

JONES VARGAS
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1 **FOURTH CLAIM FOR RELIEF**

2 **(Defamation - CSD)**

3 47. Plaintiffs repeat and reallege each and every allegation contained in the preceding
4 paragraphs of this complaint as though fully set forth herein.

5 48. Defendant has made numerous false statements about CSD and its planned business.

6 49. One false statement repeatedly made by Defendant to other homeowners in potentially
7 affected communities is that CSD and/or Mr. Kennedy refers to the project as or intends to name the
8 project "Graceland West" and insinuated the amount of traffic to the project would be similar to
9 "Graceland West" alleging 2,000 to 5,000 visitors a day.

10 50. Neither CSD nor Mr. Kennedy has ever referred to the project as "Graceland West."

11 51. It has never been contemplated that the project would be named "Graceland West."

12 52. The project is named "Wayne Newton's Casa de Shenandoah."

13 53. A second false statement repeatedly made by Defendant to other homeowners in potentially
14 affected communities is that the project will dramatically and negatively affect property values.

15 54. This statement was made without any actual knowledge by Defendant Harvey of its
16 truthfulness and in fact is false.

17 55. A third false statement repeatedly made by Defendant to other homeowners in potentially
18 affected communities is that CSD acquired approximately thirteen (13) acres north of Sunset from
19 Mr. Newton.

20 56. Mr. Newton has never owned those thirteen acres.

21 57. CSD acquired those thirteen acres from third parties wholly unrelated to Mr. Newton.

22 58. Chain of title is a public record and Defendant's failure to inquire before making the false
23 statement constitutes at least a reckless disregard for the falsity of the statement.

24 59. Each of these statements was published to many people, in particular members of the
25 affected communities with a direct opportunity to influence the approval of CSD's business.

26 60. Defendant enjoyed no privilege, whether absolute or qualified, in making these false
27 statements.
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