

1 **ORDER**
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9 Attorneys for Defendant
10 *Daphne Williams*

11 DISTRICT COURT
12 CLARK COUNTY, NEVADA

13 CHARLES "RANDY" LAZER,
14
15 Plaintiff,

16 vs.

17 DAPHNE WILLIAMS,
18
19 Defendant.

CASE NO.: A-19-797156-C
DEPT NO.: XV

**ORDER DENYING DEFENDANT
DAPHNE WILLIAMS'S SECOND
ANTI-SLAPP SPECIAL MOTION TO
DISMISS UNDER NRS 41.660; and
DENYING PLAINTIFF CHARLES
"RANDY" LAZER'S COUNTER-
MOTION FOR ATTORNEY FEES**

DATE OF HEARING: December 9, 2019
TIME OF HEARING: 9:00 a.m.

20 Defendant Daphne Williams's anti-SLAPP special motion to dismiss under NRS 41.660,
21 and plaintiff Charles "Randy" Lazer's counter-motion for attorney fees, both coming on for
22 hearing on December 9, 2019, at 9:00 a.m., Adam R. Trippiedi, Esq. appearing on behalf of Charles
23 "Randy" Lazer, and Marc J. Randazza appearing on behalf of defendant Daphne Williams, and the
24 Court having reviewed the pleadings and having heard the arguments of the parties' respective
counsel, and for good cause appearing, finds as follows:

IT IS HEREBY ORDERED that defendant's anti-SLAPP special motion to dismiss ("anti-
SLAPP motion") is denied without prejudice.

1 IT IS FURTHER ORDERED that the court cannot find at this juncture, as a matter of law,
2 that defendant has proven by a preponderance of the evidence that she submitted her Nevada Real
3 Estate Division (“NRED”) Statement of Fact in good faith as required under NRS 41.660(3)(a).
4 Specifically, the court cannot find at this point that defendant made her Statement of Fact in good
5 faith; that it was truthful; and that defendant made the Statement of Fact without knowledge of its
6 falsity, and the court denies defendant’s anti-SLAPP motion without prejudice on that basis.

7 IT IS FURTHER ORDERED that even assuming defendant met her burden under NRS
8 41.660(3)(a) to show that she submitted her NRED Statement of Fact in good faith by a
9 preponderance of the evidence, plaintiff has made a prima facie evidentiary showing under NRS
10 41.660(3)(b) that he has a probability of prevailing on his claims. This is an independent basis for
11 denying defendant’s anti-SLAPP motion without prejudice.

12 IT IS FURTHER ORDERED that plaintiff’s counter-motion for attorney fees is denied.
13 The court does not find a proper basis to grant plaintiff attorney fees because defendant’s anti-
14 SLAPP motion was properly brought in response to the filing of plaintiff’s first amended complaint
15 and presented new evidence.

16 IT IS FURTHER ORDERED that plaintiff’s request to strike defendant’s anti-SLAPP
17 motion based on defendant’s alleged violation of EDCR 2.20’s page limit requirement is denied.

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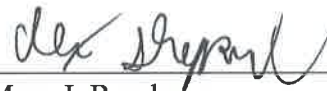
1 IT IS FURTHER ORDERED that defendant is to answer plaintiff's first amended
2 complaint within twenty-one (21) days of notice of entry of this order.

3 DATED this 18th day of December, 2019.

4 
5 DISTRICT COURT JUDGE
6 Case No. A797156 10

7 Respectfully submitted by:

8 RANDAZZA LEGAL GROUP, PLLC

9
10 By: 
11 Marc J. Randazza
12 Alex J. Shepard
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13 Attorneys for Defendant
14 *Daphne Williams*