NOAS
CHRISTIAN M. MORRIS, ESQ.
Nevada Bar No. 11218
NETTLES LAW FIRM
1389 Galleria Drive, Suite 200
Henderson, Nevada 89014
Telephone: (702) 434-8282
Facsimile: (702) 434-1488
christian@nettleslawfirm.com
Attorney for Defendants, Ingrid Patin and Patin Law Group, PLLC

DISTRICT COURT

CLARK COUNTY, NEVADA

TON VINH LEE, an individual, Plaintiff, v. INGRID PATIN, an individual, and PATIN LAW GROUP, PLLC, a Nevada Professional LLC, Defendants.	CASE NO.: A-15-723134-C DEPT NO.: IX **NOTICE OF APPEAL**

NETTLES LAW FIRM
1389 Galleria Drive, Suite 200
Henderson, NV 89014

Defendants, Ingrid Patin, an individual, and Patin Law Group, PLLC, a Nevada Professional LLC, by and through their counsel of record, Christian M. Morris, Esq. of the Nettles Law Firm, hereby appeal to the Supreme Court of Nevada from the Order [Denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70], filed on February 4, 2016, and attached hereto as **Exhibit A**.

Dated this 4th day of March, 2016.

NETTLES LAW FIRM

Christian M. Morris, Esq.
Nevada Bar No. 011218
1389 Galleria Drive, Suite 200
Henderson, NV 89014
Attorneys for Defendants, Ingrid Patin and Patin Law Group, PLLC

NETTLES LAW FIRM
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Henderson, NV 89014

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Henderson, NV 89014

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCP (b) and EDCR 7.26, I certify that on this 4 day of March, 2016, I served the foregoing **NOTICE OF APPEAL** on the following parties by electronic transmission through the Wiznet system on.

Bremer Whyte Brown & O'Meara	
Contact	**Email**
Ashley Boyd	aboyd@bremerwhyte.com
Courtney Droessler	cdroessler@bremerwhyte.com
Jennifer Vela	jvela@bremerwhyte.com
Jo Peters	jpeters@bremerwhyte.com

Bremer, Whyte, Brown & O'Meara	
Contact	**Email**
Prescott Jones, Esq.	pjones@bremerwhyte.com

Bremer, Whyte, Brown & O'Meara, LLP	
Contact	**Email**
August B. Hotchkin	ahotchkin@bremerwhyte.com

Patin Law Group, PLLC	
Contact	ingrid@patinlaw.com
Ingrid Patin, Esq.	ingrid@patinlaw.com

An Employee of Nettles Law Firm

CLERK OF THE COURT

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christian@nettleslawfirm.com
Attorney for Defendants, Ingrid Patin and Patin Law Group, PLLC

DISTRICT COURT

CLARK COUNTY, NEVADA

TON VINH LEE, an individual, Plaintiff, v. INGRID PATIN, an individual, and PATIN LAW GROUP, PLLC, a Nevada Professional LLC, Defendants.	CASE NO.: A-15-723134-C DEPT NO.: IX **CASE APPEAL STATEMENT**

CASE APPEAL STATEMENT

Defendants, Ingrid Patin, an individual, and Patin Law Group, PLLC, a Nevada Professional LLC, by and through their counsel of record, Christian M. Morris, Esq. of the Nettles Law Firm, hereby file this Case Appeal Statement.

1. Name of appellant filing this Case Appeal Statement: Defendants, Ingrid Patin, an individual, and Patin Law Group, PLLC, a Nevada Professional LLC

2. Identify the Judge issuing the decision, judgment, or order appealed from: Honorable Jennifer Togliatti

3. Identify each appellant and the name and address of counsel for each appellant:

Appellants: Ingrid Patin, an individual

Patin Law Group, PLLC, a Nevada Professional LLC

Attorneys: Christian M. Morris, Esq.
Nettles Law Firm
1389 Galleria Drive, Suite 200
Henderson, NV 89014

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicated as much and provide the name and address of that respondent's trial counsel):

Respondents: Ton Vinh Lee

Attorneys: Prescott T. Jones, Esq.
BREMER WHYTE BROWN & O'MEARA LLP
1160 N. Town Center Drive
Suite 250
Las Vegas, NV 89144

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission): N/A.

6. Indicated whether appellant was represented by appointed or retained counsel in the district court: Retained.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal: Retained.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: N/A.

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint indictment, information, or petition was filed): The complaint was filed on August 17, 2015.

NETTLES LAW FIRM
1389 Galleria Drive, Suite 200
Henderson, NV 89014

NETTLES LAW FIRM
1389 Galleria Drive, Suite 200
Henderson, NV 89014

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

This appeal is taken from a defamation per se action brought against Defendants by Plaintiff. Plaintiff alleges that Defendant posted a false and defamatory statement on their business website. The alleged false and defamatory statement relates to a jury verdict rendered in favor of Plaintiffs against Defendants Ton V. Lee, DDS, Prof. Corp. d/b/a Summerlin Smiles and Florida Traivai, DMD in the amount of $3,470,000 in Case No. A-12-656091-C. The Judgment on Jury Verdict awarded the total of $3,470,000, plus interest, and costs in the amount of $38,042.64 to Plaintiffs. The alleged false and defamatory statement lists the case name, *Singletary v. Ton Vinh Lee, DDS, et al.*, as well as a detailed description of the case: "A dental malpractice-based wrongful death action that arose out of the death of Decedent Reginald Singletary following the extraction of the No. 32 wisdom tooth by Defendants on or about April 16, 2011. Plaintiff sued the dental office, Summerlin Smiles, the owner, Ton Vinh Lee, DDS, and the treating dentists, Florida Traivai, DMD and Jai Park, DDS, on behalf of the Estate, herself and minor son."

Defendants appeal from the Order [Denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70], filed on February 4, 2016.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: N/A

12. Indicate whether this appeal involves child custody or visitation: N/A.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: This case does involve the possibility of a settlement.

Dated this 4th day of March, 2016.

NETTLES LAW FIRM

Christian M. Morris, Esq.
Nevada Bar No. 011218
1389 Galleria Drive, Suite 200
Henderson, NV 89014
Attorneys for Defendants, Ingrid Patin and Patin Law Group, PLLC

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1389 Galleria Drive, Suite 200
Henderson, NV 89014

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1389 Galleria Drive, Suite 200
Henderson, NV 89014

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCP (b) and EDCR 7.26, I certify that on this 4 day of March, 2016, I served the foregoing **CASE APPEAL STATEMENT** on the following parties by electronic transmission through the Wiznet system.

Bremer Whyte Brown & O'Meara	
Contact	**Email**
Ashley Boyd	aboyd@bremerwhyte.com
Courtney Droessler	cdroessler@bremerwhyte.com
Jennifer Vela	jvela@bremerwhyte.com
Jo Peters	jpeters@bremerwhyte.com

Bremer, Whyte, Brown & O'Meara	
Contact	**Email**
Prescott Jones, Esq.	pjones@bremerwhyte.com

Bremer, Whyte, Brown & O'Meara, LLP	
Contact	**Email**
August B. Hotchkin	ahotchkin@bremerwhyte.com

Patin Law Group, PLLC	
Contact	ingrid@patinlaw.com
Ingrid Patin, Esq.	ingrid@patinlaw.com

An Employee of Nettles Law Firm

DEPARTMENT 9

CASE SUMMARY

CASE NO. A-15-723134-C

Ton Lee, Plaintiff(s)	§	Location:	**Department 9**
vs.	§	Judicial Officer:	**Togliatti, Jennifer**
Ingrid Patin, Defendant(s)	§	Filed on:	**08/17/2015**
	§	Cross-Reference Case Number:	**A723134**
	§		

CASE INFORMATION

Case Type: **Other Tort**

Case Flags: **Appealed to Supreme Court**

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	A-15-723134-C
Court	Department 9
Date Assigned	08/17/2015
Judicial Officer	Togliatti, Jennifer

PARTY INFORMATION

		Lead Attorneys
Plaintiff	**Lee, Ton Vinh**	**Jones, Prescott T.** *Retained* 702-258-6665(W)
Defendant	**Patin Law Group PLLC**	**Morris, Christian** *Retained* 702-360-4949(W)
	Patin, Ingrid	**Morris, Christian** *Retained* 702-360-4949(W)

DATE — EVENTS & ORDERS OF THE COURT — INDEX

08/17/2015 Complaint
Filed By: Plaintiff Lee, Ton Vinh
Complaint

08/31/2015 Affidavit of Service
Filed By: Plaintiff Lee, Ton Vinh
Affidavit of Service

09/08/2015 Motion to Dismiss
Filed By: Plaintiff Lee, Ton Vinh
Defendants' Motion to Dismiss

09/23/2015 Affidavit of Service
Filed By: Plaintiff Lee, Ton Vinh
Affidavit of Service

09/25/2015 Opposition to Motion to Dismiss
Filed By: Plaintiff Lee, Ton Vinh
Plaintiff's Opposition To Defendants' Motion To Dismiss

10/06/2015 Initial Appearance Fee Disclosure

Filed By: Plaintiff Lee, Ton Vinh
Defendants' Initial Appearance Fee Disclosure

10/06/2015 Reply to Opposition
Filed by: Defendant Patin, Ingrid
Defendants' Reply to Plaintiff's Opposition to Motion to Dismiss

10/14/2015 Supplement to Opposition
Filed By: Plaintiff Lee, Ton Vinh
Plaintiff's Supplement to Opposition to Defendants' Motion to Dismiss

10/14/2015 **Motion to Dismiss** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
Defendants' Motion to Dismiss

10/16/2015 Motion
Filed By: Plaintiff Lee, Ton Vinh
Special Motion to Dismiss Pursuant to Nevada Revised Statute 41.635-70 or in the Alternative Motion to Dismiss Pursuant to NRS 12(b)(5)

10/20/2015 Objection
Filed By: Plaintiff Lee, Ton Vinh
Plaintiff's Objection To Defendant's Request For Expedited Hearing On Special Motion To Dismiss

10/22/2015 Order Denying Motion
Filed By: Plaintiff Lee, Ton Vinh
Order Denying Defendants' Motion to Dismiss

10/23/2015 Notice of Entry of Order
Filed By: Plaintiff Lee, Ton Vinh
Notice Of Entry Of Order Denying Defendants' Motion To Dismiss

11/02/2015 Opposition to Motion
Filed By: Plaintiff Lee, Ton Vinh
Plaintiff's Opposition To Defendants' Special Motion To Dismiss Pursuant To NRS 41.635-70, Or In The Alternative Motion To Dismiss Pursuant To NRS 12(B)(5)

11/12/2015 Reply
Filed by: Defendant Patin, Ingrid
Reply to Plaintiff's Opposition to Defendants' Special Motion to Dismiss Pursuant to Nevada Revised Statute 41.635-70, Or In The Alternative Motion to Dismiss Pursuant to NRS 12(b)(5)

11/16/2015 Motion to Strike
Filed By: Plaintiff Lee, Ton Vinh
Plaintiff's Motion To Strike Defendants' Reply In Support Of Special Motion To Dismiss; Or In The Alternative Plaintiff's Motion To Continue Hearing On Order Shortening Time

11/17/2015 Reply to Opposition
Filed by: Plaintiff Lee, Ton Vinh
Plaintiff's Sur-Reply in Opposition to Defendant's Special Motion to Dismiss

11/18/2015 **Motion to Dismiss** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
11/18/2015, 12/02/2015
Defendants' Special Motion to Dismiss Pursuant to Nevada Revised Statute 41.635-70 or in the Alternative Motion to Dismiss Pursuant to NRS 12(b)(5)

CASE SUMMARY

CASE NO. A-15-723134-C

11/18/2015	**Motion to Strike** (9:00 AM) (Judicial Officer: Togliatti, Jennifer) *Plaintiff's Motion To Strike Defendants' Reply In Support Of Special Motion To Dismiss; Or In The Alternative Plaintiff's Motion To Continue Hearing On Order Shortening Time*
11/18/2015	**All Pending Motions** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
11/25/2015	Supplemental Filed by: Plaintiff Lee, Ton Vinh *Supplement To Plaintiff's Sur-Reply In Opposition To Defendants' Special Motion To Dismiss*
12/09/2015	**Status Check** (3:00 AM) (Judicial Officer: Togliatti, Jennifer) *Decision*
01/13/2016	**Status Check** (3:00 AM) (Judicial Officer: Togliatti, Jennifer)
01/13/2016	*CANCELED* **Minute Order** (1:00 PM) (Judicial Officer: Barker, David) *Vacated - On in Error*
01/27/2016	Motion to Dismiss Filed By: Defendant Patin, Ingrid *Defendants' Motion to Dismiss Pursuant to NRCP 12(b)(5)*
02/04/2016	Order Denying Filed By: Plaintiff Lee, Ton Vinh *Order Denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70, or in the Alternative, Motion to Dismuss Pursuant to NRCP 12(b)(5)*
02/04/2016	Notice of Entry of Order Filed By: Plaintiff Lee, Ton Vinh *Notice Of Entry Of Order Denying Defendants' Special Motion To Dismiss Pursuant To NRS 41.635-70, Or In The Alternative, Motion To Dismiss Pursuant To NRCP 12(B)(5)*
02/05/2016	Motion to Strike Filed By: Plaintiff Lee, Ton Vinh *Plaintiff's Motion To Strike Defendants' Third-Filed Motion To Dismiss Pursuant To NRCP 12 (B)(5) On Order Shortening Time*
02/09/2016	Opposition to Motion Filed By: Defendant Patin, Ingrid *Defendants' Opposition to Plaintiff's Motion to Strike Defendants' Third-Filed Motion to Dismiss Pursuant to NRCP 12(b)(5) on Order Shortening Time*
02/09/2016	Reply in Support Filed By: Plaintiff Lee, Ton Vinh *Plaintiff's Reply in Support of Motion to Strike Defendants' Third-Filed Motion to Dismiss Pursuant to NRCP, 12(B)(5) on Order Shortening Time*
02/10/2016	**Motion to Strike** (9:30 AM) (Judicial Officer: Togliatti, Jennifer) **02/10/2016, 02/16/2016** *Plaintiff's Motion To Strike Defendants' Third-Filed Motion To Dismiss Pursuant To NRCP 12 (B)(5) On Order Shortening Time*
02/22/2016	Motion to Reconsider Filed By: Defendant Patin, Ingrid

	Defendants' Motion for Reconsideration
02/23/2016	Amended Complaint Filed By: Plaintiff Lee, Ton Vinh *First Amended Complaint*
02/23/2016	Opposition to Motion to Dismiss Filed By: Plaintiff Lee, Ton Vinh *Plaintiff's Opposition To Defendants' Motion To Dismiss*
02/29/2016	Order Filed By: Plaintiff Lee, Ton Vinh *Order Denying Plaintiff's Motion to Strike Defendants' Third-Filed Motion to Dismiss Pursuant to NRCP 12(B)(5) on Order Shortening Time*
03/01/2016	Notice of Entry of Order Filed By: Defendant Patin Law Group PLLC *Notice of Entry of Order*
03/02/2016	Reply to Opposition Filed by: Defendant Patin, Ingrid *Defendant's Reply to Plaintiff's Opposition to Defendant's [sic] Motion to Dismiss Pursuant to NRCP 12(b)(5)*
03/04/2016	Notice of Appeal Filed By: Defendant Patin, Ingrid *Notice of Appeal*
03/04/2016	Case Appeal Statement Filed By: Defendant Patin, Ingrid *Case Appeal Statement*
03/09/2016	**Motion to Dismiss** (9:00 AM) (Judicial Officer: Togliatti, Jennifer) *Defendants' Motion to Dismiss Pursuant to NRCP 12(b)(5)*
03/30/2016	**Motion For Reconsideration** (3:00 AM) (Judicial Officer: Togliatti, Jennifer) *Defendants' Motion for Reconsideration*

DATE	FINANCIAL INFORMATION	
	Defendant Patin Law Group PLLC	
	Total Charges	30.00
	Total Payments and Credits	30.00
	Balance Due as of 3/8/2016	**0.00**
	Defendant Patin, Ingrid	
	Total Charges	247.00
	Total Payments and Credits	247.00
	Balance Due as of 3/8/2016	**0.00**
	Plaintiff Lee, Ton Vinh	
	Total Charges	270.00
	Total Payments and Credits	270.00
	Balance Due as of 3/8/2016	**0.00**
	Defendant Patin, Ingrid	
	Appeal Bond Balance as of 3/8/2016	**500.00**

Printed on 03/08/2016 at 7:37 AM

DISTRICT COURT CIVIL COVER SHEET

A-15-723134-C

Clark County, Nevada

IX

Case No. _____
(Assigned by Clerk's Office)

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
Ton V. Lee, DDS	Ingrid Patin, individual; Patin Law Group, PLLC
9525 W. Russell Rd.	6671 S. Las Vegas, Blvd., Suite 210
Las Vegas, NV 89148	Las Vegas, NV 89119
(702) 579-7645	(702) 461-5241
Attorney (name/address/phone):	**Attorney (name/address/phone):**
Prescott T. Jones, Esq.--Bremer Whyte Brown & O'Meara, LLP	Patin Law Group, PLLC
1160 North Town Center Dr., Suite 250	6671 S. Las Vegas Blvd., Suite 210
Las Vegas, NV 89144	Las Vegas, NV 89119
(702) 258-6665	(702) 461-5241

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property

Landlord/Tenant
- [ ] Unlawful Detainer
- [ ] Other Landlord/Tenant

Title to Property
- [ ] Judicial Foreclosure
- [ ] Other Title to Property

Other Real Property
- [ ] Condemnation/Eminent Domain
- [ ] Other Real Property

Torts

Negligence
- [ ] Auto
- [ ] Premises Liability
- [ ] Other Negligence

Malpractice
- [ ] Medical/Dental
- [ ] Legal
- [ ] Accounting
- [ ] Other Malpractice

Other Torts
- [ ] Product Liability
- [ ] Intentional Misconduct
- [ ] Employment Tort
- [ ] Insurance Tort
- [X] Other Tort

Probate

Probate *(select case type and estate value)*
- [ ] Summary Administration
- [ ] General Administration
- [ ] Special Administration
- [ ] Set Aside
- [ ] Trust/Conservatorship
- [ ] Other Probate

Estate Value
- [ ] Over $200,000
- [ ] Between $100,000 and $200,000
- [ ] Under $100,000 or Unknown
- [ ] Under $2,500

Construction Defect & Contract

Construction Defect
- [ ] Chapter 40
- [ ] Other Construction Defect

Contract Case
- [ ] Uniform Commercial Code
- [ ] Building and Construction
- [ ] Insurance Carrier
- [ ] Commercial Instrument
- [ ] Collection of Accounts
- [ ] Employment Contract
- [ ] Other Contract

Judicial Review/Appeal

Judicial Review
- [ ] Foreclosure Mediation Case
- [ ] Petition to Seal Records
- [ ] Mental Competency

Nevada State Agency Appeal
- [ ] Department of Motor Vehicle
- [ ] Worker's Compensation
- [ ] Other Nevada State Agency

Appeal Other
- [ ] Appeal from Lower Court
- [ ] Other Judicial Review/Appeal

Civil Writ

Civil Writ
- [ ] Writ of Habeas Corpus
- [ ] Writ of Mandamus
- [ ] Writ of Quo Warrant
- [ ] Writ of Prohibition
- [ ] Other Civil Writ

Other Civil Filing

Other Civil Filing
- [ ] Compromise of Minor's Claim
- [ ] Foreign Judgment
- [ ] Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

August 17, 2015
Date

Signature of initiating party or representative

See other side for family-related case filings.

Electronically Filed
02/04/2016 11:25:50 AM

CLERK OF THE COURT

ORDR
PRESCOTT T. JONES, ESQ.
Nevada State Bar No. 11617
AUGUST B. HOTCHKIN, ESQ.
Nevada State Bar No. 12780
BREMER WHYTE BROWN & O'MEARA LLP
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Attorneys for Plaintiff,
TON VINH LEE

DISTRICT COURT

CLARK COUNTY, NEVADA

TON VINH LEE, an individual, Plaintiff, vs. INGRID PATIN, an individual; and PATIN LAW GROUP, PLLC, a Nevada Professional LLC, Defendants.	Case No. A-15-723134 Dept. No.: IX ORDER DENYING DEFENDANTS' SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.635-70, OR IN THE ALTERNATIVE, MOTION TO DISMISS PURSUANT TO NRCP 12(B)(5)

Defendants INGRID PATIN and PATIN LAW GROUP, PLLC's (collectively "Defendants") Special Motion to Dismiss Pursuant to NRS 41.635-70, or in the Alternative, Motion to Dismiss Pursuant to NRCP 12(b)(5) came on for hearing before this Court on December 2, 2015. The Court, having read all of the pleadings and papers on file herein, and good cause appearing, therefore, it is hereby:

ORDERED, ADJUDGED AND DECREED that Defendants' Motion is timely filed pursuant to NRS 41.660.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the communication at issue (as detailed by the Plaintiff Ton Vinh Lee in his Opposition to this Motion) under the circumstances of the nature, content, and location of the communication is not a good faith

communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern. Specifically, NRS 41.637(3) does not apply because the communication does not reference an appeal, nor does there appear to be any connection to the communication and its timing to any purpose other than attorney advertising. NRS 41.637(4) does not apply because it appears there is no direct connection to a matter of public interest, and instead it appears to be for the purpose of attorney advertising. However, even if NRS 41.637(3) or (4) did apply to complained-of communication, this Court cannot find at this juncture that the Plaintiff hasn't put forth prima facie evidence demonstrating a probability of prevailing on this claim. This is particularly true because the truth or falsity of an allegedly defamatory statement is an issue for the jury to determine. Posadas v. City of Reno, 109 Nev. 448, 453 (1993). Further, because if found to be defamatory and the statement is such that would tend to injure the Plaintiff in his business or profession, then it will be deemed defamation per se and damages will be presumed. Nevada Ind. Broadcasting v. Allen, 99 Nev. 404, 409 (1983).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that as set forth herein, the Special Motion to Dismiss pursuant to Nevada's Anti-SLAPP law is DENIED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all of Defendants' other arguments are not properly decided in a Motion to Dismiss and/or are without merit. Defendants' Alternative 12(b)(5) Motion to Dismiss is DENIED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's Countermotion for attorney's fees and costs is DENIED as this Court does not find the Special Motion to be frivolous or vexatious.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the misstatement of the evidentiary burden cannot be considered more than a harmless error on the part of counsel considering the facts here.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties have not in any Motion to Dismiss thus far distinguished between allegations of conduct of the individual Defendant versus the corporate Defendant, and therefore, any rulings herein and regarding the previous Motion to Dismiss do not address this issue.

BREMER WHYTE BROWN & O'MEARA LLP
1160 N. Town Center Drive
Suite 250
Las Vegas, NV 89144
(702) 258-6665

IT IS SO ORDERED.

DATED this 3rd day of January, 2016.

A723134
Order Denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.660 or, in the Alternative, Motion to Dismiss Pursuant to NRCP 12(b)(5)

Jennifer P. Gaschk
DISTRICT COURT JUDGE

Respectfully submitted,

BREMER WHYTE BROWN & O'MEARA LLP

By: _____ #12780
Prescott T. Jones, Esq.
Nevada State Bar No. 11617
August B. Hotchkin, Esq.
Nevada State Bar No. 12780

Approved as to form and content,

NETTLES LAW GROUP

By: _____
Christian M. Morris, Esq.
Nevada State Bar No. 11218

BREMER WHYTE BROWN & O'MEARA LLP
1160 N. Town Center Drive
Suite 250
Las Vegas, NV 89144
(702) 258-6665

CERTIFICATE OF SERVICE

I hereby certify that on 4th day of February, 2016, the following document was electronically served to all registered parties for case number A723134 as follows:

Name	Email		Select
Christian M. Morris, Esq.	christianmorris@nettleslawfirm.com	☒	☒
Kim Alverson	kim@nettleslawfirm.com	☒	☒

Patin Law Group, PLLC

Name	Email		Select
Ingrid Patin, Esq.	ingrid@patinlaw.com	☒	☒

Jo Peters, an employee of Bremer Whyte Brown & O'Meara

BREMER WHYTE BROWN & O'MEARA LLP
1160 N. Town Center Drive
Suite 250
Las Vegas, NV 89144
(702) 258-6665

PRESCOTT T. JONES, ESQ.
Nevada State Bar No. 11617
AUGUST B. HOTCHKIN, ESQ.
Nevada State Bar No. 12780
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pjones@bremerwhyte.com
ahotchkin@bremerwhyte.com

Attorneys for Plaintiff,
TON VINH LEE

DISTRICT COURT

CLARK COUNTY; NEVADA

TON VINH LEE, an individual, Plaintiff, vs. INGRID PATIN, an individual; and PATIN LAW GROUP, PLLC, a Nevada Professional LLC, Defendants.	Case No. A-15-723134 Dept. No.: IX **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.635-70, OR IN THE ALTERNATIVE, MOTION TO DISMISS PURSUANT TO NRCP 12(B)(5)**

PLEASE TAKE NOTICE that an **ORDER DENYING DEFENDANTS' SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.635-70, OR IN THE ALTERNATIVE, MOTION TO DISMISS PURSUANT TO NRCP 12(B)(5)** was entered on February 3, 2016. A copy of said ORDER is attached hereto.

Dated: February 4, 2016

BREMER WHYTE BROWN & O'MEARA LLP

By: _____
Prescott T. Jones, Esq., Bar No. 11617
August B. Hotchkin, Esq., Bar No. 12780
Attorneys for Plaintiff
TON VINH LEE

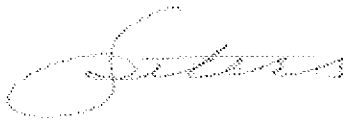
CERTIFICATE OF SERVICE

I hereby certify that on 4th day of February, 2016, a true and correct copy of the foregoing document was electronically served on Wiznet upon all parties on the master e-file and serve list.

Name	Email	Select
Christian M. Morris, Esq.	christianmorris@nettleslawfirm.com	☑
Kim Alverson	kim@nettleslawfirm.com	☑

Patin Law Group, PLLC

Name	Email	Select
Ingrid Patin, Esq.	ingrid@patinlaw.com	☑



Jo Peters, an employee of Bremer Whyte Brown & O'Meara

BREMER WHYTE BROWN & O'MEARA LLP
1160 N. Town Center Drive
Suite 250
Las Vegas, NV 89144
(702) 258-6665

Electronically Filed
02/04/2016 11:25:50 AM

CLERK OF THE COURT

ORDR
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Nevada State Bar No. 11617
AUGUST B. HOTCHKIN, ESQ.
Nevada State Bar No. 12780
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Attorneys for Plaintiff,
TON VINH LEE

DISTRICT COURT

CLARK COUNTY, NEVADA

TON VINH LEE, an individual, Plaintiff, vs. INGRID PATIN, an individual; and PATIN LAW GROUP, PLLC, a Nevada Professional LLC, Defendants.	Case No. A-15-723134 Dept. No.: IX ORDER DENYING DEFENDANTS' SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.635-70, OR IN THE ALTERNATIVE, MOTION TO DISMISS PURSUANT TO NRCP 12(B)(5)

Defendants INGRID PATIN and PATIN LAW GROUP, PLLC's (collectively "Defendants") Special Motion to Dismiss Pursuant to NRS 41.635-70, or in the Alternative, Motion to Dismiss Pursuant to NRCP 12(b)(5) came on for hearing before this Court on December 2, 2015. The Court, having read all of the pleadings and papers on file herein, and good cause appearing, therefore, it is hereby:

ORDERED, ADJUDGED AND DECREED that Defendants' Motion is timely filed pursuant to NRS 41.660.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the communication at issue (as detailed by the Plaintiff Ton Vinh Lee in his Opposition to this Motion) under the circumstances of the nature, content, and location of the communication is not a good faith

communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern. Specifically, NRS 41.637(3) does not apply because the communication does not reference an appeal, nor does there appear to be any connection to the communication and its timing to any purpose other than attorney advertising. NRS 41.637(4) does not apply because it appears there is no direct connection to a matter of public interest, and instead it appears to be for the purpose of attorney advertising. However, even if NRS 41.637(3) or (4) did apply to complained-of communication, this Court cannot find at this juncture that the Plaintiff hasn't put forth prima facie evidence demonstrating a probability of prevailing on this claim. This is particularly true because the truth or falsity of an allegedly defamatory statement is an issue for the jury to determine. Posadas v. City of Reno, 109 Nev. 448, 453 (1993). Further, because if found to be defamatory and the statement is such that would tend to injure the Plaintiff in his business or profession, then it will be deemed defamation per se and damages will be presumed. Nevada Ind. Broadcasting v. Allen, 99 Nev. 404, 409 (1983).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that as set forth herein, the Special Motion to Dismiss pursuant to Nevada's Anti-SLAPP law is DENIED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all of Defendants' other arguments are not properly decided in a Motion to Dismiss and/or are without merit. Defendants' Alternative 12(b)(5) Motion to Dismiss is DENIED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's Countermotion for attorney's fees and costs is DENIED as this Court does not find the Special Motion to be frivolous or vexatious.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the misstatement of the evidentiary burden cannot be considered more than a harmless error on the part of counsel considering the facts here.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties have not in any Motion to Dismiss thus far distinguished between allegations of conduct of the individual Defendant versus the corporate Defendant, and therefore, any rulings herein and regarding the previous Motion to Dismiss do not address this issue.

LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Parkway
Suite 600
Las Vegas, NV 89169
(702) 949-8200

IT IS SO ORDERED.

DATED this 3rd day of January, 2016. February 8.

A723134
Order Denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70 or, in the Alternative, Motion to Dismiss Pursuant to NRCP 12(b)(5)

DISTRICT COURT JUDGE

Respectfully submitted,

BREMER WHYTE BROWN & O'MEARA LLP

By: _____ # 12780
Prescott T. Jones, Esq.
Nevada State Bar No. 11617
August B. Hotchkin, Esq.
Nevada State Bar No. 12780

Approved as to form and content,

NETTLES LAW GROUP

By: _____
Christian M. Morris, Esq.
Nevada State Bar No. 11218

BREMER WHYTE BROWN & O'MEARA LLP
1160 N. Town Center Drive
Suite 250
Las Vegas, NV 89144
(702) 258-6665

CERTIFICATE OF SERVICE

I hereby certify that on 4th day of February, 2016, the following document was electronically served to all registered parties for case number A723134 as follows:

Name	Email	Select
Christian M. Morris, Esq.	christianmorris@nettleslawfirm.com	✓
Kim Alverson	kim@nettleslawfirm.com	✓

Patin Law Group, PLLC

Name	Email	Select
Ingrid Patin, Esq.	ingrid@patinlaw.com	✓

Jo Peters, an employee of Bremer Whyte Brown & O'Meara

BREMER WHYTE BROWN & O'MEARA LLP
1160 N. Town Center Drive
Suite 250
Las Vegas, NV 89144
(702) 258-6665

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Tort	COURT MINUTES	October 14, 2015

A-15-723134-C Ton Lee, Plaintiff(s)
vs.
Ingrid Patin, Defendant(s)

October 14, 2015 **9:00 AM** **Motion to Dismiss**

HEARD BY: Togliatti, Jennifer COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES
PRESENT: Jones, Prescott T. Attorney
Morris, Christian Attorney

JOURNAL ENTRIES

- Court made a record of all documents reviewed. Ms. Morris advised an anti-slap law may also be applicable and noted the bar complaint has been dealt with. Court advised it does not think professional conduct is relevant and the motion is really a Motion for Summary Judgment. Court reviewed the statement made and noted the verdict was against a dba, which is not a legal entity. Court requested information as to who owns the dba corporation. Ms. Morris advised she can get the information from the Secretary of State, noting that she believes Summerlin Smiles is owned by Ton V. Lee. Colloquy regarding the owner. Mr. Jones argued there is no verdict against his client as it was vacated by the Judge, although it is on appeal. Court made a record of Exhibit B and the 12 page order it has reviewed. Colloquy regarding the documenting statement. Mr. Jones objected to the statement of facts since they did not have an opportunity to respond. COURT ORDERED, motion DENIED WITHOUT PREJUDICE, noting any further motions must be re-filed. Further, Court noted if the Motion is treated as a Motion for Summary Judgment the motion is denied 56F. Mr. Jones to prepare the order and submit to opposing counsel prior to final submission to the Court.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Tort	COURT MINUTES	November 18, 2015

A-15-723134-C Ton Lee, Plaintiff(s)
vs.
Ingrid Patin, Defendant(s)

November 18, 2015 **9:00 AM** **All Pending Motions**

HEARD BY: Togliatti, Jennifer **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES PRESENT:

Jones, Prescott T.	Attorney
Morris, Christian	Attorney
Patin, Ingrid	Defendant

JOURNAL ENTRIES

- DEFENDANTS' SPECIAL MOTION TO DISMISS PURSUANT TO NEVADA REVISED STATUTE 41.635-70 OR IN THE ALTERNATIVE MOTION TO DISMISS PURSUANT TO NRS 12(B)(5) ... PLAINTIFF'S MOTION TO STRIKE DEFENDANTS' REPLY IN SUPPORT OF SPECIAL MOTION TO DISMISS; OR IN THE ALTERNATIVE PLAINTIFF'S MOTION TO CONTINUE HEARING ON ORDER SHORTENING TIME

Mr. Jones argued the Plaintiff's Motion is untimely and argued for the reply to be stricken, noting there are arguments made for the first time in the brief. Ms. Morris argued there are no new facts in the brief. COURT ORDERED, Plaintiff Motion to Strike Defendant's Reply in Support of Special Motion to Dismiss DENIED; Motion to Continued GRANTED to allow a sur-reply to be filed.

12/02/15 9:00 AM DEFENDANTS' SPECIAL MOTION TO DISMISS PURSUANT TO NEVADA REVISED STATUTE 41.635-70 OR IN THE ALTERNATIVE MOTION TO DISMISS PURSUANT TO NRS 12(B)(5)

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Tort	COURT MINUTES	December 02, 2015

A-15-723134-C Ton Lee, Plaintiff(s)
vs.
Ingrid Patin, Defendant(s)

December 02, 2015 **9:00 AM** **Motion to Dismiss**

HEARD BY: Togliatti, Jennifer **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES PRESENT:

Hotchkin, August B., ESQ	Attorney
Jones, Prescott T.	Attorney
Morris, Christian	Attorney
Patin, Ingrid	Defendant

JOURNAL ENTRIES

- Also present: Edward Wynder, Esq. on behalf of Defendant.

Ms. Morris argued in support of the motion, noting that the statement is accurate. Further, Ms. Morris argued that it is free speech and an issue for public concern. Ms. Morris advised the Plaintiff must prove a false and defamatory statement and they cannot prove damages. With respect to the Motion to Dismiss, Ms. Morris argued that Ton V. Lee DDS is the owner of Summerlin Smiles and the statement in the advertisement is factually correct. Mr. Jones argued there is no verdict for the Plaintiff. Upon Court's inquiry, Mr. Jones advised the Plaintiff filed a counter appeal for fees and costs only, not for any verdict unless the Nevada Supreme Court reverses the Judge's ruling. Mr. Jones further argued against the motion noting the statement is defamatory and that the verdict as vacated. Further argument by counsel. COURT ORDERED, matter UNDER ADVISEMENT and matter SET for status check, noting a minute order will issue.

12/09/15 (CHAMBERS) STATUS CHECK: DECISION

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Tort	COURT MINUTES	December 09, 2015

A-15-723134-C Ton Lee, Plaintiff(s)
vs.
Ingrid Patin, Defendant(s)

December 09, 2015 **3:00 AM** **Status Check**

HEARD BY: Togliatti, Jennifer COURTROOM:

COURT CLERK: Athena Trujillo

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.

CONTINUED TO: 1/13/16 (CHAMBERS)

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Tort	COURT MINUTES	January 13, 2016

A-15-723134-C Ton Lee, Plaintiff(s)
vs.
Ingrid Patin, Defendant(s)

January 13, 2016 **3:00 AM** **Status Check**

HEARD BY: Togliatti, Jennifer COURTROOM:

COURT CLERK: Phyllis Irby

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- This Court having considered the Defendants Special Motion to Dismiss Pursuant to NRS 41.635-70, or in the Alternative Motion to Dismiss Pursuant to NRS 12(b)(5), all related pleadings, and oral arguments of counsel, first FINDS Defendants Motion is timely filed pursuant to NRS 41.660. Next, this Court FINDS the communication at issue (as detailed by the Plaintiff in his Opposition to this Motion) under the circumstances of the nature, content, and location of the communication is not a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern. Specifically, NRS 41.637(3) doesn t apply because the communication does not reference an appeal, nor does there appear to be any connection to the communication and its timing to any purpose other than attorney advertising. NRS 41.637(4) does not apply because it appears there is no direct connection to a matter of public interest, and instead it appears to be for the purpose of attorney advertising.

However, even if NRS 41. 637(3) or (4) did apply to complained of communication, this Court cannot find at this juncture that the Plaintiff hasn t put forth prima facie evidence demonstrating a probability of prevailing on this claim. This is particularly true because the truth or falsity of an allegedly defamatory statement is an issue for the jury to determine. Posadas v. City of Reno, 109 Nev. 448, 453 (1993). Further, because if found to be defamatory and the statement is such that would tend to injure the Plaintiff in his business or profession, then it will be deemed defamation per se and

damages will be presumed. Nevada Ind. Broadcasting v. Allen, 99 Nev. 404, 409 (1983). Therefore, for the reasons stated herein Court ORDERS Special Motion to Dismiss pursuant to Nevada s anti-SLAPP laws DENIED.

Next, this Court FINDS all of Defendants other arguments are not properly decided in a Motion to Dismiss and/or are without merit and ORDERS Defendants Alternative 12(b)(5) Motion to Dismiss DENIED. Further, this Court DENIES Plaintiff s Countermotion for attorney s fees and costs as this Court does not find the special motion to be frivolous or vexatious. Further, the misstatement of the evidentiary burden cannot be considered more than a harmless error on the part of counsel considering the facts here.

Finally, this Court notes that the parties have not in any Motion to Dismiss thus far distinguished between allegations of conduct of the individual Defendant versus the corporate Defendant, and therefore, this Court notes that any rulings herein and regarding the previous Motion to Dismiss do not address that issue. Counsel for the Plaintiff is to prepare the proposed order tracking the language of this minute order and allow for Defendants counsel s signature as to form and content.

CLERK'S NOTE: A copy of this Minute Order shall be placed in the Attorney folders for the following:
Prescott T. Jones, Esq., August B. Hotchkin, Esq., and Bremer Whyte Brown & O'Meara LLP./pi

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Tort	COURT MINUTES	February 10, 2016

A-15-723134-C Ton Lee, Plaintiff(s)
vs.
Ingrid Patin, Defendant(s)

February 10, 2016 **9:30 AM** **Motion to Strike**

HEARD BY: Togliatti, Jennifer COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES PRESENT:

Jones, Prescott T.	Attorney
Morris, Christian	Attorney
Patin, Ingrid	Defendant

JOURNAL ENTRIES

- Court made a record of all documents reviewed. Mr. Jones argued in support of the motion, noting a subsequent 12(b) motion cannot be filed after the first 12(b) motion was filed. Further, Mr. Jones moved to strike the Motion to Dismiss and requested the answer be filed. Ms. Morris argued the motion was filed for a failure to state a claim against the Defendant individually and there is not a claim against the LLC. Upon Court's inquiry, Ms. Morris advised the LLC has not answered yet as time has not run out yet. Further argument by counsel. COURT ORDERED, matter CONTINUED for decision, noting a minute order will issue.

CONTINUED TO: 2/17/16 (CHAMBERS)

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Tort	COURT MINUTES	February 16, 2016

A-15-723134-C Ton Lee, Plaintiff(s)
vs.
Ingrid Patin, Defendant(s)

February 16, 2016 **3:00 AM** **Motion to Strike**

HEARD BY: Togliatti, Jennifer COURTROOM:

COURT CLERK: Athena Trujillo

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- This Court, having considered the motion to Strike Defendants Third-Filed Motion to Dismiss Pursuant to NRCP 12(b)(5), the Opposition to the Motion, Reply in Support of Motion, and oral arguments of counsel ORDERS the Motion to Strike DENIED. Further, this Court ORDERS the Defendants Countermotion for Attorney s Fees and Costs DENIED, as the Court does not find that the Motion was filed for the purposes of harassment. Counsel for Defendants is directed to prepare the proposed order for the Court s signature.

CLERK'S NOTE: A copy of this minute order has been e-mailed to Prescott Jones, Esq. and Christian Morris, Esq.

EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE

NOTICE OF DEFICIENCY

ON APPEAL TO NEVADA SUPREME COURT

CHRISTIAN M. MORRIS, ESQ.
1389 GALLERIA DR., SUITE 200
HENDERSON, NV 89014

DATE: March 8, 2016
CASE: A723134

RE CASE: TON VINH LEE vs. INGRID PATIN; PATIN LAW GROUP, PLLC

NOTICE OF APPEAL FILED: March 4, 2016

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☒ $250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
- If the $250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.

☐ $24 – District Court Filing Fee (Make Check Payable to the District Court)**

☐ $500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
- NRAP 7: Bond For Costs On Appeal in Civil Cases

☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2

☐ Order

☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada
County of Clark } **SS:**

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING DEFENDANTS' SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.635-70, OR IN THE ALTERNATIVE, MOTION TO DISMISS PURSUANT TO NRCP 12(B)(5); NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.635-70, OR IN THE ALTERNATIVE, MOTION TO DISMISS PURSUANT TO NRCP 12(B)(5); DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

TON VINH LEE,

Plaintiff(s),

vs.

INGRID PATIN; PATIN LAW GROUP, PLLC,

Defendant(s),

Case No: A723134

Dept No: IX

now on file and of record in this office.

IN **WITNESS THEREOF**, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 8 day of March 2016.

Steven D. Grierson, Clerk of the Court

Heather Ungermann

Heather Ungermann, Deputy Clerk