# IN THE SUPREME COURT OF THE STATE OF NEVADA

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Electronically Filed
Sep 29 2017 09:09 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

BRANDON PAUL SAITER,

Appellant,

vs.

TINA MARIE SAITER,

Respondent

S.C. No.: 72819
D.C. No.: D-15-521372-D

## EXHIBIT TO MOTION TO CONSOLIDATE APPEALS

Exhibit 1: *Order of Recusal* filed September 5, 2017, at 5.

**DATED** this 28th day of September, 2017.

WILLICK LAW GROUP

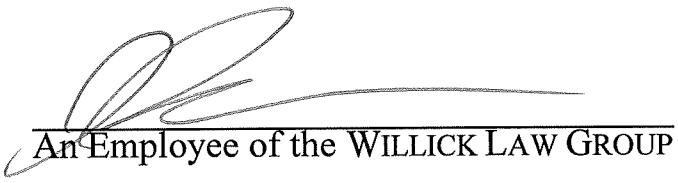
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## CERTIFICATE OF MAILING

Pursuant to FRCP 5(b), I hereby certify that I am an employee of the WILLICK LAW GROUP, and that on this 28th day of September, 2017, served a true and correct copy of the foregoing *Motion to Consolidate Appeals*, was delivered by runner delivery service and by placing the same in a sealed envelope with the United States Postal Service at Las Vegas, Nevada, with first-class postage prepaid, and addressed as follows:

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# EXHIBIT "1"

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9/5/2017 3:17 PM
Steven D. Grierson
CLERK OF THE COURT

ORDR

DISTRICT COURT

CLARK COUNTY, NEVADA

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|---|---|---|
| IRINA ANSELL, Plaintiff, v. DOUGLAS ANSELL, Defendant. | CASE NO. | D-15-521960-D |
| | DEPT NO. | Q |
| | Date of Hearing: | August 30, 2017 |
| | Time of Hearing: | 2:00 p.m. |

ORDER OF RECUSAL

This matter came on for a hearing before this Court on August 30, 2017. The matters before the Court included:

(1) Non-Party, Veterans In Politics International, Inc. and Steve Sanson's Motion to Quash Subpoena Served on Verizon Wireless (Jul.26, 2017);

(2) Non-Parties Steve Sanson, Veterans In Politics International, Inc., and Sanson Corporation's Motion to Quash Subpoena Duces Tecum and Deposition Subpoena Served on Steve Sanson on July 22, 2017 (Aug. 4, 2017); and

(3) This Court's Amended Notice of Rescheduling of Hearing and Setting Calendar Call (Aug. 28, 2017).

Associated motions and papers were considered and reviewed by the Court, including requests for attorney's fees and Plaintiff's Motion to Compel (Aug. 10, 2017). The discovery issues previously were assigned to be heard by the Discovery Commissioner on August 20, 2017. The Discovery Commissioner, however, recused

BRYCE C. DUCKWORTH
DISTRICT JUDGE
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and the matter was placed on this Court's calendar on the above-referenced date. Plaintiff did not appear personally, but was represented by her attorney, Marshal Willick, Esq. Defendant did not appear personally, but was represented by his attorney, John Jones, Esq. Steve Sanson appeared personally and with his attorney, Anat Levy, Esq.

As previously noted, this Court reviewed a multitude of papers filed by and on behalf of Plaintiff and Mr. Sanson or Veterans In Politics International (hereinafter referred to individually and collectively as "Mr. Sanson") in preparation for the hearing. This Court's preparation included review of the Omnibus Supplemental Declaration of Steve Sanson in Support of: Motions to Quash Subpoenas Duces Tecum Served on Verizon Wireless and Steve Sanson and Deposition Subpoena Served on Steve on July 22, 2017; Motion for Attorneys Fees (Aug. 22, 2017) (hereinafter referred to as Mr. Sanson's "Sworn Declaration"). Therein, Mr. Sanson described his off-the-record communications with this Court about this matter. Upon reviewing Mr. Sanson's Sworn Declaration, this Court determined that it should recuse from any further proceedings in this matter. This determination is based on the findings stated on the record at the August 30, 2017 hearing and additional findings stated herein.

It is undisputed that Defendant designated Mr. Sanson as a witness. Moreover, although Mr. Jones argued it was unlikely, Defendant could not definitively rule out the possibility that Mr. Sanson might be called as a witness in future proceedings. It also is undisputed that Mr. Sanson made specific reference to this case in a communication directed at this Court off the record. In fact, this Court scheduled an

immediate hearing in May 2017 to address Mr. Sanson's ex-parte communication with the Court.[1] Mr. Sanson's filing of his Sworn Declaration, however, was the first instance in which this Court became aware that Mr. Sanson had stated in writing the nature of his communications with the Court.

This Court noted that it was unaware of any legal authority that would excuse someone from a deposition who had been designated as a witness in the matter. This Court also noted its concern that the Subpoena Duces Tecum served on Mr. Sanson was overbroad and should be narrowed significantly. Because, however, this Court recognized the conflict created by Mr. Sanson's Sworn Declaration, the Court did not rule on the discovery motions and determined that the Court's recusal from this matter was appropriate.

In Mr. Sanson's Sworn Declaration, he acknowledged that he asked the Court off the record: "Why do you allow Marshal Willick to get away with so much

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[1]At the May 17, 2017 hearing, this Court disclosed Mr. Sanson's communications with the Court. This Court also noted for the record the nature of the Court's relationship with Mr. Sanson in the past. This has included this Court's endorsement by Veterans in Politics as a candidate for office and his prior professional communications about general issues (including Mr. Sanson repeatedly stating that he believed this Court should serve as the presiding judge in the Family Division). At the time of the May 2017 communication, Mr. Sanson was aware that litigation before the Court should never be discussed. Thus, any communication about a specific case was completely unexpected.

crap in Doug Ansell's case?"[2] For sake of completeness, the text messages and telephone communication between Mr. Sanson and the Court took place as follows:

- On May 11, 2017 at 8:20 p.m., Mr. Sanson texted: "Judge I need to speak to you."
- On May 12, 2017 at 6:52 a.m., the Court texted Mr. Sanson: "What do you need to talk about?"
- On May 12, 2017 at 9:29 a.m., Mr. Sanson responded with: "Call me at your convenience or we can grab a cup of tea."
- The Court called Mr. Sanson on May 13, 2017. After prefatory remarks that included Mr. Sanson declaring that this Court should be the presiding judge in the family division, Mr. Sanson, without prompting, asked: "Why do you allow Marshal Willick to get away with so much "crap" in Doug Ansell's case?"

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[2]On a number of occasions, this Court has lamented that ***both*** parties have engaged in, to borrow Mr. Sanson's term, "crap" during this case. This Court repeatedly has chastised both sides for their practice of hyperbole and exaggeration. Mr. Willick has almost incessantly argued that this Court has allowed Defendant (Mr. Ansell) to get away with "crap" without repercussion. Both Mr. Willick and Mr. Jones are adept at selectively handpicking those areas of perceived wrongdoing of the other side and advocating through their myopic lenses. On Mr. Jones' part, this was exemplified during the August 30, 2017 hearing through his argument that the Court had given Plaintiff a "free pass" with respect to her alleged violation of the Order to Seal Records (Oct. 16, 2015) (hereinafter referred to as the "Sealing Order"). The Sealing Order ***drafted and submitted by Defendant (Mr. Ansell)***, ordered that "all papers, records, proceedings and evidence, including exhibits and transcripts of testimony in the above-entitled matter, be, and the same hereby are, sealed and shall not be opened to inspection ***except by the parties*** and their attorneys, or when required as evidence in another action or proceeding." (Emphasis added). Mr. Jones' argument in Court notwithstanding, this matter was adjudicated by the Court. *See* Order (Aug. 30, 2016). Thus, the Sealing Order *drafted and submitted by Defendant (Mr. Ansell)*, did not prohibit the conduct about which Defendant complained. NRS 125.110 provides that the papers sealed "shall not be open to inspection except ***to*** the parties and their attorneys." The Sealing Order ***prepared by Defendant*** changed the statutory language and provided that the papers sealed "shall not be opened to inspection except ***by*** the parties and their attorneys." Recognizing the error of his own drafting, Defendant (Mr. Ansell) submitted a second Order to Seal Records (Nov. 23, 2016). Mr. Jones knew these facts when he lambasted the Court during the August 30, 2017 hearing for purportedly allowing Plaintiff to violate a Sealing Order that did not proscribe the alleged conduct. Apart from these examples of "crap," the Court has endured "crap" from ***both*** parties throughout this litigation.

- After immediately terminating the call, this Court texted Mr. Sanson as follows: "Please do not ever talk to me again about a pending case before me. I hold you in higher esteem than that. I'm sorry to end the call so abruptly. My integrity means too much to me than to be influenced by others outside of the courtroom and it shakes the very core of our system when anyone communicates with a judicial officer in this fashion. It simply cannot happen. I know that you know that and I have always trusted your judgment in that regard."

- Mr. Sanson's immediate text response reads: "You asked me a question because of our relationship I gave you my honest answer, ***so you can understand what direction we are headed***."

This Court scheduled a hearing immediately (heard on May 17, 2017) to disclose the improper communication. Based on Mr. Sanson's testimony on August 30, 2017, he admitted that his communication with the Court was not intended to relay specific factual information about the Ansell case. When offered the opportunity to provide specific examples of "crap" perpetrated by Mr. Willick (such as a miscalculation by Mr. Willick, a fabricated fact, or some other specific example of "crap"), Mr. Sanson had nothing specific. As such, ***the only purpose of his communication with the Court was to influence and intimidate the Court through a corrupt communication outside of court.***

Mr. Sanson could have limited his communication with the Court to a *general* accusation that Mr. Willick "gets away with crap," and left it at that.[3] If Mr. Sanson's sole motivation was merely to attack Mr. Willick *in general* and not to influence the

[3]Based on the papers filed herein, this Court is aware that litigation is pending between Mr. Willick and Mr. Sanson. This Court's familiarity with this civil matter is limited to the disclosures contained in the papers filed in the Ansell matter. The animosity resulting from this civil litigation is palpable. Nevertheless, this animosity is not an excuse to attempt to manipulate and intimidate this Court – *particularly in regards to a specific case.*

Court about a specific case, he could have done so. Although such communication remains improper, it is more egregious that Mr. Sanson ***knowingly and intentionally identified Doug Ansell's case.*** It also is significant that Mr. Sanson's response was not to offer an apology, or to assure the Court that he would refrain from doing so again. Even at the August 30, 2017 hearing, Mr. Sanson remained unapologetic. In fact, his demeanor and conduct was defiant, even lashing out at Mr. Willick to the point of being admonished by the Court. Instead of apologizing to the Court, his follow-up communication was a veiled threat to the Court. This threat by Mr. Sanson, as stated by Mr. Sanson and interpreted by the Court, was to harass the Court and to hurl baseless and defamatory accusations about the Court.

Mr. Sanson argues that his organization "exposes public corruption and injustices." Further, despite the fact that Mr. Ansell designated Mr. Sanson as *his* witness, Mr. Sanson states with emphasis that neither he nor VIPI "*have anything to do with this case.*" To reiterate for the record, Mr. Sanson intentionally interjected himself into this matter by communicating with the Court in reference to this specific case. Plaintiff understandably and justifiably has sought to determine the full extent of such off-the-record communications. To be clear, however, Mr. Sanson's involvement in this matter is not about exposing "injustice" or corruption. Mr. Sanson acknowledged that he had never met Plaintiff and proclaimed that he meant her no "ill will." Indeed, Mr. Sanson appeared to be unaware that Defendant (Doug Ansell) was the prevailing party with respect to the child custody issues in this case – an issue that is of the highest significance in *most* cases.

As noted previously, when given the opportunity at the August 30, 2017 hearing to explain the "crap" that was occurring in the Ansell matter, Mr. Sanson was unable to identify any singular fact. As such, notwithstanding his self-proclaimed faux cover of seeking to "expose injustice and corruption," Mr. Sanson's sole motivation for communicating with this Court was to intimidate and harass the Court. Mr. Sanson proudly proclaims that he has "declared war" on the Family Court. There is no doubt that the courts are under attack and that the entire judiciary of this great State of Nevada is on notice that, behind that false banner of "justice and corruption" is an individual and group who seek to manipulate, intimidate and control. The arsenal of weapons that Mr. Sanson utilizes include attempts to manipulate, intimidate and control the judicial process through off-the-record communications. This case has exposed the reality of his tactics.

Rather than apologize for his unethical and corrupt conduct, *Mr. Sanson has the audacity to blame this Court for* ***his*** *improper communication*. Specifically, Mr. Sanson alleges under oath in his Sworn Declaration that his off-the-record *question* to the Court was somehow an answer to a ***same-day*** related conversation. The timing of this entire narrative offered by Mr. Sanson is significant as it belies Mr. Sanson's story. Mr. Sanson alleges in his Sworn Declaration that his originating text message took place on the ***same day*** as a conversation with the Court in the courtroom (i.e., May 11, 2017). To this end, Mr. Sanson's narrative suggests that his text message was intended merely to follow-up on a conversation earlier that same day. Mr. Sanson's narrative, however, is a ***factual impossibility***. In this regard, May 11, 2017 was this Court's Chamber

BRYCE C. DUCKWORTH
DISTRICT JUDGE
FAMILY DIVISION, DEPT. Q
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Calendar day. No hearings were scheduled in Department Q on May 11, 2017. There was no conversation on May 11, 2017 as Mr. Sanson has alleged.[4] Regardless, even if Mr. Sanson's sworn recitation of facts is believed, his communication with the Court ***remains improper***.

What should be frightening to this Court (and members of the Nevada judiciary in general), is that Mr. Sanson refused to acknowledge at the August 30, 2017 hearing that his communication with the Court about a pending case was inappropriate. Specifically, Mr. Sanson, through his counsel, suggested it was the Court's fault based on the earlier conversation cited above. This Court reiterates that it is inappropriate to communicate with a judicial officer off the record about a pending case – ***at <u>any</u> time and under <u>any</u> circumstances***. Mr. Sanson's attempts to deflect blame to the Court are appalling.

This Court's abrupt termination of the telephone call and immediate text to Mr. Sanson that his communication was inappropriate was not Mr. Sanson's desired response or reaction from the Court. It is now obvious that Mr. Sanson was looking for a response from the Court more along the lines of: "I'm so sorry Mr. Sanson, I'll make sure that Mr. Willick doesn't get his way," or, "I'm so sorry Mr. Sanson, I'll make sure Mr. Ansell comes out on top," or even, "message received Mr. Sanson." ***Is there***

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[4]This is not simply a matter of "oops, I got the date wrong." Any change to the date changes the entire narrative and creates a logical disconnection in time. This Court's staff checked the videotape of the hearings in all cases held in Department Q on the preceding Monday, Tuesday, and Wednesday of that same week and was unable to find Mr. Sanson in the gallery at the beginning or conclusion of any case.

*anything more corrupt than the influence Mr. Sanson sought to exert over the Court*? And he proclaims that he seeks to expose corruption? Because this Court called him out on the inappropriateness of his communication and refused to kowtow and cower to his manipulation and control, Mr. Sanson predictably let the Court know that his wrath was coming out against the Court. This type of threat to any judicial officer strikes at the very core of the integrity of the judicial process. Moreover, such threatening behavior is an attempt to manipulate and control judicial officers if they do not succumb to Mr. Sanson's desired result.

Mr. Jones argued that there is no evidence that Defendant had anything to do with Mr. Sanson's communication with the Court or that he put Mr. Sanson "up to it." Mr. Jones is correct that there was no testimony offered that indicates that Defendant is responsible for Mr. Sanson's behavior. Defendant did not appear at the hearing to offer his version of events. Although this Court is unable to attribute Mr. Sanson's actions to Defendant directly, this Court notes that Mr. Sanson's communication with the Court was not the first, nor the second, occasion in which the Court has received outside communications about Defendant.[5]

[5]This Court previously disclosed at a prior hearing that an individual recently employed by Defendant was this Court's direct ecclesiastical leader (Kurt Teshima). This Court disclosed to the parties that the Court holds Mr. Teshima in high esteem. These disclosures were made for full transparency in the event that either party desired that the Court recuse from the matter. Mr. Willick offered (as an offer of proof) at the August 30, 2017 hearing that Defendant, *together with Mr. Sanson*, had a breakfast meeting with Mr. Teshima. As an additional offer of proof, when Defendant and Mr. Sanson attempted to discuss the divorce, Mr. Teshima redirected the conversation to business matters. This Court is not surprised by this redirection by Mr. Teshima and emphasizes that at no time has Mr. Teshima *ever* discussed this matter with the Court. This Court has never felt any pressure or attempts to influence the path of this case from Mr. Teshima.

This Court recognizes the judicial duty to sit. Mr. Sanson's Sworn Declaration filed on August 22, 2017, however, creates a conflict for the Court. Moreover, it has become evident based on the history of this matter that any decision by this Court that favors Defendant in any manner is perceived by Plaintiff as being influenced by something that has happened outside of this courtroom. Similarly, Defendant may have the perception that, because this Court has declared its disgust and disdain for outside efforts to influence this matter, the Court is somehow overcompensating to counter Plaintiff's perception. These perceptions (although untrue on both accounts) are unfair to both parties. Accordingly, it is appropriate that this Court recuse from this matter.

Finally, because there have been outside attempts to influence this Court in this matter, complete transparency is warranted to maintain public confidence in the administration of justice. Notably, Mr. Sanson (through counsel) argued that this matter was improperly sealed. To clarify this Court's findings at the August 30, 2017 hearing, this Court concurs that the hearings in this matter and orders entered by the Court should not be sealed and should be available for public inspection. However, this Court recognizes that filings of the parties and experts contain sensitive information related to both custody issues and financial issues. Consistent with NRS 125.110, those papers should remain sealed.

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Based on the foregoing, and good cause appearing therefor,

It is hereby ORDERED that this Court RECUSE from this case. It is further ORDERED that, to the extent possible, this matter be referred to the Senior Judge Program for further proceedings.

It is further ORDERED that the hearings pending before this Court, including trial dates and hearings related to discovery issues, should be re-calendared upon the reassignment of this matter.

It is further ORDERED that the hearing videos and orders entered by this Court should be unsealed.

DATED this 5th day of September, 2017.

BRYCE C. DUCKWORTH
DISTRICT COURT JUDGE
DEPARTMENT Q