQ from filing similar baseless SLAPP suits in the
2 future. Merely losing these cases has not been a sufficient deterrent for NVCHQ. NVCHQ must
3 be made to account for the damage it caused despite possessing actual knowledge that Opinion
4 Corp. had no liability. NVCHQ should be publicly rebuked with a judgment in Opinion Corp's
5 favor, lest NVCHQ and other similar censorious parties operate under the mistaken impression
6 that there are no consequences for filing SLAPP suits, as long as they are filed in small claims court.
7

8 **II. THE PARTIES**

9 1. Plaintiff Opinion Corporation operates a website entitled <pissedconsumer.com>,
10 an online forum where consumers discuss their experiences with products and services to warn
11 other consumers of negative experiences, and where consumers may also report positive
12 experiences.
13

14 2. Plaintiff is incorporated in the state of New York. Plaintiff's address is 111 Eighth
15 Avenue, New York, NY 10011.

16 3. Plaintiff is informed and believes that Defendant Nevada Corporate Headquarters is
17 a business that advertises services offering asset protection and reduced tax exposure by helping
18 customers incorporate in Nevada.
19

20 4. Defendant is a corporation incorporated in the state of Nevada, and whose primary
21 place of business is Nevada. Defendant's address is 101 Convention Center Drive, Suite 700, Las
22 Vegas, NV 89109.
23

24 **III. JURISDICTION AND VENUE**

25 5. This Court has jurisdiction over this matter because Defendant NVCHQ is located
26 in and conducts business in Nevada.
27
28

1 21. Defendant deliberately brought an action against Plaintiff it knew to be groundless
2 and in violation of N.R.S. 41.660, as evidenced by the dismissal of its earlier identical action against
3 Ripoff Report.

4 22. Even if the Defendant had not received virtually identical orders in the past, any
5 reasonable party would know, or should have known, that Opinion Corp. was immune from
6 liability.
7

8 23. The Defendant implicitly acknowledged that the claims were legally baseless by
9 submitting an opposition to the Anti-SLAPP motion that was devoid of even a single citation to any
10 authority. (*See* Opposition to Plaintiff's Special Motion to Dismiss, attached as Exhibit G)

11 24. At oral argument, Defendant similarly failed to present any such authority before the
12 court. (*See* Transcript of Hearing on Special Motion to Dismiss at 7-8, attached as Exhibit H)

13 25. Defendant knowingly and intentionally brought groundless claims against Plaintiff
14 for the purpose of suppressing protected speech, and Plaintiff is therefore entitled to an award of
15 punitive damages.
16

17 26. Because the Justice Court did not have jurisdiction to award Plaintiff attorneys' fees
18 in defending itself against Defendant's Justice Court claims, Plaintiff is entitled to recover
19 reasonable attorneys' fees incurred in that action as damages pursuant to N.R.S. 41.670.
20

21 **VI. SECOND CLAIM FOR RELIEF: ABUSE OF PROCESS**

22 27. Plaintiff repeats and realleges each and every allegation of the Complaint as if herein
23 again set forth in full.

24 28. Defendant brought its Justice Court claims against Plaintiff with the ulterior motive
25 and improper purpose of attempting to eliminate protected speech critical of Defendant.
26

27 29. Defendant abused the Justice Court's process by serving Plaintiff with its original
28 complaint for the illegitimate purpose of attempting to stifle protected speech.

1 Dated March 26, 2014

2
3 RANDAZZA LEGAL GROUP
4 /s/ Marc J. Randazza _____

5 Marc J. Randazza
6 J. Malcolm Devoy

7 Attorneys for Plaintiff
8 Opinion Corporation