

1 **ORDR**

2 Marc J. Randazza, NV Bar No. 12265
3 Ronald D. Green, NV Bar No. 7360
4 Alex J. Shepard, NV Bar No. 13582
5 RANDAZZA LEGAL GROUP, PLLC
6 2764 Lake Sahara Drive Suite 109
7 Las Vegas, NV 89117
8 Telephone: 702-420-2001
9 ecf@randazza.com

10 Attorneys for Defendant
11 Scott Roeben

12 **EIGHTH JUDICIAL DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 **LAS VEGAS RESORT HOLDINGS, LLC**
15 dba SAHARA LAS VEGAS, a Delaware limited
16 liability company,

17 Plaintiff,

18 vs.

19 **SCOTT ROEBEN** dba VITALVEGAS
20 dba VITALVEGAS.COM, an individual; and
21 **DOES I-X**, inclusive,

22 Defendants.

Case No. A-20-819171-C

Dept. No. 8

ORDER

23 **ORDER GRANTING DEFENDANT SCOTT ROEBEN'S ANTI-SLAPP SPECIAL**
24 **MOTION TO DISMISS UNDER NRS 41.660**

25 This matter, having come before the Court on Defendant Scott Roeben's Anti-SLAPP
26 Special Motion to Dismiss Under NRS 41.660, commencing on October 20, 2020 at 9:30 a.m., the
27 Court having read and considered Defendant's motion, the opposition, and the reply on file and
exhibits thereto, and it appearing, upon argument of counsel and for good cause shown, the Court
grants Defendant's motion and finds as follows:

1. Defendant Roeben satisfied his burden under NRS 41.660(2), as his statements were expressions of opinion and thus could not have been made with knowledge of their

1 falsity. *See Rosen v. Tarkanian*, 453 P.3d 1220 (Nev. 2019); *Abrams v. Sanson*, 458
2 P.3d 1062 (Nev. 2020).

3 2. The Court finds Plaintiff has not established, with prima facie evidence, a probability
4 of prevailing on its claim, as the statements on which Plaintiff's claim is based are
5 statements of opinion. *See Tarkanian*, 453 P.3d 1220; *Sanson*, 458 P.3d 1062. The
6 way the statements were couched on the facts here, not viewing them as statements of
7 opinion would inhibit and dull free speech.

8 3. The Court further finds that, if the statements on which Plaintiff's claim is based are
9 not statements of opinion, Plaintiff has not established with prima facie evidence
10 evidence a probability of prevailing on its claim because it has not provided sufficient
11 evidence of actual malice.

12 Accordingly, **IT IS HEREBY ORDERED:**

13 That Defendant Scott Roeben's Anti-SLAPP Special Motion to Dismiss Under NRS
14 41.660 is **GRANTED**.

15 **IT IS HEREBY FURTHER ORDERED** that Plaintiff's claims are dismissed with
16 prejudice.

17 **IT IS HEREBY FURTHER ORDERED** that Defendant Scott Roeben is entitled to
18 reasonable attorneys' fees and costs.

19
20 DATED this _____ day of _____, 2020.
Dated this 30th day of October, 2020

21
22 
DISTRICT COURT JUDGE

23 8C9 EF0 7C21 B772
24 Trevor Atkin
25 District Court Judge
26
27

1 Submitted by:

2 /s/ Marc J. Randazza

3 Marc J. Randazza, NV Bar No. 12265

4 Ronald D. Green, NV Bar No. 7360

5 Alex J. Shepard, NV Bar No. 13582

6 RANDAZZA LEGAL GROUP, PLLC

7 2764 Lake Sahara Drive Suite 109

8 Las Vegas, NV 89117

9 Telephone: 702-420-2001

10 ecf@randazza.com

11 Attorneys for Defendant

12 Scott Roeben

Approved as to form and content:

/s/ Matthew J. Weitz

Matthew J. Weitz, NV Bar No. 13277

9550 Fireston Blvd. Ste 105

Downey, CA 90241

mweitz@meruelogroup.com

Attorney for Plaintiff

Las Vegas Resort Holdings, LLC



Alex Shepard <ajs@randazza.com>

LVRH v. Roeben | Proposed Order on Anti-SLAPP Motion

Matthew Weitz <MWeitz@meruelogroup.com>

Tue, Oct 27, 2020 at 11:03 AM

To: Alex Shepard <ajs@randazza.com>

Cc: Trey Rothell <tar@randazza.com>, Jasmyn Montano <jbm@randazza.com>, Marc Randazza <mjr@randazza.com>

Alex,

You have consent to use my esignature on this most recent draft of the order.

-Matt

From: Alex Shepard <ajs@randazza.com>

Sent: Monday, October 26, 2020 11:05 AM

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
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6 Las Vegas Resort Holdings,
LLC, Plaintiff(s)

CASE NO: A-20-819171-C

7 vs.

DEPT. NO. Department 8

8
9 Scott Roeben, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/30/2020

15 Marc Randazza ecf@randazza.com

16 Ronald Green ecf@randazza.com

17 Alex Shepard ecf@randazza.com

18 Francisca Avalos francisca.avalos@meruelogroup.com

19 Chris Davis Chris.Davis@SaharaLasVegas.com

20 Matthew Weitz mweitz@meruelogroup.com

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