



Alexander Falconi <admin@ournevadajudges.com>

NOTICE of DEMAND for RETRACTION/ CORRECTION2 messages

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Fri, Mar 19, 2021 at 3:11 PM

NOTICE of DEMAND for RETRACTION/ CORRECTION (March 19, 2021)

To: Our Nevada Judges, Alexander Falconi, (aka "Matthew Butcher")

This letter demands retraction and/ or correction of your ONJ video: "T. Matthew Phillips v. Mark DiCiero" – which you published on YouTube today, March 19, 2021.

Point of clarification, the proper case title is: T. Matthew Phillips vs. Abrams, et.al.

FIRST

In your video, (at 1:50), you state that Plaintiff's lawsuit alleges multiple acts of defamation, citing public posts on Nevada Court Watchers: "*that criticize him for threatening to shoot-up his son's school ...*"

My good man, I do believe you meant to say: "... that criticize him for ALLEGEDLY threatening to shoot-up a school."

And, by the way, Plaintiff is not suing for "criticisms." Rather, Plaintiff sues for "falsehoods." Know the difference.

But, in any case, without the adverb ALLEGEDLY, your statement is false and defamatory per se.

If you pay attention to major networks, they are careful to report, for example, that: "Bill Cosby was arrested for ALLEGEDLY committing rape." Networks never report: "Bill Cosby was arrested for committing rape" – because it exposes them to liability for defamation and false light. And that's why they always, always, always, include the adverb, ALLEGEDLY. (Get it?)

Your inclusion of the adverb ALLEGEDLY makes all the difference in the world and, frankly, saves you from certain defeat in a defamation lawsuit.

SECOND

In your video, (at 3:00), you state that: "Vincent Ochoa ... made findings that Mr. Phillips' threats to shoot up a school were what triggered a campus lockdown." No! Ochoa never made any such findings! Your words are false and defamatory per se. (And Fair Report Privilege is here no defense because your statement is inaccurate.)

What triggered the campus lockdown? If you carefully read the decision, Ochoa writes: "The school 'campus initiated a lockdown to ensure safety for students and staff.'" Okay. All we know is that the lockdown was done for safety reasons.

Ochoa's decision continues: "This [lockdown] was taken in response to an allegation that [Phillips] may 'shoot-up' the school." Note: re-read Ochoa's words, which contain no language indicating that Phillips threatened anybody with anything.

Okay, so, what made the school believe that Phillips "MAY" shoot-up the school? Get this—according to the school's lawyer: "With the anniversary of October 1st looming, we had (and continue to have) reasonable, credible fears of Mr. Phillips." [First Amended Complaint, page. 26, line 25] But you omitted this passage this from your video! Read the lawsuit!!

Remarkably, the school feared Plaintiff because, (get this), October 1st would mark the one-year anniversary of the Mandalay Bay conspiracy.

The fact remains: there is no evidence that Phillips ever threatened anybody AND nobody alleges that Phillips threatened anybody.

THE POLICE REPORT

Most significantly, the police report, (FAC, Exhibit No. "1"), clearly proves Plaintiff's claims!

Exhibit No. "1" is the centerpiece of Plaintiff's case. Exhibit No. "1" totally proves that DiCiero and Schoen are liars. And yet, curiously, your video presentation conspicuously omits this public record (from LVMPD).

It would appear that, by omitting the police report, YOU are holding Phillips in a false light.

So, why does your ONJ video omit reference to the police report? Whatever happened to the "whole" truth and nothin' but? Tell me more about your "reckless disregard for the truth!" [See N.Y. Times vs. Sullivan (1964)]

Here, because you intentionally omit the police report, you hold Plaintiff in a false light. You expose yourself to a civil suit.

My good man, I must presume that you inadvertently forget to mention the police report. A reasonable reporter would have mentioned that LVMPD issued a written report that concludes: NEGATIVE THREATS MADE TO THE SCHOOL. Read the police report—which is attached to the FAC.

SPECIFIC DEMANDS

First, you must re-do your video to include the adverb, "ALLEGEDLY" (at 1:30).

Second, you must reference the police report in your video—in the same manner that you reference all the other public documents in your video.

Be advised, you and ONJ now accrue liability. You are wise to contact an experienced First Amendment attorney (this, of course, excludes Mel Grimes).

You know TMP's track record—I will not hesitate to sue you and ONJ.

Note: your good faith retraction will *not* be viewed as an admission of wrongdoing; (public policy rewards mitigation). You may rely on this writing.

Based on my experience, if you were to immediately make the above listed corrections, and I were to stubbornly file suit on Monday (even after retraction), you would likely prevail on a 12(b)(5) motion because you quickly satisfied the retraction demands.

And, as a practical matter, if you make the above listed corrections today, I would likely be disinclined to sue (even though I contend you now stand liable).

On the other hand, if I wake up tomorrow, and the video remains unchanged, then you will deffo be appearing in your own video broadcast as a named Defendant.

This is your opportunity to mitigate. This is your opportunity to "do the right thing."

Don't say I didn't warn ya. ~~TMP.

T. Matthew Phillips
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Fri, Mar 19, 2021 at 3:54 PM

To: TMatthewPhillips <tmatthewphillips@aol.com>

Cc: JVAGroup@tamlf.com, Marc.Cwik@lewisbrisbois.com, Adam.Pernsteiner@lewisbrisbois.com, Mark DiCiero <mark.diciero@gmail.com>, David Schoen <schoeniv@mac.com>, Melvin Grimes <melg@grimes-law.com>, jgarin@lipsonneilson.com

Mr. Phillips: by default I treat ordinary communication as confidential source information but because this is in response to a legal instrument and involves our coverage policy I've included parties and attorneys involved in the case.

I understand the intent of your demand for retraction.

Sometimes the purpose of the Event video is misunderstood and it usually comes from the perspective that Event videos are themselves a report of the news. We don't actually do original reporting to summarize your case; what we do instead is publish comprehensively the proceedings that are to come. If you review other Event videos and other hearing videos, you'll see that Event videos discuss very briefly the background of the case and the hearings themselves are the actual "news". You'll be able to go into the details of your case yourself at the actual hearings that arise. This includes your ability to discuss the police report and the court orders that you disagree with. I realize that litigants sometimes prefer Event videos discuss every detail of their case but this stretches the video beyond its intended purpose and forgets that ultimately, the litigants themselves present the case. I urge you to take this opportunity to address the details you want addressed, yourself, through the legal process. Rest assured the entire hearing video(s) will be published.

I understand you may be frustrated with the claims being made against you by Defendants, but it is the role of the court to ultimately decide what is true and make a ruling on the facts and the law. Sometimes litigants have an urge to pull us into the conflict and have us display their details, counter-arguments, etc., but this also frustrates the purpose of our comprehensive coverage policy.

As to the caption of the case, I used the name DiCiero because that Defendant seemed most involved. I've used Abrams before (i.e. Abrams v Sanson) and also Schoen (i.e. Breden v Schoen). I have to control the limit of characters that are used in certain places and it impacts details like this, so in some areas the title will have only DiCiero, but in descriptions and video tags all parties are named.

If you'd like to send an updated photo for use in production please send one.

[Quoted text hidden]

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Alexander Falconi

Administrator

| *Scrutiny, Competence, Truth.*

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