

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAPHNE WILLIAMS,
Appellant,
vs.
CHARLES "RANDY" LAZER,
Respondent.

No. 80350

FILED

JAN 15 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING MOTIONS

Proposed amici the American Civil Liberties Union and the American Civil Liberties Union of Nevada (together, ACLU) and the First Amendment Lawyers Association (FALA) each filed separate motions for leave to file amicus briefs. NRAP 29(a).

ACLU explains that it is a non-profit organization that is dedicated to defending the principles embodied in the United States Constitution and civil rights laws, and has a particular interest in First Amendment cases and in cases involving sex and race discrimination. This includes defamation cases which potentially infringe on First Amendment rights, which it argues is at issue here. ACLU proposes to inform this court regarding a pleading standard for defamation which satisfies those First Amendment rights and affords protection to political speech about race and gender discrimination.

FALA explains that it is a non-profit organization that is concerned with government censorship and the use of the judicial system by private parties to suppress or deter constitutionally protected expression. It argues that the Court of Appeals' decision is at odds with

decisions across the country that accusing an individual of being "racist" is a constitutionally protected expression of opinion.

Respondent has filed oppositions to the motions. Respondent argues that counsel for appellant, Marc J. Randazza, has strong ties with both FALA and ACLU, and that these ties should preclude the filing of amicus briefs by the proposed amici. As evidence for the strong ties, respondent points to Mr. Randazza's prior donor status to the ACLU, and to his membership in FALA as a Chair Emeritus. However, respondent does not provide any authority in its oppositions to preclude the granting of these motions.

Both motions are granted. *See* NRAP 29; *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063 (7th Cir. 1997) (an amicus brief is appropriate where "the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide"). The amicus briefs were filed on January 4, 2021.

It is so ORDERED.

1. J. Randazza, C.J.

cc: Randazza Legal Group, PLLC
Law Offices of Michael F. Bohn, Ltd.
ACLU Foundation of Nevada
Clyde DeWitt