

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 78517

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Elizabeth A. Brown
Clerk of Supreme Court

JAMES TAYLOR; NEVADA GAMING CONTROL
BOARD; AMERICAN GAMING ASSOCIATION,

Appellant,

v.

DR. NICHOLAS G. COLON,

Respondent.

Appeal Regarding Decision and Order
Eighth Judicial District Court
District Court Case No.: A-18-782057-C

**AMERICAN GAMING ASSOCIATION'S JOINDER TO APPELLANTS
JAMES TAYLOR AND NEVADA GAMING CONTROL BOARD'S
OPENING BRIEF**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to NRS 233B.133(5), NRAP 28, and NRAP 26.1, the undersigned counsel of record certifies there are no persons or entities described in NRAP 26.1(a) that must be disclosed. McDonald Carano LLP is the only law firm that has appeared for appellant American Gaming Association in this matter.

These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

DATED this 13th day of November, 2019.

McDONALD CARANO LLP

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JURISDICTIONAL STATEMENT

This is an appeal from a decision and order denying appellants James Taylor and Nevada Gaming Control Board's Anti-SLAPP special motion to dismiss brought pursuant to NRS 41.660, which appellant American Gaming Association joined. Appellate jurisdiction exists under NRS 41.670(4). The district court entered the decision and order on February 26, 2019 and notice of entry was also filed on February 26, 2019. Appellants James Taylor and Nevada Gaming Control Board timely filed a notice of appeal on April 1, 2019, and appellant American Gaming Association timely filed a notice of appeal on April 5, 2019.

JOINDER

Plaintiff Dr. Nicholas Colon ("Dr. Colon") has claimed the American Gaming Association (the "AGA") is liable for publishing defamatory statements about Dr. Colon because the AGA organized an event at which appellant James Taylor ("Mr. Taylor") made allegedly defamatory remarks. *See* Appellants' Appendix ("APP") at 002 ¶ 5. Mr. Taylor and the Nevada Gaming Control Board ("NGCB") filed an Anti-SLAPP special motion to dismiss pursuant to NRS 41.660 (the "Anti-SLAPP Motion to Dismiss") below challenging Dr. Colon's defamation claim. *Id.* at 006-032. Because the AGA's liability depends on Mr. Taylor's liability, the AGA joined the Anti-SLAPP Motion to Dismiss. *See id.* at 033-035. Accordingly, the AGA

joins and incorporates fully the arguments laid out by appellants Mr. Taylor and NGCB pursuant to NRAP 28(i).

CONCLUSION

The AGA joins appellants Mr. Taylor and NGCB and respectfully requests this Court reverse the District Court's denial of the Anti-SLAPP Motion to Dismiss and remands the same with instructions to grant the motion.

AFFIRMATION

Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 13th day of November, 2019.

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CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type-style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point font, Times New Roman style. I further certify that this brief complies with the type-volume limitation of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it contains 258 words.

Pursuant to NRAP 28.2, I hereby certify that I have read this brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e), which requires every assertion regarding matters in the record to be supported by a reference to the page of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions if this brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 13th day of November, 2019.

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of McDonald Carano LLP, and on the 13th day of November, 2019, a true and correct copy of the foregoing **AMERICAN GAMING ASSOCIATION'S JOINDER TO APPELLANTS JAMES TAYLOR AND NEVADA GAMING CONTROL BOARD'S OPENING BRIEF** was e-filed and e-served on all registered parties to the Supreme Court's electronic filing system:

/s/ CaraMia Gerard
An Employee of McDonald Carano LLP