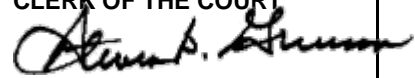


EXHIBIT 3

EXHIBIT 3



NEOJ
BRADLEY S. SCHRAGER, ESQ.
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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 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*

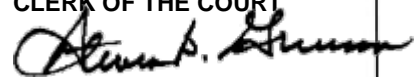
1 **CERTIFICATE OF SERVICE**

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
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25
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27
28



1 **ORDR**

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3 Nevada State Bar No. 10217
4 DANIEL BRAVO, ESQ.
5 Nevada Bar No. 13078
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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

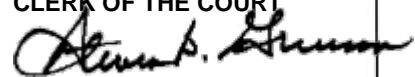
Respectfully Submit by:

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

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

EXHIBIT 2

EXHIBIT 2



1 **ORDR**

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3 Nevada State Bar No. 10217
4 DANIEL BRAVO, ESQ.
5 Nevada Bar No. 13078
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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
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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
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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").

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27 ¹ Herein, any findings of the Court that are, in truth, conclusions of law, or any conclusions of law that are, in
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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
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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
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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
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14 this Anti-SLAPP motion the Court need not resolve these issues now. Rather, the Court need only
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18 **THE COURT FURTHER FINDS** that some of the statements made by Michael Schneider
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20 County jury, are similar to the statements made in Defendants’ Advertisement.

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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 ///

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

DISTRICT COURT JUDGE

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

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Attorney for Defendants

EXHIBIT 1

EXHIBIT 1

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

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 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 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.

SAMIRA C. KNIGHT, ESQ.
Nevada Bar No. 13167
Tarkanian & Knight Law Group, PLLC
7220 S. Cimarron, Suite 100
Las Vegas, NV 89113
Tel: (702) 508-4998
Fax: (702) 940-2792
E-mail: Samira@TKLawGroupNV.com
Attorney for Plaintiff


CLERK OF THE COURT

**DISTRICT COURT
CLARK COUNTY, 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.: CASE NO.

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

I V

COMPLAINT

COMES NOW, the Plaintiff, Danny Tarkanian, by and through his attorney of record, Samira Knight, Esq. of Tarkanian & Knight Law Group, PLLC, and for his causes of action against the Defendants, alleges ad follows:

PARTIES

1. At all times material, hereto, the Plaintiff, DANNY TARKANIAN, (hereinafter referred to as the "Plaintiff") was and is a resident of Clark County, State of Nevada.

2. At all times material hereto, the Defendant, JACKY ROSEN, (Hereinafter referred to as the "ROSEN") was and is a resident of Clark County, Nevada.

3. At all times material hereto, the Defendant, ROSEN FOR NEVADA, (Hereinafter referred to as the "RFN") was and is a 527 Organization, and did business in Clark County.

1 4. The true names and capacities of the Defendants named herein as DOES I-X,
2 inclusive, and ROE ENTITIES VI-X, inclusive, whether individual, corporate, associate, or
3 otherwise, are presently unknown to the Plaintiff who therefore sue he said Defendants by
4 such fictitious names; and when the true names and capacities of such DOES I through X,
5 inclusive, and ROE ENTITIES VI-X, inclusive are discovered, the Plaintiff will ask leave to
6 amend this Complaint to substitute the true names of the said Defendants. The Plaintiff is
7 informed, believes and therefore alleges that the Defendants so designated herein are
8 responsible in some manner for the events and occurrences contained in this action.

9 **JURISDICTION AND VENUE**

10 5. This Court has subject matter jurisdiction over this action under Article 6, §6
11 of the Nevada Constitution.

12 6. This Court has personal jurisdiction over Defendants because they have had
13 continuous and systematic contacts with the State of Nevada, resides and regularly conducts
14 business in Las Vegas, Nevada, and committed the tortious conduct underlying Plaintiff's
15 claims in this judicial district.

16 7. Venue is proper in this Court pursuant to Nevada Revised Statute § 13.040
17 because the Defendants reside and did business here and Plaintiff's claims arose in this
18 judicial district.

19 **FACTS COMMON TO ALL CLAIMS**

20 8. In 2016, Plaintiff and Rosen were both candidates for election to the United
21 States Congress in Nevada's District three (3).

22 9. Rosen is the sole member of Rosen for Nevada, a 527 Organization.

23 10. As the sole member of RSN, Rosen makes all final decision on behalf of the
24 527 Organization.

25 11. During the election, Defendants intentionally produced a video advertisement
26 that contained false and defamatory statements (hereinafter "Advertisement") about the
27 Plaintiff, to wit:
28

1 a. Plaintiff "set up 13 fake charities that preyed on vulnerable seniors,
2 fronts for telemarketing schemes."

3 b. "Seniors lost millions from scams Danny Tarkanian helped set up."

4 12. Defendants approved the Advertisement and its language knowing that in July
5 of 2009, Plaintiff won a highly publicized unanimous jury verdict in Clark County District
6 Court, Case No. A500379 against another candidate running against Plaintiff for elected
7 office for Defamation, which Defendants' in this case made nearly identical false and
8 defamatory statements against Plaintiff in their Advertisement.

9 13. Further in 2016, prior to the production of the Advertisement, there was public
10 dissemination of the above stated court decision in multiple media outlets stating the
11 statements above were ruled false and defamatory.

12 14. Although Defendants were well-aware that their facts and claims in their
13 Advertisement were clearly false, right before early voting started before the November 8,
14 2016 election ("Election Day") Defendants disseminated the defamatory Advertisement
15 through multiple outlets including but not limited to Facebook, Youtube.com, and multiple
16 televisions stations.

17 15. On October 25, 2016, Defendants uploaded the Advertisement on to Youtube,
18 calling it Jacky Rosen Ad: "Integrity," through Defendants own Youtube page "Rosen Press"
19 with the URL of <https://youtu.be/v3J5nxOnBB8>.

20 16. On October 25, 2016, at 4:14pm, Defendants' uploaded the Advertisement to
21 their Facebook page "Jacky Rosen for Nevada," which her post specifically states above the
22 advertisement "Watch and share my new ad here."

23 17. Defendants purchased numerous amounts of television commercial time on
24 multiple networks roughly (2) weeks before Election Day which it constantly replayed the
25 Defamatory Advertisement until the Election Day.

26 18. Defendants knowingly disseminated false and defamatory statements regarding
27 Plaintiff, right when early voting began and two (2) weeks before Election Day, knowing that
28

1 it would cause Plaintiff substantial harm, and Plaintiff would be unable to remove such
2 Advertisements before early voting and Election Day.

3 19. On October 26, 2016, Plaintiff sent Defendants' a cease and desist letter,
4 requesting that they immediately stop the dissemination of the false and Defamatory
5 statements regarding Plaintiff, and further notified Defendants' again regarding the July of
6 2009, Jury verdict in favor of Plaintiff against a previous candidate running against Plaintiff
7 who made nearly identical statements against Plaintiff as Defendants have in this case.

8 20. Even after being served the Cease and Desist letter, Defendants refused to stop
9 disseminating the Defamatory Advertainments against Plaintiff.

10 21. To the best of Plaintiff's knowledge Defendants' continued to run the
11 Advertisements on television until Election Day, November 8, 2016.

12 22. Defendants still has the false and defamatory Advertisements posted on their
13 Facebook page and YouTube page, which continues to cause substantial harm to Plaintiff.

14 23. The Defendants' malicious and false statements are defamatory in that they
15 tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions
16 about the Plaintiff, and hold the Plaintiff up to contempt.

17 24. Defendants' malicious and false statements have caused serious injury to
18 Plaintiff's reputation, which not only resulted in Plaintiff losing the election to Defendant due
19 to her false and defamatory statements, but pecuniary losses as to his business, trade and
20 profession.

21 25. Defendants' malicious and false statements continue to cause serious injury to
22 Plaintiff's reputation and pecuniary loss that they are actionable without proof of damages in
23 that the statements impute the Plaintiff as having a lack of fitness for trade, business or
24 profession, due to the Defamatory Advertisements are still on Facebook and Youtube.

25 26. As a result of Defendants' intentional extreme and outrageous actions to
26 disseminate a false and defamatory Advertisement regarding Plaintiff, which caused him, and
27 his family extreme emotional distress, turmoil and Defendants continues to do so.
28

FIRST CLAIM FOR RELIEF

(Libel per Se)

(Television)

27. Plaintiff hereby repleads, realleges and incorporates by refence each and every previous allegation contained in Paragraph 1 through 26 above, as though fully set forth herein.

28. On or about October 25, 2016, Defendants intentionally and maliciously approved the production and dissemination of the Advertisement to multiple television outlets knowing the Advertisement contained false and defamatory language regarding Plaintiff.

29. The Advertisement contained false and defamatory statements about the Plaintiff, to wit:

a. Plaintiff "set up 13 fake charities that preyed on vulnerable seniors, fronts for telemarketing schemes."

b. "Seniors lost millions from scams Danny Tarkanian helped set up."

30. The Defendants intentional, malicious and false statements lowered the Plaintiff in the estimation of the community, created derogatory opinions about the Plaintiff, diminished his integrity, forced the community to question his honesty, and is holding the Plaintiff for contempt due to Defendants' lies for her own material gain.

31. In July of 2009, in Clark County District Court, Case No. A500379, a unanimous jury ruled that the nearly identical statements made in Defendants' Advertisement were already ruled Defamatory.

32. The July 2009 well known verdict, was published again in the local media weeks before Defendants disseminated the False and Defamatory Advertisement to the television station, which put Defendants' on notice.

33. On October 26, 2016, Plaintiff sent Defendants a "Cease and Desist" letter notifying Defendants that their Advertisement was false and defamatory, which included the July 2009 verdict.

1 34. The False and Defamatory Advertisements Defendant which were
2 disseminated to the local televisions stations to be continuously aired for over two (2) weeks
3 was a continuous publication of a false statement of fact.

4 35. The Defendants malicious and false statements were an assertion of a fact or an
5 expression of an opinion that suggested that the Defendants knew certain facts to be true or
6 implied that certain facts existed.

7 36. Defendants acted with malice when Defendants knowingly produced, approved
8 and aired false and defamatory statements made in the Advertisement two (2) weeks before
9 Election Day, for Defendants' own personal gain to win the election.

10 37. The Defendants' malicious and false statements are defamatory in that they
11 tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions
12 about the Plaintiff and hold the Plaintiff up to contempt.

13 38. The Defendant's malicious and false statements have caused serious injury to
14 reputation and pecuniary loss that they constitute libel per se.

15 39. The Defendants' malicious and false statements has caused serious injury to
16 reputation Plaintiff and pecuniary loss that they are actionable without proof of damages in
17 that the statements impute the Plaintiff as having a lack of fitness for trade, business or
18 profession.

19 40. The Plaintiff has suffered damage to his reputation and has suffered harm
20 which normally results from such defamation.

21 41. The Plaintiff has been damaged in an amount in excess of \$250,000.00.

22 42. It has become necessary for the Plaintiff to engage the services of an attorney
23 to commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and
24 costs as damages.

25 43. The Defendant is guilty of oppression, fraud or malice, express or implied; as
26 Defendants knowingly defamed Plaintiff hurting his reputation right before early voting and
27 two (2) weeks before election day, knowing that Plaintiff will not be able to assert any legal
28 action until after the election and refusing to respond to Plaintiff's cease and desist letter;

1 therefore, the Plaintiff is entitled to recover damages for the sake of example and by way of
2 punishing the Defendants in an amount in excess of \$1,000,000.00.

3 **SECOND CLAIM FOR RELIEF**

4 **(libel per Se)**

5 **(YouTube)**

6 44. Plaintiff hereby repleads, realleges and incorporates by refence each and every
7 previous allegation contained in Paragraph 1 through 43 above, as though fully set forth
8 herein.

9 45. On or about October 25, 2016, Defendants intentionally and maliciously
10 approved the production and dissemination of the Advertisement which was uploaded and is
11 still on Youtube, calling it Jacky Rosen Ad: "Integrity," through Defendants own Youtube
12 page "Rosen Press" with the URL of <https://youtu.be/v3J5nxOnBB8>, knowing the
13 Advertisement contained false and defamatory language regarding Plaintiff.

14 46. The Advertisement contained false and defamatory statements about the
15 Plaintiff, to wit:

16 a. Plaintiff "set up 13 fake charities that preyed on vulnerable seniors,
17 fronts for telemarketing schemes."

18 b. "Seniors lost millions from scams Danny Tarkanian helped set up."

19 47. The Defendants intentional, malicious and false statements lowered the
20 Plaintiff in the estimation of the community, created derogatory opinions about the Plaintiff,
21 diminished his integrity, forced the community to question his honesty, and is holding the
22 Plaintiff for contempt due to Defendants' lies for her own material gain.

23 48. In July of 2009, in Clark County District Court, Case No. A500379, a
24 unanimous jury ruled that the nearly identical statements made in Defendants' Advertisement
25 were already ruled Defamatory.

26 49. The July 2009 well known verdict, was published again in the local media
27 weeks before Defendants uploaded the False and Defamatory Advertisement to the You Tube,
28 which put Defendants' on notice.

1 50. On October 26, 2016, Plaintiff sent Defendants a "Cease and Desist" letter
2 notifying Defendants that their Advertisement was false and defamatory, which included the
3 July 2009 verdict.

4 51. The False and Defamatory Advertisements is still on Youtube which is a
5 continuous publication of a false statement of fact.

6 52. The Defendants malicious and false statements were an assertion of a fact or an
7 expression of an opinion that suggested that the Defendants knew certain facts to be true or
8 implied that certain facts existed.

9 53. Defendants acted with malice when Defendants knowingly produced, approved
10 and aired false and defamatory statements made in the Advertisement two (2) weeks before
11 Election Day, for Defendants' own personal gain to win the election.

12 54. The Defendants' malicious and false statements are defamatory in that they
13 tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions
14 about the Plaintiff and hold the Plaintiff up to contempt.

15 55. The Defendant's malicious and false statements have caused and continues to
16 cause Plaintiff serious injury to his reputation and pecuniary loss that they constitute libel per
17 se.

18 56. The Defendants' malicious and false statements has caused and continues to
19 cause Plaintiff serious injury to reputation and pecuniary loss that they are actionable without
20 proof of damages in that the statements impute the Plaintiff as having a lack of fitness for
21 trade, business or profession.

22 57. The Plaintiff has suffered damage to his reputation and has suffered harm
23 which normally results from such defamation.

24 58. The Plaintiff has been damaged in an amount in excess of \$250,000.00, and
25 continues to incur more damages the longer the Advertisement remains on Youtube.

26 59. It has become necessary for the Plaintiff to engage the services of an attorney
27 to commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and
28 costs as damages.

1 65. In July of 2009, in Clark County District Court, Case No. A500379, a
2 unanimous jury ruled that the nearly identical statements made in Defendants' Advertisement
3 were already ruled Defamatory.

4 66. The July 2009 well known verdict, was published again in the local media
5 weeks before Defendants uploaded the False and Defamatory Advertisement to the Facebook,
6 which put Defendants' on notice.

7 67. On October 26, 2016, Plaintiff sent Defendants a "Cease and Desist" letter
8 notifying Defendants that their Advertisement was false and defamatory, which included the
9 July 2009 verdict.

10 68. The False and Defamatory Advertisements is still on Facebook which is a
11 continuous publication of a false statement of fact.

12 69. The Defendants malicious and false statements were an assertion of a fact or an
13 expression of an opinion that suggested that the Defendants knew certain facts to be true or
14 implied that certain facts existed.

15 70. Defendants acted with malice when Defendants knowingly produced, approved
16 and aired false and defamatory statements made in the Advertisement two (2) weeks before
17 Election Day, for Defendants' own personal gain to win the election.

18 71. The Defendants' malicious and false statements are defamatory in that they
19 tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions
20 about the Plaintiff and hold the Plaintiff up to contempt.

21 72. The Defendant's malicious and false statements have caused and continues to
22 cause Plaintiff serious injury to his reputation and pecuniary loss that they constitute libel per
23 se.

24 73. The Defendants' malicious and false statements has caused and continues to
25 cause Plaintiff serious injury to reputation Plaintiff and pecuniary loss that they are actionable
26 without proof of damages in that the statements impute the Plaintiff as having a lack of fitness
27 for trade, business or profession.
28

1 74. The Plaintiff has suffered damage to his reputation and has suffered harm
2 which normally results from such defamation.

3 75. The Plaintiff has been damaged in an amount in excess of \$250,000.00, and
4 continues to incur more damages the longer the Advertisement remains on Facebook.

5 76. It has become necessary for the Plaintiff to engage the services of an attorney
6 to commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and
7 costs as damages.

8 77. The Defendant is guilty of oppression, fraud or malice, express or implied; as
9 Defendants knowingly defamed Plaintiff hurting his reputation right before early voting and
10 two (2) weeks before election day, knowing that Plaintiff will not be able to assert any legal
11 action until after the election and refusing to respond to Plaintiff's cease and desist; therefore,
12 the Plaintiff is entitled to recover damages for the sake of example and by way of punishing
13 the Defendants in an amount in excess of \$1,000,000.00.

14 **FORTH CLAIM FOR RELIEF**

15 **(Slander per Se)**

16 **(Television)**

17 78. Plaintiff hereby repleads, realleges and incorporates by refence each and every
18 previous allegation contained in Paragraph 1 through 77 above, as though fully set forth
19 herein.

20 79. On or about October 25, 2016, Defendants intentionally and maliciously
21 approved the production and dissemination of the Advertisement to multiple television outlets
22 knowing the Advertisement contained false and defamatory language regarding Plaintiff.

23 80. The Advertisement contained false and defamatory statements about the
24 Plaintiff, to wit:

25 a. Plaintiff "set up 13 fake charities that preyed on vulnerable seniors, fronts
26 for telemarketing schemes."

27 b. "Seniors lost millions from scams Danny Tarkanian helped set up."
28

1 81. The Defendants intentional, malicious and false statements lowered the
2 Plaintiff in the estimation of the community, created derogatory opinions about the Plaintiff,
3 diminished his integrity, forced the community to question his honesty, and is holding the
4 Plaintiff for contempt due to Defendants' lies for her own material gain.

5 82. In July of 2009, in Clark County District Court, Case No. A500379, a
6 unanimous jury ruled that the nearly identical statements made in Defendants' Advertisement
7 were already ruled Defamatory.

8 83. The July 2009 well known verdict, was published again in the local media
9 weeks before Defendants disseminated the False and Defamatory Advertisement to the
10 television station, which put Defendants' on notice.

11 84. On October 26, 2016, Plaintiff sent Defendants a "Cease and Desist" letter
12 notifying Defendants that their Advertisement was false and defamatory, which included the
13 July 2009 verdict.

14 85. The False and Defamatory Advertisements Defendant which were
15 disseminated to the local televisions stations to be continuously aired for over two (2) weeks
16 was a publication of a false statement of fact.

17 86. The Defendants malicious and false statements were an assertion of a fact or an
18 expression of an opinion that suggested that the Defendants knew certain facts to be true or
19 implied that certain facts existed.

20 87. Defendants acted with malice when Defendants knowingly produced, approved
21 and aired false and defamatory statements made in the Advertisement two (2) weeks before
22 Election Day, for Defendants' own personal gain to win the election.

23 88. The Defendants' malicious and false statements are defamatory in that they
24 tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions
25 about the Plaintiff and hold the Plaintiff up to contempt.

26 89. The Defendant's malicious and false statements have caused serious injury to
27 reputation and pecuniary loss that they constitute slander per se.
28

1 90. The Defendants' malicious and false statements has caused serious injury to
2 reputation Plaintiff and pecuniary loss that they are actionable without proof of damages in
3 that the statements impute the Plaintiff as having a lack of fitness for trade, business or
4 profession.

5 91. The Plaintiff has suffered damage to his reputation and has suffered harm
6 which normally results from such defamation.

7 92. The Plaintiff has been damaged in an amount in excess of \$250,000.00.

8 93. It has become necessary for the Plaintiff to engage the services of an attorney
9 to commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and
10 costs as damages.

11 94. The Defendant is guilty of oppression, fraud or malice, express or implied; as
12 Defendants knowingly defamed Plaintiff hurting his reputation right before early voting and
13 two (2) weeks before election day, knowing that Plaintiff will not be able to assert any legal
14 action until after the election and refusing to respond to Plaintiff's cease and desist letter;
15 therefore, the Plaintiff is entitled to recover damages for the sake of example and by way of
16 punishing the Defendants in an amount in excess of \$1,000,000.00.

17 **FIFTH CLAIM FOR RELIEF**

18 **(Slander per Se)**

19 **(YouTube)**

20 95. Plaintiff hereby repleads, realleges and incorporates by refence each and every
21 previous allegation contained in Paragraph 1 through 94 above, as though fully set forth
22 herein.

23 96. On or about October 25, 2016, Defendants intentionally and maliciously
24 approved the production and dissemination of the Advertisement which was uploaded and is
25 still on Youtube, calling it Jacky Rosen Ad: "Integrity," through Defendants own Youtube
26 page "Rosen Press" with the URL of <https://youtu.be/v3J5nxOnBB8>, knowing the
27 Advertisement contained false and defamatory language regarding Plaintiff.
28

1 97. The Advertisement contained false and defamatory statements about the
2 Plaintiff, to wit:

3 a. Plaintiff “set up 13 fake charities that preyed on vulnerable seniors, fronts
4 for telemarketing schemes.”

5 b. “Seniors lost millions from scams Danny Tarkanian helped set up.”

6 98. The Defendants intentional, malicious and false statements lowered the
7 Plaintiff in the estimation of the community, created derogatory opinions about the Plaintiff,
8 diminished his integrity, forced the community to question his honesty, and is holding the
9 Plaintiff for contempt due to Defendants’ lies for her own material gain.

10 99. In July of 2009, in Clark County District Court, Case No. A500379, a
11 unanimous jury ruled that the nearly identical statements made in Defendants’ Advertisement
12 were already ruled Defamatory.

13 100. The July 2009 well known verdict, was published again in the local media
14 weeks before Defendants uploaded the False and Defamatory Advertisement to the You Tube,
15 which put Defendants’ on notice.

16 101. On October 26, 2016, Plaintiff sent Defendants a “Cease and Desist” letter
17 notifying Defendants that their Advertisement was false and defamatory, which included the
18 July 2009 verdict.

19 102. The False and Defamatory Advertisements is still on Youtube which is a
20 continuous publication of a false statement of fact.

21 103. The Defendants malicious and false statements were an assertion of a fact or an
22 expression of an opinion that suggested that the Defendants knew certain facts to be true or
23 implied that certain facts existed.

24 104. Defendants acted with malice when Defendants knowingly produced, approved
25 and aired false and defamatory statements made in the Advertisement two (2) weeks before
26 Election Day, for Defendants’ own personal gain to win the election.

1 105. The Defendants' malicious and false statements are defamatory in that they
2 tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions
3 about the Plaintiff and hold the Plaintiff up to contempt.

4 106. The Defendant's malicious and false statements have caused and continues to
5 cause Plaintiff serious injury to his reputation and pecuniary loss that they constitute slander
6 per se.

7 107. The Defendants' malicious and false statements has caused and continues to
8 cause Plaintiff serious injury to reputation and pecuniary loss that they are actionable without
9 proof of damages in that the statements impute the Plaintiff as having a lack of fitness for
10 trade, business or profession.

11 108. The Plaintiff has suffered damage to his reputation and has suffered harm
12 which normally results from such defamation.

13 109. The Plaintiff has been damaged in an amount in excess of \$250,000.00, and
14 continues to incur more damages the longer the Advertisement remains on Youtube.

15 110. It has become necessary for the Plaintiff to engage the services of an attorney
16 to commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and
17 costs as damages.

18 111. The Defendant is guilty of oppression, fraud or malice, express or implied; as
19 Defendants knowingly defamed Plaintiff hurting his reputation right before early voting and
20 two (2) weeks before election day, knowing that Plaintiff will not be able to assert any legal
21 action until after the election and refusing to respond to Plaintiff's cease and desist letter;
22 therefore, the Plaintiff is entitled to recover damages for the sake of example and by way of
23 punishing the Defendants in an amount in excess of \$1,000,000.00.

24 ///

25 ///

26 ///

27 ///

28 ///

SIXTH CLAIM FOR RELIEF

(Slander per Se)

(Facebook)

112. Plaintiff hereby repleads, realleges and incorporates by reference each and every previous allegation contained in Paragraph 1 through 111 above, as though fully set forth herein.

113. On October 25, 2016, at 4:14pm, Defendants intentionally and maliciously approved the production and dissemination of the Advertisement which was uploaded and is still on Defendants' Facebook page "Jacky Rosen for Nevada," which her post specifically states above the advertisement "Watch and share my new ad here," knowing the Advertisement contained false and defamatory language regarding Plaintiff.

114. The Advertisement contained false and defamatory statements about the Plaintiff, to wit:

- a. Plaintiff "set up 13 fake charities that preyed on vulnerable seniors, fronts for telemarketing schemes."
- b. "Seniors lost millions from scams Danny Tarkanian helped set up."

115. The Defendants intentional, malicious and false statements lowered the Plaintiff in the estimation of the community, created derogatory opinions about the Plaintiff, diminished his integrity, forced the community to question his honesty, and is holding the Plaintiff for contempt due to Defendants' lies for her own material gain.

116. In July of 2009, in Clark County District Court, Case No. A500379, a unanimous jury ruled that the nearly identical statements made in Defendants' Advertisement were already ruled Defamatory.

117. The July 2009 well known verdict, was published again in the local media weeks before Defendants uploaded the False and Defamatory Advertisement to the Facebook, which put Defendants' on notice.

1 118. On October 26, 2016, Plaintiff sent Defendants a "Cease and Desist" letter
2 notifying Defendants that their Advertisement was false and defamatory, which included the
3 July 2009 verdict.

4 119. The False and Defamatory Advertisements is still on Facebook which is a
5 continuous publication of a false statement of fact.

6 120. The Defendants malicious and false statements were an assertion of a fact or an
7 expression of an opinion that suggested that the Defendants knew certain facts to be true or
8 implied that certain facts existed.

9 121. Defendants acted with malice when Defendants knowingly produced, approved
10 and aired false and defamatory statements made in the Advertisement two (2) weeks before
11 Election Day, for Defendants' own personal gain to win the election.

12 122. The Defendants' malicious and false statements are defamatory in that they
13 tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions
14 about the Plaintiff and hold the Plaintiff up to contempt.

15 123. The Defendant's malicious and false statements have caused and continues to
16 cause Plaintiff serious injury to his reputation and pecuniary loss that they constitute slander
17 per se.

18 124. The Defendants' malicious and false statements has caused and continues to
19 cause Plaintiff serious injury to reputation Plaintiff and pecuniary loss that they are actionable
20 without proof of damages in that the statements impute the Plaintiff as having a lack of fitness
21 for trade, business or profession.

22 125. The Plaintiff has suffered damage to his reputation and has suffered harm
23 which normally results from such defamation.

24 126. The Plaintiff has been damaged in an amount in excess of \$250,000.00, and
25 continues to incur more damages the longer the Advertisement remains on Facebook.

26 127. It has become necessary for the Plaintiff to engage the services of an attorney
27 to commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and
28 costs as damages.

1 128. The Defendant is guilty of oppression, fraud or malice, express or implied; as
2 Defendants knowingly defamed Plaintiff hurting his reputation right before early voting and
3 two (2) weeks before election day, knowing that Plaintiff will not be able to assert any legal
4 action until after the election and refusing to respond to Plaintiff's cease and desist; therefore,
5 the Plaintiff is entitled to recover damages for the sake of example and by way of punishing
6 the Defendants in an amount in excess of \$1,000,000.00.

7 **SEVENTH CLAIM FOR RELIEF**

8 **(Intentional Infliction of Emotional Distress)**

9 129. Plaintiff hereby repleads, realleges and incorporates by refence each and every
10 previous allegation contained in Paragraph 1 through 128 above, as though fully set forth
11 herein.

12 130. Defendants' knowingly, intentionally and maliciously disseminated false and
13 defamatory statements about Plaintiff in an Advertisement right when early voting began and
14 two (2) weeks before election day, so that he would not have any recourse until after the
15 election..

16 131. As a result of Defendants' actions, Plaintiff has suffered severe emotion
17 distress and continues to suffer as Defendants' refuse to remove the defamatory
18 Advertisements.

19 132. Plaintiff has suffered damages in the excess of \$25,000.00.

20 133. It has become necessary for the Plaintiff to engage the services of an attorney
21 to commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and
22 costs as damages.

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 134. Plaintiff should be awarded punitive damages in the amount of \$500,000.00 for
2 Defendants' continuous, intentional and malicious conduct.

3 **WHEREFORE**, the Plaintiff respectfully requests that the Court grant the following
4 relief, and prays for a judgment as follows:

5 1. For damages sustained in an amount in excess of \$1,525,000.00 against
6 Defendants;

7 2. For punitive damages in an amount in excess of \$6,500,000.00 against
8 Defendants;

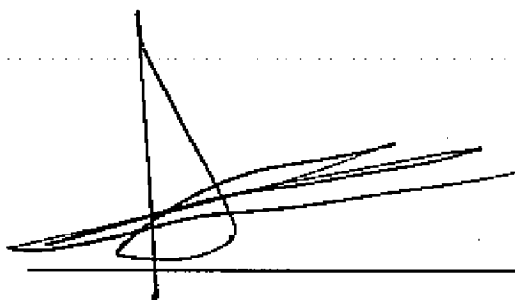
9 3. For all costs and all attorney's fees incurred and accrued in these proceeding
10 against Defendants;

11 4. For interest thereon at the legal rate until paid in full; and

12 5. For such other and further relief as the Court may deem just and proper in the
13 premises.

14 Dated this 16th day of November 2016.

15
16
17 **Tarkanian & Knight Law Group, PLLC**

18
19
20 

21 **SAMIRA C. KNIGHT, ESQ.**

22 Nevada Bar No. 13167

23 **Tarkanian & Knight Law Group, PLLC**

24 7220 S. Cimarron, Suite 100

25 Las Vegas, NV 89113

26 Tel: (702) 508-4998

27 Fax: (702) 940-2792

28 E-mail: Samira@TKLawGroupNV.com

Attorney for Plaintiff

SUMM
SAMIRA C. KNIGHT, ESQ.
Nevada Bar No. 13167
Tarkanian & Knight Law Group, PLLC
7220 S. Cimarron, Suite 100
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Tel: (702) 508-4998
Fax: (702) 940-2792
E-mail: Samira@TKLawGroupNV.com
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, 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.: CASE NO.

Dept. No.:

INITIAL APPEARANCE FEE DISCLOSURE (NRS CHAPTER 19)

Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are
submitted for parties appearing in the above entitled action as indicated below:

DANNY TARKANIAN

\$270.00

Total Remitted

\$270.00

DATED this 16th day of November, 2016.

Tarkanian & Knight Law Group, PLLC


SAMIRA C. KNIGHT, ESQ.

Nevada Bar No. 13167

7220 S. Cimarron Road, Suite 110

Las Vegas, NV 89113

Tel: (702) 508-4998

Attorney for Plaintiff

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

2 JACKY ROSEN, AN INDIVIDUAL; AND
3 ROSEN FOR NEVADA, A 527
4 ORGANIZATION,

5 Appellants,

6 vs.

7 DANNY TARKANIAN,

8 Respondent.

Electronically Filed
Jul 10 2017 01:49 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 73274

District Court Case No.: A746797

9
10 **DOCKETING STATEMENT CIVIL APPEALS**

11 1. Judicial District: Eighth Judicial District Department: XXX
12 Court
13 County: Clark County Judge: Jerry A. Wiese II
14 District Ct. Case No.: A-16-746797-C

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

16 Attorney: Bradley Schrager, Esq. (#10217)
17 Daniel Bravo, Esq. (#13078)

18 Address:

19 Wolf, Rifkin, Shapiro,
20 Schulman & Rabkin, LLP
21 3556 E. Russell Road, Second Floor
22 Las Vegas, NV 89120
23 Telephone: (702) 341-5200

24 Attorney: Marc E. Elias, Esq. (*Admitted Pro Hac Vice*)
25 Graham Wilson, Esq (*Admitted Pro Hac Vice*)
26 Elisabeth C. Frost, Esq. (*Admitted Pro Hac Vice*)
27 Amanda R. Callais, Esq. (*Admitted Pro Hac Vice*)

28 Address:

Perkins Coie, LLP
700 13th Street, N.W., Suite 600
Washington, D.C. 20005
Telephone: (202) 654-6200

Client: Appellants, Jacky Rosen and Rosen for Nevada

1 **3. Attorney(s) representing respondents(s):**

2 Attorneys: Samira C. Knight, Esq. (#13167)
3 Jenny L. Foley, Esq. (#09017)

4 Address:

5 Tarkanian & Knight Law Group, PLLC
6 7220 S. Cimarron, Suite #110
7 Las Vegas, NV 89113
8 Telephone: (702) 508-4998

9 Client: Respondent, Danny Tarkanian

10 **4. Nature of Disposition Below (check all that apply):**

- 11 ☐ Judgment after bench trial ☐ Dismissal
12 ☐ Judgment after jury verdict ☐ Lack of jurisdiction
13 ☐ Summary judgment ☐ Failure to state a claim
14 ☐ Default judgment ☐ Failure to prosecute
15 ☐ Grant/Denial of NRCP 60(b) relief ☐ Other (specify)
16 ☐ Grant/Denial of injunction ☐ Divorce Decree:
17 ☐ Grant/Denial of declaratory relief ☐ Original ☐ Modification
18 ☐ Review of agency determination ☒ Other disposition (specify)
19 **Denial of Special Motion to
Dismiss pursuant to NRS 41.660**

20 **5. Does this appeal raise issues concerning any of the following?**

- 21 ☐ Child Custody
22 ☐ Venue
23 ☐ Termination of parental rights

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

27 N/A
28

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

5 N/A

6 **8. Nature of the action.** Briefly describe the nature of the action and the result
7 below: Respondent Tarkanian has made claims for libel, slander, and intentional
8 infliction of emotional distress, all stemming from communications made by
9 Appellants' congressional campaign during the 2016 General Election. Appellants
10 filed an special Anti-SLAPP motion to dismiss the claims, and the district court
11 denied that motion.

12 **9. Issues on appeal.** State concisely the principal issue(s) in this appeal (attach
13 separate sheets as necessary): The principal issue on appeal is whether the district
14 court erred in not dismissing Respondent's complaint pursuant to Nevada's Anti-
15 SLAPP statute, NRS 41.660.

16 **10. Pending proceedings in this court raising the same or similar issues.** If you
17 are aware of any proceedings presently pending before this court which raises the
18 same or similar issues raised in this appeal, list the case name and docket numbers
19 and identify the same or similar issue raised: N/A
20

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

25 ☒ N/A

26 ☐ Yes

27 ☐ No

28 If not, explain:

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

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

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

4 ☒ A substantial issue of first impression

5 ☒ An issue of public policy

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

8 ☐ A ballot question

9 If so, explain: This matter does implicate the above, as it will set important
10 court precedent regarding application of Nevada's recently-amended Anti-
11 SLAPP statute, and delineate its intersection with First Amendment rights of
12 political speech regarding public figures. *En banc* treatment by this court
13 would aid in ensuring crucial uniformity of standards pertaining thereto.

14
15 **13. Assignment to the Court of Appeals or retention in the Supreme Court.**

16 This matter is presumptively retained by the Supreme Court pursuant to NRAP
17 17(13) and (14).

18
19 **14. Trial.** If this action proceeded to trial, how many days did the trial last? N/A

20 Was it a bench or jury trial? N/A

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

23 N/A

24 **TIMELINESS OF NOTICE OF APPEAL**

25 **16. Date of entry of written judgment or order appealed from:**

26 Order for Defendants' Motion to Dismiss:

27 **June 12, 2017**
28

1 If no written judgment or order was filed in the district court, explain the basis
2 for seeking appellate review:
3

4 **17. Date written notice of entry of judgment or order was served:**

5 Notice of Entry of Order for Defendants' Motion to Dismiss:

6 **June 12, 2017**

7 Was service by:

8 ☐ Delivery

9 ☒ Mail/electronic/fax
10

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

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

15 ☐ NRCP 50(b) Date of filing _____

16 ☐ NRCP 52(b) Date of filing _____

17 ☐ NRCP 59 Date of filing _____

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

20 (b) Date of entry of written order resolving tolling motion _____

21 (c) Date written notice of entry of order resolving tolling motion was served ____

22 Was service by:

23 ☐ Delivery

24 ☐ Mail

25 **19. Date notice of appeal filed: June 19, 2017**

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

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

3 NRAP 4(a)

4
5 **SUBSTANTIVE APPEALABILITY**

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

8 (a)

9 ☐ NRAP 3A(b)(1) ☐ NRS 38.205

10 ☐ NRAP 3A(b)(2) ☐ NRS 233B.150

11 ☐ NRAP 3A(b)(3) ☐ NRS 703.376

12 ☒ Other (specify) NRS 41.670(4)

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

14 NRS 41.670(4) provides authority for an immediate interlocutory appeal in
15 the event a district court denies a special motion to dismiss under 41.660.

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

18 (a) Parties:

19 Jacky Rosen, Rosen for Nevada, and Danny Tarkanian

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

22 N/A

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

26 Respondent has asserted claims for libel, slander, and intentional infliction of
27 emotional distress, all stemming from communications made by Appellants'
28 congressional campaign during the 2016 General Election. The district court denied

1 Appellants' special motion to dismiss at hearing held on April 25, 2017, with entry
2 of order and notice evidencing same filed on June 12, 2017.

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

6 ☐ Yes

7 ☒ No

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

9 (a) Specify the claims remaining pending below:

10 All claims remain pending at this time; this is an interlocutory appeal of a
11 special motion to dismiss.

12 (b) Specify the parties remaining below:

13 All parties remain below; this is an interlocutory appeal of a special motion to
14 dismiss.

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

17 ☐ Yes

18 ☒ No

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

22 ☐ Yes

23 ☒ No

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

27 The denial of a special motion to dismiss is appealable independently, pursuant to
28 NRS 41.670(4).

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

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

10 **VERIFICATION**

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

15 Jacky Rosen and Rosen for Nevada
16 Name of appellants

Bradley Schrager, Esq.
Name of counsel of record

17 July 10, 2017
18 Date

/s/ Bradley Schrager
Signature of counsel of record

19 Clark County, Nevada
20 State and county where signed
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 2017, a true and correct copy of the foregoing **DOCKETING STATEMENT CIVIL APPEALS** was served upon all counsel of record by electronically filing the document using the Nevada Supreme Court's electronic filing system and by depositing a true copy of the same for mailing, postage pre-paid, in the U.S. Mail at Las Vegas, Nevada, said envelope addressed to:

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

Larry J. Cohen
P.O. Box 10056
Phoenix, AZ 85064

By: /s/ Dannielle Fresquez
Dannielle Fresquez, an Employee of
WOLF, RIFKIN, SHAPIRO, SCHULMAN
& RABKIN, LLP

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INDEX OF EXHIBITS

- Exhibit 1 – Complaint
- Exhibit 2 – Order for Defendants’ Motion to Dismiss
- Exhibit 3 – Notice of Entry of Order for Defendants’ Motion to Dismiss