

1 CHRISTOPHER M. PETERSON, ESQ.  
2 Nevada Bar No.: 13932  
3 JACOB T. S. VALENTINE, ESQ  
4 Nevada Bar No.: 16324  
5 AMERICAN CIVIL LIBERTIES  
6 UNION OF NEVADA  
7 4362 W. Cheyenne Ave.  
8 North Las Vegas, NV 89032  
9 Telephone: (702) 366-1226  
10 Facsimile: (702) 718-3213  
11 Emails: peterson@aclunv.org  
12 jsmith@aclunv.org

13 *Attorneys for Defendant Students for Justice in Palestine, UNLV*

14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF NEVADA**

16 COREY GERWASKI,

17 Plaintiff,

18 vs.

19 STATE OF NEVADA, ex rel. BOARD OF  
20 REGENTS of the NEVADA SYSTEM OF  
21 HIGHER EDUCATION, on behalf of the  
22 UNIVERSITY OF NEVADA, LAS VEGAS;  
23 KEITH WHITFIELD, individually; AJP  
24 EDUCATIONAL FOUNDATION INC., a  
25 California Non-Profit Corporation; STUDENTS  
FOR JUSTICE OF PALESTINE-UNLV;  
NATIONAL STUDENTS FOR JUSTICE OF  
PALESTINE; NEVADANS FOR  
PALESTINIAN LIBERATION; DOES I-XX  
and ROE entities I-XX,

Defendants.

Case No.: 2:24-cv-00985-APG-MDC

**DEFENDANT STUDENTS FOR JUSTICE  
IN PALESTINE UNLV'S  
MOTION FOR RULE 11 SANCTIONS**

**[ORAL ARGUMENT REQUESTED]**

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1 Defendant Students for Justice in Palestine, University of Nevada, Las Vegas (“Students for  
2 Justice in Palestine UNLV” or “SJP UNLV”) moves for Rule 11 sanctions in this case pursuant to  
3 Federal Rule of Civil Procedure 11.

4 Dated: August 25<sup>th</sup>, 2025

5 **ACLU OF NEVADA**

6 /s/ Jacob T. S. Valentine

7 CHRISTOPHER M. PETERSON, ESQ.

8 Nevada Bar No.: 13932

9 JACOB T. S. VALENTINE, ESQ

10 Nevada Bar No.: 16324

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13 4362 W. Cheyenne Ave.

14 North Las Vegas, NV 89032

15 Telephone: (702) 366-1226

16 Facsimile: (702) 718-3213

17 Emails: [peterston@aclunv.org](mailto:peterston@aclunv.org)

18 [jsmith@aclunv.org](mailto:jsmith@aclunv.org)

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Rule 11 sanctions prevent frivolous filings and filings made for an improper purpose. *Zaldivar*  
3 *v. City of Los Angeles*, 780 F.2d 823, 830 (9th Cir. 1986). Plaintiff’s Second Amended Complaint  
4 exemplifies why Rule 11 sanctions exist: (1) Plaintiff’s First Amended Complaint had significant  
5 deficiencies that the Court identified in an order granting SJP UNLV’s motion to dismiss; (2) Plaintiff  
6 refiled his complaint without addressing those deficiencies; (3) Plaintiff filed an additional claim  
7 predicated on the same deficiencies and (4) the Second Amended Complaint is yet another chapter in  
8 Plaintiff’s ongoing effort to punish SJP UNLV for engaging in protected First Amendment activity  
9 by weaponizing the legal system and leveling inflammatory conclusions against SJP UNLV  
10 unsupported by legitimate factual allegations.

11 **I. FACTS AND PROCEDURAL HISTORY**

12 Plaintiff Gerwaski initially filed this action on May 26, 2024, raising claims under the federal  
13 Anti-Terrorism Act and Nevada’s common law tort of intentional infliction of emotional distress.  
14 ECF No. 1. In that complaint Gerwaski repeatedly accused SJP UNLV, a student-run advocacy group  
15 on UNLV’s campus, of actively collaborating with Hamas, a terrorist organization. *Id.* ¶¶ 62, 63, and  
16 85. However, Gerwaski offered no substantive factual allegations to support his inflammatory  
17 insinuations and conclusions. *See id. generally.* While Gerwaski amended his complaint on August  
18 9, 2024, ECF No. 6, his claims and inflammatory allegations remained unchanged when he served  
19 SJP UNLV the summons and First Amended Complaint on February 12, 2025. ECF No. 48.

20 SJP UNLV filed a motion to dismiss on March 5, 2025, and a special motion to dismiss  
21 pursuant to Nevada’s Anti-SLAPP laws on April 11, 2025. ECF No. 51; ECF No. 61. The Court  
22 granted both SJP UNLV motions on May 5, 2025, dismissing Gerwaski’s IIED and ATA claims  
23 against SJP UNLV. ECF No. 71.

24 In granting the motions, the Court found that Gerwaski’s ATA claim failed to allege how any  
25

1 “injuries arose out of an act of international terrorism.” *Id.* pg. 10. Gerwaski also failed to plausibly  
2 alleges that “SJP-UNLV provided substantial assistance to Hamas for its act of international  
3 terrorism” because Gerwaski fails to allege that SJP UNLV “substantially assisted the October 7,  
4 2023 act of international terrorism” since all of the alleged conduct occurred after that event. *Id.* pg.  
5 11. While the Court provided Gerwaski with the opportunity to amend his complaint in regards to the  
6 ATA claim, it clearly stated clear that substantial changes were needed in order to remedy the issues  
7 within Gerwaski’s First Amended Complaint, stating “it is difficult to imagine what facts might show  
8 that [Gerwaski] suffered injuries from an act of international terrorism that the defendants  
9 substantially assisted.” *Id.* pg. 11.

10 The Court also determined that SJP UNLV’s actions as described in Gerwaski’s First  
11 Amended Complaint were protected under the First Amendment. *Id.* pg. 21. Specifically, the Court  
12 found that “all the conduct alleged appears to take place in public areas and involves speech on the  
13 conflict between Israel and Palestine and UNLV’s response to that conflict” and that “none of the  
14 speech described could be interpreted as likely to incite imminent lawless action or as a serious  
15 expression of intent to harm any particular individual.” *Id.* pg. 14-15. The Court advised Gerwaski,  
16 should he choose to amend and refile, he should plead his claims “in accordance with the First  
17 Amendment principles I have described.” *Id.* pg. 15.

18 Despite the Court’s clear instructions should he decide to file a Second Amended Complaint,  
19 Gerwaski filed a Second Amended Complaint on June 3, 2025, which was practically identical to his  
20 First Amended Complaint. *Compare* ECF. No 79 (Second Amended Complaint) ¶¶ 63, 64, 93, 94,  
21 100, 117, 118, 119, 134, 208, 215, and 218 *with* ECF No 6 (First Amended Complaint) ¶¶ 32, 33, 73,  
22 74, 79, 96, 97, 98, 114, 188, 195, and 198 respectively. The only new allegation Gerwaski asserts in  
23 his Second Amended Complaint, setting aside his conclusions couched as facts, is that SJP UNLV  
24 communicates with the National Students for Justice Palestine and that SJP UNLV “utilized a NSJP  
25

1 Toolkit in its activities.” ECF No 79 ¶ 98. How this is relevant to his claims Gerwaski leaves  
2 unexplained. Gerwaski also does not explain what exactly SJP UNLV communicated to NSJP or how  
3 SJP UNLV “utilized” NSJP’s toolkit, let alone that SJP UNLV engaged in any unlawful activities in  
4 this communication and utilization. *See id. generally*. Gerwaski only repeats his claims that the NSJP  
5 Toolkit compels SJP UNLV to “provide ‘real’ support to Hamas not only through their arguments  
6 and rhetoric, but also through ‘confrontation’ that includes, among other things, ‘armed struggle’ and  
7 violence.” *Id.* ¶ 99; *see also* ECF No 6 ¶ 78. Of course, Gerwaski does not explain how SJP UNLV  
8 was compelled to do anything, and again, Gerwaski never alleges that SJP UNLV engaged in armed  
9 struggle or violence. In fact, according to Mr. Gerwaski’s complaint SJP UNLV has only engaged in  
10 arguments and rhetoric, i.e. protests, social media posts, and petitions to UNLV administration. ECF  
11 No 79 ¶¶ 66, 73, 80, 91, 118, 122, 134.

12 Although Gerwaski described in his Second Amended Complaint his alleged injuries in  
13 greater detail, he still does not explain how the October 7<sup>th</sup> attack caused those injuries. *Id.* ¶ 246.  
14 Like his First Amended Complaint, he does not claim that he has a personal connection to the October  
15 7<sup>th</sup> attack which is once more the only act of terrorism described in Gerwaski’s complaint. *Id.* ¶¶ 173–  
16 174. Gerwaski was well informed by the Court that without these additional allegations his complaint  
17 would be dismissed once again.

18 Gerwaski also now includes a claim under “civil conspiracy.” *Id.* ¶¶ 362–368. But Gerwaski  
19 has not provided the legal authority, factual allegations, or identified a predicate offense to support a  
20 “civil conspiracy” claim.

## 21 II. LEGAL STANDARD

22 District courts have discretion to find a violation of Rule 11. *See Holgate v. Baldwin*, 425  
23 F.3d 671, 675 (9th Cir. 2005) (“We review the district court’s imposition of Rule 11 sanctions, as  
24 well as its refusal to do so, for an abuse of discretion.”) An attorney may be monetarily sanctioned  
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1 under FRCP Rule 11 if they sign or file a complaint which does not comply with any of the following  
2 requirements:

- 3 (1) it is not presented for any improper purpose, such as to harass, cause  
unnecessary delay, or needlessly increase the cost of litigation;
- 4 (2) the claims, defenses, and other legal contentions are warranted by existing  
law or by a nonfrivolous argument for extending, modifying, or reversing  
5 existing law or for establishing new law; [and]
- 6 (3) the factual contentions have evidentiary support or, if specifically so  
identified, will likely have evidentiary support after a reasonable opportunity  
for further investigation or discovery

7 FRCP 11(b); *see* Fed. R. Civ. P. 11(c); *see also* *Truesdell v. S. Cal. Permanente Med. Grp.*, 293 F.3d  
8 1146, 1153 (9th Cir. 2002). A fundamental purpose of Rule 11 sanctions is to “reduce frivolous  
9 claims, defenses or motions and to deter costly meritless maneuvers ... [thereby] avoiding delay and  
10 unnecessary expense in litigation.” *Golden Eagle Distrib. Corp. v. Burroughs Corp.*, 801 F.2d 1531,  
11 1537 (9th Cir. 1986). Filings are frivolous when they are “both baseless and made without a  
12 reasonable and competent inquiry.” *Townsend v. Holman Consulting Corp.*, 929 F.2d 1358, 1362  
13 (9th Cir. 1990) (en banc). A finding of bad faith is not required, the standard is objective  
14 reasonableness. *Bus. Guides v. Chromatic Commc'ns Enters.*, 892 F.2d 802, 811 (9th Cir. 1989).  
15 When a “complaint is the primary focus of Rule 11 proceedings, a district court must conduct a two-  
16 prong inquiry to determine (1) whether the complaint is legally or factually baseless from an  
17 objective perspective, and (2) if the attorney has conducted a reasonable and competent inquiry  
18 before signing and filing it.” *Christian v. Mattel, Inc.*, 286 F.3d 1118, 1127 (9th Cir. 2002) (internal  
19 quotations and citation omitted).

20 Nevada requires a party seeking Rule 11 sanctions notify the party sanctions are sought  
21 against at least 21 days prior to the filing of a motion. This notice should include a copy of the  
22 planned motion. Counsel for SJP-UNLV served Gerwaski’s counsel said notice and a copy of this  
23 motion on July 31, 2025.  
24  
25

1 **III. ARGUMENT**

2 Gerwaski’s Second Amended Complaint violates Rule 11 and therefore justifies Rule 11  
3 sanctions because it contains basically identical and identically flawed claims under the American  
4 Terrorist Act, Gerwaski’s new claim for “civil conspiracy” is entirely frivolous, and the continued  
5 inclusion of SJP UNLV in this proceeding can only be for an improper purpose.

6 **I. The Court gave Gerwaski clear guidance on how to remedy his ATA claim which  
7 Gerwaski ignored.**

8 When a complaint is dismissed and the plaintiff refiles a “basically identical” complaint which  
9 repeats “identically flawed” issues outlined in the dismissal order, Rule 11 sanctions are justified.  
10 *Sokolowski v. Adelson*, No. 2:14-CV-111 JCM (NJK), 2016 U.S. Dist. LEXIS 10161, at \*17 (D.  
11 Nev. Jan. 27, 2016); *Sig Tyr Sig v. Philippine Airlines*, 55 F. App’x 808, 809 (9th Cir. 2003).

12 Gerwaski was informed by this Court that his claims under the ATA were deficient because he  
13 (1) failed to allege an “injury arising out of an act of international terrorism”, (2) failed to allege that  
14 SJP-UNLV provided substantial assistance to Hamas, and (3) failed to describe any actions not  
15 protected by the First Amendment. In denying this claim this Court stated that “it is difficult to  
16 imagine what facts might show that [Gerwaski] suffered injuries from an act of international  
17 terrorism that [SJP-UNLV] substantially assisted.” ECF 71 pg. 11. Despite this clear indication that  
18 Gerwaski should pump the brakes and reevaluate, Gerwaski’s counsel filed a basically identical  
19 Second Amended Complaint which repeats the “identically flawed” claim under the ATA.

20 This Court found that Gerwaski was not only required to identify specific injuries but must also  
21 tie those injuries to an act of international terrorism. Although Gerwaski now identifies an injury, he  
22 still fails to tie it to an act of international terrorism. ECF 71 pg. 11. In describing his claim pursuant  
23 to 18 USC § 2333 of the ATA, Gerwaski now states he is in a state of fear and anxiety, collapsed in  
24 his calculus class, was diagnosed with an extreme stress disorder, was diagnosed with Bell’s Palsy,  
25 and had to drop two summer courses. *Id.* ¶ 246. But he does not explain how the only act of terrorism

1 described in Gerwaski’s complaint, the October 7th attack on Israel by Hamas, caused these  
2 symptoms, and he still does not claim that he has a personal connection to the October 7th attack.  
3 ECF No 79 ¶¶ 173–174; *see id. generally*.

4 Gerwaski does not address the deficiencies identified by this Court in Gerwaski’s allegations  
5 that SJP-UNLV provided substantial assistance to Hamas either. There is nothing new in Gerwaski’s  
6 Second Amended Complaint regarding the substantial support portion of the ATA other than a  
7 reference to a shooting that occurred in Washington D.C entirely unrelated to SJP-UNLV. *Id.* ¶ 245.  
8 Yet again, Gerwaski makes no allegation that SJP UNLV came into contact or coordinated with  
9 Hamas at any point but rather argues yet again that SJP UNLV should be held liable for its First  
10 Amendment activities criticizing Israel’s actions in Gaza because these activities may indirectly  
11 benefit Hamas.

12 Gerwaski still fails to allege any action by SJP UNLV which would amount to anything other  
13 than protected First Amendment activities. Instead his complaint is once again premised entirely on  
14 SJP UNLV’s speech, social media posts, and political beliefs.

15 Because Gerwaski filed added nothing new regarding substantial assistance essentially filing an  
16 identical complaint sanctions are justified under Rule 11,.

17 **II. Gerwaski’s new claim titled “civil conspiracy” is entirely frivolous because it is**  
18 **premised entirely on his deficient ATA claim and SJP UNLV protected First**  
19 **Amendment activities.**

20 When a plaintiff’s allegations are without factual or legal basis, a complaint violates Rule 11. *Sig*  
21 *Tyr Sig v. Philippine Airlines*, 55 F. App’x 808, 809 (9th Cir. 2003).

22 Similar to his ATA claim, Gerwaski clearly failed to adequately plead his claim of civil  
23 conspiracy under Nevada law as this claim is predicated on his inadequate ATA claim. An actionable  
24 civil conspiracy claim under Nevada law consists of alleging that: (1) a combination of two or more  
25 persons (2) intended to accomplish an unlawful objective and (3) had a common purpose to commit

1 the unlawful act (4) who engaged in overt acts in furtherance of the conspiracy as well as (5) damages  
2 proximately caused by the acts. *Consol. Generator-Nevada, Inc. v. Cummins Engine Co.*, 971 P.2d  
3 1251, 1256 (Nev. 1998). Civil conspiracy claims are not standalone and require an underlying civil  
4 wrong. *Vested Hous. Grp., Ltd. Liab. Co. v. Principal Real Estate Inv'rs, Ltd. Liab. Co.*, 648 F. App'x  
5 646, 649 (9th Cir. 2016); *see also Sahara Gaming Corp. v. Culinary Workers Union Local 226*, 115  
6 Nev. 212, 984 P.2d 164, 168 (Nev. 1999) (dismissing a civil conspiracy claim because the underlying  
7 defamation claim was dismissed). The underlying harm or damages are the “essence of civil  
8 conspiracy” claims. *Flowers v. Carville*, 266 F. Supp. 2d 1245, 1249 (D. Nev. 2003). Gerwaski offers  
9 nothing of substance to support his claim beyond restating the elements above.

10 Within the claim itself, the underlying civil wrong Gerwaski appears to allege is that SJP  
11 UNLV “further[ed] the terrorist organization of Hamas and antisemitic conduct at UNLV for the  
12 purpose of harming Jewish students at UNLV.” ECF No 79 ¶ 363. This conclusory statement does  
13 not actually describe in itself a “civil wrong” actionable under the Nevada’s civil conspiracy statute.  
14 Though he does not say it outright, Gerwaski is necessarily predicating his conspiracy claim on his  
15 ATA claim since this is the only other claim against SJP UNLV. As discussed above, the ATA claim  
16 is not viable therefore his conspiracy claim is not viable. Additionally, asserted conclusions are not  
17 the same as valid factual allegations. Saying that SJP UNLV is “furthering the terrorist organization  
18 Hamas and antisemitic conduct at UNLV” is a conclusion that does not satisfy federal pleading  
19 standards. *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S. Ct. 1937, 1949 (2009). According to the facts  
20 actually alleged by Gerwaski, SJP UNLV is a student group that advocates for the Palestinians living  
21 in Gaza and against Israel’s military campaign against those people. Gerwaski has not identified a  
22 single time where SJP UNLV intended to help Hamas or encourage discrimination in any form. And  
23 again, Gerwaski’s conspiracy claim is entirely based upon activities protected by the First  
24 Amendment: peaceful protests, social media posts, and petitioning government actors.

1 As for an alleged agreement, Gerwaski only states that “AMP, SJP-UNLV, NSJP” engaged in  
2 “concerted action” to further “the terrorist organization of Hamas and antisemitic conduct at UNLV  
3 for the purpose of harming Jewish students at UNLV” and otherwise sends SJP UNLV to hunt  
4 through the rest of his complaint to guess at the nature Gerwaski’s alleged conspiracy. ECF No 79 ¶  
5 362-363. As far as SJP UNLV can divine, Gerwaski’s “agreement” allegation hinges on SJP UNLV  
6 “utilizing” a publicly available social media toolkit and “communicating” with NSJP, neither which  
7 are activities that are in themselves unlawful. Gerwaski does not explain how SJP UNLV “utilized”  
8 the toolkit or what was “communicated” to NSJP, let alone how either shows a “concerted effort” to  
9 support Hamas or discrimination at UNLV. Relying on insinuations may work in tabloids and social  
10 media chat groups, but such tactics are inappropriate and legally insufficient for a complaint filed in  
11 a United States federal district court. Given a second opportunity to bring claims against SJP-UNLV,  
12 Gerwaski was obligated to explain what, if any, factual allegations supported each element of his  
13 civil conspiracy claim, and he has, as always, offered nothing but conclusory statements and  
14 innuendos. His “civil conspiracy” allegation is so without legal factual or legal basis that it violates  
15 FRCP Rule 11.

16 **III. Gerwaski’s continued efforts to bring frivolous and inflammatory claims against SJP**  
17 **UNLV is clearly intended to silence SJP UNLV’s First Amendment activities which**  
18 **is an improper purpose.**

19 Rule 11 sanctions are proper when a complaint is filed for an improper purpose. *Sig Tyr Sig v.*  
*Philippine Airlines*, 55 F. App’x 808, 809 (9th Cir. 2003).

20 The allegations against SJP-UNLV have been so meritless that only two options are possible: (1)  
21 complete incompetence on the part of the attorneys advising Gerwaski; or (2) the allegations against  
22 SJP-UNLV were filed for an improper purpose. Gerwaski had the opportunity to support his  
23 allegations with evidence when he filed his response to SJP UNLV’s anti-SLAPP motion. *See Taylor*  
24 *v. Colon*, 136 Nev. 434, 437 (2020) (plaintiffs must demonstrate with prima facie evidence a  
25

1 probability of prevailing on a claim challenged under Nevada’s anti-SLAPP provision). But Gerwaski  
2 did not provide any evidence establishing his claims and lost on his anti-SLAPP motion. Knowing  
3 that he had no evidence to support his claims he refiled a near identical complaint.

4 Gerwaski may very well take issue with SJP-UNLV participating in activities clearly protected  
5 by the First Amendment. But instead of voicing his concern in manners equally protected by the First  
6 Amendment, Gerwaski has been taken up by a revolving cast of attorneys in an effort to harm the  
7 reputation of SJP UNLV and attempt to pressure UNLV to violate the First Amendment rights of the  
8 university students. Gerwaski takes every opportunity to paint SJP UNLV as associating with a  
9 terrorist organization in his filings in order to smear an organization he does not agree with politically.  
10 *Id.* ¶¶ 231, 243, 245, 251. Stating that someone is a terrorist or associated with terrorists is akin to  
11 defamation. *See TransUnion LLC v. Ramirez*, 594 U.S. 413, 432, 141 S. Ct. 2190, 2209 (2021)  
12 (finding that describing someone as a “potential terrorist” is akin to calling them a terrorist and has a  
13 “close relationship” to defamation). Such behavior is offensive in the public sphere, but it is  
14 sanctionable when made in a federal filing when based exclusively on innuendo and conspiracy  
15 theories. Gerwaski openly admits to the true motive behind this complaint in the relief he seeks:  
16 banning SJP-UNLV from the UNLV campus. *See* ECF No 79 pg. 78-79. Refiling a deficient Second  
17 Amended Complaint for the clear purpose of harming SJP UNLV’s reputation and attempting to  
18 strong arm UNLV into violating the constitution are improper purposes and deserve Rule 11  
19 sanctions.

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**CONCLUSION**

For all of these reasons, SJP UNLV requests that this Court find that Gerwaski and his attorneys have violated Rule 11 and must therefore be sanctioned.

Dated: August 25, 2025

**ACLU OF NEVADA**

/s/ Jacob T. S. Valentine  
CHRISTOPHER M. PETERSON, ESQ.  
Nevada Bar No.: 13932  
JACOB T. S. VALENTINE, ESQ  
Nevada Bar No.: 16324  
AMERICAN CIVIL LIBERTIES  
UNION OF NEVADA  
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Facsimile: (702) 718-3213  
Emails: peterson@aclunv.org  
jsmith@aclunv.org

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing **Defendant Students for Justice in Palestine UNLV’s Motion for Rule 11 Sanctions** with the Clerk of the Court for the United States District Court of Nevada by using the court’s CM/ECF system on August 25, 2025. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished on all participants by:

- CM/ECF
- Electronic mail; or
- US Mail or Carrier Service

/s/ Suzanne Lara  
An employee of ACLU of Nevada