

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

**Case No. 67120**

SHELDON ADELSON

Appellant,

v.

DAVID HARRIS; MARC R. STANLEY; and NATIONAL JEWISH  
DEMOCRATIC COUNCIL,

Respondents.

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**BRIEF FOR *AMICI CURIAE* MEDIA ORGANIZATIONS  
IN SUPPORT OF RESPONDENTS**

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## I. STATEMENT OF *AMICI CURIAE*

This brief on behalf of Media *Amici*, thirteen leading news organizations and trade organizations, including the Nevada Press Association, is directed to the first of the two certified questions this Court has accepted from the U.S. Court of Appeals for the Second Circuit: Does a hyperlink to source material about judicial proceedings in an online petition suffice to qualify as a report for purposes of applying the common law fair report privilege?<sup>1</sup>

Media *Amici* (or their members) gather and disseminate news and information across the country, including in the State of Nevada. *Amici* routinely rely on the fair report privilege when reporting on official proceedings. The use of hyperlinks for attribution to source material in this reporting, allowing their Internet readers to navigate to judicial documents, official reports, raw data or other news stories, and then draw their own conclusions, has become an invaluable and ubiquitous tool for Media *Amici*.

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<sup>1</sup> On June 12, 2015, Media *Amici* timely submitted the instant brief for filing (*see* Exhibit A, Receipt of Electronic Document Submitted For Filing dated June 12, 2015) and represented in a footnote that, pursuant to NRAP 29(a), they obtained Appellant's and Respondents' consent to file the instant brief. On June 15, 2015, the Clerk's Office contacted the undersigned Media *Amici* counsel of record and stated that the Court requires that the written consent contain handwritten signatures of counsel for all parties. The Clerk's representative advised that Media *Amici* could re-submit the instant brief and append the written consent in the form requested by the Clerk's Office. In compliance with that direction, Media *Amici* respectfully attach the requested written consent from the parties in Exhibit B, Consent to Amicus Filing ("Consent"). As stated in the Consent, Appellant reserves the right to submit a response to this brief.

For the reasons explained below, *Media Amici* urge this Court to answer the first certified question in the affirmative, consistent with the well-reasoned decision by U.S. District Court Judge for the Southern District of New York Paul Oetken.

## **II. SUMMARY OF ARGUMENT**

The underlying decision properly granted Appellees' motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) because the statements at issue in the National Jewish Democratic Council ("NJDC") Petition were based, in part, on a news report of allegations made in a court proceeding and thus protected by the fair report privilege. The sources were available to readers through hyperlinks which "foster[] the facile dissemination of knowledge on the Internet," acting as "a twenty-first century equivalent of the footnote" and "a well-recognized means for an author or the Internet to attribute a source," "instantaneously permit[ting] the reader to verify an electronic article's claims." *Adelson v. Harris*, 973 F. Supp. 2d 467, 484-85 (S.D.N.Y. 2013). The Petition urged the Republican Presidential nominee to reject Appellant's money as "dirty" or "tainted" – statements that were properly held protected as non-actionable opinion based on news reports of recent allegations in a court proceeding, as well as foreign money, anti-union, and corruption allegations that Adelson does not challenge. *Media Amici* assert herein



that the federal district court correctly found that attribution to source material via hyperlinking is sufficient under the fair report privilege.

### III. ARGUMENT

Consistent with *Media Amici's* experience, the instant suit illustrates how hyperlinks are used to set forth the basis for fair reports. The basis for Appellees' views here was made plain via hyperlinks to various source materials including an Associated Press article, "a report disseminated by a reputable news organization," which referenced a "sworn declaration" filed in a court proceeding. These undisputed facts led Judge Oetken to grant Appellees' Rule 12(b)(6) motion on grounds that the NJDC's Internet publication referred, via hyperlinks, to allegations that were privileged as a fair report of allegations in a judicial proceeding and as to which they offered non-actionable opinion. *Adelson*, 973 F. Supp. 2d at 482-87. The court's opinion was grounded in its observation of the reality of how people read on the Internet.<sup>2</sup>

"Hyperlinks" or "links" are text, icons, or images displayed on a web page that allow the reader to navigate to another site "located anywhere on the Internet."

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<sup>2</sup> The court also granted dismissal under the Nevada Anti-SLAPP Act because Appellant could not, based on the undisputed facts, show knowledge of falsity. *Id.* at 502 (citing *Liberty Lobby, Inc. v. Dow Jones & Co.*, 838 F.2d 1287, 1297 (D.C. Cir. 1988)). *Media Amici* do not address the second certified question on the applicability of the Nevada Anti-SLAPP Act in effect at the time suit was filed. However, *Media Amici* do endorse Judge Oetken's well-reasoned determination on that issue.

*See Reno v. ACLU*, 521 U.S. 844, 852 (1997). Indeed, as early as 1997, when the Internet was in its infancy, the Supreme Court recognized the “straightforward” nature of hyperlinking, explaining how a “particular Web page may contain the information sought by the ‘surfer,’ or, through its links, it may be an avenue to other documents located anywhere on the Internet.” *Id.* Thus, the Court observed, the Internet “is ... comparable, from the readers’ viewpoint, to ... a vast library including millions of readily available and indexed publications ....” *Id.* at 852-53. And since that time, of course, “[a]lthough the use of computers may once have been the exclusive domain of an elite intelligentsia, even modern-day Luddites are now capable of navigating cyberspace.” *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1209 (9th Cir. 2000).

Since 1997, the avenues by which the public access Internet content have multiplied dramatically. No longer tied to personal computers, the Internet is now accessed via a multitude of devices, with ever-changing platforms for navigating and accessing content. From mobile laptops, to smartphones, tablets, and wearable devices such as the new Apple Watch, Internet content no longer requires a click of the mouse, but may be accessed through the slide of a finger.

Media companies strive to enhance their readers’ experience through ever more creatively viewed and accessed content. Indeed, many news organizations are entirely resident on the web, where their reporting is solely disseminated via

the Internet.<sup>3</sup> Internet news stories are now commonly annotated with hyperlinks to related sources, pictures, or video. Moreover, publishers have redesigned their online news sites to be compatible with the mobile devices their readers use. Thus, through a multitude of digital formats, online publishers can embed hyperlinks throughout their content to enhance the reader's understanding of articles.

Reporting that capitalizes on the power of hyperlinks is lauded by the publishing community. For example, the 2015 Pulitzer Prize for Investigative Reporting was awarded to *The Wall Street Journal* for "Medicare Unmasked," a pioneering project that explored Medicare's vast databases and showed how they can be used to expose potential fraud and waste. The series has published numerous articles based on government documents, including interactive reports that allow readers to search its databases of government records to see the types and number of procedures performed and the amounts paid to providers by Medicare.<sup>4</sup>

The 2015 Pulitzer for Investigative Reporting was also awarded to Eric Lipton of *The New York Times* for reporting that showed how the influence of

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<sup>3</sup> See, e.g., Slate (slate.com), Huffington Post (huffingtonpost.com), Real Clear Politics (realclearpolitics.com); BuzzFeed (buzzfeed.com); Gawker Media (gawker.com); Vox (vox.com); Quartz (quartz.com); The Daily Beast (thedailybeast.com); The Intercept (firstlook.org/theintercept).

<sup>4</sup> *Medicare Unmasked: Behind the Numbers*, <http://graphics.wsj.com/medicare-billing/>.

lobbyists can sway congressional leaders and state attorneys general. Lipton's reports were annotated with links to hundreds of pages of original documents, including emails, letters, photographs and copies of invitations to attorneys general for resort-destination conferences – many obtained via open records requests.<sup>5</sup> This compelling digital story-telling demonstrated how lobbying campaigns unfolded in real time and provided source material for reporters around the country who wrote follow-up articles in their own jurisdictions.

Similarly, the 2015 Pulitzer Prize for Public Service was awarded to *The Post and Courier*, Charleston, SC, for “Till Death Do Us Part,” a series that probed why South Carolina is among the deadliest states in the union for women, which prompted policy and legislative changes in the state. In its submission to the Pulitzer Prize committee, the newspaper explained the importance of providing links to source material throughout the reporting series: “We knew some might question our findings or challenge the conclusions reached, so we took a position of utter transparency. Online, we linked every fact and statistic in the stories to the studies, reports and other source material from which they were derived. We made our database available to readers to check our methodology and run their own calculations. We did the same with court records and other electronic data we

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<sup>5</sup> Eric Lipton, *Courting Favor*, *The New York Times*, <http://www.nytimes.com/interactive/2015/us/politics/attorneys-general.html>.

used. The result: We did not receive a single complaint about the accuracy or fairness of our report.”<sup>6</sup>

The 2015 Pulitzer Prize for Explanatory Reporting was awarded to Zachary R. Mider of Bloomberg News for a series of articles detailing how so many U.S. corporations dodge taxes and why lawmakers and regulators have a hard time stopping them.<sup>7</sup> Using hyperlinks to judicial and government documents throughout the 25 articles in his series, Mider documented how U.S. corporation’s tactic of moving legal addresses to a foreign country often took place on paper only and spurred tax reforms.

In the 2013 IRE Award-winning story, “The Child Exchange,” Reuters investigative reporter Megan Twohey examined how American parents use the Internet to find new families for children they regret adopting. Reuters data journalist Ryan McNeill worked with Twohey to analyze 5,029 posts from one online bulletin boards, a Yahoo group called Adopting-from-Disruption and incorporated the data via various hyperlinks and interactive graphics. The multi-

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<sup>6</sup> Cover letter for entry, <http://www.pulitzer.org/files/2015/public-service/postcourier/postcourierletter2015.pdf>.

<sup>7</sup> Zachary Mider, *Tax Runaways*, Bloomberg News, <http://www.bloomberg.com/news/special-reports/tax-runaways>.

part report also included links to relevant records from law enforcement and child welfare agencies.<sup>8</sup>

Moreover, hyperlinks are not only useful to annotate deep dive investigatory reporting. They can also offer readers immediate access to the sources attributed in breaking news articles.<sup>9</sup> For example, 2015 Pulitzer Prize for Breaking News Reporting was awarded to *The Seattle Times* for its digital account of a landslide that killed 43 people and the impressive follow-up reporting that explored whether the calamity could have been avoided.<sup>10</sup> The exceptional reporting used links to transmit images, raw video, blog posts and tweets in the immediate aftermath of the disaster, and follow-up reporting in the days that mined public records to produce video, photo galleries, USGS computer simulations, laser maps of known slide risks and logging maps to analyze ongoing risks for slide and to assess whether warning signs were ignored. The 2015 Pulitzer Prize for Local Reporting

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<sup>8</sup> Megan Twohey, *The Child Exchange*, *Reuters* (Sept. 9, 2013), <http://www.reuters.com/investigates/adoption/>.

<sup>9</sup> See, e.g., Trevon Milliard, *Doctors dismayed by return of measles in Nevada*, *Reno Gazette-Journal*, <http://www.rgj.com/story/news/2015/02/07/doctors-dismayed-return-measles-nevada/23019477/> (featuring interactive graphic on history of measles in United States); Josh Gerstein, *Court: Release Legal memo on Drone Killing*, *Politico* (Apr. 21, 2014), <http://www.politico.com/blogs/under-the-radar/2014/04/court-release-legal-memo-on-drone-killing-187153.html> (reporting on court's order requiring U.S. government to release redacted copy of Justice Department memo discussing legal basis for using deadly drone strikes to kill American citizens overseas, with hyperlink to order for readers).

<sup>10</sup> *Snohomish County landslide*, *The Seattle Times*, <http://old.seattletimes.com/flatpages/local/oso-mudslide-coverage.html>

was awarded to reporters at the *Daily Breeze*, of Torrance, CA, for their inquiry into widespread corruption in a small, cash-strapped school district. The reporting was lauded for its incorporation of links to official records in its on-going investigation and graphics that analyzed relevant documents to report on corruption and misuse of government funds.<sup>11</sup>

Likewise, articles reporting on Supreme Court decisions now invariably include links to the Court's decisions.<sup>12</sup> And articles reporting on breaking criminal indictments, arrests, and government investigations can similarly direct readers to relevant source material via hyperlinks.<sup>13</sup> Alongside reports on linked court records or government reports, online news sources can provide opinion and analysis of the relevant data in creative ways, employing graphics and other visual

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<sup>11</sup> Rob Kuznia, *Centinela Valley schools chief amassed \$663,000 in compensation in 2013*, *Daily Breeze* (Feb. 11, 2014), <http://www.dailybreeze.com/social-affairs/20140208/centinela-valley-schools-chief-amassed-663000-in-compensation-in-2013>.

<sup>12</sup> See, e.g., Adam Liptak, *Supreme Court Overturns Conviction in Online Threats Case, Citing Intent*, *New York Times* (June 1, 2015), [http://www.nytimes.com/2015/06/02/us/supreme-court-rules-in-anthony-elonis-online-threats-case.html?\\_r=0](http://www.nytimes.com/2015/06/02/us/supreme-court-rules-in-anthony-elonis-online-threats-case.html?_r=0).

<sup>13</sup> See, e.g., Tina Susman and Kevin Baxter, *'FIFA is imploding': 14 charged in corruption probe; at least 8 arrested*, *Los Angeles Times* (May 27, 2015), <http://www.latimes.com/sports/la-sp-fifa-extradition-20150527-story.html#page=1>; David A. Graham, *The Disturbing Indictment Against Dennis Hastert*, *The Atlantic* (May 29, 2015) <http://www.theatlantic.com/politics/archive/2015/05/hastert-indicted/394391/>.

aids.<sup>14</sup> In sum, modern online reporting capitalizes on the power of hyperlinking to annotate and add multimedia content to online publications, thus demonstrating the powerful reality of what the Supreme Court foresaw almost twenty years ago.

The NJDC Petition at issue in this case resembles online content in various ways that are readily obvious to all readers. *See GoTo.com, Inc.*, 202 F.3d at 1209. The four hyperlinks contained in the Petition connected readers to news reports containing detailed information about each linked statement. The hyperlinks were distinguishable from the other text in the Petition because the links were “visible in the customary manner, that is, by being embedded in blue, underlined text.” *Adelson v. Harris*, 774 F.3d 803, 808 (2d Cir. 2014). Links have long been so designated and readers have become well accustomed to clicking or tapping on the blue, underlined text. *Reno*, 521 U.S. at 852 (“Typically, the links are either blue or underlined text.”).

The statement in suit – that “reports” had “surfaced” that “Adelson ‘[personally approved](#)’ of prostitution in his Macau casinos” – included a hyperlink from the quoted words (themselves taken directly from a court document) to one such report disseminated by the Associated Press and republished worldwide. The

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<sup>14</sup> *See, e.g.*, Mike Coronas, *Feeling the cost of loss in same-sex marriage suits*, Reuters (Apr. 17, 2015), <http://blogs.reuters.com/data-dive/2015/04/17/feeling-the-cost-of-loss-in-same-sex-marriage-suits/>; Howard Berkes, *Coal Mines Keep Operating Despite Injuries, Violations And Millions In Fines*, NPR (Nov. 12, 2014), <http://www.npr.org/2014/11/12/363058646/coal-mines-keep-operating-despite-injuries-violations-and-millions-in-fines>.



AP Article reported that “[t]he fired former chief executive of [LVSC]’s Macau casinos alleges in court documents revealed Thursday that billionaire Sheldon Adelson personally approved of prostitution and knew of other improper activity at his company’s properties in the Chinese enclave.” The linked article recounted and quoted Jacobs’ “seven-page declaration” filed in the Nevada litigation.

In Nevada, and the overwhelming majority of states in which *Media Amici* publish and disseminate news reporting, courts recognize and enforce the fair report privilege. The privilege serves the “public’s right to know what transpires in the legal proceedings of this state and that is paramount to the fact someone may occasionally make false and malicious statements” in such a proceeding. *Sahara Gaming Corp. v. Culinary Workers Union Local 226*, 115 Nev. 212, 216, 984 P.2d 164, 166 (1999). Indeed, legal proceedings by their nature abound with conflicting charges and countercharges, and the privilege is intended to protect and foster news reporting on those charges, regardless of whether the underlying allegations are in fact true or false. *See* Hon. Robert D. Sack, *Sack on Defamation* § 7.3.5, at 7-20 (4th ed. 2010) (underlying “truth” is “irrelevant” under privilege).

“As a general matter, in order to enjoy the protection of the privilege, the publication at issue must clearly attribute the statement in question to the official proceeding or document on which it is reporting or from which it is quoting.” *Id.* at 7-19. The protection afforded to *Media Amici* under this privilege and the

resulting benefit to the public's awareness of official proceedings cannot be overstated.<sup>15</sup> So long as the accuracy and fairness tests have been met, it immunizes the republication of allegations and findings in official proceedings whether or not the publisher knows them to be true. *Restatement (Second) of Torts* § 611 cmt. a (1967).

There is no requirement under the fair report privilege that publishers must describe the official proceedings completely or in legalistic detail for the privilege to attach. *Id.* at cmt. f. See also *Holy Spirit Ass'n for Unification of World Christianity v. N.Y. Times Co.*, 399 N.E.2d 1185, 1187 (N.Y. 1979) (concluding that a newspaper's account of an official proceeding "must be accorded some degree of liberality," because "a newspaper article is, by its very nature, a condensed report of events which must, of necessity, reflect to some degree the subjective viewpoint of its author."). Nevertheless, the advent of the Internet and the ability to hyperlink has opened a new door for publishers, like *Media Amici*, to

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<sup>15</sup> Indeed, the twists and turns of the legal battle between Jacobs and Adelson have been intensely reported, as recently as last month. See, e.g., Doug McMurdolas, *Ex-Las Vegas Sands CEO alleges wrongful termination in suit*, *Las Vegas Review-Journal* (Oct. 21, 2010), <http://www.reviewjournal.com/news/ex-las-vegas-sands-ceo-alleges-wrongful-termination-suit>; Carri Geer Thevenot, *Sheldon Adelson denies 'exorcism strategy' to fire Macau executive*, *Las Vegas Review-Journal* (May 4, 2015), <http://www.reviewjournal.com/news/las-vegas/sheldon-adelson-denies-exorcism-strategy-fire-macau-executive>; Carri Geer Thevenot, *Las Vegas judge determines she has jurisdiction in case against Sands China Ltd.*, *Las Vegas Review-Journal* (May 22, 2015), <http://www.reviewjournal.com/news/las-vegas/las-vegas-judge-determines-she-has-jurisdiction-case-against-sands-china-ltd>.

provide more robust source attribution to their readers. Indeed, the Internet makes attribution to official proceedings seamless and allows readers to quickly see and evaluate the source for themselves.

Where hyperlinked sources are also protected by the fair report privilege, readers are all the more aware that the reporting is premised on allegations in official proceedings. *See Jankovic v. Int’l Crisis Grp.*, 593 F.3d 22, 26-27 (D.C. Cir. 2010) (hyperlinked material satisfied attribution requirement); *Global Telemedia Int’l, Inc. v. Doe 1*, 132 F. Supp. 2d 1261, 1268 (C.D. Cal. 2001) (link confirmed defendant’s statement was “clearly based on a public document”). And in such cases, the reader – through hyperlinked sources – is able to evaluate any opinions drawn from those documents for themselves. *Franklin v. Dynamic Details, Inc.*, 10 Cal. Rptr. 3d 429, 431 (Cal. Ct. App. 2004) (links disclosed facts because reader “could view those Web sites”).

Courts have recognized that a hyperlink can establish the attribution necessary for a statement to be considered an opinion based on disclosed facts. *See, e.g., Abbas v. Foreign Policy Grp., LLC*, 2013 WL 5410410, at \*11 & n.7 (D.D.C. 2013) (hyperlinks sufficient to disclose facts as basis for fair comment privilege), *aff’d*, 783 F.3d 1328 (D.C. Cir. 2015); *Boley v. Atlantic Monthly Grp.*, 950 F. Supp. 2d 249, 262 (D.D.C. 2013) (hyperlinking to earlier article sufficient to “incorporate[e] that article by reference and provid[e] the necessary context for

the allegedly defamatory remark”); *Agora, Inc. v. Axxess, Inc.*, 90 F. Supp. 2d 697, 704-05 (D. Md. 2000) (dismissing defamation claim based on facts disclosed through hyperlinks), *aff’d*, 11 F. App’x 99 (4th Cir. 2001); *Sandals Resorts Int’l, Ltd. v. Google Inc.*, 86 A.D.3d 32, 45 (N.Y. App. Div. 1st Dep’t 2011) (hyperlinks constitute disclosure of facts supporting opinion where “e-mail is supported by links to the writer’s sources”). Indeed, since the early years of the Internet, courts have accepted that hyperlinking to the facts underlying a statement of opinion provides the requisite factual disclosure, allowing the reader to easily evaluate the opinion expressed. *See, e.g., Nicosia v. DeRooy*, 72 F. Supp. 2d 1093, 1103 (N.D. Cal. 1999), *cited in Adelson*, 973 F. Supp. 2d at 490 n.19 (“[T]he underlying facts were fully disclosed both in the Petition itself and via hyperlink.”).

In this case, the Petition ended by asserting that “[g]iven” the reports, such as the AP Article linked in the Petition, “Romney and the rest of the Republican Party must cease accepting Adelson’s tainted money immediately.” In this manner, the Petition fairly and accurately described the allegations made in a judicial document, protected by the fair report privilege, and then expressed a point of view based on the fact those allegations had been made. Courts have repeatedly found such opinions to be privileged and protected from suit. *See, e.g., Boley*, 950 F. Supp. 2d at 259-60 (article describing official documents privileged, including opinion expressed based on those documents that it was a “good thing”

plaintiff prosecuted for war crimes); *Coles v. Washington Free Weekly, Inc.*, 881 F. Supp. 26, 30-32, 34 (D.D.C. 1995), *aff'd*, 88 F.3d 1278 (D.C. Cir. 1996) (explaining that “[i]t must be the case that the First Amendment protects a reporter who is simply providing his analysis of ... arguments at a public hearing,” and observing that “[l]itigation in high profile cases is not for the faint of heart.”); *Brian v. Richardson*, 660 N.E.2d 1126, 1131 (N.Y. 1995) (fair report applied where context for newspaper editorial included references to public records and ‘claims’ made by various sources upon which defendant offered opinion that governmental investigation was needed).

As Judge Oetken pointed out in this case, the Petition “repeatedly uses the phrase ‘reportedly’ and ‘reports’ when referring to the accusations in the Jacobs Declaration and puts in quotation marks the words ‘personally approved,’ which together make plain that the hyperlink connects to a source suggesting that Adelson ‘personally approved’ prostitution in Macau.” *Adelson*, 973 F. Supp. 2d at 483. In this manner, an Internet publication offers tools to inform readers that it is relying on outside sources – here news reports on allegations in a court filing – thus both achieving proper attribution to judicial proceedings and indicating to the reader that the source is resident outside of the publication. *See Jankovic v. Int’l Crisis Grp.*, 429 F. Supp. 2d 165, 177 n.8 (D.D.C. 2006) (noting that even if meaning of allegedly defamatory statement was unclear, it was clarified by “two

internet links” at end of statement because “[w]hat little confusion the sentence could possibly cause is easily dispelled by any reader willing to perform minimal research”), *aff’d in relevant part*, 494 F.2d 1080 (D.C. Cir. 2007).

For example, in *Rakofsky v. Washington Post*, 39 Misc. 3d 1226(A) (table), 2013 WL 1975654, at \*2-5 (N.Y. Sup. Ct. N.Y. Cnty. 2013), the court found that blog posts criticizing a lawyer were based on disclosed facts where they linked to newspaper articles describing a mistrial in the murder case plaintiff handled. The court found that blogs that referenced initial *Washington Post* articles reporting on related judicial proceedings were privileged fair reports, notwithstanding the fact that the links were not to the original court documents. *Id.* at \*9. Similarly, in a case like this involving political speech, a Texas appellate court held that a political campaign website’s links to underlying source materials provided the requisite context for the statement in suit that the plaintiff benefited from an official “reward[ing his] cronies.” *Rehak Creative Servs., Inc. v. Witt*, 404 S.W.3d 716, 730, 732 (Tex. App. 2013). The court observed that “the linked documents are part of the context that must be taken into consideration when assessing what the website actually conveyed,” because it is essential to “address[] how a person of ordinary intelligence would perceive the website’s message.”

Likewise, in the present case, because Appellees’ statements provided their audience with direct access to the source material summarized via hyperlinks, the

federal district court found that readers were fully equipped to agree or disagree based on the hyperlinked source material, here an AP article that was itself a fair report of a sworn declaration filed in a legal action. *Adelson*, 973 F. Supp. 2d at 490 n.19 (“[T]he underlying facts were fully disclosed both in the Petition itself and via hyperlink.”) In sum, the district court’s opinion reflects the reality that readers of Internet publications view hyperlinks as an integral reference point for the overall context of online content.

#### IV. CONCLUSION

For these reasons, Media *Amici* respectfully ask this Court to affirm the federal district court’s decision.

Dated: June 16, 2015

Respectfully submitted,

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## **CERTIFICATE OF COMPLIANCE**

I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5), and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface in Times New Roman 14 point font.

I further certify that this brief complies with the type-volume limitations of NRAP 29(e) and 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionally spaced, has a typeface of 14 points, and contains 3,892 words.

I hereby certify that I have read this Brief for *Amici Curiae* in Support of Respondents and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 16th day of June, 2015

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## **CERTIFICATE OF SERVICE**

I hereby certify, under penalty of perjury, that I am an employee of McDonald Carano Wilson LLP and that I caused to be electronically filed on this date, a true and correct copy of the foregoing document with the Clerk of the Court using the ECF system, which will automatically e-serve the same on the attorneys of record set forth below.

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I further certify that on this day, a true and correct copy of the foregoing document will be mailed via United States Mail, postage prepaid, to the below-named parties.

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Dated: June 16, 2015

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EXHIBIT A

EXHIBIT A

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EXHIBIT B

EXHIBIT B

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 67120

SHELDON ADELSON

Appellant,

v.

DAVID HARRIS; MARC R. STANLEY; and  
NATIONAL JEWISH DEMOCRATIC COUNCIL,

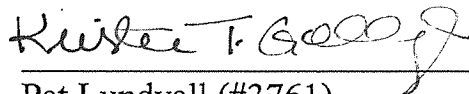
Respondents.

**CONSENT TO AMICUS FILING**

Pursuant to NRAP 29, *Amici Curiae* Media Organizations sought and obtained consent from all parties to the filing of the instant brief in support of Respondents. Counsel for Appellant retains the right to submit a response to *Amici*'s brief.

Date: June 16, 2015

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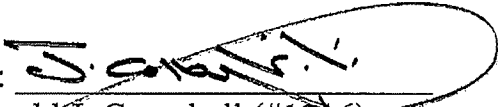
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