

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK STILE, M.D., AND
INDIVIDUAL; AND FRANK STILE
M.D., P.C., A NEVADA
PROFESSIONAL CORPORATION,

Appellants,

vs.

EVA KORB, AN INDIVIDUAL.

Respondent.

Case No. 82189 Electronically Filed
May 13 2021 09:19 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANTS' RESPONSE TO THE COURT'S
APRIL 13, 2021 ORDER TO SHOW CAUSE**

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Attorneys for Appellants, Frank Stile, M.D., and Frank Stile M.D., P.C.

NRAP 26.1 DISCLOSURE

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a) and must be disclosed. These representations are made in order that the Justices of this Court may evaluate possible disqualification or recusal.

1. Frank Stile, M.D., is an individual.
2. Frank Stile M.D., P.C., is a Nevada professional corporation and has no parent company or publicly held company that owns 10% or more of its stock.
3. Frank Stile, M.D. and Frank Stile M.D., P.C. are or have been represented in the District Court by Howard & Howard Attorneys PLLC.
4. Frank Stile, M.D. and Frank Stile M.D., P.C. are represented in this Court by Claggett & Sykes Law Firm.

Dated this 13th day of May 2021.

CLAGGETT & SYKES LAW FIRM

By /s/ Micah S. Echols
Micah S. Echols, Esq.
Nevada Bar No. 8437
Attorneys for Appellants

On April 13, 2021, this Court issued an order to show cause regarding the Court's appellate jurisdiction. The Court's order essentially asks Appellants to demonstrate how this Court has jurisdiction over this appeal. The focused questions in the Court's order questioned (1) whether the order was a final judgment appealable under NRAP 3A(b)(1), as it orders that Respondent be awarded statutory damages for determination at a later date; (2) and whether counterclaims asserted by Respondent are pending in the District Court. Appellants, Frank Stile, M.D. and Frank Stile M.D., P.C. ("Appellants"), hereby respond to the Court's order.

With respect to the Court's first question regarding whether the appealed District Court's Order Granting Defendant Eva Korb's Special Motion to Dismiss Under NRS 41.660 ("Order"), filed on November 3, 2021, attached as **Exhibit 1**, was a final judgment appealable under NRAP 3A(b)(1), the damages and attorney fees issues were resolved in a stipulation for settlement of attorney's fees and costs filed on November 24, 2020, attached hereto as **Exhibit 2**. After investigating the resolution of all claims made by or against all parties, to determine finality, Appellants discovered that a written order on the stipulation for

settlement of attorney's fees and costs was never entered. Appellants also discovered that a written order from the December 7, 2020 hearing was never entered, which would have resolved the Court's second question as to whether counterclaims asserted by Respondent are pending in the District Court. In the December 7, 2020 hearing the District Court ruled that Respondent has no separate counterclaim because her anti-SLAPP motion was the counterclaim, which had already been resolved in the Order. *See Exhibit 1*. The court minutes from the December 7, 2020 hearing reflect this result (*see Exhibit 3*), but no written order was ever prepared.

The District Court recently entered an "Order Denying Plaintiffs/Counterdefendants' Motion to Dismiss, or Alternatively Motion for Summary Judgment." *See Exhibit 4*. Additionally, the District Court also recently entered an "Order on Stipulation for Attorney's Fees and Costs." *See Exhibit 5*. Because the District Court entered the orders before dismissal of the appeal, any prior premature notices of appeal "shall be considered filed on the date and after entry of the order[.]" NRAP 4(a)(6). As such, the prior notice of appeal is effective to perfect this appeal. However, to avoid any further question regarding this

Court's jurisdiction, Appellants have filed an amended notice of appeal listing the Order on Stipulation for Attorney's Fees and Costs as the final, appealable order, even though Appellants only challenge interlocutory rulings. See **Exhibit 6**. See *Consol. Generator-Nevada v. Cummins Engine Co.*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (explaining that an appeal from a final judgment allows this Court to review the interlocutory orders entered prior to the final judgment); *Countrywide Home Loans, Inc. v. Thitchener*, 124 Nev. 725, 732 n.4, 192 P.3d 243, 248 n.4 (2008) ("Since the Thitcheners' NIED and negligence per se claims were formally resolved by a written stipulation and order of dismissal entered after the district court amended its judgment upon the jury verdicts, that order constitutes the final appealable judgment in this case.") (citations omitted). Thus, this Court should determine that it has appellate jurisdiction over this appeal and reinstate briefing.

Dated 13th day of May 2021.

CLAGGETT & SYKES LAW FIRM

By /s/ Micah S. Echols

Micah S. Echols, Esq.

Nevada Bar No. 8437

Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **APPELLANTS' RESPONSE**
TO THE COURT'S APRIL 13, 2021 ORDER TO SHOW CAUSE filed
electronically with the Supreme Court of Nevada on the 13th day of May
2021. Electronic Service of the foregoing document shall be made in
accordance with the Master Service List as follows:

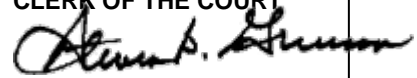
Christopher S. Connell (Connell Law)

/s/ Anna Gresl

Anna Gresl, an employee of
Claggett & Sykes Law Firm

EXHIBIT 1

EXHIBIT 1



NOE
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

FRANK STILE, M.D., an individual; and
FRANK STILE M.D., P.C.; a Nevada
professional corporation,

Case No.: A-19-807131-C

Dept. No.: XV

Plaintiffs,

vs.

EVA KORB, an individual;, DOE
INDIVIDUALS I-X; and ROE ENTITIES I-
X,

Defendants.

**NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT EVA KORB'S SPECIAL
MOTION TO DISMISS UNDER NRS 41.660**

PLEASE TAKE NOTICE that an Order Granting Defendant Eva Korb's Special Motion
to Dismiss under NRS41.660 was entered in the above captioned matter on the 3rd day of
November, 2020, a copy of which is attached hereto.

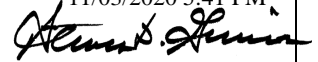
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Page 2 of 2


CLERK OF THE COURT

ORD

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DISTRICT COURT

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INDIVIDUALS I-X; and ROE ENTITIES I-X,

Defendants.

Case No.: A-19-807131-C

Dept. No.: XV

**ORDER GRANTING DEFENDANT EVA
KORB'S SPECIAL MOTION TO
DISMISS UNDER NRS 41.660**

This matter, having come before the Court on Defendant Eva Korb's Special Motion to Dismiss Under NRS 41.660, and it appearing, upon argument of counsel and for good cause shown, the motion is granted.

NRS 41.635 et seq., Nevada's Anti-SLAPP statute, creates a procedure for early dismissal of cases targeting speech and conduct protected by the First Amendment when they lack merit. As provided for in *John v. Douglas Cnty. School District.*, 125 Nev. 746 (Nev. 2009), the statute creates a two-step analysis for courts to follow in deciding whether to dismiss a case under its provisions. First, under NRS 41.660(3)(a), the moving defendant has the burden of showing, by a preponderance of the evidence, that the plaintiff's suit is "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." If the moving defendant meets this burden, the burden of proof then shifts to the plaintiff to establish by prima facie evidence a probability of prevailing on the claim." NRS

1 41.660(3)(b), the Plaintiff must introduce evidence establishing his claims to satisfy this burden.
2 Anti-SLAPP motions have traditionally been treated as a motion for summary judgment, and so
3 the plaintiff can survive a special motion to dismiss by establishing a genuine issue of material
4 fact. If the plaintiff fails to do this, his case must be dismissed.

5 **I. FACTUAL BACKGROUD**

6 In October 2010, Eva Korb retained the services of the Plaintiffs in this action, Dr. Frank
7 Stile and Frank Stile, M.D., P.C. for a certain medical procedure. Based on the procedure, the
8 results of the procedure, and the customer service that Ms. Korb received from Dr. Stile, she wrote
9 a Yelp!® review on or about October 15, 2019. Dr. Stile responded publicly and vindictively to
10 Ms. Korb's review on or about 10/21/2019 (the "Response"). In his Response, which was posted
11 on his public Yelp!® business page, he repeatedly published Ms. Korb's full name, intimate
12 details/dates of her medical procedure, Google Drive links to personal email exchanges between
13 Dr. Stile and Ms. Korb during the time of the procedure, her email address, pages from her medial
14 files including multiple nude photographs of her bare breasts, medical notes, and documents
15 containing extremely personal and private information such as her date of birth, contact
16 information, and social security number. *Id.* Upon information and belief, Dr. Stile's first response
17 was live on Yelp!® for anyone to see for forty-two (42) days before Ms. Korb knew it was there.
18 When Ms. Korb discovered what Dr. Stile had done, she immediately reported it to Yelp!® as it
19 violated their community guidelines. Unfortunately, Yelp!® took more than three days to remove
20 the response (on or about 12/11/2019). Shortly after Yelp!® removed the first response Dr. Stile
21 proceeded to repost a nearly identical response again with the same personal info and links to the
22 Google Drive documents and photos. Ms. Korb again reported Dr. Stile's second response
23 immediately and it took more than three days for Yelp!® to remove it again, on or about
24 12/17/2019. Undeterred, Dr. Stile again publicly posted a nearly identical response on Yelp!®,
25 only this time without the Google Drive links as, upon information and belief, Yelp!® was no
26 longer permitting Dr. Stile to do so. Ms. Korb reported this response as well and it was removed a
27 few days later by Yelp!® on or about 01/02/2020.

28 Upon information and belief, it was on December 17, 2019 that Dr. Stile filed the

1 immediate Complaint alleging Defamation based on Ms. Korb's Yelp!® review, which was on
2 the same day that Yelp!® had removed the post for the second time.

3 II. DISCUSSION

4 A. Nevada's Anti-SLAPP Statute

5 The purpose of Nevada's Anti-SLAPP statute is to ensure that lawsuits are not brought
6 lightly against defendants for exercising their First Amendment rights. To do this, the statute
7 establishes a two-prong analysis in determining whether a Special Motion to Dismiss should be
8 granted. NRS 41.660(3)(a), an Anti-SLAPP movant has the initial burden of establishing, by a
9 preponderance of the evidence, that the plaintiff's claims are "based upon a good faith
10 communication in furtherance of the right to petition or the right to free speech in direct connection
11 with an issue of public concern." This burden may be met by showing that the statement at issue
12 is a "[c]ommunication made in direct connection with an issue of public interest in a place open
13 to the public or in a public forum, which is truthful or is made without knowledge of its falsehood." NRS
14 41.637(4). The 2013 revisions to the Anti-SLAPP statute, particularly the inclusion of NRS
15 41.637(4), were meant to broaden the scope of the statute to include statements in furtherance of
16 the right to free speech, instead of focusing solely on the right to petition.

17 Under NRS 41.660(3)(b), once the Court finds that the Anti-SLAPP movant has met its
18 burden on the first prong, the burden then shifts to the plaintiff to show, by prima facie evidence
19 as defined by California case law, that it has a probability of prevailing of its claims. S.B. 444,
20 2015 Leg., 78th Sess., § 12.5(2) (Nev. 2015).

21 An Anti-SLAPP motion must be brought within 60 days of a defendant being served with
22 the complaint. See NRS 41.660(2). There is no dispute that Defendant's motion was timely filed.
23 Additionally, an order granting a Special Motion to Dismiss acts as an adjudication on the merits.
24 See NRS 41.660(5).

25 ///

26 ///

27 B. Prong One: Good-faith Communication in Direct Connection with an Issue of 28 Public Concern

1 The Court finds that Defendant has met her burden of proof under the first prong of
2 Nevada's Anti-SLAPP statute. Plaintiff's claims are primarily based on the October 2010 Yelp!®
3 Review. Complaints of non-criminal conduct by a business constitute matters of public concern,
4 particularly concerning reviews on web sites such as Yelp. See *Mt. Hood Polaris, Inc. v. Martino*
5 (*In re Gardner*), 563 F.3d 981, 989 (9th Cir. 2009). The Court agrees with the statement in
6 *Neumont Univ., LLC v. Little Bizzy, LLC*, 2014 U.S. Dist. LEXIS 69168, *33 {D. Nev. May 2014}
7 that "consumers play a vital role" in spreading awareness of companies' products and services, and
8 that "online fora for the exchange of those ideas play an increasingly large role in informing
9 consumers about the choices that make sense for them." California courts have also recognized the
10 importance of such statements, finding that:

11 "The growth of consumerism in the United States is a matter of common
12 knowledge. Members of the public have recognized their roles as consumers and
13 through concerted activities, both private and public, have attempted to improve
14 their ... positions vis-a-vis the supplies [sic] and manufacturers of consumer goods.
They clearly have an interest in matters which affect their roles as consumers, and
peaceful activities, such as plaintiffs', which inform them about such matters are
protected by the First Amendment."

15 *Willbanks v. Wolk*, 121 Cal. App. 4th 883, 899 (2004) (quoting *Paradise Hills Associates*
16 *v. Procel*, 235 Cal. App. 3d 1528, 1544 (1991)).

17 Defendant's statements are statements by a consumer of Plaintiff's services regarding the
18 quality of Plaintiff's services. The statements contained in Defendant's November 3, 2015 updated
19 review are also statements regarding the quality of Plaintiff's services. The authorities cited by
20 Defendant, such as *Wolk*, 121 Cal. App. 4th at 899, establish that Defendant's statements in both
21 the September 11, 2015 and November 3, 2015 review are statements on matters of public interest.

22 There is no dispute that Yelp is a well-known public forum, and Defendant has provided
23 evidence that her allegedly defamatory statements were not made with knowledge of their falsity.
24 Plaintiff failed to provide evidence tending to show that Defendant knew her statements were false
25 when she made them. Defendant thus made the statements at issue in good faith under NRS
26 41.637(4). Defendant proved by a preponderance of the evidence that her statements were on a
27 matter of public interest, in a public forum, and were made without knowledge of their falsity. She
28

1 thus satisfied her burden under prong one of the Anti-SLAPP statute, and the burden shifts to
2 Plaintiff to show a probability of prevailing on the merits of its claims.

3 **C. Prong Two: Probability of Prevailing on the Merits**

4 Plaintiff has failed to meet its burden under NRS 41.660(3) (b). Statements of opinion and
5 rhetorical hyperbole are not actionable, as Supreme Court precedent establishes that "there is no
6 such thing as a false idea. However pernicious an opinion may seem, we depend for its correction
7 not on the conscience of judges and juries but on the competition of other ideas." *Gertz v. Robert*
8 *Welch*, 418 U.S. 323, 339-340 (1974). If a reasonable person would not interpret a statement as an
9 assertion of fact, then the statement is protected under the First Amendment. See *Milkovich v.*
10 *Lorain Journal Co.*, 497 U.S. 1 (1990). To determine whether a statement is actionable, the Court
11 must ask whether a reasonable person would be likely to understand the statement as an expression
12 of the source's opinion or a statement of existing fact. See *Pegasus v. Reno Newspapers, Inc.*, 118
13 Nev. 706 (Nev. 2002). A Nevada federal court, applying Nevada law, established a three-factor
14 test in determining whether an allegedly defamatory statement includes a factual assertion: (1)
15 whether the general tenor of the entire work negates the impression that the defendant was
16 asserting an objective fact; (2) whether the defendant used figurative or hyperbolic language that
17 negates that impression; and (3) whether the statement in question is susceptible to being proved
18 true or false. *Flowers v. Carville*, 112 F. Supp. 2d 1202, 1211 (D. Nev. 2000).

19 Additionally, an "evaluative opinion" cannot be defamatory. See *People for the Ethical*
20 *Treatment of Animals v. Bobby Berosini, Ltd.*, 11 Nev. 615, 624-25 (Nev. 1995) (finding that
21 claiming depictions of violence towards animals shown in video amounted to "abuse" was
22 protected as an opinion) (modified on unrelated grounds in *City of Las Vegas Downtown*
23 *Redevelopment Agency v. Hecht*, 113 Nev. 644, 650 (Nev. 1997)). Such an opinion is one that
24 "involves a value judgment based on true information disclosed to or known by the public.
25 Evaluative opinions convey the publisher's judgment as to the quality of another's behavior, and
26 as such, it is not a statement of fact." *Id.* at 624 (citing *Prosser and Keeton on Torts* 814 (W. Page
27 Keeton, ed.; 5th ed 1984)).
28

1 Context is vitally important in determining whether a reasonable person is likely to view a
2 statement as one of fact, or one of protected opinion or rhetorical hyperbole. The context of
3 Defendant's statements is Yelp, a well-known online forum for consumer reviews. The Internet is
4 the modern equivalent of the soapbox on the sidewalk, and web sites such as Yelp are the type of
5 public forum that is protected under the First Amendment. The public has become accustomed to
6 seeing fiery rhetoric on online fora, and courts recognize that this context makes it less likely that
7 a reader will interpret statements published in such places as actionable statements of fact. See
8 *Summit Bank v. Rogers*, 206 Cal. App. 4th 669, 696-97 (2012) (finding that readers of statements
9 posted in "Rants and Raves" section of Craigslist "should be predisposed to view them with a
10 certain amount of skepticism, and with an understanding that they will likely present one-sided
11 viewpoints rather than assertions of provable facts"); see also *Global Telemedia Internat., Inc. v.*
12 *John Doe 1*, 132 F. Supp. 2d 1261, 1267 (C.D. Cal 2001) (finding that internet postings "are full
13 of hyperbole, invective, short-handed phrases and language not generally found in fact-based
14 documents, such as corporate press releases or SEC filings"); *Krinsky v. Doe 6*, 159 Cal. App. 4th
15 1154, 1163 (2008) (stating that "online discussions may look more like a vehicle for emotional
16 catharsis than a forum for the rapid exchange of information and ideas").

17 The Plaintiff asserted at oral argument on October 12, 2020 that Defendant Korb's
18 statements about the Plaintiff, including calling him a "butcher" and a "sociopath" were
19 defamatory. These statements were all protected under the first amendment as rhetorical hyperbole
20 that cannot support a claim for defamation. Applying the three-factor test enumerated in *Flowers*
21 *v. Carville*, 112 F. Supp. 2d 1202, 1211 (D. Nev. 2000), Defendant's statements are protected
22 statements of emotional hyperbolic opinion. The average Yelp user would not read the statement
23 that Dr. Stile is a "butcher" or that he is a "sociopath" and take them at their literal meanings,
24 respectively. The review is much closer to the sort of online "rant" found in cases like *Roger* and
25 *Krinsky*. See *Krinsky*, 159 Cal. App. 4th at 1173, 1178 (finding that in a chat room setting,
26 anonymous post that corporate officers consisted of a "cockroach," "losers," "boobs," and
27 "crooks" were "crude, satirical hyperbole which ... constitute protected opinion"). The words
28 "butcher" and "sociopath" do not exist in a vacuum, and the Court recognizes that the average

1 reader will not interpret them in a vacuum. See *Fortson v. Colangelo*, 434 F. Supp. 2d 1369, 1384-
2 85 (S.D. Fla. 2006) (finding that people do not "read words in a vacuum," and concluding that
3 accusation of basketball player committing "attempted murder" on basketball court was rhetorical
4 hyperbole).

5 No reasonable person would disagree that the statement at issue is a statement of opinion
6 of Defendant, and a trial to determine whether Plaintiff is actually a butcher or a sociopath would
7 not change this conclusion. As explained in *Gertz*, the purpose of forums like Yelp is for some
8 negative reviews and some positive reviews to co-exist; this is how the First Amendment is
9 supposed to work.

10 Plaintiff has failed to provide *prima facie* evidence, as defined in the statute, of a
11 probability of prevailing on its claims. To the extent that a Special Motion to Dismiss under NRS
12 41.660 is treated as a motion for Summary Judgment, there is no genuine dispute as to any material
13 fact that the statements made by Defendant Korb in the Yelp!® review are protected opinions or
14 rhetorical hyperbole.

15 **D. Damages, Costs, and Attorney's Fees**

16 Pursuant to NRS 41.670(1)(a), a defendant that prevails on a Special Motion to Dismiss
17 under NRS 41.660 shall received a mandatory award of costs and reasonable attorney fees. NRS
18 41.670(1)(b) also provides for an award of statutory damages against a plaintiff of up to \$10,000.00
19 in order to deter Plaintiff and other similar plaintiffs from filing SLAPP suits in the future. These
20 costs, fees, and damages shall be determined by this court upon separate Memorandum of Fees,
21 Costs, and Damages which is due before the Court on or before October 26, 2020.

22 **III. CONCLUSION**

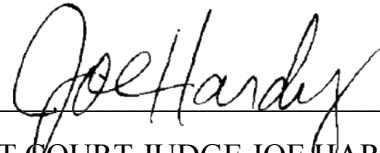
23 Accordingly, IT IS HEREBY ORDERED that Defendant's Motion is GRANTED. It is
24 ORDERED and ADJUDGED that all of Plaintiff's claims against Defendant Eva Korb are hereby
25 DISMISSED with prejudice.

26 It is FURTHER ORDERED that Defendant shall be awarded an amount of Statutory
27 Damages to be determined by this Court upon separate filing of a Memorandum of Fees, Costs,
28 and Damages pursuant to NRS 41.670(1)(b).

1 It is FURTHER ORDERED that Defendant is entitled to recover her costs and reasonable
2 attorney fees, and shall file a separate Memorandum of Fees, Costs, and Damages on or before
3 October 26, 2020 pursuant to NRS 41.670(1)(a).

4 Dated this _____ day of _____, 2020.

5 Dated this 3rd day of November, 2020

6 

7
8 DISTRICT COURT JUDGE JOE HARDY

9 Submitted by:

10 CONNELL LAW

C7B 75F 9C65 2B0C
Joe Hardy
District Court Judge

11
12 /s/ Christopher S. Connell

13 Christopher S. Connell, Esq.
14 Nevada Bar No. 12720
15 6671 Las Vegas Blvd., Suite 210
16 Las Vegas, NV 89119
Attorney for Defendant Eva Korb

17 Approved as to form and content:

18
19 _____
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21 Martin A. Little, Esq.
22 William A. Gonzalez, Esq.
23 3800 Howard Hughes Parkway, Suite 1000
24 Las Vegas, NV 89169
Attorney for Plaintiffs

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5
6 Frank Stile, M.D., Plaintiff(s) CASE NO: A-19-807131-C
7 vs. DEPT. NO. Department 15
8 Eva Korb, 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 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:

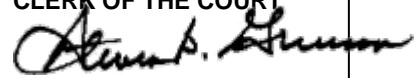
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EXHIBIT 2

EXHIBIT 2



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**DISTRICT COURT
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FRANK STILE, M.D., an individual; and
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Defendants,

Defendants.

Case No.: A-19-807131-C

Dept. No.: XV

**STIPULATION FOR SETTLEMENT OF
ATTORNEY'S FEES AND COSTS**

Defendant, EVA KORB, by and through her attorney of record Christopher S. Connell, Esq. of CONNELL LAW and Plaintiffs, FRANK STILE, M.D. and FRANK STILE M.D., P.C., by and through their attorney of record, William A. Gonzales, Esq. of HOWARD & HOWARD ATTORNEYS PLLC, hereby enter into this stipulation and agreement to resolve the attorney fees, costs and expenses, to which Defendant believes she is entitled to be reimbursed pursuant to NRS 41.670 for litigating this matter to and including this date.

WHEREAS the parties wish to settle issues relating to attorney's fees, costs and expenses without incurring further litigation expenses and the parties desire to settle the substantive issues pending at this date, the parties and all counsel hereby stipulate and agree that all attorney's fees, costs and expenses which have been claimed or accrued, or could have been claimed or accrued to and including this date by counsel for Defendant in this action and which may or may not have been settled by prior agreement, and any other issues which may or may not have been the subject of prior agreement, are settled in full on the following terms and conditions:

1 1. All claims by Defendant's counsel for reasonable attorney's fees, costs and expenses
2 which have been or could have been made on or before this date in this action are settled in full
3 for the sum of TWENTY FOUR THOUSAND DOLLARS (\$24,000.00). It is understood that
4 this settlement includes all attorney's fees, costs, expenses and possible discretionary award
5 pursuant to NRS 41.640 incurred in any litigation in this action to this date and any time spent in
6 seeking to collect or preparing to collect such fees, costs and expenses to this date.

7 2. The undersigned attorney for Defendant certifies that he has the authority from
8 Defendant to enter into this settlement stipulation.

9 3. It is understood and agreed by the parties that the payment of these attorney's fees and
10 costs be made by Plaintiffs and deposited in Plaintiffs' counsel's trust account until such time
11 that either the decision is not appealed or if the decision is upheld on appeal.

12 4. In the event of an appeal, any additional fees and costs incurred by Defendant would
13 be subject to a new motion for fees and costs that can be addressed at a later date.

14 5. It is understood and agreed that this agreement or any judgment or act pursuant thereto
15 shall not be construed as, nor constitute, an admission of any liability on the part of Plaintiffs.

16 IT IS SO STIPULATED AND AGREED.

17
18 DATED this 24TH day of November, 2020.

 DATED this 24TH day of November, 2020.

19 **CONNELL LAW**

**HOWARD & HOWARD ATTORNEYS
 PLLC**

20 /s/ Christopher S. Connell

/s/ William A. Gonzales

21 Christopher S. Connell, Esq.
22 Nevada Bar No. 12720
23 6671 Las Vegas Blvd., Suite 210
24 Las Vegas, Nevada 89119
 Attorney for Defendant

 William A. Gonzales, Esq.
 Nevada Bar No. 15230
 3800 Howard Hughes Parkway, Suite 1000
 Las Vegas, Nevada 89169
 Attorney for Plaintiffs

EXHIBIT 3

EXHIBIT 3

Intentional Misconduct

COURT MINUTES

December 07, 2020

A-19-807131-C Frank Stile, M.D., Plaintiff(s)
vs.
Eva Korb, Defendant(s)

December 07, 2020 09:00 AM Plaintiffs/Counterdefendants' Motion to Dismiss, Or Alternatively,
Motion for Summary Judgment

HEARD BY: Hardy, Joe COURTROOM: RJC Courtroom 11D

COURT CLERK: Duncan, Kristin

RECORDER: Yarbrough, Matt

REPORTER:

PARTIES PRESENT:

Christopher S. Connell Attorney for Defendant

William Antonio Gonzales, II Attorney for Plaintiff

JOURNAL ENTRIES

All parties present via Blue Jeans.

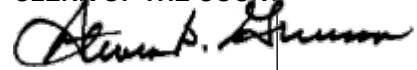
The Court noted that it reviewed the Motion, Opposition, and Reply. Additionally, the Court stated that the briefs made reference to Counterclaims, and the only Counterclaims the Court could locate, were included in the Anti-SLAPP Motion to Dismiss; the Court requested that the parties address the existence of the Counterclaims in their arguments, given that NRCP 7 and NRCP 13 seemed to apply. Mr. Gonzales argued in support of the instant Motion, stating that Eva Korb's defamation claim stemmed solely from Dr. Stile calling her a professional; however, one phrase could not be taken out of a statement, and then read in a vacuum. Additionally, Mr. Gonzales argued that Dr. Stile's statement was not defamatory in nature, case law indicated that a private right of action did not exist under HIPAA, and Eva Korb provided releases allowing Dr. Stile to disclose her personal information without limitations or exclusions. Regarding the Counterclaims, Mr. Gonzales advised that the Counterclaims were included in the Anti-SLAPP Motion, and would be addressed after the Anti-SLAPP Motion was addressed. Mr. Connell argued in opposition, stating that it was not conceivable that a Court to not deliver justice if a doctor went outside the bounds of HIPAA, as HIPAA existed to protect patients, not to shield doctors. Additionally, Mr. Connell argued that Eva Korb provided consent to Dr. Stile to use her pictures as samples; however, after Ms. Korb posted a bad review on Yelp, Dr. Stile posted her pictures on Yelp. Upon Court's inquiry, Mr. Gonzales confirmed that Plaintiffs filed an appeal on the Court's Order granting Eva Korb's Anti-SLAPP Motion to Dismiss. COURT ORDERED Plaintiffs / CounterDefendants' Motion to Dismiss, or Alternatively, Motion for Summary Judgment, was hereby DENIED, FINDING the following: (1) there were no pending counterclaims or claims to speak of; (2) pursuant to NRCP Rule 7 and NRCP Rule 13, counterclaims needed to be filed with a pleading, and pleadings were defined in NRCP 7(a); (3) an Anti-SLAPP Motion to Dismiss was not a pleading, under NRCP 7(a); (4) the Rules of Civil Procedure for the filing of counterclaims as part of a Motion to Dismiss; (5) the Anti-SLAPP Motion to Dismiss was not a fugitive document; however, the portion of said Motion styled as the counterclaims, was a fugitive documents, as it was not accompanied by a pleading; (6) Plaintiffs having already appealed the Court's granting of Eva Korb's Anti-SLAPP Motion to Dismiss, the Court considered the Order granting the Anti-SLAPP Motion to Dismiss as a FINAL JUDGMENT, as there were no other pending claims or counterclaims; and (7)

there being no claims or counterclaims to consider, the Court did not reach the substantive arguments raised in the Motion or Opposition, nor did it need to.

Mr. Connell to prepare the written Order, and forward it to Mr. Gonzales for approval as to form and content.

EXHIBIT 4

EXHIBIT 4



1 **NEOJ**
2 Micah S. Echols, Esq.
3 Nevada Bar No. 8437
4 **CLAGGETT & SYKES LAW FIRM**
5 4101 Meadows Lane, Ste. 100
6 Las Vegas, Nevada 89107
7 (702) 655-2346 – Telephone
8 (702) 655-3763 – Facsimile
9 micah@claggettlaw.com
10 *Attorneys for Plaintiff*

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 FRANK STILE, M.D., an individual;
10 and FRANK STILE M.D., P.C., a
11 Nevada professional corporation,

11 Plaintiffs,

12 v.

13 EVA KORB, an individual; DOE
14 INDIVIDUALS I-X; and ROE
15 ENTITIES I-X,

15 Defendant.

16 EVA KORB, an individual; DOE
17 INDIVIDUALS I-X; and ROE
18 ENTITIES I-X,

18 Counterclaimant,

19 v.

20 FRANK STILE, M.D., an individual;
21 and FRANK STILE M.D., P.C., a
22 Nevada professional corporation,

22 Counterdefendants.

Case No. A-19-807131-C

Dept. No. 15

**NOTICE OF ENTRY OF ORDER
DENYING PLAINTIFFS/
COUNTERDEFENDANTS'
MOTION TO DISMISS, OR
ALTERNATIVELY, MOTION
FOR SUMMARY JUDGMENT**

1 PLEASE TAKE NOTICE that an ORDER DENYING
2 PLAINTIFFS/COUNTERDEFENDANTS' MOTION TO DISMISS, OR
3 ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT was entered in
4 the above-entitled matter on April 26, 2021, a copy of which is attached hereto
5 as **Exhibit 1**.

6 Dated this 26th day of April 2021.

7 CLAGGETT & SYKES LAW FIRM

8 /s/ Micah S. Echols

9 _____
10 Micah S. Echols, Esq.
11 Nevada Bar No. 8437
12 *Attorneys for Plaintiff*
13
14
15
16
17
18
19
20
21
22
23
24

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFFS/ COUNTERDEFENDANTS' MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT** was submitted electronically for filing and/or service with the Eighth Judicial Court on the 26th day of April 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:

Christopher Connell cconnell@connelllawlv.com
Martin Little mal@h2law.com
Alexander Villamar av@h2law.com
Anya Ruiz ar@h2law.com
Jill Berghammer jmb@h2law.com
Susan Owens sao@h2law.com
Mary Rodriguez mary@connelllaw.com
Brandy Sanderson bsanderson@howardandhoward.com

/s/ Anna Gresl

Anna Gresl, an employee of
Claggett & Sykes Law Firm

EXHIBIT 1

EXHIBIT 1

1 **ODM**

2 Micah S. Echols, Esq.
3 Nevada Bar No. 8437
4 4101 Meadows Lane, Ste. 100
5 Las Vegas, Nevada 89107
6 (702) 655-2346 – Telephone
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8 micah@claggettlaw.com
9 *Attorneys for Plaintiff*

6 DISTRICT COURT

7 CLARK COUNTY, NEVADA

8 FRANK STILE, M.D., an individual;
9 and FRANK STILE M.D., P.C., a
10 Nevada professional corporation,

10 Plaintiffs,

11 v.

12 EVA KORB, an individual; DOE
13 INDIVIDUALS I-X; and ROE
14 ENTITIES I-X.

14 Defendant.

Case No. A-19-807131-C

Dept. No. 15

**ORDER DENYING PLAINTIFFS
/COUNTERDEFENDANTS'
MOTION TO DISMISS, OR
ALTERNATIVELY MOTION FOR
SUMMARY JUDGMENT**

Date of Hearing: December 7, 2020
Time of Hearing: 9:00 a.m.

15 EVA KORB, an individual,

16 Counterclaimant,

17 v.

18 FRANK STILE, M.D., an individual;
19 and FRANK STILE M.D., P.C., a
20 Nevada professional corporation,

Counterdefendants.

21 On December 7, 2020, this Court held a hearing on

22 Plaintiffs/Counterdefendants' motion to dismiss, or alternatively motion for
23 summary judgment, having considered the motion, opposition, and reply, as
24

1 well as the argument of counsel at the time of the hearing, and hereby orders as
2 follows:

3 1. Plaintiffs/Counterdefendants' motion to dismiss, or alternatively
4 motion for summary judgment is hereby DENIED.

5 2. The Court has considered the factors under the Nevada Rules of
6 Civil Procedure and finds that: (1) there were no pending counterclaims or
7 claims to speak of; (2) pursuant to NRCP 7 and NRCP 13, counterclaims needed
8 to be filed with a pleading, and pleadings were defined in NRCP 7(a); (3) an
9 Anti-SLAPP motion to dismiss is not a pleading, under NRCP 7(a); (4) the Rules
10 of Civil Procedure for the filing of counterclaims as part of a motion to dismiss;
11 (5) the Anti-SLAPP motion to dismiss was not a fugitive document; however, the
12 portion of said Motion styled as the counterclaims, was a fugitive documents, as
13 it was not accompanied by a pleading; (6) Plaintiffs/Counterdefendants having
14 already appealed the Court's granting of Eva Korb's Anti-SLAPP motion to
15 dismiss, the Court considered the Order granting the Anti-SLAPP motion to
16 dismiss as a FINAL JUDGMENT, as there were no other pending claims or
17 counterclaims; and (7) there being no claims or counterclaims to consider, the
18 Court did not reach the substantive arguments raised in the motion or
19 opposition, nor did it need to.

20 ///

21 ///

22 ///

3. Accordingly, IT IS HEREBY ORDERED that
Plaintiffs/Counterdefendants' motion to dismiss, or alternatively motion for
summary judgment is DENIED.

IT IS SO ORDERED.

Dated this 26th day of April, 2021



9F9 DA3 93EC ABF4
Joe Hardy
District Court Judge

Submitted by:

CLAGGETT & SYKES LAW FIRM

/s/ Micah S. Echols

Micah S. Echols, Esq.
Nevada Bar No. 8407
Attorneys for Plaintiffs

Approved as to form and content:

CONNELL LAW

/s/ Christopher S. Connell
Christopher S. Connell, Esq.
Nevada Bar No. 12720
6671 Las Vegas Blvd., Suite 210
Las Vegas, Nevada 89119
(702) 266-6355—Telephone
cconnell@connelllaw.com
Attorneys for Defendant, Eva Korb

Anna Gresl

From: Chris Connell <cconnell@connelllaw.com>
Sent: Friday, April 23, 2021 9:30 AM
To: Anna Gresl
Cc: Micah Echols
Subject: Re: A-19-807131-C - Stile, M.D. v. Korb

Good morning, please add my electronic signature.

Christopher S. Connell, Esq.
Attorney
Licensed in Nevada



CONNELL LAW
6671 Las Vegas Blvd. Suite 210
Las Vegas, Nevada 89119
Phone: (702) CONNELL ([266-6355](tel:266-6355))
Fax: [\(702\) 829-5930](tel:702-829-5930)
cconnell@connelllawlv.com
www.connelllawlv.com

On Apr 23, 2021, at 9:00 AM, Anna Gresl <Anna@claggettlaw.com> wrote:

Good morning,

Here is our draft of the order denying Plaintiffs/Counterdefendants' motion to dismiss, or alternatively motion for summary judgment. We essentially took the Court's minute order and made it into an order. Please provide us with your comments or your authorization to use your electronic signature on the draft of the order. Thank you.

Anna Gresl
Paralegal, Appellate Division

Claggett & Sykes Law Firm
4101 Meadows Lane, Ste. 100
Las Vegas, NV 89107
Tel. 702-655-2346 | Fax. 702-655-3763

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Frank Stile, M.D., Plaintiff(s)

CASE NO: A-19-807131-C

7 vs.

DEPT. NO. Department 15

8 Eva Korb, 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 Denying Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 4/26/2021

15 Christopher Connell

cconnell@connelllawlv.com

16 Martin Little

mal@h2law.com

17 Alexander Villamar

av@h2law.com

18 Anya Ruiz

ar@h2law.com

19 Jill Berghammer

jmb@h2law.com

20 Susan Owens

sao@h2law.com

21 Mary Rodriguez

mary@connelllaw.com

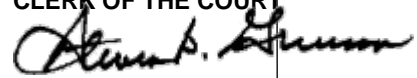
22 Brandy Sanderson

bsanderson@howardandhoward.com

23
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25
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27
28

EXHIBIT 5

EXHIBIT 5



1 **NEOJ**
2 Micah S. Echols, Esq.
3 Nevada Bar No. 8437
4 **CLAGGETT & SYKES LAW FIRM**
5 4101 Meadows Lane, Ste. 100
6 Las Vegas, Nevada 89107
7 (702) 655-2346 – Telephone
8 (702) 655-3763 – Facsimile
9 micah@claggettlaw.com
10 *Attorneys for Plaintiff*
11
12
13
14
15
16

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 FRANK STILE, M.D., an individual;
10 and FRANK STILE M.D., P.C., a
11 Nevada professional corporation,

11 Plaintiffs,

12 v.

13 EVA KORB, an individual; DOE
14 INDIVIDUALS I-X; and ROE
15 ENTITIES I-X,

15 Defendant.
16

Case No. A-19-807131-C

Dept. No. 15

**NOTICE OF ENTRY OF ORDER
ON STIPULATION FOR
SETTLEMENT OF ATTORNEY'S
FEES AND COSTS**

17 PLEASE TAKE NOTICE that an ORDER ON STIPULATION FOR
18 SETTLEMENT OF ATTORNEY'S FEES AND COSTS was entered in the
19 above-entitled matter on May 12, 2021, a copy of which is attached hereto as

20 **Exhibit 1.**

21 ///

22 ///

23 ///

24 ///

1 Dated this 12th day of May 2021.

2 CLAGGETT & SYKES LAW FIRM

3 /s/ Micah S. Echols

4

Micah S. Echols, Esq.

5 Nevada Bar No. 8437

6 *Attorneys for Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER ON STIPULATION FOR SETTLEMENT OF ATTORNEY'S FEES AND COSTS** was submitted electronically for filing and/or service with the Eighth Judicial Court on the 12th day of May 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:

Christopher Connell cconnell@connelllawlv.com
Martin Little mal@h2law.com
Alexander Villamar av@h2law.com
Anyia Ruiz ar@h2law.com
Jill Berghammer jmb@h2law.com
Susan Owens sao@h2law.com
Mary Rodriguez mary@connelllaw.com
Brandy Sanderson bsanderson@howardandhoward.com

/s/ Anna Gresl

Anna Gresl, an employee of
Claggett & Sykes Law Firm

EXHIBIT 1

EXHIBIT 1

Heather S. Hume

CLERK OF THE COURT

ORDR

Micah S. Echols, Esq.
Nevada Bar No. 8437
4101 Meadows Lane, Ste. 100
Las Vegas, Nevada 89107
(702) 655-2346 – Telephone
(702) 655-3763 – Facsimile
micah@claggettlaw.com
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

FRANK STILE, M.D., an individual;
and FRANK STILE M.D., P.C., a
Nevada professional corporation,

Plaintiffs,

v.

EVA KORB, an individual; DOE
INDIVIDUALS I-X; and ROE
ENTITIES I-X,

Defendant.

Case No. A-19-807131-C

Dept. No. 15

**ORDER ON STIPULATION FOR
SETTLEMENT OF ATTORNEY'S
FEES AND COSTS**

On November 24, 2020, the parties in the above-entitled action filed a
STIPULATION FOR SETTLEMENT OF ATTORNEY'S FEES AND COSTS,
attached hereto. Pursuant to the parties' submission, and good cause appearing,
the Court hereby orders as follows:

1. IT IS HEREBY ORDERED that the parties STIPULATION FOR
SETTLEMENT OF ATTORNEY'S FEES AND COSTS filed on November 24,
2020 is hereby GRANTED in its entirety.

2. IT IS FURTHER ORDERED that all claims by Defendant's counsel for reasonable attorney's fees, costs, and expenses, which have been or could have been made on or before November 24, 2020 in this action are settled in full for the sum of TWENTY-FOUR THOUSAND AND 00/100 DOLLARS (\$24,000.00).

3. IT IS FURTHER ORDERED that this settlement includes all attorney's fees, costs, expenses, and possible discretionary award pursuant to NRS 41.640 incurred in any litigation in this action to November 24, 2020 and any time spent in seeking to collect or preparing to collect such fees, costs, and expenses to November 24, 2020.

4. IT IS FURTHER ORDERED that the payment of these attorney's fees and costs be made by Plaintiffs and deposited in Plaintiffs' counsel's trust account until such time that either the decision is not appealed or if the decision is upheld on appeal.

5. IT IS FURTHER ORDERED that in the event of an appeal, any additional fees and costs incurred by Defendant would be subject to a new motion for fees and costs that can be addressed at a later date.

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1 6. IT IS FURTHER ORDERED that this agreement or any judgment
2 or act pursuant thereto shall not be construed as, no constitute, an admission of
3 any liability on the part of Plaintiffs.

4
5 IT IS SO ORDERED.

Dated this 12th day of May, 2021

6 
7

8 **558 6EC 6B92 02A2**
9 **Joe Hardy**
10 **District Court Judge**

11 Submitted by:

12 **CLAGGETT & SYKES LAW FIRM**

13 /s/ Micah S. Echols

14

Micah S. Echols, Esq.
Nevada Bar No. 8407
Attorneys for Plaintiffs

15
16 Approved as to form and content:

17 **CONNELL LAW**

18 /s/ Christopher S. Connell

19

Christopher S. Connell, Esq.
Nevada Bar No. 12720
20 6671 Las Vegas Blvd., Suite 210
Las Vegas, Nevada 89119
21 (702) 266-6355 – Telephone
cconnell@connelllaw.com
22 *Attorneys for Defendant, Eva Korb*

From: [Chris Connell](#)
To: [Anna Gresl](#)
Cc: [Micah Echols](#)
Subject: Re: A-19-807131-C - Stile, M.D. v. Korb
Date: Tuesday, May 11, 2021 5:20:24 PM

Hi Anna,

If you can just change that collection costs to date to November 24, 2020, that should take care of it. Please add my signature if that change works. Thank you.

Christopher S. Connell, Esq.
Attorney
Licensed in Nevada



CONNELL LAW
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cconnell@connelllawlv.com
www.connelllawlv.com

On May 11, 2021, at 4:38 PM, Anna Gresl <Anna@claggettlaw.com> wrote:

Mr. Connell:

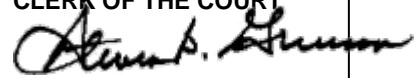
We notice that and Order was not entered on stipulation for settlement of attorney's fees and cost, so we have prepared an Order, which is attached for your review/approval. We took the stipulation and made it into an order.

Please provide us with your comments or your authorization to use your electronic signature on the attached draft Order on Stipulation for Settlement of Attorney's Fees and Costs.

Sincerely,

Anna Gresl
Paralegal, Appellate Division

[<image001.png>](#)



CONNELL LAW
Christopher S. Connell, Esq.
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Las Vegas, NV 89119
(702) 266-6355; Fax: (702) 829-5930
cconnell@connelllawlv.com
Attorney for Eva Korb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

FRANK STILE, M.D., an individual; and
FRANK STILE M.D., P.C.; a Nevada
professional corporation,

Plaintiffs,
vs.

EVA KORB, an individual;, DOE
INDIVIDUALS I-X; and ROE ENTITIES I-X,

Defendants,

Defendants.

Case No.: A-19-807131-C

Dept. No.: XV

**STIPULATION FOR SETTLEMENT OF
ATTORNEY'S FEES AND COSTS**

Defendant, EVA KORB, by and through her attorney of record Christopher S. Connell, Esq. of CONNELL LAW and Plaintiffs, FRANK STILE, M.D. and FRANK STILE M.D., P.C., by and through their attorney of record, William A. Gonzales, Esq. of HOWARD & HOWARD ATTORNEYS PLLC, hereby enter into this stipulation and agreement to resolve the attorney fees, costs and expenses, to which Defendant believes she is entitled to be reimbursed pursuant to NRS 41.670 for litigating this matter to and including this date.

WHEREAS the parties wish to settle issues relating to attorney's fees, costs and expenses without incurring further litigation expenses and the parties desire to settle the substantive issues pending at this date, the parties and all counsel hereby stipulate and agree that all attorney's fees, costs and expenses which have been claimed or accrued, or could have been claimed or accrued to and including this date by counsel for Defendant in this action and which may or may not have been settled by prior agreement, and any other issues which may or may not have been the subject of prior agreement, are settled in full on the following terms and conditions:

1 1. All claims by Defendant's counsel for reasonable attorney's fees, costs and expenses
2 which have been or could have been made on or before this date in this action are settled in full
3 for the sum of TWENTY FOUR THOUSAND DOLLARS (\$24,000.00). It is understood that
4 this settlement includes all attorney's fees, costs, expenses and possible discretionary award
5 pursuant to NRS 41.640 incurred in any litigation in this action to this date and any time spent in
6 seeking to collect or preparing to collect such fees, costs and expenses to this date.

7 2. The undersigned attorney for Defendant certifies that he has the authority from
8 Defendant to enter into this settlement stipulation.

9 3. It is understood and agreed by the parties that the payment of these attorney's fees and
10 costs be made by Plaintiffs and deposited in Plaintiffs' counsel's trust account until such time
11 that either the decision is not appealed or if the decision is upheld on appeal.

12 4. In the event of an appeal, any additional fees and costs incurred by Defendant would
13 be subject to a new motion for fees and costs that can be addressed at a later date.

14 5. It is understood and agreed that this agreement or any judgment or act pursuant thereto
15 shall not be construed as, nor constitute, an admission of any liability on the part of Plaintiffs.

16 IT IS SO STIPULATED AND AGREED.

17
18 DATED this 24TH day of November, 2020.

 DATED this 24TH day of November, 2020.

19 **CONNELL LAW**

**HOWARD & HOWARD ATTORNEYS
 PLLC**

20 /s/ Christopher S. Connell

/s/ William A. Gonzales

21 Christopher S. Connell, Esq.
22 Nevada Bar No. 12720
23 6671 Las Vegas Blvd., Suite 210
24 Las Vegas, Nevada 89119
 Attorney for Defendant

 William A. Gonzales, Esq.
 Nevada Bar No. 15230
 3800 Howard Hughes Parkway, Suite 1000
 Las Vegas, Nevada 89169
 Attorney for Plaintiffs

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Frank Stile, M.D., Plaintiff(s) CASE NO: A-19-807131-C
7 vs. DEPT. NO. Department 15
8 Eva Korb, 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 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:

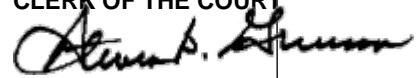
14 Service Date: 5/12/2021

15 Christopher Connell	cconnell@connelllawlv.com
16 Martin Little	mal@h2law.com
17 Alexander Villamar	av@h2law.com
18 Anya Ruiz	ar@h2law.com
19 Jill Berghammer	jmb@h2law.com
20 Susan Owens	sao@h2law.com
21 Mary Rodriguez	mary@connelllaw.com
22 Brandy Sanderson	bsanderson@howardandhoward.com

23
24
25
26
27
28

EXHIBIT 6

EXHIBIT 6



1 **ANOVA**
2 Micah S. Echols, Esq.
3 Nevada Bar No. 8437
4 **CLAGGETT & SYKES LAW FIRM**
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6 Las Vegas, Nevada 89107
7 (702) 655-2346 – Telephone
8 (702) 655-3763 – Facsimile
9 micah@claggettlaw.com
10 *Attorneys for Plaintiff*

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 FRANK STILE, M.D., an individual;
10 and FRANK STILE M.D., P.C., a
11 Nevada professional corporation,

11 Plaintiffs/Counterdefendants,

12 v.

13 EVA KORB, an individual; DOE
14 INDIVIDUALS I-X; and ROE
15 ENTITIES I-X,

15 Defendant/Counterclaimant.

Case No. A-19-807131-C

Dept. No. 15

AMENDED NOTICE OF APPEAL

17 Plaintiffs/Counterdefendants, Frank Stile, M.D. and Frank Stile M.D.,
18 P.C., (collectively referred to as “Dr. Stile”), by and through his attorneys of record
19 Claggett & Sykes Law Firm, hereby files this amended notice of appeal to the
20 Supreme Court of Nevada to add the *ORDER ON STIPULATION FOR*
21 *SETTLEMENT OF ATTORNEY’S FEES AND COSTS* entered on May 12, 2021
22 and is attached hereto as **Exhibit 1**. Dr. Stile appeals from the order on
23 stipulation for settlement of attorney’s fees and costs because it is the final,
24

1 appealable order. By appealing this final, appealable order, Dr. Stile is providing
2 the Supreme Court with jurisdiction to review the interlocutory order which is
3 the subject of his appeal.

4 Dated this 12th day of May 2021.

5 CLAGGETT & SYKES LAW FIRM

6 /s/ Micah S. Echols

7 _____
8 Micah S. Echols, Esq.

9 Nevada Bar No. 8437

10 *Attorneys for Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **AMENDED NOTICE OF APPEAL** was submitted electronically for filing and/or service with the Eighth Judicial Court on the 12th day of May 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:

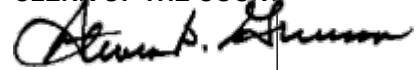
Christopher Connell cconnell@connelllawlv.com
Martin Little mal@h2law.com
Alexander Villamar av@h2law.com
Anyia Ruiz ar@h2law.com
Jill Berghammer jmb@h2law.com
Susan Owens sao@h2law.com
Mary Rodriguez mary@connelllaw.com
Brandy Sanderson bsanderson@howardandhoward.com

/s/ Anna Gresl

Anna Gresl, an employee of
Claggett & Sykes Law Firm

EXHIBIT 1

EXHIBIT 1



1 **NEOJ**
2 Micah S. Echols, Esq.
3 Nevada Bar No. 8437
4 **CLAGGETT & SYKES LAW FIRM**
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9 micah@claggettlaw.com
10 *Attorneys for Plaintiff*
11

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 FRANK STILE, M.D., an individual;
10 and FRANK STILE M.D., P.C., a
11 Nevada professional corporation,

11 Plaintiffs,

12 v.

13 EVA KORB, an individual; DOE
14 INDIVIDUALS I-X; and ROE
15 ENTITIES I-X,

15 Defendant.

Case No. A-19-807131-C

Dept. No. 15

**NOTICE OF ENTRY OF ORDER
ON STIPULATION FOR
SETTLEMENT OF ATTORNEY'S
FEES AND COSTS**

16
17 PLEASE TAKE NOTICE that an ORDER ON STIPULATION FOR
18 SETTLEMENT OF ATTORNEY'S FEES AND COSTS was entered in the
19 above-entitled matter on May 12, 2021, a copy of which is attached hereto as

20 **Exhibit 1.**

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Dated this 12th day of May 2021.

CLAGGETT & SYKES LAW FIRM

/s/ Micah S. Echols

Micah S. Echols, Esq.
Nevada Bar No. 8437
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER ON STIPULATION FOR SETTLEMENT OF ATTORNEY'S FEES AND COSTS** was submitted electronically for filing and/or service with the Eighth Judicial Court on the 12th day of May 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:

Christopher Connell cconnell@connelllawlv.com
Martin Little mal@h2law.com
Alexander Villamar av@h2law.com
Anya Ruiz ar@h2law.com
Jill Berghammer jmb@h2law.com
Susan Owens sao@h2law.com
Mary Rodriguez mary@connelllaw.com
Brandy Sanderson bsanderson@howardandhoward.com

/s/ Anna Gresl

Anna Gresl, an employee of
Claggett & Sykes Law Firm

EXHIBIT 1

EXHIBIT 1

ORDR

Micah S. Echols, Esq.
Nevada Bar No. 8437
4101 Meadows Lane, Ste. 100
Las Vegas, Nevada 89107
(702) 655-2346 – Telephone
(702) 655-3763 – Facsimile
micah@claggettlaw.com
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

FRANK STILE, M.D., an individual;
and FRANK STILE M.D., P.C., a
Nevada professional corporation,

Plaintiffs,

v.

EVA KORB, an individual; DOE
INDIVIDUALS I-X; and ROE
ENTITIES I-X,

Defendant.

Case No. A-19-807131-C

Dept. No. 15

**ORDER ON STIPULATION FOR
SETTLEMENT OF ATTORNEY'S
FEES AND COSTS**

On November 24, 2020, the parties in the above-entitled action filed a
STIPULATION FOR SETTLEMENT OF ATTORNEY'S FEES AND COSTS,
attached hereto. Pursuant to the parties' submission, and good cause appearing,
the Court hereby orders as follows:

1. IT IS HEREBY ORDERED that the parties STIPULATION FOR
SETTLEMENT OF ATTORNEY'S FEES AND COSTS filed on November 24,
2020 is hereby GRANTED in its entirety.

2. IT IS FURTHER ORDERED that all claims by Defendant's counsel for reasonable attorney's fees, costs, and expenses, which have been or could have been made on or before November 24, 2020 in this action are settled in full for the sum of TWENTY-FOUR THOUSAND AND 00/100 DOLLARS (\$24,000.00).

3. IT IS FURTHER ORDERED that this settlement includes all attorney's fees, costs, expenses, and possible discretionary award pursuant to NRS 41.640 incurred in any litigation in this action to November 24, 2020 and any time spent in seeking to collect or preparing to collect such fees, costs, and expenses to November 24, 2020.

4. IT IS FURTHER ORDERED that the payment of these attorney's fees and costs be made by Plaintiffs and deposited in Plaintiffs' counsel's trust account until such time that either the decision is not appealed or if the decision is upheld on appeal.

5. IT IS FURTHER ORDERED that in the event of an appeal, any additional fees and costs incurred by Defendant would be subject to a new motion for fees and costs that can be addressed at a later date.

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1 6. IT IS FURTHER ORDERED that this agreement or any judgment
2 or act pursuant thereto shall not be construed as, no constitute, an admission of
3 any liability on the part of Plaintiffs.

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5 IT IS SO ORDERED.

Dated this 12th day of May, 2021

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8 **558 6EC 6B92 02A2**
9 **Joe Hardy**
10 **District Court Judge**

11 Submitted by:

12 **CLAGGETT & SYKES LAW FIRM**

13 /s/ Micah S. Echols

14

Micah S. Echols, Esq.
Nevada Bar No. 8407
Attorneys for Plaintiffs

15
16 Approved as to form and content:

17 **CONNELL LAW**

18 /s/ Christopher S. Connell

19

Christopher S. Connell, Esq.
Nevada Bar No. 12720
6671 Las Vegas Blvd., Suite 210
Las Vegas, Nevada 89119
(702) 266-6355 – Telephone
cconnell@connelllaw.com
22 *Attorneys for Defendant, Eva Korb*

From: [Chris Connell](#)
To: [Anna Gresl](#)
Cc: [Micah Echols](#)
Subject: Re: A-19-807131-C - Stile, M.D. v. Korb
Date: Tuesday, May 11, 2021 5:20:24 PM

Hi Anna,

If you can just change that collection costs to date to November 24, 2020, that should take care of it. Please add my signature if that change works. Thank you.

Christopher S. Connell, Esq.
Attorney
Licensed in Nevada



CONNELL LAW
6671 Las Vegas Blvd. Suite 210
Las Vegas, Nevada 89119
Phone: (702) CONNELL ([266-6355](tel:266-6355))
Fax: [\(702\) 829-5930](tel:702-829-5930)
cconnell@connelllawlv.com
www.connelllawlv.com

On May 11, 2021, at 4:38 PM, Anna Gresl <Anna@claggettlaw.com> wrote:

Mr. Connell:

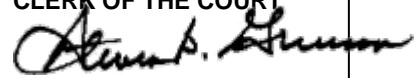
We notice that and Order was not entered on stipulation for settlement of attorney's fees and cost, so we have prepared an Order, which is attached for your review/approval. We took the stipulation and made it into an order.

Please provide us with your comments or your authorization to use your electronic signature on the attached draft Order on Stipulation for Settlement of Attorney's Fees and Costs.

Sincerely,

Anna Gresl
Paralegal, Appellate Division

[<image001.png>](#)



CONNELL LAW
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cconnell@connelllawlv.com
Attorney for Eva Korb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

FRANK STILE, M.D., an individual; and
FRANK STILE M.D., P.C.; a Nevada
professional corporation,

Plaintiffs,
vs.

EVA KORB, an individual;, DOE
INDIVIDUALS I-X; and ROE ENTITIES I-X,

Defendants,

Defendants.

Case No.: A-19-807131-C

Dept. No.: XV

**STIPULATION FOR SETTLEMENT OF
ATTORNEY'S FEES AND COSTS**

Defendant, EVA KORB, by and through her attorney of record Christopher S. Connell, Esq. of CONNELL LAW and Plaintiffs, FRANK STILE, M.D. and FRANK STILE M.D., P.C., by and through their attorney of record, William A. Gonzales, Esq. of HOWARD & HOWARD ATTORNEYS PLLC, hereby enter into this stipulation and agreement to resolve the attorney fees, costs and expenses, to which Defendant believes she is entitled to be reimbursed pursuant to NRS 41.670 for litigating this matter to and including this date.

WHEREAS the parties wish to settle issues relating to attorney's fees, costs and expenses without incurring further litigation expenses and the parties desire to settle the substantive issues pending at this date, the parties and all counsel hereby stipulate and agree that all attorney's fees, costs and expenses which have been claimed or accrued, or could have been claimed or accrued to and including this date by counsel for Defendant in this action and which may or may not have been settled by prior agreement, and any other issues which may or may not have been the subject of prior agreement, are settled in full on the following terms and conditions:

1 1. All claims by Defendant's counsel for reasonable attorney's fees, costs and expenses
2 which have been or could have been made on or before this date in this action are settled in full
3 for the sum of TWENTY FOUR THOUSAND DOLLARS (\$24,000.00). It is understood that
4 this settlement includes all attorney's fees, costs, expenses and possible discretionary award
5 pursuant to NRS 41.640 incurred in any litigation in this action to this date and any time spent in
6 seeking to collect or preparing to collect such fees, costs and expenses to this date.

7 2. The undersigned attorney for Defendant certifies that he has the authority from
8 Defendant to enter into this settlement stipulation.

9 3. It is understood and agreed by the parties that the payment of these attorney's fees and
10 costs be made by Plaintiffs and deposited in Plaintiffs' counsel's trust account until such time
11 that either the decision is not appealed or if the decision is upheld on appeal.

12 4. In the event of an appeal, any additional fees and costs incurred by Defendant would
13 be subject to a new motion for fees and costs that can be addressed at a later date.

14 5. It is understood and agreed that this agreement or any judgment or act pursuant thereto
15 shall not be construed as, nor constitute, an admission of any liability on the part of Plaintiffs.

16 IT IS SO STIPULATED AND AGREED.

17
18 DATED this 24TH day of November, 2020.

 DATED this 24TH day of November, 2020.

19 **CONNELL LAW**

**HOWARD & HOWARD ATTORNEYS
 PLLC**

20 /s/ Christopher S. Connell

/s/ William A. Gonzales

21 Christopher S. Connell, Esq.
22 Nevada Bar No. 12720
23 6671 Las Vegas Blvd., Suite 210
24 Las Vegas, Nevada 89119
 Attorney for Defendant

 William A. Gonzales, Esq.
 Nevada Bar No. 15230
 3800 Howard Hughes Parkway, Suite 1000
 Las Vegas, Nevada 89169
 Attorney for Plaintiffs

1 **CSERV**

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3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6 Frank Stile, M.D., Plaintiff(s) CASE NO: A-19-807131-C
7 vs. DEPT. NO. Department 15
8 Eva Korb, 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 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: 5/12/2021

15 Christopher Connell	cconnell@connelllawlv.com
16 Martin Little	mal@h2law.com
17 Alexander Villamar	av@h2law.com
18 Anya Ruiz	ar@h2law.com
19 Jill Berghammer	jmb@h2law.com
20 Susan Owens	sao@h2law.com
21 Mary Rodriguez	mary@connelllaw.com
22 Brandy Sanderson	bsanderson@howardandhoward.com

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