

Electronically Filed
Aug 28 2017 09:19 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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Willick Law Group
MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 002515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
Attorneys for *Plaintiff*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JENNIFER V. ABRAMS AND THE
ABRAMS AND MAYO LAW FIRM,
Plaintiff,

vs.

LOUIS SCHNEIDER; LAW OFFICES OF
LOUIS C. SCHNEIDER, LLC; STEVE W.
SANSON; HEIDI J. HANUSA; CHRISTINA
ORTIZ; JOHNNY SPICER; DON
WOOLBRIGHT; VETERANS IN POLITICS
INTERNATIONAL, INC; SANSON
CORPORATION; KAREN STEELMON; and
DOES I THROUGH X,

Defendant.

CASE NO: A-17-749318-C
DEPT. NO: I


DATE OF HEARING:
TIME OF HEARING:

NOTICE OF APPEAL

TO: STEVE W. SANSON, Defendant;
TO: LOUIS SCHNEIDER, ESQ., Defendant;
TO: MARGARET MCLECHIE, ESQ., attorney for Defendant, Steve Stanson;
TO: CAL J. POTTER, III, ESQ., attorney for Defendant, Louis Schneider; and
TO: ALEX GHIBAUDO, ESQ., attorney for Defendants, Law Offices of Louis C.
Schneider, LLC, Sanson Corporation, Heidi Hanusa, Johnny Spicer, Don
Woolbright, and Christina Ortiz.

NOTICE IS HEREBY GIVEN that the WILICK LAW GROUP, attorneys for Plaintiffs, Jennifer V. Abrams and the Abrams and Mayo Law Firm, hereby appeals to the Supreme Court of Nevada from the *Order Granting VIPI Defendants' Special Motion to Dismiss Pursuant to NEV. REV. STAT. 41.660 (Anti-Slapp)* rendered by the District Court, Judge, Michelle Leavitt, and entered on the 24th day of July, 2017.

DATED this 2/ day of August, 2017.

Respectfully Submitted By: 
WILICK LAW GROUP

Mark P. Webb

MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 002515
3591 East Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 21st day of August, 2017, I caused the document entitled *Notice of Appeal* to be served as follows:

- ☒ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.
- ☐ pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.
- ☐ pursuant to NRCP 5(b)(2)(D), by email by duly executed consent for service by electronic means.
- ☐ by hand delivery with signed Receipt of Copy.
- ☐ by First Class, Certified U.S. Mail.

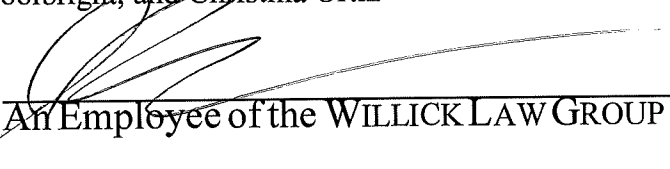
To the attorney's listed below at the address, email address, and/or facsimile number indicated below:

Maggie McLetchie, Esq.
MCLETCHIE SHELL LLC
701 E Bridger Avenue, #520,
Las Vegas, Nevada 89101
Attorney for *Steve W. Sanson* and
VETERANS IN POLITICS INTERNATIONAL, INC.

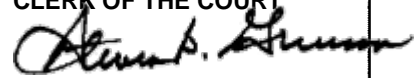
C. J. Potter, IV, Esq.
POTTER LAW OFFICES
1125 Shadow Lane
Las Vegas, NV 89102
Email: cj@potterlawoffices.com
Attorneys for *Louis C. Schneider*

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Alex Ghibaudo, Esq.
GLAW
320 E Charleston Blvd., Suite 105
Las Vegas, Nevada 89104
Attorney for LAW OFFICES OF LOUIS C. SCHNEIDER, LLC, Sanson Corporation, Heidi Hanusa,
Johnny Spicer, Don Woolbright, and Christina Ortiz


An Employee of the WILICK LAW GROUP

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Willick Law Group
MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 002515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
Attorneys for *Plaintiff*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JENNIFER V. ABRAMS AND THE
ABRAMS AND MAYO LAW FIRM,
Plaintiff,

vs.

LOUIS SCHNEIDER; LAW OFFICES OF
LOUIS C. SCHNEIDER, LLC; STEVE W.
SANSON; HEIDI J. HANUSA; CHRISTINA
ORTIZ; JOHNNY SPICER; DON
WOOLBRIGHT; VETERANS IN POLITICS
INTERNATIONAL, INC; SANSON
CORPORATION; KAREN STEELMON; and
DOES I THROUGH X,
Defendant.

CASE NO: A-17-749318-C
DEPT. NO: I

DATE OF HEARING:
TIME OF HEARING:

CASE APPEAL STATEMENT

Pursuant to Nevada Rule of Appellate Procedure 3(f)(1), Plaintiffs Jennifer V. Abrams and The Abrams & Mayo Law Firm file their Case Appeal Statement.

1. Name of Appellants Filing This Case Appeal Statement:

Jennifer V. Abrams

The Abrams & Mayo Law Firm.

2. Identify the Judge Issuing the Decision, Judgment, or Order Appealed From:

The Honorable Michelle Leavitt, District Court Judge, Eighth Judicial District Court.

3. Identify Each Appellant and the Name and Address of Counsel for Each Appellant:

Appellants ("Abrams Parties"): Jennifer V. Abrams
The Abrams & Mayo Law Firm

Counsel for Abrams Parties: Dennis L. Kennedy
Nevada Bar No. 1462
Joshua P. Gilmore
Nevada Bar No. 11576
BAILEY KENNEDY
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302

Jennifer V. Abrams
Nevada Bar No. 7575
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Ste. 100
Las Vegas, Nevada 89118

Marshal S. Willick
Nevada Bar No. 2515
WILLICK LAW GROUP
3591 E. Bonanza Road
Las Vegas, Nevada 89110

4. Identify Each Respondent and the Name and Address of Appellate Counsel, if Known, for Each Respondent (if the Name of a Respondent's Appellate Counsel Is Unknown, Indicate as Much and Provide the Name and Address of That Respondent's Trial Counsel):

Respondents ("VIPI Parties"): Steve W. Sanson
Veterans in Politics International, Inc.

Counsel for VIPI Parties: Maggie McLetchie
Nevada Bar No. 10931

MCLETCHIE SHELL LLC
701 E. Bridger Avenue, Ste. 520
Las Vegas, NV 89101

5. Indicate Whether Any Attorney Licensed Above in Response to Question 3 or 4 is Not Licensed to Practice Law in Nevada, and, if so, Whether the District Court Granted That Attorney Permission to Appear Under SCR 42 (Attach a Copy of Any District Court Order Granting Such Permission):

Appellants believe that all counsel referenced above are licensed to practice law in the State of Nevada.

6. Indicate Whether Appellant Was Represented by Appointed or Retained Counsel in the District Court:

Appellants were represented by retained counsel as indicated in Response No. 3.

7. Indicate Whether Appellant Is Represented by Appointed or Retained Counsel on Appeal:

Appellants are represented by retained counsel as indicated in Response No. 3.

8. Indicate the Date the Proceedings Commenced in the District Court (e.g., Date Complaint, Indictment, Information, or Petition Was Filed):

Appellants commenced this Case in the District Court on January 9, 2017 by filing a Complaint.

9. Provide a Brief Description of the Nature of the Action and Result in the District Court, Including the Type of Judgment or Order Being Appealed and the Relief Granted by the District Court:

1 The Abrams Parties' First Amended Complaint alleges various causes of action
2 arising out of statements relating to Appellants' professional reputation and conduct.
3 The VIPI Parties filed a Motion to Dismiss under NRCP 12(b) and a Special Motion
4 to Dismiss under NRS 41.660 (Anti-SLAPP). On July 24, 2016, the District Court
5 entered an Order Granting VIPI Defendants' Special Motion to Dismiss Pursuant to
6 Nev. Rev. Stat. § 41.660 (Anti-SLAPP), which dismissed the Abrams Parties' First
7 Amended Complaint in its entirety.

8
9 **10. Indicate Whether the Case Has Previously Been the Subject of an Appeal**
10 **or Original Writ Proceeding in the Supreme Court, and, if so, the Caption and**
11 **Supreme Court Docket Number of the Prior Proceeding:**

12 This Case has not previously been the subject of any proceeding in the
13 Supreme Court or the Court of Appeals.

14
15 **11. Indicate Whether This Appeal Involves Child Custody or Visitation:**

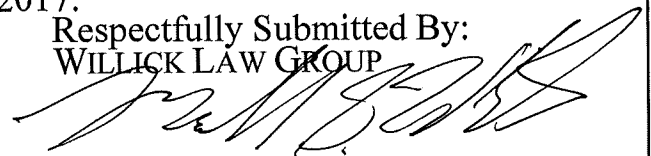
16 This Case does not involve child custody or visitation.

17
18 **12. If This Is a Civil Case, Indicate Whether This Appeal Involves the**
19 **Possibility of Settlement:**

20 Appellants believe that this case is unlikely to settle.

21 **DATED** this 2/5 day of August, 2017.

22 Respectfully Submitted By:
23 **WILLICK LAW GROUP**



24 **MARSHAL S. WILLICK, ESQ.**
25 Nevada Bar No. 002515
26 3591 East Bonanza Road, Suite 200
27 Las Vegas, NV 89110-2101
28 Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILLICK LAW GROUP and that on this 21 day of August, 2017, I caused the document entitled *Case Appeal Statement* to be served as follows:

- ☒ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.
- ☐ pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.
- ☐ pursuant to NRCP 5(b)(2)(D), by email by duly executed consent for service by electronic means.
- ☐ by hand delivery with signed Receipt of Copy.
- ☐ by First Class, Certified U.S. Mail.

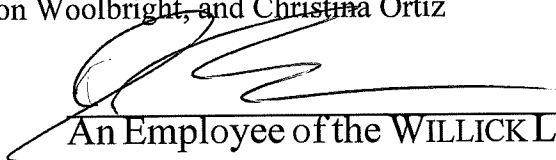
To the attorney's listed below at the address, email address, and/or facsimile number indicated below:

Maggie McLetchie, Esq.
MCLETCHIE SHELL LLC
701 E Bridger Avenue, #520,
Las Vegas, Nevada 89101
Attorney for *Steve W. Sanson* and
VETERANS IN POLITICS INTERNATIONAL, INC.

C. J. Potter, IV, Esq.
POTTER LAW OFFICES
1125 Shadow Lane
Las Vegas, NV 89102
Email: cj@potterlawoffices.com
Attorneys for *Louis C. Schneider*

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Alex Ghibaud, Esq.
GLAW
320 E Charleston Blvd., Suite 105
Las Vegas, Nevada 89104
Attorney for LAW OFFICES OF LOUIS C. SCHNEIDER, LLC, Sanson Corporation, Heidi Hanusa,
Johnny Spicer, Don Woolbright, and Christina Ortiz


An Employee of the WILICK LAW GROUP

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DEPARTMENT 12
CASE SUMMARY
CASE NO. A-17-749318-C

Jennifer Abrams, Plaintiff(s)
vs.
Louis Schneider, Defendant(s)

§
§
§
§
§

Location: **Department 12**
Judicial Officer: **Leavitt, Michelle**
Filed on: **01/09/2017**
Case Number History:
Cross-Reference Case Number: **A749318**

CASE INFORMATION

Case Type: **Intentional Misconduct**
Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-17-749318-C
Court	Department 12
Date Assigned	03/06/2017
Judicial Officer	Leavitt, Michelle

PARTY INFORMATION

Plaintiff	Abrams & Mayou Law Firm	Abrams, Jennifer V. <i>Retained</i> 702-222-4021(W)
	Abrams, Jennifer V	Abrams, Jennifer V. <i>Retained</i> 702-222-4021(W)
Defendant	Hanusa, Heidi J	Ghibaud, Alex, ESQ <i>Retained</i> 702-385-2036(W)
	Law Offices of Louis C Schneider LLC	Ghibaud, Alex, ESQ <i>Retained</i> 702-385-2036(W)
	Ortiz, Christina	Ghibaud, Alex, ESQ <i>Retained</i> 702-385-2036(W)
	Sanson Corporation	Ghibaud, Alex, ESQ <i>Retained</i> 702-385-2036(W)
	Sanson, Steve W Removed: 07/24/2017 Dismissed	
	Sanson, Steve W	McLetchie, Margaret A. <i>Retained</i> 702-728-5300(W)
	Schneider, Louis C	Potter, Cal Johnson <i>Retained</i> 7023851954(W)
	Spicer, Johnny	Ghibaud, Alex, ESQ <i>Retained</i> 702-385-2036(W)

DEPARTMENT 12
CASE SUMMARY
CASE NO. A-17-749318-C

Steelmon, Karen

Ghibaud, Alex, ESQ
Retained
702-385-2036(W)











Veterans in Politics International Inc
Removed: 07/24/2017
Dismissed

Veterans In Politics International Inc.















McLetchie, Margaret A.
Retained
702-728-5300(W)

Woolbright, Don

Ghibaud, Alex, ESQ
Retained
702-385-2036(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
01/09/2017	 Complaint Filed By: Plaintiff Abrams, Jennifer V <i>Complaint for Damages</i>	
01/09/2017	 Initial Appearance Fee Disclosure Filed By: Plaintiff Abrams, Jennifer V <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>	
01/13/2017	 Declaration Filed By: Plaintiff Abrams, Jennifer V <i>Declaration of Service</i>	
01/13/2017	 Declaration Filed By: Plaintiff Abrams, Jennifer V <i>Declaration of Service</i>	
01/13/2017	 Declaration Filed By: Plaintiff Abrams, Jennifer V <i>Declaration of Service</i>	
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01/13/2017	 Declaration Filed By: Plaintiff Abrams, Jennifer V <i>Declaration of Service</i>	
01/13/2017	 Declaration Filed By: Plaintiff Abrams, Jennifer V <i>Declaration of Service</i>	
01/13/2017	 Declaration Filed By: Plaintiff Abrams, Jennifer V <i>Declaration of Attempted Service</i>	
01/13/2017	 Declaration Filed By: Plaintiff Abrams, Jennifer V <i>Declaration of Service</i>	















DEPARTMENT 12
CASE SUMMARY
CASE NO. A-17-749318-C

01/17/2017	 Peremptory Challenge Filed by: Plaintiff Abrams, Jennifer V <i>Peremptory Challenge of Judge</i>
01/17/2017	 Notice of Appearance Party: Defendant Ortiz, Christina <i>Notice of Appearance</i>
01/18/2017	 Initial Appearance Fee Disclosure Filed By: Defendant Ortiz, Christina <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
01/18/2017	 Notice of Appearance Party: Defendant Schneider, Louis C <i>Notice of Appearance</i>
01/18/2017	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
01/19/2017	 Certificate of Service Filed by: Plaintiff Abrams, Jennifer V <i>Certificate of Service</i>
01/19/2017	 Certificate of Service Filed by: Defendant Schneider, Louis C <i>Certificate of Service</i>
01/20/2017	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
01/24/2017	 Notice of Appearance Party: Plaintiff Abrams, Jennifer V <i>Notice of Appearance</i>
01/24/2017	 Initial Appearance Fee Disclosure Filed By: Defendant Veterans in Politics International Inc <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
01/24/2017	 Notice of Appearance Party: Defendant Sanson, Steve W <i>Notice of Appearance</i>
01/25/2017	 Certificate of Service Filed by: Plaintiff Abrams, Jennifer V <i>Certificate of Service</i>
01/25/2017	 Declaration Filed By: Plaintiff Abrams, Jennifer V <i>Declaration of Due Diligence</i>
01/25/2017	 Declaration Filed By: Plaintiff Abrams, Jennifer V <i>Declaration of Service</i>

DEPARTMENT 12
CASE SUMMARY
CASE NO. A-17-749318-C






01/26/2017	 Affidavit of Service Filed By: Plaintiff Abrams, Jennifer V <i>Affidavit of Service</i>
01/27/2017	 Amended Complaint Filed By: Plaintiff Abrams, Jennifer V <i>Amended Complaint for Damages</i>
01/27/2017	 Motion Filed By: Defendant Sanson, Steve W <i>Motion to Extend Pursuant to Nev. Rev. Stat. 41.660(6) and EDCR 2.25(a)</i>
01/30/2017	 Substitution of Attorney Filed by: Defendant Schneider, Louis C <i>Substitution of Attorney</i>
01/30/2017	 Motion to Dismiss Filed By: Defendant Schneider, Louis C <i>Defendant Louis Schneider's and Law Office of Louis Schneiders' Motion to Dimiss Complaint Pursuant to NRCP 12(b)(5)</i>
02/08/2017	 Declaration Filed By: Plaintiff Abrams, Jennifer V <i>Declaration of Service</i>
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DEPARTMENT 12
CASE SUMMARY
CASE NO. A-17-749318-C

02/10/2017	 Declaration Filed By: Plaintiff Abrams, Jennifer V <i>Declaration of Service</i>
02/14/2017	 Opposition and Countermotion Filed By: Defendant Schneider, Louis C <i>(3/9/2017 See Errata) Opposition to "Defendant Louis Schneider's and Law Offices of Louis Schneider's Motion to Dismiss Complaint Pursuant to NRCP 12(B)(5)" and Countermotion for Attorney's Fees</i>
02/16/2017	 Motion for Leave to File Party: Defendant Sanson, Steve W <i>Motion for Leave to Exceed Page Limit for Their Motion to Dismiss</i>
02/16/2017	 Motion to Dismiss Filed By: Defendant Sanson, Steve W <i>Notice of Motion to Dismiss; Memorandum of Points and Authorities in Support Thereof</i>
02/16/2017	 Motion to Strike Filed By: Defendant Sanson, Steve W <i>Motion to Strike</i>
02/17/2017	 Notice of Appearance Party: Defendant Hanusa, Heidi J <i>Notice of Appearance</i>
02/17/2017	 Initial Appearance Fee Disclosure Filed By: Defendant Hanusa, Heidi J <i>Initial Appearance Fee Disclosure Pursuant to NRS 19</i>
03/03/2017	 Minute Order (10:00 AM) (Judicial Officer: Adair, Valerie)
03/06/2017	 Notice of Rescheduling <i>Notice Of Rescheduling Of Hearing</i>
03/06/2017	 Opposition to Motion to Dismiss Filed By: Plaintiff Abrams, Jennifer V <i>Opposition to "Defendants Steve W. Sanson and Veterans In Politics International, Inc's Motion to Dismiss" and Countermotion for Attorney's Fees</i>
03/06/2017	 Opposition and Countermotion Filed By: Plaintiff Abrams, Jennifer V <i>Opposition to "Motion to Strike" and Countermotion for Attorney's Fees</i>
03/08/2017	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
03/09/2017	 Errata Filed By: Plaintiff Abrams, Jennifer V <i>Errata to "Opposition to "Defendants Steve W. Sanson and Veterans in Politics International, Inc's Motion to Dismiss" and Countermotion for Attorney's Fees."</i>
03/16/2017	 Notice of Association of Counsel Filed By: Plaintiff Abrams, Jennifer V

DEPARTMENT 12
CASE SUMMARY
CASE NO. A-17-749318-C








Notice of Association of Counsel

03/28/2017	 Motion to Dismiss Filed By: Defendant Schneider, Louis C <i>Schneider Defendants' Special Motion to dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 and Request for Attorney's Fees, Costs, and Damages Pursuant to NRS 41.670</i>
03/28/2017	 Motion to Dismiss Filed By: Defendant Sanson, Steve W <i>Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (Anti-SLAPP)</i>
03/28/2017	 Declaration Filed By: Defendant Sanson, Steve W <i>Declaration of Steve Sanson in Support of Special Anti-SLAPP Motion to Dismiss</i>
03/28/2017	 Declaration Filed By: Defendant Sanson, Steve W <i>Declaration of Margaret A. McLetchie in Support of Special Anti-SLAPP Motion to Dismiss</i>
03/28/2017	 Motion Filed By: Defendant Sanson, Steve W <i>Motion to File Under Seal</i>
03/29/2017	 Declaration Filed By: Plaintiff Abrams, Jennifer V <i>Declaration of Service</i>
03/31/2017	 Motion Filed By: Defendant Hanusa, Heidi J <i>Defendants' Special Motion to Dismiss Under Nevada's Anti-SLAPP statute, NRS 41.660</i>
04/19/2017	 Stipulation and Order Filed by: Plaintiff Abrams, Jennifer V <i>Stipulation and Order to Extend Briefing Schedule and Hearing Date on Pending Motions to Dismiss, Motion to Strike, and Motion to Seal</i>
04/20/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Abrams, Jennifer V <i>Notice of Entry of Stipulation and Order to Extend Briefing Schedule and Hearing Date on Pending Motions to Dismiss, Motion to Strike, and Motion to Seal</i>
04/28/2017	 Motion for Leave to File Party: Plaintiff Abrams, Jennifer V <i>Plaintiffs' Motion For Leave To Exceed Page Limit For Their Omnibus Opposition To: (1) Schneider Defendants' Special Motion To Dismiss Plaintiffs' Slapp Suit Pursuant To Nrs 41.660 And Request For Attorney's Fees, Costs, And Damages Pursuant To Nrs 41.670; (2) Special Motion To Dismiss Pursuant To Nev. Rev. Stat. 41.660 (Anti-Slapp); And (3) Defendants' Special Motion To Dismiss Under Nevada's Anti-Slapp Statute, Nrs 41.660</i>
04/28/2017	 Opposition Filed By: Plaintiff Abrams, Jennifer V <i>Plaintiffs' Omnibus Opposition To: (1) Schneider Defendants' Special Motion To Dismiss Plaintiffs' Slapp Suit Pursuant To Nrs 41.660 And Request For Attorney's Fees, Costs, And Damages Pursuant To Nrs 41.670; (2) Special Motion To Dismiss Pursuant To Nev. Rev. Stat. 41.660 (Anti-Slapp); And (3) Defendants' Special Motion To Dismiss Under Nevada's Anti-Slapp Statute, NRS 41.660</i>






DEPARTMENT 12
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CASE NO. A-17-749318-C

05/03/2017	 Notice of Hearing Filed By: Plaintiff Abrams, Jennifer V <i>Notice of Hearing on Plaintiffs' Motion for Leave to Exceed Page Limit for Their Omnibus Opposition to 1) Schneider Defendants' Special Motion to Dismiss Plaintiffs' Slapp Suit per NRS 41.660; 2) Special Motion to Dismiss per 41.660 (Anti-Slapp); and 3) Defendants' Special Motion to Dismiss Under Nevada's Anti-Slapp Statute per 41.660</i>
05/04/2017	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
05/26/2017	 Request Filed by: Defendant Sanson, Steve W <i>Defendants Steve W. Sanson and Veterans in Politics International, Inc.'s Request to Unseal Exhibit 13 o Their Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (anti-SLAPP)</i>
05/30/2017	 Motion for Leave to File Party: Defendant Sanson, Steve W; Defendant Veterans in Politics International Inc <i>Defendants Steven W. Sanson and Veterans in Politics International, Inc.'s Motion for Leave to Exceed Page Limit for Their Omnibus Reply to: (1) Plaintiff's Opposition to Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (Anti-SLAPP); and (2) Plaintiff's Opposition to Motion to Dismiss and Countermotion for Attorney's Fees</i>
05/30/2017	 Reply to Opposition Filed by: Defendant Sanson, Steve W; Defendant Veterans in Politics International Inc <i>VIPI Defendants' Omnibus Reply to: (1) Plaintiff's Opposition to Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (Anti-SLAPP); and (2) Plaintiff's Opposition to Motion to Dismiss and Countermotion for Attorney's Fees</i>
05/30/2017	 Reply to Opposition Filed by: Defendant Sanson, Steve W; Defendant Veterans in Politics International Inc <i>Reply to Plaintiffs' Opposition to Motion to Strike and Opposition to Plaintiff's Countermotion for Attorney's Fees</i>
06/01/2017	 Joinder Filed By: Defendant Schneider, Louis C <i>Louis Schneider Defendants' Joinder to Defendant Steve W. Sanson and VIPI Defendant s Reply to Plaintiffs Opposition to Motion to Strike and Opposition to Plaintiffs Counter Motion for Attorney s Fees</i>
06/05/2017	Motion to Dismiss (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendant Louis Schneider's and Law Office of Louis Schneiders' Motion to Dismiss Complaint Pursuant to NRCP 12(b)(5)</i>
06/05/2017	Opposition and Countermotion (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Opposition to "Defendant Louis Schneider's and Law Offices of Louis Schneider's Motion to Dismiss Complaint Pursuant to NRCP 12(B)(5)" and Countermotion for Attorney's Fees</i>
06/05/2017	Motion to Dismiss (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendants' Notice of Motion to Dismiss; Memorandum of Points and Authorities in Support Thereof</i>
06/05/2017	Motion to Strike (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendants' Motion to Strike</i>
06/05/2017	Opposition and Countermotion (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Opposition to "Defendants Steve W. Sanson and Veterans In Politics International, Inc's Motion to Dismiss" and Countermotion for Attorney's Fees</i>

DEPARTMENT 12
CASE SUMMARY
CASE NO. A-17-749318-C

06/05/2017	Opposition and Countermotion (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Opposition to "Motion to Strike" and Countermotion for Attorney's Fees</i>
06/05/2017	Motion to Seal/Redact Records (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendants' Motion to File Under Seal</i>
06/05/2017	Motion to Dismiss (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Schneider Defendants' Special Motion to dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 and Request for Attorney's Fees, Costs, and Damages Pursuant to NRS 41.670</i>
06/05/2017	Motion to Dismiss (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendants' Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (Anti-SLAPP)</i>
06/05/2017	Motion to Dismiss (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendants' Special Motion to Dismiss Under Nevada's Anti-SLAPP statute, NRS 41.660</i>
06/05/2017	Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Notice of Hearing on Plaintiffs' Motion for Leave to Exceed Page Limit for Their Omnibus Opposition to 1) Schneider Defendants' Special Motion to Dismiss Plaintiffs' Slapp Suit per NRS 41.660; 2) Special Motion to Dismiss per 41.660 (Anti-Slapp); and 3) Defendants' Special Motion to Dismiss Under Nevada's Anti-Slapp Statute per 41.660</i>
06/05/2017	 All Pending Motions (8:30 AM) (Judicial Officer: Leavitt, Michelle)
06/06/2017	 Supplement to Opposition Filed By: Plaintiff Abrams, Jennifer V; Plaintiff Abrams & Mayou Law Firm <i>Plaintiffs' Supplement to Their Omnibus Opposition to: 1. Schneider Defendants' Special Motion to Dismiss Plaintiffs' Slapp Suit Pursuant to NRS 41.660 and Request for Attorney's Fees, Costs, and Damages Pursuant to NRS 41.670; 2. Special Motion to Dismiss Pursuant to NRS 41.660 (Anti-Slapp); and 3. Defendants' Special Motion to Dismiss Under Nevada's Anti-Slapp Statute, NRS 41.660</i>
06/09/2017	 Supplement to Response and Opposition Filed By: Defendant Sanson, Steve W; Defendant Veterans in Politics International Inc <i>VIPI Defendants' Supplement to VIPI Defendants' Omnibus Reply to: (1) Plaintiffs' Opposition to Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (Anti-SLAPP); and (2) Plaintiffs' Opposition to Motion to Dismiss and Countermotion for Attorneys' Fees</i>
06/22/2017	 Minute Order (3:00 AM) (Judicial Officer: Leavitt, Michelle)
07/05/2017	 Recorders Transcript of Hearing <i>Recorder's Transcript Re: All Pending Motions, Monday, June 5, 2017</i>
07/24/2017	 Order Filed By: Defendant Sanson, Steve W; Defendant Veterans in Politics International Inc <i>Order Granting VIPI Defendants' Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (Anti-SLAPP)</i>
07/24/2017	 Notice of Entry of Order Filed By: Defendant Sanson, Steve W; Defendant Veterans in Politics International Inc <i>Notice of Entry of Order</i>
07/24/2017	Order of Dismissal (Judicial Officer: Leavitt, Michelle) Debtors: Jennifer V Abrams (Plaintiff), Abrams & Mayou Law Firm (Plaintiff) Creditors: Steve W Sanson (Defendant), Veterans in Politics International Inc (Defendant) Judgment: 07/24/2017, Docketed: 07/25/2017

DEPARTMENT 12
CASE SUMMARY
CASE NO. A-17-749318-C

07/26/2017	 Stipulation and Order Filed by: Defendant Sanson, Steve W; Defendant Veterans In Politics International Inc. <i>Stipulation and Order</i>
07/26/2017	 Notice of Entry of Order Filed By: Defendant Sanson, Steve W; Defendant Veterans In Politics International Inc. <i>Notice of Entry of Order</i>
08/17/2017	 Stipulation and Order Filed by: Defendant Sanson, Steve W; Defendant Veterans In Politics International Inc. <i>Stipulation and Order</i>
08/17/2017	 Notice of Entry of Order Filed By: Defendant Sanson, Steve W; Defendant Veterans In Politics International Inc. <i>Notice of Entry of Order</i>
08/21/2017	 Notice of Appeal Filed By: Plaintiff Abrams, Jennifer V; Plaintiff Abrams & Mayou Law Firm <i>Notice of Appeal</i>
08/21/2017	 Case Appeal Statement Filed By: Plaintiff Abrams, Jennifer V; Plaintiff Abrams & Mayou Law Firm <i>Case Appeal Statement</i>

DATE	FINANCIAL INFORMATION																																																						
	<table> <tr><td>Defendant Sanson, Steve W</td><td></td></tr> <tr><td>Total Charges</td><td>223.00</td></tr> <tr><td>Total Payments and Credits</td><td>223.00</td></tr> <tr><td>Balance Due as of 8/24/2017</td><td>0.00</td></tr> <tr><td>Defendant Veterans in Politics International Inc</td><td></td></tr> <tr><td>Total Charges</td><td>30.00</td></tr> <tr><td>Total Payments and Credits</td><td>30.00</td></tr> <tr><td>Balance Due as of 8/24/2017</td><td>0.00</td></tr> <tr><td>Defendant Hanusa, Heidi J</td><td></td></tr> <tr><td>Total Charges</td><td>223.00</td></tr> <tr><td>Total Payments and Credits</td><td>223.00</td></tr> <tr><td>Balance Due as of 8/24/2017</td><td>0.00</td></tr> <tr><td>Defendant Law Offices of Louis C Schneider LLC</td><td></td></tr> <tr><td>Total Charges</td><td>30.00</td></tr> <tr><td>Total Payments and Credits</td><td>30.00</td></tr> <tr><td>Balance Due as of 8/24/2017</td><td>0.00</td></tr> <tr><td>Defendant Ortiz, Christina</td><td></td></tr> <tr><td>Total Charges</td><td>223.00</td></tr> <tr><td>Total Payments and Credits</td><td>223.00</td></tr> <tr><td>Balance Due as of 8/24/2017</td><td>0.00</td></tr> <tr><td>Defendant Sanson Corporation</td><td></td></tr> <tr><td>Total Charges</td><td>30.00</td></tr> <tr><td>Total Payments and Credits</td><td>30.00</td></tr> <tr><td>Balance Due as of 8/24/2017</td><td>0.00</td></tr> <tr><td>Defendant Schneider, Louis C</td><td></td></tr> <tr><td>Total Charges</td><td>223.00</td></tr> <tr><td>Total Payments and Credits</td><td>223.00</td></tr> </table>	Defendant Sanson, Steve W		Total Charges	223.00	Total Payments and Credits	223.00	Balance Due as of 8/24/2017	0.00	Defendant Veterans in Politics International Inc		Total Charges	30.00	Total Payments and Credits	30.00	Balance Due as of 8/24/2017	0.00	Defendant Hanusa, Heidi J		Total Charges	223.00	Total Payments and Credits	223.00	Balance Due as of 8/24/2017	0.00	Defendant Law Offices of Louis C Schneider LLC		Total Charges	30.00	Total Payments and Credits	30.00	Balance Due as of 8/24/2017	0.00	Defendant Ortiz, Christina		Total Charges	223.00	Total Payments and Credits	223.00	Balance Due as of 8/24/2017	0.00	Defendant Sanson Corporation		Total Charges	30.00	Total Payments and Credits	30.00	Balance Due as of 8/24/2017	0.00	Defendant Schneider, Louis C		Total Charges	223.00	Total Payments and Credits	223.00
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DEPARTMENT 12
CASE SUMMARY
CASE NO. A-17-749318-C

Balance Due as of 8/24/2017	0.00
Defendant Spicer, Johnny	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 8/24/2017	0.00
Defendant Steelmon, Karen	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 8/24/2017	0.00
Defendant Woolbright, Don	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 8/24/2017	0.00
Plaintiff Abrams & Mayou Law Firm	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 8/24/2017	0.00
Plaintiff Abrams, Jennifer V	
Total Charges	744.00
Total Payments and Credits	744.00
Balance Due as of 8/24/2017	0.00

DISTRICT COURT CIVIL COVER SHEET

CLARK

County, Nevada

Case No. A-17-749318-C Dept I

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): JENNIFER V. ABRAMS and THE ABRAMS & MAYO LAW FIRM 6252 S. Rainbow Blvd., Suite 100 Las Vegas, Nevada 89118 (702) 222-4021	Defendant(s) (name/address/phone): (See attached)
Attorney (name/address/phone): Jennifer V. Abrams, Esq. (NV Bar # 7575) 6252 S. Rainbow Blvd., Suite 100 Las Vegas, Nevada 89118 (702) 222-4021	Attorney (name/address/phone): Unknown

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 checked="" type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate <i>Probate (select case type and estate value)</i> <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.

01/09/2017

Date

Signature of initiating party or representative

See other side for family-related case filings

Defendants

LOUIS C. SCHNEIDER

Pers.: 808 San Gabriel Ave
Henderson, Nevada 89002

Bus.: 430 S. 7th Street
Las Vegas, Nevada 89101

LAW OFFICES OF LOUIS C. SCHNEIDER, LLC

Reg. Agent: c/o Philomena Moloney, Moloney & Associates CPA Firm
8905 W. Post Road, Ste. 210
Las Vegas, Nevada 89148

Business: 430 S. 7th Street
Las Vegas, Nevada 89101
Tel: (702) 435-2121

STEVE W. SANSON

Phys.: 8908 Big Bear Pines Ave
Las Vegas, Nevada 89143

Mailing: P.O. Box 28211
Las Vegas, Nevada 89126

HEIDI J. HANUSA

Pers.: 8908 Big Bear Pines Ave
Las Vegas, Nevada 89143

Bus.: 2620 Regatta Drive, Suite 102
Las Vegas, Nevada 89128

CHRISTINA ORTIZ

Pers.: 10632 Valley Edge Court
Las Vegas, Nevada 89141

JOHNNY SPICER

Pers.: 3589 East Gowan Road
Las Vegas, Nevada 89115

DON WOOLBRIGHT

Pers.: 4230 Saint Linus Ln.
Saint Ann, Missouri 63074

VETERANS IN POLITICS INTERNATIONAL, INC.

Reg. Agent: c/o Clark McCourt
7371 Prairie Falcon Road, Ste. 120
Las Vegas, Nevada 89128

SANSON CORPORATION

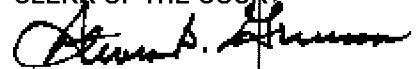
Reg. Agent: c/o Clark McCourt
7371 Prairie Falcon Road, Ste. 120
Las Vegas, Nevada 89128

KAREN STEELMON

2174 East Russell Road
Las Vegas, Nevada 89119

DOES I THROUGH X

(Unknown)



1 **ORDR**

2 Margaret A. McLetchie, Nevada Bar No. 10931
3 Alina M. Shell, Nevada Bar No. 11711
4 MCLECHIE SHELL LLC
5 701 East Bridger Ave., Suite 520
6 Las Vegas, NV 89101
7 Telephone: (702) 728-5300
8 Facsimile: (702) 425-8220
9 Email: maggie@nvlitigation.com
10 *Attorneys for Defendants Steve W. Sanson and*
11 *Veterans in Politics International, Inc.*

8 **EIGHTH JUDICIAL DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 JENNIFER V. ABRAMS AND THE
11 ABRAMS & MAYO LAW FIRM,

12 Plaintiffs,

13 vs.

14 LOUIS C. SCHNEIDER; LAW OFFICE OF
15 LOUIS C. SCHNEIDER, LLC; STEVE W.
16 SANSON; HEIDI J. HANUSA; CHRISTINA
17 ORTIZ; JOHNNY SPICER; DON
18 WOOLBRIGHT; VETERANS IN POLITICS
19 INTERNATIONAL, INC.; SANSON
20 CORPORATION; KAREN STEELMON;
21 AND DOES I THROUGH X;

22 Defendants.

Case No.: A-17-749318-C

Dept. No.: XII

[PROPOSED] ORDER GRANTING
VIPI DEFENDANTS' SPECIAL
MOTION TO DISMISS PURSUANT
TO NEV. REV. STAT. § 41.660
(ANTI-SLAPP)

22 Defendants Steve W. Sanson ("Sanson") and Veterans in Politics International's
23 ("VIPI") Special Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-SLAPP)¹
24 (the "Special Motion to Dismiss") having come on for hearing on June 5, 2017, the
25 Honorable Michelle Leavitt presiding, Plaintiffs Jennifer V. Abrams ("Ms. Abrams") and
26 The Abrams & Mayo Law Firm (together, the "Abrams Parties"), appearing by and through
27

28 ¹ "SLAPP" is an acronym for "strategic lawsuit against public participation."

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1 their attorneys, Joshua P. Gilmore, of Bailey Kennedy and Marshal S. Willick of Willick
2 Law Group, and Defendants Sanson and VIPI (together, the “VIPI Defendants”), appearing
3 by and through their attorneys, Margaret A. McLetchie, and Alina M. Shell, of McLetchie
4 Shell LLC, and the Court, having read and considered all of the papers and pleadings on file,
5 and heard argument of counsel, and being fully advised, and good cause appearing therefor,
6 hereby makes the following Findings of Fact, Conclusions of Law, and Order granting the
7 VIPI Defendants’ Special Motion to Dismiss:

8 **I.**

9 **PROCEDURAL HISTORY AND FINDINGS OF FACT**

10 **A. Background on Sanson and VIPI**

11 1. Defendant Steve W. Sanson is the President of Defendant Veterans in
12 Politics International, Inc. (“VIPI”), a non-profit corporation that advocates on behalf of
13 veterans and works to expose public corruption and wrongdoing.

14 2. VIPI routinely publishes and distributes articles, and hosts a “weekly
15 online” talk show which features public officials and others who discuss veterans’ political,
16 judicial, and other issues of public concerns.

17 **B. Family Court Issues**

18 3. On October 5, 2016, acting in his capacity as President of VIPI, Mr. Sanson
19 posted an article on the publicly-accessible website <veteransinpolitics.org> entitled
20 “Nevada Attorney attacks a Clark County Family Court Judge in Open Court,” containing
21 the court video transcript of a September 29, 2016 hearing in the case entitled *Saiter v. Saiter*,
22 Eighth Judicial District Court, Family Division, Clark County, Nevada, Case No. D-15-
23 521372 (the “*Saiter* Hearing”). The *Saiter* Hearing involved a heated exchange between Ms.
24 Abrams and Judge Jennifer L. Elliot.

25 4. The article that accompanied the video posting contained both written
26 excerpts of said exchange and Mr. Sanson’s opinions of Plaintiff Abrams’ and Judge Elliot’s
27 behavior during the *Saiter* Hearing.

28 ///

1 5. On October 5, 2016, Ms. Abrams sent the Honorable Jennifer L. Elliot
2 Judge Elliot an email about the article in which she complained that the article placed her in
3 a bad light, and requesting that Judge Elliot force VIPI to take the article down.

4 6. Because Mr. Sanson believed that VIPI was within its rights to publish a
5 video of a court proceeding, Mr. Sanson did not remove either the article or video.

6 7. On October 8, 2016, Mr. Sanson was personally served with an October 6,
7 2016 Court Order Prohibiting Dissemination of Case Materials issued by Judge Elliot in the
8 *Saiter* case. This order purported to seal all the documents and proceedings in the *Saiter* case
9 on a retroactive basis.

10 8. Despite disagreeing with Judge Elliot's order, Mr. Sanson temporarily took
11 the video down. On October 9, 2016, Mr. Sanson reposted the video to, among other
12 websites, <veteransinpolitics.org> together with an article entitled "District Court Judge
13 Bullied by Family Attorney Jennifer Abrams." The article contained a report on what had
14 taken place and criticism of the practice of sealing court documents.

15 9. On November 6, 2016, Mr. Sanson posted another ~~an~~ article to
16 <veteransinpolitics.org> entitled "Law Frowns on Nevada Attorney Jennifer Abrams' 'Seal-
17 Happy' Practices." This article was critical of Ms. Abrams' practice of sealing the records
18 in many of her cases.

19 10. On November 14, 2016, Mr. Sanson posted an article to
20 <veteransinpolitics.org> entitled "Lawyers acting badly in a Clark County Family Court."

21 11. On November 14, 2016, Mr. Sanson posted a video of the *Saiter* Hearing to
22 the video-hosting website YouTube. In the description of said video, Mr. Sanson stated his
23 opinion that Ms. Abrams' conduct in open court constituted "bullying." In this article, Mr.
24 Sanson states his belief in the importance of public access to court proceedings.

25 12. On November 16, 2016, Mr. Sanson posted an article to
26 <veteransinpolitics.org> criticizing Judge Rena Hughes for making a misleading statement
27 to an unrepresented child in Family Court. Like the others, this article reflects a core VIPI
28 mission—exposing to the public and criticizing the behavior of officials.

1 13. On December 21, 2016, the VIPI Defendants posted three videos to
2 YouTube entitled “The Abrams Law Firm 10 05 15,” “The Abrams Law Firm Inspection
3 part 1,” and “The Abrams Law Firm Practices p 2.”

4 14. In addition to being published on the VIPI website, all of the above-listed
5 articles were also simultaneously sent to VIPI email subscribers.

6 15. On December 22, 2016, Mr. Sanson allegedly had a conversation with
7 David J. Schoen, and employee of the Abrams & Mayo Law Firm. In this conversation, Mr.
8 Sanson allegedly made several unflattering comments about Plaintiff Abrams.

9 **C. The Abrams Parties’ Lawsuit, Attempt to Hold Mr. Sanson In**
10 **Contempt, and Other Efforts.**

11 16. On January 9, 2017, the Abrams Parties filed a Verified Complaint against
12 the VIPI Defendants, as well as several other Defendants. The Complaint included purported
13 causes of action for defamation, intentional infliction of emotional distress, negligent
14 infliction of emotional distress, false light, business disparagement, harassment, concert of
15 action, civil conspiracy, RICO, and injunctive relief.

16 17. Besides the VIPI Defendants, the Abrams Parties sued a long list of other
17 defendants.

18 18. On January 27, 2017, the Abrams Parties filed a First Amended Verified
19 Complaint, adding copyright infringement as a cause of action.

20 19. On February 13, 2017, Ms. Abrams filed a Motion for an Order to Show
21 Cause in *Saiter v. Saiter*, No. D-15-521372-D, (“OSC Motion”) In that Motion, Ms. Abrams
22 suggested that the Family Court hold Mr. Sanson in contempt and incarcerate him for over
23 seven years.

24 20. The Honorable Judge Elliot denied Ms. Abrams’ motion, and vacated the
25 Order Prohibiting Dissemination, holding that it was facially overbroad and not narrowly
26 drawn.

27 21. On January 30, 2017, the VIPI Defendants filed a Motion to Dismiss
28 Plaintiffs’ First Amended Complaint Pursuant to Nev. R. Civ. P. 12(b)(5) (the “12(b)(5)

1 Motion to Dismiss”).

2 22. On February 17, 2017, the VIPI Defendants filed a Motion to Strike.

3 23. On March 6, 2017, the Abrams Parties filed an Opposition to the VIPI
4 Defendants’ 12(b)(5) Motion to Dismiss and Countermotion for Attorney’s Fees and Costs.
5 On March 9, 2017, the Abrams Parties filed an Errata to their Opposition and Countermotion.

6 24. On March 6, 2017, the Abrams Parties filed an Opposition to the VIPI
7 Defendants’ Motion to Strike and Countermotion for Attorney’s Fees and Costs.

8 25. On March 28, 2017, the VIPI Defendants filed the Special Motion to
9 Dismiss.

10 26. On April 28, 2017, the Abrams Parties filed an Omnibus Opposition to the
11 VIPI Defendants’ Special Motion to Dismiss (and to the special Anti-SLAPP motions to
12 dismiss filed by the other Defendants in this case).

13 27. On May 30, 2017, the VIPI Defendants filed an Omnibus Reply in Support
14 of their 12(b)(5) Motion to Dismiss and Special Motion to Dismiss.

15 28. On May 30, 2017, the VIPI Defendants filed a Reply in Support of their
16 Motion to Strike and Opposition to the Abrams Parties’ Countermotion for Attorney’s Fees.

17 29. On June 5, 2017, the Court heard oral argument on the VIPI Defendants’
18 Special Motion to Dismiss.

19 30. On June 6, 2017, the Abrams Parties filed a Supplement to their Omnibus
20 Opposition to the VIPI Defendants’ Special Motion to Dismiss.

21 31. On June 9, 2017, the Abrams Parties filed a Supplement to their Omnibus
22 Reply in Support of their 12(b)(5) Motion to Dismiss and Special Motion to Dismiss.

23 32. On June 22, 2017, the Court entered a minute order granting the VIPI
24 Defendants’ Special Motion to Dismiss.

25 II.

26 CONCLUSIONS OF LAW

27 33. Nevada’s Anti-SLAPP statute, Nev. Rev. Stat. § 41.635 *et seq.*, provides
28 that if “an action is brought against a person based upon a good faith communication in

1 furtherance of ... the right to free speech in direct connection with an issue of public concern,
2 [t]he person against whom the action is brought may file a special motion to dismiss.” Nev.
3 Rev. Stat. § 41.660(1)(a).

4 34. Courts must evaluate a special Anti-SLAPP motion to dismiss using a two-
5 step process. First, the moving party must establish by a preponderance of the evidence “that
6 the claim is based upon a good faith communication in furtherance of the right to petition or
7 the right to free speech in direct connection with an issue of public concern.” Nev. Rev. Stat.
8 § 41.660(3)(a).

9 35. Second, if the defendant satisfies that threshold showing, a court must then
10 “determine whether the plaintiff has demonstrated with prima facie evidence a probability of
11 prevailing on the claim[s].” Nev. Rev. Stat. § 41.660(3)(b).

12 36. Nev. Rev. Stat. § 41.637 defines a “good faith communication in
13 furtherance of the right to petition or the right to free speech in direct connection with an
14 issue of public concern,” as follows:

15 Written or oral statement made in direct connection with an issue under
16 consideration by a legislative, executive or judicial body, or any other
17 official proceeding authorized by law; or

18 Communication made in direct connection with an issue of public interest
19 in a place open to the public or in a public forum, which is truthful or is
made without knowledge of its falsehood.

20 Nev. Rev. Stat. § 41.637(3) and (4).

21 37. In *Shapiro v. Welt*, 133 Nev., Adv. Op. 6, 389 P.3d 262 (2017), the Nevada
22 Supreme Court identified the following guiding principles for determining what constitutes
23 “public interest” for purposes of Nev. Rev. Stat. § 41.637(3) and (4).

24 (1) “public interest” does not equate with mere curiosity;

25 (2) a matter of public interest should be something of concern to a
26 substantial number of people; a matter of concern to a speaker and a
relatively small specific audience is not a matter of public interest;

27 (3) there should be some degree of closeness between the challenged
28 statements and the asserted public interest—the assertion of a broad and
amorphous public interest is not sufficient;

1 (4) the focus of the speaker's conduct should be the public interest rather
2 than a mere effort to gather ammunition for another round of private
3 controversy; and

4 (5) a person cannot turn otherwise private information into a matter of
5 public interest simply by communicating it to a large number of people.

6 *Shapiro*, 389 P.3d at 268.

7 ***The VIPI Defendants Met Their Initial Burden***

8 38. Having reviewed the articles at issue in this case, the Court finds that the
9 VIPI Defendants have met their burden, and that the statements at issue concern matters of
10 public interest and were made in a public forum.

11 39. Courts have held that criticism of a professional's on-the-job performance
12 is a matter of public interest. *See, e.g., Piping Rock Partners, Inc. v. David Lerner Assocs.,*
13 *Inc.*, 946 F. Supp. 2d 957, 968 (N.D. Cal. 2013).

14 40. Additionally, the United States Supreme Court has provided guidance
15 regarding whether speech involves a matter of public concern. In *Snyder v. Phelps*, 562 U.S.
16 443 (2011), the Court explained that "[s]peech deals with matters of public concern when it
17 can 'be fairly considered as relating to any matter of political, social, or other concern to the
18 community,' ... or when it 'is a subject of legitimate news'." *Id.* at 453 (internal citations
19 omitted).

20 41. The Ninth Circuit Court of Appeals has extended the principles set forth by
21 the Supreme Court in *Snyder*, broadening the category of speech that touches on a matter of
22 public concern. *See Obsidian Finance Group, LLC v. Cox*, 740 F.3d 1284, 1292 (9th Cir.
23 2014) (blog posts accusing plaintiff of financial crimes in relation to bankruptcy involve a
24 matter of public concern); *see also Gardner v. Martino*, 563 F.3d 981, 989 (9th Cir. 2009)
25 (business owner's refusal to give a refund to a customer who bought an allegedly defective
26 product is a matter of public concern); *Manufactured Home Cmty's, Inc. v. Cnty. Of San*
27 *Diego*, 544 F.3d 959, 965 (9th Cir. 2008) (claim that mobile home park operator charged
28 excessive rent is a matter of public concern).

42. In addition, the common law has long recognized that the public has a vital
and ongoing interest in observing judicial proceedings. The United States Supreme Court has

1 explained that “[t]he early history of open trials in part reflects the widespread
2 acknowledgment, long before there were behavioral scientists, that public trials had
3 significant community therapeutic value.” *Richmond Newspapers, Inc. v. Virginia*, 448 U.S.
4 555, 570–71, 100 S.Ct. 2814, 2824 (1980). The Nevada Supreme Court has recognized that
5 the operation of Nevada’s courtrooms is a matter of great public concern *See Lubin v. Kunin*,
6 117 Nev. 107, 114, 17 P.3d 422, 427 (2001) (“‘fair, accurate and impartial’ reporting of
7 judicial proceedings is privileged and nonactionable, thus affirming the policy that Nevada
8 citizens have a right to know what transpires in public and official legal proceedings”).

9 43. “[C]ourts of this country recognize a general right to inspect and copy
10 public records and documents, including judicial records and documents.” *Nixon v. Warner*
11 *Communications*, 435 U.S. 589, 597, 98 S.Ct. 1306, 1312 (1978). This right, which includes
12 access to records and documents in judicial proceedings, is anchored in the value of keeping
13 “a watchful eye on the workings of public agencies,” and in publishing “information
14 concerning the operation of government.” *Id.* at 597-98.

15 44. The common law right of access is based on the need for courts to “have a
16 measure of accountability and for the public to have confidence in the administration of
17 justice.” *United States v. Amodio*, 71 F.3d 1044, 1048 (2nd Cir. 1995); *see also Stephens*
18 *Media LLC v. Eighth Judicial District Court*, 125 Nev. 849, 860, 221 P.3d 1240, 1248 (2009)
19 (“Public access inherently promotes public scrutiny of the judicial process, which enhances
20 both the fairness of criminal proceedings and the public confidence in the criminal justice
21 system.”)

22 45. The public’s interest in observing the administration of justice is also rooted
23 in the First Amendment. *See Mills v. Alabama*, 384 U.S. 214, 218, 86 S.Ct. 1434, 1437 (1966)
24 (“Whatever differences may exist about interpretations of the First Amendment, there is
25 practically universal agreement that a major purpose of that Amendment was to protect the
26 free discussion of governmental affairs.”); *accord Del Papa v. Steffen*, 112 Nev. 369, 374,
27 915 P.2d 245, 249 (1996) (citing *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829,
28 838 (1978)).

1 46. Courts addressing various states' anti-SLAPP statutes have found that
2 criticizing attorneys is protected activity for anti-SLAPP purposes. *See, e.g., Davis v. Avvo,*
3 *Inc.*, No. C11-1571RSM, 2012 WL 1067640, at *3 (W.D. Wash. Mar. 28, 2012) ("The Court
4 has no difficulty finding that the Avvo.com website is 'an action involving public
5 participation,' in that it provides information to the general public which may be helpful to
6 them in choosing a doctor, dentist, or lawyer"). A California Court, applying the test outlined
7 in *Weinberg v. Feisel*, 110 Cal.App.4th 1122, 2 Cal.Rptr.3d 385, 392–93 (2003) and recently
8 adopted in Nevada,² found "statements that an attorney has embezzled from clients, and is
9 being prosecuted for doing so, relate to an issue of public interest." *Choyce v. SF Bay Area*
10 *Indep. Media Ctr.*, No. 13-CV-01842-JST, 2013 WL 6234628, at *8 (N.D. Cal. Dec. 2,
11 2013).

12 47. The statements by the VIPI Defendants in this case pertained to Plaintiff
13 Abrams' legal practices and courtroom behavior, topics which the above-precedent establish
14 are matters of public interest. Accordingly, the Court finds the VIPI Defendants have met
15 their burden of showing that the instant matter arises from good faith communications in
16 furtherance of the right to free speech in direct connection with an issue of public concern.

17 48. Nevada's Anti-SLAPP statute requires that the communications giving rise
18 to the suit must be made "in a place open to the public or in a public forum." Nev. Rev. Stat.
19 § 41.637.

20 49. As discussed above, the articles at issue in this matter were published on
21 VIPI's website and simultaneously sent to VIPI email subscribers.

22 50. The Abrams Parties argue that Nevada's anti-SLAPP statutes do not protect
23 speech that is republished via "email blasts" to thousands of members of the public.

24 51. However, the Abrams Parties conflate the test that pertains to evaluating
25 whether a forum is a public forum for the purposes of establishing which level of First
26 Amendment scrutiny applies with the test for application of the anti-SLAPP law, which is
27

28 ² *See Shapiro v. Welt*, 133 Nev. Adv. Op. 6, 389 P.3d 262, 268 (2017).

1 instead concerned with whether a statement is made in public or in private.

2 52. The fact that a communication is made via email, in addition to being made
3 on a publicly-accessible website, does not make it a private communication or remove it from
4 the public forum. Indeed, as held in *Moreau v. Daily Indep.*, 2013 WL 85362 at *4 (E.D.
5 Cal., 2013), “the plain language of [California’s anti-SLAPP statutes applies] to statements
6 made ‘in a place open to the public or a public forum, indicat[ing] that a public forum need
7 not be open to the public.’” (emphasis added). Nevada’s statute parallels California’s. Nev.
8 Rev. Stat. § 41.637(4).

9 53. In *Am. Broad. Companies, Inc. v. Aereo, Inc.*, 134 S. Ct. 2498, 2503, 2507-
10 2508, 189 L. Ed. 2d 476 (2014), the United States Supreme Court evaluated whether Aereo,
11 a company that transmits television programming via the internet, performs the transmitted
12 works “publicly.” The Court rejected the argument that because each individual transmission
13 was to only one subscriber, the transmissions were not “to the public.” *Id.* at 2508. Instead,
14 the Supreme Court found, an entity may transmit to the public through a set of actions. *Id.*
15 The Court further found that—much like the subscribers to VIPI’s email list—the subscribers
16 to whom Aereo transmits television programs constitute “the public.” It noted that “Aereo
17 communicates the same contemporaneously perceptible images and sounds to a large number
18 of people who are unrelated and unknown to each other.” *Id.* at 2509–10.

19 54. Accordingly, communications are still made in the “public forum” even
20 though they are sent via email blasts to members of the public and land in a place not open
21 to the public—the individual email boxes of the recipients. VIPI’s email blasts were therefore
22 public communications, and are protected by Nevada’s anti-SLAPP statute.

23 ***The VIPI Defendants’ Statement Are Not False Statements of Fact***

24 55. Nevada’s Anti-SLAPP statute requires that a good faith communication is
25 “truthful or made without knowledge of its falsehood.” Nev. Rev. Stat. § 41.637. The Court
26 also finds that the statements at issue are not false statements of fact.

27 56. Statements of opinion cannot be made with knowledge of their falsehood
28 because there is no such thing as a false idea. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev.

1 706, 714, 57 P.3d 82, 87 (Nev. 2002) (internal quotation omitted). However pernicious
2 opinions may seem, courts depend on the competition of other ideas, rather than judges and
3 juries, to correct them. *Id.* The court must therefore ask “whether a reasonable person would
4 be likely to understand the remark as an expression of the source’s opinion or as a statement
5 of existing fact.” *Id.* at 715.

6 57. All the statements identified by the Abrams Parties in their First Amended
7 Complaint as being false and defamatory were either true statements of fact, or were
8 statements of opinion which were incapable of being false.

9 58. Additionally, the October 5, 2016 YouTube video of the September 16,
10 2016 courtroom proceedings in the *Saiter* matter cannot be considered defamatory because
11 it is a real video of an actual proceeding. *Kegel v. Brown & Williamson Tobacco Corp.*, No.
12 306-CV-00093-LRH-VPC, 2009 WL 656372, at *17 (D. Nev. Mar. 10, 2009), *on*
13 *reconsideration in part*, No. 3:06-CV-00093LRHVPC, 2009 WL 3125482 (D. Nev. Sept.
14 24, 2009) (“the truthful statements relating to the admittedly accurate contents of the video
15 cannot form the basis of Plaintiff’s defamation claim”).

16 ***Closing a Hearing Pursuant to EDCR 5.02 Does Not Involve Any Determination of***
17 ***“Public Interest.”***

18 59. Following the June 5, 2017 hearing on this matter, the Abrams Parties filed
19 a supplement to their opposition to Defendants’ Special Motion to Dismiss asserting that
20 because Judge Elliot temporarily closed the September 26, 2016 hearing in *Saiter v. Saiter*
21 pursuant to EDCR 5.02, the hearing suddenly and permanently no longer involved “an issue
22 of public interest” under Nev. Rev. Stat. § 41.637(4).

23 60. Pursuant to EDCR 5.02(a), “the court **must**, upon demand of either party,
24 direct that the trial or hearing(s) on any issue(s) of fact joined therein be private and upon
25 such direction, all persons shall be excluded from the court or chambers wherein the action
26 is heard, except officers of the court, the parties, their witnesses while testifying, and
27 counsel.” EDCR 5.02(a) (emphasis added).

28 ///

1 61. That a hearing is “closed” or sealed does not change the fact that it is
2 conducted in a publicly-funded courtroom and presided over by a taxpayer-paid and citizen-
3 elected judge, nor does it alter the fact that members of the public have a vested interest in
4 access to information about court proceedings and access to justice.

5 62. The Abrams Parties contend that “[i]f Mr. Sanson wanted access to the
6 video from a closed hearing, he had to make a formal request for it so that the parties would
7 have an opportunity to be heard in response to his request.” (Supp. Opp., p. 2:10-12.)
8 However, neither sealing a transcript nor closing a hearing transforms court proceedings to
9 wholly private matters outside the protection of the anti-SLAPP statute.

10 63. In any case, closing a hearing pursuant to EDCR 5.02 does not seal it. This
11 fact is also clear from Ms. Abrams’ own actions. Specifically, on October 6, 2016—seven
12 days after the hearing—Abrams prepared a separate order sealing the court records pursuant
13 to Nev. Rev. Stat. § 125.110(2). Further, Judge Elliot’s findings in her order vacating the
14 October 6, 2016 sealing order indicate that the video transcript of the hearing was never truly
15 “private.” In that order, Judge Elliot found that the order was unconstitutionally overbroad.
16 (October 6, 2016 Order in Saiter Matter (“Order”) at p. 18:19-23 (Exh. 2 to First Amended
17 Complaint (article containing screenshot of Order)).) Moreover, Judge Elliot noted that
18 although she would not enforce the sealing of the video even though it was circulated after
19 the date of the sealing order because Nev. Rev. Stat. § 125.110(2) “reads as if it is limited to
20 **documents only** and does not give proper notice to anyone as to the prohibitory use of a
21 hearing video as a hearing transcript.” (Order at p. 20:15-22.)

22 64. Finally, Judge Elliot noted that it is “unquestionably vague as to *how the*
23 *parties were . . .* harmed by the posting of the information online. (*Id.* at pp. 20:23-21:1.)
24 Although Judge Elliot did note that she personally believed it was not “appropriate to . . .
25 post the video on the internet” where the parties’ children might have access to it, she
26 acknowledge “there is nothing this Court can do in this case to enforce this viewpoint.” (*Id.*
27 at p. 19:3-10.)

28 ///

1 65. In short, Judge Elliot did not make a determination that the hearing was
2 “private” and any findings or decisions it did make have no bearing on whether Mr. Sanson’s
3 statements at issue are protected by Nevada’s robust anti-SLAPP law.

4 66. All the statements at issue are squarely within its protections—and this
5 litigation is exactly what anti-SLAPP laws are designed to protect against. *See John v.*
6 *Douglas Cnty. Sch. Dist.*, 125 Nev. 746, 758, 219 P. 3d 1276, 1284 (2009) (“the statutes
7 create a procedural mechanism to prevent wasteful and abusive litigation...”).

8 67. Ms. Abrams has asserted that the discussion of the *Saiter* matter has caused
9 her extreme emotional distress. Ms. Abrams’ embarrassment, however, does not overcome
10 the strong presumption in favor of public access. The Nevada Supreme Court has recognized
11 that court proceedings are presumptively public, and can sealed from public review “only
12 where the public’s right to access is outweighed by competing interests.” *Howard v. State*,
13 128 Nev. Adv. Op. 67, 291 P.3d 137, 141 (2012). Moreover, the Nevada Supreme Court has
14 also made clear that “the desire to avoid unnecessary embarrassment ...alone is insufficient
15 to warrant sealing court records from public inspection.” *Id.* at 144.

16 68. Matters such as courtroom administration and document sealing are not
17 “private” or matters of “mere curiosity” (*Shapiro v. Welt*, 133 Nev. Adv. Op. 6, 389 P.3d
18 262, 268 (2017) (citation omitted)) within the meaning of anti-SLAPP statutes. Instead, such
19 matters are “of concern to a substantial number of people.” *Id.* The comments made directly
20 pertain to the asserted public interest—courtroom proceedings. There is no “private
21 controversy” (*id.*) between Ms. Abrams and Mr. Sanson—their dispute is entirely related to
22 her conduct in court and his comments on it; they have no personal relationship.

23 69. That Judge Elliot closed the hearing pursuant to EDCR 5.02(a) does not
24 change this analysis. Closing a hearing under EDCR 5.02(a) does not take the hearing out of
25 the well-established realm of public access to court proceedings. Nor does it reflect that Judge
26 Elliot made any determination that the interest in privacy outweighed the interest in
27 disclosure, let alone that there was no public interest implicated by the hearing. Indeed, Judge
28 Elliot made no determination of any sort whatsoever—consistent with EDCR 5.02(a), she

1 simply automatically closed the hearing upon Ms. Abrams' request.

2 ***The Abrams Parties Failed to Demonstrate a Probability of Success on Their Claims***

3 70. Because the VIPI Defendants met their burden, the burden shifted to the
4 Abrams Parties to demonstrate "with prima facie evidence a probability of prevailing on the
5 claims." Nev. Rev. Stat. § 41.660(3)(b).

6 71. The Abrams Parties have failed to meet their burden, as they cannot show a
7 probability of success on their claims.

8 72. Indeed, at the June 5, 2017 hearing on Defendants' Special Motion to
9 Dismiss, the Abrams Parties acknowledged that their causes of action for RICO, copyright
10 infringement, injunctive relief, and harassment should be dismissed. The Abrams Parties'
11 concession that these claims lack merit further demonstrates The Abrams Parties cannot
12 satisfy their burden of demonstrating a probability of prevailing on their claims.

13 **Defamation**

14 73. In Nevada, the elements of a defamation claim are: (1) a false and
15 defamatory statement by a defendant concerning the plaintiff; (2) an unprivileged publication
16 of this statement to a third person; (3) fault of the Defendant, amounting to at least
17 negligence; and (4) actual or presumed damages. *Pegasus*, 118 Nev. 706 at 718.

18 74. The VIPI Defendants' alleged speech consists of opinions or facts, none of
19 which satisfy the first element of a defamation claim. Thus, the Abrams Parties have not
20 established a probability of success on their defamation claim.

21 **Intentional Infliction of Emotional Distress ("IIED")**

22 75. The elements of a cause of action for intentional infliction of emotional
23 distress ("IIED") are: "(1) extreme and outrageous conduct with either the intention of, or
24 reckless disregard for, causing emotional distress, (2) the plaintiff's having suffered severe
25 or extreme emotional distress and (3) actual or proximate causation." *Dillard Dep't Stores,*
26 *Inc. v. Beckwith*, 115 Nev. 372, 378, 989 P.2d 882, 886 (1999) (quoting *Star v. Rabello*, 97
27 Nev. 124, 125, 625 P.2d 90, 92 (1981)).

28 ///

1 76. Further, while the Abrams Parties brought all their claims on behalf of Ms.
2 Abrams as well as her law firm, only a natural human person can bring a claim such as,
3 intentional infliction of emotional distress for the obvious reason that a law firm cannot suffer
4 mental distress. *See, e.g., Patel v. AT&T*, No. 94-B-49, 1997 WL 39907, at *2 (Ohio Ct. App.
5 Jan. 30, 1997).

6 77. The Abrams Parties fail to allege facts sufficient to show that the VIPI
7 Defendants' conduct was "extreme and outrageous" or that the Abrams Parties suffered
8 emotional distress, much less the "severe or extreme" emotional distress required to prevail
9 on a claim of IIED. Thus, the Abrams Parties have not established a probability of success
10 on their IIED claim.

11 **Negligent Infliction of Emotional Distress ("NIED")**

12 78. Nevada courts recognize that "the negligent infliction of emotional distress
13 can be an element of the damage sustained by the negligent acts committed directly against
14 the victim-plaintiff." *Shoen v. Amerco, Inc.*, 111 Nev. 735, 748, 896 P.2d 469, 477 (1995).
15 Thus, a cause of action for NIED has essentially the same elements as a cause of action for
16 negligence: (1) duty owed by defendant to plaintiff, (2) breach of said duty by defendant, (3)
17 said breach is the direct and proximate cause of plaintiff's emotional distress, and (4)
18 damages (i.e., emotional distress).

19 79. The Abrams Parties fail to allege facts sufficient to show that the VIPI
20 Defendants owed Ms. Abrams or her law firm any duty of care. The Abrams Parties also fail
21 to allege facts sufficient to show that they suffered emotional distress. Thus, the Abrams
22 Parties have not established a probability of success on their NIED claim.

23 **False Light**

24 80. The false light tort requires that "(a) the false light in which the other was
25 placed would be highly offensive to a reasonable person, and (b) the actor had knowledge of
26 or acted in reckless disregard as to the falsity of the publicized matter and the false light in
27 which the other would be placed." *Franchise Tax Bd. of Cal. v. Hyatt*, 130 Nev. Adv. Op.
28 71, 335 P.3d 125, 141 (2014) (quoting Restatement (Second) of Torts § 652E (1977)).

1 Nevada courts require that plaintiffs suffer mental distress resulting from publicizing private
2 matters: “the injury in [false light] privacy actions is mental distress from having been
3 exposed to public views.” *Dobson v. Sprint Nextel Corp.*, 2014 WL 553314 at *5 (D. Nev.
4 Feb. 10, 2017.)

5 81. The Abrams Parties fail to allege facts sufficient to show that the VIPI
6 Defendants placed them in a false light that would be “highly offensive to a reasonable
7 person.” Furthermore, the Abrams Parties fail to allege facts sufficient to show that they
8 have suffered emotional distress from any of the VIPI Defendants’ actions, much less as a
9 result of being placed in a “false light.” Thus, the Abrams Parties have not established a
10 probability of success on their false light claim.

11 **Business Disparagement**

12 82. The elements of a business disparagement cause of action are: “(1) a false
13 and disparaging statement, (2) the unprivileged publication by the defendant, (3) malice, and
14 (4) special damages.” *Clark Cty. Sch. Dist. v. Virtual Educ. Software, Inc.*, 125 Nev. 374,
15 386, 213 P.3d 496, 504 (2009) (citing *Hurlbut v. Gulf Atlantic Life Ins. Co.*, 749 S.W.2d 762,
16 766 (Tex. 1987)).

17 83. The Abrams Parties cannot prevail on their business disparagement claim
18 for the same reasons that their defamation claim fails. Additionally, the Abrams Parties fail
19 to specifically allege special damages as required by Rule 9(g) of the Nevada Rules of Civil
20 Procedure. This is particularly fatal to the Abrams Parties’ business disparagement claim, as
21 “[p]roof of special damages is an essential element of business disparagement.” *CCSD v.*
22 *Virtual Ed. Software*, 125 Nev. at 87. The Abrams Parties have failed to allege any facts
23 which demonstrate that Defendants’ communications have caused them any economic harm.
24 Thus, the Abrams Parties have not established a probability of success on their business
25 disparagement claim.

26 ///

27 ///

1 **Harassment**

2 84. “Harassment” is not a cause of action in Nevada. The Abrams Parties cannot
3 prevail on a non-existent cause of action. As discussed *supra* at ¶ 65, the Abrams Parties
4 have acknowledged this claim should be dismissed.

5 **Concert of Action**

6 85. The elements of a cause of action for concert of action are that two
7 defendants commit a tort while acting in concert with one another or pursuant to a common
8 design. *Dow Chemical Co. v. Mahlum*, 114 Nev. 1468, 1488, 970 P.2d 98, 111 (1998). The
9 plaintiff must also show that the defendants “agreed to engage in conduct that is inherently
10 dangerous or poses a substantial risk of harm to others.” *Tai-Si Kim v. Kearney*, 838 F. Supp.
11 2d 1077, 1092 (D. Nev. 2012) (quoting *GES, Inc. v. Corbitt*, 117 Nev. 265, 270-71, 21 P.3d
12 11, 14-15 (Nev. 2001)).

13 86. The conduct alleged in this case is not inherently dangerous. Further,
14 because the other tort claims fail, so does this one. Thus, the Abrams Parties have not
15 established a probability of success on their concert of action claim.

16 **Civil Conspiracy**

17 87. The elements of a cause of action for civil conspiracy are: (1) defendants,
18 “by some concerted action, intend to accomplish an unlawful objective for the purpose of
19 harming another; and (2) damage resulting from the act or acts.” *Consol. Generator-Nevada,*
20 *Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1311, 971 P.2d 1251, 1255 (Nev. 1999)
21 (quoting *Hilton Hotels v. Butch Lewis Productions*, 109 Nev. 1043, 1048, 862 P.2d 1207,
22 1210 (1993)).

23 88. The Abrams Parties’ conspiracy claim is apparently predicated on their
24 allegations that the VIPI Defendants disparaged them, placed them in a false light, inflicted
25 emotional distress upon them, and harassed them.

26 89. Because the other tort claims fail, so does this one. Thus, the Abrams
27 Parties have not established a probability of success on their civil conspiracy claim.

28 ///

1 **RICO**

2 90. The elements of a civil RICO claim are: (1) defendant violated a predicate
3 racketeering act; (2) plaintiff suffered injury in her business or property by reason of
4 defendant's violation of the predicate racketeering act; (3) defendant's violation proximately
5 caused plaintiff's injury; (4) plaintiff did not participate in the racketeering violation. Nev.
6 Rev. Stat. § 207.470, Nev. Rev. Stat. § 207.400; *Allum v. Valley Bank of Nevada*, 109 Nev.
7 280, 283, 849 P.2d 297, 299 (1993).

8 91. The Nevada Supreme Court has held that civil racketeering claims must be
9 pled not merely with specificity, but with the specificity required of a criminal indictment or
10 information. *Hale v. Burkhardt*, 104 Nev. 632, 637-38, 764 P.2d 866, 869-70 (1988). The
11 complaint must provide adequate information as to "when, where [and] how" the alleged
12 criminal acts occurred. *Id.* at 637.

13 92. The Abrams Parties allege in their First Amended Complaint that
14 Defendants "either committed, conspired to commit, or have attempted to commit" twelve
15 separate offenses. (*See* FAC at ¶ 118.) However, the bulk of the named offenses are not
16 among the predicate racketeering acts enumerated in Nev. Rev. Stat. § 207.360. In addition,
17 of the remaining five named offenses, the Abrams Parties fail to allege with sufficient
18 specificity or provide adequate information as to "when, where and how" these alleged
19 criminal acts occurred. The Abrams Parties therefore fail to allege a prima facie civil RICO
20 claim, a fact which the Abrams Parties acknowledged at the June 5, 2017 hearing. (*See supra*,
21 ¶ 65.)

22 **Copyright Infringement**

23 93. The Abrams Parties make a claim for copyright violation pursuant to 17
24 USC § 501 et seq. for Defendants' use of photos allegedly belonging to the Abrams Parties.
25 (*See* FAC at ¶¶ 141-147.) However, claims for copyright violations arising under federal law
26 are subject to the exclusive original jurisdiction of the federal courts. *See* 28 U.S.C. §
27 1338(a).

28 ///

1 94. This Court lacks jurisdiction over federal copyright claims, thus the Abrams
2 Parties cannot raise a federal copyright claim, much less prevail on one. Even assuming this
3 Court did have jurisdiction to hear the Abrams Parties' copyright claims, such claims would
4 fail because the Abrams Parties have not proven (or even alleged) ownership or registration
5 of the copyrights of the pictures appearing on <veteransinpolitics.org>.

6 95. Additionally, Defendants' use of publicly available pictures of the Abrams
7 Parties falls under the "fair use" exception to the Copyright Act. The Abrams Parties have
8 therefore failed to demonstrate any probability of succeeding on this claim, a fact which the
9 Abrams Parties acknowledged at the June 5, 2017 hearing. (*See supra*, ¶ 72.)

10 **Injunctive Relief**

11 96. The Abrams Parties incorrectly allege that "injunctive relief" is a cause of
12 action. (FAC at ¶¶ 148-49.) However, "an injunction is a remedy, not a separate claim or
13 cause of action ... a separately pled claim or cause of action for injunctive relief is
14 inappropriate." *Jensen v. Quality Loan Serv. Corp.*, 702 F. Supp. 2d 1183, 1201 (E.D. Cal.
15 2010). Because injunctive relief is not a cause of action, the Abrams Parties cannot prevail
16 on such a claim, a fact which the Abrams Parties acknowledged at the June 5, 2017 hearing.
17 (*See supra*, ¶ 72.)

18 97. Accordingly, for the reasons stated above, the VIPI Defendants' Special
19 Motion to Dismiss is GRANTED.

20 98. If a Court grants a special Anti-SLAPP motion to dismiss, the defendants
21 are entitled to an award of reasonable costs and attorneys' fees. Nev. Rev. Stat. §
22 41.670(1)(a). The Court may also award an amount of up to \$10,000.00. Nev. Rev. Stat. §
23 41.670(1)(a)-(b).

24 99. Additionally, upon the granting of a special Anti-SLAPP motion to dismiss,
25 the defendants may bring a separate action against the Abrams Parties for compensatory
26 damages, punitive damages, and attorney's fees and costs of bringing the separate action.
27 Nev. Rev. Stat. § 41.670(c).

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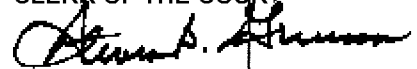
1 100. The VIPI Defendants may file any additional motions pursuant to Nev. Rev.
2 Stat. § 41.670 on or before July 24, 2017.

3
4 IT IS SO ORDERED this 20 day of July, 2017.

5
6 
7 HONORABLE JUDGE MICHELLE LEAVITT
8 AL

8 Respectfully submitted by,

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11
12 Margaret A. McLetchie, Nevada Bar No. 10931
13 MCLETCHIE SHELL LLC
14 701 East Bridger Ave., Suite 520
15 Las Vegas, NV 89101
16 Telephone: (702) 728-5300
17 Facsimile: (702) 425-8220
18 Email: maggie@nvlitigation.com
19 *Attorneys for Defendants Steve W. Sanson and*
20 *Veterans in Politics International, Inc.*
21
22
23
24
25
26
27
28



1 **NEOJ**

2 Margaret A. McLetchie, Nevada Bar No. 10931

3 MCLECHIE SHELL LLC

4 701 East Bridger Ave., Suite 520

5 Las Vegas, NV 89101

6 Telephone: (702) 728-5300

7 Facsimile: (702) 425-8220

8 Email: maggie@nvlitigation.com

9 *Attorneys for Defendants Steve W. Sanson and*
10 *Veterans in Politics International, Inc.*

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**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

JENNIFER V. ABRAMS AND THE
ABRAMS & MAYO LAW FIRM,

Plaintiffs,

vs.

LOUIS C. SCHNEIDER; LAW OFFICE OF
LOUIS C. SCHNEIDER, LLC; STEVE W.
SANSON; HEIDI J. HANSUSA;
CHRISTINA ORTIZ; JOHNNY SPICER;
DON WOOLBRIGHT; VETERANS IN
POLITICS INTERNATIONAL, INC.;
SANSON CORPORATION; KAREN
STEELMON; AND DOES I THROUGH X;

Defendants.

Case No.: A-17-749318-C

Dept. No.: XII

NOTICE OF ENTRY OF ORDER

YOU ARE HEREBY NOTICED that an Order Granting VIPI Defendants' Special
Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-SLAPP) was entered on July
24, 2017.

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1 A copy of the Order Granting VIPI Defendants' Special Motion to Dismiss Pursuant
2 to Nev. Rev. Stat. § 41.660 (Anti-SLAPP) is attached hereto as Exhibit 1.

3 DATED this 24th day of July, 2017.

4
5 /s/ Margaret A. McLetchie

MARGARET A. MCLETCHIE, Nevada Bar No. 10931

6 ALINA M. SHELL, Nevada Bar No. 11711

7 **MCLETCHIE SHELL LLC**

701 East Bridger Ave., Suite 520

8 Las Vegas, Nevada 89101

9 Telephone: (702) 728-5300

10 Facsimile: (702) 425-8220

Email: maggie@nvlitigation.com

11 *Attorneys for Defendants Steve W. Sanson and*

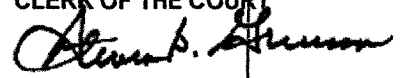
Veterans in Politics International, Inc.

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Jennifer V. Abrams, Esq. THE ABRAMS & MAYO LAW FIRM 6252 S. Rainbow Blvd., Suite 100 Las Vegas, NV 89118	Cal Potter, III, Esq. C.J. Potter IV, Esq. POTTER LAW OFFICES 1125 Shadow Lane Las Vegas, NV 89102 <i>Attorneys for Schneider Defendants</i>
Marshal Willick, Esq. WILLICK LAW GROUP 3591 E. Bonanza Road, Suite 200 Las Vegas, NV 89110	Alex Ghibaudo, Esq. G LAW 703 S. Eighth Street Las Vegas, NV 89101 <i>Attorney for Defendants Ortiz, Hanusa, Spicer, Steelmon, Woolbright, and Sanson Corporation</i>
Dennis L. Kennedy Joshua P. Gilmore BAILEY KENNEDY 8984 Spanish Ridge Avenue Las Vegas, NV 89148 <i>Attorneys for Plaintiffs</i>	

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EXHIBIT 1



1 **ORDR**

2 Margaret A. McLetchie, Nevada Bar No. 10931
3 Alina M. Shell, Nevada Bar No. 11711
4 MCLEATCHIE SHELL LLC
5 701 East Bridger Ave., Suite 520
6 Las Vegas, NV 89101
7 Telephone: (702) 728-5300
8 Facsimile: (702) 425-8220
9 Email: maggie@nvlitigation.com
10 *Attorneys for Defendants Steve W. Sanson and*
11 *Veterans in Politics International, Inc.*

8 **EIGHTH JUDICIAL DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 JENNIFER V. ABRAMS AND THE
11 ABRAMS & MAYO LAW FIRM,

12 Plaintiffs,

13 vs.

14 LOUIS C. SCHNEIDER; LAW OFFICE OF
15 LOUIS C. SCHNEIDER, LLC; STEVE W.
16 SANSON; HEIDI J. HANUSA; CHRISTINA
17 ORTIZ; JOHNNY SPICER; DON
18 WOOLBRIGHT; VETERANS IN POLITICS
19 INTERNATIONAL, INC.; SANSON
20 CORPORATION; KAREN STEELMON;
21 AND DOES I THROUGH X;

22 Defendants.

Case No.: A-17-749318-C

Dept. No.: XII

[PROPOSED] ORDER GRANTING
VIPI DEFENDANTS' SPECIAL
MOTION TO DISMISS PURSUANT
TO NEV. REV. STAT. § 41.660
(ANTI-SLAPP)

22 Defendants Steve W. Sanson ("Sanson") and Veterans in Politics International's
23 ("VIPI") Special Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-SLAPP)¹
24 (the "Special Motion to Dismiss") having come on for hearing on June 5, 2017, the
25 Honorable Michelle Leavitt presiding, Plaintiffs Jennifer V. Abrams ("Ms. Abrams") and
26 The Abrams & Mayo Law Firm (together, the "Abrams Parties"), appearing by and through
27

28 ¹ "SLAPP" is an acronym for "strategic lawsuit against public participation."

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1 their attorneys, Joshua P. Gilmore, of Bailey Kennedy and Marshal S. Willick of Willick
2 Law Group, and Defendants Sanson and VIPI (together, the “VIPI Defendants”), appearing
3 by and through their attorneys, Margaret A. McLetchie, and Alina M. Shell, of McLetchie
4 Shell LLC, and the Court, having read and considered all of the papers and pleadings on file,
5 and heard argument of counsel, and being fully advised, and good cause appearing therefor,
6 hereby makes the following Findings of Fact, Conclusions of Law, and Order granting the
7 VIPI Defendants’ Special Motion to Dismiss:

8 I.

9 **PROCEDURAL HISTORY AND FINDINGS OF FACT**

10 **A. Background on Sanson and VIPI**

11 1. Defendant Steve W. Sanson is the President of Defendant Veterans in
12 Politics International, Inc. (“VIPI”), a non-profit corporation that advocates on behalf of
13 veterans and works to expose public corruption and wrongdoing.

14 2. VIPI routinely publishes and distributes articles, and hosts a “weekly
15 online” talk show which features public officials and others who discuss veterans’ political,
16 judicial, and other issues of public concerns.

17 **B. Family Court Issues**

18 3. On October 5, 2016, acting in his capacity as President of VIPI, Mr. Sanson
19 posted an article on the publicly-accessible website <veteransinpolitics.org> entitled
20 “Nevada Attorney attacks a Clark County Family Court Judge in Open Court,” containing
21 the court video transcript of a September 29, 2016 hearing in the case entitled *Saiter v. Saiter*,
22 Eighth Judicial District Court, Family Division, Clark County, Nevada, Case No. D-15-
23 521372 (the “*Saiter* Hearing”). The *Saiter* Hearing involved a heated exchange between Ms.
24 Abrams and Judge Jennifer L. Elliot.

25 4. The article that accompanied the video posting contained both written
26 excerpts of said exchange and Mr. Sanson’s opinions of Plaintiff Abrams’ and Judge Elliot’s
27 behavior during the *Saiter* Hearing.

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1 5. On October 5, 2016, Ms. Abrams sent the Honorable Jennifer L. Elliot
2 Judge Elliot an email about the article in which she complained that the article placed her in
3 a bad light, and requesting that Judge Elliot force VIPI to take the article down.

4 6. Because Mr. Sanson believed that VIPI was within its rights to publish a
5 video of a court proceeding, Mr. Sanson did not remove either the article or video.

6 7. On October 8, 2016, Mr. Sanson was personally served with an October 6,
7 2016 Court Order Prohibiting Dissemination of Case Materials issued by Judge Elliot in the
8 *Saiter* case. This order purported to seal all the documents and proceedings in the *Saiter* case
9 on a retroactive basis.

10 8. Despite disagreeing with Judge Elliot's order, Mr. Sanson temporarily took
11 the video down. On October 9, 2016, Mr. Sanson reposted the video to, among other
12 websites, <veteransinpolitics.org> together with an article entitled "District Court Judge
13 Bullied by Family Attorney Jennifer Abrams." The article contained a report on what had
14 taken place and criticism of the practice of sealing court documents.

15 9. On November 6, 2016, Mr. Sanson posted another ~~an~~ article to
16 <veteransinpolitics.org> entitled "Law Frowns on Nevada Attorney Jennifer Abrams' 'Seal-
17 Happy' Practices." This article was critical of Ms. Abrams' practice of sealing the records
18 in many of her cases.

19 10. On November 14, 2016, Mr. Sanson posted an article to
20 <veteransinpolitics.org> entitled "Lawyers acting badly in a Clark County Family Court."

21 11. On November 14, 2016, Mr. Sanson posted a video of the *Saiter* Hearing to
22 the video-hosting website YouTube. In the description of said video, Mr. Sanson stated his
23 opinion that Ms. Abrams' conduct in open court constituted "bullying." In this article, Mr.
24 Sanson states his belief in the importance of public access to court proceedings.

25 12. On November 16, 2016, Mr. Sanson posted an article to
26 <veteransinpolitics.org> criticizing Judge Rena Hughes for making a misleading statement
27 to an unrepresented child in Family Court. Like the others, this article reflects a core VIPI
28 mission—exposing to the public and criticizing the behavior of officials.

1 13. On December 21, 2016, the VIPI Defendants posted three videos to
2 YouTube entitled "The Abrams Law Firm 10 05 15," "The Abrams Law Firm Inspection
3 part 1," and "The Abrams Law Firm Practices p 2."

4 14. In addition to being published on the VIPI website, all of the above-listed
5 articles were also simultaneously sent to VIPI email subscribers.

6 15. On December 22, 2016, Mr. Sanson allegedly had a conversation with
7 David J. Schoen, and employee of the Abrams & Mayo Law Firm. In this conversation, Mr.
8 Sanson allegedly made several unflattering comments about Plaintiff Abrams.

9 **C. The Abrams Parties' Lawsuit, Attempt to Hold Mr. Sanson In**
10 **Contempt, and Other Efforts.**

11 16. On January 9, 2017, the Abrams Parties filed a Verified Complaint against
12 the VIPI Defendants, as well as several other Defendants. The Complaint included purported
13 causes of action for defamation, intentional infliction of emotional distress, negligent
14 infliction of emotional distress, false light, business disparagement, harassment, concert of
15 action, civil conspiracy, RICO, and injunctive relief.

16 17. Besides the VIPI Defendants, the Abrams Parties sued a long list of other
17 defendants.

18 18. On January 27, 2017, the Abrams Parties filed a First Amended Verified
19 Complaint, adding copyright infringement as a cause of action.

20 19. On February 13, 2017, Ms. Abrams filed a Motion for an Order to Show
21 Cause in *Saiter v. Saiter*, No. D-15-521372-D, ("OSC Motion") In that Motion, Ms. Abrams
22 suggested that the Family Court hold Mr. Sanson in contempt and incarcerate him for over
23 seven years.

24 20. The Honorable Judge Elliot denied Ms. Abrams' motion, and vacated the
25 Order Prohibiting Dissemination, holding that it was facially overbroad and not narrowly
26 drawn.

27 21. On January 30, 2017, the VIPI Defendants filed a Motion to Dismiss
28 Plaintiffs' First Amended Complaint Pursuant to Nev. R. Civ. P. 12(b)(5) (the "12(b)(5)

1 Motion to Dismiss”).

2 22. On February 17, 2017, the VIPI Defendants filed a Motion to Strike.

3 23. On March 6, 2017, the Abrams Parties filed an Opposition to the VIPI
4 Defendants’ 12(b)(5) Motion to Dismiss and Countermotion for Attorney’s Fees and Costs.
5 On March 9, 2017, the Abrams Parties filed an Errata to their Opposition and Countermotion.

6 24. On March 6, 2017, the Abrams Parties filed an Opposition to the VIPI
7 Defendants’ Motion to Strike and Countermotion for Attorney’s Fees and Costs.

8 25. On March 28, 2017, the VIPI Defendants filed the Special Motion to
9 Dismiss.

10 26. On April 28, 2017, the Abrams Parties filed an Omnibus Opposition to the
11 VIPI Defendants’ Special Motion to Dismiss (and to the special Anti-SLAPP motions to
12 dismiss filed by the other Defendants in this case).

13 27. On May 30, 2017, the VIPI Defendants filed an Omnibus Reply in Support
14 of their 12(b)(5) Motion to Dismiss and Special Motion to Dismiss.

15 28. On May 30, 2017, the VIPI Defendants filed a Reply in Support of their
16 Motion to Strike and Opposition to the Abrams Parties’ Countermotion for Attorney’s Fees.

17 29. On June 5, 2017, the Court heard oral argument on the VIPI Defendants’
18 Special Motion to Dismiss.

19 30. On June 6, 2017, the Abrams Parties filed a Supplement to their Omnibus
20 Opposition to the VIPI Defendants’ Special Motion to Dismiss.

21 31. On June 9, 2017, the Abrams Parties filed a Supplement to their Omnibus
22 Reply in Support of their 12(b)(5) Motion to Dismiss and Special Motion to Dismiss.

23 32. On June 22, 2017, the Court entered a minute order granting the VIPI
24 Defendants’ Special Motion to Dismiss.

25 II.

26 CONCLUSIONS OF LAW

27 33. Nevada’s Anti-SLAPP statute, Nev. Rev. Stat. § 41.635 *et seq.*, provides
28 that if “an action is brought against a person based upon a good faith communication in

1 furtherance of ... the right to free speech in direct connection with an issue of public concern,
2 [t]he person against whom the action is brought may file a special motion to dismiss.” Nev.
3 Rev. Stat. § 41.660(1)(a).

4 34. Courts must evaluate a special Anti-SLAPP motion to dismiss using a two-
5 step process. First, the moving party must establish by a preponderance of the evidence “that
6 the claim is based upon a good faith communication in furtherance of the right to petition or
7 the right to free speech in direct connection with an issue of public concern.” Nev. Rev. Stat.
8 § 41.660(3)(a).

9 35. Second, if the defendant satisfies that threshold showing, a court must then
10 “determine whether the plaintiff has demonstrated with prima facie evidence a probability of
11 prevailing on the claim[s].” Nev. Rev. Stat. § 41.660(3)(b).

12 36. Nev. Rev. Stat. § 41.637 defines a “good faith communication in
13 furtherance of the right to petition or the right to free speech in direct connection with an
14 issue of public concern,” as follows:

15 Written or oral statement made in direct connection with an issue under
16 consideration by a legislative, executive or judicial body, or any other
17 official proceeding authorized by law; or

18 Communication made in direct connection with an issue of public interest
19 in a place open to the public or in a public forum, which is truthful or is
made without knowledge of its falsehood.

20 Nev. Rev. Stat. § 41.637(3) and (4).

21 37. In *Shapiro v. Welt*, 133 Nev., Adv. Op. 6, 389 P.3d 262 (2017), the Nevada
22 Supreme Court identified the following guiding principles for determining what constitutes
23 “public interest” for purposes of Nev. Rev. Stat. § 41.637(3) and (4).

24 (1) “public interest” does not equate with mere curiosity;

25 (2) a matter of public interest should be something of concern to a
26 substantial number of people; a matter of concern to a speaker and a
relatively small specific audience is not a matter of public interest;

27 (3) there should be some degree of closeness between the challenged
28 statements and the asserted public interest—the assertion of a broad and
amorphous public interest is not sufficient;

1 (4) the focus of the speaker's conduct should be the public interest rather
2 than a mere effort to gather ammunition for another round of private
3 controversy; and

(5) a person cannot turn otherwise private information into a matter of
public interest simply by communicating it to a large number of people.

4 *Shapiro*, 389 P.3d at 268.

5 ***The VIPI Defendants Met Their Initial Burden***

6 38. Having reviewed the articles at issue in this case, the Court finds that the
7 VIPI Defendants have met their burden, and that the statements at issue concern matters of
8 public interest and were made in a public forum.

9 39. Courts have held that criticism of a professional's on-the-job performance
10 is a matter of public interest. *See, e.g., Piping Rock Partners, Inc. v. David Lerner Assocs.,*
11 *Inc.*, 946 F. Supp. 2d 957, 968 (N.D. Cal. 2013).

12 40. Additionally, the United States Supreme Court has provided guidance
13 regarding whether speech involves a matter of public concern. In *Snyder v. Phelps*, 562 U.S.
14 443 (2011), the Court explained that "[s]peech deals with matters of public concern when it
15 can 'be fairly considered as relating to any matter of political, social, or other concern to the
16 community,' ... or when it 'is a subject of legitimate news'." *Id.* at 453 (internal citations
17 omitted).

18 41. The Ninth Circuit Court of Appeals has extended the principles set forth by
19 the Supreme Court in *Snyder*, broadening the category of speech that touches on a matter of
20 public concern. *See Obsidian Finance Group, LLC v. Cox*, 740 F.3d 1284, 1292 (9th Cir.
21 2014) (blog posts accusing plaintiff of financial crimes in relation to bankruptcy involve a
22 matter of public concern); *see also Gardner v. Martino*, 563 F.3d 981, 989 (9th Cir. 2009)
23 (business owner's refusal to give a refund to a customer who bought an allegedly defective
24 product is a matter of public concern); *Manufactured Home Cmty's., Inc. v. Cnty. Of San*
25 *Diego*, 544 F.3d 959, 965 (9th Cir. 2008) (claim that mobile home park operator charged
26 excessive rent is a matter of public concern).

27 42. In addition, the common law has long recognized that the public has a vital
28 and ongoing interest in observing judicial proceedings. The United States Supreme Court has

1 explained that “[t]he early history of open trials in part reflects the widespread
2 acknowledgment, long before there were behavioral scientists, that public trials had
3 significant community therapeutic value.” *Richmond Newspapers, Inc. v. Virginia*, 448 U.S.
4 555, 570–71, 100 S.Ct. 2814, 2824 (1980). The Nevada Supreme Court has recognized that
5 the operation of Nevada’s courtrooms is a matter of great public concern *See Lubin v. Kunin*,
6 117 Nev. 107, 114, 17 P.3d 422, 427 (2001) (“‘fair, accurate and impartial’ reporting of
7 judicial proceedings is privileged and nonactionable, thus affirming the policy that Nevada
8 citizens have a right to know what transpires in public and official legal proceedings”).

9 43. “[C]ourts of this country recognize a general right to inspect and copy
10 public records and documents, including judicial records and documents.” *Nixon v. Warner*
11 *Communications*, 435 U.S. 589, 597, 98 S.Ct. 1306, 1312 (1978). This right, which includes
12 access to records and documents in judicial proceedings, is anchored in the value of keeping
13 “a watchful eye on the workings of public agencies,” and in publishing “information
14 concerning the operation of government.” *Id.* at 597-98.

15 44. The common law right of access is based on the need for courts to “have a
16 measure of accountability and for the public to have confidence in the administration of
17 justice.” *United States v. Amodeo*, 71 F.3d 1044, 1048 (2nd Cir. 1995); *see also Stephens*
18 *Media LLC v. Eighth Judicial District Court*, 125 Nev. 849, 860, 221 P.3d 1240, 1248 (2009)
19 (“Public access inherently promotes public scrutiny of the judicial process, which enhances
20 both the fairness of criminal proceedings and the public confidence in the criminal justice
21 system.”)

22 45. The public’s interest in observing the administration of justice is also rooted
23 in the First Amendment. *See Mills v. Alabama*, 384 U.S. 214, 218, 86 S.Ct. 1434, 1437 (1966)
24 (“Whatever differences may exist about interpretations of the First Amendment, there is
25 practically universal agreement that a major purpose of that Amendment was to protect the
26 free discussion of governmental affairs.”); *accord Del Papa v. Steffen*, 112 Nev. 369, 374,
27 915 P.2d 245, 249 (1996) (citing *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829,
28 838 (1978)).

1 46. Courts addressing various states' anti-SLAPP statutes have found that
2 criticizing attorneys is protected activity for anti-SLAPP purposes. *See, e.g., Davis v. Avvo,*
3 *Inc.*, No. C11-1571RSM, 2012 WL 1067640, at *3 (W.D. Wash. Mar. 28, 2012) ("The Court
4 has no difficulty finding that the Avvo.com website is 'an action involving public
5 participation,' in that it provides information to the general public which may be helpful to
6 them in choosing a doctor, dentist, or lawyer"). A California Court, applying the test outlined
7 in *Weinberg v. Feisel*, 110 Cal.App.4th 1122, 2 Cal.Rptr.3d 385, 392–93 (2003) and recently
8 adopted in Nevada,² found "statements that an attorney has embezzled from clients, and is
9 being prosecuted for doing so, relate to an issue of public interest." *Choyce v. SF Bay Area*
10 *Indep. Media Ctr.*, No. 13-CV-01842-JST, 2013 WL 6234628, at *8 (N.D. Cal. Dec. 2,
11 2013).

12 47. The statements by the VIPI Defendants in this case pertained to Plaintiff
13 Abrams' legal practices and courtroom behavior, topics which the above-precedent establish
14 are matters of public interest. Accordingly, the Court finds the VIPI Defendants have met
15 their burden of showing that the instant matter arises from good faith communications in
16 furtherance of the right to free speech in direct connection with an issue of public concern.

17 48. Nevada's Anti-SLAPP statute requires that the communications giving rise
18 to the suit must be made "in a place open to the public or in a public forum." Nev. Rev. Stat.
19 § 41.637.

20 49. As discussed above, the articles at issue in this matter were published on
21 VIPI's website and simultaneously sent to VIPI email subscribers.

22 50. The Abrams Parties argue that Nevada's anti-SLAPP statutes do not protect
23 speech that is republished via "email blasts" to thousands of members of the public.

24 51. However, the Abrams Parties conflate the test that pertains to evaluating
25 whether a forum is a public forum for the purposes of establishing which level of First
26 Amendment scrutiny applies with the test for application of the anti-SLAPP law, which is
27

28 ² *See Shapiro v. Welt*, 133 Nev. Adv. Op. 6, 389 P.3d 262, 268 (2017).

1 instead concerned with whether a statement is made in public or in private.

2 52. The fact that a communication is made via email, in addition to being made
3 on a publicly-accessible website, does not make it a private communication or remove it from
4 the public forum. Indeed, as held in *Moreau v. Daily Indep.*, 2013 WL 85362 at *4 (E.D.
5 Cal., 2013), “the plain language of [California’s anti-SLAPP statutes applies] to statements
6 made ‘in a place open to the public or a public forum, indicat[ing] that a public forum need
7 not be open to the public.’” (emphasis added). Nevada’s statute parallels California’s. Nev.
8 Rev. Stat. § 41.637(4).

9 53. In *Am. Broad. Companies, Inc. v. Aereo, Inc.*, 134 S. Ct. 2498, 2503, 2507-
10 2508, 189 L. Ed. 2d 476 (2014), the United States Supreme Court evaluated whether Aereo,
11 a company that transmits television programming via the internet, performs the transmitted
12 works “publicly.” The Court rejected the argument that because each individual transmission
13 was to only one subscriber, the transmissions were not “to the public.” *Id.* at 2508. Instead,
14 the Supreme Court found, an entity may transmit to the public through a set of actions. *Id.*
15 The Court further found that—much like the subscribers to VIPI’s email list—the subscribers
16 to whom Aereo transmits television programs constitute “the public.” It noted that “Aereo
17 communicates the same contemporaneously perceptible images and sounds to a large number
18 of people who are unrelated and unknown to each other.” *Id.* at 2509–10.

19 54. Accordingly, communications are still made in the “public forum” even
20 though they are sent via email blasts to members of the public and land in a place not open
21 to the public—the individual email boxes of the recipients. VIPI’s email blasts were therefore
22 public communications, and are protected by Nevada’s anti-SLAPP statute.

23 ***The VIPI Defendants’ Statement Are Not False Statements of Fact***

24 55. Nevada’s Anti-SLAPP statute requires that a good faith communication is
25 “truthful or made without knowledge of its falsehood.” Nev. Rev. Stat. § 41.637. The Court
26 also finds that the statements at issue are not false statements of fact.

27 56. Statements of opinion cannot be made with knowledge of their falsehood
28 because there is no such thing as a false idea. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev.

1 706, 714, 57 P.3d 82, 87 (Nev. 2002) (internal quotation omitted). However pernicious
2 opinions may seem, courts depend on the competition of other ideas, rather than judges and
3 juries, to correct them. *Id.* The court must therefore ask “whether a reasonable person would
4 be likely to understand the remark as an expression of the source’s opinion or as a statement
5 of existing fact.” *Id.* at 715.

6 57. All the statements identified by the Abrams Parties in their First Amended
7 Complaint as being false and defamatory were either true statements of fact, or were
8 statements of opinion which were incapable of being false.

9 58. Additionally, the October 5, 2016 YouTube video of the September 16,
10 2016 courtroom proceedings in the *Saiter* matter cannot be considered defamatory because
11 it is a real video of an actual proceeding. *Kegel v. Brown & Williamson Tobacco Corp.*, No.
12 306-CV-00093-LRH-VPC, 2009 WL 656372, at *17 (D. Nev. Mar. 10, 2009), *on*
13 *reconsideration in part*, No. 3:06-CV-00093LRHVPC, 2009 WL 3125482 (D. Nev. Sept.
14 24, 2009) (“the truthful statements relating to the admittedly accurate contents of the video
15 cannot form the basis of Plaintiff’s defamation claim”).

16 ***Closing a Hearing Pursuant to EDCR 5.02 Does Not Involve Any Determination of***
17 ***“Public Interest.”***

18 59. Following the June 5, 2017 hearing on this matter, the Abrams Parties filed
19 a supplement to their opposition to Defendants’ Special Motion to Dismiss asserting that
20 because Judge Elliot temporarily closed the September 26, 2016 hearing in *Saiter v. Saiter*
21 pursuant to EDCR 5.02, the hearing suddenly and permanently no longer involved “an issue
22 of public interest” under Nev. Rev. Stat. § 41.637(4).

23 60. Pursuant to EDCR 5.02(a), “the court **must**, upon demand of either party,
24 direct that the trial or hearing(s) on any issue(s) of fact joined therein be private and upon
25 such direction, all persons shall be excluded from the court or chambers wherein the action
26 is heard, except officers of the court, the parties, their witnesses while testifying, and
27 counsel.” EDCR 5.02(a) (emphasis added).

28 ///

1 61. That a hearing is “closed” or sealed does not change the fact that it is
2 conducted in a publicly-funded courtroom and presided over by a taxpayer-paid and citizen-
3 elected judge, nor does it alter the fact that members of the public have a vested interest in
4 access to information about court proceedings and access to justice.

5 62. The Abrams Parties contend that “[i]f Mr. Sanson wanted access to the
6 video from a closed hearing, he had to make a formal request for it so that the parties would
7 have an opportunity to be heard in response to his request.” (Supp. Opp., p. 2:10-12.)
8 However, neither sealing a transcript nor closing a hearing transforms court proceedings to
9 wholly private matters outside the protection of the anti-SLAPP statute.

10 63. In any case, closing a hearing pursuant to EDCR 5.02 does not seal it. This
11 fact is also clear from Ms. Abrams’ own actions. Specifically, on October 6, 2016—seven
12 days after the hearing—Abrams prepared a separate order sealing the court records pursuant
13 to Nev. Rev. Stat. § 125.110(2). Further, Judge Elliot’s findings in her order vacating the
14 October 6, 2016 sealing order indicate that the video transcript of the hearing was never truly
15 “private.” In that order, Judge Elliot found that the order was unconstitutionally overbroad.
16 (October 6, 2016 Order in Saiter Matter (“Order”) at p. 18:19-23 (Exh. 2 to First Amended
17 Complaint (article containing screenshot of Order)).) Moreover, Judge Elliot noted that
18 although she would not enforce the sealing of the video even though it was circulated after
19 the date of the sealing order because Nev. Rev. Stat. § 125.110(2) “reads as if it is limited to
20 *documents only* and does not give proper notice to anyone as to the prohibitory use of a
21 hearing video as a hearing transcript.” (Order at p. 20:15-22.)

22 64. Finally, Judge Elliot noted that it is “unquestionably vague as to *how the*
23 *parties were . . .* harmed by the posting of the information online. (*Id.* at pp. 20:23-21:1.)
24 Although Judge Elliot did note that she personally believed it was not “appropriate to . . .
25 post the video on the internet” where the parties’ children might have access to it, she
26 acknowledge “there is nothing this Court can do in this case to enforce this viewpoint.” (*Id.*
27 at p. 19:3-10.)

28 ///

1 65. In short, Judge Elliot did not make a determination that the hearing was
2 “private” and any findings or decisions it did make have no bearing on whether Mr. Sanson’s
3 statements at issue are protected by Nevada’s robust anti-SLAPP law.

4 66. All the statements at issue are squarely within its protections—and this
5 litigation is exactly what anti-SLAPP laws are designed to protect against. *See John v.*
6 *Douglas Cnty. Sch. Dist.*, 125 Nev. 746, 758, 219 P. 3d 1276, 1284 (2009) (“the statutes
7 create a procedural mechanism to prevent wasteful and abusive litigation...”).

8 67. Ms. Abrams has asserted that the discussion of the *Saiter* matter has caused
9 her extreme emotional distress. Ms. Abrams’ embarrassment, however, does not overcome
10 the strong presumption in favor of public access. The Nevada Supreme Court has recognized
11 that court proceedings are presumptively public, and can sealed from public review “only
12 where the public’s right to access is outweighed by competing interests.” *Howard v. State*,
13 128 Nev. Adv. Op. 67, 291 P.3d 137, 141 (2012). Moreover, the Nevada Supreme Court has
14 also made clear that “the desire to avoid unnecessary embarrassment ...alone is insufficient
15 to warrant sealing court records from public inspection.” *Id.* at 144.

16 68. Matters such as courtroom administration and document sealing are not
17 “private” or matters of “mere curiosity” (*Shapiro v. Welt*, 133 Nev. Adv. Op. 6, 389 P.3d
18 262, 268 (2017) (citation omitted)) within the meaning of anti-SLAPP statutes. Instead, such
19 matters are “of concern to a substantial number of people.” *Id.* The comments made directly
20 pertain to the asserted public interest—courtroom proceedings. There is no “private
21 controversy” (*id.*) between Ms. Abrams and Mr. Sanson—their dispute is entirely related to
22 her conduct in court and his comments on it; they have no personal relationship.

23 69. That Judge Elliot closed the hearing pursuant to EDCR 5.02(a) does not
24 change this analysis. Closing a hearing under EDCR 5.02(a) does not take the hearing out of
25 the well-established realm of public access to court proceedings. Nor does it reflect that Judge
26 Elliot made any determination that the interest in privacy outweighed the interest in
27 disclosure, let alone that there was no public interest implicated by the hearing. Indeed, Judge
28 Elliot made no determination of any sort whatsoever—consistent with EDCR 5.02(a), she

1 simply automatically closed the hearing upon Ms. Abrams' request.

2 ***The Abrams Parties Failed to Demonstrate a Probability of Success on Their Claims***

3 70. Because the VIPI Defendants met their burden, the burden shifted to the
4 Abrams Parties to demonstrate "with prima facie evidence a probability of prevailing on the
5 claims." Nev. Rev. Stat. § 41.660(3)(b).

6 71. The Abrams Parties have failed to meet their burden, as they cannot show a
7 probability of success on their claims.

8 72. Indeed, at the June 5, 2017 hearing on Defendants' Special Motion to
9 Dismiss, the Abrams Parties acknowledged that their causes of action for RICO, copyright
10 infringement, injunctive relief, and harassment should be dismissed. The Abrams Parties'
11 concession that these claims lack merit further demonstrates The Abrams Parties cannot
12 satisfy their burden of demonstrating a probability of prevailing on their claims.

13 **Defamation**

14 73. In Nevada, the elements of a defamation claim are: (1) a false and
15 defamatory statement by a defendant concerning the plaintiff; (2) an unprivileged publication
16 of this statement to a third person; (3) fault of the Defendant, amounting to at least
17 negligence; and (4) actual or presumed damages. *Pegasus*, 118 Nev. 706 at 718.

18 74. The VIPI Defendants' alleged speech consists of opinions or facts, none of
19 which satisfy the first element of a defamation claim. Thus, the Abrams Parties have not
20 established a probability of success on their defamation claim.

21 **Intentional Infliction of Emotional Distress ("IIED")**

22 75. The elements of a cause of action for intentional infliction of emotional
23 distress ("IIED") are: "(1) extreme and outrageous conduct with either the intention of, or
24 reckless disregard for, causing emotional distress, (2) the plaintiff's having suffered severe
25 or extreme emotional distress and (3) actual or proximate causation." *Dillard Dep't Stores,*
26 *Inc. v. Beckwith*, 115 Nev. 372, 378, 989 P.2d 882, 886 (1999) (quoting *Star v. Rabello*, 97
27 Nev. 124, 125, 625 P.2d 90, 92 (1981)).

28 ///

1 76. Further, while the Abrams Parties brought all their claims on behalf of Ms.
2 Abrams as well as her law firm, only a natural human person can bring a claim such as,
3 intentional infliction of emotional distress for the obvious reason that a law firm cannot suffer
4 mental distress. *See, e.g., Patel v. AT&T*, No. 94-B-49, 1997 WL 39907, at *2 (Ohio Ct. App.
5 Jan. 30, 1997).

6 77. The Abrams Parties fail to allege facts sufficient to show that the VIPI
7 Defendants' conduct was "extreme and outrageous" or that the Abrams Parties suffered
8 emotional distress, much less the "severe or extreme" emotional distress required to prevail
9 on a claim of IIED. Thus, the Abrams Parties have not established a probability of success
10 on their IIED claim.

11 **Negligent Infliction of Emotional Distress ("NIED")**

12 78. Nevada courts recognize that "the negligent infliction of emotional distress
13 can be an element of the damage sustained by the negligent acts committed directly against
14 the victim-plaintiff." *Shoen v. Amerco, Inc.*, 111 Nev. 735, 748, 896 P.2d 469, 477 (1995).
15 Thus, a cause of action for NIED has essentially the same elements as a cause of action for
16 negligence: (1) duty owed by defendant to plaintiff, (2) breach of said duty by defendant, (3)
17 said breach is the direct and proximate cause of plaintiff's emotional distress, and (4)
18 damages (i.e., emotional distress).

19 79. The Abrams Parties fail to allege facts sufficient to show that the VIPI
20 Defendants owed Ms. Abrams or her law firm any duty of care. The Abrams Parties also fail
21 to allege facts sufficient to show that they suffered emotional distress. Thus, the Abrams
22 Parties have not established a probability of success on their NIED claim.

23 **False Light**

24 80. The false light tort requires that "(a) the false light in which the other was
25 placed would be highly offensive to a reasonable person, and (b) the actor had knowledge of
26 or acted in reckless disregard as to the falsity of the publicized matter and the false light in
27 which the other would be placed." *Franchise Tax Bd. of Cal. v. Hyatt*, 130 Nev. Adv. Op.
28 71, 335 P.3d 125, 141 (2014) (quoting Restatement (Second) of Torts § 652E (1977)).

1 Nevada courts require that plaintiffs suffer mental distress resulting from publicizing private
2 matters: “the injury in [false light] privacy actions is mental distress from having been
3 exposed to public views.” *Dobson v. Sprint Nextel Corp.*, 2014 WL 553314 at *5 (D. Nev.
4 Feb. 10, 2017.)

5 81. The Abrams Parties fail to allege facts sufficient to show that the VIPI
6 Defendants placed them in a false light that would be “highly offensive to a reasonable
7 person.” Furthermore, the Abrams Parties fail to allege facts sufficient to show that they
8 have suffered emotional distress from any of the VIPI Defendants’ actions, much less as a
9 result of being placed in a “false light.” Thus, the Abrams Parties have not established a
10 probability of success on their false light claim.

11 **Business Disparagement**

12 82. The elements of a business disparagement cause of action are: “(1) a false
13 and disparaging statement, (2) the unprivileged publication by the defendant, (3) malice, and
14 (4) special damages.” *Clark Cty. Sch. Dist. v. Virtual Educ. Software, Inc.*, 125 Nev. 374,
15 386, 213 P.3d 496, 504 (2009) (citing *Hurlbut v. Gulf Atlantic Life Ins. Co.*, 749 S.W.2d 762,
16 766 (Tex. 1987)).

17 83. The Abrams Parties cannot prevail on their business disparagement claim
18 for the same reasons that their defamation claim fails. Additionally, the Abrams Parties fail
19 to specifically allege special damages as required by Rule 9(g) of the Nevada Rules of Civil
20 Procedure. This is particularly fatal to the Abrams Parties’ business disparagement claim, as
21 “[p]roof of special damages is an essential element of business disparagement.” *CCSD v.*
22 *Virtual Ed. Software*, 125 Nev. at 87. The Abrams Parties have failed to allege any facts
23 which demonstrate that Defendants’ communications have caused them any economic harm.
24 Thus, the Abrams Parties have not established a probability of success on their business
25 disparagement claim.

26 ///

27 ///

1 **Harassment**

2 84. “Harassment” is not a cause of action in Nevada. The Abrams Parties cannot
3 prevail on a non-existent cause of action. As discussed *supra* at ¶ 65, the Abrams Parties
4 have acknowledged this claim should be dismissed.

5 **Concert of Action**

6 85. The elements of a cause of action for concert of action are that two
7 defendants commit a tort while acting in concert with one another or pursuant to a common
8 design. *Dow Chemical Co. v. Mahlum*, 114 Nev. 1468, 1488, 970 P.2d 98, 111 (1998). The
9 plaintiff must also show that the defendants “agreed to engage in conduct that is inherently
10 dangerous or poses a substantial risk of harm to others.” *Tai-Si Kim v. Kearney*, 838 F. Supp.
11 2d 1077, 1092 (D. Nev. 2012) (quoting *GES, Inc. v. Corbitt*, 117 Nev. 265, 270-71, 21 P.3d
12 11, 14-15 (Nev. 2001)).

13 86. The conduct alleged in this case is not inherently dangerous. Further,
14 because the other tort claims fail, so does this one. Thus, the Abrams Parties have not
15 established a probability of success on their concert of action claim.

16 **Civil Conspiracy**

17 87. The elements of a cause of action for civil conspiracy are: (1) defendants,
18 “by some concerted action, intend to accomplish an unlawful objective for the purpose of
19 harming another; and (2) damage resulting from the act or acts.” *Consol. Generator-Nevada,*
20 *Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1311, 971 P.2d 1251, 1255 (Nev. 1999)
21 (quoting *Hilton Hotels v. Butch Lewis Productions*, 109 Nev. 1043, 1048, 862 P.2d 1207,
22 1210 (1993)).

23 88. The Abrams Parties’ conspiracy claim is apparently predicated on their
24 allegations that the VIPI Defendants disparaged them, placed them in a false light, inflicted
25 emotional distress upon them, and harassed them.

26 89. Because the other tort claims fail, so does this one. Thus, the Abrams
27 Parties have not established a probability of success on their civil conspiracy claim.

28 ///

1 **RICO**

2 90. The elements of a civil RICO claim are: (1) defendant violated a predicate
3 racketeering act; (2) plaintiff suffered injury in her business or property by reason of
4 defendant's violation of the predicate racketeering act; (3) defendant's violation proximately
5 caused plaintiff's injury; (4) plaintiff did not participate in the racketeering violation. Nev.
6 Rev. Stat. § 207.470, Nev. Rev. Stat. § 207.400; *Allum v. Valley Bank of Nevada*, 109 Nev.
7 280, 283, 849 P.2d 297, 299 (1993).

8 91. The Nevada Supreme Court has held that civil racketeering claims must be
9 pled not merely with specificity, but with the specificity required of a criminal indictment or
10 information. *Hale v. Burkhardt*, 104 Nev. 632, 637-38, 764 P.2d 866, 869-70 (1988). The
11 complaint must provide adequate information as to "when, where [and] how" the alleged
12 criminal acts occurred. *Id.* at 637.

13 92. The Abrams Parties allege in their First Amended Complaint that
14 Defendants "either committed, conspired to commit, or have attempted to commit" twelve
15 separate offenses. (*See* FAC at ¶ 118.) However, the bulk of the named offenses are not
16 among the predicate racketeering acts enumerated in Nev. Rev. Stat. § 207.360. In addition,
17 of the remaining five named offenses, the Abrams Parties fail to allege with sufficient
18 specificity or provide adequate information as to "when, where and how" these alleged
19 criminal acts occurred. The Abrams Parties therefore fail to allege a prima facie civil RICO
20 claim, a fact which the Abrams Parties acknowledged at the June 5, 2017 hearing. (*See supra*,
21 ¶ 65.)

22 **Copyright Infringement**

23 93. The Abrams Parties make a claim for copyright violation pursuant to 17
24 USC § 501 et seq. for Defendants' use of photos allegedly belonging to the Abrams Parties.
25 (*See* FAC at ¶¶ 141-147.) However, claims for copyright violations arising under federal law
26 are subject to the exclusive original jurisdiction of the federal courts. *See* 28 U.S.C. §
27 1338(a).

28 ///

1 94. This Court lacks jurisdiction over federal copyright claims, thus the Abrams
2 Parties cannot raise a federal copyright claim, much less prevail on one. Even assuming this
3 Court did have jurisdiction to hear the Abrams Parties' copyright claims, such claims would
4 fail because the Abrams Parties have not proven (or even alleged) ownership or registration
5 of the copyrights of the pictures appearing on <veteransinpolitics.org>.

6 95. Additionally, Defendants' use of publicly available pictures of the Abrams
7 Parties falls under the "fair use" exception to the Copyright Act. The Abrams Parties have
8 therefore failed to demonstrate any probability of succeeding on this claim, a fact which the
9 Abrams Parties acknowledged at the June 5, 2017 hearing. (*See supra*, ¶ 72.)

10 **Injunctive Relief**

11 96. The Abrams Parties incorrectly allege that "injunctive relief" is a cause of
12 action. (FAC at ¶¶ 148-49.) However, "an injunction is a remedy, not a separate claim or
13 cause of action ... a separately pled claim or cause of action for injunctive relief is
14 inappropriate." *Jensen v. Quality Loan Serv. Corp.*, 702 F. Supp. 2d 1183, 1201 (E.D. Cal.
15 2010). Because injunctive relief is not a cause of action, the Abrams Parties cannot prevail
16 on such a claim, a fact which the Abrams Parties acknowledged at the June 5, 2017 hearing.
17 (*See supra*, ¶ 72.)

18 97. Accordingly, for the reasons stated above, the VIPI Defendants' Special
19 Motion to Dismiss is GRANTED.

20 98. If a Court grants a special Anti-SLAPP motion to dismiss, the defendants
21 are entitled to an award of reasonable costs and attorneys' fees. Nev. Rev. Stat. §
22 41.670(1)(a). The Court may also award an amount of up to \$10,000.00. Nev. Rev. Stat. §
23 41.670(1)(a)-(b).

24 99. Additionally, upon the granting of a special Anti-SLAPP motion to dismiss,
25 the defendants may bring a separate action against the Abrams Parties for compensatory
26 damages, punitive damages, and attorney's fees and costs of bringing the separate action.
27 Nev. Rev. Stat. § 41.670(c).

28 ///

1 100. The VIPI Defendants may file any additional motions pursuant to Nev. Rev.
2 Stat. § 41.670 on or before July 24, 2017.

3
4 IT IS SO ORDERED this 20 day of July, 2017.

5
6 
7 _____
HONORABLE JUDGE MICHELLE LEAVITT

8 Respectfully submitted by,

9
10 
11 _____
12 Margaret A. McLetchie, Nevada Bar No. 10931
13 MCLETCHIE SHELL LLC
14 701 East Bridger Ave., Suite 520
15 Las Vegas, NV 89101
16 Telephone: (702) 728-5300
17 Facsimile: (702) 425-8220
18 Email: maggie@nvlitigation.com
19 *Attorneys for Defendants Steve W. Sanson and*
20 *Veterans in Politics International, Inc.*
21
22
23
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

March 03, 2017

A-17-749318-C Jennifer Abrams, Plaintiff(s)
vs.
Louis Schneider, Defendant(s)

March 03, 2017 10:00 AM Minute Order

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

COURT CLERK: Jill Chambers

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- As this Court is personally acquainted with Deft. Sanson, has appeared on his radio show and has attended Deft's events, in accordance with rule 2.11 (A) and to avoid the appearance of impropriety and implied bias this Court hereby disqualifies itself and ORDERS the case be reassigned at random.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

June 05, 2017

A-17-749318-C	Jennifer Abrams, Plaintiff(s) vs. Louis Schneider, Defendant(s)
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June 05, 2017 8:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Abrams, Jennifer V.	Attorney
	Abrams, Jennifer V	Plaintiff
	Gilmore, Joshua P., ESQ	Attorney
	McLetchie, Margaret A.	Attorney
	Potter, Cal Johnson	Attorney
	Sanson, Steve W	Defendant
	Schneider, Louis C	Defendant
	Willick, Marshal Shawn	Attorney

JOURNAL ENTRIES

- DEFENDANTS' SPECIAL MOTION TO DISMISS UNDER NEVADA'S ANTI-SLAPP STATUTE, NRS 41.660...MOTION TO FILE UNDER SEAL...DEFENDANT LOUIS SCHNEIDER'S AND LAW OFFICE OF LOUIS SCHNEIDER'S MOTION TO DISMISS COMPLAINT PURSUANT TO NRCP 12 (B) (5)...OPPOSITION TO "DEFENDANT LOUIS SCHNEIDER'S AND LAW OFFICES OF LOUIS SCHNEIDER'S MOTION TO DISMISS COMPLAINT PURSUANT TO NRCP 12 (B) (5)" AND COUNTERMOTION FOR ATTORNEY'S FEES...NOTICE OF MOTION TO DISMISS; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF...DEFENDANTS' MOTION TO STRIKE...OPPOSITION TO "DEFENDANTS STEVE W. SANSON AND VETERANS IN POLITICS INTERNATIONAL, INC'S MOTION TO DISMISS" AND COUNTERMOTION FOR ATTORNEY'S FEES...OPPOSITION TO "MOTION TO STRIKE" AND COUNTERMOTION FOR ATTORNEY'S FEES...SCHNEIDER DEFENDANTS' SPECIAL MOTION TO DISMISS PLAINTIFFS'

SLAPP SUIT PURSUANT TO NRS 41.660 AND REQUEST FOR ATTORNEY'S FEES, COSTS, AND DAMAGES PURSUANT TO NRS 41.670...DEFENDANTS' SPECIAL MOTION TO DISMISS PURSUANT TO NEV. REV. STAT. 41.660 (ANTI-SLAPP)...NOTICE OF HEARING ON PLAINTIFFS' MOTION FOR LEAVE TO EXCEED PAGE LIMIT FOR THEIR OMNIBUS OPPOSITION TO 1) SCHNEIDER DEFENDANTS' SPECIAL MOTION TO DISMISS PLAINTIFFS' SLAPP SUIT PER NRS 41.660; 2) SPECIAL MOTION TO DISMISS PER NRS 41.660 (ANTI-SLAPP); AND 3) DEFENDANTS' SPECIAL MOTION TO DISMISS UNDER NEVADA'S ANTI-SLAPP STATUTE PER NRS 41.660

Court disclosed to parties one of the named attorneys with Ms. Abrams' firm, being Brandon Leavitt, Esq., is not related to this Court, at least within in the third degree of consanguinity, Court did an inquiry, and Court is not familiar with him, nor has this Court ever met him. Parties made no inquiry.

Mr. Gilmore advised parties resolved the claims against Mr. Ghibaud's clients Friday afternoon (being Heidi Hanusa, Christina Ortiz, Johnny Spicer, Don Woolbright, Sanson Corporation, and Karen Steelmon), and he is sorry a written stipulation could not be submitted in front of the Court on time, prior to today's hearing. Court confirmed the matter was settled with the named directors. Mr. Gilmore agreed; and added the claims remain with Mr. Sanson, Veterans in Politics International, Inc. (VIPI), and Mr. Schneider and his firm. SO NOTED.

Ms. McLetchie argued in support of the special motion to dismiss under Nevada's Anti-Slapp statute; and further argued as to NRS 41.660, statements at issue by Defendant Steve Sanson having being matters of opinion, abuse litigation, privacy interest on courtroom behavior, Plaintiff having asserted claims without factual support, VIPI having met the burden on the Anti-Slapp analysis, Pegasus case law, protection of First Amendment, Exhibit 1 of Motion, Mr. Sanson being permitted to express opinion on Plaintiff's courtroom behavior, Exhibit 2 of Motion, removal of JAVS recording issue, statements about Plaintiff being a bully and Plaintiff's conduct in court, the article, Exhibit 3, there having been no defamation against Plaintiff, the arguments for Rule 12 (b) (5) having been incorporated in omnibus motion, prima facie evidence needing to be supported, reporters being paid to write stories, Hilton vs. Hallmark case law, NRS 41.665 requirements, and Plaintiff having failed to present evidence. Court stated there were inferences made, and Court does not believe anybody had said Ms. Abrams was an unethical attorney. Ms. McLetchie further argued as to Mr. Sanson having expressed concerns about the courtroom proceedings. Court stated it appeared Mr. Sanson was criticizing actions by the Court more than counsel. Further arguments by Ms. McLetchie as to claims outlined in Amended Complaint, this not being Rule 12 (B) (5) relief but Anti-Slapp relief, no evidence having been presented by Plaintiff regarding emotional distress, the other claims being inappropriate, courtroom video recording, straight defamation analysis, no evidence having been presented by Plaintiff, no evidence of special damages to Plaintiff's business, no harassment claim, no tort, and civil conspiracy requirements. Court determined no statements were attributed from Mr. Schneider, and the video of the courtroom proceeding was given to Mr. Sanson to upload on the Internet. Further arguments by Ms. McLetchie regarding no illegal behavior having occurred by her client, causes of action, and no specificity having been provided by Plaintiff. Court stated the specific claim has to be pled with specificity with a criminal complaint or Information. Mr. McLetchie argued

regarding copyright claims being vexatious, Plaintiff seeking to bury Mr. Sanson when it comes to speech, and injunction being sought.

Mr. Potter addressed the civil conspiracy theory; and argued this is all from a dispute between Mr. Leavitt and Mr. Schneider in the Family Court case, including the bar complaint filed against Mr. Schneider, further noting Mr. Leavitt was removed from the case. Counsel made arguments as to unethical conduct by Mr. Leavitt, issue in Family Court, and the proceedings having been sealed. Court stated sealing a hearing does not mean it is not a public record, further noting a court may close a hearing to discuss specific things, however, the District Court does not seal proceedings from the record. Upon Court's inquiry, Mr. Potter confirmed there are no predicate crimes here; and he will request an appropriate dismissal and also request sanctions, as he has a Rule 12 (B) (5) motion filed before the Court.

Upon Court's inquiry, Mr. Gilmore clarified Mr. Schneider was brought in the case on a conspiracy claim. Thereafter, counsel argued in support of the claim. Further arguments and discussions were made as to public interest, Shapiro factor, conspiracy theory, private controversy surrounding a private dispute between Ms. Abrams and Mr. Sanson, and Defendants' claim about Ms. Abrams being able to scare Judge Elliot not being the case. Court noted Judge Elliot signed the order to have the courtroom recording taken down. Mr. Gilmore addressed the gag factor. Discussions as to the courtroom recording having shown up on a Russian website. Mr. Gilmore argued Judge Elliot did not want the video posted. Court noted Family Court matters are public, and the courtroom is a public forum. Further discussions as to written reply, and Court's concerns regarding statement in e-mail. Mr. Gilmore advised limited discovery can be done about the internet issue, if Court is inclined to allow this. Further arguments as to Defendant having failed to meet the second and third factors. Further discussions as to the Court not being able to deny anybody else to be present in a courtroom, unless there was a good reason. Mr. Gilmore argued Defendants do not get the benefit with Anti-Slapp, and this has not arrived to Rule 12 (B) (5). Further arguments as to public forum issue. Court noted everything stems from the video recording in the courtroom, nobody can deny what happened in the video, and what happened was not nice, but it happened, and it was truthful. Further arguments as to Defendants not having proven the truth, words having been placed in the article, Exhibit 2, message being conveyed by Defendant, and ethical problem. Court stated the criticism was on the Court and not the lawyer, and only the Court can order cases to be sealed, not a lawyer. Further arguments as to page 4 of article, some element of truth needing to be here, gag order from Judge Elliot, and nobody being able to state it is a matter of opinion as a matter of law, as this is false. Further arguments as to predicate claims, copyright claims not being under NRS 41.660, harassment claims being under Rule 12 (B) (5), and intentional infliction of emotional distress claim. Mr. Gilmore addressed the e-mail between Mr. Leavitt and Mr. Schneider; and argued a bad purpose is not needed. Court noted the only evidence is Mr. Schneider had the video. Mr. Gilmore argued as to agreement having been made to target Ms. Abrams, and reasonable inference. Discussions as to Ms. Abrams not being a public figure. Further arguments as to fair reporting privilege, Defendants failing to meet the prong, and claims having minimal merit. Mr. Gilmore noted Plaintiffs will request limited discovery to flush out the other issues. Court stated it believes it has to resolve the special motion, before the Rule 12 (B) (5) motion.

Ms. Abrams requested to correct a few things; and argued Mr. Sanson did not follow the Court's order. Ms. McLetchie objected. Court advised Ms. Abrams to speak with her attorney, and the Court will allow her attorney to tell the Court the concerns. Mr. Willick apologized to the Court; and stated he lost his voice, and his client may have been speaking on his behalf. Court stated it will allow Ms. Abrams to speak to her attorneys. Mr. Gilmore argued as to Mr. Sanson having re-published the video. Court noted it appears Mr. Sanson complied with the order.

Ms. McLetchie argued regarding statements about sealing proceedings in Family Court case, further discovery not being helpful on any issue, and case being about statements. Further arguments as to fair report privilege, Plaintiffs having burden to prove the statements were unprivileged, Plaintiffs' claims having no validity, injunctive relief, and dismissal of case.

COURT ORDERED, a decision will issue by minute order. Court noted it will have to rule on the Anti-Slapp motion first, before the Rule 12 (B) (5) Motion. Mr. Potter noted the e-mail that is in question is before the hearing, before any of the publications, because the Motion is part of that hearing, which was set prior to all of this.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

June 22, 2017

A-17-749318-C	Jennifer Abrams, Plaintiff(s) vs. Louis Schneider, Defendant(s)
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June 22, 2017

3:00 AM

Minute Order

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- MINUTE ORDER RE: SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660 (ANTI-SLAPP)...SCHNEIDER DEFENDANTS SPECIAL MOTION TO DISMISS PLAINTIFFS SLAPP SUIT PURSUANT TO NRS 41.660 AND REQUEST FOR ATTORNEYS FEES, COSTS, AND DAMAGES PURSUANT TO NRS 41.670

The Court having reviewed the pleadings in this matter and after hearing extensive oral argument hereby GRANTS defendants' Special Motion To Dismiss pursuant to NRS 41.660 (Anti-Slapp).

Under Nevada s Anti-Slapp statutes, a defendant may file a special motion to dismiss. The Defendant must show "by a preponderance of the evidence, that the claim is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern." NRS 41.660(3) (a). If the defendant makes the initial showing, the burden shifts to the Plaintiff to show "with prima facie evidence a probability of prevailing on the claim." NRS 41.660 (3)(b).

NRS 41.637 (4) defines a "good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern" as follows:

Communication made in direct connection with an issue of public interest in a place open to the public or in a public forum, which is truthful or is made without knowledge of its falsehood.

In *Shapiro v. Welt*, 389 P.3d 262 (2017), the court outlined guiding principles in determining what constitutes "public interest":

1. "public interest" does not equate with mere curiosity;
2. A matter of public interest should be something of concern to a substantial number of people; a matter of concern to a speaker and a relatively small specific audience is not a matter of public interest;
3. There should be some degree of closeness between the challenged statements and the asserted public interest the assertion of a broad and amorphous public interest is not sufficient;
4. The focus of the speaker's conduct should be the public interest rather than a mere effort to gather ammunition for another round of private controversy; and
5. A person cannot turn otherwise private information into a matter of public interest simply by communicating it to a large number of people. *Id.* at 268.

The Defendants met their burden of showing that the instant matter arises from Defendants' good faith communications in furtherance of the right to free speech in direct connection with an issue of public concern. The majority of the communication took place on the public forum of the internet and the communications were made without knowledge of falsehood, or were opinions incapable of being true or false.

Therefore, the burden shifts to the Plaintiff to show "with prima facie evidence a probability of prevailing on the claim." NRS 41.660 (3) (b). Plaintiffs failed to meet their burden as they cannot show a probability of success on their claims. Accordingly, the Special Motion To Dismiss is GRANTED.

Pursuant to NRS 41.670 (a), the court shall award reasonable costs and attorney's fees to the person against whom the action was brought. Further, the court has discretion to award, in addition to reasonable costs and attorney's fees awarded pursuant to (a), an amount up to \$10,000 to the person against whom the action was brought.

The Defendants in this matter may file any additional motions pursuant to NRS 41.670, on or before July 24, 2017.

Ms. McLetchie, Esq. to prepare the order for the Court as to the Sanson defendants. Mr. Cal J. Potter, Esq. to prepare the order for the Schneider defendants.

CLERK'S NOTE: A copy of the above minute order has been forwarded to: Attorney Joshua Gilmore, Esq., Attorney Marshal Willick, Esq., Attorney Margaret McLetchie, Esq., and Attorney Cal Potter, Esq. /// sj



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

MARSHAL S. WILLICK, ESQ.
3591 E. BONANZA RD., STE 200
LAS VEGAS, NV 89110

DATE: August 24, 2017
CASE: A-17-749318-C

RE CASE: JENNIFER V. ABRAMS; THE ABRAMS AND MAYO LAW FIRM vs. LOUIS C. SCHNEIDER; LAW OFFICES OF LOUIS C. SCHNEIDER, LLC; STEVE W. SANSON; HEIDI J. HANUSA; CHRISTINA ORTIZ; JOHNNY SPICER; DON WOOLBRIGHT; VETERANS IN POLITICS INTERNATIONAL, INC. SANSON CORPORATION; KAREN STEELMON

NOTICE OF APPEAL FILED: August 21, 2017

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

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; [PROPOSED] ORDER GRANTING VIPI DEFENDANTS' SPECIAL MOTION TO DISMISS PURSUANT TO NEV.REV.STAT.§ 41.660 (ANTI-SLAPP); NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

JENNIFER V. ABRAMS; THE ABRAMS AND
MAYO LAW FIRM ,

Plaintiff(s),

vs.

LOUIS C. SCHNEIDER; LAW OFFICES OF
LOUIS C. SCHNEIDER, LLC; STEVE W.
SANSON; HEIDI J, HANUSA; CHRISTINA
ORTIZ; JOHNNY SPICER; DON
WOOLBRIGHT; VETERANS IN POLITICS
INTERNATIONAL, INC. SANSON
CORPORATION; KAREN STEELMON,

Defendant(s),

Case No: A-17-749318-C

Dept No: I

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 24 day of August 2017.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk