

**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.

**Supreme Court No. 72144**

District Court Case No. A723134

Electronically Filed  
Jan 30 2017 11:02 a.m.

Elizabeth A. Brown  
Clerk of Supreme Court

**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. A723134

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 702-9973800  
Firm Resnick & Louis, P.C.  
Address 5940 S. Rainbow Boulevard, Las Vegas, NV 89118  
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 was 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. On October 17, 2016, the Supreme Court issued an Order Affirming in Part, Reversing in Part and Remanding Case No.66278. The Supreme Court concluded that “the district court erred in granting judgment as a matter of law and finding that appellant’s general dentistry expert failed to state his standard of care opinions to the required reasonable degree of medical probability.” The Supreme Court further “reverse[d] the district court’s judgment as a matter of law and direct[ed] the district court to reinstate the jury’s verdict.”

This matter is currently on appeal, Ingrid Patin, et al. vs. Ton Vinh Lee, Supreme Court No. 69928 and 72144.

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." The matter was on appeal. On October 17, 2016, the Supreme Court issued an Order Affirming in Part, Reversing in Part and Remanding Case No.66278. The Supreme Court concluded that "the district court erred in granting judgment as a matter of law and finding that appellant's general dentistry expert failed to state his standard of care opinions to the required reasonable degree of medical probability." The Supreme Court further "reverse[d] the district court's judgment as a matter of law and direct[ed] the district court to reinstate the jury's verdict."

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. Defendants appealed from the Order [Denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70], filed on February 4, 2016. Subsequently, Plaintiff filed a Second Amended Complaint (attached as **Exhibit**

1) to which Defendants filed a Renewed Special Motion to Dismiss Pursuant to Nevada Revised Statutes 41.635-70. Defendants now file the Amended Docketing Statement to appear from the Order [Denying Defendants' Renewed Special Motion to Dismiss Pursuant to Nevada Revised Statutes 41.635-70], filed on September 29, 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 Renewed 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 Renewed 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 Renewed 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 Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70 based on its determination that the 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 Renewed 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. **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

14. **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

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

- The Order [Denying Defendants' Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70] was filed on September 29, 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:

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

- The Notice of Entry of Order on Defendants' Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70] was filed on September 29, 2016, and is attached as **Exhibit 3**.

Was service by:

- ☐ Delivery  
☒ Mail/electronic/fax

### 17. 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.

**18. Date notice of appeal filed**

Appellants filed their notice of appeal on October 28, 2016.

Appellants filed their amended notice of appeal on January 5, 2017.

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.

**19. 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**

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

(a)

☒ NRAP 3A(b)(1)

☐ NRS 155.190

☐ NRAP 3A(b)(2)

☐ NRS 38.205

☐ NRAP 3A(b)(3)

☐ NRS 703.376

☒ 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.



**21. 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.

**22. 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 Renewed Special Motion to Dismiss, pursuant to NRS 41.635-70. The Court denied Defendants' Renewed Special Motion to Dismiss. The Order [Denying Defendants' Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70] was filed on September 29, 2016, and is attached as **Exhibit 2**.

**23. 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

**24. If you answered "No" to question 23, 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

**25. If you answered "No" to any part of question 24, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

**26. 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	Second Amended Complaint (filed 04/11/2016)
2	Order [Denying Defendants' Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70] was filed on September 29, 2016
3	Notice of Entry of Order [Denying Defendants' Renewed Special Motion to Dismiss Pursuant to NRS 41.635-70] was filed on September 29, 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.**

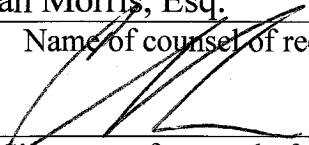
Ingrid Patin and Patin Law Group,  
PLLC

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

11/30/17  
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

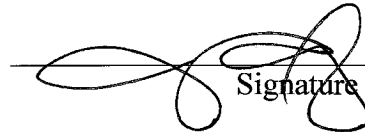
I certify that on the 30 day of January, 2017, I served a copy of this completed docketing statement upon all counsel of record:

☒ Via the Supreme Court electronic service to:

Prescott Jones, Esq.

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

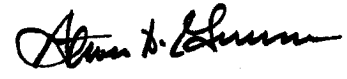
Dated this 30 day of January, 2017.

  
Signature

## **Exhibit 1**

## **Exhibit 1**

## **Exhibit 1**



CLERK OF THE COURT

1 **SACOM**  
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](mailto:pjones@bremerwhyte.com)  
13 [ahotchk@bremerwhyte.com](mailto:ahotchk@bremerwhyte.com)  
14 Attorneys for Plaintiff  
15 **TON VINH LEE**

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

11 TON VINH LEE, an individual ) Case No.: A723134  
12 )  
13 Plaintiff, ) Dept. No.: IX  
14 vs. )  
15 ) **SECOND AMENDED COMPLAINT**  
16 INGRID PATIN, an individual, and PATIN )  
17 LAW GROUP, PLLC, a Nevada Professional )  
18 LLC, )  
19 Defendants. )

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

21 **I.**

22 **PARTIES**

- 23 1. Plaintiff is, and at all times relevant herein, was a resident of Clark County, Nevada.  
24 2. The actions complained of herein occurred in Clark County, Nevada.  
25 3. Plaintiff, TON VINH LEE (hereinafter "Plaintiff") is a Doctor of Dental Surgery  
26 (DDS), and owner of Ton V. Lee, DDS, P.C., d/b/a Summerlin Smiles located at 9525 West  
27 Russell Rd. Suite 100, Las Vegas, NV 89148.  
28 4. Plaintiff is informed, believes, and thereupon alleges, Defendant INGRID PATIN,

1 ESQ. is, and was at all relevant times, a practicing attorney in the State of Nevada, and the sole  
2 managing member of PATIN LAW GROUP, PLLC.

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

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

8 II.

9 GENERAL ALLEGATIONS

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

12 8. On or about February 7, 2012, Svetlana Singletary, Gabriel Singletary, Gabriel I  
13 Singletary, and the Estate of Reginald Singletary filed suit against, *inter alia*, TON VINH LEE for  
14 various causes of action arising out of the death of Reginald Singletary, in Case Number A-12-  
15 656091-C.

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

20 10. Despite the Judgment entered, Defendants lists on their website, PatinLaw.com,  
21 under a section entitled "Recent Settlements and Verdicts," a Plaintiff's Verdict in the amount of  
22 \$3.4M for *Svetlana Singletary v. Ton Lee, DDS* wherein it explicitly refers to Plaintiff Ton Vinh  
23 Lee by name.

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

27 12. Defendant INGRID PATIN by and through PATIN LAW GROUP PLLC added this  
28 statement to her website for her own personal gain.

1 13. Defendant INGRID PATIN personally participated in the tortious act of making a  
2 defamatory statement.

3 14. Plaintiff is informed, believes, and thereupon alleges, that at all relevant times  
4 Defendant INGRID PATIN, ESQ. influenced and governed PATIN LAW GROUP, PLLC by  
5 unilaterally dictating the form and content of its website for the purposes of advertisement and to  
6 bolster her reputation by and through publishing a defamatory statement.

7 15. Plaintiff is informed, believes, and thereupon alleges, that at all relevant times  
8 Defendant PATIN LAW GROUP, PLLC was controlled by Defendant INGRID PATIN, ESQ. who  
9 is the sole owner and manager of PATIN LAW GROUP, PLLC.

10 16. Plaintiff has been forced to retain the services of an attorney to prosecute this matter  
11 and is entitled to recover reasonable costs and attorneys' fees incurred herein.

## 12 FIRST CLAIM FOR RELIEF

### 13 Defamation Per Se

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

16 18. Defendants posted a false and defamatory statement on the "Recent Settlements and  
17 Verdicts" portion of their business website, PatinLaw.com.

18 19. The defamatory statement directly names both the Plaintiff and his Medical Practice.

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

25 21. Defendants have posted this statement on their website, which constitutes an  
26 unprivileged publication to a third person.

27 22. Defendants knew or should have known that the statement was false.

28 23. Nevada Rules of Professional Conduct, Rule 7.2, prohibit attorneys from advertising



1 verdicts or recoveries that were not actually received or won.

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

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

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

- 9 1. For general damages in excess of \$10,000.00.  
10 2. For reasonable attorney's fees and costs  
11 3. For pre- and post-judgement interest on any award rendered herein; and  
12 4. For such other and further relief as the Court deems just and proper

13 Dated: April 11, 2016


BREMER WHYTE BROWN & O'MEARA LLP

14  
15 By: 

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

CERTIFICATE OF SERVICE

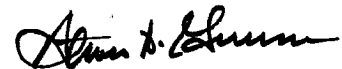
I hereby certify that on this 11<sup>th</sup> day of April, 2016, a true and correct copy of the foregoing document was electronically served on Wiznet upon all parties on the master e-file and serve list.

  
\_\_\_\_\_  
Ashley Boyd, an employee of Bremer Whyte Brown &  
O'Meara

## **Exhibit 2**

## **Exhibit 2**

## **Exhibit 2**



CLERK OF THE COURT

1 **ORDR**  
2 **RESNICK & LOUIS, P.C.**  
3 **PRESCOTT JONES**  
4 Nevada Bar No. 11617  
5 [pjones@rlattorneys.com](mailto: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  
9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11  
12 **TON VINH LEE,**

13 **Plaintiff,**

14 **v.**

15 **INGRID PATIN, an individual, and PATIN**  
16 **LAW GROUP, PLLC, a Nevada Professional**  
17 **LLC,**

18 **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**

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

23 **ORDERED, ADJUDGED AND DECREED** that the communication at issue (as detailed  
24 by the Plaintiff Ton Vinh Lee in his Opposition to this Motion) under the circumstances of the  
25 nature, content, and location of the communication is not a good faith communication in  
26 furtherance of the right to petition or the right to free speech in direct connection with an issue of  
27 public concern. Specifically, NRS 41.637(3) does not apply because the communication does  
28

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 it  
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)(e)(2), remains in effect until the  
17 appeal addressing the Special Motion to Dismiss is decided.

18 IT IS SO ORDERED.

19 DATED this 28<sup>th</sup> 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:  #6922

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

7 Approved as to form and content,

8 NETTLES LAW GROUP

9  
10 By:  #13591 JM

11 Christian M. Morris, Esq.  
12 Nevada State Bar No. 11218  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that service of the foregoing **ORDER DENYING DEFENDANTS' RENEWED SPECIAL MOTION TO DISMISS PURSUANT TO NEVADA REVISED STATUTE 41.635-70** was served this 29<sup>th</sup> 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).

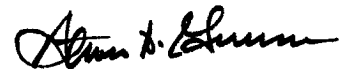
*Walter D. Till*  
An Employee of Resnick & Louis, P.C.

**Exhibit 3**

**Exhibit 3**

**Exhibit 3**





CLERK OF THE COURT

1 **NEO**  
2 **RESNICK & LOUIS, P.C.**  
3 **PRESCOTT JONES**  
4 Nevada Bar No. 11617  
5 [pjones@rlattorneys.com](mailto: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 29<sup>th</sup> 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](mailto: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 29<sup>th</sup> 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).

Lynn T. Hall  
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

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7 Las Vegas, Nevada 89118

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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

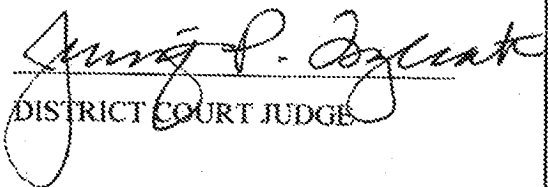
1 not reference an appeal, nor does there appear to be any connection to the communication and its  
2 timing to any purpose other than attorney advertising. NRS 41.637(4) does not apply because it  
3 appears there is no direct connection to a matter of public interest, and instead it appears to be 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)(e)(2), remains in effect until the  
17 appeal addressing the Special Motion to Dismiss is decided.

18 IT IS SO ORDERED.

19 DATED this 28<sup>th</sup> day of September, 2016.

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22 DISTRICT COURT JUDGE  
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1 Respectfully submitted,  
2 RESNICK & LOUIS, P.C.

3  
4 By:  #6922

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

7 Approved as to form and content,

8 NETTLES LAW GROUP

9  
10 By:  #13991 Jw

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