

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

INGRID PATIN, AN INDIVIDUAL; AND  
PATIN LAW GROUP, PLLC, A  
PROFESSIONAL LLC,

Appellants,

vs.

TON VINH LEE,

Respondent.

Electronically Filed  
Mar 24 2016 08:43 a.m.

Tracie K. Lindeman  
Clerk of Supreme Court  
**Supreme Court No.: 69928**  
District Court Case No.:  
A-15-723134-C

**DOCKETING STATEMENT  
CIVIL APPEALS**

**GENERAL INFORMATION**

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

**WARNING**

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 26 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. *See KDI Sylvan Pools v. Workman*, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District: Eighth Department IX  
County: Clark Judge Jennifer Togliatti  
District Ct. Docket No. A-15-723134-C

**2. Attorney filing this docketing statement:**

Attorney Christian Morris, Esq. Telephone 702-434-8282  
Firm Nettles Law Firm  
Address 1389 Galleria Drive, Suite 200, Henderson, NV 89014

Clients Ingrid Patin and Patin Law Group, PLLC (collectively referred to as,  
“Plaintiffs” or “Appellants”)

If this is a joint statement by multiple appellants, add the names and address of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney(s) representing respondent(s):**

Attorney Prescott Jones, Esq. Telephone 702-258-6665  
Firm Bremer Whyte Brown & O'Meara  
Address 1160 N. Town Center Drive, Suite 250, Las Vegas, NV 89144  
Clients Ton Vinh Lee

(List additional counsel on separate sheet if necessary)

4. **Nature of disposition below (check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> Judgment after bench trial         | <input type="checkbox"/> Dismissal                                      |
| <input type="checkbox"/> Judgment after jury verdict        | <input type="checkbox"/> Lack of Jurisdiction                           |
| <input type="checkbox"/> Summary judgment                   | <input checked="" type="checkbox"/> Failure to state a claim            |
| <input type="checkbox"/> Default judgment                   | <input type="checkbox"/> Failure to prosecute                           |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief  | <input type="checkbox"/> Other (specify)                                |
| <input type="checkbox"/> Grant/Denial of injunction         | <input type="checkbox"/> Divorce decree:                                |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination     | <input type="checkbox"/> Other disposition (specify)                    |

5. **Does this appeal raise issues concerning any of the following: N/A.**

- ☐ Child Custody  
☐ Venue  
☐ Termination of parental rights

6. **Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

The underlying case was the subject of a writ petition, Travai, D.M.D. v. Dist. Ct., to the Supreme Court docketed as Case No. 64734.

The underlying case is currently on appeal, Svetlana Singletary v. Ton V. Lee, DDS, et al., to the Supreme Court docketed as Case No.66278, following a jury verdict and post-trial motions.

7. **Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

District Court Case No. A723134, Patin, et al. v. Ton V. Lee, which is the subject of the instant appeal.

District Court Case No. A656091, Svetlana Singletary v. Ton V. Lee, DDS, et al., which is the underlying case.

**8. Nature of the action.** Briefly describe the nature of the action and the result below:

This appeal is taken from a defamation per se action brought against Defendants, Ingrid Patin, an individual, and Patin Law Group, PLLC, a professional LLC by Plaintiff. Plaintiff filed the instant action based upon a post on Defendant Patin Law Group, PLLC's website that depicted adequate information regarding the nature of the case or matter and the damages or injuries sustained by the client following a jury trial in the underlying matter [District Court Case No. A656091, Svetlana Singletary v. Ton V. Lee, DDS, et al]. Specifically, Plaintiff alleges that Defendants 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 the underlying matter [District Court Case No. A656091, Svetlana Singletary v. Ton V. Lee, DDS, et al]. 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 on Defendants' website listed 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."

In response to the original Complaint, Defendants filed multiple Motions to Dismiss, including, but not limited to, a Special Motion to Dismiss, pursuant to Nevada's anti-Strategic Lawsuit Against Public Participation (anti-SLAPP) statutes. Specifically, Defendants appeal from the Order [Denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70], filed on February 4, 2016.

**9. Issues on appeal.** State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

- (1) Whether the District Court erred in denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70 based on its determination that the communication was not a communication in furtherance of the right to

petition or the right to free speech in direct connection with an issue of public concern.

- (2) Whether the District Court erred in denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70 based on its determination that the communication has no direct connection to a matter of public concern.
- (3) Whether the District Court erred in denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70 based on its determination that the communication is for the purpose of attorney advertising.
- (4) Whether the District Court erred in denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70 based on its determination that the substantial truth or falsity of the allegedly defamatory statement is an issue for the jury to determine.
- (5) Whether the District Court erred in denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70 based on its determination that the fair reporting privilege was not a proper consideration for the Special Motion to Dismiss or was without merit.
- (6) Whether the District Court erred in denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70 based on its determination that the estoppel based on Plaintiff's prior statements was not a proper consideration for a Special motion to Dismiss or was without merit.
- (7) Whether the District Court erred in denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70 based on its determination that the allegedly defamatory statement was defamation per se and thus no prima facie showing of damages was required.
- (8) Whether the District Court erred in denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70, and therefore erred in awarding Defendants' requested attorney's fees and costs and a statutory award up to \$10,000.00.

10. **Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceeding presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

Appellants are not aware of any other similar proceedings pending before this Court.

11. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. **Other issues.** Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☒ A substantial issue of first impression

☒ An issue of public policy

☒ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain: Whether an NRCP 50(a) motion can be made orally. Whether a District Court denying an NRCP 50(a) motion can then grant an NRCP 50(b) motion without also granting a new trial.

13. **Assignment to the Court of Appeals or retention in the Supreme Court.**

Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

N/A

14. **Trial.** If this action proceeded to trial, how many days did the trial last? N/A

Was it a bench or jury trial? N/A

15. **Judicial disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal. If so, which Justice?

**N/A**

## TIMELINESS OF NOTICE ON APPEAL

### 16. Date of entry of written judgment or order appealed from

- The Order [Denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70] was filed on February 4, 2016, and is attached as **Exhibit 2**.

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review: N/A

### 17. Date written notice of entry of judgment or order served

- The Notice of Entry of Order on Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70] was filed on February 4, 2016, and is attached as **Exhibit 3**.

Was service by:

☐ Delivery

☒ Mail/electronic/fax

### 18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b)      Date of filing

☐ NRCP 52(b)      Date of filing

☐ NRCP 59          Date of filing

**NOTE:** Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. \_\_\_, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion: N/A

c) Date written notice of entry of order resolving tolling motion was served: N/A



**19. Date notice of appeal filed** March 4, 2016

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

N/A

**20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other**

NRAP 4(a)

### **SUBSTANTIVE APPEALABILITY**

**21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

(a)

- |   |                                      |
|---|--------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1)                 | <input type="checkbox"/> NRS 155.190 |
| <input type="checkbox"/> NRAP 3A(b)(2)                            | <input type="checkbox"/> NRS 38.205  |
| <input type="checkbox"/> NRAP 3A(b)(3)                            | <input type="checkbox"/> NRS 703.376 |
| <input checked="" type="checkbox"/> Other (specify) NRS 41.670(4) |                                      |

(b) Explain how each authority provides a basis for appeal from the judgment or order:

NRAP 3A(b)(1) allows an appeal to be taken from a final judgment.

NRAP 3A(b)(8) allows an appeal to be taken from special orders entered after final judgment.

NRS 41.670(4) allows an interlocutory appeal to be taken from a denial of a special motion to dismiss filed pursuant to NRS 41.660.

**22. List all parties involved in the action or consolidated actions in the district court:**

(a) Parties:

Plaintiffs: Ton Vinh Lee

Defendants: Ingrid Patin, Patin Law Group, PLLC

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, e.g., formally dismissed, not served, or other: N/A

**23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims or third-party claims, and the date of formal disposition of each claim.**

Plaintiff alleged defamation per se against all Defendants.

Defendants' filed a Special Motion to Dismiss, pursuant to NRS 41.635-70. The Court denied Defendants' Special Motion to Dismiss. The Order [Denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70] was filed on February 4, 2016, and is attached as **Exhibit 2**.

**24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

☒ Yes

☐ No

**25. If you answered "No" to question 24, complete the following:**

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b):

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment:

☐ Yes

☐ No

**26. If you answered “No” to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

**27. Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

<b>Exhibit</b>	<b>Document Description</b>
1	Complaint (filed 08/17/2015)
2	Order [Denying Defendants’ Special Motion to Dismiss Pursuant to NRS 41.635-70] was filed on February 4, 2016
3	Notice of Entry of Order [Denying Defendants’ Special Motion to Dismiss Pursuant to NRS 41.635-70] was filed on February 4, 2016

## VERIFICATION

**I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.**

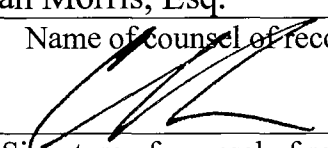
Ingrid Patin and Patin Law Group,  
PLLC

\_\_\_\_\_  
Name of appellants

3/23/16  
\_\_\_\_\_  
Date

Christian Morris, Esq.

\_\_\_\_\_  
Name of Counsel of record

  
\_\_\_\_\_  
Signature of counsel of record

Nevada, County of Clark

\_\_\_\_\_  
State and county where signed

## CERTIFICATE OF SERVICE

I certify that on the 23 day of March, 2016, I served a copy of this completed docketing statement upon all counsel of record:

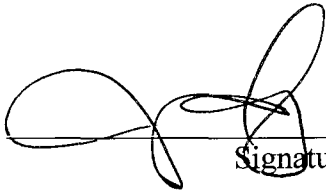
☒ Via the Supreme Court electronic service to:

Prescott T. Jones, Esq.  
August B. Hotchkin, Esq.

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es):

Prescott T. Jones, Esq.  
August B. Hotchkin, Esq.  
BREMER WHYTE BROWN & O'MEARA LLP  
1160 N. Town Center Drive, Suite 250  
Las Vegas, NV 89144  
*Attorneys for Ton Vinh Lee*

Dated this 23 day of March, 2016.

  
Signature

## **Exhibit 1**

## **Exhibit 1**

## **Exhibit 1**

## DISTRICT COURT CIVIL COVER SHEET

A-15-723134-C

Clark County, Nevada  
 Case No. \_\_\_\_\_

IX

(Assigned by Clerk's Office)

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

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

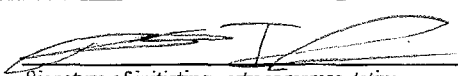
**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input checked="" type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate</b> (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

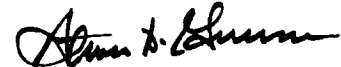
Business Court filings should be filed using the Business Court civil coversheet.

August 17, 2015

Date

  
 Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

1 PRESCOTT T. JONES, ESQ.  
2 Nevada State Bar No. 11617  
3 JESSICA M. FRIEDMAN, ESQ.  
4 Nevada State Bar No. 13486  
5 BREMER WHYTE BROWN & O'MEARA LLP  
6 1160 N. TOWN CENTER DRIVE  
7 SUITE 250  
8 LAS VEGAS, NV 89144  
9 TELEPHONE: (702) 258-6665  
10 FACSIMILE: (702) 258-6662  
11 pjones@bremerwhyte.com

12 Attorneys for Plaintiff,  
13 TON VINH LEE

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**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-C

) Dept. No.: IX

) **COMPLAINT**

COMES NOW, Plaintiff TON VINH LEE (hereinafter "Plaintiff"), by and through his  
attorneys of record, Prescott T. Jones, Esq. and Jessica M. Friedman, Esq. of the law firm  
BREMER, WHYTE, BROWN & O'MEARA, LLP, and hereby complains and alleges as follows:

**I.**

**PARTIES**

1. Plaintiff is, and at all times relevant herein, was a resident of Clark County, Nevada.
2. The actions complained of herein occurred in Clark County, Nevada.
3. Plaintiff, TON VINH LEE (hereinafter "Plaintiff") is a Doctor of Dental Surgery (DDS), and owner of Ton V. Lee, DDS, P.C., d/b/a Summerlin Smiles located at 9525 West Russell Rd. Suite 100, Las Vegas, NV 89148.



4. Plaintiff is informed, believes, and thereupon alleges, Defendant INGRID PATIN, ESQ. is, and was at all relevant times, a practicing attorney in the State of Nevada.

5. Plaintiff is informed, believes, and thereupon alleges, Defendant PATIN LAW GROUP, PLLC is a Nevada Professional Limited Liability Company licensed to do business in Clark County, Nevada.

6. Defendants, and each of them, were the handling attorney and/or handling law firm in *Svetlana Singletary v. Ton Lee, DDS*, Case Number A-12-656091-C.

## II.

## GENERAL ALLEGATIONS

7. Plaintiff incorporates herein by reference the preceding paragraphs, inclusive, as though fully set forth herein.

8. On or about February 7, 2012, Svetlana Singletary, Gabriel Singletary, Gabriel I Singletary, and the Estate of Reginald Singletary filed suit against, *inter alia*, TON VINH LEE for various causes of action arising out of the death of Reginald Singletary, in Case Number A-12-656091-C.

9. On September 10, 2014, a Judgement on Jury Verdict was entered in favor of Defendant TON VINH LEE, in which TON VINH LEE was also awarded his cost in the amount of Six Thousand Thirty-Two Dollars and Eighty-Three Cents (\$6,032.83), as the prevailing party under NRS 18.020.

10. Despite the Judgment entered, Defendants lists on their website, PatinLaw.com, under a section entitled “Recent Settlements and Verdicts,” a Plaintiff’s Verdict in the amount of \$3.4M for *Svetlana Singletary v. Ton Lee, DDS* .wherein it explicitly refers to Plaintiff Ton Vinh Lee by name.

11. Nevada Rules of Professional Conduct, Rule 7.2, requires any statement made by an attorney that includes a monetary sum, the amount involved must have been actually received by the client.

12. Plaintiff added this statement to her website for her own personal gain.

1 **FIRST CLAIM FOR RELIEF**

2 **Defamation Per Se**

3 13. Plaintiff incorporates herein by reference the preceding paragraphs, inclusive, as  
4 though fully set forth herein.

5 14. Defendants posted a false and defamatory statement on the "Recent Settlements and  
6 Verdicts" portion of their business website, PatinLaw.com.

7 15. The defamatory statement directly names both the Plaintiff and his Medical Practice.

8 16. The defamatory statement lists the case name, *Singletary v. Ton Vinh Lee, DDS, et*  
9 *al.*, as well as a detailed description of the case: "A dental malpractice-based wrongful death action  
10 that arose out of the death of Decedent Reginald Singletary following the extraction of the No. 32  
11 wisdom tooth by Defendants on or about April 16, 2011. Plaintiff sued the dental office,  
12 Summerlin Smiles, the owner, Ton Vinh Lee, DDS, and the treating dentists, Florida Traivai, DMD  
13 and Jai Park, DDS, on behalf of the Estate, herself and minor son."

14 17. Defendants have posted this statement on their website, which constitutes an  
15 unprivileged publication to a third person.

16 18. Defendants knew or should have known that the statement was false.

17 19. Nevada Rules of Professional Conduct, Rule 7.2, prohibit attorneys from advertising  
18 verdicts or recoveries that were not actually received or won.

19 20. The defamatory statement imputes to TON VINH LEE a lack of fitness as a dentist  
20 in that it claims Plaintiffs were able to recover a \$3.4 million judgment for wrongful death.

21 21. The defamatory statement injures TON VINH LEE in his business as a simple  
22 internet search reveals the claimed verdict for wrongful death.

23 WHEREFORE, Plaintiff expressly reserving the right to amend this complaint prior to or at  
24 the time of trial of this action, to insert those items of damage not yet fully ascertainable, prays  
25 judgement against all Defendants, and each of them, as follows:

- 26 1. For general damages in excess of \$10,000.00.  
27 2. For reasonable attorney's fees and costs  
28 3. For pre- and post-judgement interest on any award rendered herein; and

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

2  
3 Dated: August 17, 2015

BREMER WHYTE BROWN & O'MEARA LLP

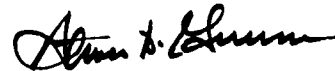
4  
5 By: 

6 Prescott T. Jones, Esq.  
7 Nevada State Bar No. 11617  
8 Jessica M. Friedman, Esq.  
9 Nevada State Bar No. 13486  
10 Attorney for Plaintiff,  
11 TON VINH LEE  
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## **Exhibit 2**

## **Exhibit 2**

## **Exhibit 2**



CLERK OF THE COURT

1 **ORDR**

2 PRESCOTT T. JONES, ESQ.  
3 Nevada State Bar No. 11617  
4 AUGUST B. HOTCHKIN, ESQ.  
5 Nevada State Bar No. 12780  
6 BREMER WHYTE BROWN & O'MEARA LLP  
7 1160 N. TOWN CENTER DRIVE  
8 SUITE 250  
9 LAS VEGAS, NV 89144  
10 TELEPHONE: (702) 258-6665  
11 FACSIMILE: (702) 258-6662  
12 pjones@bremerwhyte.com  
13 ahotchkin@bremerwhyte.com

14 Attorneys for Plaintiff,  
15 TON VINH LEE

10 **DISTRICT COURT**  
11 **CLARK COUNTY; NEVADA**

13 TON VINH LEE, an individual,

14 Plaintiff,

15 vs.

16 INGRID PATIN, an individual; and PATIN  
17 LAW GROUP, PLLC, a Nevada Professional  
18 LLC,

19 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)**

19 Defendants INGRID PATIN and PATIN LAW GROUP, PLLC's (collectively  
20 "Defendants") Special Motion to Dismiss Pursuant to NRS 41.635-70, or in the Alternative,  
21 Motion to Dismiss Pursuant to NRCP 12(b)(5) came on for hearing before this Court on December  
22 2, 2015. The Court, having read all of the pleadings and papers on file herein, and good cause  
23 appearing, therefore, it is hereby:

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

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

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

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

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

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

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

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

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IT IS SO ORDERED.  
DATED this 3rd day of February, 2018.

*A723134*  
*Order Denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.035-70*  
*or, in the Alternative, Motion to Dismiss Pursuant*  
Respectfully submitted, to *NRECP 12(b)(5)*

*Jennifer P. Zylak*  
DISTRICT COURT JUDGE

BREMER WHYTE BROWN & O'MEARA LLP

By: *[Signature]* # *12780*  
Prescott T. Jones, Esq.  
Nevada State Bar No. 11617  
August B. Hotchkin, Esq.  
Nevada State Bar No. 12780

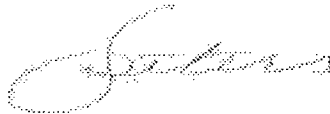
Approved as to form and content,

NETTLES LAW GROUP  
By: *[Signature]*  
Christian M. Morris, Esq.  
Nevada State Bar No. 11218

**CERTIFICATE OF SERVICE**

I hereby certify that on 4<sup>th</sup> 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@nettlawfirm.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Kim Alverson	kim@nettlawfirm.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Patin Law Group, PLLC</b>			
Name	Email	Select	
Ingrid Patin, Esq.	ingrid@patinlaw.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>



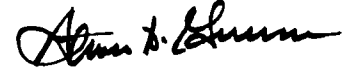
Jo Peters, an employee of Brener Whyte Brown & O'Meara



**Exhibit 3**

**Exhibit 3**

**Exhibit 3**



CLERK OF THE COURT

1 PRESCOTT T. JONES, ESQ.  
Nevada State Bar No. 11617  
2 AUGUST B. HOTCHKIN, ESQ.  
Nevada State Bar No. 12780  
3 BREMER WHYTE BROWN & O'MEARA LLP  
1160 N. TOWN CENTER DRIVE  
4 SUITE 250  
LAS VEGAS, NV 89144  
5 TELEPHONE: (702) 258-6665  
FACSIMILE: (702) 258-6662  
6 pjones@bremerwhyte.com  
ahotchkin@bremerwhyte.com

7 Attorneys for Plaintiff,  
8 TON VINH LEE

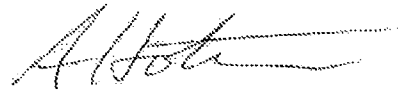
9 **DISTRICT COURT**  
10 **CLARK COUNTY; NEVADA**

11 TON VINH LEE, an individual,	) Case No. A-15-723134
	)
12 Plaintiff,	) Dept. No.: IX
13 vs.	)
	) <b>NOTICE OF ENTRY OF ORDER</b>
14 INGRID PATIN, an individual; and PATIN	) <b>DENYING DEFENDANTS' SPECIAL</b>
14 LAW GROUP, PLLC, a Nevada Professional	) <b>MOTION TO DISMISS PURSUANT TO</b>
14 LLC,	) <b>NRS 41.635-70, OR IN THE</b>
	) <b>ALTERNATIVE, MOTION TO DISMISS</b>
15 Defendants.	) <b>PURSUANT TO NRCP 12(B)(5)</b>
16	)

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

21 Dated: February 4, 2016

BREMER WHYTE BROWN & O'MEARA LLP



25 By: \_\_\_\_\_

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

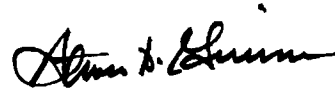
**CERTIFICATE OF SERVICE**

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.		<a href="mailto:christianmorris@nettieslawfirm.com">christianmorris@nettieslawfirm.com</a>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Kim Alverson		<a href="mailto:kim@nettieslawfirm.com">kim@nettieslawfirm.com</a>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Patin Law Group, PLLC</b>				
Name		Email	Select	
Ingrid Patin, Esq.		<a href="mailto:ingrid@patinlaw.com">ingrid@patinlaw.com</a>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>



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



CLERK OF THE COURT

1 **ORDER**  
2 PRESCOTT T. JONES, ESQ.  
3 Nevada State Bar No. 11617  
4 AUGUST B. HOTCHKIN, ESQ.  
5 Nevada State Bar No. 12780  
6 BREMER WHYTE BROWN & O'MEARA LLP  
7 1160 N. TOWN CENTER DRIVE  
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9 LAS VEGAS, NV 89144  
10 TELEPHONE: (702) 258-6665  
11 FACSIMILE: (702) 258-6662  
12 pjones@bremerwhyte.com  
13 ahotckin@bremerwhyte.com

14 Attorneys for Plaintiff,  
15 TON VINH LEE

16 **DISTRICT COURT**  
17 **CLARK COUNTY; NEVADA**

18 TON VINH LEE, an individual,  
19 Plaintiff,  
20 vs.

21 INGRID PATIN, an individual; and PATIN  
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IT IS SO ORDERED.

DATED this 3rd day of February, 2016.

A723134

Order Denying Defendants' Special  
Motion to Dismiss Pursuant to NRS 41.035-70  
or, in the Alternative, Motion to Dismiss Pursuant  
Respectfully submitted, to NRC 12(b)(5)

*Ernest P. Zofiat*  
DISTRICT COURT JUDGE

BREMER WHYTE BROWN & O'MEARA LLP

By: *[Signature]* #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: *[Signature]*  
Christian M. Morris, Esq.  
Nevada State Bar No. 11218

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<b>Patin Law Group, PLLC</b>			
Name	Email	Select	
Ingrid Patin, Esq.	ingrid@patinlaw.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>



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