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Revised statement (took out [REDACTED] and added a line about the appeal at the end)

Alex Ghibaudo [REDACTED]
 To: Alexander Falconi <admin@ournevadajudges.com>
 Cc: "Amy Markle (Home)" <[REDACTED]>

Mon, Nov 1, 2021 at 5:14 PM



ALEX B. GHIBAUDO
 A PROFESSIONAL CORPORATION

The fact that Mann lost and his frivolous complaint was dismissed speaks for itself. That being said, Mann truly is confused – about what constitutes a public statement, what it means to publish a statement to a third party, and what is a privileged statement that cannot form the basis of any claim. Here, Mann confounded all three. The fact is that the only statement ever made publicly, that is, where third parties can see them and comment on them, never even named Mann – it was a general statement, based on the Defendant's experience with Mann, that gave her opinion regarding what a person should consider when hiring a lawyer. Again, it never named Mann. Mann, apparently having a guilty conscience, assumed Amy was talking about him when she said that she had issues with a certain lawyer, jumped the gun, and sued Amy. Mann's complaint ONLY listed public statements made on Facebook – i.e., the statements that never referenced Mann at all. That they never referenced Mann fails the very first element of any defamation claim – i.e, a false and defamatory statement by a defendant **concerning the plaintiff**. It stands to reason that if your name is never even mentioned, the Defendant could never have made a defamatory statement against you.

In his opposition to Amy's motion to dismiss pursuant to Nevada's anti-SLAPP statute, Mann listed a whole litany of statements he claimed were defamatory. But, those statements were made to Mann's staff (and weren't even defamatory), which are not considered third parties in defamation matters, and they were made as part of Amy's declaration filed with the court in support of her motion. Those statements are subject to the litigation privilege, which is absolute – in other words, Amy is immune from any claims arising from those statements. So, no defamatory statements were ever made here.

Finally, Mann claimed, like other lawyers have before him, and failed, that what he does is not a matter of public concern. That statement is patently false and incorrect and shows that Mann failed to do his research, at all. Had he, he would have run into *Abrams v. Sanson*, which Amy cited, which is a recent case where the Nevada Supreme Court explicitly states that attorney behavior is absolutely a matter of public concern – as well it should be. We operate in tax payer funded courts, dispensing legal advice to the public that could do them harm if that advice is wrong, and we are officers of the court. This is especially the case when it comes to courtroom conduct and the conduct of judges in those courts.

What happened is that Mann sought to silence Amy from further criticizing him – something Mann, apparently, cannot tolerate. To be a lawyer, especially a family lawyer, is to suffer criticism from all corners, relentlessly – God knows I'm criticized endlessly. But, I don't sweat it because that's just part of the job. I tolerate it because I get paid handsomely for the privilege of being a lawyer. Mann, unfortunately for him, has a paper thin skin and wants to portray himself as an expert litigator who never loses. This is a laughable proposition as every lawyer loses cases – sometimes the facts aren't on your side, sometimes your client is nuts, and sometimes you're just out-lawyered. It happens to us all.

The remedy isn't to sue everyone that has an opinion of you (and opinions cannot be rendered true or false, they're just that – opinions: and we all know how the saying goes about opinions – everyone has one just like they have a you-know-what). The remedy is to stop being so sensitive, put on your big girl panties, and stop getting butt-hurt when people criticize you. Because of his paper thin skin, Mann has now made the matter worse in that he exposed far more people to his legal stylings (or lack thereof) than would have ever been privy to had he not sued Amy – just to sooth his massive ego.

Moral of the story is: if you're a lawyer, stop suing your clients. Talk to them, try to smooth things over, and if you made a mistake, or not, and they aren't happy, just refund their money, or some portion of it. Suing them just exposes you to more embarrassment – the very thing you sought to avoid.

In closing, here's my direct response to Mr. Mann: I told you so....And if you're determined to appeal, good luck! I'll be there waiting for you to bring it and lose, again...

Regards,

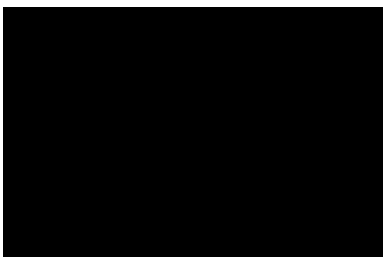
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