

FILED

JAN 31 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *S. Young*
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

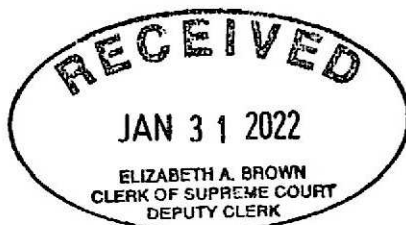
APPELLANT'S INFORMAL BRIEF

Lisa Breslaw
Appellant

Supreme Court No. 84072
District Court No. A-21-837948-C

vs.

Peter Cooper
Defendant



22-03178

Judgment or Order You Are Appealing. List the judgment or order that you are appealing from and the date that the judgment or order was filed in the District Court.

Filed Date

11/2/2021

Name of Judgment or Order

Defendant's Motion to Dismiss

Notice of Appeal. Give the date you filed your notice of appeal in the district court: 01/06/2022

Related Cases. List all other court cases related to this case. Provide the case number, title of the case, and name of the court where the case was filed.

Case No.

A-21-837948-C

Case Title

Breslaw vs. Cooper

Name of Court

8th Judicial District Court (Dept. 3)

Pro Bono Counsel. Would you be interested in having pro bono counsel assigned to represent you in this appeal? Yes

Statement of Facts. Explain the facts of your case. (Your answer must be provided in the space allowed).

On December 16, 2019, Defendant/Respondent created a post on subredditdrama, a popular subsection of Reddit, accusing me of stalking UNLV professor, Dr. Marcia Gallo. (That was just the main allegation, see Complaint and Amended Complaint on File.) In this post, he also mocked me for not wanting to pursue graduate school outside of Las Vegas. This post went viral, subjected me to significant online harassment (including people trolling me from accounts pretending to be UNLV faculty), and even somehow got back to UNLV's Assistant General Counsel, Debra Pieruschka. In Feb. of 2020, just two months after that post was published, I received a cease and desist letter from UNLV—simply for trying to retract a complaint. Debra specifically mentioned that Defendant's/Respondent's post was why she had sent it, but she would not elaborate beyond that. The cease and desist letter prohibited me from contacting any UNLV faculty, and as result, I did not have any reference letters from them for graduate school. In March of 2020, I was rejected from University of Nevada Reno despite a strong academic record. Also, Dr. Emily Hobson, whom I wanted to be my advisor at UNR, alluded to seeing Defendant's/Respondent's post.

Defendant/Respondent continued harassing me and sharing the post, despite a police warning to stop. The police told him that I was in Las Vegas, and he then made a post mentioning that I was in Vegas and also sharing the libelous post in that same post. He continued harassing me and sharing the post for nearly two years, and I was finally able to file the suit in July of 2021. When I filed the suit, the UK no longer had jurisdiction over him, nor did the states he was living in in the US, since the torts neither happened in those states (MA and CO) nor were the effects felt in them.

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Statement of District Court Error. Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed.)

The district court was wrong to dismiss the case because they didn't apply *Calder vs. Jones*. Calder was not based on the Defendants' physical presence in California. It was based on intentionally aiming harmful conduct at a forum state. Defendant/Respondent knew that I lived in and only wanted to pursue graduate school in NV; thus, he knew that the reputational effects of his post would specifically harm me in NV. He even linked the defamatory post in another post where he told users that I was in Las Vegas. Also, in the defamatory post itself, he instructs readers to "read my userpage," pointing them to the fact that I was in Las Vegas. Furthermore, by alleging that I stalked a UNLV professor, he targeted NV because that allegation implies that they jeopardized a faculty member's safety.

Reversing the dismissal would also be warranted under NRCP 60(b)(3), since Defendant/Respondent's Counsel has repeatedly lied to the district court by making false claims and allegations against Plaintiff (see Motion to Vacate Order of Dismissal p3, Motion to File Sur-Reply p.1-2, transcript of Jan. 4th hearing p21).

Finally, the decision to dismiss the case was made hastily as is evidenced by the errors in both the Order and Order and Entry. (See Motion to Vacate). Additionally, Plaintiff/Appellant was not given as much time to speak at the hearing as Defendant's/Respondent's Counsel and the decision to dismiss the case seemed to be made early on without considering the nuances of this particular case.

Plaintiff/Appellant is asking the Supreme Court to reverse the district court's dismissal.

CERTIFICATE OF SERVICE

I certify on the date indicated below, I served a copy of this completed brief form upon all parties to the appeal as follows:

By mailing it by first-class mail with sufficient postage prepaid to the following address(es):

Sagar Raich, ESQ
6785 Eastern Ave. Ste. 5
Las Vegas, NV 89119

Clerk of the Supreme Court of Nevada
201 South Carson Street,
Carson City, NV 89701

Dated this 28th Day of January, 2022.

/s/Lisa Breslaw
Lisa Breslaw
7050 Shady Palms St.
Las Vegas, NV 89131
702-488-6989