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County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By J. Covarrubias, Deputy Clerk

5 Attorneys for Defendants Melissa Bacelar,
Wagmor Pets and Wyler's Holistic Pet Center, Inc.
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**

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11 TALIA JACKSON, an individual; NATHAN)
ALFANO, an individual; KRISTEN MOORE,)
12 an individual; on behalf of themselves and)
all others similarly situated,)

13 Plaintiffs,
14

15 vs.

16 MELISSA BACELAR, an individual;)
WAGMOR PETS, a California non-profit)
17 corporation; WYLDER'S HOLISTIC PET)
CENTER, INC. dba THE WAGMOR, a)
18 Delaware corporation; and DOES 1 through)
10, inclusive,)

19 Defendants.
20

CASE NO.: 22STCV20771

Hon. Stuart M. Rice – Dept. 1

**ANSWER TO UNVERIFIED FIRST
AMENDED COMPLAINT**

Case Filed: 6/24/22
Trial Date: Not Assigned

1 Defendants hereby answers the First Amended Complaint of Plaintiffs as follows:

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3 1. Defendants deny, both generally and specifically, each allegation of the First
4 Amended Complaint, pursuant to the provisions of Code of Civil Procedure §431.30.
5 Defendants also asserts the following affirmative defenses.

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FIRST AFFIRMATIVE DEFENSE

8

(Off-Set)

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10 2. Defendants, and each of them, have substantial claims against Plaintiffs,
11 which off-set any theoretical liability on the First Amended Complaint in this matter. A
12 very basic outline of those claims follows:

13

14 For the past several years, a group of individuals including but not limited to plaintiff
15 Talia Jackson, Kimberly Wright (the attorney who signed the original Complaint in this
16 matter), Daniel Schneider (@Brunswickonice), Sooki Lee (@Sooki_love), Kim Sill, Ellie
17 Moore and others (collectively, the “Conspirators”) have engaged in a conspiracy to
18 harass and defame Defendants. Defendants are informed and believe, and on that basis
19 allege, that all three of the Plaintiffs in this case are part of the conspiracy.

20

21 One of the main weapons employed by the Conspirators is an anonymous website
22 which has changed locations from time to time, but which can currently be found at
23 <https://thetruthaboutwagmorpets.com/> (the “Defamatory Website”). The Defamatory
24 Website is full of liars about Defendants. For example, the Defamatory Website currently
25 states that, “most puppies put up for adoption [by Defendants] are purchased from
26 backyard breeders found on Craigslist.” That is blatantly false, and the Conspirators know
27 it to be false.

28

1 The Defamatory Website also claims that, “Melissa Bacelar uses ‘rescue’ as a
2 commodity and 501c3 status to collect, literally hundreds of thousands of dollars in
3 donations for her own personal use.” That is blatantly false, and the Conspirators know it
4 to be false. There are numerous other false and defamatory statements on the
5 Defamatory Website, far too many to list here, but the basic theme is that Defendants are
6 a “fake rescue” and mislead the public, to the detriment of both people and the dogs in
7 need of rescue. In fact, Defendants are one of the largest rescues in California, and have
8 placed over 1,000 dogs per year for the past few years.

9
10 The original Complaint in the present action is actually a weapon designed by
11 Kimberly Wright and Talia Jackson for use on the Defamatory Website. For example, the
12 Conspirators – and specifically, Ellie Mosser, a disgruntled former employee of
13 Defendants – stole personal financial information from Defendants’ computer while
14 working for Defendants. This information included Melissa Bacelar’s personal
15 information, e.g. the amount of her car payments, where she goes on vacation, and where
16 she shops for herself and her family.

17
18 For example, the original Complaint alleged that Bacelar steals all the money from
19 the Wagmor non-profit, and then:

20
21 uses the funds for her personal expenses. For example, high
22 end clothing and shoes for her and her children (Gucci
23 included), gardening for her home, pool care for her home,
24 tutoring for her children, trips to a MedSpa, La Mer skin
25 products, video games from GameStop, a monthly Peloton
26 membership, vacation rentals with AirBnB, shoes from Nike,
27 snowboard rentals, orders from www.getroman.com, toys for
28 her children and meals while on vacation at Big Bear Lake, her
husband’s Audi, school tuition for her children, barbershop
haircuts, nail salons, dentistry, housekeeping for her home,
camp for her children, and exorbitant monies have been spent
throwing lavish birthday parties for her children.

1 While the allegations that Bacelar steals from Wagmor are blatantly false, the summary of
2 her personal expenses is in part accurate, e.g., she did in fact make an order(s) from
3 www.getroman.com, which sells men's products of a personal nature, e.g., for erectile
4 dysfunction. Bacelar did indeed buy video games for her minor children at GameStop, who
5 are not parties to this case. The only way the Conspirators could know those things about
6 Bacelar and her family personal life is by stealing the information from Defendants'
7 computer, which is exactly what they did. Mosser stole the information, then gave it to
8 Wright, who put in the original Complaint for the purpose of posting the information on the
9 Defamatory Website and claiming a litigation privilege.

10
11 The Conspirators then posted a copy of the original Complaint on the Defamatory
12 Website, with the language cited above highlighted. The Conspirators redacted the
13 names of the Plaintiffs, apparently concerned for their own privacy, even as they trashed
14 Defendants' private lives, even touching on the lives of Bacelar's husband and minor
15 children. The Conspirators placed notices on every page of the Defamatory Website,
16 warning that they would file an Anti-SLAPP motion if sued.

17
18 The material cited above was not, in fact, relevant to this case. For example, it is
19 not relevant where Bacelar shops, the amount she pays to lease her car, nor what
20 personal products she buys for her family. It is not relevant where Bacelar's children go to
21 school. When Defendants threatened to file a motion to strike and to disqualify Wright as
22 counsel, Plaintiffs amended their Complaint to remove some (but by no means all) of the
23 irrelevant and defamatory matter. Wright, after signing the original Complaint, withdrew
24 as counsel before the first status conference and before Defendants could move to
25 disqualify her. But, the original Complaint remains on the Defamatory Website to this day,
26 with the personal information still highlighted for all to see.

27
28 The conspiracy goes far beyond the Defamatory Website. The Conspirators have

1 sent harassing texts to the private cell phones of Bacelar and her husband, harassed all
2 of Defendants' Instagram contacts, all of their Venmo contacts (which means most of
3 Defendants' financial supporters), Defendants' employees, and any other supporter they
4 can think of.

5
6 For example, earlier this year, Defendants collaborated with the Los Angeles Kings
7 hockey team to create a calendar promoting dog adoptions. The Conspirators first tried to
8 convince the Kings to withdraw the calendar and, when that failed, they falsely posted on
9 social media that the Kings had cancelled the promotion.

10
11 Even more recently, in April of 2023, a notorious breeder in Iowa was shut down by
12 authorities, leaving approximately 700 dogs, most of whom were in terrible condition,
13 without a home. These dogs were at risk of being euthanized in Iowa, as the local rescue
14 facilities could not possibly handle that many additional dogs all at once. Defendants,
15 along with other responsible charities from around the country, came to the rescue.
16 Defendants arranged, at their sole expense, to rescue and transport 53 of those dogs to
17 California, where they gave the dogs medical attention and eventually put them up for
18 adoption. These events gave rise to a fair amount of positive publicity for Defendants,
19 including on local TV stations in Los Angeles and Denver, among other places.

20
21 The Conspirators, however, took to social media and began claiming that
22 Defendants were "buying and transporting puppy mill dogs from out of state breeders!"
23 The Conspirators went on to write, "Frankly, it was bad enough when you stayed in the
24 Los Angeles area buying from small breeders and backyard breeders, but in your efforts
25 to get more media attention, your latest 'con' is to slap the government in the face and use
26 a loop hole to get attention and lots of donations." All those statements are materially
27 false. Defendants have never purchased dogs from breeders. The dogs rescued from
28 Iowa – by Defendants and approximately 30 other charities – were in poor health and at

1 risk of being euthanized. No one paid for those dogs. They were in fact rescued.

2

3 The Conspirators' harassment goes beyond matters related to dog rescue, and
4 gets personal. For example, the original Complaint in this case called Bacelar an
5 "unsuccessful actress who dreamt of being a celebrity," a personal attack, which is utterly
6 irrelevant to the issues in this case. On social media, however, the attacks are far worse,
7 calling Bacelar a "puppy killer" and using all manner of foul language and images,
8 including profanity, sexual images and Nazi imagery. The Conspirators even attacked
9 defense counsel in this case on social media, using foul language and implying that he is
10 a pedophile.

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12 The information provided here is not a complete statement of all the facts
13 supporting the offset defense. Rather, it is a small sample.

14

15 **SECOND AFFIRMATIVE DEFENSE**

16 **(Unclean Hands)**

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18 3. The relief sought in the First Amended Complaint is barred by virtue of
19 Plaintiffs' unclean hands, including but not limited to the facts set forth above.

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21 **THIRD AFFIRMATIVE DEFENSE**

22 **(Estoppel)**

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24 4. The relief sought in the First Amended Complaint is barred by estoppel.

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FOURTH AFFIRMATIVE DEFENSE
(Failure to Give Appropriate Notices)

5. The relief sought in the First Amended Complaint is barred by the failure to give appropriate and timely notices.

FIFTH AFFIRMATIVE DEFENSE
(Impossibility)

6. The relief sought in the First Amended Complaint is barred by the doctrine of impossibility.

SIXTH AFFIRMATIVE DEFENSE
(Inappropriate Class Representatives)

7. Assuming arguendo that a class could otherwise be certified, Plaintiffs are not appropriate class representatives for numerous reasons, including but not limited to the facts set forth above.

SEVENTH AFFIRMATIVE DEFENSE
(Privilege)

8. The relief sought in the First Amended Complaint is barred by the doctrine of privilege.

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EIGHTH AFFIRMATIVE DEFENSE

(Integrated Contract)

9. The relief sought in the First Amended Complaint is barred by the doctrine of integrated written contracts.

NINTH AFFIRMATIVE DEFENSE

(Waiver)

10. Plaintiffs have waived any and all rights to assert each Cause of Action in the First Amended Complaint, including but not limited to signing adoption papers which contain terms that bear on their claims.

TENTH AFFIRMATIVE DEFENSE

(Lack of Standing)

11. Plaintiffs lack standing to assert the claims in the First Amended Complaint.

ELEVENTH AFFIRMATIVE DEFENSE

(Laches)

12. The claims alleged by Plaintiffs in the First Amended Complaint are barred by the equitable defense of laches.

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TWELFTH AFFIRMATIVE DEFENSE

(Constitutional Issues)

13. Some of the statutes relied upon by Plaintiffs are constitutionally defective for various reasons. For example, some are too vague, while at least one fails the rational basis test. Specifically, Health and Safety Code §112354.5 states that dogs offered for adoption at a pet store must be neutered. That statute does not apply to Defendants, as they are not a pet store, nor do they offer dogs for adoption at a pet store. But assuming, arguendo, that the statute applied, it would be irrational and unenforceable because puppies cannot be neutered until they are at least six months old. Defendants have complied with the intended purpose of the statute by neutering all dogs who are old enough to undergo that procedure, and by providing each person who adopts a puppy with a certificate to have that puppy neutered, at no expense, by a licensed veterinarian at the appropriate time.

THIRTEENTH AFFIRMATIVE DEFENSE

(Reservation of Defenses)

14. Defendants may have other and additional affirmative defenses of which they are not now fully aware and Defendants hereby reserves the right to raise such other defenses when ascertained.

PRAYER FOR RELIEF

WHEREFORE, Defendants pray for relief as follows:

- 1. That Plaintiffs take nothing by way of their First Amended Complaint;

1 2. That Defendants have judgment against Plaintiffs on the First Amended
2 Complaint;

3
4 3. That Defendants recover costs of suit herein; and

5
6 4. For such other and further relief as the Court deems just and proper.

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8 DATED: June 2, 2023

LEONARD, DICKER & SCHREIBER LLP

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By: Steve Schuman
Steven A. Schuman
Attorneys for Defendants

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PROOF OF E-SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am at least 18 years old and not a party to the within action; my business address is 10940 Wilshire Boulevard, Suite 2100, Los Angeles, California 90024-3963.

My electronic service address is pyoung@ldslaw.com.

I electronically served the following document(s): **ANSWER TO UNVERIFIED FIRST AMENDED COMPLAINT.**


I electronically served the documents as follows:

Name: Jill L. Ryther, Esq.	Email: jill@rytherlawgroup.com
Kimberly A. Wright, Esq.	kimberly@revolvewlawgroup.com
Sara Naheedy, Esq.	sara@revolvewlawgroup.com
Jason A. Ibey, Esq.	jason@kazlg.com
Pamela E. Prescott, Esq.	pamela@kazlg.com
Gil Melili, Esq.	gil@kazlg.com

on June 2, 2023, by use of computer and the transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 2, 2023, at Los Angeles, California.



Peggy Young