

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIAMOND HALL,

Appellant,

v.

JUSTIN MARTIN,

Respondent.

Electronically Filed
Jun 10 2022 05:21 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No.: 83979

**APPELLANT, DIAMOND HALL'S NOTICE OF RETRACTION OF
CERTAIN INFORMATION IN APPELLANT'S RESPONSE TO
RESPONDENT'S EMERGENCY MOTION UNDER NRAP 27(E) TO SEAL
SUPREME COURT CASE; STRIKE APPENDICES PURSUANT TO NRAP
RULE 30(B) AND DIRECT APPELLANT TO RESUBMIT PURSUANT TO
NRAP RULE 30(B)(3)(D); SANCTIONS ON APPELLANT**

COMES NOW, Appellant, Diamond Hall, by and through her attorney, Amy A. Porray, Esq., of McFarling Law Group, and hereby gives notice that counsel retracts any characterization of the communication between counsel and T. Michael Phillips, Esq.

In Diamond's Response to Respondent's Emergency Motion, page 4, n.3, counsel discussed what was an email exchange with Mr. Phillips. (Emails are attached as Exhibit A). Today, June 10, 2022, counsel received a follow-up email from Mr. Phillips in response to the characterization of that communication. (Email attached as Exhibit B).

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Accordingly, counsel now retracts any characterization of the communication by Mr. Phillips.

DATED this 10th day of June, 2022

McFARLING LAW GROUP

/s/ Amy A. Porray

Amy A. Porray, Esq.

Nevada Bar Number 9596

6230 W. Desert Inn Road

Las Vegas, NV 89146

(702) 565-4335

Attorney for Appellant

Diamond Hall

DECLARATION AMY A. PORRAY, ESQ.

I, Amy A. Porray, Esq., declare under penalty of perjury under the laws of the State of Nevada that the following is true and correct:

1. I represent the Appellant in the above-entitled case.
2. I have read the attached Response and know the contents thereof; the same is true of my own knowledge, except for those matters stated upon information and belief and, as to those matters, I believe them to be true.

I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 USC § 1746), that the foregoing is true and correct.

DATED this 10th day of June, 2022.

McFARLING LAW GROUP

/s/ Amy A. Porray

Amy A. Porray, Esq.

Nevada Bar Number 9596

6230 W. Desert Inn Road

Las Vegas, NV 89146

(702) 565-4335

Attorney for Appellant

Diamond Hall

CERTIFICATE OF SERVICE

I, an employee of McFarling Law Group, hereby certify that on the 10th day of June, 2022, I served a true and correct copy of this Appellant, Diamond Hall's Notice Of Retraction Of Certain Information In Appellant's Response To Respondent's Emergency Motion Under NRAP 27(E) To Seal Supreme Court Case; Strike Appendices Pursuant To NRAP Rule 30(B) And Direct Appellant To Resubmit Pursuant To NRAP Rule 30(B)(3)(D); Sanctions On Appellant as follows:

☒ by United States mail in Las Vegas, Nevada, with First-Class postage prepaid and addressed as follows:

Justin Martin
3144 Manti Peak Avenue
North Las Vegas, Nevada 89081
Respondent in Proper Person

/s/ Crystal Beville
Crystal Beville

EXHIBIT A

Kim Bailey

From: TMatthewPhillips <tmatthewphillips@aol.com>
Sent: Thursday, May 12, 2022 9:36 AM
To: Amy Porray
Cc: Crystal Beville; MLG Client File Copy; Emily McFarling
Subject: Re: Diamond Hall

I'm kind of confused. According to, *Our Nevada Judges*, Diamond Hall is a high-profile, newsworthy, public figure.

The Diamond Hall matter showcases sexist judicial attitudes regarding domestic violence. Diamond Hall stands for the proposition that female family court litigants get the "champagne and caviar" treatment when accused of D.V.

Diamond Hall is accused of D.V., but still, she has the luxurious benefit of actually being charged with a crime, (i.e., indictment). Diamond Hall is actually being afforded due process along with constitutional safeguards and procedures.

In sharp contrast, the vast majority of male family court litigants are tried for domestic violence with no underlying indictment, no due process, no jury trial... well, you get the picture.

Just curious, when she was crawling thru the doggie door, i.e., breaking and entering into the dwelling of another, what was her SPECIFIC INTENT?

T. Matthew Phillips
Attorney-at-Law
(323) 314-6996

-----Original Message-----

From: Amy Porray <AmyP@mcfarlinglaw.com>
To: TMatthewPhillips <tmatthewphillips@aol.com>
Cc: Crystal Beville <crystalb@mcfarlinglaw.com>; MLG Client File Copy <clientcc@mcfarlinglaw.com>; Emily McFarling <emilym@mcfarlinglaw.com>
Sent: Thu, May 12, 2022 8:43 am
Subject: RE: Diamond Hall

Good morning, Mr. Phillips:

In responding to your email, I do not consent to you reproducing, discussing, representing, or otherwise making public any of my following statements.

I do not represent Ms. Hall in the criminal matter. She would be represented by the public defender's office in the criminal matter. I represent her in her family case. Regardless of her criminal defense attorney's position, I do not agree to you speaking with her in any way, about any matter, and I will not give a statement. You are specifically not permitted to contact her. Litigation continues, and participation in an article is not in her best interest. This is the position I have always taken on my cases and should not be taken as unique to Ms. Hall's case or inferred negatively on her in any way. I appreciate you reaching out to me. I am certain that you, especially as an attorney, understand my position. Thank you.

From: TMatthewPhillips <tmatthewphillips@aol.com>
Sent: Thursday, May 12, 2022 6:46 AM
To: Amy Porray <AmyP@mcfarlinglaw.com>
Subject: Diamond Hall

Hello counsel,

Nice to meet you. Attorney Draskovitch indicates he is no longer defending Hall in the criminal matter. Does your office represent Hall in the criminal matter?

I wish to write an article concerning the Diamond Hall case. I write and publish legal articles online. Respectfully, may I call upon you for a statement concerning this case? I hope to better understand the claims and defenses. Sincerely,

T. Matthew Phillips
Attorney-at-Law
(323) 314-6996

Kim Bailey

From: TMatthewPhillips <tmatthewphillips@aol.com>
Sent: Thursday, May 12, 2022 12:19 PM
To: Amy Porray
Cc: Crystal Beville; MLG Client File Copy; Emily McFarling
Subject: Re: Diamond Hall

Hello,

Can you indicate whether you're appearing for *Legal Aid Center of Southern Nevada*?

T. Matthew Phillips
Attorney-at-Law
(323) 314-6996

-----Original Message-----

From: Amy Porray <AmyP@mcfarlinglaw.com>
To: TMatthewPhillips <tmatthewphillips@aol.com>
Cc: Crystal Beville <crystalb@mcfarlinglaw.com>; MLG Client File Copy <clientcc@mcfarlinglaw.com>; Emily McFarling <emilym@mcfarlinglaw.com>
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From: TMatthewPhillips <tmatthewphillips@aol.com>
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T. Matthew Phillips
Attorney-at-Law
(323) 314-6996

EXHIBIT B

From: [TMatthewPhillips](#)
To: [Amy Porray](#)
Cc: [Emily McFarling](#)
Subject: DEMAND for RETRACTION
Date: Friday, June 10, 2022 10:28:30 AM

TO: Porray, Amy A. (Bar # 9596)

Yesterday, YOU filed with Nevada Supreme Court a brief in which you assert that TMP contacted you in a “harassing” manner. Your assertion is false and misleading. Your assertion imputes *criminality* to the undersigned—an officer-of-the-court, in good standing, for 30 consecutive years.

In Nevada, harassment is a CRIME, [see NRS 200.571]. In your brief, (June 9, 2022), you falsely assert that TMP contacted you in a *criminal* manner. Be advised, the undersigned takes exception to your false and misleading assertion.

Note: I have more than one case pending before Nevada Supreme Court—in which allegations of harassment are at-issue. The last thing I need is your hysterical histrionics—which serve only to prejudice my pending litigation.

As you know, Rule 11(b)(3) requires that all factual assertions must have “evidentiary support.” Your factual assertion, *i.e.*, that TMP contacted you in a “harassing” manner, lacks “evidentiary support.” You violate the certification requirement of Rule 11.

When TMP contacted you, it was anything but “harassing.” When TMP contacted you, on May 12, 2022, for purposes of publishing an scholarly legal article, he wrote—

“ Hello counsel,

Nice to meet you. Attorney Draskovitch indicates he is no longer defending Hall in the criminal matter. Does your office represent Hall in the criminal matter?

I wish to write an article concerning the Diamond Hall case. I write and publish legal articles online. Respectfully, may I call upon you for a statement concerning this case? I hope to better understand the claims and defenses. Sincerely, ”

Okay, just curious—which part of this email is harassing? Seriously?

But wait there’s more. You go on to assert that TMP went on a “tirade about how awful your client is.” Again, false and misleading. The email chain proves the falsehood. TMP never calls your client “awful” or any words to that effect.

And, “why” are you even mentioning TMP in the first place? The fact that TMP contacted you in ANY manner is manifestly irrelevant to the issues on appeal.

The undersigned hereby DEMANDS that you file with Nevada Supreme Court a follow-up affidavit, titled *Notice of Errata*, in which you unequivocally retract your assertions that TMP contacted you in a “harassing” manner.

In your affidavit, you need state only that “the publication was made in error.” You needn’t explain the error. Note, the law construes NO admission of wrongdoing from your retraction, *i.e.*, retraction cannot be used against you in court. Subsequent remedial measures may not be offered as an admission of liability; in other words, the fact of your retraction is inadmissible to prove liability on the original publication. But still, you must correct the falsehood.

If you have any questions related to retraction, I am happy to answer. Please file the affidavit immediately.

Have a nice day,

T. Matthew Phillips
Attorney-at-Law
(323) 314-6996