

Electronically Filed
Jun 19 2017 03:19 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOAS
BRADLEY S. SCHRAGER, ESQ.
Nevada State Bar No. 10217
DANIEL BRAVO, ESQ.
Nevada Bar No. 13078
WOLF, RIFKIN, SHAPIRO,
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Las Vegas, Nevada 89120
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MARC E. ELIAS, ESQ. (*Admitted Pro Hac Vice*)
GRAHAM WILSON, ESQ. (*Admitted Pro Hac Vice*)
ELISABETH C. FROST, ESQ. (*Admitted Pro Hac Vice*)
AMANDA R. CALLAIS, ESQ. (*Admitted Pro Hac Vice*)
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acallais@perkinscoie.com

Attorneys for Defendants

EIGHTH JUDICIAL DISTRICT COURT
IN AND FOR CLARK COUNTY, STATE OF NEVADA

DANNY TARKANIAN,

Plaintiff,

vs.

Case No: A-16-746797-C
Dept. No.: XXX

NOTICE OF APPEAL

JACKY ROSEN, an individual; ROSEN FOR
NEVADA, a 527 Organization and DOES I-X
and ROES ENTITIES VI-X

Defendant.

Pursuant to NRS 41.670(4), Defendants Jacky Rosen and Rosen for Nevada, by and
through their counsel, Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP, hereby appeal the:

///

///

1 Order Denying Defendants' Anti-SLAPP Motion to Dismiss entered on June 12, 2017.

2 DATED this 13th day of June, 2017.

3 **WOLF, RIFKIN, SHAPIRO,**
4 **SCHULMAN & RABKIN, LLP**

5 By: /s/ Bradley Schrager
6 BRADLEY S. SCHRAGER, ESQ.
7 Nevada State Bar No. 10217
8 DANIEL BRAVO, ESQ.
9 Nevada Bar No. 13078
3556 E. Russell Road, Second Floor
Las Vegas, Nevada 89120
Attorneys for Defendants

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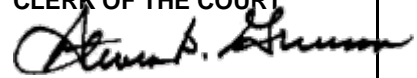
1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 13th day of June, 2017, a true and correct copy of **NOTICE**
3 **OF APPEAL** was served by electronically filing with the Clerk of the Court using the
4 Odyssey eFileNV system and serving all parties with an email-address on record, pursuant
5 to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R. and by depositing a true copy
6 of the same for mailing, postage pre-paid, in the U.S. Mail at Las Vegas, Nevada, said
7 envelope addressed to:

8 Samira C. Knight, Esq.
9 TARKANIAN & KNIGHT
10 LAW GROUP, PLLC
11 7220 S. Cimarron Rd., Suite 110
12 Las Vegas, NV 89113

13 By: /s/ Dannielle R. Fresquez

14 Dannielle R. Fresquez, an Employee of WOLF,
15 RIFKIN, SHAPIRO, SCHULMAN &
16 RABKIN, LLP
17
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ASTA
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Attorneys for Defendants

EIGHTH JUDICIAL DISTRICT COURT
IN AND FOR CLARK COUNTY, STATE OF NEVADA

DANNY TARKANIAN,

Plaintiff,

vs.

Case No: A-16-746797-C
Dept. No.: XXX

CASE APPEAL STATEMENT

JACKY ROSEN, an individual; ROSEN FOR
NEVADA, a 527 Organization and DOES I-X
and ROES ENTITIES VI-X

Defendant.

Pursuant to NRS 41.670(4), Defendants Jacky Rosen and Rosen for Nevada (collectively “Defendants”), by and through their counsel, Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP, hereby appeal the Order Denying Defendants’ Anti-SLAPP Motion to Dismiss Entered on June 12, 2017.

- 1 1. Appellants filing this appeal statement: Jacky Rosen and Rosen for Nevada
- 2 2. Judge issuing decision, judgment, or order appealed from: Hon. Jerry A. Weise, II
- 3 3. Appellant: Defendants Jacky Rosen and Rosen for Nevada
- 4 COUNSEL OF RECORD:
5 Bradley S. Schrager, Esq.
6 Daniel Bravo, Esq.
7 Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP
8 3556 E. Russell Road, Second Floor
9 Las Vegas, Nevada 89120
10 bschrager@wrslawyers.com
11 dbravo@wrslawyers.com
- 12 Marc E. Elias, Esq. (*Admitted Pro Hac Vice*)
13 Graham Wilson, Esq. (*Admitted Pro Hac Vice*)
14 Elisabeth C. Frost, Esq. (*Admitted Pro Hac Vice*)
15 Amanda R. Callais, Esq. (*Admitted Pro Hac Vice*)
16 Perkins Coie LLP
17 700 13th Street, N.W., Suite 600
18 Washington, D.C. 20005
19 melias@perkinscoie.com
20 gwilson@perkinscoie.com
21 efrost@perkinscoie.com
22 acallais@perkinscoie.com
- 23 4. Respondent: Plaintiff Danny Tarkanian
- 24 COUNSEL OF RECORD:
25 Samira C. Knight, Esq.
26 Jenny L. Foley, Esq.
27 Tarkanian & Knight Law Group, PLLC
28 7220 S. Cimarron, Suite 110
 Las Vegas, Nevada 89113
 samira@tklawgroupnv.com
 jenny@tklawgroupnv.com
5. Out of State Counsel for Appellants were granted permission to appear by the
District Court, Orders attached hereto as **Exhibit 1**. All other counsel identified above are licensed
to practice in Nevada.
6. Appellant was represented by counsel in the district court.
7. Appellant is represented by counsel on appeal.
8. No request has been made to proceed in forma pauperis.
9. The Complaint in this matter was originally filed on November 17, 2016.
10. The state court proceeding is complaint for liber per se, slander per se, and
intentional infliction of emotional distress. The order being appealed is the Order Denying

1 Defendants' Anti-SLAPP Motion to Dismiss, entered on June 12, 2017.

2 11. The case has not been subject of an appeal to or original writ proceeding in the
3 Supreme Court.

4 12. This appeal does not involve child custody or visitation.

5 13. This appeal does not involve the possibility of settlement.

6 DATED this 13th day of June, 2017.

7 **WOLF, RIFKIN, SHAPIRO,**
8 **SCHULMAN & RABKIN, LLP**

9 By: /s/ Bradley Schrager
10 BRADLEY S. SCHRAGER, ESQ.
11 Nevada State Bar No. 10217
12 DANIEL BRAVO, ESQ.
13 Nevada Bar No. 13078
14 3556 E. Russell Road, Second Floor
15 Las Vegas, Nevada 89120
16 *Attorneys for Defendants*
17
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 13th day of June, 2017, a true and correct copy of **NOTICE**
3 **OF APPEAL** was served by electronically filing with the Clerk of the Court using the
4 Odyssey eFileNV system and serving all parties with an email-address on record, pursuant
5 to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R. and by depositing a true copy
6 of the same for mailing, postage pre-paid, in the U.S. Mail at Las Vegas, Nevada, said
7 envelope addressed to:

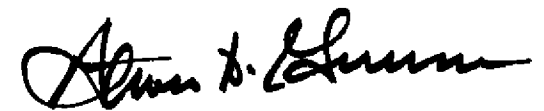
8 Samira C. Knight, Esq.
9 TARKANIAN & KNIGHT
10 LAW GROUP, PLLC
11 7220 S. Cimarron Rd., Suite 110
12 Las Vegas, NV 89113

13 By: /s/ Dannielle R. Fresquez

14 Dannielle R. Fresquez, an Employee of WOLF,
15 RIFKIN, SHAPIRO, SCHULMAN &
16 RABKIN, LLP
17
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EXHIBIT 1

EXHIBIT 1



CLERK OF THE COURT

ORAP
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DANIEL BRAVO, ESQ.
Nevada Bar No. 13078
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MARC E. ELIAS, ESQ. (pro hac vice motion to be filed)
GRAHAM WILSON, ESQ. (pro hac vice motion to be filed)
ELISABETH C. FROST, ESQ. (pro hac vice motion to be filed)
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efrost@perkinscoie.com

Attorneys for Defendants

EIGHTH JUDICIAL DISTRICT COURT

IN AND FOR CLARK COUNTY, STATE OF NEVADA

DANNY TARKANIAN,

Plaintiff,

vs.

JACKY ROSEN, an individual; ROSEN FOR
NEVADA, a 527 Organization and DOES I-X
and ROES ENTITIES VI-X

Defendant.

Case No: A-16-746797-C

Dept. No.: XXI

**ORDER GRANTING EX PARTE
MOTION TO ASSOCIATE COUNSEL**

MARC ERIK ELIAS, ESQ., having filed his Motion to Associate Counsel under Nevada
Supreme Court Rule 42, together with a Verified Application for Association of Counsel, a
Certificate of Good Standing for the District of Columbia, and the State Bar of Nevada Statement;
said application having been noticed, no objection having been made and the Court being fully
apprised in the premises, and good cause appearing, it is hereby:

1 ORDERED, that said application is hereby GRANTED, and MARC ERIK ELIAS, ESQ.,
2 is hereby admitted to practice in the above-entitled Court for the purposes of the above-entitled
3 matter only.

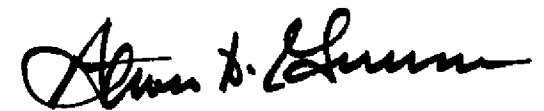
4 DATED this 28 day of February, 2017.


DISTRICT COURT JUDGE 

8 Submitted by:

9 **WOLF, RIFKIN, SHAPIRO,**
10 **SCHULMAN & RABKIN, LLP**
11 **BRADLEY S. SCHRAGER, ESQ.**
12 Nevada State Bar No. 10217
13 **DANIEL BRAVO, ESQ.**
14 Nevada Bar No. 13078
15 3556 E. Russell Road, Second Floor
16 Las Vegas, Nevada 89120
17 *Attorneys for Defendants*


16 Bradley S. Schrager, Esq.



CLERK OF THE COURT

ORAP
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MARC E. ELIAS, ESQ. (pro hac vice motion to be filed)
GRAHAM WILSON, ESQ. (pro hac vice motion to be filed)
ELISABETH C. FROST, ESQ. (pro hac vice motion to be filed)
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Attorneys for Defendants

EIGHTH JUDICIAL DISTRICT COURT

IN AND FOR CLARK COUNTY, STATE OF NEVADA

DANNY TARKANIAN,

Plaintiff,

vs.

JACKY ROSEN, an individual; ROSEN FOR
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and ROES ENTITIES VI-X

Defendant.

Case No: A-16-746797-C

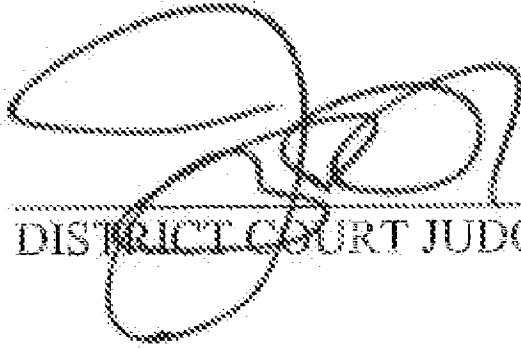
Dept. No.: XXI

**ORDER GRANTING EX PARTE
MOTION TO ASSOCIATE COUNSEL**

GRAHAM M. WILSON, ESQ., having filed his Motion to Associate Counsel under
Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel,
a Certificate of Good Standing for the District of Columbia, and the State Bar of Nevada
Statement; said application having been noticed, no objection having been made and the Court
being fully apprised in the premises, and good cause appearing, it is hereby:

1 ORDERED, that said application is hereby GRANTED, and GRAHAM M. WILSON,
2 ESQ., is hereby admitted to practice in the above-entitled Court for the purposes of the above-
3 entitled matter only.

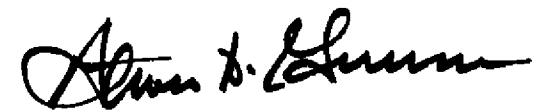
4 DATED this 15th day of February, 2017.
5 28th

6
7 
8 DISTRICT COURT JUDGE *Lee*

9 Submitted by:

10 WOLF, RIFKIN, SHAPIRO,
11 SCHULMAN & RABKIN, LLP
12 BRADLEY S. SCHRAGER, ESQ.
13 Nevada State Bar No. 10217
14 DANIEL BRAVO, ESQ.
15 Nevada Bar No. 13078
16 3556 E. Russell Road, Second Floor
17 Las Vegas, Nevada 89120
18 Attorneys for Defendants

19
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15 
16 Bradley S. Schrager, Esq.



CLERK OF THE COURT

ORAP
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Nevada Bar No. 13078
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MARC E. ELIAS, ESQ. (pro hac vice motion to be filed)
GRAHAM WILSON, ESQ. (pro hac vice motion to be filed)
ELISABETH C. FROST, ESQ. (pro hac vice motion to be filed)
PERKINS COIE LLP
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efrost@perkinscoie.com

Attorneys for Defendants

EIGHTH JUDICIAL DISTRICT COURT

IN AND FOR CLARK COUNTY, STATE OF NEVADA

DANNY TARKANIAN,

Plaintiff,

vs.

JACKY ROSEN, an individual; ROSEN FOR
NEVADA, a 527 Organization and DOES I-X
and ROES ENTITIES VI-X

Defendant.

Case No: A-16-746797-C

Dept. No.: XXI

**ORDER GRANTING EX PARTE
MOTION TO ASSOCIATE COUNSEL**

ELISABETH C. FROST, ESQ., having filed her Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, Certificates of Good Standing for the District of Columbia and the state of New York, and the State Bar of Nevada Statement; said application having been noticed, no objection having been made and the Court being fully apprised in the premises, and good cause appearing, it is hereby:

1 ORDERED, that said application is hereby GRANTED, and ELISABETH C. FROST,
2 ESQ., is hereby admitted to practice in the above-entitled Court for the purposes of the above-
3 entitled matter only.

4 DATED this ~~12~~ day of February, 2017.

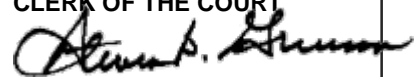
5 *LS of Tracy BH*

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7 
8 _____
9 DISTRICT COURT JUDGE *LS*

9 Submitted by:

10 WOLF, RIFKIN, SHAPIRO,
11 SCHULMAN & RABKIN, LLP
12 BRADLEY S. SCHRAGER, ESQ.
13 Nevada State Bar No. 10217
14 DANIEL BRAVO, ESQ.
15 Nevada Bar No. 13078
16 3556 E. Russell Road, Second Floor
17 Las Vegas, Nevada 89120
18 Attorneys for Defendants

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16 _____
17 Bradley S. Schrager, Esq.



ORAP

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DANIEL BRAVO, ESQ.

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GRAHAM WILSON, ESQ. (*Admitted Pro Hac Vice*)

ELISABETH C. FROST, ESQ. (*Admitted Pro Hac Vice*)

AMANDA R. CALLAIS, ESQ. (*pro hac vice pending*)

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Attorneys for Defendants

EIGHTH JUDICIAL DISTRICT COURT

IN AND FOR CLARK COUNTY, STATE OF NEVADA

DANNY TARKANIAN,

Plaintiff,

vs.

JACKY ROSEN, an individual; ROSEN FOR
NEVADA, a 527 Organization and DOES I-X
and ROES ENTITIES VI-X

Defendant.

Case No: A-16-746797-C


Dept. No.: XXX

**ORDER GRANTING EX PARTE
MOTION TO ASSOCIATE COUNSEL**

AMANDA R. CALLAIS, ESQ., having filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, a Certificate of Good Standing for the District of Columbia and the State of Virginia, and the State Bar of Nevada Statement; said application having been noticed, no objection having been made and the Court being fully apprised in the premises, and good cause appearing, it is hereby:

1 **ORDERED**, that said application is hereby GRANTED, and AMANDA R. CALLAIS,
2 ESQ., is hereby admitted to practice in the above-entitled Court for the purposes of the above-
3 entitled matter only.

4 DATED this 9th day of April, 2017.

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DISTRICT COURT JUDGE

Submitted by:

9 **WOLF, RIFKIN, SHAPIRO,**
10 **SCHULMAN & RABKIN, LLP**
11 **BRADLEY S. SCHRAGER, ESQ.**

Nevada State Bar No. 10217

DANIEL BRAVO, ESQ.

Nevada Bar No. 13078

3556 E. Russell Road, Second Floor

Las Vegas, Nevada 89120

Attorneys for Defendants



Daniel Bravo, Esq.

DEPARTMENT 30
CASE SUMMARY
CASE NO. A-16-746797-C

Danny Tarkanian, Plaintiff(s)
vs.
Jacky Rosen, Defendant(s)

§
§
§
§
§

Location: **Department 30**
Judicial Officer: **Wiese, Jerry A.**
Filed on: **11/17/2016**
Case Number History:
Cross-Reference Case Number: **A746797**

CASE INFORMATION

Case Type: **Other Tort**

Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-16-746797-C
Court	Department 30
Date Assigned	02/28/2017
Judicial Officer	Wiese, Jerry A.






PARTY INFORMATION

Plaintiff	Tarkanian, Danny	<i>Lead Attorneys</i> Knight, Samira C, ESQ <i>Retained</i> 702-508-4998(W)
Defendant	Rosen for Nevada	Schrager, Bradley S. <i>Retained</i> 702-341-5200(W)
	Rosen, Jacky	Schrager, Bradley S. <i>Retained</i> 702-341-5200(W)

DATE

EVENTS & ORDERS OF THE COURT














INDEX

11/17/2016	 Complaint Filed By: Plaintiff Tarkanian, Danny <i>Complaint</i>	
11/22/2016	 Summons Filed by: Plaintiff Tarkanian, Danny <i>Summons-Civil - Jacky Rosen</i>	
12/13/2016	 Affidavit of Service Filed By: Plaintiff Tarkanian, Danny <i>Affidavit of Service</i>	
01/25/2017	 Declaration Filed By: Defendant Rosen, Jacky <i>Declaration of Bradley Schrager in Support of Defendants Anti-Slapp Special Motion to Dismiss Under N.R.S. 41.660</i>	
01/25/2017	 Motion to Dismiss Filed By: Defendant Rosen, Jacky <i>Anti-Slapp Special Motion to Dismiss Under N.R.S. 41.660</i>	





DEPARTMENT 30
CASE SUMMARY
CASE NO. A-16-746797-C

01/25/2017	 Initial Appearance Fee Disclosure Filed By: Defendant Rosen, Jacky <i>Initial Appearance Fee Disclosure</i>
01/25/2017	 Disclosure Statement Party: Defendant Rosen, Jacky <i>Defendants' Notice of NRCP 7.1 Disclosure</i>
01/26/2017	 Exhibits <i>Exhibits K and L to Defendants' Anti-Slapp Special Motion to Dismiss Under N.R.S. 41.660</i>
01/27/2017	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
01/27/2017	 Minute Order (10:57 AM) (Judicial Officer: Earley, Kerry) <i>Minute Order Re: Recusal</i>
02/09/2017	 Motion to Associate Counsel Filed By: Defendant Rosen, Jacky <i>Ex Parte Motion to Associate Counsel Pursuant to Nevada Supreme Court Rule 42 [Elisabeth C. Frost, Esq.]</i>
02/09/2017	 Motion to Associate Counsel Filed By: Defendant Rosen, Jacky <i>Ex Parte Motion to Associate Counsel Pursuant to Nevada Supreme Court Rule 42 [Marc Erik Elias, Esq.]</i>
02/09/2017	 Motion to Associate Counsel Filed By: Defendant Rosen, Jacky <i>Ex Parte Motion to Associate Counsel Pursuant to Nevada Supreme Court Rule 42 [Graham Wilson, Esq.]</i>
02/22/2017	 Motion Filed By: Plaintiff Tarkanian, Danny <i>Motion to Continue hearing on Defendants' Anti-Slapp Special Motion to Dismiss Under NRS 41.660</i>
02/24/2017	 Affidavit of Service Filed By: Plaintiff Tarkanian, Danny <i>Affidavit of Service</i>
02/24/2017	 Opposition Filed By: Defendant Rosen, Jacky <i>Defendants' Opposition to Plaintiff's Motion to Continue Hearing on Defendants' Anti-Slapp Special Motion to Dismiss Under NRS 41.660</i>
02/27/2017	 Motion to Continue (3:00 AM) (Judicial Officer: Wiese, Jerry A.) 02/27/2017, 03/07/2017 <i>Plaintiff's Motion to Continue hearing on Defendants' Anti-Slapp Special Motion to Dismiss Under NRS 41.660</i>
02/28/2017	 Notice of Rescheduling <i>Notice of Rescheduling of Hearing</i>

DEPARTMENT 30
CASE SUMMARY
CASE NO. A-16-746797-C

02/28/2017	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
03/01/2017	 Order Admitting to Practice Filed By: Defendant Rosen, Jacky <i>Order Granting Ex Parte Motion to Associate Counsel</i>
03/01/2017	 Order Admitting to Practice Filed By: Plaintiff Tarkanian, Danny <i>Order Granting Ex Parte Motion to Associate Counsel - Elisabeth C. Frost, Esq.</i>
03/01/2017	 Order Admitting to Practice Filed By: Defendant Rosen, Jacky <i>Order Granting Ex Parte Motion to Associate Counsel - Graham M. Wilson, Esq.</i>
03/02/2017	 Notice of Entry of Order Filed By: Defendant Rosen, Jacky <i>Notice of Entry of Order</i>
03/02/2017	 Notice of Entry of Order Filed By: Defendant Rosen, Jacky <i>Notice of Entry of Order</i>
03/02/2017	 Notice of Entry of Order Filed By: Plaintiff Tarkanian, Danny <i>Notice of Entry of Order</i>
04/10/2017	 Certificate of Service Filed by: Plaintiff Tarkanian, Danny <i>Certificate of Service</i>
04/10/2017	 Opposition to Motion to Dismiss Filed By: Plaintiff Tarkanian, Danny <i>Opposition To Defendants' Anti-Slapp Special Motion To Dismiss Under N.R.S. 41.660</i>
04/20/2017	 Reply in Support Filed By: Defendant Rosen, Jacky; Defendant Rosen for Nevada <i>Reply in Support of Anti-Slapp Special Motion to Dismiss Under N.R.S. 41.660</i>
04/20/2017	 Motion to Associate Counsel Filed By: Defendant Rosen, Jacky; Defendant Rosen for Nevada <i>Ex Parte Motion to Associate Counsel Pursuant to Nevada Supreme Court Rule 42</i>
04/21/2017	 Order Granting Motion Filed By: Defendant Rosen, Jacky; Defendant Rosen for Nevada <i>Order Granting Ex Parte Motion to Associate Counsel</i>
04/21/2017	 Notice of Entry of Order Filed By: Defendant Rosen, Jacky; Defendant Rosen for Nevada <i>Notice of Entry of Order</i>
04/25/2017	 Motion to Dismiss (9:00 AM) (Judicial Officer: Wiese, Jerry A.)

DEPARTMENT 30
CASE SUMMARY
CASE NO. A-16-746797-C

	<i>Defendants' Anti-Slapp Special Motion to Dismiss Under N.R.S. 41.660</i>	
06/12/2017	 Order Filed By: Defendant Rosen, Jacky; Defendant Rosen for Nevada <i>Order for Defendants' Motion to Dismiss Under N.R.S. 41.660</i>	
06/12/2017	 Notice of Entry of Order Filed By: Defendant Rosen, Jacky; Defendant Rosen for Nevada <i>Notice of Entry of Order</i>	
06/13/2017	 Notice of Appeal Filed By: Defendant Rosen, Jacky; Defendant Rosen for Nevada <i>Notice of Appeal</i>	
06/13/2017	 Case Appeal Statement Filed By: Defendant Rosen, Jacky <i>Case Appeal Statement</i>	

DATE	FINANCIAL INFORMATION
	Defendant Rosen for Nevada Total Charges 30.00 Total Payments and Credits 30.00 Balance Due as of 6/15/2017 0.00
	Defendant Rosen, Jacky Total Charges 247.00 Total Payments and Credits 247.00 Balance Due as of 6/15/2017 0.00
	Plaintiff Tarkanian, Danny Total Charges 270.00 Total Payments and Credits 270.00 Balance Due as of 6/15/2017 0.00
	Defendant Rosen, Jacky Appeal Bond Balance as of 6/15/2017 500.00

DISTRICT COURT CIVIL COVER SHEET A- 16- 746797- C

County, Nevada

I V

Case No. _____

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
Danny Tarkanian	Jacky Rosen, an individual; Rosen for Nevada, a 527 Organization and Does I-X and Does Entities VI-X
7220 S. Cimarron Rd. #110	1000 N. Green Valley Parkway #440-177
Las Vegas, NV 89113	Henderson, NV 89074
702-508-4998	702-998-5327
Attorney (name/address/phone):	Attorney (name/address/phone):
Samira C. Knight, Esq.	
7220 S. Cimarron Rd. #110	
Las Vegas, NV 89113	
702-508-4998	

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

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <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
Probate Probate (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 Estate Value <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	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <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	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ <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		Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

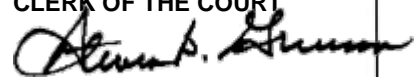
Business Court filings should be filed using the Business Court civil coversheet.

11/16/16

Date

Signature of initiating party or representative

See other side for family-related case filings.



1 **ORDR**

2 BRADLEY S. SCHRAGER, ESQ.
3 Nevada State Bar No. 10217
4 DANIEL BRAVO, ESQ.
5 Nevada Bar No. 13078
6 **WOLF, RIFKIN, SHAPIRO,**
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11 bschrager@wrslawyers.com
12 dbravo@wrslawyers.com

13 MARC E. ELIAS, ESQ. (*Admitted Pro Hac Vice*)
14 GRAHAM WILSON, ESQ. (*Admitted Pro Hac Vice*)
15 ELISABETH C. FROST, ESQ. (*Admitted Pro Hac Vice*)
16 AMANDA R. CALLAIS, ESQ. (*Admitted Pro Hac Vice*)

17 **PERKINS COIE LLP**

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21 melias@perkinscoie.com
22 gwilson@perkinscoie.com
23 efrost@perkinscoie.com
24 acallais@perkinscoie.com

25 *Attorneys for Defendants*

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **IN AND FOR CLARK COUNTY, STATE OF NEVADA**

28 DANNY TARKANIAN,

Plaintiff,

vs.

JACKY ROSEN, an individual; ROSEN FOR
NEVADA, a 527 Organization and DOES I-X
and ROES ENTITIES VI-X

Defendant.

Case No: A-16-746797-C

Dept. No.: XXX

**ORDER FOR DEFENDANTS' MOTION
TO DISMISS UNDER N.R.S. 41.660**

This matter having come before this Court on April 25, 2017, at 9:00 a.m., for Defendants' Anti-SLAPP Special Motion to Dismiss Under N.R.S. 41.660, and Plaintiff's Opposition to Defendants' Anti SLAPP Special Motion to Dismiss Under N.R.S. 41.660 and Plaintiff's request for Attorney's Fees and Costs. Plaintiff, Danny Tarkanian ("Danny"), being present with counsel

1 Samira C. Knight, Esq., and Jenny L. Foley, Esq. of Tarkanian & Knight Law Group, and
2 Defendants, Jacky Rosen and Rosen for Nevada (collectively "Defendants"), not present with
3 counsel Amanda Callais, Esq. of Perkins Coie appearing Pro Hac Vice, and Bradley Schrager of
4 Wolf Rifkin Shapiro Schulman & Rabkin, LLP, appearing as local counsel. This Court having
5 reviewed the papers and pleadings on file herein and having heard the arguments of counsel, the
6 Court does hereby enter the following:

7 **THE COURT FINDS¹** that when a party brings a Special Motion to Dismiss under NRS
8 41.660 (the "Anti-SLAPP Statute), the moving party has the initial burden to show, by a
9 preponderance of evidence, that the plaintiff's claims are "based upon a good faith communication
10 in furtherance of the right to petition or the right to free speech in direct connection with an issue of
11 public concern." NRS 41.660(1), (3)(a). A statement is made in "good faith" under the statute if it
12 "is truthful or is made without knowledge of its falsehood." NRS 41.637. If the defendant meets
13 this burden, the plaintiff then has the burden of showing, by *prima facie* evidence, that it has a
14 probability of prevailing on its claims. NRS 41.660(3)(b).

15 **THE COURT FURTHER FINDS** that Defendants' Anti-SLAPP Motion was filed, and
16 Defendants argued, among other things, that Plaintiff's Complaint was an improper restraint on
17 political speech. At issue in the Complaint are several statements made by Defendants during Jacky
18 Rosen's campaign for Nevada's Third Congressional District in 2016, including statements made in
19 a video published on the website Youtube.

20 Relevant to this Motion, the Complaint alleges *inter alia*, that the statements are defamatory.
21 Further, the Complaint alleges that Defendants knew or should have known that the statements were
22 defamatory because in 2009, Plaintiff Danny Tarkanian obtained a jury verdict in Clark County
23 against Mike Schneider for statements that the Complaint alleges are the same or substantially
24 similar to those at issue here. *See Danny Tarkanian v. Mike Schneider*, Case No. A500379 (the
25 "Schneider Case").

26
27 ¹ Herein, any findings of the Court that are, in truth, conclusions of law, or any conclusions of law that are, in
28 truth, findings, shall be treated as such.

1 **THE COURT FURTHER FINDS** that Plaintiff was a public figure for purposes of the
2 claims made in the Complaint

3 **THE COURT FURTHER FINDS** that the statements in question were made in a political
4 advertisement (the “Advertisement”) that aired during the 2016 general election and are political
5 speech, and thus constitute “communication[s] in furtherance of the right to petition or the right to
6 free speech in direct connection with an issue of public concern” under the Anti-SLAPP Statute.
7 NRS 41.637; *see Shapiro v. Welt*, 389 P.3d 262, 268 (Nev. 2017) (adopting five-factor test
8 articulated in *Piping Rock Partners*, 946 F. Supp. 2d 957, 968 (N.D. Cal. 2013) in determining
9 whether statements are in direct connection with matters of public concern under Nevada’s Anti-
10 SLAPP Statute).

11 **THE COURT FURTHER FINDS** that the issues for this Court in the case generally will be
12 whether the statements in the Advertisement are truthful or not, and whether there was actual malice
13 on the part of the Defendants’ and their agents in making the statements; however, for purposes of
14 this Anti-SLAPP motion the Court need not resolve these issues now. Rather, the Court need only
15 address the respective burdens of the parties discussed above.

16 **THE COURT FURTHER FINDS** that Plaintiffs allege that Defendants made three
17 statements that are at issue in this case.

18 **THE COURT FURTHER FINDS** that some of the statements made by Michael Schneider
19 in 2004 State Senate race regarding Plaintiff that was adjudicated as defamatory in 2009 by a Clark
20 County jury, are similar to the statements made in Defendants’ Advertisement.

21 **THE COURT FURTHER FINDS** that the Defendants relied upon statements Ross Miller
22 and Steven Horsford made in their advertisements regarding Plaintiff in campaigns subsequent to the
23 statements in (the “Schneider Case”), that were never addressed in a court proceeding.

24 **THE COURT FURTHER FINDS** that Defendants have not met their burden under the first
25 prong of the Anti-SLAPP Statute, as they have not shown by a preponderance of evidence that the
26 three statements at issue were truthful or made without knowledge of its falsehood. The Court
27 cannot find, at this preliminary stage, that the statements at issue are true.

28 ///

THE COURT FURTHER FINDS that Plaintiff has shown prima facie evidence of a probability of success on his defamation claim, and the Court will let the case go forward, in the likelihood that a jury will have to determine—as the finder of fact—whether the challenged statements are truthful, and whether the challenged statements were made with actual malice. At the very least, the Court cannot find, as a matter of law, that Plaintiff cannot make out a case for defamation regarding the statements made by Defendants.

IT IS HEREBY ORDERED that Defendants' Anti-Slapp Motion to Dismiss is hereby **DENIED.**

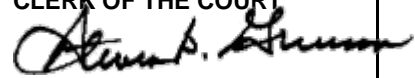
DATED this 2 day of June, 2017.

DISTRICT COURT JUDGE

Respectfully Submit by:

**WOLF RIFKIN SHAPIRO
SCHULMAN & RABKIN, LLP**

BRADLEY S. SCHRAGER, ESQ.
Nevada State Bar No. 10217
DANIEL BRAVO, ESQ.
Nevada Bar No. 13078
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Email: dbravo@wrslawyers.com
Attorney for Defendants



NEOJ
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efrost@perkinscoie.com
acallais@perkinscoie.com

Attorneys for Defendants

EIGHTH JUDICIAL DISTRICT COURT
IN AND FOR CLARK COUNTY, STATE OF NEVADA

DANNY TARKANIAN,

Plaintiff,

vs.

Case No: A-16-746797-C
Dept. No.: XXX

NOTICE OF ENTRY OF ORDER

JACKY ROSEN, an individual; ROSEN FOR
NEVADA, a 527 Organization and DOES I-X
and ROES ENTITIES VI-X

Defendant.

///

///

///

///

1 NOTICE IS HEREBY GIVEN that an ORDER FOR DEFENDANTS' MOTION TO
2 DISMISS UNDER N.R.S. 41.660 was entered in the above-captioned matter on the 12th day of
3 June, 2017. A copy of the ORDER is attached hereto.

4 DATED this 12th day of June, 2017.

5 **WOLF, RIFKIN, SHAPIRO,**
6 **SCHULMAN & RABKIN, LLP**

7 By: /s/ Bradely S. Schrager

8 BRADLEY S. SCHRAGER, ESQ.

9 Nevada State Bar No. 10217

10 DANIEL BRAVO, ESQ.

11 Nevada Bar No. 13078

12 3556 E. Russell Road, Second Floor

13 Las Vegas, Nevada 89120

14 *Attorneys for Defendants*

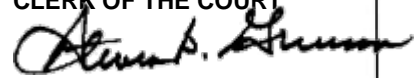
1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 12th day of June, 2017, a true and correct copy of **NOTICE**
3 **OF ENTRY OF ORDER** was served by electronically filing with the Clerk of the Court
4 using the Odyssey eFileNV system and serving all parties with an email-address on record,
5 pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R. and by depositing a
6 true copy of the same for mailing, postage pre-paid, in the U.S. Mail at Las Vegas,
7 Nevada, said envelope addressed to:

8 Samira C. Knight, Esq.
9 TARKANIAN & KNIGHT
10 LAW GROUP, PLLC
11 7220 S. Cimarron Rd., Suite 110
12 Las Vegas, NV 89113

13 By: /s/ Dannielle R. Fresquez

14 Dannielle R. Fresquez, an Employee of WOLF,
15 RIFKIN, SHAPIRO, SCHULMAN &
16 RABKIN, LLP
17
18
19
20
21
22
23
24
25
26
27
28



1 **ORDR**

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5 Nevada Bar No. 13078
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22 gwilson@perkinscoie.com
23 efrost@perkinscoie.com
24 acallais@perkinscoie.com

25 *Attorneys for Defendants*

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **IN AND FOR CLARK COUNTY, STATE OF NEVADA**

28 DANNY TARKANIAN,

Plaintiff,

vs.

JACKY ROSEN, an individual; ROSEN FOR
NEVADA, a 527 Organization and DOES I-X
and ROES ENTITIES VI-X

Defendant.

Case No: A-16-746797-C

Dept. No.: XXX

**ORDER FOR DEFENDANTS' MOTION
TO DISMISS UNDER N.R.S. 41.660**

This matter having come before this Court on April 25, 2017, at 9:00 a.m., for Defendants' Anti-SLAPP Special Motion to Dismiss Under N.R.S. 41.660, and Plaintiff's Opposition to Defendants' Anti SLAPP Special Motion to Dismiss Under N.R.S. 41.660 and Plaintiff's request for Attorney's Fees and Costs. Plaintiff, Danny Tarkanian ("Danny"), being present with counsel

1 Samira C. Knight, Esq., and Jenny L. Foley, Esq. of Tarkanian & Knight Law Group, and
2 Defendants, Jacky Rosen and Rosen for Nevada (collectively "Defendants"), not present with
3 counsel Amanda Callais, Esq. of Perkins Coie appearing Pro Hac Vice, and Bradley Schrager of
4 Wolf Rifkin Shapiro Schulman & Rabkin, LLP, appearing as local counsel. This Court having
5 reviewed the papers and pleadings on file herein and having heard the arguments of counsel, the
6 Court does hereby enter the following:

7 **THE COURT FINDS¹** that when a party brings a Special Motion to Dismiss under NRS
8 41.660 (the "Anti-SLAPP Statute), the moving party has the initial burden to show, by a
9 preponderance of evidence, that the plaintiff's claims are "based upon a good faith communication
10 in furtherance of the right to petition or the right to free speech in direct connection with an issue of
11 public concern." NRS 41.660(1), (3)(a). A statement is made in "good faith" under the statute if it
12 "is truthful or is made without knowledge of its falsehood." NRS 41.637. If the defendant meets
13 this burden, the plaintiff then has the burden of showing, by *prima facie* evidence, that it has a
14 probability of prevailing on its claims. NRS 41.660(3)(b).

15 **THE COURT FURTHER FINDS** that Defendants' Anti-SLAPP Motion was filed, and
16 Defendants argued, among other things, that Plaintiff's Complaint was an improper restraint on
17 political speech. At issue in the Complaint are several statements made by Defendants during Jacky
18 Rosen's campaign for Nevada's Third Congressional District in 2016, including statements made in
19 a video published on the website Youtube.

20 Relevant to this Motion, the Complaint alleges *inter alia*, that the statements are defamatory.
21 Further, the Complaint alleges that Defendants knew or should have known that the statements were
22 defamatory because in 2009, Plaintiff Danny Tarkanian obtained a jury verdict in Clark County
23 against Mike Schneider for statements that the Complaint alleges are the same or substantially
24 similar to those at issue here. *See Danny Tarkanian v. Mike Schneider*, Case No. A500379 (the
25 "Schneider Case").

26
27 ¹ Herein, any findings of the Court that are, in truth, conclusions of law, or any conclusions of law that are, in
28 truth, findings, shall be treated as such.

1 **THE COURT FURTHER FINDS** that Plaintiff was a public figure for purposes of the
2 claims made in the Complaint

3 **THE COURT FURTHER FINDS** that the statements in question were made in a political
4 advertisement (the “Advertisement”) that aired during the 2016 general election and are political
5 speech, and thus constitute “communication[s] in furtherance of the right to petition or the right to
6 free speech in direct connection with an issue of public concern” under the Anti-SLAPP Statute.
7 NRS 41.637; *see Shapiro v. Welt*, 389 P.3d 262, 268 (Nev. 2017) (adopting five-factor test
8 articulated in *Piping Rock Partners*, 946 F. Supp. 2d 957, 968 (N.D. Cal. 2013) in determining
9 whether statements are in direct connection with matters of public concern under Nevada’s Anti-
10 SLAPP Statute).

11 **THE COURT FURTHER FINDS** that the issues for this Court in the case generally will be
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13 on the part of the Defendants’ and their agents in making the statements; however, for purposes of
14 this Anti-SLAPP motion the Court need not resolve these issues now. Rather, the Court need only
15 address the respective burdens of the parties discussed above.

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17 statements that are at issue in this case.

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20 County jury, are similar to the statements made in Defendants’ Advertisement.

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25 prong of the Anti-SLAPP Statute, as they have not shown by a preponderance of evidence that the
26 three statements at issue were truthful or made without knowledge of its falsehood. The Court
27 cannot find, at this preliminary stage, that the statements at issue are true.

28 ///

THE COURT FURTHER FINDS that Plaintiff has shown prima facie evidence of a probability of success on his defamation claim, and the Court will let the case go forward, in the likelihood that a jury will have to determine—as the finder of fact—whether the challenged statements are truthful, and whether the challenged statements were made with actual malice. At the very least, the Court cannot find, as a matter of law, that Plaintiff cannot make out a case for defamation regarding the statements made by Defendants.

IT IS HEREBY ORDERED that Defendants' Anti-Slapp Motion to Dismiss is hereby **DENIED.**

DATED this 2 day of June, 2017.

DISTRICT COURT JUDGE

Respectfully Submit by:

**WOLF RIFKIN SHAPIRO
SCHULMAN & RABKIN, LLP**

BRADLEY S. SCHRAGER, ESQ.
Nevada State Bar No. 10217
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Email: dbravo@wrslawyers.com
Attorney for Defendants

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

January 27, 2017

A-16-746797-C Danny Tarkanian, Plaintiff(s)
vs.
Jacky Rosen, Defendant(s)

January 27, 2017

10:57 AM

Minute Order

**Minute Order Re:
Recusal**

HEARD BY: Earley, Kerry

COURTROOM: Chambers

COURT CLERK: April Watkins

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- As this Court is familiar with one of the parties, in accordance with Rule 2.11(a), and to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS this case be REASSIGNED at random.

CLERK'S NOTE: The above minute order has been distributed to: Samira C. Knight, Esq., (Samira@TKLawGroupNV.com) and Bradley S. Schrager, Esq., (bschrager@wrslawyers.com). aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

February 27, 2017

A-16-746797-C Danny Tarkanian, Plaintiff(s)
vs.
Jacky Rosen, Defendant(s)

February 27, 2017 3:00 AM Motion to Continue

HEARD BY: Adair, Valerie **COURTROOM:** Chambers

COURT CLERK: Jill Chambers

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court's spouse has past and forthcoming matters before an immediate family member of the Pltff. wherein the Court has direct financial interest Therefore, in accordance with rule 2.11 (A) and (B) and to avoid the appearance of impropriety and implied bias, Court hereby DISQUALIFIES itself and ORDERS the case to be reassigned at random.

CLERK'S NOTE: Counsel is to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the listed Service Recipients in the Wiznet E-Service system. jmc

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

March 07, 2017

A-16-746797-C Danny Tarkanian, Plaintiff(s)
vs.
Jacky Rosen, Defendant(s)

March 07, 2017 9:00 AM Motion to Continue

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Alice Jacobson

RECORDER:

REPORTER: Kristy Clark

PARTIES

PRESENT: Foley, Jennifer L. Attorney
 Schrager, Bradley S. Attorney

JOURNAL ENTRIES

- Plaintiff's Motion to Continue hearing on Defendants' Anti-Slapp Special Motion to Dismiss Under NRS 41.660

Following conference at the bench. COURT ORDERED, motion GRANTED. The March 14, 2017, Motion to Dismiss RESCHEDULED to 4/25/17 to obtain the transcript. Court noted that the deposition of Ms. Rosen is not necessary at this time.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

April 25, 2017

A-16-746797-C Danny Tarkanian, Plaintiff(s)
vs.
Jacky Rosen, Defendant(s)

April 25, 2017 9:00 AM Motion to Dismiss

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Alice Jacobson

RECORDER:

REPORTER: Kristy Clark

PARTIES

PRESENT: Foley, Jennifer L. Attorney
 Knight, Samira C, ESQ Attorney
 Schrager, Bradley S. Attorney
 Tarkanian, Danny Plaintiff

JOURNAL ENTRIES

- Defendants' Anti-Slapp Special Motion to Dismiss Under N.R.S. 41.660

Court advised counsel that it had reviewed the Ad in dispute. Ms. Callias argued for dismissal as Plaintiff had not met there burden to prove claims. Opposition by Ms. Knight. Argument regarding good faith standard, truthfulness, and defamation of character. Court finds genuine issues of fact remaining. COURT ORDERED, motion DENIED. Ms. Knight to prepare the order.

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING DEFENDANT'S MOTION TO
DISMISS UNDER N.R.S. 41.660; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

DANNY TARKANIAN,

Plaintiff(s),

vs.

JACKY ROSEN; ROSEN FOR NEVADA,

Defendant(s),

Case No: A-16-746797-C

Dept No: XXX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 15 day of June 2017.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

3556 E. RUSSELL ROAD, 2ND FLOOR
LAS VEGAS, NV 89120
PHONE (702) 341-5200

5064

CHECK AMOUNT

\$250.00

GENERAL ACCOUNT

201 S. CARSON STREET, NO. 201
LAS VEGAS, NV 89701



Deborah Dack

A-16-746797-C

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