

1                                   IN THE SUPREME COURT OF THE STATE OF NEVADA

2           CHRISTOPHER KHORSANDI, M.D., an  
3           individual, CHRISTOPHER KHORSANDI,  
4           M.D., PLLC, a Nevada Professional LLC,  
5           CATHERINE LE KHORSANDI, an  
6           individual, CECILY S., a pseudonym used  
7           by CATHERINE LE KHORSANDI, Does I  
8           – X, and Roe Corporations I – X,  
9           SMITH PLASTIC SURGERY, INC, a  
10          Nevada Corporation, and LANE F. SMITH,  
11          M.D., an individual,

No. 80049

Electronically Filed  
May 06 2020 06:07 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Appellants/Cross-Respondents,

vs.

SMITH PLASTIC SURGERY, INC, a  
Nevada Corporation, and LANE F. SMITH,  
M.D., an individual,

Respondents/Cross-Appeallants.

16                                   **CASE APPEAL STATEMENT**

17           **1. Name of appellants filing this case appeal statement:**

18           Respondents/Cross-Appeallants, Smith Plastic Surgery, Inc., and Lane Smith, M.D.

19           **2. The judge issuing the decision, judgment, or order appealed from:**

20           The Honorable Eric Johnson; Dept. No. XX

21           **3. Parties to the district court proceedings:**

22           Plaintiffs: Smith Plastic Surgery, Inc. and Lane F. Smith, M.D.

23           Defendants: Christopher Khorsandi, M.D., Christopher Khorsandi, M.D., PLLC, and  
24           Catherine Le Khorsandi.

25           **4. Parties involved in this appeal:**

26           Respondents/Cross-Appeallants: Smith Plastic Surgery, Inc. and Lane F. Smith, M.D.

27           Appellants/Cross-Respondents: Christopher Khorsandi, M.D., Christopher Khorsandi,  
28           M.D., PLLC, and Catherine Le Khorsandi.

**5. Name, law firm, address and telephone number of all counsel on appeal:**

Counsel for Respondents/Cross-Appellants:  
Anthony P. Sgro, Esq., Bar No. 3811  
Jennifer Willis Arledge, Esq., Bar No. 8729  
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**6. Whether cross-appellant is represented by appointed or retained counsel in the district court:**

Cross-appellant is represented by retained counsel in the district court.

**7. Whether cross-appellant is represented by appointed or retained counsel on appeal:**

Cross-Appellant is represented by retained counsel on appeal.

**8. Whether cross-appellant was granted leave to proceed in forma pauperis and the date of entry of the district court order granting such leave:**

Cross-Appellant is not proceeding in forma pauperis.

**9. The date the proceedings commenced in the district court:**

November 4, 2019

**10. 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:**

Respondents/Cross-Appellants' action is based upon multiple disparaging statements pertaining to Dr. Smith and his business which Respondents/Cross-

1 Appellants alleged were made by Catherine Khorsandi, posing under pseudonyms such  
2 as "Cecily S." and You Tuber. Neither Catherine Khorsandi nor a "Cecily S." has ever  
3 been a patient of Dr. Smith. Instead, it is alleged that these reviews were posted by  
4 Catherine Khorsandi, the wife of plastic surgeon Dr. Khorsandi, in an attempt to harm  
5 Dr. Smith's reputation and business. On November 4, 2019, Plaintiffs filed a Complaint  
6 in District Court bringing fourteen (14) causes of action: (1) Slander Per Se; (2) Libel  
7 Per Se; (3) Libel Per Se; (4) Libel Per Se; (5) Libel Per Se; (6); Libel Per Se; (7) Libel  
8 Per Se; (8) Concert of Action, Aiding and Abetting, Civil Conspiracy; (9); Intentional  
9 Infliction of Emotional Distress; (10) False Light; (11) Punitive Damages; (12)  
10 Negligent Hiring Supervision and Training; (13) Wrongful Interference with  
11 Prospective Economic Advantage; (14) Preliminary Injunction.

12 Appellants/Cross-Respondents filed their Special Motion to Dismiss Pursuant to  
13 NRS 41.660, or in the Alternative, Motion to Dismiss Pursuant to NRCP 12(b)(5)  
14 ("Special Motion"). On March 4, 2020, the District Court entered its Order on  
15 Defendant's Special Motion to Dismiss Pursuant to NRS 41.660 (hereinafter "Order").  
16 The Order denied Appellants/Cross-Respondents' Special Motion, finding that  
17 Appellants/Cross-Respondents could not demonstrate that the statements were good  
18 faith communications as required by Nevada's anti-SLAPP statute and denied  
19 Appellants/Cross-Respondents' motion to dismiss pursuant to NRCP 12(b)(5). Despite  
20 denial of the dismissal, the Court ordered an expedited discovery plan on the question  
21 of whether Defendants made the statements to allow the Court to determine whether  
22 summary judgment should be granted on that bases.

23  
24 **11. Whether the case has previously been the subject of an appeal to or original writ**  
25 **proceeding in the Supreme Court and, if so, the caption and Supreme Court**  
26 **docket number of the prior proceeding:**

27 This case has not previously been the subject of an appeal or an original writ  
28 proceeding.

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12. **Whether the appeal involves child custody or visitation:**

This appeal does not involve child custody or visitation.

13. **Whether the appeal involves the possibility of settlement:**

A settlement conference may assist the parties in reaching a settlement.

DATED this 6<sup>th</sup> day of May, 2020.

Respectfully submitted,

SGRO & ROGER



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*Attorneys for Respondents/Cross-Appellants*

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I further certify that I served a true and correct copy of the foregoing document as follows:

By transmitting via email the document listed above to the email address set forth below on this date before 5:00 p.m.

BY: Celeste Hernandez  
An Employee of Sgro & Roger  
*Attorneys for Plaintiffs*