

Electronically Filed
May 17 2021 04:00 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 **ANOVA**
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,

12 Plaintiffs/Counterdefendants,

13 v.

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

17 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.
 Nevada Bar No. 8437
 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:

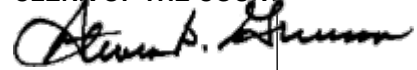
Christopher Connell cconnell@connelllawlv.com
Martin Little mal@h2law.com
Alexander Villamar av@h2law.com
Anya Ruiz ar@h2law.com
Jill Berghammer jmb@h2law.com
Susan Owens sao@h2law.com
Mary Rodriguez mary@connelllaw.com
Brandy Sanderson bsanderson@howardandhoward.com

/s/ Anna Gresl

Anna Gresl, an employee of
Claggett & Sykes Law Firm

EXHIBIT 1

EXHIBIT 1



1 **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
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9 micah@claggettlaw.com
10 *Attorneys for Plaintiff*
11

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

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

17 **Plaintiffs,**

18 **v.**

19 **EVA KORB, an individual; DOE**
20 **INDIVIDUALS I-X; and ROE**
21 **ENTITIES I-X,**

22 **Defendant.**

23 **Case No. A-19-807131-C**

24 **Dept. No. 15**

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

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

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
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

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
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:

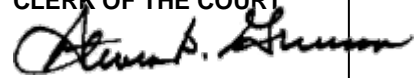
We notice that and Order was not entered on stipulation for settlement of attorney's fees and cost, so we have prepared an Order, which is attached for your review/approval. We took the stipulation and made it into an order.

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
Christopher S. Connell, Esq.
Nevada Bar No. 12720
6671 Las Vegas Blvd., Suite 210
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(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 |

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27
28

CASE SUMMARY**CASE NO. A-19-807131-C**

Frank Stile, M.D., Plaintiff(s)
vs.
Eva Korb, Defendant(s)

§
§
§
§
§
§

Location: **Department 15**
 Judicial Officer: **Hardy, Joe**
 Filed on: **12/17/2019**
 Cross-Reference Case Number: **A807131**
 Supreme Court No.: **82189**

CASE INFORMATION**Statistical Closures**

05/12/2021 Motion to Dismiss by the Defendant(s)

Case Type: **Intentional Misconduct**

Case Status: **05/12/2021 Dismissed**





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

Case Number A-19-807131-C
 Court Department 15
 Date Assigned 12/17/2019
 Judicial Officer Hardy, Joe

PARTY INFORMATION

| | | <i>Lead Attorneys</i> |
|------------------|---------------------------|--|
| Plaintiff | Frank Stile MD PC | Little, Martin A. <i>Retained</i> 7026997500(W) |
| | Stile, Frank, M.D. | Little, Martin A. <i>Retained</i> 7026997500(W) |
| Defendant | Korb, Eva | Connell, Christopher S. <i>Retained</i> 702-266-6355(W) |

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

| | |
|------------|--|
| 12/17/2019 |  Initial Appearance Fee Disclosure Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i> |
| 12/17/2019 |  Complaint Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Complaint</i> |
| 12/17/2019 |  Disclosure Statement Party: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Plaintiff Frank Stile, M.D., P.C.'s Disclosure Statement Pursuant to NRCP 7.1</i> |
| 12/19/2019 |  Summons Electronically Issued - Service Pending Party: Plaintiff Frank Stile MD PC <i>Summons to Eva Korb</i> |
| 04/15/2020 |  Application |













CASE SUMMARY

CASE NO. A-19-807131-C

| | |
|------------|---|
| | Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Application for Order to Serve Defendant Eva Korb by Publication and to Extend Time Period to Serve</i> |
| 05/14/2020 |  Order for Service by Publication Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Order Granting Leave to Serve Defendant Eva Korb by Publication and Extending Time Period to Serve</i> |
| 05/14/2020 |  Order to Enlarge Time for Service Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Order Granting Leave to Serve Defendant Eva Korb by Publication and Extending Time Period to Serve</i> |
| 05/18/2020 |  Notice of Entry of Order Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Notice of Entry of Order Granting Leave to Serve Defendant Eva Korb by Publication and Extending Time Period to Serve</i> |
| 06/15/2020 |  Affidavit of Publication of Summons Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Affidavit of Publication of Summons</i> |
| 06/18/2020 |  Certificate of Service Filed by: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Certificate of Service</i> |
| 06/18/2020 |  Default Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>(9/2/2020- Set Aside Per Order) Default Against Defendant Eva Korb</i> |
| 07/23/2020 |  Notice of Entry of Default Party: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Notice of Entry of Default</i> |
| 07/30/2020 |  Notice of Appearance Party: Defendant Korb, Eva <i>Notice of Appearance</i> |
| 07/30/2020 |  Motion to Set Aside Filed By: Defendant Korb, Eva <i>Motion to Set Aside Default</i> |
| 07/31/2020 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 08/13/2020 |  Opposition to Motion Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Opposition to Defendant's Motion to Set Aside Default and Request for Attorneys' Fees and Costs</i> |
| 08/18/2020 |  Reply in Support Filed By: Defendant Korb, Eva <i>Reply in Support of the Motion to Set Aside Default</i> |



CASE SUMMARY

CASE NO. A-19-807131-C

| | |
|------------|---|
| 09/02/2020 |  Order Filed By: Defendant Korb, Eva <i>Order On Motion to Set Aside Default</i> |
| 09/02/2020 |  Notice of Entry Filed By: Defendant Korb, Eva <i>Notice of Entry-Order on Motion to Set Aside Default</i> |
| 09/02/2020 |  Motion to Dismiss Filed By: Defendant Korb, Eva <i>Anti-Slapp Special Motion to Dismiss Under NRS 41.660 and Counterclaims</i> |
| 09/02/2020 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 09/09/2020 |  Stipulation and Order Filed by: Defendant Korb, Eva <i>Stipulation and Order to Continue Hearing on Defendants Anti-Slapp Special Motion to Dismiss Under NRS41.660 and Counterclaims</i> |
| 09/09/2020 |  Notice of Entry of Stipulation and Order Filed By: Defendant Korb, Eva <i>Notice of Entry of Stipulation and Order to Continue Hearing on Defendants Anti-Slapp Special Motion to Dismiss Under NRS41.660 and Counterclaims</i> |
| 09/23/2020 |  Opposition Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Plaintiffs' Opposition to Defendants' Anti-Slapp Special Motion to Dismiss</i> |
| 09/28/2020 |  Reply in Support Filed By: Defendant Korb, Eva <i>Reply in Support of Anti-Slapp Special Motion to Dismiss Under NRS41.660</i> |
| 10/19/2020 |  Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re:</i> |
| 10/26/2020 |  Motion Filed By: Defendant Korb, Eva <i>Defendant Eva Korb's Motion for Costs, Fees, and Sanctions under NRS 41.670</i> |
| 10/27/2020 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 11/03/2020 |  Order Granting Motion Filed By: Defendant Korb, Eva <i>Order Granting Defendant's Special Motion to Dismiss Under NRS 41.660</i> |
| 11/04/2020 |  Notice of Entry Filed By: Defendant Korb, Eva <i>Notice of Entry of Order Granting Eva Korb's Special Motion to Dismiss Under NRS 41.660</i> |
| 11/06/2020 |  Demand for Jury Trial Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Demand for Jury Trial</i> |

CASE SUMMARY

CASE NO. A-19-807131-C

| | |
|------------|--|
| 11/06/2020 |  Motion to Dismiss Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Plaintiffs/Counterdefendants' Motion to Dismiss, Or Alternatively, Motion for Summary Judgment</i> |
| 11/06/2020 |  Clerk's Notice of Hearing <i>Clerks Notice of Hearing</i> |
| 11/09/2020 |  Opposition to Motion Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Opposition to Eva Korb's Motion for Costs, Fees and Sanctions Under NRS 41.670</i> |
| 11/20/2020 |  Stipulation and Order Filed by: Defendant Korb, Eva <i>Stipulation and Order to Vacate Hearing</i> |
| 11/20/2020 |  Opposition to Motion Filed By: Defendant Korb, Eva <i>Opposition to Plaintiff/Counter-Defendants' Motion to Dismiss, or Alternatively, Motion for Summary Judgment</i> |
| 11/20/2020 |  Notice of Entry Filed By: Defendant Korb, Eva <i>Notice of Entry-Stipulation and Order to Vacate Hearing</i> |
| 11/24/2020 |  Stipulation Filed by: Defendant Korb, Eva <i>Stipulation for Settlement of Attorney's Fees and Costs</i> |
| 12/02/2020 |  Reply Filed by: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Plaintiffs/Counterdefendants' Reply in Support of Motion to Dismiss, or Alternatively, Motion for Summary Judgment</i> |
| 12/02/2020 |  Notice of Appeal Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Notice of Appeal</i> |
| 12/02/2020 |  Case Appeal Statement Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Case Appeal Statement</i> |
| 12/15/2020 |  Notice of Posting of Cost Bond Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Notice of Posting Cost Bond Upon Appeal</i> |
| 04/26/2021 |  Order Denying Motion <i>Order Denying Plaintiffs' Motion to Dismiss, or Alternatively Motion for Summary Judgment</i> |
| 04/26/2021 |  Notice of Entry of Order Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC <i>Notice of Entry of Order Denying Plaintiffs/Counterdefendants Motion to Dismiss, Or Alternatively, Motion for Summary Judgment</i> |

CASE SUMMARY

CASE NO. A-19-807131-C

05/12/2021



Order

Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC
Order on Stipulation for Settlement of Attorney's Fees and Costs

05/12/2021



Order to Statistically Close Case

Civil Order to Statistically Close Case

05/12/2021



Notice of Entry of Order

Filed By: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC
Notice of Entry of Order on Stipulation for Settlement of Attorney's Fees and Costs

05/12/2021



Amended Notice of Appeal

Party: Plaintiff Stile, Frank, M.D.; Plaintiff Frank Stile MD PC
Amended Notice of Appeal

DISPOSITIONS

11/03/2020

Order of Dismissal With Prejudice (Judicial Officer: Hardy, Joe)
Debtors: Frank Stile, MD. (Plaintiff), Frank Stile MD PC (Plaintiff)
Creditors: Eva Korb (Defendant)
Judgment: 11/03/2020, Docketed: 11/04/2020
Comment: Certain Claims

HEARINGS

08/31/2020



Motion to Set Aside Default Judgment (9:00 AM) (Judicial Officer: Hardy, Joe)

Defendant's Motion to Set Aside Default

Motion Granted;

Journal Entry Details:

All parties present via Blue Jeans. The Court noted that it reviewed the instant Motion, the Opposition, and the Reply. Mr. Connell argued in support of the Motion, stating that Defendant traveled extensively, and was out of the country when the Motion for Publication was effectuated. Additionally, Mr. Connell argued that the Nevada Supreme Court preferred for cases to be heard on their merits. Mr. Gonzales argued in opposition, stating that the process server attempted to serve the Defendant while the Defendant was in Las Vegas, and the Defendant ignored all service attempts, as well as the tags left on the Defendant's front door. Upon Court's inquiry, Mr. Gonzales could not identify a law stating that the Defendant had an affirmative duty to contact the Plaintiff regarding service. COURT ORDERED Defendant's Motion to Set Aside Default was hereby GRANTED for all of the reasons in the Motion and Reply, FINDING and ORDERING the following: (1) there was no law, or affirmative duty, stating that a Defendant who found a tag from a process server on their door, was then required to contact the Plaintiff to be served; (2) good cause had been shown to set aside the Default, under Nevada law; (3) the Defendant was not in the United States when service was made by publication; (4) a meritorious defense was not necessary; but, there was the potential for a meritorious defense; (5) Defendant would be prejudiced if the Default was not set aside; (6) Nevada law favors decisions based upon the merits; (7) the Defendant has shown that the Motion to Set Aside was filed soon after the Defendant learned of the Default; (8) the counter-request for attorney's fees and costs, was hereby DENIED for the reasons already set forth; and (9) the Defendant would have until September 14, 2020, to file a response to the Complaint. Mr. Connell to prepare the written Order, and forward it to Mr. Gonzales for approval as to form and content.;

10/12/2020



Motion to Dismiss (9:00 AM) (Judicial Officer: Hardy, Joe)

Defendant's Anti-Slapp Special Motion to Dismiss Under NRS 41.660 and Counterclaims

Motion Granted;

Journal Entry Details:

All parties present via Blue Jeans. The Court noted that it reviewed the instant Motion, the Plaintiffs' Opposition, and the Defendant's Reply. Mr. Connell argued in support of the instant Motion, stating that Defendant Korb's review on Yelp was made on a public form, and was protected free speech. Additionally, Mr. Connell argued that a review was an opinion, and

CASE SUMMARY**CASE NO. A-19-807131-C**


could not be defamatory, because there was no such thing as a false idea. Mr. Little argued in opposition, stating that the Court must accept as true, the evidence favorable to the Plaintiffs, and Plaintiffs were only required to show that their claims had minimal merit, in order to avoid dismissal. Additionally, Mr. Little argued that Defendant waited nine years after Dr. Stile performed her surgery, to post her Yelp review, which went to motive. COURT ORDERED Defendant's Anti-Slapp Special Motion to Dismiss Under NRS 41.660 and Counterclaims, was hereby GRANTED for all of the reasons set forth in the Motion and Reply, FINDING and ORDERING the following: (1) the Court considered the relevant statutes in making its ruling: NRS 41.635 through NRS 41.670, as well as Nevada's statutory Anti-Slapp scheme; NRS 41.637(4) defined a good faith communication; (2) there was no dispute, or no genuine dispute, that Yelp qualified as a public forum under NRS 41.637(4)'s definition; (3) Defendant's Yelp review was a communication made in direct connection with an issue of public interest in a place open to the public or in a public forum; (4) the most significant piece of evidence was the actual posted review, which was attached to the instant Motion as exhibit 3; (5) the review contained opinions regarding the Defendant's treatment, and opinions regarding Dr. Stile and his work, and opinions could not be the subject of defamation claims; (6) the Court had to read Defendant Korb's review in its totality, which it did, and take into account the statements set forth in the review, rather than reading on phrase in a vacuum; (6) Plaintiffs focused on certain phrases in Defendant Korb's review, but even those phrases were Defendant Korb's opinions; (7) Plaintiffs rebutted Defendant's Korb's review, by posting a response on Yelp; the response posted by Plaintiffs was proper, and understandable, and that was where the issue should have ended; (8) Defendant Korb's review was a good faith communication, made without knowledge of falsehood; (9) the cases Plaintiffs cited in their briefs were all pre-Anti-SLAPP decisions, and were not persuasive in opposition; (10) Defendant Korb's review contained hyperbolic language, that Plaintiffs disagreed with; however, the review was clearly Defendant Korb's opinion; (11) the defamation complaint was subject to Anti-SLAPP statutes, and the Motion to Dismiss was appropriate, based upon the evidence; (12) the fact that Defendant Korb's review was posted nine years after her procedure, may very well go to motive; however, when dealing with opinions under the Anti-SLAPP statute, the timing was largely irrelevant; (13) the Motion to Dismiss having been granted, the Court shall award reasonable attorney's fees and costs pursuant to NRS 41.670(1)(a); however, as of the instant hearing, the Court lacked evidence regarding the reasonable attorney's fees and costs; and (14) SUPPLEMENTAL BRIEFING on the reasonable attorney's fees and costs was hereby ORDERED, as follows: (a) Defendant's supplemental brief shall be DUE BY October 26, 2020; (b) Plaintiffs' Response shall be DUE BY November 9, 2020; and (c) Defendant's Reply shall be DUE BY November 16, 2020. COURT ORDERED a hearing regarding the attorney's fees and costs, was hereby SET. Mr. Connell to prepare the written Order for the Motion to Dismiss, incorporating the facts and arguments set forth in the Motion and Reply, and forward to Mr. Little for approval as to form and content. 11/23/20 9:00 AM HEARING: ATTORNEY'S FEES AND COSTS PURSUANT TO NRS 41.670;

11/23/2020 **CANCELED Hearing** (9:00 AM) (Judicial Officer: Hardy, Joe)

*Vacated - per Stipulation and Order
Hearing: Attorney's Fees and Costs*

11/30/2020 **CANCELED Motion** (9:00 AM) (Judicial Officer: Hardy, Joe)

*Vacated - On in Error
Defendant Eva Korb's Motion for Costs, Fees, and Sanctions under NRS 41.670*

12/07/2020  **Motion** (9:00 AM) (Judicial Officer: Hardy, Joe)

Plaintiffs/Counterdefendants' Motion to Dismiss, Or Alternatively, Motion for Summary Judgment

*Motion Denied;
Journal Entry Details:*

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

CASE SUMMARY**CASE NO. A-19-807131-C**

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.;

DATE**FINANCIAL INFORMATION****Defendant** Korb, Eva

Total Charges

223.00

Total Payments and Credits

223.00

Balance Due as of 5/13/2021**0.00****Plaintiff** Stile, Frank, M.D.

Total Charges

324.00

Total Payments and Credits

324.00

Balance Due as of 5/13/2021**0.00****Plaintiff** Stile, Frank, MD

Appeal Bond Balance as of 5/13/2021

500.00

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. _____
(Assigned by Clerk's Office)

CASE NO: A-19-807131-C
Department 15

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

| | |
|---|---|
| Plaintiff(s) (name/address/phone): FRANK STILE, M.D., an individual and FRANK STILE, M.D., P.C.; a Nevada Professional Corporation | Defendant(s) (name/address/phone): EVA KORB, an individual |
| | |
| Attorney (name/address/phone): Martin A. Little (#7067) / Ryan T. O Malley (#12461) Howard & Howard Attorneys PLLC 3800 Howard Hughes Pkwy, # 1000, Las Vegas, NV 89169 Tel: (702) 667-4811 | Attorney (name/address/phone): _____ _____ _____ |

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

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

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

December 17, 2019

Date

/s/ Ryan T. O'Malley

Signature of initiating party or representative

See other side for family-related case filings.

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
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:

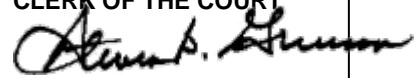
We notice that and Order was not entered on stipulation for settlement of attorney's fees and cost, so we have prepared an Order, which is attached for your review/approval. We took the stipulation and made it into an order.

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
Christopher S. Connell, Esq.
Nevada Bar No. 12720
6671 Las Vegas Blvd., Suite 210
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

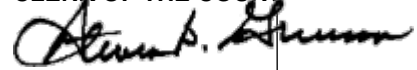
10 **AUTOMATED CERTIFICATE OF SERVICE**

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



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

11 **Plaintiffs,**

12 **v.**

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

21 **///**

22 **///**

23 **///**

24 **///**

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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
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

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).

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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



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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:

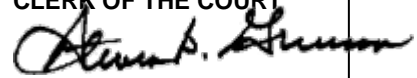
We notice that and Order was not entered on stipulation for settlement of attorney's fees and cost, so we have prepared an Order, which is attached for your review/approval. We took the stipulation and made it into an order.

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
Christopher S. Connell, Esq.
Nevada Bar No. 12720
6671 Las Vegas Blvd., Suite 210
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

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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:

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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26
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

August 31, 2020

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

**August 31, 2020 9:00 AM Motion to Set Aside
Default Judgment**

HEARD BY: Hardy, Joe

COURTROOM: RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Angelica Michaux

REPORTER:

PARTIES

PRESENT: Connell, Christopher S. Attorney
Gonzales, William Antonio, II Attorney

JOURNAL ENTRIES

- All parties present via Blue Jeans.

The Court noted that it reviewed the instant Motion, the Opposition, and the Reply. Mr. Connell argued in support of the Motion, stating that Defendant traveled extensively, and was out of the country when the Motion for Publication was effectuated. Additionally, Mr. Connell argued that the Nevada Supreme Court preferred for cases to be heard on their merits. Mr. Gonzales argued in opposition, stating that the process server attempted to serve the Defendant while the Defendant was in Las Vegas, and the Defendant ignored all service attempts, as well as the tags left on the Defendant's front door. Upon Court's inquiry, Mr. Gonzales could not identify a law stating that the Defendant had an affirmative duty to contact the Plaintiff regarding service. COURT ORDERED Defendant's Motion to Set Aside Default was hereby GRANTED for all of the reasons in the Motion and Reply, FINDING and ORDERING the following: (1) there was no law, or affirmative duty, stating that a Defendant who found a tag from a process server on their door, was then required to contact the Plaintiff to be served; (2) good cause had been shown to set aside the Default, under Nevada law; (3) the Defendant was not in the United States when service was made by publication;

PRINT DATE: 05/13/2021

Page 1 of 6

Minutes Date: August 31, 2020

(4) a meritorious defense was not necessary; but, there was the potential for a meritorious defense; (5) Defendant would be prejudiced if the Default was not set aside; (6) Nevada law favors decisions based upon the merits; (7) the Defendant has shown that the Motion to Set Aside was filed soon after the Defendant learned of the Default; (8) the counter-request for attorney's fees and costs, was hereby DENIED for the reasons already set forth; and (9) the Defendant would have until September 14, 2020, to file a response to the Complaint. Mr. Connell to prepare the written Order, and forward it to Mr. Gonzales for approval as to form and content.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct**COURT MINUTES****October 12, 2020**

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

October 12, 2020 9:00 AM Motion to Dismiss

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

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Connell, Christopher S. Attorney
 Little, Martin A. Attorney

JOURNAL ENTRIES

- All parties present via Blue Jeans.

The Court noted that it reviewed the instant Motion, the Plaintiffs' Opposition, and the Defendant's Reply. Mr. Connell argued in support of the instant Motion, stating that Defendant Korb's review on Yelp was made on a public form, and was protected free speech. Additionally, Mr. Connell argued that a review was an opinion, and could not be defamatory, because there was no such thing as a false idea. Mr. Little argued in opposition, stating that the Court must accept as true, the evidence favorable to the Plaintiffs, and Plaintiffs were only required to show that their claims had minimal merit, in order to avoid dismissal. Additionally, Mr. Little argued that Defendant waited nine years after Dr. Stile performed her surgery, to post her Yelp review, which went to motive. COURT ORDERED Defendant's Anti-Slapp Special Motion to Dismiss Under NRS 41.660 and Counterclaims, was hereby GRANTED for all of the reasons set forth in the Motion and Reply, FINDING and ORDERING the following: (1) the Court considered the relevant statutes in making its ruling: NRS 41.635 through NRS 41.670, as well as Nevada's statutory Anti-Slapp scheme; NRS 41.637(4) defined a good faith communication; (2) there was no dispute, or no genuine dispute, that Yelp qualified as a public forum under NRS 41.637(4)'s definition; (3) Defendant's Yelp review was a communication

made in direct connection with an issue of public interest in a place open to the public or in a public forum; (4) the most significant piece of evidence was the actual posted review, which was attached to the instant Motion as exhibit 3; (5) the review contained opinions regarding the Defendant's treatment, and opinions regarding Dr. Stile and his work, and opinions could not be the subject of defamation claims; (6) the Court had to read Defendant Korb's review in its totality, which it did, and take into account the statements set forth in the review, rather than reading on phrase in a vacuum; (6) Plaintiffs focused on certain phrases in Defendant Korb's review, but even those phrases were Defendant Korb's opinions; (7) Plaintiffs rebutted Defendant's Korb's review, by posting a response on Yelp; the response posted by Plaintiffs was proper, and understandable, and that was where the issue should have ended; (8) Defendant Korb's review was a good faith communication, made without knowledge of falsehood; (9) the cases Plaintiffs cited in their briefs were all pre-Anti-SLAPP decisions, and were not persuasive in opposition; (10) Defendant Korb's review contained hyperbolic language, that Plaintiffs disagreed with; however, the review was clearly Defendant Korb's opinion; (11) the defamation complaint was subject to Anti-SLAPP statutes, and the Motion to Dismiss was appropriate, based upon the evidence; (12) the fact that Defendant Korb's review was posted nine years after her procedure, may very well go to motive; however, when dealing with opinions under the Anti-SLAPP statute, the timing was largely irrelevant; (13) the Motion to Dismiss having been granted, the Court shall award reasonable attorney's fees and costs pursuant to NRS 41.670(1)(a); however, as of the instant hearing, the Court lacked evidence regarding the reasonable attorney's fees and costs; and (14) SUPPLEMENTAL BRIEFING on the reasonable attorney's fees and costs was hereby ORDERED, as follows: (a) Defendant's supplemental brief shall be DUE BY October 26, 2020; (b) Plaintiffs' Response shall be DUE BY November 9, 2020; and (c) Defendant's Reply shall be DUE BY November 16, 2020.

COURT ORDERED a hearing regarding the attorney's fees and costs, was hereby SET.

Mr. Connell to prepare the written Order for the Motion to Dismiss, incorporating the facts and arguments set forth in the Motion and Reply, and forward to Mr. Little for approval as to form and content.

11/23/20 9:00 AM HEARING: ATTORNEY'S FEES AND COSTS PURSUANT TO NRS 41.670

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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 9:00 AM Motion

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

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Connell, Christopher S. Attorney
 Gonzales, William Antonio, II Attorney

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.

Certification of Copy

State of Nevada }
County of Clark } SS:

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

AMENDED NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES;
CIVIL COVER SHEET; ORDER ON STIPULATION FOR SETTLEMENT OF ATTORNEY'S FEES
AND COSTS; NOTICE OF ENTRY OF ORDER ON STIPULATION FOR SETTLEMENT OF
ATTORNEY'S FEES AND COSTS; DISTRICT COURT MINUTES

FRANK STILE, M.D.; FRANK STILE, M.D.,
P.C.,

Plaintiff(s),

vs.

EVA KORB,

Defendant(s),

Case No: A-19-807131-C

Dept No: XV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 13 day of May 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk