

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

JENNIFER ABRAMS; AND THE  
ABRAMS & MAYO LAW FIRM,

Appellants,

vs.

STEVE W. SANSON; VETERANS  
IN POLITICS INTERNATIONAL,  
INC., LOUIS C. SCHNEIDER; AND  
LAW OFFICES OF LOUIS C.  
SCHNIEDER, LLC,

Respondents.

Electronically Filed  
Feb 25 2019 09:41 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

CASE NOS.: 73838 / 75834

**RESPONDENTS' APPENDIX**

Appeal from Eighth Judicial District Court, Clark County  
The Honorable Michelle Leavitt, District Judge  
District Court Case No. A-17-749318-C

Margaret A. McLetchie, Nevada Bar No. 10931  
Alina M. Shell, Nevada Bar No. 11711  
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and Veterans In Politics International, Inc.*

**INDEX TO RESPONDENTS' APPENDIX**

<b><u>VOL.</u></b>	<b><u>DOCUMENT</u></b>	<b><u>DATE</u></b>	<b><u>BATES</u></b>
I	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.	06/22/2017	RA001 – RA003

DATED this 22<sup>nd</sup> day of February, 2019.

*/s/ Margaret A. McLetchie*

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing RESPONDENTS' APPENDIX was filed electronically with the Nevada Supreme Court on the 22nd day of February, 2019. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Employee of McLetchie Law

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)

June 22, 2017      3:00 AM      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

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

NO 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