

# **EXHIBIT 2**

Rothell Declaration  
and Email Exhibit

IN THE SUPREME COURT OF THE STATE OF NEVADA

HOWARD SHAPIRO and JENNA SHAPIRO  
 Appellants/Cross-Respondents.  
 v.  
 GLENN WELT, RHODA WELT, LYNN WELT, and MICHELLE WELT,  
 Respondents/Cross-Appellants.

Supreme Court No. 67363  
 Dist. Ct. No. A-14-706566-C

DECLARATION OF  
 TREY A. ROTHELL

HOWARD SHAPIRO and JENNA SHAPIRO  
 Appellants,  
 v.  
 GLENN WELT, RHODA WELT, LYNN WELT, and MICHELLE WELT,  
 Respondents.

Supreme Court No. 67596  
 Dist. Ct. No. A-14-706566-C

I, TREY A. ROTHELL, declare:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I am employed as a paralegal for Randazza Legal Group, PLLC. I have first hand

knowledge of the facts set forth herein, and if called as a witness, could and would testify competently thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of an email exchange between Marc J. Randazza, counsel for *amici curiae*, and Alex Ghibaud, counsel for Appellants/Cross-Respondents in this appeal.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed on December 11, 2015.

  
Trey A. Rothell

## *EXHIBIT A*

Email Exchange



Trey Rothell &lt;tar@randazza.com&gt;

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**Re: Shapiro v. Welt et al.**

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**Randazza Marc John** <mjr@randazza.com>

Fri, Dec 11, 2015 at 11:07 AM

To: Alex &lt;alex@slglasvegas.com&gt;

Cc: Trey Rothell &lt;tar@randazza.com&gt;

Alex,

Would you be able to get this signed today? We would like to file today.

You can either scan it back to us, or we can send a courier to pick it up.

---

**Marc John Randazza, JD, MAMC, LLM\* | Randazza Legal Group, PLLC**

3625 South Town Center Drive | Las Vegas, NV 89135

Tel: 702-420-2001 | Email: [mjr@randazza.com](mailto:mjr@randazza.com)

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\* Licensed to practice law in Arizona, California, Florida, Massachusetts, and Nevada.On Dec 8, 2015, at 1:53 PM, Alex <[alex@slglasvegas.com](mailto:alex@slglasvegas.com)> wrote:

Sure, you have my consent.

---

**From:** [Randazza Marc John](#)**Sent:** 12/7/2015 1:06 PM**To:** [Alex Ghibaud](#)**Subject:** Re: Shapiro v. Welt et al.

Alex,

The Nevada Press Association would like your consent to file an Amicus Curiae brief, in support of neither party (but we will be arguing against your position that the Anti-SLAPP statute is unconstitutional)

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**Marc John Randazza, JD, MAMC, LLM\* | Randazza Legal Group, PLLC**

3625 South Town Center Drive | Las Vegas, NV 89135

Tel: 702-420-2001 | Email: [mjr@randazza.com](mailto:mjr@randazza.com)

---

\* Licensed to practice law in Arizona, California, Florida, Massachusetts, and Nevada.

On Apr 16, 2015, at 2:40 PM, Alex Ghibaudo <[alex@slglasvegas.com](mailto:alex@slglasvegas.com)> wrote:

Marc,

Sorry, here are the pertinent pleadings.

Regards,

/s/ Alex Ghibaudo

Alex Ghibaudo, Esq.  
<image001.png>

2800 W. Sahara Ave., Suite 1H  
Las Vegas, Nevada 89102  
(702) 489-4442  
(702) 489-4812  
[alex@slglasvegas.com](mailto:alex@slglasvegas.com)  
[www.slglasvegas.com](http://www.slglasvegas.com)

---

**From:** Marc Randazza [mailto:[mjr@randazza.com](mailto:mjr@randazza.com)]

**Sent:** Thursday, April 16, 2015 2:37 PM

**To:** Alex Ghibaudo

**Cc:** Evan Schwab; Meli Spahic-Bowman

**Subject:** Re: Shapiro v. Welt et al.

I am not seeing the Anti-SLAPP motion nor the opposition to the Anti-SLAPP.

On Thu, Apr 16, 2015 at 2:12 PM, Alex Ghibaudo  
<[alex@slglasvegas.com](mailto:alex@slglasvegas.com)> wrote:

Hi Marc,

Thanks for taking the time to talk to me about this case today, I really appreciate it. Attached are the documents I requested. Hopefully you can take a look at them and we can chat about them later. I will try to give you a call at 1:30 p.m. Hopefully you can give me some guidance on this matter.

Regards,

/s/ Alex Ghibaudo

Alex Ghibaudo, Esq.  
<image001.png>

2800 W. Sahara Ave., Suite 1H  
Las Vegas, Nevada 89102  
[\(702\) 489-4442](tel:(702)489-4442)  
[\(702\) 489-4812](tel:(702)489-4812)  
[alex@slglasvegas.com](mailto:alex@slglasvegas.com)  
[www.slglasvegas.com](http://www.slglasvegas.com)

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**Marc John Randazza, JD, MAMC, LLM\* | Randazza Legal Group**

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Firm Offices - **Las Vegas** | Philadelphia | San Francisco | **Miami**

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\* Licensed to practice law in Arizona, California, Florida, Massachusetts, and Nevada.

<Glenn\_Welt\_\_Rhoda\_Welt\_\_Lynn\_Welt\_\_Michele\_Welt\_s\_Motion\_  
to\_Dismiss\_Mdsm.pdf><Opposition\_to\_Defendants\_\_Motion\_to\_Dismiss\_Plaintiff\_s\_  
Complaint\_and\_Counter\_motion\_for\_Attorney\_s\_Omd.pdf><Complaint.pdf><A-14-  
706566-C-6516486\_NEOJ\_Notice\_of\_Entry\_of\_Order\_Granteeing\_Motion\_to\_Dismiss  
(1).pdf>



**Welt v. Shapiro - Shapiro Consent.pdf**

101K

# **EXHIBIT 1**

Welt Consent to File



1  
2  
3  
4 **IN THE SUPREME COURT OF THE STATE OF NEVADA**  
5

6 HOWARD SHAPIRO and JENNA  
7 SHAPIRO

8 Appellants/Cross-Respondents.

9 v.

10 GLENN WELT, RHODA WELT,  
11 LYNN WELT, and MICHELLE WELT,

12 Respondents/Cross-Appellants.

13 HOWARD SHAPIRO and JENNA  
14 SHAPIRO

15 Appellants,

16 v.

17 GLENN WELT, RHODA WELT,  
18 LYNN WELT, and MICHELLE WELT,

19 Respondents.

Supreme Court No. 67363  
Dist. Ct. No. A-14-706566-C

**CONSENT BY WELTS FOR  
NEVADA PRESS ASSOCIATION,  
TRIPADVISOR, INC., AND YELP,  
INC. TO FILE BRIEF AS *AMICUS  
CURIAE***

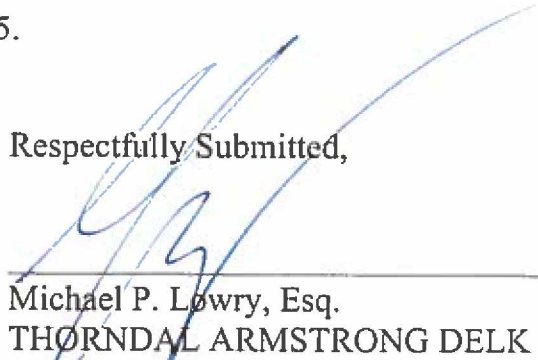
Supreme Court No. 67596  
Dist. Ct. No. A-14-706566-C

20 Respondents/Cross-Appellants Glenn Welt, Rhoda Welt, Lynn Welt, and  
21 Michelle Welt, by and through their undersigned counsel, hereby consent to the  
22  
23

1 request of the Nevada Press Association, TripAdvisor, Inc., and Yelp, Inc. to file a  
2 brief in this appeal as *amici curiae*.

3  
4 Dated this 11 day of December, 2015.

5  
6 Respectfully Submitted,

7  
8   
9 Michael P. Lowry, Esq.  
10 THORNDAL ARMSTRONG DELK  
11 BALKENBUSH & EISINGER  
12 Nevada Bar No. 10666  
13 P.O. Drawer 2070  
14 Las Vegas, Nevada 89125-2070  
15 Tel: (702) 366-0622  
16 Fax: (702) 366-0327  
17 Email: mlowry@thorndal.com

18  
19 *Attorneys for Respondents/Cross-Appellants*  
20 *Glenn Welt, Rhoda Welt, Lynn Welt, and*  
21 *Michelle Welt*  
22  
23

**RANDAZZA LEGAL GROUP, PLLC**

Marc J. Randazza, NV Bar No. 12265  
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 Tel: (702) 420-2001  
 Fax: (305) 437-7662  
 ecf@randazza.com

*Attorney for Amici Curiae*

Electronically Filed  
 Dec 14 2015 10:28 a.m.  
 Tracie K. Lindeman  
 Clerk of Supreme Court

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

HOWARD SHAPIRO and JENNA  
 SHAPIRO

Appellants/Cross-Respondents.

v.

GLENN WELT, RHODA WELT, LYNN  
 WELT, and MICHELLE WELT,

Respondents/Cross-Appellants.

Supreme Court No. 67363  
 Dist. Ct. No. A-14-706566-C

**MOTION FOR LEAVE TO FILE  
 BRIEF AS AMICI CURIAE AND  
 TO PARTICIPATE IN ORAL  
 ARGUMENTS**

HOWARD SHAPIRO and JENNA  
 SHAPIRO

Appellants,

v.

GLENN WELT, RHODA WELT, LYNN  
 WELT, and MICHELLE WELT,

Respondents.

Supreme Court No. 67596  
 Dist. Ct. No. A-14-706566-C

Pursuant to Rules 29(a) and 29(c) of the Nevada Rules of  
 Appellate Procedure, the Nevada Press Association ("NPA"),  
 TripAdvisor, Inc. ("TripAdvisor"), and Yelp, Inc. ("Yelp") (collectively,  
 "*Amici Curiae*" or "*Amici*") hereby move for leave to file a brief as

*amici curiae* in the above-referenced matter. All parties consent to *amici's* filing a brief as *amici curiae* in this matter. The proposed brief is filed conditionally with this Motion.

## **1.0 STATEMENT OF INTEREST OF AMICI CURIAE**

### **1.1. Nevada Press Association**

*Amicus* Nevada Press Association is a non-profit organization that for over a century has represented multiple news organizations in the states of Nevada and California, including the Las Vegas Review-Journal and the Reno Gazette-Journal. Its purpose is to represent the common interests of Nevada newspapers, further the public's "right to know" by educating people on the importance of a free press, and improve journalistic standards by fostering a closer relationship between newspapers.

### **1.2. TripAdvisor, Inc.**

TripAdvisor is an online travel company, whose travel research platform permits reviews and opinions by the public about destinations, accommodations, activities, attractions, and restaurants throughout the world, including in Nevada. TripAdvisor has over 60 million members and hosts over 200 million reviews. Its users and its platform are both protected by the Nevada Anti-SLAPP statute.

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### 1.3. Yelp, Inc.

Yelp, Inc. is a company that provides platforms and services, including Yelp.com, which allows consumers to share information, reviews, photographs, and ratings of businesses. Yelp is one of the best-known consumer review websites in the world, and serves millions of consumers and businesses on a daily basis. Its users and its platform are both protected by the Nevada Anti-SLAPP statute.

### 1.4. Common Interest

*Amici curiae* rely on the robust protections afforded by the First Amendment to the United States Constitution to function. Nevada's Anti-SLAPP statute, NRS 41.635 *et seq.*, is one the nation's finest example of a legislative pronouncement of a firm commitment to freedom of speech. The statute works to protect the *amici* from frivolous lawsuits.

Appellants, the Shapiros, argue on appeal that a crucial portion of Nevada's Anti-SLAPP statute, NRS 41.637(4), is unconstitutional. The *amici* thus have a significant interest in the legal issues on appeal in this matter, namely weighing in on why the Court should affirm the constitutionality of this provision.

## 2.0 REASON WHY AN AMICUS BRIEF IS DESIRABLE

The proposed *amici curiae* brief seeks to educate the Court as to the constitutionality of Nevada's Anti-SLAPP statute, particularly its reliance on California's Anti-SLAPP statute, which has withstood

1 constitutional scrutiny time and time again. The brief will discuss  
 2 Nevada, California, and federal case law showing that NRS 41.637(4)  
 3 suffers from none of the constitutional infirmities claimed by the  
 4 Shapiros.

5 Nevada Rule of Appellate Procedure 29(f) provides that an  
 6 *amicus curiae* shall file its brief no more than seven days after an  
 7 appellant's opening brief. Appellants filed their opening brief on  
 8 October 21, 2015, but a mere two days after this filing Appellees  
 9 moved to strike the portions of Appellants' brief concerning the  
 10 constitutionality of NRS 41.637(4). It thus would have been wasteful  
 11 for *amici* to file an amicus brief concerned with an issue that the  
 12 Court may not have addressed at all. It was not until December 4,  
 13 2015 that the Court denied Appellees' motion to strike and  
 14 confirmed that it would address the question of constitutionality.  
 15 *Amici's* motion for leave to file this brief as *amici curiae* is thus timely,  
 16 as it addresses only this issue.

### 17 **3.0 THE PARTIES POSITIONS**

18 Both parties were contacted regarding the brief, and both  
 19 consented to the filing of the brief. As of the date of filing of this  
 20 motion, only counsel for the Welts has returned the explicit consent  
 21 forms that *amici* transmitted to both parties. See **Exhibit 1**, consent  
 22 form executed by Respondents/Cross-Appellants. Counsel for the  
 23 Shapiros did, however, consent via email to the filing of the amicus

brief. See **Exhibit 2**. Nevertheless, in the interest of expediency, Amici file this motion seeking leave, and will update the court with the formal consent for the Shapiros once fully executed.

#### **4.0 REQUEST TO PARTICIPATE IN ORAL ARGUMENTS**

Nevada Rule of Appellate Procedure 29(h) provides that an amicus may seek to participate in oral arguments given extraordinary circumstances. In this appeal, Appellant/Cross-Respondent is challenging the State's most important bulwark against the erosion of First Amendment rights. Accordingly, amici believe this constitutes extraordinary reasoning and seek leave to participate in any oral arguments this Court may permit.

#### **5.0 CONCLUSION**

For these reasons, the proposed *amici curiae* request that the Court grant their Motion.

Dated this 11th day of December 2015.

Respectfully Submitted,

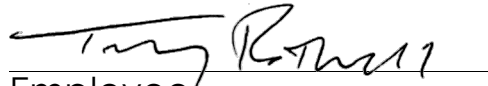
/s/ Marc J. Randazza

Marc J. Randazza (NV Bar No. 12265)  
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*Attorneys for Amici Curiae*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of this foregoing document was electronically filed and served upon counsel for each of the parties to this appeal through the Supreme Court of Nevada's electronic filing system on this 11th day of December, 2015.

Respectfully Submitted,



Employee,  
Randazza Legal Group, PLLC