

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No.

Electronically Filed
Feb 23 2021 03:54 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

MARSHAL S. WILICK and WILICK LAW GROUP

Petitioners

v.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE
HONORABLE NANCY BECKER, DISTRICT SENIOR JUDGE,
DISTRICT COURT CASE NUMBER A-17-750171-C,

Respondent,

and

STEVE W. SANSON, VETERANS IN POLITICS INTERNATIONAL, INC.,
and, DOES 1 through X,

Real Parties in Interest.

**PETITIONERS' APPENDIX TO
PETITION FOR WRIT OF MANDAMUS AND PROHIBITION**

Mitchell J. Langberg, Esq., #10118

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MARSHAL S. WILICK and WILICK LAW GROUP

CHRONOLOGICAL INDEX			
DOCUMENT	DATE	VOL.	PAGE
Order Denying: (i) the VIPI Defendants' Anti-SLAPP Special Motion To Dismiss Pursuant To NRS 41.650 et seq.; (ii) the Willick Parties' Countermotion for Attorney's Fees and Costs	03/30/2017	I	001-006
Stipulation and Order	12/28/2020	I	007-010
Order Nunc Pro Tunc	01/25/2021	I	011-012
Notice of Voluntary Dismissal of Plaintiffs' Complaint for Damages	01/26/2021	I	013-014
Order Striking Plaintiffs' Notice of Voluntary Dismissal	02/11/2021	I	015-022
Nevada District Court Case Docket for Case No. A-17-750171-C	02/23/2021	I	023-046
Nevada Revised Statute Section 41.660	-----	I	047-048

ALPHABETICAL INDEX			
DOCUMENT	DATE	VOL.	PAGE
Nevada District Court Case Docket for Case No. A-17-750171-C	02/23/2021	I	023-046
Nevada Revised Statute Section 41.660	-----	I	047-048
Notice of Voluntary Dismissal of Plaintiffs' Complaint for Damages	01/26/2021	I	013-014

ALPHABETICAL INDEX (con't)

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Stipulation and Order	12/28/2020	I	007-010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Brownstein Hyatt Farber Schreck, LLP, and that on this 23rd day of February, 2021, I electronically filed and served by electronic mail a true and correct copies of the above and foregoing **PETITIONERS' APPENDIX TO PETITION FOR WRIT OF MANDAMUS AND PROHIBITION** properly addressed to the following:

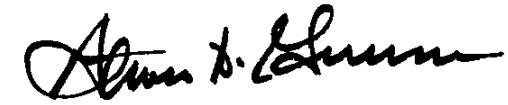
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Attorneys for Respondents
VETERANS IN POLITICS INTERNATIONAL, INC. and
STEVE SANSON

U.S. Mail Copy to:

Honorable Nancy Becker
Senior District Court Judge
Eighth Judicial District
Court of Clark County, Nevada
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155

/s/ DeEtra Crudup
An employee of Brownstein Hyatt Farber
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CLERK OF THE COURT

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12 *Attorneys for Plaintiffs*

Marshal S. Willick and Willick Law Group

DISTRICT COURT

CLARK COUNTY, NEVADA

16 MARSHAL S. WILLICK and WILLICK LAW
17 GROUP,

18 Plaintiffs,

19 vs.

20 STEVE W. SANSON; HEIDI J. HANUSA;
21 CHRISTINA ORTIZ; JOHNNY SPICER; DON
WOOLBRIGHT; VETERANS IN POLITICS
22 INTERNATIONAL, INC.; SANSON
CORPORATION; KAREN STEELMON; and
DOES I through X,

23 Defendants.

Case No. A-17-750171-C
Dept. No. XVIII

**ORDER DENYING: (i) THE VIPI
DEFENDANTS' ANTI-SLAPP SPECIAL
MOTION TO DISMISS PURSUANT TO
NRS 41.650 ET SEQ.; (ii) THE WILLICK
PARTIES' COUNTERMOTION FOR
ATTORNEY'S FEES AND COSTS; AND
(iii) THE VIPI DEFENDANTS'
MOTION TO STRIKE** (pw)

26 This matter came before the Court (the Honorable Charles Thompson presiding) for hearing
27 on the 14th day of March, 2017, at 9:00 AM, in Department 18, on (i) Defendants Steve W. Sanson
28 ("Mr. Sanson") and Veterans in Politics International, Inc.'s ("VIPI") (together, the "VIPI

1 Defendants”) Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.650 et seq. (the “Special
2 Motion to Dismiss”); and (ii) Plaintiffs Marshal S. Willick (“Mr. Willick”) and Willick Law Group’s
3 (“Willick Law”) (together, the “Willick Parties”) Countermotion for Attorney’s Fees and Costs (the
4 “Countermotion”). Joshua P. Gilmore, Esq. of Bailey ♦ Kennedy and Jennifer V. Abrams, Esq. of
5 The Abrams & Mayo Law Firm appeared on behalf of the Willick Parties. Anat Levy, Esq. of Anat
6 Levy & Associates, P.C. appeared on behalf of the VIPI Defendants.

7 The Court, having examined the memoranda of the parties and the records and documents on
8 file, heard argument of counsel, and being fully advised of the premises, and good cause appearing,
9 hereby makes the following Findings of Fact, Conclusions of Law, and Order with regard to the
10 Special Motion to Dismiss and Countermotion (and related Motion to Strike):

11 **FINDINGS OF FACT**

12 1. On January 27, 2017, the Willick Parties filed their Complaint against the VIPI
13 Defendants (among others).

14 2. On February 17, 2017, the VIPI Defendants filed their Special Motion to Dismiss,
15 arguing that the defamatory statements at issue in the Complaint fall within the ambit of NRS
16 41.637, in part because Mr. Willick is a public figure or limited purpose public figure, and that the
17 Willick Parties lack prima facie evidence supporting their claims.

18 3. On March 7, 2017, the Willick Parties filed their Opposition to the Special Motion to
19 Dismiss, arguing that the defamatory statements at issue in the Complaint do not fall within the
20 ambit of NRS 41.637; but, even if they did, they have presented prima facie evidence supporting
21 their claims. The Willick Parties also denied that Mr. Willick is a public figure or limited purpose
22 public figure. The Willick Parties separately filed their Countermotion, requesting an award of
23 attorneys’ fees and costs pursuant to NRS 41.670(2).

24 4. On March 9, 2017, the VIPI Defendants filed their Reply in Support of their Special
25 Motion to Dismiss, together with Mr. Sanson’s Supplemental Declaration, and their Opposition to
26 the Countermotion.

5. On March 13, 2017, the Willick Parties filed an Affidavit from Mr. Willick in support of the Willick Parties' Opposition to the VIPI Defendants' Special Motion to Dismiss.¹

6. On March 13, 2017, the VIPI Defendants filed a Motion to Strike and Response to Plaintiffs' Untimely Supplemental Brief (the "Motion to Strike").²

7. Any finding of fact set forth herein more appropriately designated as a conclusion of law shall be so designated.

CONCLUSIONS OF LAW

1. Pursuant to NRS 41.660(1), a person against whom an action is brought “based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern” may file a special motion to dismiss. The motion must be filed within 60 days after service of the complaint. NRS 41.660(2).

2. A “good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern” is defined to mean, *inter alia*, a “[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 [was] truthful or [was] made without knowledge of its falsehood.” NRS 41.637(4).³

3. In *Shapiro v. Welt*, 133 Nev. ___, 389 P.3d 262 (2017), the Nevada Supreme Court adopted “guiding principles . . . for determining whether an issue is of public interest under NRS 41.637(4)”; specifically:

- (1) “public interest” does not equate with mere curiosity;
- (2) a matter of public interest should be something of concern to a substantial number of people; a matter of concern to a speaker and a relatively small specific audience is not a matter of public interest;
- (3) there should be some degree of closeness between the challenged statements and the asserted public interest — the assertion of a broad and amorphous public interest is not sufficient;

¹ The Court did not have an opportunity to review the Affidavit prior to the March 14, 2017 hearing.

² The Court did not have an opportunity to review the Motion to Strike, and the Willick Parties did not have an opportunity to respond to the Motion to Strike, prior to the March 14, 2017 hearing.

³ Although the VIPI Defendants also relied on NRS 41.637(3) in their Special Motion to Dismiss, they abandoned that argument in their Reply. (*See id.*, 5:26 – 6:6.)

1 (4) the focus of the speaker's conduct should be the public interest rather than a mere
2 effort to gather ammunition for another round of private controversy; and

3 (5) a person cannot turn otherwise private information into a matter of public interest
4 simply by communicating it to a large number of people.

5 *Id.*, at ___, 389 P.3d at 268 (citation omitted).

6 4. If the Court determines that "the issue is of public interest, it must next determine
7 whether the communication was made 'in a place open to the public or in a public forum.'" *Id.*
8 (quoting NRS 41.673(4)). Finally, the Court must determine whether the communication was
9 "truthful or [was] made without knowledge of its falsehood." *Id.* (quoting NRS 41.637(4)).

10 5. Courts do not "simply rubber stamp" assertions by a defendant that a plaintiff's
11 claims fall within the ambit of the anti-SLAPP statute. *Flatley v. Mauro*, 139 P.3d 2, 13 (Cal. 2006).
12 Rather, the defendant must establish, by a preponderance of the evidence, that each claim is based on
13 a communication as specifically defined under NRS 41.637. NRS 41.660(3)(a); *see also Century 21*
14 *Chamberlain & Assocs. v. Haberman*, 92 Cal. Rptr. 3d 249, 256 (Cal. Ct. App. 2009) (stating that
15 the defendant bears the initial burden of establishing that each cause of action in the complaint arises
16 from "activity protected by the anti-SLAPP statute").

17 6. If the defendant is unable to meet its initial burden of proof, the burden does not shift
18 to the plaintiff to establish "with prima facie evidence a probability of prevailing on [each] claim."
19 NRS 41.660(3)(b); *see also Commonwealth Energy Corp. v. Investor Data Exchange, Inc.*, 1 Cal.
20 Rptr. 3d 390, 393 (Cal. Ct. App. 2003) ("The point is, if the moving defendant cannot meet the
21 threshold showing, then the fact that he or she might be able to otherwise prevail on the merits under
22 the 'probability' step is irrelevant.").

23 7. If the defendant meets its initial burden of proof, the burden shifts to the plaintiff to
24 put forth "prima facie evidence" of a probability of prevailing on each claim. NRS 41.660(3)(b). In
25 other words, the plaintiff must show that each claim has "minimal merit." *Soukup v. Law Offices of*
26 *Herbert Hafif*, 139 P.3d 30, 51 (Cal. 2006).

27 8. Based on these legal principles, the Court finds that the VIPI Defendants have failed
28 to meet their initial burden of proof with regard to their Special Motion to Dismiss, for the following
reasons:

1 a. First, having considered the *Shapiro* factors, the Court finds that the VIPI
2 Defendants have not established, by a preponderance of the evidence, that each claim in the
3 Complaint is based on a communication involving “an issue of public interest.”

4 b. Second, in light of the Nevada Supreme Court’s holding in *Doe v. Brown*, No.
5 62752, 2015 WL 3489404 (2015), the Court finds that Mr. Willick is not a public figure or
6 limited purpose public figure.

7 c. Third, upon review of the defamatory statements at issue in the Complaint, the
8 Court finds that the VIPI Defendants have not established, by a preponderance of the
9 evidence, that each was truthful or was made without knowledge of its falsehood.

10 9. Because the VIPI Defendants have failed to meet their initial burden of proof, the
11 Court need not address whether the Willick Parties have presented prima facie evidence supporting
12 their claims. *See, e.g., Stenehjem v. Sareen*, 173 Cal. Rptr. 3d 173, 191 n.19 (Cal. Ct. App. 2014)
13 (“Because we have concluded that Stenehjem did not meet his threshold showing that the activity
14 underlying the allegations of the Cross-Complaint was protected under the anti-SLAPP statute, we
15 need not consider the second prong, i.e., whether the record demonstrates that Sareen established a
16 probability of prevailing.”).

17 10. The Court does not find that the Special Motion to Dismiss was “frivolous or
18 vexatious,” and therefore, the Court declines to award fees and costs to the Willick Parties.

19 11. In light of the Court’s ruling, the Motion to Strike is deemed moot.

20 12. At the end of the March 14, 2017 hearing, the VIPI Defendants orally moved for a
21 stay of this proceeding pending an appeal, which the Court denied as premature.

22 13. Any conclusion of law set forth herein more appropriately designated as a finding of
23 fact shall be so designated.

24 ///

25 ///

26 **ORDER**

27 Based on the foregoing Findings of Fact and Conclusions of Law, and good cause appearing,
28

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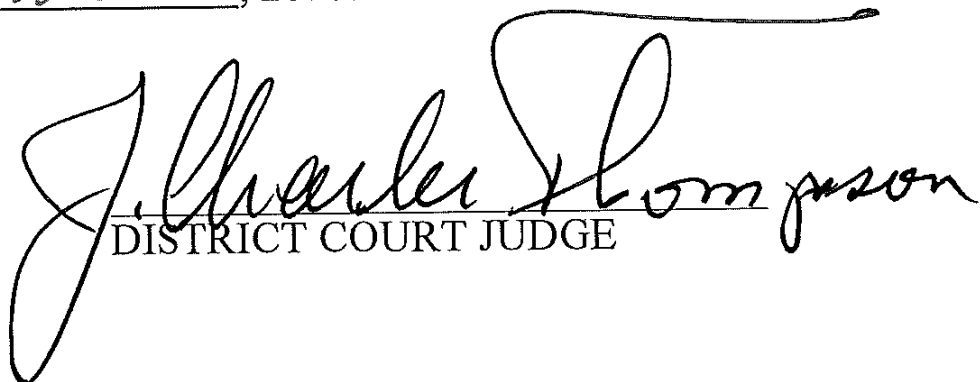
1 THE COURT HEREBY ORDERS that the Special Motion to Dismiss shall be, and hereby
2 is, DENIED.

3 THE COURT HEREBY FURTHER ORDERS that the Countermotion shall be, and hereby
4 is, DENIED.

5 ~~THE COURT HEREBY FURTHER ORDERS that the Motion to Strike shall be, and hereby~~
6 ~~is, DENIED as moot.~~

7 IT IS SO ORDERED.

8 DATED this 29th day of March, 2017.

9
10 
11 DISTRICT COURT JUDGE

12 Submitted by:

13 BAILEY ♦ KENNEDY

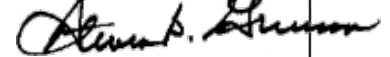
14
15 By: 

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17 **DISTRICT COURT**
18 **CLARK COUNTY, NEVADA**

19 MARSHAL S. WILICK and MARSHAL
20 S. WILICK, LLC d/b/a WILICK LAW
21 GROUP,

22 Plaintiffs,

23 v.

24 STEVE W. SANSON; VETERANS IN
25 POLITICS INTERNATIONAL, INC.; and
26 DOES 1 through X,

27 Defendants.

CASE NO.: A-17-750171-C
DEPT NO.: (Senior Judge Program)

STIPULATION AND ORDER

28 COMES NOW Plaintiffs Marshal S. Willick and Marshal S. Willick d/b/a Willick Law
Group, by and through their counsel of record, Jennifer V. Abrams, Esq. of The Abrams & Mayo
Law Firm, Marshal S. Willick, Esq. of Willick Law Group, and Mitchell J. Langberg, Esq. of
Brownstein Hyatt Farber Schreck, LLP, and Defendants Steve W. Sanson and Veterans In
Politics International, Inc., by and through their counsel of record, Margaret A. McLetchie, Esq.,
Alina M. Shell, Esq., and Leo S. Wolpert, Esq., of McLetchie Law and hereby stipulate as
follows:

Whereas, the Nevada Supreme Court reversed the district court's prior denial of
defendants' anti-SLAPP motion and found that defendants met their burden on the first prong of

1 the anti-SLAPP analysis and this matter was remanded by the Nevada Supreme Court for the
2 Court to consider the second prong of the anti-SLAPP Special Motion to Dismiss (the "anti-
3 SLAPP Motion") previously filed by Defendants;

4 Whereas, the parties are discussing the current status of this lawsuit and the possibility of
5 resolution of the matter, globally with *Abrams v. Schneider, et. al.*, Case No. A-17-749318-C;

6 Whereas, the parties have agreed to mediate this matter with Judge Jennifer Taglietti on ^{8 9} ~~10~~
7 January 4, 2021;

8 Whereas, a status check is currently set for January 20, 2021;

9 Whereas, the parties agree that no party hereto shall file any document in this matter until
10 after January 4, 2021;

11 Whereas, in the event that efforts to resolve the matter are unsuccessful, the parties agree
12 to engage in supplemental briefing on the second prong of the anti-SLAPP Special Motion to
13 address any new legal developments since the briefing was previously completed via a
14 supplemental opening brief on remand from defendants, a response from plaintiffs, and a reply
15 from defendants (the "Supplemental Briefing");

16 Whereas, the parties further agree that any and all deadlines to file the Supplemental
17 Briefing and any other motion or brief that a party may otherwise be entitled to file should be
18 extended for a period of 30 days after the mediation is completed or such date as the parties and
19 Court may set;

20 Whereas, after the mediation, the parties will confer with one another and the Court
21 regarding a briefing and hearing schedule;

22 Whereas, the parties waive any argument regarding the timeliness of Supplemental
23 Briefing or the Court's ability to consider the Supplemental Briefing if Defendants file their
24 supplemental opening brief on remand by February 3, 2021, which is 30 days after the mediation
25 or any other date as the parties may stipulate;

26 NOW THEREFORE, IT IS STIPULATED BY AND BETWEEN THE PARTIES THAT:

- 27 1. No party will file any document in this matter until after January 4, 2021;
28 2. In the event that efforts to resolve the matter are unsuccessful, the parties agree to

engage in supplemental briefing on the second prong of the anti-SLAPP Special Motion via a supplemental opening brief on remand from Defendants, a response from plaintiffs, and a reply from Defendants (the "Supplemental Briefing");

3. Any and all deadlines to file the Supplemental Briefing and any other motion or brief that a party may otherwise be entitled to file will be extended until February 3, 2021, or a period of 30 days after the mediation is completed, or such date as the parties and Court may set;

4. The parties waive any argument regarding the timeliness of Supplemental Briefing if Defendants file their supplemental opening brief on remand by February 3, 2021, 30 days after the mediation is completed, or any other date as the parties may stipulate;

DATED this 23rd day of December, 2020.

DATED this 23rd day of December, 2020.

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

MCLETCHIE LAW

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Las Vegas, Nevada 89101

*Counsel for Plaintiffs,
Marshal S. Willick and Marshall S. Willick
d/b/a Willick Law Group*

*Counsel for Defendants,
Steve W. Sanson and
Veterans In Politics International, Inc.*

ORDER

Having reviewed the Stipulation of the Parties, and good cause appearing,

IT IS SO ORDERED.

DATED: 12/28/20


DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

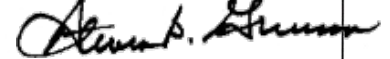
I HEREBY CERTIFY that I am an employee of Brownstein Hyatt Farber Schreck, LLP, and pursuant to NRCP 5(b), EDCR 8.05, Administrative Order 14-2, and NEFCR 9, I caused a true and correct copy of the foregoing **STIPULATION AND ORDER** be submitted electronically for filing and/or service with the Eighth Judicial District Court via the Court's Electronic Filing System on the 28th day of December, 2020, to the following:

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24 **DISTRICT COURT**

25 **CLARK COUNTY, NEVADA**

26 MARSHAL S. WILICK and MARSHAL
27 S. WILICK, LLC d/b/a WILICK LAW
28 GROUP,

Plaintiffs,

v.

STEVE W. SANSON; VETERANS IN
POLITICS INTERNATIONAL, INC.; and
DOES 1 through X,

Defendants.

CASE NO.: A-17-750171-C
DEPT NO.: (Senior Judge)

ORDER NUNC PRO TUNC

ORDER NUNC PRO TUNC

WHEREAS, on January 5, 2021, Plaintiffs Marshal S. Willick and Willick Law Group (“Plaintiffs”) electronically submitted a Notice Of Voluntary Dismissal Of Plaintiffs’ Complaint For Damages Pursuant to NRCP 41(a)(1)(A)(i) (the “Notice”);

WHEREAS, on that same day, the Clerk of the Court, through the Court’s electronic filing system, rejected the filing of the Notice; and

WHEREAS, this Court finds that the Clerk of the Court, through the electronic filing system, should have filed the Notice because no court order was required to file the Notice.


Now, therefore, for good cause shown:

IT IS HEREBY ORDERED that the Notice is deemed filed on January 5, 2021;

IT IS FURTHER ORDERED THAT the Clerk of the Court is directed to file Plaintiffs’ Notice accordingly.

IT IS SO ORDERED.

Dated: January 22, 2021



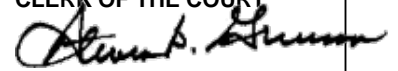
District Court Judge

Respectfully Submitted By:

By: /s/ Mitchell Langberg

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Attorneys for Plaintiffs

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DISTRICT COURT

CLARK COUNTY, NEVADA

MARSHAL S. WILICK and MARSHAL
S. WILICK, LLC d/b/a WILICK LAW
GROUP,

Plaintiffs,

v.

STEVE W. SANSON; VETERANS IN
POLITICS INTERNATIONAL, INC.; and
DOES 1 through X,

Defendants.

CASE NO.: A-17-750171-C
DEPT NO.: (Senior Judge)

**NOTICE OF VOLUNTARY DISMISSAL
OF PLAINTIFFS' COMPLAINT FOR
DAMAGES**

1 TO: STEVE W. SANSON, Defendant,

2 TO: MARGARET MCLEITCHIE, ESQ., Attorney for Steve Sanson:

3
4 **PLEASE TAKE NOTICE** that Plaintiffs Marshal S. Willick and Marshal S. Willick,
5 LLC d/b/a WILICK LAW GROUP, by and through Mitchell J. Langberg, Esq., of BROWNSTEIN
6 HYATT FARBER SCHRECK, LLP, and in accordance with Rule 41(a)(1)(A)(i) of the Nevada Rules
7 of Civil Procedure, voluntarily dismiss the above-entitled action. No defendant has filed an
8 answer or a motion for summary judgment in this action.

9
10 DATED this 5th day of January, 2021

11 BROWNSTEIN HYATT FARBER SCHRECK, LLP

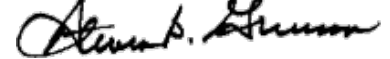
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13 By: 

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MARSHAL S. WILICK and WILICK LAW GROUP



ORDR
SENIOR JUDGE NANCY A. BECKER
330 S. THIRD STREET, #1100
LAS VEGAS, NV 89101
Telephone: (702) 671-4607

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARSHALL S. WILICK and WILICK
LAW GROUP,

Plaintiffs,

vs.

STEVE W. SANSON; VETERANS IN
POLITICS INTERNATIONAL, INC.; and
DOES 1 THROUGH X

Defendants.

Case No.: A-17-750171-C

SENIOR JUDGE DEPARTMENT

ORDER STRIKING PLAINTIFFS'
NOTICE OF VOLUNTARY
DISMISSAL

I. PROCEDURAL HISTORY AND FINDINGS OF FACT

1. On January 27, 2017, Plaintiffs Marshal S. Willick and the Willick Law Group (“Plaintiffs”) filed suit against, *inter alia*, Defendants Steve Sanson, Veterans In Politics International, Inc. (the “VIPI Parties”) for engaging in online speech critical of Plaintiffs.

2. The VIPI Parties timely filed a special motion to dismiss under Nevada’s anti-SLAPP statute on February 17, 2017.

3. The VIPI Parties also filed motions to dismiss pursuant to Nev. R. Civ. P. 12(b)(1) and 12(b)(5) on February 24, 2017.

4. After full briefing by the parties—including the motion itself, an opposition, a reply, and a motion to strike portions of Plaintiffs’ briefs—the district court heard the VIPI Parties’ special anti-SLAPP motion to dismiss on March 14, 2017.¹

¹ Senior Judge Charles Thompson hear the motion to dismiss. The case was later assigned to Senior Judge Nancy Becker.

5. The district court denied the VIPI Parties' special motion to dismiss under the first prong of the anti-SLAPP analysis. The district court found that the VIPI Defendants failed establish, by a preponderance of the evidence, that each claim in the Complaint was based on a communication involving "an issue of public interest" as Mr. Willick was not a public figure or a limited purpose public figure. The district court also concluded that the VIPI Defendants had not established, by a preponderance of the evidence, that each statement was truthful or made without knowledge of its falsehood. The district court entered a written order reflecting the same on March 30, 2017.

6. The VIPI Parties timely appealed pursuant to Nev. Rev. Stat. §41.670(4).

7. The VIPI Parties moved to stay the matter pending appeal, which was opposed by Plaintiffs. The district court entered a written order granting the stay on May 7, 2017.

8. While the appeal was pending before the Supreme Court, the Parties litigated disqualification motions involving Judge Mark Bailus in late 2017, and the entire Eighth Judicial District Court Bench in early 2018. Eventually the case was reassigned to the Senior Judge Department.

9. After full briefing—including an opening brief, answering brief, reply brief and oral argument—the Supreme Court reversed the district court's decision, holding that the VIPI Parties met their burden under the first prong of the anti-SLAPP analysis. *Veterans in Politics Int'l, Inc. v. Willick*, 457 P.3d 970 (2020).

10. The Supreme Court remanded to the district court to perform the second prong of the anti-SLAPP analysis. *Id.*

11. The parties agreed to mediation with a private mediator, retired judge Jennifer Togliatti on January 4, 2021 and entered a Stipulation in which the parties agreed to, *inter alia*, "engage in supplemental briefing on the second prong of the anti-SLAPP Special Motion" if mediation was unsuccessful. (December 28, 2020 Stipulation and Order, pp. 2:28 – 3:1.)

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12. The Stipulation provides that the parties waive “any argument regarding the timeliness of Supplemental Briefing or the Court’s ability to consider the Supplemental Briefing if Defendants file their supplemental opening brief on remand by February 3, 2021 ... or any other date as the parties may stipulate.” (*Id.*, p. 2:22-25.)

13. The January 4, 2021 Mediation did not result in settlement.

14. In the early morning hours of January 5, 2021, Plaintiffs electronically submitted a Notice of Voluntary Dismissal under Nev. R. Civ. P. 41(a)(1)(A)(i) (the “Notice”).

15. On that same day, the Clerk of the Court, through the electronic filing system, rejected the filing of the Notice.

16. On or about January 6, 2021, the Court telephonically contacted counsel regarding the Notice.

17. That same day, the Court requested supplemental briefing from the parties regarding whether the Notice was effective.

18. Both parties submitted supplemental briefing on January 15, 2021.

19. On January 20, 2021, the Court heard arguments from counsel regarding whether the Notice had legal effect.

II. FINDINGS AND CONCLUSIONS OF LAW

A. Plaintiffs’ Notice of Voluntary Dismissal Is Deemed Filed.

20. As noted above, the Clerk of the Court rejected Plaintiffs’ January 5, 2021 attempt to file the Notice.

21. However, the Clerk’s Office is not authorized to reject filings on substantive grounds.

22. To that end, on January 22, 2021, the Court entered an Order Nunc Pro Tunc directing the Clerk of the Court to file Plaintiffs’ Notice and deem it filed on January 5, 2021.

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B. Plaintiffs' Notice of Voluntary Dismissal Is Ineffective and Cannot Be Given Legal Effect.

23. Having deemed the Notice filed by way of the January 22, 2021 Order Nunc Pro Tunc, the Court now construes the instant issue as a motion challenging the validity of the Notice.

24. Nev. R. Civ. P. 41(a)(1)(A)(i) ordinarily permits dismissal without a court order upon a plaintiff's filing of "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment."

25. The essential purpose of Nev. R. Civ. P. 41(a)(1)(A)(i) is "to prevent arbitrary dismissals after extensive proceedings." *Matter of Petition of Phillip A.C.*, 122 Nev. 1284, 1290, 149 P.3d 51, 55 (2006).

26. A related purpose of Nev. R. Civ. P. 41(a)(1)(A)(i) is to allow for voluntary dismissal of a case before parties have engaged in the substantial cost and expense in litigation.

27. A motion to dismiss under the anti-SLAPP statute is not technically an answer or motion for summary judgment, but it is a responsive pleading.

28. A Voluntary Dismissal has been filed. Absent a ruling that the Voluntary Dismissal is either invalid under the rule or is invalid through case law, through some type of implied waiver or estoppel theory then a court no longer has jurisdiction over the case and the case would be dismissed.

29. It is the burden of the defendants to demonstrate that the Voluntary Dismissal is invalid.

30. The case law in Nevada interpreting NRCP 41(a)(1)(A)(i) is inconsistent as it applies to anti-SLAPP motions.

31. A special anti-SLAPP motion to dismiss, while not technically labeled a motion for summary judgment, "functions as a motion for summary judgment and allows

the district court to evaluate the merits of the alleged SLAPP claim.” *Stubbs v. Strickland*, 129 Nev. 146, 151, 297 P.3d 326, 329 (2013).

32. Nevada’s anti-SLAPP statute was revised one more than one occasion since 2013, however in 2020 the Nevada Supreme Court affirmed that under the statute applicable to this proceeding, “the anti-SLAPP motion to dismiss again functions like a summary judgment motion procedurally. *Taylor v. Colon*, 136 Nev. Adv. Op. 50, 468 P.3d 820, 824 (2020) (citing *Coker v. Sassone*, 135 Nev. 8, 10, 432 P.3d 746, 748 (2019)); *see also* NRS 41.660(5) (dismissal under anti-SLAPP statute “operates as an adjudication upon the merits.”).

33. When interpreting NRCP 41, the Supreme Court has long held that a voluntary dismissal should not be given effect when extensive pleadings and hearings have occurred on a responsive procedural motion or issue. *Matter of the Petition Phillip A.C.*, 122 Nev. 1284, 1290; 149 P.3d 51, 55 (2006). Although not explicitly stated in the opinion, the Supreme Court found where a plaintiff litigates such motions, it should act as either an implied waiver of the right to voluntary dismissal or that plaintiffs should be estopped from voluntarily dismissing a case after extensive procedural motion practice.

34. Plaintiffs cite to the unpublished order in *Padda v. Henrick*, 461 P.3d 160 (2020). In that case, the Supreme Court noted that the voluntary dismissal was filed one day after defendants in the case filed an anti-SLAPP motion to dismiss. Thus, the district court was without jurisdiction to decide the motion and award attorney fees under the statute. However, from the Order, it appears the parties never specifically litigated that anti-SLAPP caselaw specifically treats such a motion as a summary judgment motion. The High Court seemed to focus on the overall policy considerations of NRCP 4, encouraging dismissal at an early stage of the proceedings.

35. The Court concludes that balancing between treating an anti-SLAPP motion as one for summary judgment for purposes of NRCP 41 and the policy of encouraging early dismissal under the rule, the Court concludes the Legislature’s strong preference for discouraging lawsuits involving the anti-SLAPP statute overrides the policy

for early dismissal. Thus Plaintiffs may not voluntarily dismiss this case as a “summary judgment” had been filed under the rule.

36. In the alternative, and as an independent ground supporting striking the Notice of Voluntary Dismissal, the Court infers that plaintiffs impliedly waived their right to voluntarily dismiss and are estopped from voluntarily dismissing their case under Nev. R. Civ. P. 41(a)(1)(A)(i) at this advanced stage of the proceedings.

37. Therefore, because Plaintiffs’ attempt to voluntarily dismiss does not effectuate the essential public policy underlying Nev. R. Civ. P. 41(a)(1)(A)(i), Plaintiffs cannot voluntarily dismiss the matter on notice at this advanced stage of the proceedings.

38. Defendant’s argument that the Stipulation and Order prohibits Plaintiffs from voluntarily dismissing the case is rejected. The Court does not find that the language of the December 28, 2020 Stipulation and Order is a basis to render the voluntary dismissal ineffective.

III. ORDER

Based on the forgoing findings of fact and conclusions of law, IT IS HEREBY ORDERED that the Notice is deemed filed on January 5, 2021 pursuant to the January 22, 2021 Order Nunc Pro Tunc.

IT IS HEREBY FURTHER ORDERED that Defendants’ effective motion challenging the validity of the Notice is GRANTED and Plaintiffs’ Notice of Voluntary Dismissal is hereby STRICKEN from the record of this matter.

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IT IS HEREBY FURTHER ORDERED that Plaintiffs shall not be dismissed from this matter pursuant to the Notice.

IT IS HEREBY FURTHER ORDERED that the parties shall reinstate briefing on the second prong of the anti-SLAPP analysis on a schedule to be stipulated by the Parties.

Dated this 11 day of February 2021.



NANCY A. BECKER, Senior District Judge

CERTIFICATE OF SERVICE

I hereby certify that on or about the date signed, a copy of this Order was electronically served in accordance with Administrative Order 14.2, to all interested parties, through the Court's Odyssey EFileNV system.



Ileen Spoor
Senior Judge Department

Ileen Spoor
Senior Judge Department
702.671.4607

Case Information

A-17-750171-C | Marshal Willick, Plaintiff(s) vs. Steve Sanson, Defendant(s)

Case Number
A-17-750171-C

Court
Department
Unassigned
Case Type
Intentional Misconduct

Judicial Officer
Becker, Nancy
Case Status
Open

Party

Plaintiff
Willick, Marshal S

Aliases
DBA Willick Law Group

Active Attorneys ▼
Lead Attorney
Abrams, Jennifer V.
Retained

Attorney
Langberg, Mitchell
J.
Retained

Plaintiff
Willick Law Group

Active Attorneys ▼
Lead Attorney
Abrams, Jennifer V.
Retained

Attorney
Langberg, Mitchell
J.
Retained

Defendant
Sanson, Steve W

Active Attorneys ▼
Lead Attorney
McLetchie, Margaret
A.
Retained

Attorney
Shell, Alina
Retained

Attorney
Wolpert, Leo
Retained

Defendant
Veterans in Politics International Inc

Active Attorneys ▼
Lead Attorney
McLetchie, Margaret
A.
Retained

Attorney
Shell, Alina
Retained

Attorney
Wolpert, Leo
Retained

Disposition Events

04/30/2020 Judgment ▼

Judicial Officer
Hardcastle, Kathy

Judgment Type
Clerk's Certificate

Monetary Judgment

Debtors: Marshal S Willick (Plaintiff), Willick Law Group (Plaintiff)

Creditors: Steve W Sanson (Defendant), Veterans in Politics International Inc (Defendant)

Judgment: 04/30/2020 Docketed: 05/07/2020

Comment: Supreme Court No 72778 Appeal Reversed

01/26/2021 Judgment ▼

Judicial Officer

Becker, Nancy

Judgment Type

Dismissal Pursuant to NRCP 41

Monetary Judgment

Debtors: Steve W Sanson (Defendant), Veterans in Politics International Inc (Defendant)

Creditors: Marshal S Willick (Plaintiff), Willick Law Group (Plaintiff)

Judgment: 01/26/2021 Docketed: 01/28/2021

02/11/2021 Judgment ▼

Judicial Officer

Becker, Nancy

Judgment Type

Dismissal Pursuant to NRCP 41

Monetary Judgment

Debtors: Steve W Sanson (Defendant), Veterans in Politics International Inc (Defendant)

Creditors: Marshal S Willick (Plaintiff), Willick Law Group (Plaintiff)

Judgment: 02/11/2021 Docketed: 01/28/2021

Events and Hearings

01/27/2017 Complaint ▼

Comment
Complaint for Damages

02/06/2017 Declaration ▼

Comment
Declaration of Service

02/08/2017 Declaration ▼

Comment
Declaration of Service

02/08/2017 Declaration ▼

Comment
Declaration of Service

02/08/2017 Declaration ▼

Comment
Declaration of Service

02/08/2017 Declaration ▼

Comment
Declaration of Service

02/08/2017 Declaration ▼

Comment
Declaration of Service

02/10/2017 Declaration ▼

Comment
Declaration of Service

02/17/2017 Motion to Dismiss ▼

Comment
Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.650 et. seq.

02/23/2017 Peremptory Challenge ▼

Comment
Peremptory Challenge of Judge

02/24/2017 Minute Order ▼

Judicial Officer
Cadish, Elissa F.

Hearing Time
3:00 AM

Result
Recused

Comment
Minute Order Re: Dept. VI Recusal

02/24/2017 Initial Appearance Fee Disclosure

02/24/2017 Motion to Dismiss ▼

Comment
Motion to Dismiss for Failure to State a Claim (NRCP 12(b)(5))

02/24/2017 Motion to Dismiss ▼

Comment
Motion to Dismiss Ninth Cause of Action for Copyright Infringement for Lack of Subject Matter Jurisdiction (NRCP 12(b)(1))

02/24/2017 Motion to Strike

02/24/2017 Request for Judicial Notice ▼

Comment
Request for Judicial Notice in Support of Motion to Dismiss for Failure to State a Claim

02/27/2017 Minute Order ▼

Judicial Officer
Crockett, Jim

Hearing Time
10:45 AM

Result
Minute Order - No Hearing Held

02/28/2017 Minute Order ▼

Judicial Officer
Jones, David M

Hearing Time
3:00 AM

Result
Minute Order - No Hearing Held

02/28/2017 Minute Order ▼

Judicial Officer
Adair, Valerie

Hearing Time
10:00 AM

Result
Minute Order - No Hearing Held

03/01/2017 Notice of Department Reassignment ▼

Comment
Notice of Department Reassignment

03/07/2017 Opposition and Countermotion ▼

Comment
(3/8/2017 Please See Errata) Opposition to Anti-Slapp Special
Motion to Dismiss Pursuant to NRS 41.650 et. seq.; and
Countermotion for Attorney's Fees and Costs

03/08/2017 Errata ▼

Comment
Errata to Opposition to Anti-Slapp Special Motion to Dismiss
Pursuant to NRS 41.650 et. seq.; and Countermotion for Attorney's
Fees and Costs

03/08/2017 Exhibits ▼

Comment
Exhibits to Opposition to Anti-Slapp Special Motion to Dismiss
Pursuant to NRS 41.650 et. seq.; and Countermotion for Attorney's

Fees and Costs

03/09/2017 Reply in Support ▼

Comment

Reply in Support of Defendants' Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.650 et. seq.

03/09/2017 Supplemental ▼

Comment

Supplemental Declaration of Steve Sanson in Support of Anti-SLAPP Motion

03/13/2017 Affidavit ▼

Comment

Affidavit of Marshal S. Willick in Support of Plaintiff's Opposition to Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.650 et. seq.; and Countermotion for Attorney's Fees and Costs

03/13/2017 Notice of Association of Counsel ▼

Comment

Notice of Association of Counsel

03/13/2017 Motion to Strike ▼

Comment

Defendants' Motion to Strike and Response to Plaintiffs' Untimely Supplemental Brief

03/14/2017 Motion to Dismiss ▼

Judicial Officer

Thompson, Charles

Hearing Time

9:00 AM

Result

Denied

Comment

Defendants' Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.650

03/14/2017 Opposition and Countermotion ▼

Judicial Officer

Thompson, Charles

Hearing Time

9:00 AM

Result
Denied

Comment

Plaintiffs' Opposition to Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.650 et. seq.; and Countermotion for Attorney's Fees and Costs

Parties Present ▲

Defendant: Sanson, Steve W

Plaintiff: Willick, Marshal S

Attorney: Abrams, Jennifer V.

Plaintiff: Willick Law Group

Attorney: Abrams, Jennifer V.

Defendant: Veterans in Politics International Inc

03/14/2017 All Pending Motions ▼

Judicial Officer

Thompson, Charles

Hearing Time

9:00 AM

Result

Matter Heard

Parties Present ▲

Defendant: Sanson, Steve W

Plaintiff: Willick, Marshal S

Attorney: Abrams, Jennifer V.

Plaintiff: Willick Law Group

Attorney: Abrams, Jennifer V.

Defendant: Veterans in Politics International Inc

03/20/2017 Response ▼

Comment

Plaintiffs' Response to Defendants Steve W. Sanson and Veterans In Politics International, Inc.'s (i) Motion to Dismiss 9th Cause of Action; (ii) Motion to Dismiss for Failure to State a Claim; (iii) Motion to Strike

03/26/2017 Declaration ▼

Comment

Declaration of Anat Levy; Proposed Order Attached Thereto.

03/28/2017 Response ▼

Comment

Plaintiffs' Response to the VIPI Defendants' Motion to Strike

03/29/2017 Declaration ▼

Comment
Declaration of Service

03/30/2017 Order Denying ▼

Comment
Order Denying: (i) The VIPI Defendants' Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.650 et seq.; (ii) the Willick Parties' Countermotion for Attorney's Fees and Costs

03/31/2017 Notice of Entry of Order ▼

Comment
Notice of Entry of Order

03/31/2017 Notice of Entry of Order ▼

Comment
Notice of Entry of Order Denying: (I) The VIPI Defendants' Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.650 et seq.; (ii) The Willick Parties' Countermotion for Attorney's Fees and Costs

04/03/2017 First Amended Complaint ▼

Comment
First Amended Complaint

04/03/2017 Notice of Appeal ▼

Comment
Notice of Appeal

04/03/2017 Case Appeal Statement ▼

Comment
Case Appeal Statement

04/04/2017 Motion to Dismiss ▼

Judicial Officer
Thompson, Charles

Hearing Time
9:00 AM

Result
Moot

Comment
Defendants' Motion to Dismiss for Failure to State a Claim (NRCP 12(b) (5))

Parties Present ▲

Defendant: Sanson, Steve W

Plaintiff: Willick, Marshal S

Attorney: Abrams, Jennifer V.

Plaintiff: Willick Law Group

Attorney: Abrams, Jennifer V.

Defendant: Veterans in Politics International Inc

04/04/2017 Motion to Dismiss ▼

Judicial Officer

Thompson, Charles

Hearing Time

9:00 AM

Result

Moot

Comment

Defendants' Motion to Dismiss Ninth Cause of Action for Copyright Infringement for Lack of Subject Matter Jurisdiction (NRCP 12(b)(1))

Parties Present ▲

Defendant: Sanson, Steve W

Plaintiff: Willick, Marshal S

Attorney: Abrams, Jennifer V.

Plaintiff: Willick Law Group

Attorney: Abrams, Jennifer V.

Defendant: Veterans in Politics International Inc

04/04/2017 Motion to Strike ▼

Judicial Officer

Thompson, Charles

Hearing Time

9:00 AM

Result

Moot

Comment

Defendants' Motion to Strike

Parties Present ▲

Defendant: Sanson, Steve W

Plaintiff: Willick, Marshal S

Attorney: Abrams, Jennifer V.

Plaintiff: Willick Law Group

Attorney: Abrams, Jennifer V.

Defendant: Veterans in Politics International Inc

04/04/2017 All Pending Motions ▼

Judicial Officer

Thompson, Charles

Hearing Time

9:00 AM

Result

Off Calendar

Parties Present ▲

Defendant: Sanson, Steve W

Plaintiff: Willick, Marshal S

Attorney: Abrams, Jennifer V.

Plaintiff: Willick Law Group

Attorney: Abrams, Jennifer V.

Defendant: Veterans in Politics International Inc

04/07/2017 Ex Parte Motion ▼

Comment

Defendants' Ex Parte Motion to Shorten Time on Motion to Stay Proceedings Pending Appeal on Order Denying Defendants' Anti-SLAPP Motion; (Attached Declaration of Anat Levy in support Thereof; Proposed Order Attached Thereto).

04/07/2017 Motion to Stay ▼

Comment

Motion to Stay Proceedings Pending Appeal on Order Denying Defendants' Anti-Slapp Motion

04/07/2017 Declaration ▼

Comment

Declaration of Anat Levy in Support of Defendants' Motion to Stay Proceedings Pending Appeal on Order Denying Defendants' Anti-SLAPP Motion

04/11/2017 Order Shortening Time ▼

Comment

Order Shortening time

04/11/2017 Notice of Entry of Order ▼

Comment
Notice of Entry of Order Shortening Time

04/14/2017 Opposition to Motion ▼

Comment
Plaintiffs' Opposition to Defendants Steve W. Sanson and Veterans In Politics International, Inc.'s Motion to Stay Proceedings Pending Appeal on Order Denying Defendants' Anti-Slapp Motion

04/18/2017 Motion to Stay ▼

Comment
Reply in Support of Motion to Stay Proceedings Pending Appeal on Order Denying Defendants' Anti-SLAPP Motion.

04/20/2017 Motion to Stay ▼

Judicial Officer
Thompson, Charles

Hearing Time
9:00 AM

Result
Granted

Comment
Defendants' Motion to Stay Proceedings Pending Appeal on Order Denying Defendants' Anti-Slapp Motion on Order Shortening Time

Parties Present ▲

Defendant: Sanson, Steve W

Plaintiff

Attorney: Abrams, Jennifer V.

Plaintiff

Attorney: Abrams, Jennifer V.

04/20/2017 Recorders Transcript of Hearing ▼

Comment
Transcript of Proceedings Re: Defendants' Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.650 ET. Seq.; and Countermotion for Attorney's Fees and Costs March 14, 2017

05/07/2017 Order ▼

Comment
Order on Defendants' Motion to Stay Proceedings Pending Appeal on Order Denying Defendants' Anti-SLAPP Motion.

05/09/2017 Notice of Entry of Order ▼

Comment
Notice of Entry of Order Staying Proceedings

05/11/2017 Motion to Stay ▼

Judicial Officer
Estes, Robert

Hearing Time
9:00 AM

Cancel Reason
Vacated - per Secretary

Comment
Motion to Stay Proceedings Pending Appeal on Order Denying
Defendants' Anti-Slapp Motion

05/26/2017 Transcript of Proceedings ▼

Comment
Request for Filing of Transcript of Proceedings

06/05/2017 Administrative Reassignment - Judicial Officer Change ▼

Comment
From Judge David Barker to Judge Mark B. Bailus

11/29/2017 Motion to Disqualify Judge ▼

Comment
Motion to Disqualify Judge

12/04/2017 Opposition ▼

Comment
Opposition to Motion to Recuse Judge Balius; Request for Sanctions.

12/04/2017 Declaration ▼

Comment
Declaration of Steve Sanson in Opposition to Motion to Recuse
Judge Balius

12/06/2017 Affidavit of Service ▼

Comment
Declaration of Service

12/06/2017 Affidavit ▼

Comment
Affidavit of Mark B. Bailus in Response to Plaintiffs' Motion to
Disqualify Judge

12/28/2017 Reply to Opposition ▼

Comment

Reply to Opposition to Motion to Disqualify Judge, and Opposition to Request for Sanctions

01/04/2018 Motion to Disqualify Judge ▼

Judicial Officer

Gonzalez, Elizabeth

Hearing Time

01:15 PM

Result

Recused

Comment

Plaintiffs' Motion to Disqualify Judge

01/04/2018 Minute Order ▼

Judicial Officer

Gonzalez, Elizabeth

Hearing Time

01:14 PM

Result

Matter Transferred

Comment

Minute Order: Case Reassignment

01/04/2018 All Pending Motions ▼

Judicial Officer

Gonzalez, Elizabeth

Hearing Time

01:16 PM

Result

Minute Order - No Hearing Held

01/04/2018 Notice of Department Reassignment ▼

Comment

Notice of Department Reassignment

01/05/2018 Minute Order ▼

Judicial Officer
Escobar, Adriana

Hearing Time
3:00 AM

Result
Minute Order - No Hearing Held

Comment
Minute Order: Recusal

01/05/2018 Notice of Department Reassignment ▼

Comment
Notice of Department Reassignment

01/08/2018 Minute Order ▼

Judicial Officer
Earley, Kerry

Hearing Time
9:05 AM

Result
Recused

Comment
Recusal

01/08/2018 Notice of Department Reassignment ▼

Comment
Notice of Department Reassignment

01/14/2018 Peremptory Challenge ▼

Comment
Peremptory Challenge of Judge

01/24/2018 Motion to Disqualify Judge ▼

Comment
Motion to Disqualify Eighth Judicial District Court Elected Judiciary,
and for Permanent Assignment to the Senior Judge Program or,
Alternatively, to a District Court Judge Outside of Clark County

02/08/2018 Opposition ▼

Comment
Opposition to Motion to Disqualify Entire Eighth Judicial District Court
Bench; Request for Sanctions

02/08/2018 Declaration ▼

Comment
Declaration of Steve Sanson in Opposition to Motion to Disqualify
Entire Eighth Judicial District Court Bench

02/08/2018 Declaration ▼

Comment
Declaration of Anat Levy in Opposition to Motion to Disqualify Entire
Eighth Judicial District Court Bench

02/23/2018 Reply to Opposition ▼

Comment
Statement of Facts and Law in Support of Appeal

03/02/2018 Motion to Disqualify Judge ▼

Judicial Officer
Gonzalez, Elizabeth

Hearing Time
3:00 AM

Result
Off Calendar

Comment
Plaintiffs' Motion to Disqualify Eighth Judicial District Court Elected
Judiciary, and for Permanent Assignment to the Senior Judge Program or,
Alternatively, to a District Court Judge Outside of Clark County

03/02/2018 All Pending Motions ▼

Judicial Officer
Gonzalez, Elizabeth

Hearing Time
3:00 AM

Cancel Reason
Vacated - Duplicate Entry

03/02/2018 Minute Order ▼

Judicial Officer
Gonzalez, Elizabeth

Hearing Time
02:58 PM

Result
Matter Transferred

Comment
Minute Order: Case Reassignment

03/02/2018 All Pending Motions ▼

Judicial Officer
Gonzalez, Elizabeth

Hearing Time
02:58 PM

Result
Minute Order - No Hearing Held

03/02/2018 Minute Order ▼

Judicial Officer
Denton, Mark R.

Hearing Time
3:02 PM

Result
Minute Order - No Hearing Held

03/02/2018 Notice of Department Reassignment ▼

Comment
Notice of Department Reassignment

03/05/2018 Notice of Department Reassignment ▼

Comment
Notice of Department Reassignment

03/05/2018 Notice of Department Reassignment ▼

Comment
Notice of Department Reassignment

04/18/2018 Notice of Hearing ▼

Comment
Notice of Hearing

04/20/2018 Motion for Clarification ▼

Judicial Officer
Hardcastle, Kathy

Hearing Time
9:00 AM

Result
Matter Heard

Parties Present ▲

Plaintiff: Willick, Marshal S

Attorney: Abrams, Jennifer V.

Plaintiff

Attorney: Abrams, Jennifer V.

03/17/2020 Notice of Appearance ▼

Comment

Notice of Appearance

04/30/2020 NV Supreme Court Clerks Certificate/Judgment -Remanded ▼

Comment

Nevada Supreme Court Clerk's Certificate/Remittitur Judgment -
Reversed and Remand; Rehearing Denied

05/20/2020 Motion to Disqualify Judge ▼

Comment

Motion to Disqualify Senior Judge

06/01/2020 Clerk's Notice of Nonconforming Document ▼

Comment

Clerk's Notice of Nonconforming Document

06/03/2020 Opposition and Countermotion ▼

Comment

Opposition to Motion to Disqualify Senior Judge and Countermotion

06/05/2020 Clerk's Notice of Nonconforming Document and Curative
Action ▼

Comment

Clerk's Notice of Curative Action

06/05/2020 Clerk's Notice of Hearing ▼

Comment

Notice of Hearing

06/10/2020 Reply in Support ▼

Comment

Reply in Support of Motion to Disqualify Senior Judge; Opposition to
Plaintiffs' Countermotion for Sanctions; and, Countermotion for
Sanctions

07/07/2020 Motion ▼

Judicial Officer
Bell, Linda Marie

Hearing Time
11:00 AM

Result
Matter Heard

Comment
Defendant's Motion to Disqualify Senior Judge

07/09/2020 Clerk's Notice of Hearing ▼

Comment
Notice of Hearing

07/14/2020 Substitution of Attorney ▼

Comment
Substitution of Attorneys

07/15/2020 Motion ▼

Judicial Officer
Becker, Nancy

Hearing Time
1:00 PM

Result
Denied

Comment
Motion to Disqualify Judge Kathy Hardcastle

Parties Present ▲

Defendant

Attorney: Wolpert, Leo

Plaintiff: Willick, Marshal S

Attorney: Langberg, Mitchell J.

Plaintiff

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Wolpert, Leo

08/11/2020 Order ▼

Comment
Order

08/12/2020 Notice of Entry of Order ▼

Comment
Notice of Entry of Order

09/20/2020 Notice of Withdrawal ▼

Comment
Notice of Withdrawal of Counsel

09/22/2020 Clerk's Notice of Hearing ▼

Comment
Notice of Hearing

11/16/2020 Status Check ▼

Judicial Officer
Becker, Nancy

Hearing Time
9:00 AM

Result
Continued

Parties Present ▲
Defendant

Attorney: McLetchie, Margaret A.

Plaintiff: Willick, Marshal S

Attorney: Langberg, Mitchell J.

Plaintiff

Attorney: Langberg, Mitchell J.

Defendant

Attorney: McLetchie, Margaret A.

12/28/2020 Stipulation and Order ▼

Comment
Stipulation and Order

12/28/2020 Stipulation and Order ▼

Comment
Stipulation and Order

12/29/2020 Notice of Entry of Stipulation and Order ▼

Comment
Notice of Entry of Stipulation and Order

01/15/2021 Brief ▼

Comment
Plaintiffs' Brief re Validity of Rule 41(a)(1)(A)(i) Voluntary Dismissal
While Anti-SLAPP Motion is Pending

01/15/2021 Supplemental Brief ▼

Comment
Defendants Veterans in Politics International, Inc. and Steve W.
Sanson's Supplemental Brief Regarding Plaintiffs' Attempted Notice
of Voluntary Dismissal

01/20/2021 Status Check ▼

Judicial Officer
Becker, Nancy

Hearing Time
9:00 AM

Cancel Reason
Vacated

01/20/2021 Status Check ▼

Judicial Officer
Becker, Nancy

Hearing Time
9:00 AM

Result
Matter Heard

Parties Present ▲
Defendant

Attorney: McLetchie, Margaret A.

Plaintiff: Willick, Marshal S

Attorney: Abrams, Jennifer V.

Attorney: Langberg, Mitchell J.

Plaintiff

Attorney: Abrams, Jennifer V.

Attorney: Langberg, Mitchell J.

Defendant

Attorney: McLetchie, Margaret A.

01/25/2021 Order ▼

Comment
ORDER NUNC PRO TUNC

01/26/2021 Notice of Entry of Order ▼

Comment

Notice of Entry of Order Nunc Pro Tunc

02/03/2021 Recorders Transcript of Hearing ▼

Comment

Recorder's Transcript of Telephonic Hearing: Status Check Re: Progress of Settlement; Wednesday, January 20, 2021

02/10/2021 Supplemental Brief ▼

Comment

Defendants Veterans in Politics International, Inc. and Steve W. Sanson's Supplemental Brief on Second Prong of Anti-SLAPP Motion Under Nev. Rev. Stat.

02/11/2021 Motion to Stay ▼

Comment

Motion to Stay Pending Appeal Purusant to NRAP 8

02/11/2021 Order ▼

Comment

Order Striking Plaintiff's Notice of Voluntary Dismissal

02/16/2021 Motion to Strike ▼

Comment

Defendants Veterans in Politics International, Inc. and Steve W. Sanson's Motion to Strike Plaintiffs' First Amended Complaint

02/17/2021 Notice of Entry ▼

Comment

Notice of Entry of Order Striking Plaintiffs Notice of Voluntary Dismissal

02/19/2021 Opposition to Motion ▼

Comment

Defendants Veterans in Politics International, Inc. and Steve W. Sanson's Opposition to Plaintiffs Motion to Stay Pending Appeal

02/23/2021 Motion to Stay ▼

Hearing Time

1:30 PM

Comment

Motion to Stay Pending Appeal Pursuant to NRAP 8

03/17/2021 Motion to Strike ▼

Hearing Time

11:00 AM

Comment

Defendants Veterans in Politics International Inc and Steve W Sanson's
Motion to Strike Plaintiff's First Amended Complaint

Financial

Sanson, Steve W

Total Financial Assessment	\$30.00
Total Payments and Credits	\$30.00

3/2/2017	Transaction			\$30.00
	Assessment			

3/2/2017	Payment	Receipt #	Anat Levy &	(\$30.00)
	(Window)	2017-20447-	Associations	
		CCCLK		

Willick, Marshal S

Total Financial Assessment	\$720.00
Total Payments and Credits	\$720.00

1/27/2017	Transaction			\$270.00
	Assessment			

1/27/2017	Efile	Receipt #	Willick,	(\$270.00)
	Payment	2017-08934-	Marshal	
		CCCLK	S	

2/24/2017	Transaction			\$450.00
	Assessment			

2/24/2017	Efile	Receipt #	Willick,	(\$450.00)
	Payment	2017-18256-	Marshal	
		CCCLK	S	

Willick Law Group

Total Financial Assessment	\$30.00
Total Payments and Credits	\$30.00

1/27/2017	Transaction Assessment			\$30.00
1/27/2017	Efile Payment	Receipt # 2017-08935- CCCLK	Willick Law Group	(\$30.00)
Veterans in Politics International Inc				
	Total Financial Assessment			\$697.00
	Total Payments and Credits			\$697.00
3/2/2017	Transaction Assessment			\$223.00
3/2/2017	Payment (Window)	Receipt # 2017- 20447- CCCLK	Anat Levy & Associations	(\$223.00)
4/4/2017	Transaction Assessment			\$24.00
4/4/2017	Efile Payment	Receipt # 2017- 31760- CCCLK	Veterans in Politics International Inc	(\$24.00)
1/17/2018	Transaction Assessment			\$450.00
1/17/2018	Efile Payment	Receipt # 2018- 03549- CCCLK	Veterans in Politics International Inc	(\$450.00)

West's Nevada Revised Statutes Annotated
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Title 3. Remedies; Special Actions and Proceedings (Chapters 28-43)

Chapter 41. Actions and Proceedings in Particular Cases Concerning Persons (Refs & Annos)

Liability of Persons Who Engage in Right to Petition or Free Speech in Direct Connection with an Issue of Public Concern (Refs & Annos)

This section has been updated. Click [here](#) for the updated version.

N.R.S. 41.660

41.660. Attorney General or chief legal officer of political subdivision may defend or provide support to person sued for engaging in right to petition; special counsel; filing special motion to dismiss; stay of discovery; adjudication upon merits

Effective: [See Text Amendments] to September 30, 2013

1. If an action is brought against a person based upon a good faith communication in furtherance of the right to petition:

(a) The person against whom the action is brought may file a special motion to dismiss; and

(b) The Attorney General or the chief legal officer or attorney of a political subdivision of this State may defend or otherwise support the person against whom the action is brought. If the Attorney General or the chief legal officer or attorney of a political subdivision has a conflict of interest in, or is otherwise disqualified from, defending or otherwise supporting the person, the Attorney General or the chief legal officer or attorney of a political subdivision may employ special counsel to defend or otherwise support the person.

2. A special motion to dismiss must be filed within 60 days after service of the complaint, which period may be extended by the court for good cause shown.

3. If a special motion to dismiss is filed pursuant to subsection 2, the court shall:

(a) Treat the motion as a motion for summary judgment;

(b) Stay discovery pending:

(1) A ruling by the court on the motion; and

(2) The disposition of any appeal from the ruling on the motion; and

(c) Rule on the motion within 30 days after the motion is filed.

4. If the court dismisses the action pursuant to a special motion to dismiss filed pursuant to subsection 2, the dismissal operates as an adjudication upon the merits.

Credits

Added by Laws 1993, p. 2848. Amended by Laws 1997, pp. 1365, 2593.

N. R. S. 41.660, NV ST 41.660

Current through the end of both the 31st and 32nd Special Sessions (2020)

End of Document

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