Case No. 80350

IN THE SUPREME COURT OF NEVADA

DAPHNE WILLIAMS,

Appellant,

vs.

CHARLES "RANDY" LAZER,

Respondent.

APPEAL

From the Eighth Judicial District Court, Clark County
The Honorable Joe Hardy, District Judge
District Court Case No. A-19-797156-C

PETITION FOR REHEARING

ADAM R. TRIPPIEDI, ESQ.
Nevada Bar No. 12294
E-mail: adam@trilawnv.com
Attorney for Respondent/Petitioner, Charles "Randy" Lazer

TRILAW
2520 St Rose Pkwy, Ste 203F
Henderson, Nevada 89074
Telephone: (702) 337-3333
Facsimile: (702) 825-2836

TABLE OF CONTENTS

TABLE OF CONTENTS ii

TABLE OF AUTHORITES iii

INTRODUCTION 1

STATEMENT OF FACTS 2

I. APPELLANT'S NRED STATEMENT OF FACTS CONTAINED NUMEROUS ALLEGATIONS WHICH APPELLANT KNEW WERE FALSE WHEN SHE MADE THEM. 2

a. ROSANNE KRUPP'S DECLARATION, AND OTHER DOCUMENTARY EVIDENCE, PROVE DECLARANT FALSELY CLAIMED APPELLANT WAS LYING DURING THE TRANSACTION. 3

b. ROSANNE KRUPP'S DECLARATION PROVES APPELLANT FALSELY CLAIMED MS. KRUPP TOLD APPELLANT THAT RESPONDENT WAS TRYING TO SABOTAGE THE DEAL AND HAD AN ULTERIOR MOTIVE. 5

c. APPELLANT CLAIMS IN HER STATEMENT OF FACT THAT RESPONDENT SENT HER "RACIST AND SEXIST" TEXTS AND EMAILS, BUT APPELLANT HAS FAILED TO IDENTIFY A SINGLE TEXT OR EMAIL TO SUBSTANTIATE THESE CLAIMS. 9

d. APPELLANT FALSELY CLAIMED THAT RESPONDENT "FALSELY" ACCUSED APPELLANT OF MEETING HER DUE DILIGENCE TIMEFRAMES IN THE RPA 10

e. APPELLANT FALSELY CLAIMED THAT RESPONDENT NEVER PROVIDED APPELLANT WITH A SIGNED COPY OF THE RPA 11

ARGUMENT 13

I. STANDARD OF REVIEW 13

II. APPELLANT HAS NOT MET HER BURDEN TO SHOW SHE MADE HER NRED STATEMENT OF FACT IN GOOD FAITH. 14

CONCLUSION 16

CERTIFICATE OF COMPLIANCE 19

CERTIFICATE OF SERVICE 21

TABLE OF AUTHORITIES

STATUTES:

NRS 41.635 9

NRS 41.637 14

NRS 41.660(3). 14

RULES:

NRAP 40(a)(2) 1, 13

NRAP 40(c)(2) 1

CASES:

Stark v. Lackey, 136 Nev. 38, 40, 458 P.3d 342, 345 (2020) 14, 15

INTRODUCTION

Charles "Randy" Lazer ("**Respondent**") hereby petitions this Court for rehearing of this matter pursuant to Rules 40(a)(2) and 40(c)(2) of the Nevada Rules of Appellate Procedure (the "**Petition**"). Specifically, Respondent asks this Court to reconsider its conclusion that Appellant Daphne Williams' ("**Appellant**") Statement of Fact submitted to the Nevada Real Estate Division ("**NRED**") was made in good faith. This Court found Appellant's Statement of Fact was made in good faith because, in the Court's opinion, the Statement of Fact was composed solely of opinions and statements which Appellant believed to be true. However, Appellant's Statement of Fact included numerous factual claims which Respondent has proven false, and which Appellant knew were false when she made them. As a result, Appellant did not meet her burden to show she made her NRED Statement of Fact in good faith.

This Petition shall focus solely on Appellant's lack of good faith. Because Appellant did not act in good faith, she cannot meet her burden under the first prong of the anti-SLAPP statute. Thus, Appellant is not entitled to anti-SLAPP relief as against Respondent. For these reasons and the reasons stated below, Respondent requests this Court grant Respondent's Petition for Rehearing.

/ / /

STATEMENT OF FACTS

I. APPELLANT'S STATEMENT OF FACT CONTAINED NUMEROUS ALLEGATIONS WHICH APPELLANT KNEW WERE FALSE WHEN SHE MADE THEM.

The underlying facts of this matter are that Appellant chose to buy a condo without being represented by a real estate agent, and Respondent was the real estate agent representing the seller of the condo, Rosanne Krupp. (I-AA 235-6, paragraphs 1 through 33). Appellant was in breach of the purchase contract, which required Respondent to make efforts to extend escrow. (I-AA 146, paragraph 49; I-AA 162-165). If Respondent had not procured an escrow extension, Appellant would not have been able to purchase the property; she would have lost her earnest money deposit; and she would have incurred serious expenses in moving and other such costs. Id. Subsequently, Appellant submitted a Statement of Fact to NRED, the governing body of real estate agents in Nevada, wherein Appellant claimed Respondent engaged in a variety of wrongdoings. (I-AA 053-057). This Statement of Fact could have ended Respondent's career if NRED believed Appellant.

Within the NRED Statement of Fact, Appellant made several knowingly false factual allegations against Respondent which form the basis of Respondent's claims in this matter. Respondent's goal in submitting this Petition is to show Appellant's Statement of Fact did not simply consist of opinions and claims which Appellant "believed to be true," but also consisted of a series of false statements which prove

Appellant did not act in good faith when submitting the Statement of Fact. Respondent believes this Court "overlooked or misapprehended" these particular, specific facts because the Court did not perform an analysis of these facts. These facts are proof positive that Appellant made statements in her Statement of Fact which she knew were false when she made them, and thus these facts prove Appellant cannot meet her good faith burden under NRS 41.660(3).

Appellant submitted her NRED Statement of Fact on August 24, 2017. This date is significant because it was the day before Appellant's August 25, 2017, settlement demand deadline. (III-AA 446-8, paragraph 10). This is proof that Appellant did not submit her Statement of Fact in good faith because it was only submitted as retaliation for Respondent's settlement demand.

a. Rosanne Krupp's Declaration, and other documentary evidence, prove Declarant falsely claimed Appellant was lying during the transaction.

At the second paragraph on page 2 of her Statement of Fact, Appellant claims Respondent "has lied on several occasions." (I-AA 055). Specifically, Appellant alleges Respondent lied when he stated that Appellant did not allow Rosanne Krupp, the seller of the condo, to remove all of Ms. Krupp's personal property from the condo. Id. However, Respondent's statement that Appellant did not allow Ms. Krupp to remove all of her personal property from the condo is true. Ms. Krupp

herself provided a declaration in this case stating Appellant "refused to allow me to remove certain items of personal property from the unit, all of which, to my knowledge, remain in the unit to this day." (I-AA 148, paragraph 11). Further, the email record shows Respondent emailed Appellant's lender on July 18, 2017, and informed Appellant's lender that Appellant was preventing the seller from removing personal property. (II-AA 396). Thus, Appellant's statement that Respondent lied about Appellant refusing to allow Ms. Krupp to retrieve personal property is false, and Appellant knew it was false because Ms. Krupp's declaration - that of a third-party with no interest in this case - shows Appellant knew she had refused Ms. Krupp to remove personal property. Appellant could not possibly "believe" Mr. Krupp made a statement which Ms. Krupp never made. Even if Appellant did have such a belief, this "belief" is contradicted by Ms. Krupp's declaration and therefore Appellant cannot meet her preponderance of the evidence burden.

Further, Appellant was also copied on Respondent's July 18, 2017, email informing Appellant's lender that Appellant was refusing the seller's requests for removal of personal property. (II-AA 396). Thus, Appellant was on notice that she was preventing the seller from removing personal property. Accordingly, Appellant's claim that Respondent "lied" about Appellant's refusal to allow Ms.

Krupp to remove personal property is one of the knowingly false, defamatory statements which defeats Appellant's anti-SLAPP motion.

Appellant also refused to sign an addendum providing Ms. Krupp access to remove her personal property from the condo, further proof that Respondent was telling the truth about Appellant's refusal of access to Ms. Krupp and that Appellant knew she was lying about the removal of personal property. (III-AA 532; contrast to the signed Addendum No. 1 at I-AA 46-47, where the only different term is the term regarding access for personal property removal).

Thus, as proven by the evidence presented in this case, Respondent did not "lie" about Appellant's refusal to allow access to Ms. Krupp, and Appellant knew Respondent did not lie. Accordingly, Appellant did not make her NRED Statement of Fact in good faith.

b. Rosanne Krupp's Declaration proves Appellant falsely claimed Ms. Krupp told Appellant that Respondent was trying to sabotage the deal and had an ulterior motive.

At the bottom paragraph on page 2 of her Statement of Fact, Appellant claims that on June 27, 2017, Ms. Krupp told Appellant the following:

> "Randy keeps telling me if the property doesn't sell and things don't work out for me in Maryland, I can always come back and live with him until I get on my feet." She then said, "He always like me like that, but I don't like him like that. There is always an ulterior motive. I don't know why he is trying to sabotage this deal."

(I-AA 055)

Appellant's allegations that Ms. Krupp made these statements are knowingly false and directly contradicted by Ms. Krupp. During the district court proceedings, Ms. Krupp submitted a declaration completely denying Appellant's claims:

> 12. To the contrary of what Appellant stated in her Statement of Facts lodged with NRED, I did not make any statement to Appellant to the effect of me moving in with Mr. Lazer, and I also did not make any statement to Appellant that Mr. Lazer "likes me like that, but I don't like him like that."
>
> 13. I also never stated to Appellant that Mr. Lazer had an ulterior motive or acted to sabotage the transaction.

(I-AA 149)

Thus, Appellant's claims as to what Ms. Krupp told Appellant are verifiably false. Ms. Krupp directly contradicts these statements, proving she never made them to Appellant, and thus proving Appellant made knowingly false statements to NRED. The most damaging aspect of the false allegations which Appellant attributes to Ms. Krupp is that they are allegedly from a third-party and they directly impugn Respondent's personal and professional character, while at the same time putting Respondent's real estate license at risk of revocation.

Contrary to Appellant's claim that on June 27, 2017, Ms. Krupp told Appellant that Respondent tried to sabotage the sale of the property, Respondent put extra work into this deal, arranging for three separate addenda, as well as making

multiple phone calls with the lender, Appellant and Respondent. In the end, through Respondent's actions, the escrow was extended 17 days the deal closed. (I-AA 146, paragraph 49; I-AA 162-165). In fact, the emails show that on the day Ms. Krupp allegedly told Appellant that Respondent was trying to sabotage the deal, as well as the day before and day after this conversation, Respondent emailed Appellant at 8:12 a.m. on October 27, 2017, with a 17-day extension of escrow, which Respondent obtained from Ms. Krupp. (II-AA 374-387). And on that very day, June 27, 2017, Respondent emailed Mr. Jolly an addendum to extend escrow. (II-AA 381). Thus, Appellant knew Respondent did not act to sabotage the transaction, but rather to extend it, so there is even more reason to doubt Appellant's statements of Respondent "sabotaging the deal." Moreover, of course, Ms. Krupp, in her declaration, denied that she told Appellant that Respondent was trying to sabotage the transaction. It defies logic to claim Respondent tried to sabotage the transaction when it was through his efforts that escrow was extended and the transaction closed. Appellant's claim that Respondent tried to "sabotage" the transaction is not a matter of opinion; sabotage means that a person made an explicit effort to thwart a particular outcome. Thus, Appellant cannot claim that her allegations of sabotage were a statement of opinion.

Given paragraphs 12 and 13 of Ms. Krupp's declaration, Appellant was clearly not being truthful when she claimed in her Statement of Fact that Ms. Krupp told her Respondent was trying to sabotage the deal and had an ulterior motive. Ms. Krupp's direct contradiction of Appellant's allegations is powerful evidence proving Appellant lied in her Statement of Fact and thus did not act in good faith.

Appellant further lied in her Statement of Facts by stating Respondent told her he met Ms. Krupp on a dating website, when in reality, Ms. Krupp relayed that fact to Appellant, as stated in paragraph 10 of Ms. Krupp's declaration. (I-AA 149).

Appellant cannot quote Ms. Krupp in her Statement of Fact, then be directly contradicted by Ms. Krupp's own declaration, and somehow claim she thought Ms. Krupp said something which Ms. Krupp swears she did not say. This is not acting in good faith. If a defendant can make false statements which are proven false by a third-party, and then hide behind her declaration where she claims that she believed everything she said, then anti-SLAPP motions would always succeed upon submission of a defendant's declaration. A defendant can tell complete fabrications at will and then simply claim they believed they were true regardless of what evidence is presented. This is a slippery slope which would allow defamatory statements to be made with no repercussions so long as a party claims they thought

the statements were true. Certainly, this was not the intent of the Nevada Legislature when it passed NRS 41.635 et seq.

c. Appellant claims in her Statement of Fact that Respondent sent her "racist and sexist" texts and emails, but Appellant has failed to identify a single text or email to substantiate these claims.

Appellant's Statement of Fact quotes Appellant's June 27, 2017, text message to Respondent. (I-AA 055). The language of the text message specifically threatens that Appellant "will use the emails and text you have sent" to file complaints with NRED and HUD against Respondent. Id. However, Appellant has never identified any such emails or texts during the two years this case has been ongoing, or in the two years prior to initiation of this case. Thus, Appellant's claim that Respondent sent her offensive emails or texts is a knowingly false statement. To the contrary, Appellant sent Respondent 16 separate text messages thanking Respondent for his hard work on this transaction, hardly the behavior of someone who has been subject to racism and sexism. (I-AA 107). Although the terms racist or sexist may, in and of themselves, be statements of opinion, the reference to texts or emails is not a matter of opinion, and without providing any such texts or emails, Appellant's reference to texts or emails is proven false. In her various motions, replies, appeals briefs, and other pleadings, Appellant has not pointed to a single text or email which she found offensive. Surely, if Appellant had such a writing, she would have used

it against Respondent in this matter. Appellant cannot meet her preponderance of the evidence burden to prove there were writings she believed to be racist and sexist because she has failed to produce any such writings, Respondent denies making any such writings, and no such writings exist in the over 600-page record of this case. Thus, Appellant could not have acted in good faith when she referenced nonexistent texts and emails in her Statement of Fact.

d. Appellant falsely claimed that Respondent "falsely" accused Appellant of meeting her due diligence timeframes in the RPA.

In the middle of page 2 of her Statement of Fact, Respondent incorrectly claims as follows:

> [Respondent] falsely accused me of being negligent in meeting due diligence timeframes noted in said contract.
>
> (I-AA 055)

In reality, Respondent correctly stated that Appellant failed to timely obtain a condo questionnaire, which, in addition to Appellant reducing her down payment from 20% to 5%, was the cause of the 24-day delay in closing the sale of the property. (I-AA 142, paragraphs 8-13; 143, paragraphs 20-22). Instead of immediately ordering the condo questionnaire after entering into the Residential Purchase Agreement ("**RPA**"), Appellant chose to wait until after the appraisal to order the questionnaire, and then intentionally did not place a "rush" order due to

the extra cost associated with a rush. (II-AA 344, paragraphs 5-7). Appellant made these strategic decisions of her own accord, but they impacted the seller because they necessitated a delay in the closing of the transaction while the lender evaluated the condo questionnaire. Appellant's failure to obtain the condo questionnaire until June 23, 2017, made it logistically impossible to close by the June 30, 2017, close of escrow date. Thus, Respondent was correct when he stated that Appellant caused the delay in the closing of the sale of the property, and Appellant's allegation in her Statement of Fact that Respondent made a "false" statement in blaming Appellant for the delay was false and Appellant knew it was false because she was the one who delayed ordering the condo questionnaire. Regardless of Appellant's reason for delaying her order of the condo questionnaire, Respondent was correct in stating Appellant caused the delay in this transaction, a fact which Appellant was aware of when she submitted her Statement of Fact.

Following Appellant's submission of her Statement of Fact, NRED investigated this matter for approximately eight months. (I-AA 053-058, showing the Statement of Fact was submitted on August 24, 2017, and NRED closed the case on April 18, 2018). Respondent was forced to defend himself against Appellant's NRED Statement of Facts for approximately eight months, including spending more than 52 hours responding to the Statement of Fact and NRED's investigation. (I-

AA 147, paragraph 53). NRED's initial decision in this matter was to discipline and fine Respondent based on Appellant's fabrications. (II-AA 417-418). Ultimately, NRED's legal counsel disagreed with NRED's findings and NRED chose to close its file without any finding of wrongdoing by Respondent, likely because none of Appellant's claims could be substantiated and because Respondent provided documentation to support his innocence. (II-AA 421). However, the damage had been done due to Appellant's defamatory Statement of Facts which caused Respondent to spend more than 52 hours of his life defending against Appellant's false claims, and resulted in Respondent experiencing extreme stress due to the damage to his reputation and the possible loss of his livelihood. (I-AA 147, paragraph 53).

e. Appellant falsely claimed that Respondent never provided Appellant with a signed copy of the RPA.

In her NRED Statement of Fact, Appellant claims Respondent "never gave me… a signed copy of the contract." (I-AA 055). She also states that she "did not get copies of the contract" until after the close of escrow. Id. Both of these statements are false.

On May 21, 2017, Appellant and Respondent met at a supermarket and Appellant signed the RPA. (III-AA 465-6, paragraph 3(c)). Thereafter, and **as instructed to do by Appellant**, Respondent sent the signed contract to Appellant's

loan officer, Bryan Jolly, two days later. (III-AA 465-6, paragraph 3(d); II-AA 350). Because Appellant instructed Respondent to send the signed contract to Mr. Jolly, Respondent did in fact send a signed contract to Appellant by way of her agent designated to receive the signed contract, Mr. Jolly. It is dishonest and false for Appellant to claim Respondent did not send Appellant a copy of the signed contract because Respondent sent the signed contract to the exact place where Appellant requested Respondent send the signed contract. Thus, Appellant's claim that Respondent did not send her a signed copy of the contract is another statement which Appellant knew was false when she made it.

ARGUMENT

I. STANDARD OF REVIEW.

NRAP 40(a)(2) states that a Petition for Rehearing "shall state briefly and with particularity the points of law or fact that the petitioner believes the court has overlooked or misapprehended and shall contain such argument in support of the petition as the petitioner desires to present." Above, Respondent described the various portions of Appellant's Statement of Fact which Respondent believes the Court overlooked or misapprehended.

/ / /

/ / /

II. APPELLANT HAS NOT MET HER BURDEN TO SHOW SHE MADE HER NRED STATEMENT OF FACT IN GOOD FAITH.

As this Court notes at page 5 of its Opinion, NRS 41.660(3) requires that for a defendant to meet its burden for anti-SLAPP relief, the defendant must show "by a preponderance of the evidence, that the claim is based on a 'good faith communication in furtherance of… the right to free speech in direct connection with an issue of public concern…." At page 6 of its Opinion, this Court cites to its prior opinion in Stark v. Lackey, 136 Nev. 38, 40, 458 P.3d 342, 345 (2020), and to NRS 41.637, which state that a communication is made in good faith when it is "truthful or is made without knowledge of its falsehood."

Appellant cannot meet her "good faith" burden. The statements which Respondent has pointed out above show Appellant knew that her statements regarding Ms. Krupp were false. Specifically, Ms. Krupp explicitly denied that she made the statements which Appellant attributed to Ms. Krupp.

At the bottom of page 6 and top of page 7 of this Court's Opinion in this matter, the Court cites to Stark and summarizes that ruling as "holding that a defendant's affidavit affirming her statements were true or statements of opinion, in the absence of contradictory evidence in the record, is sufficient to show good faith." Here, the "contradictory evidence in the record" is Ms. Krupp's declaration, which flatly contradicts Appellant's declaration. Thus, in keeping with Stark, there is

contradictory evidence in the record in the instant matter, which disproves Appellant's declaration and shows Appellant made statements with knowledge of their falsehood. Accordingly, Ms. Krupp's declaration is dispositive proof that Appellant did not act in good faith when she submitted her NRED Statement of Fact.

Further, the Stark Court explicitly found that "Stark's affidavit made it more likely than not that the communications were truthful or made without knowledge of their falsehood, and there is no evidence in the record to the contrary." Stark v. Lackey, 136 Nev. 38, 44, 458 P.3d 342, 347 (2020). Respondent submits that Ms. Krupp's declaration, as well as the other evidence Respondent points to in this Petition, makes it so that Appellant has not reached the "more likely than not" threshold. At best, the declaration of Ms. Krupp, a third-party with no interest in the outcome of this matter, cancels out Appellant's self-serving declaration, making it equally as likely that Appellant did not act in good faith. This underlines the importance and weightiness of Ms. Krupp's declaration in the outcome of this matter.

If Appellant believed that everything that she had included in the Statement of Fact was true to the best of her knowledge, that the Respondent sent racist and sexist texts and emails, and engaged in a racist and sexist conversation, and acted to sabotage a transaction, while colluding with an appraiser, lying, and violating his

duties of confidentiality, then it is unbelievable that Appellant would have allowed the transaction to close without contacting the NRED, an attorney, or the Respondent's broker. Yet Appellant never complained to anyone until well after the close of escrow.

Appellant then submitted her Statement of Fact to NRED one day before Respondent's settlement demand deadline, which was months after the alleged behavior occurred. This demonstrates Appellant could not have believed the truth of accusations, as she only submitted her Statement of Fact to stop Respondent from filing litigation against her. In fact, not one of Appellant's claims has been corroborated, while Respondent has provided corroborating evidence including the NRED's findings; Ms. Krupp's declaration; and the communications between the various parties and third-parties to this transaction.

CONCLUSION

Appellant's Statement of Fact contains numerous verifiably false statements, which Appellant published to NRED, resulting in harm to Respondent's business and emotional well-being, as well as costing Respondent over 50 hours in defending himself. (I-AA 147, paragraph 53). Appellant knew these statements were false as proven by way of declarations of Respondent and Ms. Krupp, as well as the email communications between Respondent and Mr. Jolly. Accordingly, Appellant cannot

claim she did not know of the false statements she attributed to Ms. Krupp. She cannot claim Ms. Krupp made statements which Ms. Krupp has sworn she never made. And even if Appellant could make such a claim, Ms. Krupp's declaration makes it so Appellant cannot meet her burden to prove it is more likely than not that Appellant acted in good faith.

The falsehoods Respondent has pointed out in this Petition are not matters of opinion. The "gist" of these statements is not true. They are flat out, provably false, and Appellant knew they were false when she made them. Thus, Appellant did not act in good faith when she submitted her Statement of Fact to NRED and she is therefore not entitled to anti-SLAPP relief.

Prior to the Supreme Court's review, Judge Hardy had twice denied dismissal based upon the Defendant failing to demonstrate that she acted in good faith, while all 3 judges of the Nevada Court of Appeals. Appellant has not corroborated a single claim she made in her NRED Statement of Fact. Instead, she completely fabricated the gist of her Statement of Fact, and to boot, she lobbed extremely damaging claims that Respondent was racist and sexist, claims which could have ended Respondent's 26-year career and sterling reputation. To the contrary, Respondent has corroborated his claims with Ms. Krupp's declaration, as well as the record of this case which includes emails, texts, and other documentation supporting Respondent's claims that

Appellant was not truthful in her Statement of Fact. To simply accept Appellant's version of facts, which is contradicted by the record of this case, and leave Respondent subject to what is going to be a significant judgment, without even having discovery on the disputed facts of this case, would be an unfair and unjust result. Thus, Respondent requests this Court find Appellant did not meet her burden to show she acted in good faith in submitting her Statement of Fact and is therefore not entitled to anti-SLAPP relief.

DATED this 4th day of October 2021.

TRILAW

/s/ *Adam R. Trippiedi, Esq.*

ADAM R. TRIPPIEDI, ESQ.
Nevada Bar No. 12294
2520 St Rose Pkwy, Ste 203F
Henderson, Nevada 89074
Telephone: (702) 337-3333
Facsimile: (702) 825-2836
E-mail: adam@trilawnv.com
Attorneys for Charles "Randy" Lazer

CERTIFICATE OF COMPLIANCE

1. I 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 with 14 point, double-spaced Times New Roman font.

2. I further certify that this brief complies with the page-or type-volume limitations of NRAP 40(b)(3) because, excluding the pares of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more and contains 3,999 words.

3. 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.

4. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e), which requires every assertion in the brief 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.

/ / /

/ / /

/ / /

5. I understand that I may be subject to sanction in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 4th day of October 2021.

TRILAW

/s/ *Adam R. Trippiedi, Esq.*
ADAM R. TRIPPIEDI, ESQ.
Nevada Bar No. 12294
2520 St Rose Pkwy, Ste 203F
Henderson, Nevada 89074
Telephone: (702) 337-3333
Facsimile: (702) 825-2836
E-mail: adam@trilawnv.com
Attorneys for Charles "Randy" Lazer

CERTIFICATE OF SERVICE

In accordance with NRAP 25, I hereby certify that on October 4, 2021, I served this Petition for Rehearing on all parties listed on the service list for this matter.

/s/ *Adam R. Trippiedi, Esq.*
Adam R. Trippiedi, Esq.,
an employee of TRILAW