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Electronically Filed  
Aug 08 2022 03:25 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

DISTRICT COURT  
CLARK COUNTY, NV

MACK MILLER,

Plaintiff,

vs.

RICHARD SEGERBLOM,

Defendant

Case No.: A-22-847668-C

Dept. No.: XXIV

**NOTICE OF APPEAL**

Notice is hereby given that Plaintiff, MACK MILLER, hereby appeals the Order of the District Court Granting Defendant's Special Motion to Dismiss this case entered in this action on July 13, 2022.

Dated this 3<sup>rd</sup> of August, 2022.



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Nevada Bar No.: 12877  
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AttorneyTreffinger@gmail.com  
Attorney for Plaintiff

////

NOTICE OF APPEAL - 1

**CASE SUMMARY****CASE NO. A-22-847668-C****Mack Miller, Plaintiff(s)****vs.****Richard Segerblom, Defendant(s)**§  
§  
§  
§  
§Location: **Department 24**  
Judicial Officer: **Ballou, Erika**  
Filed on: **02/02/2022**  
Case Number History:  
Cross-Reference Case Number: **A847668****CASE INFORMATION**Case Type: **Other Tort**Case Status: **02/02/2022 Open****DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number A-22-847668-C  
Court Department 24  
Date Assigned 05/12/2022  
Judicial Officer Ballou, Erika**PARTY INFORMATION***Lead Attorneys***Plaintiff Miller, Mack Joseph****Defendant Segerblom, Richard L****DATE****EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

02/02/2022



Complaint

Filed By: Plaintiff Miller, Mack Joseph

*[1] Complaint*

02/02/2022



Summons Electronically Issued - Service Pending

Party: Plaintiff Miller, Mack Joseph

*[2] Summons Electronically Issued*

05/10/2022



Initial Appearance Fee Disclosure

Filed By: Defendant Segerblom, Richard L

*[3] INITIAL APPEARANCE FEE DISCLOSURE*

05/10/2022



Answer

Filed By: Defendant Segerblom, Richard L

*[4] Defendant Richard Segerblom's Answer to Complaint*

05/10/2022



Motion to Dismiss

Filed By: Defendant Segerblom, Richard L

*[5] Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (Anti-Slapp)*

05/11/2022














Clerk's Notice of Hearing

*[6] Clerk's Notice of Hearing*

# CASE SUMMARY


CASE NO. A-22-847668-C

05/12/2022	 Notice of Department Reassignment Party: Plaintiff Miller, Mack Joseph <i>[7] Notice of Department Reassignment</i>
05/24/2022	 Opposition to Motion to Dismiss Filed By: Plaintiff Miller, Mack Joseph <i>[8] Plaintiff's Opposition to Special Motion to Dismiss</i>
05/31/2022	 Reply in Support Filed By: Defendant Segerblom, Richard L <i>[9] Reply in Support of Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (Anti-Slapp)</i>
07/08/2022	 Appointment of Arbitrator <i>[10] Appointment of Arbitrator</i>
07/11/2022	 Order Granting Motion Filed By: Defendant Segerblom, Richard L <i>[11] Order Granting Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (Anti-Slapp) Defendant's Anti-SLAPP MTD</i>
07/13/2022	 Notice of Entry of Order Filed By: Defendant Segerblom, Richard L <i>[12] NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS SPECIAL MOTION TO DISMISS PURSUANT TO NEV. REV. STAT. 41.660 (ANTI-SLAPP)</i>
07/18/2022	 Memorandum of Costs and Disbursements Filed By: Defendant Segerblom, Richard L <i>[13] VERIFIED MEMORANDUM OF COSTS</i>
07/20/2022	 ADR - Change of Status Filed by: Arbitrator Maier, Jason, ESQ <i>[14] Change of Status</i>
08/03/2022	 Motion for Attorney Fees and Costs Filed By: Defendant Segerblom, Richard L <i>[15] Motion for Attorney's Fees, Costs, and Statutory Award Pursuant to Nev. Rev. Stat. &amp;41.670</i>
08/03/2022	 Notice of Appeal Filed By: Plaintiff Miller, Mack Joseph <i>[16] Plaintiff's Notice of Appeal</i>
08/05/2022	 Clerk's Notice of Hearing <i>[17] Notice of Hearing</i>

## **DISPOSITIONS**

07/11/2022 **Order of Dismissal** (Judicial Officer: Ballou, Erika)  
 Debtors: Jason R. Maier, ESQ. (Arbitrator), Mack Joseph Miller (Plaintiff)  
 Creditors: Richard L Segerblom (Defendant)  
 Judgment: 07/11/2022, Docketed: 07/12/2022

## **HEARINGS**

05/12/2022  **Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)

# CASE SUMMARY

CASE NO. A-22-847668-C

*Minute Order: Reassignment*

Minute Order - No Hearing Held; Minute Order: Reassignment

Journal Entry Details:

*To address the likely occurrence of Plaintiff questioning the Court's impartiality as a result of this Court's personal friendship with the Defendant, including his sponsorship of a fundraiser during her campaign, in order to avoid any questions of impartiality or implied bias, COURT ORDERS Department 1, Honorable Bita Yeager disqualified, pursuant to Nevada Code of Judicial Conduct, Canon 2, Rule 2.11(A). COURT FURTHER ORDERS matter REASSIGNED to another Department at random.;*

06/06/2022



**Minute Order** (7:30 AM) (Judicial Officer: Ballou, Erika)

Minute Order - No Hearing Held;

Journal Entry Details:

*The Court, having discovered that Plaintiff's video is not viewable, the hearing scheduled for June 7, 2022, is hereby VACATED. NRS 41.660(6) provides that the court shall modify any deadlines pursuant to this section or any other deadlines relating to a complaint filed pursuant to this section if such modification would serve the interests of justice. Here, having access to Plaintiff's exhibit will serve the interest of justice. Plaintiff is directed to provide a viewable copy of the video to the Court by the close of business on Friday, June 10, 2022. The matter is hereby rescheduled for Tuesday, June 21, 2022, at 9:00 am. It is so ordered. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Ro Shell Hurtado, to all registered parties for Odyssey File & Serve.//rh;*

06/20/2022



**Minute Order** (7:30 AM) (Judicial Officer: Ballou, Erika)

Minute Order - No Hearing Held;

Journal Entry Details:

*The Court having considered all papers and pleadings and determining that no hearing is necessary hereby VACATES the hearing scheduled for June 21, 2022. Defendant's Special Motion to Dismiss Pursuant to NRS 41.660 (Anti-SLAPP) is hereby GRANTED. Under Nevada's anti-SLAPP statutes, a defendant may file a special motion to dismiss if the defendant can show by a preponderance of the evidence, that the claim 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. NRS 41.660(3)(a). If a defendant makes this initial showing, the burden shifts to the plaintiff to show with prima facie evidence a probability of prevailing on the claim. NRS 41.660(3)(b). NRS 41.637 defines 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, as, inter alia, a communication made in direct connection with an issue of public interest in a place open to the public or in a public forum, which is truthful or is made without knowledge of its falsehood. NRS 41.637(4). Nevada courts define an issue of public interest broadly. Coker v. Sassone, 135 Nev. Adv. Op. 2, 10, 432 P.3d 746, 751 (2019). The Nevada Supreme Court adopted "guiding principles for what distinguishes public interest from a private one" from a California case, Piping Rock Partners, Inc. v. Davis Lerner Assocs.: (1) "public interest" does not equate with mere curiosity; (2) a matter of public interest should be something of concern to a substantial number of people; a matter of concern to a speaker and a relatively small specific audience is not a matter of public interest; (3) there should be some degree of closeness between the challenged statements and the asserted public interest the assertion of a broad and amorphous public interest is not sufficient; (4) the focus of the speaker's conduct should be the public interest rather than a mere effort to gather ammunition for another round of private controversy; and (5) a person cannot turn otherwise private information into a matter of public interest simply by communicating it to a large number of people. Shapiro v. Welt, 133 Nev. 35, 39, 389 P.3d 262, 268 (2017). In general, a public issue is implicated if the subject of the statement or activity underlying the claim is a public figure or could affect large numbers of people beyond the direct participants. Shapiro, 133 Nev. at 39, 389 P.3d at 268. Additionally, statements of opinion cannot be made with knowledge of their falsehood because there is no such thing as a false idea. Pegasus v. Reno Newspapers, Inc., 118 Nev. 706, 714, 57 P.3d 82, 87 (2002). However pernicious opinions may seem, courts depend on the competition of other ideas, rather than judges and juries, to correct them. Id. The court must therefore ask "whether a reasonable person would be likely to understand the remark as an expression of the source's opinion or as a statement of existing fact." Id. at 715. This Court finds and concludes that Defendant has shown by a preponderance of the evidence that his statements regarding the Clark County Commission Meeting and Mr. Miller allegedly being a traitor, meet all factors outlined in Shapiro v. Welt, 133 Nev. 35, 39, 389 P.3d 262, 268 (2017) and Pegasus v. Reno Newspapers, Inc., 118 Nev. 706, 714, 57 P.3d 82, 87 (2002). Additionally, the Court finds that Mr. Segerblom's tweets regarding being sued by Mr. Miller are pure opinion and rhetorical hyperbole incapable of being either true or false. Therefore,*

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-22-847668-C**

	<p><i>the Court finds that the burden shifts to the Plaintiff to show with prima facie evidence a probability of prevailing on the claim and that Plaintiff Miller did not meet this burden. NRS 41.660(3)(b). Due to the aforementioned reasons, the Court finds and concludes Defendant s Motion to Dismiss must be GRANTED. Defendant s Counsel is directed to prepare a proposed order which is to be approved by Plaintiff s Counsel as to form and content prior to submitting the order to chambers at DC24Inbox@clarkcountycourts.us for review. It is so ordered.</i></p> <p><i>CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, Ro Shell Hurtado, to all registered parties for Odyssey File &amp; Serve.//rh;</i></p>
06/21/2022	<p><b>CANCELED Motion to Dismiss</b> (9:00 AM) (Judicial Officer: Yeager, Bitá)</p> <p><i>Vacated</i></p> <p><i>Special Motion to Dismiss Pursuant to NEV. REV. STAT. 41.660 (Anti-Slapp)</i></p>
09/13/2022	<p><b>Motion for Attorney Fees and Costs</b> (9:00 AM) (Judicial Officer: Ballou, Erika)</p> <p><i>Motion for Attorney's Fees, Costs, and Statutory Award Pursuant to Nev. Rev. Stat. &amp;41.670</i></p>

**DATE**

**FINANCIAL INFORMATION**

<b>Defendant</b> Segerblom, Richard L	
Total Charges	223.00
Total Payments and Credits	223.00
<b>Balance Due as of 8/8/2022</b>	<b>0.00</b>
 <b>Plaintiff</b> Miller, Mack Joseph	
Total Charges	294.00
Total Payments and Credits	294.00
<b>Balance Due as of 8/8/2022</b>	<b>0.00</b>

# DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

**CASE NO: A-22-847668-C**  
**Department 1**

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

Plaintiff(s) (name/address/phone): <div style="text-align: center;">M. JOSEPH MILLER 2350 S JONES BLVD, D2 LAS VEGAS, NV 89146 702-333-5594</div>	Defendant(s) (name/address/phone): <div style="text-align: center;">RICHARD L. SEGERBLOM 700 S 3rd St LAS VEGAS, NV 89101</div>
Attorney (name/address/phone): <div style="text-align: center;">TIMOTHY R. TREFFINGER, ESQ. 2350 S JONES BLVD, D2 LAS VEGAS, NV 89146 702-333-5594</div>	Attorney (name/address/phone): <div style="text-align: center;"> </div>

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

### **Civil Case Filing Types**

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input checked="" type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate</b> (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 <b>Estate Value</b> <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	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <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	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <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		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <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.*

**2/2/2022**

Date

Signature of initiating party or representative

*See other side for family-related case filings.*

1 **ORDG**

2 MARGARET A. MCLEATCHIE, Nevada Bar No. 10931

3 LEO S. WOLPERT, Nevada Bar No. 12658

4 **MCLEATCHIE LAW**

5 602 South Tenth Street

6 Las Vegas, NV 89101

7 Telephone: (702) 728-5300; Fax (702) 425-8220

8 Email: [maggie@nvlitigation.com](mailto:maggie@nvlitigation.com)

9 *Counsel for Defendant Richard Segerblom*

10 **EIGHTH JUDICIAL DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 MACK JOSEPH MILLER, II,

Case No.: A-22-847668-C

13 Plaintiff,

Dept. No.: XXIV

14 vs.

**ORDER GRANTING SPECIAL  
MOTION TO DISMISS  
PURSUANT TO NEV. REV. STAT.  
§ 41.660 (ANTI-SLAPP)**

15 RICHARD L. "TICK" SEGERBLOM,

16 Defendant.

17 The Court, having read considered all papers and pleadings on file, and being fully  
18 advised, and good cause appearing therefor, hereby makes the following Findings of Fact,  
19 Conclusions of Law, and Order GRANTING Defendant Richard Segerblom's Special  
20 Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-SLAPP).

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

1       **I.       PROCEDURAL HISTORY AND FINDINGS OF FACT**

2       **A.       Parties and Background.**

3               1.       Plaintiff Mack Miller II is a resident of Clark County, business consultant,  
4 and repeat candidate for political offices in Nevada.

5               2.       Defendant Richard “Tick” Segerblom is an attorney and politician who is  
6 currently serving as Clark County Commissioner for District E.

7               3.       On September 21, 2021, the Clark County Commission considered (and  
8 passed) a resolution declaring COVID-19 misinformation a public health crisis.

9               4.       During a break in the agenda, a group of attendees became disruptive in the  
10 commission chambers after security officers asked one person to put on his face mask,  
11 requiring officers to clear the chambers.

12              5.       A physical altercation between security officers and attendees—including  
13 Plaintiff Mack Joseph Miller II—ensued inside the commission chambers.

14              6.       Miller was then ushered out of the commission chambers, into the hall and  
15 towards the exit, by security officers.

16              7.       In the hallway outside the chambers and fell to the ground, Miller collided  
17 with a metal detector in the security area

18              8.       Footage of the incidents inside the Clark County Chambers and at the metal  
19 detector in the hallway was disseminated (and commented upon) on the Internet.

20       **B.       Defendant’s Alleged Communications.**

21       ***Spoken Statements to KSNV (that Miller Punched Somebody)***

22              9.       When asked for comment on the incident by News 3 NBC (KSNV) on  
23 September 22, 2021, Segerblom stated that Miller punched somebody and that he did so on  
24 video. Specifically, Segerblom said “I know that he [Miller] punched somebody before it all  
25 started, we have that on video but we can go back and examine it all very closely...”

26              10.      Segerblom also offered to apologize to Miller if he was wrong or the officers  
27 who physically restrained Miller did something wrong.  
28



***Tweets (About Miller Suing Segerblom)***

11. In response to a demand letter issued by Miller’s counsel, on December 28, 2021, Segerblom tweeted, “mack “the traitor” miller is suing me? omg”

12. That same day, Segerblom also tweeted, “being sued by mack miller is like being called ugly by a frog.”

**C. Procedural History.**

13. Miller filed the complaint in this matter, alleging causes of action for slander and libel, on February 2, 2022.

14. Segerblom was served on March 14, 2022.

15. Segerblom timely filed a special anti-SLAPP motion to dismiss Miller’s lawsuit pursuant to Nev. Rev. Stat. § 41.660 on May 10, 2022.

16. Miller timely responded in opposition on May 24, 2022.

17. Segerblom timely replied on May 31, 2022.

18. The Court issued a minute order granting the special anti-SLAPP Motion to Dismiss on June 19, 2022.

**II. CONCLUSIONS OF LAW AND FURTHER FACTUAL FINDINGS**

**A. Legal Standard**

19. Nevada’s anti-SLAPP statute, Nev. Rev. Stat. § 41.635 *et seq.*, provides that if “an action is brought against a person 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, [t]he person against whom the action is brought may file a special motion to dismiss.” Nev. Rev. Stat. § 41.660(1)(a).

20. Courts must evaluate a special anti-SLAPP motion to dismiss using a two-step process. First, the moving party must establish by a preponderance of the evidence “that the claim 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.” Nev. Rev. Stat. § 41.660(3)(a).

21. Second, if the defendant satisfies that threshold showing, the Court must then “determine whether the plaintiff has demonstrated with prima facie evidence a probability of prevailing on the claim[s].” Nev. Rev. Stat. § 41.660(3)(b).

**B. Defendant Met His Initial Burden (Prong One).**

22. To satisfy the first prong, the defendant must show by a preponderance of the evidence that (1) “the comments at issue fall into one of the four categories of protected communications enumerated in NRS 41.637” and (2) “the communication ‘is truthful or is made without knowledge of its falsehood.’” *i.e.*, a good faith communication. *Smith v. Silverberg*, 137 Nev. Adv. Op. 7, 481 P.3d 1222, 1227 (2021). Nev. Rev. Stat. § 41.637 defines a “good faith communication in furtherance of the right to free speech in direct connection with an issue of public concern” as a “communication made in direct connection with an issue of public interest in a place open to the public or in a public forum ... which is truthful or is made without knowledge of its falsehood.” Nev. Rev. Stat. § 41.637(4).

**a) *The Statements Were Made in Direct Connection with an Issue of Public Concern.***

23. Nevada courts define an issue of public interest broadly. *Coker v. Sassone*, 135 Nev. Adv. Op. 2, 10, 432 P.3d 746, 751 (2019).

24. In *Shapiro v. Welt*, 133 Nev. 35, 389 P.3d 262, 268 (2017), the Nevada Supreme Court adopted California’s five-factor *Weinberg* test for determining what constitutes “an issue of public interest” in the anti-SLAPP context:

- (1) “public interest” does not equate with mere curiosity;
- (2) a matter of public interest should be something of concern to a substantial number of people; a matter of concern to a speaker and a relatively small specific audience is not a matter of public interest;
- (3) there should be some degree of closeness between the challenged statements and the asserted public interest—the assertion of a broad and amorphous public interest is not sufficient;
- (4) the focus of the speaker’s conduct should be the public interest rather than a mere effort to gather ammunition for another round of private controversy; and
- (5) a person cannot turn otherwise private information into a matter of public interest simply by communicating it to a large number of people.

1           25. In general, a public issue is implicated if the subject of the statement or  
2 activity underlying the claim is a public figure or could affect large numbers of people  
3 beyond the direct participants.

4           26. As a candidate for Lieutenant Governor of Nevada, Miller was a public  
5 figure and his conduct at the Clark County Commission Meeting and allegations that he is a  
6 traitor could affect large numbers of people beyond the direct participants.

7           27. This Court finds and concludes that Segerblom has shown by a  
8 preponderance of the evidence that his statements regarding the Clark County Commission  
9 Meeting and Miller allegedly being a traitor, meet all factors outlined.

10          28. Segerblom established by a preponderance of the evidence that his  
11 communications did not relate to “mere curiosity,” but concerned the public conduct of a  
12 candidate for public office.

13          29. Segerblom established by a preponderance of the evidence that the public  
14 conduct of a candidate for public office is something of concern to a substantial number of  
15 people—specifically, Nevada’s voting public.

16          30. Segerblom established by a preponderance of the evidence that there is a  
17 high degree of closeness between Segerblom’s statements and the public interest in the public  
18 conduct of a candidate for public office, as these are two factors that voters consider when  
19 selecting a public official.

20          31. Segerblom established by a preponderance of the evidence that the focus of  
21 his communication was the public interest rather than an attempt to further a private  
22 controversy.

23          32. Segerblom established by a preponderance of the evidence that he did not  
24 turn any “private information” into a matter of public interest, as he was commenting on  
25 conduct that either occurred in public, or was publicly reported on.

26          33. Thus, Segerblom established that his communications were made “in direct  
27 connection with an issue of public interest” under Nev. Rev. Stat. § 41.637(4).  
28

1                   **b)       The Statements Were Made in a Public Forum or Place Open to**  
2                   **the Public.**

3                   ***Spoken Statements to KSNV***

4                   34.       Segerblom’s spoken statements were made to news media and replayed on  
5 video on television and the internet.

6                   35.       Communications like this made to journalists who subsequently rebroadcast  
7 said communications are made in a public forum or a place open to the public under Nevada’s  
8 anti-SLAPP law. *See Goldman v. Clark Cty. Sch. Dist.*, 471 P.3d 753, Case Nos. 78822 and  
9 78282, 2020 Nev. Unpub. LEXIS 879, \*4-\*5 (Nev. 2020) (unpublished); *see also Nielsen v.*  
10 *Wynn*, 470 P.3d 217, Case No. 77361, 2020 Nev. Unpub. LEXIS 821, \*2 (Nev. 2020)  
11 (unpublished).

12                   ***Tweets***

13                   36.       Segerblom’s written statements (*i.e.*, tweets) concerning Miller were made  
14 on Twitter, which is freely accessible to anybody with internet access, and therefore  
15 constitutes a public forum.

16                   37.       Therefore, Segerblom’s written statements were made in a public forum.

17                   **c)       The Statements Were Good Faith Communications**

18                   38.       Nevada’s Anti-SLAPP statute requires that a good faith communication is  
19 “truthful or made without knowledge of its falsehood.” Nev. Rev. Stat. § 41.637. *See also*  
20 *Abrams v. Sanson*, 458 P.3d 1062, 1068 (Nev. 2020).

21                   39.       The relevant inquiry is whether the defendant knowingly lied: “[t]he test is  
22 subjective, with the focus on what the defendant ***believed*** and ***intended to convey***, not what  
23 a reasonable person would have understood the message to be.” *Nevada Indep. Broad. Corp.*  
24 *v. Allen*, 99 Nev. 404, 415 (1983) (emphasis in original).

25                   40.       Statements of opinion cannot be made with knowledge of their falsehood  
26 because there is no such thing as a false idea. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev.  
27 706, 714, 57 P.3d 82, 87 (Nev. 2002 (internal quotation omitted). However pernicious  
28 opinions may seem, courts depend on the competition of other ideas, rather than judges and

juries, to correct them. *Id.* The court must therefore ask “whether a reasonable person would be likely to understand the remark as an expression of the source’s opinion or as a statement of existing fact.” *Id.* at 715.

41. When the plaintiff is a public figure, to demonstrate “good faith” for the purposes of the anti-SLAPP analysis, a defendant need not show that each and every statement is true, only that “the ‘gist or sting’ of the statements was substantively true.” *Rosen v. Tarkanian*, 453 P.3d 1220, 1224 (Nev. 2019).

42. By submitting a declaration attesting to his beliefs and intentions with regard to the communications, Segerblom established that his statements regarding Miller were truthful or made without knowledge of falsehood. *See Stark v. Lackey*, 458 P.3d 342, 347; *Williams v. Lazer*, Case No. 80350, 137 Nev. Adv. Op. 44, \*6-\*7, 2021 Nev. LEXIS 43, \*8 (Sept. 16, 2021).

43. Segerblom submitted evidence that the incident in Chambers and the incident in the hallway occurred during a break in proceedings, and that Segerblom did not personally witness the incidents or watch video of them before making the statements at issue.

44. Segerblom submitted evidence that he relied on the eyewitness account of his executive assistant, who related to him that Miller punched someone.

45. Segerblom submitted evidence that he believed Miller punched someone during the incident when he told the news media such.

46. Segerblom submitted a video of the incident in the Chambers that does not literally show that Miller punched someone but that is not inconsistent with the eyewitness account or Segerblom’s statement to KSNV.

47. The affidavits and video submitted by Miller are not probative of whether Segerblom believed in the veracity of his statements when he made them.

48. The affidavits and video submitted by Miller do not call into question Segerblom’s evidence that he did not witness the incident, that he relied on a trusted

1 eyewitness' statement regarding Miller punching somebody, or that he believed Miller  
2 punched somebody when he said so.

3 49. Thus, Segerblom demonstrated by a preponderance of the evidence that his  
4 statements to KSNV were truthful or made without knowledge of their falsehood. *See*  
5 *Zilverberg*, 481 P.3d at 1229, n. 4 (uncontradicted declaration that the speaker believed in  
6 statement's truth based on conversation with trusted individual held sufficient to  
7 demonstrate, by preponderance of the evidence, that the statement was "at least made without  
8 knowledge of falsity.").

9 50. Segerblom also demonstrated by a preponderance of the evidence that he  
10 believed Miller is a "traitor" when he tweeted as such and whether Miller is a traitor is non-  
11 actionable opinion in any case.

12 51. Additionally, Segerblom's tweets regarding being sued by Miller are pure  
13 opinion and rhetorical hyperbole incapable of being either true or false.

14 52. Therefore, the Court finds that Segerblom has met his burden on Prong One.

15 **C. Plaintiff Did Not Meet His Burden of Demonstrating with Prima Facie**  
16 **Evidence a Probability of Success on His Claims (Prong Two).**

17 53. Because Segerblom met his burden, the burden shifted to Miller to  
18 demonstrate "with prima facie evidence a probability of prevailing on the claims." Nev. Rev.  
19 Stat. § 41.660(3)(b).

20 54. In Nevada, the elements of a defamation claim are: (1) a false and  
21 defamatory statement by a defendant concerning the plaintiff; (2) an unprivileged publication  
22 of this statement to a third person; (3) fault of the Defendant, amounting to at least  
23 negligence; and (4) actual or presumed damages. *Pegasus*, 118 Nev. 706 at 718.

24 55. Because Miller is a public figure, he must establish a higher level of fault  
25 than negligence: actual, or constitutional, malice. *Wynn v. Smith*, 117 Nev. 6, 16, 16 P.3d  
26 424, 430 (2001) (citing *New York Times Co. v. Sullivan*, 376 U.S. 254, 279 – 80, 84 S.Ct.  
27 710, 11 L.Ed.2d 686 (1964)).  
28

1           56.     “Actual malice” requires the defamation plaintiff to demonstrate that the  
2 defendant entertained doubts as to the veracity of a statement but published it anyway. *Time,*  
3 *Inc. v. Pape*, 401 U.S. 279, 291 – 92 (1971).

4           ***Spoken Statements to KSNV (that Miller Punched Somebody)***

5           57.     Segerblom submitted a video and an affidavit regarding the incident in the  
6 chambers and his own affidavit demonstrating he believed in the veracity of his statements  
7 regarding Miller’s behavior.

8           58.     As noted above, the affidavits submitted by Miller in support of his  
9 opposition Miller do not demonstrate that Segerblom entertained doubts about the veracity  
10 of his statements when he made them.

11           59.     The video submitted by Miller in support of his opposition does not portray  
12 Miller’s actions in the Clark County Commission Chambers—and therefore is not relevant  
13 to the determination of whether the “gist or sting” of Segerblom’s statement to KSNV that  
14 Miller “punched somebody” during the incident in Chambers, was truthful, or whether the  
15 statement was made without knowledge of its falsehood.

16           60.     In a defamation action, “it is not the literal truth of each word or detail used  
17 in a statement which determines whether or not it is defamatory; rather, the determinative  
18 question is whether the ‘gist or sting’ of the statement is true or false.”  
19 *Rosen v. Tarkanian*, 453 P.3d 1220, 1224 (Nev. 2019) (citations and internal quotation marks  
20 omitted).

21           61.     Even if this were not the case, Miller has not presented evidence of actual  
22 malice, *i.e.* that Segerblom knowingly or recklessly made false statements. *See Zilverberg*,  
23 481 P.3d at 1229.

24           62.     “The standard for ‘actual malice’ is essentially the same as the test for ‘good  
25 faith’ in prong one, only differing in the party with whom the burden of proof lies, it is  
26 appropriate to use the inquiry in defamation cases for determining the truthfulness of a  
27 statement under prong one.” *Rosen*, 453 P.3d at 1224.

63. There is no evidence that Segerblom made the statements to KSNV with knowledge of or recklessness as to falsity; the affidavits and video submitted by Miller do not controvert Segerblom’s evidence that he did not witness the incident, that he relied on a trusted eyewitness’ statement regarding Miller punching somebody, or that he believed Miller punched somebody when he said so.<sup>1</sup>

***Tweets***

64. . Additionally, as noted above, Segerblom’s tweets regarding being sued by Miller and calling Miller a “traitor” are pure opinion and rhetorical hyperbole incapable of being either true or false, and therefore cannot be defamatory as a matter of law.

65. Therefore, the Court finds Miller failed to meet his burden on the second prong of the anti-SLAPP analysis, as he did not show, by prima facie evidence, that he has any probability of prevailing on his claims.

**III. CONCLUSION**

66. The Court finds that Defendant Richard Segerblom has met his burden of establishing by a preponderance of the evidence that Plaintiff Mack Miller’s claims are based on Segerblom’s good faith communications in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern.

67. Miller did not meet his burden of showing a likelihood of success on any cause of action.

68. Accordingly, for the reasons stated above, Defendant’s Special Motion to Dismiss is GRANTED.

69. If a Court grants a special anti-SLAPP motion to dismiss, the defendant is entitled to an award of reasonable costs and attorneys’ fees. Nev. Rev. Stat. § 41.670(1)(a).

70. If a Court grants a special anti-SLAPP motion to dismiss, the Court may also award an additional amount of up to \$10,000.00 to Defendant. Nev. Rev. Stat. § 41.670(1)(b).

---

<sup>1</sup> Thus, even if Miller were not a public figure, there is no prima facie case of negligence by Segerblom.



71. Defendant must file a separate motion seeking fees, costs, and any statutory award.

72. Additionally, upon the granting of a special anti-SLAPP motion to dismiss, Defendant may bring a separate action against Plaintiff for compensatory damages, punitive damages, and attorney's fees and costs of bringing the separate action. Nev. Rev. Stat. § 41.670(1)(c).

IT IS SO ORDERED.

Dated this 11th day of July, 2022



**DAA BBE D34D 6E8E**  
**Erika Ballou**  
**District Court Judge**

Respectfully submitted by,

/s/ Leo S. Wolpert  
MARGARET A. MCLETSCHIE, NV Bar No. 10931  
LEO S. WOLPERT, NV Bar No. 12658  
**MCLETSCHIE LAW**  
602 South Tenth Street  
Las Vegas, NV 89101  
Telephone: (702) 728-5300; Fax (702) 425-8220  
Email: maggie@nvlitigation.com  
*Counsel for Defendant Richard Segerblom*

Approved as to Form and Content,

/s/ Timothy R. Treffinger  
Timothy R. Treffinger, Esq., NV Bar No. 12877  
2350 S Jones Blvd, D2  
Las Vegas, NV 89146  
Telephone: 702-333-5594  
Email: AttorneyTreffinger@gmail.com  
*Counsel for Plaintiff Mack Miller*

**From:** [Timothy R. Treffinger, Esq.](#)  
**To:** [Maggie](#)  
**Cc:** [Leo Wolpert](#); [EFile](#)  
**Subject:** Re: FW: SEGERBLOM - 2022.07.05 Order Granting Anti-SLAPP MTD PREFINAL  
**Date:** Tuesday, July 5, 2022 2:36:43 PM  
**Attachments:** [image001.png](#)

---

I apologize, it's been a busy morning, and a couple of the jail inmates blew up my phone and filled my voicemail. I approve of the order for form and content, and you have my permission to affix my esignature.

On Tue, Jul 5, 2022 at 1:31 PM Maggie <[maggie@nvlitigation.com](mailto:maggie@nvlitigation.com)> wrote:

Mr. Treffinger: I also tried to call you but your phone would not allow me to leave a message. Please advise (see below/attached).

---

**From:** Maggie  
**Sent:** Tuesday, July 5, 2022 11:31 AM  
**To:** 'Timothy R. Treffinger, Esq.' <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)>  
**Cc:** Leo Wolpert <[leo@nvlitigation.com](mailto:leo@nvlitigation.com)>; EFile <[EFile@nvlitigation.com](mailto:EFile@nvlitigation.com)>  
**Subject:** SEGERBLOM - 2022.07.05 Order Granting Anti-SLAPP MTD PREFINAL

Mr. Treffinger: Please see attached and let us know if you have any proposed edits, if we may /s for you, or if you need more time to review. Our apologies for not getting this to you earlier; with the holiday, it took us a bit longer than expected so we'd be happy to ask chambers for more time if you would like.

Maggie McLetchie



602 South Tenth Street

Las Vegas, NV 89101

(702)728-5300 (T) / (702)425-8220 (F)

[www.nvlitigation.com](http://www.nvlitigation.com)

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please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender by return e-mail.

--

Timothy R. Treffinger, Esq.

Nevada Bar No.: 12877

Law Office of Timothy R. Treffinger

2350 S. Jones Blvd, D2

Las Vegas, NV 89146

702-333-5594 (office)

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Mack Miller, Plaintiff(s)

CASE NO: A-22-847668-C

7 vs.

DEPT. NO. Department 24

8 Richard Segerblom, 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 Granting 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: 7/11/2022

15 Margaret McLetchie

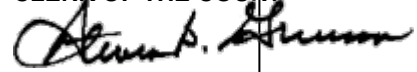
maggie@nvlitigation.com

16 Leo Wolpert

leo@nvlitigation.com

17 Timothy Treffinger

AttorneyTreffinger@gmail.com



1 **NEOJ**  
2 MARGARET A. MCLEATCHIE, Nevada Bar No. 10931  
3 LEO S. WOLPERT, Nevada Bar No. 12658  
4 **MCLEATCHIE LAW**  
5 602 South Tenth Street  
6 Las Vegas, NV 89101  
7 Telephone: (702) 728-5300; Fax (702) 425-8220  
8 Email: maggie@nvlitigation.com  
9 *Counsel for Defendant Richard Segerblom*

7 **EIGHTH JUDICIAL DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 MACK JOSEPH MILLER, II,  
10  
11 Plaintiff,

Case No.: A-22-847668-C

Dept. No.: XXIV

12 vs.

**NOTICE OF ENTRY OF ORDER**  
**GRANTING DEFENDANT'S**  
**SPECIAL MOTION TO DISMISS**  
**PURSUANT TO NEV. REV. STAT.**  
**§ 41.660 (ANTI-SLAPP)**

13 RICHARD L. "TICK" SEGERBLOM,  
14  
15 Defendant.

16  
17  
18 TO: THE PARTIES HERETO AND THEIR RESPECTIVE COUNSEL OF RECORD:  
19 PLEASE TAKE NOTICE that on the 13<sup>th</sup> day of July, 2022, an Order Granting  
20 Defendant's Special Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-SLAPP)  
21 was entered in the above-captioned action.

22 A copy of the Order Granting Defendant's Special Motion to Dismiss Pursuant to  
23 Nev. Rev. Stat. § 41.660 (Anti-SLAPP) is attached hereto as **Exhibit A**.

24 DATED this 13<sup>th</sup> day of July, 2022.

25 /s/ Leo S. Wolpert

26 MARGARET A. MCLEATCHIE, Nevada Bar No. 10931  
27 LEO S. WOLPERT, Nevada Bar No. 12658  
28 **MCLEATCHIE LAW**  
*Counsel for Defendant Lisa Skurow*

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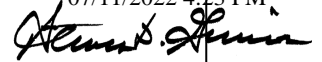
**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of July, 2022, pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I did cause a true copy of the foregoing NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT’S SPECIAL MOTION TO DISMISS PURSUANT TO NEV. REV. STAT. § 41.660 (ANTI-SLAPP) in *Miller v. Segerblom*, Eighth Judicial District Court Case No. A-21-838423-C, to be served electronically using the Odyssey File & Serve system, to all parties with an email address on record.

/s/ Leo S. Wolpert  
EMPLOYEE of McLetchie Law

INDEX OF EXHIBIT(S)	
Exhibit	Description
A	July 11, 2022, Order Granting Defendant’s Special Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-SLAPP)

# EXHIBIT A

  
CLERK OF THE COURT

1 **ORDG**

2 MARGARET A. MCLEATCHIE, Nevada Bar No. 10931

3 LEO S. WOLPERT, Nevada Bar No. 12658

4 **MCLEATCHIE LAW**

5 602 South Tenth Street

6 Las Vegas, NV 89101

7 Telephone: (702) 728-5300; Fax (702) 425-8220

8 Email: [maggie@nvlitigation.com](mailto:maggie@nvlitigation.com)

9 *Counsel for Defendant Richard Segerblom*

10 **EIGHTH JUDICIAL DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 MACK JOSEPH MILLER, II,

Case No.: A-22-847668-C

13 Plaintiff,

Dept. No.: XXIV

14 vs.

**ORDER GRANTING SPECIAL  
MOTION TO DISMISS  
PURSUANT TO NEV. REV. STAT.  
§ 41.660 (ANTI-SLAPP)**

15 RICHARD L. "TICK" SEGERBLOM,

16 Defendant.

17 The Court, having read considered all papers and pleadings on file, and being fully  
18 advised, and good cause appearing therefor, hereby makes the following Findings of Fact,  
19 Conclusions of Law, and Order GRANTING Defendant Richard Segerblom's Special  
20 Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-SLAPP).

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28



1       **I.       PROCEDURAL HISTORY AND FINDINGS OF FACT**

2       **A.       Parties and Background.**

3               1.       Plaintiff Mack Miller II is a resident of Clark County, business consultant,  
4 and repeat candidate for political offices in Nevada.

5               2.       Defendant Richard “Tick” Segerblom is an attorney and politician who is  
6 currently serving as Clark County Commissioner for District E.

7               3.       On September 21, 2021, the Clark County Commission considered (and  
8 passed) a resolution declaring COVID-19 misinformation a public health crisis.

9               4.       During a break in the agenda, a group of attendees became disruptive in the  
10 commission chambers after security officers asked one person to put on his face mask,  
11 requiring officers to clear the chambers.

12              5.       A physical altercation between security officers and attendees—including  
13 Plaintiff Mack Joseph Miller II—ensued inside the commission chambers.

14              6.       Miller was then ushered out of the commission chambers, into the hall and  
15 towards the exit, by security officers.

16              7.       In the hallway outside the chambers and fell to the ground, Miller collided  
17 with a metal detector in the security area

18              8.       Footage of the incidents inside the Clark County Chambers and at the metal  
19 detector in the hallway was disseminated (and commented upon) on the Internet.

20       **B.       Defendant’s Alleged Communications.**

21       ***Spoken Statements to KSNV (that Miller Punched Somebody)***

22              9.       When asked for comment on the incident by News 3 NBC (KSNV) on  
23 September 22, 2021, Segerblom stated that Miller punched somebody and that he did so on  
24 video. Specifically, Segerblom said “I know that he [Miller] punched somebody before it all  
25 started, we have that on video but we can go back and examine it all very closely...”

26              10.      Segerblom also offered to apologize to Miller if he was wrong or the officers  
27 who physically restrained Miller did something wrong.  
28

***Tweets (About Miller Suing Segerblom)***

11. In response to a demand letter issued by Miller’s counsel, on December 28, 2021, Segerblom tweeted, “mack “the traitor” miller is suing me? omg”

12. That same day, Segerblom also tweeted, “being sued by mack miller is like being called ugly by a frog.”

**C. Procedural History.**

13. Miller filed the complaint in this matter, alleging causes of action for slander and libel, on February 2, 2022.

14. Segerblom was served on March 14, 2022.

15. Segerblom timely filed a special anti-SLAPP motion to dismiss Miller’s lawsuit pursuant to Nev. Rev. Stat. § 41.660 on May 10, 2022.

16. Miller timely responded in opposition on May 24, 2022.

17. Segerblom timely replied on May 31, 2022.

18. The Court issued a minute order granting the special anti-SLAPP Motion to Dismiss on June 19, 2022.

**II. CONCLUSIONS OF LAW AND FURTHER FACTUAL FINDINGS**

**A. Legal Standard**

19. Nevada’s anti-SLAPP statute, Nev. Rev. Stat. § 41.635 *et seq.*, provides that if “an action is brought against a person 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, [t]he person against whom the action is brought may file a special motion to dismiss.” Nev. Rev. Stat. § 41.660(1)(a).

20. Courts must evaluate a special anti-SLAPP motion to dismiss using a two-step process. First, the moving party must establish by a preponderance of the evidence “that the claim 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.” Nev. Rev. Stat. § 41.660(3)(a).

21. Second, if the defendant satisfies that threshold showing, the Court must then “determine whether the plaintiff has demonstrated with prima facie evidence a probability of prevailing on the claim[s].” Nev. Rev. Stat. § 41.660(3)(b).

**B. Defendant Met His Initial Burden (Prong One).**

22. To satisfy the first prong, the defendant must show by a preponderance of the evidence that (1) “the comments at issue fall into one of the four categories of protected communications enumerated in NRS 41.637” and (2) “the communication ‘is truthful or is made without knowledge of its falsehood.’” *i.e.*, a good faith communication. *Smith v. Silverberg*, 137 Nev. Adv. Op. 7, 481 P.3d 1222, 1227 (2021). Nev. Rev. Stat. § 41.637 defines a “good faith communication in furtherance of the right to free speech in direct connection with an issue of public concern” as a “communication made in direct connection with an issue of public interest in a place open to the public or in a public forum ... which is truthful or is made without knowledge of its falsehood.” Nev. Rev. Stat. § 41.637(4).

**a) *The Statements Were Made in Direct Connection with an Issue of Public Concern.***

23. Nevada courts define an issue of public interest broadly. *Coker v. Sassone*, 135 Nev. Adv. Op. 2, 10, 432 P.3d 746, 751 (2019).

24. In *Shapiro v. Welt*, 133 Nev. 35, 389 P.3d 262, 268 (2017), the Nevada Supreme Court adopted California’s five-factor *Weinberg* test for determining what constitutes “an issue of public interest” in the anti-SLAPP context:

- (1) “public interest” does not equate with mere curiosity;
- (2) a matter of public interest should be something of concern to a substantial number of people; a matter of concern to a speaker and a relatively small specific audience is not a matter of public interest;
- (3) there should be some degree of closeness between the challenged statements and the asserted public interest—the assertion of a broad and amorphous public interest is not sufficient;
- (4) the focus of the speaker’s conduct should be the public interest rather than a mere effort to gather ammunition for another round of private controversy; and
- (5) a person cannot turn otherwise private information into a matter of public interest simply by communicating it to a large number of people.

1           25. In general, a public issue is implicated if the subject of the statement or  
2 activity underlying the claim is a public figure or could affect large numbers of people  
3 beyond the direct participants.

4           26. As a candidate for Lieutenant Governor of Nevada, Miller was a public  
5 figure and his conduct at the Clark County Commission Meeting and allegations that he is a  
6 traitor could affect large numbers of people beyond the direct participants.

7           27. This Court finds and concludes that Segerblom has shown by a  
8 preponderance of the evidence that his statements regarding the Clark County Commission  
9 Meeting and Miller allegedly being a traitor, meet all factors outlined.

10          28. Segerblom established by a preponderance of the evidence that his  
11 communications did not relate to “mere curiosity,” but concerned the public conduct of a  
12 candidate for public office.

13          29. Segerblom established by a preponderance of the evidence that the public  
14 conduct of a candidate for public office is something of concern to a substantial number of  
15 people—specifically, Nevada’s voting public.

16          30. Segerblom established by a preponderance of the evidence that there is a  
17 high degree of closeness between Segerblom’s statements and the public interest in the public  
18 conduct of a candidate for public office, as these are two factors that voters consider when  
19 selecting a public official.

20          31. Segerblom established by a preponderance of the evidence that the focus of  
21 his communication was the public interest rather than an attempt to further a private  
22 controversy.

23          32. Segerblom established by a preponderance of the evidence that he did not  
24 turn any “private information” into a matter of public interest, as he was commenting on  
25 conduct that either occurred in public, or was publicly reported on.

26          33. Thus, Segerblom established that his communications were made “in direct  
27 connection with an issue of public interest” under Nev. Rev. Stat. § 41.637(4).  
28

1                   ***b) The Statements Were Made in a Public Forum or Place Open to***  
2                   ***the Public.***

3                   ***Spoken Statements to KSNV***

4                   34. Segerblom's spoken statements were made to news media and replayed on  
5 video on television and the internet.

6                   35. Communications like this made to journalists who subsequently rebroadcast  
7 said communications are made in a public forum or a place open to the public under Nevada's  
8 anti-SLAPP law. *See Goldman v. Clark Cty. Sch. Dist.*, 471 P.3d 753, Case Nos. 78822 and  
9 78282, 2020 Nev. Unpub. LEXIS 879, \*4-\*5 (Nev. 2020) (unpublished); *see also Nielsen v.*  
10 *Wynn*, 470 P.3d 217, Case No. 77361, 2020 Nev. Unpub. LEXIS 821, \*2 (Nev. 2020)  
11 (unpublished).

12                   ***Tweets***

13                   36. Segerblom's written statements (*i.e.*, tweets) concerning Miller were made  
14 on Twitter, which is freely accessible to anybody with internet access, and therefore  
15 constitutes a public forum.

16                   37. Therefore, Segerblom's written statements were made in a public forum.

17                   ***c) The Statements Were Good Faith Communications***

18                   38. Nevada's Anti-SLAPP statute requires that a good faith communication is  
19 "truthful or made without knowledge of its falsehood." Nev. Rev. Stat. § 41.637. *See also*  
20 *Abrams v. Sanson*, 458 P.3d 1062, 1068 (Nev. 2020).

21                   39. The relevant inquiry is whether the defendant knowingly lied: "[t]he test is  
22 subjective, with the focus on what the defendant ***believed*** and ***intended to convey***, not what  
23 a reasonable person would have understood the message to be." *Nevada Indep. Broad. Corp.*  
24 *v. Allen*, 99 Nev. 404, 415 (1983) (emphasis in original).

25                   40. Statements of opinion cannot be made with knowledge of their falsehood  
26 because there is no such thing as a false idea. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev.  
27 706, 714, 57 P.3d 82, 87 (Nev. 2002 (internal quotation omitted). However pernicious  
28 opinions may seem, courts depend on the competition of other ideas, rather than judges and

juries, to correct them. *Id.* The court must therefore ask “whether a reasonable person would be likely to understand the remark as an expression of the source’s opinion or as a statement of existing fact.” *Id.* at 715.

41. When the plaintiff is a public figure, to demonstrate “good faith” for the purposes of the anti-SLAPP analysis, a defendant need not show that each and every statement is true, only that “the ‘gist or sting’ of the statements was substantively true.” *Rosen v. Tarkanian*, 453 P.3d 1220, 1224 (Nev. 2019).

42. By submitting a declaration attesting to his beliefs and intentions with regard to the communications, Segerblom established that his statements regarding Miller were truthful or made without knowledge of falsehood. *See Stark v. Lackey*, 458 P.3d 342, 347; *Williams v. Lazer*, Case No. 80350, 137 Nev. Adv. Op. 44, \*6-\*7, 2021 Nev. LEXIS 43, \*8 (Sept. 16, 2021).

43. Segerblom submitted evidence that the incident in Chambers and the incident in the hallway occurred during a break in proceedings, and that Segerblom did not personally witness the incidents or watch video of them before making the statements at issue.

44. Segerblom submitted evidence that he relied on the eyewitness account of his executive assistant, who related to him that Miller punched someone.

45. Segerblom submitted evidence that he believed Miller punched someone during the incident when he told the news media such.

46. Segerblom submitted a video of the incident in the Chambers that does not literally show that Miller punched someone but that is not inconsistent with the eyewitness account or Segerblom’s statement to KSNV.

47. The affidavits and video submitted by Miller are not probative of whether Segerblom believed in the veracity of his statements when he made them.

48. The affidavits and video submitted by Miller do not call into question Segerblom’s evidence that he did not witness the incident, that he relied on a trusted

1 eyewitness' statement regarding Miller punching somebody, or that he believed Miller  
2 punched somebody when he said so.

3 49. Thus, Segerblom demonstrated by a preponderance of the evidence that his  
4 statements to KSNV were truthful or made without knowledge of their falsehood. *See*  
5 *Zilverberg*, 481 P.3d at 1229, n. 4 (uncontradicted declaration that the speaker believed in  
6 statement's truth based on conversation with trusted individual held sufficient to  
7 demonstrate, by preponderance of the evidence, that the statement was "at least made without  
8 knowledge of falsity.").

9 50. Segerblom also demonstrated by a preponderance of the evidence that he  
10 believed Miller is a "traitor" when he tweeted as such and whether Miller is a traitor is non-  
11 actionable opinion in any case.

12 51. Additionally, Segerblom's tweets regarding being sued by Miller are pure  
13 opinion and rhetorical hyperbole incapable of being either true or false.

14 52. Therefore, the Court finds that Segerblom has met his burden on Prong One.

15 **C. Plaintiff Did Not Meet His Burden of Demonstrating with Prima Facie**  
16 **Evidence a Probability of Success on His Claims (Prong Two).**

17 53. Because Segerblom met his burden, the burden shifted to Miller to  
18 demonstrate "with prima facie evidence a probability of prevailing on the claims." Nev. Rev.  
19 Stat. § 41.660(3)(b).

20 54. In Nevada, the elements of a defamation claim are: (1) a false and  
21 defamatory statement by a defendant concerning the plaintiff; (2) an unprivileged publication  
22 of this statement to a third person; (3) fault of the Defendant, amounting to at least  
23 negligence; and (4) actual or presumed damages. *Pegasus*, 118 Nev. 706 at 718.

24 55. Because Miller is a public figure, he must establish a higher level of fault  
25 than negligence: actual, or constitutional, malice. *Wynn v. Smith*, 117 Nev. 6, 16, 16 P.3d  
26 424, 430 (2001) (citing *New York Times Co. v. Sullivan*, 376 U.S. 254, 279 – 80, 84 S.Ct.  
27 710, 11 L.Ed.2d 686 (1964)).  
28

1           56.     “Actual malice” requires the defamation plaintiff to demonstrate that the  
2 defendant entertained doubts as to the veracity of a statement but published it anyway. *Time,*  
3 *Inc. v. Pape*, 401 U.S. 279, 291 – 92 (1971).

4           ***Spoken Statements to KSNV (that Miller Punched Somebody)***

5           57.     Segerblom submitted a video and an affidavit regarding the incident in the  
6 chambers and his own affidavit demonstrating he believed in the veracity of his statements  
7 regarding Miller’s behavior.

8           58.     As noted above, the affidavits submitted by Miller in support of his  
9 opposition Miller do not demonstrate that Segerblom entertained doubts about the veracity  
10 of his statements when he made them.

11           59.     The video submitted by Miller in support of his opposition does not portray  
12 Miller’s actions in the Clark County Commission Chambers—and therefore is not relevant  
13 to the determination of whether the “gist or sting” of Segerblom’s statement to KSNV that  
14 Miller “punched somebody” during the incident in Chambers, was truthful, or whether the  
15 statement was made without knowledge of its falsehood.

16           60.     In a defamation action, “it is not the literal truth of each word or detail used  
17 in a statement which determines whether or not it is defamatory; rather, the determinative  
18 question is whether the ‘gist or sting’ of the statement is true or false.”  
19 *Rosen v. Tarkanian*, 453 P.3d 1220, 1224 (Nev. 2019) (citations and internal quotation marks  
20 omitted).

21           61.     Even if this were not the case, Miller has not presented evidence of actual  
22 malice, *i.e.* that Segerblom knowingly or recklessly made false statements. *See Zilverberg*,  
23 481 P.3d at 1229.

24           62.     “The standard for ‘actual malice’ is essentially the same as the test for ‘good  
25 faith’ in prong one, only differing in the party with whom the burden of proof lies, it is  
26 appropriate to use the inquiry in defamation cases for determining the truthfulness of a  
27 statement under prong one.” *Rosen*, 453 P.3d at 1224.



63. There is no evidence that Segerblom made the statements to KSNV with knowledge of or recklessness as to falsity; the affidavits and video submitted by Miller do not controvert Segerblom’s evidence that he did not witness the incident, that he relied on a trusted eyewitness’ statement regarding Miller punching somebody, or that he believed Miller punched somebody when he said so.<sup>1</sup>

#### ***Tweets***

64. . Additionally, as noted above, Segerblom’s tweets regarding being sued by Miller and calling Miller a “traitor” are pure opinion and rhetorical hyperbole incapable of being either true or false, and therefore cannot be defamatory as a matter of law.

65. Therefore, the Court finds Miller failed to meet his burden on the second prong of the anti-SLAPP analysis, as he did not show, by prima facie evidence, that he has any probability of prevailing on his claims.

### **III. CONCLUSION**

66. The Court finds that Defendant Richard Segerblom has met his burden of establishing by a preponderance of the evidence that Plaintiff Mack Miller’s claims are based on Segerblom’s good faith communications in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern.

67. Miller did not meet his burden of showing a likelihood of success on any cause of action.

68. Accordingly, for the reasons stated above, Defendant’s Special Motion to Dismiss is GRANTED.

69. If a Court grants a special anti-SLAPP motion to dismiss, the defendant is entitled to an award of reasonable costs and attorneys’ fees. Nev. Rev. Stat. § 41.670(1)(a).

70. If a Court grants a special anti-SLAPP motion to dismiss, the Court may also award an additional amount of up to \$10,000.00 to Defendant. Nev. Rev. Stat. § 41.670(1)(b).

---

<sup>1</sup> Thus, even if Miller were not a public figure, there is no prima facie case of negligence by Segerblom.

71. Defendant must file a separate motion seeking fees, costs, and any statutory award.

72. Additionally, upon the granting of a special anti-SLAPP motion to dismiss, Defendant may bring a separate action against Plaintiff for compensatory damages, punitive damages, and attorney's fees and costs of bringing the separate action. Nev. Rev. Stat. § 41.670(1)(c).

IT IS SO ORDERED.

Dated this 11th day of July, 2022



**DAA BBE D34D 6E8E**  
**Erika Ballou**  
**District Court Judge**

Respectfully submitted by,

/s/ Leo S. Wolpert

MARGARET A. MCLETSCHIE, NV Bar No. 10931

LEO S. WOLPERT, NV Bar No. 12658

**MCLETSCHIE LAW**

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*Counsel for Defendant Richard Segerblom*

Approved as to Form and Content,

/s/ Timothy R. Treffinger

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*Counsel for Plaintiff Mack Miller*

**From:** [Timothy R. Treffinger, Esq.](#)  
**To:** [Maggie](#)  
**Cc:** [Leo Wolpert](#); [EFile](#)  
**Subject:** Re: FW: SEGERBLOM - 2022.07.05 Order Granting Anti-SLAPP MTD PREFINAL  
**Date:** Tuesday, July 5, 2022 2:36:43 PM  
**Attachments:** [image001.png](#)

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I apologize, it's been a busy morning, and a couple of the jail inmates blew up my phone and filled my voicemail. I approve of the order for form and content, and you have my permission to affix my esignature.

On Tue, Jul 5, 2022 at 1:31 PM Maggie <[maggie@nvlitigation.com](mailto:maggie@nvlitigation.com)> wrote:

Mr. Treffinger: I also tried to call you but your phone would not allow me to leave a message. Please advise (see below/attached).

---

**From:** Maggie  
**Sent:** Tuesday, July 5, 2022 11:31 AM  
**To:** 'Timothy R. Treffinger, Esq.' <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)>  
**Cc:** Leo Wolpert <[leo@nvlitigation.com](mailto:leo@nvlitigation.com)>; EFile <[EFile@nvlitigation.com](mailto:EFile@nvlitigation.com)>  
**Subject:** SEGERBLOM - 2022.07.05 Order Granting Anti-SLAPP MTD PREFINAL

Mr. Treffinger: Please see attached and let us know if you have any proposed edits, if we may /s for you, or if you need more time to review. Our apologies for not getting this to you earlier; with the holiday, it took us a bit longer than expected so we'd be happy to ask chambers for more time if you would like.

Maggie McLetchie



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please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender by return e-mail.

--

Timothy R. Treffinger, Esq.

Nevada Bar No.: 12877

Law Office of Timothy R. Treffinger

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Las Vegas, NV 89146

702-333-5594 (office)

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Mack Miller, Plaintiff(s)

CASE NO: A-22-847668-C

7 vs.

DEPT. NO. Department 24

8 Richard Segerblom, 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 Granting 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: 7/11/2022

15 Margaret McLetchie

maggie@nvlitigation.com

16 Leo Wolpert

leo@nvlitigation.com

17 Timothy Treffinger

AttorneyTreffinger@gmail.com

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Other Tort****COURT MINUTES****May 12, 2022**

---

A-22-847668-C      Mack Miller, Plaintiff(s)  
vs.  
Richard Segerblom, Defendant(s)

---

**May 12, 2022****3:00 AM****Minute Order****Minute Order:  
Reassignment****HEARD BY:** Allf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- To address the likely occurrence of Plaintiff questioning the Court s impartiality as a result of this Court s personal friendship with the Defendant, including his sponsorship of a fundraiser during her campaign, in order to avoid any questions of impartiality or implied bias, COURT ORDERS Department 1, Honorable Bita Yeager disqualified, pursuant to Nevada Code of Judicial Conduct, Canon 2, Rule 2.11(A). COURT FURTHER ORDERS matter REASSIGNED to another Department at random.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**June 06, 2022**

---

A-22-847668-C      Mack Miller, Plaintiff(s)  
vs.  
Richard Segerblom, Defendant(s)

---

**June 06, 2022**

**7:30 AM**

**Minute Order**

**HEARD BY:** Ballou, Erika

**COURTROOM:** Chambers

**COURT CLERK:**

Ro'Shell Hurtado

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- The Court, having discovered that Plaintiff s video is not viewable, the hearing scheduled for June 7, 2022, is hereby VACATED. NRS 41.660(6) provides that the court shall modify any deadlines pursuant to this section or any other deadlines relating to a complaint filed pursuant to this section if such modification would serve the interests of justice. Here, having access to Plaintiff s exhibit will serve the interest of justice. Plaintiff is directed to provide a viewable copy of the video to the Court by the close of business on Friday, June 10, 2022. The matter is hereby rescheduled for Tuesday, June 21, 2022, at 9:00 am. It is so ordered.

CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, Ro Shell Hurtado, to all registered parties for Odyssey File & Serve./ /rh

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****June 20, 2022**

A-22-847668-C      Mack Miller, Plaintiff(s)  
                                  vs.  
                                  Richard Segerblom, Defendant(s)

**June 20, 2022      7:30 AM      Minute Order**

**HEARD BY:** Ballou, Erika      **COURTROOM:** Chambers

**COURT CLERK:**  
                                  Ro'Shell Hurtado

**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court having considered all papers and pleadings and determining that no hearing is necessary hereby VACATES the hearing scheduled for June 21, 2022. Defendant's Special Motion to Dismiss Pursuant to NRS 41.660 (Anti-SLAPP) is hereby GRANTED.

Under Nevada's anti-SLAPP statutes, a defendant may file a special motion to dismiss if the defendant can show by a preponderance of the evidence, that the claim 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. NRS 41.660(3)(a). If a defendant makes this initial showing, the burden shifts to the plaintiff to show with prima facie evidence a probability of prevailing on the claim. NRS 41.660(3)(b). NRS 41.637 defines 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, as, inter alia, a communication made in direct connection with an issue of public interest in a place open to the public or in a public forum, which is truthful or is made without knowledge of its falsehood. NRS 41.637(4). Nevada courts define an issue of public interest broadly. Coker v. Sassone, 135 Nev. Adv. Op. 2, 10, 432 P.3d 746, 751 (2019). The Nevada Supreme Court adopted "guiding principles for what distinguishes public interest from a private one" from a California case, Piping Rock Partners, Inc. v. Davis Lerner Assocs.:



- (1) "public interest" does not equate with mere curiosity;
  - (2) a matter of public interest should be something of concern to a substantial number of people; a matter of concern to a speaker and a relatively small specific audience is not a matter of public interest;
  - (3) there should be some degree of closeness between the challenged statements and the asserted public interest the assertion of a broad and amorphous public interest is not sufficient;
  - (4) the focus of the speaker's conduct should be the public interest rather than a mere effort to gather ammunition for another round of private controversy; and
  - (5) a person cannot turn otherwise private information into a matter of public interest simply by communicating it to a large number of people.
- Shapiro v. Welt, 133 Nev. 35, 39, 389 P.3d 262, 268 (2017).

In general, a public issue is implicated if the subject of the statement or activity underlying the claim is a public figure or could affect large numbers of people beyond the direct participants. Shapiro, 133 Nev. at 39, 389 P.3d at 268. Additionally, statements of opinion cannot be made with knowledge of their falsehood because there is no such thing as a false idea. Pegasus v. Reno Newspapers, Inc., 118 Nev. 706, 714, 57 P.3d 82, 87 (2002). However pernicious opinions may seem, courts depend on the competition of other ideas, rather than judges and juries, to correct them. Id. The court must therefore ask "whether a reasonable person would be likely to understand the remark as an expression of the source's opinion or as a statement of existing fact." Id. at 715.

This Court finds and concludes that Defendant has shown by a preponderance of the evidence that his statements regarding the Clark County Commission Meeting and Mr. Miller allegedly being a traitor, meet all factors outlined in Shapiro v. Welt, 133 Nev. 35, 39, 389 P.3d 262, 268 (2017) and Pegasus v. Reno Newspapers, Inc., 118 Nev. 706, 714, 57 P.3d 82, 87 (2002). Additionally, the Court finds that Mr. Segerblom's tweets regarding being sued by Mr. Miller are pure opinion and rhetorical hyperbole incapable of being either true or false. Therefore, the Court finds that the burden shifts to the Plaintiff to show with prima facie evidence a probability of prevailing on the claim and that Plaintiff Miller did not meet this burden. NRS 41.660(3)(b).

Due to the aforementioned reasons, the Court finds and concludes Defendant's Motion to Dismiss must be GRANTED. Defendant's Counsel is directed to prepare a proposed order which is to be approved by Plaintiff's Counsel as to form and content prior to submitting the order to chambers at DC24Inbox@clarkcountycourts.us for review. It is so ordered.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Ro Shell Hurtado, to all registered parties for Odyssey File & Serve./ /rh



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

**TIMOTHY R. TREFFINGER, ESQ.**  
**2350 S. JONES BLVD. A2**  
**LAS VEGAS, NV 89146**

**DATE: August 8, 2022**  
**CASE: A-22-847668-C**

**RE CASE:** MACK JOSEPH MILLER, II vs. RICHARD L. "TICK" SEGERBLOM

NOTICE OF APPEAL FILED: August 3, 2022

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☒ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

---

**NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:**

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

***Please refer to Rule 3 for an explanation of any possible deficiencies.***

---

***\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

# 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):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING SPECIAL MOTION TO DISMISS PURSUANT TO NEV. REV. STAT. 41.660 (ANTI-SLAPP); NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S SPECIAL MOTION TO DISMISS PURSUANT TO NEV. REV. STAT. 41.660 (ANTI-SLAPP); DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

MACK JOSEPH MILLER, II,

Plaintiff(s),

vs.

RICHARD L. "TICK" SEGERBLOM,

Defendant(s),

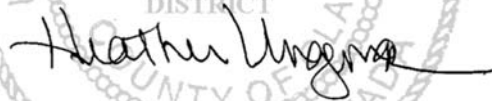
Case No: A-22-847668-C

Dept No: XXIV

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 8 day of August 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk