

Electronically Filed
Sep 28 2020 01:38 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 **NOAS**

2 **BRANDON L. PHILLIPS, ESQ**

3 Nevada Bar No. 12264

4 **BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC**

5 1455 E. Tropicana Ave., Suite 750

6 Las Vegas, NV 89119

7 P: (702) 795-0097; F: (702) 795-0098

8 blp@abetterlegalpractice.com

9 *Attorney for Plaintiff, L. Bulen*

10 **DISTRICT COURT**

11 * * *

12 **CLARK COUNTY, NEVADA**

13 **LAWRA KASSEE BULEN,**

14 Plaintiff,

15 vs.

16 **STEVE SANSON, an Individual; ROB**
17 **LAUER, an Individual,**

18 Defendant(s).

CASE NO.: A-18-784807-C

DEPT. NO.: VIII

19 **NOTICE OF APPEAL**

20 Please take notice that Plaintiff, LAWRA KASSEE BULEN, (hereinafter referred to as
21 "Plaintiff") by and through her attorney, BRANDON L. PHILLIPS, ESQ., of the law firm of
22 BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC hereby appeals to the Supreme Court of
23 Nevada and/or the Appeals Court of the State of Nevada from:

24 1. The Court's ORDER GRANTING DEFENDANTS' SPECIAL ANTI-SLAPP MOTION
25 TO DISMISS (Exhibit 1 – Order entered August 25, 2020).

26 ///

27 ///

28 ///

///

2. All rulings and interlocutory orders made appealable by any of the foregoing, including any subsequent award of attorneys' fees.

DATED this 24th day of September, 2020.

BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC

/s/ Brandon L. Phillips, Esq.
BRANDON L. PHILLIPS, ESQ
Nevada Bar No. 12264
1455 E. Tropicana Ave., Suite 750
Las Vegas, NV 89119
P: (702) 795-0097; F: (702) 795-0098
blp@abetterlegalpractice.com
Attorney for Plaintiff, L. Bulen

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of September, 2020, the undersigned, employee of Brandon L. Phillips, Attorney at Law, PLLC, served a true and correct copy of the **NOTICE OF APPEAL** via the District Court's electric filing system through Odyssey and by depositing a copy of the same in the United States Mail in an addressed sealed envelope, postage prepaid, to the following addresses:

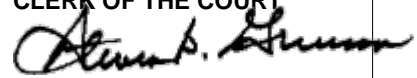
KORY L. KAPLAN
KYLE P. COTTNER
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Attorney for Defendants

/s/Robin Tucker
An employee of,
Brandon L. Phillips, Attorney at Law, PLLC

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Exhibit 1

Exhibit 1



1 **NEOJ**
2 KAPLAN COTTNER
3 KORY L. KAPLAN
4 Nevada Bar No. 13164
5 Email: kory@kaplancottner.com
6 850 E. Bonneville Ave.
7 Las Vegas, Nevada 89101
8 Telephone: (702) 381-8888
9 Facsimile: (702) 832-5559
10 *Attorneys for Defendants*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 LAWRA KASSEE BULEN an individual,
11 Plaintiff,

CASE NO. A-18-784807-C
DEPT. 8

12 vs.

NOTICE OF ENTRY OF ORDER

13 ROB LAUER, an individual, STEVE SANSON,
14 an individual, and DOES I through X; and ROE
15 CORPORATIONS I through X, Inclusive,
16 Defendants.

17 NOTICE IS HEREBY GIVEN that on the 21st day of August, 2020, an *Order Granting*
18 *Defendants' Special Motion to Dismiss Complaint Pursuant to NRS 41.660 ("Order")*, was entered
19 in the above-entitled matter, a copy of said Order is attached hereto.

20 Dated: August 25, 2020.

KAPLAN COTTNER

21
22 By: /s/ Kory L. Kaplan
23 KORY L. KAPLAN
24 Nevada Bar No. 13164
25 850 E. Bonneville Ave.
26 Las Vegas, Nevada 89101
27 *Attorney for Defendants*
28

KAPLAN COTTNER
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Tel: (702) 381-8888 Fax: (702) 832-5559

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Las Vegas, Nevada 89101
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CERTIFICATE OF SERVICE

I hereby certify that the *Notice of Entry of Order* submitted electronically for filing and/or service with the Eighth Judicial District Court on the 25th day of August, 2020. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows¹:

Attorneys for Plaintiff

Brandon Phillips

(blp@abetterlegalpractice.com)

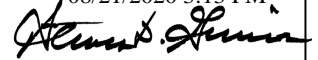
Robin Tucker

(rtucker@abetterlegalpractice.com)

/s/ Sunny Southworth

An employee of Kaplan Cottner

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).


CLERK OF THE COURT

ORDG
KAPLAN COTTNER
KORY L. KAPLAN
Nevada Bar No. 13164
Email: kory@kaplancottner.com
KYLE P. COTTNER
Nevada Bar No. 12722
Email: kyle@kaplancottner.com
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Telephone: (702) 381-8888
Facsimile: (702) 832-5559
Attorneys for Defendants

DISTRICT COURT
CLARK COUNTY, NEVADA

LAWRA KASSEE BULEN an individual,

Plaintiff,

vs.

ROB LAUER, an individual, STEVE SANSON,
an individual, and DOES I through X; and ROE
CORPORATIONS I through X, Inclusive,

Defendants.

CASE NO.: A-18-784807-C
DEPT. NO.: 8

ORDER GRANTING DEFENDANTS'
SPECIAL MOTION TO DISMISS
COMPLAINT PURSUANT TO NRS
41.660

Date of Hearing: August 4, 2020
Time of Hearing: 9:30 a.m.

THIS MATTER having come before the Court with respect to *Defendants' Special Motion to Dismiss Complaint Pursuant to NRS 41.660* ("Motion") commencing on August 4, 2020 at the hour of 9:30 a.m.; Kory L. Kaplan, Esq. of the law firm of Kaplan Cottner, appearing on behalf of Defendants Rob Lauer and Steve Sanson (collectively, "Defendants"); and Brandon L. Phillips, Esq., appearing on behalf of Plaintiff Lawra Kassee Bulen ("Plaintiff"); the Court having read and considered Defendants' Motion, the Opposition and Reply on file, and the exhibits attached thereto; and the Court having heard and considered the arguments of counsel, and good cause appearing therefor, the Court finds the following:

I.

FINDINGS OF FACT

1. On November 20, 2018, Plaintiff filed her Complaint against Defendants for: (1)

KAPLAN COTTNER
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 381-8888 Fax: (702) 832-5559

1 Defamation; (2) Defamation Per Se; (3) Invasion of Privacy: False Light; (4) Invasion of Privacy:
2 Unreasonable Publicity Given to Private Facts; (5) Intentional Interference with Prospective
3 Economic Advantage; (6) Intentional Infliction of Emotional Distress; (7) Negligence Per Se; (8)
4 Concert of Action; and (9) NRS 42.005 Request for Exemplary and Punitive Damages.

5 2. On July 2, 2020, Defendants filed the Motion.

6 3. In their Motion, Defendants argue that each of Plaintiff's causes of action arise from
7 protected speech in the form of several published articles and a video.

8 4. Attached to the Motion are declarations from each of the Defendants, stating that
9 the articles and video are truthful, made without Defendants' knowledge of any falsehood, and/or
10 are the opinions of Defendants.

11 II.

12 CONCLUSIONS OF LAW

13 5. Nevada's anti-SLAPP ("Strategic Lawsuit Against Public Participation") statutes
14 aim to protect First Amendment rights by providing defendants with a procedural mechanism to
15 dismiss "meritless lawsuit[s] that a party initiates primarily to chill a defendant's exercise of his
16 or her First Amendment free speech rights" before incurring the costs of litigation. *Stubbs v.*
17 *Strickland*, 129 Nev. 146, 150, 297 P.3d 326, 329 (2013). Nevada's anti-SLAPP statute is codified
18 in NRS 41.635 thru NRS 41.670, inclusive.

19 6. Nevada's anti-SLAPP statutes "create a procedural mechanism to prevent wasteful
20 and abusive litigation by requiring the plaintiff to make an initial showing of merit." *John v.*
21 *Douglas Cnty. Sch. Dist.*, 125 Nev. 746, 757-58, 219 P.3d 1276, 1284 (2009); *U.S. ex rel. Newsham*
22 *v. Lockheed Missiles & Space Co.*, 190 F.3d 963, 970-71 (9th Cir. 1999) ("The hallmark of a
23 SLAPP suit is that it lacks merit, and is brought with the goals of obtaining an economic advantage
24 over a citizen party by increasing the cost of litigation to the point that the citizen party's case will
25 be weakened or abandoned, and of deterring future litigation."). The Nevada Legislature has
26 further "explained that SLAPP lawsuits abuse the judicial process by chilling, intimidating and
27 punishing individuals for their involvement in public affairs." *John*, 125 Nev. at 752, 29 P.3d
28 1281.

7. Under Nevada’s anti-SLAPP statutes, a moving party may file a special motion to dismiss if an action is filed in retaliation to the exercise of free speech. *Coker v. Sassone*, 135 Nev. 8, 11–12, 432 P.3d 746, 749–50 (2019). A district court considering a special motion to dismiss must undertake a two-prong analysis. First, it must “[d]etermine whether the moving party has established, by a preponderance of the evidence, that the claim is based upon a good faith communication in furtherance of ... the right to free speech in direct connection with an issue of public concern.” NRS 41.660(3)(a). If successful, the district court advances to the second prong, whereby “the burden shifts to the plaintiff to show ‘with prima facie evidence a probability of prevailing on the claim.’” *Shapiro v. Welt*, 133 Nev. 35, 38, 389 P.3d 262, 267 (2017) (quoting NRS 41.660(3)(b)). Otherwise, the inquiry ends at the first prong, and the case advances to discovery.

8. A moving party seeking protection under NRS 41.660 need only demonstrate that his or her conduct falls within one of four statutorily defined categories of speech, rather than address difficult questions of First Amendment law. *See Delucchi v. Songer*, 133 Nev. 290, 299, 396 P.3d 826, 833 (2017). NRS 41.637(4) defines one such category as: “[c]ommunication 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.”

9. The published articles and video were made in a public forum. *Damon v. Ocean Hills Journalism Club*, 85 Cal.App.4th 468, 475, 102 Cal.Rptr.2d 205) (2000).¹

10. The published articles and video concern an issue of public interest as Plaintiff states in her Complaint that she is a campaign manager for Republican candidates and a professional real estate agent.

11. All of Plaintiff’s causes of action in the Complaint are based upon protected speech by Defendants as the underlying conduct central to each of the causes of action are good-faith

¹ The Nevada Supreme Court considers California case law when determining whether Nevada's anti-SLAPP statute applies to a claim because California's anti-SLAPP statute is similar in purpose and language to Nevada's anti-SLAPP statute. *John v. Douglas Cnty. Sch. Dist.*, 125 Nev. 746, 756, 219 P.3d 1276, 1283 (2009); *see* NRS 41.660; Cal.Civ.Proc.Code § 425.16 (West 2004 & Supp. 2009).

1 communications. *Abrams v. Sanson*, 136 Nev. Adv. Op. 9, 458 P.3d 1062 (2020); *Veterans in*
2 *Politics Int'l, Inc. v. Willick*, 457 P.3d 970 (Nev. 2020) (unpublished).

3 12. Defendants have satisfied their burden under the first prong of the anti-SLAPP
4 analysis as they have demonstrated that their statements were either truthful or made without
5 knowledge of their falsity, the statements concern matters of public concern, and the statements
6 were made in a public forum.

7 13. As such, the burden shifts to Plaintiff to show “with prima facie evidence a
8 probability of prevailing on the claim.” *Shapiro*, 133 Nev. at 38, 389 P.3d at 267 (quoting NRS
9 41.660(3)(b)).

10 14. In reviewing Plaintiff’s probability of prevailing on each of her claims arising from
11 protected good-faith communications, Plaintiff has not shown minimal merit.

12 15. Plaintiff’s defamation claim and defamation per se claim lack minimal merit
13 because Defendants’ statements were truthful, made without knowledge of falsehood, and/or were
14 opinions that therefore could not be defamatory. *See Pegasus v. Reno Newspapers, Inc.*, 118 Nev.
15 706, 718, 57 P.3d 82, 90 (2002) (excluding statements of opinion from defamation).

16 16. Plaintiff has not shown minimal merit supporting her claims for invasion of privacy
17 because she failed to show that she was placed in a false light that was highly offensive or that
18 Defendants’ statements were made with knowledge or disregard to their falsity. *See Restatement*
19 *(Second) of Torts* § 652E (1977).

20 17. Plaintiff’s claim for intentional interference with prospective business advantage
21 lacks minimal merit as Plaintiff has not demonstrated that the statements were false or that there
22 was otherwise wrongful or unjustified conduct on the part of Defendants. *Klein v. Freedom*
23 *Strategic Partners, LLC*, 595 F. Supp. 2d 1152 (D. Nev. 2009).

24 18. Plaintiff has not shown that her intentional infliction of emotional distress (IIED)
25 claim had minimal merit because she did not show extreme and outrageous conduct beyond the
26 bounds of decency. *See Olivero v. Lowe*, 116 Nev. 395, 398, 995 P.2d 1023, 1025 (2000) (stating
27 IIED claim elements); *Maduik v. Agency Rent-A-Car*, 114 Nev. 1, 4, 953 P.2d 24, 26 (1998)
28 (considering “extreme and outrageous conduct” as that which is beyond the bounds of decency).

1 *See Candelore v. Clark Cty. Sanitation Dist.*, 975 F.2d 588, 591 (9th Cir. 1992) (considering claim
2 for IIED under Nevada law and observing that “[l]iability for emotional distress will not extend to
3 ‘mere insults, indignities, threats, annoyances, petty oppressions, or other trivialities’” (quoting
4 *Restatement (Second) of Torts* § 46 cmt. d (1965))).

5 19. Plaintiff did not show minimal merit supporting her claim for concert of action
6 because she did not show any tortious act or that Defendant agreed to conduct an inherently
7 dangerous activity or an activity that poses a substantial risk of harm to others. *See GES, Inc. v.*
8 *Corbitt*, 117 Nev. 265, 271, 21 P.3d. 11, 15 (2001).

9 20. Since there is no minimal merit supporting any of Plaintiff’s other causes of action,
10 Plaintiff’s claim for punitive damages must also be dismissed. NRS 24.005.

11 21. As a result, Plaintiff has failed to meet her burden under the second prong of the
12 anti-SLAPP analysis.

13 22. As a matter of law, Defendants are entitled to attorney’s fees and costs, and may
14 also be awarded, in addition to reasonable costs and attorney’s fees, an amount of up to \$10,000
15 per Defendant. NRS 41.670(1)(a)-(b).

16 23. Defendants shall file a separate motion for attorney’s fees, costs, and an award
17 pursuant to NRS 41.670(1)(a)-(b).

18 **III.**

19 **ORDER**

20 Based on the foregoing findings of fact and conclusions of law,

21 **IT IS HEREBY ORDERED** that Defendants’ Special Motion to Dismiss Complaint
22 Pursuant to NRS 41.660 is **GRANTED** in its entirety.

23 **IT IS HEREBY FURTHER ORDERED** that Defendants are entitled to attorney’s fees
24 and costs, and may also be awarded, in addition to reasonable costs and attorney’s fees, an amount
25 of up to \$10,000 per Defendant.

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27 . . .

28 . . .

KAPLAN COTTNER
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 381-8888 Fax: (702) 832-5559

IT IS SO ORDERED this ____ day of August, 2020.

Dated this 21st day of August, 2020



HONORABLE TREVOR L. ATKIN
EIGHTH JUDICIAL DISTRICT COURT JUDGE

62A 31E 23DA 200C
Trevor Atkin
District Court Judge

Respectfully Submitted By:

Approved as to form and content:

Dated: August 18, 2020

Dated: August 18, 2020

KAPLAN COTTNER

BRANDON L. PHILLIPS, ATTORNEY
AT LAW, PLLC

By: /s/ Kory L. Kaplan
KORY L. KAPLAN
Nevada Bar No. 13164
850 E. Bonneville Ave.
Las Vegas, NV 89101
Attorneys for Defendants

By: /s/ Brandon L. Phillips
BRANDON L. PHILLIPS
Nevada Bar No. 12264
1455 E. Tropicana Ave., Suite 750
Las Vegas, NV 89119
Attorney for Plaintiff

Sunny Southworth

From: Brandon Phillips <blp@abetterlegalpractice.com>
Sent: Tuesday, August 18, 2020 11:20 AM
To: Kory Kaplan
Cc: Kyle Cottner; Sunny Southworth
Subject: RE: Bulen-Lauer Order Granting Anti-Slapp Motion

Follow Up Flag: Follow up
Flag Status: Completed

Kory,

You can use my e-signature for the Order.

Thank you,

BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC

Brandon L. Phillips, Esq.
1455 E. Tropicana Ave., Suite 750
Las Vegas, Nevada 89119
Phone: 702-795-0097
Facsimile: 702-795-0098
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From: Kory Kaplan <kory@kaplancottner.com>
Sent: Monday, August 10, 2020 3:18 PM
To: Brandon Phillips <blp@abetterlegalpractice.com>
Cc: Kyle Cottner <kyle@kaplancottner.com>; Sunny Southworth <sunny@kaplancottner.com>
Subject: Bulen-Lauer Order Granting Anti-Slapp Motion

Brandon,

Please see the attached draft of the order granting Defendants' Special Motion to Dismiss Complaint Pursuant to NRS 41.660. Please let me know if you have any edits.

Thanks,
Kory



Kory L. Kaplan, Esq.
850 E. Bonneville Ave.
Las Vegas, NV 89101
Tel (702) 381-8888
Fax (702) 382-1169
www.kaplancottner.com

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Lawra Bulen, Plaintiff(s)

CASE NO: A-18-784807-C

7 vs.

DEPT. NO. Department 8

8 Rob Lauer, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Granting was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/21/2020

15 Brandon Phillips blp@abetterlegalpractice.com

16 Paul Padda psp@paulpaddalaw.com

17 Steve Sanson devildog1285@cs.com

18 Rob Lauer news360daily@hotmail.com

19 Rob Lauer centurywest1@hotmail.com

20 Robin Tucker rtucker@abetterlegalpractice.com

21 Kory Kaplan kory@kaplancottner.com

22 Sara Savage sara@lzkclaw.com

23 Sunny Southworth sunny@kaplancottner.com

25

26

27

28

CASE SUMMARY**CASE NO. A-18-784807-C**

Lawra Bulen, Plaintiff(s)
vs.
Rob Lauer, Defendant(s)

§
§
§
§
§

Location: **Department 8**
 Judicial Officer: **Atkin, Trevor**
 Filed on: **11/20/2018**
 Case Number History:
 Cross-Reference Case Number: **A784807**

CASE INFORMATION**Statistical Closures**

08/21/2020 Motion to Dismiss by the Defendant(s)

Case Type: **Other Tort**

Case Status: **08/21/2020 Dismissed**

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number A-18-784807-C
 Court Department 8
 Date Assigned 09/30/2019
 Judicial Officer Atkin, Trevor

PARTY INFORMATION**Plaintiff****Bulen, Lawra Kasee**

Phillips, Brandon L.
Retained
 702-795-0097(W)

Defendant**Lauer, Rob**

Kaplan, Kory L.
Retained
 702-381-8888(W)

Sanson, Steve

Removed: 08/21/2020
 Dismissed

Kaplan, Kory L.
Retained
 702-381-8888(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

11/20/2018



Initial Appearance Fee Disclosure
Initial Appearance Fee Disclosure

11/20/2018



Complaint
 Filed By: Plaintiff Bulen, Lawra Kasee
Complaint

11/26/2018



Summons Electronically Issued - Service Pending
 Party: Plaintiff Bulen, Lawra Kasee
Summons

11/26/2018



Summons Electronically Issued - Service Pending
 Party: Plaintiff Bulen, Lawra Kasee
Summons

01/07/2019

Case Reassigned to Department 9
Judicial Reassignment - From Judge Bailus to Vacant, DC9

CASE SUMMARY

CASE NO. A-18-784807-C

01/25/2019	 Motion to Disqualify Attorney Filed By: Defendant Lauer, Rob <i>Defendant's Motion to Disqualify The Law Firm of Rena McDonald , McDonald Law Group LLC</i>
01/31/2019	 Motion to Withdraw As Counsel Filed By: Plaintiff Bulen, Lawra Kassee <i>Motion to Withdraw as Counsel of Record</i>
01/31/2019	 Application Filed By: Plaintiff Bulen, Lawra Kassee <i>Ex Parte Request for Order Shortening Time on Motion to Withdraw as Counsel of Record</i>
02/07/2019	 Order Shortening Time Filed By: Plaintiff Bulen, Lawra Kassee <i>Order Shortening Time on Motion to Withdraw as Counsel of Record</i>
02/13/2019	 Offer of Judgment <i>Defendant's Offer of Judgment</i>
02/19/2019	 Order to Withdraw as Attorney of Record Filed by: Plaintiff Bulen, Lawra Kassee <i>Order to Withdraw as Counsel of Record</i>
02/26/2019	 Affidavit of Service Filed By: Plaintiff Bulen, Lawra Kassee <i>Affidavit of Service</i>
02/26/2019	 Affidavit of Service Filed By: Plaintiff Bulen, Lawra Kassee <i>Affidavit of Service</i>
02/26/2019	 Affidavit of Service Filed By: Plaintiff Bulen, Lawra Kassee <i>Affidavit of Service</i>
02/26/2019	 Affidavit of Service Filed By: Plaintiff Bulen, Lawra Kassee <i>Affidavit of Service</i>
02/27/2019	 Default Filed By: Plaintiff Bulen, Lawra Kassee Default Prty: Defendant Lauer, Rob <i>(7/9/2020 Set Aside per order) Default</i>
02/27/2019	 Default Filed By: Plaintiff Bulen, Lawra Kassee Default Prty: Defendant Sanson, Steve <i>(7/9/2020 Set Aside per order) Default</i>
04/29/2019	Case Reassigned to Department 8 <i>Judicial Reassignment to Department 8 - Vacant DC8 Judge</i>

CASE SUMMARY

CASE NO. A-18-784807-C

06/25/2019	 Application for Default Judgment <i>Application for Entry of Default Judgment</i>
09/30/2019	Administrative Reassignment - Judicial Officer Change <i>From Vacant DC8 to Judge Trevor L. Atkin</i>
02/13/2020	 Order to Show Cause Re: Dismissal <i>Order to Show Cause Re: Dismissal</i>
03/10/2020	 Notice of Appearance Party: Plaintiff Bulen, Lawra Kassee <i>Notice of Appearance of Counsel</i>
03/11/2020	 Amended Notice Filed By: Plaintiff Bulen, Lawra Kassee <i>AMENDED NOTICE OF APPEARANCE OF COUNSEL</i>
03/11/2020	 Notice of Appearance Party: Plaintiff Bulen, Lawra Kassee <i>Second Amended Notice of Appearance of Counsel</i>
03/21/2020	 Motion to Continue <i>Motion to Continue Oral Hearing</i>
03/23/2020	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
03/23/2020	 Motion to Conform <i>Motion to Continue due to COVID19</i>
03/23/2020	 Clerk's Notice of Hearing <i>Clerk's Notice of Hearing</i>
04/02/2020	 Motion to Dismiss Filed By: Defendant Lauer, Rob; Defendant Sanson, Steve <i>Motion to Dismiss Plaintiff's Complaint</i>
04/03/2020	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
04/03/2020	 Motion to Dismiss Filed By: Defendant Lauer, Rob; Defendant Sanson, Steve <i>Defendants'[Notice of Motion and Motion to Dismiss Plaintiff's Complaint, Memorandum of Points and Authorities of Support, Exhibits, Affidavit of Robert Lauer in Support</i>
04/06/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/20/2020	 Opposition and Countermotion Filed By: Plaintiff Bulen, Lawra Kassee <i>Plaintiff's Opposition to Defendants' Motion to Dismiss and Countermotion for Attorneys' Fees and Costs</i>

CASE SUMMARY

CASE NO. A-18-784807-C

05/01/2020	 Motion to Set Aside Filed By: Defendant Lauer, Rob; Defendant Sanson, Steve <i>Defendants Reply In Support of Defendants Motion to Dismiss Plaintiff's Complaint and Opposition to Plaintiff's Countermotion for Attorney's Fees and Costs or in the Alternative, Defendants Motion to Set Aside Clerk's Default</i>
05/22/2020	 Motion to Set Aside Default Judgment Filed By: Defendant Lauer, Rob; Defendant Sanson, Steve <i>Defendants Motion To Set Aside Default and Vacate Judgement</i>
05/22/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
06/08/2020	 Opposition and Countermotion Filed By: Plaintiff Bulen, Lawra Kassee <i>Plaintiff's Opposition to Defendants' Motion to Set Aside Default and Vacate Judgment and Plaintiff's Countermotion for Application for Default Judgment</i>
06/19/2020	 Notice of Appearance <i>Notice of Appearance and Request for Special Notice</i>
06/19/2020	 Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>
06/19/2020	 Reply in Support Filed By: Defendant Lauer, Rob; Defendant Sanson, Steve <i>Defendants' Reply in Support of Motion to Set Aside Defaults and Opposition to Plaintiff's Countermotion for Application for Default Judgment</i>
07/02/2020	 Motion to Dismiss Filed By: Defendant Lauer, Rob; Defendant Sanson, Steve <i>Defendants' Special Motion to Dismiss Complaint Pursuant to NRS 41.660</i>
07/07/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
07/07/2020	 Certificate of Service <i>Certificate of Service</i>
07/09/2020	 Order Granting Motion Filed By: Defendant Lauer, Rob; Defendant Sanson, Steve <i>Order Granting Defendant's Motion to Set Aside Defaults And Denying Plaintiff's Countermotion For Application for Default Judgment</i>
07/09/2020	 Filing Fee Remittance <i>Filing Fee Remittance</i>
07/09/2020	 Notice of Entry of Order Filed By: Defendant Lauer, Rob; Defendant Sanson, Steve <i>Notice of Entry of Order Granting Defendants' Motion to Set Aside Defaults and Denying Plaintiff's Countermotion for Application for Default Judgment</i>
07/21/2020	 Notice of Non Opposition <i>Notice of Non-Opposition to Defendants' Special Motion to Dismiss Complaint Pursuant to</i>

CASE SUMMARY

CASE NO. A-18-784807-C

NRS 41.660

07/21/2020



Opposition to Motion

Filed By: Plaintiff Bulen, Lawra Kassee

Plaintiff Bulen's Opposition to Defendants' Anti-Slapp Special Motion to Dismiss Under NRS 41.660

07/28/2020



Reply in Support

Defendants' Reply in Support of Special Motion to Dismiss Complaint Pursuant to NRS 41.660

08/21/2020



Order Granting Motion

Filed By: Defendant Lauer, Rob; Defendant Sanson, Steve

Order Granting Defendants' Special Motion to Dismiss Complaint Pursuant to NRS 41.660

08/25/2020



Notice of Entry of Order

Filed By: Defendant Lauer, Rob

Notice of Entry of Order

09/01/2020



Motion for Attorney Fees and Costs

Defendants' Motion for Attorney's Fees, Costs, and Additional Relief Pursuant to NRS 41.660 and NRS 41.670

09/02/2020



Clerk's Notice of Hearing

Clerk's Notice of Hearing

09/15/2020



Opposition

Filed By: Plaintiff Bulen, Lawra Kassee

Plaintiff Bulen's Opposition to Defendants' Motion for Attorneys' Fees, Costs and Additional Relief Pursuant to NRS 41.660 and NRS 41.670

09/24/2020



Notice of Appeal

Filed By: Plaintiff Bulen, Lawra Kassee

Notice of Appeal

DISPOSITIONS

08/21/2020

Order of Dismissal (Judicial Officer: Atkin, Trevor)

Debtors: Lawra Kassee Bulen (Plaintiff)

Creditors: Rob Lauer (Defendant), Steve Sanson (Defendant)

Judgment: 08/21/2020, Docketed: 08/24/2020

HEARINGS

02/13/2019



Motion to Withdraw as Counsel (8:30 AM) (Judicial Officer: Thompson, Charles)

Motion to Withdraw as Counsel of Record

OST signed by Judge Thompson as 02/07/2019

Granted;

Journal Entry Details:

COURT ORDERED, motion GRANTED. Court noted the 3/6/19 Motion will be vacated as moot.;

03/06/2019

CANCELED Motion (3:00 AM) (Judicial Officer: Barker, David)

Vacated

04/20/2020



Minute Order (3:00 PM) (Judicial Officer: Atkin, Trevor)

April 23, 2020 BlueJeans Notice

Minute Order - No Hearing Held; April 23, 2020 BlueJeans Notice

CASE SUMMARY

CASE NO. A-18-784807-C

Journal Entry Details:

Department 8 Request to Appear Telephonically Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants. To use BlueJeans, please call in prior to the hearing at 1-888-748-9073. To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #. Your Meeting ID: 151 489 553 (NOTE: The meeting number will be different for each day s court session.) For your hearing, PLEASE observe the following protocol: Place your telephone on mute while waiting for your matter/case to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each time as a record is being made. Please be mindful of sounds of rustling of papers or coughing.;

04/23/2020

CANCELED Motion to Continue (9:05 AM) (Judicial Officer: Atkin, Trevor)

Vacated - per Clerk

Defendant's Motion to Continue

05/08/2020



Minute Order (3:00 PM) (Judicial Officer: Atkin, Trevor)

BlueJeans Notice May 12, 2020 Hearing

Minute Order - No Hearing Held; BlueJeans Notice - MAY 12, 2020 AT 9:00 AM HEARING

Journal Entry Details:

Department 8 Request to Appear Telephonically Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants. To use BlueJeans, please call in prior to the hearing at 1-888-748-9073. To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #. Your Meeting ID: 693 049 118 (NOTE: The meeting number will be different for each day s court session.) For your hearing, PLEASE observe the following protocol: Place your telephone on mute while waiting for your matter/case to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. ;

05/12/2020



Motion to Dismiss (9:00 AM) (Judicial Officer: Atkin, Trevor)

Defendants' Notice of Motion and Motion to Dismiss Plaintiff's Complaint, Memorandum of Points and Authorities of Support, Exhibits, Affidavit of Robert Lauer in Support

Denied Without Prejudice; Defendants' Notice of Motion and Motion to Dismiss Plaintiff's Complaint, Memorandum of Points and Authorities of Support, Exhibits, Affidavit of Robert Lauer in Support

Journal Entry Details:

COURT FINDS motion is not appropriate as the case is currently in default and ORDERS, Defendants' Notice of Motion and Motion to Dismiss Plaintiff's Complaint, Memorandum of Points and Authorities of Support, Exhibits, Affidavit of Robert Lauer in Support is DENIED Without Prejudice. FURTHER ORDERED, if Defendants intend to move to set aside default, the motion must be filed no later than May 22, 2020; and, set in the ordinary course. Court advised Plaintiff's counsel to hold off filing for judgment to with the understanding that Defendants have already indicated their intent to move to set aside the default. Mr. Lauer to prepare the order within 10 days have Mr. Phillips review as to form and content and distribute a filed copy to all parties involved in this matter.;

06/19/2020



Minute Order (3:00 AM) (Judicial Officer: Atkin, Trevor)

Minute Order Re: Dept. 8 Civil Law and Motion Calendar June 23, 2020, at 9:00 a.m.

Minute Order - No Hearing Held; MINUTE ORDER RE: DEPT. 8 CIVIL LAW AND MOTION CALENDAR JUNE 23, 2020, AT 9:00 A.M.




Journal Entry Details:

Department 8 Request to Appear Telephonically Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants. To use BlueJeans, please call in prior to the hearing at 1-888-748-9073. To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #. Your Meeting ID: 783 639 462 (NOTE: The meeting number will be different for each day s court session.) For your hearing, PLEASE observe the following protocol: Place your telephone on

CASE SUMMARY

CASE NO. A-18-784807-C

mute while waiting for your matter/case to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each time as a record is being made. Please be mindful of sounds of rustling of papers or coughing.;

- | | |
|------------|--|
| 06/23/2020 | <p>CANCELED Show Cause Hearing (9:00 AM) (Judicial Officer: Atkin, Trevor)</p> <p><i>Vacated - per Law Clerk</i></p> <p><i>Order to Show Cause Re: Dismissal</i></p> |
| 06/23/2020 | <p>Motion to Set Aside (9:00 AM) (Judicial Officer: Atkin, Trevor)</p> <p><i>Defendants' Motion to Set Aside Default and Vacate Judgement</i></p> <p>Granted; Defendants' Motion to Set Aside Default and Vacate Judgement</p> |
| 06/23/2020 | <p>Opposition and Countermotion (9:00 AM) (Judicial Officer: Atkin, Trevor)</p> <p><i>Plaintiff's Opposition to Defendants' Motion to Set Aside Default and Vacate Judgment and Plaintiff's Countermotion for Application for Default Judgment</i></p> <p>Moot; Plaintiff's Opposition to Defendants' Motion to Set Aside Default and Vacate Judgment and Plaintiff's Countermotion for Application for Default Judgment</p> |
| 06/23/2020 | <p> All Pending Motions (9:00 AM) (Judicial Officer: Atkin, Trevor)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Plaintiff's Opposition to Defendants' Motion to Set Aside Default and Vacate Judgment and Plaintiff's Countermotion for Application for Default Judgment ... Defendants' Motion to Set Aside Default and Vacate Judgement Mr. Kaplan confirmed as counsel for both Defendants noting that he has filed an appearance for Mr. Lauer. COURT FINDS good cause shown and excusable neglect and ORDERED, Defendants' Motion to Set Aside Default and Vacate Judgement is GRANTED. FURTHER, Defendants have 10 days from this date to file an answer and move forward pursuant to Rule 16. COURT FINDS based on Court's ruling on Defendants' motion that Plaintiff's Countermotion is MOOT. Mr. Kaplan to prepare the order within 10 days have opposing counsel review as to forma and content and distribute a filed copy to all parties involved in this matter.;</i></p> |
| 07/30/2020 | <p> Minute Order (3:00 AM) (Judicial Officer: Atkin, Trevor)</p> <p><i>BLUEJEANS NOTICE for DEPT. 8 STATUS CHECKS/OSC: DISMISSAL on AUGUST 4, 2020, AT 9:00 AM & LAW AND MOTION CALENDAR AUGUST 4, 2020, AT 9:30 AM</i></p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>BLUEJEANS NOTICE for DEPT. 8 STATUS CHECKS/OSC: DISMISSAL on AUGUST 4, 2020, AT 9:00 AM & LAW AND MOTION CALENDAR AUGUST 4, 2020, AT 9:30 AM</i></p> <p><i>Department 8 Request to Appear Telephonically All participants MUST check in with the moderator at 9:00 AM Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants. To use BlueJeans, please call in prior to the hearing at 1-888-748-9073. To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #. Your Meeting ID: 843 813 968 (NOTE: The meeting number will be different for each day's court session.) For your hearing, PLEASE observe the following protocol: Place your telephone on mute while waiting for your matter/case to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each time as a record is being made. Please be mindful of sounds of rustling of papers or coughing.;</i></p> |
| 08/04/2020 | <p> Motion to Dismiss (9:30 AM) (Judicial Officer: Atkin, Trevor)</p> <p>Events: 07/02/2020 Motion to Dismiss</p> <p><i>Defendants' Special Motion to Dismiss Complaint Pursuant to NRS 41.660</i></p> <p>Granted;</p> <p>Journal Entry Details:</p> <p><i>Arguments by counsel. Court Finds this case falls similar enough to 'Abrams' case; and, so as long as there is a good faith basis, journalists have a right to be wrong. COURT ORDERS, Defendants' Special Motion to Dismiss Complaint Pursuant to NRS 41.660 is GRANTED. Mr. Kaplan to prepare the order within 10 days have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.;</i></p> |

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-18-784807-C**

10/06/2020

Motion for Attorney Fees and Costs (9:30 AM) (Judicial Officer: Atkin, Trevor)
*Defendants' Motion for Attorney's Fees and Costs and Additional Relief Pursuant to NRS
41.660 and NRS 41.670*

DATE

FINANCIAL INFORMATION

Defendant Sanson, Steve

Total Charges

223.00

Total Payments and Credits

223.00

Balance Due as of 9/25/2020**0.00****Defendant** Lauer, Rob

Total Charges

253.00

Total Payments and Credits

253.00

Balance Due as of 9/25/2020**0.00****Plaintiff** Bulen, Lawra Kasee

Total Charges

294.00

Total Payments and Credits

294.00

Balance Due as of 9/25/2020**0.00**

DISTRICT COURT CIVIL COVER SHEET

A-18-784807-C

County, Nevada

Department 18

Case No. _____

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): Lawra Kassee Bulen c/o Rena McDonald-McDonald Law Group, LLC 203 S. Water Street Suite 300 Henderson, NV 89015	Defendant(s) (name/address/phone): Rob Lauer, an individual, Steve Sanson, an individual
Attorney (name/address/phone):	Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

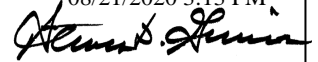
Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input checked="" type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

Date

Signature of initiating party or representative

See other side for family-related case filings.


CLERK OF THE COURT

ORDG
KAPLAN COTTNER
KORY L. KAPLAN
Nevada Bar No. 13164
Email: kory@kaplancottner.com
KYLE P. COTTNER
Nevada Bar No. 12722
Email: kyle@kaplancottner.com
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Telephone: (702) 381-8888
Facsimile: (702) 832-5559
Attorneys for Defendants

DISTRICT COURT
CLARK COUNTY, NEVADA

LAWRA KASSEE BULEN an individual,

Plaintiff,

vs.

ROB LAUER, an individual, STEVE SANSON,
an individual, and DOES I through X; and ROE
CORPORATIONS I through X, Inclusive,

Defendants.

CASE NO.: A-18-784807-C
DEPT. NO.: 8

ORDER GRANTING DEFENDANTS'
SPECIAL MOTION TO DISMISS
COMPLAINT PURSUANT TO NRS
41.660

Date of Hearing: August 4, 2020
Time of Hearing: 9:30 a.m.

THIS MATTER having come before the Court with respect to *Defendants' Special Motion to Dismiss Complaint Pursuant to NRS 41.660* ("Motion") commencing on August 4, 2020 at the hour of 9:30 a.m.; Kory L. Kaplan, Esq. of the law firm of Kaplan Cottner, appearing on behalf of Defendants Rob Lauer and Steve Sanson (collectively, "Defendants"); and Brandon L. Phillips, Esq., appearing on behalf of Plaintiff Lawra Kassee Bulen ("Plaintiff"); the Court having read and considered Defendants' Motion, the Opposition and Reply on file, and the exhibits attached thereto; and the Court having heard and considered the arguments of counsel, and good cause appearing therefor, the Court finds the following:

I.

FINDINGS OF FACT

1. On November 20, 2018, Plaintiff filed her Complaint against Defendants for: (1)

KAPLAN COTTNER
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 381-8888 Fax: (702) 832-5559

1 Defamation; (2) Defamation Per Se; (3) Invasion of Privacy: False Light; (4) Invasion of Privacy:
2 Unreasonable Publicity Given to Private Facts; (5) Intentional Interference with Prospective
3 Economic Advantage; (6) Intentional Infliction of Emotional Distress; (7) Negligence Per Se; (8)
4 Concert of Action; and (9) NRS 42.005 Request for Exemplary and Punitive Damages.

5 2. On July 2, 2020, Defendants filed the Motion.

6 3. In their Motion, Defendants argue that each of Plaintiff's causes of action arise from
7 protected speech in the form of several published articles and a video.

8 4. Attached to the Motion are declarations from each of the Defendants, stating that
9 the articles and video are truthful, made without Defendants' knowledge of any falsehood, and/or
10 are the opinions of Defendants.

11 II.

12 CONCLUSIONS OF LAW

13 5. Nevada's anti-SLAPP ("Strategic Lawsuit Against Public Participation") statutes
14 aim to protect First Amendment rights by providing defendants with a procedural mechanism to
15 dismiss "meritless lawsuit[s] that a party initiates primarily to chill a defendant's exercise of his
16 or her First Amendment free speech rights" before incurring the costs of litigation. *Stubbs v.*
17 *Strickland*, 129 Nev. 146, 150, 297 P.3d 326, 329 (2013). Nevada's anti-SLAPP statute is codified
18 in NRS 41.635 thru NRS 41.670, inclusive.

19 6. Nevada's anti-SLAPP statutes "create a procedural mechanism to prevent wasteful
20 and abusive litigation by requiring the plaintiff to make an initial showing of merit." *John v.*
21 *Douglas Cnty. Sch. Dist.*, 125 Nev. 746, 757-58, 219 P.3d 1276, 1284 (2009); *U.S. ex rel. Newsham*
22 *v. Lockheed Missiles & Space Co.*, 190 F.3d 963, 970-71 (9th Cir. 1999) ("The hallmark of a
23 SLAPP suit is that it lacks merit, and is brought with the goals of obtaining an economic advantage
24 over a citizen party by increasing the cost of litigation to the point that the citizen party's case will
25 be weakened or abandoned, and of deterring future litigation."). The Nevada Legislature has
26 further "explained that SLAPP lawsuits abuse the judicial process by chilling, intimidating and
27 punishing individuals for their involvement in public affairs." *John*, 125 Nev. at 752, 29 P.3d
28 1281.

7. Under Nevada’s anti-SLAPP statutes, a moving party may file a special motion to dismiss if an action is filed in retaliation to the exercise of free speech. *Coker v. Sassone*, 135 Nev. 8, 11–12, 432 P.3d 746, 749–50 (2019). A district court considering a special motion to dismiss must undertake a two-prong analysis. First, it must “[d]etermine whether the moving party has established, by a preponderance of the evidence, that the claim is based upon a good faith communication in furtherance of ... the right to free speech in direct connection with an issue of public concern.” NRS 41.660(3)(a). If successful, the district court advances to the second prong, whereby “the burden shifts to the plaintiff to show ‘with prima facie evidence a probability of prevailing on the claim.’” *Shapiro v. Welt*, 133 Nev. 35, 38, 389 P.3d 262, 267 (2017) (quoting NRS 41.660(3)(b)). Otherwise, the inquiry ends at the first prong, and the case advances to discovery.

8. A moving party seeking protection under NRS 41.660 need only demonstrate that his or her conduct falls within one of four statutorily defined categories of speech, rather than address difficult questions of First Amendment law. *See Delucchi v. Songer*, 133 Nev. 290, 299, 396 P.3d 826, 833 (2017). NRS 41.637(4) defines one such category as: “[c]ommunication 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.”

9. The published articles and video were made in a public forum. *Damon v. Ocean Hills Journalism Club*, 85 Cal.App.4th 468, 475, 102 Cal.Rptr.2d 205) (2000).¹

10. The published articles and video concern an issue of public interest as Plaintiff states in her Complaint that she is a campaign manager for Republican candidates and a professional real estate agent.

11. All of Plaintiff’s causes of action in the Complaint are based upon protected speech by Defendants as the underlying conduct central to each of the causes of action are good-faith

¹ The Nevada Supreme Court considers California case law when determining whether Nevada's anti-SLAPP statute applies to a claim because California's anti-SLAPP statute is similar in purpose and language to Nevada's anti-SLAPP statute. *John v. Douglas Cnty. Sch. Dist.*, 125 Nev. 746, 756, 219 P.3d 1276, 1283 (2009); *see* NRS 41.660; Cal.Civ.Proc.Code § 425.16 (West 2004 & Supp. 2009).

1 communications. *Abrams v. Sanson*, 136 Nev. Adv. Op. 9, 458 P.3d 1062 (2020); *Veterans in*
2 *Politics Int'l, Inc. v. Willick*, 457 P.3d 970 (Nev. 2020) (unpublished).

3 12. Defendants have satisfied their burden under the first prong of the anti-SLAPP
4 analysis as they have demonstrated that their statements were either truthful or made without
5 knowledge of their falsity, the statements concern matters of public concern, and the statements
6 were made in a public forum.

7 13. As such, the burden shifts to Plaintiff to show “with prima facie evidence a
8 probability of prevailing on the claim.” *Shapiro*, 133 Nev. at 38, 389 P.3d at 267 (quoting NRS
9 41.660(3)(b)).

10 14. In reviewing Plaintiff’s probability of prevailing on each of her claims arising from
11 protected good-faith communications, Plaintiff has not shown minimal merit.

12 15. Plaintiff’s defamation claim and defamation per se claim lack minimal merit
13 because Defendants’ statements were truthful, made without knowledge of falsehood, and/or were
14 opinions that therefore could not be defamatory. *See Pegasus v. Reno Newspapers, Inc.*, 118 Nev.
15 706, 718, 57 P.3d 82, 90 (2002) (excluding statements of opinion from defamation).

16 16. Plaintiff has not shown minimal merit supporting her claims for invasion of privacy
17 because she failed to show that she was placed in a false light that was highly offensive or that
18 Defendants’ statements were made with knowledge or disregard to their falsity. *See Restatement*
19 *(Second) of Torts* § 652E (1977).

20 17. Plaintiff’s claim for intentional interference with prospective business advantage
21 lacks minimal merit as Plaintiff has not demonstrated that the statements were false or that there
22 was otherwise wrongful or unjustified conduct on the part of Defendants. *Klein v. Freedom*
23 *Strategic Partners, LLC*, 595 F. Supp. 2d 1152 (D. Nev. 2009).

24 18. Plaintiff has not shown that her intentional infliction of emotional distress (IIED)
25 claim had minimal merit because she did not show extreme and outrageous conduct beyond the
26 bounds of decency. *See Olivero v. Lowe*, 116 Nev. 395, 398, 995 P.2d 1023, 1025 (2000) (stating
27 IIED claim elements); *Maduike v. Agency Rent-A-Car*, 114 Nev. 1, 4, 953 P.2d 24, 26 (1998)
28 (considering “extreme and outrageous conduct” as that which is beyond the bounds of decency).

1 *See Candelore v. Clark Cty. Sanitation Dist.*, 975 F.2d 588, 591 (9th Cir. 1992) (considering claim
2 for IIED under Nevada law and observing that “[l]iability for emotional distress will not extend to
3 ‘mere insults, indignities, threats, annoyances, petty oppressions, or other trivialities’” (quoting
4 *Restatement (Second) of Torts* § 46 cmt. d (1965))).

5 19. Plaintiff did not show minimal merit supporting her claim for concert of action
6 because she did not show any tortious act or that Defendant agreed to conduct an inherently
7 dangerous activity or an activity that poses a substantial risk of harm to others. *See GES, Inc. v.*
8 *Corbitt*, 117 Nev. 265, 271, 21 P.3d. 11, 15 (2001).

9 20. Since there is no minimal merit supporting any of Plaintiff’s other causes of action,
10 Plaintiff’s claim for punitive damages must also be dismissed. NRS 24.005.

11 21. As a result, Plaintiff has failed to meet her burden under the second prong of the
12 anti-SLAPP analysis.

13 22. As a matter of law, Defendants are entitled to attorney’s fees and costs, and may
14 also be awarded, in addition to reasonable costs and attorney’s fees, an amount of up to \$10,000
15 per Defendant. NRS 41.670(1)(a)-(b).

16 23. Defendants shall file a separate motion for attorney’s fees, costs, and an award
17 pursuant to NRS 41.670(1)(a)-(b).

18 **III.**

19 **ORDER**

20 Based on the foregoing findings of fact and conclusions of law,

21 **IT IS HEREBY ORDERED** that Defendants’ Special Motion to Dismiss Complaint
22 Pursuant to NRS 41.660 is **GRANTED** in its entirety.

23 **IT IS HEREBY FURTHER ORDERED** that Defendants are entitled to attorney’s fees
24 and costs, and may also be awarded, in addition to reasonable costs and attorney’s fees, an amount
25 of up to \$10,000 per Defendant.

26 . . .

27 . . .

28 . . .

KAPLAN COTTNER
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 381-8888 Fax: (702) 832-5559

IT IS SO ORDERED this ____ day of August, 2020.

Dated this 21st day of August, 2020



HONORABLE TREVOR L. ATKIN
EIGHTH JUDICIAL DISTRICT COURT JUDGE

62A 31E 23DA 200C
Trevor Atkin
District Court Judge

Respectfully Submitted By:

Approved as to form and content:

Dated: August 18, 2020

Dated: August 18, 2020

KAPLAN COTTNER

BRANDON L. PHILLIPS, ATTORNEY
AT LAW, PLLC

By: /s/ Kory L. Kaplan
KORY L. KAPLAN
Nevada Bar No. 13164
850 E. Bonneville Ave.
Las Vegas, NV 89101
Attorneys for Defendants

By: /s/ Brandon L. Phillips
BRANDON L. PHILLIPS
Nevada Bar No. 12264
1455 E. Tropicana Ave., Suite 750
Las Vegas, NV 89119
Attorney for Plaintiff

Sunny Southworth

From: Brandon Phillips <blp@abetterlegalpractice.com>
Sent: Tuesday, August 18, 2020 11:20 AM
To: Kory Kaplan
Cc: Kyle Cottner; Sunny Southworth
Subject: RE: Bulen-Lauer Order Granting Anti-Slapp Motion

Follow Up Flag: Follow up
Flag Status: Completed

Kory,

You can use my e-signature for the Order.

Thank you,

BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC

Brandon L. Phillips, Esq.
1455 E. Tropicana Ave., Suite 750
Las Vegas, Nevada 89119
Phone: 702-795-0097
Facsimile: 702-795-0098
Email: blp@abetterlegalpractice.com

NOTICES: This message, including attachments, is confidential and may contain information protected by the attorney-client privilege or work product doctrine. If you are not the addressee, any disclosure, copying, distribution, or use of the contents of this message are prohibited. If you have received this email in error, please destroy this communication and notify my office immediately.

From: Kory Kaplan <kory@kaplancottner.com>
Sent: Monday, August 10, 2020 3:18 PM
To: Brandon Phillips <blp@abetterlegalpractice.com>
Cc: Kyle Cottner <kyle@kaplancottner.com>; Sunny Southworth <sunny@kaplancottner.com>
Subject: Bulen-Lauer Order Granting Anti-Slapp Motion

Brandon,

Please see the attached draft of the order granting Defendants' Special Motion to Dismiss Complaint Pursuant to NRS 41.660. Please let me know if you have any edits.

Thanks,
Kory



Kory L. Kaplan, Esq.
850 E. Bonneville Ave.
Las Vegas, NV 89101
Tel (702) 381-8888
Fax (702) 382-1169
www.kaplancottner.com

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Lawra Bulen, Plaintiff(s)

CASE NO: A-18-784807-C

7 vs.

DEPT. NO. Department 8

8 Rob Lauer, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Granting was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/21/2020

15 Brandon Phillips

blp@abetterlegalpractice.com

16 Paul Padda

psp@paulpaddalaw.com

17 Steve Sanson

devildog1285@cs.com

18 Rob Lauer

news360daily@hotmail.com

19 Rob Lauer

centurywest1@hotmail.com

20 Robin Tucker

rtucker@abetterlegalpractice.com

21 Kory Kaplan

kory@kaplancottner.com

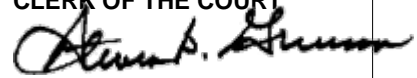
22 Sara Savage

sara@lzkclaw.com

23 Sunny Southworth

sunny@kaplancottner.com

24
25
26
27
28



1 **NEOJ**
2 KAPLAN COTTNER
3 KORY L. KAPLAN
4 Nevada Bar No. 13164
5 Email: kory@kaplancottner.com
6 850 E. Bonneville Ave.
7 Las Vegas, Nevada 89101
8 Telephone: (702) 381-8888
9 Facsimile: (702) 832-5559
10 *Attorneys for Defendants*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 LAWRA KASSEE BULEN an individual,
11 Plaintiff,

CASE NO. A-18-784807-C
DEPT. 8

12 vs.

NOTICE OF ENTRY OF ORDER

13 ROB LAUER, an individual, STEVE SANSON,
14 an individual, and DOES I through X; and ROE
15 CORPORATIONS I through X, Inclusive,
16 Defendants.

17 NOTICE IS HEREBY GIVEN that on the 21st day of August, 2020, an *Order Granting*
18 *Defendants' Special Motion to Dismiss Complaint Pursuant to NRS 41.660 ("Order")*, was entered
19 in the above-entitled matter, a copy of said Order is attached hereto.

20 Dated: August 25, 2020.

KAPLAN COTTNER

21
22 By: /s/ Kory L. Kaplan
23 KORY L. KAPLAN
24 Nevada Bar No. 13164
25 850 E. Bonneville Ave.
26 Las Vegas, Nevada 89101
27 *Attorney for Defendants*
28

KAPLAN COTTNER
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 381-8888 Fax: (702) 832-5559

KAPLAN COTTNER
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 381-8888 Fax: (702) 832-5559

CERTIFICATE OF SERVICE

I hereby certify that the *Notice of Entry of Order* submitted electronically for filing and/or service with the Eighth Judicial District Court on the 25th day of August, 2020. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows¹:

Attorneys for Plaintiff

Brandon Phillips

(blp@abetterlegalpractice.com)

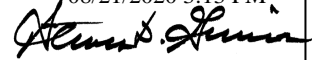
Robin Tucker

(rtucker@abetterlegalpractice.com)

/s/ Sunny Southworth

An employee of Kaplan Cottner

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).


CLERK OF THE COURT

ORDG
KAPLAN COTTNER
KORY L. KAPLAN
Nevada Bar No. 13164
Email: kory@kaplancottner.com
KYLE P. COTTNER
Nevada Bar No. 12722
Email: kyle@kaplancottner.com
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Telephone: (702) 381-8888
Facsimile: (702) 832-5559
Attorneys for Defendants

DISTRICT COURT
CLARK COUNTY, NEVADA

LAWRA KASSEE BULEN an individual,

Plaintiff,

vs.

ROB LAUER, an individual, STEVE SANSON,
an individual, and DOES I through X; and ROE
CORPORATIONS I through X, Inclusive,

Defendants.

CASE NO.: A-18-784807-C
DEPT. NO.: 8

ORDER GRANTING DEFENDANTS'
SPECIAL MOTION TO DISMISS
COMPLAINT PURSUANT TO NRS
41.660

Date of Hearing: August 4, 2020
Time of Hearing: 9:30 a.m.

THIS MATTER having come before the Court with respect to *Defendants' Special Motion to Dismiss Complaint Pursuant to NRS 41.660* ("Motion") commencing on August 4, 2020 at the hour of 9:30 a.m.; Kory L. Kaplan, Esq. of the law firm of Kaplan Cottner, appearing on behalf of Defendants Rob Lauer and Steve Sanson (collectively, "Defendants"); and Brandon L. Phillips, Esq., appearing on behalf of Plaintiff Lawra Kassee Bulen ("Plaintiff"); the Court having read and considered Defendants' Motion, the Opposition and Reply on file, and the exhibits attached thereto; and the Court having heard and considered the arguments of counsel, and good cause appearing therefor, the Court finds the following:

I.

FINDINGS OF FACT

1. On November 20, 2018, Plaintiff filed her Complaint against Defendants for: (1)

KAPLAN COTTNER
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 381-8888 Fax: (702) 832-5559

1 Defamation; (2) Defamation Per Se; (3) Invasion of Privacy: False Light; (4) Invasion of Privacy:
2 Unreasonable Publicity Given to Private Facts; (5) Intentional Interference with Prospective
3 Economic Advantage; (6) Intentional Infliction of Emotional Distress; (7) Negligence Per Se; (8)
4 Concert of Action; and (9) NRS 42.005 Request for Exemplary and Punitive Damages.

5 2. On July 2, 2020, Defendants filed the Motion.

6 3. In their Motion, Defendants argue that each of Plaintiff's causes of action arise from
7 protected speech in the form of several published articles and a video.

8 4. Attached to the Motion are declarations from each of the Defendants, stating that
9 the articles and video are truthful, made without Defendants' knowledge of any falsehood, and/or
10 are the opinions of Defendants.

11 II.

12 CONCLUSIONS OF LAW

13 5. Nevada's anti-SLAPP ("Strategic Lawsuit Against Public Participation") statutes
14 aim to protect First Amendment rights by providing defendants with a procedural mechanism to
15 dismiss "meritless lawsuit[s] that a party initiates primarily to chill a defendant's exercise of his
16 or her First Amendment free speech rights" before incurring the costs of litigation. *Stubbs v.*
17 *Strickland*, 129 Nev. 146, 150, 297 P.3d 326, 329 (2013). Nevada's anti-SLAPP statute is codified
18 in NRS 41.635 thru NRS 41.670, inclusive.

19 6. Nevada's anti-SLAPP statutes "create a procedural mechanism to prevent wasteful
20 and abusive litigation by requiring the plaintiff to make an initial showing of merit." *John v.*
21 *Douglas Cnty. Sch. Dist.*, 125 Nev. 746, 757-58, 219 P.3d 1276, 1284 (2009); *U.S. ex rel. Newsham*
22 *v. Lockheed Missiles & Space Co.*, 190 F.3d 963, 970-71 (9th Cir. 1999) ("The hallmark of a
23 SLAPP suit is that it lacks merit, and is brought with the goals of obtaining an economic advantage
24 over a citizen party by increasing the cost of litigation to the point that the citizen party's case will
25 be weakened or abandoned, and of deterring future litigation."). The Nevada Legislature has
26 further "explained that SLAPP lawsuits abuse the judicial process by chilling, intimidating and
27 punishing individuals for their involvement in public affairs." *John*, 125 Nev. at 752, 29 P.3d
28 1281.

7. Under Nevada’s anti-SLAPP statutes, a moving party may file a special motion to dismiss if an action is filed in retaliation to the exercise of free speech. *Coker v. Sassone*, 135 Nev. 8, 11–12, 432 P.3d 746, 749–50 (2019). A district court considering a special motion to dismiss must undertake a two-prong analysis. First, it must “[d]etermine whether the moving party has established, by a preponderance of the evidence, that the claim is based upon a good faith communication in furtherance of ... the right to free speech in direct connection with an issue of public concern.” NRS 41.660(3)(a). If successful, the district court advances to the second prong, whereby “the burden shifts to the plaintiff to show ‘with prima facie evidence a probability of prevailing on the claim.’” *Shapiro v. Welt*, 133 Nev. 35, 38, 389 P.3d 262, 267 (2017) (quoting NRS 41.660(3)(b)). Otherwise, the inquiry ends at the first prong, and the case advances to discovery.

8. A moving party seeking protection under NRS 41.660 need only demonstrate that his or her conduct falls within one of four statutorily defined categories of speech, rather than address difficult questions of First Amendment law. *See Delucchi v. Songer*, 133 Nev. 290, 299, 396 P.3d 826, 833 (2017). NRS 41.637(4) defines one such category as: “[c]ommunication 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.”

9. The published articles and video were made in a public forum. *Damon v. Ocean Hills Journalism Club*, 85 Cal.App.4th 468, 475, 102 Cal.Rptr.2d 205) (2000).¹

10. The published articles and video concern an issue of public interest as Plaintiff states in her Complaint that she is a campaign manager for Republican candidates and a professional real estate agent.

11. All of Plaintiff’s causes of action in the Complaint are based upon protected speech by Defendants as the underlying conduct central to each of the causes of action are good-faith

¹ The Nevada Supreme Court considers California case law when determining whether Nevada's anti-SLAPP statute applies to a claim because California's anti-SLAPP statute is similar in purpose and language to Nevada's anti-SLAPP statute. *John v. Douglas Cnty. Sch. Dist.*, 125 Nev. 746, 756, 219 P.3d 1276, 1283 (2009); *see* NRS 41.660; Cal.Civ.Proc.Code § 425.16 (West 2004 & Supp. 2009).

1 communications. *Abrams v. Sanson*, 136 Nev. Adv. Op. 9, 458 P.3d 1062 (2020); *Veterans in*
2 *Politics Int'l, Inc. v. Willick*, 457 P.3d 970 (Nev. 2020) (unpublished).

3 12. Defendants have satisfied their burden under the first prong of the anti-SLAPP
4 analysis as they have demonstrated that their statements were either truthful or made without
5 knowledge of their falsity, the statements concern matters of public concern, and the statements
6 were made in a public forum.

7 13. As such, the burden shifts to Plaintiff to show “with prima facie evidence a
8 probability of prevailing on the claim.” *Shapiro*, 133 Nev. at 38, 389 P.3d at 267 (quoting NRS
9 41.660(3)(b)).

10 14. In reviewing Plaintiff’s probability of prevailing on each of her claims arising from
11 protected good-faith communications, Plaintiff has not shown minimal merit.

12 15. Plaintiff’s defamation claim and defamation per se claim lack minimal merit
13 because Defendants’ statements were truthful, made without knowledge of falsehood, and/or were
14 opinions that therefore could not be defamatory. *See Pegasus v. Reno Newspapers, Inc.*, 118 Nev.
15 706, 718, 57 P.3d 82, 90 (2002) (excluding statements of opinion from defamation).

16 16. Plaintiff has not shown minimal merit supporting her claims for invasion of privacy
17 because she failed to show that she was placed in a false light that was highly offensive or that
18 Defendants’ statements were made with knowledge or disregard to their falsity. *See Restatement*
19 *(Second) of Torts* § 652E (1977).

20 17. Plaintiff’s claim for intentional interference with prospective business advantage
21 lacks minimal merit as Plaintiff has not demonstrated that the statements were false or that there
22 was otherwise wrongful or unjustified conduct on the part of Defendants. *Klein v. Freedom*
23 *Strategic Partners, LLC*, 595 F. Supp. 2d 1152 (D. Nev. 2009).

24 18. Plaintiff has not shown that her intentional infliction of emotional distress (IIED)
25 claim had minimal merit because she did not show extreme and outrageous conduct beyond the
26 bounds of decency. *See Olivero v. Lowe*, 116 Nev. 395, 398, 995 P.2d 1023, 1025 (2000) (stating
27 IIED claim elements); *Maduike v. Agency Rent-A-Car*, 114 Nev. 1, 4, 953 P.2d 24, 26 (1998)
28 (considering “extreme and outrageous conduct” as that which is beyond the bounds of decency).

1 *See Candelore v. Clark Cty. Sanitation Dist.*, 975 F.2d 588, 591 (9th Cir. 1992) (considering claim
2 for IIED under Nevada law and observing that “[l]iability for emotional distress will not extend to
3 ‘mere insults, indignities, threats, annoyances, petty oppressions, or other trivialities’” (quoting
4 *Restatement (Second) of Torts* § 46 cmt. d (1965))).

5 19. Plaintiff did not show minimal merit supporting her claim for concert of action
6 because she did not show any tortious act or that Defendant agreed to conduct an inherently
7 dangerous activity or an activity that poses a substantial risk of harm to others. *See GES, Inc. v.*
8 *Corbitt*, 117 Nev. 265, 271, 21 P.3d. 11, 15 (2001).

9 20. Since there is no minimal merit supporting any of Plaintiff’s other causes of action,
10 Plaintiff’s claim for punitive damages must also be dismissed. NRS 24.005.

11 21. As a result, Plaintiff has failed to meet her burden under the second prong of the
12 anti-SLAPP analysis.

13 22. As a matter of law, Defendants are entitled to attorney’s fees and costs, and may
14 also be awarded, in addition to reasonable costs and attorney’s fees, an amount of up to \$10,000
15 per Defendant. NRS 41.670(1)(a)-(b).

16 23. Defendants shall file a separate motion for attorney’s fees, costs, and an award
17 pursuant to NRS 41.670(1)(a)-(b).

18 **III.**

19 **ORDER**

20 Based on the foregoing findings of fact and conclusions of law,

21 **IT IS HEREBY ORDERED** that Defendants’ Special Motion to Dismiss Complaint
22 Pursuant to NRS 41.660 is **GRANTED** in its entirety.

23 **IT IS HEREBY FURTHER ORDERED** that Defendants are entitled to attorney’s fees
24 and costs, and may also be awarded, in addition to reasonable costs and attorney’s fees, an amount
25 of up to \$10,000 per Defendant.

26 . . .

27 . . .

28 . . .

KAPLAN COTTNER
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 381-8888 Fax: (702) 832-5559

IT IS SO ORDERED this ____ day of August, 2020.

Dated this 21st day of August, 2020



HONORABLE TREVOR L. ATKIN
EIGHTH JUDICIAL DISTRICT COURT JUDGE

62A 31E 23DA 200C
Trevor Atkin
District Court Judge

Respectfully Submitted By:

Approved as to form and content:

Dated: August 18, 2020

Dated: August 18, 2020

KAPLAN COTTNER

BRANDON L. PHILLIPS, ATTORNEY
AT LAW, PLLC

By: /s/ Kory L. Kaplan
KORY L. KAPLAN
Nevada Bar No. 13164
850 E. Bonneville Ave.
Las Vegas, NV 89101
Attorneys for Defendants

By: /s/ Brandon L. Phillips
BRANDON L. PHILLIPS
Nevada Bar No. 12264
1455 E. Tropicana Ave., Suite 750
Las Vegas, NV 89119
Attorney for Plaintiff

Sunny Southworth

From: Brandon Phillips <blp@abetterlegalpractice.com>
Sent: Tuesday, August 18, 2020 11:20 AM
To: Kory Kaplan
Cc: Kyle Cottner; Sunny Southworth
Subject: RE: Bulen-Lauer Order Granting Anti-Slapp Motion

Follow Up Flag: Follow up
Flag Status: Completed

Kory,

You can use my e-signature for the Order.

Thank you,

BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC

Brandon L. Phillips, Esq.
1455 E. Tropicana Ave., Suite 750
Las Vegas, Nevada 89119
Phone: 702-795-0097
Facsimile: 702-795-0098
Email: blp@abetterlegalpractice.com

NOTICES: This message, including attachments, is confidential and may contain information protected by the attorney-client privilege or work product doctrine. If you are not the addressee, any disclosure, copying, distribution, or use of the contents of this message are prohibited. If you have received this email in error, please destroy this communication and notify my office immediately.

From: Kory Kaplan <kory@kaplancottner.com>
Sent: Monday, August 10, 2020 3:18 PM
To: Brandon Phillips <blp@abetterlegalpractice.com>
Cc: Kyle Cottner <kyle@kaplancottner.com>; Sunny Southworth <sunny@kaplancottner.com>
Subject: Bulen-Lauer Order Granting Anti-Slapp Motion

Brandon,

Please see the attached draft of the order granting Defendants' Special Motion to Dismiss Complaint Pursuant to NRS 41.660. Please let me know if you have any edits.

Thanks,
Kory



Kory L. Kaplan, Esq.
850 E. Bonneville Ave.
Las Vegas, NV 89101
Tel (702) 381-8888
Fax (702) 382-1169
www.kaplancottner.com

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Lawra Bulen, Plaintiff(s)

CASE NO: A-18-784807-C

7 vs.

DEPT. NO. Department 8

8 Rob Lauer, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Granting was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/21/2020

15 Brandon Phillips blp@abetterlegalpractice.com

16 Paul Padda psp@paulpaddalaw.com

17 Steve Sanson devildog1285@cs.com

18 Rob Lauer news360daily@hotmail.com

19 Rob Lauer centurywest1@hotmail.com

20 Robin Tucker rtucker@abetterlegalpractice.com

21 Kory Kaplan kory@kaplancottner.com

22 Sara Savage sara@lzkclaw.com

23 Sunny Southworth sunny@kaplancottner.com

25

26

27

28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

February 13, 2019

A-18-784807-C Lawra Bulen, Plaintiff(s)
vs.
Rob Lauer, Defendant(s)

**February 13, 2019 8:30 AM Motion to Withdraw as
Counsel**

HEARD BY: Thompson, Charles

COURTROOM: Phoenix Building 11th Floor
110

COURT CLERK:

Alice Jacobson

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: McDonald, Rena

Attorney

JOURNAL ENTRIES

- COURT ORDERED, motion GRANTED. Court noted the 3/6/19 Motion will be vacated as moot.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

April 20, 2020

A-18-784807-C Lawra Bulen, Plaintiff(s)
vs.
Rob Lauer, Defendant(s)

April 20, 2020

3:00 PM

Minute Order

**April 23, 2020
BlueJeans Notice**

HEARD BY: Atkin, Trevor

COURTROOM: Chambers

COURT CLERK: Alan Castle

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 8 Request to Appear Telephonically

Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants.

To use BlueJeans, please call in prior to the hearing at 1-888-748-9073.

To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #.

Your Meeting ID: 151 489 553 (NOTE: The meeting number will be different for each day s court session.)

For your hearing, PLEASE observe the following protocol:

Place your telephone on mute while waiting for your matter/case to be called.
Do not place the conference on hold as it may play wait/hold music to others.

PRINT DATE: 09/25/2020

Page 2 of 13

Minutes Date: February 13, 2019

Identify yourself before speaking each time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

May 08, 2020

A-18-784807-C Lawra Bulen, Plaintiff(s)
vs.
Rob Lauer, Defendant(s)

May 08, 2020

3:00 PM

Minute Order

**BlueJeans Notice -
MAY 12, 2020 AT 9:00
AM HEARING**

HEARD BY: Atkin, Trevor

COURTROOM: Chambers

COURT CLERK: Alan Castle

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Department 8 Request to Appear Telephonically

Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants.

To use BlueJeans, please call in prior to the hearing at 1-888-748-9073.

To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #.

Your Meeting ID: 693 049 118 (NOTE: The meeting number will be different for each day s court session.)

For your hearing, PLEASE observe the following protocol:

Place your telephone on mute while waiting for your matter/case to be called.

PRINT DATE: 09/25/2020

Page 4 of 13

Minutes Date: February 13, 2019

Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort**COURT MINUTES****May 12, 2020**

A-18-784807-C Lawra Bulen, Plaintiff(s)
vs.
Rob Lauer, Defendant(s)

May 12, 2020	9:00 AM	Motion to Dismiss	Defendants' Notice of Motion and Motion to Dismiss Plaintiff's Complaint, Memorandum of Points and Authorities of Support, Exhibits, Affidavit of Robert Lauer in Support
---------------------	----------------	--------------------------	--

HEARD BY: Atkin, Trevor**COURTROOM:** Phoenix Building 11th Floor
110**COURT CLERK:** Alan Castle**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES**

PRESENT:	Lauer, Rob Phillips, Brandon L	Defendant Attorney
-----------------	-----------------------------------	-----------------------

JOURNAL ENTRIES

- COURT FINDS motion is not appropriate as the case is currently in default and ORDERS, Defendants' Notice of Motion and Motion to Dismiss Plaintiff's Complaint, Memorandum of Points and Authorities of Support, Exhibits, Affidavit of Robert Lauer in Support is DENIED Without Prejudice. FURTHER ORDERED, if Defendants intend to move to set aside default, the motion must be filed no later than May 22, 2020; and, set in the ordinary course. Court advised Plaintiff's counsel to hold off filing for judgment to with the understanding that Defendants have already indicated their intent to move to set aside the default. Mr. Lauer to prepare the order within 10 days have Mr.

Phillips review as to form and content and distribute a filed copy to all parties involved in this matter.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

June 19, 2020

A-18-784807-C Lawra Bulen, Plaintiff(s)
vs.
Rob Lauer, Defendant(s)

June 19, 2020

3:00 AM

Minute Order

**MINUTE ORDER
RE: DEPT. 8 CIVIL
LAW AND MOTION
CALENDAR JUNE
23, 2020, AT 9:00 A.M.**

HEARD BY: Atkin, Trevor

COURTROOM: Chambers

COURT CLERK: Alan Castle

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 8 Request to Appear Telephonically

Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants.

To use BlueJeans, please call in prior to the hearing at 1-888-748-9073.

To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #.

Your Meeting ID: 783 639 462 (NOTE: The meeting number will be different for each day s court session.)

For your hearing, PLEASE observe the following protocol:

Place your telephone on mute while waiting for your matter/case to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

June 23, 2020

PRINT DATE: 09/25/2020 Page 10 of 13 Minutes Date: February 13, 2019

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

July 30, 2020

A-18-784807-C Lawra Bulen, Plaintiff(s)
vs.
Rob Lauer, Defendant(s)

July 30, 2020

3:00 AM

Minute Order

HEARD BY: Atkin, Trevor

COURTROOM: Chambers

COURT CLERK: Alan Castle

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- BLUEJEANS NOTICE for DEPT. 8 STATUS CHECKS/OSC: DISMISSAL on AUGUST 4, 2020, AT 9:00 AM
& LAW AND MOTION CALENDAR AUGUST 4, 2020, AT 9:30 AM

Department 8 Request to Appear Telephonically

All participants MUST check in with the moderator at 9:00 AM

Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants.

To use BlueJeans, please call in prior to the hearing at 1-888-748-9073.

To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #.

Your Meeting ID: 843 813 968 (NOTE: The meeting number will be different for each day's court session.)

For your hearing, PLEASE observe the following protocol:

Place your telephone on mute while waiting for your matter/case to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

August 04, 2020

A-18-784807-C Lawra Bulen, Plaintiff(s)
vs.
Rob Lauer, Defendant(s)

August 04, 2020 9:30 AM Motion to Dismiss

HEARD BY: Atkin, Trevor **COURTROOM:** Phoenix Building 11th Floor
110

COURT CLERK: Alan Castle

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT: Kaplan, Kory L. Attorney
Lauer, Rob Defendant
Phillips, Brandon L Attorney

JOURNAL ENTRIES

- Arguments by counsel. Court Finds this case falls similar enough to 'Abrams' case; and, so as long as there is a good faith basis, journalists have a right to be wrong. COURT ORDERS, Defendants' Special Motion to Dismiss Complaint Pursuant to NRS 41.660 is GRANTED. Mr. Kaplan to prepare the order within 10 days have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

BRANDON L. PHILLIPS, ESQ.
1455 E. TROPICANA AVE., STE 750
LAS VEGAS, NV 89119

DATE: September 25, 2020
CASE: A-18-784807-C

RE CASE: LAWRA KASSEE BULEN vs. ROB LAUER; STEVE SANSON

NOTICE OF APPEAL FILED: September 24, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the court.*
- ☒ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANTS' SPECIAL MOTION TO DISMISS COMPLAINT PURSUANT TO NRS 41.660; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

LAWRA KASSEE BULEN,

Plaintiff(s),

vs.

ROB LAUER; STEVE SANSON,

Defendant(s),

Case No: A-18-784807-C

Dept No: VIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 25 day of September 2020.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk