

SUPREME COURT OF NEVADA

Robert Darby Vannah, Esq.; John Buchcanan Greene, Esq.; Robert D. Vannah, Chtd., d/b/a Vannah & Vannah; Edgeworth Family Trust; American Grating, LLC; and Brian Mar Edgeworth and Angela Euzabe Edgeworth, Individually, as Husband and Wife v. The Law Office of Daniel S. Simon, a Professional Corporation; and Daniel S. Simon

Vannah v. Law Office of Daniel S. Simon · No. 82058 · Decided March 31, 2022

SUMMARY

The Nevada Supreme Court reversed and remanded district court orders denying anti-SLAPP special motions to dismiss. The court held that the district court erred by permitting the plaintiffs to amend their complaint after the motions were filed and by relying on the amended complaint in conducting the anti-SLAPP analysis.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	J. Hardesty; J. Stiglich; J. Herndon
JURISDICTION	Nevada
DECIDED	March 31, 2022
DOCKET	82058
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from district court orders denying appellants' anti-SLAPP special motions to dismiss.
STANDARD OF REVIEW	De novo review of the district court's denial of an anti-SLAPP special motion to dismiss.
PRECEDENTIAL VALUE	Published Nevada Supreme Court order; precedential status is not otherwise stated in the opinion text.
PARTIES	Robert Darby Vannah, Esq., John Buchcanan Greene, Esq., Robert D. Vannah, Chtd., d/b/a Vannah & Vannah, Edgeworth Family Trust, American Grating, LLC, Brian Mar Edgeworth, Angela Euzabe

TOPICS

motions to dismiss

pleadings

standard of review

appellate procedure

civil procedure

PRACTICE AREAS

Civil procedure

Appellate procedure

Anti-SLAPP litigation

QUESTIONS PRESENTED

1. Whether the district court erred by permitting respondents to amend their complaint after appellants filed anti-SLAPP special motions to dismiss.
2. Whether the district court erred by relying on the amended complaint rather than the original complaint in ruling on the pending anti-SLAPP motions.

HOLDINGS

1. The district court erred by permitting respondents to file an amended complaint while appellants' anti-SLAPP special motions to dismiss were pending.
2. The district court must conduct its anti-SLAPP analysis based on the original complaint when the amended complaint was filed after the anti-SLAPP special motion to dismiss.

KEY QUOTATIONS

“On remand, the district court should conduct its anti-SLAPP analysis based on respondents' original complaint.” (at 2)

FACTUAL BACKGROUND

Appellants filed anti-SLAPP special motions to dismiss. After those motions were filed, respondents filed an amended complaint, and the district court ruled that the amended complaint governed. The district court then relied on the amended complaint in determining that appellants had not satisfied the first step of the anti-SLAPP analysis.

PROCEDURAL HISTORY

Respondents filed an amended complaint after appellants had filed anti-SLAPP special motions to dismiss. The district court determined that the amended complaint governed and relied on it in denying the motions at the first step of the anti-SLAPP analysis. The Nevada Supreme Court reversed and remanded, directing the district court to conduct the anti-SLAPP analysis using the original complaint.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must conduct its anti-SLAPP analysis based on respondents' original complaint.

CASES CITED

- Williams v. Lazer, 137 Nev., Adv. Op. 44, 495 P.3d 93, 96-97 (2021)
- Dickinson v. Cosby, 225 Cal. Rptr. 3d 430, 450-51 (Ct. App. 2017)
- Salma v. Capon, 74 Cal. Rptr. 3d 873, 888-89 (Ct. App. 2008)
- Coker v. Sassone, 135 Nev. 8, 11, 432 P.3d 746, 749 (2019)

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