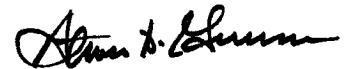


EXHIBIT B

EXHIBIT B

EXHIBIT B



CLERK OF THE COURT

1 **NEO**
2 **RESNICK & LOUIS, P.C.**
3 **PRESCOTT JONES**
4 Nevada Bar No. 11617
5 pjones@rlattorneys.com
6 5940 S. Rainbow Blvd.
7 Las Vegas, Nevada 89118
8 Telephone: (702) 997-3800
9 Facsimile: (702) 997-3800
10 *Attorneys for Plaintiff,*
11 *Ton Vinh Lee*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 **TON VINH LEE,**

11 **Plaintiff,**

12 **v.**

13 **INGRID PATIN, an individual, and PATIN**
14 **LAW GROUP, PLLC, a Nevada Professional**
15 **LLC,**

16 **Defendants.**

CASE NO.: A-15-723134-C

DEPT: IX

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' RENEWED
SPECIAL MOTION TO DISMISS
PURSUANT TO NEVADA REVISED
STATUTES 41.635-70**

17
18 PLEASE TAKE NOTICE that the Order Denying Defendants' Renewed Special Motion to
19 Dismiss Pursuant to Nevada Revised Statutes 41.635-70 was entered on September 29, 2016. A
20 copy of the document is attached.

21 DATED this 29th day of September, 2016.

22 **RESNICK & LOUIS, P.C.**

23 /s/ Prescott T. Jones

24 **PRESCOTT JONES**

25 Nevada Bar No. 11617

5940 S. Rainbow Blvd.

Las Vegas, NV 89118

26 pjones@rlattorneys.com

27 Telephone: (702) 997-3800

Facsimile: (702) 997-3800

Attorneys for Plaintiff,

28 *Ton Vinh Lee*

CERTIFICATE OF SERVICE

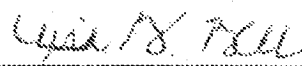
I HEREBY CERTIFY that service of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' RENEWED SPECIAL MOTION TO DISMISS PURSUANT TO NEVADA REVISED STATUTES 41.635-70** was served this 29th day of September, 2016, by:

☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada, addressed as set forth below.

☐ **BY FACSIMILE:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document.

☐ **BY PERSONAL SERVICE:** by causing personal delivery by an employee of Resnick & Louis, P.C. of the document(s) listed above to the person(s) at the address(es) set forth below.

☒ **BY ELECTRONIC SERVICE:** by transmitting via the Court's electronic filing services the document(s) listed above to the Counsel set forth on the service list on this date pursuant to EDCR Rule 7.26(c)(4).



An Employee of Resnick & Louis, P.C.



CLERK OF THE COURT

1 **ORDER**
2 **RESNICK & LOUIS, P.C.**
3 **PRESCOTT JONES**
4 Nevada Bar No. 11617
5 pjones@ralattorneys.com
6 5940 S. Rainbow Blvd.
7 Las Vegas, Nevada 89118
8 Telephone: (702) 997-3800
9 Facsimile: (702) 997-3800
10 *Attorneys for Plaintiff,*
11 *Ton Vinh Lee*

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 **TON VINH LEE,**

15 Plaintiff,

16 v.

17 **INGRID PATIN, an individual, and PATIN**
18 **LAW GROUP, PLLC, a Nevada Professional**
19 **LLC,**

20 Defendants.

CASE NO.: A-15-723134-C

DEPT: IX

ORDER DENYING DEFENDANTS'
RENEWED SPECIAL MOTION TO
DISMISS PURSUANT TO NEVADA
REVISED STATUTES 41.635-70

21 Defendants INGRID PATIN and PATIN LAW GROUP, PLLC's (collectively
22 "Defendants") Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70 came on for
23 hearing before this Court on August 10, 2016. The Court, having read all of the pleadings and
24 papers on file herein, and good cause appearing, therefore, it is hereby:

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

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

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that as set forth herein, the
13 Renewed Special Motion to Dismiss pursuant to Nevada's Anti-SLAPP law is DENIED as it
14 relates to the Second Amended Complaint.

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the stay of discovery
16 previously imposed by this Court, pursuant to NRS 41.660(3)(c)(2), remains in effect until the
17 appeal addressing the Special Motion to Dismiss is decided.

18 IT IS SO ORDERED.

19 DATED this 28th day of September, 2016.

20
21 
22 DISTRICT COURT JUDGE
23
24
25
26
27
28

1 Respectfully submitted,
2 RESNICK & LOUIS, P.C.

3
4 By: PTJ #6922

Prescott T. Jones, Esq.
Nevada State Bar No. 11617

6
7 Approved as to form and content,

8 NETTLES LAW GROUP

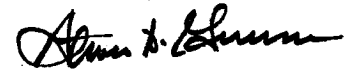
9 By: CM #13591

Christian M. Morris, Esq.
Nevada State Bar No. 11218

EXHIBIT A

EXHIBIT A

EXHIBIT A



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

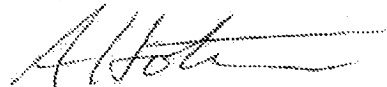
9 **DISTRICT COURT**
10 **CLARK COUNTY; NEVADA**

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

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: _____

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

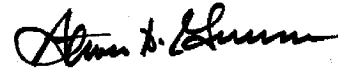
CERTIFICATE OF SERVICE

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	Sprint	
Christian M. Morris, Esq.		christianmorris@nettieslawfirm.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Kim Alverson		kim@nettieslawfirm.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Patin Law Group, PLLC				
Name		Email	Sprint	
Ingrid Patin, Esq.		ingrid@patinlaw.com	<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
8 SUITE 250
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
22 LAW GROUP, PLLC, a Nevada Professional
23 LLC,
24 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)**

25 Defendants INGRID PATIN and PATIN LAW GROUP, PLLC's (collectively
26 "Defendants") Special Motion to Dismiss Pursuant to NRS 41.635-70, or in the Alternative,
27 Motion to Dismiss Pursuant to NRCP 12(b)(5) came on for hearing before this Court on December
28 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

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.

1 IT IS SO ORDERED.

2 DATED this 3rd day of February, 2016.

3 A723134

4 Order Denying Defendants' Special

5 Motion to Dismiss Pursuant to NRS 41.035-70

6 or, in the Alternative, Motion to Dismiss Pursuant

7 Respectfully submitted, to NRCR 12(b)(5)

DISTRICT COURT JUDGE

8 BREMER WHYTE BROWN & O'MEARA LLP

9 By:

Prescott T. Jones, Esq.

Nevada State Bar No. 11617

August B. Hotchkin, Esq.

Nevada State Bar No. 12780

12 Approved as to form and content,

13 NETTLES LAW GROUP

15 By:

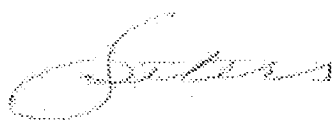
Christian M. Morris, Esq.

Nevada State Bar No. 11218

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@nettlelawfirm.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Kim Alverson	kim@nettlelawfirm.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Patin Law Group, PLLC			
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

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
Jan 23 2017 08:16 a.m.
Supreme Court Case No. A-125134
District Court Case No. A-125134
Clerk of Supreme Court

APPELLANTS RESPONSE TO ORDER TO SHOW CAUSE

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

*Attorneys for Appellants, Ingrid Patin and
Patin Law Group, PLLC*

Appellants, 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 submit this Response to the Order to Show Cause filed December 21, 2016 in the above-referenced matter, and respectfully request that this honorable Court not limit the appeal to issues related to the order denying the original special motion to dismiss. This Response is made in good faith and without the purposes of delay.

I.

BRIEF PROCEDURAL HISTORY

On or about August 17, 2015, Plaintiff Ton Vinh Lee in District Court Case No. A723134 commenced a defamation action through the filing of an original Complaint against Ingrid Patin, an individual, and Patin Law Group, PLLC, a Nevada Professional LLC in the Eighth Judicial District Court. On October 16, 2015, Defendants Ingrid Patin and Patin Law Group, PLLC filed a Special Motion to Dismiss Plaintiff's Complaint, pursuant to Nevada's anti-SLAPP statute, or in the Alternative Motion to Dismiss. The matter came on for hearing before the District Court on November 18, 2015. On January 13, 2016, the District Court issued its ruling denying Defendants' Special Motion to Dismiss, pursuant to NRS 41.635-70 and Alternative 12(b)(5) Motion to Dismiss, as well as Plaintiff's Countermotion for attorney's fees and costs. The Order and Notice of Entry of Order were filed on February 4, 2016. In response to the Court's denial of Defendants' Alternative 12(b)(5) Motion to Dismiss, Defendants' filed a Motion for Reconsideration. The Order denying Defendants' Motion for Reconsideration was filed on April 11, 2016. On February 23, 2016, Plaintiff filed a First Amended Complaint.

On March 4, 2016, Defendants filed a Notice of Appeal and Case Appeal Statement appealing the Court's order denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70.

On April 11, 2016, Plaintiff filed a Second Amended Complaint. In response to the Second Amended Complaint, Defendants filed a Renewed Special Motion to Dismiss pursuant to NRS 41.635-70 on May 24, 2016. The matter came on for hearing before the District Court on August 10, 2016. At that time, the District Court denied Defendants' Renewed Special Motion to Dismiss. The Order and Notice of Entry of Order were filed on September 29, 2016. On October 28, 2016, Appellants filed an Amended Case Appeal Statement to include the Court's order denying Defendants' Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70 in the original appeal.

On December 21, 2016, this honorable Court filed an Order to Show Cause. Appellants filed an Amended Notice of Appeal on January 5, 2017.

II.

ARGUMENT

Based upon the proper and timely filing of Appellants' Amended Case Appeal Statement on October 28, 2016 and Amended Docketing Statement on November 1, 2016, Appellants clearly and undoubtedly intended to include the Court's denial of the Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70 in the original appeal.

Pursuant to Campbell v. Deddens, 21 Ariz. App. 295, 518 P.2d 1012 (1974), there were no new claims asserted in Plaintiff's Second Amended Complaint. There was only one claim, defamation per se, which was the sole claim asserted in the original Complaint. Therefore, it should be construed that this Court has jurisdiction over the renewed special motion to dismiss as it is based upon the same claim asserted in the original Complaint and upon which the original Special Motion to Dismiss was decided.

At the time of the filing of Respondent/Plaintiff Ton Vinh Lee's Second Amended Complaint, Appellants/Defendants' interlocutory appeal under Nevada revised Statutes 41.635-70 was pending before the Supreme Court of Nevada. Despite the existence of the appeal, Respondent/Plaintiff Ton Vinh Lee filed a Second Amended Complaint in the District Court reiterating the same allegations as stated in the original Complaint with regard to the First Claim for Relief of Defamation Per Se against Appellants/Defendants Ingrid Patin and Patin Law Group, PLLC. In an abundance of caution, Appellants/Defendants Ingrid Patin and Patin Law Group, PLLC filed the Renewed Special Motion to Dismiss related to the Second Amended Complaint to clarify the procedural posture of the case to the Supreme Court, as well as provide Appellants/Defendants the ability to consolidate the District Court's decision to the pending Appeal. Following the denial of Appellants/Defendants' Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70, Appellants filed the Amended Case Appeal Statement and Amended Docketing Statement. In doing so, the intention of Appellants was to include the denial of the Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70 in the original appeal.

Moreover, the Orders denying Appellants/Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70 and Appellants/Defendants' Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70 were substantively identical. (See Order dated February 4, 2016, attached hereto as **Exhibit A**; see Order dated September 29, 2016, attached hereto as **Exhibit B**). Therefore, Appellants/Defendants' did not believe that a second Notice of Appeal was required, as the Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70 and subsequent Order were repetitious of the original Special Motion to Dismiss and subsequent Order. Additionally, the Amended Case Appeal Statement and Amended Docketing Statement clearly stated Appellants' intent to include the Order denying the Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70 in the original appeal. Based upon a reading of the Amended Case Appeal Statement, Appellants identify both Orders to which they are seeking to appeal, as well as specifically state, "Defendants now seek to appeal from the Order [Denying Defendants' Renewed Special Motion to Dismiss Pursuant to Nevada Revised Statutes 41.635-70]." This language also demonstrates the intent of Appellants to include the Court's denial of the Renewed Special Motion to Dismiss in the original appeal.

Although untimely, Appellants filed an Amended Notice of Appeal on January 5, 2017 to further clarify Appellants intent to appeal from both Orders denying the original Special Motion to Dismiss and Renewed Special Motion to Dismiss.

Lastly, Appellants may be significantly prejudiced if the Order denying the Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70 is not heard together with the Special Motion to Dismiss Pursuant to NRS 41.635-70, as there is a new operative Complaint upon which the Court has now ruled.

III.

CONCLUSION

Based upon the foregoing and Appellants actions of properly and timely filing the Amended Case Appeal Statement and Amended Docketing Statement, the intent of Appellants to include the Court's denial of the Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70 in the original appeal can be inferred.

Dated this 20th day of January, 2017.

NETTLES LAW FIRM

/s/ Christian M. Morris, Esq.

CHRISTIAN M. MORRIS, ESQ.

Nevada Bar No. 11218

1389 Galleria Drive, Suite 200

Henderson, Nevada 89014

Attorneys for Appellants

CERTIFICATE OF SERVICE

I certify that on the 20 day of January, 2017, I served a copy of this completed **APPELLANTS RESPONSE TO ORDER TO SHOW CAUSE** upon all counsel of record:

☒ By Electronic Service in accordance with the Master Service List:

Prescott T. Jones, Esq.
RESNICK & LOUIS, P.C.
8940 S. Rainbow Blvd.,
Las Vegas, NV 89118
Email: pjones@rlattorneys.com
Attorneys for Respondent


An Employee of NETTLES LAW FIRM