

Code: 4085

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

LANCE GILMAN
Plaintiff / Petitioner / Joint Petitioner,

Case No. CV17-02272

vs.

Dept. No. 15

SAM TOLL
Defendant / Respondent / Joint Petitioner.

SUMMONS

TO THE DEFENDANT: YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND IN WRITING WITHIN 20 CALENDAR DAYS. READ THE INFORMATION BELOW VERY CAREFULLY.

A civil complaint or petition has been filed by the plaintiff(s) against you for the relief as set forth in that document (see complaint or petition). When service is by publication, add a brief statement of the object of the action. See Nevada Rules of Civil Procedure, Rule 4(b).

The object of this action is: Damages for Detention.

1. If you intend to defend this lawsuit, you must do the following within 20 calendar days after service of this summons, exclusive of the day of service:
 - a. File with the Clerk of the Court, whose address is shown below, a **formal written answer** to the complaint or petition, along with the appropriate filing fees, in accordance with the rules of the Court, and;
 - b. Serve a copy of your answer upon the attorney or plaintiff(s) whose name and address is shown below.
2. Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the complaint or petition.

Dated this _____ day of DEC 8 2017, 20____.

Issued on behalf of Plaintiff(s):

JACQUELINE BRYANT
CLERK OF THE COURT *Lloyd*

Name: Gus W. Flangas
Address: 3275 S. Jones Blvd., Ste. 105
Las Vegas, Nevada 89146
Phone Number: 702-307-9500

By: _____
Deputy Clerk
Second Judicial District Court
75 Court Street
Reno, Nevada 89501

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DECLARATION OF PERSONAL SERVICE

(To be filled out and signed by the person who served the Defendant or Respondent)

STATE OF _____)

COUNTY OF _____)

I, _____, declare:
(Name of person who completed service)

- 1. That I am not a party to this action and I am over 18 years of age.
- 2. That I personally served a copy of the Summons and the following documents:

upon SAM TOLL, at the following
(Name of Respondent/Defendant who was served)

address: _____

on the _____ day of _____, 20____.
(Month) (Year)

This document does not contain the Social Security Number of any Person.

I declare, under penalty of perjury under the law of the State of Nevada, that the foregoing is true and correct.

(Signature of person who completed service)

DISTRICT COURT CIVIL COVER SHEET

WASHOE County, Nevada

Case No.

(Assigned by Clerk's Office)

I. Party Information *(provide both home and mailing addresses if different)*


Plaintiff(s) (name/address/phone): LANCE GILMAN	Defendant(s) (name/address/phone): SAM TOLL
Attorney (name/address/phone): Gus W. Flangas FLANGAS DALACAS LAW GROUP 3275 S. Jones Blvd., Ste. 105 Las Vegas, Nevada 89146 Tel: 702-307-9500	Attorney (name/address/phone):

II. Nature of Controversy *(please select the one most applicable filing type below)*

<p align="center">Real Property</p> <p>Landlord/Tenant</p> <input type="checkbox"/> Unlawful Detainer (UD) <input type="checkbox"/> Other Landlord/Tenant (LT) <p>Title to Property</p> <input type="checkbox"/> Judicial Foreclosure (FC) <input type="checkbox"/> Other Title to Property (OT) <p>Other Real Property</p> <input type="checkbox"/> Condemnation/Eminent Domain (CD) <input type="checkbox"/> Other Real Property (RO)	<p align="center">Negligence</p> <input type="checkbox"/> Auto (VP) <input type="checkbox"/> Premises Liability (SF) <input type="checkbox"/> Other Negligence (NO) <p align="center">Malpractice</p> <input type="checkbox"/> Medical/Dental (MD) <input type="checkbox"/> Legal (LG) <input type="checkbox"/> Accounting (AG) <input type="checkbox"/> Other Malpractice (MG)	<p align="center">Torts</p> <p>Other Torts</p> <input type="checkbox"/> Product Liability (PL) <input type="checkbox"/> Intentional Misconduct (IM) <input type="checkbox"/> Employment Tort (WT) <input type="checkbox"/> Insurance Tort (IN) <input checked="" type="checkbox"/> Other Tort (TO)
<p align="center">Probate</p> <p>Probate <i>(select case type and estate value)</i></p> <input type="checkbox"/> Summary Administration (SU) <input type="checkbox"/> General Administration (GA) <input type="checkbox"/> Special Administration (SL) <input type="checkbox"/> Set Aside (SE) <input type="checkbox"/> Trust/Conservatorship (TN) <input type="checkbox"/> Other Probate (OP) <p>Estate Value</p> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<p align="center">Construction Defect & Contract</p> <p>Construction Defect</p> <input type="checkbox"/> Chapter 40 (CQ) <input type="checkbox"/> Other Construction Defect (CF) <p>Contract Case</p> <input type="checkbox"/> Uniform Commercial Code (UN) <input type="checkbox"/> Building and Construction (BC) <input type="checkbox"/> Insurance Carrier (BF) <input type="checkbox"/> Commercial Instrument (CI) <input type="checkbox"/> Collection of Accounts (CT) <input type="checkbox"/> Employment Contract (EC) <input type="checkbox"/> Other Contract (CO)	<p align="center">Judicial Review/Appeal</p> <p>Judicial Review</p> <input type="checkbox"/> Foreclosure Mediation Case (FO) <input type="checkbox"/> Petition to Seal Records (PS) <input type="checkbox"/> Mental Competency (MT) <p>Nevada State Agency Appeal</p> <input type="checkbox"/> Department of Motor Vehicle (DM) <input type="checkbox"/> Worker's Compensation (SI) <input type="checkbox"/> Other Nevada State Agency (ON) <p>Appeal Other</p> <input type="checkbox"/> Appeal from Lower Court (CA) <input type="checkbox"/> Other Judicial Review/Appeal (AO)
<p align="center">Civil Writ</p> <p>Civil Writ</p> <input type="checkbox"/> Writ of Habeas Corpus (HB) <input type="checkbox"/> Writ of Mandamus (WM) <input type="checkbox"/> Writ of Quo Warrant (WQ) <input type="checkbox"/> Writ of Prohibition (WP) <input type="checkbox"/> Other Civil Writ (WO)		<p align="center">Other Civil Filing</p> <p>Other Civil Filing</p> <input type="checkbox"/> Compromise of Minor's Claim (CM) <input type="checkbox"/> Foreign Judgment (FJ) <input type="checkbox"/> Other Civil Matters (GC)

Business Court filings should be filed using the Business Court civil coversheet.

December 7, 2017
Date


 Signature of initiating party or representative

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JESSICA K. PETERSON, ESQ.
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7

8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE

11 LANCE GILMAN, an individual,)
12 Plaintiff,) Case No.:
13 vs.) Dept No.:
14 SAM TOLL, an individual; DOES I-V,)
15 inclusive; and ROE ENTITIES VI-X,)
16 Defendants.)

17 **COMPLAINT**

18 COMES NOW the Plaintiff, LANCE GILMAN, by and through his attorneys, GUS W.
19 FLANGAS, ESQ. and JESSICA K. PETERSON, ESQ., of the FLANGAS DALACAS LAW
20 GROUP, and for his causes of action against the Defendants, alleges as follows

21 **FIRST CLAIM FOR RELIEF**
22 (Defamation Per Se)

- 23 1. At all times material hereto, the Plaintiff, LANCE GILMAN (hereinafter referred to as
24 the "Plaintiff"), was and is a resident of Storey County, State of Nevada.
- 25 2. At all times material hereto, the Defendant, SAM TOLL, (hereinafter referred to as the
26 "Defendant"), was and is a resident of Storey County, Nevada.
- 27 3. The true names and capacities of the Defendants named herein as DOES I-X, inclusive,
28 and ROE ENTITIES VI-X, inclusive, whether individual, corporate, associate or otherwise, are

1 presently unknown to the Plaintiff who therefore sues the said Defendants by such fictitious names;
2 and when the true names and capacities of such DOES I through X, inclusive, and ROE ENTITIES
3 VI-X, inclusive, are discovered, the Plaintiff will ask leave to amend this Complaint to substitute the
4 true names of the said Defendants. The Plaintiff is informed, believes and therefore alleges that the
5 Defendants so designated herein are responsible in some manner for the events and occurrences
6 contained in this action.

7 4. At all times material hereto, the Defendant published and publishes a blog online under
8 the website address of <http://thestoreyteller.online> (hereinafter the "Storeyteller Website").

9 5. The Home page of the Storeyteller Website and every other section contained therein,
10 including the "News," "Editorial," "Letters to the Editor," "About the Storey Teller," and
11 "Community News," sections, all contain the statement: "Support the Teller and Keep **Fact Based**
12 **News** about Storey County Ad Free." (Emphasis added).

13 6. At all times material hereto, the Plaintiff was and is member of the Board of
14 Commissioners for Storey County, Nevada, an elected position.

15 7. The Plaintiff is a principal in and the Director of Marketing for the Tahoe Reno Industrial
16 Center (hereinafter "TRI"). Plaintiff's company, Lance Gilman Commercial Real Estate Services,
17 is and has been since the inception of TRI, the exclusive broker for this industrial park. TRI is a
18 massive 80,000 acre park that encompasses a 30,000 acre industrial complex approximately nine
19 miles east of Reno, Nevada in Storey County, Nevada, and is the largest industrial park of its kind
20 in the United States. TRI presently has over 16 million Square Feet of Industrial space in use by over
21 130 different companies, with over 6,000 permanent and temporary jobs created in 15 years.

22 8. The Plaintiff has been instrumental in attracting to TRI, such nationally recognized firms
23 as Tesla/Panasonic, who is building a "gigafactory," a massive 6 million square foot manufacturing
24 facility, SWITCH, who is building a huge data storage co-location campus comprised of a number
25 of buildings totaling 7 million square feet under roof, GOOGLE, who just purchased 1200 acres
26 earlier in 2017, as well as other global companies such as eBay, Wal-Mart, Tire Rack, Jet.com,
27 Petsmart, and US Ordinance, to name a few.

28 9. TRI has provided thousands of jobs for Northern Nevada and it is anticipated that

1 Tesla/Panasonic and SWITCH, alone will together generate 10,000 more jobs for Northern Nevada
2 and over \$400 million in payroll annually at full build out.

3 10. The Plaintiff's proven ability to attract nationally recognized firms to TRI was mainly
4 due to his business experience, his business acumen and his reputation in the business community
5 for honesty and his straight forward approach. He is the face of TRI and deals personally with all
6 incoming buyers from the time they first express interest in TRI up and through the close of escrow.

7 11. The Plaintiff first arrived in Reno, Nevada in 1985, and became a principal in and
8 exclusive broker for the 2,500 acre Double Diamond Ranch now known as the South Meadows
9 Business Park, which is located in southern portion of Reno, Nevada. The South Meadows Business
10 Park is an integrated single-family and multi-family residential, industrial, distribution and retail
11 development, and through the extensive efforts of the Plaintiff, the South Meadows Business Park
12 landed the government arms contractor, Lockheed Martin as the anchor tenant.

13 12. The Plaintiff has a long list of successes in retail businesses. Before the South Meadows
14 Business Park, the Plaintiff started his professional career in San Diego, California, operating the San
15 Diego Boatmart. His accomplishments in that industry included being Chairman of the prestigious
16 San Diego Boat Show and a member of the National Speaker Circuit for the Boat Show Educational
17 Series. He then worked as an agent for Grubb and Ellis, a major real estate brokerage in San Diego,
18 California, where he managed major accounts, including the development of the Murphy Canyon
19 Business Park, and assisted in the development of major shopping centers in San Diego County. In
20 1998, the Plaintiff opened the first Harley Davidson motorcycle showroom and maintenance facility
21 in Carson City, Nevada. The Plaintiff has received a number of awards such as the Reno Small
22 Business Entrepreneur of the year in 2009, Reno Man of the Year in 2000 and the Development
23 Award for Environmental Excellence in Development in 1997. In or around 2015, Governor Brian
24 Sandoval personally presented the Plaintiff and his two TRI partners, the EDawn President's
25 Award for completing what the Governor called the "The Deal of the Century" in landing and
26 closing the Tesla deal.

27 13. In the early 2000s, the leaders of Storey County needed to take fast action to bolster
28 critically lacking tax revenues for the County, which was cash poor at the time. These leaders

1 approached the Plaintiff and requested him to open a brothel, which could immediately generate
2 greatly needed tax revenues for the County until TRI could begin bringing in more companies and
3 subsequently growing the tax base. As a result of these requests, the Plaintiff built and opened up
4 on his property, the Wild Horse brothel, a multimillion dollar facility, which eventually became the
5 Wild Horse Adult Resort and Spa.

6 14. In or around 2003, to further bolster lagging tax revenues for Storey County, the Plaintiff
7 purchased the Mustang Ranch brothel buildings and trademark on Ebay from the Federal
8 Government for \$145,100. Because of its historic value, the Plaintiff spent millions in moving the
9 buildings to a location adjacent to the Wild Horse, and in upgrading the facility. This move included
10 contracting a large heavy lift cargo helicopter to airlift a part of one of the Mustang Ranch's
11 structures. In or around 2012, the Mustang Ranch expanded into the Wild Horse brothel building
12 and today operates primarily out of that property.

13 15. The Mustang Ranch today sits in a short canyon outside of TRI and is surrounded by tall
14 iron gates, a berm, and hundreds of trees and shrubs. It is a multifaceted operation, with an award
15 winning steakhouse, gift shop with trademarked Mustang Ranch products, along with the traditional
16 Mustang Ranch entertainment. There are vaulted ceilings, a stone fireplace, hundreds of thousands
17 of dollars' worth of furnishings, decor, equipment, and artwork. It is a thriving business that
18 contributes significantly to Storey County revenues through taxes, fees and assessments.

19 16. Because of the Mustang Ranch's close proximity to TRI, because of the Plaintiff's
20 involvement in TRI, and because the Plaintiff highly values his reputation, the Plaintiff has taken
21 great measures to operate a first class and extremely safe establishment that protects its employees
22 and customers through thorough modern medical testing, extensive background checks of its
23 employees, extensive cutting edge security on the premises, and adherence to strict policies and
24 procedures, including but not limited to, obtaining proper medical clearances for the Mustang's
25 brothel employees. In addition, the facilities incorporate many modern design and operational
26 features to ensure a high-quality, professional business operation that provides a safe environment
27 for its employees and customers. Also, because the Plaintiff is the licensed owner and operator of
28 the Mustang Ranch, it's operations directly reflect on him, and his license.

1 17. The Mustang Ranch is also a great corporate citizen and annually donates tens of
2 thousands of dollars in weekly food donations and staff time, to provide for the needy school
3 children and elderly in Storey County.

4 18. Beginning in early 2017, the Defendant in an effort to embarrass, discredit and impugn
5 the Plaintiff, published blatantly defamatory statements about the Plaintiff, to wit:

6 a. The Plaintiff has engaged in reverse graft.

7 b. The Plaintiff committed perjury when he filled out official paperwork pertaining
8 to his residency.

9 c. The Plaintiff has lied about his residency in Storey County, Nevada.

10 d. The Plaintiff represented to the Defendant that the Plaintiff would reimburse the
11 expenses incurred by Storey County, Nevada for the recall election of the Sheriff of Storey County,
12 held in 2017, and other expenses incurred by Storey County, Nevada for the ethics investigation into
13 the Sheriff of Storey County.

14 e. The Plaintiff didn't follow the law when the Mustang Ranch was relicensed after
15 a related brothel was closed and then reopened as the Mustang Ranch.

16 f. The Plaintiff receives special considerations regarding the rules and regulations.

17 g. The Plaintiff is receiving land from Storey County with zero consideration.

18 h. The Plaintiff's trip to Washington, D.C. partly paid for by Storey County was not
19 work related and not a legitimate trip.

20 19. The Defendant's malicious and false statements were and are publications of false
21 statements of facts concerning the Plaintiff.

22 20. The Defendant's malicious and false statements were and are assertions of facts or
23 expressions of opinions that suggest that the Defendant knew certain facts to be true or implied that
24 certain facts existed, about the Plaintiff sufficient to render the Defendant's false statements
25 defamatory.

26 21. The statements by the Defendant were and are blatantly defamatory because they tend
27 to lower the Plaintiff in the estimation of the community, excite derogatory opinions about him, and
28 hold him up to contempt.

1 22. The Defendant's defamatory statements about the Plaintiff were and are unprivileged
2 publications to third parties.

3 23. The Defendant's defamatory statements were made with actual malice in that they were
4 made with the knowledge that they were false or made with reckless disregard of whether they were
5 false or not.

6 24. The Defendant's defamatory statements individually and or collectively falsely impute
7 that the Plaintiff engaged in criminal behavior, falsely imputes the Plaintiffs' lack of fitness for trade,
8 business or profession, falsely imputes the Plaintiffs' dishonesty, lack of fair dealing, want of
9 fidelity, integrity or business ability, and or tend to injure the Plaintiff in his trade, business or
10 profession.

11 25. The Defendant's defamatory statements individually and or collectively falsely impute
12 the recipient that the Plaintiff is unethical and or criminally predisposed.

13 26. The Defendant's malicious and false statements about the Plaintiff are so likely to cause
14 serious injury to reputation and pecuniary loss that they constitute defamation per se.

15 27. The Defendant's malicious and false statements are of certain classes of defamatory
16 statements that they are considered so likely to cause serious injury to reputation and pecuniary loss
17 that these statements are actionable without proof of damages.

18 28. As a direct result of the Defendant's improper actions, the Plaintiff has suffered damage
19 to his reputation and has suffered harm which normally results from such a defamation.

20 29. As a direct result of the Defendant's improper actions, the Plaintiff has been damaged
21 in amount in excess of \$15,000.

22 30. The Defendant is guilty of oppression, fraud or malice, express or implied; therefore, the
23 Plaintiff is entitled to recover damages for the sake of example and by way of punishing the
24 Defendant in an amount in excess of \$15,000.

25 31. It has become necessary for the Plaintiff to engage the services of an attorney to

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1 commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and costs as
2 damages.

3 **WHEREFORE**, the Plaintiff prays for judgment as follows:

- 4 1. For damages in an amount in excess of \$15,000;
- 5 2. For punitive damages in an amount in excess of \$15,000;
- 6 3. For reasonable attorney's fees and costs of suit; and
- 7 4. For such other and further relief as the Court may deem just and proper in the premises.

8 **AFFIRMATION**
9 Pursuant to NRS 239B.030

10 The undersigned hereby affirms that this document does not contain the social security
11 number of any person.

12 DATED this 7th day of December, 2017.

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14 
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