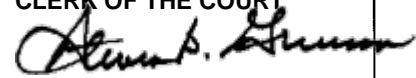


BARRON & PRUITT, LLP
ATTORNEYS AT LAW
3890 WEST ANN ROAD
NORTH LAS VEGAS, NEVADA 89031
TELEPHONE (702) 870-3940
FACSIMILE (702) 870-3950

Electronically Filed
4/19/2018 7:45 PM
Steven D. Grierson
CLERK OF THE COURT



Electronically Filed
Apr 26 2018 01:19 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 NOAS
2 WILLIAM H. PRUITT, ESQ.
3 Nevada Bar No. 6783
4 JOSEPH R. MESERVY, ESQ.
5 Nevada Bar No. 14088
6 BARRON & PRUITT, LLP
7 3890 West Ann Road
8 North Las Vegas, Nevada 89031
9 Telephone: (702) 870-3940
10 Facsimile: (702) 870-3950
11 E-Mail: bpruitt@lvnvlaw.com
12 Attorneys for Defendant
13 Michael Kosor, Jr.

DISTRICT COURT

CLARK COUNTY, NEVADA

14 OLYMPIA COMPANIES, LLC a Nevada limited
15 liability company; GARRY V. GOETT, a Nevada
16 resident,

Case No: A-17-765257-C

Dept. No: 12

Plaintiffs,

NOTICE OF APPEAL

vs.


17 MICHAEL KOSOR, JR., a Nevada resident; DOES
18 I through X, inclusive,

Defendants.

19 Notice is hereby given that MICHAEL KOSOR, JR. ("Defendant"), by and through his
20 attorney, William H. Pruitt, Esq. of the law firm of BARRON & PRUITT, LLP, hereby appeals to the
21 Supreme Court of Nevada from the Order Denying Defendant Michael Kosor's Motion to Dismiss
22 Pursuant to NRS 41.660 entered on March 20, 2018. See Order, attached as **Exhibit A**. Defendant
23 MICHAEL KOSOR, JR. also appeals from all other rulings and orders made appealable by the
24 foregoing.

25 DATED this 19th day of April 2018.

BARRON & PRUITT, LLP

26 
27 WILLIAM H. PRUITT, ESQ.
28 Nevada Bar No. 6783
JOSEPH R. MESERVY, ESQ.
Nevada Bar No. 14088
3890 West Ann Road
North Las Vegas, Nevada 89031
Attorneys for Defendant
Michael Kosor, Jr.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of April, 2018, I served the foregoing
NOTICE OF APPEAL as follows:

☐ US MAIL: by placing the document(s) listed above in a sealed envelope, postage prepaid, in the United States Mail at Las Vegas, Nevada, addressed to the following:

☐ BY FAX: by transmitting the document(s) listed above via facsimile transmission to the fax number(s) set forth below.

☐ BY HAND-DELIVERY: by hand-delivering the document(s) listed above to the address(es) set forth below.

☐ BY EMAIL: by emailing the document(s) listed above to the email address(es) set forth below.

☒ BY ELECTRONIC SERVICE: by electronically serving the document(s) listed above with the Eighth Judicial District Court's WizNet system upon the following:

J. Randall Jones, Esq.
KEMP, JONES & COULTHARD, LLP
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169
Attorney for Plaintiffs

/s/ MaryAnn Dillard
An Employee of BARRON & PRUITT, LLP

EXHIBIT A

EXHIBIT A

EXHIBIT A



1 J. Randall Jones, Esq. (#1927)
jrj@kempjones.com
2 Nathanael R. Rulis, Esq. (#11259)
n.rulis@kempjones.com
3 Cara D. Brumfield, Esq., (#14175)
c.brumfield@kempjones.com
4 KEMP, JONES & COULTHARD, LLP
5 3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169
6 Telephone: (702) 385-6000
7 *Attorneys for Plaintiffs*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 OLYMPIA COMPANIES, LLC, a Nevada
11 limited liability company; GARRY V.
GOETT, a Nevada resident

12 Plaintiffs,

13 vs.

14 MICHAEL KOSOR, JR., a Nevada resident;
15 and DOES I through X, inclusive

16 Defendants.

Case No.: A-17-765257-C

Dept. No.: XII

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANT MICHAEL
KOSOR'S MOTION TO DISMISS
PURSUANT TO NRS 41.660**

17
18 TO: Defendants; and,

19 TO: Their respective counsel:

20 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that on March 20, 2018, an
21 Order Denying Defendant Michael Kosor's Motion to Dismiss Pursuant to NRS 41.660 was entered in

22 ///

23 ///

24 ///

25 ///

26
27
28

1 the above case. A copy of said Order is attached hereto.

2 Dated this 21st day of March 2018.

3
4 KEMP, JONES & COULTHARD, LLP

5 /s/ Nathanael Rulis

6 J. RANDALL JONES, ESQ. (#1927)

7 NATHANAEL R. RULIS, ESQ. (#11259)

8 CARA D. BRUMFIELD, ESQ. (#14175)

9 3800 Howard Hughes Parkway, 17th Floor

10 Las Vegas, Nevada 89169

11 *Attorneys for Plaintiff*

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on the 20th day of March, 2018, I served a true and correct copy of the
14 foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANT MICHAEL KOSOR'S**
15 **MOTION TO DISMISS PURSUANT TO NRS 41.660** via the Court's electronic filing system only,
16 pursuant to the Nevada Electronic Filing and Conversion Rules, Administrative Order 14-2, to all parties
17 currently on the electronic service list.

18
19 /s/ Alison Augustine

20 An Employee of KEMP, JONES & COULTHARD, LLP

Steven D. Grierson

1 J. Randall Jones, Esq. (#1927)
jrj@kempjones.com
2 Nathanael R. Rulis, Esq. (#11259)
n.rulis@kempjones.com
3 Cara D. Brumfield, Esq., (#14175)
c.brumfield@kempjones.com
4 KEMP, JONES & COULTHARD, LLP
5 3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169
6 Telephone: (702) 385-6000
7 Attorneys for Plaintiffs

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 OLYMPIA COMPANIES, LLC, a Nevada
11 limited liability company; GARRY V.
GOETT, a Nevada resident

12 Plaintiffs,

13 vs.

14 MICHAEL KOSOR, JR., a Nevada resident;
15 and DOES I through X, inclusive

16 Defendants.

Case No.: A-17-765257-C

Dept. No.: XII

**ORDER DENYING DEFENDANT
MICHAEL KOSOR'S MOTION TO
DISMISS PURSUANT TO NRS 41.660**

Hearing Date: March 5, 2018

Hearing Time: 9:30 a.m.

17
18
19 THIS MATTER having come before the Court on March 5, 2018, with J. Randall Jones, Esq.
20 and Cara D. Brumfield, Esq. of Kemp, Jones & Coulthard, LLP appearing on behalf of Plaintiffs and
21 Robert B. Smith, Esq. of Lauria, Tokunaga, Gates & Linn, LLP appearing on behalf of Defendant on
22 Defendant Michael Kosor's Motion to Dismiss Pursuant to NRS 41.660. The Court having reviewed
23 and considered the Motion and the related opposition and reply; and having heard the arguments of
24 counsel, with good cause appearing, enters the following Findings, Conclusions, and Order:
25
26
27
28

RECEIVED

MAR 16 2018

DEPT. 12

KEMP, JONES & COULTHARD, LLP
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169
Tel. (702) 385-6000 • Fax: (702) 385-6001
kjc@kempjones.com

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Michael Kosor's
2 Motion to Dismiss Pursuant to NRS 41.660 is DENIED because the Court finds that Defendant has
3 failed to meet its burden to invoke NRS 41.660.

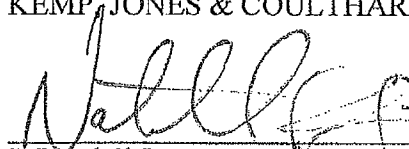
4 DATED: March 19, 2018.

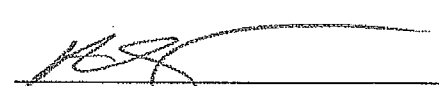
6
7 
8 Judge Michelle Leavitt

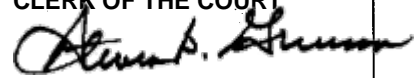
9 Submitted by:

10 KEMP, JONES & COULTHARD

LAURIA TOKUNAGA GATES & LINN, LLP

11 
12 J. Randall Jones, Esq. (#1927)
13 Nathanael R. Rulis, Esq. (#11259)
14 Cara D. Brumfield, Esq. (#14175)
15 3800 Howard Hughes Parkway, 17th Floor
16 Las Vegas, Nevada 89169
17 Attorneys for Plaintiffs

18 
19 Raymond R. Gates, Esq. (#5320)
20 Robert B. Smith, Esq. (#9396)
21 601 South Seventh Street
22 Las Vegas, Nevada 89101
23 Attorneys for Defendant



ASTA
WILLIAM H. PRUITT, ESQ.
Nevada Bar No. 6783
JOSEPH R. MESERVY, ESQ.
Nevada Bar No. 14088
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3890 West Ann Road
North Las Vegas, Nevada 89031
Telephone: (702) 870-3940
Facsimile: (702) 870-3950
E-Mail: bp Pruitt@lvnlaw.com
Attorneys for Defendant
Michael Kosor, Jr.

DISTRICT COURT

CLARK COUNTY, NEVADA

OLYMPIA COMPANIES, LLC a Nevada limited liability company; GARRY V. GOETT, a Nevada resident,

Case No: A-17-765257-C

Dept. No: 12

Plaintiffs,

CASE APPEAL STATEMENT

vs.

MICHAEL KOSOR, JR., a Nevada resident; DOES I through X, inclusive,

Defendants.

CASE APPEAL STATEMENT

Defendant/Appellant MICHAEL KOSOR, JR. by and through his attorneys, BARRON & PRUITT, LLP, hereby submits the following Case Appeal Statement:

A. The district court case number and caption showing the names of all parties to the proceedings below:

1) Case No. A-17-765257-C

2) Olympia Companies, LLC, a Nevada limited liability company; Garry V. Goett, a Nevada resident, Plaintiffs, Michael Kosor, Jr., a Nevada resident; Does I through X, inclusive, Defendants.

B. The name of the judge who entered the order or judgment being appealed:

1) Honorable Michelle Leavitt
Eighth Judicial District Court
Department 12

///

- C. The name of each appellant and the name and address of counsel for each appellant:**
- 1) Appellant Michael Kosor, Jr.
 - 2) William H. Pruitt, Esq.
Barron & Pruitt, LLP
3890 West Ann Road
North Las Vegas, Nevada 89031
- D. The name of 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 not known, then the name and address of that respondent's trial counsel):**
- 1) Respondents Olympia Companies, LLC and Garry V. Goett
 - 2) J. Randall Jones, Esq.
KEMP, JONES & COULTHARD, LLP
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169
- E. Whether an attorney identified in response to subparagraph D is not licensed to practice law in Nevada, and if so, whether the district court granted the attorney permission to appear under SCR 42, including a copy of any district court order granting that permission:**
- 1) No.
- F. Whether the appellant was represented by appointed counsel in the district court, and whether the appellant is represented by appointed counsel on appeal:**
- 1) Counsel for Appellant Michael Kosor, Jr. was not appointed, but was retained by Appellant Michael Kosor, Jr. to represent his interests in the district court action as well as on appeal.
- G. Whether the district court granted the appellant leave to proceed in forma pauperis, and if so, the date of the district court's order granting that leave:**
- 1) N/A
- H. The date that the proceedings commenced in the district court:**
- 1) The Complaint was filed on November 29, 2017.
- I. 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) This action arises from statements made by the Defendant which Plaintiffs have alleged were defamatory. The Defendant Michael Kosor's (anti-SLAPP) Special Motion to Dismiss Pursuant to NRS 41.660 was denied by the District Court, and it is from the District Court's Order Denying Defendant Michael Kosor's Motion to Dismiss Pursuant to NRS 41.660 filed on March 20, 2018, that the instant interlocutory appeal is made.

1 J. Whether the case has previously been the subject of an appeal to or original writ
2 proceeding in the Supreme Court or Court of Appeals and, if so, the caption and
3 docket number of the prior proceeding:

4 1) No.

5 K. Whether the appeal involves child custody or visitation:


6 1) No.

7 L. In civil cases, whether the appeal involves the possibility of settlement:

8 1) Yes.

9 DATED this 19th day of April 2018.

10 BARRON & PRUITT, LLP

11
12 
13 WILLIAM H. PRUITT, ESQ.
14 Nevada Bar No. 6783
15 JOSEPH R. MESERVY, ESQ.
16 Nevada Bar No. 14088
17 3890 West Ann Road
18 North Las Vegas, Nevada 89031
19 Attorneys for Defendant
20 Michael Kosor, Jr.
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of April, 2018, I served the foregoing
CASE APPEAL STATEMENT as follows:

☐ US MAIL: by placing the document(s) listed above in a sealed envelope, postage prepaid, in the United States Mail at Las Vegas, Nevada, addressed to the following:

☐ BY FAX: by transmitting the document(s) listed above via facsimile transmission to the fax number(s) set forth below.

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J. Randall Jones, Esq.
KEMP, JONES & COULTHARD, LLP
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169
Attorney for Plaintiffs

/s/ MaryAnn Dillard
An Employee of BARRON & PRUITT, LLP

DEPARTMENT 12
CASE SUMMARY
CASE NO. A-17-765257-C

Olympia Companies, LLC, Plaintiff(s)
vs.
Michael Kosor, Jr., Defendant(s)

§
§
§
§
§

Location: **Department 12**
Judicial Officer: **Leavitt, Michelle**
Filed on: **11/29/2017**
Cross-Reference Case Number: **A765257**

CASE INFORMATION

Case Type: **Intentional Misconduct**

Case Flags: **Appealed to Supreme Court**
Jury Demand Filed
Arbitration Exemption Granted

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-17-765257-C
Court	Department 12
Date Assigned	11/29/2017
Judicial Officer	Leavitt, Michelle

PARTY INFORMATION

Plaintiff **Goett, Garry V**

Lead Attorneys

Jones, Jon Randall
Retained
7023856000(W)

Olympia Companies, LLC

Jones, Jon Randall
Retained
7023856000(W)







Defendant **Kosor, Michael, Jr.**

Pruitt, William H.
Retained
7028703940(W)















DATE

EVENTS & ORDERS OF THE COURT






INDEX

11/29/2017	 Complaint Filed By: Plaintiff Olympia Companies, LLC; Plaintiff Goett, Garry V <i>Complaint</i>	
11/29/2017	 Initial Appearance Fee Disclosure Filed By: Plaintiff Goett, Garry V <i>Initial Appearance Fee Disclosure</i>	
11/29/2017	 Summons Electronically Issued - Service Pending <i>Summons</i>	
11/30/2017	 Summons <i>Summons</i>	
01/05/2018	 Answer to Complaint Filed by: Defendant Kosor, Michael, Jr. <i>Defendant Michael Kosor, Jr. s Answer to Complaint</i>	
01/05/2018	 Demand for Jury Trial	

DEPARTMENT 12
CASE SUMMARY
CASE NO. A-17-765257-C

	Filed By: Defendant Kosor, Michael, Jr. <i>Demand for Jury Trial</i>
01/05/2018	 Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
01/16/2018	 Notice of Early Case Conference <i>Notice of Early Case Conference</i>
01/29/2018	 Declaration Filed By: Defendant Kosor, Michael, Jr. <i>Declaration of Robert B. Smith, Esq., In Support of Defendant Mic</i>
01/29/2018	 Motion to Dismiss Filed By: Defendant Kosor, Michael, Jr. <i>Defendant Michael Kosor's Motion to Dismiss Pursuant to NRS 41.660</i>
01/31/2018	 Notice of Hearing Filed By: Defendant Kosor, Michael, Jr. <i>Notice of Hearing</i>
02/15/2018	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - Granted</i>
02/16/2018	 Opposition to Motion to Dismiss Filed By: Plaintiff Olympia Companies, LLC; Plaintiff Goett, Garry V <i>PLAINTIFFS OPPOSITION TO DEFENDANT MICHAEL KOSOR S MOTION TO DISMISS PURSUANT TO NRS 41.660</i>
02/20/2018	 Declaration <i>Declaration of Angela Rock, Esq. in Support of Plaintiffs' Opposition to Defendant Michael Kosor's Motion to Dismiss Pursuant to NRS 41.660</i>
02/24/2018	 Arbitration File <i>Arbitration File</i>
02/26/2018	 Reply to Opposition Filed by: Defendant Kosor, Michael, Jr. <i>Defendant s Reply To Plaintiff s Opposition To Defendant s Motion To Dismiss Pursuant To NRS 41.600</i>
03/05/2018	 Motion to Dismiss (9:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendant Michael Kosor's Motion to Dismiss Pursuant to NRS 41.660</i>
03/16/2018	 Amended Notice of Early Case Conference <i>Second Amended Notice of Early Case Conference</i>
03/20/2018	 Order Denying Motion <i>Order Denying Defendant Michael Kosors' Motion To Dismiss Pursuant to NRS 41.660</i>
03/21/2018	 Notice of Entry of Order <i>Notice of Entry of Order Denying Defendant Michael Kosor's Motion to Dismiss Pursuant to NRS 41.660</i>

DEPARTMENT 12
CASE SUMMARY
CASE NO. A-17-765257-C

04/06/2018	 Substitution of Attorney Filed by: Defendant Kosor, Michael, Jr. <i>Substitution of Attorneys</i>
04/19/2018	 Notice of Appeal Filed By: Defendant Kosor, Michael, Jr. <i>Notice of Appeal</i>
04/19/2018	 Case Appeal Statement Filed By: Defendant Kosor, Michael, Jr. <i>Case Appeal Statement</i>
04/20/2018	 Stipulation and Order Filed by: Defendant Kosor, Michael, Jr. <i>Stipulation and Order to Enlarge the Time for Defendant Michael Kosor to Seek Reconsideration of His Motion to Dismiss Pursuant to NRS 41.6660</i>
04/20/2018	 Notice of Entry of Stipulation and Order Filed By: Defendant Kosor, Michael, Jr. <i>Notice of Entry of Stipulation and Order to Enlarge the Time for Defendant Michael Kosor to Seek Reconsideration of His Motion to Dismiss Pursuant to NRS 41.6660</i>

DATE	FINANCIAL INFORMATION
	Defendant Kosor, Michael, Jr. Total Charges 247.00 Total Payments and Credits 247.00 Balance Due as of 4/23/2018 0.00
	Plaintiff Olympia Companies, LLC Total Charges 331.50 Total Payments and Credits 331.50 Balance Due as of 4/23/2018 0.00
	Defendant Kosor, Michael, JR Appeal Bond Balance as of 4/23/2018 500.00

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. _____

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):

Olympia Companies, LLC

Defendant(s) (name/address/phone):

Michael Kosor, Jr.

Attorney (name/address/phone):

KEMP, JONES & COULTHARD, LLP

3800 Howard Hughes Parkway, 17th Floor

Las Vegas, NV 89169

Attorney (name/address/phone):

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

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input checked="" type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate <i>(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

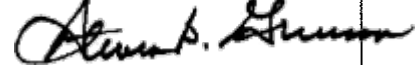
Business Court filings should be filed using the Business Court civil coversheet.

11/27/17

Date

Signature of initiating party or representative

See other side for family-related case filings.



J. Randall Jones, Esq. (#1927)
jrj@kempjones.com
Nathanael R. Rulis, Esq. (#11259)
n.rulis@kempjones.com
Cara D. Brumfield, Esq., (#14175)
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KEMP, JONES & COULTHARD, LLP
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169
Telephone: (702) 385-6000
Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

OLYMPIA COMPANIES, LLC, a Nevada
limited liability company; GARRY V.
GOETT, a Nevada resident

Plaintiffs,

vs.

MICHAEL KOSOR, JR., a Nevada resident;
and DOES I through X, inclusive

Defendants.

Case No.: A-17-765257-C

Dept. No.: XII

**ORDER DENYING DEFENDANT
MICHAEL KOSOR'S MOTION TO
DISMISS PURSUANT TO NRS 41.660**

Hearing Date: March 5, 2018

Hearing Time: 9:30 a.m.

THIS MATTER having come before the Court on March 5, 2018, with J. Randall Jones, Esq. and Cara D. Brumfield, Esq. of Kemp, Jones & Coulthard, LLP appearing on behalf of Plaintiffs and Robert B. Smith, Esq. of Lauria, Tokunaga, Gates & Linn, LLP appearing on behalf of Defendant on Defendant Michael Kosor's Motion to Dismiss Pursuant to NRS 41.660. The Court having reviewed and considered the Motion and the related opposition and reply; and having heard the arguments of counsel, with good cause appearing, enters the following Findings, Conclusions, and Order:

RECEIVED
MAR 16 2018
DEPT. 12

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Michael Kosor's Motion to Dismiss Pursuant to NRS 41.660 is DENIED because the Court finds that Defendant has failed to meet its burden to invoke NRS 41.660.

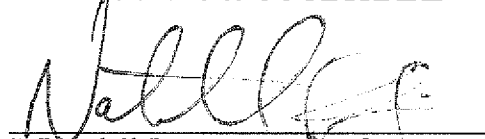
DATED: March 19, 2018.

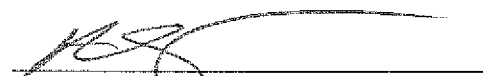

Judge Michelle Leavitt

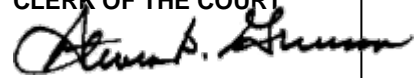
Submitted by:

KEMP, JONES & COULTHARD

LAURIA TOKUNAGA GATES & LINN, LLP


J. Randall Jones, Esq. (#1927)
Nathanael R. Rulis, Esq. (#11259)
Cara D. Brumfield, Esq. (#14175)
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169
Attorneys for Plaintiffs


Raymond R. Gates, Esq. (#5320)
Robert B. Smith, Esq. (#9396)
601 South Seventh Street
Las Vegas, Nevada 89101
Attorneys for Defendant



J. Randall Jones, Esq. (#1927)
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Telephone: (702) 385-6000
Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

OLYMPIA COMPANIES, LLC, a Nevada
limited liability company; GARRY V.
GOETT, a Nevada resident

Plaintiffs,

vs.

MICHAEL KOSOR, JR., a Nevada resident;
and DOES I through X, inclusive

Defendants.

Case No.: A-17-765257-C

Dept. No.: XII

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANT MICHAEL
KOSOR'S MOTION TO DISMISS
PURSUANT TO NRS 41.660**

TO: Defendants; and,

TO: Their respective counsel:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that on March 20, 2018, an
Order Denying Defendant Michael Kosor's Motion to Dismiss Pursuant to NRS 41.660 was entered in

///

///

///

///

1 the above case. A copy of said Order is attached hereto.

2 Dated this 21st day of March 2018.

3 KEMP, JONES & COULTHARD, LLP

4 /s/ Nathanael Rulis

5 J. RANDALL JONES, ESQ. (#1927)

6 NATHANAEL R. RULIS, ESQ. (#11259)

7 CARA D. BRUMFIELD, ESQ. (#14175)

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9 Las Vegas, Nevada 89169

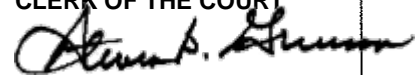
10 *Attorneys for Plaintiff*

11 **CERTIFICATE OF SERVICE**

12 I hereby certify that on the 20th day of March, 2018, I served a true and correct copy of the
13 foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANT MICHAEL KOSOR'S**
14 **MOTION TO DISMISS PURSUANT TO NRS 41.660** via the Court's electronic filing system only,
15 pursuant to the Nevada Electronic Filing and Conversion Rules, Administrative Order 14-2, to all parties
16 currently on the electronic service list.

17 /s/ Alison Augustine

18 An Employee of KEMP, JONES & COULTHARD, LLP



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DISTRICT COURT

CLARK COUNTY, NEVADA

OLYMPIA COMPANIES, LLC, a Nevada
limited liability company; GARRY V.
GOETT, a Nevada resident

Plaintiffs,

vs.

MICHAEL KOSOR, JR., a Nevada resident;
and DOES I through X, inclusive

Defendants.

Case No.: A-17-765257-C

Dept. No.: XII

**ORDER DENYING DEFENDANT
MICHAEL KOSOR'S MOTION TO
DISMISS PURSUANT TO NRS 41.660**

Hearing Date: March 5, 2018

Hearing Time: 9:30 a.m.

THIS MATTER having come before the Court on March 5, 2018, with J. Randall Jones, Esq. and Cara D. Brumfield, Esq. of Kemp, Jones & Coulthard, LLP appearing on behalf of Plaintiffs and Robert B. Smith, Esq. of Lauria, Tokunaga, Gates & Linn, LLP appearing on behalf of Defendant on Defendant Michael Kosor's Motion to Dismiss Pursuant to NRS 41.660. The Court having reviewed and considered the Motion and the related opposition and reply; and having heard the arguments of counsel, with good cause appearing, enters the following Findings, Conclusions, and Order:

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1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Michael Kosor's
2 Motion to Dismiss Pursuant to NRS 41.660 is DENIED because the Court finds that Defendant has
3 failed to meet its burden to invoke NRS 41.660.

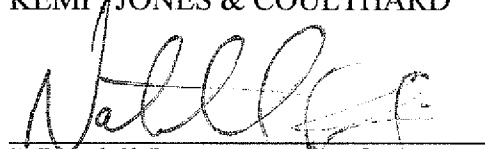
4 DATED: March 19, 2018.

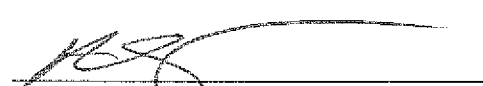
5
6
7 
8 Judge Michelle Leavitt

9 Submitted by:

10 KEMP, JONES & COULTHARD

LAURIA TOKUNAGA GATES & LINN, LLP

11
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Attorneys for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct**COURT MINUTES****March 05, 2018**

A-17-765257-C Olympia Companies, LLC, Plaintiff(s)
 vs.
 Michael Kosor, Jr., Defendant(s)

March 05, 2018 9:30 AM Motion to Dismiss

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

COURT CLERK: Susan Botzenhart
 Kimberly Estala

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Brumfield, Cara D.	Attorney
	Jones, Jon Randall	Attorney
	Kosor, Michael, Jr.	Defendant
	Smith, Robert B.	Attorney

JOURNAL ENTRIES

- Mr. Smith argued in support of dismissal; and further argued as to Plaintiff seeking to seal Deft's speech. Additional arguments as to developments, proposals, company having paid to operate community, budget having been spent on things Deft. believes should not have be spent, motion having been made in good faith, issue being public concern, and decisions having been made since the motion was filed. Discussions as to status of real estate division. Mr. Smith further argued as to NRS 116.2117, validity, adoption of recorded document, and Plaintiff wanting to accuse Deft. of defamation. Further arguments regarding pamphlet attached to website, there being significant financial interest on keeping Deft. quiet, preponderance of evidence, statement made by Deft, and Adelson case. Court asked why this is an issue with public interest; and stated it appears to be limited. Further arguments by counsel as to California case law cited in the pleadings, case law from Macias and Damon matters, there having been no control over HOA, Welding case relying on California law, forms having been put together for community, public interest and public forum, first part of statute having been met by Deft, context of statements having been laid out, statements not being defamatory, the statements having been statements of opinion, Darkroom context, KOSOR

website, lucrative deals, no election of five members of community by Deft, violation of statute claims by Plaintiff, budget issue, use of HOA fees, statements having been made two years ago before the Complaint was filed, background of issue being important, there being no financial benefits or motives, and NRS 116.2122. Mr. Jones opposed; and argued the problem is Deft. has right to speak his mind, however, he does not have the right to defame or slam or libel. Mr. Jones further argued regarding this case having unusual circumstance, issue having nothing to do with context of history, and Deft. being on a quixotic mission. Mr. Jones added Deft. had gone on the website to say defamatory things, and Plaintiff is not going to continue to put up with defamatory statements. Mr. Jones argued Deft. can complain to the HOA, however, he needs to do it pursuant to statute and NRS rules. Further arguments by Mr. Jones regarding agreement, Deft's feelings towards the Plaintiff and development company, there being no grounds to support the relief Deft. is seeking, and NRS 41.660. Mr. Jones added if defense does not meet the standards, Deft. does not meet the case. Further arguments regarding good faith legal definition, questions needing to be answered by a jury, Darkroom context meetings, there being question of fact, and innuendo being clear. Upon Court's inquiry, Mr. Jones confirmed he does not believe Deft. met the burden of the statute to invoke Anti-SLAPP. Court stated its issue is whether there is an issue of public concern if the statute is invoked. Further arguments by Mr. Jones as to Talega case from 2004, and Keebler vs. Fontana case. Additional arguments as to case law from Weinberg and Hailstone. Mr. Jones argued the case law favors Plaintiff's position. Discussions as to Anti-SLAPP statute, NRS 41.637, NRS 41.660, and Court needing to consider five factors. Further arguments by Mr. Smith. COURT ORDERED, Motion DENIED, as Deft. did not meet the burden to invoke the Anti-SLAPP statute. Mr. Jones to prepare the order and run it by opposing counsel.

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING DEFENDANT MICHAEL KOSOR'S MOTION TO DISMISS PURSUANT TO NRS 41.660; NOTICE OF ENTRY OF ORDER DENYING DEFENDANT MICHAEL KOSOR'S MOTION TO DISMISS PURSUANT TO NRS 41.660; DISTRICT COURT MINUTES

OLYMPIA COMPANIES, LLC; GARRY V. GOETT,

Plaintiff(s),

vs.

MICHAEL KOSOR, JR.,

Defendant(s),

Case No: A-17-765257-C

Dept No: XII

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 23 day of April 2018.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

BARRON & PRUITT, LLP
 3890 WEST ANN RD.
 NORTH LAS VEGAS, NEVADA 89031
 (702) 870-3940

NEVADA STATE BANK
 P.O. BOX 990
 LAS VEGAS, NEVADA 89125-0990
 94-77/1224

18482

4/20/18

PAY TO THE ORDER OF Supreme Court \$ 250.00
Two Hundred Fifty & 00/100 DOLLARS

MEMO Notice of Appeal



[Signature]
 AUTHORIZED SIGNATURE

Security features included. Details on back.

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