

BRANDON L. PHILLIPS, ESQ.  
Nevada Bar No. 12264  
Brandon L. Phillips, Attorney at Law, PLLC  
1455 E. Tropicana, Suite 750  
Las Vegas, Nevada 89119  
Phone: 702-795-0097, Fax: 702-795-0098  
blp@abetterlegalpractice.com  
Attorney for Plaintiff, JORDAN WIRSZ

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

JORDAN WIRSZ, an individual,  
  
Plaintiff,  
  
vs.  
  
RICHARD, an individual; and DOES I-X  
inclusive; and ROES I-X, inclusive.  
  
Defendants.

CASE NO. A-15-715552-C  
  
DEPT. NO. I

**ORDER ON PLAINTIFF'S APPLICATION FOR DEFAULT JUDGMENT, A PERMANENT INJUNCTION AGAINST RICHARD, FOR A PERMANENT INJUNCTION, COMPENSATORY DAMAGES, PUNITIVE DAMAGES, AND AWARD OF ATTORNEYS' FEES AND COSTS**

PLAINTIFF JORDAN WIRSZ, ("Plaintiff") having filed an Application for Default Judgment, request for an Injunction, compensatory damages, punitive damages, and attorneys' fees and costs, default having been entered against Defendant Richard ("Defendant") on July 14, 2017, for failing to answer or otherwise defend as to the Complaint, and good cause, appearing from the facts set forth in Plaintiff's Complaint, as well as the facts set forth in Plaintiff's Application for Default Judgment, the Court makes the following findings of facts:

1. Wirsz is an active commercial real estate investor and businessman in Las Vegas, Nevada. He is currently the CEO of Savant Investment Partners a real estate investment and consulting firm, and Savant Commercial Real Estate, a commercial real estate brokerage, with its principal place of business located in Clark County, Nevada.

<input type="checkbox"/> Voluntary Dismissal	<input type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input checked="" type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

1           2.       From 2002 through 2009, Wirsz worked as the President and CEO of a private  
2 capital lending firm, Diamond Bay Investments, which financed developers and construction  
3 companies. In 2009, during the economic downturn, Wirsz sold Diamond Bay’s portfolio.

4           3.       On or about October 6, 2014, Defendant, identifying himself as “Richard,”  
5 posted the following disparaging and false comments regarding Wirsz and his former company  
6 on the website www.ripoffreport.com (the "Rip-off Report"):

7                   a.       Defendant titled their post “Jonathan Wirsz Jordan Wirsz Con Man-  
8 Fraudulent-non-licensed (sic) self proclaimed investor/realtor, works for Gavish Real Estate in  
9 Las Vegas, judgments las vegas Nationwide.”

10                   b.       Defendant posted that “Jonathan ‘aka’ Jordan Wirsz is a con man and  
11 thief.”

12                   c.       Defendant stated, “Pretending to be a licensed securities broker – he  
13 [Wirsz] takes money from people.”

14                   d.       Defendant stated that Wirsz promises investors “a return on their  
15 investment, he keeps the money, shuts down his corporations and creates new ones.”

16                   e.       Defendant stated that Wirsz’s “latest judgment is in Arizona – he’s  
17 indicted there.”

18                   f.       Defendant further claims that Wirsz, “has had over 30 corporations in  
19 the last 2 years – all of which he used to steal from clients . . .”

20           4.       Each statement in the Rip-off Report was posted and intended solely for  
21 malicious purposes.

22           5.       Defendant posted similar statements in another report on the same day (the  
23 "Second Report" and collectively with the Rip-off Report, referred to hereinafter as the  
24 "Reports"). Likewise, the Reports have also been reposted on other websites focusing on  
25 Nevada politics with other similar defamatory statements.

26           6.       Such statements and similar statements have been posted at the following links:  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- a) <http://www.ripoffreport.com/reports/jordan-wirsz/las-vegas-nevada-89146/jordan-wirsz-diamond-bay-mortgage-scam-artist-las-vegas-nevada-668105>
- b) <http://www.ripoffreport.com/reports/jonathan-wirsz/nationwide/jonathan-wirsz-jordan-wirsz-con-man-fraudulent-non-licensed-self-proclaimed-investorre-1181143>.
- c) <http://www.ripoffreport.com/reports/mortgage-companies/jordan-wirsz/jordan-wirsz-diamond-bay-mortg-668105>
- d) <http://www.ripoffreport.com/reports/gavish-realty-las-vegas/nevada/gavish-realty-las-vegas-con-man-theif-realtor-fraudfake-corporations-fraudulent-trad-1181144>
- e) <http://www.private-complaints.com/item/jordan-wirsz-diamond-bay-mortgage-scam-artist-las-vegas-nevada-jordan-wirsz-i1338486.html>
- f) <http://www.carsoncitypolitics.com/mayor/sufficiently-good/>
- g) <http://www.nevadaappeal.com/news/opinion/jordan-wirsz-guest-column-citys-must-improve-grow/#>
- h) <https://www.scribd.com/document/349528419/Jordan-Wirsz-v-Richard-Order-Granting-Plaintiffs-Motion-for-Preliminary-Injunction>
- i) <https://www.scribd.com/document/349528419/Jordan-Wirsz-v-Richard-Order-Granting-Plaintiffs-Motion-for-Preliminary-Injunction>
- j) [https://www.backrecord.com/person/jordan-wirsz-\(ripoff\)](https://www.backrecord.com/person/jordan-wirsz-(ripoff))
- k) <http://www.azcc.gov/Divisions/Administration/news/pr%2002-28-08.pdf>
- l) <http://www.azcc.gov/divisions/securities/enforcement/enforce-orders.asp>
- m) <http://www.private-complaints.com/updated/items/page/121/>
- n) <http://images.edocket.azcc.gov/docketpdf/0000082501.pdf>
- o) <http://forums.leagueunlimited.com/threads/massive-property-crash.396448/>
- p) <http://www.ripoffreport.com/reports/search/jordan-wirsz>
- q) [http://www.ripoffreport.com/reports/specific\\_search/jordan-wirsz](http://www.ripoffreport.com/reports/specific_search/jordan-wirsz)

- 1 r) [https://www.scribd.com/document/98807012/Ripoff-Report-v-](https://www.scribd.com/document/98807012/Ripoff-Report-v-Scaminformer-Default-Judgment)  
2 [Scaminformer-Default-Judgment](https://www.scribd.com/document/98807012/Ripoff-Report-v-Scaminformer-Default-Judgment)  
3 s) <http://m.ripoffreport.com/reports/search/Realtor>  
4 t) [https://www.scribd.com/document/98807012/Ripoff-Report-v-](https://www.scribd.com/document/98807012/Ripoff-Report-v-Scaminformer-Default-Judgment)  
5 [Scaminformer-Default-Judgment](https://www.scribd.com/document/98807012/Ripoff-Report-v-Scaminformer-Default-Judgment)  
6 u) [https://www.scribd.com/document/94079445/Anatomy-of-a-Ripoff-](https://www.scribd.com/document/94079445/Anatomy-of-a-Ripoff-Report-Removal-Request)  
7 [Report-Removal-Request](https://www.scribd.com/document/94079445/Anatomy-of-a-Ripoff-Report-Removal-Request)  
8 v) <http://www.ripoffreport.com/reports/search/jordan-wirsz>  
9 w) [https://www.scribd.com/document/98807012/Ripoff-Report-v-](https://www.scribd.com/document/98807012/Ripoff-Report-v-Scaminformer-Default-Judgment)  
10 [Scaminformer-Default-Judgment](https://www.scribd.com/document/98807012/Ripoff-Report-v-Scaminformer-Default-Judgment)  
11 x) [https://www.scribd.com/document/130875352/135-Lisa-s-Answer-to-](https://www.scribd.com/document/130875352/135-Lisa-s-Answer-to-Complaint)  
12 [Complaint](https://www.scribd.com/document/130875352/135-Lisa-s-Answer-to-Complaint)  
13 y) [https://www.scribd.com/document/130942615/99-Motion-for-Default-](https://www.scribd.com/document/130942615/99-Motion-for-Default-Judgment)  
14 [Judgment](https://www.scribd.com/document/130942615/99-Motion-for-Default-Judgment)

15 as well as any of the Defamatory Statements that are copied at any other URL or  
16 webpage not specifically listed above;

17 7. Defendant's disparaging and false comments in the Reports about Wirsz and his  
18 former business, cast ethical, legal, and professional doubt on his real estate experience, ethics,  
19 character and professionalism in the minds of current and potential clients. Defendant's  
20 disparagement of Wirsz's personal and professional reputation in the Reports' posting false and  
21 misleading comments have already caused Wirsz harm and damaged Wirsz's professional  
22 reputation.  
23

24 8. Defendant's disparaging and false comments about Wirsz in the Reports have  
25 already caused Wirsz actual harm, as in attempting to complete a multi-million dollar purchase  
26 of a commercial property in Henderson, Nevada, an employee of his preferred lender viewed  
27 the disparaging and false statements, and based on such comments, the lender reconsidered its  
28 preliminary approval of Wirsz's financing and thereafter officially declined the loan. This  
caused Wirsz to complete the same loan with a different lender on less favorable terms.

1           9. Plaintiff, Jordan Wirsz, filed the instant lawsuit and perfected service upon  
2 Defendant, Richard, by publication with the last date of publication occurring on April 20,  
3 2017. Defendant's first responsive pleading was due no later than May 11, 2017, but no  
4 answer or responsive pleading was entered.

5           In applying these established and proven facts to relief sought by the Plaintiff in its  
6 Complaint, the Court makes the following conclusions:

7           NRCPC 65 establishes the procedural requirements for a party seeking injunctive relief.  
8 Additionally, NRS 33.010 provides the framework for when it is appropriate for the Court to  
9 grant injunctive relief. It provides:

10           An injunction may be granted in the following cases:

- 11           1. When it shall appear by the complaint that the plaintiff is entitled to the relief  
12 demanded, and such relief or any part thereof consists in restraining the  
13 commission or continuance of the act complained of, either for a limited  
14 period or perpetually.
- 15           2. When it shall appear by the complaint or affidavit that the commission or  
16 continuance of some act during litigation, would produce great or irreparable  
17 injury to the plaintiff.
- 18           3. When it shall appear, during litigation, that the defendant is doing or  
19 threatens, or is about to do, or is procuring or suffering to be done, some act  
20 in violation of the plaintiff's rights respecting the subject of the action, and  
21 tending to render the judgment ineffectual.
- 22           4. In applying such standards, the issuance of a permanent injunction is warranted.

23 In examining a claim for defamation, the Nevada Supreme Court held:

24           In order to establish a *prima facie* case of defamation, a plaintiff must prove: (1)  
25 a false and defamatory statement by defendant concerning the plaintiff; (2) an  
26 unprivileged publication to a third person; (3) fault, amounting to at least  
27 negligence; and (4) actual or presumed damages. Restatement (Second) of Torts,  
28 § 558 (1977). If the defamation tends to injure the plaintiff in his or her business  
or profession, it is deemed defamation *per se*, and damages will be presumed.  
*See, Nevada Ind. Broadcasting v. Allen*, 99 Nev. 404, 409, 664 P.2d 337, 341  
(1983).

          Whether a statement is capable of a defamatory construction is a question of  
law. *Branda v. Sanford*, 97 Nev. 643, 646, 637 P.2d 1223, 1225 (1981).

1 Here, the statements made by Defendant in the Reports are false and defamatory per se  
2 as the Reports, posted in a public forum, allege that Wirsz scammed investors and stole from  
3 his clients. Therefore, the defamatory statements go directly to Wirsz's fitness and reputation  
4 in his business and profession. Defendant's statements in the Reports regarding Wirsz are false  
5 because Wirsz is not a con man or thief, there is no support that he has never pretended to be a  
6 licensed securities broker, there is no support he has never stolen investors' money, he has  
7 never been indicted on fraud or any other criminal or non-criminal charge, he does not have  
8 nor has he ever had any judgments against him, and there is no support that he has ever stolen  
9 from clients.

10 5. Second, all such referenced statements were published by Defendant without  
11 privilege to a third person, and in actuality, many persons with anyone having access to the  
12 Internet able to see such links in searching for Jordan Wirsz and/or Wirsz and other combined  
13 search terms.

14 6. Third, Defendant is at fault in publishing such statements, including at a minimum,  
15 negligently, but based on the nature of the statements, intentionally in defaming Jordan Wirsz.

16 7. Finally, Wirsz remains very active in real estate management, acquisition and  
17 development, oftentimes involving other members in limited liability companies, tenants in  
18 common and/or partners. Likewise, such acquisition and development regularly involves  
19 financing and the trust of lenders. When such defamatory statements are seen in the Reports –  
20 as was the case with Wirsz's preferred choice of lender in his current property purchase  
21 transaction – businesses and persons can act, and now have acted, in an adverse fashion.  
22 Coupled with the fact of the difficulty of locating Defendant who used false identifying  
23 information in making the posts, the damages may not be compensable by monetary damages.

24  
25 IT IS, THEREFORE, ORDERED that Defendant, including his agents, servants, employees,  
26 independent contractors, attorneys, representatives, and those persons or entities in active concert  
27 or participation with him, hereby are, forthwith from the date of entry of this order until further  
28 order of this Court:

1 i. Permanently enjoined from making any false statements of fact or statements that  
2 imply false statements of fact, publicly or to any person, orally or by written means,  
3 including but not limited to email and on the Internet, that defame or disparage Plaintiff,  
4 including without limitation, the following statements:

5 a) Defendant titled their post “Jonathan Wirsz Jordan Wirsz Con Man-  
6 Fraudulent-non-licensed (sic) self proclaimed investor/realtor, works for  
7 Gavish Real Estate in Las Vegas, judgments las Vegas Nationwide.”

8 b) Defendant posted that “Jonathan ‘aka’ Jordan Wirsz is a con man and thief.”

9 c) Defendant stated, “Pretending to be a licensed securities broker – he [Wirsz]  
10 takes money from people.”

11 d) Defendant stated that Wirsz promises investors “a return on their investment,  
12 he keeps the money, shuts down his corporations and creates new ones.”

13 e) Defendant stated that Wirsz’s “latest judgment is in Arizona – he’s indicted  
14 there.”

15 f) Defendant further claims that Wirsz, “has had over 30 corporations in the last  
16 2 years – all of which he used to steal from clients . . .”

17  
18  
19 ii. Mandated to take all action to remove all Defamatory Statements located on the  
20 Internet at the following URLs, including, but not limited to, requesting removal from the  
21 Internet search engines, including Google, Yahoo!, Bing, MSN, and other search engines of  
22 all URLs which contain the Defamatory Statements, reference the Defamatory Statements, or  
23 link to the Defamatory Statements, including but not limited to:

24 i. [http://www.ripoffreport.com/reports/jordan-wirsz/las-vegas-nevada-  
25 89146/jordan-wirsz-diamond-bay-mortgage-scam-artist-las-vegas-  
26 nevada-668105](http://www.ripoffreport.com/reports/jordan-wirsz/las-vegas-nevada-89146/jordan-wirsz-diamond-bay-mortgage-scam-artist-las-vegas-nevada-668105)

- 1 ii. <http://www.ripoffreport.com/reports/jonathan-wirsz/nationwide/jonathan-wirsz-jordan-wirsz-con-man-fraudulent-non-licensed-self-proclaimed-investorre-1181143>.
- 2
- 3
- 4 iii. <http://www.ripoffreport.com/reports/mortgage-companies/jordan-wirsz/jordan-wirsz-diamond-bay-mortg-668105>
- 5
- 6 iv. <http://www.ripoffreport.com/reports/gavish-realty-las-vegas/nevada/gavish-realty-las-vegas-con-man-theif-realtor-fraudfake-corporations-fraudulent-trad-1181144>
- 7
- 8
- 9 v. <http://www.private-complaints.com/item/jordan-wirsz-diamond-bay-mortgage-scam-artist-las-vegas-nevada-jordan-wirsz-i1338486.html>
- 10
- 11 vi. <http://www.carsoncitypolitics.com/mayor/sufficiently-good/>
- 12
- 13 vii. <http://www.nevadaappeal.com/news/opinion/jordan-wirsz-guest-column-citys-must-improve-grow/#>
- 14
- 15 viii. <https://www.scribd.com/document/349528419/Jordan-Wirsz-v-Richard-Order-Granting-Plaintiffs-Motion-for-Preliminary-Injunction>
- 16
- 17 ix. <https://www.scribd.com/document/349528419/Jordan-Wirsz-v-Richard-Order-Granting-Plaintiffs-Motion-for-Preliminary-Injunction>
- 18
- 19 x. [https://www.backrecord.com/person/jordan-wirsz-\(ripoff\)](https://www.backrecord.com/person/jordan-wirsz-(ripoff))
- 20
- 21 xi. <http://www.azcc.gov/Divisions/Administration/news/pr%2002-28-08.pdf>
- 22
- 23 xii. <http://www.azcc.gov/divisions/securities/enforcement/enforce-orders.asp>
- 24
- 25 xiii. <http://www.private-complaints.com/updated/items/page/121/>
- 26
- 27 xiv. <http://images.edocket.azcc.gov/docketpdf/0000082501.pdf>
- 28
- xv. <http://forums.leagueunlimited.com/threads/massive-property-crash.396448/>
- xvi. <http://www.ripoffreport.com/reports/search/jordan-wirsz>
- xvii. [http://www.ripoffreport.com/reports/specific\\_search/jordan-wirsz](http://www.ripoffreport.com/reports/specific_search/jordan-wirsz)
- xviii. <https://www.scribd.com/document/98807012/Ripoff-Report-v-Scaminformer-Default-Judgment>
- xix. <http://m.ripoffreport.com/reports/search/Realtor>



1 xx. [https://www.scribd.com/document/98807012/Ripoff-Report-v-](https://www.scribd.com/document/98807012/Ripoff-Report-v-Scaminformer-Default-Judgment)  
2 [Scaminformer-Default-Judgment](https://www.scribd.com/document/98807012/Ripoff-Report-v-Scaminformer-Default-Judgment)

3 xxi. [https://www.scribd.com/document/94079445/Anatomy-of-a-Ripoff-](https://www.scribd.com/document/94079445/Anatomy-of-a-Ripoff-Report-Removal-Request)  
4 [Report-Removal-Request](https://www.scribd.com/document/94079445/Anatomy-of-a-Ripoff-Report-Removal-Request)

5 xxii. <http://www.ripoffreport.com/reports/search/jordan-wirsz>

6 xxiii. [https://www.scribd.com/document/98807012/Ripoff-Report-v-](https://www.scribd.com/document/98807012/Ripoff-Report-v-Scaminformer-Default-Judgment)  
7 [Scaminformer-Default-Judgment](https://www.scribd.com/document/98807012/Ripoff-Report-v-Scaminformer-Default-Judgment)

8 xxiv. [https://www.scribd.com/document/130875352/135-Lisa-s-Answer-to-](https://www.scribd.com/document/130875352/135-Lisa-s-Answer-to-Complaint)  
9 [Complaint](https://www.scribd.com/document/130875352/135-Lisa-s-Answer-to-Complaint)

10 xxv. [https://www.scribd.com/document/130942615/99-Motion-for-Default-](https://www.scribd.com/document/130942615/99-Motion-for-Default-Judgment)  
11 [Judgment](https://www.scribd.com/document/130942615/99-Motion-for-Default-Judgment)

12 as well as any of the Defamatory Statements that are copied at or referred to at any  
13 other URL or webpage not specifically listed above;

14 iii. Mandated, as it is foreseeable that the above-referenced URLs and the statements  
15 contained thereon will be referenced on additional webpages in the future, including but not  
16 limited to index, directory, and search results pages, to take all actions, including requesting  
17 removal from the Internet search engines Google, Yahoo!, and Bing, of all such webpages from  
18 the Internet.  
19

20 **IT IS, FURTHER, ORDERED** that Plaintiff's request for compensatory and punitive  
21 damages is hereby denied.

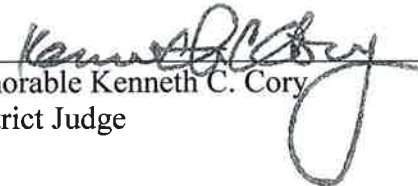
22 **IT IS, FURTHER, ORDERED** that Plaintiff's request for attorneys' fees in the amount of  
23 \$6,755.00 is hereby GRANTED.

24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1           **IT IS, FURTHER, ORDERED** that Plaintiff's request for costs in the amount of \$410.00  
2 is hereby GRANTED.


3           **IT IS SO ORDERED.**

4           Dated this 6 day of August 2017.

6  
7             
8           Honorable Kenneth C. Cory  
9           District Judge

8           Respectfully submitted by:

9           BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC

10          By:   
11           Brandon L. Phillips, Esq.  
12           Nevada Bar No. 12264  
13           1455 E. Tropicana Avenue, Ste. 750  
14           Las Vegas, Nevada 89119  
15           Phone: 702-795-0097  
16           Fax: 702-795-0098  
17           Attorney for Plaintiff, Jordan Wirsz