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13 *Attorneys for Defendant JOHN DOE*

14 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

15 **IN AND FOR THE COUNTY OF WASHOE**

16 HILLARY SCHIEVE, an individual, VAUGHN
17 HARTUNG, an individual

18 Plaintiffs,

19 vs.

20 DAVID MCNEELY, an individual, 5 ALPHA
21 INDUSTRIES, LLC, a Nevada limited-liability
22 company, and DOES 1 through X and ROES 1
23 through X, inclusive,

24 Defendants.

Case No.: CV22-02015

Dept. No.:15

**DEFENDANT JOHN DOE'S ANSWER
TO AMENDED COMPLAINT**

25 Defendant John Doe ("Mr. Doe"), for his Answer to Plaintiffs' Amended Complaint, admits,
26 denies, and alleges as follows:

27 1. In answering paragraph 1 of the Amended Complaint, Mr. Doe admits that he hired
28 private investigator David McNeely of 5 Alpha Industries, LLC. Mr. Doe denies the remaining
allegations therein.

2. Mr. Doe denies the allegations in paragraphs 36, 37, 46, 47, 52, 56, 57, 66, 67, 73, 75,
76- 79, 84-86, 88, and 92.

3. Mr. Doe is without knowledge or information to form a belief as to the truth of the
allegations in paragraphs 2-16, 19-26, 32, 33, 35, 39-42, 44, 45, 50, 51, 54, 60, 64, 70, 71, 81-83, 89,
90, and 91 and therefore denies the same.

4. Paragraphs 17, 18, 27-30, 34, 43, 49, 53, 55, 59, 61-63, 65, 69, and 72 contain legal
conclusions that do not require a response. To the extent a response is required, Mr. Doe denies the

1 allegations therein.

2 5. Mr. Doe repeats and realleges his answers as if fully set forth herein for paragraphs 31,
3 38, 48, 58, 68, 74, 80, and 87.

4 **GENERAL DENIAL**

5 Mr. Doe denies each and every allegation in the Amended Complaint to which Mr. Doe has
6 not expressly admitted or to which Mr. Doe has not otherwise responded.

7 **AFFIRMATIVE DEFENSES**

8 Without altering the burdens of proof, the parties must bear, Defendant John Doe asserts the
9 following affirmative defenses to Plaintiffs' claims and all causes of actions alleged therein, and
10 specifically incorporates those affirmative defenses his answers to the preceding paragraphs as if fully
11 set forth herein.

12 **FIRST AFFIRMATIVE DEFENSE**

13 The conduct described in the Amended Complaint is protected by the constitutions of the
14 United States and the State of Nevada.

15 **SECOND AFFIRMATIVE DEFENSE**

16 The Amended Complaint and all the claims for relief alleged therein fail to state a claim against
17 Defendant upon which relief can be granted.

18 **THIRD AFFIRMATIVE DEFENSE**

19 Plaintiffs' claims are barred, all or in part, because the damages sustained by Plaintiffs, if any,
20 were caused by third parties over whom Defendant has no control.

21 **FOURTH AFFIRMATIVE DEFENSE**

22 Defendant was without knowledge of the acts giving rise to, and could not have averted, the
23 damages, if any, alleged by Plaintiffs.

24 **FIFTH AFFIRMATIVE DEFENSE**

25 Defendant did not intend to accomplish an unlawful objective for the purposes of harming
26 Plaintiffs.

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1 **SIXTH AFFIRMATIVE DEFENSE**

2 No genuine judicial controversy exists as to the relevant rights and obligations of the parties.

3 **SEVENTH AFFIRMATIVE DEFENSE**

4 Defendant presently has insufficient knowledge or information upon which to form a believe
5 as to whether he may have other, as yet unstated, defenses available. In the event further investigation
6 or discovery reveals the applicability of any additional defenses, including but not limited to those
7 affirmative defenses enumerated in Rule 8 of the Nevada Rules of Civil Procedure, Defendant reserves
8 the right to amend this Answer to specifically assert such additional affirmative defenses.

9 WHEREFORE, Defendant John Doe prays for the following:

- 10 1. That Plaintiffs take nothing by way of their Amended Complaint;
- 11 2. That Plaintiffs’ Amended Complaint be dismissed in its entirety;
- 12 3. That the Court award John Doe reasonable attorney’s fees and costs for having to defend this
13 action; and
- 14 4. For such other and further relief as the Court may deem just and proper.

15 **AFFIRMATION PURSUANT TO NRS 239B.030**

16 The undersigned does hereby affirm that the preceding document does not contain the Social
17 Security Number of any person.

18
19 DATED: May 5, 2023.

ARMSTRONG TEASDALE LLP

20 By: /s/ Jeffrey F. Barr

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of Armstrong Teasdale LLP
3 and that on May 5, 2023, I electronically filed the foregoing with the Clerk of the Court by using the
4 e-flex filing system which served all parties of record electronically.

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6 */s/Allie Villarreal*
7 An Employee of Armstrong Teasdale LLP
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