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CASE NO. A237938C

Department 28

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, a Nevada nonprofit corporation;
HUMAN RIGHTS CAMPAIGN, INC., a
District of Columbia nonprofit corporation;
**HOLY ORDER SIN SITY SISTERS OF
PERPETUAL INDULGENCE, INC.**, a
Nevada nonprofit corporation;
**INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY**, a Nevada
non-profit corporation; **GENDER JUSTICE
NEVADA**, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; **SOCIAL
INFLUENCE FOUNDATION DBA
HOUSE OF VEGAS PRIDE**, a Nevada non-
profit corporation; and **JOHN PHOENIX,
APRN, PLLC DBA HUNTRIDGE
FAMILY CLINIC**, a Nevada professional
limited liability company, **GOLDEN
RAINBOW OF NEVADA, INC.**, a Nevada

Case No. _____

Dept. _____

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

**ARBITRATION EXEMPTION:
AMOUNT IN EXCESS OF \$50,000;
EQUITABLE RELIEF SOUGHT**

nonprofit corporation, **BRADY MCGILL**, an individual, **NICOLE WILLIAMS**, an individual, **JOHN PHOENIX**, an individual, **GARY COSTA**, an individual, **ANTHONY CORTEZ**, an individual, and **SEAN VANGORDER**, an individual,
Defendants.

Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center hereby bring this Complaint against Defendants Southern Nevada Association of Pride, Inc. dba Las Vegas PRIDE; Human Rights Campaign; Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc.; International Cultural Movement for Equality; Gender Justice Nevada; Las Vegas Transpride; Social Influence Foundation dba House of Vegas Pride; John Phoenix, APRN, PLLC dba Huntridge Family Clinic; Golden Rainbow of Nevada, Inc.; Brady McGill; Nicole Williams; John Phoenix; Gary Costa; Anthony Cortez; and Sean Vangorder, and allege as follows:

THE PARTIES

1. Plaintiff Christopher Davin is an individual residing in Nevada.
2. Plaintiff Trevor Harder is an individual residing in Nevada.
3. Plaintiff Henderson Equality Center (“HEC”) is a Nevada nonprofit corporation with its principal place of business in Henderson, Nevada.
4. Defendant Southern Nevada Association of Pride, Inc. dba Las Vegas PRIDE (“Vegas PRIDE”) is a Nevada nonprofit corporation with its principal place of business in Las Vegas, Nevada.
5. Defendant Human Rights Campaign (“HRC”) is a District of Columbia nonprofit corporation registered to do business in Nevada and regularly conducts business in Las Vegas, Nevada.
6. Defendant Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc. (“Sisters”) is a Nevada nonprofit corporation with its principal place of business in Las Vegas, Nevada.

7. Defendant International Cultural Movement for Equality (“ICME”) is a Nevada nonprofit corporation with its principal place of business in Las Vegas, Nevada.

8. Defendant Gender Justice Nevada (“Gender Justice”) is a Nevada nonprofit corporation with its principal place of business in Las Vegas, Nevada.

9. Defendant Las Vegas Transpride (“Transpride”) is a Nevada nonprofit corporation with its principal place of business in Las Vegas, Nevada.

10. Defendant Social Influence Foundation dba House of Vegas Pride (“House of Vegas”) is a Nevada nonprofit corporation with its principal place of business in Las Vegas, Nevada.

11. Defendant John Phoenix, APRN, PLLC dba Huntridge Family Clinic (“Huntridge”) is a Nevada nonprofit corporation with its principal place of business in Las Vegas, Nevada.

12. Defendant Golden Rainbow of Nevada, Inc. (“Golden Rainbow”) is a Nevada nonprofit corporation with its principal place of business in Las Vegas, Nevada.

13. Defendant Brady McGill at all relevant times was the President of Vegas PRIDE and is a resident of Las Vegas, Nevada.

14. Defendant Nicole Williams at all relevant times was the President of House of Vegas and is a resident of Las Vegas, Nevada.

15. Defendant John Phoenix at all relevant times was the Manager of Huntridge and a resident of Las Vegas, Nevada.

16. Defendant Gary Costa at all relevant times was the Executive Director of Golden Rainbow and a resident of Las Vegas, Nevada.

17. Anthony Cortez at all relevant times was the Co-Founder and Executive Director of ICME and a resident of Las Vegas, Nevada.

18. Sean Vangorder is a former Vice Chair of HRC’s National Board of Governors and Member of its Las Vegas Steering Committee, still volunteers for HRC in Las Vegas, and is a resident of Las Vegas, Nevada.

JURISDICTION AND VENUE

19. This Court has jurisdiction over this matter because all Defendants reside or regularly do business in Nevada and because the tortious statements made by Defendants, which are the basis of this action, were published in Nevada and caused harm to Plaintiffs in Nevada.

20. The amount in controversy, represented by actual and consequential damages to Plaintiff, and possible punitive damages, exceeds \$15,000.00. This Court thus has jurisdiction over this matter.

21. Venue is proper before this Court because the actions that form the basis of Plaintiff's claims took place in Clark County, Nevada.

FACTS RELEVANT TO ALL CLAIMS

22. Plaintiff Davin is the Executive Director of HEC.

23. HEC is a community-supported organization created to engage, empower, enrich, and advance, the LGBTQ+ community in Henderson, Nevada by providing a safe space that provides resources and assistance in various forms to at-risk, low-income LGBTQ+ youth and adults.

24. Davin's partner, Plaintiff Harder, is a Co-Founder, Youth Director, and PrEP Navigator at HEC and Henderson Wellness Clinic, and is employed as a public educator at a charter school.

25. For years, Davin has been actively engaged in LGBTQ+ organizations in Nevada to support the LGBTQ+ community.

26. As of 2020, Davin was a volunteer with Defendant Human Rights Campaign.

27. As of 2021, Davin was a Board Member of Vegas PRIDE.

28. Similarly, as of 2021, Plaintiff Harder was a Board Member of Vegas PRIDE.

29. On April 20, 2023, Vegas PRIDE published a press release (the "Press Release") on its website containing numerous false and defamatory statements about Plaintiffs.¹

¹ Available at: <https://lasvegaspride.org/2023/04/25/christopher-chris-davin-trevor-harder/>. A true and correct copy of the Press Release is attached to this Complaint as **Exhibit 1**.

30. The Press Release primarily consists of 5 distinct categories of actionable statements:

- A. *"In April 2023, Mr. Davin threatened Las Vegas PRIDE Officers and took intentional action to cause harm to our organization and our work by making frivolous trademark claims. These actions resulted in harm to Las Vegas PRIDE and other community-serving organizations."*
- B. *"In August of 2021, it was determined that Mr. Davin accessed sensitive information and stole data from the Las Vegas PRIDE, which he used without permission to benefit his organization. In a unanimous vote, Mr. Davin was removed from his position on the Board ["Minutes of the Las Vegas PRIDE Board – Closed Session."](#) [August 11, 2021](#).² At that time, Mr. Harder also resigned from his position on our Board."*
- C. *"In a similar incident in the spring of 2020, Mr. Davin was removed from his involvement with Human Rights Campaign of Las Vegas for accessing sensitive information and using it without permission for personal gain."*
- D. *"Las Vegas PRIDE Officers have been made aware of multiple reports of bullying, threats, and unethical business activities Mr. Davin has taken against individuals, charities, and businesses in Southern Nevada."*
- E. *"Las Vegas PRIDE Officers have been made aware of reports made to various authorities regarding Mr. Davin directly for unethical, unprofessional, and illegal financial practices and behavior."*

31. The Press Release then states that *"Las Vegas PRIDE takes direct threats to our Board Members and attacks on our organization by Mr. Davin and Mr. Harder seriously. Bullying actions of these individuals will not be tolerated . . . "*

32. The Press Release also encourages readers to file complaints with various governmental agencies, both real and non-existent, regarding Davin and Harder and "the many organizations with which they are associated."

² The hyperlink to this document is in the Press Release. The August 11, 2021, closed meeting minutes linked in the Press Release are attached to this Complaint as **Exhibit 2**.

33. The Press Release contains the logos of Defendants Vegas PRIDE, HRC, Sisters, ICME, Gender Justice, Transpride, and House of Vegas (the “PR Defendants”).

34. The Press Release also includes links to the PR Defendants’ respective websites.

35. The inclusion of the PR Defendants’ website links and logos shows that these Defendants endorse the actionable statements in the Press Release.

36. Defendant HRC had actual knowledge that it was listed as a signatory to the Press Release no later than May 2023. It contacted Plaintiffs in May 2023 regarding the Press Release, and Plaintiffs’ then-counsel informed HRC that same month that it contained false and defamatory statements. Despite having this actual knowledge, HRC did nothing to distance or dissociate itself from the Press Release until approximately October 2023, after it received a demand letter from Plaintiffs.

37. Shortly after the Press Release was published, Defendant Phoenix published a verbatim copy of the Press Release on Defendant Huntridge’s website.

38. Shortly after the Press Release was published, Phoenix also contacted at least one of HEC’s doctors and encouraged them to stop working for HEC based on the false allegations contained in the Press Release.

39. On information and belief, Vegas PRIDE, or one of its agents, sent a message to several supporters and donors of HEC (the “Direct Message”).

40. The Direct Message linked to the defamatory Press Release and stated that these other organizations endorsed the statements in the release (the “Direct Message”). A true and correct copy of the Direct Message is attached to this Complaint as **Exhibit 3**.

41. The Direct Message includes the following statement:

“For the safety and well-being of the LGBTQ+ community, Please [sic] reconsider your sponsorship of this organization as your support perpetuates Mr. Davin’s and Mr. Harder’s ability to cause harm to individuals, charitable organizations and business in the Las Vegas LGBTQ+ Community.

This information has been sent to you anonymously, for fear of continued retaliation from Mr. Davin and Mr. Harder.”

42. On May 2, 2023, the Press Release was updated to include two additional defamatory statements.

43. The Press Release was amended to claim that Vegas PRIDE had received reports from unnamed third parties accusing Plaintiffs of “Harassment of community members, and former board members,” and “Failure to submit payment for goods/services rendered.”

44. Each of these statements in the Press Release is false and defamatory, as discussed below.

Allegation of Davin Harming Vegas PRIDE With Frivolous Trademark Claims

45. HEC owns multiple trademark registrations for the mark HENDERSON PRIDE FEST.

46. HEC owns a federal registration for this mark, which was registered on the Supplemental Register on February 7, 2023, with an effective registration date of December 10, 2021 (Reg. No. 6,976,120).

47. HEC also owns three Nevada state registrations for the mark, which were registered on January 11, 2022 (Mark No. 202200035766-22 (trademark), 202200035760-40 (trade name), and 202200035764-28 (service mark)).

48. In April 2023, Davin submitted a complaint to Facebook on HEC’s behalf alleging trademark infringement on Vegas PRIDE’s Facebook page.

49. Davin alleged that this page contained several images used in a commercial context for the confusingly similar trademark HENDERSON PRIDE FESTIVAL.

50. Davin also alleged that the HENDERSON PRIDE FESTIVAL mark was used in connection with the same goods and services as HEC’s HENDERSON PRIDE FEST mark.

51. On or about April 17, 2023, Facebook found Davin’s complaint meritorious and suspended Vegas PRIDE’s Facebook page for approximately two months.

52. On information and belief, Facebook’s suspension of Vegas PRIDE’s page was not due solely to Davin’s complaint, but rather was the cumulative consequence of numerous

trademark infringement complaints filed against Vegas PRIDE by third parties, combined with Davin's complaint.

53. There are multiple reasons this allegation in the Press Release is false.

54. First, Davin did not threaten anyone by sending a takedown request to Facebook, nor did he do so to "cause harm" to Vegas PRIDE.

55. HEC owns multiple trademark registrations for HENDERSON PRIDE FEST, and Vegas PRIDE was using the confusingly similar HENDERSON PRIDE FESTIVAL mark on Facebook.

56. Nor did Plaintiffs request that Facebook remove Vegas PRIDE's Facebook account.

57. It appears that Vegas PRIDE had already been the subject of so many trademark complaints that Facebook felt a suspension was appropriate instead of simply removing the infringing content.

58. Furthermore, Facebook found Davin's takedown request to be meritorious and acted on it.

59. The allegation that Davin made "frivolous trademark claims" is thus not merely a statement of opinion, but a demonstrably false statement of fact.

60. Crucially, Vegas PRIDE published the Press Release on April 20, 2023, a mere *three days* after Facebook suspended its Facebook page.

61. It could not be more apparent that PR Defendants and Phoenix's motive in publishing and endorsing the Press Release was not to inform the LGBTQ+ community about a bad actor, but rather to retaliate against Plaintiffs for asserting their legal rights.

Allegations Regarding August 2021 Departure from Vegas PRIDE

62. On August 11, 2021, Vegas PRIDE held a closed meeting to discuss allegations of Davin taking Vegas PRIDE assets.

63. Specifically, the allegation that Davin logged into Vegas PRIDE's mail program and extracted email files for the purpose of soliciting donations from Vegas PRIDE donors for the benefit of HEC.

64. This claim is categorically false.

65. As Davin explained during this meeting, if he had engaged in this alleged conduct, then Vegas PRIDE's email software, Mailchimp, would have had a log of it.

66. There was no log of such activity.

67. To prove this claim, Davin provided an example of logging into HEC's mail system, which also uses MailChimp, resulting in a log of him doing so.

68. Vegas PRIDE's board ignored evidence conclusively showing the allegations against Davin were false.

69. Instead, Vegas PRIDE's President, Brady McGill, proposed the absurd hypothetical that Davin could have copied all 22,000 allegedly extracted emails word by word.

70. Without conducting any investigation and ignoring the conclusive proof Davin provided during the meeting, the Vegas PRIDE Board found that Davin had engaged in this alleged misconduct.

71. The same day this meeting occurred; Davin voluntarily retired from the Board due to him being subjected to a disrespectful kangaroo court with no interest in determining the truth of allegations against him.

72. The claim that Davin was removed from the Vegas PRIDE Board is also false.

73. In reality, the allegation of Davin committing data theft was fabricated out of whole cloth and used as a pretext to get Davin off the Vegas PRIDE Board.

74. The Press Release also falsely implies Harder was somehow involved in this non-existent data theft by mentioning that Davin left the Vegas PRIDE Board at the same time in the same paragraph as the false allegations about Davin.

75. If an actual data breach had happened and Davin had stolen the information of thousands of donors, then Vegas PRIDE would have taken action in response, such as informing these donors that a data breach had happened.

76. Vegas PRIDE took no such action.

77. Further, Vegas PRIDE did not even acknowledge the existence of an alleged data breach until after it published the defamatory Press Release, two years later.

78. The fact that Vegas PRIDE did not even mention the alleged theft of thousands of supporters' information until it defamed Plaintiffs shows that PR Defendants and Phoenix knew this allegation was false when they published or endorsed the Press Release and published it for the specific purpose of harming Plaintiffs.

Allegations Regarding Davin's Departure from HRC

79. In 2020, Davin volunteered his time to HRC and served as a co-chair for the HRC Gala silent auction.

80. Davin did approximately 90% of the work in finding donors and items for the auction at the 2020 Gala in Caesar's Palace in Las Vegas, Nevada.

81. At the Gala, HRC's poor training of its volunteers led to a great deal of confusion in the checkout process for successful bidders.

82. HRC volunteers allowed bidders to pick up items simply upon showing a phone message notifying the bidder of being the highest bidder.

83. This was problematic because some of the persons who received phone messages indicating they were the highest bidder, were later outbid by others.

84. This resulted in some of the wrong people getting items presented during the auction.

85. Because his co-chair was not doing their share of the work, Davin was left to sort out this mess by himself, which involved contacting various bidders to make arrangements for them to acquire or transfer auction items.

86. As a necessary part of this work, Davin had access to HRC donor information.

87. Davin did not use HRC donor information for any purpose other than fixing the issues which arose during the checkout process.

88. It is categorically false to say that Davin was involved “in a similar incident in the Spring of 2020,” as he did not misappropriate any donor information or use it for his or HEC’s benefit.

89. Similar to the above false allegations regarding Davin’s departure from the Vegas PRIDE Board, if HRC actually did experience a data breach in 2020, it presumably would have told its donors about this.

90. HRC did no such thing, and has made no public statement about an alleged data breach resulting from this incident.

91. The Press Release is also wrong about its claim that Davin was removed from HRC.

92. After 4 to 6 months of trying to fix HRC’s mistakes, which took up a significant amount of his unpaid time, Davin informed HRC he could no longer do this work on a volunteer basis.

93. Davin did not hold any office or title with HRC; he was an unpaid volunteer.

94. HRC did not “remove” Davin.

95. Davin simply stopped volunteering for the organization.

Allegations of Harassment, Bulling, Threats, Unethical Business Activities, and Unethical and Illegal Financial Practices and Behavior

96. In a classic example of reckless defamation, the Press Release refers to numerous unspecified complaints of various incidents of unprofessional or illegal conduct.

97. Neither Vegas PRIDE nor any of the signatories of the Press Release have received such reports. They are fabrications.

98. Even if some people attempting to harm Plaintiffs’ reputation have made “complaints” to Vegas PRIDE, the Press Release clearly endorses the veracity of such complaints by publishing about them alongside unambiguous factual assertions of Plaintiffs’ wrongdoing.

99. The reference to these “complaints” implies the existence of undisclosed facts which are false and defamatory, meaning these claims in the Press Release are also defamatory.

100. The Press Release also clearly imputes this alleged misconduct to Plaintiffs collectively, as it refers to “attacks on our organization by Mr. Davin and Mr. Harder,” and asks readers to report “information regarding issues with Chris Davin, Trevor Harder, or any of the many organizations with which they are associated.”

Allegations of Failure to Submit Payment for Goods/Services Rendered

101. Finally, the Press Release alleges that Plaintiffs have engaged in “[f]ailure to submit payment for goods/services rendered.”

102. This statement, endorsed as true in the Press Release, is false.

103. The only incident it could possibly be referring to is a dispute between HEC and a company called Excellence LLC d/b/a Smithman Productions (“Smithman”).

104. HEC had a commercial relationship with Smithman in 2022 to produce HEC-branded merchandise.

105. HEC quickly learned that Smithman had provided incorrect inventory counts, despite agreeing to provide correct ones.

106. Further, despite promising to provide custom original designs, Smithman instead used images it took from the internet without permission or attribution to create the merchandise.

107. Both of these issues were a breach of the agreement between Smithman and HEC.

108. Upon learning of these breaches, HEC refused payment, as it was entitled to do.

109. Smithman threatened to sue HEC for this alleged breach, but never did.

110. The claim that HEC failed to submit payment for goods/services rendered is thus grossly misleading and falsely implies that HEC does not honor its contractual obligations.

Sean Vangorder’s Facebook Post

111. In or around June 2023, Sean Vangorder published a post on Facebook of and concerning Plaintiffs.

112. This post claimed that Davin and Harder:

are the greatest scam artists to the LGBTQ+ community in Las Vegas. They have stolen donor lists, bashed dedicated and caring volunteer leaders, attacked valuable queer-supported Vegas organizations, and have continued on a journey of full destruction of non-profit and political orgs that fight for our freedoms and help gain us access to valuable services every day. As of now, they have attacked Las Vegas Pride to the point of having their social media access removed – just before June Pride month – one of their most important months for engagement and exposure. It's time for the Vegas queer community to be transparent about the toxic attacks these two humans have participated in. It's time for them to go and for the rest of us to unite. Take it from me – I know personally about the toxicity of these two.

113. This post contains numerous false statements and implications, namely that Davin and Harder are “scam artists,” that they have “stolen donor lists,” and that they have undermined the Nevada LGBTQ+ community.³

114. As alleged above, the allegation that Davin and Harder stole donor lists is categorically false.

115. Vangorder knew this allegation was false when he published it or did so with significant subjective doubt as to its truth, given that there was no factual basis for this allegation.

116. As alleged above, the allegation that Davin and Harder “attacked” Vegas PRIDE by shutting down its Facebook page is false.

117. Rather, Davin sent Facebook a meritorious trademark takedown request that Facebook acted upon.

118. Vangorder’s broader claim that Davin and Harder are trying to undermine the Vegas LGBTQ+ community is thus false, as it rests on this false premise.

119. The statement Davin and Harder are “scam artists” is false, as neither Plaintiff has scammed anyone.

³ The entirety of the post is false and was published with the specific intent of harming Plaintiffs, but not every statement in it is actionable.

120. This is not a statement of protected opinion because it implies the existence of undisclosed false facts, namely that there are underlying facts which support the asserted conclusion of Davin and Harder being “scam artists.”

The LGBTQIA2 Connect Emails

121. On April 18, 2023, an employee of the LGBTQ Center of Southern Nevada sent an email to members of several Nevada LGBTQ+ communities, including Davin and Defendants Costa and Cortez, inviting them to attend an upcoming meeting in July 2023.

122. In response to this email, on May 3, 2023, a recipient wrote “Why is this person a part of this group?” and posted a link to the Press Release.

123. In response to that email, Defendant Cortez wrote an email claiming that the City of Henderson, Nevada called him to tell him that it would deploy armed officers to an upcoming ICME festival “because of continuous emails/threats by this idiot” and that the Mayor would be attending the festival “but with FULL SECURITY DETAIL. . . WHAT DOES THAT TELL YOU??”

124. Cortez concluded by asking everyone in the email chain to “report” Davin to law enforcement if they saw him at ICME’s upcoming festival.

125. Cortez wrote this email in the course and scope of his employment with ICME and for the benefit of ICME, as ICME was an active participant in an ongoing campaign to defame and harm Plaintiffs.

126. Cortez’s email was false.

127. The City of Henderson never contacted him regarding any security concerns regarding Plaintiffs, nor did the Mayor have or express any such security concerns.

128. Cortez’s email is also false in that Plaintiffs never sent any “emails/threats” that could possibly have caused any government organization to believe he was a security threat.

129. Furthermore, the implication that Davin is a violent individual and a security threat is categorically false.

130. In response to Cortez’s email, Defendant Costa wrote an email thanking Cortez for “sharing this [false] information widely to other LGBTQ organizations and community leaders” and falsely claiming that Davin and Harder “have been terrorizing the LGBTQ community for the past 3 years,” and called them “bad actors” and “bullies.”

131. Costa published this email in the course and scope of his employment with Defendant Golden Rainbow and for the benefit of Golden Rainbow.

132. Indeed, he published it explicitly on behalf of Golden Rainbow.

133. Costa’s email endorsed Cortez’s email in its entirety, thus making him and Golden Rainbow equally liable for the statements in it.

134. Costa’s email also falsely implied the existence of undisclosed facts to support his assertion that Davin and Harder “have been terrorizing the LGBTQ community for the past 3 years.”

135. Neither Davin nor Harder have “terrorized” the LGBTQ community at any point and have not engaged in any conduct that any reasonable person apprised of the facts could possibly interpret as “terrorizing” the community.

False Statements to Interpride

136. In or about October 2023, Defendants Brady McGill and Nicole Williams spoke to a representative of InterPride, an international LGBTQ+ organization that organizes PRIDE events.

137. McGill and Williams told the InterPride representative that Plaintiffs were engaged in racism and elder abuse.

138. On information and belief, McGill and Williams made several false factual representations to the InterPride representative underlying their allegations of racism and elder abuse, which statements will be uncovered during the course of discovery.

139. The allegations of racism and elder abuse are false and defamatory. None of the Plaintiffs have ever engaged in such conduct, nor have they engaged in any conduct that a reasonable person could describe as racism or elder abuse.

140. McGill and Williams had actual knowledge that their allegations of racism and elder abuse were false when they made them, as they knew Plaintiffs have never engaged in such conduct, and that they have never engaged in any conduct that a reasonable person could describe as racism or elder abuse.

141. Even if McGill and Williams did not have actual knowledge of the falsity of these statements, they published them with significant subjective doubt as to their truth, given that there was no factual basis for these allegations.

142. Plaintiff Davin is an Alternate Gag Board Member of InterPride.

143. On information and belief McGill and Williams made their false allegations of racism and elder abuse for the specific purpose of causing Davin to be removed from the Board of InterPride.

144. It is inherently implausible that McGill or Williams were simply passing on complaints about Plaintiffs of racism or elder abuse, as Vegas PRIDE and House of Vegas are not associated with Plaintiffs and no such complaints were sent to Plaintiffs or any organization that is actually involved with Plaintiffs.

145. McGill and Williams are the President of Vegas PRIDE and House of Vegas, respectively, and made these false statements to InterPride in the course and scope of their employment with these organizations.

FIRST CLAIM FOR RELIEF

(Defamation *Per Se*)

146. Plaintiffs hereby incorporate the allegations of each of the preceding paragraphs as if fully set forth fully herein.

147. Defendants published false and defamatory statements of and concerning Plaintiffs by publishing them online and transmitting them directly to HEC supporters.

148. Specifically, the PR Defendants and Phoenix published or endorsed the Press Release, Vangorder published his defamatory Facebook post, Cortez published his defamatory email in his capacity as an ICME officer (thus making ICME liable for this conduct), Costa

published his defamatory email in his capacity as a Golden Rainbow officer (thus making Golden Rainbow liable for this conduct), and McGill and Williams published their defamatory statements to InterPride in their capacity as officers of Vegas PRIDE and House of Vegas, respectively (thus making Vegas PRIDE and House of Vegas liable for this conduct).

149. Defendants made their false and defamatory statements to third parties without privilege.

150. Defendants' statements falsely accuse Plaintiffs of various forms of misconduct, including theft and misappropriation of donor information; deliberately trying to harm LGBTQ organizations by making false claims; bullying, harassing, and threatening behavior; engaging in unethical business activities and unethical and illegal financial practices and behavior; not honoring contractual obligations; engaging in threatening conduct so severe as to be determined a security threat by the City of Henderson; racism; and elder abuse.

151. All of these allegations are literally false or grossly misleading, thus implying a false and defamatory meaning.

152. Defendants published the false and defamatory statements with knowledge they were false, or with reckless disregard for their truth or falsity, as they had actual knowledge Plaintiffs did not engage in any of the above alleged conduct.

153. To the extent any Defendant did not publish or endorse the Press Release with knowledge of falsity, such Defendants published with reckless disregard for the truth, as they performed no investigation prior to publishing and had significant subjective doubt as to the truth of the statements in the Press Release.

154. Plaintiffs are not public figures, and thus must prove merely negligence.

155. Defendants' false and defamatory statements constitute defamation *per se* in that they tend to injure Plaintiffs in their trade, business, or profession.

156. Defendants' statements were no more than an issue of curiosity and gossip and had no bearing on any matter of public concern.

157. Defendants' statements were of concern only to them and a small, specific audience.

158. Defendants did not make their statements to further any kind of public interest.

159. Defendants made their statements solely as part of a private controversy with Plaintiffs.

160. Damages to Plaintiffs are presumed by law since the defamation is *per se*.

161. Even without this presumption, as a direct and proximate result of Defendants' actions, Plaintiffs' reputations have been severely harmed and Plaintiffs have suffered actual economic loss, including but not limited to loss of income, loss of sponsorship opportunities, loss of employment opportunities, and loss of clients.

162. Defendants' conduct was willful and intentional.

163. Plaintiffs are entitled to an award of punitive damages to punish Defendants for their unlawful conduct and to deter them from repeating such misconduct in the future.

164. As a direct and proximate result of Defendants' actions, Plaintiffs have incurred attorneys' fees and costs for the protection of their interests.

165. As a direct and proximate result of Defendants' actions, Plaintiffs have been injured in an amount exceeding \$15,000.00.

SECOND CLAIM FOR RELIEF

(False Light) (By Davin and Harder)

166. Plaintiffs hereby incorporate the allegations of each of the preceding paragraphs as if fully set forth fully herein.

167. Defendants published false and defamatory statements of and concerning Plaintiffs by publishing them online and transmitting them directly to HEC supporters.

168. Specifically, the PR Defendants and Phoenix published or endorsed the Press Release, Vangorder published his defamatory Facebook post in his capacity as an HRC Member (thus making HRC liable for this conduct), Cortez published his defamatory email in his capacity as an ICME officer (thus making ICME liable for this conduct), Costa published his defamatory

email in his capacity as a Golden Rainbow officer (thus making Golden Rainbow liable for this conduct), and McGill and Williams published their defamatory statements to InterPride in their capacity as officers of Vegas PRIDE and House of Vegas, respectively (thus making Vegas PRIDE and House of Vegas liable for this conduct).

169. Defendants made their false and defamatory statements to third parties without privilege.

170. Defendants' statements falsely accuse Davin and Harder of various forms of misconduct, including theft and misappropriation of donor information; deliberately trying to harm LGBTQ+ organizations by making false claims; bullying, harassing, and threatening behavior; engaging in unethical business activities and unethical and illegal financial practices and behavior; not honoring contractual obligations; engaging in threatening conduct so severe as to be determined a security threat by the City of Henderson; racism; and elder abuse.

171. All of these allegations are literally false or grossly misleading, thus implying a false and defamatory meaning.

172. Due to the falsity of these statements and their implications, Defendants cast Davin and Harder in a false light by publishing and endorsing them.

173. The false light in which the statements portrayed Davin and Harder is highly offensive to any reasonable person.

174. Defendants made the false statements with knowledge that the statements, and the light in which they placed Davin and Harder were false, or with reckless disregard for their truth or falsity.

175. To the extent any Defendant did not publish or endorse the Press Release with knowledge of falsity, such Defendants published with reckless disregard for the truth, as they performed no investigation prior to publishing and had significant subjective doubt as to the truth of the statements in the Press Release.

176. Defendants' conduct was willful and intentional.

177. Plaintiffs Davin and Harder are entitled to an award of punitive damages to punish Defendants for their unlawful conduct and to deter them from repeating such misconduct in the future.

178. As a direct and proximate result of Defendants' actions, Plaintiffs Davin and Harder have suffered mental anguish. Defendants' actions, and the mental harm they caused Plaintiffs Davin and Harder, have adversely affected the quantity and quality of Plaintiffs Davin and Harder's time with friends and family.

179. As a direct and proximate result of Defendants' actions, Plaintiffs Davin and Harder have incurred attorneys' fees and costs for the protection of their interests.

180. As a direct and proximate result of Defendants' actions, Plaintiffs Davin and Harder have been injured in an amount exceeding \$15,000.00.

THIRD CLAIM FOR RELIEF

(Tortious Interference with Prospective Economic Advantage)

181. Plaintiffs hereby incorporate the allegations of each of the preceding paragraphs as if fully set forth fully herein.

182. HEC and Davin, as its President, had a number of promising economic relationships with third parties at the time Defendants made their false and defamatory statements.

183. Harder, as a public school educator, had prospects for career advancement as an educator when Defendants made their false and defamatory statements.

184. Defendants had actual knowledge of these relationships and opportunities when they made their statements.

185. Defendants made false statements of fact of and concerning Plaintiffs to third parties without any privilege.

186. Specifically, the PR Defendants and Phoenix published or endorsed the Press Release, Vangorder published his defamatory Facebook post, Cortez published his defamatory email in his capacity as an ICME officer (thus making ICME liable for this conduct), Costa published his defamatory email in his capacity as a Golden Rainbow officer (thus making Golden

Rainbow liable for this conduct), and McGill and Williams published their defamatory statements to InterPride in their capacity as officers of Vegas PRIDE and House of Vegas, respectively (thus making Vegas PRIDE and House of Vegas liable for this conduct).

187. Defendants, in the Direct Message, even specifically encouraged supporters of HEC to sever all ties with Plaintiffs due to the false and defamatory statements in the Press Release.

188. In making false, negative, and defamatory statements concerning Plaintiffs, Defendants acted intentionally to disrupt the economic and contractual relationships, both current and potential, between Plaintiffs and third parties.

189. As a direct and proximate result of Defendants' actions, Plaintiffs' ability to engage in these economic relationships has been harmed, causing actual economic loss, including but not limited to loss of income, loss of sponsorship opportunities, loss of employment opportunities, and loss of clients

190. As a direct and proximate result of Defendants' actions, Plaintiffs have incurred attorneys' fees and costs for the protection of their interests.

191. As a direct and proximate result of Defendants' actions, Plaintiffs have been injured in an amount exceeding \$15,000.00.

FOURTH CLAIM FOR RELIEF (Conspiracy)

192. Plaintiffs hereby incorporate the allegations of each of the preceding paragraphs as if fully set forth herein.

193. Prior to publication of the Press Release, Defendants entered into an agreement to publish the Press Release, endorse its contents, and further defame Plaintiffs in separate communications after the Press Release was published.

194. The purpose of this agreement was to harm Plaintiffs' reputation, business, and current and prospective economic and employment opportunities.

195. There was no legitimate purpose to this agreement; Defendants' sole objective was to harm Plaintiffs by publishing false and defamatory statements.

196. Each of the Defendants acted in concert and took material steps in carrying out this agreement by either publishing the Press Release, endorsing its contents, or publishing subsequent communications to third parties defaming Plaintiffs.

197. As a direct and proximate result of Defendants' actions and their conspiracy, Plaintiffs have suffered reputational harm, emotional harm and distress, and actual economic loss, including but not limited to loss of income, loss of sponsorship opportunities, loss of employment opportunities, and loss of clients.

198. As a direct and proximate result of Defendants' actions, Plaintiffs have incurred attorneys' fees and costs for the protection of his interests.

199. As a direct and proximate result of Defendants' actions, Plaintiffs have been injured in an amount exceeding \$15,000.00.

JURY DEMAND

Plaintiffs demand a trial by jury on all claims asserted herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs hereby pray for relief as follows:

A. That Plaintiffs be awarded general, exemplary, compensatory, and punitive damages in an amount to be determined at trial;

B. A determination that the complained-of statements are false and defamatory;

C. A determination that the complained-of statements place Plaintiffs Davin and Harder in a false light that is highly offensive to a reasonable person;

D. Injunctive relief compelling a retraction of the false and defamatory statements; and,

E. Such other relief as this Court deems proper.

Dated: October 19, 2023.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

Las Vegas, NV 89118

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

EXHIBIT 1

Press Release



CHRISTOPHER "CHRIS" DAVIN & TREVOR HARDER

Las Vegas PRIDE Board of Directors Adopt a Vote of No Confidence in Christopher "Chris" Davin & Trevor Harder

Las Vegas, NV, April 20, 2023: It is with great consideration and patience that Las Vegas PRIDE has come to the decision to speak out on a long-running issue facing our community. The Las Vegas PRIDE Board of Directors unanimously adopted a vote of no confidence in Christopher "Chris" Davin and Trevor Harder at the April 2023 meeting of the Board.

This decision is not taken lightly and comes from years of ongoing issues that Las Vegas PRIDE has encountered with these individuals. The following are representative of the reasons why Las Vegas PRIDE will not communicate, associate, or engage with Mr. Davin or Mr. Harder. For the health, safety, and well-being of our members, Las Vegas PRIDE will not participate in events that these individuals are known to support or attend.

- In April 2023, Mr. Davin threatened Las Vegas PRIDE Officers and took intentional action to cause harm to our organization and our work by making frivolous trademark claims. These actions resulted in harm to Las Vegas PRIDE and other community-serving organizations.
- In August of 2021, it was determined that Mr. Davin accessed sensitive information and stole data from the Las Vegas PRIDE, which he used without permission to benefit his organization. In a unanimous vote, Mr. Davin was removed from his position on the Board "[Minutes of the Las Vegas PRIDE Board – Closed Session.](#)" [August 11, 2021](#). At that time, Mr. Harder also resigned from his position on our Board.
- In a similar incident in the spring of 2020, Mr. Davin was removed from his involvement with Human Rights Campaign of Las Vegas for accessing sensitive information and using it without permission for personal gain.
- Las Vegas PRIDE Officers have been made aware of multiple reports of bullying, threats, and unethical business activities Mr. Davin has taken against individuals, charities, and businesses in Southern Nevada.
- Las Vegas PRIDE Officers have been made aware of reports made to various authorities regarding Mr. Davin directly for unethical, unprofessional, and illegal financial practices and behavior.

If you have information regarding issues with Chris Davin, Trevor Harder, or any of the many organizations with which they are associated, we encourage you to file complaints with the appropriate governing body, e.g. Nevada Secretary of State, Clark County Nevada, City of Henderson, HIPAA, Internal Revenue Service, etc.

For 40 years, Las Vegas PRIDE has fostered strong working relationships with local and national community-serving organizations. Las Vegas PRIDE takes direct threats to our Board Members and attacks on our organization by Mr. Davin and Mr. Harder seriously.

Bullying actions of these individuals will not be tolerated, and we encourage the community and our allies to assess their relationships and partnerships through the lens of integrity and professionalism. These are the criteria by which our current and future partnerships will be evaluated. We encourage our community to adopt a zero-tolerance for bullying and violence, no matter the source.

Las Vegas PRIDE exists to uplift our community and celebrate our achievements. This Board feels strongly that we must offer our help, love, and support to others who work within the organization(s) represented by both Mr. Davin and Mr. Harder. While we have no direct knowledge or contact with others within these organization(s), Las Vegas PRIDE maintains an open line for communication and resolution for others who wish to discuss this topic.

The Las Vegas PRIDE Board will continue to seek opportunities to build and uplift the LGBTQ+ community and actively seek mutually beneficial relationships to do so. The Board strongly encourages our partners in the nonprofit and business communities to consider these individuals' inappropriate, unethical bullying behavior and evaluate your investment in the LGBTQIA+ community accordingly.



May 2, 2023, Las Vegas, NV: After our initial release, we have received additional reports and information from members of the community who also wanted to have their voices heard. These reports include:

- Harassment of community members, and former board members.
- Failure to submit payment for goods/services rendered.

#

For inquiries or to speak with a representative of Las Vegas PRIDE regarding these issues, please email info@lasvegaspride.org

The United States Patent & Trademark Office operates the [Trademark Electronic Search System \(TESS\)](#), which was used to verify and validate the Henderson Pride trademark ownership by International Cultural Movement for Equality.

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> [Volunteer](#)

> [Sponsor PRIDE](#)

> [Parade Entry Application](#)

> Photo Galleries

> Festival Vendor
Application

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EXHIBIT 2

August 11, 2021
closed meeting minutes



8/11/21 –Emergency Meeting – Disciplinary Action + Google Meets

Call to Order 8:01pm

Attendance	Lucas		
Present	Absent	Associate	Additional
Brady Lucas Lyndon Joslyn Steve Clair Freddy JC Lopez Trevor Brock Chris			

Explanation of Procedure & Order of Business	Brock	5 min
<ul style="list-style-type: none"> - Brock - Explanation of Procedure & Order of Business <ul style="list-style-type: none"> o IAW SOP 2, Disciplinary sessions may be called in the manner prescribed in the Southern Nevada Association of Pride, Inc. By-Laws and the Order of Business shall be as follows: <ol style="list-style-type: none"> 1. Call To Order (Chair) 2. Announcement of Closed, Special Session & Obligations of Secretary (Chair) 3. Explanation of Procedure & Order of Business (parliamentarian) 4. Reading of Citation from Minutes (secretary) 5. Presentation of Citation Letter & Receipt to Chair (secretary) 6. Appointment of Managers (Chair) 7. Inquiry As To Council for Accused - Appoint if Needed (Chair) 8. Reading of Charges & Specifications (Secretary) 9. Plea for Each Specification & Charge (Accused) 10. If Guilty Plea, Skip to #14, Otherwise <ol style="list-style-type: none"> a. Statement from SNAPI Chair b. Statement from Accused c. SNAPI Manager Questions Accused & Witnesses & Presents Case d. Accused Manager Questions Witnesses & Presents Defense 11. Debate (Board of Directors) 12. Chair Puts Forth the Question, "Is Mr./Mrs/Ms XXXXX guilty of the specifications and charges brought against them?" 13. Vote (each charge separately) 		



14. Penalty Request (SNAPI Manager)
15. Penalty Debate (Board of Directors) & Vote
16. Verdict (Chair)
17. Adjourn

Plea for Each Specification & Charge	Chris	2 min
- Chris plead Not Guilty on all charges.		

Statement from Accused	Accused	5 min
Chris does not present a statement on his behalf, he only wishes to present evidence to show that he did not do a breach of our email system.		
Statement from Chair	Brady	10 min
- Freddy - review of reporting o		
	Questions	10 min
- Freddy, If Chris can please review what you we're presenting since he was driving. Asking for more clarification.		
Debate	Board Member	10 min
<ul style="list-style-type: none"> - Josyln, to clarify PR & Marketing firms must follow the same guidelines. But firms don't just send out mass emails. - Lucas, If I was on their email list why wouldn't I have received an email campaign before 8/4. I only received an email after he did a manual input entry after an event. - Brock, Chris just showed the whole board that the email in question were actually in his database. - JC, he never answered clearly how the emails were sent them out. - Freddy, 		
Presentes the Question	Brady	5min
<ul style="list-style-type: none"> - Brady - <ul style="list-style-type: none"> o Misfeasance (Bylaws – Section 7.1) – Chris Davin accessed proprietary PRIDE information and without any authorization or permission, repurposed PRIDE data and assets for use at Henderson Equality Center. o Conflict of Interest (Bylaws – Section 7.2) – Chris Davin breached conflict of interest by his actions in taking PRIDE assets and using them for Henderson Equality Center without authorization or permission. 		



<ul style="list-style-type: none"> o Code of Conduct (Bylaws – Section 7.5) – Chris Davin’s actions in misuse of system access and sharing of proprietary data violated Code of Conduct items 1, 2, 3, 4, 5, 6, 8, and 10. o Vote of No Confidence (Bylaws – Section 7.4) – The Board of Directors voted on 8/13/21, no confidence in Chris Davin’s ability to represent the organization with integrity or to serve as a Director on the Board of Directors. 		
Voting	Brady	5 min
<ul style="list-style-type: none"> - Chair Puts Forth the Questions, Is Mr.Davin guilty of the specifications and charges brought against them; <ul style="list-style-type: none"> o 1- Mifseasance (Bylaws – Section 7.1), Guilty o 2- Conflict of Interest (Bylaws – Section 7.2), Guilty o 3- Code of Conduct (Bylaws – Section 7.5), Guilty o 4- Vote of No Confidence (Bylaws – Section 7.4), Guilty 		
Penalty Request	Brady	10 min
<ul style="list-style-type: none"> - Steve, we should offer up to Chris the option of resigning rather than be removed from the Board. - Josyln, also agrees with this method - Brady, - Brock, does anyone else have any recommendations to offer. - Brock, would like to motion for Chris to be given the opportunity to resign, if he does not follow through with that then he will be removed from the Board. Clair 2nds, Motion passes unanimously. 		
Verdict and Penalty	Brady	5 min
<ul style="list-style-type: none"> - Brady, reads the verdicts of the 4 charges to Chris and to the board. - Brady, the board has offered the option of a resignation in lieu of a removal. 		

EXHIBIT 3

Direct Message

On April 20, Las Vegas PRIDE posted the following message on their website.

<https://lasvegaspride.org/2023/04/25/christopher-chris-davin-trevor-harder>

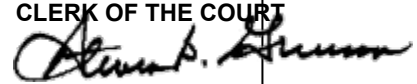
This is a very unusual but necessary action for a community-based organization to take, but the malicious actions of these individuals can no longer be tolerated.

Multiple community organizations have stepped forward as a result, endorsing the message with their logo attached to the bottom of the message. Other charitable organizations, businesses, and individuals have also been affected by the actions of Mr. Davin and Mr. Harder. These actions are not isolated, nor recent, and the harm that they have done to the Las Vegas LGBTQ+ community can no longer be tolerated.

Your organization is or has been listed as a supporter or sponsor of Henderson Equality Center, the organization run by these individuals.

For the safety and well-being of the LGBTQ+ community, Please reconsider your sponsorship of this organization as your support perpetuates Mr. Davin's and Mr. Harder's ability to cause harm to individuals, charitable organizations and businesses in the Las Vegas LGBTQ+ Community.

This information has been sent to you anonymously, for fear of continued retaliation from Mr. Davin and Mr. Harder.



IAFD

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

CASE NO. A237938C
Department 28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, a Nevada nonprofit corporation;
HUMAN RIGHTS CAMPAIGN, INC., a
District of Columbia nonprofit corporation;
**HOLY ORDER SIN CITY SISTERS OF
PERPETUAL INDULGENCE, INC.**, a
Nevada nonprofit corporation;
**INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY**, a Nevada
non-profit corporation; **GENDER JUSTICE
NEVADA**, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; **SOCIAL
INFLUENCE FOUNDATION DBA
HOUSE OF VEGAS PRIDE**, a Nevada non-
profit corporation; and **JOHN PHOENIX,
APRN, PLLC DBA HUNTRIDGE
FAMILY CLINIC**, a Nevada professional
limited liability company, **GOLDEN**

Case No. _____

Dept. _____

**INITIAL APPEARANCE
FEE DISCLOSURE
(NRS CHAPTER 19)**

RAINBOW OF NEVADA, INC., a Nevada nonprofit corporation, **BRADY MCGILL**, an individual, **NICOLE WILLIAMS**, an individual, **JOHN PHOENIX**, an individual, **GARY COSTA**, an individual, **ANTHONY CORTEZ**, an individual, and **SEAN VANGORDER**, an individual,
Defendants.

INITIAL APPEARANCE FEE DISCLOSURE

Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for parties appearing in the above entitled action as indicated below:

Christopher Davin	\$270.00
Trevor Harder	\$30.00
Henderson Equality Center	\$30.00
TOTAL REMITTED:	\$330.00

Dated: October 19, 2023.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

Las Vegas, NV 89118

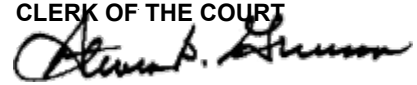
Telephone: 702-420-2001

ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center



RANDAZZA LEGAL GROUP
4974 S. RAINBOW BLVD #100
LAS VEGAS, NV 89118
(702) 420-2001



DISTRICT COURT
CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, ET AL.
Plaintiff

vs

SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC., ET AL.
Defendant

Case Number: A-23-879938-C

Dept:

PROOF OF SERVICE

CATHY V. HOLMES, deposes and says: that at all times herein I am a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #389, and not a party to nor interested in the proceeding in which this statement is made.

Legal Wings, Inc. received on Monday, October 23, 2023 a copy of the:

SUMMONS; COMPLAINT AND DEMAND FOR JURY TRIAL; CIVIL COVER SHEET; INITIAL APPEARANCE FEE DISCLOSURE

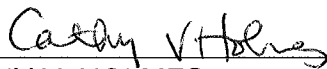
I served the same on **10/24/2023** at **6:01 PM** to:

Defendant HOLY ORDER SIN SITY SISTERS OF PERPETUAL INDULGENCE, INC., A NEVADA NONPROFIT CORPORATION, BY SERVING WILLIAM PIERRO, REGISTERED AGENT

by leaving the copies with or in the presence of **MARK PAONI, SPOUSE/CO-RESIDENT**, at **11941 WEDGEBROOK ST, LAS VEGAS, NV 89183**.

Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed: Wednesday, October 25, 2023


CATHY V. HOLMES
Registered Work Card R-2020-06613

RANDAZZA LEGAL GROUP
4974 S. RAINBOW BLVD #100
LAS VEGAS, NV 89118
(702) 420-2001



DISTRICT COURT
CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, ET AL.
Plaintiff

vs

SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC., ET AL.
Defendant

Case Number: A-23-879938-C

Dept:

PROOF OF SERVICE

TYLER TREWET, deposes and says: that at all times herein I am a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #389, and not a party to nor interested in the proceeding in which this statement is made.

Legal Wings, Inc. received on Monday, October 23, 2023 a copy of the:
SUMMONS; COMPLAINT AND DEMAND FOR JURY TRIAL; CIVIL COVER SHEET; INITIAL APPEARANCE FEE DISCLOSURE

I served the same on **10/25/2023 at 3:55 PM** to:

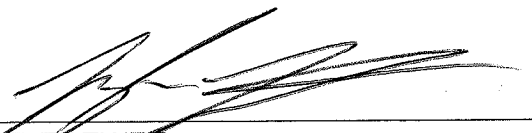
Defendant SOCIAL INFLUENCE FOUNDATION DBA HOUSE OF VEGAS PRIDE, A NEVADA NON-PROFIT CORPORATION, BY SERVING NICOLE ELIZABETH WILLIAMS, REGISTERED AGENT

by leaving the copies with or in the presence of **RENA, UPS ASSOCIATE**, at 4262 BLUE DIAMOND RD, STE 361-102, LAS VEGAS, NV 89139, pursuant to **NRS 14.020**.

Notes: Rena confirmed registered agent is a box holder.

Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the forgoing is true and correct.

Executed: Thursday, October 26, 2023



TYLER TREWET
Registered Work Card R-2019-04184

RANDAZZA LEGAL GROUP
4974 S. RAINBOW BLVD #100
LAS VEGAS, NV 89118
(702) 420-2001



DISTRICT COURT
CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, ET AL.
Plaintiff

vs

SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC., ET AL.
Defendant

Case Number: A-23-879938-C

Dept:

PROOF OF SERVICE

TYLER TREWET, deposes and says: that at all times herein I am a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #389, and not a party to nor interested in the proceeding in which this statement is made.

Legal Wings, Inc. received on Monday, October 23, 2023 a copy of the:

SUMMONS; COMPLAINT AND DEMAND FOR JURY TRIAL; CIVIL COVER SHEET; INITIAL APPEARANCE FEE DISCLOSURE


I served the same on **10/26/2023 at 3:43 PM** to:

Defendant SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC. DBA LAS VEGAS PRIDE, A NEVADA NONPROFIT CORPORATION, BY SERVING BRADY MCGILL, SECRETARY, REGISTERED AGENT

by leaving the copies with or in the presence of **ANTONIO A., ASSOCIATE**, at 4001 S DECATUR BLVD, #37-540, LAS VEGAS, NV 89103, pursuant to **NRS 14.020**.

Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed: Tuesday, October 31, 2023


TYLER TREWET
Registered Work Card R-2019-04184

RANDAZZA LEGAL GROUP
4974 S. RAINBOW BLVD #100
LAS VEGAS, NV 89118
(702) 420-2001



Electronically Filed
11/3/2023 3:27 PM
Steven D. Grierson
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, ET AL.
Plaintiff

vs

SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC., ET AL.
Defendant

Case Number: A-23-879938-C

Dept:

PROOF OF SERVICE

KYLE THOMAS, deposes and says: that at all times herein I am a citizen of the United States, over 18 years of age and not a party to nor interested in the proceeding in which this statement is made.

Affiant received a copy of the:

SUMMONS; COMPLAINT AND DEMAND FOR JURY TRIAL; CIVIL COVER SHEET; INITIAL APPEARANCE FEE DISCLOSURE

I served the same on **10/24/2023 at 1:24 PM** to:

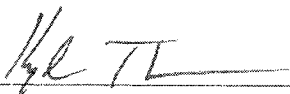
Defendant HUMAN RIGHTS CAMPAIGN, INC., A DISTRICT OF COLUMBIA NONPROFIT CORPORATION, BY SERVING CORPORATION SERVICE COMPANY, REGISTERED AGENT

by leaving the copies with or in the presence of **KRIS KENISSON, CORPORATE SPECIALIST**, at 112 N CURRY ST, CARSON CITY, NV 89703, pursuant to **NRS 14.020**.

Service was made outside the state of Nevada not subject to NRS 14.025.

Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the forgoing is true and correct.

Executed: Friday, October 27, 2023


KYLE THOMAS, R-2019-08090
Battle Born Process Service, NV PILB LIC
#1876
3710 Grant Drive, Ste. L
Reno, NV 89509
775-507-7188

P-1994593.01 Client File # DAVIN

RANDAZZA LEGAL GROUP
4974 S. RAINBOW BLVD #100
LAS VEGAS, NV 89118
(702) 420-2001



DISTRICT COURT
CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, ET AL.
Plaintiff

vs

SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC., ET AL.
Defendant

Case Number: A-23-879938-C

Dept:

PROOF OF SERVICE

TANNER TREWET, deposes and says: that at all times herein I am a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #389, and not a party to nor interested in the proceeding in which this statement is made.

Legal Wings, Inc. received on Monday, October 23, 2023 a copy of the:
SUMMONS; COMPLAINT AND DEMAND FOR JURY TRIAL; CIVIL COVER SHEET; INITIAL APPEARANCE FEE DISCLOSURE

I served the same on **10/30/2023 at 11:35 AM** to:

Defendant GOLDEN RAINBOW OF NEVADA, INC., A NEVADA NONPROFIT CORPORATION, BY SERVING GARY COSTA, PRESIDENT, REGISTERED AGENT

by leaving the copies with or in the presence of **"JANE DOE," refused to give name, Black female, 50's, black hair, brown eyes, 5'8", 160 lbs, EMPLOYEE**, at 714 E SAHARA AVE, #101, LAS VEGAS, NV 89104, pursuant to **NRS 14.020**.

Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed: Wednesday, November 1, 2023

TANNER TREWET
Registered Work Card R-2019-07712

RANDAZZA LEGAL GROUP
4974 S. RAINBOW BLVD #100
LAS VEGAS, NV 89118
(702) 420-2001



DISTRICT COURT
CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, ET AL.
Plaintiff

vs

SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC., ET AL.
Defendant

Case Number: A-23-879938-C

Dept:

PROOF OF SERVICE

SABRINA ROSE, deposes and says: that at all times herein I am a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #389, and not a party to nor interested in the proceeding in which this statement is made.

Legal Wings, Inc. received on Monday, October 23, 2023 a copy of the:

SUMMONS; COMPLAINT AND DEMAND FOR JURY TRIAL; CIVIL COVER SHEET; INITIAL APPEARANCE FEE DISCLOSURE


I served the same on **11/1/2023** at **5:31 PM** to:

Defendant BRADY MCGILL, AN INDIVIDUAL

by leaving the copies with or in the presence of **ERIC MORRIS, PARTNER/CO-RESIDENT**, at **2610 EVOLUTIONARY LANE, LAS VEGAS, NV 89138**, pursuant to NRCP Rule 4.2(a)(2) as a person of suitable age and discretion residing therein at the Defendant's usual place of abode.

Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed: Thursday, November 2, 2023


SABRINA ROSE
Registered Work Card R-2020-00191

RANDAZZA LEGAL GROUP
4974 S. RAINBOW BLVD #100
LAS VEGAS, NV 89118
(702) 420-2001



DISTRICT COURT
CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, ET AL.
Plaintiff

vs

SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC., ET AL.
Defendant

Case Number: A-23-879938-C

Dept:

PROOF OF SERVICE

TYLER TREWET, deposes and says: that at all times herein I am a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #389, and not a party to nor interested in the proceeding in which this statement is made.

Legal Wings, Inc. received on Monday, October 23, 2023 a copy of the:

SUMMONS; COMPLAINT AND DEMAND FOR JURY TRIAL; CIVIL COVER SHEET; INITIAL APPEARANCE FEE DISCLOSURE

I served the same on **11/1/2023** at **1:04 PM** to:

Defendant LAS VEGAS TRANSPRIDE, A NEVADA NON-PROFIT CORPORATION, BY SERVING JAMIE LEE SPRAGUE-BALLOU, REGISTERED AGENT

by leaving the copies with or in the presence of **DAVID BALLOU, MANAGER**, at **727 S 9TH STREET STE B, LAS VEGAS, NV 89101**, pursuant to **NRS 14.020 Subsection 6(b)**.

Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed: Friday, November 3, 2023


TYLER TREWET
Registered Work Card R-2019-04184

RANDAZZA LEGAL GROUP
4974 S. RAINBOW BLVD #100
LAS VEGAS, NV 89118
(702) 420-2001



DISTRICT COURT
CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, ET AL.
Plaintiff

vs

SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC., ET AL.
Defendant

Case Number: A-23-879938-C

Dept.:

PROOF OF SERVICE

CATHY V. HOLMES, deposes and says: that at all times herein I am a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #389, and not a party to nor interested in the proceeding in which this statement is made.

Legal Wings, Inc. received on Monday, October 23, 2023 a copy of the:
SUMMONS; COMPLAINT AND DEMAND FOR JURY TRIAL; CIVIL COVER SHEET; INITIAL APPEARANCE FEE DISCLOSURE

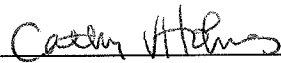
I served the same on **11/3/2023** at **6:26 PM** to:

Defendant INTERNATIONAL CULTURAL MOVEMENT FOR EQUALITY, A NEVADA NON-PROFIT CORPORATION, BY SERVING CHRISTOPHER COLBY, PRESIDENT

by leaving the copies with or in the presence of **CHRISTOPHER COLBY** at **931 HOLLANDSWORTH AVE 1114, LAS VEGAS, NV 89123.**

Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

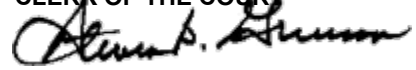
Executed: Monday, November 6, 2023



CATHY V. HOLMES
Registered Work Card R-2020-06613

RANDAZZA LEGAL GROUP
4974 S. RAINBOW BLVD #100
LAS VEGAS, NV 89118
(702) 420-2001

Electronically Filed
11/13/2023 3:54 PM
Steven D. Grierson
CLERK OF THE COURT



DISTRICT COURT
CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, ET AL.
Plaintiff

vs

SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC., ET AL.
Defendant

Case Number: A-23-879938-C

Dept:

PROOF OF SERVICE

AMANDA MEIER, deposes and says: that at all times herein I am a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #389, and not a party to nor interested in the proceeding in which this statement is made.

Legal Wings, Inc. received on Monday, October 23, 2023 a copy of the:
SUMMONS; COMPLAINT AND DEMAND FOR JURY TRIAL; CIVIL COVER SHEET; INITIAL APPEARANCE FEE DISCLOSURE

I served the same on **11/6/2023** at **6:10 PM** to:

Defendant JOHN PHOENIX, APRN, PLLC DBA HUNTRIDGE FAMILY CLINIC, A NEVADA PROFESSIONAL LIMITED LIABILITY COMPANY, BY SERVING JOHN PHOENIX, REGISTERED AGENT

by leaving the copies with or in the presence of **JP, Black male, 30-40 years, black curly hair, glasses, 56"+, 160+ lbs, ROOMMATE/CO-RESIDENT**, at **4776 PLATA DEL SOL, LAS VEGAS, NV 89121**, pursuant to **NRS 14.020 Subsection 6(b)**.

Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the forgoing is true and correct.

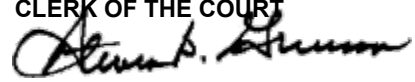
Executed: Wednesday, November 8, 2023



AMANDA MEIER
Registered Work Card R-2020-06389

RANDAZZA LEGAL GROUP
4974 S. RAINBOW BLVD #100
LAS VEGAS, NV 89118
(702) 420-2001

Electronically Filed
11/13/2023 3:54 PM
Steven D. Grierson
CLERK OF THE COURT



DISTRICT COURT
CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, ET AL.
Plaintiff

vs

SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC., ET AL.
Defendant

Case Number: A-23-879938-C

Dept:

PROOF OF SERVICE

AMANDA MEIER, deposes and says: that at all times herein I am a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #389, and not a party to nor interested in the proceeding in which this statement is made.

Legal Wings, Inc. received on Monday, October 23, 2023 a copy of the:
SUMMONS; COMPLAINT AND DEMAND FOR JURY TRIAL; CIVIL COVER SHEET; INITIAL APPEARANCE FEE DISCLOSURE

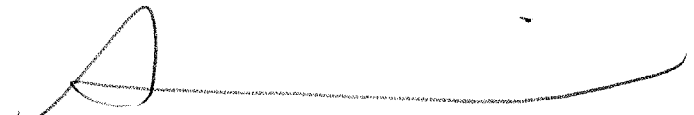
I served the same on **11/6/2023** at **6:10 PM** to:

Defendant JOHN PHOENIX, AN INDIVIDUAL

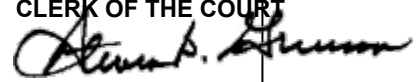
by leaving the copies with or in the presence of **JP, Black male, 30-40 years, black curly hair, glasses, 56"+, 160+ lbs, ROOMMATE/CO-RESIDENT, at 4776 PLATA DEL SOL, LAS VEGAS, NV 89121**, pursuant to NRCF Rule 4.2(a)(2) as a person of suitable age and discretion residing therein at the Defendant's usual place of abode.

Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed: Wednesday, November 8, 2023



AMANDA MEIER
Registered Work Card R-2020-06389



NVDP

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, a Nevada nonprofit corporation;
HUMAN RIGHTS CAMPAIGN, INC., a
District of Columbia nonprofit corporation;
**HOLY ORDER SIN SITY SISTERS OF
PERPETUAL INDULGENCE, INC.**, a
Nevada nonprofit corporation;
**INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY**, a Nevada
non-profit corporation; **GENDER JUSTICE
NEVADA**, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; **SOCIAL
INFLUENCE FOUNDATION DBA
HOUSE OF VEGAS PRIDE**, a Nevada non-
profit corporation; and **JOHN PHOENIX,
APRN, PLLC DBA HUNTRIDGE
FAMILY CLINIC**, a Nevada professional
limited liability company, **GOLDEN
RAINBOW OF NEVADA, INC.**, a Nevada

Case No. A-23-879938-C

Dept. XXVIII

**NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE AS TO
DEFENDANT HUMAN RIGHTS
CAMPAIGN, INC. ONLY**

nonprofit corporation, **BRADY MCGILL**, an individual, **NICOLE WILLIAMS**, an individual, **JOHN PHOENIX**, an individual, **GARY COSTA**, an individual, **ANTHONY CORTEZ**, an individual, and **SEAN VANGORDER**, an individual,

Defendants.

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

AS TO DEFENDANT HUMAN RIGHTS CAMPAIGN, INC. ONLY

PLEASE TAKE NOTICE that, pursuant to NRCP 41(a)(1)(A)(i), Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center hereby voluntarily dismiss all of their claims against Defendant Human Rights Campaign, Inc. without prejudice.

All of Plaintiffs' claims against each and every other Defendant remain pending.

Dated: November 9, 2023.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

Las Vegas, NV 89118

Telephone: 702-420-2001

ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

RANDAZZA LEGAL GROUP
4974 S. RAINBOW BLVD #100
LAS VEGAS, NV 89118
(702) 420-2001



Electronically Filed
11/16/2023 10:43 AM
Steven D. Grierson
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, ET AL.
Plaintiff

vs

SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC., ET AL.
Defendant

Case Number: A-23-879938-C

Dept:

PROOF OF SERVICE

TYLER TREWET, deposes and says: that at all times herein I am a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #389, and not a party to nor interested in the proceeding in which this statement is made.

Legal Wings, Inc. received on Monday, October 23, 2023 a copy of the:
SUMMONS; COMPLAINT AND DEMAND FOR JURY TRIAL; CIVIL COVER SHEET; INITIAL APPEARANCE FEE DISCLOSURE

I served the same on **11/11/2023** at **12:40 PM** to:

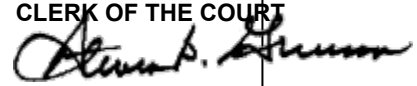
Defendant SEAN VANGORDER, AN INDIVIDUAL

by leaving the copies with or in the presence of **SEAN VANGORDER, AN INDIVIDUAL** at **7397 HORIZON ROCKS AVE, LAS VEGAS, NV 89178**.

Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed: Monday, November 13, 2023

TYLER TREWET
Registered Work Card R-2019-04184



NITD

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, a Nevada nonprofit corporation;
HUMAN RIGHTS CAMPAIGN, INC., a
District of Columbia nonprofit corporation;
**HOLY ORDER SIN SITY SISTERS OF
PERPETUAL INDULGENCE, INC.**, a
Nevada nonprofit corporation;
**INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY**, a Nevada
non-profit corporation; **GENDER JUSTICE
NEVADA**, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; **SOCIAL
INFLUENCE FOUNDATION DBA
HOUSE OF VEGAS PRIDE**, a Nevada non-
profit corporation; and **JOHN PHOENIX,
APRN, PLLC DBA HUNTRIDGE
FAMILY CLINIC**, a Nevada professional
limited liability company, **GOLDEN
RAINBOW OF NEVADA, INC.**, a Nevada

Case No. A-23-879938-C

Dept. XXVIII

**NOTICE OF INTENT TO TAKE THE
DEFAULT OF DEFENDANT SOCIAL
INFLUENCE FOUNDATION DBA
HOUSE OF VEGAS PRIDE**

nonprofit corporation, **BRADY MCGILL**, an individual, **NICOLE WILLIAMS**, an individual, **JOHN PHOENIX**, an individual, **GARY COSTA**, an individual, **ANTHONY CORTEZ**, an individual, and **SEAN VANGORDER**, an individual,

Defendants.

NOTICE OF INTENT TO TAKE THE DEFAULT OF DEFENDANT SOCIAL INFLUENCE FOUNDATION DBA HOUSE OF VEGAS PRIDE

PLEASE TAKE NOTICE that Plaintiffs Christopher Davin, Trevor Harder, and the Henderson Equality Center intend to take the Default of the Social Influence Foundation dba House of Vegas Pride unless an Answer or other responsive pleading is filed on or before three days from the date of this Notice.

Dated: November 16, 2023.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

Las Vegas, NV 89118

Telephone: 702-420-2001

ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 16, 2023, a true and correct copy of the foregoing document is being served via U.S. Mail to the Social Influence Foundation dba House of Vegas Pride:

Social Influence Foundation dba House of Vegas Pride
c/o Nicole Williams, Registered Agent
4262 Blue Diamond Road, Ste. 361-102
Las Vegas, NV 89139



CSERV

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, a Nevada nonprofit corporation;
HUMAN RIGHTS CAMPAIGN, INC., a
District of Columbia nonprofit corporation;
**HOLY ORDER SIN SITY SISTERS OF
PERPETUAL INDULGENCE, INC.**, a
Nevada nonprofit corporation;
**INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY**, a Nevada
non-profit corporation; **GENDER JUSTICE
NEVADA**, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; **SOCIAL
INFLUENCE FOUNDATION DBA
HOUSE OF VEGAS PRIDE**, a Nevada non-
profit corporation; and **JOHN PHOENIX,
APRN, PLLC DBA HUNTRIDGE
FAMILY CLINIC**, a Nevada professional
limited liability company, **GOLDEN**

Case No. A-23-879938-C

Dept. XXVIII

**CERTIFICATE OF SERVICE FOR THE
NOTICE OF INTENT TO TAKE THE
DEFAULT OF DEFENDANT SOCIAL
INFLUENCE FOUNDATION DBA
HOUSE OF VEGAS PRIDE**

RAINBOW OF NEVADA, INC., a Nevada nonprofit corporation, **BRADY MCGILL**, an individual, **NICOLE WILLIAMS**, an individual, **JOHN PHOENIX**, an individual, **GARY COSTA**, an individual, **ANTHONY CORTEZ**, an individual, and **SEAN VANGORDER**, an individual,

Defendants.

**CERTIFICATE OF SERVICE FOR THE NOTICE OF INTENT TO TAKE THE
DEFAULT OF DEFENDANT SOCIAL INFLUENCE FOUNDATION DBA HOUSE OF
VEGAS PRIDE**

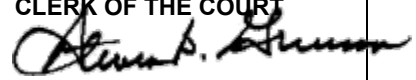
I HEREBY CERTIFY that on November 16, 2023, a true and correct copy of the Notice of Intent to Take the Default of Defendant Social Influence Foundation dba House of Vegas Pride was served via U.S. Mail to the Social Influence Foundation dba House of Vegas Pride, at the following address:

Social Influence Foundation dba House of Vegas Pride
c/o Nicole Williams, Registered Agent
4262 Blue Diamond Road, Ste. 361-102
Las Vegas, NV 89139

Dated: November 16, 2023.

Respectfully submitted,

/s/ Brittani Holt
Employee of Randazza Legal Group, PLLC



NOTC

ACCELERATED LAW GROUP
Joseph T. Nold, Esq.
Nevada Bar No.: 008210
3030 South Jones Blvd, Ste 105
Las Vegas, NV 89146
Tel: (702) 262-1651
Fax: (702) 383-6051
Email: noldj@cox.net
Attorney for Defendants Southern
Nevada Association of Pride, Holy
Order Sin City Sisters of Perpetual
Indulgence, Inc., Las Vegas TransPride,
Brady McGill, and Sean Vangorder

**DISTRICT COURT
CLARK COUNTY, NEVADA**

* * * * *

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Case No.: A-23-879938-C

Dept. No: 28

Plaintiffs,

vs.

NOTICE OF APPEARANCE

SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS PRIDE,
a Nevada nonprofit corporation; HUMAN
RIGHTS CAMPAIGN, INC., a District of
Columbia nonprofit corporation; HOLY
ORDER SIN CITY SISTERS OF
PERPETUAL INDULGENCE, INC., a
Nevada nonprofit corporation;
INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY, a Nevada
non-profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; SOCIAL
INFLUENCE FOUNDATION DBA HOUSE
OF VEGAS PRIDE, a Nevada nonprofit
corporation; and JOHN PHOENIX, APRN,
PLLC DBA HUNTRIDGE FAMILY CLINIC,
a Nevada professional LLC, GOLDEN
RAINBOW OF NEVADA, INC., a Nevada
nonprofit corporation, BRADY MCGILL, an
individual, NICOLE WILLIAMS, an
individual, JOHN PHOENIX, an individual,
GARY COSTA, an individual, ANTHONY
CORTEZ, an individual, and SEAN
VANGORDER, an individual,

Defendants.

COMES NOW, Defendants Southern Nevada Association of Pride d/b/a Las Vegas Pride, Holy Order Sin City Sisters of Perpetual Indulgence, Inc., Las Vegas TransPride, Brady McGill, and Sean Vangorder, by and through their attorney, Joseph T. Nold, Esq., of the Accelerated Law Group, and hereby submits this Notice of Appearance, declaring that Joseph T. Nold, Esq. from the Accelerated Law Group is the Attorney of Record for these Defendants in the above-entitled action. DATED this 29 day of November, 2023.

/s/ Joseph T. Nold
JOSEPH T. NOLD, ESQ.
Nevada Bar No.: 008210
3030 South Jones Blvd., Ste 105
Las Vegas, NV 89146
Tel: (702) 262-1651
Email: noldj@cox.net
Attorney for Defendants

CERTIFICATE OF SERVICE

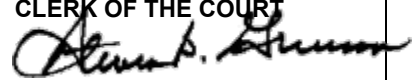
The Undersigned, pursuant to NRCP 5(b) and NEFCR 4(b) and NEFCR 9, does hereby state and declare that on this date, I did SERVE a true and correct copy of Notice of Appearance to the following entities/individuals, by delivering via electronic service on Odyssey or by placing same in an envelope and by depositing in the United States Post office, postage prepaid, in Las Vegas, Nevada, addressed to:

VIA ODYSSEY E-SERVE :

Alex J. Shepard, Esq.
ecf@randazza.com

DATED this 29 day of November, 2023.

/s/ Janet Terrazas
An Employee of the Accelerated Law Group



DSST
ACCELERATED LAW GROUP
Joseph T. Nold, Esq.
Nevada Bar No.: 008210
3030 South Jones Blvd, Ste 105
Las Vegas, NV 89146
Tel: (702) 262-1651
Fax: (702) 383-6051
Email: noldj@cox.net
Attorney for Defendants Southern
Nevada Association of Pride, Holy
Order Sin City Sisters of Perpetual
Indulgence, Inc., Las Vegas TransPride,
Brady McGill, and Sean Vangorder

DISTRICT COURT
CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

vs.

SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS PRIDE,
a Nevada nonprofit corporation; HUMAN
RIGHTS CAMPAIGN, INC., a District of
Columbia nonprofit corporation; HOLY
ORDER SIN CITY SISTERS OF
PERPETUAL INDULGENCE, INC., a
Nevada nonprofit corporation;
INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY, a Nevada
non-profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; SOCIAL
INFLUENCE FOUNDATION DBA HOUSE
OF VEGAS PRIDE, a Nevada nonprofit
corporation; and JOHN PHOENIX, APRN,
PLLC DBA HUNTRIDGE FAMILY CLINIC,
a Nevada professional LLC, GOLDEN
RAINBOW OF NEVADA, INC., a Nevada
nonprofit corporation, BRADY MCGILL, an
individual, NICOLE WILLIAMS, an
individual, JOHN PHOENIX, an individual,
GARY COSTA, an individual, ANTHONY
CORTEZ, an individual, and SEAN
VANGORDER, an individual,

Defendants.

Case No.: A-23-879938-C

Dept. No: 28

1 **NRCP 7.1 DISCLOSURE STATEMENT**

2 Pursuant to Rule 7.1 of the Nevada Rules of Civil Procedure, the Undersigned Counsel for
3 Defendants Southern Nevada Association of Pride, Holy Order Sin City Sisters of Perpetual
4 Indulgence, Inc., and Las Vegas TransPride, certifies that these Parties have no parent entity and/or
5 any publicly held entity owning 10% or more of the party's stock or other ownership interest.

6 DATED this 29 day of November, 2023.

7
8 /s/ Joseph T. Nold
9 JOSEPH T. NOLD, ESQ.
10 Nevada Bar No.: 008210
11 3030 South Jones Blvd., Ste 105
12 Las Vegas, NV 89146
13 Tel: (702) 262-1651
14 Email: noldj@cox.net
15 Attorney for Defendants Southern
16 Nevada Association of Pride, Holy
17 Order Sin City Sisters of Perpetual
18 Indulgence, Inc., Las Vegas TransPride,
19 Brady McGill, and Sean Vangorder

15 **CERTIFICATE OF SERVICE**

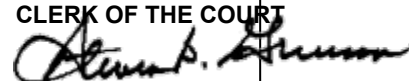
16 The Undersigned, pursuant to NRCP 5(b) and NEFCR 4(b) and NEFCR 9, does hereby state
17 and declare that on this date, I did SERVE a true and correct copy of NRCP 7.1 Disclosure Statement
18 to the following entities/individuals, by delivering via electronic service on Odyssey or by placing
19 same in an envelope and by depositing in the United States Post office, postage prepaid, in Las
20 Vegas, Nevada, addressed to:

21 **VIA ODYSSEY E-SERVE :**

22 Alex J. Shepard, Esq.
23 ecf@randazza.com

24 DATED this 29 day of November, 2023.

25
26 /s/ Janet Terrazas
27 An Employee of the Accelerated Law Group
28



AED

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, a Nevada nonprofit corporation;
HUMAN RIGHTS CAMPAIGN, INC., a
District of Columbia nonprofit corporation;
**HOLY ORDER SIN SITY SISTERS OF
PERPETUAL INDULGENCE, INC.**, a
Nevada nonprofit corporation;
**INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY**, a Nevada
non-profit corporation; **GENDER JUSTICE
NEVADA**, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; **SOCIAL
INFLUENCE FOUNDATION DBA
HOUSE OF VEGAS PRIDE**, a Nevada non-
profit corporation; and **JOHN PHOENIX,
APRN, PLLC DBA HUNTRIDGE
FAMILY CLINIC**, a Nevada professional
limited liability company, **GOLDEN
RAINBOW OF NEVADA, INC.**, a Nevada

Case No. A-23-879938-C

Dept. XXVIII

**APPLICATION FOR
ENTRY OF DEFAULT**

nonprofit corporation, **BRADY MCGILL**, an individual, **NICOLE WILLIAMS**, an individual, **JOHN PHOENIX**, an individual, **GARY COSTA**, an individual, **ANTHONY CORTEZ**, an individual, and **SEAN VANGORDER**, an individual,

Defendants.

APPLICATION FOR ENTRY OF DEFAULT

TO: CLERK OF THE EIGHTH JUDICIAL DISTRICT COURT

The Defendant SOCIAL INFLUENCE FOUNDATION DBA HOUSE OF VEGAS PRIDE, having been duly served with a copy of the Summons and Complaint herein, has failed to appear in the above-entitled action and has failed to answer or otherwise plead herein, and more than twenty-one days has elapsed since said service. Therefore, you are hereby requested to enter the Default of the Defendant, SOCIAL INFLUENCE FOUNDATION DBA HOUSE OF VEGAS PRIDE, for failure to plead or otherwise defend the above-entitled action as provided by the Nevada Rules of Civil Procedure and as appears from the Declaration of Alex J. Shepard filed herewith.

Dated: December 1, 2023.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

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Las Vegas, NV 89118

Telephone: 702-420-2001

ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 1, 2023, a true and correct copy of the foregoing document is being served via electronic mail and U.S. Mail to Defendant Social Influence Foundation dba House of Vegas Pride:

Social Influence Foundation dba House of Vegas Pride
<Info@socialinfluencefoundation.org>
c/o Nicole Williams, President and
Registered Agent
4262 Blue Diamond Rd., Ste. 361-102
Las Vegas, NV 89139

Respectfully submitted,

Brittani Holt
Employee,
Randazza Legal Group, PLLC

DFLT

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Attorneys for Plaintiffs
 Christopher Davin, Trevor Harder,
 and Henderson Equality Center

**DISTRICT COURT
 CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
 Nevada non-profit corporation,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
 OF PRIDE, INC. DBA LAS VEGAS
 PRIDE**, a Nevada nonprofit corporation;
HUMAN RIGHTS CAMPAIGN, INC., a
 District of Columbia nonprofit corporation;
**HOLY ORDER SIN SITY SISTERS OF
 PERPETUAL INDULGENCE, INC.**, a
 Nevada nonprofit corporation;
**INTERNATIONAL CULTURAL
 MOVEMENT FOR EQUALITY**, a Nevada
 non-profit corporation; **GENDER JUSTICE
 NEVADA**, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
 non-profit corporation; **SOCIAL
 INFLUENCE FOUNDATION DBA
 HOUSE OF VEGAS PRIDE**, a Nevada non-
 profit corporation; and **JOHN PHOENIX,
 APRN, PLLC DBA HUNTRIDGE
 FAMILY CLINIC**, a Nevada professional
 limited liability company, **GOLDEN
 RAINBOW OF NEVADA, INC.**, a Nevada

Case No. A-23-879938-C

Dept. XXVIII

DEFAULT

nonprofit corporation, **BRADY MCGILL**, an individual, **NICOLE WILLIAMS**, an individual, **JOHN PHOENIX**, an individual, **GARY COSTA**, an individual, **ANTHONY CORTEZ**, an individual, and **SEAN VANGORDER**, an individual,

Defendants.

DEFAULT

It appearing from the files and records in the above-entitled action that Defendant SOCIAL INFLUENCE FOUNDATION DBA HOUSE OF VEGAS PRIDE, having been duly served with a copy of the Summons and Complaint on October 25, 2023; that more than 21 days, exclusive of the day of service, having expired since service upon the Defendant; that no answer of the other appearance having been filed and no further time having been granted, the default of the above-named Defendant for failing to answer or otherwise plead to Plaintiff's Complaint is hereby entered.

STEVEN D. GRIERSON
CLERK OF COURT

By: _____
Deputy Clerk Date
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

Submitted by:

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
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Attorneys for Plaintiffs Christopher Davin, Trevor Harder,
and Henderson Equality Center

DECL

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Attorneys for Plaintiffs
 Christopher Davin, Trevor Harder,
 and Henderson Equality Center

**DISTRICT COURT
 CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
 Nevada non-profit corporation,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
 OF PRIDE, INC. DBA LAS VEGAS
 PRIDE**, a Nevada nonprofit corporation;
HUMAN RIGHTS CAMPAIGN, INC., a
 District of Columbia nonprofit corporation;
**HOLY ORDER SIN SITY SISTERS OF
 PERPETUAL INDULGENCE, INC.**, a
 Nevada nonprofit corporation;
**INTERNATIONAL CULTURAL
 MOVEMENT FOR EQUALITY**, a Nevada
 non-profit corporation; **GENDER JUSTICE
 NEVADA**, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
 non-profit corporation; **SOCIAL
 INFLUENCE FOUNDATION DBA
 HOUSE OF VEGAS PRIDE**, a Nevada non-
 profit corporation; and **JOHN PHOENIX,
 APRN, PLLC DBA HUNTRIDGE
 FAMILY CLINIC**, a Nevada professional
 limited liability company, **GOLDEN
 RAINBOW OF NEVADA, INC.**, a Nevada

Case No. A-23-879938-C

Dept. XXVIII

**DECLARATION OF ALEX J. SHEPARD
 IN SUPPORT OF APPLICATION FOR
 ENTRY OF DEFAULT**

nonprofit corporation, **BRADY MCGILL**, an individual, **NICOLE WILLIAMS**, an individual, **JOHN PHOENIX**, an individual, **GARY COSTA**, an individual, **ANTHONY CORTEZ**, an individual, and **SEAN VANGORDER**, an individual,

Defendants.

DECLARATION OF ALEX J. SHEPARD IN SUPPORT OF APPLICATION FOR ENTRY OF DEFAULT

I, Alex J. Shepard, declare under penalty of perjury:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called as a witness, could and would testify competently thereto.

2. I am an attorney licensed to practice law in the State of Nevada and I am an attorney with the law firm Randazza Legal Group, PLLC ("RLG"), counsel of record in this action for plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center.

3. Defendant SOCIAL INFLUENCE FOUNDATION DBA HOUSE OF VEGAS PRIDE ("House of Vegas") was served on October 25, 2023, by a process server. Attached hereto as **Exhibit A** is a true and correct copy of the original proof of service of the Summons and Complaint with accompanying declaration. More than 21 days have elapsed since said service, Defendant House of Vegas has not answered or otherwise responded, and no extension has been granted.

4. Defendant House of Vegas has made no efforts of which I am aware to respond to the Complaint and has provided no notice that it intends to defend against the claims in the Complaint.

5. Defendant House of Vegas has not retained any counsel or made an appearance of which I am aware.

6. Notice of Intent to Take Default was served upon Defendant House of Vegas on

November 16, 2023. Attached hereto as **Exhibit B** is a true and correct copy of the Notice of Intent to Take Default, and **Exhibit C** is a true and correct copy of the Certificate of Service.

7. Defendant House of Vegas has made no effort of which I am aware to respond to the Notice of Intent to Take Default.

8. As of the date of this declaration, Defendant House of Vegas has made no effort of which I am aware to appear and defend against the claims brought against it in this litigation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 1, 2023.

/s/ Alex J. Shepard
Alex J. Shepard

EXHIBIT A

Proof of Service

RANDAZZA LEGAL GROUP
4974 S. RAINBOW BLVD #100
LAS VEGAS, NV 89118
(702) 420-2001



DISTRICT COURT
CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, ET AL.
Plaintiff

vs

SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC., ET AL.
Defendant

Case Number: A-23-879938-C

Dept:

PROOF OF SERVICE

TYLER TREWET, deposes and says: that at all times herein I am a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #389, and not a party to nor interested in the proceeding in which this statement is made.

Legal Wings, Inc. received on Monday, October 23, 2023 a copy of the:
SUMMONS; COMPLAINT AND DEMAND FOR JURY TRIAL; CIVIL COVER SHEET; INITIAL APPEARANCE FEE DISCLOSURE

I served the same on **10/25/2023 at 3:55 PM** to:

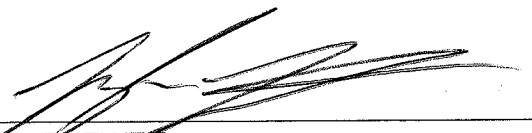
Defendant SOCIAL INFLUENCE FOUNDATION DBA HOUSE OF VEGAS PRIDE, A NEVADA NON-PROFIT CORPORATION, BY SERVING NICOLE ELIZABETH WILLIAMS, REGISTERED AGENT

by leaving the copies with or in the presence of **RENA, UPS ASSOCIATE**, at 4262 BLUE DIAMOND RD, STE 361-102, LAS VEGAS, NV 89139, pursuant to **NRS 14.020**.

Notes: Rena confirmed registered agent is a box holder.

Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the forgoing is true and correct.

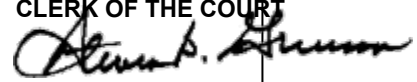
Executed: Thursday, October 26, 2023



TYLER TREWET
Registered Work Card R-2019-04184

EXHIBIT B

Notice of Intent to Take
Default



NITD

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, a Nevada nonprofit corporation;
HUMAN RIGHTS CAMPAIGN, INC., a
District of Columbia nonprofit corporation;
**HOLY ORDER SIN SITY SISTERS OF
PERPETUAL INDULGENCE, INC.**, a
Nevada nonprofit corporation;
**INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY**, a Nevada
non-profit corporation; **GENDER JUSTICE
NEVADA**, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; **SOCIAL
INFLUENCE FOUNDATION DBA
HOUSE OF VEGAS PRIDE**, a Nevada non-
profit corporation; and **JOHN PHOENIX,
APRN, PLLC DBA HUNTRIDGE
FAMILY CLINIC**, a Nevada professional
limited liability company, **GOLDEN
RAINBOW OF NEVADA, INC.**, a Nevada

Case No. A-23-879938-C

Dept. XXVIII

**NOTICE OF INTENT TO TAKE THE
DEFAULT OF DEFENDANT SOCIAL
INFLUENCE FOUNDATION DBA
HOUSE OF VEGAS PRIDE**

nonprofit corporation, **BRADY MCGILL**, an individual, **NICOLE WILLIAMS**, an individual, **JOHN PHOENIX**, an individual, **GARY COSTA**, an individual, **ANTHONY CORTEZ**, an individual, and **SEAN VANGORDER**, an individual,

Defendants.

NOTICE OF INTENT TO TAKE THE DEFAULT OF DEFENDANT SOCIAL INFLUENCE FOUNDATION DBA HOUSE OF VEGAS PRIDE

PLEASE TAKE NOTICE that Plaintiffs Christopher Davin, Trevor Harder, and the Henderson Equality Center intend to take the Default of the Social Influence Foundation dba House of Vegas Pride unless an Answer or other responsive pleading is filed on or before three days from the date of this Notice.

Dated: November 16, 2023.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

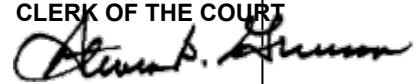
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 16, 2023, a true and correct copy of the foregoing document is being served via U.S. Mail to the Social Influence Foundation dba House of Vegas Pride:

Social Influence Foundation dba House of Vegas Pride
c/o Nicole Williams, Registered Agent
4262 Blue Diamond Road, Ste. 361-102
Las Vegas, NV 89139

EXHIBIT C

Certificate of Service



CSERV

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, a Nevada nonprofit corporation;
HUMAN RIGHTS CAMPAIGN, INC., a
District of Columbia nonprofit corporation;
**HOLY ORDER SIN SITY SISTERS OF
PERPETUAL INDULGENCE, INC.**, a
Nevada nonprofit corporation;
**INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY**, a Nevada
non-profit corporation; **GENDER JUSTICE
NEVADA**, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; **SOCIAL
INFLUENCE FOUNDATION DBA
HOUSE OF VEGAS PRIDE**, a Nevada non-
profit corporation; and **JOHN PHOENIX,
APRN, PLLC DBA HUNTRIDGE
FAMILY CLINIC**, a Nevada professional
limited liability company, **GOLDEN**

Case No. A-23-879938-C

Dept. XXVIII

**CERTIFICATE OF SERVICE FOR THE
NOTICE OF INTENT TO TAKE THE
DEFAULT OF DEFENDANT SOCIAL
INFLUENCE FOUNDATION DBA
HOUSE OF VEGAS PRIDE**

RAINBOW OF NEVADA, INC., a Nevada nonprofit corporation, **BRADY MCGILL**, an individual, **NICOLE WILLIAMS**, an individual, **JOHN PHOENIX**, an individual, **GARY COSTA**, an individual, **ANTHONY CORTEZ**, an individual, and **SEAN VANGORDER**, an individual,

Defendants.

**CERTIFICATE OF SERVICE FOR THE NOTICE OF INTENT TO TAKE THE
DEFAULT OF DEFENDANT SOCIAL INFLUENCE FOUNDATION DBA HOUSE OF
VEGAS PRIDE**

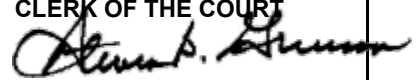
I HEREBY CERTIFY that on November 16, 2023, a true and correct copy of the Notice of Intent to Take the Default of Defendant Social Influence Foundation dba House of Vegas Pride was served via U.S. Mail to the Social Influence Foundation dba House of Vegas Pride, at the following address:

Social Influence Foundation dba House of Vegas Pride
c/o Nicole Williams, Registered Agent
4262 Blue Diamond Road, Ste. 361-102
Las Vegas, NV 89139

Dated: November 16, 2023.

Respectfully submitted,

/s/ Brittani Holt
Employee of Randazza Legal Group, PLLC



MDSM
ACCELERATED LAW GROUP
Joseph T. Nold, Esq.
Nevada Bar No. 8210
3030 South Jones Blvd., Ste. 105
Las Vegas, Nevada 89146
Tel: 702.262.1651
Fax: 702.383.6051
Email: noldj@cox.net
Attorney for Defendants Southern
Nevada Association of Pride, Holy
Order Sin City Sisters of Perpetual
Indulgence, Inc., Las Vegas TransPride,
Brady McGill, and Sean VanGorder

DISTRICT COURT
CLARK COUNTY, NEVADA

Case No.: A-23-879938-C

Dept. No: 28

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
ENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

vs.

SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS PRIDE,
a Nevada nonprofit corporation; HUMAN
RIGHTS CAMPAIGN, INC., a District of
Columbia nonprofit corporation; HOLY
ORDER SIN CITY SISTERS OF
PERPETUAL INDULGENCE, INC., a
Nevada nonprofit corporation;
INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY, a Nevada
non-profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; SOCIAL
INFLUENCE FOUNDATION DBA HOUSE
OF VEGAS PRIDE, a Nevada nonprofit
corporation; and JOHN PHOENIX, APRN,
PLLC DBA HUNTRIDGE FAMILY
CLINIC, a Nevada professional LLC,
GOLDEN RAINBOW OF NEVADA, INC.,
a Nevada nonprofit corporation, BRADY
MCGILL, an individual, NICOLE
WILLIAMS, an
individual, JOHN PHOENIX, an individual,
GARY COSTA, an individual, ANTHONY
CORTEZ, an individual, and SEAN
VANGORDER, an individual,

Defendants.

**DEFENDANTS' SOUTHERN NEVADA
ASSOCIATION OF PRIDE, INC. D/B/A
LAS VEGAS PRIDE, HOLY ORDER SIN
CITY SISTERS OF PERPETUAL
INDULGENCE, INC., and SEAN
VANGORDER'S SPECIAL MOTION TO
DISMISS PLAINTIFFS' SLAPP SUIT
PURSUANT TO NRS 41.660 (ANTI-
SLAPP), AND REQUEST FOR
ATTORNEY FEES, COSTS, AND
DAMAGES PURSUANT TO 41.670**

**HEARING AND ORAL ARGUMENT
REQUESTED**

COMES NOW, Defendants Southern Nevada Association of Pride, Inc. dba Las Vegas Pride, Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc., Las Vegas TransPride, Brady McGill, and Sean VanGorder, by and through their attorney of record, Joseph T. Nold, Esq., of the Accelerated Law Group, and hereby files this Special Motion to Dismiss Plaintiffs' Complaint, and for attorney fees, costs, and damages. This Special Motion made pursuant to NRS 41.660 on the grounds that the Complaint arises from these Defendants' alleged acts in furtherance of their constitutional rights of petition and speech and Plaintiffs cannot establish probability that they will prevail on their claims and is further based on the papers and pleadings on file herein, the attached Memorandum of Points and Authorities, the Declarations of Defendants, and such argument of counsel that may be heard.

DATED this 11th day of December, 2023.

/s/ Joseph T. Nold
JOSEPH T. NOLD, ESQ.
Nevada Bar No.: 008210
3030 South Jones Blvd., Ste. 105
Las Vegas, Nevada 89146
Tel: (702) 262-1651
Attorney for Defendants Southern Nevada Association of Pride, Inc. d/b/a Las Vegas Pride, the Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc., and Sean Vangorder

MEMORANDUM POINTS AND AUTHORITIES

I.

Introduction

This is a Special Motion to Dismiss filed as an "anti-SLAPP" motion. While Nevada's anti-SLAPP statute initially only protected the "right to petition", in 2013 the Nevada Legislature amended it to expressly protect First Amendment speakers from lawsuits designed to punish them from exercising "the right to free speech in direct connection with an issue of public concern." NRS § 41.637 (as amended by SB 286). This lawsuit is exactly the type of litigation Nevada's amended "anti-SLAPP statute," codified at NRS § 41.635 *et. seq.*, is designed to protect against.

1 The Defendants, Southern Nevada Association of Pride, Inc. dba Las Vegas Pride
2 (Pride), Brady McGill, the Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc. (Sisters),
3 Las Vegas TransPride (TransPride), and Sean VanGorder are active members of the LGBTQ+
4 Community in Las Vegas. These individuals and entities all actively participate in many
5 activities and fund raisers for the LGBTQ+ Community. All alleged communications by these
6 Defendants, and all of the acts delineated in Plaintiffs' Complaint, were made for the protection,
7 the good, and the welfare of the LGBTQ+ Community. In fact, many of the alleged defamatory
8 statements set forth in the Complaint are not actionable as they are expressions of opinion.

9 Conversely, Plaintiffs in this case have a reputation throughout the LGBTQ+ Community
10 as being bullies, and harass many of the members of the Community. As set forth in the attached
11 Exhibits and Declarations, even the prior Board Members of Plaintiff Henderson Equality Center
12 endure the bullying of Plaintiffs Davin and Harder.

13 The Complaint in this case was brought by Plaintiffs against these Defendants based on
14 the fact that Defendants were warning the LGBTQ+ Community about their dealing with
15 Plaintiffs. The Complaint centers around the Press Release done by Pride on April 20, 2023,
16 when Pride informed the LGBTQ+ Community about Plaintiffs. This was done for the public
17 good, and for the benefit and safety of the LGBTQ+ Community. In addition to some being
18 barred by the applicable statute of limitations, most of the statements are simply the opinion of
19 Pride. All statements in the Press Release are factual. More problematic is the fact that
20 Defendants Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc. and Las Vegas TransPride
21 were brought into this lawsuit based solely on their Logos being on the web site and Press
22 Release of Pride. Other Logos on the Press Release, such as Twitter and Facebook, and other
23 Corporate Logos of Companies that sponsor and support Pride were not named in this lawsuit.

24 II.

25 Procedural History

26 Plaintiffs filed the Complaint on October 19, 2023, against several Defendants, alleging
27 causes of action for Defamation *Per Se*, False Light, Tortious Interference with Prospective
28 Economic Advantage, and Conspiracy. (Complaint ¶¶ 146-199). Defendant herein, Southern

1 Nevada Association of Pride, Inc. dba Las Vegas Pride (Pride), Brady McGill (Brady), the Holy
2 Order Sin Sity Sisters of Perpetual Indulgence, Inc. (Las Vegas Sisters), and Sean Vangorder
3 (Sean) have all been properly served with the Summons and Complaint, or are waiving any
4 arguments as to proper service.

5 III.

6 Legal Argument

7 A. Nevada's Anti-SLAPP Statute Affords Absolute Civil Immunity for Good Faith 8 Communications in Furtherance of the Right to Petition.

9 Nevada's anti-SLAPP statutes aim to protect First Amendment rights by providing
10 defendants with a procedural mechanism to dismiss "meritless lawsuit[s] that a party initiates
11 primarily to chill a defendant's exercise of his or her First Amendment free speech rights" before
12 incurring the costs of litigation. Stubbs v. Strickland, 129 Nev. 146, 150, 297 P.3d 326, 329
13 (2013). Nevada's anti-SLAPP statute is codified in NRS 41.635 thru NRS 41.670, inclusive.
14 Nevada's anti-SLAPP statutes "create a procedural mechanism to prevent wasteful and abusive
15 litigation by requiring the plaintiff to make an initial showing of merit." John v. Douglas Cnty.
16 Sch. Dist., 125 Nev. 746, 757-58, 219 P.3d 1276, 1284 (2009); U.S. ex rel. Newsham v.
17 Lockheed Missiles & Space Co., 190 F.3d 963, 970-71 (9th Cir. 1999) ("The hallmark of a
18 SLAPP suit is that it lacks merit, and is brought with the goals of obtaining an economic
19 advantage over a citizen party by increasing the cost of litigation to the point that the citizen
20 party's case will be weakened or abandoned, and of deterring future litigation."). The Nevada
21 Legislature has further "explained that SLAPP lawsuits abuse the judicial process by chilling,
22 intimidating and punishing individuals for their involvement in public affairs." John, 125 Nev. at
23 752, 29 P.3d 1281.

24 Under Nevada's anti-SLAPP statutes, a moving party may file a
25 special motion to dismiss if an action is filed in retaliation to the
26 exercise of free speech. A district court considering a special motion
27 to dismiss must undertake a two-prong analysis. First, it must
28 "[d]etermine whether the moving party has established, by a
preponderance of the evidence, that the claim is based upon a good
faith communication in furtherance of ... the right to free speech in
direct connection with an issue of public concern." NRS
41.660(3)(a). If successful, the district court advances to the second

1 prong, whereby “the burden shifts to the plaintiff to show ‘with prima
2 facie evidence a probability of prevailing on the claim.’” Shapiro v.
3 Welt, 133 Nev. 35, 38, 389 P.3d 262, 267 (2017) (quoting NRS
4 41.660(3)(b)). Otherwise, the inquiry ends at the first prong, and the
5 case advances to discovery. We recently affirmed that a moving
6 party seeking protection under NRS 41.660 need only demonstrate
7 that his or her conduct falls within one of four statutorily defined
categories of speech, rather than address difficult questions of First
Amendment law. See Delucchi v. Songer, 133 Nev. 290, 299, 396
P.3d 826, 833 (2017). NRS 41.637(4) defines one such category as:
“[c]ommunication 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.”

8 Coker v. Sassone, 135 Nev. 8, 11–12, 432 P.3d 746, 749–50 (2019).

9 In the recent case of Panik v. TMM, Inc., 139 Nev. Adv. Op. 53, 2023 Nev. LEXIS 46
10 (11/30/2023), the Supreme Court of Nevada again addressed the specific requirements, and
11 burdens of proof in an Anti-SLAPP action. In the broadest sense, “Nevada's anti-SLAPP
12 statutes are intended to protect citizens' First Amendment rights to petition the government for
13 redress of grievances and to free speech by limiting the chilling effect of civil actions that are
14 based, on the valid exercise of those rights in connection with an issue of public concern
15 (SLAPP actions). Panik v. TMM, Inc., at 1. Therefore, in accordance with this goal, the
16 applicable statutes allow for the filing of a Special Motion to Dismiss at the inception of the
17 case. Id.

18 NRS 41.660(3)(a) affords the defendant (the moving party) the opportunity to
19 establish that the plaintiff's claims for relief are based upon protected good faith
20 communications. That first step in the anti-SLAPP analysis necessarily looks beyond
21 the form of the plaintiff's claims for relief, which makes sense given the purpose of
22 the anti-SLAPP statutes' special-motion-to-dismiss procedure—to provide a
23 mechanism for the expeditious resolution of meritless SLAPPs regardless of the form
24 the SLAPP takes. See NRS 41.660(2) (allowing a defendant 60 days after service of
25 a complaint based on the defendant's good faith communication in furtherance of
26 petitioning or speech rights to file a special motion to dismiss). If the focus were
27 instead on the form of the plaintiff's claims for relief, the plaintiff would be
28 completely in control of the anti-SLAPP statutes' application. This would allow the
plaintiff to circumvent the Legislature's intent to limit the chilling effect that SLAPPs
have on the rights to petition and to speech and frustrate the quick resolution of
meritless SLAPPs. Accordingly, “[c]onsistent with the broad construction that the
anti-SLAPP statute is to receive, [the statute] may apply to any cause of action.”
Thomas R. Burke, Anti-SLAPP Litigation § 4.1 (2022) (observing that anti-SLAPP
protections have been extended to over 40 different types of claims). Indeed, we have
recognized that anti-SLAPP protections may apply in cases involving a variety of
claims for relief. See, e.g., Zilverberg, 137 Nev. at 66-69, 481 P.3d at 1226-28
(defamation per se, conspiracy, and injunctive relief); Abrams v. Sanson, 136 Nev.
83, 85, 458 P.3d 1062, 1065 (2020) (defamation, intentional and negligent infliction

1 of emotional distress, false light, business disparagement, civil conspiracy, and
2 concert of action); Delucci v. Songer, 133 Nev. 290, 292, 396 P.3d 826, 828 (2017)
(defamation and intentional infliction of emotional distress).

3 Panik v. TMM, Inc., at 6-7. All of the causes of action set forth in the Complaint against
4 Defendants herein fall directly under the Anti-SLAPP type of cases that are subject to dismissal
5 by Special Motion.

6 There are two prongs under the Statute. Firstly, Defendants must “demonstrate by a
7 preponderance of the evidence that his statements fell within one of the four statutorily defined
8 categories of protected speech. *See* NRS 41.637.” Id. at 8. In this case, as shown by the
9 Declaration of Defendant McGill, the subject Press Release was posted on a web site dedicated
10 to the LGBTQ+ Community with nearly 30,000.00 readers/followers. There can be no question
11 that this is a public forum.

12 **1. The communications were made in a public forum.**

13 Cases construing the term “public forum” have noted that the term “is traditionally
14 defined as a place that is open to the public where information is freely exchanged.” Damon v.
15 Ocean Hills Journalism Club, 85 Cal.App.4th 468, 475, 102 Cal.Rptr.2d 205 (2000).¹
16 “Under its plain meaning, a public forum is not limited to a physical setting, but also includes
17 other forms of public communication.” Id. at 476. Thus, the Court in Damon held that a
18 homeowners' association newsletter was a public forum because it was “a vehicle for open
19 discussion of public issues and was widely distributed to all interested parties....” Id. at 478.

20 Postings on Facebook or websites accessible to the public are public forums for the
21 purposes of an anti-SLAPP statute:

22 Mayweather’s postings on his Facebook page and Instagram account
23 and his comments about Jackson during a radio broadcast were all
24 made “in a place open to the public or a public forum” within the
meaning of section 425.16, subdivision (e)(3). “Web sites accessible

25 ¹ The Nevada Supreme Court considers California case law when determining whether
26 Nevada's anti-SLAPP statute applies to a claim because California's anti-SLAPP statute is similar
27 in purpose and language to Nevada's anti-SLAPP statute. John v. Douglas Cnty. Sch. Dist., 125 Nev.
28 746, 756, 219 P.3d 1276, 1283 (2009); see NRS 41.660; Cal.Civ.Proc.Code § 425.16 (West 2004
& Supp. 2009).

1 to the public ... are ‘public forums’ for purposes of the anti-SLAPP
2 statute.” (Barrett v. Rosenthal (2006) 40 Cal.4th 33, 41, fn. 4, 51 Cal.
3 Rptr. 3d 55, 146 P.3d 510; accord, Summit Bank v. Rogers (2012)
4 206 Cal.App. 4th 669, 693, 142 Cal.Rptr.3d 40; Wong v. Jing (2010)
5 189 Cal.App.4th 1354, 1366, 117 Cal.Rptr.3d 747; see Wilbanks v.
6 Wolk (2004) 121 Cal.App.4th 883, 895, 17 Cal.Rptr.3d 497
7 [statements published on defendant’s website “hardly could be more
8 public”].) Similarly, statements during a radio interview meet
9 subdivision (e)(3)’s public forum requirement. (Seelig v. Infinity
10 Broadcasting Corp. (2002) 97 Cal.App.4th 798, 807, 119 Cal. Rptr.2d
11 108 [public forum requirement satisfied where “[t]he offending
12 comments arose in the context of an on-air discussion between the
13 talk-radio cohosts and their on-air producer”]; see Ingels v.
14 Westwood One Broadcasting Services, Inc. (2005) 129 Cal.App.4th
15 1050, 1063, 28 Cal. Rptr.3d 933 [radio call-in talk show].)
16 Jackson v. Mayweather, 10 Cal. App. 5th 1240, 1252, 217 Cal. Rptr.
17 3d 234, 245–46 (2017), as
18 modified (Apr. 19, 2017).

19 In Abrams v. Sanson, 458 P.3d 1062, 136 Nev. Adv. Rep. 9 (2020) attorneys Jennifer
20 Abrams, Esq. and Louis Schneider, Esq. were opposing counsels in a family law case. Id. at
21 1064. Attorney Schneider allegedly gave video of a closed-court hearing in that case to Sanson,
22 president of Veterans in Politics International, Inc. (“VIPI”). Id. Sanson then published a series
23 of articles on VIPI’s website concerning the judiciary and Abrams’ courtroom conduct and
24 practices. Id. The articles were also sent to VIPI’s email subscribers and published through
25 various social media outlets. Id.

26 Abrams and her law firm subsequently filed a complaint against Sanson and VIPI based
27 on these articles and statements, alleging defamation, intentional infliction of emotional distress,
28 negligent infliction of emotional distress, false light, business disparagement, civil conspiracy,
and concert of action. Id. at 1065. The district court granted Sanson’s special motion to dismiss,
finding that he met his initial burden because (1) the statements concerned issues of public
concern relating to an attorney or professional’s performance of a job or the public’s interests in
observing justice; (2) the statements were made in a public forum on a publicly accessible
website, and republishing them by email did not remove them from a public forum; and (3) the
statements were either true or statements of opinion incapable of being false. Id. The district
court further found that Abrams failed to meet her burden to provide prima facie evidence of a
probability of prevailing on her claims. Id.

1 The Nevada Supreme Court affirmed the district court’s granting of Sanson’s special
2 motion to dismiss:

3 Abrams’ argument that some statements are false assertions of fact that impute
4 malfeasance, such as calling Abrams an “obstructionist,” does not show that the
5 statements lose anti-SLAPP protection, because our analysis does not single out
6 individual words in Sanson’s statements. In Rosen v. Tarkanian, we held that “in
7 determining whether the communications were made in good faith, the court must
8 consider the ‘gist or sting’ of the communications as a whole, rather than parsing
9 individual words in the communications.” 135 Nev. Adv. Op. 59, 453 P.3d 1220,
10 1222 (2019). In other words, the relevant inquiry is “whether a preponderance of the
11 evidence demonstrates that the gist of the story, or the portion of the story that carries
12 the sting of the [statement], is true,” and not on the “literal truth of each word or
13 detail used in a statement.” Id. at 1224 (alteration in original) (internal quotation
14 marks omitted). Furthermore, in determining good faith, we consider “all of the
evidence submitted by the defendant in support of his or her anti-SLAPP motion.”
Id. at 1223. Here, the “gist and sting” of the communications—as demonstrated by
Sanson’s declaration, emails to Judge Elliott and Abrams, and articles—are that
Sanson believes Abrams misbehaves in court and employs tactics that hinder public
access to courts. These constitute Sanson’s opinions that, as mentioned above, are
not knowingly false and thus satisfy the third element of protected good-faith
communications. We therefore determine that Sanson showed that his statements
were either truthful or made without knowledge of their falsity. As Sanson also
showed that his statements concerned matters of public concern and were made in
a public forum, we conclude that he met his burden under the first prong of the
anti-SLAPP analysis.

15 Sanson, 136 Nev. Adv. Op. 9, 458 P.3d at 1068–69. “A good-faith communication in
16 furtherance of the right to free speech regarding a matter of public concern includes any
17 communication that is (1) “made in direct connection with an issue of public interest,” (2) “in a
18 place open to the public or in a public forum,” and (3) “which is truthful or is made without
19 knowledge of its falsehood.” NRS 41.637(4).” Id. at 1066.

20 There can be no dispute that when Pride issued the Press Release, it was in a public
21 forum. Additionally, when Defendant VanGorder reposted the press release on his Facebook
22 page, there is no question that based on his 3,000+ followers, this is a public forum.

23 **2. The communications concern an issue of public interest.**

24 An “issue of public interest” is defined broadly in Nevada. “A person who engages in a
25 good faith communication in furtherance of the right to petition or the right to free speech in
26 direct connection with an issue of public concern is immune from any civil action for claims
27 based upon the communication.” NRS 41.650. “The definition of ‘public interest’ within the
28 meaning of the anti-SLAPP statute has been broadly construed to include not only governmental

1 matters, but also private conduct that impacts a broad segment of society and/or that affects a
2 community in a manner similar to that of a governmental entity.” Du Charme v. Int’l Bhd. of
3 Elec. Workers, 110 Cal. App. 4th 107, 115, 1 Cal. Rptr. 3d 501, 507 (2003) (internal
4 citations omitted). “Although matters of public interest include legislative and governmental
5 activities, they may also include activities that involve private persons and entities, especially
6 when a large, powerful organization may impact the lives of many individuals.” Id.

7 The issues in this case are 33,000+ members of the LGBTQ+ Community that
8 Defendants were reaching out to regarding Plaintiffs. This includes Plaintiffs bullying, threats,
9 and other unethical activities that harm the LGBTQ+ Community. As detailed in the
10 Declarations, Plaintiffs are public figures that have the capability of harming many people.
11 Plaintiffs are persons/an entity of public interest as shown by their own Complaint, with the
12 allegations of trademark infringement, the assertions that Plaintiff HEC “is a
13 community-supported organization created to engage, empower, enrich, and advance, the
14 LGBTQ+ community in Henderson, Nevada by providing a safe space that provides resources
15 and assistance in various forms to at-risk, low-income LGBTQ+ youth and adults”, and that
16 Davin and/or Harder is the Executive Director of HEC, actively engaged in LGBTQ+
17 organizations, and a Board Member of various LGBTQ+ groups. (Complaint, ¶¶ 23-28). In fact,
18 Plaintiffs created an award that was given to Defendant McGill.

19 **3. All of Plaintiff’s Causes of Action are Based on Protected Speech that is True**

20 “It is the principal thrust or gravamen of the plaintiff’s cause of action that determines
21 whether the anti-SLAPP statute applies.” USA Waste of California, Inc. v. City of Irwindale,
22 184 Cal. App. 4th 53, 63, 108 Cal. Rptr. 3d 466, 473 (2010) (*internal citations omitted*). The
23 anti-SLAPP statute’s focus is not the type of claim brought but rather whether “the defendant’s
24 activity that gives rise to his or her asserted liability—and whether that activity constitutes
25 protected speech or petitioning.” Navellier v. Sletten, 29 Cal. 4th 82, 90, 52 P.3d 703,
26 709 (Cal. 2002). As set forth in Sanson, 136 Nev. Adv. Op. 9, 458 P.3d at 1068–69, that
27 “whether a preponderance of the evidence demonstrates that the gist of the story, or the portion
28 of the story that carries the sting of the [statement], is true,” and not on the “literal truth of each

word or detail used in a statement.”

The following are the portions of the Press Release set forth in the Complaint:

- A. “In April 2023, Mr. Davin threatened Las Vegas PRIDE Officers and took intentional action to cause harm to our organization and our work by making frivolous trademark claims. These actions resulted in harm to Las Vegas PRIDE and other community-serving organizations.”
- B. “In August of 2021, it was determined that Mr. Davin accessed sensitive information and stole data from the Las Vegas PRIDE, which he used without permission to benefit his organization. In a unanimous vote, Mr. Davin was removed from his position on the Board “Minutes of the Las Vegas PRIDE Board – Closed Session.” August 11, 2021.² At that time, Mr. Harder also resigned from his position on our Board.”
- C. “In a similar incident in the spring of 2020, Mr. Davin was removed from his involvement with Human Rights Campaign of Las Vegas for accessing sensitive information and using it without permission for personal gain.”
- D. "Las Vegas PRIDE Officers have been made aware of multiple reports of bullying, threats, and unethical business activities Mr. Davin has taken against individuals, charities, and businesses in Southern Nevada."
- E. “Las Vegas PRIDE Officers have been made aware of reports made to various authorities regarding Mr. Davin directly for unethical, unprofessional, and illegal financial practices and behavior.”

Additionally, the Press Release added on 5/2/2023 the following: “After our initial release, we have received additional reports and information from members of the community who also wanted to have their voices heard. These reports include: Harassment of community members, and former board members. Failure to submit payment for goods/services rendered.”

The attached Exhibits and Declarations show that each of these statements are true. However, as set forth in Sanson, the Court is to look at the gist of the story, not the individual words. The “gist” of the story here is that these Plaintiffs bully and harass LGBTQ+ Community

1 members, and engage in unethical activities. For the most part, these are expressions of opinion.

2 A statement accusing someone of being a bully is not actionable. “Moreover,
3 Zilverberg's characterization of Smith's behavior as "bullying" is an opinion incapable of being
4 false. *See Lubin v. Kunin*, 117 Nev. 107, 112, 17 P.3d 422, 426 (2001) (holding that statements
5 that convey "the publisher's judgment as to the quality of another's behavior" are evaluative
6 opinions).” *Smith v. Zilverberg*, 481 P.3d 1222, 1228, 137 Nev. Adv. Rep. 7 (2021).

7 “To satisfy the second prong of the anti-SLAPP analysis, the plaintiff must show, by
8 prima facie evidence, that his claims have minimal merit.” *Zilverberg* at 1229.

9 To prevail on a defamation claim, the plaintiff must show (1) a false and defamatory
10 statement; (2) unprivileged publication to a third person; (3) fault; (4) damages,
presumed or actual; and, when the plaintiff is a public figure, (5) actual malice.
11 *Rosen*, 135 Nev. at 442, 453 P.3d at 1225. Actual malice in this context means
12 "knowledge that it [the statement] was false or [made] with reckless disregard of
whether it was false or not." *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 719,
57 P.3d 82, 90 (2002) (first alteration in original) (internal quotation marks omitted).

13 Id.

14 Additionally, the United States Supreme Court has provided guidance regarding whether
15 speech involves a matter of public concern. In *Snyder v. Phelps*, 562 U.S. 443, 131 S.Ct. 1207
16 (2011), the Court explained that "[s]peech deals with matters of public concern when it can 'be
17 fairly considered as relating to any matter of political, social, or other concern to the community,'
18 ... or when it 'is a subject of legitimate news.'" *Id.* at 453 (internal citations omitted). In that case,
19 the Court found that the content of the defendants' picketing signs displayed at the funeral of a
20 Marine killed in action, such as "God Hates Fags," "God Hates the USA," "Thank God for 9/11,"
21 "Priests Rape Boys," and "America is Doomed," "plainly relates to broad issues of interest to
22 society at large, rather than matters of 'purely private concern.'" *Id.* at 454. The court continued,
23 noting that while the content of said signs was unrefined, "the issues they highlight-the political
24 and moral conduct of the United States and its citizens, the fate of our Nation, homosexuality in
25 the military, and scandals involving the Catholic clergy-are matters of public import." Id.

26 Here there are no false statements as shown by the attached Exhibits. All of the
27 statements in the Complaint set forth in ¶ 30 to 31 are true. As Plaintiffs are public figures, there
28 is no malice, actual or otherwise that can be shown. Like in *Zilverberg*, the “statements were

1 opinions or Zilverberg and Eagan had an adequate factual basis for making them.” Id. at 1229.
2 In light of the fact that there is so many Exhibits and evidence showing that all of the statements
3 in the Press Release are true, Defendants are providing a Table of Contents for the Exhibits,
4 connecting each Exhibits with the applicable portion of the Press Release. This shows that all
5 statements in the Press Release are true (or are opinion). Noting that the Court in Zilverberg
6 affirmed the district court’s granting of the Anti-SLAPP Motion based in part on the evidence
7 produced by Defendants that all statements were true and/or opinions, this Court should grant
8 Defendant’s Special Motion to Dismiss.

9 **4. Dismissal of Sin Sity Sisters and TransPride**

10 In reviewing the Complaint, Plaintiffs allege that the Sisters and TransPride, who’s
11 Logos were on the Press Release, “endorse the actionable statements in the Press Release.”
12 Notwithstanding the fact that Twitter and Facebook have Logos at the bottom of the Press
13 Release, the fact that MGM, Coca Cola, COX Communications, and many other Corporations
14 have Logos on the pages of Pride showing their sponsorship and support of Pride, there is
15 nothing on the Press Release that connects the Sisters and TransPride with the Press Release
16 other than a Logo at the bottom of the page. It is asserted that the claim by Plaintiffs that the
17 inclusion of the Logos amounts to an endorsement which is actionable is baseless. When
18 looking at the merits of the causes of action against these Defendants, it is asserted that there is
19 zero probability of success on the merits. In fact, all of the attached Declarations show that the
20 Sisters and TransPride had nothing to do with the Press Release, and they (lioke the other
21 Corporate sponsors and supports) are there in support of Pride. Legal research has shown there
22 is not a single case where there is liability for someone **else** publishing a Press Release, wherein
23 there was liability for an entity that did not draft, edit, or otherwise. All of the additional
24 references to the Sisters or TransPride are lopped in with Pride, and are simply conclusionary
25 statements.

26 **5. Statute of Limitations**

27 The Statute of Limitations for a defamation action is 2 years. As set forth in NRS
28 11.190(4)(c), there is 2 years for an action for libel, slander, battery, false imprisonment, or

1 seduction. Paragraph 30(B) of Plaintiffs Complaint (page 5), is alleging that Pride's Press
2 Release is actionable based on a publication in August of 2021.

3 "In August of 2021, it was determined that Mr. Davin accessed sensitive information
4 and stole data from the Las Vegas PRIDE, which he used without permission to
5 benefit his organization. In a unanimous vote, Mr. Davin was removed from his
6 position on the Board "Minutes of the Las Vegas PRIDE Board – Closed Session."
7 August 11, 2021.2 At that time, Mr. Harder also resigned from his position on our
8 Board."

9 In support of this claim, Plaintiffs supplied their Exhibit "2", the Minutes from August 11, 2021.
10 These were published in August of 2021. Although the Complaint attempts to distinguish the
11 Press Release from the August 2021 Minutes, all improper actions set forth in the Press Release
12 were contained in the August 2021 Minutes. The website for Pride, as well as the attached
13 Declaration of McGill, show that the Minutes have been published, and available to the public,
14 since August of 2021. The Complaint references in footnote 2 on page 5 of the Complaint that
15 there is a hyperlink to the August 11, 2021, where Plaintiffs obtain their Exhibit "2".

16 The Complaint in this matter was filed on 10/19/2023. The Statute of Limitations for the
17 portion of the Press Release set forth in page 5, paragraph 30(B), ran on August 12, 2023.
18 Notwithstanding the fact that all of the statements are true, and supported by Exhibits and
19 Declarations, this portion of the Press Release is not actionable.

20 **6. Remaining Causes of Action**

21 As set forth in Panik v. TMM, Inc., at 6-7, all of Plaintiffs causes of action (Defamation
22 *Per Se*, False Light, Tortious Interference with Prospective Economic Advantage, and
23 Conspiracy) are subject to dismissal pursuant to an Anti-SLAPP Motion. As a result, the
24 elements of these causes of action do not change the Special Motion to Dismiss elements and
25 burdens set forth *supra*.

26 WHEREFORE, Defendants respectfully request that this Court enter an Order:

- 27 1. Granting this Special Motion to Dismiss in its entirety;
- 28 2. Awarding Defendants attorney fees and costs, as authorized by Statute;

DECLARATION OF WILLIAM PIERRO

DECLARATION OF WILLIAM PIERRO

DECLARATION OF WILLIAM PIERRO

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, William Pierro, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is a Defendant (via a fictitious entity) in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada, and is supplying this Declaration in support of Defendants' Special Motion to Dismiss. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein.

2. That I am the President and Abbess of Defendant Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc. The Sisters of Perpetual Indulgence were founded in San Francisco in 1979, and have become a world wide movement, based in part on the promulgation of omniversal joy and the expiation of stigmatic guilt. The Las Vegas, Nevada chapter was founded in June of 2005, and have been proudly serving the LGBTQ Community for over 18 years. We work to raise money for our Sisters AIDS Drug Assistance Program (SADAP), fight for queer rights and visibility, do safer sex outreach, and strive diligently to keep our sense of humor, never taking ourselves so seriously that we forget to have fun. The Las Vegas Sisters have raised over 1 million dollars for our SADAP clients over the past 18 years. All of the Las Vegas Sisters are volunteers, we are a Non Profit Corporation, and our total annual budget is \$0.00: all money raised, donated, collected, or otherwise received goes directly to the needy (other than a small operating budget that pays for rent, wifi, and other fund raising and office

related expenses. No person receives any type of salary.)

3. That the Las Vegas Sisters had no involvement in the drafting, formatting, or editing of the Press Release of Defendant Southern Nevada Association of Pride, Inc. d/b/a Las Vegas Pride (Pride). Although the Las Vegas Sisters received a copy of the Press Release from Pride, we would no reason to believe that anything contained in the Release was false. The Las Vegas Sisters are not on the Board of Pride, and have no information of any type regarding trademark infringement. We believe that all statements in the Press Release are true based on our prior dealings with Pride, an organization that the Las Vegas Sisters fully support. However, the Las Vegas Sisters have personal knowledge, and it is our opinion that Plaintiffs Christopher Davin (Davin) and Trevor Harder (Harder) are bullies, and we have personally seen Davin verbally attack Declarant's 12 year old special needs child. The reputation of Davin, and his partner Harder, with the LGBTQ Community that we interact with are that these two are bullies. Defendant has personal knowledge that the reason that more of the smaller LGBTQ supporting entities did not come out publically was their fear of reprisals and harassment from Davin and Harder.

4. That in the Complaint, Plaintiffs claim that they are not public figures. Declarant has personal knowledge that Davin and Harder are that are actively involved with the legislative process (the signing of bills at their Henderson Center), that they are often on the news and on the radio for different cause and events, that they sponsor awards for members of our community, that they give speeches in public, run and/or sponsor events, and that in all cases they demand to have the "brightest spotlight" on themselves.

5. That in addition to have a reputation of being bullies, Plaintiffs have developed a

reputation of being very difficult to work with. Examples would be with the City of Henderson, and Caesars Entertainment, both of whom were unable to get past the planning stage of potential events.


6. That in the past, Davin tried to join the Las Vegas Sisters. He was not allowed to join based on his actions.

7. That the Las Vegas Sisters have never published any false or defamatory statements about Plaintiffs. The Las Vegas Sisters had no part of the publication of the Press Release. The Las Vegas Sisters have no knowledge, actual or otherwise, of the relationship or opportunities of Plaintiffs other than seeing the bullying activities of Plaintiffs.

8. That the Las Vegas Sisters never entered onto any agreement with any other Defendant regarding Plaintiffs, to harm them, to disparage them, to harm their reputation of being bullies, or otherwise. The LGBTQ Community is tired of being bullied by Plaintiffs, but have never banded together in any type of agreement.

9. Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 10 day of December, 2023.


WILLIAM PIERRO

DECLARATION OF SEAN VANGORDER

DECLARATION OF SEAN VANGORDER

DECLARATION OF SEAN VANGORDER

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Sean VanGorder, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is a Defendant personally named in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada, and is supplying this Declaration in support of Defendants' Special Motion to Dismiss. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein.

2. That Declarant is an active member of the LGBTQ+ Community, and supports many organizations and entities in the Community. This includes Defendant Southern Nevada Association of Pride, Inc. d/b/a Las Vegas Pride (Pride). Additionally, Declarant served as the Chair of the National Board of Governors for Human Rights Campaign (HRC).

3. That when Declarant saw the Press Release from Pride, Declarant posted the Release on his personal Facebook page. All representations are believed to be true and accurate, and Declarant has no reason to believe that anything is false in the Press Release. Although Declarant is not on the Board of Pride, Declarant has no reason to doubt any of the representations made in the Press Release.

4. That the reputation of Plaintiffs in the entire LGBTQ+ Community is that of being bullies, harassing, and toxic to deal with. This has been my experience, the experience of many others, and my personal opinion.

5. That one of the many examples of Plaintiff Davin bullying would be his involvement with Defendant HRC, Davin criticized volunteer gifts that were handmade by Louise O'Reilly, a former volunteer leader with HRC. Davin posted a picture of the gift on Facebook suggesting it was cheap and poorly made, insinuating he should have been entitled to better recognition than what he received for volunteering with HRC. As a volunteer, Ms. O'Reilly used her own resources to provide said gifts which Mr. Davin publicly criticized. Davin's lack of respect and tact in disrespecting Ms. O'Reilly, and criticizing her in a public forum was a form of bullying in my opinion.

6. That in the Complaint, Davin claims to have served as co-chair for the HRC Gala silent auction in 2020. Due to the pandemic, there were no volunteers event in 2020.

7. That Davin claims in the Complaint that he had permissible access to the donor list of HRC. This is Davin's attempt to cover up the fact that he stole the donor list from HRC to use for his own personal gain. I have personal knowledge, and have seen the emails wherein Davin contacted Mr. Davis after stealing the donor list from HRC.

8. The Complaint further states that Davin is an unpaid volunteer, and worked many hours for HRC. Declarant, like all other volunteers for HRC, are unpaid and work many hour. Additionally, all of the references to a "data breach" and that HRC made mistakes are simply a smoke screen to cover up the fact that Plaintiffs stole the donor list from HRC, and contacted people on the list for donations for Plaintiffs' benefit, not for HRC's benefit.

9. Plaintiffs included Declarant in this lawsuit based on re-posting of the Press Release on Declarant's Facebook page, as well as for the language Declarant added:

(Plaintiffs) are the greatest scam artists to the LGBTQ+ community in Las Vegas.

They have stolen donor lists, bashed dedicated and caring volunteer leaders, attacked valuable queer-supported Vegas organizations, and have continued on a journey of full destruction of non-profit and political orgs that fight for our freedoms and help gain us access to valuable services every day. As of now, they have attacked Las Vegas Pride to the point of having their social media access removed – just before June Pride month – one of their most important months for engagement and exposure. It's time for the Vegas queer community to be transparent about the toxic attacks these two humans have participated in. It's time for them to go and for the rest of us to unite. Take it from me – I know personally about the toxicity of these two.

Declarant believes each one of these statements to be true, and these are Declarant's opinion.

Plaintiffs did steal the donor list, and the Declaration of Mr. Davis shows this fact. Declarant also knows of the attacks on Pride based on the claims that publically taken photographs were trademark infringements. Declarant firmly and fully believes (and it is Declarant's opinion) that Plaintiffs are toxic and bullies, and intentionally geared their attack on Pride to coincide with June (Pride month). Declarant asserts that he has a first amendment right, and even duty, to warn others of the LGBTQ+ Community about Plaintiffs to avoid further harm, and avoid further scams.

10. That Declarant has over 3,000 "friends" of Facebook, mostly all in the LGBTQ+ Community. Many, if not most friends on Facebook, rely on Declarant for information and updates regarding the LGBTQ+ Community. Due to the level of toxicity and bullying, Plaintiffs were blocked from Facebook access of Declarant over 2 years ago.

11. Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 11 day of December, 2023.


SEAN VANGORDER

DECLARATION OF GUSTAVO DAVIS

DECLARATION OF GUSTAVO DAVIS

DECLARATION OF GUSTAVO DAVIS

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Gustavo Davis, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is not a Party to this case but is supplying this Declaration in support of Defendant's special Motion to Dismiss in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein.
2. That Declarant was a donor to the Human Rights Campaign Inc., and was on the HRC Donor List. The email given to HRC for the Donor List was only given to them, and was never given to any other entity or organization.
3. That on January 1, 2020, Declarant received an email from Chris Davin soliciting donations for the Complete Diversity Sports Awards Gala. This was purportedly an event to raise money for youth in sports. Declarant responded to the email the same day and inquired as to how Mr. Davin got his personal email address. The response from Mr. Davin was that there was a large group of people that worked on their silent auction, but Mr. Davin could not give a 100% answer as to how he obtained Declarants personal email address. Declarant has supplied a true and accurate copy of these emails.
4. That the only way that Mr. Davin could have obtained Declarants personal email address was to have taken it from HRC.
5. After Declarant received the vague response from Mr. Davin on 1/2/2020, there were no

other communications or solicitations from Mr. Davin. In fact, the only solicitation from Mr. Davin has only been from HRC.

6. Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 11th day of December, 2023.

/s/ Gustavo Davis
GUSTAVO DAVIS

Gustavo Davis <gdavis8271@gmail.com>

12/11/2023 3:39 PM

Re: Declaration for Case No.: A-23-879938-C

To Janet Terrazas <alggparalegal@cox.net>

I, Gustavo Davis, gives Accelerated Law Group authorization to use my electronic signature on my Declaration in support of Defendant's special Motion to Dismiss in Case Number: A-23-879938-C.

Gustavo Davis

DECLARATION OF BRADY McGILL

DECLARATION OF BRADY McGILL

DECLARATION OF BRADY McGILL

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Brady McGill, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is a Defendant in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada, and is supplying this Declaration in support of Defendants' Special Motion to Dismiss. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein; that all exhibits provided with the Special Motion to Dismiss are true and accurate copies.
2. That I am the President of Defendant Southern Nevada Association of Pride, Inc. d/b/a Las Vegas Pride (Pride). Defendant Pride, a Non Profit Corporation, has just celebrated their 40th Anniversary of its original Business License. Pride actually predates the business license with an informal presence in Nevada, Clark County, Las Vegas, and on the campus of UNLV. Pride is an all-volunteer organization, with only a few outside paid individuals such as the bookkeeper and accountant. Myself, as President of Pride, working with Pride for over 16 years, as well as all other officers and board member work without pay of any type.
3. That Pride is very active and visible in Las Vegas for the LGBTQIA+ community by producing the largest Parade in Nevada, by amplifying the voice of our community, and by hosting ongoing events. We also work with many other LGBTQIA+ groups and organizations, including the Sin Sity Sisters, The Center, AFAN, Trans Pride Center, Las Vegas Latin Pride, House of Vegas Pride, Silver State Equality, Gender Justice, NGRA, IRSCDE, Huntridge Family

Clinic, Pride Tree, ICME (Henderson Pride), among many others, as well as local businesses and government agencies. Our sponsors include MGM Resorts, Live U=U, COX Communications, Absolut, NV Energy, Cirque Du Soleil, Sahara Las Vegas, Coca Cola, Barclays, Zappos, Channel 13, Wells Fargo, Albertsons, UNLV, Bank of America, and many, many other Nevada and national companies and corporations.

4. That Plaintiffs Christopher Davin (Davin) and Trevor Harder (Harder) were board members of Pride for approximately one year and two years, respectively. In 2021, the board of directors of Pride met, in compliance with the applicable NRS Statutes, that dealt with a disciplinary action against Davin. As a result, the Board voted to affirm and unanimously approved a guilty charge of misfeasance, conflict of interest, violations of code of conduct, and a vote of no confidence. Following the vote, at Davin's request, he was allowed to resign from the Board voluntarily. Contemporaneously with the vote, Harder resigned from the Board of Pride.

5. That the press release by Pride was written and edited solely by Pride. Other entities and individuals, such as Defendants Sin Sity Sisters and Defendants Las Vegas TransPride were shown the press release prior to publication, but gave no input. In Plaintiffs' Complaint, they set forth five (5) categories of "actionable statements", which were virtually all the opinions of Pride. These statements in the Complaint are as follows:

- A. "In April 2023, Mr. Davin threatened Las Vegas PRIDE Officers and took intentional action to cause harm to our organization and our work by making frivolous trademark claims. These actions resulted in harm to Las Vegas PRIDE and other community-serving organizations."

First and foremost, this statement is true. It is the opinion of Pride that the trademark claims are frivolous due to the fact that the Henderson Pride trademark was registered by

the International Cultural Movement for Equality for several years. Plaintiffs accused Pride of trademark infringement of their trademark Henderson Pride Fest. The false accusations trademark infringement made by Plaintiffs were based on magazine ads for Henderson Pride, not Henderson Pride Fest. Furthermore, the magazine ads specifically states that it is the Third Annual Henderson Pride Festival. As Plaintiffs started the Henderson Pride Fest trademark, at the earliest in December of 2021, it is impossible that this could be the Third Annual Henderson Pride festival. It is an undisputed fact that the Henderson Pride festival is put on by Henderson Pride a/k/a the International Cultural Movement for Equality. Therefore, it is the unqualified opinion of Pride that claims of trademark infringement by Plaintiffs are frivolous.

When Pride refused to remove the magazine ad Henderson Pride a/k/a the International Cultural Movement for Equality, Plaintiffs then flagged three (3) old Facebook pages showing Henderson Pride representatives at a table at a Pride event. After falsely reporting this to Facebook as trademark infringement, Plaintiffs managed to shut down Prides Facebook pages for several weeks. The only reason that the Facebook pages were not immediately restored were due to the layoffs and problems with Facebook. Of course, due to the fact that there was no trademark infringement, the Facebook pages were restored with the magazine ads **intact and in full.** ,

B. “In August of 2021, it was determined that Mr. Davin accessed sensitive information and stole data from the Las Vegas PRIDE, which he used without permission to benefit his organization. In a unanimous vote, Mr. Davin was removed from his position on the Board “Minutes of the Las Vegas PRIDE Board – Closed Session.” August 11, 2021.² At that time, Mr. Harder also resigned from

his position on our Board.”

These statements are true. The Board of Pride, consisting of Brady McGill, Joslyn Hatfield, Lucas Rangel, Brock Allen, Freddy Lopez, Lyndon Marquez, Steven Mitchell, Clair Koetitz, J.C. Lopez, and Plaintiffs were all in attendance during the Emergency Meeting that was held on 8/11/2021, as shown by the minutes (Plaintiff's Exhibit 2). During this meeting, the Board examined all of the evidence, and found that Davin engaged in malfeasance, conflict of interest, violated the code of conduct, and there was a vote of no confidence. Most importantly, these Minutes from 8/11/2021 were published on the Pride website in August of 2021. Davis was shown to have accessed sensitive information and that he stole data from the Las Vegas PRIDE. As a result, Davin requested that he be allowed to resign, which was allowed. Since the publication of the minutes in August of 2021, Davin did nothing about the Board meeting until the filing of the Complaint on October 19, 2023.

C. “In a similar incident in the spring of 2020, Mr. Davin was removed from his involvement with Human Rights Campaign of Las Vegas for accessing sensitive information and using it without permission for personal gain.”

This is a true statement, and Declarant was informed about this from a Representative of Defendant Human Rights Campaign, Inc. (Latoya Holman), as well as from others involved with the Human Right Campaign of Las Vegas in 2020. As Defendants Human Rights Campaign ran this event, there could be no reason to doubt their representations.

D. “Las Vegas PRIDE Officers have been made aware of multiple reports of bullying, threats, and unethical business activities Mr. Davin has taken against individuals, charities, and businesses in Southern Nevada.”

This is a true statement. For example, Pride received communications from Smithman

Productions, wherein Dan Smithman informed Pride that Davin ordered custom products, and refused to pay for the same; Nicole Williams of House of Vegas Pride informed Pride that Davin verbally harassed and others in public; Anthony Cortez informed Pride that Davin continues to bully and harass Henderson Pride; Pride obtained documents from the City of Henderson showing that Davin and Harder continued to behave unethically in business matters; and Pride was informed by Mr. White that Davin repeatedly call a black man the “N word” at the Henderson Equality Center (Pride has a copy of the interview with Mr. White, detailing the verbal abuse from Davin, and the fact that he was repeatedly called the “N word”.)

- E. “Las Vegas PRIDE Officers have been made aware of reports made to various authorities regarding Mr. Davin directly for unethical, unprofessional, and illegal financial practices and behavior.”

This is a true statement. In addition to the examples set forth in “D” above, Henderson Pride report to Pride that Davin was using the Henderson Pride name for his own financial gain – which is an unethical, unprofessional, and illegal financial practices, which was reported to the City of Henderson; a Representative of Henderson Pride with unlawfully held in an office by Davin after requesting Plaintiffs Non Profit financials, and the Henderson Police were called over this matter; and Nicole Williams of House of Vegas Pride contacted the Attorney General of Nevada regarding Davin’s unethical, unprofessional, and/or illegal financial practices.

6. The statement that “Las Vegas PRIDE takes direct threats to our Board Members and attacks on our organization by Mr. Davin and Mr. Harder seriously. Bullying actions of these individuals will not be tolerated” is absolutely true. Pride and its Board members will not tolerate bullying, and will not change our opinion regarding Plaintiffs’ bullying.

7. Pride will always encourage our readers to report complaints to the appropriate

government agencies. It is Pride's position that it is a individuals duty to report unethical, unprofessional, and/or illegal financial practices to the appropriate government authorities.

8. That everything contained in the Press Release was reported to the public out of concern for Pride's readers, and to help and keep safe the community at large.

9. That Pride, and Pride alone, was responsible for the content and the editing of the Press Release. The Logos were added to show support, as well as due to the fact that all of these entities have had similar experiences and dealings with Plaintiffs. Pride believes that it is important to note that the major sponsors, such as MGM Resorts, COX Communications, Absolut, NV Energy, Cirque Du Soleil, Sahara Las Vegas, Coca Cola, Barclays, Zappos, Channel 13, Wells Fargo, Albertsons, UNLV, and Bank of America, that sponsor and support Pride were not added to this lawsuit, although their Logos are (mostly) on the Sponsors page of the website. Based on information and belief, Plaintiffs did not add these Corporate Defendants as these are not the type of companies that Plaintiffs can bully. Instead, Plaintiffs chose to bully the small, Non Profit groups that use all of their resources to help our community.

10. That Pride does not know why, or on what facts, the Complaint relied on to state that the inclusion of a Logo amounted to the endorsement of a Press Release that contained facts that the other Defendants were not aware of.

11. That based on information and belief, Plaintiffs have already dropped Defendant Human Rights Campaign, Inc. due to this fact that this Defendant can afford to hire Greenberg Traurig, and face the weight and power of a large law firm.

12. That in paragraph 39, Plaintiffs claim that "Vegas PRIDE, or one of its agents, sent a message to several supporters and donors of HEC (the "Direct Message")." Pride has no

knowledge of who sent the Direct Message, as Pride did not send it, or direct anyone to send the message.

13. That the Press Release inclusion of the additional information dated May 2, 2023 (Complaint, ¶ 43) was based not only on the Smithman report, but also on the communication Pride received from Jennifer McHugh, a prior Board Member at Henderson Equality Center, who stated that Davin bullied, harassed, and defamed her after leaving the Board. Additionally, Ms. McHugh informed Pride that Davin stole from the Community, filed falsified unemployment claims, PPP Loans, and has unreported donations.

14. Davin falsely claimed that Pride was infringing on their trademarks. As shown by the attached Exhibits, the complained of “infringements” were photographs taken in public. After Facebook determined that the claims by Davin were false and baseless, the Facebook pages were restored. This was the first, last, and only time that Facebook page was taken down. In fact, Davin threatened Pride that if they did not comply with his demand, that he would target Pride’s Facebook account. This was done solely as a form of coercion, bullying, intimidation, and/or blackmail.

15. That regarding the claim by Plaintiffs that Pride informed InterPride of Davin’s racism and elder abuse, Pride is in possession of the audio recording the elderly black man who was called the “N word” repeatedly by Davin. This was referred to Pride by the Public Affairs Coordinator for the Office of the Mayor of the City of Henderson.

16. That it is the opinion of Pride that Plaintiffs intentionally bully and harass members of the LGBTQIA+ community to make money by cutting out the competition. This is the reputation of Plaintiffs in Nevada, and there are literally dozens of entities and organizations that

feel the same way. In fact, Pride knows of no entity or individual that feels differently about Plaintiffs. Pride considers it their duty to warn the LGBTQIA+ community about Plaintiffs for the safety of the community, again noting that most are afraid to stand up to Plaintiffs due to threats and harassment. Even that prior Board Members for Plaintiff Henderson Equality Center fear the reprisals for going against Plaintiffs.

17. That Pride has no knowledge of any actual relationships and opportunities for Plaintiffs. Pride requested the reporting of Plaintiffs' improper and illegal acts to the appropriate authorities. Additionally, Pride will not deal with anyone who is involved with Plaintiffs.

18. That the Pride website reached nearly 30,000.00 people in Nevada, and the reach of the Pride Facebook includes thousands more. Many LGBTQIA+ community rely on Pride for news, information, and events in Nevada.

19. That in 2021, Plaintiffs created a "Who's Who" award, which was awarded to Declarant. Davin and Harder were the presenters, again showing their being public figures. Unfortunately, after the award, the conduct of Plaintiffs changed, and they devolved into uncreased bullying and harassing behavior, now including Declarant and Pride.

20. That Declarant spoke with Jeff Hall, Esq, at the Law Firm of Hutchins and Steffen to discuss the Press Release before it was released. Based on the content being all true and matter of opinion, Attorney Hall advised no edits. As a result, the Press Release went out.

21. That Declarant has been made aware of several prior Board Members of HEC that were harassed by Plaintiffs, including the Facebook page of Ms. McHugh and Mr. Washington.

///

22. Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is

true and correct.

DATED this 11th day of December, 2023.



BRADY MCGILL

DECLARATION OF JAMIE LEE SPRAGUE

DECLARATION OF JAMIE LEE SPRAGUE

TABLE OF CONTENTS FOR EXHIBITS

Exhibit Letter	Reference to Complaint Section	Specific description of Exhibit
Exhibit A	28-A, Page 4 51, Page 7 56, Page 7	This depicts a screen capture of the three photos reported as trademark infringement, accompanied by an email from Davin who threatened repeatedly to target the Pride Facebook page if Pride did not do as asked. These photos flagged are two photos at live in-person events where Henderson Pride participated and tabled. The third is an advertisement promoting the second annual Henderson Pride events – the photos were nearly a year or more old when flagged by Davin
Exhibit B	28-A, Page 4 51, Page 7	A screenshot of a text message from Davin to McGill. When Davin realized he was not going to get his way regarding the Pride Facebook, he threatened McGill and Pride to target the Pride Facebook and reiterated his misunderstandings about trademarks
Exhibit C	28-A, Page 4 51, Page 7	A screenshot of Davin messaging Pride Board Secretary Lucas Rangel. Davin threatens legal action and implies targeting Pride Facebook while reiterating his misunderstanding of trademark protections
Exhibit D	28-A, Page 4 51, Page 7	An email from Davin to McGill. Davin demands Pride remove content submitted to their Magazine publication. Davin implies a law firm is involved while also again reiterating his misunderstanding of trademark protections
Exhibit E	28-A, Page 4 42, 43, 44, Page 5	A screenshot of the US Patent and Trademark search tool reflecting the Henderson Pride mark and Henderson Pride Fest marks registered
Exhibit F	28-B, Page 5 57-75, Pages 8 and 9	An 8/13/21 letter from Pride to Davin informing Davin of the impending disciplinary actions.
Exhibit G	28-B, Page 5 57-75, Pages 8 and 9	An 8/13/21 letter to the Las Vegas Pride Board (internal) informing them of the details of the data breach by Davin
Exhibit H	28-B, Page 5 57-75, Pages 8 and 9 74-75, Page 9	An 8/13/21 letter to the community informing them of the data breach, including an example of the email Davin and Harder sent out, and how to unsubscribe from the email they had not signed up for
Exhibit I	55, Page 7	An email exchange example from the process to recover the Pride Facebook pages
Exhibit J	28-B, Page 5 57-75, Pages 8 and 9	Minutes from the 8/11/21 emergency disciplinary meeting; Section B of the Press release was published in August 2021 – over two years from the publication of the 8/11/21 Minutes to the filing of the complaint
Exhibit K	28-B, Page 5 57-75, Pages 8 and 9	Screenshots during the disciplinary hearing. Davin was found guilty of all charges presented in the meeting.

Exhibit L	28-D, Page 5 40, Page 6 93-97, Page 11	Screenshot of former Board Member of Henderson Equality Center, Derek Washington, sharing thoughts in support of the Pride Press Release and adding accusations of financial impropriety and mismanagement on the part of HEC
Exhibit M	28-D, Page 5 40, Page 6 93-97, Page 11 108-118, Pages 12 and 13	Screenshot of community member, Sean VanGorder in support of the Pride Press Release and adding additional context and examples of the bad behavior and actions of Davin, Harder, and HEC
Exhibit N	28-D, Page 5 40, Page 6 93-97, Page 11	Screenshot of former Board Member of Henderson Equality Center, Jennifer McHugh, applauding the Pride Press Release and adding accusations of financial impropriety, crimes, harassment, bullying, and mismanagement on the part of HEC, Davin, and Harder. Additionally, McHugh shares thoughts and screenshots of a conversation with Davin in which he demeans and bullies McHugh
Exhibit O	28-D, Page 5 40, Page 6 93-97, Page 11	An email account of bullying and harassment on the part of Davin at a public event on June 16, 2023
Exhibit P	28-D, Page 5 40, Page 6 93-97, Page 11 98-107, Pages 11 and 12	An email report received by Pride in response to the Pride Press Release. This account shows that Smithman Productions provided Davin, Harder, and HEC with custom merchandise, supplies, and fixtures – but – were not paid by HEC. HEC continues to sell stolen product in their HEC facilities.
Exhibit Q	28-D, Page 5 40, Page 6 93-97, Page 11	An email between Pride and City of Henderson officials referring individuals who experienced a racist attack at the Henderson Equality Center by Davin in 2023. Davin denied an elderly person of color food from the food pantry, help with completing a form, and repeatedly harassed, demeaned, and used the “N-Word” when speaking to the victim.
Exhibit R	28-D, Page 5 40, Page 6 93-97, Page 11	An official communication from City of Henderson to Henderson Equality Center warning them that their repeated harassment, bullying, unprofessional, intimidating behavior must stop.
Exhibit S	28-C, Page 5 76-92, Pages 10 and 11 93-97, Page 11	An email from Davin requesting funds from an HRC donor. Davin could have only gotten this email address by repurposing the HRC donor contact list information for his own gain.

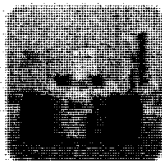
EXHIBIT “A”

EXHIBIT “A”

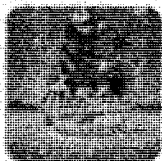


3 of your posts have been reported for trademark infringement

Learn more about our decisions and see what you can do.

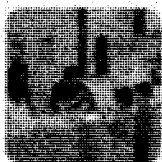


Apr 13



Apr 13

Your post has been reported for trademark infringement



Apr 13

Your post has been reported for trademark infringement



Trademark Infringement



Chris Davin <chris.davin@hendersonequalitycenter.org>
To: brady@lasvegaspride.org

Reply Reply All Forward ...

Sat 4/18/2022 6:56 AM

Brady,

It's been brought to my attention by our Branding and Trademark Law Firm that Page 47 in the Las Vegas Pride Magazine has a Trademark infringement. The use of Henderson Pride Fest has a Registered Mark by the USPTO.

I asked the law firm to hold so I can personally reach out to you. I ask kindly that it's changed or removed or the law firm that is working with Facebook will remove it. I'd rather give you the heads up civilly, then you waking up to a notice from Facebook removing it down. As you already know there FB accounts and new accounts have all been shut down by our law firm.

I hope we can be respectful of our Trademark and not have to take things further. We have the money and will use it to protect our Trademark. Thank you.

Please let me know in 2 days other wise the Law Firm will take action. I'd rather not have to go that route.

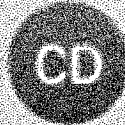
Chris Davin
Executive Director
Henderson Equality Center
Pronouns: He, Him, His
p: 855-955-5428 x806
m: 630-386-5832
a: 1490 W Sunset Rd Suite 120, Henderson NV 89014
w: www.HendersonEqualityCenter.org
e: Chris.Davin@HendersonEqualityCenter.org

EXHIBIT “B”

EXHIBIT “B”

8:23

5G%



Chris



trademark. But here we go again acting like children. When our law firm submits the infringement reports to FB and Prides FB comes down don't be mad. I was civil enough to work with you. But if you want to take a different route we can.

Trademark infringement is what it is. You can block me. It does nothing. The branding law firm we have hired still has access to see the links. So. It is what it is. I'll advise the law firm that you don't care and for them to submit the reports. If you don't think they know how to do there jobs legally, then maybe you should look at all of the stuff that's been taken down already on FB. So if your FB page gets taken down. Please don't bitch. We are only protecting our Trademark name just like LV Pride has done with others. And FYI. If we were not the first ones to use Henderson Pride Fest, the USPTO wouldn't have allowed us to have it registered. Ty



iMessage



EXHIBIT “C”

EXHIBIT “C”



Chris

We have speakers and stuff.



Up to u on pay. U know I'm open
I don't cheat people on pay

Well so much for trying to
request a civil meeting. So
where does that lead? Besides
taking things to the next level
of Trademark Infringement.
We do have a USPTO Reg for
Henderson Pride Fest. I'd
rather not have to take this to
court. But I can say we tried
and it didn't work. I've never
had anything against u. I
always liked you because you
were always the Civil one to
be able to talk to and be there
to always listen to both sides.
But I guess our board will just
have to do what we have to do
to protect our trademark. Sad.
But it is what it is. Thank you
for listening and talking to
night



Message



EXHIBIT “D”

EXHIBIT “D”

To: brady@lasvegaspride.org
Subject: Trademark Infringement

Brady.

It's been brought to my attention by our Branding and Trademark Law Firm that Page 47 in the Las Vegas Pride Magazine has a Trademark infringement. The use of Henderson Pride Fest has a Registered Mark by the USPTO.

I asked the law firm to hold so I can personally reach out to you. I ask kindly that it's changed or removed or the law firm that is working with Facebook will remove it. I'd rather give you the heads up civilly, then you waking up to a notice from Facebook removing it down. As you already know there FB accounts and new accounts have all been shut down by our law firm.

I hope we can be respectful of our Trademark and not have to take things further. We have the money and will use it to protect our Trademark. Thank you.

Please let me know in 2 days other wise the Law Firm will take action. I'd rather not have to go that route.

Chris Davin
Executive Director
Henderson Equality Center
Pronouns: He, Him, His
p: 855-955-5428 x806
m: 630-386-5832
a: 1490 W Sunset Rd Suite 120, Henderson NV 89014
w: www.HendersonEqualityCenter.org
e: Chris.Davin@HendersonEqualityCenter.org

This message is confidential. It may also be privileged or otherwise protected by work product immunity or other legal rules. If you have received it by mistake, please let us know by e-mail reply and delete it from your system; you may not copy this message or disclose its contents to anyone. Please send us by fax any message containing deadlines as incoming e-mails are not screened for response deadlines. The integrity and security of this message cannot be guaranteed on the Internet.

EXHIBIT “E”

EXHIBIT “E”

STATUS

DOCUMENTS



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Print Preview

Generated on: This page was generated by TSDR on 2023-12-10 12:51:04 EST

Mark: HENDERSON PRIDE

Henderson Pride

US Serial Number: 90845925

Application Filing Date: Jul. 23, 2021

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Supplemental

Mark Type: Service Mark

TMS Common Status
Descriptor:

LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Amended to Principal
Register: No

Date Amended to Current: May 01, 2023

Register:

Status: Approved by the examining attorney for publication but has not yet published for opposition. Although rare, withdrawal of approval prior to publication may occur after final review. The opposition period begins on the date of publication.

Status Date: Sep. 19, 2023

Mark Information

Expand All

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [] indicate deleted goods/services.
- Double parenthesis () identify any goods/services not claimed in a Section 15 affidavit of incontestability, and
- Asterisks * identify additional (new) wording in the goods/services.

For: Charitable fundraising services by means of organizing and conducting fundraising events to promote Community outreach for LGBTQ, spreading awareness of equality

International Class(es): 036 - Primary Class

U.S. Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 2020

Use in Commerce: Feb. 2020

For: Organization of fashion parades for entertainment purposes

International Class(es): 041 - Primary Class

U.S. Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 2020

Use in Commerce: Feb. 2020

Henderson Pride

Wordmark: HENDERSON PRIDEStatus: **LIVE** **PENDING**

Goods & services: IC 036: Charitable fundraising services by means of organizing and...

Class: 036, 041

Serial: 90845925

Owners: INTERNATIONAL CULTURAL MOVEMENT FOR EQUALITY (CORPORATION; NEVADA, USA)

Henderson Pride Fest

Wordmark: HENDERSON PRIDE FESTStatus: **LIVE** **REGISTERED**

Goods & services: IC 035: Charitable services, namely, promoting public awareness for...

Class: 035, 036

Serial: 97165919

Owners: Henderson Equality Center (NON-PROFIT CORPORATION; NEVADA, USA)

EXHIBIT “F”

EXHIBIT “F”



August 13, 2021

Christopher Davin,

It has come to the attention of the Board of Directors of Las Vegas PRIDE that you accessed the Las Vegas PRIDE Mailchimp account on 8/3/21 to upload emails collected at the Reno/Northern Nevada Pride. Subsequent to your access to the system, several emails were received to email addresses in the Las Vegas PRIDE database that had previously not received any emails from Henderson Equality Center.

After reviewing information and evidence presented to the Board on 8/13/21, in accordance with our Bylaws, the Board has voted to proceed with disciplinary action which will result in your removal from the Board of Directors.

In accordance with our Bylaws, you will be given the opportunity to present evidence and statements for the Board to review before a subsequent final vote of the Board. You may reply in email at your convenience, or, attend a video conference call as early as 8/19/21 through 8/26/21 based on mutually agreed upon scheduling with the Board and yourself.

The charges against you from the Board's emergency meeting on 8/13/21 are as follows:

- **Misfeasance** – Chris Davin accessed proprietary information and without any authorization or permission, repurposed PRIDE data and assets for use at Henderson Equality Center.
- **Conflict of Interest** – Chris Davin breached conflict of interest by his actions of taking PRIDE assets and using them for Henderson Equality Center without authorization or permission

www.LasVegasPRIDE.org



- **Code of Conduct** – Chris Davin repeatedly contacted other Board members to discuss ongoing investigation and violated Code of Conduct items 1, 2, 3, 4, 5, 6, 8, and 10.
- **Vote of No Confidence** – The Board of Directors voted on 8/13/21, no confidence in Chris Davin’s ability to represent the organization with integrity or to serve as a Director on the Board of Directors.

Please coordinate scheduling or email reply in lieu of meeting with prideboard@lasvegaspride.org

Please DO NOT individually contact members of the Board of Directors to discuss this or other Las Vegas PRIDE issues.

Your ability to represent yourself as a member of Las Vegas PRIDE, to conduct any business on our behalf, or to communicate on our behalf is suspended immediately, pending resolution of this ongoing disciplinary action proceeding.

On behalf of the Board of Directors,

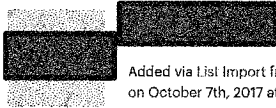
Las Vegas PRIDE

EXHIBIT “G”

EXHIBIT “G”

L A S V E G A S PRIDE®

◀ Back to Visitors



Actions ▾

Added via List Import from Copy/Pasted File
on October 7th, 2017 at 2:35 PM PT

Opted in on October 7th, 2017 at 2:35 PM PT

Email Marketing Engagement: Often ⓘ



Write a Note 1000 characters remaining

Write an internal note here

Add Note

Activity Feed

All Activity ▾

Henderson Equality Center School Supply Drive



Henderson Equality Center <Info@HendersonEqualityCenter.org> (Henderson Equality Center via mailchimpapp.net)

ⓘ If there are problems with how this message is displayed, click here to view it in a web browser.
The actual sender of this message is different than the normal sender. Click here to learn more.



Please contact me if you need any specific details. president@lasvegaspride.org

Thank you!

www.LasVegasPRIDE.org

EXHIBIT “H”

EXHIBIT “H”



August 13, 2021

To our valued community and supporters,

On 8/3/21 at 1:16pm, a Board member of Las Vegas PRIDE accessed our Mailchimp account to upload emails collected at Reno/Northern Nevada Pride. It has come to our attention that this Board member may have also accessed and exported the Las Vegas PRIDE email database and uploaded it to another organization's Mailchimp email system.

Las Vegas PRIDE takes the integrity of our Board members, the security of our data and information, and the collection and management of emails very seriously. As such, Las Vegas PRIDE has conducted a thorough investigation and has terminated the individual responsible for the breach.

While we support the work being done and the organization, we also encourage you to unsubscribe from the *Henderson Equality Center's* email subscription if your email was added to their database without your consent or permission.

Please contact me if you need any specific details. president@lasvegaspride.org

Thank you!

A handwritten signature in black ink, appearing to read "Brady McGill", written over a horizontal line.

Brady McGill
President
Las Vegas PRIDE

L A S V E G A S PRIDE®

HENDERSON EQUALITY CENTER

School Supply Drive / Event!

Join us for the School Supply Drive / Event! We will be collecting school supplies for students in need. The supplies will be distributed to the students through the Henderson Equality Center. The event will be held on Saturday, August 11th, from 10:00 AM to 2:00 PM. The event is free and open to the public. For more information, please contact the Henderson Equality Center at 702.261.1234.



Image 1: School Supply Drive / Event! Image 2: Back to School / Event!

Our mailing address is:

Henderson Equality Center
1490 W Sunset Rd Ste 120
Henderson, NV 89014-0635

Add us to your address book

Want to change how you receive these emails?

You can update your preferences or unsubscribe from this list



EXHIBIT “I”

EXHIBIT “I”

Oh, boy. This is a mess.

Can you send me the link to that page? I want to make sure I'm flagging the right FB page.

FACEBOOK

This Message Is From an External Sender

I had gotten quite far along the path actually – but it is my understanding that the person helping was laid-off.

Thank you!

From: Cynthia
Sent: Thursday, June 1, 2023 3:14 PM
To: brady@lasvegaspride.org;
Subject: Re: Las Vegas Pride Facebook Account

Hey, Brady. Great to meet you.

Can you share a bit of background on what happened and when you were no longer able to access the account? Also, if you submitted paperwork

EXHIBIT “J”

EXHIBIT “J”

LAS VEGAS PRIDE®

8/11/21 –Emergency Meeting – Disciplinary Action + Google Meets

Call to Order 8:01pm

Attendance	Lucas		
Present	Absent	Associate	Additional
Brady			
Lucas			
Lyndon			
Joslyn			
Steve			
Clair			
Freddy			
JC Lopez			
Trevor			
Brock			
Chris			

Explanation of Procedure & Order of Business	Brock	5 min
<ul style="list-style-type: none"> - Brock - Explanation of Procedure & Order of Business <ul style="list-style-type: none"> o IAW SOP 2, Disciplinary sessions may be called in the manner prescribed in the Southern Nevada Association of Pride, Inc. By-Laws and the Order of Business shall be as follows: <ol style="list-style-type: none"> 1. Call To Order (Chair) 2. Announcement of Closed, Special Session & Obligations of Secretary (Chair) 3. Explanation of Procedure & Order of Business (parliamentarian) 4. Reading of Citation from Minutes (secretary) 5. Presentation of Citation Letter & Receipt to Chair (secretary) 6. Appointment of Managers (Chair) 7. Inquiry As To Council for Accused - Appoint if Needed (Chair) 8. Reading of Charges & Specifications (Secretary) 9. Plea for Each Specification & Charge (Accused) 10. If Guilty Plea, Skip to #14, Otherwise <ol style="list-style-type: none"> a. Statement from SNAPI Chair b. Statement from Accused c. SNAPI Manager Questions Accused & Witnesses & Presents Case d. Accused Manager Questions Witnesses & Presents Defense 11. Debate (Board of Directors) 12. Chair Puts Forth the Question, "Is Mr./Mrs/Ms XXXXX guilty of the specifications and charges brought against them?" 13. Vote (each charge separately) 		

L A S V E G A S PRIDE®

14. Penalty Request (SNAPI Manager)
15. Penalty Debate (Board of Directors) & Vote
16. Verdict (Chair)
17. Adjourn

Plea for Each Specification & Charge	Chris	2 min
- Chris plead Not Guilty on all charges.		

Statement from Accused	Accused	5 min
Chris does not present a statement on his behalf, he only wishes to present evidence to show that he did not do a breach of our email system.		
Statement from Chair	Brady	10 min
- Freddy - review of reporting o		
	Questions	10 min
- Freddy, If Chris can please review what you we're presenting since he was driving. Asking for more clarification.		
Debate	Board Member	10 min
<ul style="list-style-type: none"> - Josyln, to clarify PR & Marketing firms must follow the same guidelines. But firms don't just send out mass emails. - Lucas, If I was on their email list why wouldn't I have received an email campaign before 8/4. I only received an email after he did a manual input entry after an event. - Brock, Chris just showed the whole board that the email in question were actually in his database. - JC, he never answered clearly how the emails were sent them out. - Freddy, 		
Presentes the Question	Brady	5min
<ul style="list-style-type: none"> - Brady - <ul style="list-style-type: none"> o Misfeasance (Bylaws – Section 7.1) – Chris Davin accessed proprietary PRIDE information and without any authorization or permission, repurposed PRIDE data and assets for use at Henderson Equality Center. o Conflict of Interest (Bylaws – Section 7.2) – Chris Davin breached conflict of interest by his actions in taking PRIDE assets and using them for Henderson Equality Center without authorization or permission. 		

L A S V E G A S PRIDE®

<ul style="list-style-type: none"> o Code of Conduct (Bylaws – Section 7.5) – Chris Davin’s actions in misuse of system access and sharing of proprietary data violated Code of Conduct items 1, 2, 3, 4, 5, 6, 8, and 10. o Vote of No Confidence (Bylaws – Section 7.4) – The Board of Directors voted on 8/13/21, no confidence in Chris Davin’s ability to represent the organization with integrity or to serve as a Director on the Board of Directors. 		
Voting	Brady	5 min
<ul style="list-style-type: none"> - Chair Puts Forth the Questions, Is Mr.Davin guilty of the specifications and charges brought against them; <ul style="list-style-type: none"> o 1- Misfeasance (Bylaws – Section 7.1), Guilty o 2- Conflict of Interest (Bylaws – Section 7.2), Guilty o 3- Code of Conduct (Bylaws – Section 7.5), Guilty o 4- Vote of No Confidence (Bylaws – Section 7.4), Guilty 		
Penalty Request	Brady	10 min
<ul style="list-style-type: none"> - Steve, we should offer up to Chris the option of resigning rather than be removed from the Board. - Josyln, also agrees with this method - Brady, - Brock, does anyone else have any recommendations to offer. - Brock, would like to motion for Chris to be given the opportunity to resign, if he does not follow through with that then he will be removed from the Board. Clair 2nds, Motion passes unanimously. 		
Verdict and Penalty	Brady	5 min
<ul style="list-style-type: none"> - Brady, reads the verdicts of the 4 charges to Chris and to the board. - Brady, the board has offered the option of a resignation in lieu of a removal. 		

EXHIBIT “K”

EXHIBIT “K”

Chris Davin is presenting

Home

Here's what's happening

Audience's week • Aug 25

240 Subscribers Imported or Updated

Audience's week • Aug 25

259 Subscribers Imported or Updated

Audience's week • Aug 27

75 Subscribers Imported or Updated

Audience's week • Aug 27

79 Subscribers Imported or Updated

Compass • Campaign • Aug 4

Social Post From August Calendar

Social Post • with posts to Facebook and Instagram

Total Audience

4,643

Total audience breakdown

Henderson Equality Center

2,930

Non-Profits

1,291

Visitors

422

2 others

8:18 PM | EMERGENCY Disciplinary Action Resolution ...

Chris Davin is presenting

Audience

Audience dashboard

August 4th

Opened the email School Supply Drive (copy 01)

4:00 PM PT

Opened the email School Supply Drive (copy 01)

1:53 PM PT

Opened the email School Supply Drive (copy 01)

1:53 PM PT

Opened the email School Supply Drive (copy 01)

1:52 PM PT

Opened the email School Supply Drive (copy 01)

12:44 PM PT

Opened the email School Supply Drive (copy 01)

12:44 PM PT

Was Sent the email School Supply Drive (copy 01)

7:22 AM PT

August 2nd

Added Manually

6:20 PM PT

8:20 PM | EMERGENCY Disciplinary Action Resolution ...

Chris Davin is presenting

Search Campaigns And Contacts

Outlook

Advanced search keywords

C	Client Brady - dherjanne33@yahoo.com Henderson Equality Center Subscribed on May 16, 2019, 9:53 AM	View Profile
B	brady@equal.healthlife.com Henderson Equality Center Subscribed on Oct 8, 2019, 9:06 PM	View Profile
B	brady@equal.healthlife.com Henderson Equality Center Subscribed on Oct 8, 2019, 9:06 PM	View Profile
B	brady@equal.healthlife.com Henderson Equality Center Subscribed on Oct 8, 2019, 9:06 PM	View Profile

8:21 PM | EMERGENCY Disciplinary Action Resolution ...

Type here to search

93°F AQI 87 8:21 PM 8/23/2021

Chris Davin is presenting

Home

Total Opans 269 Total Revenue \$0.00

Here's what's happening

Audience trend - Aug 5

5 unsubscribed from Henderson Equality Center

Completed Campaign - Aug 6

[Re-sent] August Calendar Email - Unsaved segment

Close 0.8% - Open 27.2%

Completed Campaign - Aug 3

Social Post From August Calendar

Social Post - with posts to Facebook and Instagram

Health 392 - Impressions 406 - Engagement 13

Total Audience 1,275

No changes this week

Total audience breakdown

Henderson Equality Center 1,275

No changes this week

8:22 PM | EMERGENCY Disciplinary Action Resolution ...

Type here to search

93°F AQI 87 8:22 PM 8/23/2021

meet.google.com/ztd-xfbi-dbf-authuser=1

Chris Davin is presenting

Search Campaigns And Contacts

Everything

Advanced search keywords:

Lucas Lucus - lucas@lucusspide.org
Henderson EquiRay Center
Unsubscribed on Dec 31, 1993, 04:00 PM

Chris Davin Brock Allen
Lucas Rangel Trevor Harder
Jean Carlos Lopez Clair Koetitz
Freddy Lopez 2 others

8:23 PM | EMERGENCY Disciplinary Action Resolution ...

Type here to search

93°F AQI 87 8:23 PM 8/23/2021

meet.google.com/ztd-xfbi-dbf-authuser=1

Chris Davin is presenting

Lucas Lucus

Added via List Import from CSV on November 30th, 2020 at 6:58 PM PT
Opted in on June 30th, 2019 at 6:59 PM PT

Write a Note 1000 characters remaining
Write an internal note here

Activity Feed

June 30th, 2019
Added Manually 6:59 PM PT

Handerson
Henderson EquiRay
Center

Tags

No tags for this contact

0% Open rate 0% Click rate

Total revenue: — Average order value: —
Connect your store to get order data.

Profile Information

Email Address: lucas@lucusspide.org
First Name: Lucas
Last Name: Lucus
Address: —
Phone Number: 000-000-0000

Groups

Interested in: —

Other

Language: Not Detected
Location: Las Vegas, NV, USA

Chris Davin Brock Allen
Lucas Rangel Trevor Harder
Jean Carlos Lopez Clair Koetitz
Freddy Lopez 2 others

8:23 PM | EMERGENCY Disciplinary Action Resolution ...

Type here to search

92°F AQI 87 8:23 PM 8/23/2021

EXHIBIT “L”

EXHIBIT “L”



Derek McClanahan-Washington

April 26 · 🌐

...

Does anyone remember when I got thrown off the board after I asked to see the books? They pushed my name into that mud saying I was a troublemaker and didn't pull my weight. I simply wanted to know why Chris felt the need to purchase SIX FLAT SCREEN TVs for such a small space. He talked so much shit about me and really made me sad. I really wanted to do great things on that board against the advice of several community leaders. And the other board members voted me off. I don't feel vindicated. This just brings up trauma I didn't realize until now I still was carrying buried inside me.

?

LASVEGASPRIDE.ORG

Christopher "Chris" Davin & Trevor Harder

CHRISTOPHER "CHRIS" DAVIN & TREVOR HARDER Las Vegas PRIDE Board of Directors Adopt a Vote of No Confidence in Christopher "Chris" Davin & Trevor Harder Las Vegas, NV, April 20, 2023: It is with great consideration...

L A S V E G A S
PRIDE

EXHIBIT “M”

EXHIBIT “M”



Sean VanGorder

April 26 · 🧑🏻🧑🏻🧑🏻

...

I stayed polite and political about this for far too long. It's time to come forward- Chris Davin and Trevor Harder are the greatest scam artists to the LGBTQ+ community in Las Vegas.

They have stolen donor lists, bashed dedicated and caring volunteer leaders, attacked valuable queer-supported Vegas organizations, and have continued on a journey of full destruction of non-profit and political orgs that fight for our freedoms and help gain us access to valuable services every day. As of now, they have attacked Las Vegas Pride to the point of having their social media access removed- just before June Pride month- one of their most important months for engagement and exposure.

It's time for the Vegas queer community to be transparent about the toxic attacks these two humans have participated in. It's time for them to go and for the rest of us to unite. Take it from me- I know personally about the toxicity of these two.

i

LASVEGASPRIDE.ORG

Christopher "Chris" Davin & Trevor Harder

CHRISTOPHER "CHRIS" DAVIN & TREVOR HARDER Las Vegas PRIDE Board of Directors Adopt a Vote of No Confidence in Christopher "Chris" Davin & Trevor Harder Las Vegas, NV, April 20, 2023: It is with great consideration...



You, Kevin Heward, Eric Abram and 19 others

5 comments 1 share



Love



Comment



Share

EXHIBIT “N”

EXHIBIT “N”



Jennifer McHugh

April 26 · 🌱

...

It's. About. Fucking. Time.

Chris Davin bullied me **RELENTLESSLY** after I resigned from the Henderson Equality Board, and then he proceeded to slander me throughout the Vegas LGBT community.

He created a **COMPLETELY** false narrative about my resignation - telling people that he kicked me off - which couldn't be further from the truth, and **THEN** proceeded to air out my personal struggles that I shared with him in confidence - after my son went to live with other family members.

He is a **TERRIBLE** person.

He is a thief who steals from the community, the State of Nevada (via falsified UI claims, PPP loans, and unreported donations) all of which became clear when I asked to see the financials and was repeatedly refused access.

This is **LONG** overdue and I couldn't be more proud of Las Vegas Pride for publicly standing up to these two filthy trash bags 🗑️

i

LASVEGASPRIDE.ORG

Christopher "Chris" Davin & Trevor Harder

CHRISTOPHER "CHRIS" DAVIN & TREVOR HARDER Las Vegas PRIDE Board of Directors Adopt a Vote of No Confidence in Christopher "Chris" Davin & Trevor Harder Las Vegas, NV, April 20, 2023: It is with great consideration...

L A S V E G A S
PRIDE



You, Jon Rube, Heidi Burgener and 13 others

19 comments



Love



Comment



Share



Jennifer McHugh

October 20, 2020 · 2

Good morning.

I want to publish a conversation I just had with Chris Davin - the Director of the Henderson Equality Center - so that the community can be informed as to what type of person runs the organization to which they may be donating time or money.

For clarification purposes - I resigned from the HEC Board because my son had just made the decision to move in with MY dad - with whom I've had a very painful past. After 11 years of blood, sweat and countless tears working through my son's mental illnesses and then feeling like I failed with him - I was not in a good place.

I advised Chris that I had planned to check in to a facility for a few days to help me focus on what's important because I was having some thoughts about ending my life.

He messaged me out of the blue yesterday after seeing that I left the FB message group for Board members, and at that point - I was already aware that he had been bullying other community leaders and told him that I was aware of his behavior, and that I did not want my name associated with an organization who is led by someone who was behaving the way he was.

This person has NO BUSINESS running an LGBT organization where he has the responsibility to assist members of our community who may be in crisis.

If you want to volunteer your time and/or donate your hard earned money to LGBT focused places - there are others here in Vegas who are much more worthy.

Please share this so that anybody who might be considering seeking group support help from, or getting involved with HEC - is aware.

Have a good day guys.

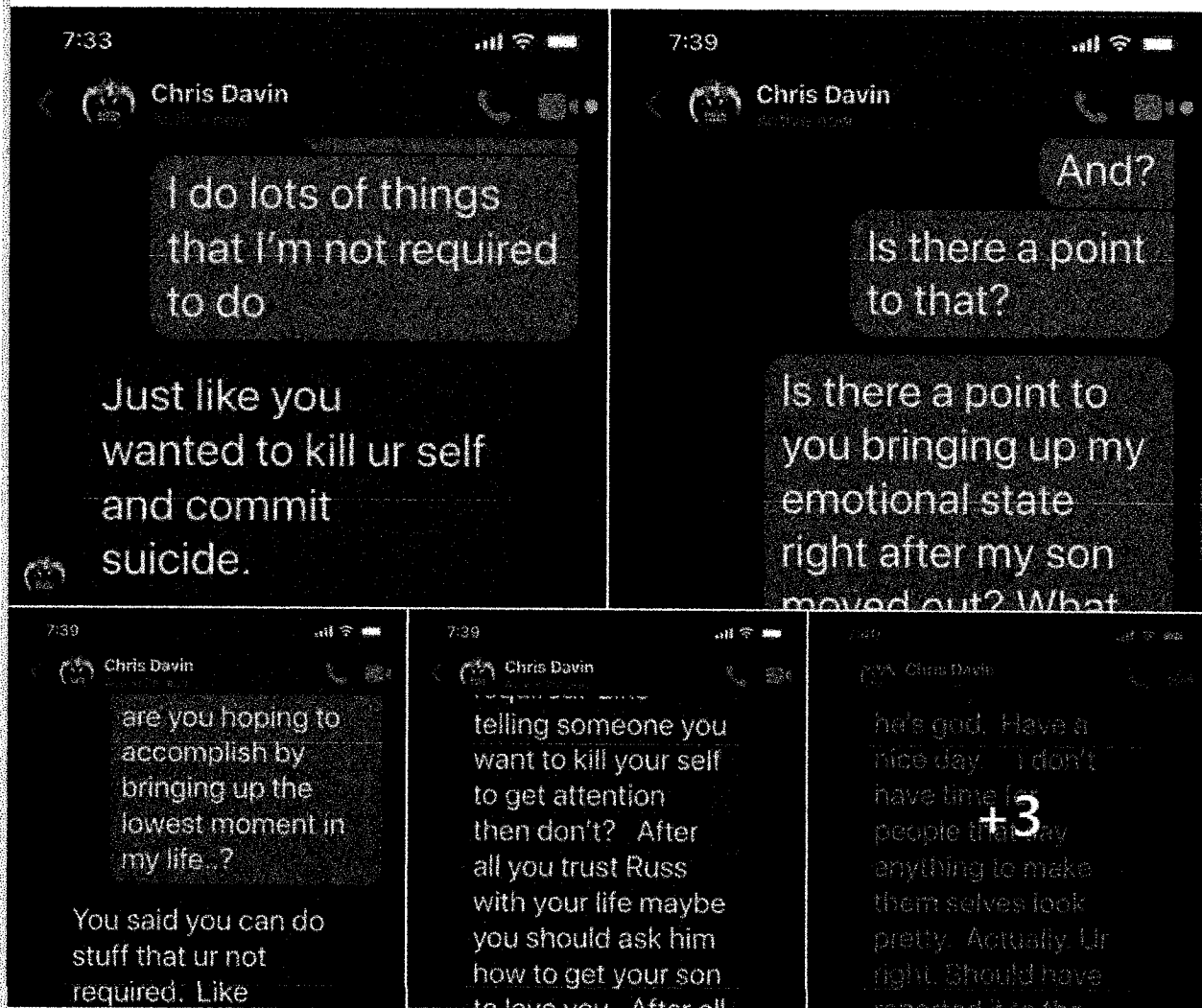


EXHIBIT “O”

EXHIBIT “O”

From: brady@lasvegaspride.org
To: "Nicole Williams"
Subject: RE: Las Vegas Aces Pride Night Chris Davin Encounter
Date: Thursday, June 22, 2023 11:16:08 AM

Thank you, Nicole – its sad to see this individual persist as a problem but I know we will eventually overcome his negativity and hate. Stay strong and know that I am also doing my best to figure out a solution to all this.

Please feel free to send any other thoughts or situations and I will continue to compile and work for solutions.

Thank you!

Brady McGill

President

Las Vegas PRIDE

p: 866-930-3336 m: 702-491-6751

(Visitors) <https://goo.gl/Fd8qpE>

(Locals 21+) <https://goo.gl/4tGhnf>

VENDORS / PARADE 2022 | - <https://lasvegaspride.veventa.com>

From: Nicole Williams <info@setlifeimages.com>
Sent: Wednesday, June 21, 2023 3:58 PM
To: Brady McGill <brady@lasvegaspride.org>
Subject: Las Vegas Aces Pride Night Chris Davin Encounter

Good Afternoon Brady -

I apologize for the delay. On June 16th during the Las Vegas Pride Night Game my HOVP Team was walking around the concourse engaging with the attendees. During this time Chris Davin decided to start talking loudly in a public setting where businesses tabling the event and attendees walking getting my 2 team members attention to inform them that I will be receiving a letter and he's going to sue me for defamation of character due to my support in the Las Vegas Pride Letter of informing the community of Chris Davin's unethical behavior within the Non-Profit Community.

They returned back to our booth in the concourse confused and asked me what he was referring to for him to say I am getting sued. They felt uncomfortable and did not want to go in the direction of the Henderson Equality Center's Booth again because they said they were embarrassed.

I myself personally stayed at my booth and chose not to walk around as I did not want to encounter the same situation and embarrass myself as I was there representing House of Vegas Pride wearing company apparel.

He stated that I should be receiving the letter this week as I haven't received anything yet, but it's

stressful not knowing what Chris is going to do because he is never held accountable for his bullying behavior in our community. I do not speak with him or engage, and I think he should just do the same instead of turning a positive evening into a harassing confrontation with my team.

This was their first time attending an event of this caliber and Chris ruined it for them by his distasteful unwelcoming behavior as a community organizer participating in the same event.

Thank you,

Nicole Williams

4262 Blue Diamond Road

Ste. 361-102

Las Vegas, NV 89139

setlifeimages.com

NOTICE OF CONFIDENTIALITY: This message is intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately. Thank you.

EXHIBIT “P”

EXHIBIT “P”

From: [Smithman Productions](#)
To: brady@lasvegaspride.org
Subject: Re: Regarding Chis Davin & Henderson Equality Center
Date: Monday, May 1, 2023 8:57:29 AM

Thanks for reaching out Brady.

I agree that a bullet point like that sounds great. Perhaps you could word it similar to this; “we have received reports from local businesses of theft and unpaid bills.” I think it is important to warn other businesses, especially to avoid the perception that Mr. Davin, Mr Hardy and The Henderson Equality Center only steal from other non-profit organizations. They are equal opportunity bullies and thieves.

Lastly, I have distributed your online message to several colleagues, particularly the Henderson Chamber of Commerce and the City of Henderson.

Please let me know how I can be of further assistance.

Dan

Dan Smithman
Smithman Productions
1452 West Horizon Ridge Parkway
Suite 148
Henderson, NV 89012
Phone: (866) 469-7766 ext. 1
Fax: (888) 359-1777
Email: dan@smithman.us
www.smithman.us
ASI # 190720
PPAI # 237129



On Apr 30, 2023, at 8:57 PM, <brady@lasvegaspride.org>
<brady@lasvegaspride.org> wrote:

Hi Dan – it’s unfortunate to hear this story. We are doing our best to prevent others from falling victim to these scammers and taking a stand was our first part. We have unfortunately received other new stories coming forward too already. I can keep this out of our post, or I could add a bullet point that says something to the effect that we have received reports of theft and or unpaid bills and just leave it at that, or I can keep the info internal too – please let me know either way.

We ask others to share the info with others and to report them to the proper authorities. By getting this post to and keeping it high in Google results it will cut them

off from resources and ensure others who plan business with them will be able to have some warning.

Thank you!

Brady McGill

President

Las Vegas PRIDE

p: 866-930-3336 m: 702-491-6751

(Visitors) <https://goo.gl/Fd8qpE>

(Locals 21+) <https://goo.gl/4tGhnf>

VENDORS / PARADE 2022 | - <https://lasvegaspride.veventa.com>

From: Smithman Productions <dan@smithman.us>

Sent: Sunday, April 30, 2023 3:47 PM

To: info@lasvegaspride.org

Subject: Regarding Chis Davin & Henderson Equality Center

To whom it may concern:

Last year our company was the victim of Chris Davin's and Trevor Hardy's shady and unethical behavior. After we chose to separate doing business with them due to erratic behavior and an unpleasant work environment, Mr. Davin and Mr. Harder decided to withhold thousands of dollars worth of custom-branded merchandise, mannequins and retail fixtures from us. We spent thousands of dollars more hiring an Attorney in an effort to get our merchandise and fixtures back, but we were unsuccessful. The Henderson Equality Center continues to sell the merchandise that they stole from for a profit.

We were pleased to discover the online message from Las Vegas Pride regarding Chris Davin, Trevor Harder and the Henderson Equality Center. Please let us know how we can participate fully behind-the-scenes to expose them for who they are in an effort to protect other business and organizations from unnecessary stress and potential harm. As much as we would like to proudly stand with you by including our logo with the other fine organizations shown, our Attorney has advised us to remain anonymous to avoid the predictable backlash from them.

We have already shared your letter to several colleagues. Please let us know how we can assist you in getting the message out to more community businesses and organizations.

Sincerely,

Dan Smithman

Dan Smithman
Excellence LLC / Smithman Productions
1452 West Horizon Ridge Parkway
Suite 148
Henderson, NV 89012
Phone: (866) 469-7766 ext. 1
Fax: (888) 359-1777
Email: dan@smithman.us
www.smithman.us
ASI # 190720
PPAI # 237129

EXHIBIT “Q”

EXHIBIT “Q”

From: [Timothy Buchanan](#)
To: brady@lasvegaspride.org
Subject: RE: Incident - Henderson Food Pantry today
Date: Wednesday, July 26, 2023 3:43:40 PM
Attachments: [image001.png](#)
[image002.png](#)

Very Happy to help, don't want this kind of thing happening in our community.
Best, Tim

Tim Buchanan | City of Henderson | Public Affairs
timothy.buchanan@cityofhenderson.com

Office of the Mayor and Council

240 S Water Street, PO Box 95050, MSC 142, Henderson NV 89009-5050
Office: 702-267-2076 | Fax: 702-267-2081 | Cell: 702-241-2185

HENDERSON

From: brady@lasvegaspride.org <brady@lasvegaspride.org>
Sent: Wednesday, July 26, 2023 3:42 PM
To: Timothy Buchanan <Timothy.Buchanan@cityofhenderson.com>
Subject: RE: Incident - Henderson Food Pantry today

EXTERNAL EMAIL – USE CAUTION

I very much appreciate you and your follow up on this – I hope we can help Mr. White and ensure others receive better results for the future too.

Thank you!

Brady McGill
President
Las Vegas PRIDE
p: 866-930-3336 m: 702-491-6751
(Visitors) <https://goo.gl/Fd8qpE>
(Locals 21+) <https://goo.gl/4tGhnf>
VENDORS / PARADE 2022 | - <https://lasvegaspride.veventa.com>

From: Timothy Buchanan <Timothy.Buchanan@cityofhenderson.com>
Sent: Wednesday, July 26, 2023 3:36 PM
To: brady@lasvegaspride.org
Subject: FW: Incident - Henderson Food Pantry today

Hi Brady,

Ms. Rondalynne McClintock indicated that she would welcome any assistance that you/LV Pride may be able to help her friend with (the gentleman who she reported was treated badly at the Equality Center). Her contact information is:

Rondalynne McClintock, M.Ed.
FeatherNest CoLearning Group
feathernestcl@gmail.com
888-249-0512

In the email train below you will find her original outreach and report, and my response from the City.
Best,
Tim

Tim Buchanan | City of Henderson | Public Affairs
timothy.buchanan@cityofhenderson.com

Office of the Mayor and Council

240 S Water Street, PO Box 95050, MSC 142, Henderson NV 89009-5050
Office: 702-267-2076 | Fax: 702-267-2081 | Cell: 702-241-2185

On Mon, Jul 3, 2023 at 4:14 PM Timothy Buchanan <Timothy.Buchanan@cityofhenderson.com> wrote:

HENDERSON

July 3, 2023

Ms. Rondalynne McClintock, M.Ed.

FeatherNest CoLearning Group

Hi Ms. McClintock –

Thank you for your note and confirmation. The City of Henderson is not involved in the management of the Equality Center's food pantry or the operations of the Center in general, they are an independent organization and registered as a non-profit corporation. Unfortunately, after review of your description of the incident, there does not appear to be a basis in the law for the City of Henderson's involvement. With respect to Mr. White's treatment at the Equality Center, the City is not empowered to enforce Federal legislation related to civil rights or discrimination based upon race or other factors. The Department of Justice is responsible for ensuring the enforcement of the laws of the United States federal government, including those related to the civil and constitutional rights of all Americans. The local southern Nevada contact for the Department of Justice is the United States Attorney's Office for the District of Nevada. The southern Nevada contact for the United States Attorney's Office for the District of Nevada is provided below:

U.S. Attorney's Office

501 Las Vegas Boulevard South

Suite 1100

Las Vegas, NV 89101

Tel. (702) 388-6336, (800) 539-8002

While we cannot provide a legal opinion on the incident you describe and federal law, a consultation may help clarify whether or not there are any further actions that Mr. White may take in response. Other steps that you may choose to take include leaving comments on their behavior on any public rating sites where they are listed including ChamberofCommerce.com:

<https://www.chamberofcommerce.com/business-directory/nevada/henderson/gay-lesbian-organization/2014761447-henderson-equality-center>

On behalf of Councilman Seebok, we are sorry we are not able to provide more assistance to Mr. White in this matter. We hope that Mr. White is able to work with an alternate organization to access the items he needs. In this light, the Councilman asked that we also provide you with information on some of the nutrition assistance programs that are offered by the City, these are listed below:

1. USDA COMMODITY FOOD PROGRAM

The USDA commodity food program assists low income seniors with food. It provides groceries that may include items such as beans, cheese, pasta or rice, canned fruit and vegetables, dry or evaporated milk, peanut butter, cereals, juices, and tuna or canned meat.

Call Senior Services at 702-267-2956 for an application and eligibility requirements.

The following paperwork is required to complete the application:

- Picture ID – Nevada driver's license or ID
- Proof of residence (copy of utility, electric or gas bill)
- Proof of income, such as a copy of a Social Security award letter or a copy of a recent bank statement

Once your application is received and reviewed, you will be placed on a waiting list. Even though you're on the waiting list, please visit us each month on commodities day at 1pm. Unclaimed commodities are distributed at that time to patrons on the waiting list on a first come, first served basis.

2. CONGREGATE MEALS

If you are age 60+ and need food assistance, please call 702-267-2950. Lunch for a very small donation is served in the dining room of two City of Henderson Senior Centers:

Downtown Senior Center: 11:15am-12:15pm, Monday-Friday

Heritage Park Senior Facility: 11:00am-1:00pm, Monday-Friday

AGE	PRICE
Ages 60+	Suggested donation of \$2.50
Ages 59 & under	\$5 per meal

Eligibility: Individuals 60 and over who are homebound. The spouse of someone who qualifies may qualify as well, regardless of age.

You need not be a member of Heritage Park Senior Facility.

- Print and complete the congregate client registration form and drop it off at Heritage Park Senior Facility or send by mail to: City

of Henderson, Parks and Recreation Department, Attn: Black Mountain Senior Nutrition, 240 Water St. P.O. Box 95050 MSC 411, Henderson, NV 89009-5050.

- [Congregate client registration form](#)
- [Congregate client notice of privacy practices](#)

- Sign in at the desk in the dining room. A donation box is available to receive donations.
- Receive a ticket.
- Be seated and your meal will be served. Tickets are an indication that you have signed in and do not represent serving orders.

3. MEALS ON WHEELS

Meals are delivered to individuals who live in Henderson at home and who are homebound and age 60 or above. The program provides one hot meal each weekday, two frozen meals delivered for the weekend, and two quarts of milk each week.

Homebound Meals Referral Form

Eligibility Requirements

- Henderson resident
- Age 60 and above
- Homebound
- Have a physical condition that prohibits the preparation of meals and attendance at a congregate meal site

Procedure

- Contact us by phone at 702-267-2960 or by fax at 702-267-2951 to complete a homebound meals referral form.
- Staff will contact the applicant to arrange a home visit.
- During the home visit, staff will assess the applicant for eligibility.
- Staff will provide other referrals as needed by the client.

What Meals on Wheels Provides

- One hot meal each day Monday through Friday.
- Two frozen meals delivered for weekend meals.
- Milk is available for the meals.

4. SENIOR FARMERS' MARKET PROGRAM

USDA Farmers' Market coupons may be available each spring to assist low income seniors with fresh fruits and vegetables. Participants must be able to prove Nevada residency with a state-issued ID.

Call 702-267-2956 for eligibility and information.

Our staff also recommends that Mr. White contact Hopelink of Southern Nevada to see if they would be able to assist him in some way with accessing the same type of resources that he was able to find at the Equality Center. Hopelink is located at 178 Westminster Way, Henderson, NV 89015 and their phone number is 702-566-0576.

We hope the information provided is of value and that Mr. White is able to find a more welcoming organization to assist him.

Sincerely,

Tim

Tim Buchanan | City of Henderson | Public Affairs

timothy.buchanan@cityofhenderson.com

Office of the Mayor and Council

240 S Water Street, PO Box 95050, MSC 142, Henderson NV 89009-5050

Office: 702-267-2076 | Fax: 702-267-2081 | Cell: 702-241-2185

HENDERSON

From: FeatherNest CoLearning Group <feathernestcl@gmail.com>

Sent: Friday, June 30, 2023 7:54 AM

To: Timothy Buchanan <Timothy.Buchanan@cityofhenderson.com>

Subject: Re: FW: Terrible treatment at the Henderson Food Pantry today

EXTERNAL EMAIL -- USE CAUTION

Hello Mr. Buchanan,

Thank you so much for getting back to me. Yes, my friend experienced poor treatment at the Food Pantry run by the Henderson Equality Center at 1490 W Sunset Rd, Suite 120 in Henderson.

Can you help?

On Tue, Jun 27, 2023 at 11:13 AM Timothy Buchanan <Timothy.Buchanan@cityofhenderson.com> wrote:

Good Morning Ms. McClintock,

Councilman Seebock asked me to review the unfortunate and inappropriate incident you brought to his attention. To confirm, it appears that the "Henderson Food Pantry" that you refer to in your complaint appears to be the Food Pantry run by the Henderson Equality Center at 1490 W Sunset Rd, Suite 120 in Henderson?

I initially tried calling you on the number shown in your e-mail signature block and left a message to the same effect.

Thank you-

Tim

Tim Buchanan | City of Henderson | Public Affairs

timothy.buchanan@cityofhenderson.com

Office of the Mayor and Council

240 S Water Street, PO Box 95050, MSC 142, Henderson NV 89009-5050

Office: 702-267-2076 | Fax: 702-267-2081 | Cell: 702-241-2185

HENDERSON

Begin forwarded message:

From: FeatherNest CoLearning Group <feathernestcl@gmail.com>

Date: June 20, 2023 at 4:40:27 PM PDT

To: info@hendersonequalitycenter.org

Cc: Toby.Yurek@asm.state.nv.us, Nicole.Rourke@cityofhenderson.com, James Seebock <jim@jimseebock.com>

Subject: Terrible treatment at the Henderson Food Pantry today

Dear Henderson Food Pantry,

I am writing to bring a concerning incident to your attention, which took place around 2 PM today at the Henderson Food Pantry. A close friend of mine, who is a disabled senior with limited vision, sought assistance at your facility but unfortunately had a distressing experience that I believe requires immediate attention.

Upon his arrival, my friend Roussel White was informed that he must fill out a form on a computer to receive the help he needed. Although he was provided with a laptop, his low level of computer literacy and need for a large font to read information presented significant challenges. When he reached out to the attendant for assistance, he was met with the response that no obligation existed to provide the support he required.

Despite his repeated requests for help, my friend was unable to receive the assistance he needed, resulting in mounting frustration. Eventually, in a moment of exasperation, he slammed the computer and left the premises. Shockingly, the attendant followed him outside and proceeded to use a racial slur, making disparaging remarks about his personal circumstances and judging his need based on the car he drives—an inherited 15-year-old Audi.

This demeaning, humiliating, and unnecessarily frustrating experience was deeply distressing for my friend, who is already facing the challenges of being a disabled, low-income senior. It is disheartening to witness the poor treatment he endured solely due to his economic circumstances.

Additionally, I must express my disappointment with the response I received when I personally called the Henderson Food Pantry to discuss this matter. The person who answered the phone not only interrupted me but also displayed a lack of willingness to listen, talking over me and exhibiting rudeness that ultimately led me to hang up, as I could not bear the person's berating manner. I believe it is essential for those serving this vulnerable population to receive adequate training and possess the necessary personality traits to effectively engage with seniors, individuals with disabilities, and the chronically poor.

I implore you, as the leadership of the Henderson Food Pantry, to thoroughly investigate this incident and take immediate action to address the concerns raised. It is crucial that steps are taken to ensure that all staff members and volunteers receive comprehensive training in empathy, inclusivity, and effective communication. Staff should be able to effectively assist individuals from diverse backgrounds and circumstances.

Moreover, I strongly recommend implementing protocols to accommodate individuals with varying levels of computer literacy and visual impairments, ensuring equitable access to support services. This could involve providing dedicated staff or volunteers who can offer technical assistance or exploring alternative methods of form completion for those facing difficulties with computer usage.

By promptly addressing these concerns and enacting measures to prevent similar incidents in the future, you have an opportunity to foster a more compassionate and respectful environment within the Henderson Food Pantry. I have faith in your commitment to rectify this matter promptly and to create a space that upholds the values of dignity, respect, and equal treatment for all individuals, regardless of their circumstances.

I kindly request your prompt response, sharing the actions you intend to take to address these issues and prevent such distressing incidents from recurring. Together, we can work towards ensuring that the Henderson Food Pantry fulfills its mission of serving the community with compassion, sensitivity, and the utmost respect.

Thank you for your immediate attention to this matter.

Sincerely,

Rondalynne McClintock--
Rondalynne McClintock, M.Ed.
FeatherNest CoLearning Group
888-249-0512



Let's Chat: calendly.com/feathernestcl_roni
Visit Our Website: <https://feathernestcl.com/>
Take a [Virtual Tour of our Space](#)

City of Henderson Survey



PUBLIC RECORDS NOTICE: In accordance with NRS Chapter 239, this email and responses, unless otherwise made confidential by law, may be subject to the Nevada Public Records laws and may be disclosed to the public upon request.

--
Rondalynne McClintock, M.Ed.
FeatherNest CoLearning Group
888-249-0512



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Rondalynne McClintock, M.Ed.
FeatherNest CoLearning Group
888-249-0512



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--
Rondalynne McClintock, M.Ed.
FeatherNest CoLearning Group
888-249-0512

EXHIBIT “R”

EXHIBIT “R”

HENDERSON

March 23, 2022

Board of Directors
Henderson Equality Center
Henderson, Nevada

Re: Required Changes in Engagement and Communication, Pride Fest and Parade

The City of Henderson established a partnership with the Henderson Equality Center for the inaugural Henderson Pride Fest and Parade with the vision of hosting an event that will celebrate diversity, enrich our culture, bring enjoyment to our residents and visitors, and benefit to our business community. As of today's meeting, the outcomes that both organizations seek are under very serious threat. To mitigate the issues identified, the City will require an immediate and significant change in the Equality Center's approach to communication of all types and engagement with stakeholders. These changes are identified below:

PARKS & RECREATION

1. No emails, social media or verbal statements threatening or predicting negative impacts to the City and its reputation or standing.
2. Calm and professional demeanor maintained at all times while engaging with City staff in writing, on social media, on the telephone, or in-person.
3. No demands for exclusivity in terms of City events that are aimed at the LGBTQ community.
4. Only clear and accurate information provided to City staff about sponsors, entries and vendors committed to the event.

BUSINESS COMMUNITY

1. No intimidation or threats to business owners on Water Street or elsewhere in Henderson of being labeled or shunned or the City's reputation being tarnished when seeking support for the event.
2. No expectations expressed that any particular business in Henderson would donate a specific amount for an event being held for the first time with no history of potential financial impact to the business.
3. No discussion with the business community of the various disputes with ICME/Henderson Pride.
4. No emails, social media or verbal statements threatening or predicting negative impacts on businesses or their reputation or standing in the community.

240 S. Water St., Henderson, NV 89015
cityofhenderson.com

Christopher Reynolds
Shellhammer
CD

HENDERSON

HPD

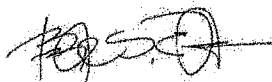
1. No unsubstantiated attacks on the professionalism of Henderson Police Department or its individual officers.
2. Maintain respectful behavior towards officers if being given the same.
3. No complaints about the need for HPD to manage public safety for an event of this potential scale; HPD are required to manage public safety for this event in the same manner as they are required to do for other events of a similar scale.

MAYOR AND COUNCIL, CITY GENERAL

1. No emails, social media or verbal statements threatening or predicting negative impacts on City officials or their reputation, on City departments, or the City as a whole.
2. No communication with the City officials about the various disputes with ICME/Henderson Pride.
3. No communication with the Mayor and Council about the mechanics of putting on the parade or associated agreements or requirements; these aspects are being conducted per the City's standard procedures and discussions must be held with the staff members that have responsibility for these aspects.

The Henderson Equality Center's commitment and ability to adhere to the requirements outlined above is required for the City to continue to move forward with this event as planned.

Sincerely,



Bristol S. Ellington
Deputy City Manager / Chief Operating Officer

EXHIBIT “S”

EXHIBIT “S”

From: Chris Davin <chris.davin@equalitynv.org>
Date: January 1, 2020 at 8:08:59 PM PST
To: chris.davin@equalitynv.org
Subject: Follow Up Request
Reply-To: Chris Davin <chris.davin@equalitynv.org>

Good evening,

I wanted to reach out because 2020 is here and started and we need the support of our local businesses like yours. On Jan 16, 2020 we are hosting a silent auction for the Complete Diversity Sports Awards Gala, an event that raises money to put youth in sports. Over 4k people from all over the world will be in attendance for this event.

If you're not able to make the Jan 16 event, we have more events coming. We have another Gala in March we are putting together a Gala to raise money to get the homeless youth off the streets here in Las Vegas. We are helping put together a Host Home Project that will replace shelters with locals that open up their homes to allow homeless youth a chance to get on their feet and become productive in society.

We are also looking for sponsors and donors that can help us out with our monthly bingo event. In the past this event has brought over 300-400 locals to come play bingo and raise money for charity.

In the summer of 2020 we will be working on putting together a 2 day weekend festival. That will open the door for more companies to sponsor and showcase their company.

Right now this is a amazing time to help us with your donation or sponsorship. We can't do what we do for the community without your help. We are a nonprofit 501c3 organization and we rely on the help from our sponsors and donors.

Attached is a donation form and sponsorship form for your convenience. If you donate an item that requires pickup, simply note that information on the donation form when you return it via e-mail and we will gladly arrange a convenient time to coordinate the pickup. Items can also be mailed to us at: Chris Davin, Equality Nevada, 4359 Stony River Ct, Las Vegas NV 89115.

The Equality Nevada Silent Auction Committee and Sponsorship Committee is optimistic you can help us in the fight to achieve equality for all Americans in our state. If you have any questions, please feel free to contact me at Chris.Davin@EqualityNv.org

Chris Davin
Founder and President Equality Nevada
Pronouns: He, Him, His

p: 855-955-5428 x806
m: 630-366-5832
o: 702-389-4255
a: PO BOX 364433 North Las Vegas NV 89036
o: 4539 Stony River Ct, Las Vegas NV 89115
w: www.EqualityNV.org
e: Info@EqualityNV.org

From: Gustavo Davis <gusruizphit@gmail.com>
Date: Wednesday, January 1, 2020 at 10:19 PM
To: Chris Davin <chris.davin@equalitynv.org>
Subject: Re: Follow Up Request

Hi CHRIS..

Thank you for reaching out. I love helping and contributing to any cause that helps improve our LGBTQ community in any way shape or form.

Before we go any further, I'm curious to know. How did you get my personal email address?

Thank you and hope to hear from you soon.

Gustavo Davis.

On Jan 1, 2020, at 8:09 PM, Chris Davin <chris.davin@equalitynv.org> wrote:

Good evening,

I wanted to reach out because 2020 is here and started and we need the support of our local businesses like yours. On Jan 16, 2020 we are hosting a silent auction for the Complete Diversity Sports Awards Gala, an event that raises money to put youth in sports. Over 4k people from all over the world will be in attendance for this event.

If you're not able to make the Jan 16 event, we have more events coming. We have another Gala in March we are putting together a Gala to raise money to get the homeless youth off the streets here in Las Vegas. We are helping put together a Host Home Project that will replace shelters with locals that open up their homes to allow homeless youth a chance to get on their feet and become productive in society.

We are also looking for sponsors and donors that can help us out with our monthly bingo event. In the past this event has brought over 300-400 locals to come play bingo and raise money for charity

In the summer of 2020 we will be working on putting together a 2 day weekend festival. That will open the door for more companies to sponsor and showcase their company.

From: Chris Davin <chris.davin@equalitynv.org>
Date: January 1, 2020 at 10:28:39 PM PST
To: Gustavo Davis <gusruizphit@gmail.com>
Subject: Re: Follow Up Request

Thank you so much for replying so fast. We have a large group of people that work on our Silent Auction, Sponsorships and donations. It could have been thru a person on the committee that might have worked with you in the past on something else and they added you to our list of potential companies to reach out too. I do apologies, but I can't give a 100% answer. I will send on email out to the committee working on the email list and see if anyone might have added you.

Chris Davin

Founder and President

Equality Nevada

Pronouns: He, Him, His

p: 855-955-5428 x806 m: 630-386-5832 o: 702-389-4255

a: PO BOX 364433 North Las Vegas NV 89115

w: www.EqualityNV.org e: Info@EqualityNV.org



This message is confidential. It may also be privileged or otherwise protected by work product immunity or other legal rules. If you have received it by mistake, please let us know by e-mail reply and delete it from your system; you may not copy this message or disclose its contents to anyone. Please send us by fax any message containing



NITD

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, a Nevada nonprofit corporation;
HUMAN RIGHTS CAMPAIGN, INC., a
District of Columbia nonprofit corporation;
**HOLY ORDER SIN SITY SISTERS OF
PERPETUAL INDULGENCE, INC.**, a
Nevada nonprofit corporation;
**INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY**, a Nevada
non-profit corporation; **GENDER JUSTICE
NEVADA**, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; **SOCIAL
INFLUENCE FOUNDATION DBA
HOUSE OF VEGAS PRIDE**, a Nevada non-
profit corporation; and **JOHN PHOENIX,
APRN, PLLC DBA HUNTRIDGE
FAMILY CLINIC**, a Nevada professional
limited liability company, **GOLDEN
RAINBOW OF NEVADA, INC.**, a Nevada

Case No. A-23-879938-C

Dept. XXVIII

**NOTICE OF INTENT TO TAKE THE
DEFAULT OF DEFENDANT
INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY**

nonprofit corporation, **BRADY MCGILL**, an individual, **NICOLE WILLIAMS**, an individual, **JOHN PHOENIX**, an individual, **GARY COSTA**, an individual, **ANTHONY CORTEZ**, an individual, and **SEAN VANGORDER**, an individual,

Defendants.

NOTICE OF INTENT TO TAKE THE DEFAULT OF DEFENDANT INTERNATIONAL CULTURAL MOVEMENT FOR EQUALITY

PLEASE TAKE NOTICE that Plaintiffs Christopher Davin, Trevor Harder, and the Henderson Equality Center intend to take the Default of the International Cultural Movement for Equality unless an Answer or other responsive pleading is filed on or before three days from the date of this Notice.

Dated: December 12, 2023.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

Las Vegas, NV 89118

Telephone: 702-420-2001

ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

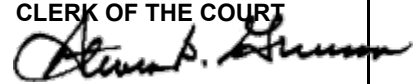
and Henderson Equality Center

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 12, 2023, a true and correct copy of the foregoing document is being served via the Eighth Judicial District Court's Odyssey electronic filing system, via electronic mail and U.S. Mail to the following:

International Cultural Movement for Equality
c/o Christopher Colby, President
931 Hollandsworth Avenue
Las Vegas, NV 89123
<ac@hendersonpride.org>

/s/ Brittani M. Holt
Brittani M. Holt



ERR
ACCELERATED LAW GROUP
Joseph T. Nold, Esq.
Nevada Bar No. 8210
3030 South Jones Blvd, Ste 105
Las Vegas, Nevada 89146
Tel: 702.262.1651
Fax: 702.383.6051
Email: noldj@cox.net
Attorney for Defendants Southern
Nevada Association of Pride, Holy
Order Sin City Sisters of Perpetual
Indulgence, Inc., Las Vegas TransPride,
Brady McGill, and Sean VanGorder

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
ENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

vs.

SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS PRIDE,
a Nevada nonprofit corporation; HUMAN
RIGHTS CAMPAIGN, INC., a District of
Columbia nonprofit corporation; HOLY
ORDER SIN CITY SISTERS OF
PERPETUAL INDULGENCE, INC., a
Nevada nonprofit corporation;
INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY, a Nevada
non-profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; SOCIAL
INFLUENCE FOUNDATION DBA HOUSE
OF VEGAS PRIDE, a Nevada nonprofit
corporation; and JOHN PHOENIX, APRN,
PLLC DBA HUNTRIDGE FAMILY
CLINIC, a Nevada professional LLC,
GOLDEN RAINBOW OF NEVADA, INC.,
a Nevada nonprofit corporation, BRADY
MCGILL, an individual, NICOLE
WILLIAMS, an
individual, JOHN PHOENIX, an individual,
GARY COSTA, an individual, ANTHONY
CORTEZ, an individual, and SEAN
VANGORDER, an individual,

Defendants.

Case No.: A-23-879938-C

Dept. No: 28

**ERRATA TO DEFENDANTS' SOUTHERN
NEVADA ASSOCIATION OF PRIDE, INC.
D/B/A LAS VEGAS PRIDE, HOLY
ORDER SIN CITY SISTERS OF
PERPETUAL INDULGENCE, INC., LAS
VEGAS TRANSPRIDE, BRADY
MCGUILL, and SEAN VANGORDER'S
SPECIAL MOTION TO DISMISS
PLAINTIFFS' SLAPP SUIT PURSUANT
TO NRS 41.660 (ANTI-SLAPP), AND
REQUEST FOR ATTORNEY FEES,
COSTS, AND DAMAGES PURSUANT TO
41.670**

COMES NOW, Defendants Southern Nevada Association of Pride, Inc. dba Las Vegas Pride, Holy Order Sin City Sisters of Perpetual Indulgence, Inc., Las Vegas TransPride, Brady McGill, and Sean VanGorder, by and through their attorney of record, Joseph T. Nold, Esq., of the Accelerated Law Group, and hereby files this Errata to defendants' southern nevada association of pride, inc. d/b/a las vegas pride, holy order sin city sisters of perpetual indulgence, inc., and sean vangorder's special motion to dismiss plaintiffs' slapp suit pursuant to nrs 41.660 (anti-slapp), and request for attorney fees, costs, and damages pursuant to 41.670

DATED this 12th day of December, 2023.

/s/ Joseph T. Nold
JOSEPH T. NOLD, ESQ.
Nevada Bar No.: 008210
3030 South Jones Blvd, Ste 105
Las Vegas, NV 89146
Tel: (702) 262-1651
Fax: (702) 383-6051
Email: noldj@cox.net
Attorney for Defendants Southern
Nevada Association of Pride, Holy
Order Sin City Sisters of Perpetual
Indulgence, Inc., Las Vegas TransPride,
Brady McGill, and Sean VanGorder

POINTS AND AUTHORITIES

This Errata is being filed to correct the Title of the special Motion wherein Defendants' Las Vegas Transpride and Brady McGill were inadvertently omitted. Additionally, the Declaration of Jamie Lee Sprague is attached hereto.

DATED this 12th day of December, 2023.

/s/ Joseph T. Nold
JOSEPH T. NOLD, ESQ.

CERTIFICATE OF SERVICE

The Undersigned, pursuant to NRCF 5(b) and NEFCR 4(b) and NEFCR 9, does hereby state and declare that on this date, I did SERVE a true and correct copy of the Errata to Defendants' Southern Nevada Association of Pride, Inc. D/b/a Las Vegas Pride, Holy Order Sin City Sisters of Perpetual Indulgence, Inc., Las Vegas Transpride, Brady Mcguill, and Sean Vangorder's Special Motion to Dismiss Plaintiffs' Slapp Suit Pursuant to NRS 41.660 (Anti-Slapp), and Request for Attorney Fees, Costs, and Damages Pursuant to 41.670 to the following entities/individuals, by delivering via electronic service on Odyssey or by placing same in an envelope and by depositing in the United States Post office, postage prepaid, in Las Vegas, Nevada, addressed to:

VIA ODYSSEY:

Alex J. Shepard, Esq.
Email: ecf@randazza.com

DATED this 12th day of December, 2023.

/s/ Janet Terrazas
An Employee of the Accelerated Law Group

DECLARATION OF JAMIE LEE SPRAGUE

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Jamie Lee Sprague, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is a Defendant (via a fictitious entity) in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada, and is supplying this Declaration in support of Defendants' Special Motion to Dismiss. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein.

2. That Declarant is the founder and organizer of Defendant Las Vegas TransPride here in Las Vegas. Declarant started doing her work in 2006 when she started hosting the transgender day of remembrance which falls on November 20th each year. In 2013 Declarant applied and received the 501c3 status for Las Vegas TransPride. TransPride is very grassroots and volunteered based entity, with virtually no budget. TransPride helps trans-identified individuals with clothing, chest binders to trans masculine men, name changes, medical advocacy, hosting events, food, and resource referrals. TransPride also provides a space which is called the Las Vegas TransPride Center off of 9th Street in Las Vegas. TransPride works hard to try and provide a space that is safe for the gender-diverse community to come and gather and have its own events. Because most individuals in the gender-diverse community face unemployment or homelessness it is hard for TransPride to have a good staff of volunteers because so many in our community are struggling to survive. So often it is Declarant who operate the day-to-day

operation.

3. In 2020 Plaintiff Chris Davin and Trevor Harder announced the opening of The Henderson Equality Center. TransPride was happy to see the opening of the new center in Henderson ran by Plaintiffs. Declarant went out to visit their new facility on Sunset Road and told Davin that Declarant thought it was a nice facility and looked forward to working with them. The first opportunity came in October for Halloween when Plaintiffs hosted a Trunk or Treat. It was a great turnout, and TransPride was happy to be a part of it.

4. In April 2021, TransPride started to plan for the Second Chance Prom, which was called the Rose Lingard Masquerade Prom and was held on Saturday, June 5, 2021. Davin started to help TransPride with the planning of the event by helping with graphic arts. About two weeks out from the event there was a post on Facebook made by someone in the community about Davin and Henderson Equality Center (HEC) by a person known as The Lady Jasmina. The post was a criticism of Davin and HEC. There was also another person, Veronica Melton, who was serving on our committee and had a problem or falling out with Davin in the past. After the posting was made Davin demanded that Declarant make Jasmina remove the post and unfriend her. Veronica and Declarant did speak with Jasmina about the post, but she kept the posting on her page for a while before removing it. Davin also demanded that Declarant unfriend both Jasmina and Veronica. Davin also wanted Veronica removed from the planning committee, which Declarant refused to do because Veronica and Declarant had been working together for a while, and her input and work on the committee was of value.

5. Because Declarant refused to be intimidated by Davin's threats, he stepped off the committee and started demanding that Declarant pull down all the ads that had his artwork from

social media. So, with a week left, Declarant had to go through everything that was advertised for the event and switch out the graphics. After this event, TransPride cut ties with Davin and HEC, as Davin made the last week prior to the event stressful and chaotic by his constant calls asking us to remove anything that he had helped TransPride with.

6. The next run-in TransPride had with Davin, was during the planning of a film festival that Las Vegas TransPride and Henderson Pride Festival, with Anthony Cortez, and some other organizations were hosting at various venues from January 8 through 14, 2022. TransPride had scheduled a showing of Soldier's Girl on January 12, 2022. Before the event, Davin made a phone call to TransPride and the other organizations asking if we had the proper license to show the films we were showing at our perspective places.

7. Since TransPride has been helping Anthony Cortez with the Henderson Pride Festival in Henderson, Declarant has also heard from Anthony about the problems that he has encountered with Davin and the stunts he has pulled to strip Anthony from using the words "Henderson Pride Festival," by racing to get a copyright on the words, "Henderson Pride Fest."

8. Davin brought confusion into the Community when he held another event called Henderson Pride Fest around the same time that Anthony had his event Henderson Pride Festival. Davin has tried to claim that he had his event scheduled prior to Anthony's event, which is a false statement because Anthony originally had his event advertised a year before Davin's event. Anthony's original event was canceled because of COVID-19, and he had to reschedule it for the following year in 2021 which is when Davin ran his and caused confusion.

9. That the Press Release by Las Vegas Pride was not edited, drafted, of otherwise modified by Declarant and/or TransPride. To the best of Declarant's knowledge and belief, everything in

the Press Release is true and accurate, and Declarant would have no reason to doubt any statement in the Press Release. TransPride had no part of the publication of the Press Release, and have no knowledge, actual or otherwise, of the relationship or opportunities of Plaintiffs. TransPride never entered onto any agreement with any other Defendant regarding Plaintiffs, to harm them, to disparage them, or otherwise. However, TransPride has always supported Las Vegas Pride, and will continue to do so in the future.

10. That Declarant does not understand why TransPride was added to this lawsuit based solely on a Logo. There are many other Corporate Sponsors with Logos on the Las Vegas Pride website that were not named in this case. Based on information and belief, Declarant asserts that Plaintiffs named these small Non Profit Defendants based on their habit and reputation of being bullies.

11. Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 11 day of December, 2023.

/s/ Jamie Lee Sprague
JAMIE LEE SPRAGUE

Jamie Lee Sprague <jamie.sprague@lasvegastranspride.org>

12/11/2023 6:18 PM

Re: A-23-879938-C - Declaration for Jamie Lee Sprague

To Janet Terrazas <algpalegal@cox.net> • jamie@affirminggodspeople.org

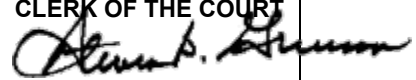
I, Jamiel Lee Sprague, gives Accelerated Law Group authorization to use my electronic signature on my Declaration in support of Defendant's special Motion to Dismiss in Case Number: A-23-879938-C.

Jamie Lee Sprague

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
12/12/2023 1:44 PM
Steven D. Grierson
CLERK OF THE COURT



Christopher Davin, Plaintiff(s)
vs.
Southern Nevada Association of Pride, Inc,
Defendant(s)

Case No.: A-23-879938-C

Department 28

NOTICE OF HEARING

Please be advised that the Defendants' Southern Nevada Association of Pride, Inc. D/B/A Las Vegas Pride, Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc., and Sean Vangorder's Special Motion to Dismiss Plaintiffs' Slapp Suit Pursuant to NRS 41.660 (Anti-Slapp), and request for Attorney Fees, Costs, and Damages Pursuant to 41.670 in the above-entitled matter is set for hearing as follows:

Date: January 02, 2024

Time: 10:00 AM

Location: RJC Courtroom 15C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

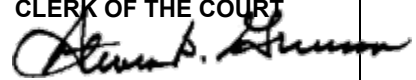
By: /s/ Kadira Beckom
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Kadira Beckom
Deputy Clerk of the Court

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ANSC
RYAN L. DENNETT, ESQ.
Nevada Bar No. 5617
rdennett@dennettwinspear.com
DENNETT WINSPEAR, LLP
3301 N. Buffalo Drive, Suite 195
Las Vegas, Nevada 89129
Telephone: (702) 839-1100
Facsimile: (702) 839-1113
***Attorneys for Defendant,
John Phoenix, individually***

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Case No: A-23-879938-C
Dept. No: 28

Plaintiff,

vs.

SOUTHERN NEVADA ASSOCIATION OF PRIDE,
INC. DBA LAS VEGAS PRIDE, a Nevada
nonprofit corporation; HUMAN RIGHTS
CAMPAIGN, INC., a District of Columbia nonprofit
corporation; HOLY ORDER SIN SITY SISTERS
OF PERPETUAL INDULGENCE, INC., a
Nevada nonprofit corporation; INTERNATIONAL
CULTURAL MOVEMENT FOR EQUALITY, a
Nevada non-profit corporation; GENDER
JUSTICE NEVADA, a Nevada non-profit
corporation; LAS VEGAS TRANSPRIDE, a
Nevada non-profit corporation; SOCIAL
INFLUENCE FOUNDATION DBA HOUSE OF
VEGAS PRIDE, a Nevada nonprofit corporation;
and JOHN PHOENIX, APRN, PLLC DBA
HUNTRIDGE FAMILY CLINIC, a Nevada
professional limited liability company, GOLDEN
RAINBOW OF NEVADA, INC., a Nevada nonprofit
corporation, BRADY MCGILL, an individual,
NICOLE WILLIAMS, an individual, JOHN
PHOENIX, an individual, GARY COSTA, an
individual, ANTHONY CORTEZ, an individual, and
SEAN VANGORDER, an individual,

**DEFENDANT JOHN PHOENIX's
ANSWER TO PLAINTIFFS'
COMPLAINT**

Defendants.

DEFENDANT, JOHN PHOENIX, individually, in Answer to the Plaintiffs' Complaint on file
herein, admits, denies and alleges as follows:

THE PARTIES

1. Answering Paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Plaintiffs' Complaint, Defendant states that he does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained therein and upon said ground denies each and every allegation contained therein.

2. Answering Paragraph 11 of Plaintiffs' Complaint, Defendant admits that Huntridge Family Clinic has its place of business in Las Vegas, Nevada but denies it is a nonprofit corporation.

3. Answering Paragraphs 12, 13, 14, 15, 16, 17 and 18 of Plaintiffs' Complaint, Defendant states that he does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained therein and upon said ground denies each and every allegation contained therein.

JURISDICTION AND VENUE

4. Answering Paragraphs 19, 20 and 21 of Plaintiffs' Complaint, Defendant states that he does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained therein and upon said ground denies each and every allegation contained therein.

FACTS RELEVANT TO ALL CLAIMS

5. Answering Paragraphs 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 of Plaintiffs' Complaint, Defendant states that he does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained therein and upon said ground denies each and every allegation contained therein.

6. Answering Paragraph 37 of Plaintiffs' Complaint, Defendant admits a copy of some material from a Vegas Pride internet post were posted on Huntridge website, but as to the remaining allegations, Defendant denies each and every one of them.

7. Answering Paragraph 38 of Plaintiffs' Complaint, Defendant denies each and every allegation contained therein.

...

8 Answering Paragraphs 39, 40, 41, 42 and 43 of Plaintiffs' Complaint, Defendant states that he does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained therein and upon said ground denies each and every allegation contained therein.

9. Answering Paragraph 44 of Plaintiffs' Complaint, Defendant denies each and every allegation contained therein.

Allegations of Davin Harming Vegas PRIDE With Frivolous Trademark Claims

9. Answering Paragraphs 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 61 of Plaintiffs' Complaint, Defendant states that he does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained therein and upon said ground denies each and every allegation contained therein.

Allegations Regarding August 21 Departure from Vegas PRIDE

10. Answering Paragraphs 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77 and 78 of Plaintiffs' Complaint, Defendant states that he does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained therein and upon said ground denies each and every allegation contained therein.

Allegations Regarding Davin's Departure from HRC

11. Answering Paragraphs 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94 and 95 of Plaintiffs' Complaint, Defendant states that he does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained therein and upon said ground denies each and every allegation contained therein.

Allegations of Harassment, Bullying, Threats, Unethical Business Activities, and Unethical and Illegal Financial Practices and Behavior

12. Answering Paragraph 96 of Plaintiffs' Complaint, Defendant denies each and every allegation contained therein.

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13. Answering Paragraphs 97, 98, 99 and 100 of Plaintiffs' Complaint, Defendant states that he does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained therein and upon said ground denies each and every allegation contained therein.

Allegations of Failure to Submit Payment for Goods/Services Rendered

14. Answering Paragraph 101 of Plaintiffs' Complaint, Defendant admits each and every allegation contained therein.

15. Answering Paragraphs 102, 103, 104, 105, 106, 107, 108, 109 and 110 of Plaintiffs' Complaint, Defendant states that he does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained therein and upon said ground denies each and every allegation contained therein.

Sean Vangorder's Facebook Post

16. Answering Paragraphs 111, 112, 113, 114, 115, 116, 117, 118, 119 and 120 of Plaintiffs' Complaint, Defendant states that he does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained therein and upon said ground denies each and every allegation contained therein.

The LGBTQIA2 Connect Emails

17. Answering Paragraphs 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134 and 135 of Plaintiffs' Complaint, Defendant states that he does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained therein and upon said ground denies each and every allegation contained therein.

False Statements to Interpride

18. Answering Paragraphs 136, 137, 38, 139, 140, 141, 142, 143, 144 and 145 of Plaintiffs' Complaint, Defendant states that he does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained therein and upon said ground denies each and every allegation contained therein.

...

...

FIRST CLAIM FOR RELIEF
(Defamation *Per Se*)

19. Answering Paragraph 146 of Plaintiffs' Complaint, Defendant realleges his answers to Paragraphs 1 through 145 as if fully set forth at this point and incorporates them herein by reference.

20. Answering Paragraph 147 of Plaintiffs' Complaint, Defendant denies each and every allegation contained therein.

21. Answering Paragraph 148 of Plaintiffs' Complaint, Defendant denies those allegations as to Phoenix; as to the remainder of the allegations, Defendant states that he does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained therein and upon said ground denies each and every allegation contained therein.

22. Answering Paragraphs 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164 and 165 of Plaintiffs' Complaint, Defendant denies each and every allegation contained therein.

SECOND CLAIM FOR RELIEF
(False Light) (By Davin and Harder)

23. Answering Paragraph 166 of Plaintiffs' Complaint, Defendant realleges his answers to Paragraphs 1 through 165 as if fully set forth at this point and incorporates them herein by reference.

24. Answering Paragraph 167 of Plaintiffs' Complaint, Defendant denies each and every allegation contained therein.

25. Answering Paragraph 168 of Plaintiffs' Complaint, Defendant denies those allegations as to Phoenix; as to the remainder of the allegations, Defendant states that he does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained therein and upon said ground denies each and every allegation contained therein.

...

26. Answering Paragraphs 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179 and 180 of Plaintiffs' Complaint, Defendant denies each and every allegation contained therein.

THIRD CLAIM FOR RELIEF
(Tortious Interference with Prospective Economic Advantage)

27. Answering Paragraph 181 of Plaintiffs' Complaint, Defendant realleges his answers to Paragraphs 1 through 180 as if fully set forth at this point and incorporates them herein by reference.

28. Answering Paragraphs 182, 183, 184 and 185 of Plaintiffs' Complaint, Defendant denies each and every allegation contained therein.

29. Answering Paragraph 186 of Plaintiffs' Complaint, Defendant denies those allegations as to Phoenix; as to the remainder of the allegations, Defendant states that he does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained therein and upon said ground denies each and every allegation contained therein.

30. Answering Paragraphs 187, 188, 189, 190 and 191 of Plaintiffs' Complaint, Defendant denies each and every allegation contained therein.

FOURTH CLAIM FOR RELIEF
(Conspiracy)

31. Answering Paragraph 192 of Plaintiffs' Complaint, Defendant realleges his answers to Paragraphs 1 through 191 as if fully set forth at this point and incorporates them herein by reference.

32. Answering Paragraphs 193, 194, 195, 196, 197, 198 and 199 of Plaintiffs' Complaint, Defendant denies each and every allegation contained therein.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Defendant alleges that the Complaint and each and every cause of action stated therein fails to state a claim upon which relief can be granted.

...

...

SECOND AFFIRMATIVE DEFENSE

The statements included in the repost of information to a website were not defamatory.

THIRD AFFIRMATIVE DEFENSE

The statements included in the repost of information to a website were true.

FOURTH AFFIRMATIVE DEFENSE

This answering defendant had no knowledge of and falsity to the statements included in a repost of information to a website.

FIFTH AFFIRMATIVE DEFENSE

This answering defendant was not reckless or negligent in any fashion with regard to Plaintiffs.

SIXTH AFFIRMATIVE DEFENSE

Defendant did not act with malice, actual or implied, in reposting materials to a website or in speaking to another individual.

SEVENTH AFFIRMATIVE DEFENSE

Any reposting of materials to a website or conversations by Defendant were made within a protected context and in compliance with professional obligations to others.

EIGHTH AFFIRMATIVE DEFENSE

Defendant alleges it has been necessary for him to employ the services of an attorney to defend this action, and a reasonable sum should be allowed Defendant as and for attorney's fees, together with his costs expended in this action.

TENTH AFFIRMATIVE DEFENSE

Pursuant to NRCP 11, as amended, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of Defendant's Answer; and therefore, Defendant reserves the right to amend this Answer to allege additional affirmative defenses if subsequent investigation warrants it.

NOTE: Some or all of the affirmative defenses above plead may have been pleaded for purposes of non-waiver pending discovery. Other affirmative defenses may be added as discovery continues.

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WHEREFORE, this Answering Defendant prays for relief as follows:

1. That Plaintiffs take nothing by way of their Complaint on file herein;
2. For reasonable costs incurred in the defense of this litigation; and
3. For such other and further relief as this Honorable Court may deem just and proper in the premises.

DATED this 19th day of December, 2023.

DENNETT WINSPEAR, LLP

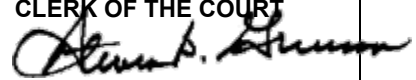
By /s/ Ryan L. Dennett
RYAN L. DENNETT, ESQ.
Nevada Bar No. 5617
3301 N. Buffalo Drive, Suite 195
Las Vegas, Nevada 89129
Telephone: (702) 839-1100
Facsimile: (702) 839-1113
Attorneys for Defendant, John Phoenix

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), EDCR 7.26 and N.E.F.C.R. 9, I certify that on this date, the foregoing **DEFENDANT JOHN PHOENIX's ANSWER TO PLAINTIFFS' COMPLAINT** was electronically delivered to Odyssey for filing upon all electronic service list recipients.

DATED this 19th day of December, 2023.

/s/ Theresa Amendola
An Employee of DENNETT WINSPEAR, LLP



1 **IAFD**
2 RYAN L. DENNETT, ESQ.
3 Nevada Bar No. 5617
4 rdennett@dennettwinspear.com
5 **DENNETT WINSPEAR, LLP**
6 3301 N. Buffalo Drive, Suite 195
7 Las Vegas, Nevada 89129
8 Telephone: (702) 839-1100
9 Facsimile: (702) 839-1113
10 **Attorneys for Defendant,**
11 **John Phoenix, individually**

12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 CHRISTOPHER DAVIN, an individual;
15 TREVOR HARDER, an individual; and
16 HENDERSON EQUALITY CENTER, a
17 Nevada non-profit corporation,

Case No: A-23-879938-C
Dept. No: 28

18 Plaintiff,

19 vs.

20 SOUTHERN NEVADA ASSOCIATION OF PRIDE,
21 INC. DBA LAS VEGAS PRIDE, a Nevada
22 nonprofit corporation; HUMAN RIGHTS
23 CAMPAIGN, INC., a District of Columbia nonprofit
24 corporation; HOLY ORDER SIN SITY SISTERS
25 OF PERPETUAL INDULGENCE, INC., a
26 Nevada nonprofit corporation; INTERNATIONAL
27 CULTURAL MOVEMENT FOR EQUALITY, a
28 Nevada non-profit corporation; GENDER
JUSTICE NEVADA, a Nevada non-profit
corporation; LAS VEGAS TRANSPRIDE, a
Nevada non-profit corporation; SOCIAL
INFLUENCE FOUNDATION DBA HOUSE OF
VEGAS PRIDE, a Nevada nonprofit corporation;
and JOHN PHOENIX, APRN, PLLC DBA
HUNTRIDGE FAMILY CLINIC, a Nevada
professional limited liability company, GOLDEN
RAINBOW OF NEVADA, INC., a Nevada
nonprofit corporation, BRADY MCGILL, an
individual, NICOLE WILLIAMS, an individual,
JOHN PHOENIX, an individual, GARY COSTA, an
individual, ANTHONY CORTEZ, an individual, and
SEAN VANGORDER, an individual,

Defendants.

**INITIAL APPEARANCE FEE
DISCLOSURE**

Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted
for parties appearing in the above-entitled action as indicated below:

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Defendant: JOHN PHOENIX \$223.00

DATED this 19th day of December, 2023.

DENNETT WINSPEAR, LLP

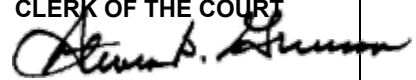
By /s/ Ryan L. Dennett
RYAN L. DENNETT, ESQ.
Nevada Bar No. 5617
3301 N. Buffalo Drive, Suite 195
Las Vegas, Nevada 89129
Telephone: (702) 839-1100
Facsimile: (702) 839-1113
Attorneys for Defendant, John Phoenix

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), EDCR 7.26 and N.E.F.C.R. 9, I certify that on this date, the foregoing ***INITIAL APPEARANCE FEE DISCLOSURE*** was electronically delivered to Odyssey for filing upon all electronic service list recipients.

DATED this 19th day of December, 2023.

/s/ Theresa Amendola
An Employee of DENNETT WINSPEAR, LLP



DMJT
RYAN L. DENNETT, ESQ.
Nevada Bar No. 5617
rdennett@dennettwinspear.com
DENNETT WINSPEAR, LLP
3301 N. Buffalo Drive, Suite 195
Las Vegas, Nevada 89129
Telephone: (702) 839-1100
Facsimile: (702) 839-1113
Attorneys for Defendant,
John Phoenix, individually

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Case No: A-23-879938-C
Dept. No: 28

Plaintiff,

vs.

SOUTHERN NEVADA ASSOCIATION OF PRIDE,
INC. DBA LAS VEGAS PRIDE, a Nevada
nonprofit corporation; HUMAN RIGHTS
CAMPAIGN, INC., a District of Columbia nonprofit
corporation; HOLY ORDER SIN SITY SISTERS
OF PERPETUAL INDULGENCE, INC., a
Nevada nonprofit corporation; INTERNATIONAL
CULTURAL MOVEMENT FOR EQUALITY, a
Nevada non-profit corporation; GENDER
JUSTICE NEVADA, a Nevada non-profit
corporation; LAS VEGAS TRANSPRIDE, a
Nevada non-profit corporation; SOCIAL
INFLUENCE FOUNDATION DBA HOUSE OF
VEGAS PRIDE, a Nevada nonprofit corporation;
and JOHN PHOENIX, APRN, PLLC DBA
HUNTRIDGE FAMILY CLINIC, a Nevada
professional limited liability company, GOLDEN
RAINBOW OF NEVADA, INC., a Nevada
nonprofit corporation, BRADY MCGILL, an
individual, NICOLE WILLIAMS, an individual,
JOHN PHOENIX, an individual, GARY COSTA, an
individual, ANTHONY CORTEZ, an individual, and
SEAN VANGORDER, an individual,

Defendants.

DEMAND FOR JURY TRIAL

Defendant, JOHN PHOENIX, by and through his attorneys, DENNETT WINSPEAR, LLP,

hereby demands a jury trial of all of the issues in the above matter.

DATED this 19th day of December, 2023.

DENNETT WINSPEAR, LLP

By /s/ Ryan Dennett
RYAN L. DENNETT, ESQ.
Nevada Bar No. 5617
3301 N. Buffalo Drive, Suite 195
Las Vegas, Nevada 89129
Telephone: (702) 839-1100
Facsimile: (702) 839-1113
Attorneys for Defendant, John Phoenix

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), EDCR 7.26 and N.E.F.C.R. 9, I certify that on this date, the
3 foregoing ***DEMAND FOR JURY TRIAL*** was electronically delivered to Odyssey for filing upon
4 all electronic service list recipients.

5 DATED this 19th day of December, 2023.

6
7 /s/ Theresa Amendola
8 An Employee of DENNETT WINSPEAR, LLP
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Heather S. Smith

CLERK OF THE COURT

1 **SAO**

Marc J. Randazza (NV Bar No. 12265)

2 Alex J. Shepard (NV Bar No. 13582)

RANDAZZA LEGAL GROUP, PLLC

3 4974 S. Rainbow Blvd., Suite 100

Las Vegas, NV 89118

4 Telephone: 702-420-2001

5 ecf@randazza.com

Attorneys for Plaintiffs

6 Christopher Davin, Trevor Harder,

7 and Henderson Equality Center

HEARING DATE: February 13,
2024 10:00 AM

Entered In Odyssey./kd

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 **CHRISTOPHER DAVIN**, et. al.,

11 Plaintiffs,

12 v.

13 **SOUTHERN NEVADA ASSOCIATION**
14 **OF PRIDE, INC. DBA LAS VEGAS**
15 **PRIDE**, et. al.,

16 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

17 **STIPULATION AND ORDER TO**
18 **CONTINUE HEARING ON**
19 **DEFENDANTS' SOUTHERN NEVADA**
20 **ASSOCIATION OF PRIDE, INC. D/B/A**
21 **LAS VEGAS PRIDE, HOLY ORDER**
22 **SIN SITY SISTERS OF PERPETUAL**
23 **INDULGENCE, INC., and SEAN**
24 **VANGORDER'S SPECIAL MOTION TO**
25 **DISMISS PLAINTIFFS' SLAPP SUIT**
26 **PURSUANT TO NRS 41.660 (ANTI-**
27 **SLAPP), AND REQUEST FOR**
ATTORNEY FEES, COSTS, AND
DAMAGES PURSUANT TO 41.670

21 Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center ("Plaintiffs")
22 and Defendants Southern Nevada Association of Pride, Inc. D/B/A Las Vegas Pride, Holy Order
23 Sin Sity Sisters of Perpetual Indulgence, Inc., and Sean Vangorder ("Defendants") (collectively,
24 the "Parties"), hereby stipulate to continue the hearing on Defendants' Special Motion To Dismiss
25 Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees,

Costs, and Damages Pursuant to 41.670 (the “Anti-SLAPP Motion”), to February 9, 2023, or as soon thereafter as the matter may be heard. In support thereof, the Parties state:

1. On December 12, 2023, the Court filed a Notice of Hearing regarding Defendants’ Anti-SLAPP Motion, setting it for hearing on January 2, 2024.

2. With the current briefing schedule, counsel for the Parties would be required to work over the Christmas and New Year’s holidays to brief the Anti-SLAPP Motion and prepare for argument.

3. The Parties’ counsel have travel plans that would be interrupted if the Anti-SLAPP Motion is heard on January 2, 2024.

4. Other defendants in this case that have been served are expected to file responses to the Complaint on or about January 5, 2024. Plaintiffs anticipate they will also file Anti-SLAPP motions under NRS 41.660. It would be more efficient to hear these motions at one time rather than have piecemeal hearings on motions that share issues of fact and law. Continuing the hearing on Defendants’ Anti-SLAPP Motion allows for the possibility of consolidating these hearings.

5. There is, accordingly, good cause to continue the hearing on Defendants’ Anti-SLAPP Motion.

6. The Parties propose that the hearing be moved to February 9, 2024, or as soon thereafter as the matter may be heard, and that the deadline for Plaintiffs to file their response to the Anti-SLAPP Motion be extended to January 16, 2024.

IT IS SO STIPULATED.

Respectfully submitted,

/s/ Alex J. Shepard

RANAZZA LEGAL GROUP, PLLC
Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582

Attorneys for Plaintiffs,
Christopher Davin, Trevor Harder, and
Henderson Equality Center

Respectfully submitted,

/s/ Joseph T. Nold

ACCELERATED LAW GROUP
Joseph T. Nold, NV Bar No. 8210

Attorneys for Defendants,
Southern Nevada Association of Pride, Holy
Order Sin Sity Sisters of Perpetual Indulgence,
Inc., Las Vegas TransPride, Brady McGill, and
Sean Vangorder

ORDER

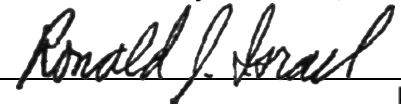
The Court, having reviewed the foregoing STIPULATION AND ORDER TO CONTINUE HEARING ON DEFENDANTS' SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC. D/B/A LAS VEGAS PRIDE, HOLY ORDER SIN CITY SISTERS OF PERPETUAL INDULGENCE, INC., and SEAN VANGORDER'S SPECIAL MOTION TO DISMISS PLAINTIFFS' SLAPP SUIT PURSUANT TO NRS 41.660 (ANTI-SLAPP), AND REQUEST FOR ATTORNEY FEES, COSTS, AND DAMAGES PURSUANT TO 41.670 (the "Stipulation") in the above-entitled matter, and for good cause appearing therefore,

IT IS HEREBY ORDERED that the Parties' Stipulation is GRANTED.

IT IS FURTHER ORDERED that the hearing on Defendants' Anti-SLAPP Motion is continued to February 13, 2024, at 10:00 a.m./~~p.m.~~

IT IS FURTHER ORDERED that the deadline for Plaintiffs to file their response to Defendants' Anti-SLAPP Motion is extended to January 16, 2024.

Dated this 19th day of December, 2023


kd

C4E 0B4 CE85 2443
Ronald J. Israel
District Court Judge

Submitted by,

/s/ Alex J. Shepard
RANDAZZA LEGAL GROUP, PLLC
Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118

Attorneys for Plaintiffs,
Christopher Davin, Trevor Harder, and Henderson Equality Center

Re: Davin v Las Vegas PRIDE

Joseph Nold <noldj@cox.net>

Mon, Dec 18, 2023 at 6:08 PM

To: Brittani Holt <bmh@randazza.com>

Cc: Alex Shepard <ajs@randazza.com>, Marc Randazza <mjr@randazza.com>, Staff <staff@randazza.com>, Janet Terrazas <algparalegal@cox.net>

Mr. Shepard,

You have my permission to electronically affix my signature to the proposed Stipulation and Order received by my office on 12/18/23 with no changes.

Joseph T. Nold, Esq.

[Quoted text hidden]

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5		
6	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7	vs.	DEPT. NO. Department 28
8	Southern Nevada Association of	
9	Pride, Inc, Defendant(s)	

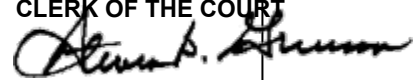
10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Stipulation and 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: 12/19/2023

15	Joseph Nold	noldj@cox.net
16	Janet Terrazas	algparalegal@cox.net
17	Alex Shepard	ecf@randazza.com
18	Theresa Amendola	tamendola@dennettwinspear.com
19	Ashley Marchant	amarchant@dennettwinspear.com
20	Michelle Soto	msoto@halljaffe.com
21	Tony Amendola	aamendola@dennettwinspear.com
22	Michael Maupin	Mmaupin@halljaffe.com
23	Shayna Ortega-Rose	srose@halljaffe.com
24	Erika Parker	Eparker@halljaffe.com

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26
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MDSM

Marc J. Randazza (NV Bar No. 12265)
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Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**MOTION FOR VOLUNTARY
DISMISSAL OF DEFENDANT JOHN
PHOENIX UNDER 41(a)(2)**

[Hearing Not Requested]

Plaintiffs Chris Davin, Trevor Harder, and the Henderson Equality Center respectfully move this Court under NRCP 41(a)(2) for an Order allowing them to voluntarily dismiss their claims without prejudice against Defendant John Phoenix.

This Motion is based upon the papers and pleadings on file in this action, the memorandum of points and authorities submitted herewith, and any argument permitted by this Court.

MEMORANDUM OF POINTS AND AUTHORITIES

1.0 INTRODUCTION AND FACTUAL BACKGROUND

Plaintiffs filed their Complaint on October 19, 2023, asserting claims against numerous individuals and entities within the Nevada LGBTQ+ community. Since then, Plaintiffs have had

discussions with other Defendants and has chosen to streamline this litigation by dismissing some of the Defendants.

Defendant John Phoenix filed his Answer on December 19, 2023. Phoenix has not filed any motions or counterclaims, nor has he requested any affirmative relief from the Court. Plaintiffs wish to further streamline this litigation by dismissing their claims against Phoenix with prejudice under NRCP 41(a)(2). Phoenix will not suffer any legal prejudice as a result of this dismissal, and so the Court should grant Plaintiffs' Motion.

2.0 LEGAL STANDARD

NRCP 41(a)(2) provides that, after an opposing party has filed an answer or a motion for summary judgment, a plaintiff may only dismiss their claims against that party "by court order, on terms that the court considers proper." In deciding motions for voluntary dismissal under this rule, the Nevada Supreme Court has looked to its federal counterpart, Fed. R. Civ. P. 41(a)(2), and federal cases interpreting it. *Willick v. Eighth Judicial Dist. Court*, 506 P.3d 1059, 1062-63 (Nev. 2022) (looking to FRCP 41(a) in determining whether a plaintiff should be estopped from voluntarily dismissing his action pursuant to NRCP 41(a)(1)); *Phillip A.C. v. Central Council (In re Phillip A.C.)*, 122 Nev. 1284, 1290, (recognizing that "federal decisions involving the Federal Rules of Civil Procedure provide persuasive authority when this court examines its rules" (quoting *Winston Prods. Co., Inc. v. DeBoer*, 122 Nev. 517, 523 (2006))).

3.0 ARGUMENT

Courts "should grant a motion for voluntary dismissal under Rule 41(a)(2) unless a defendant can show that it will suffer some plain legal prejudice as a result." *Smith v. Leaches*, 263 F.3d 972, 975 (9th Cir. 2001). The Ninth Circuit has defined "legal prejudice" as "prejudice to some legal interest, some legal claim, [or] some legal argument." *Westlands Water Dist.*, 100 F.3d at 97. To ascertain the legal prejudice to an opposing party, federal courts have looked to relevant factors such as "the opposing party's effort and expense" in preparing for trial, *Clark v. Tansy*, 13 F.3d 1407, 1411 (10th Cir. 1993), and "excessive delay and lack of diligence on the part of the" movant, *Paulucci v. City of Duluth*, 826 F.2d 780, 783 (8th Cir. 1987). However, such factors are

non-exclusive, and there is no mandate that each factor must be resolved in favor of the movant. *Phillips USA, Inc. v. Allflex USA, Inc.*, 77 F.3d 354., 358 (10th Cir. 1996) (noting that these factors “are guides for the district court”); *Tyco Labs., Inc. v. Koppers Co.*, 627 F.2d 54, 56 (7th Cir. 1980).

“Legal prejudice” may arise in circumstances where dismissal without prejudice would result in the loss of a federal forum, the right to a jury trial, or a statute-of-limitations defense. *Westlands Water Dist. v. United States*, 100 F.3d 94, 97 (9th Cir. 1996). The Ninth Circuit has “explicitly stated that the expense incurred in defending against a lawsuit does not amount to legal prejudice.” *Id.*; see also *Hyde & Drath v. Baker*, 24 F.3d 1162, 1169 (9th Cir. 1994) (noting that “the inconvenience of defending another lawsuit or the fact that the defendant has already begun trial preparations does not constitute prejudice”). Nor is a defendant entitled to a decision on the merits of claims asserted in a complaint, as “[u]ncertainty because a dispute remains unresolved is not legal prejudice.” *Westlands*, 100 F.3d at 97.

This case is in its infancy, and Phoenix has only filed an answer. He cannot have incurred any significant time and expense in preparing for trial, and there is no conceivable basis for claiming that Plaintiffs delayed or were not diligent in this case. Rather, Plaintiffs have chosen to streamline this litigation by pursuing their claims against the parties most culpable for the various false and defamatory statements published about them. The Court should grant this Motion unless Phoenix can show that allowing dismissal would cause legal prejudice. He cannot do so, however, as he cannot identify any circumstance so much as suggesting prejudice or a legal right that would be in any way hindered by allowing voluntary dismissal.

4.0 CONCLUSION

For the foregoing reasons, the Court should grant Plaintiffs’ Motion and permit Plaintiffs to dismiss their claims against Defendant John Phoenix without prejudice.

Dated: December 19, 2023.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

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and Henderson Equality Center

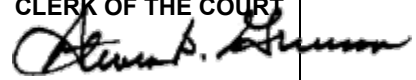
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on this 19th day of December and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Alex J. Shepard
ALEX J. SHEPARD

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
12/19/2023 4:53 PM
Steven D. Grierson
CLERK OF THE COURT



Christopher Davin, Plaintiff(s)
vs.
Southern Nevada Association of Pride, Inc,
Defendant(s)

Case No.: A-23-879938-C

Department 28

NOTICE OF HEARING

Please be advised that the Plaintiffs Motion for Voluntary Dismissal of Defendant John Phoenix Under 41(a)(2) in the above-entitled matter is set for hearing as follows:

Date: January 25, 2024
Time: Chambers
Location: RJC Courtroom 15C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

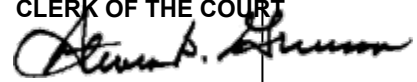
STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Kadira Beckom
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Kadira Beckom
Deputy Clerk of the Court



NVDP

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Alex J. Shepard (NV Bar No. 13582)
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Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE AS TO
DEFENDANTS HOLY ORDER SIN
SITY SISTERS OF PERPETUAL
INDULGENCE, INC., LAS VEGAS
TRANSPRIDE, AND JOHN PHOENIX,
APRN, PLLC DBA HUNTRIDGE
FAMILY CLINIC**

PLEASE TAKE NOTICE that pursuant to NRCP 41(a)(1)(A)(i), Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center hereby voluntarily dismiss all of their claims against Defendants Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc.; Las Vegas TransPride;¹ and John Phoenix, APRN, PLLC dba Huntridge Family Clinic, without prejudice.

All of Plaintiffs' claims against each and every other Defendant remain pending.

¹ Defendants Sin Sity Sisters and Las Vegas TransPride have filed a Special Motion to Dismiss under NRS 41.660, which is currently pending. However, they have not filed an answer or a motion for summary judgment, and so Plaintiffs may dismiss their claims against these Defendants unilaterally under NRS 41(a)(1)(A)(i).

Dated: December 19, 2023.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

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Attorneys for Plaintiffs

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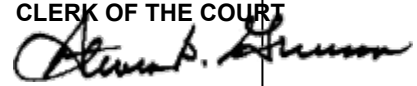
and Henderson Equality Center

Case No. A-23-879938-C

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/s/ Alex J. Shepard
ALEX J. SHEPARD



NTSO

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

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**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**NOTICE OF ENTRY OF STIPULATION
AND ORDER**

PLEASE TAKE NOTICE that on December 19, 2023, the Court entered an Order granting the Stipulation to Continue the hearing on Defendants' Southern Nevada Association of Pride, Inc. dba Las Vegas PRIDE, Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc., and Sean Vangorder's Special Motion to Dismiss Plaintiff's SLAPP Suit Pursuant to NRS 41.660, and Request for Attorney Fees, Costs, and Damages Pursuant to 41.670, which is attached hereto as **Exhibit 1.**

Dated: December 21, 2023.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

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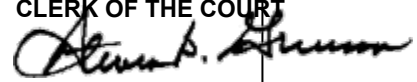
and Henderson Equality Center

Case No. A-23-879938-C

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/s/ Alex J. Shepard
ALEX J. SHEPARD



ERR

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and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**NOTICE OF ERRATA RE: NOTICE OF
ENTRY OF STIPULATION AND
ORDER**

Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center hereby file this Errata to correct the Notice of Entry of Stipulation and Order incorrectly filed in the above-captioned matter on December 21, 2023. That filing did not include the referenced Order granting the Stipulation to Continue the hearing on Defendants' Southern Nevada Association of Pride, Inc. dba Las Vegas PRIDE, Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc., and Sean Vangorder's Special Motion to Dismiss Plaintiff's SLAPP Suit Pursuant to NRS 41.660, and Request for Attorney Fees, Costs, and Damages Pursuant to 41.670 as Exhibit 1. Plaintiffs request that this Court remove the erroneous filing from the docket. Attached to this notice of errata is the notice of entry of stipulation and order with the stipulation and order attached.

Dated: December 21, 2023.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

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Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

Case No. A-23-879938-C

CERTIFICATE OF SERVICE

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/s/ Alex J. Shepard

Alex J. Shepard

NTSO

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Attorneys for Plaintiffs
 Christopher Davin, Trevor Harder,
 and Henderson Equality Center

**DISTRICT COURT
 CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

 Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
 OF PRIDE, INC. DBA LAS VEGAS
 PRIDE**, et. al.,

 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**NOTICE OF ENTRY OF STIPULATION
 AND ORDER**

PLEASE TAKE NOTICE that on December 19, 2023, the Court entered an Order granting the Stipulation to Continue the hearing on Defendants' Southern Nevada Association of Pride, Inc. dba Las Vegas PRIDE, Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc., and Sean Vangorder's Special Motion to Dismiss Plaintiff's SLAPP Suit Pursuant to NRS 41.660, and Request for Attorney Fees, Costs, and Damages Pursuant to 41.670, which is attached hereto as **Exhibit 1.**

Dated: December 21, 2023.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

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Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

Case No. A-23-879938-C

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/s/ Alex J. Shepard
ALEX J. SHEPARD

EXHIBIT 1

Order Granting Stipulation to Continue
Hearing

1 **SAO**

2 Marc J. Randazza (NV Bar No. 12265)
3 Alex J. Shepard (NV Bar No. 13582)
4 RANDAZZA LEGAL GROUP, PLLC
5 4974 S. Rainbow Blvd., Suite 100
6 Las Vegas, NV 89118
7 Telephone: 702-420-2001
8 ecf@randazza.com

HEARING DATE: February 13,
2024 10:00 AM

Entered In Odyssey./kd

9 Attorneys for Plaintiffs
10 Christopher Davin, Trevor Harder,
11 and Henderson Equality Center

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

14 **CHRISTOPHER DAVIN**, et. al.,
15 Plaintiffs,

Case No. A-23-879938-C

Dept. XXVIII

16 v.

17 **SOUTHERN NEVADA ASSOCIATION**
18 **OF PRIDE, INC. DBA LAS VEGAS**
19 **PRIDE**, et. al.,

20 Defendants.

**STIPULATION AND ORDER TO
CONTINUE HEARING ON
DEFENDANTS' SOUTHERN NEVADA
ASSOCIATION OF PRIDE, INC. D/B/A
LAS VEGAS PRIDE, HOLY ORDER
SIN SITY SISTERS OF PERPETUAL
INDULGENCE, INC., and SEAN
VANGORDER'S SPECIAL MOTION TO
DISMISS PLAINTIFFS' SLAPP SUIT
PURSUANT TO NRS 41.660 (ANTI-
SLAPP), AND REQUEST FOR
ATTORNEY FEES, COSTS, AND
DAMAGES PURSUANT TO 41.670**

21 Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center ("Plaintiffs")
22 and Defendants Southern Nevada Association of Pride, Inc. D/B/A Las Vegas Pride, Holy Order
23 Sin Sity Sisters of Perpetual Indulgence, Inc., and Sean Vangorder ("Defendants") (collectively,
24 the "Parties"), hereby stipulate to continue the hearing on Defendants' Special Motion To Dismiss
25 Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees,

Costs, and Damages Pursuant to 41.670 (the “Anti-SLAPP Motion”), to February 9, 2023, or as soon thereafter as the matter may be heard. In support thereof, the Parties state:

1. On December 12, 2023, the Court filed a Notice of Hearing regarding Defendants’ Anti-SLAPP Motion, setting it for hearing on January 2, 2024.

2. With the current briefing schedule, counsel for the Parties would be required to work over the Christmas and New Year’s holidays to brief the Anti-SLAPP Motion and prepare for argument.

3. The Parties’ counsel have travel plans that would be interrupted if the Anti-SLAPP Motion is heard on January 2, 2024.

4. Other defendants in this case that have been served are expected to file responses to the Complaint on or about January 5, 2024. Plaintiffs anticipate they will also file Anti-SLAPP motions under NRS 41.660. It would be more efficient to hear these motions at one time rather than have piecemeal hearings on motions that share issues of fact and law. Continuing the hearing on Defendants’ Anti-SLAPP Motion allows for the possibility of consolidating these hearings.

5. There is, accordingly, good cause to continue the hearing on Defendants’ Anti-SLAPP Motion.

6. The Parties propose that the hearing be moved to February 9, 2024, or as soon thereafter as the matter may be heard, and that the deadline for Plaintiffs to file their response to the Anti-SLAPP Motion be extended to January 16, 2024.

IT IS SO STIPULATED.

Respectfully submitted,

/s/ Alex J. Shepard

RANAZZA LEGAL GROUP, PLLC
Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582

Attorneys for Plaintiffs,
Christopher Davin, Trevor Harder, and
Henderson Equality Center

Respectfully submitted,

/s/ Joseph T. Nold

ACCELERATED LAW GROUP
Joseph T. Nold, NV Bar No. 8210

Attorneys for Defendants,
Southern Nevada Association of Pride, Holy
Order Sin Sity Sisters of Perpetual Indulgence,
Inc., Las Vegas TransPride, Brady McGill, and
Sean Vangorder

ORDER

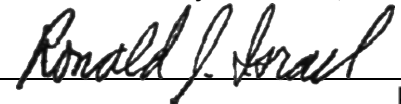
The Court, having reviewed the foregoing STIPULATION AND ORDER TO CONTINUE HEARING ON DEFENDANTS' SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC. D/B/A LAS VEGAS PRIDE, HOLY ORDER SIN CITY SISTERS OF PERPETUAL INDULGENCE, INC., and SEAN VANGORDER'S SPECIAL MOTION TO DISMISS PLAINTIFFS' SLAPP SUIT PURSUANT TO NRS 41.660 (ANTI-SLAPP), AND REQUEST FOR ATTORNEY FEES, COSTS, AND DAMAGES PURSUANT TO 41.670 (the "Stipulation") in the above-entitled matter, and for good cause appearing therefore,

IT IS HEREBY ORDERED that the Parties' Stipulation is GRANTED.

IT IS FURTHER ORDERED that the hearing on Defendants' Anti-SLAPP Motion is continued to February 13, 2024, at 10:00 a.m./~~p.m.~~

IT IS FURTHER ORDERED that the deadline for Plaintiffs to file their response to Defendants' Anti-SLAPP Motion is extended to January 16, 2024.

Dated this 19th day of December, 2023


kd

C4E 0B4 CE85 2443
Ronald J. Israel
District Court Judge

Submitted by,

/s/ Alex J. Shepard

RANDAZZA LEGAL GROUP, PLLC
Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118

Attorneys for Plaintiffs,
Christopher Davin, Trevor Harder, and Henderson Equality Center

Re: Davin v Las Vegas PRIDE

Joseph Nold <noldj@cox.net>

Mon, Dec 18, 2023 at 6:08 PM

To: Brittani Holt <bmh@randazza.com>

Cc: Alex Shepard <ajs@randazza.com>, Marc Randazza <mjr@randazza.com>, Staff <staff@randazza.com>, Janet Terrazas <algsparalegal@cox.net>

Mr. Shepard,

You have my permission to electronically affix my signature to the proposed Stipulation and Order received by my office on 12/18/23 with no changes.

Joseph T. Nold, Esq.

[Quoted text hidden]

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4		
5		
6	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7	vs.	DEPT. NO. Department 28
8	Southern Nevada Association of	
9	Pride, Inc, Defendant(s)	

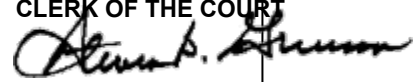
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to all recipients registered for e-Service on the above entitled case as listed below:

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23	Shayna Ortega-Rose	srose@halljaffe.com
24	Erika Parker	Eparker@halljaffe.com

25
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AED

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
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Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**APPLICATION FOR
ENTRY OF DEFAULT**

APPLICATION FOR ENTRY OF DEFAULT

TO: CLERK OF THE EIGHTH JUDICIAL DISTRICT COURT

The Defendant INTERNATIONAL CULTURAL MOVEMENT FOR EQUALITY, having been duly served with a copy of the Summons and Complaint herein, has failed to appear in the above-entitled action and has failed to answer or otherwise plead herein, and more than twenty-one days has elapsed since said service. Therefore, you are hereby requested to enter the Default of the Defendant, INTERNATIONAL CULTURAL MOVEMENT FOR EQUALITY, for failure to plead or otherwise defend the above-entitled action as provided by the Nevada Rules of Civil Procedure and as appears from the Declaration of Alex J. Shepard filed herewith.

Dated: January 11, 2024.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

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Telephone: 702-420-2001

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Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 11, 2024, a true and correct copy of the foregoing document is being served via electronic mail and U.S. Mail to Defendant International Cultural Movement for Equality:

International Cultural Movement for Equality
<hendersonpridefestival@gmail.com>
c/o Christopher Colby, President
931 Hollandsworth Ave., Unit 1114
Las Vegas, NV 89123-5300

Respectfully submitted,

Brittani Holt
Employee,
Randazza Legal Group, PLLC

DFLT

Marc J. Randazza (NV Bar No. 12265)
 Alex J. Shepard (NV Bar No. 13582)
 RANDAZZA LEGAL GROUP, PLLC
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Attorneys for Plaintiffs
 Christopher Davin, Trevor Harder,
 and Henderson Equality Center

**DISTRICT COURT
 CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

 Plaintiffs,

 v.

**SOUTHERN NEVADA ASSOCIATION
 OF PRIDE, INC. DBA LAS VEGAS
 PRIDE**, et. al.,

 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

DEFAULT

DEFAULT

It appearing from the files and records in the above-entitled action that Defendant INTERNATIONAL CULTURAL MOVEMENT FOR EQUALITY, having been duly served with a copy of the Summons and Complaint on November 3, 2023; that more than 21 days, exclusive of the day of service, having expired since service upon the Defendant; that no answer or other appearance having been filed and no further time having been granted, the default of the above-named Defendant for failing to answer or otherwise plead to Plaintiff's Complaint is hereby entered.

STEVEN D. GRIERSON
CLERK OF COURT

By: _____
Deputy Clerk Date
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

Submitted by:

/s/ Alex J. Shepard
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Alex J. Shepard (NV Bar No. 13582)
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DECL

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 OF PRIDE, INC. DBA LAS VEGAS
 PRIDE**, et. al.,

 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**DECLARATION OF ALEX J. SHEPARD
 IN SUPPORT OF APPLICATION FOR
 ENTRY OF DEFAULT**

I, Alex J. Shepard, declare under penalty of perjury:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called as a witness, could and would testify competently thereto.

2. I am an attorney licensed to practice law in the State of Nevada and I am an attorney with the law firm Randazza Legal Group, PLLC ("RLG"), counsel of record in this action for Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center.

3. Defendant INTERNATIONAL CULTURAL MOVEMENT FOR EQUALITY ("ICME") was served on November 3, 2023, by a process server. Attached hereto as **Exhibit A** is

a true and correct copy of the original proof of service of the Summons and Complaint with accompanying declaration. More than 21 days have elapsed since said service, Defendant ICME has not answered or otherwise responded, and no extension has been granted.

4. Defendant ICME has made no efforts of which I am aware to respond to the Complaint and has provided no notice that it intends to defend against the claims in the Complaint.

5. Defendant ICME has not retained any counsel or made an appearance of which I am aware.

6. Notice of Intent to Take Default was served upon Defendant ICME on December 12, 2023. Attached hereto as **Exhibit B** is a true and correct copy of the Notice of Intent to Take Default.

7. Defendant ICME has made no effort of which I am aware to respond to the Notice of Intent to Take Default.

8. As of the date of this declaration, Defendant ICME has made no effort of which I am aware to appear and defend against the claims brought against it in this litigation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 11, 2024.

/s/ Alex J. Shepard
Alex J. Shepard

EXHIBIT A

Proof of Service

RANDAZZA LEGAL GROUP
4974 S. RAINBOW BLVD #100
LAS VEGAS, NV 89118
(702) 420-2001



DISTRICT COURT
CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, ET AL.
Plaintiff

vs

SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC., ET AL.
Defendant

Case Number: A-23-879938-C

Dept.:

PROOF OF SERVICE

CATHY V. HOLMES, deposes and says: that at all times herein I am a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #389, and not a party to nor interested in the proceeding in which this statement is made.

Legal Wings, Inc. received on Monday, October 23, 2023 a copy of the:
SUMMONS; COMPLAINT AND DEMAND FOR JURY TRIAL; CIVIL COVER SHEET; INITIAL APPEARANCE FEE DISCLOSURE

I served the same on **11/3/2023** at **6:26 PM** to:

Defendant INTERNATIONAL CULTURAL MOVEMENT FOR EQUALITY, A NEVADA NON-PROFIT CORPORATION, BY SERVING CHRISTOPHER COLBY, PRESIDENT

by leaving the copies with or in the presence of **CHRISTOPHER COLBY** at **931 HOLLANDSWORTH AVE 1114, LAS VEGAS, NV 89123.**

Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed: Monday, November 6, 2023

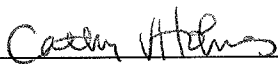
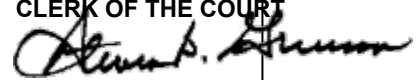

CATHY V. HOLMES
Registered Work Card R-2020-06613

EXHIBIT B

Notice of Intent to Take Default



NITD

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Alex J. Shepard (NV Bar No. 13582)
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Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, a Nevada nonprofit corporation;
HUMAN RIGHTS CAMPAIGN, INC., a
District of Columbia nonprofit corporation;
**HOLY ORDER SIN SITY SISTERS OF
PERPETUAL INDULGENCE, INC.**, a
Nevada nonprofit corporation;
**INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY**, a Nevada
non-profit corporation; **GENDER JUSTICE
NEVADA**, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; **SOCIAL
INFLUENCE FOUNDATION DBA
HOUSE OF VEGAS PRIDE**, a Nevada non-
profit corporation; and **JOHN PHOENIX,
APRN, PLLC DBA HUNTRIDGE
FAMILY CLINIC**, a Nevada professional
limited liability company, **GOLDEN
RAINBOW OF NEVADA, INC.**, a Nevada

Case No. A-23-879938-C

Dept. XXVIII

**NOTICE OF INTENT TO TAKE THE
DEFAULT OF DEFENDANT
INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY**

nonprofit corporation, **BRADY MCGILL**, an individual, **NICOLE WILLIAMS**, an individual, **JOHN PHOENIX**, an individual, **GARY COSTA**, an individual, **ANTHONY CORTEZ**, an individual, and **SEAN VANGORDER**, an individual,

Defendants.

NOTICE OF INTENT TO TAKE THE DEFAULT OF DEFENDANT INTERNATIONAL CULTURAL MOVEMENT FOR EQUALITY

PLEASE TAKE NOTICE that Plaintiffs Christopher Davin, Trevor Harder, and the Henderson Equality Center intend to take the Default of the International Cultural Movement for Equality unless an Answer or other responsive pleading is filed on or before three days from the date of this Notice.

Dated: December 12, 2023.

Respectfully submitted,

/s/ Alex J. Shepard

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Alex J. Shepard (NV Bar No. 13582)

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Attorneys for Plaintiffs

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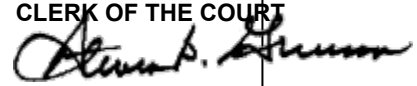
and Henderson Equality Center

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 12, 2023, a true and correct copy of the foregoing document is being served via the Eighth Judicial District Court's Odyssey electronic filing system, via electronic mail and U.S. Mail to the following:

International Cultural Movement for Equality
c/o Christopher Colby, President
931 Hollandsworth Avenue
Las Vegas, NV 89123
<ac@hendersonpride.org>

/s/ Brittani M. Holt
Brittani M. Holt



NNOP

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

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OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

NOTICE OF NON-OPPOSITION

On December 19, 2023, Plaintiffs Christopher Davin, Trevor Harder, and the Henderson Equality Center filed their Motion for Voluntary Dismissal of Defendant John Phoenix Under NRCP 41(a)(2). Pursuant to EDCR 2.20(e), Defendants had until January 2, 2024, to file any response to Plaintiffs' motion. Although all appearing Defendants were served with the Motion, no party to this action has filed any response.

EDCR 2.20(e) states that when the opposing party does "not serve and file written opposition," it "may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same."

Accordingly, Plaintiffs respectfully request that the Court construe Defendants' lack of response to Plaintiffs' motion as a consent to the Court entering an order dismissing Plaintiffs'

claims against Defendant John Phoenix without prejudice, and summarily grant the motion without a hearing.

Dated: January 11, 2024.

Respectfully submitted,

/s/ Alex J. Shepard
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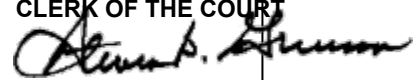
Attorneys for Plaintiffs
 Christopher Davin, Trevor Harder,
 and Henderson Equality Center

Case No. A-23-879938-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on January 11, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Alex J. Shepard
 Alex J. Shepard



OMD

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

SOUTHERN NEVADA ASSOCIATION OF
PRIDE, INC. DBA LAS VEGAS PRIDE,
et al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**PLAINTIFFS' OPPOSITION TO DEFENDANTS SOUTHERN NEVADA
ASSOCIATION OF PRIDE, INC. D/B/A LAS VEGAS PRIDE, HOLY ORDER SIN CITY
SISTERS OF PERPETUAL INDULGENCE, INC., LAS VEGAS TRANSPRIDE, BRADY
MCGILL, and SEAN VANGORDER'S SPECIAL MOTION TO DISMISS PLAINTIFFS'
SLAPP SUIT PURSUANT TO NRS 41.660 (ANTI-SLAPP), AND REQUEST FOR
ATTORNEY FEES, COSTS, AND DAMAGES PURSUANT TO 41.670**

TABLE OF CONTENTS

1.0	INTRODUCTION	1
2.0	FACTUAL BACKGROUND.....	2
2.1	The Statements in the Press Release.....	2
2.1.1	Plaintiffs Did Not File “Frivolous Trademark Claims,” Nor Did They Harm Anyone With “Frivolous Trademark Claims,” and Claims to the Contrary are False.....	3
2.1.2	Plaintiffs Did Not Steal Vegas PRIDE Data, and Claims to the Contrary Are False.....	4
2.1.3	Davin Did Not Misuse HRC Information for His Benefit, and Claims to the Contrary are False.....	5
2.1.4	Plaintiffs Did Not Engage in Harassment, Bullying, Threats, Unethical Business Activities, or Unethical or Illegal Financial Practices or Behavior, and Claims to the Contrary are False.....	6
2.1.5	Plaintiffs Did Not Fail to Submit Payment for Goods/Services Rendered, and Claims to the Contrary are False.	8
2.2	Sean Vangorder’s Statements on Facebook	9
2.3	Brady McGill’s Private Statements to InterPride	9
3.0	LEGAL STANDARD	10
4.0	ARGUMENT.....	11
4.1	Defendants’ Evidence is Largely Inadmissible	11
4.2	Defendants Do Not Satisfy Their Burden Under Prong One	16
4.2.1	Defendants’ Statements are Not in Direct Connection with an Issue of Public Interest	16
4.2.2	The Statements Were Not Made in a Public Forum or Place Open to the Public	20
4.2.3	There is a Genuine Dispute as to Whether Defendants’ Statements are True or Were Made Without Knowledge of Falsity	21
4.3	Plaintiffs Can Show a Probability of Prevailing on Their Claims.....	22
4.3.1	The Statute of Limitations Provides No Defense	23

1	4.3.2	Plaintiffs Have a Probability of Prevailing on Their Claims.....	24
2	4.3.2.1	Defendants’ Statements are Actionable.....	25
3	4.3.2.2	Plaintiffs are Not Public Figures	27
4	4.3.2.3	Defendants Acted with Actual Malice, or at Least Negligence	28
5	5.0	CONCLUSION	29

TABLE OF AUTHORITIES

CASES

<i>Abrams v. Sanson</i> , 458 P.3d 1062 (Nev. 2020).....	24
<i>Anderson Bus. Advisors, LLC v. Foley</i> , Nos. 82633, 82949, 83326, 84499, 84975, 2023 Nev. Unpub. LEXIS 918 (Nev. Dec. 14, 2023).....	21
<i>Bernstein v. LaBeouf</i> , 43 Cal. App. 5th 15 (Cal. Ct. App. 2019).....	19
<i>Carver v. Bonds</i> , 135 Cal. App. 4th 328 (2008).....	19
<i>CCSD v. Virtual Educ. Software, Inc.</i> , 125 Nev. 374 (2009).....	24
<i>Citizens of Humanity, LLC v. Hass</i> , 46 Cal.App.5th 589 (2020).....	11
<i>Coker v. Sassone</i> , 135 Nev. 8 (2019).....	11, 18
<i>Daugherty v. Wobash Life Ins. Co.</i> , 87 Nev. 32 (1971).....	12
<i>FilmOn.com Inc. v. Doubleverify Inc.</i> , 7 Cal. 5th 133 (2019).....	19
<i>Flatley v. Mauro</i> , 39 Cal. 4th 299 (2006).....	23
<i>Gertz v. Robert Welch, Inc.</i> , 418 U.S. 323 (1974)	27
<i>Guilfoyle v. Olde Monmouth Stock Transfer Co.</i> , 130 Nev. 801 (2014).....	25
<i>Harte-Hanks Comms., Inc. v. Connaughton</i> , 491 U.S. 657 (1989)	28
<i>Hawran v. Hixson</i> , 209 Cal. App. 4th 256 (2012).....	25
<i>Hutchinson v. Proxmire</i> , 443 U.S. 111 (1979)	19
<i>Jackson v. Mayweather</i> , 10 Cal. App. 5th 1240 (2017).....	20
<i>Jarrow Formulas, Inc. v. La Marche</i> , 31 Cal. App. 4th 728 (2003).....	23

1	<i>John v. Douglas Cty. Sch. Dist.</i> , 125 Nev. 746 (2009).....	11
2	<i>K-Mart Corp. v. Washington</i> , 109 Nev. 1180 (1993).....	24
3	<i>Kosor v. Olympia Cos., LLC</i> , 478 P.3d 390 (Nev. 2020).....	20
4	<i>Leavit v. Leisure Sports Incorporation</i> , 103 Nev. 81 (1987).....	25
5	<i>Lubin v. Kunin</i> , 117 Nev. 107 (2001).....	22
6	<i>MacLeod v. Tribune Publishing Co.</i> , 52 Cal. 2d 536 (Cal. 1959)	25
7	<i>Milkovich v. Lorain Journal Co.</i> , 497 U.S. 1, 21 (1990)	25
8	<i>Navellier v. Sletten</i> , 29 Cal. 4th 82 (Cal. 2002)	23
9	<i>Nevada Ind. Broad. Corp. v. Allen</i> , 99 Nev. 404 (1983).....	22, 28
10	<i>Newport Harbor Offices & Marina, LLC v. Morris Erullo World Evangelism</i> , 23 Cal.App.5th 28 (2018).....	21
11	<i>Omerza v. Fore Stars</i> , 455 P.3d 841, 2020 Nev. Unpub. LEXIS 96 (Nev. Jan. 23, 2020)	11
12	<i>Panik v. TMM, Inc.</i> , 538 P.3d 1149, 2023 Nev. LEXIS 46 (Nev. Nov. 30, 2023).....	11
13	<i>Pegasus v. Reno Newspapers, Inc.</i> , 118 Nev. 706 (2002).....	24, 27
14	<i>Piping Rock Partners, Inc. v. David Lerner Assocs., Inc.</i> , 946 F. Supp. 2d 957 (N.D. Cal. 2013).....	16
15	<i>Planet Aid, Inc. v. Reveal Center for Investigative Reporting</i> , 44 F.4th 918 (9th Cir. 2022).....	27, 28
16	<i>Pope v. Fellhauer</i> , No. 68673, 2017 Nev. Unpub. LEXIS 277 (Nev. Apr. 20, 2017).....	16, 18
17	<i>Reader's Digest Ass'n v. Superior Court</i> , 37 Cal. 3d 244 (1984).....	28
18	<i>Shanks v. First 100, LLC</i> , No. 72802, 2018 Nev. App. Unpub. LEXIS 895 (Nev. Ct. App. Nov. 20, 2018).....	12
19	<i>Shapiro v. Welt</i> , 389 P.3d 262 (Nev. 2017).....	10, 16, 17, 19

1	<i>Smith v. Zilverberg</i> , 481 P.3d 1222 (2021)	21
2	<i>Snyder v. Phelps</i> , 562 U.S. 443 (2011)	16, 17
3	<i>Soukup v. Law Offices of Herbert Hafif</i> , 39 Cal. 4th 260 (Cal. 2006)	23
4	<i>St. Amant v. Thompson</i> , 390 U.S. 727 (1968)	28
5	<i>Stephans v. State</i> , 262 P.3d 727 (Nev. 2011).....	12
6	<i>Stubbs v. Strickland</i> , 297 P.3d 326 (Nev. 2013).....	11
7	<i>Taylor v. Colon</i> , No. 78517, 2020 Nev. LEXIS 98 (Nev. Dec. 31, 2020).....	10
8	<i>Thomas v. L.A. Times Communs. LLC</i> , 189 F. Supp. 2d 1005 (C.D. Cal. 2002).....	25
9	<i>Walker v. Phazzer LLC</i> , No. 85608-COA, 2023 Nev. App. Unpub. LEXIS 416 (Nev. Ct. App. Oct. 10, 2023).....	11
10	<i>Weller v. ABC</i> , 232 Cal. App. 3d 991 (1991)	25
11	<i>Williams v. Lazer</i> , 495 P.3d 93 (Nev. 2021).....	21
12	<i>Woodhill Ventures, LLC v. Yang</i> , 68 Cal. App. 5th 624 (Cal. Ct. App. 2021).....	19
13	STATUTES	
14	NRS 41.637	16, 19, 20, 22
15	NRS 41.660	10, 11, 23
16	NRS 41.665	11, 23
17	NRS 52.015	11
18	NRS 52.235	12
19	NRS 52.245	12
20	RULES	
21	NRCP 56.....	11

PLAINTIFFS' OPPOSITION TO DEFENDANTS' SPECIAL MOTION TO DISMISS

Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center file this Opposition to Defendants Southern Nevada Association of Pride, Inc. D/B/A Las Vegas Pride ("Vegas PRIDE"), Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc. ("Sin Sity Sisters"), Las Vegas TransPride, Brady McGill, and Sean Vangorder's Special Motion To Dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees, Costs, and Damages Pursuant to 41.670 (the "Motion"). Plaintiffs have dismissed their claims against Defendants Sin Sity Sisters and Las Vegas TransPride, and so this Opposition only addresses the Anti-SLAPP Motion as to Defendants Vegas PRIDE, Brady McGill, and Sean Vangorder.

MEMORANDUM OF POINTS AND AUTHORITIES

1.0 INTRODUCTION

Defendant Las Vegas PRIDE and its principals orchestrated a campaign of defamatory conduct against Plaintiffs for personal and financial reasons. It used its influence to draw in several other members of the Las Vegas LGBTQ+ community, many without their knowledge, in their opening salvo in this campaign, a press release published on Vegas PRIDE's website on April 20, 2023. As alleged in the Complaint, and as demonstrated by Defendants' own exhibits to their Motion, this was a concerted effort to harm Plaintiffs' personal and professional reputations that included publication of false statements on social media accounts and spreading their lies in a private gossip-campaign designed to destroy Plaintiffs' reputation. Defendants' statements and conduct are not protected by Nevada's Anti-SLAPP statute, NRS 41.635-41.670, and their Anti-SLAPP Motion is legally and factually flawed. There are numerous factual disputes that preclude the grant of Defendants' Motion in this summary judgment-like proceeding. The Court should deny Defendants' Motion in its entirety and allow this case to proceed to discovery.

2.0 FACTUAL BACKGROUND

2.1 The Statements in the Press Release

This suit is primarily concerned with a press release Defendant Las Vegas PRIDE published on April 20, 2023. It contains 5 distinct categories of actionable statements:

- A. “In April 2023, Mr. Davin threatened Las Vegas PRIDE Officers and took intentional action to cause harm to our organization and our work by making frivolous trademark claims. These actions resulted in harm to Las Vegas PRIDE and other community-serving organizations.”
- B. “In August of 2021, it was determined that Mr. Davin accessed sensitive information and stole data from the Las Vegas PRIDE, which he used without permission to benefit his organization. In a unanimous vote, Mr. Davin was removed from his position on the Board [“Minutes of the Las Vegas PRIDE Board – Closed Session.” August 11, 2021.](#)¹ At that time, Mr. Harder also resigned from his position on our Board.”
- C. “In a similar incident in the spring of 2020, Mr. Davin was removed from his involvement with Human Rights Campaign of Las Vegas for accessing sensitive information and using it without permission for personal gain.”
- D. “Las Vegas PRIDE Officers have been made aware of multiple reports of bullying, threats, and unethical business activities Mr. Davin has taken against individuals, charities, and businesses in Southern Nevada.”
- E. “Las Vegas PRIDE Officers have been made aware of reports made to various authorities regarding Mr. Davin directly for unethical, unprofessional, and illegal financial practices and behavior.”

April 20, 2023, Press Release, attached as **Exhibit 1**.

It further states that “*Las Vegas PRIDE takes direct threats to our Board Members and attacks on our organization by Mr. Davin and Mr. Harder seriously. Bullying actions of these individuals will not be tolerated ...*” *Id.* The Press Release also encourages readers to file complaints with various governmental agencies regarding Davin and Harder and “the many organizations with which they are associated.” *Id.* On May 2, 2023, the Press Release was updated

¹ The hyperlink to this document is in the Press Release. The August 11, 2021, closed meeting minutes linked in the Press Release are attached as **Exhibit 2**. Importantly, these minutes were not available when this closed session meeting happened; rather, they were not posted on Vegas PRIDE’s website until approximately April 20, 2023, specifically to coincide with the Press Release. Declaration of Christopher Davin (“Davin Decl.”), attached as **Exhibit 3**, at ¶ 22.

to include two additional false statements, that Vegas PRIDE had received reports from unnamed third parties accusing Plaintiffs of “Harassment of community members, and former board members,” and “Failure to submit payment for goods/services rendered.” *Id.*

2.1.1 Plaintiffs Did Not File “Frivolous Trademark Claims,” Nor Did They Harm Anyone With “Frivolous Trademark Claims,” and Claims to the Contrary are False.

Plaintiff Henderson Equality Center (“HEC”) owns multiple trademark registrations for the mark HENDERSON PRIDE FEST. It was registered on February 7, 2023, with an effective registration date of December 10, 2021 (Reg. No. 6,976,120). HENDERSON PRIDE FEST federal registration certificate, attached as **Exhibit 4**. HEC also owns three Nevada state registrations for the mark, which were registered on January 11, 2022. Nevada Secretary of State printouts for Mark registrations, attached as **Exhibit 5**.

In April 2023, Davin submitted a complaint to Facebook alleging trademark infringement on Vegas PRIDE’s Facebook page. Davin Decl. at ¶ 27; email communications with Facebook, attached as **Exhibit 6**. This complaint was premised on several images that featured and promoted the confusingly similar trademark HENDERSON PRIDE FESTIVAL in connection with the same goods and services as HEC’s HENDERSON PRIDE FEST mark. *Id.* at ¶ 26; screenshots of infringing Facebook posts, attached as **Exhibit 7**. On or about April 17, 2023, Facebook found Davin’s complaint meritorious and suspended Vegas PRIDE’s Facebook page for violating Facebook’s policies. Davin Decl. at ¶ 27; **Exhibit 6**.² When Vegas PRIDE’s account was restored, the infringing images were not restored. Davin Decl. at ¶ 28.

Defendant Brady McGill claims in his declaration that “the Henderson Pride trademark was registered by the International Cultural Movement for Equality [“ICME”] for several years.” McGill Decl. at ¶ 5(A). This is false. As Defendants’ own *Exhibit E* shows, ICME filed an *application* for HENDERSON PRIDE, which is still pending. It has not matured to registration.

² Defendant Brady McGill claims in his declaration that the infringing content on Facebook was not infringing and describes the contents of the infringing content. As explained in Section 4.1, *infra*, this testimony is inadmissible, as it violates the best evidence rule.

Thus, to claim that ICME has registered rights in this mark is a false statement of fact. Printout of HENDERSON PRIDE application status, attached as **Exhibit 8**. If and when this application is published, Plaintiffs intend to oppose the application to ensure this confusingly similar mark is not registered. Davin Decl. at ¶ 29.

Plaintiffs saw that Vegas PRIDE was infringing their registered trademark rights in the HENDERSON PRIDE FEST mark and took action by reporting this infringement to Facebook. Facebook found the complaint meritorious and took action under its terms of service. There was nothing “frivolous” about Plaintiffs’ trademark claims, and it is telling that Defendants base their argument on this statement on the obvious falsehood that ICME had registered rights in a confusingly similar mark. Plaintiffs certainly had no intent to “cause harm” to Vegas PRIDE; they merely wanted to enforce their trademark rights. Davin Decl. at ¶ 30.

Defendants cite their email exchange with Facebook as somehow showing that Facebook later found Davin’s infringement claim was unfounded. Mot. Exh. I. This exchange contains no discussion of the merits of Plaintiffs’ claims. McGill’s declaration also claims that “the only reason that the Facebook pages were not immediately restored were due to the layoffs and problems with Facebook” (McGill Decl. at ¶ 5(A)), but Defendants provide no evidence establishing this, and the declaration provides no foundation for McGill’s knowledge of this alleged fact.³

2.1.2 Plaintiffs Did Not Steal Vegas PRIDE Data, and Claims to the Contrary Are False.

On August 11, 2021, Vegas PRIDE held a closed meeting to discuss allegations of Davin taking Vegas PRIDE assets. Davin Decl. at ¶ 16. The allegation was that Davin logged into Vegas PRIDE’s email program, which used the software Mailchimp, and extracted email files for the purpose of soliciting donations from Vegas PRIDE donors for the benefit of HEC. *Id.* at ¶ 16. This allegation was false in all respects. *Id.* at ¶ 17. Davin proved it was false during the closed Board

³ The only mention of such issues in Defendants’ evidence is an email from McGill to Facebook in which he states, “I had gotten quite far along the path actually – but it is my understanding that the person helping was laid off.” Mot. Exh. I. This does not establish the existence of “layoffs and problems with Facebook,” or that such alleged issues have any bearing on the validity of Plaintiffs’ trademark claims.

meeting by showing that if he had engaged in this alleged conduct, Mailchimp would have had a log of it, and that no such log existed. *Id.* at ¶ 18. This was conclusive evidence that Davin did not engage in this alleged conduct, yet the Board ignored it and provided no countervailing evidence. *Id.* at ¶ 19. The Board then, without conducting any investigation, found that Davin had engaged in this conduct and voted to allow him to resign from the Board. *Id.* at ¶ 20. Davin voluntarily resigned from the Board on August 11, 2021. *Id.* at ¶ 21.

This statement in the Press Release is false in 3 ways: (1) Davin was not removed from the Board of Vegas PRIDE for misappropriating donor information, as he never engaged in such conduct and proved to the Board he did not; (2) Davin voluntarily resigned from the Board, and was not “removed” from it; and (3) the Press Release claims that Plaintiff Trevor Harder resigned from the Board of Vegas PRIDE at the same time Davin resigned, to insinuate he was also involved in this alleged data theft. This is false, however, as Harder was not involved in such conduct and did not resign from the Board until months later, in October 2021. Declaration of Trevor Harder (“Harder Decl.”), attached as **Exhibit 9**, at ¶ 9. Brady McGill’s testimony that Harder’s resignation was contemporaneous with the vote in August 2021 is thus a lie. McGill Decl. at ¶ 4.

2.1.3 Davin Did Not Misuse HRC Information for His Benefit, and Claims to the Contrary are False.

In 2019, Davin volunteered his time to the Human Rights Campaign (“HRC”) in Las Vegas and served as a co-chair for the HRC Gala silent auction.⁴ Davin Decl. at ¶ 5. Due to the poor training of some of HRC’s volunteers, some of the wrong people received items from the auction. Davin Decl. at ¶ 6. Davin had to sort out this mess by himself, which involved contacting various bidders to make arrangements for them to acquire or transfer auction items. Davin Decl. at ¶ 6. As a necessary part of this work, Davin had access to HRC donor information. Davin Decl. at ¶ 7. He did not use HRC donor information for any purpose other than fixing the issues that arose

⁴ The Complaint erroneously alleges that the silent auction took place in 2020. Davin was involved in the 2019 silent auction for HRC. The Press Release’s mention of an “incident in the spring of 2020” refers to HRC alleging Davin misappropriated donor info obtained from that auction, which allegations started in the spring of 2020. Davin Decl. at ¶ 5.

during the checkout process. Davin Decl. at ¶ 7. In fact, he had deleted all such donor information in his possession by the time any alleged misappropriation occurred. Davin Decl. at ¶ 8.

The only evidence Defendants provide is the declaration of Gustavo Davis, who received a solicitation email from Plaintiff Henderson Equality Center (“HEC”). Davis claims that he never gave his email address to any entity or organization other than HRC, and that there is no way HEC could have obtained this address other than by stealing it from HRC’s records. Davis Decl. at ¶¶ 2, 4. Davis is wrong, as HEC did not receive this information from HRC’s records. Davin Decl. at ¶ 13. Davis is additionally wrong because his email address can be found on the internet, and is not stored exclusively within HRC’s records. Davin Decl. at ¶ 14; Screenshot of Google search results for and third party site showing Davis email address, attached as **Exhibit 10**. This is not surprising, as Davis is a popular fitness coach and model within the Las Vegas community, and he has over 200,000 followers on his Instagram account. *See* Davis Instagram account, attached as **Exhibit 15**.

2.1.4 Plaintiffs Did Not Engage in Harassment, Bullying, Threats, Unethical Business Activities, or Unethical or Illegal Financial Practices or Behavior, and Claims to the Contrary are False.

The Press Release makes a vague reference to unidentified “reports” of harassment, bullying, threats, unethical business activities, and unethical and illegal financial practices and behavior committed by Plaintiffs. **Exhibit 1**. No such “reports” existed at the time Defendants published the Press Release, as shown by Defendants’ own evidence, and Plaintiffs have not engaged in any conduct a reasonable person could characterize as falling into any of these categories. Davin Decl. at ¶ 32; Harder Decl. at ¶ 6.

Defendants cite an alleged Facebook post from Derek McClanahan-Washington, claiming that this establishes the existence of allegations of unethical or illegal business or financial activities. Mot. Exh. L. First, this exhibit is unauthenticated and inadmissible. *See* Section 4.1, *infra*. Second, this message was posted on April 26, 2023, *after* the Press Release was published.

Third, this post is nothing more than a criticism of Davin purchasing six flat screen televisions for HEC, which is far afield from an allegation of “illegal financial practices or behavior.”

Defendants cite two unauthenticated and inadmissible alleged Facebook post from Jennifer McHugh, one from April 26, 2023, and one from October 20, 2020. Mot. Exh. N. McHugh is lying in these posts, as she was never a member of HEC’s Board; rather, she was a Board member of a different organization, Equality Nevada, and never attended a Board meeting while there. Davin Decl. at ¶ 33. The 2023 post alleges that Davin “is a thief who steals from the community, the State of Nevada (via falsified UI claims, PPP loans, and unreported donations),” but all of these assertions are false. *Id.* at ¶ 33. Indeed, HEC never even applied for a PPP loan, which anyone with an internet connection could verify by visiting ProPublica’s PPP loan tracker.⁵ *Id.* at ¶ 33. McHugh’s assertion that HEC has a responsibility to help people in crisis is categorically false because HEC does not do this and does not have people trained for such work. *Id.* at ¶ 33.

Defendants cite an alleged email exchange between Defendant Nicole Williams and Brady McGill from June 2023. Mot. Exh. O. This email is unauthenticated and inadmissible, *see* Section 4.1, *infra*, and concerns an event that took place in June 2023, after the Press Release was published. It also merely claims Williams was upset at Davin accurately telling people at an event that he was planning to file a defamation suit. Williams feeling “uncomfortable” or “embarrassed” at the prospect of being sued for defamation is neither “harassing” nor “bullying” behavior.

Defendants cite a message purportedly from the HEC Board of Directors dated March 23, 2022. Mot. Exh. R. This, like all other documentary evidence, is inadmissible. It also fails to prove that Plaintiffs engaged in any kind of bullying or harassing behavior.

Defendants provide a declaration from William Pierro, who claims that Davin “verbally attack[ed] Declarant’s 12-year-old special needs child.” Pierro Decl. at ¶ 3. This is a misleading characterization of events. Pierro is referring to an event on September 16, 2023. Davin Decl. at ¶ 34. Davin, Harder, and an elderly HEC Board member were in HEC’s booth watching the event.

⁵ Available at: <https://projects.propublica.org/coronavirus/bailouts/>.

Id. at ¶ 34. While the three were sitting in their booth, Pierro’s son approached the booth and hit the elderly Board member with a water balloon, to which Davin responded “what the hell is your problem, kid?” *Id.* at ¶ 34. Davin did not know that Pierro’s child was special needs. *Id.* at ¶ 34. Given Pierro’s child’s inability to conduct himself in public, and Pierro’s inability or unwillingness to respond, drawing such a question is hardly a “verbal attack.”

Defendants cite Brady McGill’s declaration, who testifies that “Henderson Pride report [sic] to Pride that Davin was using the Henderson Pride name for his own financial gain ... which was reported to the City of Henderson,” that “a Representative of Henderson Pride with [sic] unlawfully held in an office by Davin after requesting Plaintiffs Non Profit financials, and the Henderson Police were called over this matter,” and “Nicole Williams of House of Vegas Pride contacted the Attorney General of Nevada regarding Davin’s unethical, unprofessional, and/or illegal financial practices.” McGill Decl. at ¶ 5(E). Davin did not use the Henderson Pride name for his own financial gain. Davin Decl. at ¶ 35. The allegation of Davin holding someone in an office is categorically false. *Id.* at ¶ 36. And while Davin does not know what Defendant Nicole Williams may have said to the Nevada AG, it is telling that none of these allegations contain any specifics as to how or when McGill learned of these claims. Thus, the inference must be that this information would not help the defense. In other words, Defendants went looking for back-up for their statements after being sued, not before they decided to defame Plaintiffs.

2.1.5 Plaintiffs Did Not Fail to Submit Payment for Goods/Services Rendered, and Claims to the Contrary are False.

In February 2021, Plaintiff HEC entered into a contract with Smithman Productions (“Smithman”) by which Smithman would produce HEC-branded merchandise. Davin Decl. at ¶ 38; contract with Smithman, attached as **Exhibit 11**. Smithman agreed to “[c]reate and produce custom branded merchandise” and “[p]rovide bi-weekly inventory reporting and invoicing.” **Exhibit 11**. HEC learned that Smithman was providing incorrect inventory counts, and that the “custom” merchandise Smithman promised to create actually consisted of images Smithman took from the internet without attribution or permission. Davin Decl. at ¶ 40. Smithman was thus in

breach of at least two material provisions of the contract, and HEC did not accept Smithman’s attempt to settle this breach. *Id.* at ¶ 41.

2.2 Sean Vangorder’s Statements on Facebook

After Vegas PRIDE published the Press Release, Defendant Sean Vangorder published a post on his Facebook profile that claims Davin and Harder:

Are the greatest scam artists to the LGBTQ+ community in Las Vegas. They have stolen donor lists, bashed dedicated and caring volunteer leaders, attacked valuable queer-supported Vegas organizations, and have continued on a journey of full destruction of non-profit and political orgs that fight for our freedoms and help gain us access to valuable services every day. As of now, they have attacked Las Vegas Pride to the point of having their social media access removed – just before June Pride month – one of their most important months for engagement and exposure. It’s time for the Vegas queer community to be transparent about the toxic attacks these two humans have participated in. It’s time for them to go and for the rest of us to unite. Take it from me – I know personally about the toxicity of these two.

Sean Vangorder Facebook post, attached as **Exhibit 12**.

This post is largely a retread of the defamatory statements in the Press Release, as it refers to the false allegations of frivolous trademark claims and stealing donor lists, addressed above. Vangorder’s other claims of being scam artists and attacking members of the LGBTQ+ community are all false, as well. Davin Decl. at ¶ 42; Harder Decl. at ¶ 11. Vangorder, in his declaration, practically admits that he has no evidence to support any of these assertions. Indeed, the only example of such conduct Vangorder provides is an incident where “Davin criticized volunteer gifts” by publishing a Facebook post “suggesting it was cheap and poorly made.” Vangorder Decl. at ¶ 5. A “lack of respect and tact,” as Vangorder puts it, is not the same as “bullying” or “attacking,” and no reasonable person would put them in the same category.

2.3 Brady McGill’s Private Statements to InterPride

On October 10, 2023, the VP of Accessibility, Diversity and Inclusion for InterPride, Richard Brethour-Bell, sent an email to Davin stating that “[t]here has been an allegation of racism and elder abuse lodged against you. I have spoken with Brady [McGill] and communicated with Nichole Williams. I would really like to hear your side of the story.” Davin Decl. at ¶ 44; October 10, 2023, email, attached as **Exhibit 13**. While his testimony is inadmissible, McGill testifies that

Vegas PRIDE “is in possession of the audio recording the [sic] elderly black man who was called the ‘N Word’ repeatedly by Davin.” McGill Decl. at ¶ 15. Defendants also provide an alleged email chain (again unauthenticated and inadmissible) from a City of Henderson employee to McGill, which itself forwards emails from Rondalynne McClintock, a non-party who does not provide a declaration, which in turn recounts an experience of another non-party who does not provide a declaration, Roussell White, at Henderson Food Pantry.⁶ Mot. Exh. Q. McClintock’s emails make no mention of Davin.

3.0 LEGAL STANDARD

The Anti-SLAPP law presents a two-prong analytical framework. First, the moving party must show, by a preponderance of the evidence, that the claims sought to be dismissed are “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). Regardless of which category of protected speech a communication falls into, the communication must be “truthful or [] made without knowledge of its falsehood” to be protected. *Shapiro v. Welt*, 389 P.3d 262, 267 (Nev. 2017). To satisfy their burden, the movant “must be unaware that the communication is false **at the time it was made.**” *Id.* (emphasis added).

If the moving party makes this showing, then the non-moving party must demonstrate “with prima facie evidence a probability of prevailing on the claim.” NRS 41.660(3)(b). This inquiry does not involve the court making any findings of fact, but instead merely determining “whether a plaintiffs [sic] underlying claim is legally sufficient.” *Taylor v. Colon*, No. 78517, 2020 Nev. LEXIS 98, *8 (Nev. Dec. 31, 2020). This means an Anti-SLAPP motion should be denied if the non-moving party meets “his or her burden of production to show that a reasonable trier of fact could find that he or she would prevail.” *Id.* at *8-9.

⁶ Needless to say, this is hearsay upon hearsay without exception which renders the exhibit inadmissible to show that this encounter with Mr. White happened at all, independent of authenticity problems.

An Anti-SLAPP motion is treated as a motion for summary judgment. *Stubbs v. Strickland*, 297 P.3d 326, 329 (Nev. 2013). The motion may only be granted “if there is no genuine issue of material fact and ‘the moving party is entitled to a judgment as a matter of law.’” *John v. Douglas Cty. Sch. Dist.*, 125 Nev. 746, 753-54 (2009) (quoting NRCp 56(c)); *Coker v. Sassone*, 135 Nev. 8, 10 (2019) (affirming that current version of Anti-SLAPP statute treats Anti-SLAPP motions as motions for summary judgment).⁷ At both steps of the analysis, as with any summary judgment motion, the parties must provide competent, admissible evidence to satisfy their respective burden. NRS 41.660(3)(d) (providing that at both steps of the Anti-SLAPP analysis, the court must “[c]onsider such evidence, written or oral, by witnesses or affidavits, as may be material in making a determination”); *Omerza v. Fore Stars*, 455 P.3d 841, 2020 Nev. Unpub. LEXIS 96, *11-12 (Nev. Jan. 23, 2020).

4.0 ARGUMENT

4.1 Defendants’ Evidence is Largely Inadmissible

There are three crucial evidentiary defects in Defendants’ Motion: (1) not a single document attached to the Motion is properly authenticated; (2) the declarations attached to the Motion frequently violate the best evidence rule; and (3) the declarants are not competent to provide much of the testimony in their declarations.

“[A]ll evidence presented in connection with a summary judgment proceeding must be authenticated.” *Walker v. Phazzer LLC*, No. 85608-COA, 2023 Nev. App. Unpub. LEXIS 416, *4 (Nev. Ct. App. Oct. 10, 2023). NRS 52.015 requires that evidence be authenticated “by evidence or other showing sufficient to support a finding that the matter in question is what its proponent

⁷ The Nevada Supreme Court has recently suggested that treating an Anti-SLAPP motion as a summary judgment motion on the second prong is not proper. *Panik v. TMM, Inc.*, 538 P.3d 1149, 2023 Nev. LEXIS 46, *10-11 (Nev. Nov. 30, 2023). Genuine disputes of material fact may still defeat an Anti-SLAPP motion, however. Nevada’s Anti-SLAPP statute specifically provides that a plaintiff’s burden of proof on prong two is the same as under California law. NRS 41.665(2). Under California law, establishing a genuine dispute of material fact is sufficient for a plaintiff to meet their burden under the second prong. *Citizens of Humanity, LLC v. Hass*, 46 Cal.App.5th 589, 602 (2020). The Court’s statement in *Panik* was simply a recognition that the plaintiff bore the burden of establishing a *prima facie* claim, unlike a motion under NRCp 56, which requires the *moving party* to establish the lack of any disputed facts.

claims.” “Generally, an individual with personal knowledge of the document at issue must be able to testify about the circumstances of the document to authenticate it.” *Shanks v. First 100, LLC*, No. 72802, 2018 Nev. App. Unpub. LEXIS 895, *3 (Nev. Ct. App. Nov. 20, 2018). None of the exhibits to the Motion are authenticated. All Defendants provide a list of exhibits. There is no declaration from anyone identifying any of the exhibits, by exhibit letter, testifying that these exhibits are what they are claimed to be. Some of the declarations refer to documents that *might* correspond to one or more of these exhibits, but without identifying any of the exhibits by letter, it is impossible to tell which documents these declarants are referring. With no authenticating declarations, none of these exhibits are authenticated, and thus the Court may not consider them.⁸

Moving on to the declarations, NRS 52.235 requires that a party provide an original (or a duplicate as per NRS 52.245) of a document in order “[t]o prove the content of a writing.” A party cannot provide “secondary oral proof” to establish the contents of a document. *Stephans v. State*, 262 P.3d 727, 733 (Nev. 2011). Yet that is precisely what Defendants attempt to do in their Motion. The declarations describe the contents of web sites and written communications, yet none of these documents are attached to the declarations, or even identified with any specificity in them. There is nothing in the declarations suggesting that the declarants independently obtained knowledge as to the contents of these documents other than by reviewing them. They are thus testifying as to the contents of documents and items without actually providing them. This is not permitted under NRS 52.235, and thus all such statements in these declarations are inadmissible.

Furthermore, affidavits or declarations offered in support of a summary judgment motion “must not only be made on the personal knowledge of the affiant, but must show that the affiant possesses the knowledge asserted.” *Daugherty v. Wobash Life Ins. Co.*, 87 Nev. 32, 38 (1971).

Gustavo Davis testifies that “the only way that Mr. Davis could have obtained Declarants [sic] personal email address was to have taken it from HRC,” but provides no foundation for his

⁸ All these documentary exhibits containing statements from third parties are also inadmissible to prove the truth of the matter asserted (*e.g.*, Mot. Exh. R, which contains an alleged letter from the City of Henderson referring to threats), as they are inadmissible hearsay with no declarations attesting to the accuracy of the statements therein.

knowledge of this alleged fact. Davis Decl. at ¶ 4. He claims that “[t]he email given to HRC for the Donor List was only given to them, and was never given to any other entity or organization” (*id.* at ¶ 2), but as a factual matter, this is false because the same email address can be found online on publicly accessible websites. Davin Decl. at ¶ 14; **Exhibit 10**.

Jamie Lee Sprague testifies about a Facebook post by “The Lady Jasmina” and the alleged experience of Veronica Melton, who allegedly had a “falling out with Davin in the past.” Sprague Decl. at ¶ 4. Sprague, however, fails to provide a foundation for his personal knowledge of any of these interactions. He testifies as to the contents of documents without attaching them, violating the best evidence rule. He testifies that Davin “brought confusion into the Community” by using and registering HEC’s HENDERSON PRIDE FEST mark, but provides no foundation for his personal knowledge of the LGBTQ+ community being confused by this. *Id.* at ¶ 8.

Sean Vangorder testifies that “the reputation of Plaintiffs in the entire LGBTQ+ Community is that of being bullies, harassing, and toxic to deal with.” Vangorder Decl. at ¶ 4. Vangorder provides no foundation for his personal knowledge of this alleged fact, such as identifying third parties who have told him they possess this opinion, or the number of people who have told him they have such an opinion. This is rank, inadmissible speculation. Vangorder also testifies that he has “personal knowledge” that Davin “stole the donor list from HRC to use for his own personal gain.” *Id.* at ¶¶ 7-8. The only fact he identifies as the basis for this purported knowledge is the inadmissible email chain between Davin and Gustavo Davis, wherein Davis asks how HEC got his email address. This is far from “personal knowledge” of what Vangorder claims, and so his testimony on this issue is inadmissible. Finally, Vangorder testifies that “[m]any, if not most friends on Facebook, rely on [Vangorder] for information updates regarding the LGBTQ+ Community,” but provides no foundation for this alleged dependence or how he could know the subjective thoughts of unidentified third parties. *Id.* at ¶ 10.

The evidentiary problems with Brady McGill’s declaration are legion. To wit:

- McGill testifies that “[t]he false accusations [of] trademark infringement made by Plaintiffs were based on magazine ads for Henderson Pride, not Henderson Pride Fest,” and

describes the contents of these ads, yet these alleged ads are not identified in or attached to this declaration, violating the best evidence rule. McGill Decl. at ¶ 5(A).

- Relatedly, he testifies that “[t]he only reason that the Facebook pages were not immediately restored were due to the layoffs and problems with Facebook,” with no foundation identified as to how he could know this alleged fact. *Id.*⁹

- He testifies that “Pride obtained documents from the City of Henderson showing that Davin and Harder continued to behave unethically in business matters,” and that “Pride has a copy of the interview with Mr. White, detailing the verbal abuse from Davin, and the fact that he was repeatedly called the ‘N Word’),” without providing such documents, thus violating the best evidence rule. *Id.* at ¶ 5(D).¹⁰

- He testifies that “Henderson Pride report [sic] to Pride that Davin was using the Henderson Pride name for his own financial gain ... which was reported to the City of Henderson,” that “a Representative of Henderson Pride with [sic] unlawfully held in an office by Davin after requesting Plaintiffs Non Profit financials, and the Henderson Police were called over this matter,” and “Nicole Williams of House of Vegas Pride contacted the Attorney General of Nevada regarding Davin’s unethical, unprofessional, and/or illegal financial practices.” McGill Decl. at ¶ 5(E). All of this is inadmissible hearsay to show that Plaintiffs engaged in any of this conduct, as McGill does not claim to have personal knowledge of any of this conduct. McGill also fails to identify the basis of his personal knowledge of even the existence of these allegations. To the extent such purported knowledge is based on review of

⁹ To the extent McGill may assert that his knowledge of this alleged fact is based on his (unauthenticated) email exchange with Facebook (Mot. Exh. I), this email exchange contains no such statements from Facebook.

¹⁰ McGill repeats this claim of racism and elder abuse in ¶ 15 of his Declaration, which is inadmissible for the same reasons. And as for the email exchange allegedly referring to this incident (Mot. Exh. Q), this contains hearsay upon hearsay, both as to whether Davin made these alleged statements or even whether a “report” of such conduct exists.

documents, this testimony also violates the best evidence rule, as no such documents are attached to the Motion.¹¹

- He testifies that Davin’s unidentified “threat” regarding Vegas PRIDE’s Facebook account “was done solely as a form of coercion, bullying, intimidation, and/or blackmail,” with no foundation as to the basis of his personal knowledge of these alleged facts. *Id.* at ¶ 14. McGill is incompetent to provide this testimony.

- He testifies that it “is the reputation of Plaintiffs in Nevada” that they “intentionally bully and harass members of the LGBTQIA+ community to make money by cutting out the competition,” and that “there are literally dozens of entities and organizations that feel the same way.” *Id.* at ¶ 16. McGill does not identify a single person or entity who shares this opinion, nor does he provide a foundation for his personal knowledge of this alleged fact. Nor is there any basis for personal knowledge of his assertion that “prior Board Members for Plaintiff Henderson Equality Center fear the reprisals for going against Plaintiffs.”

- McGill provides no foundation for personal knowledge as to the alleged facts that “the Pride website reaches nearly 30,000 people in Nevada, and the reach of the Pride Facebook includes thousands more.” *Id.* at ¶ 18. His claim in the same paragraph that “[m]any LGBTQIA+ community [sic] rely on Pride for news, information, and events in Nevada” similarly has no foundation laid for McGill’s personal knowledge.

- McGill fails to provide a foundation for his personal knowledge that “several prior Board Members of HED that were harassed by Plaintiffs.” *Id.* at ¶ 21. Stating that he “has been made aware” of this claim is insufficient.

Accordingly, huge swaths of Defendants’ evidence are inadmissible, and the Court may not consider such evidence in deciding this Motion.

¹¹ McGill also speculates as to the subjective motive in Plaintiffs suing or not suing certain companies, but he admits this is no more than idle speculation based on “information and belief.” *Id.* at ¶¶ 9, 11.

4.2 Defendants Do Not Satisfy Their Burden Under Prong One

4.2.1 Defendants' Statements are Not in Direct Connection with an Issue of Public Interest

To determine whether statements are in connection with an issue of public interest under NRS 41.637(4), the Nevada Supreme Court has adopted the five “guiding principles” laid out in *Piping Rock Partners, Inc. v. David Lerner Assocs., Inc.*, 946 F. Supp. 2d 957 (N.D. Cal. 2013). *Shapiro v. Welt*, 133 Nev. 35, 39 (2017). These principles are:

- (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.

Id. at 968. A district court *must* consider these factors, as failure to do so is reversible error. *Pope v. Fellhauer*, No. 68673, 2017 Nev. Unpub. LEXIS 277, *1-2 (Nev. Apr. 20, 2017). Defendants do not address *any* of these factors, or even acknowledge their existence. Completely disregarding the applicable legal standard on this issue is fatal to their Motion. For the sake of thoroughness, however, Plaintiffs will address them here.

First, Defendants fail to show that the statements at issue are on matters of anything more than mere curiosity. They claim that Plaintiffs are public figures but provide no explanation or evidence. There is no specific public controversy that makes Plaintiffs limited-purpose public figures, nor is there any connection between this non-existent controversy and the statements at issue. Defendants argue their statements involve a matter of public concern by citing *Snyder v. Phelps*, 562 U.S. 443 (2011), but this case is inapposite. It dealt with the highly publicized picketing of a military veteran’s funeral by the Westboro Baptist Church. The speaker, the

Westboro Baptist Church, had a well-established reputation of making statements criticizing the U.S. government and society in general's tolerance of homosexual people and conduct, and so the Court was "not concerned in this case that Westboro's speech on public matters was in any way contrived to insulate speech on a private matter from liability." *Id.* at 455. This does not describe Defendants at all, particularly since their statements were timed to retaliate against Plaintiffs. And finally, *Phelps* was not an Anti-SLAPP case, meaning the Supreme Court opining on what constitutes speech on a matter of public concern has little, if any, value in deciding whether speech is protected under Nevada's Anti-SLAPP law.¹²

Second, there is no evidence that the defamatory statements concern a substantial number of people. Defendants provide unsupported and inadmissible testimony of Plaintiffs' general reputation with some people in the local LGBTQ+ community, but there is no attempt to connect the statements at issue to such alleged notoriety, to define the community, nor to even explain how the "LGBTQ+ Community" can be observed as a monolith.¹³ There is nothing to suggest a large number of people would have any interest in Plaintiffs' trademark enforcement efforts or Davin's resignation from the Board of Vegas PRIDE. There is no admissible evidence as to the number of people in this community or any subsets of it that might actually be interested in the statements. All we have is Defendants' unsupported claim that their statements were published to 33,000+ people, not that the statements actually *concerned* any of them. Defendants fail to show this factor weighs in their favor.

Third, Plaintiffs fail to identify the public interest they assert *or* how the statements at issue have any connection with such an interest. They assert the statements are related to "33,000+

¹² For example, the Court in *Phelps* found that Westboro's statements "plainly relate[d] to broad issues of interest to society at large, rather than matters of 'purely private concern,'" and that "the issues they highlight – the political and moral conduct of the United States and its citizens, the fate of our Nation, homosexuality in the military, and scandals involving the Catholic clergy – are matters of public import." *Id.* at 454. These are exactly the sort of "broad and amorphous" public interests that do not pass muster under the *Shapiro* factors. The analyses are completely different.

¹³ It is frankly shocking that so-called "equality" organizations would so insultingly refer to LGBTQ+ people as part of a hive mind unable to think for themselves or divide into their own individual communities.

members of the LGBTQ+ Community” (to the extent that this is a monolithic entity as Defendants insultingly say), but that is exactly the sort of “broad and amorphous public interest” that Nevada courts have found is insufficient. *See Pope v. Fellhauer*, No. 74428, 2019 Nev. Unpub. LEXIS 331, *6-8 (Mar. 21, 2019) (finding that post on interactive website warning members of neighborhood that some residents in the community had engaged in “abusive and potentially illegal behavior” was not sufficiently connected with an issue of public interest); *Coker v. Sassone*, 135 Nev. 8, 14 n.7 (2019) (finding that “the ‘free flow of information’ and ‘[a] robust public domain’” could “readily be categorized as broad and amorphous”).

Fourth, the Press Release and other statements are part of a private dispute between Defendants and Plaintiffs. If Defendants actually felt it was important to warn some ill-defined “LGBTQ+ Community” of misconduct committed by Plaintiffs, then presumably they would have done so in 2020 or 2021, when Davin’s alleged data theft happened. While Vegas PRIDE allegedly sent a notice to its supporters in August 2021 falsely telling them that a data breach happened, this notice did not identify Davin, directly or otherwise. Mot. Exh. H. Defendants did not publish the minutes of the August 2021 meeting, which contained the details of Davin’s alleged theft of donor information, until April 2023, coinciding with the Press Release. Davin Decl. at ¶ 22; **Exhibit 14**. The timing of the Press Release is suspicious, as Vegas PRIDE published it a mere **3 days** after its Facebook account was taken down in response to Plaintiffs’ complaints of trademark infringement. Defendants’ own evidence provides a particularly incriminating statement in McGill’s email exchange with Smithman Productions. McGill wrote on April 30, 2023, mere days before amending the Press Release, that “[b]y getting this post [the Press Release] to and keeping it high in Google results **it will cut them [Plaintiffs] off from resources** and ensure others who plan business with them will be able to have some warning.” Mot. Exh. P (emphasis added). This is an admission that the purpose of the Press Release was not to communicate with some “Community,” but instead to harm Plaintiffs. These circumstances lay waste to Defendants’ assertion that they published their statements to warn the LGBTQ+ community of alleged misconduct by Plaintiffs. This factor weighs against Defendants.

Fifth and finally, Defendants’ statements do not have a connection to a public issue simply because they were posted on the internet to possibly a large number of people, though Defendants never substantiate the size of their audience aside from claiming it consists of “33,000+ members.” There is no evidence of any pre-existing controversy regarding Plaintiffs and the Press Release’s defamatory statements about them. The Press Release was the first time this alleged audience heard these allegations and, similar to the public figure analysis, a defendant cannot manufacture their own public controversy by publishing defamatory statements and then point to them as evidence of a public interest. *Carver v. Bonds*, 135 Cal. App. 4th 328, 354 (2008) (holding that a “[n]ewspaper could not create a public controversy simply by publishing an article that put plaintiff’s behavior in the spotlight”); *Hutchinson v. Proxmire*, 443 U.S. 111, 135 (1979) (finding that “those charged with defamation cannot, by their own conduct, create their own defense by making the claimant a public figure”).

Even if Defendants had addressed them, none of the five *Shapiro* factors weigh in their favor.¹⁴ Defendants have failed to show that the statements at issue are protected under NRS 41.637. The Court should deny their Motion in its entirety for this reason alone.

¹⁴ While Defendants cite California case law in support of their argument on this issue, the case they cite significantly pre-dates a pattern of decisions in California restricting the scope of Anti-SLAPP protections. To qualify for protection, a statement must contribute to an existing public debate, such that the defendant “participated in, or furthered, the discourse that makes an issue one of public interest.” *FilmOn.com Inc. v. Doubleverify Inc.*, 7 Cal. 5th 133, 151 (2019); *Bernstein v. LaBeouf*, 43 Cal. App. 5th 15, 19, 23-24 (Cal. Ct. App. 2019) (finding that video of famous actor Shia LaBeouf calling a bartender racist was not connected to an issue of public interest, despite video being “circulated instantly world-wide to millions of people via television, internet, social and print media”). Following the *FilmOn* court’s lead, the court in *Woodhill Ventures, LLC v. Yang*, 68 Cal. App. 5th 624 (Cal. Ct. App. 2021), dealt with a popular social media figure who, after receiving a cake for his child’s birthday that contained confections in the shape of medicinal pills, went to social media to berate the seller of the cake for contributing to the issue of “candy confusion” among children, by which children would sometimes consume medicine thinking it was candy. The court found that the defendant’s statements were not in connection with a public interest, reasoning that the main purpose of the statements was to further a grudge with the cake seller, not to contribute to a public debate about candy confusion. *Id.* at 632-33. Aside from failing to identify the relevant public issue, Defendants also fail to show how their statements contributed to public discussion on such an issue.

4.2.2 The Statements Were Not Made in a Public Forum or Place Open to the Public

Defendants only claim protection under NRS 41.637(4), which requires that the statements at issue be published in a public forum or a place open to the public. None of the statements at issue were published in such a forum.

Defendants claim that websites accessible to the general public are *per se* public forums, citing *Jackson v. Mayweather*, 10 Cal. App. 5th 1240, 1252 (2017). California law on this issue is inapposite, however, as the Nevada Supreme Court explicitly diverged from this broad definition of public forums in *Kosor v. Olympia Cos., LLC*, 478 P.3d 390 (Nev. 2020). The Court there found that a court must review the specific webpage or post at issue to see if it bears the characteristics of a traditional public forum, *i.e.*, whether it is a place for civic engagement. The Court found that a <nextdoor.com> post was a public forum because it invited commentary from users about the issues discussed and some users actually responded by posting comments on the page. “Accordingly, Kosor’s post sought and ultimately facilitated an exchange of views on what we have already deemed to be subject matter of public interest.” *Id.* at 397.

The Press Release was published on the internet, but aside from that it shares no characteristics with statements found protectable by Nevada courts. It was not an interactive space, as there is no opportunity for readers to provide any form of commentary on the webpage for the Press Release. **Exhibit 1.** There was no interaction with third parties on this webpage, and Defendants do not identify any other interaction with third parties stemming from the Press Release. The Press Release is thus easily distinguishable from the social media post in *Kosor*, and the webpage on which the Press Release was published is not a public forum.

The Complaint also alleges that Sean Vangorder published defamatory statements on his Facebook profile, and that Brady McGill made defamatory statements privately to InterPride. Vangorder’s Facebook post containing the statements at issue was restricted from public view,

meaning it was not published in a public forum or a place open to the public. Davin Decl. at ¶ 42.¹⁵ Defendants have failed to satisfy their burden of proof on this requirement.

4.2.3 There is a Genuine Dispute as to Whether Defendants’ Statements are True or Were Made Without Knowledge of Falsity

The final aspect of the prong one inquiry is whether Defendants’ statements are true or were made without knowledge of falsity. Defendants argue only that their statements were true or expressions of opinion. Their Motion also provides no real argument regarding the alleged truth of the statements, instead vaguely pointing to the (largely inadmissible) declarations and documents attached to the Motion. Motion at 10-12.¹⁶ As explained in Section 2.0, *supra*, and Section 4.3.2.1, *infra*, there are factual disputes that defeat the Motion.¹⁷

As for Defendants’ argument that their statements accusing Plaintiffs of harassing, bullying, and unethical conduct are all expressions of opinion, Defendants are wrong. They rely primarily on *Smith v. Zilverberg*, 481 P.3d 1222, 1228 (2021), which dealt with a defendant who

¹⁵ Defendants’ Motion does not address McGill’s defamatory statements to InterPride in October 2023, accusing Plaintiffs of racism and elder abuse. Complaint at ¶¶ 136-138. The record, including Defendants’ own evidence, shows that these statements were made in private emails among a handful of recipients, and not in a public forum.

¹⁶ This is poor briefing practice that significantly increases the burden on both Plaintiffs in responding to the Motion and the Court in deciding it. We are forced to comb through Defendants’ evidence in an attempt to piece together an argument from it and then respond to that argument. This is exactly the kind of scattershot introduction of “evidence” that the Nevada Supreme Court has found cannot carry a party’s burden in an Anti-SLAPP Motion. *See Anderson Bus. Advisors, LLC v. Foley*, Nos. 82633, 82949, 83326, 84499, 84975, 2023 Nev. Unpub. LEXIS 918, *5 (Nev. Dec. 14, 2023) (finding that court’s “ability to address the merits is frustrated” by party “largely omit[ting] record citations” and that a party “cannot satisfy its burden ... by presenting a ‘jumble of documents’ with ‘no declaration or argument to tie the materials together’”) (quoting *Newport Harbor Offices & Marina, LLC v. Morris Erullo World Evangelism*, 23 Cal.App.5th 28, 50 (2018)). The Court should disregard all evidence attached to the Motion that is not specifically addressed in the Motion.

¹⁷ Defendants make the strange assertion that the “the ‘gist’ of the story here is that these Plaintiffs bully and harass LGBTQ+ Community members, and engage in unethical activities,” and so the analysis of truth or falsity is restricted to this characterization. Mot. at 10-11. This is not remotely true when dealing with specific factual representations in a publication, even if the publication also contain arguable statements of opinion. *See Williams v. Lazer*, 495 P.3d 93, 97-98 (Nev. 2021) (addressing first broad statements of plaintiff being racist and sexist that plaintiff admitted were statements of opinion, then addressing truth or falsity of factual statements alleged to be defamatory on which the statements of opinion were based). The cases Defendants cite only stand for the proposition that individual *words* within a defamatory statement should not be parsed, not that the truth or falsity analysis should be condensed to a single “gist” for an entire publication.

characterized the conduct of a public-figure plaintiff as “bullying.” Some crucial distinctions are that (1) the defendant provided admissible evidence of the plaintiff engaging in the conduct that was allegedly “bullying,” and (2) the defendant was characterizing disclosed conduct as “bullying,” rather than stating the plaintiff was bullying or harassing based on undisclosed facts. *Id.* 1228. A statement may only be considered an “evaluative opinion”¹⁸ if it is an evaluation of disclosed facts. That is distinct from the statements here, where Defendants allude to undisclosed conduct that they claim amounts to bullying, harassment, unethical, and even criminal conduct. Statements that imply the existence of undisclosed, false facts, which is exactly what the Press Release and Vangorder’s Facebook post do, are not protected expressions of opinion. *Nevada Ind. Broad. Corp. v. Allen*, 99 Nev. 404, 411 (1983); *Kunin*, 117 Nev. at 112-13. Indeed, Defendants’ citation to *Kunin* is grievously misplaced, as the Court there found that whether a statement is factual or one of opinion becomes a question of fact for the jury where it is capable of multiple constructions, at least one of which is defamatory. *Kunin*, 117 Nev. at 113-14. Alleging that Plaintiffs engaged in bullying, harassing, unethical, and criminal conduct based on non-existent and false “reports” of such conduct is legally capable of a defamatory construction.

Defendants’ statements are not expressions of opinion. Because there are significant factual disputes as to the truth of the statements, they have not met their burden of establishing that their statements were made in “good faith” under NRS 41.637.

4.3 Plaintiffs Can Show a Probability of Prevailing on Their Claims¹⁹

For a plaintiff to meet his burden under the second prong of the Anti-SLAPP analysis, he must “demonstrate[] with *prima facie* evidence a probability of prevailing on the claim.” NRS

¹⁸ Defendants cite *Lubin v. Kunin*, 117 Nev. 107, 112-13 (2001), for the proposition that “evaluative opinions” are not actionable, but they fail to acknowledge that an evaluative opinion is only protected “[s]o long as it is based on **true and public information**” (emphasis added).

¹⁹ Defendants inexplicably ignore the second prong of the Anti-SLAPP analysis almost entirely. The Motion contains no discussion of the elements of Plaintiffs’ claims, nor does it acknowledge that because Anti-SLAPP motions are treated as summary judgment motions, genuine disputes of material fact will defeat them. Plaintiffs will address their claims individually for the sake of thoroughness, but the Court should not entertain any response regarding the elements of these claims in light of Defendants’ failure to address them in their Motion.

41.660(3)(b). The *prima facie* evidentiary burden is defined as “the same burden of proof that a plaintiff has been required to meet pursuant to California’s [Anti-SLAPP] law as of June 8, 2015.” NRS 41.665(2). This is not a heavy burden. In deciding an Anti-SLAPP motion, the “court does not weigh the credibility or comparative probative strength of competing evidence. It should grant the motion only if, as a matter of law, the defendant’s evidence supporting the motion defeats the plaintiff’s attempt to establish evidentiary support for the claim.” *Jarrow Formulas, Inc. v. La Marche*, 31 Cal. App. 4th 728, 741 (2003). As in a motion for summary judgment, the court must accept as true the evidence favorable to the non-moving party and evaluate the moving party’s evidence only to determine if it has defeated the evidence submitted by the non-moving party as a matter of law. *Flatley v. Mauro*, 39 Cal. 4th 299, 326 (2006). “The plaintiff need only establish that his or her claim has ‘**minimal merit**’ to avoid being stricken as a SLAPP.” *Soukup v. Law Offices of Herbert Hafif*, 39 Cal. 4th 260, 291 (Cal. 2006) (citing *Navellier v. Sletten*, 29 Cal. 4th 82 (Cal. 2002)) (emphasis added).

4.3.1 The Statute of Limitations Provides No Defense

Defendants assert that all claims premised on the statement in the Press Release regarding Davin’s “removal” from the Board of Vegas PRIDE is barred by Nevada’s 2-year statute of limitations due to the minutes of a closed August 11, 2021 Vegas PRIDE board meeting. Motion at 13. Defendants are wrong here for two reasons. First, the minutes of this meeting were not published on August 11, 2021. A review of <archive.org>’s Wayback Machine, which provides a repository of archived versions of various web pages at various times, shows that the minutes were not posted until April 2023 – a very convenient time to publish them, suggesting strongly that they were trying dishonestly to manufacture this defense. *See* April 2, 2023, Wayback Machine printout, attached as **Exhibit 14**²⁰ (showing minutes were not available as of April 2, 2023). Rather, Vegas PRIDE did not publish these minutes until around April 20, 2023, to coincide with

²⁰ Available at: <https://web.archive.org/web/20230402001726/https://lasvegaspride.org/about/meeting-minutes/> (last accessed Jan. 15, 2023). Plaintiffs believe that this proof shows that this could not simply be an honest mistake. If Plaintiffs’ counsel were not adept at using the Wayback Machine, this perjury might have gone unnoticed and was on a material issue.

the publication of the Press Release. Davin Decl. at ¶ 22. Brady McGill committed perjury in his declaration, where he testifies that they were published on Vegas PRIDE’s site on August 11, 2021. McGill Decl. at ¶ 5(B).²¹

Second, Plaintiffs’ claims are premised on the press release, not the minutes. The press release asserts that Davin “stole data from the Las Vegas PRIDE, which he used without permission to benefit his organization.” **Exhibit 1**. This statement is independently defamatory.

4.3.2 Plaintiffs Have a Probability of Prevailing on Their Claims

To establish a defamation claim, a plaintiff must show that: (1) the defendant made a false and defamatory statement concerning the plaintiff; (2) an unprivileged publication of this statement was made to a third person; (3) the defendant was at least negligent in making the statement; and (4) the plaintiff sustained actual or presumed damages as a result of the statement. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 714 (2002). Damages are presumed “if the defamatory communication imputes ‘a person’s lack of fitness for trade, business, or profession,’ or tends to injure the plaintiff in his or her business.” *CCSD v. Virtual Educ. Software, Inc.*, 125 Nev. 374, 385 (2009) (quoting *K-Mart Corp. v. Washington*, 109 Nev. 1180, 1192 (1993)). There is no dispute that Defendants’ statements concern Plaintiffs, that they were published to third parties, or that they are defamatory *per se*. In fact, the only argument Defendants provide is that their statements are true or expressions of opinion.

An action for false light requires the plaintiff to show that the defendant placed the plaintiff in a false light that would be highly offensive to a reasonable person, and had knowledge of or reckless disregard as to the falsity of the statements and the false light in which the plaintiff would be placed. *Abrams v. Sanson*, 458 P.3d 1062, 1070 (Nev. 2020) (citing Restatement (Second) of Torts § 652E).

A tortious interference claim requires a plaintiff to prove:

²¹ Though not argued in the Motion, if Defendants claim in their reply that this allegation was published in August 2021 due to Vegas PRIDE’s statement to its supporters (Mot. Exh. H), this is wrong, because that publication did not name or otherwise identify Plaintiffs Davin or Harder.

(1) a prospective contractual relationship [with] a third party; (2) the defendant’s knowledge of this prospective relationship; (3) the intent to harm the plaintiff by preventing the relationship; (4) the absence of privilege or justification by the defendant; and (5) actual harm to the plaintiff as a result of the defendant’s conduct.

Leavit v. Leisure Sports Incorporation, 103 Nev. 81, 88 (1987).

Actionable civil conspiracy arises where two or more persons undertake some concerted action with the intent ‘to accomplish an unlawful objective for the purpose of harming another,’ and damage results.” *Guilfoyle v. Olde Monmouth Stock Transfer Co.*, 130 Nev. 801, 813 (2014).

As the analysis for all these claims is similar, Plaintiffs have a probability of prevailing on all of them for the same reasons.

4.3.2.1 Defendants’ Statements are Actionable

Defendants claim that their statements are either protected expressions of opinion, or are true. As explained in Section 4.2.3, *supra*, their statements are not expressions of opinion because they imply the existence of undisclosed, defamatory facts. There are also genuine disputes of material fact as to all of Defendants’ statements that preclude the grant of Defendants’ summary judgment-like Motion.²²

Plaintiffs did not make “frivolous trademark claims” for the purpose of harming Vegas PRIDE.²³ As explained in Section 2.1.1, *supra*, Plaintiffs own the HENDERSON PRIDE FEST trademark through their federal and Nevada trademark registrations for the mark. Plaintiffs observed that Vegas PRIDE was displaying infringing advertisements that used HENDERSON

²² It is important to note that a statement may be actionable even when literally true if it provides a false and defamatory implication to the reader. *Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 21 (1990); *Hawran v. Hixson*, 209 Cal. App. 4th 256, 293 (2012). “‘To constitute a libel it is not necessary that there be a direct and specific allegation of improper conduct ... The charge may be either expressly stated or implied’” *Thomas v. L.A. Times Communs. LLC*, 189 F. Supp. 2d 1005, 1012-13 (C.D. Cal. 2002) (quoting *MacLeod v. Tribune Publishing Co.*, 52 Cal. 2d 536, 548-49 (Cal. 1959)). When dealing with defamation by implication, the court “‘must determine whether the statements that form the basis of a defamation claim: (1) ... impliedly assert a fact that is susceptible to being proved false; and (2) whether the language and tenor is such that it cannot ‘reasonably be interpreted as stating actual facts.’” *Id.* (quoting *Weller v. ABC*, 232 Cal. App. 3d 991, 1001 (1991)).

²³ Defendants do not identify a single fact to support their statements that Plaintiff Harder did anything of which he is accused. He is completely omitted from their briefing and evidence, and Harder denies engaging in any such conduct. Harder Decl. at ¶¶ 6-10.

PRIDE FESTIVAL as a trademark, and neither this mark nor the HENDERSON PRIDE mark were registered, whether at the state or federal level. Plaintiffs then sent a trademark complaint to Facebook, Facebook found the complaint meritorious, and Facebook took down Vegas PRIDE’s Facebook page for approximately two months. When Vegas PRIDE’s page was restored, the infringing content was not restored. Plaintiffs sent this complaint not out of any desire to harm Vegas PRIDE, but because Vegas PRIDE was engaging in trademark infringement. Calling Plaintiffs’ trademark claim “frivolous” is thus objectively false, and Plaintiffs’ alleged factual basis for this statement, that Defendant ICME owned a registration for the HENDERSON PRIDE trademark, is also objectively false, as any degree of investigation would have shown.

As explained in Section 2.1.2, Davin was not removed from the Board of Vegas PRIDE for misappropriating donor information, nor was Harder in any way involved in such alleged conduct.²⁴ Davin was not “removed” from the Board of Vegas PRIDE; rather, he voluntarily resigned. This statement is thus false.

Similarly, Davin did not misappropriate “sensitive information” obtained from his work with the Human Rights Campaign of Las Vegas, nor was he “removed” from HRC. As explained in Section 2.1.3, Davin was a volunteer for HRC’s 2019 silent auction and had to send messages to HRC donors who bid on auction items due to significant confusion caused by poorly trained HRC volunteers. Davin did not misappropriate any donor information or use donor information for his own benefit, and the sole person who claims his email was stolen by Davin does not provide competent evidence that this actually happened. This statement is thus false.

Plaintiffs did not harass or bully anyone, or engage in unethical or illegal conduct. As explained in Section 2.1.4, *supra*, these claims are simply fabricated. Defendants provide no

²⁴ The Press Release reads “[a]t that time, Mr. Harder also resigned from his position on our Board.” **Exhibit 1**. This statement claims that Harder’s departure occurred simultaneously with Davin being “removed” from the Board, which implies Harder was involved in the alleged data theft. This statement is additionally false because Harder did not resign from the Board of Vegas PRIDE until October 20, 2023, months after Davin’s resignation. Had this fact been accurately reported in the Press Release, it would give a different impression to the reader regarding Harder’s involvement in this alleged data theft.

evidence of any such conduct taking place. Their evidence is incompetent or inadmissible, shows only allegations of conduct that do not constitute bullying, harassment, or unethical/criminal conduct, and shows claims of such conduct that occurred after the Press Release was published, meaning the evidence does not show statements were true at the time they were published.

Finally, Plaintiffs did not fail to pay for services rendered. They entered into a contract with Smithman Productions to produce HEC-branded merchandise, then Smithman breached the contract by failing to provide the promised services, and Plaintiffs refused to pay for defective merchandise that Smithman provided. The statement in the Press Release clearly implies that Plaintiffs do not honor their contractual obligations, which is false; taking a party to a contract to task for breaching that contract is the opposite of the implication Defendants created.

4.3.2.2 Plaintiffs are Not Public Figures

Defendants claim that Plaintiffs are public figures, which means Plaintiffs must show Defendants published their statements with actual malice, *i.e.*, knowledge of falsity or reckless disregard. *Pegasus*, 118 Nev. at 719. The actual malice standard applies to limited-purpose public figures if “the alleged defamation is related to the plaintiff’s participation in the controversy.” *Planet Aid, Inc. v. Reveal Center for Investigative Reporting*, 44 F.4th 918, 927-28 (9th Cir. 2022).

Public figures can be general or limited-purpose. General public figures are those “who achieve such pervasive fame or notoriety that they become a public figure for all purposes and in all contexts.” *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 342-43 (1974). A limited-purpose public figure is someone who “voluntarily injects himself or is thrust into a particular public controversy or public concern, and thereby becomes a public figure for a limited range of issues.” *Id.*

Defendants argue that Plaintiffs are public figures, but their declarations provide unsupported assertions of Plaintiffs’ reputation generally and, as explained above, no such testimony is admissible. Defendants claim that Plaintiffs “created an award that was given to Defendant McGill.” Motion at 9; McGill Decl. at ¶ 19. There is no mention, however, of what this award was for or surrounding circumstances.

The essential question in the limited-purpose public figure analysis whether the plaintiff has voluntarily thrust himself into an existing public controversy. Defendants have not identified any such public controversy, nor have they explained how Plaintiffs have voluntarily entered such a controversy. There is no legal support for Defendants’ assertion that Plaintiffs are public figures.

4.3.2.3 Defendants Acted with Actual Malice, or at Least Negligence

Because Plaintiffs are not public figures, they need only show that Defendants acted with negligence, which is a classic question of fact for the jury to decide. But even if this were not the case, there is sufficient evidence to show that Defendants acted with actual malice. Because a defendant is unlikely to admit to this state of mind, he “cannot ... automatically insure a favorable verdict by testifying that he published with a belief that the statements were true.” *St. Amant v. Thompson*, 390 U.S. 727, 732 (1968). Because direct admissions of actual malice are so rare, “a plaintiff is entitled to prove the defendant’s state of mind through circumstantial evidence.” *Harte-Hanks Comms., Inc. v. Connaughton*, 491 U.S. 657, 668 (1989). “Evidence of negligence, motive, and intent may be used, cumulatively, to establish the necessary recklessness.” *Allen*, 99 Nev. at 415. Furthermore, “[a] failure to investigate, anger and hostility toward the plaintiff, reliance upon sources known to be unreliable, or known to be biased against the plaintiff” can all be evidence of actual malice. *Planet Aid*, 2021 U.S. Dist. LEXIS 54905 at *38 (quoting *Reader’s Digest Ass’n v. Superior Court*, 37 Cal. 3d 244, 258 (1984)).

Defendants do not identify *any* investigation they performed before publishing. They simply accepted with complete credulity the assertions of third parties, who obviously had an axe to grind, who made obviously false statements that Defendants could have discovered were false with mere moments of investigation.²⁵ It is also apparent from the declarations of Brady McGill and Sean Vangorder that Defendants have significant ill will toward Plaintiffs that made them more willing to accept uncritically statements that were negative toward Plaintiffs. We also have

²⁵ For example, Jennifer McHugh’s allegation of HEC committing PPP fraud is a demonstrable lie, as anyone with an internet connection could quickly determine HEC never received a PPP loan.

direct evidence that Vegas PRIDE had actual knowledge at least some of the statements in the Press Release were false. For example, McGill claims he believed Plaintiffs made “frivolous trademark claims” because ICME had a trademark registration for HENDERSON PRIDE, despite this obviously not being the case upon a cursory inspection of the USPTO website, and McGill has demonstrably lied about when the minutes of the August 11, 2021, closed Board meeting were publicly posted and when Trevor Hader resigned from Vegas PRIDE.

There is thus a genuine dispute of material fact as to actual malice which defeats Defendants’ Motion.²⁶

5.0 CONCLUSION

For the foregoing reasons, the Court should deny Defendants’ Anti-SLAPP Motion in its entirety.

Dated: January 18, 2024.

Respectfully submitted,

/s/ Marc J. Randazza

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²⁶ As for the remaining elements of Plaintiffs’ claims, McGill admitted in his emails with Smithman that he and Vegas PRIDE were trying to “cut [Plaintiffs] off from resources” and discourage businesses from dealing with Plaintiffs. Mot. Exh. P. This is also proof that McGill and Vegas PRIDE had an agreement with, at the very least, Smithman to cause harm to Plaintiffs. Sean Vangorder admits in his declaration to a similar motive; though he characterizes it as an intent “to warn others of the LGBTQ+ Community about Plaintiffs to avoid further harm, and avoid further scams,” this is still an admission that he intended to cause harm to Plaintiffs and interfere with their business. Vangorder Decl. at ¶ 9. Plaintiffs have lost prospective contractual relationships with third parties as a result of these statements. Davin Decl. at ¶ 47; Harder Decl. at ¶ 12.

Case No. A-23-879938-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on January 18, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Marc J. Randazza

Marc J. Randazza

DECL

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**DISTRICT COURT
 CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

 Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
 OF PRIDE, INC. DBA LAS VEGAS
 PRIDE**, et. al.,

 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**DECLARATION OF
 BRITTANI M. HOLT**

I, Brittani M. Holt, hereby declare:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have knowledge of the facts set forth herein, and if called as a witness, I could and would testify thereto.

2. I am a Paralegal employed at the law firm of Randazza Legal Group, PLLC ("RLG"), counsel for Plaintiffs in the above-captioned matter.

3. I submit this declaration in support of Plaintiffs' Opposition (the "Opposition") to Defendants' Southern Nevada Association of Pride, Inc. D/B/A Las Vegas Pride ("Vegas PRIDE"), Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc. ("Sin Sity Sisters"), Las Vegas TransPride, Brady McGill, and Sean Vangorder's Special Motion to Dismiss Plaintiffs' SLAPP

Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees, Costs, and Damages Pursuant to 41.670 (the "Motion"), filed herewith.

4. On January 16, 2024, at approximately 2:45 p.m., while at the Randazza Legal Group, PLLC office and using the Google Chrome browser on a MacBook Air laptop, I visited Defendant Las Vegas PRIDE's website at the URL: <https://lasvegaspride.org/>. I then clicked on the Press tab and accessed the April 20, 2023, Press Release cited in the Complaint, located at the URL: <https://lasvegaspride.org/2023/04/25/christopher-chris-davin-trevor-harder/>. Immediately after visiting this page, I created a printout of it using the Google Chrome browser's "print to PDF" function. A true and correct copy of the PDF is attached to the Opposition as **Exhibit 1**.

5. On January 16, 2024, at approximately 2:45 p.m., while at the Randazza Legal Group, PLLC office and using the Google Chrome browser on a MacBook Air laptop, I clicked the link within the April 20, 2023, Press Release, at the URL: <https://www.lasvegaspride.org/docs/2021-08-11-ClosedSession.pdf> for the August 11, 2021, closed meeting minutes for Las Vegas PRIDE. Immediately after visiting this page, I created a printout of the meeting minutes using the Google Chrome browser's "print to PDF" function. A true and correct copy of the PDF is attached to the Opposition as **Exhibit 2**.

6. On January 15, 2024, at approximately 5:54 p.m., while at my home and using the Google Chrome browser on a MacBook Air laptop, I visited the United States Patent and Trademark Office's website, and entered US Registration No. 6,976,120 into the search bar at the URL: https://tsdr.uspto.gov/#caseNumber=6,976,120&caseSearchType=US_APPLICATION&caseType=DEFAULT&searchType=documentSearch. Immediately after visiting this page, I clicked on the Documents tab, and created a printout of the Registration Certificate for the HENDERSON PRIDE FEST trademark using the Google Chrome browser's "print to PDF" function. A true and correct copy of this PDF is attached to the Opposition as **Exhibit 4**.

7. On January 15, 2024, at approximately 6:03 p.m., while at my home and using the Google Chrome browser on a MacBook Air laptop, I visited the Nevada Secretary of State's

website, entered “Henderson Pride Fest” into the Business Entity and Mark search bar at the URL: <https://esos.nv.gov/EntitySearch/OnlineBusinessAndMarkSearchResult>. Immediately after visiting this page, I clicked on each of the three listed results, and created a printout of each using the Google Chrome browser's "print to PDF" function. A true and correct copy of each PDF is attached to the Opposition as **Exhibit 5**.

8. On January 15, 2024, at approximately 6:20 p.m., while at my home and using the Google Chrome browser on a MacBook Air laptop, I visited the United States Patent and Trademark Office's website and entered “Henderson Pride” into the Trademark search bar at the URL: <https://tmsearch.uspto.gov/search/search-results>. Immediately after visiting this page, I clicked on the wordmark "Henderson Pride" for which the International Cultural Movement for Equality filed an application, clicked on the Status tab, and created a printout of the mark information using the Google Chrome browser's "print to PDF" function. A true and correct copy of the PDF is attached to the Opposition as **Exhibit 8**.

9. On January 16, 2024, at approximately , while at the Randazza Legal Group, PLLC office and using the Google Chrome browser on a MacBook Air laptop, I visited Defendant Sean Vangorder's Facebook profile page at the URL: <https://www.facebook.com/SeanVanGorder> and attempted to find the Facebook post cited in the Complaint and in the Motion. I was not able to find this post, however, meaning it is not publicly available.

10. On January 17, 2024, at approximately 2:30 p.m., while at the Randazza Legal Group, PLLC office and using the Google Chrome browser on a MacBook Air laptop, I visited Google.com, and entered the email address "gusruizphit@gmail.com" into the search bar. This produced several search results, including one for the website <fiverr.com>. Immediately after viewing these search results, I created a printout of them using the Google Chrome browser's "print to PDF" function. I then visited the search result for the <fiverr.com> website, located at the URL: https://www.fiverr.com/noor_fatima9800/do-data-entry-data-collection-web-research. Immediately after visiting this page, I created a printout of it using the Google Chrome browser's "print to PDF" function. This page contained an image of a <fiverr.com> spreadsheet for email

addresses associated with a "FITNESS NICHE," which includes the email address <gusruizphit@gmail.com>. Immediately after viewing this image of the spreadsheet, I created a printout of it using the Google Chrome browser's "print to PDF" function. A true and correct copy of these PDFs for the Google search results, the <fiverr.com> page, and the image of the <fiverr.com> spreadsheet are attached to the Opposition as **Exhibit 10**.

11. On January 15, 2024, at approximately 6:51 p.m., while at my home and using the Google Chrome browser on a MacBook Air laptop, I visited the website <archive.org>'s Wayback Machine, which archives screenshots of various web pages taken at various times, and searched for archived versions of the Board meeting minutes for Las Vegas PRIDE, at the URL: <https://lasvegaspride.org/about/meeting-minutes/>. I then reviewed the archived versions of this webpage for various dates from August 11, 2021, to April 20, 2023. None of these archived screenshots showed that the minutes for the closed meeting on August 11, 2021, were accessible. To provide an exemplar of these archived pages, I created a printout of the April 2, 2023, archived version of this webpage, located at the URL: <https://web.archive.org/web/20230402001726/https://lasvegaspride.org/about/meeting-minutes/>, using the Google Chrome browser's "print to PDF" function. A true and correct copy of the PDF is attached to the Opposition as **Exhibit 14**.

12. On January 17, 2024, at approximately 2:45 p.m., while at the Randazza Legal Group, PLLC office and using the Google Chrome browser on a MacBook Air laptop, I visited Gustavo Davis's Instagram profile page at the URL: <https://www.instagram.com/fitnessbygustavo/>. Immediately after visiting this page, I created a printout of the profile page using the Google Chrome browser's "print to PDF" function. A true and correct copy of the PDF is attached to the Opposition as **Exhibit 15**.

Dated: January 18, 2024.

/s/ Brittani M. Holt
Brittani M. Holt

INDEX OF EXHIBITS

Exhibit Number	Title
1.	Press Release
2.	Closed Meeting Minutes, 8/11/2021
3.	Declaration of Chris Davin
4.	Henderson Pride Fest Registration Certificate
5.	Mark Name Search (NVSOS)
6.	Facebook Emails
7.	Infringing Posts
8.	Henderson Pride Application Status for International Cultural Movement of Equality
9.	Declaration of Trevor Harder
10.	Gustavo Davis's Email Google Search Results
11.	Smithman Contract
12.	Vangorder Facebook Post
13.	Interpride Email
14.	Wayback Machine Printout re Press Release
15.	Gustavo Davis's Instagram profile page

EXHIBIT 1

Press Release



CHRISTOPHER "CHRIS" DAVIN & TREVOR HARDER

Las Vegas PRIDE Board of Directors Adopt a Vote of No Confidence in Christopher "Chris" Davin & Trevor Harder

Las Vegas, NV, April 20, 2023: It is with great consideration and patience that Las Vegas PRIDE has come to the decision to speak out on a long-running issue facing our community. The Las Vegas PRIDE Board of Directors unanimously adopted a vote of no confidence in Christopher "Chris" Davin and Trevor Harder at the April 2023 meeting of the Board.

This decision is not taken lightly and comes from years of ongoing issues that Las Vegas PRIDE has encountered with these individuals. The following are representative of the reasons why Las Vegas PRIDE will not communicate, associate, or engage with Mr. Davin or Mr. Harder. For the health, safety, and well-being of our members, Las Vegas PRIDE will not participate in events that these individuals are known to support or attend.

- In April 2023, Mr. Davin threatened Las Vegas PRIDE Officers and took intentional action to cause harm to our organization and our work by making frivolous trademark claims. These actions resulted in harm to Las Vegas PRIDE and other community-serving organizations.
- In August of 2021, it was determined that Mr. Davin accessed sensitive information and stole data from the Las Vegas PRIDE, which he used without permission to benefit his organization. In a unanimous vote, Mr. Davin was removed from his position on the Board "[Minutes of the Las Vegas PRIDE Board – Closed Session: August 11, 2021](#)". At that time, Mr. Harder also resigned from his position on our Board.
- In a similar incident in the spring of 2020, Mr. Davin was removed from his involvement with Human Rights Campaign of Las Vegas for accessing sensitive information and using it without permission for personal gain.
- Las Vegas PRIDE Officers have been made aware of multiple reports of bullying, threats, and unethical business activities Mr. Davin has taken against individuals, charities, and businesses in Southern Nevada.
- Las Vegas PRIDE Officers have been made aware of reports made to various authorities regarding Mr. Davin directly for unethical, unprofessional, and illegal financial practices and behavior.

If you have information regarding issues with Chris Davin, Trevor Harder, or any of the many organizations with which they are associated, we encourage you to file complaints with the appropriate governing body, e.g. Nevada Secretary of State, Clark County Nevada, City of Henderson, HIPAA, Internal Revenue Service, etc.

For 40 years, Las Vegas PRIDE has fostered strong working relationships with local and national community-serving organizations. Las Vegas PRIDE takes direct threats to our Board Members and attacks on our organization by Mr. Davin and Mr. Harder seriously. Bullying actions of these individuals will not be tolerated, and we encourage the community and our allies to assess their relationships and partnerships through the lens of integrity and professionalism. These are the criteria by which our current and future partnerships will be evaluated. We encourage our community to adopt a zero-tolerance for bullying and violence, no matter the source.

Las Vegas PRIDE exists to uplift our community and celebrate our achievements. This Board feels strongly that we must offer our help, love, and support to others who work within the organization(s) represented by both Mr. Davin and Mr. Harder. While we have no direct knowledge or contact with others within these organization(s), Las Vegas PRIDE maintains an open line for communication and resolution for others who wish to discuss this topic.

The Las Vegas PRIDE Board will continue to seek opportunities to build and uplift the LGBTQ+ community and actively seek mutually beneficial relationships to do so. The Board strongly encourages our partners in the nonprofit and business communities to consider these individuals' inappropriate, unethical bullying behavior and evaluate your investment in the LGBTQIA+ community accordingly.



May 2, 2023, Las Vegas, NV: After our initial release, we have received additional reports and information from members of the community who also wanted to have their voices heard. These reports include:

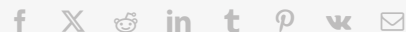
- Harassment of community members, and former board members.
- Failure to submit payment for goods/services rendered.

###

For inquiries or to speak with a representative of Las Vegas PRIDE regarding these issues, please email info@lasvegaspride.org

The United States Patent & Trademark Office operates the [Trademark Electronic Search System \(TESS\)](#), which was used to verify and validate the Henderson Pride trademark ownership by International Cultural Movement for Equality.

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> [Contact Us](#)

> [Parade Entry Application](#)

> [Photo Galleries](#)

> [Festival Vendor
Application](#)

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EXHIBIT 2

Closed Meeting Minutes,
8/11/2021



8/11/21 –Emergency Meeting – Disciplinary Action + Google Meets

Call to Order 8:01pm

Attendance	Lucas		
Present	Absent	Associate	Additional
Brady			
Lucas			
Lyndon			
Joslyn			
Steve			
Clair			
Freddy			
JC Lopez			
Trevor			
Brock			
Chris			

Explanation of Procedure & Order of Business	Brock	5 min
<ul style="list-style-type: none"> - Brock - Explanation of Procedure & Order of Business <ul style="list-style-type: none"> o IAW SOP 2, Disciplinary sessions may be called in the manner prescribed in the Southern Nevada Association of Pride, Inc. By-Laws and the Order of Business shall be as follows: <ol style="list-style-type: none"> 1. Call To Order (Chair) 2. Announcement of Closed, Special Session & Obligations of Secretary (Chair) 3. Explanation of Procedure & Order of Business (parliamentarian) 4. Reading of Citation from Minutes (secretary) 5. Presentation of Citation Letter & Receipt to Chair (secretary) 6. Appointment of Managers (Chair) 7. Inquiry As To Council for Accused - Appoint if Needed (Chair) 8. Reading of Charges & Specifications (Secretary) 9. Plea for Each Specification & Charge (Accused) 10. If Guilty Plea, Skip to #14, Otherwise <ol style="list-style-type: none"> a. Statement from SNAPI Chair b. Statement from Accused c. SNAPI Manager Questions Accused & Witnesses & Presents Case d. Accused Manager Questions Witnesses & Presents Defense 11. Debate (Board of Directors) 12. Chair Puts Forth the Question, "Is Mr./Mrs/Ms XXXXX guilty of the specifications and charges brought against them?" 13. Vote (each charge separately) 		



- 14. Penalty Request (SNAPI Manager)
- 15. Penalty Debate (Board of Directors) & Vote
- 16. Verdict (Chair)
- 17. Adjourn

Plea for Each Specification & Charge	Chris	2 min
- Chris plead Not Guilty on all charges.		

Statement from Accused	Accused	5 min
Chris does not present a statement on his behalf, he only wishes to present evidence to show that he did not do a breach of our email system.		
Statement from Chair	Brady	10 min
- Freddy - review of reporting o		
	Questions	10 min
- Freddy, If Chris can please review what you we're presenting since he was driving. Asking for more clarification.		
Debate	Board Member	10 min
<ul style="list-style-type: none"> - Josyln, to clarify PR & Marketing firms must follow the same guidelines. But firms don't just send out mass emails. - Lucas, If I was on their email list why wouldn't I have received an email campaign before 8/4. I only received an email after he did a manual input entry after an event. - Brock, Chris just showed the whole board that the email in question were actually in his database. - JC, he never answered clearly how the emails were sent them out. - Freddy, 		
Presentes the Question	Brady	5min
- Brady - <ul style="list-style-type: none"> o Misfeasance (Bylaws – Section 7.1) – Chris Davin accessed proprietary PRIDE information and without any authorization or permission, repurposed PRIDE data and assets for use at Henderson Equality Center. o Conflict of Interest (Bylaws – Section 7.2) – Chris Davin breached conflict of interest by his actions in taking PRIDE assets and using them for Henderson Equality Center without authorization or permission. 		



<ul style="list-style-type: none"> o Code of Conduct (Bylaws – Section 7.5) – Chris Davin’s actions in misuse of system access and sharing of proprietary data violated Code of Conduct items 1, 2, 3, 4, 5, 6, 8, and 10. o Vote of No Confidence (Bylaws – Section 7.4) – The Board of Directors voted on 8/13/21, no confidence in Chris Davin’s ability to represent the organization with integrity or to serve as a Director on the Board of Directors. 		
Voting	Brady	5 min
<ul style="list-style-type: none"> - Chair Puts Forth the Questions, Is Mr.Davin guilty of the specifications and charges brought against them; <ul style="list-style-type: none"> o 1- Misfeasance (Bylaws – Section 7.1), Guilty o 2- Conflict of Interest (Bylaws – Section 7.2), Guilty o 3- Code of Conduct (Bylaws – Section 7.5), Guilty o 4- Vote of No Confidence (Bylaws – Section 7.4), Guilty 		
Penalty Request	Brady	10 min
<ul style="list-style-type: none"> - Steve, we should offer up to Chris the option of resigning rather than be removed from the Board. - Josyln, also agrees with this method - Brady, - Brock, does anyone else have any recommendations to offer. - Brock, would like to motion for Chris to be given the opportunity to resign, if he does not follow through with that then he will be removed from the Board. Clair 2nds, Motion passes unanimously. 		
Verdict and Penalty	Brady	5 min
<ul style="list-style-type: none"> - Brady, reads the verdicts of the 4 charges to Chris and to the board. - Brady, the board has offered the option of a resignation in lieu of a removal. 		

EXHIBIT 3

Declaration of Chris Davin

DECL

Marc J. Randazza (NV Bar No. 12265)
 Alex J. Shepard (NV Bar No. 13582)
 RANDAZZA LEGAL GROUP, PLLC
 4974 S. Rainbow Blvd., Suite 100
 Las Vegas, NV 89118
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Attorneys for Plaintiffs
 Christopher Davin, Trevor Harder,
 and Henderson Equality Center

**DISTRICT COURT
 CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
 OF PRIDE, INC. DBA LAS VEGAS
 PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**DECLARATION OF CHRISTOPHER
 DAVIN**

I, Christopher Davin, declare under penalty of perjury:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called as a witness, could and would testify competently thereto.

2. I am a Plaintiff in this matter and am the Executive Director of Plaintiff Henderson Equality Center (“HEC”).

3. I submit this Declaration in support of Plaintiffs’ Opposition (the “Opposition”) to Defendants Southern Nevada Association of Pride, Inc. d/b/a/ Las Vegas Pride (“Vegas PRIDE”), Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc. (“Sin Sity Sisters”), Las Vegas TransPride, Brady McGill, and Sean Vangorder's Special Motion To Dismiss Plaintiffs' SLAPP

Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees, Costs, and Damages Pursuant to 41.670 (the “Motion”).

4. As the Executive Director of HEC, I am intimately familiar with the day-to-day operations, business activities, finances, and organizational structure of HEC.

5. In 2019, I volunteered my time to the Human Rights Campaign (“HRC”) in Las Vegas and served as a co-chair for the HRC Gala silent auction.¹

6. I did approximately 90% of the work in finding donors and items for the auction at the 2019 Gala in Caesar’s Palace in Las Vegas, Nevada. At the Gala, HRC’s poor training of its volunteers led to a great deal of confusion in the checkout process for successful bidders. HRC volunteers allowed bidders to pick up items simply upon showing a phone message notifying the bidder of being the highest bidder. This was problematic because some of the persons who received such phone messages were later outbid by others. This resulted in some of the wrong people getting items presented during the auction. Because my co-chair was not doing their share of the work, I was left to sort out this mess by myself, which involved contacting various bidders to make arrangements for them to acquire or transfer auction items.

7. As a necessary part of this work, I had access to HRC donor information. I did not use HRC donor information for any purpose other than fixing the issues which arose during the checkout process.

8. In May 2019, after the auction occurred, I deleted all records in my possession of donor information related to HRC’s silent auction. I did so upon the advice of Sean Vangorder and informed HRC of this in August 2019.

9. I have reviewed the declaration of Gustavo Davis attached to the Motion, including his allegation that I obtained his email address from HRC’s records and used that for solicitation emails. This allegation is false, as I did not obtain Davis’s email address from HRC’s records.

¹ The Complaint erroneously alleges that the silent auction took place in 2020. I was involved in the 2019 silent auction for HRC. The April 2023 Press Release’s mention of an “incident in the spring of 2020” refers to HRC alleging I misappropriated donor info obtained from that auction, which allegations started in the spring of 2020.

10. I do not know with certainty from where HEC received Davis's email address. However, at the time of this silent auction, there was a committee tasked with reaching out to various companies and donors to assist with the auction, as well as other silent auctions. It is common practice for silent auctions to place the name of the donor on signage to give to the person or company donating an item to be auctioned.

11. I am personally familiar with Gustavo Davis and am friends with him on Facebook. I know that he runs a fitness coaching company called G-Spot PPTS in Las Vegas, and I am aware of his Instagram account, located at <https://www.instagram.com/fitnessbygustavo/>, which shows that he has over 200,000 followers.

12. If Davis or his company donated to silent auctions in Las Vegas, it is very likely that any member of the committee tasked with finding donors would have come across his email address.

13. I do not know precisely how HEC found his email address, as this is from an event over 4 years ago, but I did not "steal" any donor lists or other information from HRC. The much more likely explanation is that Davis, as a well-known figure in Las Vegas, provided his email to multiple entities, and HEC obtained this email address through the grapevine. If I had actually "stolen" a donor list from HRC, then presumably HEC would have sent more than a single email resulting from such theft.

14. It appears that Davis has disclosed his email address to at least some third parties aside from HRC. I conducted a Google search for Davis's email address, <gusruizphit@gmail.com>, which showed a result for this email addressed displayed on the website fiverr.com.

15. As of August 2021, I was a member of the Board of Vegas PRIDE.

16. On August 11, 2021, Vegas PRIDE held a closed meeting to discuss allegations of me taking Vegas PRIDE assets. The allegation was that I logged into Vegas PRIDE's email program, which used the software Mailchimp, and extracted email files for the purpose of soliciting donations from Vegas PRIDE donors for the benefit of HEC.

1 17. This allegation was false in all respects. I did not extract email files at all, much
2 less for the benefit of HEC.

3 18. I proved this allegation was false during the closed Board meeting by showing that
4 if I had engaged in this alleged conduct, Mailchimp would have had a log of it, and that no such
5 log existed.

6 19. This was conclusive evidence that I did not engage in this alleged conduct, yet the
7 Board of Vegas PRIDE ignored it and provided no countervailing evidence.

8 20. The Board then, without conducting any investigation, found that I had engaged in
9 this conduct and voted to allow me to resign from the Board.

10 21. I voluntarily resigned from the Board on August 11, 2021, due to being subject to
11 a disrespectful kangaroo court with no interest in determining the truth of the allegations against
12 me. The April 2023 Press Release claims that I was removed from the Board, which is false in
13 light of my resignation.

14 22. Vegas PRIDE did not post the minutes of this closed Board meeting on August 11,
15 2021. I intermittently reviewed the Vegas PRIDE website following my resignation from the
16 Board, and at no point prior to April 20, 2023, did I see these meeting minutes published.

17 23. HEC owns multiple trademark registrations for the mark HENDERSON PRIDE
18 FEST. It owns a federal registration for this mark (Reg. No. 6,976,120), with an effective
19 registration date of December 10, 2021.

20 24. HEC also owns a trademark (No. 202200035766-22), a trade name (No.
21 202200035760-40), and service mark (No. 202200035764-28) registration with the Nevada
22 Secretary of State for the HENDERSON PRIDE FEST mark. HEC applied for all three marks on
23 January 11, 2022.

24 25. Since February 2021, HEC has used the HENDERSON PRIDE FEST mark for
25 charitable fundraising services, including hosting the Henderson Pride Fest, which has been held
26 annually since 2021.

27

26. In April 2023, I observed that Vegas PRIDE’s Facebook account was displaying posts advertising an event using the name HENDERSON PRIDE FESTIVAL as a trademark, which infringed HEC’s registered rights in the HENDERSON PRIDE FEST trademark. I personally took screenshots of some of these infringing Facebook posts from Vegas PRIDE’s Facebook account. A true and correct copy of an example of these posts, containing the mark HENDERSON PRIDE FESTIVAL to advertise an event, is attached to the Opposition as Exhibit 7.

27. After seeing these posts, I submitted a trademark complaint to Facebook regarding these posts and, after some back and forth, Facebook notified me on April 17, 2023, that Facebook had “removed or disabled access to the content you reported for violating our Terms of Service.” A true and correct copy of this email exchange is attached to the Opposition as Exhibit 6.

28. It is my understanding, based on visiting Vegas PRIDE’s Facebook page after Facebook removed its account, that its account was restored at some point after April 2023. I have reviewed Vegas PRIDE’s Facebook account since it was restored, and I have not found any of the posts of which I complained to Facebook. It is thus apparent that Facebook did not restore access to the Facebook posts that I complained of as infringing HEC’s HENDERSON PRIDE FEST trademark.

29. I am aware that Defendant International Cultural Movement for Equality (“ICME”) has filed a trademark application with the U.S. Patent and Trademark Office (“USPTO”) for the mark HENDERSON PRIDE. I learned this information by reviewing the USPTO website and finding this application using the site’s search function for trademark applications. HEC intends to file an opposition to this application at the appropriate time in the application process, as HEC believes this mark infringes on its rights in the HENDERSON PRIDE FEST trademark.

30. I did not report this trademark infringement to Facebook for the purpose of harming Vegas PRIDE or its Board. Rather, I only did so as HEC’s Executive Director for the purpose of enforcing HEC’s trademark rights.

31. I have reviewed Exhibits A, B, C, and D to the Motion, which purport to contain written communications from me to Brady McGill regarding Vegas PRIDE’s Facebook account containing infringing posts. Without waiving any objection as to the admissibility of these communications, they speak for themselves and show that I was trying to resolve this issue of trademark infringement peacefully by giving Vegas PRIDE the opportunity to remove this infringing content voluntarily.

32. Vegas PRIDE’s April 2023 Press Release accuses me, HEC, and Trevor Harder of harassment, bullying, threats, unethical business activities, and unethical and illegal financial practices and behavior. HEC and I have, categorically, never engaged in any such conduct, nor have we engaged in any conduct that any reasonable person could possibly characterize using these terms.

33. I have reviewed Exhibit N to the Motion, which purports to include two Facebook posts from Jennifer McHugh. McHugh is lying in these posts, as she was never a member of HEC’s Board; rather, she was a Board member of a different organization, Equality Nevada, and never attended a Board meeting while there. The 2023 post alleges that I am “a thief who steals from the community, the State of Nevada (via falsified UI claims, PPP loans, and unreported donations).” All of these assertions are categorically false. Indeed, HEC never even applied for a PPP loan, which anyone with an internet connection could verify by visiting ProPublica’s PPP loan tracker.² McHugh’s assertion that HEC has a responsibility to help people in crisis is categorically false because HEC does not provide mental behavioral therapy and does not have people certified for such work.

34. I have reviewed William Pierro’s declaration attached to the Motion, which purports to describe an encounter I had with Pierro’s child. Pierro is referring to the NGRA Rodeo at Horseman’s Park in Las Vegas on September 16, 2023. Harder, another HEC Board member, Bob Radtke (a 79 year old man), and I were in HEC’s booth watching the event. While we were

² Available at: <https://projects.propublica.org/coronavirus/bailouts/>.

1 sitting in our booth, Pierro's son approached the booth and started shouting my name. When I
 2 turned around to face the child, the child threw a water balloon and hit Radtke. I then said to the
 3 child "what the hell is your problem, kid?" I did not do or say anything else to the child, and I did
 4 not know that Pierro's child was special needs.

5 35. I have reviewed Brady McGill's declaration in support of the Motion, which makes
 6 a number of false and misleading claims. Paragraph 5(E) claims that I "was using the Henderson
 7 pride name for [my] own financial gain." This statement is false because (1) I did not use the mark
 8 HENDERSON PRIDE, and (2) HEC has superior rights in the HENDERSON PRIDE FEST mark
 9 to ICME's alleged rights in the HENDERSON PRIDE mark.

10 36. McGill claims in paragraph 5(E) of his declaration that I "unlawfully held in an
 11 office . . . a Representative of Henderson Pride . . . after requesting Plaintiffs [sic] Non Profit
 12 financials, and the Henderson Police were called over this matter." This even never happened, and
 13 it is categorically false in all respects. McGill does not mention a case or complaint number, which
 14 would exist if the Henderson Police were called, and I have not been able to find any such case or
 15 complaint number.

16 37. McGill claims in paragraph 5(E) of his declaration that Nicole Williams "contacted
 17 the Attorney General of Nevada regarding Davin's unethical, unprofessional, and/or illegal
 18 financial practices." Neither I nor HEC have ever engaged in such conduct, nor have we ever
 19 received any inquiries from the Nevada Attorney General regarding this alleged conduct.

20 38. In February 2021, HEC entered into a contract with Smithman Productions
 21 ("Smithman") by which Smithman would produce HEC-branded merchandise. A true and correct
 22 copy of a deal letter from Smithman including the final terms of the agreement is attached to the
 23 Opposition as Exhibit 11. I accepted these terms on February 5, 2021.

24 39. Pursuant to this contract, Smithman agreed to "[c]reate and produce custom
 25 branded merchandise" and "[p]rovide bi-weekly inventory reporting and invoicing."

26 40. Later in February 2021, HEC learned that Smithman was providing incorrect
 27 inventory counts, and that the "custom" merchandise Smithman promised to create actually

consisted of images Smithman took from the internet (without attribution or permission). Smithman was thus in breach of at least two material provisions of the contract.

41. Once HEC discovered this, it requested an explanation from Smithman. In response, Smithman hired a law firm, Gordon Law, and proposed a settlement with HEC. Part of the proposed settlement was a confidentiality provision that would have prevented HEC from mentioning Smithman's practice of using unlicensed images in the merchandise it produced. HEC refused this proposed settlement, in part because, as a non-profit organization, it could not keep the agreement with Smithman confidential.

42. I have reviewed Sean Vangorder's Facebook post cited in the Complaint, a true and correct copy of which is attached to the Opposition as **Exhibit 12**. This post is not accessible to general Facebook users; rather, it is restricted to friends of Vangorder. I have attempted to access this post, and while I have been able to view other posts by Vangorder, I cannot access this post. I obtained this post from a Facebook friend of Vangorder's.

43. Vangorder's post makes several claims that either repeat the allegations in the Press Release or accuse me and Trevor Harder of being a scam artist and attacking members of the LGBTQ+ community. The claims in this post are all false.

44. On October 10, 2023, the VP of Accessibility, Diversity and Inclusion for InterPride, Richard Brethour-Bell, sent an email to me stating that "[t]here has been an allegation of racism and elder abuse lodged against you. I have spoken with Brady [McGill], and communicated with Nichole Williams. I would really like to hear your side of the story." A true and correct copy of this email is attached to the Opposition as **Exhibit 13**. Neither I nor HEC has ever engaged in any conduct that could be characterized by a reasonable person as racism or elder abuse.

45. I have reviewed McGill's claim in his declaration that he is in possession of an audio recording showing that I called an elderly black man the "N word." This is completely false.

46. I have reviewed Exhibit Q to the Motion, which purports to be an email exchange in which Rondalynne McClintock claims an elderly black man Roussell White, was mistreated at

the Henderson Food Pantry. Without waiving any evidentiary objections to this exhibit, the account of events in this email exchange is categorically false. None of the events described by Ms. McClintock occurred, and Mr. White was in no way mistreated by me or anyone else at HEC. The emails from Ms. McClintock do not even mention me, and instead claim only that someone from Henderson Food Pantry engaged in this conduct.

47. Defendants' false statements, starting with the April 2023 Press Release, have caused significant harm to my and HEC's business interests. As a direct result of these statements, HEC lost a sponsorship with Barclay's, which has been a sponsor of HEC for the last 2 years. Due to Defendants' statements, HEC was not invited to the 2023 end of year partnership party, which means HEC lost the opportunity to enter into a sponsorship with Barclay's for 2024, which sponsorship would have been worth over \$50,000.

48. As a direct result of Defendants' statements, HEC lost sponsors and vendors for its Henderson Pride Fest, including MGM Resort.

49. HEC additionally lost funding from Tito's. A representative of Tito's informed me after the Press Release was published that Brady McGill represented to them that, due to the false statements in the April 2020 Press Release, Tito's could not be a partner of HEC because it was a partner of Vegas PRIDE. This representative asked HEC to remove the Tito's logo from any events.


50. Representatives of multiple other sponsors similarly informed me after the Press Release was published that they would not be able to sponsor HEC events because Vegas PRIDE had presented an ultimatum by which, due to the false statements in the Press Release, it would not partner with any organization that also partnered with HEC.

51. 2 vendors backed out of deals with HEC and specifically told me that they did so because of the April 2023 Press Release, describing it as "hate mail." 2 other vendors were concerned about whether it was safe for them to attend an event HEC was putting on in light of the April 2023 Press Release, which they also described as "hate mail."

52. Defendants' false statements, starting with the April 2023 Press Release, have caused me significant mental and emotional distress, including loss of sleep, inability to focus on my tasks at work, and significantly increased stress. Due to the stress caused by Defendants' statements, I have had to be placed on blood pressure medication and I have developed ulcers that require me to take heartburn medication. I am constantly thinking about how HEC will continue to run due to the financial hit it has taken directly resulting from Defendants' false and defamatory statements.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 01 / 17 / 2024



Christopher Davin

EXHIBIT 4

Henderson Pride Fest
Registration Certificate

United States of America

United States Patent and Trademark Office

Henderson Pride Fest

Reg. No. 6,976,120

Registered Feb. 07, 2023

Int. Cl.: 35, 36

Service Mark

Supplemental Register

Henderson Equality Center (NEVADA NON-PROFIT CORPORATION)
1490 W Sunset Rd Suite 120
Henderson, NEVADA 89014

CLASS 35: Charitable services, namely, promoting public awareness for the LGBTQ community of equality for all via entertainment festivals and parades

FIRST USE 2-22-2021; IN COMMERCE 2-22-2021

CLASS 36: Charitable fundraising that provides entertainment to raise awareness and fundraising to promote outreach for the LGBTQ community, and to advocate the awareness of equality for all

FIRST USE 2-22-2021; IN COMMERCE 2-22-2021

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown: "PRIDE FEST"

SER. NO. 97-165,919, FILED P.R. 12-10-2021; AM. S.R. 10-31-2022



Katherine Kelly Vidal

Director of the United States
Patent and Trademark Office



REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

EXHIBIT 5

Mark Name Search
(NVSOS)

TRADE MARK DETAILS**MARK INFORMATION****Mark Number :**

202200035760-40

Registration Date :

01/11/2022

Mark Name :

Henderson Pride Fest

Mark Type :

Trade Name

Logo Key Word :**Renewal Date :**

01/11/2027

Mark Class :

101. Advertising and business.

Mark Status :

Active

Applicant/Owner Name :

Henderson Equality Center

State of Incorporation :

Nevada

Business Address :

1490 W. Sunset Rd , Suite 120, Henderson, NV, 89014, USA

Mailing Address :

1490 W. Sunset Rd ,
Suite 120, Henderson,
NV, 89014, USA

USE OF MARK

**Date of First Use in
NV :** 02/21/2021

**First Use Date
Anywhere :** 02/21/2021

**Description of Goods
and Services :** Advertising, Marketing, Prints, Publications,Website, Signage, Events.

MODE OR MANNER OF USE

Use Manner Type	Use Manner Other
-----------------	------------------

Other	Business cards, Letterhead,signage,publications,magazine print,website.
-------	---

[Filing History](#)[Owner History](#)[Back](#)[Return to Search](#)[Return to Results](#)

TRADE MARK DETAILS**MARK INFORMATION****Mark Number :**

202200035764-28

Registration Date :

01/11/2022

Mark Name :

Henderson Pride Fest

Mark Type :

Service Mark

Logo Key Word :**Renewal Date :**

01/11/2027

Mark Class :

101. Advertising and business.

Mark Status :

Active

Applicant/Owner Name :

Henderson Equality Center

State of Incorporation :

Nevada

Business Address :

1490 W. Sunset Rd Suite 120 , Henderson, NV, 89014, USA

Mailing Address :

1490 W. Sunset Rd
Suite 120 , Henderson,
NV, 89014, USA

USE OF MARK

**Date of First Use in
NV :** 02/21/2021

**First Use Date
Anywhere :** 02/21/2021

**Description of Goods
and Services :** Advertising, marketing, prints, publication, website, signage, events.

MODE OR MANNER OF USE

Use Manner Type

**Use Manner
Other**

Display in advertisements of the service

Display on documents, wrappers, or articles delivered in connection with the
service rendered

[Filing History](#)

[Owner History](#)

[Back](#)

[Return to Search](#)

[Return to Results](#)

TRADE MARK DETAILS**MARK INFORMATION****Mark Number :**

202200035766-22

Registration Date :

01/11/2022

Mark Name :

Henderson Pride Fest

Mark Type :

Trademark

Logo Key Word :**Renewal Date :**

01/11/2027

Mark Class :

38. Prints and publications.

Mark Status :

Active

Applicant/Owner Name :

Henderson Equality Center

State of Incorporation :

Nevada

Business Address :

1490 W. Sunset Rd Suite 120 , Henderson, NV, 89014, USA

Mailing Address :

1490 W. Sunset Rd
Suite 120 , Henderson,
NV, 89014, USA

USE OF MARK

**Date of First Use in
NV :** 02/21/2021

**First Use Date
Anywhere :** 02/21/2021

**Description of Goods
and Services :** Advertising, Marketing, Prints, Publication, Website, Signage, Events.

MODE OR MANNER OF USE

Use Manner Type

Use Manner Other

Apply directly to goods

Apply directly to the containers for the goods

Apply to tags or labels affixed to the goods

Apply to tags or labels affixed to the containers for the goods

Display in physical association with the goods in the sale or distribution thereof

Display in advertising

[Filing History](#)

[Owner History](#)

[Back](#)

[Return to Search](#)

[Return to Results](#)

EXHIBIT 6

Facebook Emails

Subject: Trademark Report Form #927869168538357

Date: Monday, April 17, 2023 at 9:39:00 AM Pacific Daylight Time

From: Facebook

To: Chris.Davin@HendersonEqualityCenter.org

Hi,

Regarding:

<https://www.facebook.com/photo/?fbid=1384811618648996&set=a.120705651726272>

<https://www.facebook.com/thephoenixlv/photos/a.1401207863458174/2967661266812818/>

Thanks for your report. We removed or disabled access to the content you reported for violating our Terms of Service.

****Please note: this is a no-reply message. Any replies will not be received. ****

If you wish to make a new report about content on Facebook that you believe infringes or violates your legal rights, or if you do not consider this issue to be resolved, you can submit a new report here:

https://www.facebook.com/help/intellectual_property/?ref=CR

You may reference this report (Complaint #927869168538357) in your new report if you think it will help us better understand your issue.

To learn what type of content violates Facebook's Terms of Service, review our Community Standards and Pages Terms:

<https://www.facebook.com/communitystandards/?ref=CR>

https://www.facebook.com/page_guidelines.php/?ref=CR

It appears that the remaining reported content has already been removed from Facebook, which we understand to resolve this report.

If you'd like to report something else, please fill out this form:

<https://www.facebook.com/help/contact/634636770043106?ref=cr>

If you have any additional questions, please visit the Intellectual Property section of the Help Center:

https://www.facebook.com/help/intellectual_property?ref=cr

**** Please note: this is a no-reply email. Any replies will not be received. ****

Thanks,

The Facebook Team

Thanks,

Harper
Facebook

>On Thu Apr 13, 2023 09:33:30, Chris Davin wrote:

>1.

><https://www.facebook.com/LasVegasPRIDE/photos/pb.100064551049883.-2207520000./10161527054588356/?type=3>

>,

>2.

><https://www.facebook.com/LasVegasPRIDE/photos/pb.100064551049883.-2207520000./10161347035863356/?type=3>,

>3.

><https://www.facebook.com/LasVegasPRIDE/photos/pb.100064551049883.-2207520000./10161585023803356/?type=3>,

>4.

>[https://www.facebook.com/plugins/post.php?](https://www.facebook.com/plugins/post.php?href=https%3A%2F%2Fwww.facebook.com%2FLasVegasPRIDE%2Fposts%2Fpfbid0VW2bBo5hMA5dYzz32db9MawfEMRE1GemfuxXwZ5gVr1UPszNvpsgg8DdZVt4Kk5EI&show_text=true&width=500)

[href=https%3A%2F%2Fwww.facebook.com%2FLasVegasPRIDE%2Fposts%2Fpfbid0VW2bBo5hMA5dYzz32db9MawfEMRE1GemfuxXwZ5gVr1UPszNvpsgg8DdZVt4Kk5EI&show_text=true&width=500](https://www.facebook.com/plugins/post.php?href=https%3A%2F%2Fwww.facebook.com%2FLasVegasPRIDE%2Fposts%2Fpfbid0VW2bBo5hMA5dYzz32db9MawfEMRE1GemfuxXwZ5gVr1UPszNvpsgg8DdZVt4Kk5EI&show_text=true&width=500)

>"

>5.

>[https://www.facebook.com/plugins/post.php?](https://www.facebook.com/plugins/post.php?href=https%3A%2F%2Fwww.facebook.com%2FLasVegasPRIDE%2Fposts%2Fpfbid0VW2bBo5hMA5dYzz32db9MawfEMRE1GemfuxXwZ5gVr1UPszNvpsgg8DdZVt4Kk5EI&show_text=true&width=500)

[href=https%3A%2F%2Fwww.facebook.com%2FLasVegasPRIDE%2Fposts%2Fpfbid0VW2bBo5hMA5dYzz32db9MawfEMRE1GemfuxXwZ5gVr1UPszNvpsgg8DdZVt4Kk5EI&show_text=true&width=500](https://www.facebook.com/plugins/post.php?href=https%3A%2F%2Fwww.facebook.com%2FLasVegasPRIDE%2Fposts%2Fpfbid0VW2bBo5hMA5dYzz32db9MawfEMRE1GemfuxXwZ5gVr1UPszNvpsgg8DdZVt4Kk5EI&show_text=true&width=500)"

>6.

><https://www.facebook.com/thephoenixlv/photos/a.1401207863458174/2967661266812818/>

>7.

><https://www.facebook.com/photo/?fbid=1384811618648996&set=a.120705651726272>

>8.

><https://www.facebook.com/thephoenixlv/photos/a.1401207863458174/2967661266812818/>

>9.

><https://www.facebook.com/photo/?fbid=599058055589224&set=pcb.599058315589198>

>We have the Legal Trademark to "Henderson Pride Fest" All of the links

>above have been using our Registered Trademark! This is Trademark

>infringement, to the Registered Trademark that we OWN! These photos must

>be removed, or we will have to move forth with legal action that Facebook

>is in violation of our Registered Trademark. This group per all of the

>listed reports have had their accounts taken down. We have discovered more

>photos with our Registered Trademark posted on the links above. We are

>asking kindly that Facebook follow suit and remove them just like they did

>the other reported incident accounts. Thank you.

>[image: Screen Shot 2023-04-13 at 9.31.13 AM.png]

>[image: Screen Shot 2023-04-13 at 9.31.08 AM.png]

>[image: Screen Shot 2023-04-13 at 9.31.02 AM.png]

>On Thu, Apr 13, 2023 at 8:52 AM Facebook <

>case++aazqksslvxay6d@support.facebook.com> wrote:

>> Hi,

>>

>> Thanks for contacting us. It looks like you provided a link to an entire

>> Page, group or profile. We've reviewed your report, and it's not clear that

>> the entire Page, group or profile infringes your trademark rights.

>>

>> So that we can better understand your report, please provide the following:

>>

>> - A link (URL) to each photo, post or other item you're reporting, which

>> can be found by clicking either directly on the content or on the time and

>> date that appears in gray with the content (ex: "8 hours ago"). If a link

>> isn't available, provide a detailed description of where it appears on
>> Facebook, including the name of the person who posted it and the time they
>> posted it.
>> - A detailed explanation of how you believe this specific content is
>> likely to cause confusion as to source, sponsorship or affiliation, or
>> otherwise infringes your rights.
>>
>> Once we receive this information, we'll continue to look into your report.
>>
>> Thanks,
>>
>> Alita
>> Facebook
>>
>>
>> >On Tue Apr 11, 2023 23:18:09, original message wrote:
>> >The Facebook Team received a report from you. For reference, your
>> complaint number is 927869168538357.
>> >
>> >Please note that the form you filled out is for reports of alleged
>> infringements or violations of your legal rights, such as copyright or
>> trademark. If you filed that type of report, no further action is
>> necessary. However, if you contacted our team about another matter, you
>> might not receive a response.
>> >If you're not confident that your issue concerns intellectual property
>> rights, please consult the Intellectual Property section of the Help Center
>> for additional information.
>> >IP Help Center:
>> >https://www.facebook.com/help/intellectual_property?ref=cr
>> >Please note that we regularly provide the rights owner's name, your email
>> address and the nature of your report to the person who posted the content
>> you are reporting. You may wish to provide a professional or business email
>> address for contact by users.
>> >For help with matters other than infringement/violation of your legal
>> rights, the links below may be helpful:
>> >- Hacked accounts:
>> ><https://www.facebook.com/help/1216349518398524?ref=cr>
>> >- Fake/Impostor accounts (timelines):
>> ><https://www.facebook.com/help/174210519303259?ref=cr>
>> >- Abuse (including spam, hate speech and harassment):
>> ><https://www.facebook.com/help/263149623790594?ref=cr>
>> >- Pages (including admin issues):
>> ><https://www.facebook.com/help/pages?ref=cr>
>> >- Unauthorized photos or videos:
>> ><https://www.facebook.com/help/327689333983073?ref=cr>
>> >- Login issues:
>> ><https://www.facebook.com/help/login?ref=cr>
>> >- Help for users who have been disabled or blocked:
>> ><https://www.facebook.com/help/warnings?ref=cr>
>> >If the links above do not contain the information you're looking for, you
>> may want to search the Help Center for more assistance:
>> ><https://www.facebook.com/help?ref=cr>
>> >As a reminder, if your submission contains a report of alleged
>> infringement/violation of your legal rights, no further action is

>> necessary. We will look into your matter shortly.

>> >Thanks for contacting Facebook,

>> >The Facebook Team

>> >-----

>> >Describe your relationship to the rights owner. : I am the rights owner

>> >Your full name : Chris Davin

>> >Mailing address : 1490 W Sunset Rd Suite 120 Henderson NV 89014

>> >Email address : Chris.Davin@HendersonEqualityCenter.org

>> >Confirm your email address : Chris.Davin@HendersonEqualityCenter.org

>> >Name of the rights owner : Henderson Equality Center

>> >Please provide a link to the rights owner's official online presence. :

>> <https://www.facebook.com/HendersonPrideFest>

>> >What is the trademark? : USPTO Reg #6976120

>> >Where is the trademark registered (if applicable)? : United States of America

>> >What is the trademark registration number (if applicable)? : USPTO Reg #6976120

>> >Why do you believe this content infringes rights owner's trademark

>> rights? : This photo, video, post or story uses rights owner's trademark.

>> This ad is using rights owner's trademark.

>> >Please provide links (URLs) leading directly to the specific content you are reporting. : <iframe src="

>>

>> >Which Page posted the ad? : <https://www.facebook.com/LasVegasPRIDE>

>> >Please provide a detailed description of where the ad is located on Facebook. : Facebook Wall posted on 3d and 4d

>> >Please provide any additional information that can help us understand your report. : We own the rights to the Trademark Henderson Pride Fest.

>> This page on there magazine is a violation of our trademark. Page 47 of the magazine they are sharing a link to, has our Trademark that is in violation.

>> <https://lasvegaspride.org/?r3d=issue-44#46>

>> >This organization has been flagged and removed by FB for many Profile accounts that they keep creating. Once FB takes one down, they start with a new one. The contact that is being posted with in the Private group, using our Trademark on flyers, images and contact within the group. The following links are of the other accounts this group has used that FB has taken down. We ask that the person creating these Groups and Pages, be also removed from FB as they will not stop, they will do anything to keep continuing to post trademark infringement of our registered trademark we hold.

>> >>Previous complaint forms that have been removed by this person and fake entity is the following:

>> >>>>complaint number is 587875942815815

>> >>>>Complaint #752165309603245

>> >>>>Complaint #554764976447882

>> >>>>Complaint #1445342582873849

>> >>>>complaint number is 708079171104336

>> >>>>complaint number is 586994799942610

>> >>Most recent one was #172288978962649
>> >>We want this FB Page Closed, and removed from FB thank you.
>> >Electronic signature : Chris Davin
>> >
>>
>>
>

EXHIBIT 7

Infringing Posts



The Phoenix Bar & Lounge

Price Range · \$

Rating · 3.8 (2,884 Reviews) ⓘ

Offers free Wi-Fi

Photos

[See all photos](#)



The Phoenix Bar & Lounge created an event.

13h · 🌐



FRI, JUN 30 AT 8 PM

Pride Month Closing Party

Las Vegas

☆ Interested



Las Vegas PRIDE

12h · 🌐



FRI, JUN 30 AT 8 PM

Pride Month Closing Party

Las Vegas

20 people interested

☆ Interested

👍 Like

➦ Share

EXHIBIT 8

Henderson Pride App Status for
International Cultural Movement for
Equality

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

STATUS

DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2024-01-15 21:16:56 EST

Mark: HENDERSON PRIDE

Henderson Pride

US Serial Number: 90845925

Application Filing Date: Jul. 23, 2021

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Supplemental

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (minimum filing requirements) and that this application has been examined.

Amended to Principal Register: No

Date Amended to Current Register: May 01, 2023

Status: Review prior to publication completed.

Status Date: Dec. 21, 2023

▼ Mark Information

[▼ Expand All](#)

Mark Literal Elements: HENDERSON PRIDE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

▲ Goods and Services

▼ Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

▼ Current Owner(s) Information

Owner Name:	INTERNATIONAL CULTURAL MOVEMENT FOR EQUALITY		
Owner Address:	1050 Whitney Ranch Dr., #1114 Henderson, NEVADA UNITED STATES 890142544		
Legal Entity Type:	CORPORATION	State or Country Where Organized:	NEVADA

▼ Attorney/Correspondence Information

Attorney of Record

Docket Number: L548931314

Correspondent

Correspondent Name/Address: INTERNATIONAL CULTURAL MOVEMENT FOR EQUALITY
1050 Whitney Ranch Dr., #1114
Henderson, NEVADA UNITED STATES 89014-2544

Phone: 3104972869

Correspondent e-mail: acpresents@aol.com
hendersonpridefestival@gmail.com
ac@hendersonpride.org

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

▲ Prosecution History

▲ TM Staff and Location Information

▲ Assignment Abstract Of Title Information - Click to Load

▲ Proceedings - Click to Load

EXHIBIT 9

Declaration of Trevor Harder

1 **DECL**

2 Marc J. Randazza (NV Bar No. 12265)

3 Alex J. Shepard (NV Bar No. 13582)

4 RANDAZZA LEGAL GROUP, PLLC

5 4974 S. Rainbow Blvd., Suite 100

6 Las Vegas, NV 89118

7 Telephone: 702-420-2001

8 ecf@randazza.com

9 Attorneys for Plaintiffs

10 Christopher Davin, Trevor Harder,

11 and Henderson Equality Center

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 **CHRISTOPHER DAVIN**, et. al.,

15 Plaintiffs,

16 v.

17 **SOUTHERN NEVADA ASSOCIATION**
18 **OF PRIDE, INC. DBA LAS VEGAS**

19 **PRIDE**, et. al.,

20 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**DECLARATION OF TREVOR
HARDER**

21 I, Trevor Harder, declare under penalty of perjury:

22 1. I am over 18 years of age and have never been convicted of a crime involving fraud
23 or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called as a witness,
24 could and would testify competently thereto.

25 2. I am a Plaintiff in this matter and am the Youth Director of Plaintiff Henderson
26 Equality Center ("HEC").

27 3. I submit this Declaration in support of Plaintiffs' Opposition (the "Opposition") to
Defendants Southern Nevada Association of Pride, Inc. d/b/a/ Las Vegas Pride ("Vegas PRIDE"),
Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc. ("Sin Sity Sisters"), Las Vegas
TransPride, Brady McGill, and Sean Vangorder's Special Motion To Dismiss Plaintiffs' SLAPP

1 Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees, Costs, and Damages
2 Pursuant to 41.670 (the “Motion”).

3 4. As of October 2021, I was a member of the Board of Vegas PRIDE.

4 5. On August 11, 2021, Vegas PRIDE held a closed meeting to discuss allegations of
5 Christopher Davin taking Vegas PRIDE assets. The allegation was that Davin logged into Vegas
6 PRIDE’s email program, which used the software Mailchimp, and extracted email files for the
7 purpose of soliciting donations from Vegas PRIDE donors for the benefit of HEC.

8 6. There was no allegation made, nor any evidence presented showing or suggesting,
9 that I was in any way involved in such conduct.

10 7. As to me, this claim is false in all respects.

11 8. The Vegas PRIDE Board, without conducting any investigation, found that Davin
12 had engaged in this conduct and voted to allow Davin to resign from the Board. Davin resigned
13 that day.

14 9. I voluntarily resigned from the Vegas PRIDE Board on October 20, 2021, due to
15 Davin being subjected to a disrespectful kangaroo court with no interest in determining the truth
16 of the allegations against him.

17 10. Vegas PRIDE’s April 2023 Press Release accuses me, HEC, and Trevor Harder of
18 harassment, bullying, threats, unethical business activities, and unethical and illegal financial
19 practices and behavior. HEC and I have, categorically, never engaged in any such conduct, nor
20 have we engaged in any conduct that any reasonable person could possibly characterize using these
21 terms.

22 11. I have reviewed Sean Vangorder’s Facebook post cited in the Complaint. This post
23 makes several claims that either repeat the allegations in the Press Release or accuse me and Davin
24 of being a scam artist and attacking members of the LGBTQ+ community. The claims in this post
25 are all categorically false.

26 12. Defendants’ false statements, starting with the April 2023 Press Release, have
27 caused significant harm to my business and professional interests. As a direct result of these

1 statements, I have been denied entry into Leadership Academy, I have been passed up on a
2 promotion, and speaking engagements and trainings have fallen through.

3 13. Defendants' false statements, starting with the April 2023 Press Release, have
4 caused me significant mental and emotional distress, including loss of sleep, inability to focus on
5 my tasks at work, and significantly increased stress.

6
7 I declare under penalty of perjury that the foregoing is true and correct.

8 Executed on 01 / 16 / 2024

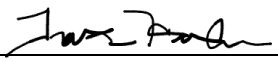
9 
Trevor Harder

EXHIBIT 10

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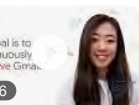
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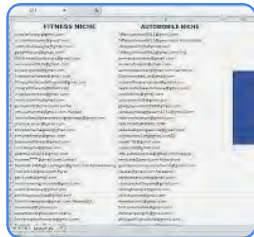
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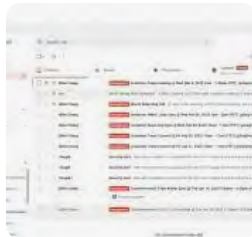
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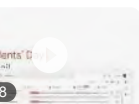
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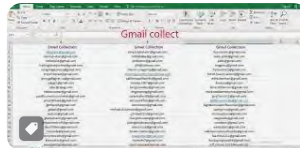
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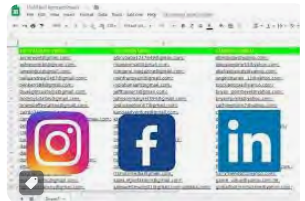
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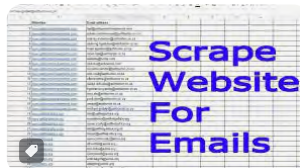
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Ameba TV · Jun 9, 2022



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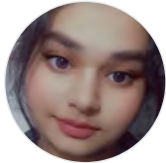
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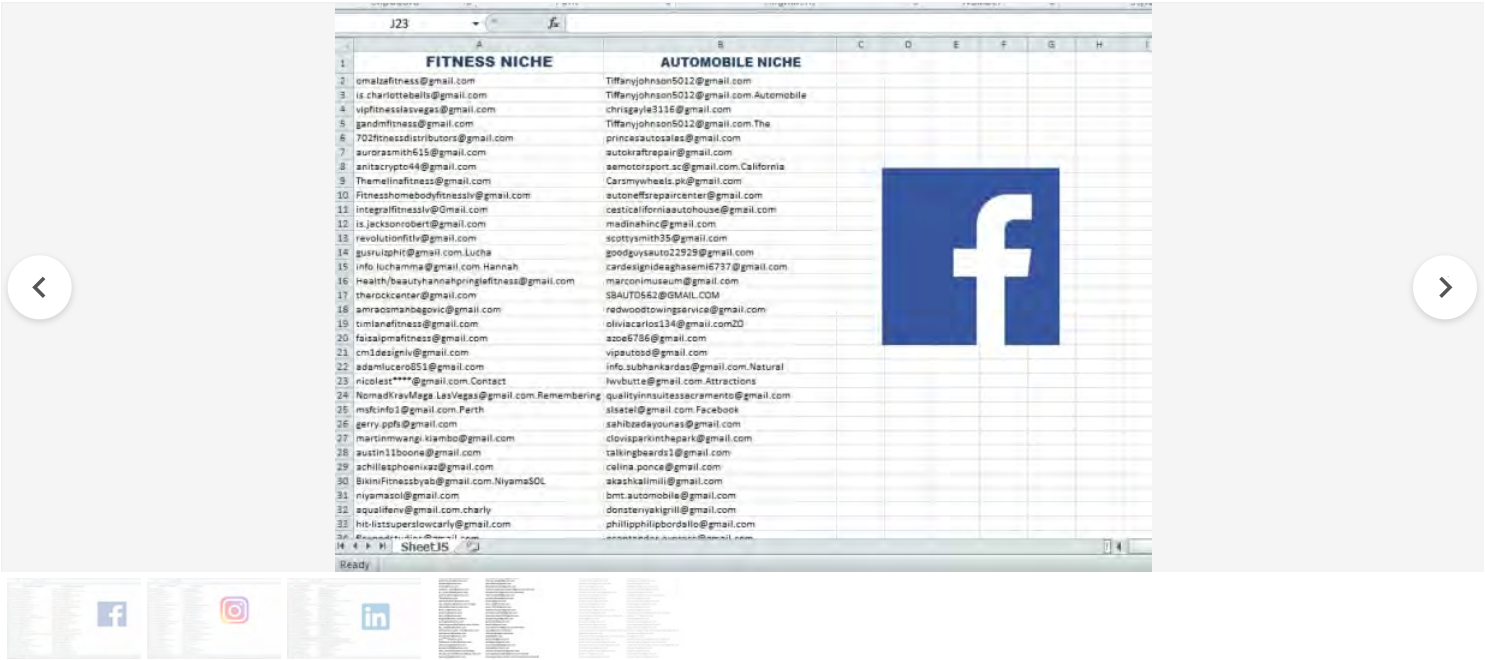
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Kind Regards

Rana Noor Fatima

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EXHIBIT 11

Smithman Contract



HENDERSON
EQUALITY
CENTER

SMITHMAN PRODUCTIONS
1452 West Horizon Ridge Parkway, Suite 148
Henderson, NV 89012

February 5, 2021

Hello Chris:

Please review this informal proposed agreement between Smithman Productions (SMI) and Henderson Equality Center (HEC) for branded merchandise to be sold at the Henderson Equality Center.

**Henderson Equality Center
Branded Merchandise Proposed Agreement**

Smithman Productions responsibility:

- Create and produce custom branded merchandise (shirts, bags, etc.)
- Finance all product costs, including set-up fees and shipping charges.
Note: selection and pricing of all merchandise will be approved by HEC prior to production. Merchandise is owned by SMI and sold exclusively by HEC.
- Store and manage all HEC branded merchandise.
- Restock inventory weekly (if necessary, during business hours).
- Provide all fixtures, shelving, hangers, price tags, signage and displays.
- Provide bi-weekly inventory reporting and invoicing (1st & 15th of each month.)
- Accept all returned items from customers with 30 days of purchase.

Henderson Equality Center responsibility:

- Provide space inside the Henderson Equality Center for merchandise to be displayed (fixtures, shelving, signage and displays provided by SMI if needed.)
- Cover all losses from any theft or merchandise damaged by customers.
- Manage all sales transactions.
- Issue payment to SMI bi-weekly upon receipt of invoices.
- Receive and pay all applicable sales tax.

SMI will provide HEC all product costs prior to production. 100% of the proceeds from all sales will go to HEC. The profit amount (proceeds) will be determined by the amount above and beyond the cost of the product.

This agreement can be cancelled or renegotiated at any time.

Smithman Productions is a registered DBA under Excellence LLC, filed with the Nevada Secretary of State.

Please let me know if you would like to add, change or correct anything in this proposed agreement.

Thank you – we look forward to expanding our partnership with Henderson Equality Center.

Sincerely,

Dan Smithman
Smithman Productions
1452 West Horizon Ridge Parkway
Suite 148
Henderson, NV 89012
Phone: (866) 469-7766 ext. 1
Fax: (888) 359-1777
Email: dansmithman.us
www.smithman.us
ASI # 190720
PPAI # 237129

EXHIBIT 12

Vangorder Facebook Post



Sean VanGorder

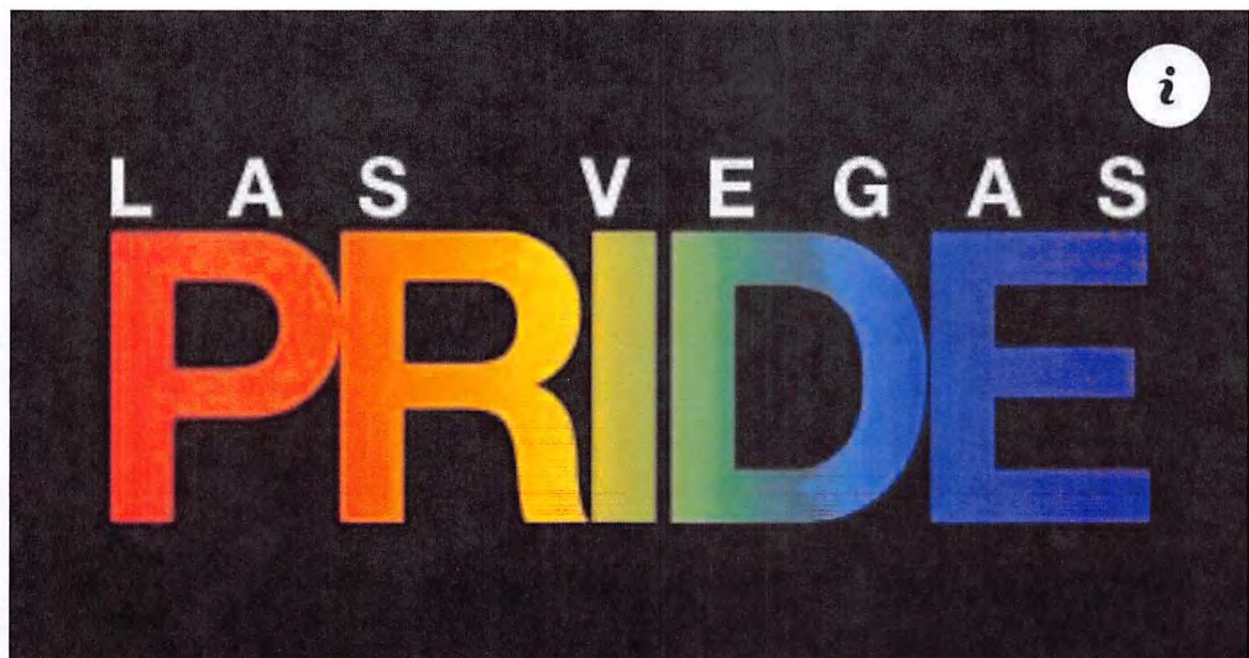


5d · 

I stayed polite and political about this for far too long. It's time to come forward- Chris Davin and Trevor Harder are the greatest scam artists to the LGBTQ+ community in Las Vegas.

They have stolen donor lists, bashed dedicated and caring volunteer leaders, attacked valuable queer-supported Vegas organizations, and have continued on a journey of full destruction of non-profit and political orgs that fight for our freedoms and help gain us access to valuable services every day. As of now, they have attacked Las Vegas Pride to the point of having their social media access removed- just before June Pride month- one of their most important months for

their most important months for engagement and exposure. It's time for the Vegas queer community to be transparent about the toxic attacks these two humans have participated in. It's time for them to go and for the rest of us to unite. Take it from me- I know personally about the toxicity of these two.



lasvegaspride.org

Christopher "Chris" Davin & Trevor Harder



Sean VanGorder

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Intro

He, They

-  Former Las Vegas Steering Committee Member at HRC Las Vegas
-  Former National Board of Governors at Human Rights Campaign
-  Former Las Vegas Gala Chair at Human Rights Campaign
-  Former National Board of Governors Chair at Human Rights Campaign
-  Former Branch Manager at Wells Fargo
-  Went to Las Vegas Academy

Posts

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Sean VanGorder updated his cover photo.

June 14 at 9:37 AM · 🌐



EXHIBIT 13

Interpride Email

1/16/24, 11:02 AM

Randazza Legal Group Mail - FW: Meeting

containing deadlines as incoming e-mails are not screened for response deadlines.
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From: Richard Brethour-Bell <richard.brethour-bell@interpride.org>
Date: Tuesday, October 10, 2023 at 10:38 AM
To: Chris Davin <chris.davin@hendersonqualitycenter.org>
Subject: Meeting

Hi Chirs,

I hope that all is well. There has been an allegation of racism and elder abuse lodged against you. I have spoken with Brady, and communicated with Nichole Williams. I would really like to hear your side of the story. Are you available to meet sometime this week?

Warm regards,

Richard

Richard Brethour-Bell, MHA | VP of Accessibility, Diversity and Inclusion
He, Him, His - Co-Chair of Human Rights and Diversity Committee



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Empowering Pride Organizers Worldwide
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1/16/24, 11:02 AM

Randazza Legal Group Mail - FW: Meeting

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Meeting Minutes

The Board of Directors of the Southern Nevada Association of PRIDE, Inc. (SNAPI) meets publicly on the third Wednesday of every month (unless otherwise noted on the events page). The minutes are recorded by the organization's secretary and, after review and board approval, are published below for public record.

Minutes are available in PDF format beginning in 2010 and in Microsoft Word format prior to 2010. If you do not have Microsoft Word installed on your computer, please download the Microsoft Word Viewer [here](#).

2022

- [December 28, 2022](#)
- [November 16, 2022](#)
- [October 19, 2022](#)
- [September 21, 2022](#)
- [August 17, 2022](#)
- [July 20, 2022](#)
- [June 15, 2022](#)
- [May 18, 2022](#)
- [April 20, 2022](#)
- [March 16, 2022](#)
- [February 16, 2022](#)
- [January 19, 2022](#)

2021

- [December 15, 2021](#)
- [November 17, 2021](#)
- [October 20, 2021](#)
- [September 15, 2021](#)
- [August 11, 2021](#)
- [July 21, 2021](#)
- [June 16, 2021](#)
- [May 19, 2021](#)
- [April 21, 2021](#)
- [March 17, 2021](#)
- [February 17, 2021](#)
- [January 20, 2021](#)

2020

- [December \(No Meeting\)](#)
- [November \(No Meeting\)](#)
- [October 21, 2020](#)
- [September 16, 2020](#)
- [August 19, 2020](#)
- [July 15, 2020](#)
- [June 17, 2020](#)
- [May 20, 2020](#)
- [April 15, 2020](#)
- [March 18, 2020](#)
- [February 19, 2020](#)
- [January 15, 2020](#)

2019

- [December - No Meeting](#)
- [November 19, 2019](#)
- [October 16, 2019](#)
- [September 18, 2019](#)
- [August 21, 2019](#)
- [July 17, 2019](#)
- [June 19, 2019](#)
- [May 14, 2019](#)
- [April 17, 2019](#)
- [March 20, 2019](#)
- [February 20, 2019](#)
- [January 23, 2019](#)
- [January 19, 2019](#)
- [January 16, 2019](#)

2018

- [August 15, 2018](#)
- [July 18, 2018](#)
- [June 20, 2018](#)
- [May 16, 2018](#)
- [April 18, 2018](#)
- [March 21, 2018](#)
- [February 21, 2018](#)
- [January 17, 2018](#)

2017

- [November 15, 2017](#)
- [October 11, 2017](#)
- [September 20, 2017](#)
- [August 16, 2017](#)
- [July 19, 2017](#)
- [June 21, 2017](#)
- [May 2017 - Meeting Cancelled](#)
- [April 19, 2017](#)
- [March 15, 2017](#)
- [February 15, 2017](#)
- [January 18, 2017](#)

2016

- [December - No Meeting](#)
- [November 16, 2016](#)
- [October 12, 2016](#)
- [September 21, 2016](#)
- [August 17, 2016](#)
- [July 20, 2016](#)
- [June 15, 2016](#)
- [May 18, 2016](#)
- [April 2016 - Meeting Cancelled](#)
- [March 16, 2016](#)
- [February 17, 2016](#)
- [January 20, 2016](#)

2015

- [December 9, 2015](#)
- [November 2015 - Meeting Cancelled](#)
- [October 21, 2015](#)
- [September 9, 2015](#)
- [August 19, 2015](#)
- [July 15, 2015](#)
- [June 17, 2015](#)
- [May 20, 2015](#)
- [April 15, 2015](#)
- [March 18, 2015](#)
- [March 11, 2015](#)
- [February 18, 2015](#)
- [February 11, 2015](#)
- [February 4, 2015](#)

2014

- [December 17, 2014](#)
- [November 12, 2014](#)
- [October 15, 2014](#)
- [September 21, 2014](#)
- [September 17, 2014](#)
- [August 25, 2014](#)
- [August 20, 2014](#)
- [August 10, 2014](#)
- [July 2, 2014](#)
- [June 18, 2014](#)
- [May 21, 2014](#)
- [April 16, 2014](#)
- [March 19, 2014](#)
- [February 19, 2014](#)
- [January 15, 2014](#)

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			2010		
			<ul style="list-style-type: none">October 19, 2010October 6, 2010September 21, 2010August 17, 2010July 20, 2010June 15, 2010May 18, 2010April 13, 2010March 30, 2010March 16, 2010March 2, 2010February 16, 2010January 19, 2010		
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INTERNET ARCHIVE

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54 captures

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- December 12, 2003

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Volunteer

Sponsor PRIDE

Parade Entry Application

Festival Vendor Application

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8/11/21 –Public Meeting – The Center + Google Meets

Call to Order 6:06pm

Attendance	Lucas		
Present	Absent	Associate	Additional
Brady Lucas Lyndon Joslyn Steve Clair Freddy JC Lopez Trevor Brock	Chris	Mikey A Daniel	Jake Naylor

Approval of Minutes

Approval of Minutes	Lucas	2 min
- Clair – motions to approve outstanding minutes; Chris 2nds; motion passes unanimously		

Community

	Brady	5 min
Sister Prudence -		

Previously approved motions

Previously approved motions	Lucas	2 min
<ul style="list-style-type: none"> - October 2021 Show at Westgate 10/7/21, motion PASSED - Parade Price update 2021, motion PASSED 		

Committee Reports

Executive	Brady	5 min
<ul style="list-style-type: none"> - Brady <ul style="list-style-type: none"> o Parade update with NV Governor 		



Finance	Freddy/Brady	5min
<ul style="list-style-type: none"> - Freddy - review of reporting <ul style="list-style-type: none"> o 		
Royalty	Brady/Daniel	
<ul style="list-style-type: none"> - Daniel, we capture 400 new emails while in RENO PRIDE - Wants some new photos with the board members for archive. - Brady, at the new BINGO we'll have a photographer there for new pics. - Daniel, they now have all the previous showboy/girl costumes ready for marketing and to sale. 		
Parade	Brady/Clair	5 min
<ul style="list-style-type: none"> - Brady - update on Grand Marshalls <ul style="list-style-type: none"> o Will reach out to find a convertible for the Royalty and possibly a float for all available past Royalty. - Map still needs to be finalized - Brady - is working on the LVPD Metro bill still. 		
Logistics/Festival	Brady/Chris	5min report
<ul style="list-style-type: none"> - Brady - Board did a walk-through of both the festival site and parade route. - Brock - is sorting through food vendor applications 		
Exhibitors	Brady/Brock	5 min
<ul style="list-style-type: none"> - Brady - will have Jake update the website with all possible COVID restrictions. - Brady- Map was sent to the Executive Board for review. 		
Entertainment	Lucas/Brady	5 min
<ul style="list-style-type: none"> - Lucas - Headliner AD out and getting great attention - Lucas - is working on a complete room list for Entertainers - Lineup is just about complete 		
Sponsorship	Brady/Lucas	10 min
<ul style="list-style-type: none"> - Brady & Lucas - <ul style="list-style-type: none"> o Budweiser - ask is in for \$20,000, pending o Pernod-Ricard (ABSOLUT/Malibu) - ask is in for \$16,000 in product o Meow-Wolf/AREA15 - \$2K o Red Bull - request is in for infrastructure support o William Sonoma/West Elm - VIP experience , Lucas will follow up o WeedMaps- Parade Activation, cash donation, Mag ads, Artist support o Cosmopolitan of Las Vegas - PAID - \$8000 o MGM - o Caesars Ent - pending o Cox - pending o Geico - pending 		



<ul style="list-style-type: none"> ○ Party City - Blue- paid ○ Scooters Coffee - paid ○ Crush - partial ○ Findlay Volkswagen ○ The Source ○ 		
Marketing	Lucas/Brady	5 min
<ul style="list-style-type: none"> - Brock - has found a free PSA option which is great - Lucas - would like to approve a \$3K budget for billboards, Joslyn 2nds. Motion passes unanimously - Joslyn - will schedule a Marketing Meeting 		
Volunteers	Chris/Brock	5 min
<ul style="list-style-type: none"> - Chris - reviews all volunteer positions with the board. 		
Special Events	Steve/JC	5 min
<ul style="list-style-type: none"> - PRIDE Party Saturdays - The Garden Aug 28th - Showgirl BINGO - On Hold - Cats Meow - On Hold - Showroom Show - PRIDE Week <ul style="list-style-type: none"> - Thursday 10/7/21 - Westgate showroom - Alyssa Edwards headliner - Turn-About - Brock - 10/2/21 - - NGRA 2021 - - Black and White Ball - 9/23/21 at Aria, PRIDE will be manning a sponsored booth 8pm-12am, will have a photobooth and giveaways. 		
Special Committees	Brady	5 min
<ul style="list-style-type: none"> - Community Involvement - Brady <ul style="list-style-type: none"> ○ Brady - Hike was fun and great engagement ○ Next Hike will be 8/8/21, Cathedral Rock - Las Vegas PRIDE Magazine - Joslyn <ul style="list-style-type: none"> ○ Joslyn - updating the board on the status of the current issue and budget updates. ○ Joslyn- planned a magazine marketing meeting next week. ○ Joslyn and Lucas, updated on social media stats - BINGO - Clair <ul style="list-style-type: none"> ○ Brady - Partnerships upcoming <ul style="list-style-type: none"> ▪ August - House of Urban PRIDE ▪ September - Trans Pride Center ▪ October - The Sin City Sisters ▪ November - WIPA ▪ December - ? ▪ onward - the court? NGRA? Golden Rainbow? LAMBDA? - PRIDE Spinners - TBD 		



o On hold	
PRIDE Pets - TBD	
o TBD	
Kids Zone - Trevor	
o Trevor - Reaching out to LVCCLD, and other organizations. It is slow going with coming out of covid.	
PROUD & Kinky Adult Zone - Steve/Chris/Trevor	
o Contacted Helix Studios for sponsorship, will follow up soon - they declined	
o Chris will contact KUMA; Entourage;	
o Brady - will connect Chris with Robert Ryan	
WomensFest - Joslyn	
- TBD to integrate into Festival activations	
TrasPRIDE Area	
- Jamie asked to update;	
Black PRIDE	
- Brady - presents partnership with Nicole Williams	
Queen of Sin City - TBD	
o On hold	
PRIDE Awards - JC	
o JC- TBD	
LasVegasPRIDE.org/SHOP - Brock/Clair/Joslyn/Andrew	
o Updating the board on the online merch store.	
o Presented some ideas that include the PRIDE branding on other articles of merch	
o Board still needs to set pricing on all merch.	
Chris motioned to approve the PRIDE store as presented with a budget of \$100/mo, Brock 2nds, motion passes unanimously.	

New Business

New Business	Brady	10 min
<ul style="list-style-type: none"> - Brady - CAPI asked for Las Vegas to host the 2022 CAPI conference. February or March <ul style="list-style-type: none"> o Brady, reached out to Westgate to host. o Brady, layed out a rough conference schedule o Chris would like an agreement of all required programming that Las Vegas PRIDE is responsible. o Lucas motions to "soft " approve CAPI 2022 to be hosted in Las Vegas and proceed with scoping before a final determination in Oct to the CAPI Board, Joslyn 2nd. Motion passes, Freddy abstains. - Steve motions to approve Park on Fremont as the Official Closing Party on Sunday 10/ 10 and Discopussy as the Friday Official After Parade Party 10/8, Joslyn 2nds. Motion passes unanimously. 		



Adjournment –

Motion to Adjourn	Brady	Motion Passes
<ul style="list-style-type: none">- Lucas motions to Adjourn, Steve 2nds; motion passes unanimously<ul style="list-style-type: none">o Meeting adjourns at 7:29pm		

Next Meeting –

9/15/21	6:00pm	The Center
---------	--------	------------

Next Workshop –

9/08/21	6:00pm	Google Meets
---------	--------	--------------

Follow Up -

Follow Up	Brady	
<ul style="list-style-type: none">- Associate Board follow up emails to loop in		

EXHIBIT 15

Gustavo Davis's Instagram profile page

Instagram

Log In

Sign Up

fitnessbygustavo 

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Message



1,681 posts

224K followers

7,439 following



Gustavo Davis

Public figure

Founded [@thegspotpptsrv](#) 

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Las Vegas 

CPT & Fitness model  

MARRIED 

Coach [@hugoifbbpro](#)

 lover

[@fitnessbygus](#)



Photoshoots



Style



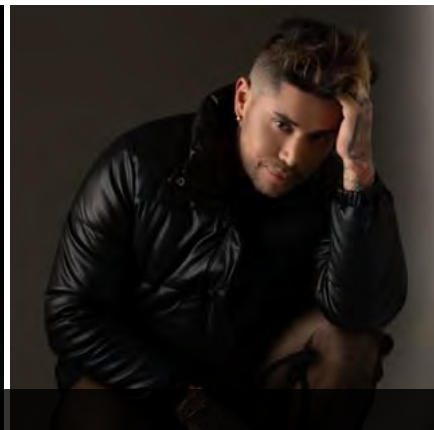
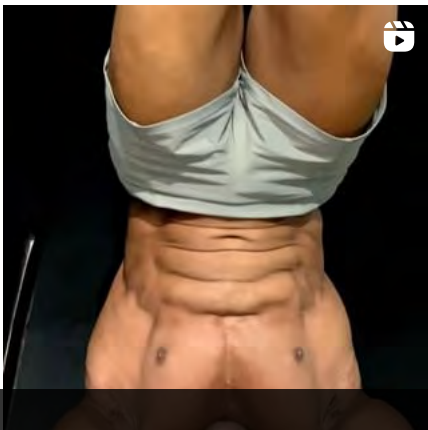
Friends/Fam...



GYM



Donuts



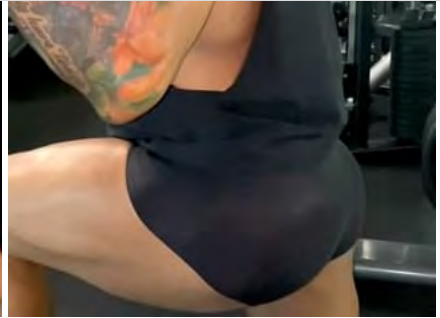
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Instagram

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Sign Up



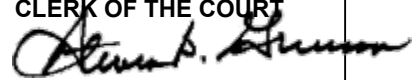
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aolson@ocgas.com
Attorneys for Defendants
GOLDEN RAINBOW OF NEVADA, INC.
and GARY COSTA

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, an individual;
TREVOR HARDEN, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

v.

SOUTHERN NEVADA ASSOCIATION OF
PRIDE, INC. dba LAS VEGAS PRIDE, a
Nevada nonprofit corporation; HUMAN
RIGHTS CAMPAIGN, INC., a District of
Columbia nonprofit corporation; HOLY ORDER
SINSITY SISTERS OF PERPETUAL
INDULGENCE, INC., a Nevada nonprofit
corporation; INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY, a Nevada non-
profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada non-
profit corporation; SOCIAL INFLUENCE
FOUNDATION dba HOUSE OF VEGAS
PRIDE, a Nevada nonprofit corporation; and
JOHN PHOENIX, APRN, PLLC dba
HUNTRIDGE FAMILY CLINIC, a Nevada
professional LLC, GOLDEN RAINBOW OF

CASE NO. A-23-879938-C
DEPT. NO. XXVIII

**DEFENDANTS GARY COSTA AND
GOLDEN RAINBOW OF NEVADA,
INC.'S SPECIAL MOTION TO
DISMISS PER NEVADA'S ANTI-
SLAPP PROVISIONS, NRS 41.635,
ET. SEQ.**

HEARING REQUESTED

NEVADA, INC., a Nevada nonprofit corporation, BRADY MCGILL, an individual, NICOLE WILLIAMS, an individual, JOHN PHOENIX, an individual, GARY COSTA, an individual, ANTHONY CORTEZ, an individual, and SEAN VANGORDER, an individual,

Defendants.

**DEFENDANTS GARY COSTA AND GOLDEN RAINBOW OF NEVADA, INC.'S
SPECIAL MOTION TO DISMISS PER NEVADA'S ANTI-SLAPP PROVISIONS, NRS
41.635, ET. SEQ**

COME NOW, Defendants GARY COSTA and GOLDEN RAINBOW OF NEVADA, INC. (hereinafter "Golden Rainbow"), by and through their counsel, OLSON CANNON GORMLEY & STOBERSKI, and hereby move this Court for an order dismissing Plaintiff's claims based on the immunity provided by Nevada common law and Nevada's Strategic Lawsuits Against Public Participation statute, NRS 41.635, et. seq.

This Motion is made and based upon all the pleadings and papers on file herein, the Affidavit of Defendant Gary Costa attached hereto, the Points and Authorities submitted herewith, as well as any oral arguments the Court may entertain at the hearing on this Motion.

MEMORANDUM POINTS AND AUTHORITIES

I. INTRODUCTION

Defendant Costa is the Executive Director of Defendant Golden Rainbow, a Nevada non-profit, 501 (c)(3) organization dedicated to providing housing and emergency financial assistance to persons living with HIV/AIDS. Defendants herein seek dismissal of Plaintiffs' complaint under Nevada's anti-SLAPP statutes because Plaintiffs' suit is solely tailored to quell Defendant Costa's good faith communication.

The barebones facts of this matter are straightforward. Plaintiffs have engaged in hostile and unethical conduct over the years and targeted numerous local organizations and LGBTQ members¹. Ultimately, Defendants took a stand by denouncing Plaintiffs' known pattern of bullying and unscrupulous business practices. Nonetheless, the simple issue under this motion is that Defendant Costa's speech, which is the subject of Plaintiffs' Complaint, is a protected communication under Nevada's anti-SLAPP provisions because he truthfully communicated in good faith regarding an issue of public interest. As such, at this stage of the proceedings, Plaintiffs' claims should be dismissed under NRS 41.637(4), and they should be required to pay Defendants' fees and costs per NRS 41.670.

II. PROCEDURAL HISTORY

On October 19, 2023, Plaintiffs filed the Complaint against numerous Defendants, alleging causes of action for Defamation Per Se, False Light, Tortious Interference with Prospective Economic Advantage, and Conspiracy. Defendants Costa and Golden Rainbow were properly served with the Summons and Complaint.

III. STATEMENT OF RELEVANT FACTS

Defendant Costa's May 3, 2023 email was in response to another email sent by Defendant Anthony Cortez, the Co-Founder and Executive Director of the Defendant International Cultural Movement for Equality (ICME) and founder of Henderson Pride.² The emails were on a mailing list for LGBTQIA2+ Connect, which is a local coalition of LGBTQ leaders and organizations that meet regularly to discuss pertinent issues affecting the community. Below is

¹ See Defendant Gary Costa Declaration, attached hereto as Exhibit A.

² See LGBTQIA2+ Connect Email, attached hereto as Exhibit B.

the body of the subject email, which expressed Defendant Costa's opinions of Plaintiffs based on his personal experience with and information he learned over the years from other community leaders about the unethical and harassing behavior Plaintiff Christopher Davin had engaged in³:

Thank you for sharing this information widely to the other LGBTQ organizations and community leaders.

While Las Vegas has always had its fair share of individuals who have ulterior motives that are not in the best interest of our community, this particular individual and his partner have been terrorizing the LGBTQ community for the past 3 years, and it was time someone finally stood up and confronted them.

Please know that YOUR Henderson Pride organization has Golden Rainbow's full and complete support and we commend you for taking the appropriate action necessary to confront these bad actors. Please do not hesitate to reach out should you need anything from us to help you tame this bully.

Best of luck to you this weekend and Happy Pride!

See LGBTQIA2+ Connect Email, attached hereto as Exhibit B.

Defendant Costa's Declaration, attached hereto as Exhibit A, provides the basis for the statements in his email, which are not defamatory as they are both true and an expression of his opinion of Plaintiff Davin.

IV. ARGUMENT

Nevada's anti-SLAPP provisions, NRS 41.660, et. seq., are designed to protect the precise type of speech made by Defendant Gary Costa – namely, good faith communications made in direct connection with an issue of public concern. Nev. Rev. Stat. § 41.660. Nevada's statute holds that if an action is "brought against a person based upon a good faith

³ See Costa Declaration attached as Exhibit A.

1 communication in furtherance of the right to petition or the right to free speech in direct
2 connection with an issue of public concern,” the defendant may file a special motion to dismiss
3 the claims. Nev. Rev. Stat. § 41.660(2). Furthermore, Nevada’s anti-SLAPP statute immunizes
4 from liability “[a] person who engages in a good faith communication in furtherance of the right
5 to petition or the right to free speech in direct connection with an issue of public concern.” Nev.
6 Rev. Stat. § 41.650 (emphasis added).
7

8 The statute “aims to protect First Amendment rights by providing defendants with a
9 procedural mechanism to dismiss ‘meritless lawsuits that a party initiates primarily to chill a
10 defendant’s exercise of his or her First Amendment free speech rights before incurring the costs
11 of litigation.’” *Coker v. Sassone*, 432 P.3d 746, 748 (Nev. 2019) (internal citations omitted). A
12 district court considering a special motion to dismiss under Nevada’s anti-SLAPP statute
13 engages in a two-prong analysis. *Id.* at 12. First, it must “[d]etermine whether the moving party
14 (the defendant) has established, by a preponderance of the evidence, that the claim is based
15 upon a good faith communication in furtherance of ... the right to free speech in direct
16 connection with an issue of public concern.” *Id.* (quoting Nev. Rev. Stat. § 41.660(3)(a)). If
17 successful, the district court advances to the second prong, whereby “the burden shifts to the
18 plaintiff to show ‘with prima facie evidence a probability of prevailing on the claim.’” *Shapiro*
19 *v. Welt*, 133 Nev. 35, 38, 389 P.3d 262, 267 (2017) (quoting NRS 41.660(3)(b)). If the plaintiff
20 fails to satisfy his or her burden, the court dismisses the action. See *Shapiro*, 133 Nev. at 38,
21 389 P.3d at 267; NRS 41.660(5). Finally, the law requires that the court award reasonable costs
22 and attorney’s fees to the defendant under NRS 41.660 if that party prevails. Nev. Rev. Stat. §
23 41.670.
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1 In short, a defendant's special motion to dismiss under Nevada's anti-SLAPP statute
2 should be granted where the defendant shows a good-faith communication in furtherance of the
3 right to petition or the right to free speech regarding a matter of public concern and the plaintiff
4 cannot show with "prima facie evidence a probability of prevailing on the claim." Nev. Rev. Stat.
5 § 41.660(3)(b); *see also Abrams v. Sanson*, 136 Nev. Adv. Op. 9, 458 P.3d 1062,1066 (2020).
6

7 In this matter, as is further examined *infra*, Defendant Costa sent an email from his Golden
8 Rainbow email address to a mailing list comprised of almost 50 LGBTQ organizations and leaders
9 that provide services to the community. In his email, Defendant Costa addressed the disruption
10 of the Henderson Pride festival by Plaintiffs and included his opinion about Plaintiffs being 'bad
11 actors' and 'terrorizing the LGBTQ community' based on personal experience and information
12 learned from others in the LGBTQ community⁴. Because safety of the LGBTQ community is a
13 matter of public concern and comments on whether someone is a bad actor and terrorizing the
14 community are expressions of opinion, Defendant's speech is protected by Nevada's anti-SLAPP
15 statutes. *See Abrams*, 136 Nev. Adv. Op. 9, 458 P.3d at 1069; *see also Pegasus v. Reno*
16 *Newspapers, Inc.*, 118 Nev. 706, 714, 57 P.3d 82, 87-88 (2002), *citing Greer v. Columbus*
17 *Monthly Pub. Corp.*, 4 Ohio App.3d 235, 448 N.E.2d 157, 161 (1982). Further, Plaintiffs cannot
18 establish a probability of succeeding on their claims for defamation, because Defendant's speech
19 was truthful and consisted of his opinion. Therefore, Plaintiffs' claims must be dismissed against
20 both Defendants Costa and Golden Rainbow under NRS 41.660.
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28 ⁴ *See* Costa Declaration attached as Exhibit A

A. Defendant Costa’s Speech Is Protected Because It Was Made In Direct Connection With An Issue of Public Interest.

To establish “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,” a moving defendant need only demonstrate that his conduct falls within the four categories of speech defined under NRS 41.637. *See also Delucchi v. Songer*, 133 Nev. 290, 299, 396 P.3d 826, 833 (2017).

Pertinent to this matter, a “good faith communication” consists of communication (i) made in direct connection with an issue of public interest, (ii) in a place open to the public or in a public forum, and (iii) which is truthful or is made without knowledge of its falsehood. Nev. Rev. Stat. § 41.637(4); *see also Abrams*, 136 Nev. Adv. Op. 9, 458 P.3d at 1066.

1. The Safety and Well-Being of the LGBTQ Community are Issues of Public Concern

In *Shapiro v. Welt*, the Nevada Supreme Court adopted California's guiding principles in determining whether an issue is of public interest:

- (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.

133 Nev. at 39-40, 389 P.3d at 268 (quoting *Piping Rock Partners, Inc. v. David Lerner Assocs., Inc.*, 946 F. Supp. 2d 957, 968 (N.D. Cal. 2013)). Nevada courts have also noted that

1 public interest is “broadly” defined. *Coker*, 135 Nev. at 14, 432 P.3d at 751. Applying these
2 principles, Mr. Costa’s statements directly connect to an issue of public interest.

3 First, a statement related to a security threat at a public event for the LGBTQ community
4 is certainly one that is of concern to the thousands of people in the Southern Nevada LGBTQ
5 community and even more so to the individuals who were attending the Henderson Pride
6 festival. The challenged statement in Mr. Costa’s email was closely related to the issue of public
7 safety and security as it was in response to reports that the City of Henderson had been
8 receiving threats from Plaintiff Davin directed at the Henderson Pride festival. Additionally,
9 Mr. Costa personally witnessed Plaintiffs’ bad behavior as well as heard from many others in
10 the community who had similar experiences that also goes to the issue of protecting the interests
11 of the broader LGBTQ community⁵. Mr. Costa did not address Plaintiffs’ conduct to stoke the
12 flames of a private controversy; the statements were made out of genuine concern for the safety
13 and security of those not only attending the Henderson Pride festival, but also for the thousands
14 of people in the Southern Nevada LGBTQ community. As such, Mr. Costa’s statements in the
15 subject May 3, 2023 email are “in direct connection with an issue of public interest” for
16 purposes of Nevada's anti-SLAPP statutes.
17
18
19

20 **2. Defendant Costa’s Communication Was Made in In A Public Forum**

21 To enjoy the protection of Nevada's anti-SLAPP statutes, statements must be
22 communicated “in a place open to the public or in a public forum.” NRS 41.637(4); *see also*
23 *Shapiro*, 133 Nev. at 39, 389 P.3d at 268. Courts have broadly construed the meaning of public
24 forum⁶ and established that it is not limited to a physical setting, but also includes other forms
25
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27 ⁵ See Costa Declaration, attached as Exhibit A.

28 ⁶ California's anti-SLAPP law includes a similarly phrased category of speech subject to anti-SLAPP protections,
and the case law of our sister state can therefore appropriately inform our analysis. *See Patin v. Lee*, 134 Nev. 722,

of public communication. *Damon v. Ocean Hills Journalism Club*, 85 Cal.App.4th 468, 102 Cal. Rptr. 2d 205, 210-11 (2000) (finding that a newsletter distributed to 3000 recipients constituted a public forum, because it was a “vehicle for communicating a message about public matters to a large and interested community”). The Nevada Supreme Court has recognized the public nature of an email listserv to satisfy the public forum prong. In *Abrams v. Sanson*, the Court held that emails sent to a listserv provided a medium through which public matters are disseminated, and thus may constitute a public forum for the purposes of the anti-SLAPP statutes. The court went on to note that, “the mere fact that emails reach a person's private inbox does not take the communication out of the ambit of a public forum...” *Id.*

Here, the email at issue was not a single email exchange between two private parties. Rather, the subject email by Defendant Costa was a reply to a message sent to mailing list for LGBTQIA2+ Connect (“Connect”), which is a local coalition of community leaders and program directors of organizations and agencies that provide services to the broader LGBTQ community in southern Nevada. This group meets regularly to discuss what impacts the LGBTQ community, which is coordinated through the LGBTQIA+ Community Center of Southern Nevada (“The Center”)⁷. Thousands of people are impacted by the decisions made in these meetings, which are open to all interested parties representing, supporting, advocating, or servicing the LGBTQ community. Outreach programs or events that cater to the community are planned and coordinated at Connect meetings and are then disseminated to the organizations’

724, 429 P.3d 1248, 1250 (2018) (noting that in the anti-SLAPP context, where “no Nevada precedent is instructive on this issue, we [may] look to California precedent for guidance”); compare NRS 41.637(4) (providing that anti-SLAPP protection applies to “any ... [c]ommunication made in direct connection with an issue of public interest in a place open to the public or in a public forum”), with Cal. Civ. Proc. Code § 425.16(e)(3) (West 2016) (protecting “any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest”).

⁷ See Costa Declaration, attached as Exhibit A.

1 respective mailing lists and social media followers⁸. Thus, the LGBTQIA2+ Connect mailing
2 list is a public forum as it is a vehicle for communicating messages of public concern to the
3 broader LGBTQ community.
4

5 **3. Defendant Costa's Statements are Protected Speech that Expressed Opinion**

6 Defendant Costa's email consists of his opinions based on Plaintiff Davin's conduct on
7 social media, his own personal experience and supported by known information about Plaintiff
8 Davin's conduct with local organizations and members of the LGBTQ community. To be
9 found to be good faith communications, the putative statements must be either "truthful or made
10 without knowledge of [their] falsehood." NRS 41.637; *see also Shapiro*, 133 Nev. at 39, 389
11 P.3d at 267-68. Because "there is no such thing as a false idea," *Pegasus v. Reno Newspapers,*
12 *Inc.*, 118 Nev. 706, 714, 57 P.3d 82, 87 (2002) (internal quotation marks omitted), statements of
13 opinion are statements made without knowledge of their falsehood under Nevada's anti-SLAPP
14 statutes. The use of the term "bad actor" and "bully" and the phrase "terrorizing the
15 community" constitute statements of opinion regarding Plaintiff Davin's behavior within the
16 LGBTQ community. *Lubin v. Kunin*, 117 Nev. 107, 112, 17 P.3d 422, 426 (2001) (holding that
17 statements that convey "the publisher's judgment as to the quality of another's behavior" are
18 evaluative opinions).
19
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22 The Nevada Supreme Court has held that, "in determining whether communications
23 were made in good faith, the court must consider the 'gist or sting' of the communications as a
24 whole, rather than parsing individual words in the communications." *Rosen v. Tarkanian*, 135
25

26
27 ⁸ *Id.* Costa attested that Golden Rainbow has a mailing list of 2,200 subscribers.
28

1 Nev. Adv. Op. 59, 453 P.3d 1220, 1222 (2019). In other words, the relevant inquiry is “whether
2 a preponderance of the evidence demonstrates that the gist of the story, or the portion of the
3 story that carries the sting of the [statement], is true,” and not on the “literal truth of each word
4 or detail used in a statement.” *Id.* at 1224 (alteration in original) (internal quotation marks
5 omitted). A “substantially true” communication suffices for good faith under NRS 41.637, even
6 if statements therein are not literal truth *Summit Bank v. Rogers*, 206 Cal. App. 4th 669, 696–97,
7 142 Cal. Rptr. 3d 40, 60 (2012).

8
9
10 To evaluate “the gist of the story,” “[a] determination of good faith requires
11 consideration of all of the evidence submitted by the defendant in support of his or her anti-
12 SLAPP motion,” including sworn affidavits of the defendant attesting to the good faith bases for
13 the communication. *See Rosen*, 135 Nev. Adv. Op. 59, 453 P.3d at 1223 (observing that “[a]
14 determination of good faith requires consideration of all of the evidence submitted by the
15 defendant in support of his or her anti-SLAPP motion,” and such evidence may include a sworn
16 statement asserting that the communications at issue were made in good faith). The Court
17 should also consider the “totality of the circumstances” and: (1) examine the statement in its
18 totality in the context in which it was uttered or published; (2) consider all the words used, not
19 merely a particular phrase or sentence; (3) give weight to cautionary terms used by the person
20 publishing the statement; and (4) consider all of the circumstances surrounding the statement,
21 including the medium by which the statement is disseminated and the audience to which it is
22 published. *Piping Rock*, 946 F. Supp. 2d at 970, citing *Information Control Corp. v. Genesis*
23 *One Computer Corp.*, 611 F.2d 781, 784 (9th Cir.1980).
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Here, there are no false statements in Defendant Costa's May 3, 2023 email as set forth in his Declaration attached as Exhibit A. All the challenged statements in the subject email are opinions based on Mr. Costa's personal experience with Plaintiff Davin and information learned from other members of the LGBTQ community since 2019, when he first met Mr. Davin⁹. Mr. Costa was friends with Plaintiff Davin on Facebook and witnessed Plaintiff Davin's erratic, hostile, and spiteful behavior firsthand through posts and updates to his feed¹⁰. Furthermore, Mr. Costa's strong presence in the LGBTQ community made him privy to the many incidents over the years involving Plaintiffs and their unethical business practices. The use of the words "bad actor," "terrorizing the community," and "bully" are Mr. Costa's opinions he formed about Plaintiff Davin based on the aforementioned pattern of repeated bad behavior within the LGBTQ community. More importantly, these words were also used in the context of the reports that Mr. Davin had been sending threatening messages to the City of Henderson about the Henderson Pride festival and trying to interfere with the planning and marketing of the festival, which many of the people on the Connect mailing list were involved in and supported. Therefore, Defendant Costa's May 3, 2023 email is protected because his statements were opinions made in good faith.

B. PLAINTIFFS' CLAIMS ARE NOT ACTIONABLE AND WERE BROUGHT FOR AN IMPROPER PURPOSE.

If the Court determines that Defendants satisfied their burden of demonstrating a good faith communication, the burden shifts to Plaintiffs to establish that they have a probability of prevailing on each of the claims. The probability standard in step two of the anti-SLAPP motion

⁹ See Costa Declaration, attached as Exhibit A.

¹⁰ See Costa Declaration, attached as Exhibit A.

to dismiss analysis is higher than the standard for a traditional motion to dismiss brought under NRCP 12(b)(5). *See Stubbs v. Strickland*, 129 Nev. 146, 150, 297 P.3d 326, 329 (2013). Where a plaintiff opposing a Rule 12(b)(5) motion need only demonstrate some doubt in the facts that could entitle him to relief, a plaintiff opposing an anti-SLAPP motion must make a prima facie showing of competent, admissible evidence demonstrating that he has a “probability of prevailing on the claim.” *Nev. Rev. Stat. § 41.660(3)(b)*; *Stubbs*, 129 Nev. 146, 150, 297 P.3d 326, 329 citing *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227–28, 181 P.3d 670, 672 (2008). The party opposing the anti-SLAPP motion also “cannot rely on allegations in the complaint but must bring forth evidence that would be admissible at trial.” *Ampex Corp. v. Cargle*, 128 Cal. App. 4th 1569, 1576; 27 Cal. Rptr. 3d 863, 868 (2005). Nevada recognizes that allegations in a Complaint are not evidence and conclusory statements are not evidence. *See Pickett v. McCarran Mansion, LLC*, 2017 Nev. App. Unpub. LEXIS 525, *2; 2017 WL 3526269 (2017)(citing *Wood v. Safeway, Inc.*, 121 Nev. 724, 729; 121 P.3d 1026, 1029 (2005) (“General allegations and conclusory statements do not create genuine issues of fact.”); *see also Davis v. Eighth Judicial Dist.*, 97 Nev. 332, 337; 620 P.2d 1209, 1213 (1981) (Allegations in the Complaint do not meet a prima facie burden of proof.)).

In evaluating Plaintiffs’ averred probability of obtaining relief, the district court reviews each challenged claim independently. *Abrams*, 136 Nev. Adv. Op. 9, 458 P.3d at 1069 n.4; *see also Baral v. Schnitt*, 1 Cal.5th 376, 205 Cal.Rptr.3d 475, 376 P.3d 604, 616 (2016) (providing that the review should focus on the particular allegations, their basis in protected communications, and their probability of prevailing, rather than the form of the complaint); *Okorie v. L.A. Unified Sch. Dist.*, 14 Cal.App.5th 574, 222 Cal. Rptr. 3d 475, 487, 493-96 (2017) (observing that the motion to dismiss may challenge specific portions or the

entirety of a complaint and proceeding to review the merits of each challenged claim). This analysis ensures that the anti-SLAPP statutes protect against frivolous lawsuits designed to impede protected public activities without striking legally sufficient claims. *Abrams*, 136 Nev. Adv. Op. 9, 458 P.3d at 1069.

In this matter, Plaintiffs cannot succeed on their claims because Defendant's protected opinions defeat Plaintiffs' defamation-based claims.

V. CONCLUSION

For the reasons set forth herein, Defendant requests an order dismissing Plaintiffs complaint and all claims therein and awarding attorneys' fees and costs pursuant to NRS 41.660, et. seq. Plaintiffs' complaint is solely designed to quell Defendants' protected speech – namely an email expressing Defendant Costa's opinion of Plaintiff Davin. Because such communications have been held as protected speech under anti-SLAPP principles, Defendants requests that this Court dismiss Plaintiffs' complaint and award fees and costs.

DATED this 19th day of January, 2024.

OLSON CANNON GORMLEY & STOBERSKI

/s/Ashley Olson

JAMES R. OLSON, ESQ.

Nevada Bar No. 000116

ASHLEY OLSON, ESQ.

Nevada Bar No. 15448

9950 West Cheyenne Avenue

Las Vegas, NV 89129

Attorneys for Defendants GOLDEN RAINBOW OF
NEVADA, INC. and GARY COSTA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of January, 2024, I sent via e-mail a true and correct copy of the above and foregoing **DEFENDANTS GARY COSTA AND GOLDEN RAINBOW OF NEVADA, INC.'S SPECIAL MOTION TO DISMISS PER NEVADA'S ANTI-SLAPP PROVISIONS, NRS 41.635, ET. SEQ. COMPLAINT** on the Clark County E-File Electronic Service List (or, if necessary, by U.S. Mail, first class, postage pre-paid), upon the following:

Marc J. Randazza, Esq.
Alex J. Shepard, Esq.
Randazza Legal Group, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
702-420-2001
ecf@randazza.com
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rdennett@dennettwinspear.com
Attorneys for John Phoenix, individually

/s/ Jane Hollingsworth

An Employee of OLSON CANNON GORMLEY & STOBERSKI

EXHIBIT A

of the LGBTQ community. He also boasted about obtaining the trademark for rights for his new organization that was going to be similarly named to Las Vegas Pride, as he envisioned his new LGBTQIA+ Center would also produce an annual Pride Parade and Festival.

1. In 2019 Plaintiff Davin sent me a friend request on Facebook, which I accepted. After connecting on Facebook, I would see frequent posts from Davin in my news feed where he would bash LGBTQ organizations, post private information about individuals in the community, and antagonize others he worked with or attempted to associate with within the local LGBTQ community. Because of my strong connections within the LGBTQ community, I knew and worked with many of the people and organizations that were the target of Davin's unwarranted and spiteful social media attacks.
2. In 2020 Plaintiff Davin approached me with an offer to sit on the Board of the new organization he was starting called Henderson Equality Center, which I declined. I had worked with a similar organization in California called Equality California that focused on securing the right to marry for same sex couples. Davin was particularly interested in starting a similar organization here in Southern Nevada even though there was already an Equality Nevada founded by Andre Wade. Davin obtained the trademark for the Equality Nevada, forcing Andre to change the name of his organization to Silver State Equality.
3. In January 2022, Davin was posting on social media about how the Henderson mayor was going to attend his Henderson Pride Fest. When an issue arose

1 regarding participants in the festival and the mayor decided not to attend, I
2 saw posts in my news feed from Davin attacking the Henderson mayor for her
3 decision and encouraging his followers and others to follow suit.

- 4
- 5 4. Based on my interactions with Davin both in person and on social media, as
6 well as my personal conversations with the people who were targeted and
7 bullied by Davin both in their organizations and on social media, I came to
8 believe that Davin was a bad actor and was terrorizing the members of the
9 community for his own personal gain.
- 10
- 11 5. In January 2023, I attended the first meeting of the newly formed
12 LGBTQIA2+ Connect. LGBTQIA2+ Connect is locally affiliated with The
13 Center but has chapters across the country. The purpose of this group is to
14 foster new relationships and collaborations with LGTBQ organizations and
15 connect with the local LGBTQ+ community through events and other
16 outreach programs. The information discussed at these meetings is shared
17 with thousands of community members, through social media and mailing
18 lists. Golden Rainbow was one of the first organizations to sign up and
19 regularly shares information about community events from the LGBTQIA2+
20 Connect meetings with its 2,200 subscribers.
- 21
- 22 6. Notices for LGBTQIA2+ Connect meetings are sent to its mailing list, which
23 is constantly changing due to new people and organizations signing up. The
24 meetings are open to anyone who would like to participate.
- 25
- 26 7. On April 13, 2023, I attended an LGBTQIA2+ Connect meeting. The meeting
27 was open to anyone, but most attendees were from the mailing list. At this
28


meeting, several items were discussed, including the Henderson Pride festival and Golden Rainbow's upcoming Ribbon of Life annual fundraiser. It was also announced that The Center was hosting an Open House to celebrate the launch of its new Pharmacy on April 26, 2023.

8. I attended the Pharmacy grand opening on April 26th along with many of the participants of the most recent LGBTQIA2+ Connect meeting. During this gathering I discovered that Henderson Pride's social media presence was shut down due Davin reporting Henderson Pride to Facebook for trademark infringement of his rival Henderson Pride Fest. Anthony Cortez, Executive Director of International Cultural Movement for Equality ("ICME") and founder of Henderson Pride was also in attendance and discussed his inability to market his festival in any way because of the suspension from social media. Anthony also discussed his communications with the City of Henderson about the mayor attending his festival and the need for armed officers due to the influx of emails and threats from Davin.
9. On May 3, 2023, an email was sent to the LGBTQIA2+ Connect mailing list of about 44 emails with a link to the Press Release from Las Vegas Pride. Anthony Cortez then responded stating the Henderson mayor will be attending his upcoming Henderson Pride festival with armed officers due to continuous threats by Davin. I sent an email response in support of Cortez and Henderson Pride and voiced my opinion about Davin being a bad actor and terrorizing the LGBTQ community based on my own personal experience and information

1 learned from other LGBTQ community members' experiences with him over
2 the years.

3 10. All matters stated herein are true of my own knowledge, and I declare under
4 penalty of perjury that the foregoing is true and correct.
5

6
7 DATED this 19th day of January, 2024.

8
9 A handwritten signature in black ink, appearing to read 'GARY COSTA', is written over a horizontal line.

10 GARY COSTA
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EXHIBIT B

----- Forwarded message -----

From: **Gary Costa** <gcosta@goldenrainbow.org>

Date: Wed, May 3, 2023 at 5:10 PM

Subject: Re: LGBTQIA2+ Connect April Recap

To: Henderson Pride Festival <hendersonpridefestival@gmail.com>

Cc: David Mulvaney <davidmulvaneym@gmail.com>, AJ Holly Huth

<ajhuth@thecenterlv.org>, <sybrinab@genderjusticenv.org>,

<andre@silverstateequality.org>, <antioco@afanlv.org>,

<jamie@lasvegastranspride.org>, <chris.davin@hendersonequalitycenter.org>,

<joslyn@lasvegaspride.org>, <brady@lasvegaspride.org>,

<grant.frailich@thepridetreelv.org>, <community.snapiqs@gmail.com>,

<Karl.Catarata@hrc.org>, <info@sinsitysisters.org>, <latoya.holman@thepef.org>,

<info@hendersonequalitycenter.org>, <lrockman2003@gmail.com>,

<angelique.burton@thepridetreelv.org>, <communications@thepridetreelv.org>,

<lildzrng@yahoo.com>, <snentertainment7@gmail.com>,

<mario@silverstateequality.org>, <jessica@silverstateequality.org>,

<guardhumility@gmail.com>, <jmiller@goldenrainbow.org>, <iria@goldenrainbow.org>,

<info@vegaspridehouse.com>, <psenaboarth@cccfsn.org>, <amatta@cccfsn.org>,

<bristarent@gmail.com>, <matteline@gmail.com>, <marksundermeier@gmail.com>,

<jeffalva1213@yahoo.com>, <chris.reynolds@cskrl.org>,

<jphoenixaprn@huntridgefcf.org>, <info@allianceforstudentdiversity.org>,

<russ@thecharitygurus.com>, <emails@lambdalv.com>, <vicepresident@ngra.com>,

<Sabastian@genderjusticenv.org>, <jordan@afanlv.org>, Brian Hosier

<bhosier@thecenterlv.org>, Leana Ramirez <lr Ramirez@thecenterlv.org>, Andre Martin

<amartin@thecenterlv.org>

Dear Anthony and the Henderson Pride Board,

Thank you for sharing this information widely to the other LGBTQ organizations and community leaders.

While Las Vegas has always had its fair share of individuals who have ulterior motives that are not in the best interest of our community, this particular individual and his partner have been terrorizing the LGBTQ community for the past 3 years, and it was time someone finally stood up and confronted them.

Please know that YOUR Henderson Pride organization has Golden Rainbow's full and complete support and we commend you for taking the appropriate action necessary to confront these bad actors. Please do not hesitate to reach out should you need anything from us to help you tame this bully.

Best of luck to you this weekend and Happy Pride!

Sincerely,

GARY COSTA
EXECUTIVE DIRECTOR
714 EAST SAHARA AVENUE
SUITE 101
LAS VEGAS, NEVADA 89104

OFFICE: [702.384.2899](tel:702.384.2899)
MOBILE: [310.597.9858](tel:310.597.9858)
FAX: [702.384.3914](tel:702.384.3914)

WWW.GOLDENRAINBOW.ORG



HOUSING AND SUPPORT FOR PEOPLE LIVING WITH HIV/AIDS IN SOUTHERN NEVADA SINCE 1987

Golden Rainbow is a Nevada non-profit, 501 (c)(3) organization dedicated to providing housing and emergency financial assistance to persons living with HIV/AIDS. Golden Rainbow is happy to accept your donation, which may be tax deductible pursuant to the provisions of section 170.c. of the Internal Revenue Code of 1986, 26 U.S.C. 170.c.

On Wed, May 3, 2023 at 7:25 AM Henderson Pride Festival

<hendersonpridefestival@gmail.com> wrote:

When the City of Henderson calls to tell you that they are going to deploy armed officers to your festival because of continuous emails/threats by this idiot.. WHAT DOES THAT TELL YOU??

When the City of Henderson calls to tell you that the Mayor will be attending your event but with FULL SECURITY DETAIL.. WHAT DOES THAT TELL YOU??

...DISGUSTING!!

How can anyone on here in good faith sit at the same table with this MENTALLY DISTURBED INDIVIDUAL??

::::THIS PERSON WILL BE ARRESTED IF HE COMES ANYWHERE NEAR OUR
EVENT!!:::

Please REPORT HIM to law enforcement immediately if you see him on Saturday.

Best regards,
for ICME/Henderson Pride
Anthony Cortez
Co-founder / Executive Director

C. (310) 497-2869
E. ac@hendersonpride.org
www.hendersonpride.org

- in Henderson -
1050 Whitney Ranch Road #1114
Henderson, NV 89014

- in Las Vegas -
3355 Spring Mountain Road
Las Vegas, NV 89103

CONFIDENTIALITY NOTICE:

This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this email (or any attachments thereto) by others is strictly prohibited. If you are not the intended recipient, contact us immediately at (310) 497-2869 or by email. Please permanently delete the original and any copies of this email and any attachments thereto. Thank you.

On Wed, May 3, 2023 at 7:23 AM David Mulvaney <davidmulvaneym@gmail.com>
wrote:
Why is this person a part of this group?

<https://lasvegaspride.org/2023/04/25/christopher-chris-davin-trevor-harder/>

On Apr 18, 2023, at 4:59 PM, AJ Holly Huth <ajhuth@thecenterlv.org> wrote:

Thank you all for attending the second LGBTQIA2 Connect meeting for April. It is so great to work with all of you in community! Please see attached for updates through end of June. Our next meeting will be July 13th so, please get me any events you have between July 1-13th.

Thank you all again. I look forward to the next one.

Sincerely,

AJ Huth | Director of Public Affairs and Civic Engagement

(She, They)

401 S. Maryland Parkway Las Vegas, NV 89101

o. 702.733.9800

c. 727.278.7028

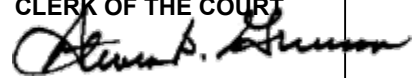
f. 702.733.9075

e. ajhuth@thecenterlv.org

w. www.thecenterlv.org

Follow The Center on [Facebook](#), [Twitter](#) and [Instagram](#)!

The LGBTQIA+ Center serves as a safe haven for all. We welcome and celebrate the diversity of our communities and strive to empower all to live authentic lives.



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GOLDEN RAINBOW OF NEVADA, INC.
and GARY COSTA

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, an individual;
TREVOR HARDEN, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

v.

SOUTHERN NEVADA ASSOCIATION OF
PRIDE, INC. dba LAS VEGAS PRIDE, a
Nevada nonprofit corporation; HUMAN
RIGHTS CAMPAIGN, INC., a District of
Columbia nonprofit corporation; HOLY ORDER
SINSITY SISTERS OF PERPETUAL
INDULGENCE, INC., a Nevada nonprofit
corporation; INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY, a Nevada non-
profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada non-
profit corporation; SOCIAL INFLUENCE
FOUNDATION dba HOUSE OF VEGAS
PRIDE, a Nevada nonprofit corporation; and
JOHN PHOENIX, APRN, PLLC dba
HUNTRIDGE FAMILY CLINIC, a Nevada
professional LLC, GOLDEN RAINBOW OF

CASE NO. A-23-879938-C
DEPT. NO. XXVIII

**DEFENDANTS GARY COSTA AND
GOLDEN RAINBOW OF NEVADA,
INC.'S INITIAL APPEARANCE FEE
DISCLOSURE**

NEVADA, INC., a Nevada nonprofit corporation, BRADY MCGILL, an individual, NICOLE WILLIAMS, an individual, JOHN PHOENIX, an individual, GARY COSTA, an individual, ANTHONY CORTEZ, an individual, and SEAN VANGORDER, an individual,

Defendants.

Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for parties appearing in the above-entitled action as indicated below:

Gary Costa	\$223.00
Golden Rainbow of Nevada, Inc.	<u>\$ 30.00</u>

TOTAL REMITTED: \$253.00

DATED this 19th day of January, 2024.

OLSON CANNON GORMLEY & STOBERSKI

/s/Ashley Olson

JAMES R. OLSON, ESQ.

Nevada Bar No. 000116

ASHLEY OLSON, ESQ.

Nevada Bar No. 15448

9950 West Cheyenne Avenue

Las Vegas, NV 89129

Attorneys for Defendants GOLDEN RAINBOW OF
NEVADA, INC. and GARY COSTA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of January, 2024, I sent via e-mail a true and correct copy of the above and foregoing **DEFENDANTS GARY COSTA AND GOLDEN RAINBOW OF NEVADA, INC.'S INITIAL APPEARANCE FEE DISCLOSURE** on the Clark County E-File Electronic Service List (or, if necessary, by U.S. Mail, first class, postage pre-paid), upon the following:

Marc J. Randazza, Esq.
Alex J. Shepard, Esq.
Randazza Legal Group, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
702-420-2001
ecf@randazza.com
Attorneys for Plaintiffs

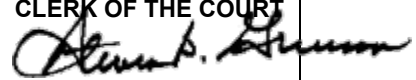
Ryan L. Dennett, Esq.
Dennett Winspear, LLP
3301 N. Buffalo Drive, Suite 195
Las Vegas, NV 89129
rdennett@dennettwinspear.com
Attorneys for John Phoenix, individually

/s/ Jane Hollingsworth

An Employee of OLSON CANNON GORMLEY & STOBERSKI

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
1/25/2024 2:55 PM
Steven D. Grierson
CLERK OF THE COURT



Christopher Davin, Plaintiff(s)
vs.
Southern Nevada Association of Pride, Inc,
Defendant(s)

Case No.: A-23-879938-C

Department 28

NOTICE OF HEARING

Please be advised that the Defendants Gary Costa and Golden Rainbow of Nevada, Inc's Special Motion to Dismiss Per Nevada's Anti-Slapp Provisions, NRS 41.635 ET. SEQ. in the above-entitled matter is set for hearing as follows:

Date: February 13, 2024
Time: 10:00 AM
Location: RJC Courtroom 15C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Allison Behrhorst
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Allison Behrhorst
Deputy Clerk of the Court

SAO
ACCELERATED LAW GROUP
Joseph T. Nold, Esq.
Nevada Bar No. 8210
3030 South Jones Blvd., Ste. 105
Las Vegas, Nevada 89146
Tel: 702.262.1651
Fax: 702.383.6051
Email: noldj@cox.net
Attorney for Defendants
Las Vegas Pride,
Brady McGill, and Sean VanGorder

HEARING DATE: March 5, 2024
10:00 AM

Entered in Odyssey./kd

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

vs.

SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS PRIDE,
et. al.,

Defendants.

Case No.: A-23-879938-C

Dept. No: 28

**STIPULATION AND ORDER TO
CONTINUE THE FEBRUARY 13,
2024 HEARING SET FOR
DEFENDANTS SPECIAL
MOTIONS TO DISMISS
PLAINTIFFS' COMPLAINT
(SECOND REQUEST)**

Defendants, Las Vegas Pride, Brady McGill, and Sean VanGorder, by and through their attorney of record, Joseph T. Nold, Esq., of the ACCELERATED LAW GROUP, Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center, by and through their attorneys of record, Marc J. Randazza, Esq. and Alex J. Shepard, Esq., of RANDAZZA LEGAL GROUP, PLLC, and Defendants Gary Costa and Golden Rainbow of Nevada, Inc., by and through their attorney of record, Ashley Olson, Esq., of OLSON CANNON GORMLEY & STOBERSKI, hereby stipulate to continue the hearing on Defendants Southern Nevada Association of Pride, Inc.'s (et. al.) Special Motion To Dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 (Anti-SLAPP), filed 12/11/2023, and Defendants Gary Costa and Golden Rainbow of Nevada, Inc.'s Special Motion to Dismiss per Nevada's Anti-Slapp Provisions, NRS 41.635, Et. Seq., filed 1/19/24.

1. Both Special Motions are set for oral argument on February 13, 2024.
2. Based on the number of Parties and the complexities of the issues, good cause

1 exist to continue the current Hearing to the Court's next available date after
2 February 28, 2024.

3 3. That this request for continuance is also made at the request of Joseph T. Nold,
4 Esq., of the Accelerated Law Group who has had medical issues with several staff
5 members.

6
7 **IT IS SO STIPULATED.**

8
9 Respectfully Submitted,

Respectfully Submitted,

10 /s/Joseph T. Nold

/s/Alex J. Shepard

11 Joseph T. Nold, Esq.
12 ACCELERATED LAW GROUP
13 Nevada Bar No.: 008210
14 Attorney for Defendants
15 Las Vegas Pride,
16 Brady McGill, and Sean VanGorder

Alex J. Shepard, Esq.
RANDAZZA LEGAL GROUP, PLLC
Nevada Bar No.: 13582
Attorney for Plaintiffs

17
18 Respectfully Submitted,

/s/ Ashley Olson

19 Ashley Olson, Esq.
20 OLSON CANNON GORMLEY & STOBERSKI
21 Nevada Bar No.: 15448
22 Attorney for Defendants
23 Golden Rainbow of Nevada, Inc.
24 and Gary Costa

25
26 **ORDER**

27 The Court, having reviewed the foregoing STIPULATION AND ORDER TO
28 CONTINUE THE FEBRUARY 13, 2024 HEARING SET FOR DEFENDANTS SPECIAL
MOTIONS TO DISMISS PLAINTIFFS' COMPLAINT (SECOND REQUEST) (the
"Stipulation") in the above-entitled matter, and for good cause appearing therefore,

1 IT IS HEREBY ORDERED that the Parties' Stipulation is GRANTED.

2 IT IS FURTHER ORDERED that the hearing on Defendants' Anti-SLAPP Motion is
3 continued to the Courts next available date after 2/28/2024, which shall be

4 ~~February~~ March 5, 2024, at 10:00 a.m./p.m.

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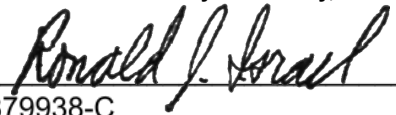
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Dated this 29th day of January, 2024

9

10 Submitted by,


A-23-879938-C

kd

11

3ED 3B6 4EE4 4842
Ronald J. Israel
District Court Judge

12

/s/ Joseph T. Nold
JOSEPH T. NOLD, ESQ.
Nevada Bar No.: 008210
3030 South Jones Blvd., Ste. 105
Las Vegas, Nevada 89146
Tel: (702) 262-1651
Attorney for Las Vegas Pride,
Brady McGill, and Sean VanGorder

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Re: Davin v. Pride / Case#: A-23-879938-C

To Alex Shepard <ajs@randazza.com> Copy Janet Terrazas <algparalegal@cox.net> • ecf@randazza.com

You may affix my e-signature

On Jan 26, 2024, at 1:39 PM, Alex Shepard <ajs@randazza.com> wrote:

You have permission to affix my electronic signature.

On Fri, Jan 26, 2024 at 1:37 PM Janet Terrazas <algparalegal@cox.net> wrote:

Good Afternoon,

Thank you for catching that error. Attached to this email please find the proposed Stipulation and Order to Continue with both of your requested revisions. If this is acceptable, please let me know if our office has your permission to affix your electronic signature.

Thank you,

Janet Terrazas

Paralegal

Accelerated Law Group, Inc.

3030 S. Jones Blvd., Suite 105

Las Vegas, NV 89146

702.262-1651 Phone

702.383-6051 Fax

****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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--

Alex James Shepard* | Randazza Legal Group, PLLC

[4974 S. Rainbow Blvd. | Suite 100 | Las Vegas, NV 89118](#)

Tel: 702-420-2001 | Email: ajs@randazza.com

Re: Davin v. Pride / Case#: A-23-879938-C

To Janet Terrazas <algsparalegal@cox.net> Copy Ashley Olson <aolson@ocgas.com> • ecf@randazza.com

You have permission to affix my electronic signature.

On Fri, Jan 26, 2024 at 1:37 PM Janet Terrazas <algsparalegal@cox.net> wrote:

Good Afternoon,

Thank you for catching that error. Attached to this email please find the proposed Stipulation and Order to Continue with both of your requested revisions. If this is acceptable, please let me know if our office has your permission to affix your electronic signature.

Thank you,

Janet Terrazas

Paralegal

Accelerated Law Group, Inc.

3030 S. Jones Blvd., Suite 105

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****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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--

Alex James Shepard* | **Randazza Legal Group, PLLC**
[4974 S. Rainbow Blvd. | Suite 100 | Las Vegas, NV 89118](#)
Tel: 702-420-2001 | Email: ajs@randazza.com

* Licensed to practice law in California and Nevada

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5		
6	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7	vs.	DEPT. NO. Department 28
8	Southern Nevada Association of	
9	Pride, Inc, 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 Stipulation and 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: 1/29/2024

15	Joseph Nold	noldj@cox.net
16	Janet Terrazas	algparalegal@cox.net
17	Alex Shepard	ecf@randazza.com
18	James Olson	jhollingsworth@ocgas.com
19	Theresa Amendola	tamendola@dennettwinspear.com
20	Michelle Soto	msoto@halljaffe.com
21	Meredith Holmes	mholmes@dennettwinspear.com
22	Ashley Marchant	amarchant@dennettwinspear.com
23	Ashley Olson	aolson@ocgas.com
24	Tony Amendola	aamendola@dennettwinspear.com
25	Michael Maupin	Mmaupin@halljaffe.com
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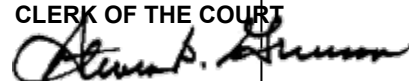
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Shayna Ortega-Rose

srose@halljaffe.com

Erika Parker

Eparker@halljaffe.com



OMD

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

Las Vegas, NV 89118

Telephone: 702-420-2001

ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

SOUTHERN NEVADA ASSOCIATION OF
PRIDE, INC. DBA LAS VEGAS PRIDE,
et al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**PLAINTIFFS' OPPOSITION TO
DEFENDANTS GARY COSTA AND
GOLDEN RAINBOW OF NEVADA,
INC.'S SPECIAL MOTION TO DISMISS
PER NEVADA'S ANTI-SLAPP
PROVISIONS, NRS 41.635, ET SEQ.**

Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center file this Opposition to Defendants Gary Costa and Golden Rainbow of Nevada, Inc.'s Special Motion to Dismiss Per Nevada's Anti-SLAPP Provisions, NRS 41.635, et seq. (the "Motion").

MEMORANDUM OF POINTS AND AUTHORITIES

1.0 INTRODUCTION

Defendant Las Vegas PRIDE and its principals orchestrated a campaign of defamatory conduct against Plaintiffs for personal and financial reasons. It used its influence to draw in several other members of the Las Vegas LGBTQ+ community, many without their knowledge, in their opening salvo in this campaign, a press release published on Vegas PRIDE's website on April 20, 2023. This campaign continued with, *inter alia*, statements Defendant Gary Costa made on behalf of Defendant Golden Rainbow in May 2023 in an email thread addressed to other prominent figures in the local LGBTQ+ community. Defendants' statements are false, and they have failed to provide *any* admissible evidence either regarding the statements' truth or even as to any possible reason Defendants could have had to believe they were true.

Defendants' evidence is inadmissible, they fail to satisfy their burden under the two-pronged Anti-SLAPP analysis, and Plaintiffs have a probability of prevailing on their claims. The Court should deny Defendants' Motion in its entirety and allow this case to proceed to discovery.

2.0 FACTUAL BACKGROUND

On April 18, 2023, an employee of the LGBTQ Center of Southern Nevada sent an email to members of several LGBTQ+ communities, including Davin and Defendants Gary Costa and Anthony Cortez, inviting them to attend an upcoming meeting in July 2023. LGBTQIA2+ Connect email thread, attached as **Exhibit 1**. In response to this email, on May 3, 2023, a recipient wrote "Why is this person a part of this group?" and posted a link to a press release published by Defendant Las Vegas PRIDE on April 20, 2023, containing numerous false and defamatory

statements of and concerning Plaintiffs (the “Press Release”).¹ *Id.* In response to that May 3, 2023, email, Defendant Anthony Cortez wrote an email claiming that the City of Henderson, Nevada called him to tell him that it would deploy armed officers to an upcoming festival held by Defendant International Cultural Movement for Equality (“ICME”) “because of continuous emails/threats by this idiot [Davin]” and that Henderson’s Mayor would be attending the festival “but with FULL SECURITY DETAIL . . . WHAT DOES THAT TELL YOU??” *Id.* Cortez concluded by asking everyone in the email chain to “report” Davin to law enforcement if they saw him at ICME’s upcoming festival. *Id.*

The City of Henderson, Nevada never contacted Cortez about any security concerns regarding Plaintiffs, nor did the Mayor of Henderson have or express any such security concerns. Declaration of Christopher Davin (“Davin Decl.”), attached as **Exhibit 2**, at ¶ 7. Plaintiffs never sent any “emails/threats” that could possibly have caused any government organization to believe Davin was a security threat. Davin Decl. at ¶ 10. The implication that Davin is a violent individual and a security threat is categorically false. *Id.* at ¶ 10. In fact, neither he nor Harder even attended the event, which took place in June 2023; they instead were in Los Angeles, California for a different event. *Id.* at ¶ 11; Declaration of Trevor Harder (“Harder Decl.”), attached as **Exhibit 3**, at ¶ 5.

In response to Cortez’s email, Defendant Costa, the Executive Director of Defendant Golden Rainbow, wrote an email thanking Cortez for “sharing this information widely to other LGBTQ organizations and community leaders” and falsely claiming that Davin and Harder “have been terrorizing the LGBTQ community for the past 3 years,” and called them “bad actors” and “bullies.” Neither Davin nor Harder have “terrorized” or bullied any portion of the LGBTQ community at any point, nor have they engaged in any conduct that any reasonable person apprised

¹ This Press Release is the primary subject of Plaintiffs’ Complaint and is discussed in detail in Plaintiffs’ Opposition to the Anti-SLAPP Motion filed by Defendants Las Vegas PRIDE, Brady McGill, and Sean Vangorder. The Press Release is only tangentially related to the claims against Gary Costa and Golden Rainbow, however, and thus will not be addressed in this Opposition.

of the facts could possibly interpret as “terrorizing” or bullying the community. Davin Decl. at ¶ 12; Harder Decl. at ¶ 6.

Costa’s defamatory email was only sent to 44 recipients. Exhibit 1; Costa Decl. at ¶ 9. While Costa claims in his declaration that “Golden Rainbow was one of the first organizations to sign up and regularly shares information about community events from the LGBTQIA2+ Connect meetings with its 2,200 subscribers” (Costa Decl. at ¶ 5), Defendants provide no testimony regarding the number of recipients of his email, other than the email chain itself, showing a mere 44 recipients. Defendants also make multiple misrepresentations about LGBTQIA2+ Connect (“Connect”) and its meetings. Connect does not meet “regularly,” as Defendants contend, but rather only meet once every few months. Davin Decl. at ¶ 14. Connect meetings are not open to the general public, either. Instead, they are only open to Connect members who are invited, and there are no public posts about Connect or where and when its meetings are held. *Id.* at ¶ 15.

3.0 LEGAL STANDARD

The Anti-SLAPP law presents a two-prong analytical framework. First, the moving party must show, by a preponderance of the evidence, that the claims sought to be dismissed are “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). Regardless of which category of protected speech a communication falls into, the communication must be “truthful or [] made without knowledge of its falsehood” to be protected. *Shapiro v. Welt*, 389 P.3d 262, 267 (Nev. 2017). To satisfy their burden, the movant “must be unaware that the communication is false **at the time it was made.**” *Id.* (emphasis added).

If the moving party makes this showing, then the non-moving party must demonstrate “with prima facie evidence a probability of prevailing on the claim.” NRS 41.660(3)(b). This inquiry does not involve the court making any findings of fact, but instead merely determining “whether a plaintiffs [sic] underlying claim is legally sufficient.” *Taylor v. Colon*, No. 78517, 2020 Nev. LEXIS 98, *8 (Nev. Dec. 31, 2020). This means an Anti-SLAPP motion should be denied if

the non-moving party meets “his or her burden of production to show that a reasonable trier of fact could find that he or she would prevail.” *Id.* at *8-9.

An Anti-SLAPP motion is treated as a motion for summary judgment. *Stubbs v. Strickland*, 297 P.3d 326, 329 (Nev. 2013). The motion may only be granted “if there is no genuine issue of material fact and ‘the moving party is entitled to a judgment as a matter of law.’” *John v. Douglas Cty. Sch. Dist.*, 125 Nev. 746, 753-54 (2009) (quoting NRCP 56(c)); *Coker v. Sassone*, 135 Nev. 8, 10 (2019) (affirming that current version of Anti-SLAPP statute treats Anti-SLAPP motions as motions for summary judgment).² At both steps of the analysis, as with any summary judgment motion, the parties must provide competent, admissible evidence to satisfy their respective burden. NRS 41.660(3)(d) (providing that at both steps of the Anti-SLAPP analysis, the court must “[c]onsider such evidence, written or oral, by witnesses or affidavits, as may be material in making a determination”); *Omerza v. Fore Stars*, 455 P.3d 841, 2020 Nev. Unpub. LEXIS 96, *11-12 (Nev. Jan. 23, 2020).

4.0 ARGUMENT

4.1 Defendants’ Evidence is Largely Inadmissible

Defendants provide only two pieces of evidence in support of their Motion: (1) the declaration of Gary Costa, with no documents attached;³ and (2) a document that the Motion (but not Costa’s declaration) claims to be an email chain regarding the April 2024 LGBTQIA2+ Connect meeting. Several statements in Costa’s declaration are inadmissible because he is either

² The Nevada Supreme Court has recently suggested that treating an Anti-SLAPP motion as a summary judgment motion on the second prong is not proper. *Panik v. TMM, Inc.*, 538 P.3d 1149, 2023 Nev. LEXIS 46, *10-11 (Nev. Nov. 30, 2023). Genuine disputes of material fact may still defeat an Anti-SLAPP motion, however. Nevada’s Anti-SLAPP statute specifically provides that a plaintiff’s burden of proof on prong two is the same as under California law. NRS 41.665(2). Under California law, establishing a genuine dispute of material fact is sufficient for a plaintiff to meet their burden under the second prong. *Citizens of Humanity, LLC v. Hass*, 46 Cal.App.5th 589, 602 (2020). The Court’s statement in *Panik* was simply a recognition that the plaintiff bore the burden of establishing a *prima facie* claim, unlike a motion under NRCP 56, which requires the *moving party* to establish the lack of any disputed facts.

³ Costa’s declaration erroneously restarts its paragraph numbering after paragraph 3. For that reason, all citations to his declaration will include the page and paragraph number.

not competent to testify to certain facts or because his testimony violates the best evidence rule. The email chain is unauthenticated and thus also not admissible.

NRS 52.235 requires that a party provide an original (or a duplicate as per NRS 52.245) of a document in order “[t]o prove the content of a writing.” A party cannot provide “secondary oral proof” to establish the contents of a document. *Stephans v. State*, 262 P.3d 727, 733 (Nev. 2011). Yet that is precisely what Defendants attempt to do in their Motion. Costa’s declaration describes the contents of social media posts without providing them. There is nothing in his declaration suggesting that he independently obtained knowledge as to the contents of these posts other than by reviewing them. Costa is thus testifying as to the contents of documents without providing them. This is not permitted under NRS 52.235, and thus all such statements in his declaration are inadmissible.

Furthermore, affidavits or declarations offered in support of a summary judgment motion “must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify on the matters stated.” NRCP 56(c)(4); *Daugherty v. Wobash Life Ins. Co.*, 87 Nev. 32, 38 (1971) (holding that such declarations “must not only be made on the personal knowledge of the affiant, but must show that the affiant possesses the knowledge asserted”). “[A] trial court may not consider hearsay or other inadmissible evidence when considering summary judgment.” *Russ v. GMC*, 111 Nev. 1431, 1435 (1995).

Costa testifies that, after becoming friends with Davin on Facebook, he “would see frequent posts from Davin in my news feed where he would bash LGBTQ organizations, post private information about individuals in the community, and antagonize others he worked with or attempted to associate with [sic] within the local LGBTQ community.” Costa Decl. at p. 2, ¶ 1. Noticeably absent from the declaration and the Motion is a single social media post from Davin that Costa references. His testimony regarding these posts is inadmissible, as it violates the best evidence rule.

Costa testifies that, “[i]n January 2022, Davin was posting on social media about how the Henderson mayor was going to attend his Henderson Pride Fest. When an issue arose regarding

participants in the festival and the mayor decided not to attend, I saw posts in my news feed from Davin attacking the Henderson mayor for her decision and encouraging his followers and others to follow suit.” Costa Decl. at p. 2-3, ¶ 3. Again, these alleged social media posts are found nowhere in Defendants’ filing. Costa’s testimony characterizing these posts is thus inadmissible, as it violates the best evidence rule. Furthermore, Costa fails to provide a factual foundation for his personal knowledge of the alleged fact that “an issue arose regarding participants in the festival and the mayor decided not to attend.”

Costa testifies that he attended the grand opening for The Center’s Pharmacy on April 26, 2023, and that during this opening “Anthony Cortez, Executive Director of International Cultural Movement for Equality (‘ICME’) and found of Henderson Pride . . . discussed his inability to market his festival in any way because of the suspension from social media.” Costa Decl. at p. 4, ¶ 8. This testimony is inadmissible hearsay without an exception to prove the truth of Cortez’s claim that he or ICME could not market their festival due to the suspension of Vegas PRIDE’s Facebook account. He provides no foundation for personal knowledge of this fact, and Defendants do not provide a declaration from Cortez attesting to these alleged facts, meaning any statement attributed to Cortez is inadmissible hearsay without an exception.

In the same paragraph, Costa testifies that “Anthony also discussed his communications with the City of Henderson about the mayor attending his festival and the need for armed officers due to the influx of emails and threats from Davin.” *Id.* Again, Costa provides no basis for his personal knowledge of the Mayor actually needing armed officers due to Davin, there is no declaration from Cortez attesting to this, and any statements attributed to Cortez are inadmissible hearsay without an exception.

Costa provides testimony characterizing the email chain that is the subject of the claims against him and Golden Rainbow, including repeating Cortez’s false and defamatory claim that “the Henderson mayor will be attending his upcoming Henderson Pride festival with armed officers due to continuous threats by Davin.” Costa Decl. at p. 4, ¶ 9. As with the email itself, this testimony is inadmissible to prove the truth of the matter asserted by Cortez, as Costa provides no

foundation as to his personal knowledge of the facts Cortez asserts, there is no declaration from Cortez, and any statements attributed to Cortez are inadmissible hearsay without an exception. Costa is only competent to attest to the mere existence of Cortez’s false allegations.

Defendants’ purported email chain, the only documentary evidence attached to their Motion, is not authenticated. “[A]ll evidence presented in connection with a summary judgment proceeding must be authenticated.” *Walker v. Phazzer LLC*, No. 85608-COA, 2023 Nev. App. Unpub. LEXIS 416, *4 (Nev. Ct. App. Oct. 10, 2023). NRS 52.015 requires that evidence be authenticated “by evidence or other showing sufficient to support a finding that the matter in question is what its proponent claims.” “Generally, an individual with personal knowledge of the document at issue must be able to testify about the circumstances of the document to authenticate it.” *Shanks v. First 100, LLC*, No. 72802, 2018 Nev. App. Unpub. LEXIS 895, *3 (Nev. Ct. App. Nov. 20, 2018). Costa’s declaration, the only declaration attached to Defendants’ Motion, makes no attempt to authenticate *Exhibit B* to the Motion. It is thus inadmissible.

Accordingly, huge swaths of Defendants’ evidence are inadmissible, and the Court may not consider such evidence in deciding this Motion.

4.2 Defendants Do Not Satisfy Their Burden Under Prong One

4.2.1 Defendants’ Statements are Not in Direct Connection with an Issue of Public Interest

To determine whether statements are in connection with an issue of public interest under NRS 41.637(4), the Nevada Supreme Court has adopted the five “guiding principles” laid out in *Piping Rock Partners, Inc. v. David Lerner Assocs., Inc.*, 946 F. Supp. 2d 957 (N.D. Cal. 2013). *Shapiro v. Welt*, 133 Nev. 35, 39 (2017). These principles are:

- (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.

Id. at 968. A district court *must* consider these principles, as failure to do so is reversible error. *Pope v. Fellhauer*, No. 68673, 2017 Nev. Unpub. LEXIS 277, *1-2 (Nev. Apr. 20, 2017).

First, Defendants fail to show that the statements at issue are on matters of anything more than mere curiosity. They characterize their statements as “related to a security threat at a public event for the LGBTQ community,” but this is wrong. This argument only conceivably applies to Defendants’ endorsement of Cortez’s false statement regarding the Henderson Mayor needing a security detail due to Davin. It does not apply to Defendants’ statements about Plaintiffs⁴ “terrorizing” and bullying the community, particularly where none of the alleged (and inadmissible) examples of such conduct described in Costa’s declaration implicate any security or safety concerns. More fundamentally, Costa fails to establish even the existence of such a safety concern;⁵ there is no evidence of this aside from Cortez’s inadmissible hearsay. The email chain was the first time this alleged audience heard these allegations and, similar to how a defendant cannot make a plaintiff a public figure in a defamation case by inventing a false allegation, a defendant cannot manufacture their own public controversy by publishing defamatory statements and then point to them as evidence of a public interest. *Carver v. Bonds*, 135 Cal. App. 4th 328, 354 (2008) (holding that a “[n]ewspaper could not create a public controversy simply by publishing an article that put plaintiff’s behavior in the spotlight”); *Hutchinson v. Proxmire*, 443 U.S. 111, 135 (1979) (finding that “those charged with defamation cannot, by their own conduct,

⁴ Conspicuously absent from Defendants’ Motion and evidence is any mention of Trevor Harder doing *anything*, despite Defendants’ email stating that Harder also terrorized and bullied the LGBTQ community for years. At the very least, this omission is an admission that Costa had no factual basis to claim or even subjectively believe that Harder engaged in any form of wrongdoing, and that Plaintiffs defamed Harder.

⁵ Indeed, Davin and Harder weren’t even at the event for which they were allegedly such a security threat. Davin Decl. at ¶ 11; Harder Decl. at ¶ 5.

create their own defense by making the claimant a public figure”). Defendants fail to show this principle weighs in their favor.

Second, there is no evidence that the defamatory statements concern a substantial number of people. Defendants provide no argument or admissible evidence as to Plaintiffs’ reputation or standing with the local LGBTQ+ community (to the extent a single monolithic community even exists) that would make a substantial portion of this community care about their alleged conduct. This is a simple case of accusing a private figure of heinous and likely criminal conduct with no factual basis. The facts here are similar to those in *Weinberg v. Feisel*, 110 Cal.App.4th 1122, 1127 (2003), where the defendant “began a private campaign . . . to discredit plaintiff in the eyes of a relatively small group of fellow collectors” by accusing the plaintiff of criminal conduct without reporting such conduct to law enforcement. The *Feisel* court found that:

causes of action arising out of false allegations of criminal conduct, made under circumstances like those alleged in this case, are not subject to the anti-SLAPP statute. Otherwise, wrongful accusations of criminal conduct, which are among the most clear and egregious types of defamatory statements, automatically would be accorded the most stringent protections provided by law, without regard to the circumstances in which they were made – a result that would be inconsistent with the purpose of the anti-SLAPP statute

Id. A defendant merely claiming that they were trying to warn others about the danger a plaintiff poses is not sufficient to satisfy their burden under the first prong when the circumstances suggest otherwise. *See Pope v. Fellhauer*, No. 74428, 2019 Nev. Unpub. LEXIS 331, *6-8 (Mar. 21, 2019) (finding that post on interactive website warning members of neighborhood that some residents in the community had engaged in “abusive and potentially illegal behavior” was not sufficiently connected with an issue of public interest). There is no evidence that Defendants, or anyone else, was attempting to report such conduct to the LGBTQ+ community; they affirmatively did not do this, as no such conduct took place. Defendants fail to show this factor weighs in their favor. Similarly, Defendants fail to show that “Mr. Costa personally witnessed Plaintiffs’ bad behavior as well as heard from many others in the community who had similar experiences that also goes

to the issue of protecting the interests of the broader LGBTQ community” (Motion at 8), as none of Costa’s declaration testimony on these issues is admissible. Defendants thus fail to show this principle weighs in their favor.

Third, Plaintiffs fail to explain how the statements at issue have any connection with informing the LGBTQ+ community of a security threat. As already explained, Defendants have failed to show there was any pre-existing controversy regarding Plaintiffs being a security threat, and Defendants have also failed to provide any evidence showing that Plaintiffs engaged in any conduct “terrorizing” or bullying the community. This leaves us with a non-specific claim that Defendants’ statements were connected to the issue of the safety of the LGBTQ+ community, but without any pre-existing controversy tying Plaintiffs to such an interest, the interest Defendants assert is too “broad and amorphous” to support their motion. *See Pope v. Fellhauer*, 2019 Nev. Unpub. LEXIS 331 at *6-8; *Coker v. Sassone*, 135 Nev. 8, 14 n.7 (2019) (finding that “the ‘free flow of information’ and ‘[a] robust public domain’” could “readily be categorized as broad and amorphous”). Defendants fail to show this principle weighs in their favor.

Fourth, there is no evidence that Defendants made their statements as anything other than as part of a personal dispute with Plaintiffs. As already explained, there is no evidence of Plaintiffs being a security threat or treating the LGBTQ+ community poorly. Defendants made their statements in an email thread in which another participant had previously linked to the Press Release on which the claims against Las Vegas PRIDE are based, and which started the campaign of defamation against Plaintiffs. Due to the non-existence of any security concerns or reputation of treating the LGBTQ+ community, there are serious disputes as to whether Costa made his statements to do anything other than defame Plaintiffs. Indeed, while the Motion imputes a benevolent motive to Costa’s actions, Costa’s declaration is silent as to why he published these statements. Defendants fail to show this principle weighs in their favor.

Fifth and finally, there is no evidence Defendants’ statements were published to a large number of people. As explained in Section 4.2.2, *infra*, the record evidence shows that Defendants’ statements were published only to 44 recipients. But even if the statements were actually published

to the 2,200 people Defendants claim they were, this would not make a difference due to the lack of any pre-existing controversy regarding Plaintiffs and the issues of public interest Defendants assert. Defendants fail to show this factor weighs in their favor.

Defendants have failed to show that any of the five *Shapiro* factors weigh in their favor. They have thus failed to show that the statements at issue are protected under NRS 41.637, and the Court should deny their Motion in its entirety for this reason alone.

4.2.2 The Statements Were Not Made in a Public Forum or Place Open to the Public

Defendants only claim protection under NRS 41.637(4), which requires that the statements at issue be published in a public forum or a place open to the public. None of the statements at issue were published in such a forum.

Defendants claim that the term “public forum” is “broadly construed,” relying on *Damon v. Ocean Hills Journalism Club*, 85 Cal.App.4th 468 (2000). This ignores that Nevada has explicitly departed from California on this issue. The Court in *Kosor v. Olympia Cos., LLC*, 478 P.3d 390, 396 (Nev. 2020), found that, unlike California’s Anti-SLAPP law, Nevada’s law does not contain a mandate that it “be construed broadly,” and thus California law on what constitutes a public forum is “even less persuasive.” It went on to depart from California case law finding that websites accessible to the general public are *per se* public forums. *Id.* at 397.

Defendants also cite *Abrams v. Sanson*, 458 P.3d 1062, 1067 (Nev. 2020), where the Nevada Supreme Court found that an email sent to a listserv with 50,000 subscribers constituted a public forum because it was “akin to a radio or television broadcast or newsletter.” In coming to this conclusion, the Court cited *Damon*. *Id.* While *Sanson* has not been overruled, it is important to note it was decided almost 10 months *before* the Nevada Supreme Court’s rebuke of using California law to determine what constitutes a public forum under the Anti-SLAPP statute. There are also significant factual distinctions between *Sanson* and this case. First, Defendants’ email was not sent to a listserv of 50,000 subscribers, but rather as part of an email chain with a mere 44 recipients. **Exhibit 1**. Even if we were to charitably assume these recipients included the “2,200 subscribers” mentioned in Costa’s declaration (Costa Decl. at ¶ 9), despite no evidence establishing

this, the listserv in *Sanson* would still dwarf it. Connect meetings are also invitation-only, and there are no public postings regarding where or when they take place. Davin Decl. at ¶ 15. The email chain at issue here is much closer to “a communication sent to a small number of people in a private email chain” that the Court in *Sanson* found would not be protected. 458 P3d at 1067. Another crucial distinction is that the statements in *Sanson* were *also published online*, which was important to its ruling. *Id.* (finding that “[t]he mere fact that emails reach a person’s private inbox does not take the communication out of the ambit of a public forum, *especially when the communications are also posted on the internet*”) (emphasis added). Neither Cortez nor Costa published the statements in their email chain online, and so this case is easily distinguishable from *Sanson*.

Defendants cannot show their statements were published in a public forum or a place open to the public. For this reason alone, the Court should deny their Motion.

4.2.3 There is a Genuine Dispute as to Whether Defendants’ Statements are True or Were Made Without Knowledge of Falsity

The final aspect of the prong one inquiry is whether Defendants’ statements are true or were made without knowledge of falsity. Defendants argue only that their statements were expressions of opinion, and thus cannot be false. They are wrong, and they fail to carry their burden of proof on this issue.

Defendants cite *Lubin v. Kunin*, 117 Nev. 107, 112 (2001), which found that an “evaluative opinion,” meaning a statement that conveys “the publisher’s judgment as to the quality of another’s behavior,” is protected. Motion at 10. This is only true, however, “[s]o long as it is based on **true and public information**.” *Id.* at 112-13 (emphasis added). None of the information on which Costa premised his alleged “opinions” were disclosed; he simply stated that Plaintiffs had been “terrorizing” the LGBTQ+ community for 3 years and were bullies. Statements that imply the existence of undisclosed, false facts, which is exactly what Costa’s email does, are not protected expressions of opinion. *Nevada Ind. Broad. Corp. v. Allen*, 99 Nev. 404, 411 (1983); *Kunin*, 117 Nev. at 112-13. Indeed, Defendants’ citation to *Kunin* is grievously misplaced, as the Court there

found that whether a statement is factual or one of opinion becomes a question of fact for the jury where it is capable of multiple constructions, at least one of which is defamatory. *Kunin*, 117 Nev. at 113-14. Alleging that Plaintiffs bullied and terrorized a community for years, without basing that assertion on a single disclosed fact, is legally capable of a defamatory construction. Furthermore, there is no indication in Defendants’ evidence that the information which allegedly formed the basis of Costa’s “opinions” were public.

Even if Costa’s defamatory email had disclosed all the information mentioned in his declaration, however, his statements would still not be protected. The underlying facts on which an evaluative opinion are based must be *true*, and Costa has failed to provide *any* admissible evidence as to the truth of these alleged facts. As explained in Section 4.1, *supra*, Costa’s numerous statements regarding Davin’s allegedly abusive and harassing social media communications are not admissible, as they all violate the best evidence rule. This leaves us with Costa’s statement that “[b]ased on my interactions with Davin both in person and on social media, as well as my personal conversations with the people who were targeted and bullied by Davin both in their organizations and on social media, I came to believe that Davin was a bad actor and was terrorizing the members of the community for his own personal gain.” Costa Decl. at p. 3, ¶ 4. Without any admissible evidence regarding these interactions or conversations, however, this alleged “opinion” is based on absolutely nothing.

Furthermore, the Complaint premises liability on Defendants for their explicit endorsement of Defendant Cortez’s false statement that Davin was such a security threat that he forced the Henderson Mayor to hire a security detail. Complaint at ¶ 133. Defendants’ Motion is silent as to these statements being expressions of opinion, nor does it contain any claim that Costa formed any subjective belief as to the truth of these statements. Defendants simply do not address it.⁶

⁶ At most, Defendants argue Costa’s statements “were also used in the context of the reports that Mr. Davin had been sending threatening messages to the City of Henderson about the Henderson Pride festival and trying to interfere with the planning and marketing of the festival, which many of the people on the Connect mailing list were involved in and support.” Motion at

These statements are not expressions of opinion, and so Defendants have failed to meet their burden of proof to show that their statements were made in “good faith.”

4.3 Plaintiffs Can Show a Probability of Prevailing on Their Claims⁷

For a plaintiff to meet his burden under the second prong of the Anti-SLAPP analysis, he must “demonstrate[] with *prima facie* evidence a probability of prevailing on the claim.” NRS 41.660(3)(b). The *prima facie* evidentiary burden is defined as “the same burden of proof that a plaintiff has been required to meet pursuant to California’s [Anti-SLAPP] law as of June 8, 2015.” NRS 41.665(2). This is not a heavy burden. In deciding an Anti-SLAPP motion, the “court does not weigh the credibility or comparative probative strength of competing evidence. It should grant the motion only if, as a matter of law, the defendant’s evidence supporting the motion defeats the plaintiff’s attempt to establish evidentiary support for the claim.” *Jarrow Formulas, Inc. v. La Marche*, 31 Cal. App. 4th 728, 741 (2003). As in a motion for summary judgment, the court must accept as true the evidence favorable to the non-moving party and evaluate the moving party’s evidence only to determine if it has defeated the evidence submitted by the non-moving party as a matter of law. *Flatley v. Mauro*, 39 Cal. 4th 299, 326 (2006). “The plaintiff need only establish that his or her claim has ‘**minimal merit**’ to avoid being stricken as a SLAPP.” *Soukup v. Law Offices of Herbert Hafif*, 39 Cal. 4th 260, 291 (Cal. 2006) (citing *Navellier v. Sletten*, 29 Cal. 4th 82 (Cal. 2002)) (emphasis added).

12. It is difficult to tell what Defendants’ point here is, but presumably they are arguing that their claim of Plaintiffs “terrorizing” the LGBTQ+ community is supported by Cortez’s false claims in this email chain. This is not a convincing argument, of course, because Costa clearly states that Plaintiffs have been “terrorizing” the community over the past 3 years, meaning he is implying the existence of undisclosed facts other than the false ones asserted by Cortez.

⁷ Defendants, as with Defendants Las Vegas PRIDE, Brady McGill, and Sean Vangorder, inexplicably ignore the second prong of the Anti-SLAPP analysis almost entirely. The Motion contains no discussion of the elements of Plaintiffs’ claims, nor does it acknowledge that because Anti-SLAPP motions are treated as summary judgment motions, genuine disputes of material fact will defeat them. Plaintiffs will address their claims individually for the sake of thoroughness, but the Court should not entertain any response regarding the elements of these claims in light of Defendants’ failure to address them in their Motion.

4.3.1 Plaintiffs Have a Probability of Prevailing on Their Claims

To establish a defamation claim, a plaintiff must show that: (1) the defendant made a false and defamatory statement concerning the plaintiff; (2) an unprivileged publication of this statement was made to a third person; (3) the defendant was at least negligent in making the statement; and (4) the plaintiff sustained actual or presumed damages as a result of the statement. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 714 (2002). Damages are presumed “if the defamatory communication imputes ‘a person’s lack of fitness for trade, business, or profession,’ or tends to injure the plaintiff in his or her business.” *CCSD v. Virtual Educ. Software, Inc.*, 125 Nev. 374, 385 (2009) (quoting *K-Mart Corp. v. Washington*, 109 Nev. 1180, 1192 (1993)). There is no dispute that Defendants’ statements concern Plaintiffs, that they were published to third parties, or that they are defamatory *per se*.⁸ In fact, the only argument Defendants provide is that their statements are expressions of opinion.

An action for false light requires the plaintiff to show that the defendant placed the plaintiff in a false light that would be highly offensive to a reasonable person, and had knowledge of or reckless disregard as to the falsity of the statements and the false light in which the plaintiff would be placed. *Abrams v. Sanson*, 458 P.3d 1062, 1070 (Nev. 2020) (citing Restatement (Second) of Torts § 652E).

A tortious interference claim requires a plaintiff to prove:

(1) a prospective contractual relationship [with] a third party; (2) the defendant’s knowledge of this prospective relationship; (3) the intent to harm the plaintiff by preventing the relationship; (4) the absence of privilege or justification by the defendant; and (5) actual harm to the plaintiff as a result of the defendant’s conduct.

Leavit v. Leisure Sports Incorporation, 103 Nev. 81, 88 (1987).

⁸ To the extent Defendants have not conceded the statements are defamatory *per se* due to their failure to address any of Plaintiffs’ claims, they plainly are. Claiming that people operating a business in the LGBTQ+ community are so dangerous as to be a security threat for local government falls into multiple categories of statements where damages are presumed.

Actionable civil conspiracy arises where two or more persons undertake some concerted action with the intent ‘to accomplish an unlawful objective for the purpose of harming another,’ and damage results.” *Guilfoyle v. Olde Monmouth Stock Transfer Co.*, 130 Nev. 801, 813 (2014).

As the analysis for all these claims is similar, Plaintiffs have a probability of prevailing on all of them for the same reasons.

4.3.1.1 Defendants’ Statements are Actionable

Defendants claim that their statements are protected expressions of opinion. As explained in Section 4.2.3, *supra*, their statements are not expressions of opinion because they imply the existence of undisclosed, defamatory facts. There are also genuine disputes of material fact as to all of Defendants’ statements that preclude the grant of Defendants’ summary judgment-like Motion due to, if nothing else, the complete lack of admissible evidence regarding the factual bases for Defendants’ statements.⁹

For the same reasons the statements are false and defamatory *per se*, they also place Plaintiffs in a false light, namely that they are dangerous individuals who for years have terrorized the community they claim to serve. A false light claim is comparable to a defamation claim, and when a statement is defamatory in nature it also places a plaintiff in a highly offensive false light. *De Havilland v. FX Networks, LLC*, 21 Cal.App.5th 845, 865 (2018).

As for the remaining elements of Plaintiffs’ claims, Defendants had actual knowledge of prospective contractual relationships, as evidenced by the fact that Costa published his statements in an email thread where the recipients were other businesses within the LGBTQ+ community,

⁹ It is important to note that a statement may be actionable even when literally true if it provides a false and defamatory implication to the reader. *Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 21 (1990); *Hawran v. Hixson*, 209 Cal. App. 4th 256, 293 (2012). “‘To constitute a libel it is not necessary that there be a direct and specific allegation of improper conduct ... The charge may be either expressly stated or implied ...’” *Thomas v. L.A. Times Communs. LLC*, 189 F. Supp. 2d 1005, 1012-13 (C.D. Cal. 2002) (quoting *MacLeod v. Tribune Publishing Co.*, 52 Cal. 2d 536, 548-49 (Cal. 1959)). When dealing with defamation by implication, the court “‘must determine whether the statements that form the basis of a defamation claim: (1) ... impliedly assert a fact that is susceptible to being proved false; and (2) whether the language and tenor is such that it cannot ‘reasonably be interpreted as stating actual facts.’” *Id.* (quoting *Weller v. ABC*, 232 Cal. App. 3d 991, 1001 (1991)).

essentially ensuring that Plaintiffs’ business relationships with these entities would be sabotaged. These statements had the actual effect of harming Plaintiffs’ business interests. Davin Decl. at ¶ 16-19; Harder Decl. at ¶ 7. As for the conspiracy claim, the email chain itself shows an agreement between Defendants and Anthony Cortez to defame Plaintiffs; this conspiracy played out in plain sight.

4.3.1.2 Defendants Acted with Actual Malice

For the defamation claim, Plaintiffs need only show that Defendants published with negligence, which is a classic question of fact for the jury to decide, because Defendants provide no argument or evidence that Plaintiffs are public figures. For the false light claim, however, Plaintiffs must make a *prima facie* showing that Defendants published their statements with actual malice, *i.e.*, knowledge of falsity or reckless disregard. *Sanson*, 458 P.3d at 1070; *New York Times Co. v. Sullivan*, 376 U.S. 254, 279-80 (1964).

Because a defendant is unlikely to admit to this state of mind, he “cannot ... automatically insure a favorable verdict by testifying that he published with a belief that the statements were true.” *St. Amant v. Thompson*, 390 U.S. 727, 732 (1968). Because direct admissions of actual malice are so rare, “a plaintiff is entitled to prove the defendant’s state of mind through circumstantial evidence.” *Harte-Hanks Comms., Inc. v. Connaughton*, 491 U.S. 657, 668 (1989). “Evidence of negligence, motive, and intent may be used, cumulatively, to establish the necessary recklessness.” *Allen*, 99 Nev. at 415. Furthermore, “[a] failure to investigate, anger and hostility toward the plaintiff, reliance upon sources known to be unreliable, or known to be biased against the plaintiff” can all be evidence of actual malice. *Planet Aid, Inc. v. Reveal, Ctr. for Investigative Reporting*, No. 17-cv-03695-MMC, 2021 U.S. Dist. LEXIS 54905, *38 (N.D. Cal. Mar. 23, 2021) (quoting *Reader’s Digest Ass’n v. Superior Court*, 37 Cal. 3d 244, 258 (1984)).

Defendants’ own complete lack of evidence at least creates a genuine dispute of material fact regarding their reckless disregard. Costa’s declaration attests to multiple social media statements by Davin as evidence of how he “terrorized” and “bullied” the LGBTQ+ community, but none of this testimony is admissible. He also provides no admissible evidence regarding Davin

allegedly being a security concern for the Henderson Mayor, despite wholly endorsing¹⁰ Cortez’s statement making this claim. And both the Motion and Costa’s declaration are completely silent as to Plaintiff Harder, despite accusing him of “terrorizing” and “bullying” the LGBTQ+ community along with Davin. There is no evidence of Defendants performing any investigation before publishing, and there is no evidence as to the truth of *any* of the facts underlying their statements. The statements are false, and there is no record evidence as to any possible factual basis for Defendants to believe they were true when they published. This is sufficient to defeat Defendants’ Motion.

5.0 CONCLUSION

For the foregoing reasons, the Court should deny Defendants’ Anti-SLAPP Motion in its entirety.

Dated: February 7, 2024.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)
 Alex J. Shepard (NV Bar No. 13582)
 RANDAZZA LEGAL GROUP, PLLC
 4974 S. Rainbow Blvd., Suite 100
 Las Vegas, NV 89118

Attorneys for Plaintiffs
 Christopher Davin, Trevor Harder,
 and Henderson Equality Center

¹⁰ There is no question that Defendants endorsed Cortez’s statements and adopted them as their own. Costa admits that he “sent an email response in support of Cortez and Henderson Pride.” Costa Decl. at ¶ 9. Defendants’ Motion relies on this endorsement of Cortez’s email as the main pillar of their argument that their statements were in direct connection with an issue of public interest. Motion at 8.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on February 7, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Alex J. Shepard

Alex J. Shepard

EXHIBIT 1

LGBTQIA2+ Connect email thread



Alex Shepard <ajs@randazza.com>

Fwd: LGBTQIA2+ Connect April Recap

Chris Davin <chris.davin@hendersonequalitycenter.org>

Thu, Jul 20, 2023 at 11:36 AM

To: Brittani Holt <bmh@randazza.com>, Alex Shepard <ajs@randazza.com>, Jenny Foley <jlf@randazza.com>, Staff <staff@randazza.com>

----- Forwarded message -----

From: **Gary Costa** <gcosta@goldenrainbow.org>

Date: Wed, May 3, 2023 at 5:10 PM

Subject: Re: LGBTQIA2+ Connect April Recap

To: Henderson Pride Festival <hendersonpridefestival@gmail.com>

Cc: David Mulvaney <davidmulvaneym@gmail.com>, AJ Holly Huth <ajhuth@thecenterlv.org>, <sybrinab@genderjusticenv.org>, <andre@silverstateequality.org>, <antioco@afanlv.org>, <jamie@lasvegastranspride.org>, <chris.davin@hendersonequalitycenter.org>, <joslyn@lasvegaspride.org>, <brady@lasvegaspride.org>, <grant.fraulich@thepridetreeelv.org>, <community.snapiqs@gmail.com>, <Karl.Catarata@hrc.org>, <info@sinsitysisters.org>, <latoya.holman@thepef.org>, <info@hendersonequalitycenter.org>, <ljrockman2003@gmail.com>, <angelique.burton@thepridetreeelv.org>, <communications@thepridetreeelv.org>, <lildzrng@yahoo.com>, <snentertainment7@gmail.com>, <mario@silverstateequality.org>, <jessica@silverstateequality.org>, <guardhumility@gmail.com>, <jmiller@goldenrainbow.org>, <iria@goldenrainbow.org>, <info@vegaspridehouse.com>, <psenabozarth@cccfsn.org>, <amatta@cccfsn.org>, <bristarent@gmail.com>, <matteline@gmail.com>, <marksundermeier@gmail.com>, <jeffalva1213@yahoo.com>, <chris.reynolds@cskrl.org>, <jphoenixaprn@huntridgefcf.org>, <info@allianceforstudentdiversity.org>, <russ@thecharitygurus.com>, <emails@lambdalv.com>, <vicepresident@ngra.com>, <Sabastian@genderjusticenv.org>, <jordan@afanlv.org>, Brian Hosier <bhosier@thecenterlv.org>, Leana Ramirez <lramirez@thecenterlv.org>, Andre Martin <amartin@thecenterlv.org>

Dear Anthony and the Henderson Pride Board,

Thank you for sharing this information widely to the other LGBTQ organizations and community leaders.

While Las Vegas has always had its fair share of individuals who have ulterior motives that are not in the best interest of our community, this particular individual and his partner have been terrorizing the LGBTQ community for the past 3 years, and it was time someone finally stood up and confronted them.

Please know that YOUR Henderson Pride organization has Golden Rainbow's full and complete support and we commend you for taking the appropriate action necessary to confront these bad actors. Please do not hesitate to reach out should you need anything from us to help you tame this bully.

Best of luck to you this weekend and Happy Pride!

Sincerely,

GARY COSTA
EXECUTIVE DIRECTOR
714 EAST SAHARA AVENUE
SUITE 101
LAS VEGAS, NEVADA 89104OFFICE: 702.384.2899
MOBILE: [310.597.9858](tel:3105979858)
FAX: 702.384.3914WWW.GOLDENRAINBOW.ORG



HOUSING AND SUPPORT FOR PEOPLE LIVING WITH HIV/AIDS IN SOUTHERN NEVADA SINCE 1987

Golden Rainbow is a Nevada non-profit, 501 (c)(3) organization dedicated to providing housing and emergency financial assistance to persons living with HIV/AIDS. Golden Rainbow is happy to accept your donation, which may be tax deductible pursuant to the provisions of section 170.c. of the Internal Revenue Code of 1986, 26 U.S.C. 170.c.

On Wed, May 3, 2023 at 7:25 AM Henderson Pride Festival <hendersonpridefestival@gmail.com> wrote:

When the City of Henderson calls to tell you that they are going to deploy armed officers to your festival because of continuous emails/threats by this idiot.. WHAT DOES THAT TELL YOU??

When the City of Henderson calls to tell you that the Mayor will be attending your event but with FULL SECURITY DETAIL.. WHAT DOES THAT TELL YOU??

...DISGUSTING!!

How can anyone on here in good faith sit at the same table with this MENTALLY DISTURBED INDIVIDUAL??

...THIS PERSON WILL BE ARRESTED IF HE COMES ANYWHERE NEAR OUR EVENT!!!:

Please REPORT HIM to law enforcement immediately if you see him on Saturday.

Best regards,
for ICME/Henderson Pride
Anthony Cortez
Co-founder / Executive Director

C. (310) 497-2869
E. ac@hendersonpride.org
www.hendersonpride.org

- in Henderson -
[1050 Whitney Ranch Road #1114](#)
[Henderson, NV 89014](#)

- in Las Vegas -
[3355 Spring Mountain Road](#)
[Las Vegas, NV 89103](#)

CONFIDENTIALITY NOTICE:

This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this email (or any attachments thereto) by others is strictly prohibited. If you are not the intended recipient, contact us immediately at (310) 497-2869 or by email. Please permanently delete the original and any copies of this email and any attachments thereto. Thank you.

On Wed, May 3, 2023 at 7:23 AM David Mulvaney <davidmulvaneym@gmail.com> wrote:
Why is this person a part of this group?

<https://lasvegaspride.org/2023/04/25/christopher-chris-davin-trevor-harder/>

On Apr 18, 2023, at 4:59 PM, AJ Holly Huth <ajhuth@thecenterlv.org> wrote:

Thank you all for attending the second LGBTQIA2 Connect meeting for April. It is so great to work with all of you in community! Please see attached for updates through end of June. Our next meeting will be July 13th so, please get me any events you have between July 1-13th.

Thank you all again. I look forward to the next one.

Sincerely,

AJ Huth | Director of Public Affairs and Civic Engagement

(She, They)

401 S. Maryland Parkway Las Vegas, NV 89101

o. [702.733.9800](tel:702.733.9800)

c. [727.278.7028](tel:727.278.7028)

f. [702.733.9075](tel:702.733.9075)

e. ajhuth@thecenterlv.org

w. www.thecenterlv.org

Follow The Center on [Facebook](#), [Twitter](#) and [Instagram](#)!

The LGBTQIA+ Center serves as a safe haven for all. We welcome and celebrate the diversity of our communities and strive to empower all to live authentic lives.

EXHIBIT 2

Declaration of Christopher Davin

DECL

Marc J. Randazza (NV Bar No. 12265)
 Alex J. Shepard (NV Bar No. 13582)
 RANDAZZA LEGAL GROUP, PLLC
 4974 S. Rainbow Blvd., Suite 100
 Las Vegas, NV 89118
 Telephone: 702-420-2001
 ecf@randazza.com

Attorneys for Plaintiffs
 Christopher Davin, Trevor Harder,
 and Henderson Equality Center

**DISTRICT COURT
 CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,
 Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
 OF PRIDE, INC. DBA LAS VEGAS
 PRIDE**, et. al.,
 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**DECLARATION OF CHRISTOPHER
 DAVIN**

I, Christopher Davin, declare under penalty of perjury:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called as a witness, could and would testify competently thereto.

2. I am a Plaintiff in this matter and am the Executive Director of Plaintiff Henderson Equality Center (“HEC”). Plaintiff Trevor Harder is my partner.

3. I submit this Declaration in support of Plaintiffs’ Opposition (the “Opposition”) to Defendants Gary Costa and Golden Rainbow of Nevada, Inc. (“Golden Rainbow”)’s Special Motion to Dismiss Per Nevada’s Anti-SLAPP Provisions, NRS 41.635, Et. Seq. (the “Motion”).

4. As the Executive Director of HEC, I am intimately familiar with the day-to-day operations, business activities, finances, and organizational structure of HEC.

5. On April 18, 2023, an employee of the LGBTQ Center of Southern Nevada sent an email to members of several LGBTQ+ communities, including me and Defendants Gary Costa and Anthony Cortez, inviting us to attend an upcoming meeting in July 2023.

6. In response to this email, on May 3, 2023, a recipient wrote “Why is this person a part of this group?” and posted a link to a press release published by Defendant Las Vegas PRIDE on April 20, 2023, containing numerous false and defamatory statements of and concerning Plaintiffs (the “Press Release”).

7. In response to that May 3, 2023, email, Defendant Anthony Cortez wrote an email claiming that the City of Henderson, Nevada called him to tell him that it would deploy armed officers to an upcoming festival held by Defendant International Cultural Movement for Equality (“ICME”) “because of continuous emails/threats by this idiot [Davin]” and that Henderson’s Mayor would be attending the festival “but with FULL SECURITY DETAIL . . . WHAT DOES THAT TELL YOU??” Cortez concluded by asking everyone in the email chain to “report” Davin to law enforcement if they saw him at ICME’s upcoming festival.

8. In response to Cortez’s email, Defendant Costa, the Executive Director of Defendant Golden Rainbow, wrote an email thanking Cortez for “sharing this information widely to other LGBTQ organizations and community leaders” and falsely claiming that Trevor Harder and I “have been terrorizing the LGBTQ community for the past 3 years,” and called us “bad actors” and “bullies.”

9. I was a recipient of all these emails. A true and correct copy of this email chain, which includes the four emails mentioned above, are attached to the Opposition as **Exhibit 1**.

10. All of the statements in Cortez’s email above are false. I have never heard of any security concerns regarding me, Harder, or HEC in relation to any events in Henderson, Nevada, whether expressed by the Mayor of Henderson or anyone else. Neither Harder, HEC, nor I have ever sent any “emails/threats” that could possibly have caused any government organization to

believe I was a security threat. If we had actually done so, we unquestionably would have received notice, if not legal action, from the Mayor or City of Henderson. The implication that Harder or I are violent individuals and a security threat is categorically false.

11. Neither Harder nor I even attended the event, which took place in June 2023. We instead were in Los Angeles, California for a different event.

12. All of the statements in Costa's email above are false. I have neither "terrorized" nor "bullied" any portion of the LGBTQ community at any point, nor have I engaged in any conduct that any reasonable person apprised of the facts could possibly interpret as "terrorizing" or "bullying" the community.

13. I have reviewed the Motion and Gary Costa's declaration in support of it. They contain several factual misrepresentations aside from the lies mentioned above.

14. I am a member of LGBTQIA2+ Connect ("Connect"). This organization does not meet "regularly," as Defendants contend, but rather only meet once every few months. Costa claims he attended the first meeting of Connect in January 2023 (Costa Decl. at p. 3, ¶ 5), but he did not. I was present at this meeting, and he was not in attendance.

15. Connect meetings are not open to the general public, contrary to Costa's testimony. Costa Decl. at p. 3-4, ¶¶ 6-7. They are only open to Connect members who are invited, and there are no public posts about Connect or where and when its meetings are held.

16. Defendants' false statements have caused significant harm to my and HEC's business interests. As a direct result of these statements, HEC lost a sponsorship with Barclay's, which has been a sponsor of HEC for the last 2 years. Due to Defendants' statements, HEC was not invited to the 2023 end of year partnership party, which means HEC lost the opportunity to enter into a sponsorship with Barclay's for 2024, which sponsorship would have been worth over \$50,000.

17. As a direct result of Defendants' statements, HEC lost sponsors and vendors for its Henderson Pride Fest, including MGM Resort.


18. HEC additionally lost funding from Tito's.

19. Representatives of multiple other sponsors similarly informed me after Defendants' statements were published that they would not be able to sponsor HEC events.

20. Defendants' false statements have caused me significant mental and emotional distress, including loss of sleep, inability to focus on my tasks at work, and significantly increased stress. Due to the stress caused by Defendants' statements, I have had to be placed on blood pressure medication and I have developed ulcers that require me to take heartburn medication. I am constantly thinking about how HEC will continue to run due to the financial hit it has taken directly resulting from Defendants' false and defamatory statements.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 02 / 07 / 2024



Christopher Davin

EXHIBIT 3

Declaration of Trevor Harder

1 **DECL**

2 Marc J. Randazza (NV Bar No. 12265)
3 Alex J. Shepard (NV Bar No. 13582)
4 RANDAZZA LEGAL GROUP, PLLC
5 4974 S. Rainbow Blvd., Suite 100
6 Las Vegas, NV 89118
7 Telephone: 702-420-2001
8 ecf@randazza.com

9 Attorneys for Plaintiffs
10 Christopher Davin, Trevor Harder,
11 and Henderson Equality Center

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

14 **CHRISTOPHER DAVIN**, et. al.,
15 Plaintiffs,

16 v.

17 **SOUTHERN NEVADA ASSOCIATION**
18 **OF PRIDE, INC. DBA LAS VEGAS**
19 **PRIDE**, et. al.,
20 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

DECLARATION OF TREVOR
HARDER

21 I, Trevor Harder, declare under penalty of perjury:

22 1. I am over 18 years of age and have never been convicted of a crime involving fraud
23 or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called as a witness,
24 could and would testify competently thereto.

25 2. I am a Plaintiff in this matter and am the Youth Director of Plaintiff Henderson
26 Equality Center ("HEC"). Plaintiff Christopher Davin is my partner.

27 3. I submit this Declaration in support of Plaintiffs' Opposition (the "Opposition") to
Defendants Gary Costa and Golden Rainbow of Nevada, Inc. ("Golden Rainbow")'s Special
Motion to Dismiss Per Nevada's Anti-SLAPP Provisions, NRS 41.635, Et. Seq. (the "Motion").

4. I have never heard of any security concerns regarding me, Davin, or HEC in relation to any events in Henderson, Nevada, whether expressed by the Mayor of Henderson or anyone else. Neither I nor HEC have ever sent any “emails/threats” that could possibly have caused any government organization to believe I was a security threat. If I, Davin, or HEC had actually done so, we unquestionably would have received notice, if not legal action, from the Mayor or City of Henderson. The implication that Davin or I are violent individuals and a security threat is categorically false.

5. Neither Davin nor I even attended the event, which took place in June 2023. We instead were in Los Angeles, California for a different event.


6. Neither Davin nor I have “terrorized” or “bullied” any portion of the LGBTQ community at any point, nor have we engaged in any conduct that any reasonable person apprised of the facts could possibly interpret as “terrorizing” or “bullying” the community.

7. Defendants' false statements have caused significant harm to my business and professional interests. As a direct results of these statements, I have been denied entry into Leadership Academy. I have been passed up on a promotion, and speaking engagements and trainings have fallen through.

8. Defendants' false statements have caused me significant mental and emotional distress, including loss of sleep, inability to focus on my tasks at work, and significantly increased stress.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 02 / 07 / 2024


Trevor Harder

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

January 25, 2024

A-23-879938-C	Christopher Davin, Plaintiff(s) vs. Southern Nevada Association of Pride, Inc, Defendant(s)
---------------	--

January 25, 2024 3:00 AM Motion

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Patia Cunningham

RECORDER:

REPORTER:

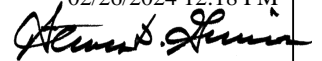
**PARTIES
PRESENT:**

JOURNAL ENTRIES

- On December 19, 2023, Plaintiff filed a Voluntary Dismissal of Defendant John Phoenix Under 41(a)(2). The matter was subsequently placed on Department XXVIII s Civil Chambers Calendar. As there is no opposition filed, and for good cause appearing. Plaintiff s Motion for Voluntary Dismissal of Defendant John Phoenix Under 41(a)(2) is GRANTED.

Counsel for the Plaintiff is directed to submit a proposed order consistent with the foregoing and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve, or by e-mail or mail. /pc 2/26/24


CLERK OF THE COURT

SAO
JAMES R. OLSON, ESQ.
Nevada Bar No. 000116
ASHLEY OLSON, ESQ.
Nevada Bar No. 15448
OLSON CANNON & GORMLEY
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jolson@ocgas.com
aolson@ocgas.com
Attorneys for Defendants
GOLDEN RAINBOW OF NEVADA, INC.
and GARY COSTA

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, an individual;
TREVOR HARDEN, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

v.

SOUTHERN NEVADA ASSOCIATION OF
PRIDE, INC. dba LAS VEGAS PRIDE, a
Nevada nonprofit corporation; HUMAN
RIGHTS CAMPAIGN, INC., a District of
Columbia nonprofit corporation; HOLY ORDER
SINSITY SISTERS OF PERPETUAL
INDULGENCE, INC., a Nevada nonprofit
corporation; INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY, a Nevada non-
profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada non-
profit corporation; SOCIAL INFLUENCE
FOUNDATION dba HOUSE OF VEGAS
PRIDE, a Nevada nonprofit corporation; and
JOHN PHOENIX, APRN, PLLC dba
HUNTRIDGE FAMILY CLINIC, a Nevada

CASE NO. A-23-879938-C
DEPT. NO. XXVIII

**STIPULATION AND ORDER TO
CONTINUE THE MARCH 5, 2024
HEARING FOR DEFENDANTS'
SPECIAL MOTION TO DISMISS
PER NEVADA'S ANTI-SLAPP
PROVISIONS, NRS 41.635, ET. SEQ.
(SECOND REQUEST)**

HEARING DATE: March 19, 2024
10:00 AM

Entered in Odyssey./kd

Law Offices of
OLSON CANNON & GORMLEY
A Professional Corporation
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
(702) 384-4012 Fax (702) 383-0701

professional LLC, GOLDEN RAINBOW OF NEVADA, INC., a Nevada nonprofit corporation, BRADY MCGILL, an individual, NICOLE WILLIAMS, an individual, JOHN PHOENIX, an individual, GARY COSTA, an individual, ANTHONY CORTEZ, an individual, and SEAN VANGORDER, an individual,

Defendants.

STIPULATION AND ORDER TO CONTINUE THE MARCH 5, 2024 HEARING FOR DEFENDANTS' SPECIAL MOTION TO DISMISS PER NEVADA'S ANTI-SLAPP PROVISIONS, NRS 41.635, ET. SEQ. (SECOND REQUEST)

COME NOW, Defendant GARY COSTA and GOLDEN RAINBOW OF NEVADA, INC. (hereinafter "Golden Rainbow"), by and through their attorneys of record James R. Olson, Esq. and Ashley Olson, Esq., of OLSON CANNON & GORMLEY, Defendants, SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC. dba LAS VEGAS PRIDE, BRADY MCGILL, and SEAN VANGORDER, by and through their attorney of record, Joseph T. Nold, Esq., of the ACCELERATED LAW GROUP and Plaintiffs CHRISTOPHER DAVIN, TREVOR HARDEN, AND HENDERSON EQUALITY CENTER, by and through their attorneys of record, Marc J. Randazza, Esq. and Alex J. Shepard, Esq., of RANDAZZA LEGAL GROUP, PLLC hereby stipulate and agree to continue the following hearings that are both currently set for March 5, 2024: Defendants Gary Costa and Golden Rainbow's Special Motion to Dismiss Per Nevada's Anti-SLAPP Provisions, NRS 41.635, et seq., filed 1/19/24, and Defendants Southern Nevada Association of Pride, Inc.'s (et. al.) Special Motion To Dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 (Anti-SLAPP), filed 12/11/23.

IT IS HEREBY STIPULATED AND AGREED that due to delays in collecting necessary declarations and documentation, a Reply in Support of Defendants Gary Costa and

Golden Rainbow's Special Motion to Dismiss Per Nevada's Anti-SLAPP Provisions will be filed on March 12, 2024.

IT IS HEREBY STIPULATED AND AGREED that the hearing for both Special Motions to Dismiss, currently set for March 5, 2024, shall be moved pursuant to EDCR 2.20 to March 19, 2024 (7 days after the filing of Defendants Gary Costa and Golden Rainbow's Reply) or this Court's next available date.

DATED the 23rd of February 2024

DATED the 23rd of February 2024

/s/Alex J. Shepard

/s/Ashley Olson

ALEX J. SHEPARD, ESQ.
Nevada Bar No. 13582
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Attorney for Plaintiffs

ASHLEY OLSON, ESQ.
Nevada Bar No. 15448
OLSON CANNON & GORMLEY
9950 West Cheyenne Avenue
Las Vegas, NV 89129
Attorney for Defendants
Golden Rainbow of Nevada, Inc.
and Gary Costa

DATED the 23rd of February 2024

/s/Joseph T. Nold

JOSEPH T. NOLD, ESQ.
Nevada Bar No. 008210
ACCELERATED LAW GROUP
3030 South Jones Blvd., Suite 105
Las Vegas, NV 89146
Attorney for Defendants
Las Vegas Pride, Brady McGill,
and Sean VanGorder

Law Offices of
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A Professional Corporation
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
(702) 384-4012 Fax (702) 383-0701

Case No. A-23-879938-C
Davin, et al v. Southern Nevada Association of Pride, Inc., et al.
Stipulation and Order to Continue March 5, 2024 Hearing

ORDER

Upon Stipulation by counsel for the parties, and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the hearing on Defendants Gary Costa and Golden Rainbow's Special Motion to Dismiss Per Nevada's Anti-SLAPP Provisions, NRS 41.635, et seq., filed 1/19/24, and Defendants Southern Nevada Association of Pride, Inc.'s (et. al.) Special Motion To Dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 filed 12/11/23 is continued to March 19, 2024.

IT IS SO ORDERED this ____ day of _____ 2024.

Dated this 26th day of February, 2024



DISTRICT COURT

kd

72E 83D 094F 3340
Ronald J. Israel
District Court Judge

Submitted by:

OLSON CANNON & GORMLEY

/s/Ashley Olson

JAMES R. OLSON, ESQ.
Nevada Bar No. 000116
ASHLEY OLSON, ESQ.
Nevada Bar No. 15448
Attorneys for Defendants
Golden Rainbow of Nevada, Inc.
and Gary Costa

From: Alex Shepard <ajs@randazza.com>
Sent: Friday, February 23, 2024 4:16 PM
To: Joseph Nold
Cc: Jane Hollingsworth; Ashley Olson; Janet Terrazas
Subject: Re: Davin v. Pride

A few suggested revisions: The caption should state that this is the second request; and (2) on page 3, line 6, it looks like the closing parenthesis should be moved to after the word "Reply."

With those edits, you have authorization to affix my electronic signature.

On Fri, Feb 23, 2024, 7:08 PM Joseph Nold <noldj@cox.net> wrote:

You have my permission to electronically affix my signature to the Stipulation and Order sent 2/23/24.

Joseph T. Nold, Esq.

Thank you,
Accelerated Law Group, Inc.
3030 South Jones Blvd., Ste. 105
Las Vegas, Nevada 89146
702-262-1651
702-383-6051 Fax

****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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On 02/23/2024 3:56 PM PST Jane Hollingsworth <jhollingsworth@ocgas.com> wrote:

Please see attached Stipulation and Order to Continue hearings on Motions to Dismiss. If there are not changes please let us know if we can affix your e-signature for submission to the court. Thank you.

Jane Hollingsworth

Legal Assistant to

James R. Olson, Esq.

Max E. Corrick, II

Ashley Olson, Esq.

Olson Cannon Gormley & Stoberski

9950 W. Cheyenne Avenue

Las Vegas, NV 89129

702-384-4012; 702-383-0701 fax

jhollingsworth@ocgas.com

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From: Joseph Nold <noldj@cox.net>
Sent: Friday, February 23, 2024 4:09 PM
To: Jane Hollingsworth; Alex Shepard
Cc: Ashley Olson; Janet Terrazas
Subject: Re: Davin v. Pride

You have my permission to electronically affix my signature to the Stipulation and Order sent 2/23/24.

Joseph T. Nold, Esq.

Thank you,
Accelerated Law Group, Inc.
3030 South Jones Blvd., Ste. 105
Las Vegas, Nevada 89146
702-262-1651
702-383-6051 Fax

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On 02/23/2024 3:56 PM PST Jane Hollingsworth <jhollingsworth@ocgas.com> wrote:

Please see attached Stipulation and Order to Continue hearings on Motions to Dismiss. If there are not changes please let us know if we can affix your e-signature for submission to the court. Thank you.

Jane Hollingsworth

Legal Assistant to

James R. Olson, Esq.

Max E. Corrick, II

Ashley Olson, Esq.

Olson Cannon Gormley & Stoberski

9950 W. Cheyenne Avenue

Las Vegas, NV 89129

702-384-4012; 702-383-0701 fax

jhollingsworth@ocgas.com

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This email, including attachments, is intended for the person(s) or company named and may contain confidential and/or legally privileged information. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited. This email and any attachments are believed to be free of any virus or other defect that might affect any computer into which it is received and opened, and it is the responsibility of the recipient to ensure it is virus free, and no responsibility is accepted by Olson Cannon Gormley & Stoberski for any loss of damage arising in any way from its use. If you have received this communication in error, please immediately notify the sender at 702-384-4012, or by electronic email.

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4		
5		
6	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7	vs.	DEPT. NO. Department 28
8	Southern Nevada Association of	
9	Pride, Inc, 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 Stipulation and 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: 2/26/2024

15	Joseph Nold	noldj@cox.net
16	Janet Terrazas	algparalegal@cox.net
17	Alex Shepard	ecf@randazza.com
18	James Olson	jhollingsworth@ocgas.com
19	Theresa Amendola	tamendola@dennettwinspear.com
20	Michelle Soto	msoto@halljaffe.com
21	Meredith Holmes	mholmes@dennettwinspear.com
22	Ashley Marchant	amarchant@dennettwinspear.com
23	Ashley Olson	aolson@ocgas.com
24	Tony Amendola	aamendola@dennettwinspear.com
25	Michael Maupin	Mmaupin@halljaffe.com
26		
27		
28		

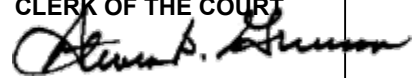
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Shayna Ortega-Rose

srose@halljaffe.com

Erika Parker

Eparker@halljaffe.com



JAMES R. OLSON, ESQ.
Nevada Bar No. 000116
ASHLEY OLSON, ESQ.
Nevada Bar No. 15448
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702-384-4012
702-383-0701 fax
jolson@ocgas.com
aolson@ocgas.com
Attorneys for Defendants
GOLDEN RAINBOW OF NEVADA, INC.
and GARY COSTA

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, an individual;
TREVOR HARDEN, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

v.

SOUTHERN NEVADA ASSOCIATION OF
PRIDE, INC. dba LAS VEGAS PRIDE, a
Nevada nonprofit corporation; HUMAN
RIGHTS CAMPAIGN, INC., a District of
Columbia nonprofit corporation; HOLY ORDER
SINSITY SISTERS OF PERPETUAL
INDULGENCE, INC., a Nevada nonprofit
corporation; INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY, a Nevada non-
profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada non-
profit corporation; SOCIAL INFLUENCE
FOUNDATION dba HOUSE OF VEGAS
PRIDE, a Nevada nonprofit corporation; and
JOHN PHOENIX, APRN, PLLC dba
HUNTRIDGE FAMILY CLINIC, a Nevada
professional LLC, GOLDEN RAINBOW OF

CASE NO. A-23-879938-C
DEPT. NO. XXVIII

**NOTICE OF ENTRY OF
STIPULATION AND ORDER**

NEVADA, INC., a Nevada nonprofit corporation, BRADY MCGILL, an individual, NICOLE WILLIAMS, an individual, JOHN PHOENIX, an individual, GARY COSTA, an individual, ANTHONY CORTEZ, an individual, and SEAN VANGORDER, an individual,

Defendants.

PLEASE TAKE NOTICE that a Stipulation and Order Continuing Defendants' Motions to Dismiss has been entered in the above-entitled Court on the 26th day of February, 2024, a copy of which is attached hereto.

DATED this 26th day of February, 2024.

OLSON CANNON & GORMLEY

/s/Ashley Olson

JAMES R. OLSON, ESQ.

Nevada Bar No. 000116

ASHLEY OLSON, ESQ.

Nevada Bar No. 15448

9950 West Cheyenne Avenue

Las Vegas, NV 89129

Attorneys for Defendants GOLDEN RAINBOW OF
NEVADA, INC. and GARY COSTA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of February, 2024, I sent via e-mail a true and correct copy of the above and foregoing **NOTICE OF ENTRY OF OSTIPULATION AND ORDER** on the Clark County E-File Electronic Service List (or, if necessary, by U.S. Mail, first class, postage pre-paid), upon the following:

Marc J. Randazza, Esq.
Alex J. Shepard, Esq.
Randazza Legal Group, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
702-420-2001

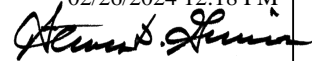
ecf@randazza.com
Attorneys for Plaintiffs

Ryan L. Dennett, Esq.
Dennett Winspear, LLP
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Las Vegas, NV 89129
rdennett@dennettwinspear.com
Attorneys for John Phoenix, individually

Joseph T. Nold, Esq.
Accelerated Law Group
3030 South Jones Blvd., Suite 105
Las Vegas, NV 89146
Attorney for Defendants
Las Vegas Pride, Brady McGill,
and Sean VanGorder

/s/ Jane Hollingsworth

An Employee of OLSON CANNON & GORMLEY


CLERK OF THE COURT

SAO
JAMES R. OLSON, ESQ.
Nevada Bar No. 000116
ASHLEY OLSON, ESQ.
Nevada Bar No. 15448
OLSON CANNON & GORMLEY
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702-384-4012
702-383-0701 fax
jolson@ocgas.com
aolson@ocgas.com
Attorneys for Defendants
GOLDEN RAINBOW OF NEVADA, INC.
and GARY COSTA

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, an individual;
TREVOR HARDEN, an individual; and
HENDERSON EQUALITY CENTER, a
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MOVEMENT FOR EQUALITY, a Nevada non-
profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada non-
profit corporation; SOCIAL INFLUENCE
FOUNDATION dba HOUSE OF VEGAS
PRIDE, a Nevada nonprofit corporation; and
JOHN PHOENIX, APRN, PLLC dba
HUNTRIDGE FAMILY CLINIC, a Nevada

CASE NO. A-23-879938-C
DEPT. NO. XXVIII

**STIPULATION AND ORDER TO
CONTINUE THE MARCH 5, 2024
HEARING FOR DEFENDANTS'
SPECIAL MOTION TO DISMISS
PER NEVADA'S ANTI-SLAPP
PROVISIONS, NRS 41.635, ET. SEQ.
(SECOND REQUEST)**

HEARING DATE: March 19, 2024
10:00 AM

Entered in Odyssey./kd

professional LLC, GOLDEN RAINBOW OF NEVADA, INC., a Nevada nonprofit corporation, BRADY MCGILL, an individual, NICOLE WILLIAMS, an individual, JOHN PHOENIX, an individual, GARY COSTA, an individual, ANTHONY CORTEZ, an individual, and SEAN VANGORDER, an individual,

Defendants.

STIPULATION AND ORDER TO CONTINUE THE MARCH 5, 2024 HEARING FOR DEFENDANTS' SPECIAL MOTION TO DISMISS PER NEVADA'S ANTI-SLAPP PROVISIONS, NRS 41.635, ET. SEQ. (SECOND REQUEST)

COME NOW, Defendant GARY COSTA and GOLDEN RAINBOW OF NEVADA, INC. (hereinafter "Golden Rainbow"), by and through their attorneys of record James R. Olson, Esq. and Ashley Olson, Esq., of OLSON CANNON & GORMLEY, Defendants, SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC. dba LAS VEGAS PRIDE, BRADY MCGILL, and SEAN VANGORDER, by and through their attorney of record, Joseph T. Nold, Esq., of the ACCELERATED LAW GROUP and Plaintiffs CHRISTOPHER DAVIN, TREVOR HARDEN, AND HENDERSON EQUALITY CENTER, by and through their attorneys of record, Marc J. Randazza, Esq. and Alex J. Shepard, Esq., of RANDAZZA LEGAL GROUP, PLLC hereby stipulate and agree to continue the following hearings that are both currently set for March 5, 2024: Defendants Gary Costa and Golden Rainbow's Special Motion to Dismiss Per Nevada's Anti-SLAPP Provisions, NRS 41.635, et seq., filed 1/19/24, and Defendants Southern Nevada Association of Pride, Inc.'s (et. al.) Special Motion To Dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 (Anti-SLAPP), filed 12/11/23.

IT IS HEREBY STIPULATED AND AGREED that due to delays in collecting necessary declarations and documentation, a Reply in Support of Defendants Gary Costa and

Golden Rainbow's Special Motion to Dismiss Per Nevada's Anti-SLAPP Provisions will be filed on March 12, 2024.

IT IS HEREBY STIPULATED AND AGREED that the hearing for both Special Motions to Dismiss, currently set for March 5, 2024, shall be moved pursuant to EDCR 2.20 to March 19, 2024 (7 days after the filing of Defendants Gary Costa and Golden Rainbow's Reply) or this Court's next available date.

DATED the 23rd of February 2024

/s/Alex J. Shepard

ALEX J. SHEPARD, ESQ.
Nevada Bar No. 13582
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Attorney for Plaintiffs

DATED the 23rd of February 2024

/s/Ashley Olson

ASHLEY OLSON, ESQ.
Nevada Bar No. 15448
OLSON CANNON & GORMLEY
9950 West Cheyenne Avenue
Las Vegas, NV 89129
Attorney for Defendants
Golden Rainbow of Nevada, Inc.
and Gary Costa

DATED the 23rd of February 2024

/s/Joseph T. Nold

JOSEPH T. NOLD, ESQ.
Nevada Bar No. 008210
ACCELERATED LAW GROUP
3030 South Jones Blvd., Suite 105
Las Vegas, NV 89146
Attorney for Defendants
Las Vegas Pride, Brady McGill,
and Sean VanGorder

Law Offices of
OLSON CANNON & GORMLEY
A Professional Corporation
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
(702) 384-4012 Fax (702) 383-0701

Case No. A-23-879938-C
Davin, et al v. Southern Nevada Association of Pride, Inc., et al.
Stipulation and Order to Continue March 5, 2024 Hearing

ORDER

Upon Stipulation by counsel for the parties, and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the hearing on Defendants Gary Costa and Golden Rainbow's Special Motion to Dismiss Per Nevada's Anti-SLAPP Provisions, NRS 41.635, et seq., filed 1/19/24, and Defendants Southern Nevada Association of Pride, Inc.'s (et. al.) Special Motion To Dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 filed 12/11/23 is continued to March 19, 2024.

IT IS SO ORDERED this ____ day of _____ 2024.

Dated this 26th day of February, 2024



DISTRICT COURT

kd

72E 83D 094F 3340
Ronald J. Israel
District Court Judge

Submitted by:

OLSON CANNON & GORMLEY

/s/Ashley Olson

JAMES R. OLSON, ESQ.
Nevada Bar No. 000116
ASHLEY OLSON, ESQ.
Nevada Bar No. 15448
Attorneys for Defendants
Golden Rainbow of Nevada, Inc.
and Gary Costa

From: Alex Shepard <ajs@randazza.com>
Sent: Friday, February 23, 2024 4:16 PM
To: Joseph Nold
Cc: Jane Hollingsworth; Ashley Olson; Janet Terrazas
Subject: Re: Davin v. Pride

A few suggested revisions: The caption should state that this is the second request; and (2) on page 3, line 6, it looks like the closing parenthesis should be moved to after the word "Reply."

With those edits, you have authorization to affix my electronic signature.

On Fri, Feb 23, 2024, 7:08 PM Joseph Nold <noldj@cox.net> wrote:

You have my permission to electronically affix my signature to the Stipulation and Order sent 2/23/24.

Joseph T. Nold, Esq.

Thank you,
Accelerated Law Group, Inc.
3030 South Jones Blvd., Ste. 105
Las Vegas, Nevada 89146
702-262-1651
702-383-6051 Fax

****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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On 02/23/2024 3:56 PM PST Jane Hollingsworth <jhollingsworth@ocgas.com> wrote:

Please see attached Stipulation and Order to Continue hearings on Motions to Dismiss. If there are not changes please let us know if we can affix your e-signature for submission to the court. Thank you.

Jane Hollingsworth

Legal Assistant to

James R. Olson, Esq.

Max E. Corrick, II

Ashley Olson, Esq.

Olson Cannon Gormley & Stoberski

9950 W. Cheyenne Avenue

Las Vegas, NV 89129

702-384-4012; 702-383-0701 fax

jhollingsworth@ocgas.com

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From: Joseph Nold <noldj@cox.net>
Sent: Friday, February 23, 2024 4:09 PM
To: Jane Hollingsworth; Alex Shepard
Cc: Ashley Olson; Janet Terrazas
Subject: Re: Davin v. Pride

You have my permission to electronically affix my signature to the Stipulation and Order sent 2/23/24.

Joseph T. Nold, Esq.

Thank you,
Accelerated Law Group, Inc.
3030 South Jones Blvd., Ste. 105
Las Vegas, Nevada 89146
702-262-1651
702-383-6051 Fax

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On 02/23/2024 3:56 PM PST Jane Hollingsworth <jhollingsworth@ocgas.com> wrote:

Please see attached Stipulation and Order to Continue hearings on Motions to Dismiss. If there are not changes please let us know if we can affix your e-signature for submission to the court. Thank you.

Jane Hollingsworth

Legal Assistant to

James R. Olson, Esq.

Max E. Corrick, II

Ashley Olson, Esq.

Olson Cannon Gormley & Stoberski

9950 W. Cheyenne Avenue

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7	vs.	DEPT. NO. Department 28
8	Southern Nevada Association of	
9	Pride, Inc, 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 Stipulation and 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: 2/26/2024

15	Joseph Nold	noldj@cox.net
16	Janet Terrazas	algparalegal@cox.net
17	Alex Shepard	ecf@randazza.com
18	James Olson	jhollingsworth@ocgas.com
19	Theresa Amendola	tamendola@dennettwinspear.com
20	Michelle Soto	msoto@halljaffe.com
21	Meredith Holmes	mholmes@dennettwinspear.com
22	Ashley Marchant	amarchant@dennettwinspear.com
23	Ashley Olson	aolson@ocgas.com
24	Tony Amendola	aamendola@dennettwinspear.com
25	Michael Maupin	Mmaupin@halljaffe.com
26		
27		
28		

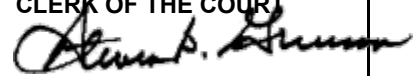
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Shayna Ortega-Rose

srose@halljaffe.com

Erika Parker

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RPLY
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Attorney for Defendants Southern
Nevada Association of Pride, Holy
Order Sin City Sisters of Perpetual
Indulgence, Inc., Las Vegas TransPride,
Brady McGill, and Sean VanGorder

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
ENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

vs.

SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS PRIDE,
a Nevada nonprofit corporation; HUMAN
RIGHTS CAMPAIGN, INC., a District of
Columbia nonprofit corporation; HOLY
ORDER SIN CITY SISTERS OF
PERPETUAL INDULGENCE, INC., a
Nevada nonprofit corporation;
INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY, a Nevada
non-profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; SOCIAL
INFLUENCE FOUNDATION DBA HOUSE
OF VEGAS PRIDE, a Nevada nonprofit
corporation; and JOHN PHOENIX, APRN,
PLLC DBA HUNTRIDGE FAMILY
CLINIC, a Nevada professional LLC,
GOLDEN RAINBOW OF NEVADA, INC.,
a Nevada nonprofit corporation, BRADY
MCGILL, an individual, NICOLE
WILLIAMS, an individual, JOHN
PHOENIX, an individual, GARY COSTA, an
individual, ANTHONY CORTEZ, an
individual, and SEAN VANGORDER, an
individual,

Defendants.

Case No.: A-23-879938-C

Dept. No: 28

**REPLY TO PLAINTIFFS' OPPOSITION
TO DEFENDANTS' SOUTHERN NEVADA
ASSOCIATION OF PRIDE, INC. D/B/A
LAS VEGAS PRIDE, HOLY ORDER SIN
CITY SISTERS OF PERPETUAL
INDULGENCE, INC., LAS VEGAS
TRANSPRIDE, BRADY MCGUILL, and
SEAN VANGORDER'S SPECIAL
MOTION TO DISMISS PLAINTIFFS'
SLAPP SUIT PURSUANT TO NRS 41.660
(ANTI-SLAPP), AND REQUEST FOR
ATTORNEY FEES, COSTS, AND
DAMAGES PURSUANT TO 41.670**

COMES NOW, Defendants Southern Nevada Association of Pride, Inc. dba Las Vegas Pride, Holy Order Sin City Sisters of Perpetual Indulgence, Inc., Las Vegas TransPride, Brady McGill, and Sean VanGorder, by and through their attorney of record, Joseph T. Nold, Esq., of the Accelerated Law Group, and hereby files this Reply to Plaintiffs' Opposition to Defendants' Defendants Southern Nevada Association of Pride, Holy Order Sin City Sisters of Perpetual Indulgence, Inc., Las Vegas TransPride, Brady McGill, and Sean VanGorder's Special Motion to Dismiss Plaintiffs' Slapp Suit Pursuant to NRS 41.660 (Anti-slapp), and Request for Attorney Fees, Costs, and Damages Pursuant to 41.670.

DATED this 22 day of February, 2024.

/s/ Joseph T. Nold
JOSEPH T. NOLD, ESQ.
Nevada Bar No.: 008210
3030 South Jones Blvd, Ste 105
Las Vegas, NV 89146
Tel: (702) 262-1651
Fax: (702) 383-6051
Email: noldj@cox.net
Attorney for Defendants Southern
Nevada Association of Pride, Holy
Order Sin City Sisters of Perpetual
Indulgence, Inc., Las Vegas TransPride,
Brady McGill, and Sean VanGorder

POINTS AND AUTHORITIES

A. INTRODUCTION

As noted at the beginning of Plaintiffs' Opposition to the Special Motion to Dismiss, after the filing of the Special Motion to Dismiss on 12/11/23, Defendants Holy Order Sin City Sisters of Perpetual Indulgence, Inc., and Las Vegas TransPride were dismissed without prejudice by Plaintiffs from this case.

1 B. PLAINTIFFS' FACTUAL BACKGROUND

2 Following the Introduction, Plaintiffs set forth their claim that there are five (5) distinct,
3 actionable statements that this case is primarily concerned with, to wit:

4 1. "In April 2023, Mr. Davin threatened Las Vegas PRIDE Officers and took
5 intentional action to cause harm to our organization and our work by making
6 frivolous trademark claims. These actions resulted in harm to Las Vegas PRIDE and
7 other community-serving organizations."

8 2. "In August of 2021, it was determined that Mr. Davin accessed sensitive
9 information and stole data from the Las Vegas PRIDE, which he used without
10 permission to benefit his organization. In a unanimous vote, Mr. Davin was removed
11 from his position on the Board "Minutes of the Las Vegas PRIDE Board – Closed
12 Session." August 11, 2021.¹ At that time, Mr. Harder also resigned from his position
13 on our Board."

14 3. "In a similar incident in the spring of 2020, Mr. Davin was removed from his
15 involvement with Human Rights Campaign of Las Vegas for accessing sensitive
16 information and using it without permission for personal gain."

17 4. "Las Vegas PRIDE Officers have been made aware of multiple reports of bullying,
18 threats, and unethical business activities Mr. Davin has taken against individuals,
19 charities, and businesses in Southern Nevada."

20 5. "Las Vegas PRIDE Officers have been made aware of reports made to various
21 authorities regarding Mr. Davin directly for unethical, unprofessional, and illegal
22 financial practices and behavior."

23 Additionally, Plaintiffs assert that three other statements in the Press Release from April 20,
24 2023 (and the update to the Press Release dated May 2, 2023) that are actionable. These are 1)
25 Las Vegas PRIDE takes direct threats to our Board Members and attacks on our organization by
26 Mr. Davin and Mr. Harder seriously. Bullying actions of these individuals will not be tolerated;
27 2) The Press Release also encourages readers to file complaints with various governmental
28 agencies regarding Davin and Harder and "the many organizations with which they are

1 associated;” and 3) that Vegas PRIDE had received reports from unnamed third parties accusing
2 Plaintiffs of “Harassment of community members, and former board members,” and “Failure to
3 submit payment for goods/services rendered.”.

4 It must be first noted that regarding the Press Release by Las Vegas Pride receiving
5 reports of “Harassment of community members, and former board members,” and “Failure to
6 submit payment for goods/services rendered”, the Opposition incorrectly states that all Plaintiffs
7 were referenced. In fact, only Plaintiff Davin was in this section. Furthermore, the only place
8 that names Plaintiff Harder in the Press Release is the fact that the Las Vegas Pride Board of
9 Directors adopted a vote of no confidence in Trevor Harder, and Defendant’s Pride’s request that
10 if “you have information regarding issues with Chris Davis, Trevor Harder, or any of the many
11 organization which they are associated, we encourage you to file complaints with the appropriate
12 governing body, e.g. Nevada Secretary of State, Clark County Nevada, City of Henderson,
13 HIPPA, Internal Revenue Service, etc.” It is asserted that no statement regarding Plaintiff Harder
14 made by these Defendants is actionable in this Press Release, and that the causes of action by
15 Plaintiff Harder against these Defendants has no legal or factual basis. Furthermore, as pointed
16 out in the Opposition, this Press Release was published by Las Vegas Pride, not the other named
17 Defendants. Finally regarding Plaintiffs facts, at no time is Plaintiff Henderson Equity Center
18 named or even mentioned.

19
20 C. FRIVOLOUS TRADE MARK CLAIMS

21 Plaintiffs claim that they did not file any frivolous trademark claims, nor did they harm
22 anyone with the frivolous trademark claims. It is an undisputed fact that Plaintiffs sent Defendant
23 Brady an email on 4/8/23 demanding that the page 47 of the Las Vegas Pride Magazine be
24 removed as it is a Trademark infringement. (**Exhibit “T”**). After being unable to take down the
25 Magazine, Plaintiffs then went after the Facebook for Las Vegas Pride. The images were of
26 individuals sitting at a table, and a Henderson Pride picture. These images were at about a year
27 old at the time, and were for the organization Henderson Pride. (**Exhibit “U”**) However, contrary
28 to the claims by Plaintiffs, as shown by **Exhibit “V”**, the Trademark name “Henderson Pride”

1 was first used in February of 2020, and the application by the International Cultural Movement
2 for Equality (ICME, the true owner of this Trademark) filed for the Mark on July 23, 2021. This
3 is prior to any date claimed by Plaintiffs in their Declarations, Exhibits, or otherwise. These
4 Defendants consider this email from Plaintiffs to be a threat and harassment.

5 In addition to the clear document showing that ICME has the Trademark for Henderson
6 Pride prior to HEC, the attached Declaration of Defendant McGill delineates the fact that Plaintiff
7 Davin explained how he was going to attempt to take ICME's Trademark from this entity. ICME
8 has recently had Facebook shut down Plaintiffs page based on the clear evidence that ICME has
9 the Trademark for Henderson Pride. Plaintiffs reference the Exhibit "E" from the Motion to
10 Dismiss, and claim that the document shows that ICME filed an application that was still pending.
11 The "application" was actually a renewal, as that document shows that the Application Filing
12 Date for ICME for "Henderson Pride" was July 23, 2021, before Plaintiffs filed anything for their
13 similar and confusing Trademark of "Henderson Pride Fest".

14 Plaintiffs' Opposition claims that Facebook found their complaint about Defendant Pride's
15 trademark violations to be meritorious. In addition to being pure speculation, Plaintiffs fail to
16 note the fact that their own Facebook account is currently shutdown as ICME reported Plaintiff
17 HEC for trademark infringement. The simple fact is, as set forth in McGill's Declaration attached
18 to the Motion to Dismiss, that Facebook will take down pages without a full investigation or
19 understanding... simply on an allegation. When all of the claims in Plaintiffs Opposition are
20 taken together, they cannot collectively overcome the fact that ICME's trademark of "Henderson
21 Pride" predates Plaintiffs.

22 As shown by the attached Exhibit U, the images that Facebook took down had nothing to
23 do with Plaintiffs. The claim of trademark infringement by Las Vegas Pride was and is frivolous.

24 25 D. PLAINTIFF DAVIN STEALING PRIDE DATA

26 Plaintiffs again lump all three named Plaintiffs together in this section of the Opposition,
27 when the Board meeting minutes only reference Plaintiff Davin. Plaintiffs assert that the Press
28 Release is false in 3 ways: (1) Davin was not removed from the Board of Vegas PRIDE for

1 misappropriating donor information, as he never engaged in such conduct and proved to the
2 Board he did not; (2) Davin voluntarily resigned from the Board, and was not “removed” from it;
3 and (3) the Press Release claims that Plaintiff Trevor Harder resigned from the Board of Vegas
4 PRIDE at the same time Davin resigned, to insinuate he was also involved in this alleged data
5 theft.

6 Beginning with Plaintiff Davin’s removal from the Board, the attached Declarations of the
7 Board Members show that he was removed by an unanimous vote after the Board found that
8 Davin took Las Vegas Pride data. This is a statement of fact, and it is not the type of statement
9 that is actionable for defamation. The second claim, that Davin voluntarily resigned from the
10 Board, is meaningless. The statement that someone resigned, or was removed after being told
11 that they are being removed from a Board of Directors, does not amount to defamation regardless
12 of what actually happened. Quit or fired, Davin was no longer on the Board after 8/11/21.

13 The final claim by Plaintiffs regarding the Press Release and the removal from the Board
14 of Directors is that the Press Release **insinuates** that because Plaintiff Harder resigned at the same
15 time Davin was removed/resigned, that Harder was also involved in the theft. Plaintiffs have read
16 between the lines themselves, and put there own spin on the Press Release. Regardless of
17 whether Harder resigned on 8/11/21, or on 10/20/21, this cannot be the basis for a cause of action
18 for defamation. If so, whenever a date is off by a few months, there is a lawsuit for defamation.

19
20 E. PLAINTIFF DAVIN MISUSING HRC INFORMATION

21 Plaintiff Davin claims that he did not obtain the email address for Gustavo Davis from the
22 confidential list used by Defendant Human Rights Campaign (“HRC”). In support of this,
23 Plaintiffs states that when Mr. Davis’ email address is ran through the internet, his name appears.
24 This is elementary as they already have the email address. If Mr. Davis’ name is searched on the
25 internet, this email does not appear. Furthermore, nowhere on Mr. Davis’ Facebook account or
26 Instagram account can the email address used by Plaintiff Davin be found. Finally, in the
27 Declaration supplied by Plaintiff Davin (paragraph 10), he states that “I do not know with
28 certainty from where HEC received Davis’s email address.” Plaintiff Davin owns and operates

1 HEC, but does not know where the email address came from that are used to solicit money.

2 The attached Declarations of Ronald Quinn and Defendant VanGorder detail the
3 involvement of Davin with HRC, and the circumstances surrounding the email of Mr. Davis.
4 This includes the Exhibits B & C attached to Quinn's Declaration, showing that Plaintiffs took
5 the silent auction form from HRC, and used it as their own. The end result is that the Press
6 Release accurately stated that Davin misused HRC confidential information. Defendant Las
7 Vegas Pride had a good faith basis for putting that in the Press Release, had no reason to think
8 that it was false, and relied on facts.

9
10 F. PLAINTIFFS ENGAGING IN HARASSMENT, BULLYING, THREATS, UNETHICAL
11 BUSINESS ACTIVITIES, OR UNETHICAL OR ILLEGAL FINANCIAL PRACTICES
OR BEHAVIOR

12 Once again the Press Release only references Davin, but Plaintiffs claim that the
13 statements are against all three named Plaintiffs. The Press Release specifically stated that Las
14 Vegas Pride was made aware of multiple reports regarding this conduct of Davin, not Harder or
15 HEC. Attached hereto are the Declarations of Joslyn Hatfield, Jean Carlos Lopez, Daniel Ciacci,
16 Anthony Cortez, James McCoy, Louise O'Reilly, and Eric L. Abram, and others, delineating the
17 facts supporting the statements made in the Press Release. The Declaration of Defendant McGill
18 shows that all of the Declarants were trust-worthy, and relayed their experiences with the
19 Plaintiffs to the Las Vegas Pride Board member(s). These Declarations are in addition to the ones
20 attached to the Motion to Dismiss. Therefore, due to the fact that the Press Release states that Las
21 Vegas Pride received multiple reports of these activities on the part of Davin, which is undeniably
22 true and correct, there should be no cause of action for defamation.

23 Despite the Opposition attempting to convolute these facts and attempt to prove that said
24 underlying facts are not true, Las Vegas Pride did receive these multiple reports. Furthermore,
25 Plaintiffs attempt to state the "mind set" of the Declarants of the declarations attached to the
26 Motion to Dismiss, while claiming that this does not amount to "bullying" or "harassing"
27 behavior. As set forth *infra*, bullying is not the basis for a defamation claim, noting that it is
28 subjective. It is quixotic that Plaintiffs attempt to refute the Declarations of many people, but

1 overlook the most important fact: Las Vegas Pride was informed of these incidents, and
2 specifically stated in the Press Release that they received multiple reports.

3
4 G. FAILURE TO PAY FOR GOOD/SERVICES

5 Plaintiffs again fail to limit this claim to only Davin. Furthermore, like the other
6 statements showing that Las Vegas Pride received reports of the acts of Plaintiff Davin, Plaintiffs
7 attempt to argue the underlying facts. In the Opposition, the argument against the statement being
8 true was based on an alleged breach of contract with Smithman. As shown by Exhibit P to
9 Defendants' Special Motion to Dismiss, Las Vegas Pride did receive this information.
10 Defendants had no reason to think that any statement from Smithman was false, and based on the
11 dealing with Davin, maintain that the statements by Smithman are true.

12
13 H. SEAN VANGORDER'S STATEMENT ON FACEBOOK

14 The Opposition to Defendant VanGorder's Motion to Dismiss consists of five sentences
15 (other than the attacks on Vangorder's Declaration attached to the Motion to Dismiss), and
16 basically states that VanGorder has no evidence. However, the Declaration of VanGorder
17 attached to the Motion to Dismiss and this Opposition delineates the details of what VanGorder
18 personally saw and was aware of. Furthermore, Plaintiffs failed to address the fact that
19 VanGorder's Facebook page is his opinion, and opinions are not subject to a defamation suit.

20
21 I. MCGILL'S STATEMENT TO INTERPRIDE

22 Plaintiffs base this allegation on an email that Davin allegedly received on October 10,
23 2023 (Opposition Exhibit "13"). The portion of the email stating "[t]here has been an allegation
24 of racism and elder abuse lodged against you. I have spoken with Brady [McGill] and
25 communicated with Nichole Williams. I would really like to hear your side of the story." The
26 name "McGill" was added by Plaintiffs, and is not contained in the original email. Furthermore,
27 Plaintiffs admit in their Opposition that their testimony is not admissible. It is asserted that the
28 vagueness of this email does not amount to defamation. This is the only claimed statement that

1 Plaintiffs attribute directly to McGill (which only involved Davin, and not Harder or HEC),
2 despite Plaintiffs' continuous collective referencing of all Defendants and Plaintiffs together.

3
4 J. LEGAL STANDARD

5 Plaintiffs begin the legal analysis by citing to the applicable statute and to Shapiro v. Welt,
6 133 Nev. 35, 39, 389 P.3d 262 (2017).

7 Under Nevada's anti-SLAPP statutes, a defendant may file a special motion to dismiss
8 if the defendant can show "by a preponderance of the evidence, that the claim is based
9 upon a good faith communication in furtherance of the right to petition or the right to
10 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."2 NRS
41.660(3)(b).

11 These moving Defendants assert that their evidence is beyond a "preponderance," and that the
12 claims are based upon a good faith communication in furtherance of the right to petition or the
13 right to free speech in direct connection with an issue of public concern. Defendants herein, as
14 well as those supplying Declaration to this Reply and to the Motion to Dismiss, are all concerned
15 about the LGBTQ+ Community in Las Vegas. This is properly addressed with the subject Press
16 Release as the taking advantage and the abuse of the members of the LGBTQ+ Community in Las
17 Vegas is a public concern, particularly when it goes by an individual under the guise of a non-
18 profit company.

19
20 J. ARGUMENT

21 – Defendants' Evidence

22 Plaintiffs claim that there is not a single document attached to the Motion that is properly
23 authenticated. Plaintiffs are wrong as each and every document was referenced in McGill's
24 Declaration as being true and accurate copies, and every single Declaration was made on personal
25 knowledge, and specifically complied with all requirements of EDCR 2.21. It is a frivolous and
26 meaningless argument to claim that a Declarant cannot authenticate an email that he sent or
27 received. The entire argument concerning "best evidence" goes to admissibility at trial. As this
28 Court is well aware, there is not a single reported case in Nevada regarding the best evidence rule

1 applied in a Special Anti-Slapp Motion to Dismiss. The case cited by Plaintiffs, Stephans v.
2 State, 262 P.3d 727, 733 (Nev. 2011), involved the admissibility of evidence at a criminal trial.

3
4 The Plaintiffs' attempts to discredit the Declarants Declarations (who all state that the
5 matters are based on personal knowledge) are ineffective as all Declarations state the necessary
6 elements for admissibility. Thereafter, Plaintiffs pick and choose a few statements from each
7 Declarant, asserting some sort of flaw (usually hearsay or foundation). As set forth in Rosen v.
8 Tarkanian, 135 Nev. 436, 440, 453 P.3d 1220 (2019), "in a defamation action, "it is not the
9 literal truth of 'each word or detail used in a statement which determines whether or not it is
10 defamatory; rather, the determinative question is whether the "gist or sting" of the statement is
11 true or false.'", *internal citations omitted*. Furthermore, NRS 41.637 specifically stated that the
12 good faith communication must be "truthful or is made without knowledge of its falsehood." The
13 hearsay statements are left in all the Declarations to show the reputation of Davin, as well as the
14 fact that no Defendant has any knowledge of any falsehood.

15 The "gist" of the claims here are set forth *supra* and in the Declarations, addressing the 8
16 statements that Plaintiffs claim are defamation. Two of these involve Las Vegas Pride being
17 made aware of reports. These are described in the Declarations, and Plaintiffs' "grasping at
18 straws" in their Opposition is in an attempt to save their case. The Declarations, collectively,
19 show that Las Vegas Pride received these reports. End of story. The acts of Davin to harm Las
20 Vegas Pride by making frivolous trademark claims is clearly set out in McGill's Declaration,
21 supported by the Exhibits, and no amount of claims by Plaintiffs will detract from that.
22 Regarding the request that the Las Vegas Pride readers file complaints with governmental entities
23 against Plaintiffs for wrong doing is not in itself actionable. Likewise, accusing someone of
24 being a bully is not actionable. This leaves the Board meeting, which is a statement of what
25 happened on 8/11/21, and the stealing of sensitive information, which has ample support.

26 Finally, regarding the general claims of insufficient Declarations, authentication of
27 documents, and foundations, in light of the select portions of the Declarations that were looked at,
28 and the fact that Defendant McGill authenticated all documents, Defendants must point out the

1 fact that every single case citation in Plaintiffs Opposition violated EDCR 7.20(f)¹. Therefore,
2 every case citation is incomplete, and should not be considered.

3 Regarding Defendant McGill's Declaration attached to the Motion to Dismiss, Plaintiff
4 continues to claim a "best evidence" violation. Starting with the trademark violation, the attached
5 Exhibit U shows that the pictures were not of Henderson Pride Fest. As to the number of people
6 that reach the Las Vegas Pride website, attached hereto as **Exhibit "W"** shows that each month
7 the website gets between 50,000 and 200,000 hits per month, or over 7,000 visits per day. There
8 is no question that this is a public forum.

9 – DEFENDANTS' BURDEN UNDER PRONG ONE

10 Plaintiffs claim that the statements by Defendant are not in connection with an issue of
11 public interest (NRS 41.660(3)(a)). In looking at the alleged defamatory statements, the public
12 interest is clear. Plaintiffs caused harm to Las Vegas Pride which is a community serving
13 organization, and has tens of thousands of readers. At a Board meeting, Davin was
14 removed/resigned from the Board of Pride for accessing sensitive data that he used without
15 permission. This is the same for HRC's information. Furthermore, the statement "Las Vegas
16 Pride Officers have been made aware of multiple reports of bullying, threats, and unethical
17 business activities Mr. Davin has taken against individuals, charities, and businesses in Southern
18 Nevada." is an issue of public interest, especially in the LGBTQ+ Community, and any contrary
19 claim is simply absurd. The Press Release is a communication made in the public forum, for an
20 issue of public interest, designed to protect others. As set forth in Abrams v. Sanson, 136 Nev.
21 83, 86, 458 P.3d 1062,

22 (1) "public interest" does not equate with mere curiosity;

23
24 ¹(f) When a decision of the Supreme Court of the State of Nevada or the Nevada Court of
25 Appeals is cited, the citation to Nevada Reports must be given together with the citation to West's
26 Pacific Reporter and the year of the decision. Whenever a decision of an appellate court of any other
27 state is cited, the citation to West's Regional Reporter System must be given together with the state
28 and the year of decision. When a decision of the Supreme Court of the United States is cited, at least
one parallel citation and year of decision must be given. When a decision of the Court of Appeals
or of a District Court or other court of the United States has been reported in the Federal Reporter
System, that citation, court and year of decision must be given.

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

11 As shown by all of the Declarations and Exhibits supplied by Defendants, the “gist” here is the
12 protection, and warning the LGBTQ+ Community (and all Nevada residents) about the actions of
13 Davin, and to be careful.

14 The claims in the Opposition that there is no evidence that the statements concern a
15 substantial number of people make no sense. As set forth in his Declaration and the attached
16 Exhibit W, Las Vegas Pride has thousands of readers and visitors. As the LGBTQ+ Community
17 is a tight-knit community (not a hive mind as sarcastically suggested by Plaintiffs), a Press
18 Release showing that there are reports of an individual (Davin) that targets the LGBTQ+
19 Community, and is engaging in questionable activities, is certainly of interest. Without question,
20 the public (LGBTQ+ or otherwise) is interested in the improper acts of someone running a non-
21 profit company engaging in improper conduct.

22 Plaintiffs continue the Opposition with the claim that there is no connection between the
23 public interest, and the statements at issue relating to said interest. Again, as it is clear from the
24 actual Press Release, Davin is engaging in acts to harm Las Vegas Pride, stealing and using
25 sensitive information without permission, making threats and unethical business activities against
26 individuals, charities, and businesses in Southern Nevada. This directly relates to the warning of
27 people of the shocking conduct of Davin.

28 Plaintiffs next cite to Pope v. Fellhauer, No. 74428, 2019 Nev. Unpub. LEXIS 331, *6-8
(Mar. 21, 2019), an unpublished Nevada case in support of their claim that the Press Release is
insufficient in the number of people it reaches. However, Pope involved a communication to a
total of 2 people, whereas this case involves tens of thousands. Plaintiffs continue the argument
with the claim that this is a private dispute between Plaintiffs and Defendants. Any private

1 dispute has nothing to do with the reports received by Las Vegas Pride of the improper actions of
2 Davin, and the disputes are not only between Davin and Las Vegas Pride.

3 Plaintiffs' arguments that "Defendants' own evidence provides a particularly
4 incriminating statement in McGill's email exchange with Smithman Productions." (Motion to
5 Dismiss, Exhibit P). What this email actually shows is the undisputable fact that Las Vegas Pride
6 was warning others who deal with Davin. This is, again, the public interest, put forth in a public
7 forum in the form of the Press Release.

8 In their fifth and final claim in this section, Plaintiffs claim that there is no pre-existing
9 controversy regarding the Press Release issues and Plaintiffs. In addition to no Nevada case
10 referencing this pre-existing requirement, the Declarations show that the issues with Plaintiffs
11 have been going on for over 2 years. Thereafter, Plaintiffs assert the conclusionary statement that
12 "Defendants have failed to show that the statements at issue are protected under NRS 41.637."
13 However, NRS 41.637(4) states that the "Communication made in direct connection with an issue
14 of public interest in a place open to the public or in a public forum, which is truthful or is made
15 without knowledge of its falsehood." Protecting individuals in their Plaintiff-labeled
16 "monolithic" community is extremely important to Defendants. In fact, that is the reason that so
17 many people volunteer to help out Las Vegas Pride – this entity watches out for the community.

18 The claim by Plaintiffs that the fact that the Press Release was on Las Vegas Pride's
19 website, that specifically is targeted to the LGBTQ+ Community, is not a public forum is simply
20 wrong. As delineated in Kosor v. Olympia Cos., LLC, 136 Nev. 705, 712, 478 P.3d 390 (2020)
21 by the Nevada Supreme Court:

22 Simply put, we are not prepared to say that nearly every website is a "public forum"
23 simply because "[o]thers can create their own Web sites or publish letters or articles
24 through the same medium [i.e., the internet], making their information and beliefs
25 accessible to anyone interested in the topics discussed,"; in our view, the question is,
26 more limitedly, whether the particular post or website at issue "bead[s] the hallmarks
27 of a public forum."

28 The website for Las Vegas Pride (**Exhibit "X"**), supplies information for events, gatherings, a
magazine, a shop, galleries, a way to get involved, any many other aspects. Furthermore, there
are links to Pride on Facebook, Pride on Twitter, and Pride on YouTube. Of course, Facebook,

1 Twitter, and YouTube all have links back to the website where the Press Release is found.
2 Additionally, comments and discussions can be left/stated on the applicable pages. Contrary to
3 Plaintiffs claim, Exhibit “X” shows that the case of Kosor v. Olympia Cos., LLC would
4 absolutely consider Las Vegas Pride’s website, connect to Facebook, Twitter, and YouTube with
5 crossing links, to be a public forum. As is shown from Exhibit X, to get to the Press Release, a
6 user must use a link. This link connection is the same for Las Vegas Pride’s Facebook, Twitter,
7 and YouTube, where comments and discussion are found.

8 Plaintiffs further claim that Defendants failed to show that the statements at issue were
9 true, or made without knowledge of their falsity. This completely ignores the Declarations which
10 state that the statements are true, that the Declarant actually had first hand knowledge that the
11 statements were true, and the reputation of Davin would show nothing to the contrary. (Again,
12 the hearsay statements are left in the Declarations to show no knowledge of falsity.) Plaintiffs
13 then attempt to distinguish Smith v. Zilverberg, 481 P.3d 1222, 1228, 137 Nev. Adv. Rep. 7
14 (2021) from the facts of this case. The included Declarations describe Davin’s behavior of
15 bullying other volunteers. The case cited by Plaintiffs, Nevada Ind. Broad. Corp. v. Allen, 99
16 Nev. 404, 411 (1983), references undisclosed facts. However, as shown by the Declarations, the
17 allegations against Davin for taking Las Vegas Pride and HEC sensitive information is well laid
18 out, as well as the bullying. The reports were made to Defendants, which are believed to be true,
19 and Defendants would have no knowledge of anything being false.

20 Finally regarding the burden of Defendants satisfying the first prong of the anti-slapp
21 statute, the Supreme Court of Nevada held that “even under the preponderance standard, an
22 affidavit stating that the defendant believed the communications to be truthful or made them
23 without knowledge of their falsehood is sufficient to meet the defendant's burden absent
24 contradictory evidence in the record.” Stark v. Lackey, 136 Nev. 38, 43, 458 P.3d 342 (2020).

25
26 – PLAINTIFFS’ PROBABILITY OF PREVAILING

27 Plaintiffs claim a probability of success of prevailing on their claims based on there being
28 a dispute as to whether the statements are true or false. Beginning with the Statute of Limitations,

1 Defendants are not familiar with the “Wayback Machine”. However, the same argument can be
2 made here that Plaintiffs made against the Motion to Dismiss documents: under the computer
3 records exception, the print out for the Wayback Machine is not admissible as the individual that
4 collected and/or compiled the website did not supply a declaration. However, Defendant McGill
5 cannot state with certainty the exact date that the minutes were posted on-line. The minutes from
6 8/11/21 were sent to all Las Vegas Pride Board members, including Plaintiff Harder, by 8/13/21,
7 which satisfies any publication need.

8 Plaintiffs set forth the elements of a defamation case, to wit:

9 In order to establish a prima facie case of defamation, a plaintiff must
10 prove: (1) A false and defamatory statement by defendant concerning
11 the plaintiff; (2) an unprivileged publication to a third person; (3)
fault, amounting to at least negligence; and (4) actual or presumed
damages. Restatement (Second) of Torts, § 558 (1977).

12 Chowdhry v. NLVH, Inc., 109 Nev. 478, 483, 851 P.2d 459 (1993).

13 As an initial matter, Defendants must point out the fact that Defendant McGill is not
14 named in the Press Release. The Press Release was published by Defendant Las Vegas Pride.
15 Furthermore, the allegations in the Complaint that McGill made false factual statements to
16 InterPride is only supported with a “based on information and belief” claim that McGill made
17 actionable statements to InterPride. The Special Motion to Dismiss includes McGill. However,
18 despite the fact that the Press Release only mentions Las Vegas Pride, and not McGill, the
19 Opposition failed to support the allegations involving defamation against McGill with anything
20 more than the email involving InterPride. (Opposition, Exhibit “13”). This email is between
21 Richard Brethour-Bell and Plaintiff Davin. Plaintiffs supplied no Declaration from Mr. Brethour-
22 Bell, despite the email being dated 10/10/23, the fact that Plaintiffs had well over a month to file
23 their Opposition, and the fact that Mr. Brethour-Bell and Davin sit on the same Board of Directors
24 (Davin is an Alternate Gac Board Member). Additionally, the Complaint (paragraph 145) alleges
25 that McGill made the alleged statements to InterPride in his capacity as an officer for Las Vegas
26 Pride. Therefore, in light of the fact that Plaintiffs have provided this Court with no actionable
27 and admissible publication by Defendant McGill individually, he should be dismissed from this
28 case. At most, only Davin has stated a claim in the Complaint for defamation against McGill.

1 Regarding Plaintiff Harder, this Plaintiff has not set forth any actionable publication made
2 by the moving Defendants to support this Plaintiff's allegations of defamation. Harder is only
3 mentioned in reference to a vote of no confidence, that Las Vegas Pride will not participate in
4 events that Harder (and Davin) support, and the bullying and harassment. All of the allegations in
5 the Press Release that Plaintiffs can claim are standing for defamation are published by Las Vegas
6 Pride, and specifically name Davin. The only issue to the Press Release offered by Harder in the
7 Opposition was the claim that he resigned in October of 2021, and not August of 2021. Also, the
8 statement that Las Vegas Pride takes direct threats to the Board members and attacks on the
9 organization by Mr. Davin and Mr. Harder seriously. This is not defamation. In fact, the Press
10 Release states that the "Board feels strongly that we must offer our help, love, and support to
11 others who work with in the organization(s) represented by both Mr. Davin and Mr. Harder."
12 Plaintiffs Complaint simply lops together Davin, Harder and HEC, but sets forth no specifics of
13 anything published by McGill or Las Vegas Pride against Harder or HEC.

14 The only other reference to Harder that claims to be actionable was the Facebook post by
15 VanGorder, where this Defendant gives his opinion of Plaintiffs Davin and Harder.

16 Regarding Plaintiff Henderson Equity Center (HEC), they are not listed in any claimed
17 false publication made by these moving Defendants. The Complaint makes the unsupported
18 general claim that "Defendants published false and defamatory statements of and concerning
19 Plaintiffs by publishing them online and transmitting them directly to HEC supporters".
20 (Complaint, paragraphs 39 & 147). There is no proof that anything was sent directly to HEC
21 supporters by these Defendants beyond an "information and belief" claim, and an anonymous
22 message.

23 In summary regarding Plaintiffs Harder and HEC, these Defendants have no actionable
24 claims against these moving Defendants. Regarding Defendant McGill, Plaintiffs have produced
25 nothing to show that he, in his individual capacity, made any actionable statements against
26 Plaintiffs. The only claim actually attempted against McGill was the assertion by Davin that
27 McGill defamed him in a email with InterPride. As delineated herein, the claim is flawed and
28 insufficient.

1 As set forth in the Opposition, Plaintiffs' claims are premised on the Press Release. To
2 support their claim that there was defamation, Plaintiffs assert that there is no dispute that
3 Defendants' statements concern Plaintiffs. A review of all claims made by Plaintiffs shows that
4 there are no statements against HEC of any type, made by anyone. HEC should be dismissed
5 from this case. The only actionable statement against Harder appears to be VanGorder's
6 Facebook page, and an anonymous direct message. There is nothing actionable or defamatory in
7 the Press Release against HEC or Harder, and VanGorder's Facebook page is opinion. Therefore,
8 Plaintiff Harder should also be dismissed from this case.

9 Plaintiff glosses over the fact that the Press Release only names Davin regarding any
10 defamatory statements, and of the 8 specific things that Plaintiff claims are actionable in the Press
11 Release, 2 of them involve reports received by Las Vegas Pride. The Declarations supplied show
12 that these report were given to Las Vegas Pride, and are true. Defendants assert that based on
13 receiving these credible reports, the minimum standard of "at least negligent" was not made. (*See*
14 Chowdhry at 483.) The claim that Davin was found by the Board of Pride to have taken sensitive
15 information from Las Vegas Pride and HEC is true, and was not negligence to state this fact.

16 For the cause of action of false light Plaintiffs cite to Abrams v. Sanson, 458 P.3d 1062,
17 1070,(2020), which does not set forth all elements. The Restatement (Second) of Torts § 652E
18 (1977) set forth the elements, to wit:

19 Under the Restatement, an action for false light arises when
20 One who gives publicity to a matter concerning another that places the
21 other before the public in a false light. . . if
22 (a) the false light in which the other was placed would be highly
23 offensive to a reasonable person, and
24 (b) the actor had knowledge of or acted in reckless disregard as to the
25 falsity of the publicized matter and the false light in which the other
26 would be placed.

27 At a minimum, part (b) of § 652E is not present in this case. Defendant had no knowledge of any
28 false statement against Plaintiffs, and there can be no real argument that there was any "reckless
disregard as to the falsity of the publicized matter". Furthermore, no alleged statement against
Harder could be considered highly offensive. (This cause of action does not include HEC).

Regarding the Tortious Interference, Plaintiffs have failed to allege the loss of a contract.

1 The elements of this cause of action are:

- 2 (1) a prospective contractual relationship between the plaintiff and a
3 third party;
4 (2) the defendant's knowledge of this prospective relationship; (3) the
5 intent to harm the plaintiff by preventing the relationship; (4) the
6 absence of privilege or justification by the defendant; and (5) actual
7 harm to the plaintiff as a result of the defendant's conduct.

8 Leavitt v. Leisure Sports Inc., 103 Nev. 81, 88, 734 P.2d 1221, 1225 (1987). The Opposition
9 references paragraph 47 in Davin's Declaration, which does not delineate any prospective
10 contract or contractual relationship, much less any of the moving Defendants' knowledge of the
11 prospective contract/relationship. With these missing elements, this cause of action fails as a
12 matter of law.

13 In reference to civil conspiracy, Plaintiffs final cause of action, these moving Defendants
14 are McGill, VanGorder, and Las Vegas Pride. It is in undisputed fact that any posting on
15 Facebook was done by VanGorder after the Press Release, noting the that VanGorder reposted the
16 Press Release in full. Civil Conspiracy has the following elements: "Actionable civil conspiracy
17 arises where two or more persons undertake some concerted action with the intent "to accomplish
18 an unlawful objective for the purpose of harming another," and damage results." Guilfoyle v.
19 Olde Monmouth Stock Transfer Co., 130 Nev. 801, 813, 335 P.3d 190 (2014). There is no proof
20 of any type that VanGorder was in conspiracy with McGill. Additionally, if there is no
21 defamation, there is no allegations of any other "unlawful objective", as required under Guilfoyle.
22 As a result, this cause of action should also be dismissed.

23 – PLAINTIFFS AS PUBLIC FIGURES

24 It is public record that Plaintiff Davin is often on radio, TV news, the internet, sponsoring
25 events, giving away awards, hosting the event when the Governor of the State of Nevada was
26 signing Bills, appearances with Senators, hosting a national conference, hosting his self-named
27 Henderson Pride Fest, and communication with all the major sponsors like Findlay Auto Mall,
28 Anthem, Health Plan of Nevada, HomeLight and others (as shown on the HEC website). A few
of these appearances are set forth in the Declaration from McGill. Davin has put himself "out
there" as a speaker for the gay community, and a source of information for the events in the

1 LGBTQ+ Community. There can be no real question that Davin voluntarily thrusts himself into
2 the public light for the LGBTQ+ issues when he hosted the event with the Governor of the State
3 of Nevada in attendance.

4 – DEFENDANTS ACTING WITH MALICE OR NEGLIGENCE

5 Without citation to any authority, Plaintiffs claim that because Plaintiffs are not public
6 figures, that they only need to show negligence. As delineated above, Davin is a public figure,
7 and there is not negligence in this case on the part of Defendants. As detailed in the Declaration
8 of McGill, Las Vegas Pride was familiar with the entities and individuals reporting on the
9 improper actions of Davin, and all were/are trustworthy. Regarding any ill will against Plaintiffs,
10 the email that they rely upon (Exhibit P in the Motion to Dismiss) does not show ill will, but
11 shows that McGill is warning the community about Plaintiffs.

12
13 K. CONCLUSION

14 Beginning with Plaintiff Trevor Harder, there is no actionable defamatory statements by
15 Defendant McGill or Defendant Las Vegas Pride against this person. If the Court finds that the
16 private Facebook posting by Defendant VanGorder was simply his opinion, no Plaintiff has a
17 viable cause of action against VanGorder. In the event anything in the Press Release is found as
18 defamatory, that would only be against Defendant Las Vegas Pride, not McGill.

19 Plaintiff Henderson Equality Center is not mentioned in any claimed defamatory statement
20 against these moving Defendants, and has no viable cause of action against these Defendants. Like
21 Harder, HEC should be dismissed from this case as to these moving Defendants.

22 The Declaration and Exhibits show that Defendants have met the first prong of the anti-
23 SLAPP statute by showing by a preponderance of the evidence that the claim is based upon a
24 good faith communication in furtherance of the right to petition or the right to free speech in
25 direct connection with an issue of public concern.

26 The second prong shifts the burden to Plaintiffs who must demonstrate with prima facie
27 evidence a probability of prevailing on the claim. There is no evidence to show that HEC would
28 prevail on any claim against any Defendant. Plaintiff Harder's only real claim is against

1 Defendant VanGorder, and the claim will not prevail if it is found to be VanGorder's opinion on
2 Facebook. Davin cannot prevail without the Court making the finding of at least negligence on
3 the part of Defendants. Again, the Press Release was posted by Defendant Las Vegas Pride, and
4 Defendant McGill is being sued in his individual capacity.

5 For the other causes of action, (other than defamation), false light requires Plaintiffs to
6 show that the moving Defendants had knowledge of or acted in reckless disregard as to the falsity
7 of the publicized matter. There is no contrary evidence to Defendants' Declarations, which are
8 sufficient under the Stark v. Lackey standard. For Tortuous Interference, Plaintiffs have failed to
9 allege the loss of a contract or a potential contract in their only support for this cause of action
10 (Davin's Declaration, paragraph 47). Finally, Plaintiffs have not shown any type of conspiracy
11 between these Defendants, taking all of their alleged facts as true. Conspiracy also fails if there is
12 no defamation.

13 DATED this 22 day of February, 2024.

14
15 /s/ Joseph T. Nold
16 JOSEPH T. NOLD, ESQ.
17 Nevada Bar No. 8210
18 3030 South Jones Blvd, Ste 105
19 Las Vegas, Nevada 89146
20 Tel: 702.262.1651
21 Fax: 702.383.6051
22 Email: noldj@cox.net
23 Attorney for Defendants Southern
24 Nevada Association of Pride, Holy
25 Order Sin City Sisters of Perpetual
26 Indulgence, Inc., Las Vegas TransPride,
27 Brady McGill, and Sean VanGorder
28

1 **CERTIFICATE OF SERVICE**

2 The Undersigned, pursuant to NRCP 5(b) and NEFCR 4(b) and NEFCR 9, does hereby
3 state and declare that on this date, I did SERVE a true and correct copy of the Reply to
4 Opposition to Defendants' Southern Nevada Association of Pride, Inc. d/b/a Las Vegas Pride,
5 Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc., Las Vegas Transpride, Brady McGuill,
6 and Sean Vangorder's Special Motion to Dismiss Plaintiffs' Slapp Suit Pursuant to NRS 41.660
7 (Anti-Slapp), and Request for Attorney Fees, Costs, and Damages Pursuant to 41.670 to the
8 following entities/individuals, by delivering via electronic service on Odyssey or by placing
9 same in an envelope and by depositing in the United States Post office, postage prepaid, in Las
10 Vegas, Nevada, addressed to:

11
12 **VIA ODYSSEY:**

13 Alex J. Shepard, Esq.
14 Email: ecf@randazza.com

15 Ashley Olson, Esq.
16 Email: aolson@ocgas.com

17 DATED this 26 day of February, 2024.

18
19
20 /s/ Janet Terrazas
21 An Employee of the Accelerated Law Group
22
23
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28

DECLARATION OF BRADY McGUILL

DECLARATION OF BRADY McGUILL

Declaration of Brady McGill

I, Brady McGill, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is supplying this Declaration in support of Defendants' Reply to Opposition to Special Motion to Dismiss in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein. All Exhibits attached to the Reply are true and accurate copies of the documents.
2. That regarding the threats and bullying referenced in the Press Release by Las Vegas Pride ("Pride"), the threats were that Plaintiffs would take down the website and/or Facebook for Pride. The Bullying is a reference to the fact that Plaintiff Davin with threaten to cause harm (such as taking a Facebook account down) until he gets his way.
3. That I first received an email from Plaintiff Davin demanding that I remove page 47 from the Las Vegas Pride magazine for issue 44. After refusing to take this down (as it was not a Trademark violation), Davin attacked the Facebook for Las Vegas Pride, claiming a trademark violation. The images taken down were of individuals sitting at a table, and a Henderson Pride poster. These were about a year old, and were of the trademark by Henderson Pride, not Henderson Pride Fest.
4. That in 2022, Davin stated to me that he had a reminder set for the date of the registration renewal for the trademark Henderson Pride (owned by ICME), and that Davin was going try to take that trademark name.
5. That ICME has successfully had Facebook shut down Plaintiffs page based on the clear evidence that ICME has the Trademark for Henderson Pride. Currently, Plaintiffs Facebook page is taken down.
6. That Davin was a Board member of Las Vegas Pride, and on 8/11/21, the Board voted unanimously to remove him. The Board gave Davin the opportunity to say he resigned, instead of being removed. Knowing that he was being removed, Davin then stated that he resigned. Contrary to the claims in the Opposition, the Board looked at all facts and evidence, including Davin's claim, and determined that Davin had accessed and used sensitive Las Vegas Pride data.
7. Regarding the reports received by Las Vegas Pride of Davin involved with harassment, bullying, threats, unethical or illegal practices, which include reports from the Center, HRC, Gender Justice, Sin Sity Sisters, TransPride Center, ICME, Pride Tree, GLSEN, City of Henderson, Gatski Commercial, Events With a Twist, NGRA, House of Vegas Pride, Mobile Medic, AFAN, all of which all came in prior to the Press Release. All of the individuals and entities that gave reports on Davin were known by me, and

known to be trust worthy. Additionally, the prior Board Members of HEC gave reports. Davin's reputation in the entire Las Vegas Community is that of being a harassing bully, with no ethics.

8. That the reason that I am supplying this Declaration, and the reason that Las Vegas Pride issues the Press Release was to protect the LGBTQ+ Community in Las Vegas, as well as any other Nevada residences that maybe taken advantage of by Davin.

9. That Davin is well aware that the Facebook pictures that were complained of as being trademark violations (Exhibit U) were from Henderson Pride ICME, and have nothing to do with Plaintiffs. (Other than a perfect example of Davin harassment and bullying.

10. Regarding the interview of the man was that was verbally abused by Davin, the hyperlink is as follows: <https://drive.google.com/file/d/1EVjlelkkCDYQNFxy-GqvIDtlY4-GS9oJ/view?usp=sharing>

11. That Exhibit W show the traffic that the Las Vegas Pride website gets each month. There are 2 pages, one for HTTP: and one for HTTPS:. This shows over 7,000 visits per day.

12. That the primary audience of Las Vegas Pride is the LGBTQ+ Community and their supporters. Plaintiffs allegations of a "hive mind" or a "monolith" are meaningless, and appear to come from an author who has no knowledge of the LGBTQ+ Community. Las Vegas Pride was, and is designed to inform, update, protect, and help people in our community.

13. That Las Vegas Pride has between 20 and 120 volunteers during the year. These people all volunteer to help Las Vegas Pride due to our goal of helping the LGBTQ+ Community.

14. That the Las Vegas Pride website has the Press Release through a link, as does Facebook, Twitter, and YouTube.

15. That all information in the Press Release was true and accurate, and I have no reason to doubt that it is true.

16. That my prior statement that Plaintiff Harder resigned on 8/11/21 was wrong. In looking at the records, Harder attended the next Board Meeting after the 8/11/21 Meeting, and approved the minutes from 8/11/21. Additionally, I cannot recall the exact date that the 8/11/21 minutes were posted on our website. Although I am not familiar with the Wayback Machine, I went to this web site an immediately saw that some of the posts were delayed, and did not show the updated pages.

17. That I have no knowledge of any current or perspective contract for any of the Plaintiffs. In the past 20 years, Las Vegas Pride has only had one contract (other than a lease).

18. It is public record that Plaintiff Davin is often on radio, TV news, the internet, sponsoring events, giving away awards, hosting the event when the Governor of the State of Nevada was signing Bills, appearances with Senators, hosting a national conference, hosting his self-named Henderson Pride Fest, and communication with all the major sponsors like Findlay Auto Mall, Anthem, Health Plan of Nevada, HomeLight and others (as shown on the HEC website). Davin has put himself "out there" as a speaker for the gay community, and a source of information for the events in the LGBTQ+ Community.

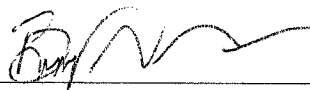
19. The neither Las Vegas Pride, nor myself transmitted anything directly to HEC supporters, as claimed in paragraph 39 and 147 of the Complaint, and in the Opposition. I have no knowledge of anyone sending anything to HEC supporters.

20. That prior to the Press Release, Nicole Williams reported to Las Vegas Pride all of the bullying, harassment, racism, and other acts of Davin as set forth in her Declaration. This was limited to the actions of Davin prior to April, 25, 2023. I have known Ms. Williams for well more than 5 years, and found her to be absolutely honest and credible.

21. That it was reported, on behalf of Las Vegas Pride, the abuse that Davin inflicted upon an elderly person of color. Las Vegas Pride was informed of the acts of Davin from the City of Henderson, Office of Public Affairs. The reason that this was reported was due to the fact that Interpride was planning conference in Las Vegas, which was to be hosted by Davin (one of Davin's many public roles). Interpride is a global organization, and Las Vegas Pride was deeply concerned about Interpride's reputation. Despite the fact that Las Vegas Pride reported this to Interpride, the information was ignored, and Davin still Hosted the event in Las Vegas.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: 2/20/24



BRADY MCGILL

DECLARATION OF SEAN P. VANGORDER

DECLARATION OF SEAN P. VANGORDER

Declaration of Sean P. VanGorder

I, Sean P. VanGorder, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is supplying this Declaration in support of Defendants' Reply to Opposition to Special Motion to Dismiss in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein.

2. That I have been a resident of Clark County for nearly all of my life (37 years), and have been an active member of the LGBTQ Community in Las Vegas. I have attended many events (hundreds), and supported various LGBTQ organizations such as the LGBTQ Center of Southern Nevada, the Human Rights Campaign, Aid for Aids of Nevada, the Sin Sity Sisters of Perpetual Indulgence, and other local community organizations.

3. I was an active volunteer for the Human Rights Campaign "HRC" beginning in 2012, until late in 2022 and in that tenure held numerous roles with HRC locally and nationally, and consistently was active in community events of HRC and of other fellow community organizations and interacted and still interact with many of the local LGBTQ leaders. I was also the Chair of the Board for HRC out of 150 members of the Board of Governors. I have been an avid activist for LGBTQ equal rights, and had many meetings with our Federal and State elected officials, within State of Nevada, and in Washington, DC, regarding the pursuit of equality, and at the time, a heavy focus on marriage equality. I was consistently engaged in the community, interacting with members of the community and fellow organizations' events.

4. I was one of the Gala Chairs for the 2019 HRC Gala held in May of 2019. I conducted many volunteer meetings leading up to the Gala, of which Mr. Davin and Mr. Harder were often present. Mr. Davin wanted to take a "lead position" in assisting with the Silent Auction at the event. Such included the follow up solicitation of previous donors, picking up items as may be needed, and general support for the Silent Auction. As such, I had many interactions with Mr.

Davin and Mr. Harder, and I recall on occasion some difficulty in their ability to cooperate and work with others. We had other volunteers on what we referred to as the Silent Auction Committee, of which Mr. Davin and Mr. Harder were leading and I regularly interacted with them both.

5. I recall being told of some difficulty at the Gala itself with volunteers directly with Mr. Davin and Mr. Harder, and knew of at least one long term volunteer who quit as a result of how they were being treated. However my primary role at that time was the production of the event with HRC National. As such, I was often interacting with HRC Staff, and not volunteers as often for the day of the event. I saw and overheard Mr. Davin being short and curt with volunteers. As a Co-Chair for the Gala and the lead person for volunteers, the volunteers would come to me with the complaints about Mr. Davin. At the 2019 Gala, I received more than 20 complaints about Mr. Davin. Furthermore, I personally found it extremely difficult to work with Mr. Davin due to his abrasive and controlling demeanor.

6. I am quite familiar with my statements in reference to Mr. Davin and Mr. Harder, given my conversations with numerous community leaders (more than a dozen), and the community leaders' less than pleasant interactions with Mr. Davin and Mr. Harder. These conversations were with community leaders, and organization leaders within the LGBTQ Las Vegas community. Mr. Davin and Mr. Harder have often been confrontational with these leaders, for which was indicated to me by these well respected leaders who have been in the LGBTQ Community for many years. In fact, I have never heard anyone say anything good about Mr. Davin. Mr. Davin has had a "habit" of copying other organizations' documents, and attempting to make it his own. For example, Equality Nevada (Mr. Davin's organization) literally copied some of the HRC's documents. This is based on my own personal viewing of materials that have been supplied to the Court, and in person conversations with other community leaders who have provided me with their "experiences" with primarily Mr. Davin.

7. I have been told by other organizations within the community how they were harassed by Mr. Davin and Mr. Harder, and whereby these individuals on many occasions attempted to interfere with the operations of the organizations, their grants, and reputation in the community

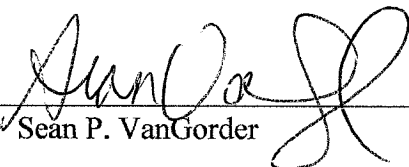
using bullying tactics, and I am privy to such information as to the interactions of Mr. Davin and Mr. Harder with other leaders. There have been no less than ten different people come to me about Mr. Davin's bullying and harassment. Once again, I have been a very active member and activist within Las Vegas for many years, and this is the reason that people and organization come to me about Mr. Davin, again noting that everyone knows that I worked with this man. Virtually all of the complaints that I have received about Mr. Davin come to me unsolicited.

8. My Facebook post was based solely on information provided to me from established organizations and community leaders, for which I have relationships with, as well as my personal interactions with Mr. Davin and Mr. Harder. In fact, I removed Mr. Davin and Mr. Harder from any access to my social media and blocked them both. I did not want any further interaction with these individuals.

9. In reference to my "personal knowledge" of the HRC donor list and the use of the confidential information by Mr. Davin, as the Gala Chair I knew first-hand the access that Mr. Davin and Mr. Harder had to the donor list and spreadsheet. At the time of the Gustavo Davis solicitation, Mr. Quinn reached out to and provided the information in reference to the email address, and the confidential nature of said address. In light of the fact that I have known Mr. Quinn for well over 10 years, and his roles and participation in the HRC and the LGBTQ community, I had no reason to doubt what Mr. Quinn stated.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: 02/25/24


Sean P. VanGorder

DECLARATION OF RONALD K. QUINN

DECLARATION OF RONALD K. QUINN

DECLARATION OF RONALD K. QUINN

I, Ronald K. Quinn, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is supplying this Declaration in support of Defendants' Reply to Opposition to Special Motion to Dismiss in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein.

2. That I am and have been a Community Leader and Volunteer, volunteering for the Human Rights Campaign, Aid for Ads of Nevada, Inc., and The LGBTQ Center of Southern Nevada, and others for over 16 years, and I know the Defendants Sean VanGorder, Southern Nevada Association of Pride, Inc., Brady McGill, Golden Rainbow, and Gary Costa in the subject case due to working in the community with them for many years as a volunteer.

3. In the past I have been an active volunteer with the Human Rights Campaign "HRC" in various roles within the Las Vegas Steering Committee, including volunteers, membership, events and annual Gala. I initially started volunteering in 2007, and taking a leadership role commencing in 2009 including as a member of the National Board of Governors. In my years with HRC I worked closely with many if not most of the local LBGTQ organizations within Las Vegas, as well as coordinated with numerous volunteers. As a result of my involvement with HRC, each year I have been active in the participation as a volunteer for the Annual HRC Gala, including the one held in May of 2019. Mr. Davin was also volunteering at the same time, in assisting with Silent Auction in an active capacity.

4. On January 1, 2020 I received an email that was forwarded to me from my Personal Trainer of 9+ years, and close personal friend (Gustavo Davis), regarding a solicitation for a Silent Auction for a local LGBTQ Organization. (See Exhibit A attached to this Declaration.) Over the years, I have worked with Gustavo Davis in his donation of services to various silent auctions, through my direct facilitation with the organization(s). On January 1, 2020, Mr. Davis

received a solicitation from Mr. Davin in reference to a donation for an upcoming event for Equality Nevada. As the person who in effect represented Mr. Davis in his donations, Mr. Davis immediately reached out to me as to if I knew of the organization, any reputation, and whom the person may be, in that I am the conduit for him within the community and donations. Once I saw the solicitation came from Mr. Davin, I immediately questioned as to how Mr. Davin obtained Mr. Davis' email address, as it is his personal email that very few have, and that was on the spreadsheet for the Human Rights Campaign Silent Auction held in May of 2019. I found it odd that Mr. Davin, who had been a volunteer with HRC in the Silent Auction, in which I was a volunteer as well, and whom had full access to the spreadsheet of donors obtained Mr. Davis' private email address.

5. To recap, Mr. Davin was active with HRC as a volunteer in helping other volunteers with the Silent Auction for the HRC Gala in May 2019. He assisted in coordinating and collecting items for the Silent Auction as were donated to HRC, as well as tracking within the spreadsheet. He was familiar with the Silent Auction items and donors, contact information, and specific donations as a result of his volunteerism for the event, including forms, policies, procedures and facilitation. He, among other volunteers, including myself, assisted in the Silent Auction and evening event. To my recollection Mr. Davin ceased being a volunteer for HRC a short time after the Gala.

6. Needless to say, when I reviewed the attachment that Mr. Davin sent to Mr. Davis I immediately noticed that the "silent auction form" provided by Mr. Davin was nearly a carbon copy of the form used for the 2019 HRC Gala. (See Exhibit B, Equality Nevada; Exhibit C, HRC). The verbiage is identical, save changing the name, the font mostly identical, and the layout identical. I questioned why Mr. Davin solicited Mr. Davis using not only information he was privy to as a volunteer assisting in the HRC Silent Auction, but created a form that was nearly identical. In addition, upon further review of the Sponsorship Package sent by Mr. Davin to Mr. Davis, once again I noticed that the Cover Page once again was identical, save the change in name and date. (See Exhibit D, Equality Nevada; Exhibit E, HRC)

7. I suggested to Mr. Davis that he reach out to Mr. Davin as to "how he obtained his information and email address". (Exhibit F) Mr. Davis was suspect as to how someone "out of the blue" obtained his personal email address to solicit for a silent auction donation. (Exhibit G)

Mr. Davis did so on January 1, 2020, at 10:19PM. (Exhibit H). Mr. Davis communicated to me that he would respond, and he too had suspicions. (Exhibit I) The response from Mr. Davin indicated he was “unclear” as to how it was obtained, however he did state “It could have been thru a person on the committee that might have worked with you in the past on something else...”. (Exhibit J). That committee, most likely the HRC Silent Auction Committee given the vagueness. Otherwise, it would have stated a specific event or committee that Mr. Davin was involved in that was not HRC related.

8. One of the persons “in the past” that had access to Mr. Davis’ information was that of Mr. Davin through his volunteering with the HRC Gala in May 2019. In view of the solicitation, responses and Exhibits attached hereto, I have no idea where Mr. Davin could have obtained the email address from anywhere other than HRC.

9. Aside from the above, I do recall that some people indicated “difficulty” in working with Mr. Davin and his volatility. Subsequent to the Gala Event, a Volunteer Appreciation Event was hosted to show appreciation to volunteers. At the time, I knew that Louise O’Reilly was the Volunteer Coordinator for the Gala, and in appreciation made small plaques for each volunteer thanking them for their assistance. Mr. Davin did not attend the Volunteer Appreciation Event, so Ms. O’Reilly mailed to him directly his framed plaque. Apparently, it was damaged in the postal system, and Mr. Davin promptly posted on Facebook about his volunteer work with HRC and how he received a broken plaque as a thank you, basically blasting and slamming HRC, and in effect other volunteers. I personally viewed Mr. Davin Facebook post in 2019.

10. I can say based on my continued involvement within the local LGBTQ community and conversations with other local leaders that numerous organizations are no longer comfortable or willing to collaborate with Mr. Davin or Mr. Harder. While these other organizations would wholly support HEC, they are most hesitant given the “leadership” of Mr. Davin.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: 2-26-2024


Ronald K. Quinn

DECLARATION OF RONALD QUINN
EXHIBIT "A"

DECLARATION OF RONALD QUINN
EXHIBIT "A"



ron quinn <rkquinnlv@gmail.com>

Fwd: Follow Up Request

Gustavo Davis <gusruizphit@gmail.com>
To: ron quinn <rkquinnlv@gmail.com>

Wed, Jan 1, 2020 at 8:23 PM

What do you think honey? Have you heard of this organization ?

Gustavo Davis.

Begin forwarded message:

From: Chris Davin <chris.davin@equalitynv.org>
Date: January 1, 2020 at 8:08:59 PM PST
To: chris.davin@equalitynv.org
Subject: Follow Up Request
Reply-To: Chris Davin <chris.davin@equalitynv.org>

Good evening,

I wanted to reach out because 2020 is here and started and we need the support of our local businesses like yours. On Jan 16, 2020 we are hosting a silent auction for the Complete Diversity Sports Awards Gala, an event that raises money to put youth in sports. Over 4k people from all over the world will be in attendance for this event.

If you're not able to make the Jan 16 event, we have more events coming. We have another Gala in March we are putting together a Gala to raise money to get the homeless youth off the streets here in Las Vegas. We are helping put together a Host Home Project that will replace shelters with locals that open up their homes to allow homeless youth a chance to get on their feet and become productive in society.

We are also looking for sponsors and donors that can help us out with our monthly bingo event. In the past this event has brought over 300-400 locals to come play bingo and raise money for charity

In the summer of 2020 we will be working on putting together a 2 day weekend festival. That will open the door for more companies to sponsor and showcase their company.

Right now this is a amazing time to help us with your donation or sponsorship. We can't do what we do for the community without your help. We are a nonprofit 501c3 organization and we rely on the help from our sponsors and donors.

Attached is a donation form and sponsorship form for your convenience. If you donate an item that requires pickup, simply note that information on the donation form when you return it via e-mail and we will gladly arrange a convenient time to coordinate the pickup. Items can also be mailed to us at: Chris Davin, Equality Nevada, 4359 Stony River Ct, Las Vegas NV 89115.

The Equality Nevada Silent Auction Committee and Sponsorship Committee is optimistic you can help us in the fight to achieve equality for all Americans in our state. If you have any questions, please feel free to contact me at Chris.Davin@EqualityNv.org

Chris Davin
Founder and President Equality Nevada
Pronouns: He, Him, His

p: 855-955-5428 x806
m: 630-386-5832
o: 702-389-4255

a: PO BOX 364433 North Las Vegas NV 89036
o: 4539 Stony River Ct, Las Vegas NV 89115
w: www.EqualityNV.org
e: Info@EqualityNV.org

2 attachments



Sponsor Package.pdf
770K



2020-Silent-Auction-Form.pdf
949K

DECLARATION OF RONALD QUINN
EXHIBIT “B”

DECLARATION OF RONALD QUINN
EXHIBIT “B”

Equality Nevada

SILENT AUCTION

In conjunction with the Compete Sports Diversity Awards, a silent auction will be held to benefit Equality Nevada. We hope you will support by donating an item (or two) to this year's Silent Auction. This is an excellent opportunity for you to market your company or products within the loyal LGBT community.

Deadline for submission of auction items is Friday, January 10, 2020.

Thank you in advance for your support of Equality Nevada and the Compete Sports Diversity Awards event. For questions or concerns please contact Equality Nevada at info@EqualityNV.org



DONOR INFORMATION

Donor Name _____

Address _____

City, State, ZIP _____

Contact Person _____ E-mail _____

Telephone _____ Fax _____

Signature _____ Title _____

Company URL _____

DONATION DESCRIPTION

Item(s) _____

Special Instructions/Restrictions/Expirations _____

Approximate Retail Value \$ _____

**For more information,
contact:**

Equality Nevada
info@EqualityNV.org

☐ Item/Gift Certificate is enclosed

☐ Item/Gift Certificate will be forwarded

☐ Please generate a Gift Certificate for me

☐ Please contact for pick up

*Please help us sell your item by sharing details to best promote your company product and/or service.

Equality Nevada is a 501(c)(3) organization; therefore, gifts/donations are tax-deductible as a charitable contribution. Consult your tax professional for more information.

For Committee Use Only

Entered _____

Item # _____

Date _____

Auction Contact Person

PLEASE EMAIL YOUR COMPLETED FORM TO:

info@EqualityNV.org OR MAIL / SHIP TO: CHRIS DAVIN

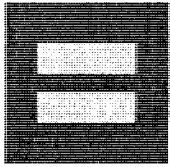
EQUALITY NEVADA
4359 STONY RIVER CT
Las Vegas, NV 89115

DONOR: Please keep a copy of this completed form for your records.

DECLARATION OF RONALD QUINN
EXHIBIT “C”

DECLARATION OF RONALD QUINN
EXHIBIT “C”

HRC LAS VEGAS GALA SILENT AUCTION



HUMAN
RIGHTS
CAMPAIGN®

In conjunction with the Las Vegas Gala, a silent auction will be held to benefit the Human Rights Campaign. We hope you will support HRC by donating an item (or two) to this year's Silent Auction. This is an excellent opportunity for you to market your company or products within the loyal LGBT community.

Deadline for submission of auction items is **Friday, April 26, 2019.**

Thank you in advance for your support of the Human Rights Campaign Las Vegas Gala. For questions or concerns please contact **HRC Las Vegas** at **gala@hrclv.org**.

DONOR INFORMATION

Donor Name _____
Address _____
City, State, ZIP _____
Contact Person _____ E-mail _____
Telephone _____ Fax _____
Signature _____ Title _____
Company URL _____

DONATION DESCRIPTION

Item(s) _____

Special Instructions/Restrictions/Expirations _____
Approximate Retail Value \$ _____

For more information,
contact:
HRC Las Vegas
gala@hrclv.org

- | | |
|--|--|
| <input type="checkbox"/> Item/Gift Certificate is enclosed | <input type="checkbox"/> Item/Gift Certificate will be forwarded |
| <input type="checkbox"/> Please generate a Gift Certificate for me | <input type="checkbox"/> Please contact for pick up |

*Please help us sell your item by sharing details to best promote your company product and/or service.

The Human Rights Campaign (HRC) is a 501(c)(4) organization; therefore, gifts/donations are not tax-deductible as a charitable contribution. Consult your tax professional for more information.

PLEASE EMAIL YOUR COMPLETED FORM TO: gala@hrclv.org

OR MAIL / SHIP TO: Latoya Holman
LVMPD Foundation
7175 Bermuda Rd
Las Vegas, NV 89119

DONOR: Please keep a copy of this completed form for your records.

For Committee Use Only

Key Init _____

Item # _____

Date _____

Auction Contact Person _____

DECLARATION OF RONALD QUINN
EXHIBIT “D”

DECLARATION OF RONALD QUINN
EXHIBIT “D”

COMPETE SPORTS DIVERSITY AWARDS & EQUALITY NEVADA

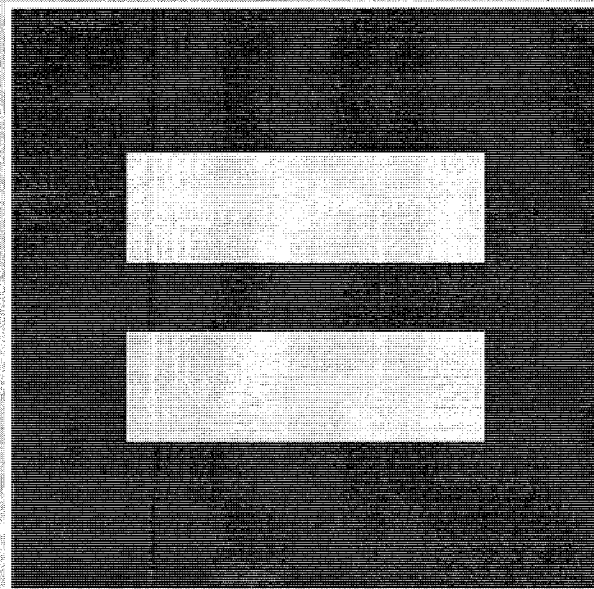


JAN 16, 2020

Compete Sports Diversity Awards
Equality Nevada

DECLARATION OF RONALD QUINN
EXHIBIT "E"

DECLARATION OF RONALD QUINN
EXHIBIT "E"



HUMAN RIGHTS CAMPAIN®

MAY 11, 2019
ANNUAL LAS VEGAS GALA

DECLARATION OF RONALD QUINN
EXHIBIT "F"

DECLARATION OF RONALD QUINN
EXHIBIT "F"



ron quinn <rkquinnlv@gmail.com>

Fwd: Follow Up Request

ron quinn <rkquinnlv@gmail.com>

Wed, Jan 1, 2020 at 10:08 PM

To: Gustavo Davis <gusruizphit@gmail.com>

Please reply asking how he got your personal email address? I have suspicions.

Will talk.

[Quoted text hidden]

DECLARATION OF RONALD QUINN
EXHIBIT “G”

DECLARATION OF RONALD QUINN
EXHIBIT “G”



ron quinn <rkquinnlv@gmail.com>

Fwd: Follow Up Request

Gustavo Davis <gusruizphit@gmail.com>

Wed, Jan 1, 2020 at 10:17 PM

To: ron quinn <rkquinnlv@gmail.com>

That's EXACTLY what I told Wes. How did he get my personal email address?
Ok honey. That's why I wanted to ask you first.

Gustavo Davis.

On Jan 1, 2020, at 10:08 PM, ron quinn <rkquinnlv@gmail.com> wrote:

[Quoted text hidden]

DECLARATION OF RONALD QUINN
EXHIBIT “H”

DECLARATION OF RONALD QUINN
EXHIBIT “H”

deadlines as incoming e-mails are not screened for response deadlines. The integrity and security of this message cannot be guaranteed on the Internet.

From: Gustavo Davis <gusruizphit@gmail.com>
Date: Wednesday, January 1, 2020 at 10:19 PM
To: Chris Davin <chris.davin@equalitynv.org>
Subject: Re: Follow Up Request

Hi CHRIS..

Thank you for reaching out. I love helping and contributing to any cause that helps improve our LGBTQ community in any way shape or form.

Before we go any further, I'm curious to know. How did you get my personal email address?

Thank you and hope to hear from you soon.

Gustavo Davis.

On Jan 1, 2020, at 8:09 PM, Chris Davin <chris.davin@equalitynv.org> wrote:

Good evening,

I wanted to reach out because 2020 is here and started and we need the support of our local businesses like yours. On Jan 16, 2020 we are hosting a silent auction for the Complete Diversity Sports Awards Gala, an event that raises money to put youth in sports. Over 4k people from all over the world will be in attendance for this event.

If you're not able to make the Jan 16 event, we have more events coming. We have another Gala in March we are putting together a Gala to raise money to get the homeless youth off the streets here in Las Vegas. We are helping put together a Host Home Project that will replace shelters with locals that open up their homes to allow homeless youth a chance to get on their feet and become productive in society.

We are also looking for sponsors and donors that can help us out with our monthly bingo event. In the past this event has brought over 300-400 locals to come play bingo and raise money for charity

In the summer of 2020 we will be working on putting together a 2 day weekend festival. That will open the door for more companies to sponsor and showcase their company.

Right now this is a amazing time to help us with your donation or sponsorship. We can't do what we do for the community without your help. We are a nonprofit 501c3 organization and we rely on the help from our sponsors and donors.

Attached is a donation form and sponsorship form for your convenience. If you donate an item that requires pickup, simply note that information on the donation form when you return it via e-mail and we will gladly arrange a convenient time to coordinate the pickup. Items can also be mailed to us at: Chris Davin, Equality Nevada, 4359 Stony River Ct, Las Vegas NV 89115.

The Equality Nevada Silent Auction Committee and Sponsorship Committee is optimistic you can help us in the fight to achieve equality for all Americans in our state. If you have any questions, please feel free to contact me at Chris.Davin@EqualityNv.org

Chris Davin
Founder and President Equality Nevada
Pronouns: He, Him, His

p: 855-955-5428 x806
m: 630-386-5832
o: 702-389-4255
a: PO BOX 364433 North Las Vegas NV 89036
o: 4539 Stony River Ct, Las Vegas NV 89115
w: www.EqualityNV.org
e: Info@EqualityNV.org

<Sponsor Package.pdf>

<2020-Silent-Auction-Form.pdf>

DECLARATION OF RONALD QUINN
EXHIBIT “I”

DECLARATION OF RONALD QUINN
EXHIBIT “I”

Fwd: Follow Up Request

Gustavo Davis <gusrizphit@gmail.com>
To: ron quinn <rkquinnlv@gmail.com>

W

10:21 ↗



◀ Sent



Gustavo Davis

10:19

To: Chris Davin >

Re: Follow Up Request

Hi CHRIS..

Thank you for reaching out. I love helping and contributing to any cause that helps improve our LGBTQ community in any way shape or form.

Before we go any further, I'm curious to know. How did you get my personal email address?

Thank you and hope to hear from you soon.

Gustavo Davis.

That's what I sent him honey. Will see what he says... I'm very suspicious too.

Gustavo Davis.

On Jan 1, 2020, at 10:20 PM, ron quinn <rkquinnlv@gmail.com> wrote:

[Quoted text hidden]

DECLARATION OF RONALD QUINN
EXHIBIT “J”

DECLARATION OF RONALD QUINN
EXHIBIT “J”

Fwd: Follow Up Request

Gustavo Davis <gusruizphit@gmail.com>
To: ron quinn <rkquinnlv@gmail.com>

Thu, Jan 2, 2020 at 3:38 AM

That's what he said honey ..

Gustavo Davis.

Begin forwarded message:

From: Chris Davin <chris.davin@equalitynv.org>
Date: January 1, 2020 at 10:28:39 PM PST
To: Gustavo Davis <gusruizphit@gmail.com>
Subject: Re: Follow Up Request

Thank you so much for replying so fast. We have a large group of people that work on our Silent Auction, Sponsorships and donations. It could have been thru a person on the committee that might have worked with you in the past on something else and they added you to our list of potential companies to reach out too. I do apologies, but I can't give a 100% answer. I will send on email out to the committee working on the email list and see if anyone might have added you.

Chris Davin

Founder and President

Equality Nevada

Pronouns: He, Him, His

p: 855-955-5428 x806 m: 630-386-5832 o: 702-389-4255

a: PO BOX 364433 North Las Vegas NV 89115

w: www.EqualityNV.org e: Info@EqualityNV.org



This message is confidential. It may also be privileged or otherwise protected by work product immunity or other legal rules. If you have received it by mistake, please let us know by e-mail reply and delete it from your system; you may not copy this message or disclose its contents to anyone. Please send us by fax any message containing

DECLARATION OF ERIC L. ABRAM

DECLARATION OF ERIC L. ABRAM

Declaration of Eric L. Abram

I, Eric L. Abram, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is supplying this Declaration in support of Defendants' Reply to Opposition to Special Motion to Dismiss in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein.

2. That I am Eric L. Abram, 20-year U.S. Air Force, retired and an active member of the Southern Nevada LGBTQ+ community, and know the Plaintiffs, Chris Davin, Trevor Harder, and Henderson Equality Center in the subject case due to litigation.

3. I know the following:

In January of 2021, I came in contact with Chris Davin, Henderson Equality Center, Henderson, Nevada. At the time, I was the owner of Mobile Medic CPR Training LLC. I advertised my small business in Henderson Equality Center's print and digital media. I also volunteered for numerous Henderson Equality Center events in early 2021 to include their Family Easter Event & Easter Egg Hunt. In April of 2021, Chris Davin contacted me and offered me the volunteer role of "Community Outreach Director." I accepted the offer. I served in this role for only one week. Within that initial week I was witness to Chris Davin speaking negatively about multiple other community members and organizations in Southern Nevada. I asked him not to speak negatively about other community members in my presence and despite my request, he continued to speak ill of other entities and people in which I was associated with. This would result in me sending Chris Davin correspondence stating my resignation in the volunteer role for his organization, Henderson Equality Center.

In retaliation, Chris Davin made multiple threats against me, my business and other organizations I was associated with. It was at that point that I blocked Chris Davin from any contact on social media and cell. Chris Davin followed through on his threat and used social media accounts under several fake profiles (one profile had the first name of Jimmy with a profile picture of the cartoon character Scrappy-Doo) to make false and negative reviews on my business social media account. One of the false reviews stated I, as the business owner and CPR instructor was "abusive" and that I had violated HIPAA. Note, I was a CPR training site, I did not interact with actual patients or patient information.

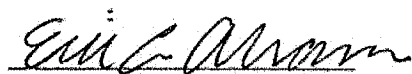
I did not elevate this defamation other than successfully petitioning Facebook to have the reviews from false accounts removed. At the time, in addition to being a small business owner, I was on active duty on my final year of service to my country. I knew if Chris Davin could

attempt to defame my business, he could attempt to do the same with my military service. On May 10, 2021, I warned my friends and associates in the community about Chris Davin, his partner Trevor Harder, and the Henderson Equality Center. I shared my experience with my friends so that they would be cautious when dealing with this organization and especially these individuals. In response to sharing my experience, many friends and acquaintances shared similar experiences with Chris Davin.

I have had zero contact with Chris Davin, Trevor Harder, and the Henderson Equality Center since Chris Davin's defamation of my small business, Mobile Medic CPR Training LLC, in May of 2021.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated: February 15, 2024


Eric L. Abram

DECLARATION OF LUPIE JANOS

DECLARATION OF LUPIE JANOS

Declaration of Lupie Janos

I, Lupie Janos, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is supplying this Declaration in support of Defendants' Reply to Opposition to Special Motion to Dismiss in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein.

2. That I am Lupie Janos, working for Las Vegas PRIDE, and know the Plaintiffs, Chris Davin, Trevor Harder, and Henderson Equality Center in the subject case due to litigation.

3.

I was an Associate PRIDE board member at the time of this occurrence. I had limited interaction with Mr. Davin up to that time. I did experience being a new recipient of emails from the Henderson Equality Center without having signed up to receive those emails. It is my understanding that Mr. Davin obtained email lists without permission from the Las Vegas PRIDE organization, and this was part of the reason he was removed from the voting PRIDE board.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: 2/22/24



Lupie Janos

DECLARATION OF NICOLE WILLIAMS

DECLARATION OF NICOLE WILLIAMS

Declaration of Nicole Williams

I, Nicole Williams, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is supplying this Declaration in support of Defendants' Reply to Opposition to Special Motion to Dismiss in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein.
2. That I am Nicole Williams, working for Las Vegas PRIDE, and know the Plaintiffs, Chris Davin, Trevor Harder, and Henderson Equality Center in the subject case due to litigation.
- 3.

To whom it may concern before I dive into my statement in regards to Chris & Trevor I want to let it be known that I am in fear of retaliation for speaking up for the years of discrimination, undertone racism, and bullying I have faced from these individuals and their organization. I am choosing to stand up to use my voice not just for myself, but for our community who has been suffering from their malice manipulative behavior over the years.

My name is Nicole Williams and I am the founder of the first Black Pride in Las Vegas in 2018. The door for opportunity to serve the BIPOC community was wide open to have consistent programming and work to build relationships in the Las Vegas community to have visibility within organizations such as GLSEN and GLAAD to ensure the BIPOC voice was being heard within our Vegas LGBTQ+ Community. Through my journey of building community and my business I managed to gather support for our mission to be the leading voice for our community, and create impactful relationships to assist with pushing forward.

As I want to keep the subject matter which is Chris being an individual that made it a point to discourage our growth as an organization, and advocated to defame our name in rooms that we were not present. I am going to stick to stating these encounters throughout the years on how they continued to get worse as our organization grew.

In 2019, Vegas Urban Pride was an event that was produced through my legal entity Set Life Images, LLC. I met Chris Davin for the first time in April 2019 at the Aviators Baseball team Pride Night. We had a booth marketing VUP. Chris approached us at our booth questioning us and our organization asking our status as a legal business. When I informed him that Set Life Images is an LLC that is a marketing agency that produces events to include Vegas Urban Pride. He indicated to myself and business partner at the time that I was not operating as a legal Pride organization because I was not a non-profit. I explained to him that I didn't need to be and he kept going passive aggressively trying to scare me into believing him that I would get in legal trouble for not having the correct credentials if I continued to operate as a for-profit for my festival at the time.

This concern of Chris of me being a for-profit escalated into a GLSEN board meeting later in 2019 where Vegas Urban Pride had been mentioned and they were interested in working with our organization. I was made aware of our name being mentioned in the GLSEN board meeting because a board member by the name of Jennifer Hughes contacted me in an uproar telling me how Chris voted against Vegas Urban Pride being a part of the organization stating that we were not a legal entity which was farther from the truth. Jennifer contacted me and said that in the second board meeting she fought for the credibility of our organization being legal. She explained to me that she showed up with my legal LLC paperwork for Set Life Images because GLSEN was ready to not work with us. She presented the documents to shut Chris down to discredit our event. I was more shocked that this man was so adamant about us not being a part of GLSEN and we just met the man at the Aviator Baseball game.

During this time Chris would contact me randomly on Facebook and talk bad about other organizations, specifically at this time he would speak badly about Las Vegas Pride and how I shouldn't work with them because they steal money and are criminals. Again I didn't know any of these people, but he was making it a point to try to discourage me from working with any LGBTQ+ organizations in the City. He was being nice to me as if he wasn't speaking badly about my company, which was not an alert at the time thinking he was just getting to know us as an organization.

Chris continued to contact me via Facebook messenger stating how he wanted to help me and my business partner to get funding and bragging about how he could "sell a toilet" to the community and they would donate to his organization. He now was advocating for Vegas Urban Pride to be a partner of his and he could help us find grants and funding to support our Pride. Early 2020, One evening after a Las Vegas Pride meeting he pulled me and my business partner to the side outside The Center to ask us to partner with him and his new organization which is known as Henderson Equality Center. He stated he would go after grants on our behalf to seek funding and he would split the money awarded. He stated that he could get funding that we qualify for if we gave him access to our documents, and approval to submit grants for us under our name. I didn't feel comfortable with giving so much access so I denied the offer. Which then created a problem with my business partner and me at the time because apparently he was having sidebar conversations with my partner, which caused unnecessary friction.

In 2020, we all had to get creative to make ends meet since the country shutdown. My business partner at the time was a tattoo artist and she couldn't make money-doing tattoos so she decided to sell designer masks. Chris would contact me via Facebook messenger stating that what she was doing was illegal and encouraged me to tell her to stop because once again he came back to saying that we didn't have legal companies. The inboxes started to escalate and get very aggressive because he wanted her to stop selling facemasks. I then expressed to Chris she wasn't doing anything wrong and to leave us alone. Chris then got very irate with me and threatened he would personally make sure that everyone knows Set Life Images and Vegas Urban Pride is not a legal entity and he is going to tell everyone that I do bad business. Stated that he is very powerful with influential connections and he was going to use them to ensure I am thrown so far under the bus that I could not come up for air. Now this made me very afraid not knowing who he is going to speak with and I am not doing anything wrong, but felt the need to threaten me. At the time I had no one to tell and didn't know what to do, but kept pressing

forward, scared that he's speaking badly of our organization as I am trying to build relationships.

In 2021, I parted ways with my business partner and started House of Vegas Pride, which is managed, under my non-profit Social Influence Foundation. I am now an associate board member for Las Vegas Pride because they have done nothing, but show support to me and what I was doing for our BIPOC Community.

Chris reached out again about HOVP being a part of his Henderson Equality Center programming and festival to start Henderson Urban Pride, and he wanted to help me get funding for a celebrity budget while encouraging me to disassociate with Las Vegas Pride. At this point I am seeing all the negative back and forth he has going with other organizations within the City so I treaded lightly. He pressed on wanting to work with me and sign an NDA. I almost accepted because I was struggling to find sponsorship for my festival and I felt as if he was playing off my emotions of trying to succeed.

In 2022, Chris asked me to provide urban entertainment for his Henderson Pride Festival. He gave us an hour to showcase urban talent. I accepted the offer and provided talent for his festival in June. During this time I was fundraising for the House of Vegas Pride Festival, which happens the 3rd weekend of August annually. This is when I realized that the little support I was giving Chris for his festival to specifically make sure we had BIPOC representation he was using my name to get sponsorships because my logo was on his advertisement. I was speaking to United Way in regards to a \$6,000 sponsorship for my festival. When we were in the final stages of getting approval I contacted United Way on their decision to sponsor House of Vegas Pride in August. I was questioned why I was asking for funding still because they stated they gave \$5,000 to Chris Davin under Henderson Equality Center on behalf of my organization because he told them I was his partner for his Henderson Equality Pride. I ended up only receiving \$1,000 and no one to tell this happened. I was in tears and very confused. I knew if I asked Chris about this he would deny it. I was experiencing adversity to receive funding for my pride and now I could only think how many other organizations did Chris tell that I was his Pride partner and that be the main reason why I wasn't receiving callbacks, and looked like I was possibly double dipping.

Now at this point I didn't want to have anything to do with him and informed Las Vegas Pride what he had done. In October for Trunk or Treat he asked if he could use my logo and I was a part of his Trunk or Treat event I denied. I slowly disassociated myself with any events or providing support to him because of him using my name to receive funding.

My internal problems with Chris were not public, but as time went on his legal battle that he had with Anthony Cortez for the Henderson Pride trademark were beginning to escalate. As I stated before I supported those that supported me, and I supported Anthony and his Pride by cross promoting with him to help have urban representation at his festival.

This began to raise as a problem for Chris. He began reaching out to me stating that Anthony's Henderson Pride was not a legal entity and I could get in legal trouble for advertising his name and organization on my platform. I ignored him and his claims, as that had nothing to do with me. However, this made Chris angry. I was promoting my first Resource Fair in Spring 2023, and in April 2023 I received my first Cease and Desist letter from Chris's lawyer stating I was in trademark infringement for displaying

Anthony's Henderson Pride logo on my flyer as a community supporter. Chris emailed me and threatened me that if I don't remove Anthony's logo that I will have my social media removed online from where the logo was displayed. Again, afraid about this threat because I couldn't afford to have my social media removed, as that is the main way that I advertise my festival. Already discouraged from not receiving funding I reached out to Las Vegas Pride and they stated that they received the same letter. Scared of what could happen I had to call Anthony and explain I had to remove his logo due to the threat I received.

June 2023, it's now known that there is an intensive legal battle going on for the Henderson Pride name at the Las Vegas Aces game my organization House of Vegas Pride was present. On June 16th during the Las Vegas Pride Night Game my HOVP Team was walking around the concourse engaging with the attendees. During this time Chris Davin decided to start talking loudly in a public setting where businesses tabling the event and attendees walking getting my 2 team members attention to inform them that I will be receiving a letter and he's going to sue me for defamation of character due to my support in the Las Vegas Pride Letter of informing the community of Chris Davin's unethical behavior within the Non-Profit Community.

They returned back to our booth in the concourse confused and asked me what he was referring to for him to say I am getting sued. They felt uncomfortable and did not want to go in the direction of the Henderson Equality Center's Booth again because they said they were embarrassed. I myself personally stayed at my booth and chose not to walk around as I did not want to encounter the same situation and embarrass myself as I was there representing House of Vegas Pride wearing company apparel.

He stated that I should be receiving the letter this week (which was the second letter) as I haven't received anything yet, but it's stressful not knowing what Chris is going to do because he is never held accountable for his bullying behavior in our community. I do not speak with him or engage, and I think he should just do the same instead of turning a positive evening into a harassing confrontation with my team. This was their first time attending an event of this caliber and Chris ruined it for them by his distasteful unwelcoming behavior as a community organizer participating in the same event. These team members are no longer a part of my organization because they didn't want to be associated with the drama.

Also in June 2023, I received a complaint alert from Brady McGill the President of Las Vegas Pride that a elderly black man had been discriminated against at the Henderson Equality Center while he was trying to seek assistance for food.

THE ENCOUNTER AT THE HENDERSON EQUALITY CENTER FOOD PANTRY

Apartment manager told him about the pantry. as having a hardship at the time so he went for assistance. Walked in the door and they had a conversation and asked him to fill out a form. Handed an iPad to start to fill out the form. He couldn't see the questions because the fonts were small.

He asked for assistance to get help filling out the form said it's not his job to ask if someone could help him. Chris said no one was available and said if no one was available he could come back at another time. He told him if he couldn't fill out the form himself he could leave and then gave him a hard time about not being able to complete the form. Chris said he had him on camera. He was flustered and it accidentally hit him.

Chris said he was going to call the police and he said to call them and Chris said get your black ass out of here. Mr. White went to parking lot and Chris came to the door and said "yea nigger you come here looking for our free food and you driving around in a \$40,000 Audi you don't need our food get your nigger ass out of here." He said the would write nigger all over his head. Roni called the center 2-3 hours after the incident and got Chris on the phone and he began ranting that she had to hang up. Then he wrote the letter since it couldn't get resolved to Secretary of state Crisko.

LETTER FROM THE VICTIM

Dear Henderson Food Pantry,

I am writing to bring a concerning incident to your attention, which took place around 2 PM today at the Henderson Food Pantry. A close friend of mine, who is a disabled senior with limited vision, sought assistance at your facility but unfortunately had a distressing experience that I believe requires immediate attention.

Upon his arrival, my friend Roussell White was informed that he must fill out a form on a computer to receive the help he needed. Although he was provided with a laptop, his low level of computer literacy and need for a large font to read information presented significant challenges. When he reached out to the attendant for assistance, he was met with the response that no obligation existed to provide the support he required.

Despite his repeated requests for help, my friend was unable to receive the assistance he needed, resulting in mounting frustration. Eventually, in a moment of exasperation, he slammed the computer and left the premises. Shockingly, the attendant followed him outside and preceded to use a racial slur, making disparaging remarks about his personal circumstances and judging his need based on the car he drives—an inherited 15-year-old Audi.

This demeaning, humiliating, and unnecessarily frustrating experience was deeply distressing for my friend, who is already facing the challenges of being a disabled, lowincome

senior. It is disheartening to witness the poor treatment he endured solely due to his economic circumstances.

Additionally, I must express my disappointment with the response I received when I personally called the Henderson Food Pantry to discuss this matter. The person who answered the phone not only interrupted me but also displayed a lack of willingness to listen, talking over me and exhibiting rudeness that ultimately led me to hang up, as I could not bear the person's berating manner. I believe it is essential for those serving this vulnerable population to receive adequate training and possess the necessary personality traits to effectively engage with seniors, individuals with disabilities, and the chronically poor.

I implore you, as the leadership of the Henderson Food Pantry, to thoroughly investigate this incident and take immediate action to address the concerns raised. It is crucial that steps are taken to ensure that all staff members and volunteers receive comprehensive training in empathy, inclusivity, and effective communication. Staff should be able to effectively assist individuals from diverse backgrounds and circumstances.

Moreover, I strongly recommend implementing protocols to accommodate individuals with varying levels of computer literacy and visual impairments, ensuring equitable access to support services. This could involve providing dedicated staff or volunteers who can offer technical assistance or exploring alternative methods of form completion for

those facing difficulties with computer usage.

By promptly addressing these concerns and enacting measures to prevent similar incidents in the future, you have an opportunity to foster a more compassionate and respectful environment within the Henderson Food Pantry. I have faith in your commitment to rectify this matter promptly and to create a space that upholds the values of dignity, respect, and equal treatment for all individuals, regardless of their circumstances.

I kindly request your prompt response, sharing the actions you intend to take to address these issues and prevent such distressing incidents from recurring. Together, we can work towards ensuring that the Henderson Food Pantry fulfills its mission of serving the community with compassion, sensitivity, and the utmost respect

Thank you for your immediate attention to this matter.

Sincerely,

Rondalynne McClintock--

Rondalynne McClintock, M.Ed.

FeatherNest CoLearning Group

888-249-0512

In September 2023, I received another cease and desist for defamatory statements for me joining the fight against Chris for bullying our organizations. Then I received another letter from the court in December that I was being sued along with other organizations. Going on 6 years now Chris has been nothing but a havoc to our community that has now seeped out into our Allie local black community. I am black lesbian woman who is just running a business. I am mentally drained and exhausted from all the turmoil and threats that I have received from Chris. As I said in the beginning of this letter I am very afraid to even write this statement as he moves as if he is above the law and nothing will be done. I have no protection, but I feel I am doing the right thing by speaking up. I would not be surprised if Chris decides to retaliate against me behind closed doors just to cause more grief in my life. This is not why I signed up to produce my festival. I am here for the community, and he is doing nothing but tearing us apart and forcing us to deal with him because he has been nothing but trouble to all of us bullying us because we will not do business with him. Through the years all he has done is speak badly about people and it's unbearable to be around him. Numerous incidents that happen in the community where he is yelling at children, threatening organizations to support him and disown others. Something needs to be done. We are all at a breaking point and tired. As it mentally took a toll on me to even revisit all these encounters and yet took more time away from me working and focusing on more important things I have on my plate. I am begging the courts to hear our cry and plead for help to stop this man. He's very manipulative and uses his connections to keep operating. We require justice to happen so that we can have a leg to stand on. No one should even have to go through what they have for the sake of running our non-profits and trying to create a safe positive community.

All we are asking is for Justice and to see Chris Davin has overstepped boundaries countless times, and has caused not only mental turmoil, wasted time, but financial distress because of his actions.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: 2/24/24

Nicole Williams

160770

Nicole Williams

DECLARATION OF JOSLYN HATFIELD

DECLARATION OF JOSLYN HATFIELD

Declaration of Joslyn Hatfield

I, Joslyn Hatfield, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is supplying this Declaration in support of Defendants' Reply to Opposition to Special Motion to Dismiss in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein.
2. That I am Joslyn Hatfield, working for Las Vegas PRIDE, and know the Defendants Las Vegas PRIDE and Plaintiffs, Chris Davin, Trevor Harder, and Henderson Equality Center in the subject case due to litigation.
3. I was a board member of Las Vegas PRIDE when evidence was presented indicating that Chris Davin had accessed protected information from the Las Vegas Pride database. I believed that the accessing and utilization of this information presented significant privacy risk to our organization, and I voted for his removal from a leadership position on the board. He was offered the opportunity to resign (as he was being removed regardless of what he said) and took it. Trevor Harder also resigned at that time, or shortly thereafter.
4. In the time since he left the board our organization received near constant reports of bullying and misconduct by Chris Davin. We were subject to this ourselves when Chris Davin sought to bring our organization intentional harm by erroneously reporting our Facebook page for copyright infringement.

We were ultimately able to have the page restored after presenting evidence to the contrary, considerable effort and a significant cost to our fundraising efforts for the year.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: 2/23/24

Joslyn Hatfield
Joslyn Hatfield

DECLARATION OF JEAN CARLOS LOPEZ

DECLARATION OF JEAN CARLOS LOPEZ

Declaration of Jean Carlos Lopez

I, Jean Carlos Lopez, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is supplying this Declaration in support of Defendants' Reply to Opposition to Special Motion to Dismiss in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein.

2. That I am Jean Carlos Lopez, working for Las Vegas PRIDE, and know the Defendants Las Vegas PRIDE and Plaintiffs in the subject case due to Henderson Equality Center.

3. The following are my declarations:

I've been on the board for 5 years and I've heard drama or nonsense about Chris every month since I started. It started as a random person with something to say on every topic, which was always annoying, to then an associate member then board member. First off I feel he forced his way onto the board by getting his less annoying husband on first. It ended being the sway vote from people who didn't know him, against people who did and were Very opposed to him being on the board.

I worked with him on a project to start the Vegas Pride Awards. We worked on it for about 3 months. The meetings with him were so bad that I ended up voting AGAINST our own event to get funding to stop it from happening because I knew it was going to be toxic and really badly run.

Over the following years he started becoming an antagonist to Anthony Cortez for launching Henderson Pride. It became such a fight. During this time he was voted OFF the board for stealing emails and information. I got an email from his new center when I had NEVER signed up. I saw him go from posting on Facebook about how broke he was, to opening a non profit with ALOT of funding, to going to Disney world and cruises each year. Seemed like shady business.

Ever since he was voted from the board, he was banned from working with HRC and many, many organizations have decided to NOT work with him over his attitude and aggressive personality.

He has been an ongoing topic month after month and taking precious time from us for going over important information. He is a horrible human being and everyone that has worked with him has something bad to say about him. He deserves to lose his non profit status and also deserves to be banned from starting one in Nevada.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: 2/23/24


[Jean Carlos Lopez]

DECLARATION OF DANIEL CIACCI

DECLARATION OF DANIEL CIACCI

Declaration of Daniel Caicci

I, Daniel Ciacci, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is supplying this Declaration in support of Defendants' Reply to Opposition to Special Motion to Dismiss in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein.
2. That I am Daniel Ciacci, working for Henderson Pride, and know the Defendants Las Vegas PRIDE and Plaintiffs, Chris Davin, Trevor Harder, and Henderson Equality Center in the above referenced case.
3. Chris and Trevor had taken Mikey and I to a Reno Pride Parade and Festival - while we were Reigning as Mr. and Miss Pride 2021. We noticed no sales receipts for any merchandise that was sold at the Festival. I believe that was also the time they happened to use our tablets to collect emails from those who came to the booth. After that, numerous emails that we had collected and were downloaded on those tablets - Henderson Equality obtained and used and sent information to our customers with Henderson Equality material. My observations were relayed to the Las Vegas PRIDE Board.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: 2/23/24

Daniel Ciacci
Daniel Ciacci

DECLARATION OF
ANTHONY EFRAIN CORTEZ

DECLARATION OF
ANTHONY EFRAIN CORTEZ

Declaration of Anthony Efrain Cortez

I, Anthony Cortez, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is supplying this Declaration in support of Defendants' Reply to Opposition to Special Motion to Dismiss in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein.

2. That I am Anthony Efrain Cortez, working for the International Cultural Movement for Equality (ICME) - Henderson Pride, and know the Defendants Las Vegas PRIDE and Plaintiffs, Chris Davin, Trevor Harder, and Henderson Equality Center in the subject case due to litigation.

3. ICME filed for a trademark for Henderson Pride on July 23, 2021 with the first use in commerce on February 1, 2021.

Chris, Trevor, and Henderson Equality Center began using the name Henderson Pride in June 2021 when they tried to duplicate our Henderson Pride Festival by creating and hosting "Henderson Pride Fest".

Chris told people that he was trying to destroy Henderson Pride and told a series of untruths about our organization to simply try to discredit our organization and take over the "Henderson Pride" name/festival.

ICME missed our initial filing with the USPTO because we used the 3rd party company, LegalZoom, while our emails were hacked. ICME filed for reinstatement for our mark, and ICME was successful in fully reinstating the trademark for Henderson Pride on January 28, 2023 and only became a full registered mark on January 23, 2024.

On December 10, 2021, Chris and Henderson Equality Center filed for a mark, "Henderson Pride Fest". Although they had been illegally and frustratingly harassing and threatening ICME while being purposefully confusing and disrespectful of our Henderson Pride trademark, they self-identified use of the Henderson Pride Fest as February 22, 2021.

USPTO officers told me our registration supersedes his due to the fact that we had the first use in commerce one year before his claim and the mark was also registered 5 months before he saw our registration and decided to try to file his. The officer recommended that we file a motion to have his trademark canceled based on our rights. We are seeking to do that now.

In January of 2024, ICME was able to submit legitimate complaint claims to Facebook to get the page infringing on the Henderson Pride trademarks taken down. On January 25, 2024 the Henderson Pride Fest & the Henderson Equality Center page was removed from Facebook and remains down today.

ICME is actively working with the USPTO (US Patent and Trademark Office) to pursue the revocation of the purposefully similar mark registered illegally by Chris Davin, Trevor Harder, and Henderson Equality Center, "Henderson Pride Fest".

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: February 22, 2024

A handwritten signature in black ink, appearing to read "Anthony Cortez", with a stylized flourish at the end.

Anthony Efrain Cortez

DECLARATION OF JAMES MCCOY

DECLARATION OF JAMES MCCOY

Declaration of James McCoy

I, James McCoy, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is supplying this Declaration in support of Defendants' Reply to Opposition to Special Motion to Dismiss in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein.

2. That I am James McCoy, working for Las Vegas PRIDE, and know the Plaintiffs, Chris Davin, Trevor Harder, and Henderson Equality Center, in the subject case due to legal action.

3.

A. "In April 2023, Mr. Davin threatened Las Vegas PRIDE Officers and took intentional action to cause harm to our organization and our work by making frivolous trademark claims. These actions resulted in harm to Las Vegas PRIDE and other community-serving organizations."

- I heard through other LGBTQIA+ Organizations and community members that Mr. Davin was making verbal threats and social media posts in context to discredit LV PRIDE name, their events, and their involvement with other organizations they interact with.

B. "In a similar incident in the spring of 2020, Mr. Davin was removed from his involvement with Human Rights Campaign of Las Vegas for accessing sensitive information and using it without permission for personal gain."

- I was informed of this action by several HRC volunteers, in addition to leadership and board members of The Center (LGBTQIA+ Center of LV) that Mr. Davin had been removed from any interaction with HRC LV. I was also instructed that as an employee of The Center, that we should also be very aware of Mr. Davin's access to our programs, registrations, and event operations.

C. "Las Vegas PRIDE Officers have been made aware of multiple reports of bullying, threats, and unethical business activities Mr. Davin has taken against individuals, charities, and businesses in Southern Nevada."

- As an employee of The Center (LGBTQIA+ Center of LV) from January of 2021 – July 2022, there were several incidents in which Mr. Davin

- partook in bullying, threatening and unethical business activities / actions.
- 2021 - I heard Mr. Davin make threats numerous times to take the name THE CENTER and have it trademarked for his own personal advantage and by doing this, suing The Center for financial gain every time that it appeared via media / campaigns etc. Top leadership and the board of The Center were all aware of his threats and extortions and I believe that many legal actions / steps were taken to protect the name.
 - 2021 NGRA National Gay Rodeo Association Big Horn Rodeo Event. Mr. Davin / HEC were vendors in the midway area of the rodeo event. Several times during the event operations, Mr. Davin would randomly approach other vendors making rude comments about their pricing, quality of product and their professionalism. I personally heard him remark to a volunteer that he was going to sue The Center because he was hit in the leg with a piece of cardboard after a gust of wind had dismantled some of a small display and booth set up. Reports of his abusive conduct were made by several volunteers / vendors and given to NGRA Rodeo Event Management team.
 - 2021 I was personally harassed via text, social media and phone by Mr. Davin and his Facebook alias, Jimmy Kangas for allegedly oversaturating the LGBTQIA+ Community Calendar for the months of June with too many PRIDE Events. At the time, I was the Event Manager at The Center, and it was my responsibility to maintain a large amount of very diverse events for our LGBTQIA+ Community and Allies. I was producing events in conjunction with the local community organizations, local government offices / agencies and local LV Businesses. In addition, I was falsely accused of "threatening" other entities if they chose to partner with him or HEC.

D. "Las Vegas PRIDE Officers have been made aware of reports made to various authorities regarding Mr. Davin directly for unethical, unprofessional, and illegal financial practices and behavior."

- I was informed by Sy Bernabei Director of Gender Justice Organization (no longer in operation), of an incident in which Mr. Davin was instructed to leave and never participate with their Gender Reaffirming / Trans Community Outreach programs established with community organizations for his unprofessional behavior.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: 2/21/24

Jim McCoy
James McCoy

DECLARATION OF LOUISE O'REILLY

DECLARATION OF LOUISE O'REILLY

Declaration of LOUISE O'REILLY

I, Louise O'Reilly, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is supplying this Declaration in support of Defendants' Reply to Opposition to Special Motion to Dismiss in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein.

2. I am a former member of the Las Vegas Human Rights Campaign "HRC" Steering Committee, as Volunteer Chair to assist in facilitating volunteers for specific events, including the 2019 HRC Gala held in May of 2019. My responsibilities in the weeks leading up to the event was to support the event and work with the various volunteers who are also assisting HRC leading up to the Gala. During that time, I had direct interactions with Mr. Davin and Mr. Harder who were also volunteers assisting the Gala Chairs in the Silent Auction. Mr. Davin was facilitating the pick-up of items, follow up solicitation, and delivery, as well as tracking donations.

3. On the "day of" for event, I was present to work with the volunteers to set up the silent auction, assist in room set up, and other duties that may arise. During the time of the set-up, on numerous occasions Mr. Davin was "difficult" and somewhat "volatile" and many of the other fellow volunteers were becoming frustrated and upset. He was demanding and demeaning and bullying to the volunteers, as being "in charge". His actions created a very uncomfortable environment, however his role was somewhat to facilitate the Silent Auction so it was "tolerated".

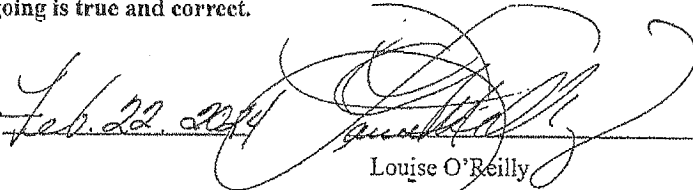
4. As a direct result of Mr. Davin's actions and bullying, five (5) volunteers quit and left because they did not want to deal with or be around Mr. Davin. Such made the work of other volunteers more difficult as we become short of volunteers for not only the set-up, but for the evening to facilitate the event, and silent auction process during the event, and post event for check out. As a non-profit organization and as my role as Volunteer Chair we highly value our volunteers and I did the best in trying to let them know how much they were appreciated, despite the various issues they had with Mr. Davin. To say he caused undue chaos for the event, would be an understatement. My role was to be of assistance and coordinate with ALL the volunteers throughout the event.

5. After the event, a Volunteer Appreciation Party was set to "thank" the volunteers for their time, and commitment to the event. Mr. Davin chose not to attend, as well as Mr. Harder. I had created special individual "thank you" plaques with pictures of each volunteer to show appreciation for their efforts in supporting HRC. These were handed out at the Volunteer Appreciation Event to those in attendance. In that Mr. Davin was not present, I took the initiative to mail his plaque to him, to show appreciation as to the others. Apparently the plaque was damaged during travel through the postal system, and Mr. Davin made it a point to target me directly and HRC on Facebook as to how for "all he did" he just got a broken plaque. The comments were a direct attack on myself, the organization and fellow volunteers. I went so far as to comment back to Mr. Davin that I would be happy to create a new one to get to him. He never responded.

6. In conversations with others, my understanding is that many people in the community have had "run ins" with Mr. Davin and have done their best to avoid any interaction nor want any association in any capacity. Such is his reputation in the community.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: Feb. 22, 2024


Louise O'Reilly

DECLARATION OF JENNIFER HOWE

DECLARATION OF JENNIFER HOWE

Declaration of Jennifer Howe

I, Jennifer Howe, do hereby swear and affirm that the following is true and of my own knowledge except as to those matters so designated, and to those matters, I believe them to be true.

1. That Declarant is supplying this Declaration in support of Defendants' Reply to Opposition to Special Motion to Dismiss in case number A-23-879938-C of the Eighth Judicial District Court in Clark County, Nevada. Declarant is over the age of 18, has personal knowledge of the following matters, and is ready, willing, and able to testify to all matters asserted herein.

2. That I am Jennifer Howe, working for Las Vegas PRIDE, and know the Plaintiffs, Chris Davin, Trevor Harder, and Henderson Equality Center in the subject case due to litigation.

3.

A. "In April 2023, Mr. Davin threatened Las Vegas PRIDE Officers and took intentional action to cause harm to our organization and our work by making frivolous trademark claims. These actions resulted in harm to Las Vegas PRIDE and other community-serving organizations."

I attended every board meeting in 2023 and Chris Davin's behavior was mentioned repeatedly over the course of the year. I believe his actions are not of someone who is trying to build community and do good for the community. I believe his actions and words show he cannot be trusted. He wrote a threatening and churlish email to Brady. We decided as a board to ignore him rather than any retaliation. He proceed to make allegations regarding a trademark claim were reaching. Specifically, for sharing an social media post that was several years old showing support for Henderson Pride. As a result of his false allegations, Las Vegas Pride's social media account was disabled which directly resulted in a loss of revenue from our 2023 programming. This legal battle has also resulted in a loss of time and resources for our reputable organization.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: 2/23/24


Jennifer Howe

EXHIBIT “T”

EXHIBIT “T”

To: brady@lasvegaspride.org
Subject: Trademark Infringement

Brady.

It's been brought to my attention by our Branding and Trademark Law Firm that Page 47 in the Las Vegas Pride Magazine has a Trademark infringement. The use of Henderson Pride Fest has a Registered Mark by the USTPO.

I asked the law firm to hold so I can personally reach out to you. I ask kindly that it's changed or removed or the law firm that is working with Facebook will remove it. I'd rather give you the heads up civilly, then you waking up to a notice from Facebook removing it down. As you already know there FB accounts and new accounts have all been shut down by our law firm.

I hope we can be respectful of our Trademark and not have to take things further. We have the money and will use it to protect our Trademark. Thank you.

Please let me know in 2 days other wise the Law Firm will take action. I'd rather not have to go that route.

Chris Davin
Executive Director
Henderson Equality Center
Pronouns: He, Him, His
p: 855-955-5428 x806
m: 630-386-5832
a: 1490 W Sunset Rd Suite 120, Henderson NV 89014
w: www.HendersonEqualityCenter.org
e: Chris.Davin@HendersonEqualityCenter.org

This message is confidential. It may also be privileged or otherwise protected by work product immunity or other legal rules. If you have received it by mistake, please let us know by e-mail reply and delete it from your system; you may not copy this message or disclose its contents to anyone. Please send us by fax any message containing deadlines as incoming e-mails are not screened for response deadlines. The integrity and security of this message cannot be guaranteed on the Internet.

Thank you!

Brady McGill

President

Las Vegas PRIDE

p: 866-930-3336 m: 702-491-6751

(Visitors) <https://goo.gl/Fd8qpE>

(Locals 21+) <https://goo.gl/4tGhnf>

VENDORS / PARADE 2022 | - <https://lasvegaspride.veventa.com>

From: Brady McGill <brady@lasvegaspride.org>

Sent: Saturday, April 8, 2023 9:58 AM

To: Joslyn Hatfield <joslyn@lasvegaspride.org>

Subject: Fwd: Trademark Infringement

Thank you!



www.LasVegasPRIDE.org



Brady McGill | President

M 702-491-6751 | P 866-930-3336

E Brady@LasVegasPRIDE.org

Las Vegas PRIDE

4001 S Decatur Blvd #37-540

Las Vegas, NV, 89103

Las Vegas PRIDE Magazine - <http://lasvegaspride.org/las-vegas-pride-magazine/>

eNewsletter | Visitors - <https://goo.gl/Fd8qpE> | Locals <https://goo.gl/4tGhnf>

Begin forwarded message:

From: Chris Davin <chris.davin@hendersonequalitycenter.org>

Date: April 8, 2023 at 6:55:34 AM PDT



Stand with Pride

Proud participants of Las Vegas Pride for seven years running—part of our commitment to the LGBTQ+ community, championing true diversity, equity, and inclusion at work and in our lives.

Learn more about our diversity, equity and inclusion efforts



BEST
PLACES TO WORK
2022
For LGBTQ+ Equality

Find your career in our inclusive, supportive culture
search.jobs.barclays

WATER STREET PLAZA

Official Henderson PRIDE FESTIVAL

United with Pride

SAT MAY 6TH

LIVE MUSIC • FOOD TRUCKS • FAMILY FUN ZONE • VENDORS • ENTERTAINMENT
SATURDAY, MAY 6TH 11AM - 6PM | FREE COMMUNITY EVENT
WATER STREET PLAZA - 240 S WATER STREET, HENDERSON, NEVADA 89015



For more info call (702) 437-7888 or visit: www.HendersonPride.org

EXHIBIT “U”

EXHIBIT “U”



Apr 13



Apr 13

Your post has been reported for
trademark infringement



Apr 13

Your post has been reported for
trademark infringement



EXHIBIT “V”

EXHIBIT “V”



United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Apr 20 03:32:22 EDT 2023

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to record:

Record 2 out of 2
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Henderson Pride

Word Mark**HENDERSON PRIDE****Goods and Services**

IC 036. US 100 101 102. G & S: Charitable fundraising services by means of organizing and conducting fundraising events to promote Community outreach for LGBTQ, spreading awareness of equality. FIRST USE: 20200200. FIRST USE IN COMMERCE: 20200200

IC 041. US 100 101 107. G & S: Organization of fashion parades for entertainment purposes. FIRST USE: 20200200. FIRST USE IN COMMERCE: 20200200

Standard Characters Claimed**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

Serial Number

90845925

Filing Date

July 23, 2021

Current Basis

1A

Original Filing Basis

1A

Owner

(APPLICANT) INTERNATIONAL CULTURAL MOVEMENT FOR EQUALITY non-profit organization NEVADA 1050 Whitney Ranch Dr., #1114 Henderson NEVADA 890142544

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE

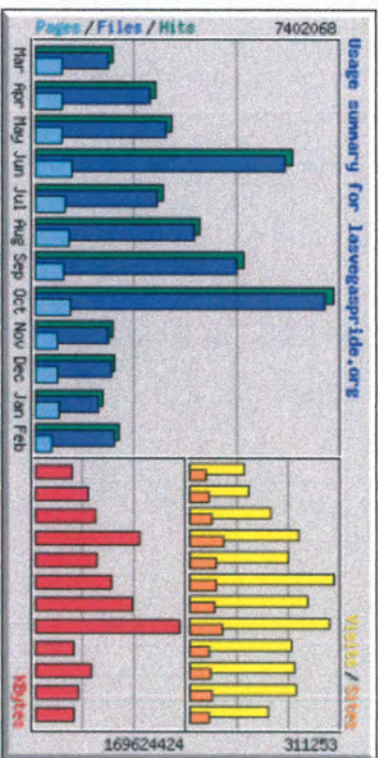
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EXHIBIT “W”

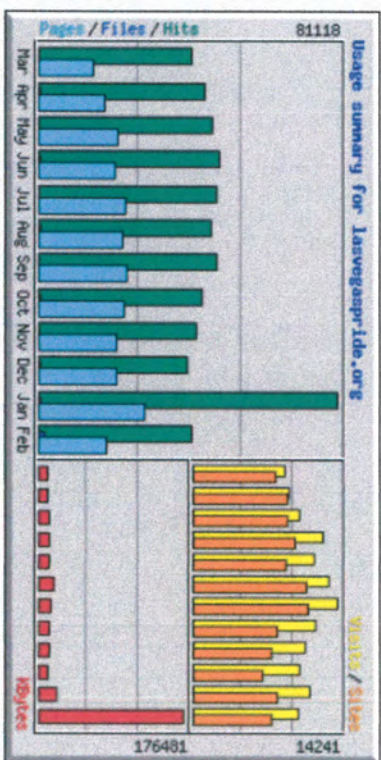
EXHIBIT “W”

age Statistics for lasvegaspride.org

Summary by Month
 Created 21-Feb-2024 06:06 CST



Summary by Month												
Month	Daily Avg					Monthly Totals						
	Hits	Files	Pages	Visits	Sites	KBytes	Visits	Pages	Files	Hits	Bytes	Files
Feb 2024	98365	93570	18583	7992	40238	44144982	167850	390255	1964976	2069868		
Jan 2024	53791	50421	17928	7287	45758	49338731	225904	555790	1563080	1667539		
Dec 2023	63487	60228	17084	7218	42877	65592744	223765	529633	1867074	1968126		
Nov 2023	63886	59937	17994	7232	39425	44898885	216961	539839	1798136	1916602		
Oct 2023	238776	230558	27710	9683	68453	169624424	300173	859020	7147321	7402068		
Sep 2023	172205	166513	22932	8374	53427	113916749	251240	687966	4995403	5166170		
Aug 2023	131320	126594	25888	10040	55041	89041702	311253	802549	3924434	4070938		
Jul 2023	101780	97328	22973	6774	55115	71240689	210001	712191	3017188	3153189		
Jun 2023	211975	206533	29808	7781	70581	122012204	233439	894248	6195999	6359264		
May 2023	108970	104118	20791	5597	47450	70119211	173533	644537	322661	3378080		
Apr 2023	98980	94173	21835	4136	41199	61648820	124089	655075	2825193	2969407		
Mar 2023	61795	57768	20213	3723	34443	41883928	113436	626626	1790808	1915666		
Totals						943463072	2583644	7897729	40317273	42038907		



Summary by Month												
Month	Daily Avg				Monthly Totals							
	Hits	Files	Pages	Visits	Sites	KBytes	Visits	Pages	Files	Hits		
Feb 2024	1970	72	861	489	7658	176481	10277	18101	1518	41383		
Jan 2024	2616	0	918	366	8238	20567	11372	28475	11	81118		
Dec 2023	1299	2	672	334	6802	10259	10362	20832	66	40281		
Nov 2023	1421	0	705	365	7586	11107	10935	21159	0	42633		
Oct 2023	1419	2	741	388	8175	12399	12057	22997	66	44015		
Sep 2023	1603	0	788	474	11305	13357	14241	23647	0	48101		
Aug 2023	1497	2	728	428	11149	17723	13283	22585	64	46419		
Jul 2023	1547	0	749	381	9053	11556	11833	23242	0	47981		
Jun 2023	1650	2	684	426	9897	12284	12781	20531	66	48904		
May 2023	1517	0	688	334	9281	11943	10377	21354	0	47050		
Apr 2023	1494	2	590	313	9219	10752	9414	17722	66	44825		
Mar 2023	1328	0	468	287	8079	10085	8924	14325	0	41168		
Totals						318713	135876	255170	1857	573898		

EXHIBIT “X”

EXHIBIT “X”



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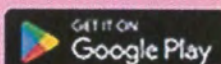
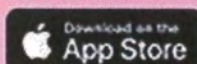
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Positive⁺1

Join the fight at Positive+1, the social network empowering the HIV community.



**THINK
FEEL
LIVE.
POSITIVE**



**DON'T MISS OUR LATEST ISSUE:
CLICK OR TAP HERE TO READ NOW!**

Upcoming Events

The Southern Nevada Association of PRIDE, Inc. hosts and participates in numerous events every year. The following are some of the upcoming events to watch for. If you would like to view a complete list of all scheduled events, make sure to [visit our events calendar](#).



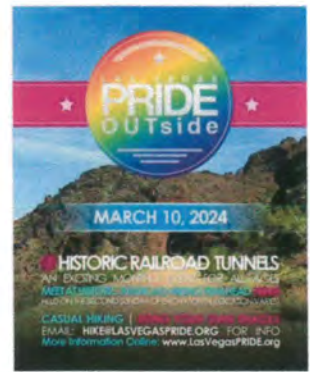
Safe Homes, Open Hearts:
Supporting LGBTQ+ families with fostering and adopting
February 22 @ 5:00 pm - 8:00 pm



Las Vegas PRIDE Party!
March 2 @ 7:30 pm - 9:00 pm



Las Vegas Men's Chorus: Spring Fling
March 9 @ 6:00 pm - 10:00 pm



Las Vegas PRIDE OUTSIDE Hike
March 10 @ 10:00 am

[VIEW ALL UPCOMING EVENTS](#)

[SUBMIT AN EVENT](#)

Las Vegas PRIDE Videos



Articles from Las Vegas PRIDE Magazine

Las Vegas PRIDE Magazine is a non-profit, Las Vegas LGBTQ+ community resource. Take a look at a few of our articles below. If you would like to view all of our past issues and articles, make sure to [visit our magazine page](#).



The Bent Inn & Pub

The Bent Inn & Pub is the brainchild of owners Greg Kafka and Mark Hunter. A gay resort property is not new to these gentlemen; they are seasoned veterans who previously owned properties in Palm Springs. In 2023, they both hit the ground running, participating in the Las Vegas PRIDE Parade and Festival, with soft opening events that included a New Year's Eve Poolside Party.

PRIDE OUTside Hikes Historic Railroad Tunnel Trail

The Las Vegas PRIDE OUTside Hike program began in July 2015. Community members requested a new event – something LGBT+ focused, all-ages, not in a bar, free to attend, and fun! Brady McGill, then Secretary of the PRIDE Board, had a history of outdoor exploring and took on the project.



Letter from the President

Letter from the President By Brady McGill [...]

Let's Get Social!

You can find Las Vegas PRIDE on all of your favorite social media networks like [Facebook](#), [Twitter](#), [Instagram](#) and [YouTube](#). You can also sign up to receive monthly email newsletters and special event text messages. Simply choose the category below that best describes you to get started!

LOCALS NEWSLETTER SIGNUP

OUT-OF-TOWN VISITORS NEWSLETTER SIGNUP

Smith's Inspiring Donations®

Smith's Food and Drug is committed to helping our communities grow and prosper. Las Vegas PRIDE is proud to be one of the nonprofit organizations benefiting from the Smith's Inspiring Donations® program. Smith's Inspiring Donations®

ENROLL YOUR REWARDS CARD TODAY!

makes fund-raising easy..all you have to do is shop at Smith's Food and Drug and swipe your enrolled Rewards Card!

Volunteer with Las Vegas PRIDE!

Whether you volunteer at the PRIDE Night Parade or the PRIDE Festival, by becoming a volunteer and joining our Volunteer LOVE program you are sure to make great new friends while feeling good about the work you are doing in your community. Each year, our volunteers choose which of their favorite nonprofits will benefit from PRIDE contributions. To become a volunteer and join our LOVE Program [please visit our volunteer page](#).



Education & Special Interests

In addition to [our own educational programs](#), Las Vegas PRIDE partners with numerous organizations to promote awareness and assist with fundraising efforts, providing financial support for LGBT focused programs. This is done in the hopes of creating a stronger LGBT community in Southern Nevada.

Our Sponsors

PRIDE Sponsorships are available in a wide variety of amounts starting at just \$2,000 cash or in-kind! [Click here for more information](#). The Southern Nevada Association of PRIDE, Inc., along with the entire Las Vegas LGBT community, would like to thank the following sponsors for their generous support of Las Vegas PRIDE.

Presenting Sponsors

Presenting Sponsors contribute a minimum of \$35,000 to the Las Vegas PRIDE events annually.



MGM RESORTS INTERNATIONAL®



Red Sponsors

Red Sponsors contribute a minimum of \$20,000 to the Las Vegas PRIDE events annually.



Orange Sponsors

Orange Sponsors contribute a minimum of \$15,000 to the Las Vegas PRIDE events annually.





Yellow Sponsors

Yellow Sponsors contribute a minimum of \$10,000 to the Las Vegas PRIDE events annually.



Media Sponsors

Media Sponsors contribute vital resources to help promote the annual Las Vegas PRIDE events.



Green Sponsors

Green Sponsors contribute a minimum of \$8,000 to the Las Vegas PRIDE events annually.





Blue Sponsors

Blue Sponsors contribute a minimum of \$4,000 to the Las Vegas PRIDE events annually.



Violet Sponsors

Violet Sponsors contribute a minimum of \$2,000 to the Las Vegas PRIDE events annually.







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State Farm
Gregory Moore



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> Only Vegas

> Hotels

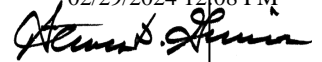
HELPFUL LINKS

> Volunteer

> Sponsor PRIDE

> Parade Entry
Application

> Festival Vendor
Application


CLERK OF THE COURT

1 **SAO**

Marc J. Randazza (NV Bar No. 12265)

2 Alex J. Shepard (NV Bar No. 13582)

3 RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

4 Las Vegas, NV 89118

Telephone: 702-420-2001

5 ecf@randazza.com

6 Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

7 and Henderson Equality Center

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 **CHRISTOPHER DAVIN**, et. al.,

11 Plaintiffs,

12 v.

13 **SOUTHERN NEVADA ASSOCIATION**
14 **OF PRIDE, INC. DBA LAS VEGAS**
15 **PRIDE**, et. al.,

16 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**STIPULATION AND ORDER TO FILE
SUR-REPLY REGARDING
DEFENDANTS' SOUTHERN NEVADA
ASSOCIATION OF PRIDE, INC. D/B/A
LAS VEGAS PRIDE, HOLY ORDER
SIN SITY SISTERS OF PERPETUAL
INDULGENCE, INC., and SEAN
VANGORDER'S SPECIAL MOTION TO
DISMISS PLAINTIFFS' SLAPP SUIT
PURSUANT TO NRS 41.660 (ANTI-
SLAPP), AND REQUEST FOR
ATTORNEY FEES, COSTS, AND
DAMAGES PURSUANT TO 41.670**

21 Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center ("Plaintiffs")
22 and Defendants Southern Nevada Association of Pride, Inc. D/B/A Las Vegas Pride, Brady
23 McGill, and Sean Vangorder ("Defendants") (collectively, the "Parties"), hereby stipulate to
24 allowing Plaintiffs to file a sur-reply regarding Defendants' Special Motion To Dismiss Plaintiffs'
25 SLAPP Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees, Costs, and
26 Damages Pursuant to 41.670 (the "Anti-SLAPP Motion"). In support thereof, the Parties state:

1 1. On December 11, 2023, Defendants filed their Anti-SLAPP Motion.
2 2. On January 18, 2024, Plaintiffs filed their Opposition to the Anti-SLAPP Motion.
3 3. On February 28, 2024, Defendants filed their Reply in support of their Anti-SLAPP
4 Motion.
5 4. While this Court’s rules do not specifically account for sur-replies, EDCR 2.20(i)
6 provides that “[s]upplemental briefs will only be permitted if filed within the original time
7 limitations of paragraphs (d), (e), or (g), or by order of the court.”
8 5. Defendants’ Reply makes new arguments and attaches new evidence to which
9 Plaintiffs did not have an opportunity to respond in their Opposition. To preserve Plaintiffs’ rights,
10 and to ensure the Court may fully and fairly consider all briefing and evidence before it in
11 connection with the Anti-SLAPP Motion, Plaintiffs should be allowed to file a sur-reply
12 responding to these new arguments and evidence.
13 6. Accordingly, the Parties stipulate, subject to the Court’s approval, to Plaintiffs
14 being permitted to file a sur-reply in response to Defendants’ Reply.
15 7. As the hearing on the Anti-SLAPP Motion is currently set for March 19, 2024, the
16 Parties propose that Plaintiffs should be permitted to file their sur-reply no later than March 12,
17 2024, or 7 calendar days before the hearing date, in the event it is continued again.

18 **IT IS SO STIPULATED.**

19 Respectfully submitted,

20 /s/ Alex J. Shepard
21 RANDAZZA LEGAL GROUP, PLLC
22 Marc J. Randazza, NV Bar No. 12265
23 Alex J. Shepard, NV Bar No. 13582

24 Attorneys for Plaintiffs,
25 Christopher Davin, Trevor Harder,
26 and Henderson Equality Center
27

Respectfully submitted,

/s/ Joseph T. Nold
ACCELERATED LAW GROUP
Joseph T. Nold, NV Bar No. 8210

Attorneys for Defendants,
Southern Nevada Association of Pride, Brady
McGill, and Sean Vangorder

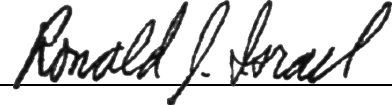
ORDER

The Court, having reviewed the foregoing STIPULATION AND ORDER TO FILE SUR-REPLY REGARDING DEFENDANTS' SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC. D/B/A LAS VEGAS PRIDE, HOLY ORDER SIN SITY SISTERS OF PERPETUAL INDULGENCE, INC., and SEAN VANGORDER'S SPECIAL MOTION TO DISMISS PLAINTIFFS' SLAPP SUIT PURSUANT TO NRS 41.660 (ANTI-SLAPP), AND REQUEST FOR ATTORNEY FEES, COSTS, AND DAMAGES PURSUANT TO 41.670 (the "Stipulation") in the above-entitled matter, and for good cause appearing therefore,

IT IS HEREBY ORDERED that the Parties' Stipulation is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs are permitted to file a sur-reply responding to Defendants' Reply no later than March 12, 2024, or 7 calendar days before the hearing on the Motion, in the event the hearing is continued again.

Dated this 29th day of February, 2024



kd

9A3 7BC 5A72 E84B
Ronald J. Israel
District Court Judge

Submitted by,

/s/ Alex J. Shepard

RANDAZZA LEGAL GROUP, PLLC
Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118

Attorneys for Plaintiffs,
Christopher Davin, Trevor Harder,
and Henderson Equality Center



Brittani Holt <bmh@randazza.com>

Davin v. Las Vegas PRIDE | Motion for Leave to File Sur-Reply

Janet Terrazas <allegal@cox.net>

Thu, Feb 29, 2024 at 10:40 AM

To: Alex Shepard <ajs@randazza.com>, Joseph Nold <noldj@cox.net>

Cc: Marc Randazza <mjr@randazza.com>, Brittani Holt <bmh@randazza.com>, 903a4502e+matter1581750170@maildrop.clio.com

Mr. Shepard,

Mr. Nold gives your office authorization to affix his electronic signature on the proposed Stipulation.

Thank you,

Janet Terrazas

Paralegal

Accelerated Law Group, Inc.

3030 S. Jones Blvd., Suite 105

Las Vegas, NV 89146

702.262-1651 Phone

702.383-6051 Fax

[Quoted text hidden]

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4		
5		
6	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7	vs.	DEPT. NO. Department 28
8	Southern Nevada Association of	
9	Pride, Inc, 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 Stipulation and Order was served via the court's electronic eFile system
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1 **OGM**

2 Marc J. Randazza (NV Bar No. 12265)

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7 Telephone: 702-420-2001

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9 Attorneys for Plaintiffs

10 Christopher Davin, Trevor Harder,

11 and Henderson Equality Center

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

14 **CHRISTOPHER DAVIN**, et. al.,

15 Plaintiffs,

16 v.

17 **SOUTHERN NEVADA ASSOCIATION**
18 **OF PRIDE, INC. DBA LAS VEGAS**
19 **PRIDE**, et. al.,

20 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

ORDER GRANTING MOTION FOR
VOLUNTARY DISMISSAL OF
DEFENDANT JOHN PHOENIX UNDER
41(a)(2)

21 This matter was placed on Department XXVIII's Civil Chambers Calendar on Plaintiffs'
22 Motion for Voluntary Dismissal of Defendant John Phoenix under 41(A)(2). After reviewing the
23 motion, and no opposition being filed, the Court finds:

24 1. Plaintiffs filed their Complaint on October 19, 2023, asserting claims against
25 numerous Defendants. They have since chosen to "streamline" their case by dismissing some of
26 the Defendants, including Defendant John Phoenix.

27 2. Defendant Phoenix filed his Answer on December 19, 2023. He has not filed any
motions or counterclaims, nor has he requested any affirmative relief from the Court or opposed
Plaintiffs' motion.

3. NRCP 41(a)(2) provides that court approval is necessary for a plaintiff to voluntarily dismiss their claims against a defendant who has filed an answer or a motion for summary judgment.

4. Courts should grant motions for voluntary dismissal unless a defendant can show that doing so will result in “plain legal prejudice.” *Smith v. Leaches*, 263 F.3d 972, 975 (9th Cir. 2001). The inconvenience and expense of defending against a lawsuit does not amount to plain legal prejudice. *Westlands Water Dist. v. United States*, 100 F.3d 94, 97 (9th Cir. 1996).

5. This case is still in its early stages, and there is no basis to find that Defendant John Phoenix would suffer plain legal prejudice by allowing Plaintiffs to voluntarily dismiss their claims against him.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiffs’ motion is GRANTED.

IT IS FURTHER ORDERED that all of Plaintiffs’ claims asserted against Defendant John Phoenix are hereby dismissed without prejudice.

Dated this 29th day of February, 2024


A-23-879938-C

kd

Submitted by,

D90 680 52F9 B04B
Ronald J. Israel
District Court Judge

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)
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Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4		
5		
6	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7	vs.	DEPT. NO. Department 28
8	Southern Nevada Association of	
9	Pride, Inc, Defendant(s)	

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Erika Parker	Eparker@halljaffe.com



NEOJ

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Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on February 29, 2024, the Court entered its Order Granting Plaintiffs' Motion for Voluntary Dismissal of Defendant John Phoenix Under 41(a)(2), which is attached hereto as **Exhibit 1**.

Dated: February 29, 2024.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

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ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

Case No. A-23-879938-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on February 29, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Alex J. Shepard

ALEX J. SHEPARD

EXHIBIT 1

Order Granting Plaintiffs' Motion for
Voluntary Dismissal of Defendant John
Phoenix

1 **OGM**

2 Marc J. Randazza (NV Bar No. 12265)

3 Alex J. Shepard (NV Bar No. 13582)

4 RANDAZZA LEGAL GROUP, PLLC

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8 ecf@randazza.com

9 Attorneys for Plaintiffs

10 Christopher Davin, Trevor Harder,

11 and Henderson Equality Center

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

14 **CHRISTOPHER DAVIN**, et. al.,

15 Plaintiffs,

16 v.

17 **SOUTHERN NEVADA ASSOCIATION**
18 **OF PRIDE, INC. DBA LAS VEGAS**
19 **PRIDE**, et. al.,

20 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

21 **ORDER GRANTING MOTION FOR**
22 **VOLUNTARY DISMISSAL OF**
23 **DEFENDANT JOHN PHOENIX UNDER**
24 **41(a)(2)**

25 This matter was placed on Department XXVIII's Civil Chambers Calendar on Plaintiffs'
26 Motion for Voluntary Dismissal of Defendant John Phoenix under 41(A)(2). After reviewing the
27 motion, and no opposition being filed, the Court finds:

1. Plaintiffs filed their Complaint on October 19, 2023, asserting claims against numerous Defendants. They have since chosen to "streamline" their case by dismissing some of the Defendants, including Defendant John Phoenix.

2. Defendant Phoenix filed his Answer on December 19, 2023. He has not filed any motions or counterclaims, nor has he requested any affirmative relief from the Court or opposed Plaintiffs' motion.

3. NRCP 41(a)(2) provides that court approval is necessary for a plaintiff to voluntarily dismiss their claims against a defendant who has filed an answer or a motion for summary judgment.

4. Courts should grant motions for voluntary dismissal unless a defendant can show that doing so will result in “plain legal prejudice.” *Smith v. Leaches*, 263 F.3d 972, 975 (9th Cir. 2001). The inconvenience and expense of defending against a lawsuit does not amount to plain legal prejudice. *Westlands Water Dist. v. United States*, 100 F.3d 94, 97 (9th Cir. 1996).

5. This case is still in its early stages, and there is no basis to find that Defendant John Phoenix would suffer plain legal prejudice by allowing Plaintiffs to voluntarily dismiss their claims against him.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiffs’ motion is GRANTED.

IT IS FURTHER ORDERED that all of Plaintiffs’ claims asserted against Defendant John Phoenix are hereby dismissed without prejudice.

Dated this 29th day of February, 2024


A-23-879938-C

kd

Submitted by,

D90 680 52F9 B04B
Ronald J. Israel
District Court Judge

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
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Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7	vs.	DEPT. NO. Department 28
8	Southern Nevada Association of	
9	Pride, Inc, Defendant(s)	

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

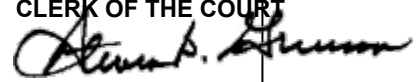
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Erika Parker	Eparker@halljaffe.com



NTSO

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Alex J. Shepard (NV Bar No. 13582)
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Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**NOTICE OF ENTRY OF STIPULATION
AND ORDER**

PLEASE TAKE NOTICE that on February 29, 2024, the Court entered an Order granting the Stipulation to File a Sur-Reply Regarding Defendants' Southern Nevada Association of Pride, Inc. d/b/a Las Vegas PRIDE, Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc., and Sean Vangorder's Special Motion to Dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees, Costs, and Damages Pursuant to 41.670, which is attached hereto as **Exhibit 1**.

Dated: February 29, 2024.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

RANDAZZA LEGAL GROUP, PLLC

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Las Vegas, NV 89118

Telephone: 702-420-2001

ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

Case No. A-23-879938-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on February 29, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Alex J. Shepard

ALEX J. SHEPARD

EXHIBIT 1

Order Granting Stipulation to File Sur-
Reply

1 **SAO**

2 Marc J. Randazza (NV Bar No. 12265)
3 Alex J. Shepard (NV Bar No. 13582)
4 RANDAZZA LEGAL GROUP, PLLC
5 4974 S. Rainbow Blvd., Suite 100
6 Las Vegas, NV 89118
7 Telephone: 702-420-2001
8 ecf@randazza.com

9 Attorneys for Plaintiffs
10 Christopher Davin, Trevor Harder,
11 and Henderson Equality Center

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

14 **CHRISTOPHER DAVIN**, et. al.,
15 Plaintiffs,

16 v.

17 **SOUTHERN NEVADA ASSOCIATION**
18 **OF PRIDE, INC. DBA LAS VEGAS**
19 **PRIDE**, et. al.,
20 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**STIPULATION AND ORDER TO FILE
SUR-REPLY REGARDING
DEFENDANTS' SOUTHERN NEVADA
ASSOCIATION OF PRIDE, INC. D/B/A
LAS VEGAS PRIDE, HOLY ORDER
SIN SITY SISTERS OF PERPETUAL
INDULGENCE, INC., and SEAN
VANGORDER'S SPECIAL MOTION TO
DISMISS PLAINTIFFS' SLAPP SUIT
PURSUANT TO NRS 41.660 (ANTI-
SLAPP), AND REQUEST FOR
ATTORNEY FEES, COSTS, AND
DAMAGES PURSUANT TO 41.670**

21 Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center ("Plaintiffs")
22 and Defendants Southern Nevada Association of Pride, Inc. D/B/A Las Vegas Pride, Brady
23 McGill, and Sean Vangorder ("Defendants") (collectively, the "Parties"), hereby stipulate to
24 allowing Plaintiffs to file a sur-reply regarding Defendants' Special Motion To Dismiss Plaintiffs'
25 SLAPP Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees, Costs, and
26 Damages Pursuant to 41.670 (the "Anti-SLAPP Motion"). In support thereof, the Parties state:
27

1 1. On December 11, 2023, Defendants filed their Anti-SLAPP Motion.
2 2. On January 18, 2024, Plaintiffs filed their Opposition to the Anti-SLAPP Motion.
3 3. On February 28, 2024, Defendants filed their Reply in support of their Anti-SLAPP
4 Motion.
5 4. While this Court’s rules do not specifically account for sur-replies, EDCR 2.20(i)
6 provides that “[s]upplemental briefs will only be permitted if filed within the original time
7 limitations of paragraphs (d), (e), or (g), or by order of the court.”
8 5. Defendants’ Reply makes new arguments and attaches new evidence to which
9 Plaintiffs did not have an opportunity to respond in their Opposition. To preserve Plaintiffs’ rights,
10 and to ensure the Court may fully and fairly consider all briefing and evidence before it in
11 connection with the Anti-SLAPP Motion, Plaintiffs should be allowed to file a sur-reply
12 responding to these new arguments and evidence.
13 6. Accordingly, the Parties stipulate, subject to the Court’s approval, to Plaintiffs
14 being permitted to file a sur-reply in response to Defendants’ Reply.
15 7. As the hearing on the Anti-SLAPP Motion is currently set for March 19, 2024, the
16 Parties propose that Plaintiffs should be permitted to file their sur-reply no later than March 12,
17 2024, or 7 calendar days before the hearing date, in the event it is continued again.

18 **IT IS SO STIPULATED.**

19 Respectfully submitted,

20 /s/ Alex J. Shepard
21 RANDAZZA LEGAL GROUP, PLLC
22 Marc J. Randazza, NV Bar No. 12265
23 Alex J. Shepard, NV Bar No. 13582

24 Attorneys for Plaintiffs,
25 Christopher Davin, Trevor Harder,
26 and Henderson Equality Center
27

Respectfully submitted,

/s/ Joseph T. Nold
ACCELERATED LAW GROUP
Joseph T. Nold, NV Bar No. 8210

Attorneys for Defendants,
Southern Nevada Association of Pride, Brady
McGill, and Sean Vangorder

ORDER

The Court, having reviewed the foregoing STIPULATION AND ORDER TO FILE SUR-REPLY REGARDING DEFENDANTS' SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC. D/B/A LAS VEGAS PRIDE, HOLY ORDER SIN SITY SISTERS OF PERPETUAL INDULGENCE, INC., and SEAN VANGORDER'S SPECIAL MOTION TO DISMISS PLAINTIFFS' SLAPP SUIT PURSUANT TO NRS 41.660 (ANTI-SLAPP), AND REQUEST FOR ATTORNEY FEES, COSTS, AND DAMAGES PURSUANT TO 41.670 (the "Stipulation") in the above-entitled matter, and for good cause appearing therefore,

IT IS HEREBY ORDERED that the Parties' Stipulation is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs are permitted to file a sur-reply responding to Defendants' Reply no later than March 12, 2024, or 7 calendar days before the hearing on the Motion, in the event the hearing is continued again.

Dated this 29th day of February, 2024



kd

9A3 7BC 5A72 E84B
Ronald J. Israel
District Court Judge

Submitted by,

/s/ Alex J. Shepard

RANDAZZA LEGAL GROUP, PLLC
Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118

Attorneys for Plaintiffs,
Christopher Davin, Trevor Harder,
and Henderson Equality Center



Brittani Holt <bmh@randazza.com>

Davin v. Las Vegas PRIDE | Motion for Leave to File Sur-Reply

Janet Terrazas <allegal@cox.net>

Thu, Feb 29, 2024 at 10:40 AM

To: Alex Shepard <ajs@randazza.com>, Joseph Nold <noldj@cox.net>

Cc: Marc Randazza <mjr@randazza.com>, Brittani Holt <bmh@randazza.com>, 903a4502e+matter1581750170@maildrop.clio.com

Mr. Shepard,

Mr. Nold gives your office authorization to affix his electronic signature on the proposed Stipulation.

Thank you,

Janet Terrazas

Paralegal

Accelerated Law Group, Inc.

3030 S. Jones Blvd., Suite 105

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702.262-1651 Phone

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[Quoted text hidden]

1 **CSERV**

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3 DISTRICT COURT
CLARK COUNTY, NEVADA

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8	Southern Nevada Association of	
9	Pride, Inc, Defendant(s)	

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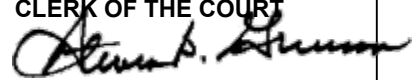
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10 Las Vegas, Nevada 89118
11 Telephone: 702.893.3383
12 Facsimile: 702.893.3789

13 *Attorneys for Defendants Southern Nevada*
14 *Association of Pride, Inc. dba Las Vegas Pride*
15 *and Brady McGill*

16 DISTRICT COURT

17 CLARK COUNTY, NEVADA

18 CHRISTOPHER DAVIN, an individual;
19 TREVOR HARDER, an individual; and
20 HENDERSON EQUALITY CENTER, a
21 Nevada non-profit corporation,

Case No. A-23-879938-C
Dept No. 28

SUBSTITUTION OF ATTORNEYS

22 Plaintiffs,

23 vs.

24 SOUTHERN NEVADA ASSOCIATION
25 OF PRIDE, INC. DBA LAS VEGAS PRIDE,
26 a Nevada nonprofit corporation; HUMAN
27 RIGHTS CAMPAIGN, INC., a District of
28 Columbia nonprofit corporation; HOLY
ORDER SIN SITY SISTERS OF
PERPETUAL INDULGENCE, INC., a
Nevada nonprofit corporation;
INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY, a Nevada
non-profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; SOCIAL
INFLUENCE FOUNDATION DBA HOUSE
OF VEGAS PRIDE, a Nevada nonprofit
corporation; and JOHN PHOENIX, APRN,
PLLC DBA HUNTRIDGE FAMILY
CLINIC, a Nevada professional LLC,

1 GOLDEN RAINBOW OF NEVADA, INC.,
2 a Nevada nonprofit corporation, BRADY
3 MCGILL, an individual, NICOLE
4 WILLIAMS, an individual, JOHN PHOENIX,
5 an individual, GARY COSTA, an individual,
6 ANTHONY CORTEZ, an individual, and
7 SEAN VANGORDER, an individual,

Defendants.

8 NOTICE IS HEREBY GIVEN that Defendants Southern Nevada Association of Pride, Inc.
9 dba Las Vegas Pride and Brady McGill hereby substitutes the law firm of LEWIS BRISBOIS
10 BISGAARD & SMITH LLP, 6385 S. Rainbow Blvd., Suite 600, Las Vegas, NV 89118 as their
11 counsel of record for said Defendants in the place and stead of ACCELERATED LAW GROUP,
12 3030 South Jones Blvd., Suite. 105, Las Vegas NV 89146 in the above-entitled matter.

13 DATED this 29 day of February 2024.

14 SOUTHERN NEVADA ASSOCIATION
15 OF PRIDE, INC. dba LAS VEGAS PRIDE

16 By 
17 Representative

18
19 DATED this 29 day of February 2024.

20 BRADY MCGILL

21
22 By 
23 BRADY MCGILL

24
25 ///

26 ///

27 ///

28 ///

1 CONSENT TO SUBSTITUTION

2 ACCELERATED LAW GROUP hereby agrees and consents to the substitution of LEWIS
3 BRISBOIS BISGAARD & SMITH LLP as counsel of record for Defendants Southern Nevada
4 Association of Pride, Inc. dba Las Vegas Pride and Brady McGill in the above-entitled action.

5 DATED this 29 day of February 2024.

6 HOWARD & HOWARD ATTORNEYS PLLC

7 By 

8 JOSEPH T. NOLD
9 Nevada Bar No. 8210
10 3030 South Jones Blvd., Ste. 105
11 Las Vegas, Nevada 89146
12 Tel. 702.262.1651

13 ACCEPTANCE OF SUBSTITUTION

14 Joel Z. Schwarz, on behalf of the law firm LEWIS BRISBOIS BISGAARD & SMITH LLP,
15 hereby agrees and consents to the substitution as counsel of record for Defendants Southern Nevada
16 Association of Pride, Inc. dba Las Vegas Pride and Brady McGill.

17 DATED this 1st day of March 2024.

18 LEWIS BRISBOIS BISGAARD & SMITH LLP

19 By 

20 JOEL Z. SCHWARZ
21 Nevada Bar No. 9181
22 6385 S. Rainbow Boulevard, Suite 600
23 Las Vegas, Nevada 89118
24 Tel. 702.893.3383
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on this ___ day of February, 2024, a true and correct copy of **SUBSTITUTION OF ATTORNEYS** was served by electronically filing with the Clerk of the Court using the Odyssey E-File & Serve system and serving all parties with an email-address on record in this action.

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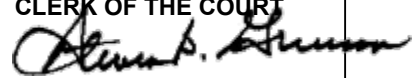
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DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, an individual; TREVOR
HARDEN, an individual; and HENDERSON
EQUALITY CENTER, a Nevada non-profit
corporation,

Plaintiffs,

v.

SOUTHERN NEVADA ASSOCIATION OF
PRIDE, INC. dba LAS VEGAS PRIDE, a Nevada
nonprofit corporation; HUMAN RIGHTS
CAMPAIGN, INC., a District of Columbia nonprofit
corporation; HOLY ORDER SINSITY SISTERS OF
PERPETUAL INDULGENCE, INC., a Nevada
nonprofit corporation; INTERNATIONAL
CULTURAL MOVEMENT FOR EQUALITY, a
Nevada non-profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation; LAS
VEGAS TRANSPRIDE, a Nevada non-profit
corporation; SOCIAL INFLUENCE FOUNDATION
dba HOUSE OF VEGAS PRIDE, a Nevada nonprofit
corporation; and JOHN PHOENIX, APRN, PLLC
dba HUNTRIDGE FAMILY CLINIC, a Nevada
professional LLC, GOLDEN RAINBOW OF

CASE NO. A-23-879938-C
DEPT. NO. XXVIII

**REPLY TO PLAINTIFFS'
OPPOSITION TO
DEFENDANTS GARY COSTA
AND GOLDEN RAINBOW OF
NEVADA, INC.'S SPECIAL
MOTION TO DISMISS PER
NEVADA'S ANTI-SLAPP
PROVISIONS, NRS 41.635, ET.
SEQ.**

NEVADA, INC., a Nevada nonprofit corporation,
BRADY MCGILL, an individual, NICOLE
WILLIAMS, an individual, JOHN PHOENIX, an
individual, GARY COSTA, an individual,
ANTHONY CORTEZ, an individual, and SEAN
VANGORDER, an individual,

Defendants.

**REPLY TO PLAINTIFFS' OPPOSITION TO DEFENDANTS GARY COSTA AND
GOLDEN RAINBOW OF NEVADA, INC.'S SPECIAL MOTION TO DISMISS PER
NEVADA'S ANTI-SLAPP PROVISIONS, NRS 41.635, ET. SEQ**

COME NOW, Defendants GARY COSTA and GOLDEN RAINBOW OF NEVADA,
INC. (hereinafter "Golden Rainbow"), by and through their counsel of record, OLSON
CANNON & GORMLEY, and hereby submit their Reply to Plaintiffs' Opposition to
Defendants Gary Costa and Golden Rainbow's Special Motion to Dismiss Per Nevada's Anti-
SLAPP Provisions, NRS 41.635, et seq.

This Reply is made and based upon all the pleadings and papers on file herein, the
Supplemental Declaration of Defendant Gary Costa, the Declaration of Anthony Cortez, and
the Declaration of Jennifer Eason attached hereto, the Points and Authorities submitted
herewith, as well as any oral arguments the Court may entertain at the hearing on this Motion.

DATED this 12th day of March, 2024.

OLSON CANNON & GORMLEY

/s/Ashley Olson

JAMES R. OLSON, ESQ., NV Bar No. 000116
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Attorneys for Defendants GOLDEN RAINBOW OF
NEVADA, INC. and GARY COSTA

1 **MEMORANDUM POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Plaintiffs' Opposition to Gary Costa and Golden Rainbow's Special Motion to Dismiss
4 ("Opposition") offers numerous arguments which are either unsubstantiated or erroneously
5 supported. The truth of the matter is that Costa's statements about Davin and Harder in his
6 email are good-faith communications protected by Nevada's anti-SLAPP statutes. To this end,
7 Defendants Costa and Golden Rainbow's Reply provides additional evidence in support of their
8 Motion to Dismiss, which clearly shows that Plaintiffs Chris Davin ("Davin") and Trevor
9 Harder ("Harder") engaged in unethical conduct, bullied, harassed and targeted many members
10 of the LGBTQ+ community over the years. Plaintiffs' Reply, on the other hand, is completely
11 devoid of any proof besides the conclusory claims they were defamed by the statements made in
12 Costa's May 3, 2023 email response in the LGBTQIA2+ Connect thread and attacking the
13 admissibility of Costa's declaration. Furthermore, Plaintiffs fail to show their probability of
14 succeeding on any of their claims against Costa and Golden Rainbow. As such, Costa's
15 statements are protected by Nevada's anti-SLAPP statutes and Plaintiff's Complaint should be
16 dismissed in its entirety.

17 **II. STATEMENT OF RELEVANT FACTS**

18 Gary Costa's email response to Anthony Cortez on May 3, 2023 was truthful and based
19 on his valid opinion. First, Anthony Cortez who is the executive director of International
20 Cultural Movement for Equality ("ICME") provided a declaration and supporting
21 documentation showing that Davin actively tried to sabotage Henderson Pride Festival by
22 inundating the City of Henderson with threatening calls and emails, to the point that the City of
23 Henderson determined it was necessary to deploy armed police officers at the 3rd Annual
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Henderson Pride Festival on Water Street. *See* Anthony Cortez Declaration attached hereto as “Exhibit A”. This was not the first time Plaintiffs had engaged in intimidation tactics as a year prior in 2022, the city of Henderson sent a memo dated March 23, 2022 directed at the Board of Directors of Henderson Equality Center denouncing any type of threats or intimidation of local business if they did not support Plaintiffs’ Henderson Pride Fest¹. *See* KNPR Interview attached hereto as “Exhibit B”. Second, it is well-known and documented that Plaintiffs Davin and Harder, with Davin taking the lead, bully and harass people in the LGBTQ+ community². For example, Jennifer Eason, a former Henderson Equality Center (“HEC”) Board Member, provided a declaration and documentation in support of the instant Reply detailing how she was cyberbullied by Davin after she questioned his misuse of HEC’s funds and decided to resign from the Board. *See* Jennifer Eason Declaration attached hereto as “Exhibit C”. Ms. Eason had confided in Davin about very personal, sensitive issues and Davin in turn launched a vicious attack, weaponizing her mental health struggles and the relationship with her son. To protect the LGBTQ+ community, Ms. Eason posted on Facebook about her interaction with Davin and published their messages to expose Davin’s true character. *See* Exhibit C, Eason Dec.

Costa also provided a Supplemental Declaration to expand on his experience with Plaintiffs Davin and Harder to show how he formed his opinion about them being bad actors. *See* Costa Supplemental Declaration attached hereto as “Exhibit D”. Costa has dedicated the past 40 years of his life trying to better the LGBTQ+ community through his work. During this

¹ There is currently a pending public records request with the City of Henderson for the March 23, 2022 memo.

² *See* Cortez Dec, Exhibit A; Jennifer Eason Declaration attached herein as “Exhibit B”; Costa Dec; *See* Declaration of Brady McGill; Declaration of Sean Vangorder; Declaration of Nicole Williams; Declaration of Joslyn Hatfield; Declaration of Jean Carlos Lopez; Declaration of James McCoy; Declaration of Louise O’Reilly; Declaration of Jennifer Howe;

1 time, he has witnessed firsthand bigotry, violence, and harassment from outsiders and for the
2 past three years he saw it happen within the LGBTQ+ community from Davin and Harder
3 under the guise of helping local LGBTQ+ youth with Henderson Equality Center (HEC). As
4 the evidence clearly shows, Plaintiffs are not friends or advocates of the LGBTQ+ community.
5 Davin and Harder in concert have used fear, intimidation and bullying to get what they want
6 from the LGBTQ+ community.
7

8 Finally, as preliminary matter, Costa never made any statement about Plaintiff Henderson
9 Equality Center (HEC). Plaintiffs in turn have not made any arguments that Costa defamed
10 HEC nor provided any evidence to support a defamation claim against Costa or Golden
11 Rainbow. For that reason, all HEC's claims against Mr. Costa and Golden Rainbow should be
12 dismissed. The statements made by Costa about Plaintiffs Davin and Harder, as will be
13 discussed *infra*, were truthful, good faith communications protected by Nevada's anti-SLAPP
14 statutes. Thus, all claims against Costa and Golden Rainbow should also be dismissed.
15

16 **III. LEGAL STANDARD**

17
18 A special motion to dismiss under Nevada's anti-SLAPP statute should be granted where
19 the defendant shows by a preponderance of the evidence that the claim is based upon a good-
20 faith communication in furtherance of the right to petition or the right to free speech regarding a
21 matter of public concern, NRS 41.600(3)(a), and the plaintiff cannot show with "prima facie
22 evidence a probability of prevailing on the claim," NRS 41.660(3)(b). *Shapiro v. Welt*, 133 Nev.
23 35, 37, 389 P.3d 262, 267 (2017). A good-faith communication in furtherance of the right to
24 free speech regarding a matter of public concern includes any communication that is (1) "made
25 in direct connection with an issue of public interest," (2) "in a place open to the public or in a
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public forum,” and (3) “which is truthful or is made without knowledge of its falsehood.” NRS 41.637(4).

IV. ARGUMENT

A. Defendants Costa and Golden Rainbow Properly Supported Their Motion to Dismiss With Admissible Evidence

Plaintiffs offer numerous meritless arguments regarding the inadmissibility of the evidence provided in support of Costa and Golden Rainbow’s anti-SLAPP Motion to Dismiss. Plaintiffs erroneously claim that Costa’s original declaration detailing his interactions with Plaintiffs on social media as well as conversations with Cortez are inadmissible because he provided no supporting documentation besides his Declaration. Plaintiffs also erroneously claim that Costa is not competent to testify, and his testimony violates the best evidence rule. Both of these arguments are unconvincing.

Plaintiffs’ reliance on the best evidence rule to somehow claim Costa cannot testify about his personal experience is without merit. There are no Nevada cases that apply the best evidence rule to anti-SLAPP motions to dismiss. To support this claim, Plaintiffs instead cite the inapplicable Nevada Supreme Court decision *Stephans v. State*, which involved a criminal matter wherein a security officer testified to the price of a stolen good without providing the actual price tag. 262 P.3d 727, 733 (Nev. 2011). The *Stephans* court held that the officer did not have knowledge of the value apart from the price tag, which implicated best evidence rule. The statements in Costa’s original declaration, however, are entirely different. Here, Nevada’s best evidence, NRS 52.235 has no application under the circumstances. Costa’s personal observation of Plaintiffs’ social media activity and interactions is not trying to prove the contents of these posts. It was one of ways he formed his valid opinion that Plaintiffs were bullies and bad actors.

1 This is not subject to the best evidence rule. Additionally, Plaintiffs Davin and Harder are no
2 longer friends on social media limiting Costa's access to their posts. See Exhibit D, Costs Supp.
3 Dec. Nevertheless, Jennifer Eason's declaration attached to this Reply as Exhibit C, includes
4 messages exchanged between her and Davin as well as the Facebook post she published on
5 October 20, 2020, as proof of his cyberbullying.
6

7 Plaintiffs then argue that Costa's declaration which addresses Mr. Cortez's claims about his
8 communications with the City of Henderson is not admissible because he provides no
9 foundation for his personal knowledge of the facts. Mr. Cortez provided a declaration in support
10 of the instant Reply detailing his personal conversations with the City of Henderson and
11 heeding the advice of the City regarding security measures at the Henderson Pride Festival on
12 May 3, 2023. See. Exhibit A, Cortez Dec. In fact, the City deemed the threats credible and
13 deployed two armed Henderson police officers to the festival. *Id.*
14

15 Plaintiffs then make the specious argument that Costa did not and cannot properly
16 authenticate the email chain he identified in his original January 19, 2024 declaration because
17 he needs to provide other evidence to authenticate the document at issue. This is contrary to
18 Nevada law. The Nevada Supreme Court has determined that affidavits should be used to
19 authenticate exhibits in anti-SLAPP motions to dismiss. *Rosen*, 135 Nev. 436, 444, 453 P.3d
20 1220, 1226 (2019) (although the moving party is not required to file an affidavit in support of an
21 anti-SLAPP motion to dismiss under the anti-SLAPP statute, it is necessary to do so when
22 material facts are in dispute and to authenticate exhibits). As the author of the subject May 3,
23 2023 email, Costa has the requisite personal knowledge to properly authenticate it. Although
24 Costa identified the subject email in his original declaration Costa has again identified and
25 authenticated the May 3, 2023 email in his supplemental declaration. See Exhibit D, Costa
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1 Supp. Dec. Furthermore, all documents and photographs attached to the Declarations herein are
2 properly authenticated by the declarants.

3 **B. The Statements About Plaintiffs Davin and Harder in Costa’s May 3, 2023 Email**
4 **Response to Anthony Cortez Directly Connect With an Issue of Public Interest**

5 The statements made by Costa in his May 3, 2023 email, are directly connected to an issue
6 of public concern. To determine whether statements at issue are protected under Nevada’s anti-
7 SLAPP statutes as issues of public concern, the Nevada Supreme Court looks to five guiding
8 principles:
9

10 (1) “public interest” does not equate with mere curiosity;

11 (2) a matter of public interest should be something of concern to a substantial number of
12 people; a matter of concern to a speaker and a relatively small specific audience is not a matter
13 of public interest;
14

15 (3) there should be some degree of closeness between the challenged statements and the
16 asserted public interest—the assertion of a broad and amorphous public interest is not sufficient;

17 (4) the focus of the speaker's conduct should be the public interest rather than a mere effort
18 to gather ammunition for another round of private controversy; and
19

20 (5) a person cannot turn otherwise private information into a matter of public interest simply
21 by communicating it to a large number of people.

22 *Shapiro v. Welt*, 133 Nev. 35, 39, 389 P.3d 262, 268 (2017)

23 ***(1) Costa’s statements regarding the security threats at the Henderson Pride Festival and***
24 ***Davin and Harder’s bullying are not mere curiosity.***

25 First, a warning about a security threat at a LGBTQ+ public event prompting the need for
26 armed police officers is not mere curiosity, but a genuine issue of public concern. Again,
27 Anthony Cortez, the executive director of ICME and founder of Henderson Pride Festival, has
28

provided a declaration in support of the instant Reply stating he personally received calls from the City of Henderson's Parks and Recreations Department informing him about threats they received concerning the 3rd Annual Henderson Pride Festival on Water Street and the need for security. *See* Exhibit A, Cortez Dec. Cortez also provided a photograph of two armed Henderson police officers that were dispatched to the Henderson Pride Festival on May 6, 2023. *Id.* After personally fielding the calls from the City of Henderson, Cortez sent an email to the LGBTQIA2+ Connect thread to warn others in the LGBTQ+ community who may be attending the event as it involved a *security threat*. *Id.* Although Plaintiffs claim there was no security threat³, the evidence clearly shows that threats were indeed made and the City of Henderson decided it was necessary to deploy armed police officers as a result. Plaintiffs cite an inapplicable California decision, *Carver v. Bonds*, 135 Cal. App. 4th 328, 354 (2008) to support their invalid contention that the email chain about the security threat was used to manufacture a controversy to defame Plaintiffs. This is not what the evidence proves. As Cortez's aforementioned declaration and supporting photograph shows, the City of Henderson received credible threats from Davin and took action by dispatching police officers to the Henderson Pride Festival. Cortez, then thought it necessary to warn others in the LGBTQ+ Community attending the event about the security threats.

As such, Costa's May 3, 2023 email response acknowledging this information and thanking Cortez for sharing it, directly connects to the public's interest in the safety of public events, especially one celebrating a marginalized, vulnerable group like LGBTQ+ community.

³ Davin and Harder state in their respective declarations they never attended the Henderson Pride Festival on May 6, 2023 and they were out of town. This is irrelevant. The threats were made beforehand and their presence at the actual festival is not necessary to show they committed them. *See* Davin Dec. at ¶ 11; Harder Dec. at ¶ 5.

1 Similarly, Costa's statement about the years of bullying and harassment by Davin and
2 Harder is also not mere curiosity. Costa, Anthony Cortez and Jennifer Eason's declarations
3 attached to the instant Reply and declarations submitted with the Co-Defendants LV Pride et
4 al's Reply⁴ prove that Plaintiffs Davin and Harder have engaged in bullying, cyberbullying,
5 harassment and other conduct that can adequately be characterized as terrorizing the LGBTQ+
6 community. In Jennifer Eason's Facebook post from October 2020, she issued a warning to the
7 LGBTQ+ community as a former board member of HEC about Davin and released a thread of
8 messages wherein Davin berated and antagonized her for her mental health and family issues
9 because she questioned Davin's use of HEC funds. *See* Exhibit C, Eason Dec. She wanted to
10 expose Davin for misappropriating HEC funds and committing fraud as he was holding himself
11 out to be an advocate of the LGBTQ+ community. As the date of the Facebook post indicates, it
12 was published in 2020 which validates Costa's statement that Plaintiffs have been bullying and
13 terrorizing the community for the past three years. This is one of the many posts Costa
14 remembered seeing online to support his opinion. *See* Exhibit D, Costa Supp Dec.

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18 Cortez's Declaration not only includes testimony about his experience with the City of
19 Henderson and Davin's security threats, but also his inability to market Henderson Pride
20 Festival due to Plaintiffs' improper registration and use of the Henderson Pride Fest trademark
21 and their predatory infringement claims against Henderson Pride Festival. *See* Exhibit A,
22 Cortez Dec. He also detailed the confusion it caused among the public and the years-long legal
23 battle to win the rights to the Henderson Pride Festival trademark and bar Plaintiffs from using
24 Henderson Pride Fest.⁵ Again, this is another example of the bullying and bad acts that served
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26

27 ⁴ *See* LV Pride et al Reply to Plaintiffs' Opp.

28 ⁵ Anthony Cortez provided a declaration in support of LV Pride et al's Reply to Plaintiffs' Opposition recounting his trademark infringement legal battle with Plaintiffs.

1 as warning to those in the LGBTQ+ Community who could be taken advantage of by
2 Plaintiffs.

3 Furthermore, Costa stated in his declaration he would never see Davin without Harder
4 and for a long time they were the only two members of the HEC's board of directors. *See*
5 Exhibit D, Costa Supp Dec. As HEC board members, Davin and Harder's tactics were publicly
6 exposed by the City of Henderson via a March 23, 2022 memo from the City of Henderson
7 directed to the Board of Directors of HEC denouncing intimidation tactics and threats to
8 boycott local businesses if they did not support Henderson Pride Fest in 2022. *See* Exhibit B,
9 KNPR Interview at 3.
10

11 Warning the wider LGBTQ+ community Plaintiffs' unscrupulous behavior is an issue of
12 public concern and not mere curiosity. From berating and antagonizing former board members
13 for mental health struggles, to stealing trademarks and inundating the City of Henderson with
14 threats to the point the city deployed armed police officers at the Henderson Pride Festival.
15 There is the overwhelming evidence showing that Plaintiffs Davin and Harder did terrorize the
16 community for years for their own personal and financial gain.
17

18
19 **(2) The matter of public concern and bullying perpetrated by Davin and Harder is**
20 **concern a substantial number of people within the LGBTQ+ Community**

21 Costa's statements concern a substantial number of people within the LGBTQ+ Community,
22 contrary to Plaintiffs claims. Plaintiffs attempt to conveniently downplay both their role and the
23 size of the Southern Nevada LGBTQ+ community with a cavalier aside, "to the extent a single
24 monolithic community even exists." *See* Opp at 9 ¶ 5. Besides this one flippant remark,
25 Plaintiffs provide no tenable argument regarding the size of the community. The LGBTQ+
26 Community in Southern Nevada is comprised of thousands of people, including friends,
27 families, and allies of the larger LGBTQ+ Community. As Costa stated in his original
28

1 declaration, the subscriber list just for Golden Rainbow has more than two thousand people. *See*
2 Costa Declaration attached hereto as “Exhibit E”. Plaintiffs then cite an inapposite California
3 decision *Weinberg v. Feisel*, 110 Cal.App.4th 1122, 1127 (2003) that involved a private
4 campaign to discredit the plaintiffs to a small group of fellow collectors. Unlike in *Weinberg*,
5 there is evidence that Davin sent threatening emails and made calls to the City of Henderson
6 prompting the dispatch of armed police officers at the 3rd annual Henderson Pride Festival on
7 May 6, 2023. There is also the March 23, 2022 letter the City of Henderson had previously sent
8 to the HEC Board of Directors for this type of problematic behavior from Plaintiffs. *See* Exhibit
9 B, KNPR Interview. Furthermore, the multitude of declarations in support of the instant motion
10 and LV Pride’s Reply recount the many instances of bullying and harassing by Davin and
11 Harder to in the LGBTQ+ community spanning years. As the evidence shows, Costa’s
12 statements were not concocted as part of a smear campaign among a small group of people as
13 Plaintiffs would like the court to believe. Plaintiffs’ conduct has been verified by active
14 participants in the LGBTQ+ Community.

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18 ***(3) Costa’s statements are closely connected to warning the LGBTQ+ Community about***
19 ***Davin and Harder as bad actors***

20 Plaintiffs argue that Costa has failed to show any pre-existing controversy regarding
21 Plaintiffs being a security threat. Again, Cortez has provided a declaration attesting to the phone
22 calls he received from the City of Henderson Parks and Recreation department about the threats
23 from Davin and supporting photographic evidence of armed police officers at the Henderson
24 Pride Festival. Moreover, Costa, Cortez and Jennifer Eason’s declarations along with the many
25 provided by Las Vegas Pride in its Reply show that Plaintiffs’ bullied and harassed many
26 members of the local LGBTQ+ community dating back to 2020. Costa also detailed his four
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decades of working in the LGBTQ+ community and the experiences he's had with bad actors both inside and outside the community.

(4) Costa's statements were not part of a personal dispute with Davin and Harder

Plaintiffs' accusation that Costa's email response was part of some personal vendetta against Davin and Harber is unequivocally false. Plaintiffs support their untenable position merely because a link to Las Vegas Prides' press link was sent to the LGBTQIA2+ Connect email thread. As Costa stated in both his original and supplemental declarations, he has witnessed Davin and Harder's bullying and harassment for years. *See* Exhibits D and E. The aforementioned Jennifer Eason messages with Davin and Facebook post were from 2020, three years prior to Costa's email. Additionally, as Costa has detailed in his supplemental declaration, he has witnessed bad actors inside and outside the LGBTQ+ community for four decades and based on his own experience knows what constitutes bullying and harassing behavior. *See* Exhibit D, Costa Supp Dec. As such, Costa's statement in his May 8, 2023 email response is not a personal vendetta against Plaintiffs as they erroneously claim it to be, but a valid opinion he formed over years of witnessing Plaintiffs' unethical behavior. An opinion based on truth is not a basis for a defamation claim. *Lubin v. Kunin*, 117 Nev. 107, 112, 17 P.3d 422, 426 (2001). (as long it is based on true and public information, an evaluative opinion conveys "the publisher's judgment as to the quality of another's behavior and, as such, it is not a statement of fact."). Costa based his opinion on transgressions committed by Davin and Harder and the experiences of other people in LGBTQ+ community who exposed them, such as Anthony Cortez and Jennifer Eason.⁶

⁶ *See* Cortez Dec, Exhibit A; Jennifer Eason Declaration attached herein as "Exhibit C"; Costa Dec; *See* Declaration of Brady McGill; Declaration of Sean Vangorder; Declaration of Nicole Williams; Declaration of

1 ***(5) Costa’s statements about Davin and Harder were of public interest prior to sending***
2 ***his May 3, 2023 email in the LGBTQIA2+ Connect thread.***

3 As set forth in under subsection B(1) *supra*, Costa’s email remarking on the security threats
4 made by Davin and Plaintiffs’ widespread buying throughout the LGBTQ+ community is well-
5 known within the community. As will be discussed in more detail below in Section C, the email
6 was sent to the LGBTQIA2+ Connect thread that has a widespread reach through the local
7 LGBTQ+ community.
8

9 **C. Costa’s Statements Were Made In A Public Forum**

10 The LGBTQIA2+ Connect group is a coalition of local leaders and organizations that
11 meet regularly to discuss pertinent issues within the local LGBTQ+ community. The Nevada
12 Supreme Court in *Kosor v. Olympia Cos., LLC*, 478 has stated its application of Nevada's anti-
13 SLAPP statutes, suggests that the scope of the relevant forum should be more closely tailored
14 to the specific circumstances at issue. *Kosor v. Olympia Companies, LLC*, 136 Nev. 705, 712,
15 478 P.3d 390, 396 (2020). In other words, “...in our view, the question is, more limitedly,
16 whether the particular post or website at issue “ ‘bear[s] the hallmarks of a public forum.’” *Id.*
17

18 Although there are only 44 emails on the thread, this does not represent the reach of the
19 group. The items discussed in the meetings and via the email thread are then disseminated to
20 each organizations’ vast subscribers and followers and allows the input from the collective
21 group. As Costa, the executive director of Golden Rainbow, described in his original
22 declaration, Golden Rainbow has 2,200 subscribers, which is only one of the 44 different
23 organizations that are a part of LGBTQIA2+ Connect. *See* Exhibit E, Costa Dec. Also, despite
24 Plaintiffs’ assertion, LGBTQIA2+ Connect meet regularly and do not deny anyone’s entry to
25
26

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28 _____
Joslyn Hatfield; Declaration of Jean Carlos Lopez; Declaration of James McCoy; Declaration of Louise O’Reilly;
Declaration of Jennifer Howe

1 join the in-person meetings. In sum, LGBTQIA2+ Connect represents a public forum in which
2 information about the local LGBTQ issues and concerns is freely exchanged and disseminated
3 to the broader community.

4
5 **D. All Statements Made By Costa In His May 3, 2023 Email Are Either Truthful Or**
6 **Statements Of Opinion Incapable Of Being False**

7 To meet the burden under prong one, a defendant must establish “by a preponderance of the
8 evidence” that the statements were true or made without knowledge of their falsity. NRS
9 41.660(3)(a). In a defamation action, “it is not the literal truth of ‘each word or detail used in a
10 statement which determines whether or not it is defamatory; rather, the determinative question
11 is whether the “gist or sting” of the statement is true or false.’” *Rosen v. Tarkanian*, 135 Nev.
12 436, 441, 453 P.3d 1220, 1224 (2019) citing *Oracle USA, Inc. v. Rimini St., Inc.*, 6 F. Supp. 3d
13 1108, 1131 (D. Nev. 2014). Furthermore, statements of opinion are protected speech under the
14 First Amendment of the United States Constitution and are not actionable at law. *See Nevada*
15 *Ind. Broadcasting*, 99 Nev. at 410, 664 P.2d at 341–42. The test for whether a statement
16 constitutes fact or opinion is: “whether a reasonable person would be likely to understand the
17 remark as an expression of the source's opinion or as a statement of existing fact.” *Id.* at 410,
18 664 P.2d at 342. Because “there is no such thing as a false idea,” *Pegasus v. Reno Newspapers,*
19 *Inc.*, 118 Nev. 706, 714, 57 P.3d 82, 87 (2002) (internal quotation marks omitted), statements of
20 opinion are statements made without knowledge of their falsehood under Nevada's anti-SLAPP
21 statutes. *Abrams v. Sanson*, 136 Nev. 83, 89, 458 P.3d 1062, 1068 (2020).

22
23
24 Here, as discussed in detail in Section B supra, every statement made by Costa regarding
25 the security threats and pattern of bullying is supported by evidence or based on Costa’s valid
26 opinion. As explained in his supplemental declaration, Costa witnessed bad actors inside and
27 outside the LGBTQ+ community for four decades and based on his own experience knows
28

1 what constitutes bullying and harassing behavior. *See* Exhibit D, Costa Supp Dec. As such,
2 Costa’s statement in his May 8, 2023 email response is not a personal vendetta against
3 Plaintiffs as they erroneously claim it to be, but a valid opinion he formed over years of
4 witnessing Plaintiffs’ unethical behavior. An opinion based on truth is not a basis for a
5 defamation claim. *Lubin v. Kunin*, 117 Nev. 107, 112, 17 P.3d 422, 426 (2001). (as long it is
6 based on true and public information, an evaluative opinion conveys “the publisher's judgment
7 as to the quality of another's behavior and, as such, it is not a statement of fact.”). Costa based
8 his opinion based on transgressions committed by Davin and Harder along with his own
9 experiences and of other people in LGBTQ+ community who exposed them publicly, such as
10 Anthony Cortez and Jennifer Eason.

11
12 In sum, Costa’s statements in his email reply to Anthony Cortez on May 3, 2023 are not
13 actionable because they were truthful and based on his valid opinion. The abundance of
14 evidence supporting Costa’s statements contained within the email is in stark contrast to the
15 zero-evidence proffered by Plaintiffs. Even under the preponderance standard, an affidavit
16 stating that the defendant believed the communications to be truthful or made them without
17 knowledge of their falsehood is sufficient to meet the defendant’s burden absent contradictory
18 evidence in the record. *Stark v. Lackey*, 136 Nev. 38, 43, 458 P.3d 342 (2020). As such, Costa
19 and Golden Rainbow satisfied their burden under prong one and their anti-SLAPP motion to
20 dismiss should be granted.

21
22
23
24 **E. Plaintiffs Failed to Meet Their Burden Under The Second Prong As They Did Not**
25 **Prove Their Probability of Prevailing on Their Claims.**

26 Under the second prong of the relevant framework, the court must determine whether the
27 plaintiff has demonstrated with prima facie evidence a probability of prevailing on the claim.
28 NRS 41.660(3)(b). Because Plaintiffs Davin and Harder are public figures, to prevail they must

1 prove by clear and convincing evidence that the publication at issue was made with *actual*
2 *malice*. *Wynn v. Associated Press*, 140 Nev. Adv. Op. 6, 542 P.3d 751, 756 (2024) citing
3 *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 719, 57 P.3d 82, 90 (2002). In other words,
4 while the plaintiff at this prong must prove only that their claim has minimal merit, a public
5 figure defamation claim does not have minimal merit, as a matter of law, if the plaintiff's
6 evidence of actual malice would not be sufficient to sustain a favorable verdict under the clear
7 and convincing standard. If a public figure plaintiff could prevail on an anti-SLAPP special
8 motion to dismiss by putting forth only minimal evidence of actual malice, the statutes'
9 mechanism for providing an early and expeditious resolution of meritless claims would be
10 rendered ineffectual. *Wynn*, 140 Nev. Adv. Op. 6, 542 P.3d 751, 757 (2024).

13 Alternatively, even if Plaintiffs are not considered public figures, they have failed to provide
14 any evidence to satisfy the minimal merit standard. In assessing whether the claims arising from
15 protected communications have minimal merit, the court reviews each challenged claim
16 independently and assess Plaintiffs' probability of prevailing. *Abrams v. Sanson*, 136 Nev. 83,
17 91, 458 P.3d 1062, 1069 (2020). A complaint should not be dismissed in its entirety where it
18 contains claims arising from both protected and unprotected communications. *Id.* This analysis
19 serves to ensure that the anti-SLAPP statutes protect against frivolous lawsuits designed to
20 impede protected public activities without striking legally sufficient claims. *Id.*

23 ***1. Plaintiffs' Defamation Per Se Claim Fails As A Matter of Law Because Davin and***
24 ***Harder are Public Figures And Did Not Show Costa's Statements Were Made With***
Actual Malice

25 To prevail on his defamation claim, Davin and Harder are also required to show "(1) a
26 false and defamatory statement by [the] defendant concerning the plaintiff; (2) an unprivileged
27 publication to a third person; (3) fault amounting to at least negligence; and (4) actual or
28

1 presumed damages.” *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 718, 57 P.3d 82, 90
2 (2002). However, if the defamatory communication imputes a “person's lack of fitness for
3 trade, business, or profession,” or tends to injure the plaintiff in his or her business, it is
4 deemed defamation per se and damages are presumed. *K-Mart Corporation*, 109 Nev. at 1192,
5 866 P.2d at 282. Defendants have a far lower burden of proof than the plaintiff must meet
6 under prong two to prevail on his defamation claims, which require a showing of “actual
7 malice”—i.e., that defendants made the statements with the “knowledge that [they were] false
8 or with reckless disregard of whether [they were] false or not.” *Rosen*, 135 Nev. 440, 453 P.3d
9 1224; *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 719, 57 P.3d 82, 90 (2002) (quoting
10 *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 279-80, 84 S.Ct. 710, 11 L.Ed.2d 686 (1964)).

13 First, Plaintiffs claim they are merely private citizens is unconvincing. Davin and Harder
14 are rarely apart and were the first and only two board members of HEC for a long time. *See*
15 Exhibit D, Costa Supp. Dec. Furthermore, Davin is the spokesperson of HEC and has
16 conducted countless interviews and press to promote HEC and Henderson Pride Fest, now
17 Southern Nevada Fest. *See* Davin Press Interviews attached herein as Exhibit F. Plaintiffs hold
18 themselves out to be leaders in the Southern Nevada LGBTQ+ Community as board members
19 of HEC and according to their website they launched a LGBTQ magazine in 2021 called “Out
20 in Henderson” with valley-wide distribution. As public figures, they must show Costa made the
21 statements in his May 3, 2023 email with knowledge of their falsity or reckless disregard of
22 whether they were false. As the record clearly shows, Costa’s statements are truthful and based
23 on his valid opinions. Plaintiffs have provided zero evidence to show the statements are false
24 let alone Costa acted with actual malice. For that reason, Plaintiffs’ defamation claims against
25 Costa and Golden Rainbow must be dismissed.
26
27
28

1 **2. Even if Plaintiffs are not Considered Public Figures Their Defamation Claims**
2 **Lacked Minimal Merit Because Costa's Statements Were True and His Valid**
3 **Opinion.**

4 Plaintiffs offer no other evidence to support their allegations that Costa's statements were
5 untrue or made with knowledge of their falsehood, thus failing to prove the first element of
6 their defamation per se claim. The only argument proffered by Plaintiffs is that there is no
7 dispute Defendants' statements concern Plaintiffs, that they published to a third party or that
8 they are defamatory per se. Plaintiffs cannot shift their burden back to Defendants. Thus,
9 Plaintiffs' defamation per se claim lacks minimal merit as they provided no supporting
10 evidence for any of the elements. As such, there is no need for a discussion of whether
11 Plaintiffs' reputation was injured as Plaintiffs provided no supporting evidence.

12 **3. Plaintiffs' False Light Cause of Action Lacks Minimal Merit as it Fails to Show**
13 **Costa Acted with Actual Malice**

14 In Nevada, an action for false light arises when:

15 [o]ne who gives publicity to a matter concerning another that places the other before the
16 public in a false light ... if

17 (a) the false light in which the other was placed would be highly offensive to a reasonable
18 person, and

19 (b) the actor had knowledge of or acted in reckless disregard as to the falsity of the
20 publicized matter and the false light in which the other would be placed.

21 *Franchise Tax Bd.*, 133 Nev. at 844-45, 407 P.3d at 735 (quoting Restatement (Second) Torts §
22 652E). False light also *requires* an implicit *false* statement of objective fact. *Flowers v.*
23 *Carville*, 310 F.3d 1118, 1132 (9th Cir. 2002) (emphasis added); *see also* Restatement
24 (Second) Torts § 652E (1977), cmt. a ("It is essential to the rule stated in this Section that the
25 matter published concerning the plaintiff is not true.").

26 Here, none of the statements made about Davin or Harder were defamatory as they were
27 truthful or based on a valid opinion, therefore, it would not be highly offensive. Additionally,
28

1 Plaintiffs' conclusory argument to establish Costa acted with reckless disregard is that the
2 complete lack of evidence creates a genuine dispute of material fact as to this element. This is
3 an incorrect application of the law. Plaintiff cannot unilaterally shift the burden or change the
4 burden because they were unable to provide any supporting evidence. The bottom line is
5 Plaintiffs failed to establish any of the elements. Even so, Plaintiffs' cause of action for false
6 light still fails, as Plaintiff then cites to Costa's declaration wherein he attests to witnessing
7 Davin's bullying on social media but did not provide any of the alleged posts. As set forth,
8 supra, Jennifer Eason provided her Facebook post in which warned her followers and fellow
9 LGBTQ+ community members about Davin and published the malicious messages he sent her.

10
11 **4. Plaintiffs' Cause of Action for Tortious Interference With Prospective Economic
12 Advantage Lacks Minimal Merit and Fails as a Matter of Law**

13
14 In Nevada, a cause of action for tortious interference with a contract: 1) a prospective
15 contractual relationship between the plaintiff and a third party; 2) the defendant's knowledge of
16 this prospective relationship; 3) the intent to harm the plaintiff by preventing the relationship;
17 4) the absence of privilege or justification by the defendant; and, 5) actual harm to the plaintiff
18 as a result of the defendant's conduct. *Leavitt v. Leisure Sports Incorporation*, 103 Nev. 81, 88,
19 734 P.2d 1221, 1225 (1987).
20

21 Here, Davin's declaration contains a general statement that HEC lost a partnership with
22 Barclay's due to Defendants' statements. See Davin Dec, ¶¶ 20-21. There are no details related
23 to the actual contract involved with Barclays. Furthermore, there is no evidence that Costa had
24 knowledge of this relationship or had the requisite intent to harm Davin. Harder's declaration is
25 even more lacking as he merely asserts he was denied access entry into the Leadership
26 Academy and fails to even specify whether this is a contractual relationship. See Harder Dec.,
27 ¶¶ 14-15.
28

Both Harder and Davin failed to establish any of the elements for a tortious interference of a contract.

5. Plaintiffs Cause of Action for Civil Conspiracy Lacks Minimal Merit As They Failed to Show A Concerted Action

In Nevada, “An actionable civil conspiracy consists of a combination of two or more persons who, by some concerted action, intend to accomplish an unlawful objective for the purpose of harming another, and damage results from the act or acts.” *Consolidated Generator-Nev., Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1311, 971 P.2d 1251, 1256 (1998) (internal quotation marks omitted). Here, Plaintiffs offer no proof that Costa conspired with any of the other Defendants for the purpose of harming Plaintiffs. Additionally, none of Costa’s statements about Plaintiffs were defamatory as they were either truthful or a valid opinion. As such, Plaintiffs have failed as a matter of law to establish a cause of action for civil conspiracy.

F. CONCLUSION

For the reasons set forth herein, Costa’s statements in his May 3, 2023 are not defamatory and are thus protected under Nevada’s anti-SLAPP statutes. Costa and Golden Rainbow met their burden under the first prong of the anti-SLAPP analysis showing that his statements were an issue of public interest, made in a public forum, and were true or based on his valid opinion. Plaintiffs did not satisfy their burden under the second prong by failing to provide any evidence show their probability of prevailing under their claims, whether they are considered public figures or not. As such, Defendants respectfully request an order dismissing Plaintiffs’ o complaint and all claims therein and awarding attorneys’ fees and costs pursuant to NRS 41.635, et. seq. Plaintiffs’ complaint is solely designed to quell Defendants’ protected speech. Because such communications have been held as protected speech under anti-SLAPP

principles, Defendants requests that this Court dismiss Plaintiffs' complaint and award fees and costs.

DATED this 12th day of March, 2024.

OLSON CANNON & GORMLEY

/s/Ashley Olson

JAMES R. OLSON, ESQ.

Nevada Bar No. 000116

ASHLEY OLSON, ESQ.

Nevada Bar No. 15448

PETER PRATT, ESQ/

Nevada Bar No. 6458

9950 West Cheyenne Avenue

Las Vegas, NV 89129

Attorneys for Defendants GOLDEN RAINBOW OF
NEVADA, INC. and GARY COSTA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of March, 2024, I sent via e-mail a true and correct copy of the above and foregoing **REPLY TO PLAINTIFFS' OPPOSITION TO DEFENDANTS GARY COSTA AND GOLDEN RAINBOW OF NEVADA, INC.'S SPECIAL MOTION TO DISMISS PER NEVADA'S ANTI-SLAPP PROVISIONS, NRS 41.635, ET. SEQ.** on the Clark County E-File Electronic Service List (or, if necessary, by U.S. Mail, first class, postage pre-paid), upon the following:

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and Sean VanGorder

/s/ Jane Hollingsworth

An Employee of OLSON CANNON & GORMLEY

EXHIBIT A

DECLARATION OF ANTHONY CORTEZ

I, Anthony Cortez, declare under penalty of perjury in accordance with NRS 53.330 as follows:

- 1) I am the executive director of International Cultural Movement for Equality (ICME), which was founded in October 2019 a 501(c)3 non-profit that is committed to continuing the movement towards equality for all by creating dialogue for courageous conversation, teaching tolerance, acceptance, inclusion and highlighting the good in humanity through community outreach.
- 2) ICME produces the annual Henderson Pride Festival which was officially launched on June 5, 2021 held in Lake Las Vegas in the City of Henderson.
- 3) ICME registered for a trademark for Henderson Pride Festival on July 23, 2021 Registration number 7289336
- 4) In 2022, Chris Davin who is the founder and executive director of the Henderson Equality Center launched the "Henderson Pride Fest" June 11, 2022 infringing on ICME's Henderson Pride Festival's trademark and was successful in getting the City of Henderson involved.
- 5) We recently reported both their Facebook pages the Henderson Equality Center and Henderson Pride Fest for trademark infringement and were successful in having them removed.
- 6) We've had trouble marketing Henderson Pride Festival from the minute Davin tried to take our name and create his own event. It caused major confusion in the community with attendees, vendors and major sponsors. It's been a nightmare from day one. Then there was issue with having Henderson Pride Festival's original Facebook page taken down and having to wait a year for our final Trademark registration, recreating our page, and then reporting him to Facebook and getting his 2 pages taken down. Now Davin has started a different page.. "Southern Nevada Pride - Henderson" <https://www.facebook.com/southernnevadapride>
- 7) In May 2022, after a year of planning, the City of Henderson announced that it would not be working with Chris Davin on a "Henderson Pride Fest" event he had planned with the City of Henderson. The City of Henderson canceled Chris Davin's 2022 Henderson Pride Fest, which he had to move to the Galleria Mall.
- 8) On Saturday, May 21, 2022, ICME invited the Mayor of Henderson, Debra March, to the opening ceremony and 2nd Annual Henderson Pride Festival in Lake Las Vegas. The City of Henderson confirmed the Mayor's attendance a week prior. Two days before the event, I got a call from the Mayor's office stating that due to recent events they wanted to let us know that the Mayor would be arriving with full security detail. Mayor Debra March attended ICME's opening event of the Henderson Pride Festival with security detail.

- 9) Because of the success of the 2nd Annual, the City of Henderson invited ICME back for the 3rd annual Henderson Pride Festival, which took place on Saturday May 6, 2023 on Water Street. ICME was the first and only LGBTQ organization to host a successful event on Water Street in the City of Henderson; this was the 3rd Annual Henderson Pride Festival. We're returning this year and hosting the 4th Annual Henderson Pride Festival on the Water Street Plaza June 1, 2024.
- 10) Prior to May 6, 2023 Henderson Pride Festival, the City of Henderson received countless calls and emails by Chris Davin trying to once again discredit our organization and get our event canceled. Chris Davin was continually emailing and calling the City of Henderson with false information about our organization. The parks & recreation informed us of this because they requested additional documentation of our non-profit status because of his harassment.
- 11) We initially did not have any police officers hired to secure the Henderson Pride Festival on the Water Street Plaza event other than 2 private security guards. However, once again 2 days before our event I got a call from the City of Henderson Parks and Recreation office letting us know that due to threats they had received, they were planning on deploying two armed police officers to our event as a precaution.
- 12) I have provided a photo of the two armed City of Henderson police officers at the Henderson Pride Festival on Water Street Plaza.



13) On May 3, 2023, I informed community leaders on the LGBTQIA2+ Connect email list, which included Gary Costa of Golden Rainbow about the threats the City of Henderson and the Mayor's office had received and the need for armed officers that were going to be provided by the City of Henderson. (Exhibit A)

14) To this day we are still concerned about this person trying to disrupt our relationship with the City of Henderson and our events. Our next event is scheduled for Saturday, June 1, 2024 on the Water Street Plaza in the City of Henderson. We will be taking security messengers as we see fit.

DATED this 12 day of March, 2024.

Anthony Cortez

ANTHONY CORTEZ

EXHIBIT B



KNPR's State of Nevada

City drops from Henderson Pride Fest over 'family friendly' meaning

By Mike Prevatt

Published June 9, 2022 at 1:13 PM PDT

[LISTEN](#) • 44:46



Henderson Pride Fest

This weekend in Henderson, organizers will stage the Henderson LGBTQ+ Pride Fest. Pride festivals typically happen in most large cities during the month of June. With more than 300,000 people, Henderson is the second largest city in Nevada.

But several things will be missing from this Pride celebration. For one, there will be no parade in downtown Henderson. For another, the city dropped its sponsorship of the

There are conflicting views between the city and organizers over the definition of “family friendly.”

As noted, the event will happen. The Henderson Equality Center is putting on the festival at the privately-owned Sunset Galleria shopping mall.



Karl Catarata with the Human Rights Campaign said the issue was a “hiccup,” rather than a larger issue in the community.

“Pride is a celebration of many people coming together. And I think that there are different areas of where pride can be celebrated. And pride is able to be shared and sharing our culture and our rich history as well,” he said.

Chris Davin with the Henderson Equality Center, who is hosting this weekend’s event, said they met with the city several times prior to the event.

“All of a sudden,” he said they got a call for a meeting, and in that meeting, they were told their vision of pride wasn’t aligned with the city’s.

Henderson provided the following statement:

The City of Henderson was thrilled to partner with the Henderson Equality Center to host a free, family-friendly event in support of our LGBTQ community. From the very beginning and in our partnership agreement with HEC, the City emphasized the event must be appropriate for all ages.

The City established conduct and content rules prohibiting sexually explicit or suggestive materials, simulated sex acts, nudity, and profanity in the parade, festival music, performances, and advertising related to these events.

Every City-sponsored event held on Water Street must meet these same criteria to be appropriate for all ages. However, there were activities being planned and materials slated for distribution that were not suitable for all ages, which ultimately led to City staff making the difficult decision to terminate our partnership for the event. We wish Henderson

Equality Center great success on producing PrideFest in the way they envision at a more suitable location. The City continues to look for ways to celebrate diversity, inclusion and acceptance in the community and we are pleased to announce Henderson Family Equality Day being planned for October 15, 2022 on Water Street.

Davin said their goal is to host a family-friendly event, but that they were told it needed to be G-rated. He pointed to the city's recent St. Patrick's Day event, which included alcohol – something he said Pride couldn't include. He said they weren't allowed to have Southern Nevada Health District available to hand out safe sex kits, and if a man took his shirt off, it would be considered partial nudity. He said the rules Henderson gave his organization were not rules in place for other city-involved events.

A memo from the City of Henderson on March 23, in part, says "no intimidation or threats to business owners on Water Street or elsewhere in Henderson, or to be labeled or shunned, or the city's reputation being tarnished when seeking support."

Davin said they went business to business to prepare them for the influx of people to

Robert Fielden, who had his business on Water Street for 10 years, said he's known Mayor Debra March since she was a planner for Las Vegas: "I know her well enough to know if she signed a proclamation for this endorsing it, that she is certainly a person who supports diversity and equality amongst all of us."

He said in his experience Henderson used to be a much more conservative area, but that downtown Henderson is a "special composite," demographically.

Catarata noted there are several events, and they're all still planned to go on. Recently, there was a Pride event at Lake Las Vegas, the event this weekend will go on, and the city has plans for October.

'IT'S A HICCUP. IT SHOULDN'T BE HEARTBURN'

"I think that it's a hiccup. It shouldn't be a heartburn," he said. "I think that this showcases the importance of why we need to come together, the importance of why we really need to change hearts and minds and really do the important work of organizing our community to see and to realize the LGBTQ community as a whole."

Ultimately, he said he doesn't think the "hiccup" reflects badly on the city, which was given a 100 rating on the Human Rights Campaign's equality index. He said it likely came down to bad communication – it takes baby steps.

This was echoed by Dennis McBride, an author and LGBTQ historian in Nevada. The first Pride event in Southern Nevada was 1983, but the parade wasn't until 15 years later.

"They could throw us in jail, they could fire us from our jobs. We had to learn to work around that. And we had to learn to be very persuasive. We had to frame our arguments in a way that were going to convince them and not scare them. And as Pride went on and matured along with the city of Las Vegas, 40 years ago was that first Pride," he said.

various ways politically and socially, and in a non-threateningly way, because, quite frankly, gay people could [be threatened] in those days just by being who we were.”

Now, Derek Washington, chairman of the Stonewall Democratic Club of Southern Nevada, said the city has been “nothing but encouraging.”

“Henderson is not a homophobic place as far as the government goes. And I would be the first to call it out if it were,” he said.

Dennis McBride, Nevada historian and author; **Karl Catarata**, Nevada state director, Human Rights Campaign; **Chris Davin**, executive director, Henderson Equality Center; **Robert Fielden**, principal, RAFI Architecture

Tags

[KNPR's State of Nevada](#)[LGBT](#)[henderson](#)[Nevada & the Southwest](#)[PRIDE](#)[lgbtq](#)[pride month](#)[Southern Nevada](#)[LGBTQ+](#)

Mike Prevatt

Mike has been a producer for State of Nevada since 2019. He produces — and occasionally hosts — segments covering entertainment, gaming & tourism, sports, health, Nevada’s marijuana industry, and other areas of Nevada life.

[See stories by Mike Prevatt](#)

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EXHIBIT C

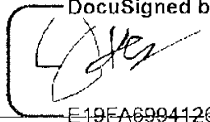
DECLARATION OF JENNIFER EASON

I, Jennifer Eason, declare under penalty of perjury in accordance with NRS 53.330 as follows:

1. The thread of Facebook messages accompanying this declaration were exchanged between myself and Chris Davin at the beginning of September 2020 (Exhibit A).
2. The October 20, 2020 Facebook posts accompanying this declaration were posted by me to my Facebook account (Exhibit B).
3. As a Congressional candidate for NVCD4 in 2020 and high-profile community leader in Las Vegas, I was asked by Chris Davin to serve on the Board at the Henderson Equality Center (HEC) in the summer of 2020.
4. This was at the height of Covid - making in-person meetings difficult, especially because very little was known about the virus at that time. I was adamantly opposed to exposing my wife by attending the numerous opening events Mr. Davin had planned during that time, as she was considered high risk - which did not sit well with Mr. Davin, and he was vocal about "in person" requirements for these events in order to evangelize for the HEC.
5. During this time - I asked Mr. Davin for access to HEC's financials so that I could have the full context of budget constraints as it pertained to travel to Carson City, fundraising efforts, donor demographics etc - and was denied twice.
6. It was at that time that I became aware that Mr. Davin was, through his own admission, collecting a salary from his various non-profit entities and simultaneously claiming unemployment compensation from Nevada, so I began to feel uneasy about my affiliation with HEC - as I didn't want to associate my name with any organization whose President was not only committing fraud, but wasn't forthcoming with financial information.
7. During that time - my then 16-year-old son decided to move out and live with my father in Kansas City - causing me to need to focus my full attention on his transition care. I saw these events as the perfect opportunity to resign from the Board - citing my need to focus on my son, my poor mental health at that time, and hopefully mitigating any awkwardness and potential backlash from Mr. Davin.
8. Unfortunately, it didn't unfold the way I'd hoped, as Mr. Davin took that opportunity to cyber bully me about my son and my mental health. He "unsent" the worst messages he sent- specifically stating that my son didn't love me, etc - but I managed to screenshot the majority of the thread and post it to Facebook with a warning to anyone else in Vegas who might be considering working with him or the HEC (Exhibit B).

9. Finally, I was informed by Derek Washington (my replacement on the Board) that during the meeting where my replacement was voted in - that Mr. Davin concocted an entirely false narrative about my departure from the Board was due to misconduct and spread that narrative to anyone who would give him an audience.
10. All matters stated herein are true of my own knowledge, and I declare under penalty of perjury that the foregoing is true and correct.

DATED this 7th day of March 2024.

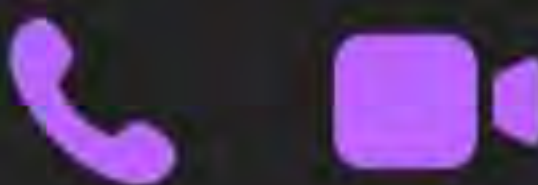
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JENNIFER EASON

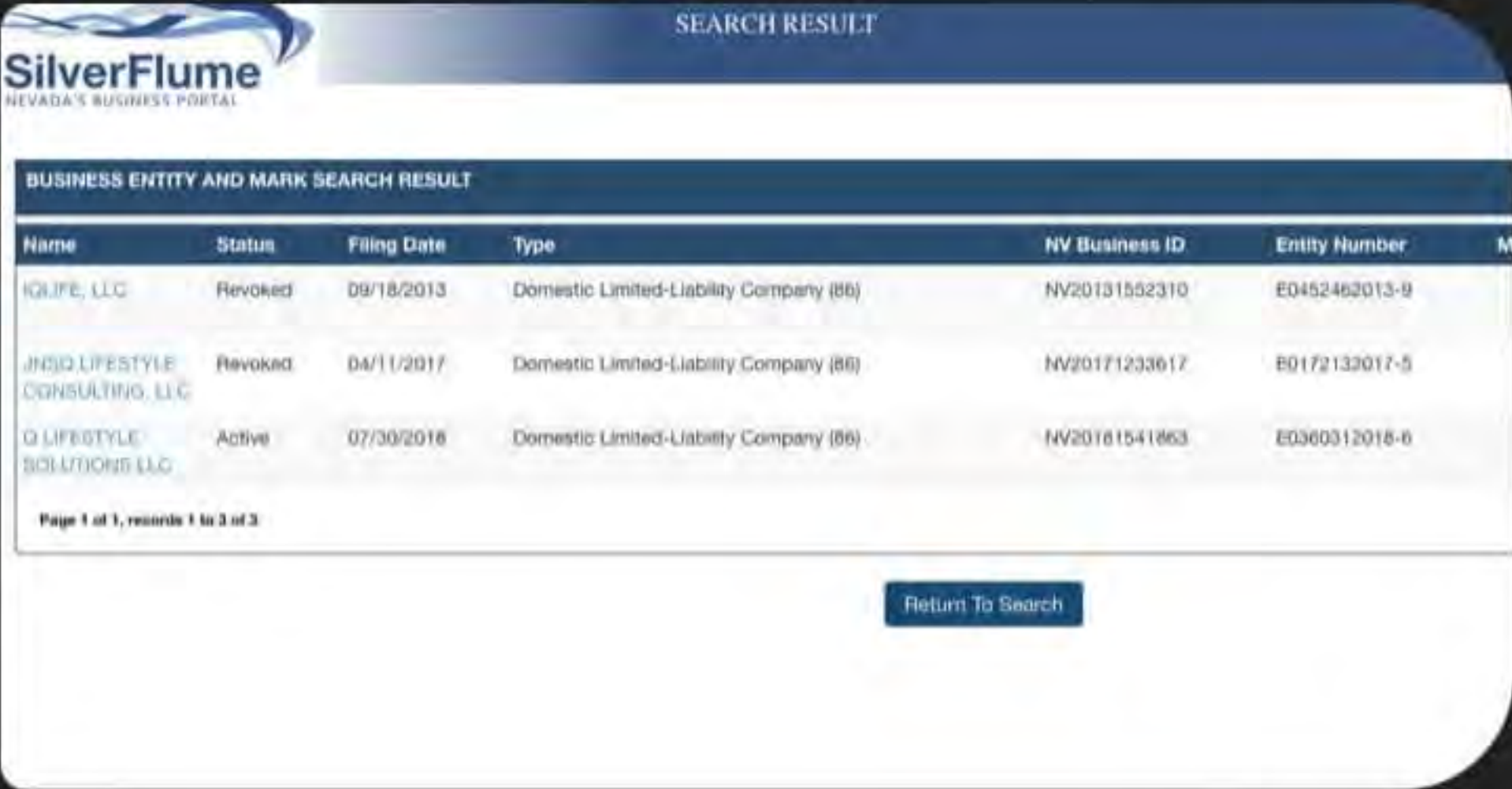
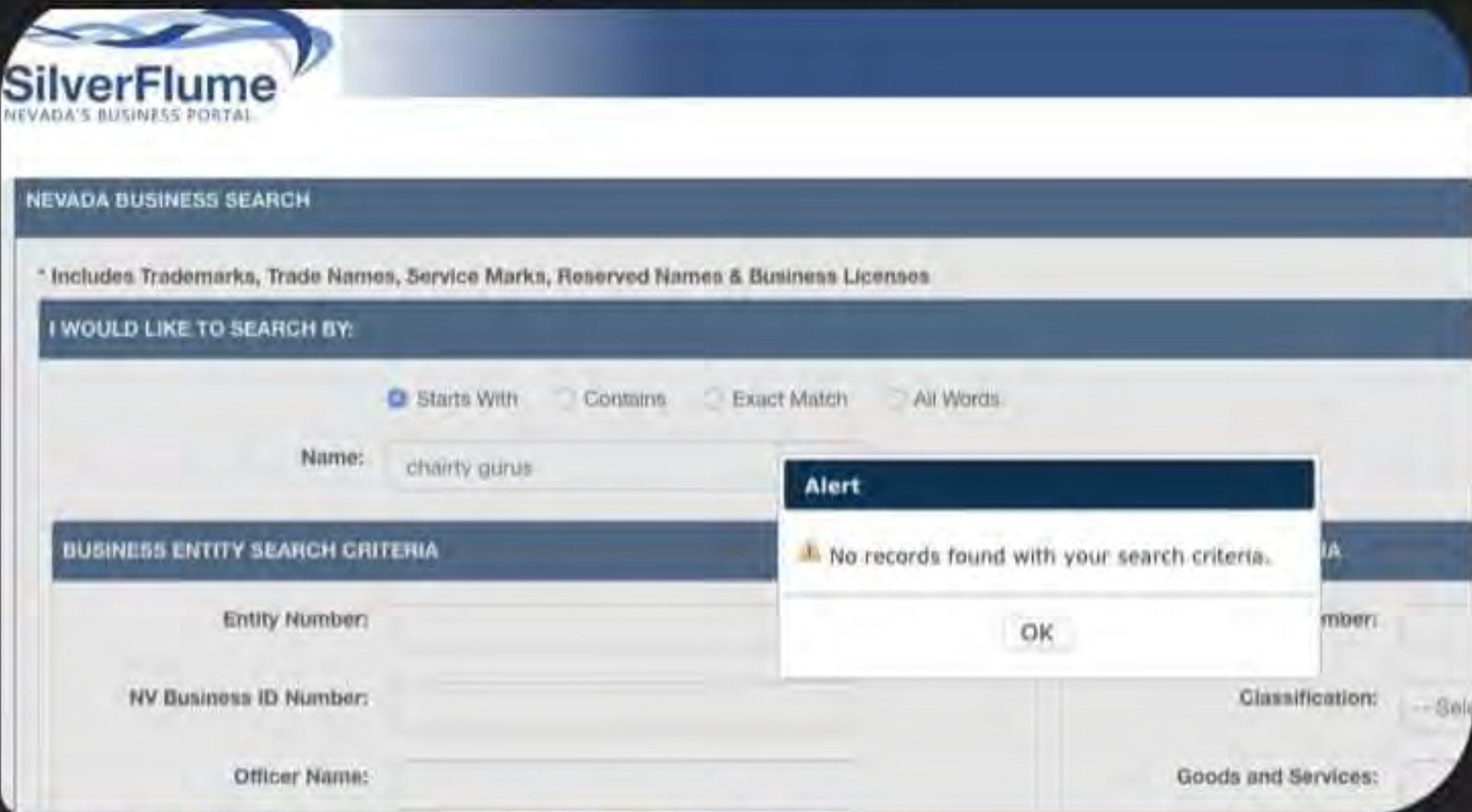
EXHIBIT A

Cancel

New message



To: Chris Davin,



nothing for
charity gurus

nothing for qlife

nothing for qlide
media inc

you conduct
business in the
state of Nevada
you need ↓
business license

8:42



Cancel

New message



To: **Chris Davin,**



We need to reach out to current seat holders and start pitching what we are doing with revising the NRS statue and get someone to sponsor the bill into session.



SEP 02, 2020 AT 4:28 AM

Got it

SEP 02, 2020 AT 11:49 AM

[Cancel](#)

New message

To: **Chris Davin,**

JUL 08, 2020 AT 12:22 AM



Ya. The board voted you in! Welcome to Equality Nevada

Wahooooo!!!!

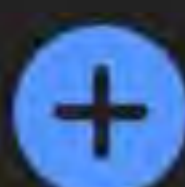
I'll send you over the rule book. The registration fee for the year. And your email info.



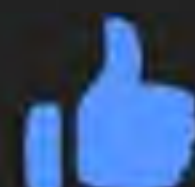
The fee of \$5000 can be cash credit or PayPal.



LoIIIIII

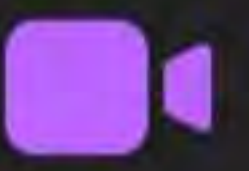


Aa



[Cancel](#)

New message

To: **Chris Davin,**

business license
requirements and
business names
and product names
don't have to
match

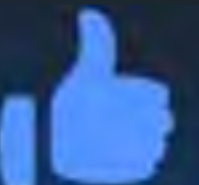
Wrong

qlife media is not a
non profit

wow your running
for congress? but
then again listen to
the bullshit he tells
you, like i said, he
he is legit, then he
has nothi ↓, to



Aa



[Cancel](#)

New message

To: **Chris Davin,**

where are there
letters from the
govenor?

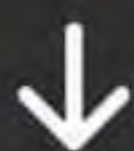
But the
proclamation was a
general one

Who cares if other
orgs use it?

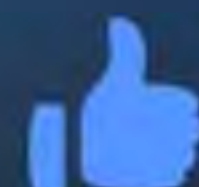
ill remember this
when you run for
congress



Aren't we all
fighting for the
same thing? Idk -
just doesn't make
any sense to me

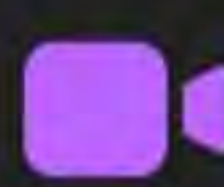


Aa



[Cancel](#)

New message

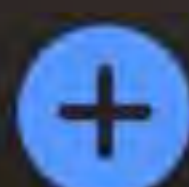
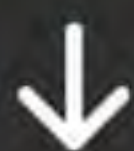
To: **Chris Davin,**

I'm done with this conversation.

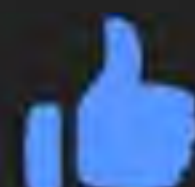
Have a good day.

OCT 20, 2020 AT 10:00 AM

Interesting, thought you said you dont need to register a foreign non profit in the state of NV? Yet they registered 10-17-2020, if there was no need for it, why all of a sudden register?

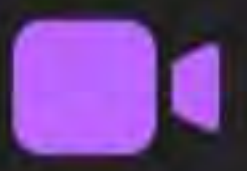


Aa



Cancel

New message

To: **Chris Davin,**

sometimes there a lot more then what a person tells you. so as i said, if there is nothing they are doing wrong then they should pass there inspection by the state with flying colors.



Does a Nevada business license?

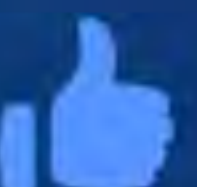
Businesses operating in **Nevada** must obtain a State **Business License** is Nevada Secretary of State. The **license** is renewable annually. You may obtain the forms from their website (www.nvsos.gov).



501c3 are exempted from business license requirements and business names and product names

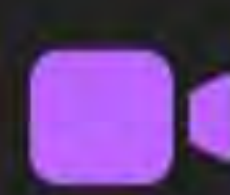


Aa



[Cancel](#)

New message

To: **Chris Davin,**

SEP 01, 2020 AT 4:26 PM

So now that your
better, how can you
help me with this
Education Bill? I
need HELP 🙄



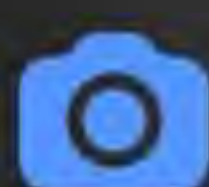
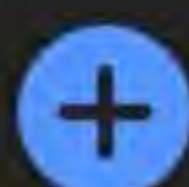
SEP 01, 2020 AT 9:50 PM

Yes 😂😂

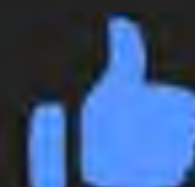
Tell me what
you need

We need to reach
out to current seat
holders and start
pitching what we
are doing ↓ ith

... ..

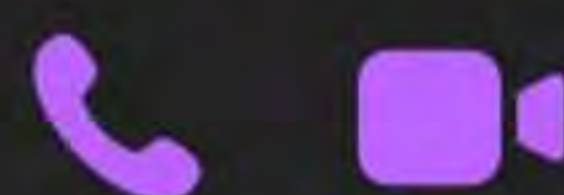
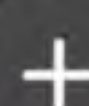


Aa

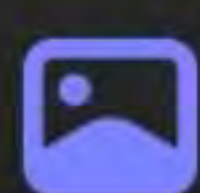
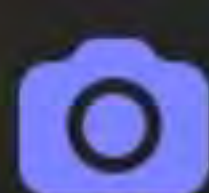
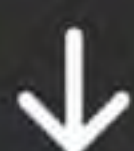


[Cancel](#)

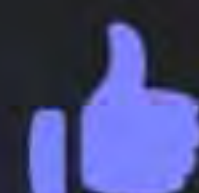
New message

To: **Chris Davin,** |

Is there a point to
you bringing up my
emotional state
right after my son
moved out? What
are you hoping to
accomplish by
bringing up the
lowest moment in
my life.?



Aa



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123



space

return



8:48



Cancel

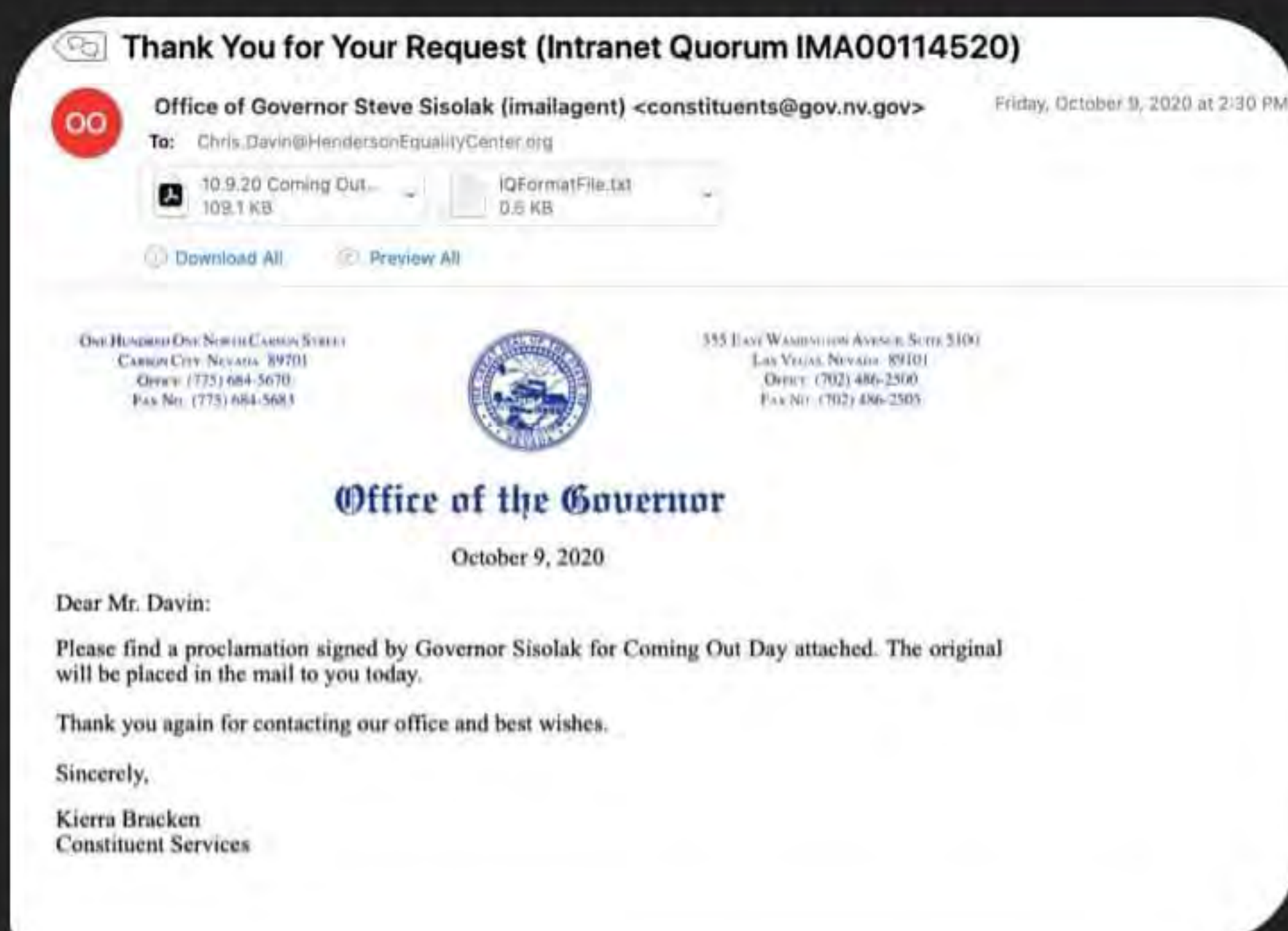
New message



To: **Chris Davin,**



It was NCOD
in general

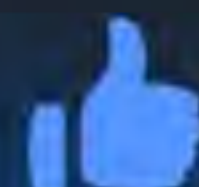


Your right thats
why they sent us
the original in the
mail from the
govenors office

wasnt sent to the
other center, wasnt
sent to russ, so
where are there
letters frc ↓ the

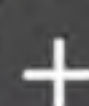


Aa



[Cancel](#)

New message

To: **Chris Davin,**

people who work
with other lgbt
organizations

what text? the the
text between Russ
and Garrett?
cause i dont text
many people

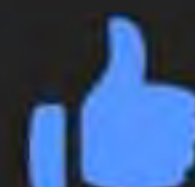


They sent them to
me asking if I'm still
associated with
HEQ because they
are considering
legal action

That's not a
good look

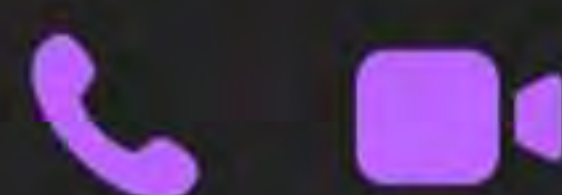
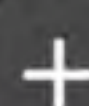


Aa



[Cancel](#)

New message

To: **Chris Davin,**

any sense to me

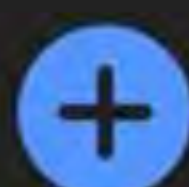
Ok 😂

Jennifer Eason
says who cares if
you use other
peoples stuff,
cause stealing
someone elses
work to profit off of
is the american
way in Nevada



I'll be sure that I
hang on to this
entire thread as
well

I'm not someone



Aa



[Cancel](#)

New message

To: **Chris Davin,**

OCT 19, 2020 AT 4:49 PM

i see you left the
group 😞 i kept you
in hoping it might
keep your mind off
things and stuff



you doing ok?

You're bullying
people 😡



huh?

I saw some texts
you sent to a
couple of other
people who work
with other lgbt

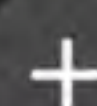


Aa



[Cancel](#)

New message

To: **Chris Davin,**

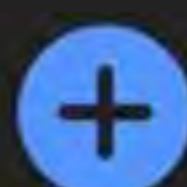
I'm not someone
you want to bully
Chris - I'm not
scared of you

You didnt see any
other organization
include HRC trying
to profit off of it and
it had there neame
included on it, why
didnt they? cause
they are respectful.

and honey i am not
scared of you
either.



I'm not the one

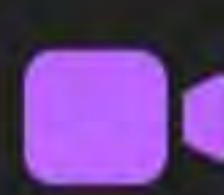


Aa



[Cancel](#)

New message

To: **Chris Davin,**

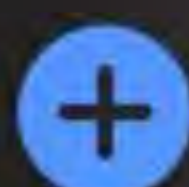
Pretty shady to
take the work of
someone else to
profit off of it for
your own doing.
But then again im
pretty sure you
think there is
nothing wrong with
doing that either.



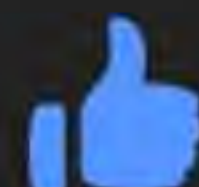
I don't believe the
proclamation was
HEQ specific

I read it

It was NCOD
in general

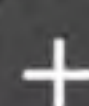


Aa



[Cancel](#)

New message

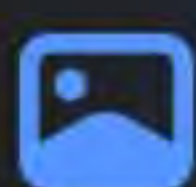
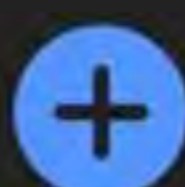
To: **Chris Davin,**

I'm not the one making threats so that doesn't even make any sense

not making threats, please show me the threat? You clearly said, who cares what others do with others work, and who cares who profit off of other peoples work, not a threat!



I'm done with this conversation.

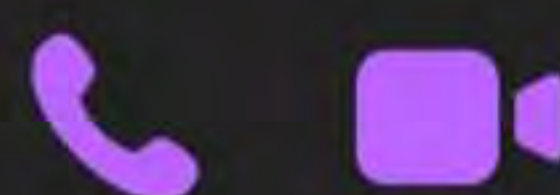
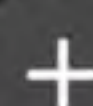


Aa



[Cancel](#)

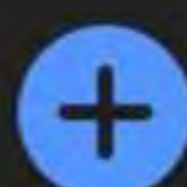
New message

To: **Chris Davin,**

But again - I'm not concerned with his business - I'm more concerned with your need to involve yourself - it's just weird but you do you

You can make HEQ wildly successful without needing to try and bring down anybody else

You don't need to do any of the typical Vegas petty stuff - your idea is

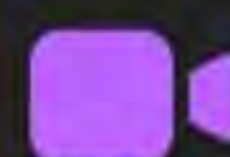


Aa



[Cancel](#)

New message

To: **Chris Davin,**

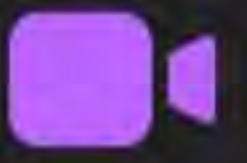
license and a valid
501c3 that they
have a contractor
with out proper
business licenses
with in the state of
Nevada. that is
wrong, illegal and
wrong to be
scamming people



Russ knows what
he's doing - he's
the smartest
person I know and
far from a scammer

[Cancel](#)

New message

To: **Chris Davin,**

if hes the smartest person that i guess when the state of nevada looks into his business he shouldnt have a problem if he has all of the right licenses.

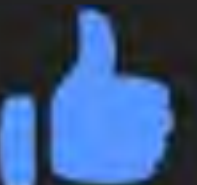
then go to the state of Nevada and show me his license?



He has no obligation to do so whatever



Aa



8:49



Cancel

New message



To: **Chris Davin,**



...it, why am I a sudden register?

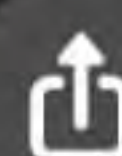


SilverFlume
NEVADA'S BUSINESS PORTAL

BUSINESS INFORMATION

ENTITY INFORMATION

Entity Name:	THE CHARTY GURUS	Entity Number:	898462020-7
Entity Type:	Foreign Entities Not Required to Register in Nevada	Entity Status:	Registered
Formation Date:	10/17/2020	NV Business ID:	NV20201820315
Termination Date:	Perpetual	Annual Report Due Date:	10/31/2021
Solicit Charitable Contributions: Yes			



OCT 20, 2020 AT 10:17 AM

I said I was done with this conversation.

Exactly

Not required to register

Now I'm done - have a great day

Then why register

8:54



Cancel

New message



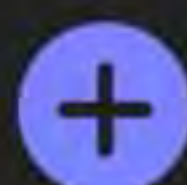
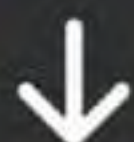
To: **Chris Davin, |**



Chris unsent a message

This entire conversation is about to be published on FB.

You have no business around anyone who may be in crisis.



Aa



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123



space

return

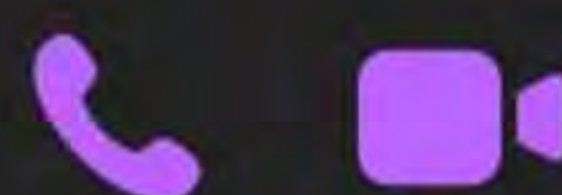


8:54



Cancel

New message



To: **Chris Davin,** |



Chris unsent a message

Have a good day
Chris. I'm getting
ready for a long
drive with small
children.

And?

Is there a point
to that?



Aa



Q W E R T Y U I O P

A S D F G H J K L

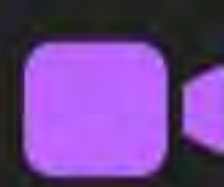
↑ Z X C V B N M ↵

123 😊 space return



[Cancel](#)

New message

To: **Chris Davin,**

oh you thought i
was being funny? I
was being serious.
You think its free to
be on a board?



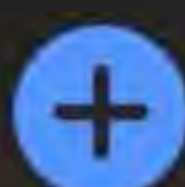
JUL 08, 2020 AT 8:19 PM

Check your email.
thank you

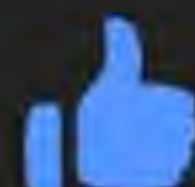


JUL 10, 2020 AT 7:33 PM

did you get a
chance to review
the email ↓ sent you



Aa



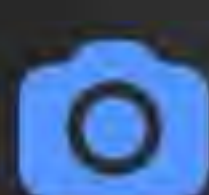
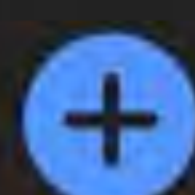
[Cancel](#)

New message

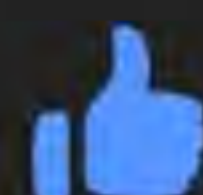
To: **Chris Davin,**

business to
conduct business
in the state of
nevada how can
you represent
several million
nevada residents?

so you believe what
he tells you and i
will believe what
the state of nevada
says. if he has
nothing to hide
then he won't have
any problems
passing the
inspection by the
compliance

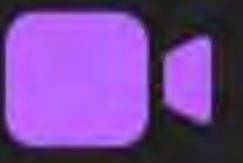


Aa



[Cancel](#)

New message

To: **Chris Davin,**

any business in the
state of nevada
that deals with
business in the
state of nevada has
to have a business
license regardless
if its a non profit or
a for profit



There's not a lot of
people I'd trust with
my credit card info
but he's one of
them

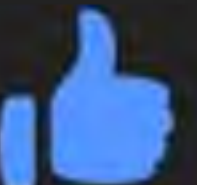
He is properly
licensed



if he's the president

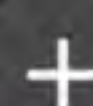


Aa



Cancel

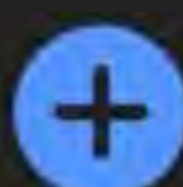
New message

To: **Chris Davin,**

let them with legal
action, if you say
your a non profit
and you do not
have a vaild
business license in
the state of
Nevada, i will speak
up. sorry i do not
work with shady
people, they do not
have a business
license in the state
of Nevada



That has nothing to
do with you and
they are registered



Aa



[Cancel](#)

New message

To: **Chris Davin,**

Saturday everyone is reporting at 5pm at the office so we can get ready for the huge crowd coming at 6pm. Its going to be hit or miss. but whoever comes ill be happy

what size shirt are you so i can get you a board shirt.

**Xl plz****ok**

AUG 13, 2020 ↓ AT 9:41 PM



Aa



[Cancel](#)

New message

To: **Chris Davin,**

the bullshit he tells
you, like i said, he
he is legit, then he
has nothing to
worry about. Right



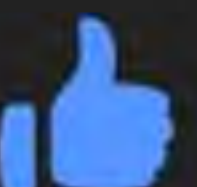
What does my
congressional
campaign have to
do with anything?

I'm not on any of
his boards either

cause if you dont
even know what is
required for a
business to
conduct business

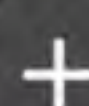


Aa



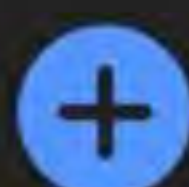
[Cancel](#)

New message

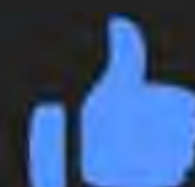
To: **Chris Davin,**

You don't need to do any of the typical Vegas petty stuff - your idea is sustainable on its own

well when you take a ad out in a magazine you usually make payment to the business name, not the person personal name. and it was all because the proclamation ↓ on we



Aa



8:44



Cancel

New message



To: **Chris Davin,**

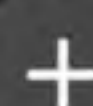


honey i made a 6
figure income. and
im collecting
unemployment
and food stamps
dont reminded me



[Cancel](#)

New message

To: **Chris Davin,**

ago if not required.
Ha you make no
sense. Guess they
wasted money
then. That's a
shame.

Because they can

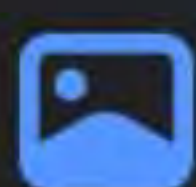
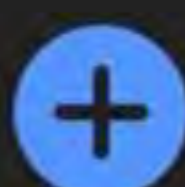
Not required

I do lots of things
that I'm not
required to do



Chris unsent a message

Have a good day
Chris. I'm getting
ready for a long



Aa



[Cancel](#)

New message

To: **Chris Davin,**

JUL 29, 2020 AT 8:18 PM

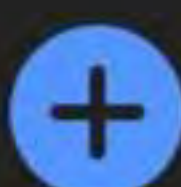
Don't forget to
send a picture of u
and ur mask
please! Thank u.



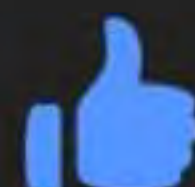
JUL 30, 2020 AT 4:39 AM



Cute. Ty



Aa



[Cancel](#)

New message

To: **Chris Davin,**

then he won't have
any problems
passing the
inspection by the
compliance
department of the
state of nevada.



Well, I know that I'm
correct in this case



then great for you.



But again - I'm not
concerned with his
business - I'm more
concerned with
your ↓ ed to



Aa

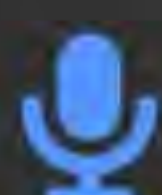
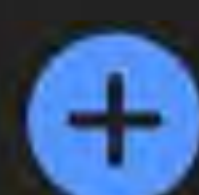


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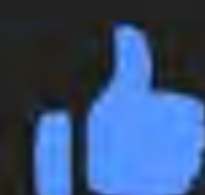
New message

To: **Chris Davin,**

personal name.
and it was all
because the
proclamation we
got for our center
for NCOD he
posted saying look
what the LGBT
Center of Southern
Nevada did, donate
to the center and
we will have an
annonymous donor
match your money.
Pretty shady to
take the work of
someone ↘'se to
profit off or it for

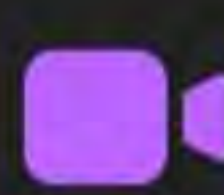
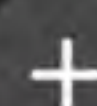


Aa



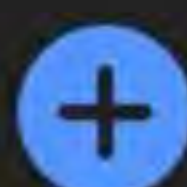
[Cancel](#)

New message

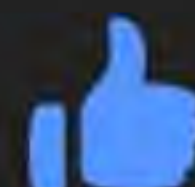
To: **Chris Davin,**

That has nothing to do with you and they are registered so that a business license is not required

and if that is a problem then sorry, but the truth is the truth and there is nothing wrong with advising people that are non profits that hold a valid license and a valid 501c3 then they have a contract

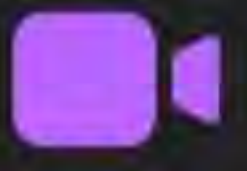


Aa



[Cancel](#)

New message

To: **Chris Davin,**

you need a
business license

And if you think you
don't need a
business license to
do business in the
state that, i would
take a trip to the
business
department at City
Hall or in Carson
City and see what
they say.

sometimes there a
lot more then what
a person tells you.
so as i said, ↓, if there



Aa

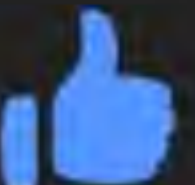
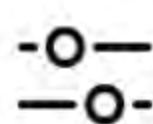


EXHIBIT B

< **chris davin**



All

Posts

People

Reels

Groups



Jennifer McHugh

Oct 20, 2020 ·



Good morning.

I want to publish a conversation I just had with Chris Davin - the Director of the Henderson Equality Center - so that the community can be informed as to what type of person runs the organization to which they may be donating time or money.

For clarification purposes - I resigned from the HEC Board because my son had just made the decision to move in with MY dad - with whom I've had a very painful past. After 11 years of blood, sweat and countless tears working through my son's mental illnesses and then



Home



Dating



Groups



Feeds

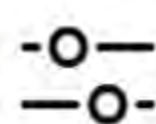


Notifications



Menu

< **chris davin**



All **Posts** **People** **Reels** **Groups**

tears working through my son's mental illnesses and then feeling like I failed with him - I was not in a good place.

I advised Chris that I had planned to check in to a facility for a few days to help me focus on what's important because I was having some thoughts about ending my life.

He messaged me out of the blue yesterday after seeing that I left the FB message group for Board members, and at that point - I was already aware that he had been bullying other community leaders and told him that I was aware of his behavior, and that I did not want my name



Home



Dating



Groups



Feeds

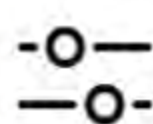


Notifications



Menu

< **chris davin**



All Posts People Reels Gro

associated with an organization who is led by someone who was behaving the way he was.

This person has NO BUSINESS running an LGBT organization where he has the responsibility to assist members of our community who may be in crisis.

If you want to volunteer your time and/or donate your hard earned money to LGBT focused places - there are others here in Vegas who are much more worthy.

Please share this so that anybody who might be considering seeking group



Home



Dating



Groups



Feeds

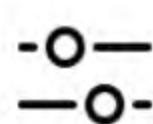


Notifications



Menu

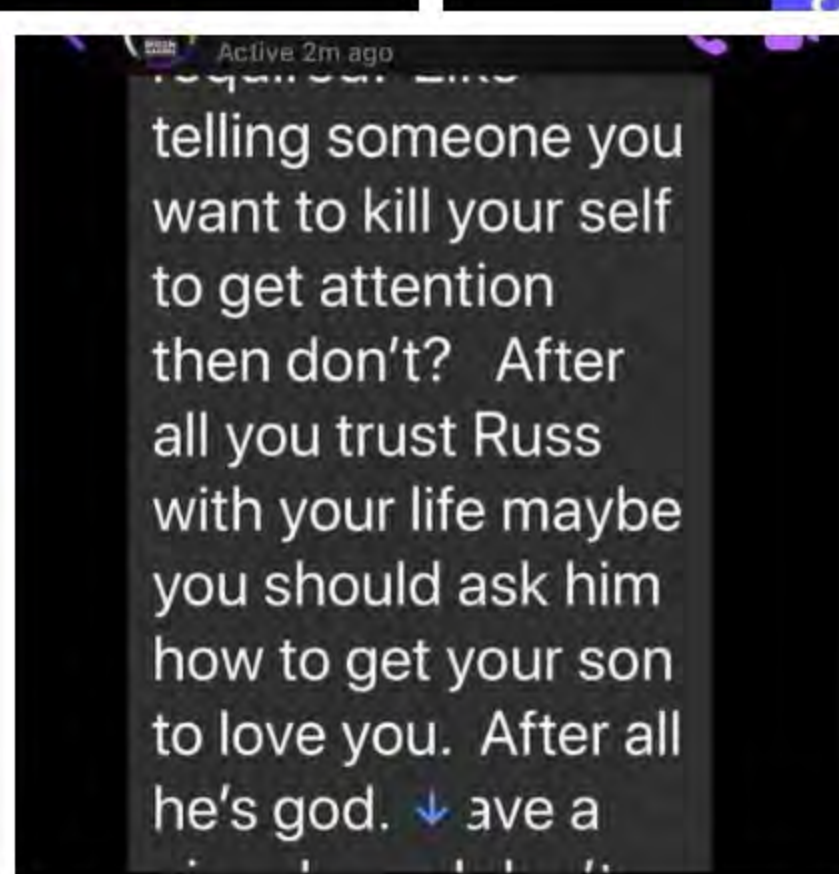
< **chris davin**



All Posts People Reels Gro

considering seeking group support help from, or getting involved with HEC - is aware.

Have a good day guys.



🤔😱🤔 **95**

166 comments

Like

Comm...

Send

Share



Sean VanGorder

Apr 26, 2023 ·



Home



Dating



Groups



Feeds



Notifications



Menu



Jennifer's post

involved with HEC - is aware.

Have a good day guys.

🤔😱🤔 95

166 comments



Like



Comm...



Send



Share

7:33



Chris Davin

Active now



I do lots of things
that I'm not required
to do

Just like you
wanted to kill ur self
and commit
suicide.



Like



Comm...



Send



Share

7:39



Chris Davin

Active now



And?

12:20



Jennifer's post

7:39



Chris Davin

Active now



And?

Is there a point
to that?

Is there a point to
you bringing up my
emotional state
right after my son
moved out? What
are you hoping to
accomplish by

 **Johnny Fab**



Like



Comm...



Send



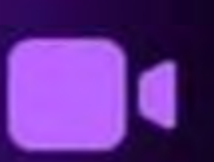
Share

7:39



Chris Davin

Active 2m ago



are you hoping to
accomplish by
bringing up the



Jennifer's post



Chris Davin

Active 2m ago



are you hoping to
accomplish by
bringing up the
lowest moment in
my life..?

You said you can do
stuff that ur not
required. Like
telling someone you
want to kill your self

Johnny Fab



Like



Comm...



Send



Share



Chris Davin

Active 2m ago



telling someone you
want to kill your self
to get attention

< Jennifer's post

7:39

<  Chris Davin
Active 2m ago



telling someone you
want to kill your self
to get attention
then don't? After
all you trust Russ
with your life maybe
you should ask him
how to get your son
to love you. After all
he's god. ↓ ave a



🤔 3

 Like  Comm...  Send  Share

7:40

<  Chris Davin
Active 2m ago



he's god. Have a
nice day. ~~I don't~~

< Jennifer's post

7:40

**Chris Davin**

Active 2m ago



he's god. Have a nice day. I don't have time for people that say anything to make them selves look pretty. Actually. Ur right. Should have reported it to the police wr ↓ you threaten to kill ur

Creighton McCain

**Like****Comm...****Send****Share**

7:40

**Chris Davin**

Active 2m ago



pretty. Actually. Ur right. Should have reported it to the police when you

< Jennifer's post

<  Chris Davin
Active 2m ago



pretty. Actually. Ur
right. Should have
reported it to the
police when you
threaten to kill ur
self.

This entire
conversation is
about to be
published on FB.



I I'm you

1 2 3 4 5 6 7 8 9 0

- / : ; () \$ & @ "

#+= . , ? ! ' < x

ABC



space

return

EXHIBIT D

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I, Gary Costa, declare under penalty of perjury in accordance with NRS 53.330 as

- a. When I was working for the LGBTQ center in Orange County, the center was firebombed twice. At the time, we had a congressman (Robert Dornan) from our area who was very homophobic. He would encourage his supporters to picket our offices. As a result, we would get regular bomb threats, vandalism, graphic hateful graffiti, and physical assaults on volunteers and staff. The place was lit on fire twice while I was employed there. Local police did very little to protect or support us and basically suggested we leave town if we wanted to ensure our safety.
- b. At the beginning of the AIDS epidemic, before there were effective HIV treatments, I received a grant from the State of California to provide safe sex education and teach workshops. This program would have helped many young men in the community understand HIV and

1 how to prevent infection through the practice of safe sex. I distributed
2 fliers promoting my events, which eventually ended up in the wrong
3 hands. These bad actors protested outside the workshop and wrote a
4 letter to the Governor's office claiming the program was trying to
5 corrupt young boys and demanded the funding be pulled. The funding
6 was thereafter pulled.
7

8 c. I also plan the annual Ribbon of Life fundraiser for Golden Rainbow. I
9 have battled ignorant outsiders who say people shouldn't support my
10 organization because it allows gay people with HIV to live normal
11 lives and spread their disease. This presents another hurdle that I and
12 our organization must overcome to raise money and help vulnerable
13 LGBTQ+ people with HIV find housing. Whenever there is a public
14 scandal or community infighting involving leaders of the LGBTQ
15 Community, especially in Las Vegas, these incidents get magnified in
16 the local LGBTQ press and social media. These are inevitably
17 dismissed as "just a bunch of queens being bitchy". These public
18 squabbles only provide an opportunity for members of our community
19 to respond to requests for donations or to purchase tickets with "How
20 do I know if the money is going to help people in need or will it just
21 benefit the staff at the organization."
22

23 d. While working for Being Alive Los Angeles, we hosted an annual
24 Spirit of Hope Awards Gala that included a silent auction. One year,
25 we enlisted some volunteers to solicit and collect items for our auction
26
27
28

- 1 only to find out that when it was time to go retrieve the donated items,
2 a representative from another organization with a similar sounding
3 name had obtained the list and went and collected all of the donations.
4
5 e. When I first arrived in Las Vegas, there was an organization called
6 Nevada AIDS Project. They evidently would receive regular donations
7 of furniture from vendors at the World Market Center. The leaders of
8 Nevada AIDS Project would sell this furniture under the guise of
9 helping people with HIV/AIDS, but they would pocket the money
10 themselves. This went on for several years. Once this news got out,
11 they quickly disbanded and disappeared.
12
13 f. When one of our very good community partner organizations, Aid For
14 AIDS Nevada (AFAN) discovered their Executive Director was
15 mishandling funds, she was fired. She and her fired staff then formed a
16 new organization called Action Red and proceeded to plan rival events
17 to AFAN's long-standing AIDS Walk and Black and White Party. This
18 caused a lot of confusion and chaos in the community and divided
19 donors and supporters of both organizations. Action Red quickly
20 disbanded but AFAN never truly recovered from the scandal.
21
22 2. Golden Rainbow relies on the generosity of others through fundraising but
23 also from grant money. Chris Davin and Trevor Harder's conduct has
24 negatively impacted the ability for LGBTQ+ organizations to receive vital
25 money, especially grant money as there is limited funding earmarked for the
26 community. For example, I have witnessed Chris Davin and Trevor Harder
27
28

1 harass others and intentionally interfere with contacts in the community and
2 also put doubts in the minds of those responsible for distributing grant money.
3 A local non-profit called Charity Gurus had a very public falling out with
4 Henderson Equality Center. Charity Gurus helps other smaller LGBTQ non-
5 profits coordinate events and other fundraising activities at a fraction of the
6 cost of hiring a development officer. Chris Davin proceeded to post negative
7 comments on social media questioning their non-profit credentials and making
8 wild accusations about them with the intent to damage their credibility in the
9 community.
10

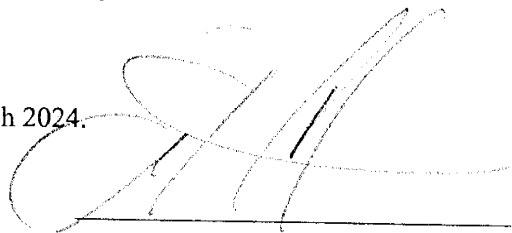
- 11
- 12 3. While most of the social media encounters and exchanges have been with
13 Chris Davin, I have personally never seen Chris Davin in public at a
14 fundraiser or meeting without Trevor Harder by his side. Whenever there is a
15 post of them traveling for Henderson Equality Center (or their frequent flights
16 to Disney World and/or road trips to Disneyland in their “donated HEC car”)
17 it is always the two of them together. For the longest time, they were the only
18 two members on their board of Directors and it was assumed they were a
19 package deal.
20
- 21 4. I am friends with Jennifer Eason and saw her October 20, 2020 Facebook post
22 warning the LGBTQ+ community about Chris Davin. With her Facebook post
23 she also released a chain of messages from Chris where he belittled, bullied,
24 and threatened Jennifer. I was horrified that a person, like Chris, used his
25 position and supposed influence in the LGBTQ+ community to weaponize
26 someone’s family and mental health issues when he didn’t get what he
27
28

1 wanted. I was especially saddened that he targeted Jennifer who is not only a
2 friend to me but so many in the LGBTQ+ community. Jennifer has provided
3 the Facebook post and messages with an accompanying declaration.
4

5 5. I am verifying email thread attached to this declaration is for LGBTQIA2+
6 Connect. I responded to an email from Anthony Cortez on May 3, 2023 where
7 he warned LGBTQ+ community leaders on the thread about Chris Davin and
8 Trevor Harder's conduct and threats made to the City of Henderson and
9 Henderson Mayor regarding the Henderson Pride Festival.
10

11 6. All matters stated herein are true of my own knowledge, and I declare under
12 penalty of perjury that the foregoing is true and correct.
13

14 DATED this 11th day of March 2024.



15
16
17 GARY COSTA
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EXHIBIT E

of the LGBTQ community. He also boasted about obtaining the trademark for rights for his new organization that was going to be similarly named to Las Vegas Pride, as he envisioned his new LGBTQIA+ Center would also produce an annual Pride Parade and Festival.

1. In 2019 Plaintiff Davin sent me a friend request on Facebook, which I accepted. After connecting on Facebook, I would see frequent posts from Davin in my news feed where he would bash LGBTQ organizations, post private information about individuals in the community, and antagonize others he worked with or attempted to associate with within the local LGBTQ community. Because of my strong connections within the LGBTQ community, I knew and worked with many of the people and organizations that were the target of Davin's unwarranted and spiteful social media attacks.
2. In 2020 Plaintiff Davin approached me with an offer to sit on the Board of the new organization he was starting called Henderson Equality Center, which I declined. I had worked with a similar organization in California called Equality California that focused on securing the right to marry for same sex couples. Davin was particularly interested in starting a similar organization here in Southern Nevada even though there was already an Equality Nevada founded by Andre Wade. Davin obtained the trademark for the Equality Nevada, forcing Andre to change the name of his organization to Silver State Equality.
3. In January 2022, Davin was posting on social media about how the Henderson mayor was going to attend his Henderson Pride Fest. When an issue arose

1 regarding participants in the festival and the mayor decided not to attend, I
2 saw posts in my news feed from Davin attacking the Henderson mayor for her
3 decision and encouraging his followers and others to follow suit.

- 4
- 5 4. Based on my interactions with Davin both in person and on social media, as
6 well as my personal conversations with the people who were targeted and
7 bullied by Davin both in their organizations and on social media, I came to
8 believe that Davin was a bad actor and was terrorizing the members of the
9 community for his own personal gain.
- 10
- 11 5. In January 2023, I attended the first meeting of the newly formed
12 LGBTQIA2+ Connect. LGBTQIA2+ Connect is locally affiliated with The
13 Center but has chapters across the country. The purpose of this group is to
14 foster new relationships and collaborations with LGTBQ organizations and
15 connect with the local LGBTQ+ community through events and other
16 outreach programs. The information discussed at these meetings is shared
17 with thousands of community members, through social media and mailing
18 lists. Golden Rainbow was one of the first organizations to sign up and
19 regularly shares information about community events from the LGBTQIA2+
20 Connect meetings with its 2,200 subscribers.
- 21
- 22 6. Notices for LGBTQIA2+ Connect meetings are sent to its mailing list, which
23 is constantly changing due to new people and organizations signing up. The
24 meetings are open to anyone who would like to participate.
- 25
- 26 7. On April 13, 2023, I attended an LGBTQIA2+ Connect meeting. The meeting
27 was open to anyone, but most attendees were from the mailing list. At this
28

meeting, several items were discussed, including the Henderson Pride festival and Golden Rainbow's upcoming Ribbon of Life annual fundraiser. It was also announced that The Center was hosting an Open House to celebrate the launch of its new Pharmacy on April 26, 2023.


8. I attended the Pharmacy grand opening on April 26th along with many of the participants of the most recent LGBTQIA2+ Connect meeting. During this gathering I discovered that Henderson Pride's social media presence was shut down due Davin reporting Henderson Pride to Facebook for trademark infringement of his rival Henderson Pride Fest. Anthony Cortez, Executive Director of International Cultural Movement for Equality ("ICME") and founder of Henderson Pride was also in attendance and discussed his inability to market his festival in any way because of the suspension from social media. Anthony also discussed his communications with the City of Henderson about the mayor attending his festival and the need for armed officers due to the influx of emails and threats from Davin.
9. On May 3, 2023, an email was sent to the LGBTQIA2+ Connect mailing list of about 44 emails with a link to the Press Release from Las Vegas Pride. Anthony Cortez then responded stating the Henderson mayor will be attending his upcoming Henderson Pride festival with armed officers due to continuous threats by Davin. I sent an email response in support of Cortez and Henderson Pride and voiced my opinion about Davin being a bad actor and terrorizing the LGBTQ community based on my own personal experience and information

1 learned from other LGBTQ community members' experiences with him over
2 the years.

3 10. All matters stated herein are true of my own knowledge, and I declare under
4
5 penalty of perjury that the foregoing is true and correct.

6
7 DATED this 19th day of January, 2024.

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GARY COSTA

EXHIBIT F

NATIONAL



ACLU CARSON CITY CHRIS DAVIN DEPARTMENT OF CORRECTIONS

By: CNN Newsource Pristine Villarreal

LAS VEGAS, Nevada (KVVU) — As states across the nation hold legislative sessions to vote on new laws, gender-affirming care is being targeted in several states, especially for transgender youth. However, in Nevada, there are two bills this session aimed at moving gender-affirming care forward.

"It can be really difficult for members of our community who are transgender and gender non-conforming to access medical care sometimes," expressed

West Juhl, Director of Communications, ACLU of Nevada. Juhl explained right now private health insurance companies in Nevada don't always cover gender-affirming care. Senate Bill 163 would require them to.

"I've known so many of my friends and colleagues personally who have had to bend over backward looking for any little loophole to get the treatment they need under their current insurance plans and it shouldn't be that way," Juhl contended.

"We look at insurance all the time... and nothing is ever really covered," asserted Chris Davin, Executive Director of the Henderson Equality Center.

A second gender-affirming care bill, Senate Bill 153, would update care guidelines for transgender incarcerated persons in Nevada.

replacement therapy, then once you are incarcerated within the Department of Corrections you will not be able to access those services at all," Juhl revealed.

The ACLU is particularly concerned about gender-affirming care in Nevada's prison system because transgender people disproportionately face incarceration and some realize their gender identity when they are in lock up.

"People often who are removed from their daily lives and sent to this kind of setting often times realize a lot of things about themselves and often one of those things is gender identity," Juhl stated.

The Henderson Equality Center is glad to see two bills moving gender-affirming care forward in Nevada when other states are moving to restrict care, especially for trans youth.

"We are becoming a more progressive state making sure that we are passing more legislation for the LGBT community and giving Nevada a safe haven for those that are suffering in other states with legislation going on. They are welcome here," David added.

Both bills were scheduled to be heard this week but are on hold because of the snowstorm delaying the legislative session in Carson City.

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Governor Sisolak to Sign Four Legislative Bills at the Henderson Pride Fest Celebration located at the Henderson Equality Center

Ribbon Cutting by Henderson Chamber of Commerce Marking June as National Pride Month

HENDERSON, NV - June 05, 2021

What: In honor of National Pride Month, Governor Sisolak is attending the Henderson Pride Fest and is also expected to sign landmark bills: [SB 109](#), [SB 237](#), [SB 325](#), and [SB 275](#) at the ceremony, to support Lesbian, Gay, Bisexual, Transgender equality rights.

In addition to this milestone occasion, community partners, AHF, Aids Health Foundation will also be hosting free HIV Testing, and Immunize Nevada will be onsite providing that Covid-19 Vaccination shots.

The collaborative celebration, featuring honored dignitaries, sponsor Anthem, will also include a variety of non-profits, vendors, and games, balloons and bouncy houses for kids. Entertainment will be performed by special guest host, Tyler Foxx, Las Vegas Pride Royalty, Imperial Royal Sovereign Court of Desert Empire and music performed by 17 time, award winning International Billboard artist, Kristine W for the grand finale.

Also during the festival, the [Henderson Chamber of Commerce \(HCC\)](#) will host a **Ribbon Cutting Ceremony** on the stage to celebrate and mark the center's grand reopening. HCC Foundation Executive Director, Kelly Green, will host the event with Sisolak, Titus, Lee and Rosen joining to help the center cut the ceremonial ribbon.

"Today marks history as the signing of these bills by Governor Sisolak couldn't have happened at better time, as we move into June, celebrating Pride Month all over the world," says Chris Davin, executive director of Henderson. When signed, Nevada will be the 6th State to include Lesbian, Gay, Bisexual, Transgender and question people into Civics Education!"

Henderson Equality Center is a 501(c)(3) nonprofit organization under the umbrella of Equality Project, that provides a safe space for the LGBTQ community in Henderson and helps with resources and opportunities to promote visibility, understanding, and equality within the LGBT communities and the community at large. Henderson Equality Center will work toward these goals through education, social support, networking, and advocacy. Henderson Equality Center can be reached at info@HendersonEqualityCenter.org and on the website at HendersonEqualityCenter.org.

Who:

- Governor Steve Sisolak
- Congresswoman Dina Titus
- Representatives from Congresswoman, Susie Lee
- Representatives from Congresswoman, Jackie Rosen
- Proclamation from Mayor of Henderson, Debra March
- Henderson Chamber of Commerce

Date: Sunday, June 6

Where: Henderson Equality Center - 1490 W. Sunset Rd. Suite 120, Henderson, NV 89014

Time: 11am - 4pm - 1:15 - ***Governor Sisolak and Dignitaries followed by Ribbon Cutting by the Henderson Chamber of Commerce***

RSVP: Please RSVP media and all photographers to Jennifer Bradley at jennifer@jbpublicrelations.com or 702.234.9385.

Other:

About the Henderson Chamber of Commerce

The Henderson Chamber of Commerce, HCC, is a private, non-profit organization dedicated to the growth and progress of the business community. The HCC provides businesses with legislative representation, marketing and networking opportunities, support resources and business development training. These benefits are also provided by two other organizations under the HCC umbrella - the HCC Foundation, HCCF, and the Henderson Development Association, HDA. The HCC members are focused on promoting the civic, commercial and industrial development of Southern Nevada.

For more information about the HCC, please visit www.hendersonchamber.com. Join us on [Facebook](#), [Twitter](#), [LinkedIn](#), [Instagram](#) and [YouTube](#).

Bills:

[SB 275](#)

[SB 237](#)

[SB 109](#)

LGBTQ people continue to face discrimination in their daily lives. A recent study found one in three LGBTQ Americans facing discrimination in the previous year, including three in five transgender Americans. Only five states have legislation making it possible for those in Civics to include people from the LGBTQ community to be spoken about. Those states include, California, Illinois, New Jersey, Oregon, and Colorado. <https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7635/Overview>

Media Contacts:

Henderson Equality Center: Jennifer Bradley | JB Public Relations | 702.234.9385 | jennifer@jbpublicrelations.com

Governor Sisolak: Meghan Delaney, press@gov.nv.gov

Henderson Chamber of Commerce: Grace Russell | Braintrust | 702.577.7928 | grace.russell@braintrustagency.com

Contact

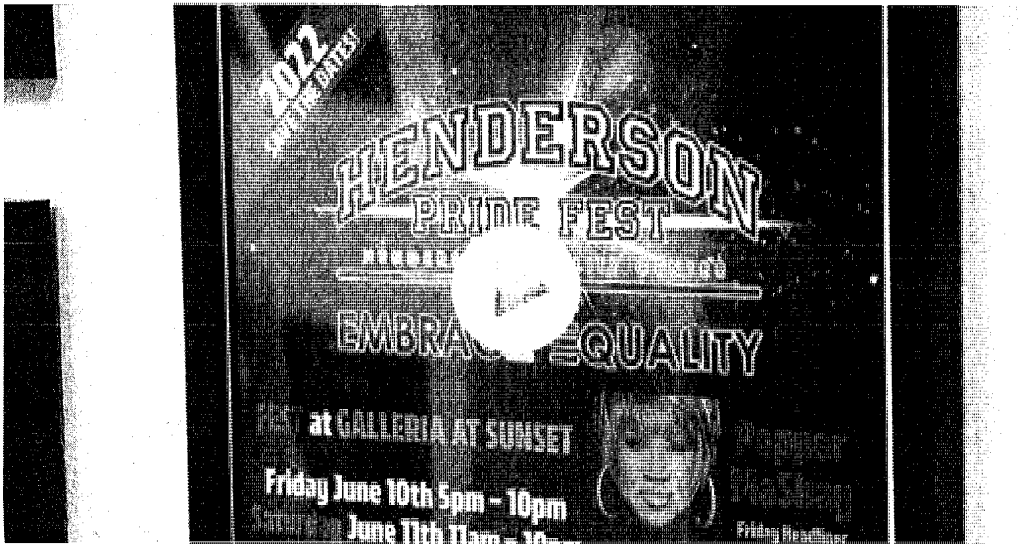
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LOCAL NEWS



Henderson Pride Festival finds new home after city pulls out of event



The Galleria Mall will host the 2nd annual Henderson Pride Festival after the Water Street location plans fell through.



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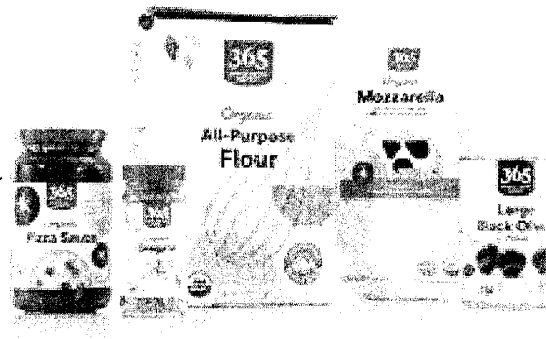

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Davin said when the City of Henderson canceled their partnership a little more than a month before the event, he was beside himself and began scrambling to whip together a plan B.

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"We were supposed to use the amphitheater so we didn't need a stage, we didn't need lighting, we didn't need sound. We didn't need any of that," he said, "We started calling all of the lighting and sound companies out here, and everybody was like, you're calling 30 days prior to an event? Why did you wait so long?"

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Davin said he was able to secure a production company and land in the Galleria Mall parking lot so the festival could continue.

"It's actually really nice that they stepped in," he said.

Davin said celebration of the LGBTQ community has been important, especially during Pride Month, so diverse communities can get their moment in the spotlight.

"It was very important that we had this," he said. "We could not let the community down."

A spokesperson for the City of Henderson released a statement saying in part that, "we have come to a crossroads in planning for the event where our goals no longer align with

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"While we are disappointed that we must pause planning and our partnership for the Henderson Pride Fest and Parade, the City will continue to pursue ways in which we can celebrate our diverse community," the spokesperson wrote.

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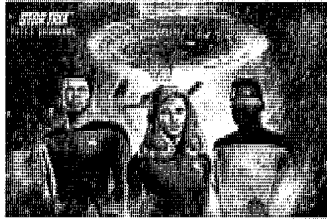
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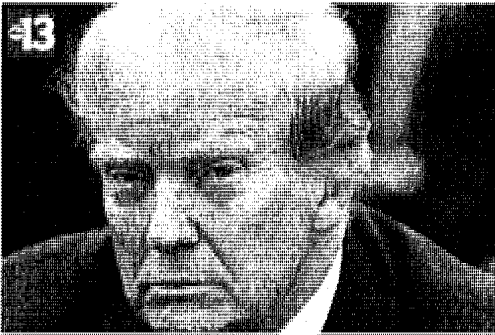
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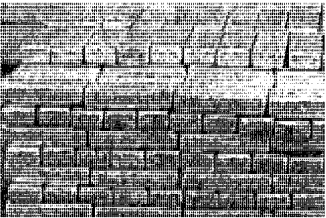
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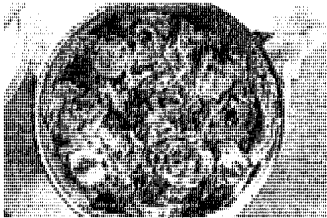
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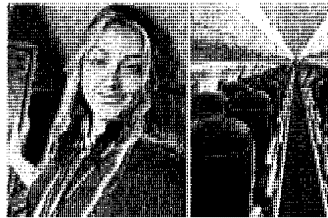
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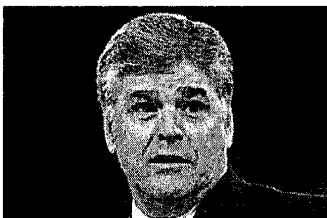
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City of Henderson no longer sponsoring Henderson Pride Fest after event conflicts



CITY OF HENDERSON NO LONGER SPONSORING PRIDE FEST
 HOST SAYS CITY BECAME TOO RESTRICTIVE, LOOKING FOR NEW VENUE

FOX 5
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The City of Henderson is no longer sponsoring the event originally planned on Water Street.

By Monica Schmidt

Published: May. 9, 2022 at 4:51 PM PDT



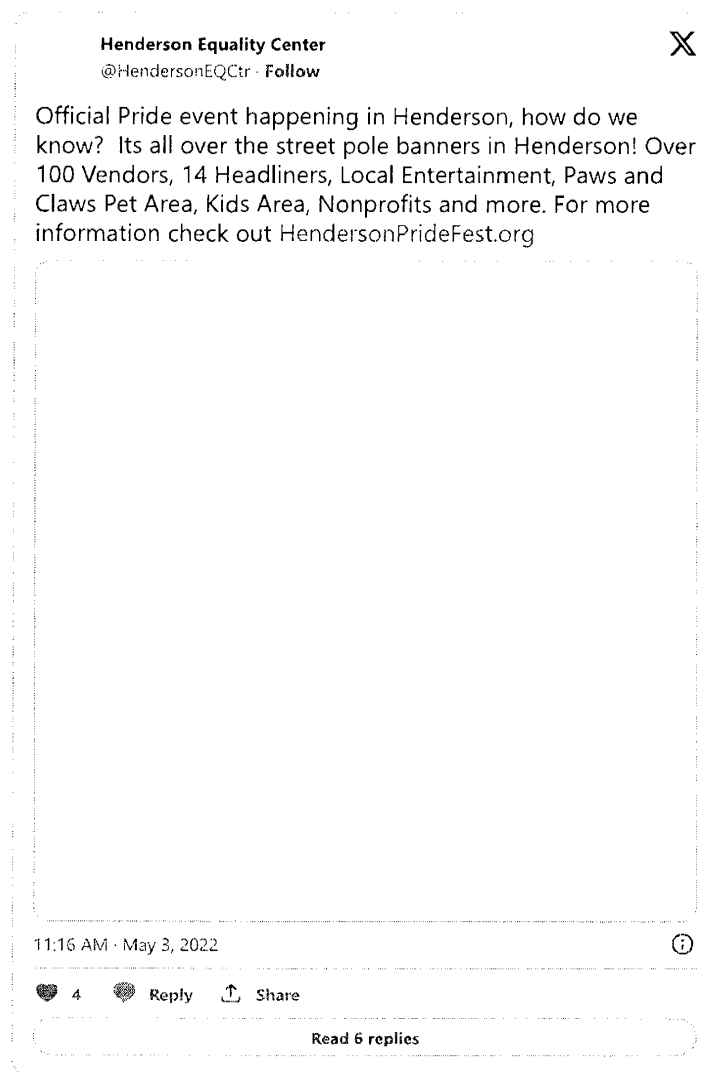
LAS VEGAS, Nev. (FOX5) - The Henderson Pride Fest is a little over a month away, but the host is now looking for another venue.

The City of Henderson is no longer sponsoring the event originally planned on Water Street. The Henderson Equality Center said after a year of planning with the city, it found out the city would no longer sponsor it.

The City of Henderson said it asked the Henderson Equality Center to follow decency laws, with no sexual paraphrenalia and no sexually explicit content. Officials said they did not want to promote vulgar language or explicit content, noting a performer with a vulgar name.

"To go to the point where that it was just the artist entertainment."

"something sexual, entertainment is"

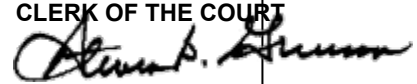


Davin also said, "We've run into other things, such as not allowing condoms from Southern Nevada Health District to be handed out."

The City of Henderson said the event can still go on as a private event, but will not be city sponsored. The city also said it wanted the event to be suitable for all ages and found what was wanted was not G-rated.

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and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

SOUTHERN NEVADA ASSOCIATION OF
PRIDE, INC. DBA LAS VEGAS PRIDE,
et al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**PLAINTIFFS' SUR-REPLY RE: DEFENDANTS SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. D/B/A LAS VEGAS PRIDE, HOLY ORDER SIN CITY SISTERS OF
PERPETUAL INDULGENCE, INC., LAS VEGAS TRANSPRIDE, BRADY MCGILL,
and SEAN VANGORDER'S SPECIAL MOTION TO DISMISS PLAINTIFFS' SLAPP
SUIT PURSUANT TO NRS 41.660 (ANTI-SLAPP), AND REQUEST FOR ATTORNEY
FEES, COSTS, AND DAMAGES PURSUANT TO 41.670**

TABLE OF CONTENTS

PLAINTIFFS’ SUR-REPLY RE: DEFENDANTS’ SPECIAL MOTION TO DISMISS	1
1.0 INTRODUCTION	1
2.0 ARGUMENT.....	1
2.1 Response to New Alleged Facts and Evidence	1
Brady McGill’s Declaration.....	2
Sean Vangorder’s Declaration	5
Declaration of Ronald K. Quinn	6
Declaration of Eric L. Abram	6
Declaration of Lupie Janos	7
Declaration of Nicole Williams	7
Declaration of Josly Hatfield	8
Declaration of Jean Carlos Lopez	9
Declaration of Daniel Ciacci.....	9
Declaration of Anthony Cortez	9
Declaration of James McCoy	10
Declaration of Louise O’Reilly.....	10
Declaration of Jennifer Howe	11
2.2 Defendants’ New Prong One Arguments.....	11
2.3 Defendants’ New Prong Two Arguments	14
3.0 CONCLUSION	16
CERTIFICATE OF SERVICE	17

TABLE OF AUTHORITIES

CASES

<i>Barry v. Time, Inc.</i>	
584 F. Supp. 1110, 1122-23 (N.D. Cal. 1984)-----	12
<i>Bd. of Trs. Of the Cal. Winery Workers' Pension Trust Fund. Giumarra Vineyards</i>	
No. 1:17-cv-00364-SAB, 2018 U.S. Dist. LEXIS 34663, *13-14 (E.D. Cal. Mar. 2, 2018)----	3
<i>Daugherty v. Wabash Life Ins. Co.</i>	
87 Nev. 32, 38, 482 P.2d 814, 818 (1971) -----	3
<i>Dog v. V.</i>	
No. A-17-763680-B, 2018 Nev. Dist. LEXIS 1475, *24 (8th Dist. Ct. Aug. 15, 2018) -----	11
<i>Garmong v. Wespac</i>	
No. CV12-01271, 2021 Nev. Dist. LEXIS 1642, *11 (2d Dist. Ct. July 7, 2021)-----	11
<i>Gillespie Office & Sys. Furniture, LLC v. Council</i>	
134 Nev. 942 n.3, 432 P.3d 200 (2018) -----	15
<i>Kaufman v. Warner Bros. Entm't, Inc.</i>	
No. CV-16-02248-PHX-JAT, 2018 U.S. Dist. LEXIS 155204, *15, 20 n.6 (D. Ariz. Sept. 12, 2018) -----	3
<i>Nevada Ind. Broad. Corp. v. Allen</i>	
99 Nev. 404, 411, 664 P.2d 337, 342 (1983) -----	12
<i>Pegasus v. Reno Newspapers, Inc.</i>	
118 Nev. 706, 718-19, 578 P.3d 82, 90 (2002)-----	15
<i>Pope v. Fellhauer</i>	
135 Nev. 702, 437 P.3d 171, 2019 Nev. Unpub. LEXIS 331 (Mar. 21, 2019)-----	13
<i>Rosen v. Tarkanian</i>	
135 Nev. 436, 453 P.3d 1220 (2019) -----	4, 13
<i>SFR Invs. Pool I, LLC v. U.S. Bank, N.A.</i>	
135 Nev. 346, 352 n.3, 449 P.3d 461, 466 (2019) -----	11
<i>Spirtos v. Yemenidjian</i>	
499 P.3d 611, 616-17 (Nev. 2021)-----	14

United States EEOC v. Mattress Firm

No. 2:13-cv-1745-GMN-VCF, 2016 U.S. Dist. LEXIS 36992, *7-8 (D. Nev. Mar. 21, 2016) 3

Wynn v. AP

136 Nev. 611, 614, 475 P.3d 44, 48 (2020)----- 11

STATUTES

41.670 ----- i, 1

NRS 41.637 ----- 11, 13, 14

NRS 41.660 ----- i, 1

OTHER AUTHORITIES

Restatement (Second) of Torts § 578)----- 12

PLAINTIFFS' SUR-REPLY RE: DEFENDANTS' SPECIAL MOTION TO DISMISS

Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center file this Sur-Reply regarding Defendants Southern Nevada Association of Pride, Inc. D/B/A Las Vegas Pride ("Vegas PRIDE"), Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc. ("Sin Sity Sisters"), Las Vegas TransPride, Brady McGill, and Sean Vangorder's Special Motion To Dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees, Costs, and Damages Pursuant to 41.670 (the "Motion").¹

MEMORANDUM OF POINTS AND AUTHORITIES

1.0 INTRODUCTION

Defendants, in their Reply in support of their Anti-SLAPP Motion, introduce a large volume of entirely new evidence and provide entirely new arguments that could have (indeed, *must* have) been attached to and made in their Motion. The Court should not condone this attempt at sandbagging and should not consider any of this new material. But even if the Court did, it would make no difference. This new evidence suffers from the same admissibility issues as the evidence attached to the Motion, and Defendants' new arguments are meritless. Indeed, this Sur-Reply is regrettably lengthy itself due to the fact that so much of the evidence attached to the Reply has the same serious admissibility issues as those identified in Plaintiffs' Opposition, with no apparent concern from Defendants as to admissibility. The Court should deny the Anti-SLAPP Motion in its entirety and allow this case to proceed to discovery.

2.0 ARGUMENT

2.1 Response to New Alleged Facts and Evidence²

Defendants allege a large volume of new facts for the first time in their Reply, attaching declarations from a total of 11 new witnesses and multiple new documents. This evidence is not

¹ As Plaintiffs have dismissed Sin Sity Sisters and Las Vegas TransPride, Defendants Vegas PRIDE, Brady McGill, and Sean Vangorder are the only moving Defendants.

² This Sur-Reply will not address every factual contention or argument made in the Reply, but rather will only address material that is new to the Reply. Plaintiffs do not concede any issues or arguments by not addressing them here.

attached to fix any defects in admissibility to Defendants’ evidence attached to their Motion, but rather to allege entirely new facts.

Brady McGill’s Declaration

In their Motion, aside from a single paragraph in Brady McGill’s declaration, Defendants completely ignored the allegations in the Complaint against McGill, namely that he falsely stated to third parties that Davin had engaged in racism and elder abuse. McGill did not deny making this statement in his declaration, instead claiming only that it was true. In their Reply, however, Defendants apparently claim that McGill never made this statement, despite his second declaration admitting that Vegas PRIDE made it to Interpride and not denying that he was the messenger.³ McGill 2nd Decl. at ¶ 21. This bad-faith contention should be disregarded by the Court. If this claim is given any credence, however, the Court should permit Plaintiffs to take discovery into this denial. Specifically, they should be permitted to depose McGill regarding whether he made these statements to Interpride.⁴ Relatedly, in ¶ 10, McGill provides a URL to what he claims is an interview of the man Davin allegedly abused, but this URL does not lead to anything. Declaration of Alex J. Shepard (“Shepard Decl.”), attached as **Exhibit 1**, at ¶¶ 5-7; printout of page at URL provided by McGill, attached as **Exhibit 2**. This alleged exhibit has not been served on Plaintiffs, nor has it been filed with the Court. The Court should ignore it. Even if it were before the Court, it is not authenticated. McGill provides no foundation for his personal knowledge of whether the alleged document is a true and correct copy, as he does not claim he was present during this “interview” or that he created a recording of it.

McGill claims that Vegas PRIDE received various “reports” of Davin being “involved with harassment, bullying, threats, [and] unethical or illegal practices,” which were all received prior to the Press Release. McGill 2nd Decl. at ¶ 7. Just as with the Motion, however, not a single one of

³ Defendants’ own evidence also shows McGill was repeating this allegation to others as early as June 2023. *See* Williams Decl. at p. 4.

⁴ Discovery should not be necessary, however. As explained in Section 2.2, *infra*, McGill’s denial of making this statement to Interpride is irrelevant to the prong one analysis, and it is undisputed that the alleged statement was not made in a public forum.

these “reports” is attached, thus violating the best evidence rule.⁵ This testimony is inadmissible. He also testifies as to Davin’s reputation within the community, but this is inadmissible as well because he fails to lay any foundation for personal knowledge of this alleged fact (not that McGill is competent to testify as to the subjective beliefs of third parties anyway). *Id.*

McGill claims that *Exhibit W* to the Reply shows traffic metrics for the Vegas PRIDE website. McGill 2nd Decl. at ¶ 11. This evidence is not authenticated, however. McGill provides no foundation for his personal knowledge of what this exhibit purports to be,⁶ nor does he provide

⁵ In their Reply, Defendants argue, without support, that the best evidence rule only applies to trial proceedings, and not summary judgment or Anti-SLAPP motions. While there does not appear to be Nevada case law directly on the Anti-SLAPP law in particular, since it is evaluated as a motion for summary judgment, that standard is the one we should consider. Other courts applying the best evidence rule have found that it applies in summary judgment proceedings. *See, e.g., Bd. of Trs. Of the Cal. Winery Workers’ Pension Trust Fund. Giumarra Vineyards*, No. 1:17-cv-00364-SAB, 2018 U.S. Dist. LEXIS 34663, *13-14 (E.D. Cal. Mar. 2, 2018); *Kaufman v. Warner Bros. Entm’t, Inc.*, No. CV-16-02248-PHX-JAT, 2018 U.S. Dist. LEXIS 155204, *15, 20 n.6 (D. Ariz. Sept. 12, 2018) (declining to consider summary judgment evidence because it violated best evidence rule); *United States EEOC v. Mattress Firm*, No. 2:13-cv-1745-GMN-VCF, 2016 U.S. Dist. LEXIS 36992, *7-8 (D. Nev. Mar. 21, 2016). Furthermore, the Nevada Supreme Court has held that, in the summary judgment context, “[w]hen written documents are relied on, they must be exhibited in full. The statement of the substance of written instruments or of affiant’s interpretation of them or of mere conclusions of law or restatements of allegations of the pleadings are not sufficient.” *Daugherty v. Wabash Life Ins. Co.*, 87 Nev. 32, 38, 482 P.2d 814, 818 (1971). This is not a case of declarants providing at least a purported version of a document that may have some defects regarding authenticity; they do not provide these documents in any form whatsoever. It is also not a case, by and large, where the declarants are quoting purported documents so that Plaintiffs and the Court may evaluate them; the declarants provide broad characterizations of these communications, calling them “threatening” or “harassing,” with no further detail. The Court should not consider such defective evidence in this summary judgment-like proceeding.

⁶ McGill makes the blanket assertion that “All exhibits attached to the Reply are true and accurate copies of these documents” (McGill 2nd Decl. at ¶ 1), but that is not sufficient for authentication because he does not explain *how* he has personal knowledge of whether these exhibits are what Defendants claim them to be. The same goes for Defendants’ contention that all of their declaration evidence is admissible because of a general statement that the declarants are making their statements based on personal knowledge. Reply at 9. That is not enough, because a declarant must establish *how* they have personal knowledge of alleged facts. *Daugherty*, 87 Nev. at 38, 482 P.2d at 818. Otherwise, it would be trivial for any plaintiff to defeat an Anti-SLAPP motion by simply declaring that they had “personal knowledge” that the defendants knew their statements were false. Personal knowledge is something that must be shown, not magic wording.

any details of what the exhibit is or how it is reliable (such as, for example, whether this is a printout of a website or a report generated by Vegas PRIDE’s internal software). Because this evidence, which is the only conceivable basis for McGill’s alleged knowledge of the facts alleged in this paragraph, is not admissible, McGill’s testimony on this issue violates the best evidence rule as well. Furthermore, it is inadmissible hearsay, as even if it were a business record, it is not authenticated by a custodian of records. There is thus still no admissible evidence as to the size of the community that may have seen the Press Release.⁷

McGill claims that “[i]t is public record” that Davin regularly makes public appearances on radio, TV, the internet, and in-person at various different events, and that he “has put himself ‘out there’ as a speaker for the gay community, and a source of information for the events in the LGBTQ+ Community.” McGill 2nd Decl. at ¶ 18. Despite this all being in the “public record,” McGill provides no documents to support this claim. His testimony is inadmissible in its entirety. There is no foundation⁸ laid for his personal knowledge of any of these facts. Did he personally watch, read, listen to, or attend any of these? If not, what is the basis of his knowledge? This testimony is also inadmissible as violative of the best evidence rule, to the extent McGill’s knowledge is based on any documents that he could have attached, but didn’t.

McGill also testifies as to the removal of HEC’s Facebook page following a report of infringement from ICME after its HENDERSON PRIDE trademark was registered nearly a year after Plaintiffs’ HENDERSON PRIDE FEST mark, claiming this is proof Plaintiffs’ claim of trademark infringement was frivolous all along. This is not true, and nothing in this development changes the facts that (1) the HENDERSON PRIDE mark was not registered at the time of the

⁷ Defendants also, confusingly, take umbrage at Plaintiffs’ reference to a “monolith” or a “hive mind” in the Opposition, completely missing the point that it was offensive for Defendants to insinuate in their Motion that the Las Vegas LGBTQ+ is so singular that anyone could speak on its behalf.

⁸ Defendants argue that the numerous admissibility defects with their evidence is actually not a problem, citing *Rosen v. Tarkanian*, 135 Nev. 436, 453 P.3d 1220 (2019), a case that has nothing to do with the admissibility of evidence. Reply at 10. These inadmissible declarations cannot establish the factual issue of Plaintiffs’ reputation, as none of the declarants are competent to testify to the opinions of unidentified third parties.

Press Release, while the HENDERSON PRIDE FEST mark was, and (2) Facebook did not reinstate Vegas PRIDE’s content that was actually infringing by displaying the HENDERSON PRIDE FEST mark. As much as Defendants like to insist otherwise, the images Davin complained about showed promotional material for HENDERSON PRIDE in a commercial context.

Sean Vangorder’s Declaration

In his 2nd declaration, Sean Vangorder provides many additional details regarding the 2019 HRC gala at which Davin volunteered. His testimony that he received complaints from other HRC volunteers about Davin is inadmissible hearsay insofar as Defendants are trying to prove that Davin actually did anything complaint-worthy. Vangorder 2nd Decl. at ¶ 5. Similarly, his testimony about Davin and Harder being “confrontational” with unidentified “community leaders” is inadmissible hearsay, as Vangorder has no personal knowledge of such “confrontations.”

Vangorder testifies that Davin has a “‘habit’ of copying other organizations’ documents, attempting to make it his own,” and as evidence claims that he “literally copied some of the HRC’s documents.” Vangorder 2nd Decl. at ¶ 6. This is false. Neither Davin nor anyone at Equality Nevada “literally copied” any HRC documents. Declaration of Chris Davin in Support of Sur-Reply (“Davin Sur-Reply Decl.”), attached as **Exhibit 3**, at ¶ 6. Any similarities between auction forms are due to the fact that there are common practices among anyone who holds a silent auction, and thus it is inevitable that there will be significant similarities with forms that are used to record the same information. *Id.* at ¶ 7. Indeed, there are open source forms generally accessible on the internet which many non-profits use, and so substantial similarities are inevitable. *Id.* at ¶ 7. And Vangorder’s claim that his “knowledge” of this alleged fact is based on conversations with unidentified third parties makes this testimony inadmissible hearsay. Vangorder’s claim that numerous other unidentified third parties have complained to him about Davin and Harder engaged in “bullying and harassment” (Vangorder 2nd Decl. at ¶ 7) is likewise inadmissible hearsay to prove they actually engaged in such behavior, and Vangorder does not even attempt to identify what any of these purported allegations consist of.

Declaration of Ronald K. Quinn

Ronald Quinn’s declaration is largely duplicative of the declaration of Gustavo Davis attached to the Motion. His conclusion that Davin copied HRC materials is mere speculation not based on personal knowledge. As for the similarities between the silent auction and fundraising documents, as explained above, it is common for organizations in the same area to have many similarities in their forms. Davin Sur-Reply Decl. at ¶ 7. Quinn’s testimony that he heard from unidentified third parties about some “difficulty” in working with Davin is inadmissible hearsay. Quinn Decl. at ¶ 9. His testimony about the contents of a Facebook post Davin authored is inadmissible, as it violates the best evidence rule due to the alleged post not being attached. *Id.* Finally, his testimony that unidentified third parties “are no longer comfortable or willing to collaborate with Mr. Davin or Mr. Harder” is inadmissible, as Quinn is not competent to testify as to the subjective beliefs or mental state of third parties.

Declaration of Eric L. Abram

Abram testifies that Davin threatened him and used social media accounts “to make false and negative reviews on [Abram’s] business social media account.” Abram Decl. at ¶ 3. This testimony violates the best evidence rule, as Abram’s knowledge of such statements is premised on social media posts that are not attached to the Reply. It is also false, as Davin never threatened Abram or made false and negative reviews on or of this account. Davin Sur-Reply Decl. at ¶ 8.

Abram’s testimony that “many friends and acquaintances shared similar experiences with Chris Davin” is also inadmissible hearsay to prove that anyone else actually had such experiences. Abram Decl. at ¶ 3. Furthermore, Abram’s alleged motivations in resigning from HEC are inconsistent with what he told HEC at the time of his departure, where he said he was resigning because he had “enough on my plate now to keep me busy and that I need to focus on at this time in my life,” and that he had “no ill feelings and I still support the HEC and its cause/mission.” Davin Decl. at ¶ 9; May 10, 2021, email exchange with Abram, attached as **Exhibit 4**.

Declaration of Lupie Janos

Janos testifies that they received emails from HEC without having signed up to receive them. Janos Decl. at ¶ 3. This testimony violates the best evidence rule, as these purported emails are not attached to the Reply. Their testimony that it was their “understanding” that Davin “obtained email lists without permission” is inadmissible to prove the truth of this allegation, as they admittedly have no personal knowledge of this fact. *Id.* Their supposition is also simply wrong, as Janos signed up to receive HEC emails during a Reno Pride event helping with HEC’s booth. Davin Decl. at ¶ 10.

Declaration of Nicole Williams

Williams’s lengthy declaration begins with a recounting of a conversation she had with Davin in 2019, in which Davin advised her that it may be problematic to operate a fundraising event as a for-profit company. Williams Decl. at p. 1-2. Davin did not try to “scare” her into believing anything, but rather was trying to advise her that there were legal problems with a non-profit organization supporting a for-profit company. Davin Decl. at ¶ 11.

Williams then discusses a conversation she had with Jennifer Hughes where Hughes recounted statements Davin allegedly made. Williams Decl. at p. 2. All of this testimony is inadmissible hearsay to prove that Davin or Hughes engaged in any alleged conduct.

Williams then testifies that Davin contacted her on Facebook and made various disparaging statements, without attaching any such communications. *Id.* This violates the best evidence rule, and her speculation as to Davin’s intentions in sending these communications is also inadmissible.

Williams testifies as to a conversation she and her business partner had with Davin in which Davin said HEC would go after grants on Williams’s behalf and split the money, if Williams would give HEC access to documents and approval to submit grants. *Id.* This is false, as Davin never made any such statements. Davin Sur-Reply Decl. at ¶ 12. Her testimony that Davin was “apparently” having “sidebar conversations” with her business partner about partnering with HEC is inadmissible because she provides no foundation for personal knowledge of this. Williams Decl. at p.2. Her testimony about Davin sending her Facebook messages about her partner selling masks

without a license violate the best evidence rule, as these messages are not attached. *Id.* Davin also never sent any such messages. Davin Sur-Reply Decl. at ¶ 13.

Later, Williams alludes to “negative back and forth [Davin] has going with other organizations with the City,” but provides no foundation for personal knowledge of this alleged fact, and to the extent she is referring to any documents, this violates the best evidence rule. *Id.* at p. 3.

Her testimony as to Davin allegedly using her organization’s logo for fundraising without consent is inadmissible hearsay, as her “knowledge” of this alleged fact is based solely on a conversation she had with a third party who does not provide a declaration. *Id.* Furthermore, she is wrong; United Way was never a sponsor of HEC and HEC never received money from them on behalf of House of Vegas Pride. Davin Sur-Reply Decl. at ¶ 14.

Williams testifies that Davin sent her threatening emails regarding her organization’s use of the HENDERSON PRIDE mark, but attaches no such communications, violating the best evidence rule. *Id.* at p. 3-4. This is also false, as Davin never sent any such communications. Davin Sur-Reply Decl. at ¶ 15. Williams purports to quote a “complaint” she received from McGill in June 2023, but does not attach this document, violating the best evidence rule. *Id.* at p. 4-6. All statements contained within the purported complaint are also inadmissible hearsay. Finally, Williams’s testimony as to Davin’s intentions and likely future actions are pure, inadmissible speculation. *Id.* at p. 6.

Declaration of Josly Hatfield

Hatfield, a former Vegas PRIDE board member, testifies that “evidence was presented indicating that Chris Davin had accessed protected information from the Las Vegas Pride database.” Hatfield Decl. at ¶ 3. This testimony violates the best evidence rule, as this purported evidence is not attached to the Reply. So does her testimony about receiving “near constant reports of bullying and misconduct by Chris Davin,” as no such reports are attached or even identified. *Id.* at ¶ 4.

Declaration of Jean Carlos Lopez

Lopez’s declaration is barely worth addressing, as it contains nothing more than inadmissible speculation as to Davin’s motivations in joining Vegas PRIDE and how Davin may have potentially run an award event. Lopez Decl. at ¶ 3. Just as with Lupie Janos, he has no personal knowledge of Davin allegedly stealing any of Vegas PRIDE’s data. In fact, he does not provide any foundation for personal knowledge of almost anything in his declaration at all. *Id.* His testimony that he received unsolicited emails from HEC violates the best evidence rule, as do his claims about what Davin posted on social media. *Id.* To highlight that Defendants have no issue with relying on obviously biased “sources,” Lopez says outright that Davin “is a horrible human being,” yet this is the kind of person that Defendants claim is inherently trustworthy. *Id.*

Declaration of Daniel Ciacci

Ciacci claims that he “believe[s]” Davin and Harder, during a 2021 event, “collect[ed]” emails from those who came to the booth.” Ciacci Decl. at ¶ 3. This is inadmissible speculation, as Ciacci provides no foundation for personal knowledge of this alleged fact. Ciacci also claims that after this event, HEC “obtained and used and sent information to our customers with [HEC] material,” but again provides no foundation for personal knowledge. *Id.* To the extent his alleged knowledge of this fact is based on documents (none of which are attached to the Reply), this testimony violates the best evidence rule. In any event, Ciacci’s testimony is highly misleading. He was a guest of HEC’s at this event and sat at a booth paid for by HEC with HEC merchandise. Davin Sur-Reply Decl. at ¶ 16. The tablets Ciacci and others used were owned by HEC. *Id.* at ¶ 16. No one had any reasonable expectation that HEC would simply place this information in a vault and do nothing with it. Furthermore, the lack of “sales receipts” at the event was due to modern technological methods; everyone there paid using credit card terminals or mobile phones, which send electronic, not print, receipts. *Id.* at ¶ 16.

Declaration of Anthony Cortez

Cortez claims Plaintiffs “tried to duplicate our Henderson Pride Festival by creating and hosting ‘Henderson Pride Fest,’” but this is inadmissible speculation as to Plaintiffs’ intentions in

creating their event. Cortez Decl. at ¶ 3. His testimony that Davin said he was trying to “destroy Henderson Pride” and that he lied to “take over the ‘Henderson Pride’ name/festival” is inadmissible, as Cortez provides no foundation for his personal knowledge of these alleged facts. *Id.* This is also false, as Davin never made such statements. Davin Sur-Reply Decl. at ¶ 17. Cortez’s testimony that Plaintiffs had been “harassing and threatening ICME” when they applied for their HENDERSON PRIDE FEST trademark is also inadmissible speculation. *Id.* His testimony summarizing what “USPTO officers” allegedly told him about ICME’s superior rights in the HENDERSON PRIDE trademark is inadmissible hearsay as to whether ICME’s rights are actually superior. *Id.*

Declaration of James McCoy

McCoy admits that he has no personal knowledge of the allegations that Davin made “frivolous trademark claims” to harm Vegas PRIDE and that he stole donor information from HRC, as he testifies only that he heard of such claims second-hand, which is inadmissible hearsay. McCoy Decl. at ¶ 3(A)-(B). His claims that Davin threatened to sue The Center or take its name or trademark are categorically false. *Id.* at ¶ 3(C); Davin Sur-Reply Decl. at ¶¶ 18. His testimony that he was “harassed” via text and social media by Davin is inadmissible, as it violates the best evidence rule. McCoy Decl. at ¶ 3(C). He also provides no foundation for personal knowledge as to his claim that “Jimmy Kangas” is a Facebook alias of Davin. *Id.* In any event, these statements are all false, as Davin did not engage in this conduct, and does not even have McCoy’s phone number. Davin Sur-Reply Decl. at ¶ 19. His testimony as to a conversation he had with Sy Bernabei is inadmissible hearsay to prove the truth of anything Bernabei allegedly told him. McCoy Decl. at ¶ 4. Davin has never even worked with Bernabei, and so Bernabei could not possibly have knowledge of these non-existent facts. Davin Sur-Reply Decl. at ¶ 20.

Declaration of Louise O’Reilly

O’Reilly claims that, during the 2019 HRC silent auction, Davin was “difficult,” “volatile,” “demanding and bullying to the volunteers,” and that “[h]is actions created a very uncomfortable environment” O’Reilly Decl. at ¶ 3. These claims are categorically false, as Davin did not

engage in any such conduct. Davin Sur-Reply Decl. at ¶ 21. Nor did any volunteers quit because of Davin’s non-existent “bullying,” as O’Reilly alleges. O’Reilly Decl. at ¶ 4; Davin Sur-Reply Decl. at ¶ 21. Her testimony that Davin criticized HRC for a damaged plaque mailed to him violates the best evidence rule, as no such alleged statements from Davin are attached to the Reply. *Id.* at ¶ 5. Furthermore, how does complaining about a plaque that O’Reilly admits was damaged in transit even relate to any of the defamatory statements at issue here? O’Reilly is not competent to testify that “many people in the community have . . . done their best to avoid any interactions nor want any association in any capacity” with Davin, as she cannot testify as to the mental state of unidentified third parties, nor does she identify any statements or conduct from these anonymous third parties that would make her think this. *Id.* at ¶ 6.

Declaration of Jennifer Howe

Howe alleges that she “believes” Davin has is untrustworthy and has impure motivations, but this is admittedly pure speculation, and not testimony based on personal knowledge. Howe Decl. at ¶ 3. She refers to a “threatening and churlish email to Brady” without attaching it, thus violating the best evidence rule (not that she provides a foundation for personal knowledge anyway). *Id.* In fact, she provides no foundation for personal knowledge of any other statements in her declaration, which should be disregarded in its entirety.

2.2 Defendants’ New Prong One Arguments⁹

Defendants first argued in their Motion that their statements are protected under NRS 41.637(4) because their substantive allegations are true, *i.e.*, Plaintiffs actually engaged in bullying behavior and illegal and unethical practices. In their Reply, however, Defendants take a different

⁹ For both the prong one and prong two analyses, the Court should not entertain any of Defendants’ new arguments or evidence. Arguments made for the first time in the reply brief are waived. *See, e.g., SFR Invs. Pool I, LLC v. U.S. Bank, N.A.*, 135 Nev. 346, 352 n.3, 449 P.3d 461, 466 (2019). It is completely improper to raise new arguments for the first time in a reply. *See Garmong v. Wespac*, No. CV12-01271, 2021 Nev. Dist. LEXIS 1642, *11 (2d Dist. Ct. July 7, 2021); *Dog v. V.*, No. A-17-763680-B, 2018 Nev. Dist. LEXIS 1475, *24 (8th Dist. Ct. Aug. 15, 2018). While this new material is addressed in this Sur-Reply out of an abundance of caution, and to ensure a complete appellate record, this is not an admission that the Court should consider any of this new evidence or argument, and in fact, it would be error to consider it at all.

tack, instead arguing their statements are true because they were merely noting the existence of “reports” of such conduct. Absent a privilege (such as the fair report privilege), however, a defendant is equally liable for “reporting” on defamatory allegations made by third parties. *Wynn v. AP*, 136 Nev. 611, 614, 475 P.3d 44, 48 (2020) (quoting Restatement (Second) of Torts § 578). Defendants are not permitted to repeat¹⁰ false allegations about Plaintiffs and then cheekily insist they are simply reporting on what others are saying. Writing a blog post that claims “people are saying the plaintiff is a murderer” makes the publisher equally liable for the claim that the plaintiff is a murderer.

Defendants claim their statements regarding Plaintiffs’ alleged theft of Vegas PRIDE and HRC donor information are true because Davin was “removed” from both organizations for this conduct. But again, absent a privilege, Defendants are not exempt from liability for repeating the unfounded and unproven allegations of Vegas PRIDE and the HRC. It is especially nonsensical for Vegas PRIDE to claim the statements in the Press Release about stealing Vegas PRIDE information merely amounts to relaying the outcome of a hearing, as they were the ones who invented the allegation of data theft in the first place. The Court should not countenance this attempt at laundering their defamation. As explained in the Opposition, there are thus significant factual disputes that preclude the Court from finding that any of the statements at issue are true.

Relatedly, Defendants argue that their statements are expressions of opinion because they disclosed the facts upon which they were based, trying to distinguish *Nevada Ind. Broad. Corp. v. Allen*, 99 Nev. 404, 411, 664 P.2d 337, 342 (1983). But they grossly misrepresent what this case says; the facts on which an alleged opinion is based must be provided *in the defamatory publication*, not afterward in litigation. The Press Release and Sean Vangorder’s Facebook post do not provide any underlying facts which their respective audiences could assess themselves, and

¹⁰ The facts are even less favorable for Defendants, as the Press Release does not provide any specifics of these alleged “reports,” but rather provides a misleading characterization of them. For example, none of the alleged “reports” accuse Plaintiffs of financial and criminal misconduct, yet the Press Release claims “reports” of such conduct exist.

so these statements are not protected expressions of opinion. Even if such facts had been provided, they must be true, and there are significant disputes as to the truth of these underlying allegations.

In finally addressing the five *Shapiro v. Welt* factors regarding whether their statements are in connection with an issue of public interest, Defendants argue in conclusory fashion that “the ‘gist’ here is the protection, and warning the LGBTQ+ Community (and all Nevada residents) about the actions of Davin, and to be careful.” Reply at 12. They are wrong for multiple reasons. First, the mention of the “gist” of the statements is a reference to the principle that a statement is true if its “gist” or “sting” is true, even if some minor details are incorrect. *Tarkanian*, 135 Nev. at 440. This principle has nothing to do with whether a statement is sufficiently connected to an issue of public interest to be protected under NRS 41.637(4).

Second, Defendants continue to fail to identify anything other than a nebulous interest in the safety and well-being of the LGBTQ+ community. They provide no evidence that anyone in the community, other than a few dozen people who have provided declarations, have any awareness of or concern with Plaintiffs.¹¹ This is no more than a private dispute that Defendants tried to make public by airing their grievances online, which does not make their statements in connection with an issue of public interest.¹² While Defendants’ declarations frequently attest to unidentified third parties talking about Plaintiffs engaging in various forms of conduct (most of which a reasonable person would not interpret as “bullying” or any other kind of conduct alleged) in an attempt to show some kind of larger discussion about Plaintiffs, *none* of this evidence is admissible, and it is Defendants’ burden to show this alleged public controversy.

¹¹ As explained above, Defendants’ alleged evidence of Plaintiffs’ reputation is entirely inadmissible, and cannot be considered to determine this factual issue.

¹² Defendants also try to distinguish *Pope v. Fellhauer*, 135 Nev. 702, 437 P.3d 171, 2019 Nev. Unpub. LEXIS 331 (Mar. 21, 2019), by arguing that the statements there were only made to two people. Reply at 12. This is false; the statements in *Fellhauer* were *about* two people, the plaintiffs, but they were published on Twitter and an interactive online public forum frequented by members of a residential community. Both of these forums, by the way, actually have interactive spaces for user engagement and are accessible to the general public, unlike the web page hosting the Press Release and Sean Vangorder’s Facebook post.

Defendants argue for the first time in the Reply that McGill did not actually make any statements to Interpride, despite McGill at no point denying he did so. This argument is actually irrelevant for purposes of the prong one inquiry. The court must review whether the alleged statements are protected under NRS 41.637, regardless of whether the defendant denies making such statements. *Spirtos v. Yemenidjian*, 499 P.3d 611, 616-17 (Nev. 2021) (holding that “at step one of the anti-SLAPP analysis, a district court and this court must evaluate the communication as it is alleged in the plaintiff’s complaint and in any of the plaintiff’s clarifying declarations,” and that a defendant’s denial of making an alleged statement “does not provide a basis for” overruling denial of Anti-SLAPP motion). McGill’s statement to Interpride, as alleged in the Complaint and mentioned in the Opposition, was not made in a public forum and thus is not protected. Whether he actually made the statement is relevant only to the prong two analysis, which we do not reach because McGill cannot meet his burden on prong one.

2.3 Defendants’ New Prong Two Arguments

Defendants claim that the statements in the Press Release only refer to Davin. Aside from there being no mention of this argument anywhere in the Motion, it is wrong. While not all of the statements by all the Defendants are of and concerning all the Plaintiffs, the Press Release states, after recounting the five categories of defamatory statements noted in the Complaint and the Opposition, that “Las Vegas PRIDE takes direct threats to our Board Members and attacks on our organization by Mr. Davin **and Mr. Harder** seriously. Bullying actions **of these individuals** will not be tolerated.” Opposition at *Exhibit 1* (emphasis added). Based on this context, it is obvious that the Press Release is accusing both Davin and Harder of the same conduct, namely bullying and threats. At the very least, there is ambiguity in the Press Release that creates a dispute of material fact as to whether a reader would interpret the Press Release as accusing Harder of the same conduct. Sean Vangorder’s Facebook post also makes no distinction between the conduct of Davin and Harder, and accuses them both of the same behavior. This is particularly egregious, because Vangorder’s post specifically accuses Harder of having “stolen donor lists” and removing

Vegas PRIDE’s “social media access,” despite there being absolutely no evidence, admissible or otherwise, of Harder being involved in such alleged conduct.

The Press Release, after making its defamatory statements, goes on to encourage readers to file complaints with various governmental agencies regarding Davin and Harder and “the many organizations with which they are associated,” including HEC. *Id.* While this does not specifically name HEC, a statement can be of and concerning a plaintiff even if it does not name them, “as long as the plaintiff ‘may be identified by clear implication.’” *Gillespie Office & Sys. Furniture, LLC v. Council*, 134 Nev. 942 n.3, 432 P.3d 200 (2018). According to Defendants’ own arguments and evidence (inadmissible as it is), anyone aware of Davin would know that he is “associated” with HEC, and it would be trivially easy for anyone performing any form of investigation to learn of this association. The Press Release is thus of and concerning HEC as well, and the surrounding context of the Press Release makes it clear that Defendants are accusing HEC of the same kind of behavior attributed to Davin and Harder. At the very least, there is a factual dispute as to whether readers would interpret these statements as accusing HEC of misconduct as well.

Defendants also repeat their unsupported allegation that Plaintiffs are public figures. As explained above, however, none of this evidence is admissible. There is nothing in the record showing Plaintiffs’ reputation or that they had any particular notoriety. The declarations attesting to their reputation all consist of inadmissible hearsay without even identifying the people and organizations about whom they are testifying as to their mental states. And McGill’s reference in his 2nd Declaration attesting to Davin putting himself “out there” in the LGBTQ+ community provides no examples or evidence of all the alleged media coverage about Davin. Even if anything in the record showed Davin putting himself “out there,” this says nothing of HEC or Harder being public figures. Defendants have failed to make any showing that Plaintiffs are public figures, meaning Plaintiffs need only show negligence, a traditional question of fact for the jury. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 718-19, 578 P.3d 82, 90 (2002).

Even if the actual malice standard did apply, however, Defendants provide no authority for the contention that they did not publish with actual malice, making only the conclusory argument

that their sources were trustworthy. As explained above, there are no admissible facts in evidence supporting this assertion. Defendants’ testimony that their “sources” were reliable is belied by the fact that they didn’t even *know* some of these sources. For example, McGill was not even aware of Smithman prior to Smithman reaching out mere days after the Press Release was published, and McGill/Vegas PRIDE decided to trust Smithman with no investigation due to their animus against Plaintiffs. Defendants also claim that people with obvious animus against Plaintiffs are so inherently trustworthy that there was no need to perform any follow-up investigation. *See* Lopez Decl. at ¶ 3.

3.0 CONCLUSION

For the foregoing reasons, the Court should deny Defendants’ Anti-SLAPP Motion in its entirety.

Dated: March 12, 2024.

Respectfully submitted,

/s/ Marc J. Randazza

Marc J. Randazza (NV Bar No. 12265)
 Alex J. Shepard (NV Bar No. 13582)
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Attorneys for Plaintiffs
 Christopher Davin, Trevor Harder,
 and Henderson Equality Center

Case No. A-23-879938-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on March 12, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Marc J. Randazza

Marc J. Randazza

EXHIBIT 1

Declaration of Alex J. Shepard

1 **DECL**

2 Marc J. Randazza (NV Bar No. 12265)

3 Alex J. Shepard (NV Bar No. 13582)

4 RANDAZZA LEGAL GROUP, PLLC

5 4974 S. Rainbow Blvd., Suite 100

6 Las Vegas, NV 89118

7 Telephone: 702-420-2001

8 ecf@randazza.com

9 Attorneys for Plaintiffs

10 Christopher Davin, Trevor Harder,

11 and Henderson Equality Center

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

14 **CHRISTOPHER DAVIN**, et. al.,

15 Plaintiffs,

16 v.

17 **SOUTHERN NEVADA ASSOCIATION**
18 **OF PRIDE, INC. DBA LAS VEGAS**
19 **PRIDE**, et. al.,

20 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

DECLARATION OF ALEX J. SHEPARD

21 I, Alex J. Shepard, declare under penalty of perjury:

22 1. I am over 18 years of age and have never been convicted of a crime involving fraud
23 or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called as a witness,
24 could and would testify competently thereto.

25 2. I am an attorney licensed to practice in the State of Nevada. I am an attorney with
26 Randazza Legal Group, PLLC (“RLG”), counsel for Plaintiffs in this matter.

27 3. I submit this Declaration in support of Plaintiffs’ Sur-Reply (the “Sur-Reply”) Re:
Defendants Southern Nevada Association of Pride, Inc. d/b/a/ Las Vegas Pride (“Vegas PRIDE”),
Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc. (“Sin Sity Sisters”), Las Vegas
TransPride, Brady McGill, and Sean Vangorder's Special Motion To Dismiss Plaintiffs' SLAPP

Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees, Costs, and Damages Pursuant to 41.670 (the "Motion").

4. I have reviewed all briefing on the Motion, including Plaintiffs' Opposition and Defendants' Reply and all declarations and exhibits attached thereto.

5. The 2nd Declaration of Defendant Brady McGill attached to Defendants' Reply contains a URL that allegedly leads to an "interview of the man was [sic] that was verbally abused by Davin." McGill 2nd Decl. at ¶ 10. That URL, as provided in the Declaration, is <https://drive.google.com/file/d/1EVjlelkkCDYQNFxy-GqvIDtIY4-GS9oJ/view?usp=sharing>.

6. On February 29, 2024, at approximately 5:05 p.m. while at the Las Vegas office of RLG, and while using a Macbook Air laptop computer with the Google Chrome browser, I visited the webpage at the above URL. This resulted in an error message stating that Google Drive was unable to open the file associated with this URL. Upon receiving this error message, I immediately created a printout of the page displaying the error message using the Chrome browser's print to PDF function. A true and correct copy of this printout is attached to the Sur-Reply as **Exhibit 2**.

7. I received error messages regarding the URL provided in McGill's declaration regardless of whether I manually typed in the URL, copied and pasted the URL from McGill's declaration, or clicked on the hyperlink embedded in the PDF of Defendants' Reply containing McGill's Declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 12, 2024

/s/ Alex J. Shepard
Alex J. Shepard

EXHIBIT 2

URL Fail Notice

Drive

Sorry, unable to open the file at this time.

Please check the address and try again.

Get stuff done with Google Drive

Apps in Google Drive make it easy to create, store
and share online documents, spreadsheets,
presentations and more.

Learn more at drive.google.com/start/apps.

EXHIBIT 3

Declaration of Christopher Davin

1 **DECL**

2 Marc J. Randazza (NV Bar No. 12265)

3 Alex J. Shepard (NV Bar No. 13582)

4 RANDAZZA LEGAL GROUP, PLLC

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6 Las Vegas, NV 89118

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9 Attorneys for Plaintiffs

10 Christopher Davin, Trevor Harder,

11 and Henderson Equality Center

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

14 **CHRISTOPHER DAVIN**, et. al.,

15 Plaintiffs,

16 v.

17 **SOUTHERN NEVADA ASSOCIATION**
18 **OF PRIDE, INC. DBA LAS VEGAS**
19 **PRIDE**, et. al.,

20 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

DECLARATION OF CHRISTOPHER
DAVIN

21 I, Christopher Davin, declare under penalty of perjury:

22 1. I am over 18 years of age and have never been convicted of a crime involving fraud
23 or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called as a witness,
24 could and would testify competently thereto.

25 2. I am a Plaintiff in this matter and am the Executive Director of Plaintiff Henderson
26 Equality Center ("HEC").

27 3. I submit this Declaration in support of Plaintiffs' Sur-Reply (the "Sur-Reply") Re:
Defendants Southern Nevada Association of Pride, Inc. d/b/a/ Las Vegas Pride ("Vegas PRIDE"),
Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc. ("Sin Sity Sisters"), Las Vegas
TransPride, Brady McGill, and Sean Vangorder's Special Motion To Dismiss Plaintiffs' SLAPP

1 Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees, Costs, and Damages
2 Pursuant to 41.670 (the “Motion”).

3 4. I have reviewed all briefing on the Motion, including Plaintiffs’ Opposition and
4 Defendants’ Reply and all declarations and exhibits attached thereto.

5 5. As the Executive Director of HEC, I am intimately familiar with the day-to-day
6 operations, business activities, finances, and organizational structure of HEC.

7 6. I am aware that Sean Vangorder claims that I or someone at Equality Nevada (a
8 non-profit of which I am the President and have personal knowledge of its day-to-day activities)
9 “literally copied” some of Human Rights Campaign’s documents related to silent auctions.
10 Vangorder 2nd Decl. at ¶ 6.

11 7. This is false. Neither I nor anyone at Equality Nevada “literally copied” any HRC
12 documents. Any similarities between silent auction forms are due to the fact that there are common
13 practices among anyone who holds a silent auction, and thus it is inevitable that there will be
14 significant similarities with forms that are used to record the same information. Indeed, there are
15 open source forms generally accessible on the internet which many non-profits use, and so
16 substantial similarities are inevitable.

17 8. Eric L. Abram alleges I threatened him and made “false and negative reviews on
18 [Abram’s] business and social media account.” This is false, as Davin never threatened Abram or
19 made false and negative reviews on or of this account.

20 9. Abram alleges he resigned from HEC because Davin spoke “ill of other entities and
21 people in which [Abram] was associated with.” While I do not know his actual motivations in
22 resigning from HEC, those are not the reasons he gave when he resigned. Rather, when he resigned
23 on May 10, 2021, he sent me an email stating that he was resigning because he had “enough on
24 my plate now to keep me busy and that I need to focus on at this time in my life,” and that he had
25 “no ill feelings and I still support the HEC and its cause/mission.” A true and correct copy of this
26 email is attached to the Sur-Reply as **Exhibit 4**.

1 10. Lupie Janos alleges that they received emails from HEC without having signed up
2 to receive them. This is false, as I have personal knowledge that Janos signed up to receive HEC
3 emails during Reno Pride, during which Janos helped with HEC's booth.

4 11. Nicole Williams claims that in 2019, I tried to "scare" her into not operating a
5 nonprofit event as a for-profit company. Williams Decl. at p. 1-2. I did not try to "scare" her into
6 believing anything, but rather was trying to advise her that there were legal problems with a non-
7 profit organization supporting a for-profit company.

8 12. Williams testifies as to a conversation she and her business partner had with me in
9 which I allegedly said HEC would go after grants on Williams's behalf and split the money, if
10 Williams would give HEC access to documents and approval to submit grants. *Id.* This is false, as
11 I never made any such statements.

12 13. Williams claims that I sent her Facebook messages about her partner selling masks
13 without a license. Williams Decl. at p. 2. This is false, as I never sent any such messages.

14 14. Williams claims that I used her organization's logo for fundraising without her
15 consent and obtained thousands of dollars in donations from United Way in this manner. Williams
16 Decl. at p. 2. This is false, as neither HEC nor I engaged in this conduct. In fact, United Way has
17 never been a sponsor of HEC and never donated this money to HEC.

18 15. Williams claims that I sent her threatening emails regarding her organization's use
19 of the HENDERSON PRIDE mark. Williams Decl. at p. 3-4. This is false, as I never sent any such
20 communications.

21 16. Daniel Ciacchi alleges that, at a Reno Pride Parade and Festival in 2021, he saw that
22 there were no sales receipts for merchandise sold at the festival, that he believes I and Trevor
23 Harder collected emails from those who came to the booth, and that HEC sent information to his
24 customers after the event. Ciacchi Decl. at ¶ 3. This testimony is highly misleading. Ciacchi was a
25 guest of HEC's at this event and he sat at a booth paid for by HEC with HEC merchandise. The
26 tablets Ciacchi and others used were owned by HEC. No one had any reasonable expectation that
27 HEC would simply place this information in a vault and do nothing with it. Furthermore, the lack

1 of “sales receipts” at the event was due to modern technological methods; everyone there paid
2 using credit card terminals or mobile phones, which send electronic, not print, receipts.

3 17. Anthony Cortez alleges I said I was trying to “destroy Henderson Pride” and that
4 he lied to “take over the ‘Henderson Pride’ name/festival.” Cortez Decl. at ¶ 3. This is false, as I
5 never made such statements and never had such intentions.

6 18. James McCoy alleges that I threatened to sue The Center and take its name or
7 trademark. McCoy Decl. at ¶ 3(C) These allegations are false, as I never made any such threats.
8 Indeed, “The Center” would not even be eligible for trademark protection.

9 19. McCoy alleges that I “harassed” him via text message and social media. McCoy
10 Decl. at ¶ 3(C). This is false, as I never sent any such messages. I do not even have McCoy’s phone
11 number, and thus could not have sent him any text messages.

12 20. McCoy alleges that Sy Bernabei of Gender Justice told him that I “was instructed
13 to leave and never participate with their Gender Reaffirming / Trans Community Outreach
14 programs established with community organizations for [my] unprofessional behavior.” This is
15 false, as I was never so “instructed” by Bernabei or anyone at Gender Justice. I have never worked
16 with Bernabei in any capacity.

17 21. Louise O’Reilly alleges that, during the 2019 HRC silent auction, I was “difficult,”
18 “volatile,” “demanding and bullying to the volunteers,” and that “[my] actions created a very
19 uncomfortable environment” This is false, as I did not engage in any such conduct. Nor am I
20 aware of anyone volunteers quitting due to my “bullying,” as O’Reilly claims, because I did not
21 engage in any “bullying” behavior.

22
23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed on 03 / 12 / 2024

25
26 
Christopher Davin

EXHIBIT 4

Abram Email



Chris Davin <chris.davin@hendersonequalitycenter.org>

Re: job
1 message

Chris Davin <chris.davin@hendersonequalitycenter.org>
To: Eric Abram <ericlabram22@gmail.com>

Mon, May 10, 2021 at 6:05 AM

Should I let Cheryl know that you won't be going to the HIV training? If your not connected to the Center then she won't be able to have you take the class.

Chris Davin
Executive Director
Henderson Equality Center
Pronouns: He, Him, His
p: 855-955-5428 x806
m: 630-386-5832
a: 1490 W Sunset Rd Suite 120, Henderson NV 89014
w: www.HendersonEqualityCenter.org
e: Chris.Davin@HendersonEqualityCenter.org

This message is confidential. It may also be privileged or otherwise protected by work product immunity or other legal rules. If you have received it by mistake, please let us know by e-mail reply and delete it from your system; you may not copy this message or disclose its contents to anyone. Please send us by fax any message containing deadlines as incoming e-mails are not screened for response deadlines. The integrity and security of this message cannot be guaranteed on the Internet.

From: Eric Abram <ericlabram22@gmail.com>
Sent: Monday, May 10, 2021 12:19:18 AM
To: Chris Davin <Chris.Davin@hendersonequalitycenter.org>
Subject: job

Chris,

Not that it was any length of time (a week maybe), but I have decided to step down/decline the role/volunteer/paid (either) at the center. I've decided I have enough on my plate right now to keep me busy and that I need to focus on at this time in my life. Thank you for thinking of me and I apologize for any inconvenience that my (this) decision has caused.

There are no ill feelings and I still support the HEC and it's cause/mission. I will still support it's events and fundraisers. This is not about the center, it's more a personal decision of how I want to spend my time and priorities in my life right now.

I hope you understand.

Thanks,
Eric

Henderson

CLERK OF THE COURT

SAO

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

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Telephone: 702-420-2001

ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

HEARING DATE: April 9, 2024
10:00 AM

Entered in Odyssey./kd

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**STIPULATION AND ORDER TO
CONTINUE THE MARCH 19, 2024,
HEARING SET FOR DEFENDANTS'
SPECIAL MOTIONS TO DISMISS
PLAINTIFFS' COMPLAINT**

(THIRD REQUEST)

Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center ("Plaintiffs"), Defendants Southern Nevada Association of Pride, Inc. D/B/A Las Vegas Pride and Brady McGill (through their counsel Joel Z. Schwarz of the law firm Lewis Brisbois Bisgaard & Smith LLP), Sean Vangorder (through his counsel Joseph T. Nold of the Accelerated Law Group), Gary Costa, and Golden Rainbow of Nevada, Inc. (through their counsel Ashley Olson of Olson Cannon & Gormley) (collectively, the "Parties"), hereby stipulate to continue the hearing on Defendants Southern Nevada Association of Pride, Inc.'s (et al.) Special Motion To Dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees, Costs, and Damages Pursuant to 41.670 (filed December 11, 2023), and Defendants Gary Costa and Golden Rainbow of Nevada, Inc.'s Special Motion to Dismiss Per Nevada's Anti-SLAPP Provisions, NRS 41.635,

1 Et. Seq. (filed January 19, 2024) (the “Special Motions”), to March 27, 2024, or as soon thereafter
2 as the matter may be heard. In support thereof, the Parties state:

3 1. Both Special Motions are set for hearing on March 19, 2024.

4 2. On March 12, 2024, Defendants Gary Costa and Golden Rainbow of Nevada, Inc.
5 filed their Reply in support of their Special Motion. This Reply makes new arguments and attaches
6 new evidence to which Plaintiffs did not have an opportunity to respond in their Opposition.

7 3. Plaintiffs and Defendants Gary Costa and Golden Rainbow of Nevada, Inc. are
8 stipulating to permit Plaintiffs to file a sur-reply regarding this new argument and evidence, which
9 stipulation is being submitted contemporaneously.

10 4. To permit Plaintiffs adequate time to prepare their sur-reply, and to give the Court
11 adequate time to review the Sur-Reply and the full record before it in connection with these Special
12 Motions, there is good cause to continue the hearing on both Special Motions.

13 5. The Parties propose that the hearing on both Special Motions be continued to March
14 27, 2024, or as soon thereafter as the matter may be heard.

15 **IT IS SO STIPULATED.**

16 Respectfully submitted,

17 /s/ Alex J. Shepard

18 RANDAZZA LEGAL GROUP, PLLC
19 Marc J. Randazza, NV Bar No. 12265
20 Alex J. Shepard, NV Bar No. 13582

21 Attorneys for Plaintiffs,
22 Christopher Davin, Trevor Harder, and
23 Henderson Equality Center

24 /s/ Ashley Olson

25 OLSON CANNON & GORMLEY
26 James R. Olson, Esq., NV Bar No. 000116
27 Ashley Olson, Esq., NV Bar No. 15448
Peter Pratt, Esq., NV Bar No. 6458

Attorneys for Defendants,
Gary Costa and Golden Rainbow of Nevada,
Inc.

Respectfully submitted,

/s/ Joseph T. Nold

ACCELERATED LAW GROUP
Joseph T. Nold, NV Bar No. 8210

Attorneys for Defendant Sean Vangorder

/s/ Joel Z. Schwarz

LEWIS BRISBOIS BISGAARD & SMITH LLP
Joel Z. Schwarz, NV Bar No. 9181
Bradley C.W. Combs, NV Bar No. 16391

Attorneys for Defendants,
Southern Nevada Association of Pride and
Brady McGill

ORDER

The Court, having reviewed the foregoing STIPULATION AND ORDER TO CONTINUE THE MARCH 19, 2024, HEARING SET FOR DEFENDANTS' SPECIAL MOTIONS TO DISMISS PLAINTIFFS' COMPLAINT (the "Stipulation") in the above-entitled matter, and for good cause appearing therefore,

IT IS HEREBY ORDERED that the Parties' Stipulation is GRANTED.

IT IS FURTHER ORDERED that the hearing on Defendants' Anti-SLAPP Motions is continued to ~~March~~ April 9th, 2024, at 10:00 a.m./p.m.

Dated this 13th day of March, 2024



kd

Submitted by,

/s/ Alex J. Shepard

RANDAZZA LEGAL GROUP, PLLC
Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118

Attorneys for Plaintiffs,
Christopher Davin, Trevor Harder, and Henderson Equality Center

A76 BC8 30EF 074F
Ronald J. Israel
District Court Judge



Brittani Holt <bmh@randazza.com>

Davin v. Vegas PRIDE | Sur-Reply as to Gary Costa and Golden Rainbow Anti-SLAPP

9 messages

Alex Shepard <ajs@randazza.com>

Tue, Mar 12, 2024 at 5:22 PM

To: Ashley Olson <aolson@ocgas.com>

Cc: Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <prratt@ocgas.com>, Joseph Nold <noldj@cox.net>, joel.schwarz@lewisbrisbois.com, bradley.combs@lewisbrisbois.com, 903a4502e+matter1581750170@maildrop.clio.com, Marc Randazza <mjr@randazza.com>, "Marc J.Randazza" <staff@randazza.com>

Hello, Ashley,

This will come as a shock to you, I'm sure, but Plaintiffs plan to seek leave to file a sur-reply regarding the new evidence attached to Gary Costa and Golden Rainbow's Anti-SLAPP motion. Will you stipulate to us filing one?

We would also need to push out the hearing for both Anti-SLAPP motions to keep them on the same day and allow the court time to review the sur-reply. I'm thinking a continuance of one week should be sufficient (meaning the sur-reply would be due by March 19, and the hearing would be moved to the 26th). Would that new date work for everyone?

-Alex

--

Alex James Shepard* | **Randazza Legal Group, PLLC**
4974 S. Rainbow Blvd. | Suite 100 | Las Vegas, NV 89118
Tel: 702-420-2001 | Email: ajs@randazza.com

* Licensed to practice law in California and Nevada

Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>

Tue, Mar 12, 2024 at 6:31 PM

To: Alex Shepard <ajs@randazza.com>

Cc: Ashley Olson <aolson@ocgas.com>, Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <prratt@ocgas.com>, Joseph Nold <noldj@cox.net>, "Combs, Bradley" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, Marc Randazza <mjr@randazza.com>, "Marc J.Randazza" <staff@randazza.com>

Alex,

That works for me.

Sent from my iPhone



Joel Z. Schwarz
Partner
Joel.Schwarz@lewisbrisbois.com

T: 702.693.4380 F: 702.366.9563

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On Mar 12, 2024, at 5:23 PM, Alex Shepard <ajs@randazza.com> wrote:

[Quoted text hidden]

'Ashley Olson' via Staff <staff@randazza.com>

Wed, Mar 13, 2024 at 10:29 AM

Reply-To: Ashley Olson <aolson@ocgas.com>

To: "Schwarz, Joel" <Joel.Schwarz@lewisbrisbois.com>, Alex Shepard <ajs@randazza.com>

Cc: Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <ppratt@ocgas.com>, Joseph Nold <noldj@cox.net>, "Combs, Bradley" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, Marc Randazza <mjr@randazza.com>, "Marc J.Randazza" <staff@randazza.com>

Alex,

We have a conflict on 3/26, but 3/27 works.

Ashley Olson, Esq.

OLSON CANNON GORMLEY

[9950 W. Cheyenne Ave.](#)

[Las Vegas, Nevada 89129](#)

702-384-4012

aolson@ocgas.com

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This email, including attachments, is intended for the person(s) or company named and may contain confidential and/or legally privileged information. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited. This email and any attachments are believed to be free of any virus or other defect that might affect any computer into which it is received and opened, and it is the responsibility of the recipient to ensure it is virus free, and no responsibility is accepted by Olson Cannon Gormley & Stoberski for any loss of damage arising in any way from its use. If you have received this communication in error, please immediately notify the sender at 702-384-4012, or by electronic email.

[Quoted text hidden]

Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>

Wed, Mar 13, 2024 at 11:11 AM

To: Ashley Olson <aolson@ocgas.com>, Alex Shepard <ajs@randazza.com>

Cc: Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <ppratt@ocgas.com>, Joseph Nold <noldj@cox.net>, "Combs, Bradley" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, Marc Randazza <mjr@randazza.com>, "Marc J.Randazza" <staff@randazza.com>

I am available March 27.



Joel Z. Schwarz
 Partner
Joel.Schwarz@lewisbrisbois.com
 T: 702.693.4380 F: 702.366.9563

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 [Quoted text hidden]

Janet Terrazas <algparalegal@cox.net>

Wed, Mar 13, 2024 at 11:16 AM

To: "aolson@ocgas.com" <aolson@ocgas.com>, "Joel.Schwarz@lewisbrisbois.com" <Joel.Schwarz@lewisbrisbois.com>, "ajs@randazza.com" <ajs@randazza.com>
 Cc: Joseph Nold <noldj@cox.net>, "jhollingsworth@ocgas.com" <jhollingsworth@ocgas.com>, "ppratt@ocgas.com" <ppratt@ocgas.com>, "Bradley.Combs@lewisbrisbois.com" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>

Dear All,

Mr. Nold is also available on March 27, 2024.

Thank you,

Janet Terrazas
Paralegal
Accelerated Law Group, Inc.
3030 S. Jones Blvd., Suite 105
Las Vegas, NV 89146
702.262-1651 Phone
702.383-6051 Fax

****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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On 03/13/2024 10:52 AM PDT Joseph Nold <noldj@cox.net> wrote:

[Quoted text hidden]

Thank you,

Accelerated Law Group, Inc.
3030 South Jones Blvd., Ste. 105
Las Vegas, Nevada 89146

702-262-1651**702-383-6051 Fax**

****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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Alex Shepard <ajs@randazza.com>

Wed, Mar 13, 2024 at 12:03 PM

To: Janet Terrazas <algpalegal@cox.net>

Cc: "aolson@ocgas.com" <aolson@ocgas.com>, "Joel.Schwarz@lewisbrisbois.com" <Joel.Schwarz@lewisbrisbois.com>, Joseph Nold <noldj@cox.net>, "jhollingsworth@ocgas.com" <jhollingsworth@ocgas.com>, "ppratt@ocgas.com" <ppratt@ocgas.com>, "Bradley.Combs@lewisbrisbois.com" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>

Thank you for your prompt responses, everyone. I think it would be best to do this as two stipulations, since there are two distinct requests being made: (1) regarding the sur-reply, since Vegas PRIDE, McGill, and Vangorder don't actually need to sign off on that one; and (2) to continue the hearing on both motions, since everyone needs to sign that. Attached are drafts of both stipulations. Please let me know if you have any suggested edits.

[Quoted text hidden]

2 attachments**2024.03.13 - Stip. to Continue Hrg. on Anti-SLAPP Motions.docx**

53K

**2024.03.13 - Stip. to File Sur-Reply re Costa Anti-SLAPP.docx**

53K

Joseph Nold <noldj@cox.net>

Wed, Mar 13, 2024 at 12:11 PM

To: Alex Shepard <ajs@randazza.com>, Janet Terrazas <algpalegal@cox.net>

Cc: "aolson@ocgas.com" <aolson@ocgas.com>, "Joel.Schwarz@lewisbrisbois.com" <Joel.Schwarz@lewisbrisbois.com>, "jhollingsworth@ocgas.com" <jhollingsworth@ocgas.com>, "ppratt@ocgas.com" <ppratt@ocgas.com>, "Bradley.Combs@lewisbrisbois.com" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>, Janet Terrazas <algpalegal@cox.net>

Alex,

All look fine to me. If you wanted to add me signature line to the Sur Reply Stip to make it encompassing all Parties, I will authorize my signature. Up to you.

Joseph Nold

*Thank you,***Accelerated Law Group, Inc.****3030 South Jones Blvd., Ste. 105****Las Vegas, Nevada 89146****702-262-1651****702-383-6051 Fax**

****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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[Quoted text hidden]

Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>

Wed, Mar 13, 2024 at 12:45 PM

To: Alex Shepard <ajs@randazza.com>, Janet Terrazas <alparalegal@cox.net>

Cc: "aolson@ocgas.com" <aolson@ocgas.com>, Joseph Nold <noldj@cox.net>, "jhollingsworth@ocgas.com" <jhollingsworth@ocgas.com>, "ppratt@ocgas.com" <ppratt@ocgas.com>, "Combs, Bradley" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>

I approve the stipulation for continuing the hearing date, you may affix my electronic signature.



Joel Z. Schwarz
Partner
Joel.Schwarz@lewisbrisbois.com
T: 702.693.4380 F: 702.366.9563

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[Quoted text hidden]

'Ashley Olson' via Staff <staff@randazza.com>

Wed, Mar 13, 2024 at 1:39 PM

Reply-To: Ashley Olson <aolson@ocgas.com>

To: Alex Shepard <ajs@randazza.com>, Janet Terrazas <alparalegal@cox.net>

Cc: "Joel.Schwarz@lewisbrisbois.com" <Joel.Schwarz@lewisbrisbois.com>, Joseph Nold <noldj@cox.net>, Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <ppratt@ocgas.com>, "Bradley.Combs@lewisbrisbois.com" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>

For the stipulation to continue the hearing - please change our law firm to Olson Cannon & Gormley in the recitation of attorneys. With that edit, you may affix my e-signature.

For the stipulation to file a sur-reply, you may affix my e-signature.

Ashley Olson, Esq.

OLSON CANNON GORMLEY

9950 W. Cheyenne Ave.

Las Vegas, Nevada 89129

702-384-4012

aolson@ocgas.com

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From: Alex Shepard <ajs@randazza.com>
Sent: Wednesday, March 13, 2024 12:04 PM
To: Janet Terrazas <algparalegal@cox.net>

[Quoted text hidden]

[Quoted text hidden]

1 **CSERV**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5	
6 Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7 vs.	DEPT. NO. Department 28
8 Southern Nevada Association of	
9 Pride, Inc, 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 Stipulation and Order was served via the court's electronic eFile system
14 to all recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 3/13/2024

15 Joseph Nold	noldj@cox.net
16 Janet Terrazas	algparalegal@cox.net
17 Alex Shepard	ecf@randazza.com
18 James Olson	jhollingsworth@ocgas.com
19 Theresa Amendola	tamendola@dennettwinspear.com
20 Meredith Holmes	mholmes@dennettwinspear.com
21 Susan Awe	susan.awe@lewisbrisbois.com
22 Ashley Marchant	amarchant@dennettwinspear.com
23 Ashley Olson	aolson@ocgas.com
24 Tony Amendola	aamendola@dennettwinspear.com
25 Joel Schwarz	Joel.Schwarz@lewisbrisbois.com

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Michael Maupin	Mmaupin@halljaffe.com
Shayna Ortega-Rose	srose@halljaffe.com
Erika Parker	Eparker@halljaffe.com
Bradley Combs	Bradley.Combs@lewisbrisbois.com
Michelle Soto	msoto@halljaffe.com

Heather S. Smith

CLERK OF THE COURT

1 **SAO**

Marc J. Randazza (NV Bar No. 12265)

2 Alex J. Shepard (NV Bar No. 13582)

3 RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

4 Las Vegas, NV 89118

Telephone: 702-420-2001

5 ecf@randazza.com

6 Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

7 and Henderson Equality Center

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 **CHRISTOPHER DAVIN**, et. al.,

11 Plaintiffs,

12 v.

13 **SOUTHERN NEVADA ASSOCIATION**
14 **OF PRIDE, INC. DBA LAS VEGAS**
15 **PRIDE**, et. al.,

16 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**STIPULATION AND ORDER TO FILE
SUR-REPLY REGARDING
DEFENDANTS GARY COSTA AND
GOLDEN RAINBOW OF NEVADA,
INC.'S SPECIAL MOTION TO DISMISS
PER NEVADA'S ANTI-SLAPP
PROVISIONS, NRS 41.635, ET. SEQ.**

17 Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center ("Plaintiffs")
18 and Defendants Gary Costa and Golden Rainbow of Nevada, Inc. ("Defendants") (collectively, the
19 "Parties"), hereby stipulate to allowing Plaintiffs to file a sur-reply regarding Defendants' Special
20 Motion to Dismiss Per Nevada's Anti-SLAPP Provisions, NRS 41.635, Et. Seq. (the "Anti-SLAPP
21 Motion"). In support thereof, the Parties state:

- 22 1. On January 19, 2024, Defendants filed their Anti-SLAPP Motion.
- 23 2. On February 7, 2024, Plaintiffs filed their Opposition to the Anti-SLAPP Motion.
- 24 3. On March 12, 2024, Defendants filed their Reply in support of their Anti-SLAPP
- 25 Motion.
- 26
- 27

1 4. While this Court’s rules do not specifically account for sur-replies, EDCR 2.20(i)
2 provides that “[s]upplemental briefs will only be permitted if filed within the original time
3 limitations of paragraphs (d), (e), or (g), or by order of the court.”

4 5. Defendants’ Reply makes new arguments and attaches new evidence to which
5 Plaintiffs did not have an opportunity to respond in their Opposition. To preserve Plaintiffs’ rights,
6 and to ensure the Court may fully and fairly consider all briefing and evidence before it in
7 connection with the Anti-SLAPP Motion, Plaintiffs should be allowed to file a sur-reply
8 responding to these new arguments and evidence.

9 6. Accordingly, the Parties stipulate, subject to the Court’s approval, to Plaintiffs
10 being permitted to file a sur-reply in response to Defendants’ Reply.

11 7. The Parties are filing a separate stipulation to continue the hearing on the Anti-
12 SLAPP Motion. The Parties propose that Plaintiffs should be permitted to file their sur-reply no
13 later than 7 calendar days prior to the continued hearing date, or March 18, 2024, if the hearing
14 date is not continued.

15 **IT IS SO STIPULATED.**

16 Respectfully submitted,

17 /s/Alex J. Shepard
18 RANDAZZA LEGAL GROUP, PLLC
19 Marc J. Randazza, NV Bar No. 12265
20 Alex J. Shepard, NV Bar No. 13582

21 Attorneys for Plaintiffs,
22 Christopher Davin, Trevor Harder,
23 and Henderson Equality Center

Respectfully submitted,

24 /s/ Ashley Olson
25 OLSON CANNON & GORMLEY
26 James R. Olson, Esq., NV Bar No. 000116
27 Ashley Olson, Esq., NV Bar No. 15448
 Peter Pratt, Esq., NV Bar No. 6458

Attorneys for Defendants,
Gary Costa and Golden Rainbow of Nevada,
Inc.

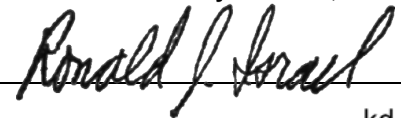
ORDER

The Court, having reviewed the foregoing STIPULATION AND ORDER TO FILE SUR-REPLY REGARDING DEFENDANTS GARY COSTA AND GOLDEN RAINBOW OF NEVADA, INC.'S SPECIAL MOTION TO DISMISS PER NEVADA'S ANTI-SLAPP PROVISIONS, NRS 41.635, ET. SEQ. (the "Stipulation") in the above-entitled matter, and for good cause appearing therefore,

IT IS HEREBY ORDERED that the Parties' Stipulation is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs are permitted to file a sur-reply responding to Defendants' Reply no later than March 18, 2024, or 7 calendar days before the hearing on the Motion, in the event the hearing is continued.

Dated this 13th day of March, 2024


kd

9D8 9A8 75C5 C343
Ronald J. Israel
District Court Judge

Submitted by,

/s/ Alex J. Shepard
RANDAZZA LEGAL GROUP, PLLC
Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118

Attorneys for Plaintiffs,
Christopher Davin, Trevor Harder,
and Henderson Equality Center



Brittani Holt <bmh@randazza.com>

Davin v. Vegas PRIDE | Sur-Reply as to Gary Costa and Golden Rainbow Anti-SLAPP

9 messages

Alex Shepard <ajs@randazza.com>

Tue, Mar 12, 2024 at 5:22 PM

To: Ashley Olson <aolson@ocgas.com>

Cc: Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <prratt@ocgas.com>, Joseph Nold <noldj@cox.net>, joel.schwarz@lewisbrisbois.com, bradley.combs@lewisbrisbois.com, 903a4502e+matter1581750170@maildrop.clio.com, Marc Randazza <mjr@randazza.com>, "Marc J.Randazza" <staff@randazza.com>

Hello, Ashley,

This will come as a shock to you, I'm sure, but Plaintiffs plan to seek leave to file a sur-reply regarding the new evidence attached to Gary Costa and Golden Rainbow's Anti-SLAPP motion. Will you stipulate to us filing one?

We would also need to push out the hearing for both Anti-SLAPP motions to keep them on the same day and allow the court time to review the sur-reply. I'm thinking a continuance of one week should be sufficient (meaning the sur-reply would be due by March 19, and the hearing would be moved to the 26th). Would that new date work for everyone?

-Alex

--

Alex James Shepard* | **Randazza Legal Group, PLLC**
4974 S. Rainbow Blvd. | Suite 100 | Las Vegas, NV 89118
Tel: 702-420-2001 | Email: ajs@randazza.com

* Licensed to practice law in California and Nevada

Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>

Tue, Mar 12, 2024 at 6:31 PM

To: Alex Shepard <ajs@randazza.com>

Cc: Ashley Olson <aolson@ocgas.com>, Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <prratt@ocgas.com>, Joseph Nold <noldj@cox.net>, "Combs, Bradley" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, Marc Randazza <mjr@randazza.com>, "Marc J.Randazza" <staff@randazza.com>

Alex,

That works for me.

Sent from my iPhone



Joel Z. Schwarz
Partner
Joel.Schwarz@lewisbrisbois.com

T: 702.693.4380 F: 702.366.9563

6385 South Rainbow Blvd., Suite 600, Las Vegas, NV 89118 | LewisBrisbois.com

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On Mar 12, 2024, at 5:23 PM, Alex Shepard <ajs@randazza.com> wrote:

[Quoted text hidden]

'Ashley Olson' via Staff <staff@randazza.com>

Wed, Mar 13, 2024 at 10:29 AM

Reply-To: Ashley Olson <aolson@ocgas.com>

To: "Schwarz, Joel" <Joel.Schwarz@lewisbrisbois.com>, Alex Shepard <ajs@randazza.com>

Cc: Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <ppratt@ocgas.com>, Joseph Nold <noldj@cox.net>, "Combs, Bradley" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, Marc Randazza <mjr@randazza.com>, "Marc J.Randazza" <staff@randazza.com>

Alex,

We have a conflict on 3/26, but 3/27 works.

Ashley Olson, Esq.

OLSON CANNON GORMLEY

[9950 W. Cheyenne Ave.](#)

[Las Vegas, Nevada 89129](#)

702-384-4012

aolson@ocgas.com

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[Quoted text hidden]

Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>

Wed, Mar 13, 2024 at 11:11 AM

To: Ashley Olson <aolson@ocgas.com>, Alex Shepard <ajs@randazza.com>

Cc: Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <ppratt@ocgas.com>, Joseph Nold <noldj@cox.net>, "Combs, Bradley" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, Marc Randazza <mjr@randazza.com>, "Marc J.Randazza" <staff@randazza.com>

I am available March 27.



Joel Z. Schwarz
Partner
Joel.Schwarz@lewisbrisbois.com
T: 702.693.4380 F: 702.366.9563

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[Quoted text hidden]

Janet Terrazas <algparalegal@cox.net>

Wed, Mar 13, 2024 at 11:16 AM

To: "aolson@ocgas.com" <aolson@ocgas.com>, "Joel.Schwarz@lewisbrisbois.com" <Joel.Schwarz@lewisbrisbois.com>, "ajs@randazza.com" <ajs@randazza.com>
Cc: Joseph Nold <noldj@cox.net>, "jhollingsworth@ocgas.com" <jhollingsworth@ocgas.com>, "ppratt@ocgas.com" <ppratt@ocgas.com>, "Bradley.Combs@lewisbrisbois.com" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>

Dear All,

Mr. Nold is also available on March 27, 2024.

Thank you,

Janet Terrazas
Paralegal
Accelerated Law Group, Inc.
3030 S. Jones Blvd., Suite 105
Las Vegas, NV 89146
702.262-1651 Phone
702.383-6051 Fax

****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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On 03/13/2024 10:52 AM PDT Joseph Nold <noldj@cox.net> wrote:

[Quoted text hidden]

Thank you,

Accelerated Law Group, Inc.
3030 South Jones Blvd., Ste. 105
Las Vegas, Nevada 89146

702-262-1651**702-383-6051 Fax**

****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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Alex Shepard <ajs@randazza.com>

Wed, Mar 13, 2024 at 12:03 PM

To: Janet Terrazas <algpalegal@cox.net>

Cc: "aolson@ocgas.com" <aolson@ocgas.com>, "Joel.Schwarz@lewisbrisbois.com" <Joel.Schwarz@lewisbrisbois.com>, Joseph Nold <noldj@cox.net>, "jhollingsworth@ocgas.com" <jhollingsworth@ocgas.com>, "ppratt@ocgas.com" <ppratt@ocgas.com>, "Bradley.Combs@lewisbrisbois.com" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>

Thank you for your prompt responses, everyone. I think it would be best to do this as two stipulations, since there are two distinct requests being made: (1) regarding the sur-reply, since Vegas PRIDE, McGill, and Vangorder don't actually need to sign off on that one; and (2) to continue the hearing on both motions, since everyone needs to sign that. Attached are drafts of both stipulations. Please let me know if you have any suggested edits.

[Quoted text hidden]

2 attachments**2024.03.13 - Stip. to Continue Hrg. on Anti-SLAPP Motions.docx**

53K

**2024.03.13 - Stip. to File Sur-Reply re Costa Anti-SLAPP.docx**

53K

Joseph Nold <noldj@cox.net>

Wed, Mar 13, 2024 at 12:11 PM

To: Alex Shepard <ajs@randazza.com>, Janet Terrazas <algpalegal@cox.net>

Cc: "aolson@ocgas.com" <aolson@ocgas.com>, "Joel.Schwarz@lewisbrisbois.com" <Joel.Schwarz@lewisbrisbois.com>, "jhollingsworth@ocgas.com" <jhollingsworth@ocgas.com>, "ppratt@ocgas.com" <ppratt@ocgas.com>, "Bradley.Combs@lewisbrisbois.com" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>, Janet Terrazas <algpalegal@cox.net>

Alex,

All look fine to me. If you wanted to add me signature line to the Sur Reply Stip to make it encompassing all Parties, I will authorize my signature. Up to you.

Joseph Nold

*Thank you,***Accelerated Law Group, Inc.****3030 South Jones Blvd., Ste. 105****Las Vegas, Nevada 89146****702-262-1651****702-383-6051 Fax**

****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>

Wed, Mar 13, 2024 at 12:45 PM

To: Alex Shepard <ajs@randazza.com>, Janet Terrazas <alparalegal@cox.net>

Cc: "aolson@ocgas.com" <aolson@ocgas.com>, Joseph Nold <noldj@cox.net>, "jhollingsworth@ocgas.com" <jhollingsworth@ocgas.com>, "ppratt@ocgas.com" <ppratt@ocgas.com>, "Combs, Bradley" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>

I approve the stipulation for continuing the hearing date, you may affix my electronic signature.



Joel Z. Schwarz
Partner
Joel.Schwarz@lewisbrisbois.com
T: 702.693.4380 F: 702.366.9563

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[Quoted text hidden]

'Ashley Olson' via Staff <staff@randazza.com>

Wed, Mar 13, 2024 at 1:39 PM

Reply-To: Ashley Olson <aolson@ocgas.com>

To: Alex Shepard <ajs@randazza.com>, Janet Terrazas <alparalegal@cox.net>

Cc: "Joel.Schwarz@lewisbrisbois.com" <Joel.Schwarz@lewisbrisbois.com>, Joseph Nold <noldj@cox.net>, Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <ppratt@ocgas.com>, "Bradley.Combs@lewisbrisbois.com" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>

For the stipulation to continue the hearing - please change our law firm to Olson Cannon & Gormley in the recitation of attorneys. With that edit, you may affix my e-signature.

For the stipulation to file a sur-reply, you may affix my e-signature.

Ashley Olson, Esq.

OLSON CANNON GORMLEY

9950 W. Cheyenne Ave.

Las Vegas, Nevada 89129

702-384-4012

aolson@ocgas.com

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From: Alex Shepard <ajs@randazza.com>
Sent: Wednesday, March 13, 2024 12:04 PM
To: Janet Terrazas <algparalegal@cox.net>

[Quoted text hidden]

[Quoted text hidden]

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA
4

5	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
6	vs.	DEPT. NO. Department 28
7	Southern Nevada Association of	
8	Pride, Inc, Defendant(s)	
9		

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Stipulation and 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: 3/13/2024

15	Joseph Nold	noldj@cox.net
16	Janet Terrazas	algparalegal@cox.net
17	Alex Shepard	ecf@randazza.com
18	James Olson	jhollingsworth@ocgas.com
19	Theresa Amendola	tamendola@dennettwinspear.com
20	Meredith Holmes	mholmes@dennettwinspear.com
21	Susan Awe	susan.awe@lewisbrisbois.com
22	Ashley Marchant	amarchant@dennettwinspear.com
23	Ashley Olson	aolson@ocgas.com
24	Tony Amendola	aamendola@dennettwinspear.com
25	Joel Schwarz	Joel.Schwarz@lewisbrisbois.com
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Michael Maupin	Mmaupin@halljaffe.com
Shayna Ortega-Rose	srose@halljaffe.com
Erika Parker	Eparker@halljaffe.com
Bradley Combs	Bradley.Combs@lewisbrisbois.com
Michelle Soto	msoto@halljaffe.com



NTSO

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**NOTICE OF ENTRY OF STIPULATION
AND ORDER**

PLEASE TAKE NOTICE that on March 13, 2024, the Court entered an Order granting the Stipulation to File Sur-Reply regarding Defendants Gary Costa and Golden Rainbow of Nevada, Inc.'s Special Motion to Dismiss Per Nevada's Anti-SLAPP Provisions, NRS 41.635, Et. Seq., which is attached hereto as **Exhibit 1**.

Dated: March 14, 2024.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

Las Vegas, NV 89118

Telephone: 702-420-2001

ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

Case No. A-23-879938-C

CERTIFICATE OF SERVICE

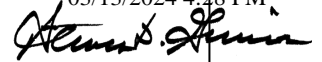
I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on March 14, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Alex J. Shepard

ALEX J. SHEPARD

EXHIBIT 1

Stipulation to File Sur-Reply


CLERK OF THE COURT

1 **SAO**

2 Marc J. Randazza (NV Bar No. 12265)
3 Alex J. Shepard (NV Bar No. 13582)
4 RANDAZZA LEGAL GROUP, PLLC
5 4974 S. Rainbow Blvd., Suite 100
6 Las Vegas, NV 89118
7 Telephone: 702-420-2001
8 ecf@randazza.com

9 Attorneys for Plaintiffs
10 Christopher Davin, Trevor Harder,
11 and Henderson Equality Center

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

14 **CHRISTOPHER DAVIN**, et. al.,
15 Plaintiffs,

16 v.

17 **SOUTHERN NEVADA ASSOCIATION**
18 **OF PRIDE, INC. DBA LAS VEGAS**
19 **PRIDE**, et. al.,
20 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

21 **STIPULATION AND ORDER TO FILE**
22 **SUR-REPLY REGARDING**
23 **DEFENDANTS GARY COSTA AND**
24 **GOLDEN RAINBOW OF NEVADA,**
25 **INC.'S SPECIAL MOTION TO DISMISS**
26 **PER NEVADA'S ANTI-SLAPP**
27 **PROVISIONS, NRS 41.635, ET. SEQ.**

Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center ("Plaintiffs") and Defendants Gary Costa and Golden Rainbow of Nevada, Inc. ("Defendants") (collectively, the "Parties"), hereby stipulate to allowing Plaintiffs to file a sur-reply regarding Defendants' Special Motion to Dismiss Per Nevada's Anti-SLAPP Provisions, NRS 41.635, Et. Seq. (the "Anti-SLAPP Motion"). In support thereof, the Parties state:

1. On January 19, 2024, Defendants filed their Anti-SLAPP Motion.
2. On February 7, 2024, Plaintiffs filed their Opposition to the Anti-SLAPP Motion.
3. On March 12, 2024, Defendants filed their Reply in support of their Anti-SLAPP Motion.

1 4. While this Court’s rules do not specifically account for sur-replies, EDCR 2.20(i)
2 provides that “[s]upplemental briefs will only be permitted if filed within the original time
3 limitations of paragraphs (d), (e), or (g), or by order of the court.”

4 5. Defendants’ Reply makes new arguments and attaches new evidence to which
5 Plaintiffs did not have an opportunity to respond in their Opposition. To preserve Plaintiffs’ rights,
6 and to ensure the Court may fully and fairly consider all briefing and evidence before it in
7 connection with the Anti-SLAPP Motion, Plaintiffs should be allowed to file a sur-reply
8 responding to these new arguments and evidence.

9 6. Accordingly, the Parties stipulate, subject to the Court’s approval, to Plaintiffs
10 being permitted to file a sur-reply in response to Defendants’ Reply.

11 7. The Parties are filing a separate stipulation to continue the hearing on the Anti-
12 SLAPP Motion. The Parties propose that Plaintiffs should be permitted to file their sur-reply no
13 later than 7 calendar days prior to the continued hearing date, or March 18, 2024, if the hearing
14 date is not continued.

15 **IT IS SO STIPULATED.**

16 Respectfully submitted,

17 /s/Alex J. Shepard
18 RANDAZZA LEGAL GROUP, PLLC
19 Marc J. Randazza, NV Bar No. 12265
20 Alex J. Shepard, NV Bar No. 13582

21 Attorneys for Plaintiffs,
22 Christopher Davin, Trevor Harder,
23 and Henderson Equality Center

Respectfully submitted,

24 /s/ Ashley Olson
25 OLSON CANNON & GORMLEY
26 James R. Olson, Esq., NV Bar No. 000116
27 Ashley Olson, Esq., NV Bar No. 15448
 Peter Pratt, Esq., NV Bar No. 6458

Attorneys for Defendants,
Gary Costa and Golden Rainbow of Nevada,
Inc.

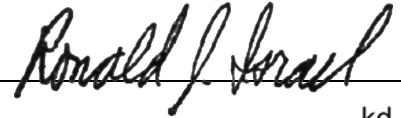
ORDER

The Court, having reviewed the foregoing STIPULATION AND ORDER TO FILE SUR-REPLY REGARDING DEFENDANTS GARY COSTA AND GOLDEN RAINBOW OF NEVADA, INC.'S SPECIAL MOTION TO DISMISS PER NEVADA'S ANTI-SLAPP PROVISIONS, NRS 41.635, ET. SEQ. (the "Stipulation") in the above-entitled matter, and for good cause appearing therefore,

IT IS HEREBY ORDERED that the Parties' Stipulation is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs are permitted to file a sur-reply responding to Defendants' Reply no later than March 18, 2024, or 7 calendar days before the hearing on the Motion, in the event the hearing is continued.

Dated this 13th day of March, 2024


kd

9D8 9A8 75C5 C343
Ronald J. Israel
District Court Judge

Submitted by,

/s/ Alex J. Shepard

RANDAZZA LEGAL GROUP, PLLC
Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118

Attorneys for Plaintiffs,
Christopher Davin, Trevor Harder,
and Henderson Equality Center



Brittani Holt <bmh@randazza.com>

Davin v. Vegas PRIDE | Sur-Reply as to Gary Costa and Golden Rainbow Anti-SLAPP

9 messages

Alex Shepard <ajs@randazza.com>

Tue, Mar 12, 2024 at 5:22 PM

To: Ashley Olson <aolson@ocgas.com>

Cc: Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <prratt@ocgas.com>, Joseph Nold <noldj@cox.net>, joel.schwarz@lewisbrisbois.com, bradley.combs@lewisbrisbois.com, 903a4502e+matter1581750170@maildrop.clio.com, Marc Randazza <mjr@randazza.com>, "Marc J.Randazza" <staff@randazza.com>

Hello, Ashley,

This will come as a shock to you, I'm sure, but Plaintiffs plan to seek leave to file a sur-reply regarding the new evidence attached to Gary Costa and Golden Rainbow's Anti-SLAPP motion. Will you stipulate to us filing one?

We would also need to push out the hearing for both Anti-SLAPP motions to keep them on the same day and allow the court time to review the sur-reply. I'm thinking a continuance of one week should be sufficient (meaning the sur-reply would be due by March 19, and the hearing would be moved to the 26th). Would that new date work for everyone?

-Alex

--

Alex James Shepard* | **Randazza Legal Group, PLLC**
4974 S. Rainbow Blvd. | Suite 100 | Las Vegas, NV 89118
Tel: 702-420-2001 | Email: ajs@randazza.com

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Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>

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Alex,

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Sent from my iPhone



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Partner
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'Ashley Olson' via Staff <staff@randazza.com>

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Reply-To: Ashley Olson <aolson@ocgas.com>

To: "Schwarz, Joel" <Joel.Schwarz@lewisbrisbois.com>, Alex Shepard <ajs@randazza.com>

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We have a conflict on 3/26, but 3/27 works.

Ashley Olson, Esq.

OLSON CANNON GORMLEY

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aolson@ocgas.com

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[Quoted text hidden]

Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>

Wed, Mar 13, 2024 at 11:11 AM

To: Ashley Olson <aolson@ocgas.com>, Alex Shepard <ajs@randazza.com>

Cc: Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <ppratt@ocgas.com>, Joseph Nold <noldj@cox.net>, "Combs, Bradley" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, Marc Randazza <mjr@randazza.com>, "Marc J.Randazza" <staff@randazza.com>

I am available March 27.



Joel Z. Schwarz
 Partner
Joel.Schwarz@lewisbrisbois.com
 T: 702.693.4380 F: 702.366.9563

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 [Quoted text hidden]

Janet Terrazas <algparalegal@cox.net>

Wed, Mar 13, 2024 at 11:16 AM

To: "aolson@ocgas.com" <aolson@ocgas.com>, "Joel.Schwarz@lewisbrisbois.com" <Joel.Schwarz@lewisbrisbois.com>, "ajs@randazza.com" <ajs@randazza.com>
 Cc: Joseph Nold <noldj@cox.net>, "jhollingsworth@ocgas.com" <jhollingsworth@ocgas.com>, "ppratt@ocgas.com" <ppratt@ocgas.com>, "Bradley.Combs@lewisbrisbois.com" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>

Dear All,

Mr. Nold is also available on March 27, 2024.

Thank you,

Janet Terrazas
Paralegal
Accelerated Law Group, Inc.
3030 S. Jones Blvd., Suite 105
Las Vegas, NV 89146
702.262-1651 Phone
702.383-6051 Fax

****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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On 03/13/2024 10:52 AM PDT Joseph Nold <noldj@cox.net> wrote:

[Quoted text hidden]

Thank you,

Accelerated Law Group, Inc.
3030 South Jones Blvd., Ste. 105
Las Vegas, Nevada 89146

702-262-1651**702-383-6051 Fax**

****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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Alex Shepard <ajs@randazza.com>

Wed, Mar 13, 2024 at 12:03 PM

To: Janet Terrazas <algpalegal@cox.net>

Cc: "aolson@ocgas.com" <aolson@ocgas.com>, "Joel.Schwarz@lewisbrisbois.com" <Joel.Schwarz@lewisbrisbois.com>, Joseph Nold <noldj@cox.net>, "jhollingsworth@ocgas.com" <jhollingsworth@ocgas.com>, "ppratt@ocgas.com" <ppratt@ocgas.com>, "Bradley.Combs@lewisbrisbois.com" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>

Thank you for your prompt responses, everyone. I think it would be best to do this as two stipulations, since there are two distinct requests being made: (1) regarding the sur-reply, since Vegas PRIDE, McGill, and Vangorder don't actually need to sign off on that one; and (2) to continue the hearing on both motions, since everyone needs to sign that. Attached are drafts of both stipulations. Please let me know if you have any suggested edits.

[Quoted text hidden]

2 attachments**2024.03.13 - Stip. to Continue Hrg. on Anti-SLAPP Motions.docx**

53K

**2024.03.13 - Stip. to File Sur-Reply re Costa Anti-SLAPP.docx**

53K

Joseph Nold <noldj@cox.net>

Wed, Mar 13, 2024 at 12:11 PM

To: Alex Shepard <ajs@randazza.com>, Janet Terrazas <algpalegal@cox.net>

Cc: "aolson@ocgas.com" <aolson@ocgas.com>, "Joel.Schwarz@lewisbrisbois.com" <Joel.Schwarz@lewisbrisbois.com>, "jhollingsworth@ocgas.com" <jhollingsworth@ocgas.com>, "ppratt@ocgas.com" <ppratt@ocgas.com>, "Bradley.Combs@lewisbrisbois.com" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>, Janet Terrazas <algpalegal@cox.net>

Alex,

All look fine to me. If you wanted to add me signature line to the Sur Reply Stip to make it encompassing all Parties, I will authorize my signature. Up to you.

Joseph Nold

*Thank you,***Accelerated Law Group, Inc.****3030 South Jones Blvd., Ste. 105****Las Vegas, Nevada 89146****702-262-1651****702-383-6051 Fax**

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[Quoted text hidden]

Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>

Wed, Mar 13, 2024 at 12:45 PM

To: Alex Shepard <ajs@randazza.com>, Janet Terrazas <alparalegal@cox.net>

Cc: "aolson@ocgas.com" <aolson@ocgas.com>, Joseph Nold <noldj@cox.net>, "jhollingsworth@ocgas.com" <jhollingsworth@ocgas.com>, "ppratt@ocgas.com" <ppratt@ocgas.com>, "Combs, Bradley" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>

I approve the stipulation for continuing the hearing date, you may affix my electronic signature.



Joel Z. Schwarz
Partner
Joel.Schwarz@lewisbrisbois.com
T: 702.693.4380 F: 702.366.9563

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[Quoted text hidden]

'Ashley Olson' via Staff <staff@randazza.com>

Wed, Mar 13, 2024 at 1:39 PM

Reply-To: Ashley Olson <aolson@ocgas.com>

To: Alex Shepard <ajs@randazza.com>, Janet Terrazas <alparalegal@cox.net>

Cc: "Joel.Schwarz@lewisbrisbois.com" <Joel.Schwarz@lewisbrisbois.com>, Joseph Nold <noldj@cox.net>, Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <ppratt@ocgas.com>, "Bradley.Combs@lewisbrisbois.com" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>

For the stipulation to continue the hearing - please change our law firm to Olson Cannon & Gormley in the recitation of attorneys. With that edit, you may affix my e-signature.

For the stipulation to file a sur-reply, you may affix my e-signature.

Ashley Olson, Esq.

OLSON CANNON GORMLEY

9950 W. Cheyenne Ave.

Las Vegas, Nevada 89129

702-384-4012

aolson@ocgas.com

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From: Alex Shepard <ajs@randazza.com>
Sent: Wednesday, March 13, 2024 12:04 PM
To: Janet Terrazas <algparalegal@cox.net>

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5	
6 Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7 vs.	DEPT. NO. Department 28
8 Southern Nevada Association of	
9 Pride, Inc, 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 Stipulation and Order was served via the court's electronic eFile system
14 to all recipients registered for e-Service on the above entitled case as listed below:

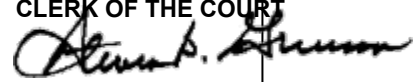
15 Service Date: 3/13/2024

16 Joseph Nold	noldj@cox.net
17 Janet Terrazas	algparalegal@cox.net
18 Alex Shepard	ecf@randazza.com
19 James Olson	jhollingsworth@ocgas.com
20 Theresa Amendola	tamendola@dennettwinspear.com
21 Meredith Holmes	mholmes@dennettwinspear.com
22 Susan Awe	susan.awe@lewisbrisbois.com
23 Ashley Marchant	amarchant@dennettwinspear.com
24 Ashley Olson	aolson@ocgas.com
25 Tony Amendola	aamendola@dennettwinspear.com
26 Joel Schwarz	Joel.Schwarz@lewisbrisbois.com

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Michael Maupin	Mmaupin@halljaffe.com
Shayna Ortega-Rose	srose@halljaffe.com
Erika Parker	Eparker@halljaffe.com
Bradley Combs	Bradley.Combs@lewisbrisbois.com
Michelle Soto	msoto@halljaffe.com



NTSO

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

Las Vegas, NV 89118

Telephone: 702-420-2001

ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**NOTICE OF ENTRY OF STIPULATION
AND ORDER**

PLEASE TAKE NOTICE that on March 13, 2024, the Court entered an Order granting the Stipulation to Continue the March 19, 2024, Hearing Set for Defendants' Special Motions to Dismiss Plaintiffs' Complaint, which is attached hereto as **Exhibit 1**.

Dated: March 14, 2024.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

Las Vegas, NV 89118

Telephone: 702-420-2001

ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

Case No. A-23-879938-C

CERTIFICATE OF SERVICE

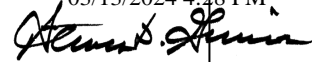
I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on March 14, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Alex J. Shepard

ALEX J. SHEPARD

EXHIBIT 1

Stipulation to Continue Hearing


CLERK OF THE COURT

SAO

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Telephone: 702-420-2001
ecf@randazza.com

HEARING DATE: April 9, 2024
10:00 AM

Entered in Odyssey./kd

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

Case No. A-23-879938-C

Dept. XXVIII

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

**STIPULATION AND ORDER TO
CONTINUE THE MARCH 19, 2024,
HEARING SET FOR DEFENDANTS'
SPECIAL MOTIONS TO DISMISS
PLAINTIFFS' COMPLAINT**

Defendants.

(THIRD REQUEST)

Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center ("Plaintiffs"), Defendants Southern Nevada Association of Pride, Inc. D/B/A Las Vegas Pride and Brady McGill (through their counsel Joel Z. Schwarz of the law firm Lewis Brisbois Bisgaard & Smith LLP), Sean Vangorder (through his counsel Joseph T. Nold of the Accelerated Law Group), Gary Costa, and Golden Rainbow of Nevada, Inc. (through their counsel Ashley Olson of Olson Cannon & Gormley) (collectively, the "Parties"), hereby stipulate to continue the hearing on Defendants Southern Nevada Association of Pride, Inc.'s (et al.) Special Motion To Dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees, Costs, and Damages Pursuant to 41.670 (filed December 11, 2023), and Defendants Gary Costa and Golden Rainbow of Nevada, Inc.'s Special Motion to Dismiss Per Nevada's Anti-SLAPP Provisions, NRS 41.635,

Et. Seq. (filed January 19, 2024) (the “Special Motions”), to March 27, 2024, or as soon thereafter as the matter may be heard. In support thereof, the Parties state:

1. Both Special Motions are set for hearing on March 19, 2024.

2. On March 12, 2024, Defendants Gary Costa and Golden Rainbow of Nevada, Inc. filed their Reply in support of their Special Motion. This Reply makes new arguments and attaches new evidence to which Plaintiffs did not have an opportunity to respond in their Opposition.

3. Plaintiffs and Defendants Gary Costa and Golden Rainbow of Nevada, Inc. are stipulating to permit Plaintiffs to file a sur-reply regarding this new argument and evidence, which stipulation is being submitted contemporaneously.

4. To permit Plaintiffs adequate time to prepare their sur-reply, and to give the Court adequate time to review the Sur-Reply and the full record before it in connection with these Special Motions, there is good cause to continue the hearing on both Special Motions.

5. The Parties propose that the hearing on both Special Motions be continued to March 27, 2024, or as soon thereafter as the matter may be heard.

IT IS SO STIPULATED.

Respectfully submitted,

/s/ Alex J. Shepard

RANAZZA LEGAL GROUP, PLLC
Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582

Attorneys for Plaintiffs,
Christopher Davin, Trevor Harder, and
Henderson Equality Center

/s/ Ashley Olson

OLSON CANNON & GORMLEY
James R. Olson, Esq., NV Bar No. 000116
Ashley Olson, Esq., NV Bar No. 15448
Peter Pratt, Esq., NV Bar No. 6458

Attorneys for Defendants,
Gary Costa and Golden Rainbow of Nevada,
Inc.

Respectfully submitted,

/s/ Joseph T. Nold

ACCELERATED LAW GROUP
Joseph T. Nold, NV Bar No. 8210

Attorneys for Defendant Sean Vangorder

/s/ Joel Z. Schwarz

LEWIS BRISBOIS BISGAARD & SMITH LLP
Joel Z. Schwarz, NV Bar No. 9181
Bradley C.W. Combs, NV Bar No. 16391

Attorneys for Defendants,
Southern Nevada Association of Pride and
Brady McGill

ORDER

The Court, having reviewed the foregoing STIPULATION AND ORDER TO CONTINUE THE MARCH 19, 2024, HEARING SET FOR DEFENDANTS' SPECIAL MOTIONS TO DISMISS PLAINTIFFS' COMPLAINT (the "Stipulation") in the above-entitled matter, and for good cause appearing therefore,

IT IS HEREBY ORDERED that the Parties' Stipulation is GRANTED.

IT IS FURTHER ORDERED that the hearing on Defendants' Anti-SLAPP Motions is continued to ~~March~~ April 9th, 2024, at 10:00 a.m./p.m.

Dated this 13th day of March, 2024



kd

Submitted by,

/s/ Alex J. Shepard

RANDAZZA LEGAL GROUP, PLLC
Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118

Attorneys for Plaintiffs,
Christopher Davin, Trevor Harder, and Henderson Equality Center

A76 BC8 30EF 074F
Ronald J. Israel
District Court Judge



Brittani Holt <bmh@randazza.com>

Davin v. Vegas PRIDE | Sur-Reply as to Gary Costa and Golden Rainbow Anti-SLAPP

9 messages

Alex Shepard <ajs@randazza.com>

Tue, Mar 12, 2024 at 5:22 PM

To: Ashley Olson <aolson@ocgas.com>

Cc: Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <prratt@ocgas.com>, Joseph Nold <noldj@cox.net>, joel.schwarz@lewisbrisbois.com, bradley.combs@lewisbrisbois.com, 903a4502e+matter1581750170@maildrop.clio.com, Marc Randazza <mjr@randazza.com>, "Marc J.Randazza" <staff@randazza.com>

Hello, Ashley,

This will come as a shock to you, I'm sure, but Plaintiffs plan to seek leave to file a sur-reply regarding the new evidence attached to Gary Costa and Golden Rainbow's Anti-SLAPP motion. Will you stipulate to us filing one?

We would also need to push out the hearing for both Anti-SLAPP motions to keep them on the same day and allow the court time to review the sur-reply. I'm thinking a continuance of one week should be sufficient (meaning the sur-reply would be due by March 19, and the hearing would be moved to the 26th). Would that new date work for everyone?

-Alex

--

Alex James Shepard* | **Randazza Legal Group, PLLC**
4974 S. Rainbow Blvd. | Suite 100 | Las Vegas, NV 89118
Tel: 702-420-2001 | Email: ajs@randazza.com

* Licensed to practice law in California and Nevada

Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>

Tue, Mar 12, 2024 at 6:31 PM

To: Alex Shepard <ajs@randazza.com>

Cc: Ashley Olson <aolson@ocgas.com>, Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <prratt@ocgas.com>, Joseph Nold <noldj@cox.net>, "Combs, Bradley" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, Marc Randazza <mjr@randazza.com>, "Marc J.Randazza" <staff@randazza.com>

Alex,

That works for me.

Sent from my iPhone

**Joel Z. Schwarz**
PartnerJoel.Schwarz@lewisbrisbois.com

T: 702.693.4380 F: 702.366.9563

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On Mar 12, 2024, at 5:23 PM, Alex Shepard <ajs@randazza.com> wrote:

[Quoted text hidden]

'Ashley Olson' via Staff <staff@randazza.com>

Wed, Mar 13, 2024 at 10:29 AM

Reply-To: Ashley Olson <aolson@ocgas.com>

To: "Schwarz, Joel" <Joel.Schwarz@lewisbrisbois.com>, Alex Shepard <ajs@randazza.com>

Cc: Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <ppratt@ocgas.com>, Joseph Nold <noldj@cox.net>, "Combs, Bradley" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, Marc Randazza <mjr@randazza.com>, "Marc J.Randazza" <staff@randazza.com>

Alex,

We have a conflict on 3/26, but 3/27 works.

Ashley Olson, Esq.

OLSON CANNON GORMLEY

[9950 W. Cheyenne Ave.](#)

[Las Vegas, Nevada 89129](#)

702-384-4012

aolson@ocgas.com

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I am available March 27.



Joel Z. Schwarz
Partner
Joel.Schwarz@lewisbrisbois.com
T: 702.693.4380 F: 702.366.9563

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[Quoted text hidden]

Janet Terrazas <algparalegal@cox.net>

Wed, Mar 13, 2024 at 11:16 AM

To: "aolson@ocgas.com" <aolson@ocgas.com>, "Joel.Schwarz@lewisbrisbois.com" <Joel.Schwarz@lewisbrisbois.com>, "ajs@randazza.com" <ajs@randazza.com>
Cc: Joseph Nold <noldj@cox.net>, "jhollingsworth@ocgas.com" <jhollingsworth@ocgas.com>, "ppratt@ocgas.com" <ppratt@ocgas.com>, "Bradley.Combs@lewisbrisbois.com" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>

Dear All,

Mr. Nold is also available on March 27, 2024.

Thank you,

Janet Terrazas
Paralegal
Accelerated Law Group, Inc.
3030 S. Jones Blvd., Suite 105
Las Vegas, NV 89146
702.262-1651 Phone
702.383-6051 Fax

****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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On 03/13/2024 10:52 AM PDT Joseph Nold <noldj@cox.net> wrote:

[Quoted text hidden]

Thank you,

Accelerated Law Group, Inc.
3030 South Jones Blvd., Ste. 105
Las Vegas, Nevada 89146

702-262-1651**702-383-6051 Fax**

****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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Alex Shepard <ajs@randazza.com>

Wed, Mar 13, 2024 at 12:03 PM

To: Janet Terrazas <algpalegal@cox.net>

Cc: "aolson@ocgas.com" <aolson@ocgas.com>, "Joel.Schwarz@lewisbrisbois.com" <Joel.Schwarz@lewisbrisbois.com>, Joseph Nold <noldj@cox.net>, "jhollingsworth@ocgas.com" <jhollingsworth@ocgas.com>, "ppratt@ocgas.com" <ppratt@ocgas.com>, "Bradley.Combs@lewisbrisbois.com" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>

Thank you for your prompt responses, everyone. I think it would be best to do this as two stipulations, since there are two distinct requests being made: (1) regarding the sur-reply, since Vegas PRIDE, McGill, and Vangorder don't actually need to sign off on that one; and (2) to continue the hearing on both motions, since everyone needs to sign that. Attached are drafts of both stipulations. Please let me know if you have any suggested edits.

[Quoted text hidden]

2 attachments**2024.03.13 - Stip. to Continue Hrg. on Anti-SLAPP Motions.docx**

53K

**2024.03.13 - Stip. to File Sur-Reply re Costa Anti-SLAPP.docx**

53K

Joseph Nold <noldj@cox.net>

Wed, Mar 13, 2024 at 12:11 PM

To: Alex Shepard <ajs@randazza.com>, Janet Terrazas <algpalegal@cox.net>

Cc: "aolson@ocgas.com" <aolson@ocgas.com>, "Joel.Schwarz@lewisbrisbois.com" <Joel.Schwarz@lewisbrisbois.com>, "jhollingsworth@ocgas.com" <jhollingsworth@ocgas.com>, "ppratt@ocgas.com" <ppratt@ocgas.com>, "Bradley.Combs@lewisbrisbois.com" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>, Janet Terrazas <algpalegal@cox.net>

Alex,

All look fine to me. If you wanted to add me signature line to the Sur Reply Stip to make it encompassing all Parties, I will authorize my signature. Up to you.

Joseph Nold

*Thank you,***Accelerated Law Group, Inc.****3030 South Jones Blvd., Ste. 105****Las Vegas, Nevada 89146****702-262-1651****702-383-6051 Fax**

****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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[Quoted text hidden]

Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>

Wed, Mar 13, 2024 at 12:45 PM

To: Alex Shepard <ajs@randazza.com>, Janet Terrazas <alparalegal@cox.net>

Cc: "aolson@ocgas.com" <aolson@ocgas.com>, Joseph Nold <noldj@cox.net>, "jhollingsworth@ocgas.com" <jhollingsworth@ocgas.com>, "ppratt@ocgas.com" <ppratt@ocgas.com>, "Combs, Bradley" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>

I approve the stipulation for continuing the hearing date, you may affix my electronic signature.



Joel Z. Schwarz
Partner
Joel.Schwarz@lewisbrisbois.com
T: 702.693.4380 F: 702.366.9563

6385 South Rainbow Blvd., Suite 600, Las Vegas, NV 89118 | LewisBrisbois.com

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Mansfield Rule
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[Quoted text hidden]

'Ashley Olson' via Staff <staff@randazza.com>

Wed, Mar 13, 2024 at 1:39 PM

Reply-To: Ashley Olson <aolson@ocgas.com>

To: Alex Shepard <ajs@randazza.com>, Janet Terrazas <alparalegal@cox.net>

Cc: "Joel.Schwarz@lewisbrisbois.com" <Joel.Schwarz@lewisbrisbois.com>, Joseph Nold <noldj@cox.net>, Jane Hollingsworth <jhollingsworth@ocgas.com>, "Peter R. Pratt" <ppratt@ocgas.com>, "Bradley.Combs@lewisbrisbois.com" <Bradley.Combs@lewisbrisbois.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>, "mjr@randazza.com" <mjr@randazza.com>, "staff@randazza.com" <staff@randazza.com>

For the stipulation to continue the hearing - please change our law firm to Olson Cannon & Gormley in the recitation of attorneys. With that edit, you may affix my e-signature.

For the stipulation to file a sur-reply, you may affix my e-signature.

Ashley Olson, Esq.

OLSON CANNON GORMLEY

9950 W. Cheyenne Ave.

Las Vegas, Nevada 89129

702-384-4012

aolson@ocgas.com

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From: Alex Shepard <ajs@randazza.com>
Sent: Wednesday, March 13, 2024 12:04 PM
To: Janet Terrazas <algparalegal@cox.net>

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5	
6 Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7 vs.	DEPT. NO. Department 28
8 Southern Nevada Association of	
9 Pride, Inc, 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 Stipulation and Order was served via the court's electronic eFile system
14 to all recipients registered for e-Service on the above entitled case as listed below:

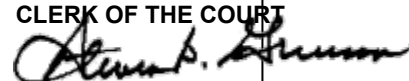
15 Service Date: 3/13/2024

16 Joseph Nold	noldj@cox.net
17 Janet Terrazas	algparalegal@cox.net
18 Alex Shepard	ecf@randazza.com
19 James Olson	jhollingsworth@ocgas.com
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21 Meredith Holmes	mholmes@dennettwinspear.com
22 Susan Awe	susan.awe@lewisbrisbois.com
23 Ashley Marchant	amarchant@dennettwinspear.com
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NVDWP

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Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**NOTICE OF VOLUNTARY DISMISSAL
WITH PREJUDICE AS TO
DEFENDANT GENDER JUSTICE
NEVADA**

PLEASE TAKE NOTICE that pursuant to NRCP 41(a)(1)(A)(i), Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center hereby voluntarily dismiss all of their claims against Defendant Gender Justice Nevada with prejudice.

All of Plaintiffs' claims against each and every other Defendant not already dismissed remain pending.

Dated: February 28, 2024.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

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and Henderson Equality Center

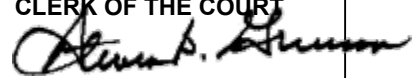
Case No. A-23-879938-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on February 28, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Alex J. Shepard

ALEX J. SHEPARD



JAMES R. OLSON, ESQ.
Nevada Bar No. 000116
ASHLEY OLSON, ESQ.
Nevada Bar No. 15448
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Nevada Bar No. 6458
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Attorneys for Defendants
GOLDEN RAINBOW OF NEVADA, INC.
and GARY COSTA

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, an individual;
TREVOR HARDEN, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

v.

SOUTHERN NEVADA ASSOCIATION OF
PRIDE, INC. dba LAS VEGAS PRIDE, a
Nevada nonprofit corporation; HUMAN
RIGHTS CAMPAIGN, INC., a District of
Columbia nonprofit corporation; HOLY ORDER
SINSITY SISTERS OF PERPETUAL
INDULGENCE, INC., a Nevada nonprofit
corporation; INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY, a Nevada non-
profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada non-
profit corporation; SOCIAL INFLUENCE
FOUNDATION dba HOUSE OF VEGAS
PRIDE, a Nevada nonprofit corporation; and

CASE NO. A-23-879938-C
DEPT. NO. XXVIII

**DEFENDANTS GARY COSTA AND
GOLDEN RAINBOW OF NEVADA,
INC.'S SUPPLEMENT TO THEIR
REPLY TO PLAINTIFFS'
OPPOSITION TO DEFENDANTS
GARY COSTA AND GOLDEN
RAINBOW OF NEVADA, INC.'S
SPECIAL MOTION TO DISMISS
PER NEVADA'S ANTI-SLAPP
PROVISIONS, NRS 41.635, ET. SEQ.**

JOHN PHOENIX, APRN, PLLC dba
HUNTRIDGE FAMILY CLINIC, a Nevada
professional LLC, GOLDEN RAINBOW OF
NEVADA, INC., a Nevada nonprofit
corporation, BRADY MCGILL, an individual,
NICOLE WILLIAMS, an individual, JOHN
PHOENIX, an individual, GARY COSTA, an
individual, ANTHONY CORTEZ, an individual,
and SEAN VANGORDER, an individual,

Defendants.

**DEFENDANTS GARY COSTA AND GOLDEN RAINBOW OF NEVADA, INC.'S
SUPPLEMENT TO THEIR REPLY TO PLAINTIFFS' OPPOSITION TO
DEFENDANTS GARY COSTA AND GOLDEN RAINBOW OF NEVADA,
INC.'S SPECIAL MOTION TO DISMISS PER NEVADA'S ANTI-SLAPP
PROVISIONS, NRS 41.635, ET. SEQ**

Defendants GARY COSTA and GOLDEN RAINBOW OF NEVADA, INC.

(hereinafter "Golden Rainbow"), by and through their counsel of record, OLSON CANNON &
GORMLEY, and hereby submits this Supplement to their Reply to Plaintiffs' Opposition to
Defendants Gary Costa and Golden Rainbow's Special Motion to Dismiss Per Nevada's Anti-
SLAPP Provisions, NRS 41.635, et seq and attaches the March 23, 2022 memo from the City
of Henderson addressed to the Board of Henderson Equality Center re: Required Changes in
Engagement and Communication, Pride Fest and Parade as Exhibit G. Defendants had

///

///

///

///

1 identified the supplemental document in their Reply at Footnote 1 as pending a public records
2 request. The City of Henderson completed the request on March 18, 2024.

3
4 DATED this 19th day of March, 2024.

5 OLSON CANNON GORMLEY & STOBERSKI

6 */s/Ashley Olson*

7 JAMES R. OLSON, ESQ., NV Bar No. 000116

8 ASHLEY OLSON, ESQ., NV Bar No. 15448

9 PETER R. PRATT, ESQ., NV Bar No. 6458

9950 West Cheyenne Avenue

Las Vegas, NV 89129

10 Attorneys for Defendants GOLDEN RAINBOW OF
11 NEVADA, INC. and GARY COSTA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of March, 2024, I sent via e-mail a true and correct copy of the above and foregoing **DEFENDANTS GARY COSTA AND GOLDEN RAINBOW OF NEVADA, INC.’S SUPPLEMENT TO THEIR REPLY TO PLAINTIFFS’ OPPOSITION TO DEFENDANTS GARY COSTA AND GOLDEN RAINBOW OF NEVADA, INC.’S SPECIAL MOTION TO DISMISS PER NEVADA’S ANTI-SLAPP PROVISIONS, NRS 41.635, ET. SEQ.** on the Clark County E-File Electronic Service List (or, if necessary, by U.S. Mail, first class, postage pre-paid), upon the following:

Marc J. Randazza, Esq. Alex J. Shepard, Esq. Randazza Legal Group, PLLC 4974 S. Rainbow Blvd., Suite 100 Las Vegas, NV 89118 702-420-2001 ecf@randazza.com Attorneys for Plaintiffs	Joel Z. Schwarz, Esq. Bradley C.W. Combs, Esq. Lewis Brisbois Bisgaard & Smith LLP 6385 S. Rainbow Blvd., Suite 600 Las Vegas, NV 89118 702-893-3383 702-893-3789 fax Joel.Schwarz@lesibrisbois.com Bradley.Combs@lewisbrisbois.com Attorneys for Southern Nevada Association Of Pride, Inc. dba Las Vegas Pride and Brady McGill
Ryan L. Dennett, Esq. Dennett Winspear, LLP 3301 N. Buffalo Drive, Suite 195 Las Vegas, NV 89129 rdennett@dennettwinspear.com Attorneys for John Phoenix, individually	Joseph T. Nold, Esq. Accelerated Law Group 3030 South Jones Blvd., Suite 105 Las Vegas, NV 89146 Attorney for Defendants Holy Order Sin City Sisters of Perpetual Indulgence, Inc., Las Vegas TransPride, and Sean VanGorder

/s/ Jane Hollingsworth

An Employee of OLSON CANNON & GORMLEY

EXHIBIT G



March 23, 2022

Board of Directors
Henderson Equality Center
Henderson, Nevada

Re: Required Changes in Engagement and Communication, Pride Fest and Parade

The City of Henderson established a partnership with the Henderson Equality Center for the inaugural Henderson Pride Fest and Parade with the vision of hosting an event that will celebrate diversity, enrich our culture, bring enjoyment to our residents and visitors, and benefit to our business community. As of today's meeting, the outcomes that both organizations seek are under very serious threat. To mitigate the issues identified, the City will require an immediate and significant change in the Equality Center's approach to communication of all types and engagement with stakeholders. These changes are identified below:

PARKS & RECREATION

1. No emails, social media or verbal statements threatening or predicting negative impacts to the City and its reputation or standing.
2. Calm and professional demeanor maintained at all times while engaging with City staff in writing, on social media, on the telephone, or in-person.
3. No demands for exclusivity in terms of City events that are aimed at the LGBTQ community.
4. Only clear and accurate information provided to City staff about sponsors, entries and vendors committed to the event.

BUSINESS COMMUNITY

1. No intimidation or threats to business owners on Water Street or elsewhere in Henderson of being labeled or shunned or the City's reputation being tarnished when seeking support for the event.
2. No expectations expressed that any particular business in Henderson would donate a specific amount for an event being held for the first time with no history of potential financial impact to the business.
3. No discussion with the business community of the various disputes with ICME/Henderson Pride.
4. No emails, social media or verbal statements threatening or predicting negative impacts on businesses or their reputation or standing in the community.

Two handwritten signatures in blue ink. The signature on the right is "Christopher Reynolds" and the signature on the left is "S. Shellhammer".

Christopher Reynolds
S. Shellhammer



HPD

1. No unsubstantiated attacks on the professionalism of Henderson Police Department or its individual officers.
2. Maintain respectful behavior towards officers if being given the same.
3. No complaints about the need for HPD to manage public safety for an event of this potential scale; HPD are required to manage public safety for this event in the same manner as they are required to do for other events of a similar scale.

MAYOR AND COUNCIL, CITY GENERAL

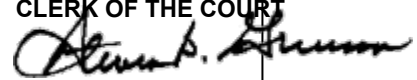
1. No emails, social media or verbal statements threatening or predicting negative impacts on City officials or their reputation, on City departments, or the City as a whole.
2. No communication with the City officials about the various disputes with ICME/Henderson Pride.
3. No communication with the Mayor and Council about the mechanics of putting on the parade or associated agreements or requirements; these aspects are being conducted per the City's standard procedures and discussions must be held with the staff members that have responsibility for these aspects.

The Henderson Equality Center's commitment and ability to adhere to the requirements outlined above is required for the City to continue to move forward with this event as planned.

Sincerely,

A handwritten signature in black ink, appearing to read "Bristol S. Ellington".

Bristol S. Ellington
Deputy City Manager / Chief Operating Officer



RPLY

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

SOUTHERN NEVADA ASSOCIATION OF
PRIDE, INC. DBA LAS VEGAS PRIDE,
et al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**PLAINTIFFS' SUR-REPLY RE: DEFENDANTS GARY COSTA AND GOLDEN
RAINBOW OF NEVADA, INC.'S SPECIAL MOTION TO DISMISS PER NEVADA'S
ANTI-SLAPP PROVISIONS, NRS 41.635, ET. SEQ**

TABLE OF CONTENTS

MEMORANDUM OF POINTS AND AUTHORITIES..... 1

1.0 INTRODUCTION 1

2.0 ARGUMENT..... 1

2.1 Response to New Alleged Facts and Evidence 1

2.2 Defendants’ New Prong One Arguments 7

2.2.1 The Statements Were Not in Connection with an Issue of Public Interest..... 7

2.2.2 The Statements Were Not Made in a Public Forum..... 8

2.2.3 The Statements Were Not Made in Good Faith 8

2.3 Defendants’ New Prong Two Arguments 9

3.0 CONCLUSION 10

CERTIFICATE OF SERVICE..... 11

TABLE OF AUTHORITIES

CASES

<i>21st Century Fin. Servs., LLC v. Manchester Fin. Bank,</i> 255 F. Supp. 3d 1012 (S.D. Cal. 2017)	6
<i>Bd. of Trs. Of the Cal. Winery Workers' Pension Trust Fund. Giumarra Vineyards,</i> No. 1:17-cv-00364-SAB, 2018 U.S. Dist. LEXIS 34663 (E.D. Cal. Mar. 2, 2018)	2
<i>Brown Dog, LLC v. Malloy,</i> No. A-17-763680-B, 2018 Nev. Dist. LEXIS 1475 (8th Jud. Dist. Ct. Aug. 15, 2018)	7
<i>CCSD v. Virtual Educ. Software, Inc.,</i> 125 Nev. 374, 213 P.3d 496 (2009).....	9
<i>Daugherty v. Wabash Life Ins. Co.,</i> 87 Nev. 32, 482 P.2d 814 (1971).....	3
<i>Garmong v. Wespac,</i> No. CV12-01271, 2021 Nev. Dist. LEXIS 1642 (2d Dist. Ct. July 7, 2021).....	7
<i>Haines v. Home Depot U.S.A., Inc.,</i> No. 1:10-cv-01763-SKO, 2012 U.S. Dist. LEXIS 47967 (E.D. Cal. Apr. 24, 2012).....	6
<i>Kaufman v. Warner Bros. Entm't, Inc.,</i> No. CV-16-02248-PHX-JAT, 2018 U.S. Dist. LEXIS 155204 (D. Ariz. Sept. 12, 2018).....	3
<i>Premier Nutrition, Inc. v. Organic Food Bar, Inc.,</i> No. SACV 06-0827 AG (RNBx), 2008 U.S. Dist. LEXIS 78353 (C.D. Cal. Mar. 27, 2008)	6
<i>SFR Invs. Pool I, LLC v. U.S. Bank, N.A.,</i> 135 Nev. 346, 449 P.3d 461 (2019).....	7
<i>United States EEOC v. Mattress Firm,</i> No. 2:13-cv-1745-GMN-VCF, 2016 U.S. Dist. LEXIS 36992 (D. Nev. Mar. 21, 2016).....	3
<i>Weinberg v. Feisel,</i> 110 Cal.App.4th 1122, 2 Cal. Rptr. 3d 385 (2003)	7

RULES

NRS 41.635	1
NRS 41.670	8
NRS 51.155	6
NRS 52.125	6

PLAINTIFFS' SUR-REPLY RE: DEFENDANTS' SPECIAL MOTION TO DISMISS

Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center file this Sur-Reply regarding Defendants Gary Costa and Golden Rainbow of Nevada's ("Golden Rainbow"), Special Motion to Dismiss Per Nevada's Anti-SLAPP Provisions, NRS 41.635, *et seq.*

MEMORANDUM OF POINTS AND AUTHORITIES

1.0 INTRODUCTION

As with co-Defendants Las Vegas PRIDE, Brady McGill, and Sean Vangorder's reply in support of their Anti-SLAPP motion, Defendants Gary Costa and Golden Rainbow's Anti-SLAPP Reply contains new argument and evidence that could have, and must have, been provided in their Motion. The Court should not consider any of this new argument or evidence. Even if it did, however, this would make no difference. Defendants' legal arguments are unsupported and almost none of their new evidence is admissible. The Court should deny the Anti-SLAPP Motion and allow this case to proceed to discovery.

2.0 ARGUMENT

2.1 Response to New Alleged Facts and Evidence¹

Defendants allege new facts for the first time in their Reply, attaching declarations from two new witnesses and multiple new documents. This evidence is not attached to fix any defects in admissibility to Defendants' evidence attached to their Motion, but rather to allege entirely new facts. The Court should not consider this new evidence, as it was not provided in the Motion and yet could have been. For the sake of thoroughness, however, it will be addressed here.

¹ This Sur-Reply will not address every factual contention or argument made in the Reply, but rather will only address material that is new to the Reply. Plaintiffs do not concede any issues or arguments by not addressing them here. For example, Footnote 2 of the Reply cites a number of declarations attached to Defendants Vegas PRIDE, Brady McGill, and Sean Vangorder's Anti-SLAPP motion and reply. Rather than respond to these documents in full, Plaintiffs incorporate by reference the arguments regarding these declarations made in their Opposition and Sur-Reply regarding that motion.

Anthony Cortez's Declaration

Anthony Cortez alleges in his declaration that the City of Henderson announced it would not work with Davin on a Henderson Pride Fest event in May 2022, and also that he “got a call from the Mayor’s office stating that due to recent events . . . the Mayor would be arriving with a full security detail” at a 2022 event, and actually did attend the event with a security detail. Cortez Decl. at ¶¶ 7-8. This testimony is inadmissible due to a lack of a factual foundation as to how Cortez has knowledge of the City’s alleged announcement, or that Mayor Debra March attended the event with a security detail. This admissibility issue is insignificant, however, as there is no allegation that the City of Henderson or the Mayor claimed that this security detail was assigned due to any of Plaintiffs’ statements or actions.²

Cortez also alleges that “[p]rior to May 6, 2023 Henderson Pride Festival [sic], the City of Henderson received countless calls and emails by Chris Davin trying to once again discredit³ our organization and get our event canceled. Chris Davin was continually emailing and calling the City of Henderson with false information about our organization. The parks & recreation informed us of this because they requested additional documentation of our non-profit status because of his harassment.” Cortez Decl. at ¶ 10. This testimony violates the best evidence rule,⁴ to the extent it

² Related to Cortez’s testimony, Defendants attach an unauthenticated document that purports to be a June 9, 2022, State of Nevada article. *Reply Exh. B*. This article is inadmissible hearsay to prove anything other than its own existence. Even if it were admissible, the article claims Henderson backed out of the event due to a disagreement as to what content was age-appropriate, not due to any security concerns or threats.

³ Elsewhere in his declaration, Cortez alleges a trademark dispute between Defendant ICME and Plaintiffs. Cortez Decl. at ¶¶ 2-6. This testimony has nothing to do with the statements at issue here and is otherwise addressed in Plaintiffs’ Opposition and Sur-Reply regarding Defendants Vegas PRIDE, Brady McGill, and Sean Vangorder’s Anti-SLAPP motion.

⁴ In their Reply, Defendants argue, without support, that the best evidence rule only applies to trial proceedings, and not summary judgment or Anti-SLAPP motions. While there does not appear to be Nevada case law directly on the Anti-SLAPP law in particular, since it is evaluated as a motion for summary judgment, that standard is the one we should consider. Other courts applying the best evidence rule have found that it applies in summary judgment proceedings. *See, e.g., Bd. of Trs. Of the Cal. Winery Workers’ Pension Trust Fund. Giumarra Vineyards*, No. 1:17-cv-00364-SAB, 2018 U.S. Dist. LEXIS 34663, *13-14 (E.D. Cal. Mar. 2, 2018); *Kaufman v. Warner Bros. Entm’t, Inc.*, No. CV-16-02248-PHX-JAT, 2018 U.S. Dist. LEXIS 155204, *15,

is premised on any written communications from “parks & recreation,” as such communications are not attached. It is also inadmissible hearsay to prove the truth of the assertion that Davin engaged in any of this behavior. Davin did not engage in any such behavior. Declaration of Chris Davin in support of Sur-Reply (“Davin Sur-Reply Decl.”), attached as **Exhibit 1**, at ¶¶ 6-7. It is also important to note Cortez does not allege any of these statements he heard about second-hand contained any threats.

Cortez alleges that “2 days before our event I got a call from the City of Henderson Parks and Recreation office letting us know that due to threats they had received, they were planning on deploying two armed police officers to our event as a precaution.” Cortez Decl. at ¶ 11. Again, this runs afoul of the best evidence rule, to the extent the City informed Cortez of this in writing, and it is inadmissible hearsay to prove the truth of this statement. In any event, there is not even an allegation that Plaintiffs sent any such “threats.” If Cortez’s support for the false statement in his May 2023 email is that he heard second-hand that unspecified people made unspecified threats, then that is an admission of knowing falsity, as he directly accused Davin of making threats. But to be clear, Plaintiffs did not engage in any such behavior regarding the 2023 event. Davin Sur-Reply Decl. at ¶¶ 6-7.

20 n.6 (D. Ariz. Sept. 12, 2018) (declining to consider summary judgment evidence because it violated best evidence rule); *United States EEOC v. Mattress Firm*, No. 2:13-cv-1745-GMN-VCF, 2016 U.S. Dist. LEXIS 36992, *7-8 (D. Nev. Mar. 21, 2016). Furthermore, the Nevada Supreme Court has held that, in the summary judgment context, “[w]hen written documents are relied on, they must be exhibited in full. The statement of the substance of written instruments or of affiant’s interpretation of them or of mere conclusions of law or restatements of allegations of the pleadings are not sufficient.” *Daugherty v. Wabash Life Ins. Co.*, 87 Nev. 32, 38, 482 P.2d 814, 818 (1971). This is not a case of declarants providing at least a purported version of a document that may have some defects regarding authenticity; they do not provide these documents in any form whatsoever. It is also not a case, by and large, where the declarants are quoting purported documents so that Plaintiffs and the Court may evaluate them; the declarants provide broad characterizations of these communications with no further detail. Defendants, misrepresenting their own arguments, claim in their Reply that “Costa’s personal observation of Plaintiffs’ social media activity and interactions is not trying to prove the contents of these posts.” Reply at 6. But Plaintiffs did not make a hearsay objection to this evidence, and the best evidence rule is not concerned with the truth of an alleged statement. The Court should not consider such defective evidence in this summary judgment-like proceeding.

Jennifer Eason's Declaration

Attached to Eason's declaration is a lengthy message exchange allegedly between herself and Davin. Eason Decl. *Exh. A*. This evidence is highly suspect, however, as it is obviously a cherry-picked selection of messages. The attached messages are clearly taken from different parts of different conversations at different times. It is not the full conversation, making it impossible for the Court to determine the context of these statements.

Eason's declaration contains multiple false statements. She claims that Davin invited her to serve on the Board of HEC in 2020. Eason Decl. at ¶ 3. This is false; Davin only asked that she serve on the Board of a separate organization, Equality Nevada. Davin Sur-Reply Decl. at ¶ 8. The messages they exchanged show this. Eason Decl. *Exh. A*, July 8, 2020, message from Davin.

Eason alleges she was denied access to HEC's financials when Davin invited her to serve on its Board. Eason Decl. at ¶ 5. Davin never invited her to serve on HEC's Board, so there was no reason for her to have access to this information. Davin Sur-Reply Decl. at ¶ 9.

Eason alleges she "became aware that Mr. Davin was, through his own admission, collecting a salary from his various non-profit entities and simultaneously claiming unemployment compensation from Nevada." Eason Decl. at ¶ 6. Presumably, Eason is referring to an out-of-context message from Davin attached to her declaration in which he states "honey I made a 6 figure income. and im collecting unemployment and food stamps dont reminded me." Eason Decl. *Exh. A*. Eason's statements are false. Davin has never collected a salary from Equality Nevada or HEC. Davin Sur-Reply Decl. at ¶ 10. Davin was talking about how he went from business opportunities that gave him a six-figure income in the past to his then-current non-profit activities where he earned nowhere as much money. *Id.* Her claim of Davin "committing fraud" is thus false.

Eason alleges that she "resigned from the Board" because her minor son decided to move out. Eason Decl. at ¶ 7. While she does not specify which Board, she only ever served on the Board of Equality Nevada. Davin Sur-Reply Decl. at ¶ 11. She did not resign from the Board; she was unanimously voted out because, immediately upon becoming a Board member, she made unusual and invasive requests for internal financial documents and tried to order around other Board

members. *Id.* Davin told others the truth about why she was voted out, and did not “concoct[] an entirely false narrative about [her] departure from the Board . . . due to misconduct . . .” *Id.*

Gary Costa’s Supplemental Declaration

In his supplemental declaration, Costa claims that Davin and Harder have “negatively impacted the ability for LGBTQ+ organizations to receive vital money,” and as an example claims he has “witnessed Chris Davin and Trevor Harder harass others and intentionally interfere with contacts in the community also put doubts in the minds of those responsible for distributing grant money.” Costa Supp. Decl. at ¶ 2. The only specific incident he mentions is a “very public falling out” between HEC and “[a] local non-profit called Charity Gurus,” in which Davin allegedly posted “negative comments on social media questioning their non-profit credentials and ma[de] wild accusations about them with the intent to damage their credibility in the community.” *Id.* There are numerous admissibility issues here. Costa claims he “witnessed” these incidents of claimed harassment, but he provides no factual foundation or other specifics regarding personal knowledge. To the extent any such incidents of harassment (like the alleged falling out with Charity Gurus) are premised on written communications, his testimony violates the best evidence rule because these communications are not attached. His testimony as to Davin’s subjective intent in making these alleged statements is also inadmissible speculation. He is also simply wrong, as Plaintiffs did not engage in any harassment or tortious interference. Davin Sur-Reply Decl. at ¶ 12. The actual reason for HEC’s falling out with Charity Gurus is because Charity Gurus did not have 501(c)(3) tax-exempt status with the IRS, it was not registered as any type of entity with the Nevada Secretary of State, and it had a parasitic relationship with HEC, by which it used HEC’s fundraising platform for the purpose of raising money for itself, without providing anything to HEC. Davin Sur-Reply Decl. at ¶ 13.

Costa also alleges that “it was assumed [Davin and Harder] were a package deal” because they were often seen together. Costa Supp. Decl. at ¶ 3. Costa is not competent to testify to the subjective mental impressions of any third parties, so at most he alleges he believed they were a “package deal.” But in any event, Costa and Defendants admit that Davin is the only person who

has engaged in any conduct that they claim to be objectionable; there is not a scintilla of evidence on the record suggesting that Harder has done or said *anything*.

Media Articles and Letter from the City of Henderson

Exhibits B and F to the Reply consist of purported media articles. None of these documents are authenticated, however, and Defendants admit that “affidavits should be used to authenticate exhibits in the Anti-SLAPP motions to dismiss.” Reply at 7. Printouts of a website are properly authenticated where the website, the URL, and the date on which the printout was taken are provided. *See 21st Century Fin. Servs., LLC v. Manchester Fin. Bank*, 255 F. Supp. 3d 1012, 1020 (S.D. Cal. 2017); *Haines v. Home Depot U.S.A., Inc.*, No. 1:10-cv-01763-SKO, 2012 U.S. Dist. LEXIS 47967, *23 (E.D. Cal. Apr. 24, 2012); *Premier Nutrition, Inc. v. Organic Food Bar, Inc.*, No. SACV 06-0827 AG (RNBx), 2008 U.S. Dist. LEXIS 78353, *19 (C.D. Cal. Mar. 27, 2008). Defendants do not provide any of this required information, much less an authenticating declaration, meaning these documents are unauthenticated and the Court may not consider them.

In the Supplement to their Reply, Defendants attach a purported letter from the City of Henderson to HEC requesting that HEC make changes to its “approach to communication of all types and engagement with stakeholders.” Supp. at *Exh. G*. This document is not authenticated, as there is no authenticating declaration or certification for it from a custodian of records or other person. *See* NRS 52.125. Defendants provide attorney argument in a footnote to their Reply and in their Supplement that this was provided in response to a public records request, but there is no actual evidence this is the case. Even if the exhibit were authenticated, it is inadmissible hearsay to prove that Plaintiffs engaged in any of the conduct alleged in the letter.⁵ And in any event, Plaintiffs never engaged in any threatening conduct expressed or implied in this purported letter. Davin Sur-Reply Decl. at ¶ 14.

⁵ NRS 51.155 provides that reports of public officials or agencies are admissible “if they set forth: 1. The activities of the official or agency; 2. Matters observed pursuant to duty imposed by law; or 3. In civil cases and against the state in criminal cases, factual findings resulting from an investigation made pursuant to authority granted by law.” Exhibit G displays none of these characteristics and is thus inadmissible hearsay.

2.2 Defendants' New Prong One Arguments⁶

2.2.1 The Statements Were Not in Connection with an Issue of Public Interest

There is not much new to address on this requirement. Defendants try to bolster their argument that their statements were related to a security threat Davin posed to the City of Henderson, but as explained above, Defendants' evidence is inadmissible. There is no admissible evidence in the record that Plaintiffs engaged in any threatening behavior regarding this or other events, or that police officers were assigned to the event in response to threats. In fact, Anthony Cortez's own declaration does not claim that the City of Henderson told him Plaintiffs made any threats. Even if the City did assign a security detail to ICME's event, there is nothing showing that this was done because of Plaintiffs. This case is thus, as argued in the Opposition, highly similar to *Weinberg v. Feisel*, 110 Cal.App.4th 1122, 1127, 2 Cal. Rptr. 3d 385, 388 (2003), where a California appellate court found that false allegations of criminal conduct made to a small number of people were not protected under California's Anti-SLAPP law.

As for the statements Defendants actually made, accusing Davin and Harder of "terrorizing" the LGBTQ+ community over the course of three years, Defendants' evidence is again largely inadmissible. The only potentially admissible piece of evidence they provide is a 2020 Facebook post from Jennifer Eason full of false statements, including an out-of-context snippet of a conversation between her and Davin. There is no evidence of engagement by third parties with this 2020 post. A single person making false statements about a member of the LGBTQ+ community does nothing to show that Davin's general conduct was an issue of public

⁶ For both the prong one and prong two analyses, the Court should not entertain any of Defendants' new arguments or evidence. Arguments made for the first time in the reply brief are waived. *See, e.g., SFR Invs. Pool I, LLC v. U.S. Bank, N.A.*, 135 Nev. 346, 352 n.3, 449 P.3d 461, 466 (2019). It is completely improper to raise new arguments for the first time in a reply. *See Garmong v. Wespac*, No. CV12-01271, 2021 Nev. Dist. LEXIS 1642, *11 (2d Dist. Ct. July 7, 2021); *Brown Dog, LLC v. Malloy*, No. A-17-763680-B, 2018 Nev. Dist. LEXIS 1475, *24 (8th Jud. Dist. Ct. Aug. 15, 2018). While this new material is addressed in this Sur-Reply out of an abundance of caution, and to ensure a complete appellate record, this is not an admission that the Court should consider any of this new evidence or argument, and in fact, it would be error to consider it at all.

interest. Defendants also refer to Costa’s supplemental declaration, in which he testifies about the conduct of other alleged bad actors, but this has nothing to do with whether any relevant community would have an interest in Plaintiffs’ actions. Defendants have failed to meet their burden on this requirement, and their Motion must be denied.

2.2.2 The Statements Were Not Made in a Public Forum

Defendants argue that the LGBTQIA2+ email thread is a public forum because the organizations that are actually participants in the email thread, constituting only 44 participants, then go on to “disseminate to each organizations’ vast subscribers and followers” the “items discussed in these meetings.” Reply at 14. This completely misses the point of the public forum analysis. The question is whether the forum in which the statements were actually made is publicly accessible or otherwise bears the characteristics of a public forum, such as the ability for the general public to provide commentary and ask questions. This email thread, with only 44 participants, is not such a forum. Defendants’ argument is comparable to claiming that a closed meeting of business executives discussing corporate strategy is a public forum because, after the meeting, the executives provide public statements discussing the meeting. Such a reading of the statutory language would make a mockery of the Anti-SLAPP law. Defendants have failed to show that their statements were made in a public forum or a place open to the public, and their motion must be denied.

2.2.3 The Statements Were Not Made in Good Faith

Defendants repeat the argument that Costa’s statements were expressions of opinion based on disclosed facts that could not be made with knowing falsity under NRS 41.670, citing in large part the new evidence attached to the Reply. However, (1) none of the alleged “facts” on which he based his alleged opinions were disclosed in his email, and (2) there is no admissible evidence that any of these facts were true, whether as alleged in the Motion or the Reply. There is thus *nothing* to establish that any statement at issue, or any facts underlying those statements, were true. Defendants have failed to meet their burden as to this requirement, and their Motion must be denied.

2.3 Defendants' New Prong Two Arguments

Defendants claim in their Reply, for the first time, that Plaintiffs are public figures, and thus the actual malice standard applies to their defamation claim. They provide no legal authority for this proposition, instead (1) citing an exhibit containing a few media articles containing interviews with Davin, and (2) providing attorney argument that Plaintiffs “hold themselves out to be leaders in the Southern Nevada LGBTQ+ Community as board members of HEC and according to their website they launched a LGBTQ magazine in 2021 called ‘Out in Henderson’ with a valley-wide distribution.” As explained in Section 2.1, *supra*, none of these articles are admissible. Even if they were, they only establish that media outlets, at a few different points, decided to interview Davin. Defendants fail to provide any legal authority to establish that this is sufficient to confer public figure status on Plaintiffs. As to the alleged LGBTQ magazine, there is no evidence of this in the record, nor is there any explanation as to how publication of a single magazine makes one a public figure.

Defendants also argue that Plaintiffs have failed to provide any evidence as to the elements of a defamation claim, trying to make their failure to adequately brief their Anti-SLAPP Motion into Plaintiffs’ problem. Defendants are also plainly wrong. They admit that the statements are of and concerning Davin and Harder, as that is the entire point of their prong one arguments, and the statements themselves clearly establish this. Defendants also admit they published their statements to third parties, as this is an essential part of their prong one argument. Davin and Harder’s declarations in support of the Opposition unambiguously state that Cortez and Costa’s statements about them are false. And it requires no explanation that accusing someone of being a security threat so great that a police detail is necessary, and “terrorizing” a community that one’s business serves, “tends to injure the plaintiff in his or her business,” and is thus defamatory *per se*. *CCSD v. Virtual Educ. Software, Inc.*, 125 Nev. 374, 385, 213 P.3d 496, 503 (2009).

Defendants go on to argue that they have not provided any evidence of actual malice as to the false light claim, but they provide no support for this. As already mentioned above and in the Opposition, Cortez and Costa’s statements were false. There is no evidence that Defendants

performed *any* kind of investigation into the veracity of his statements before publishing them. Plaintiffs have provided admissible evidence that Defendants’ statements are false, and Defendants have not provided a single piece of admissible evidence as to the truth of any statement. They have certainly provided nothing even suggesting that the statements are true as to Harder. Without a single piece of admissible evidence in the record as to how Defendants could have believed any of these statements to be true, there is a dispute of material fact as to actual malice.

3.0 CONCLUSION

For the foregoing reasons, the Court should deny Gary Costa and Golden Rainbow’s Anti-SLAPP Motion in its entirety, and it should disregard the new evidence and arguments made in and attached to their Reply.

Dated: April 2, 2024.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)
 Alex J. Shepard (NV Bar No. 13582)
 RANDAZZA LEGAL GROUP, PLLC
 4974 S. Rainbow Blvd., Suite 100
 Las Vegas, NV 89118

Attorneys for Plaintiffs
 Christopher Davin, Trevor Harder,
 and Henderson Equality Center

Case No. A-23-879938-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on April 2, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Alex J. Shepard

ALEX J. SHEPARD

EXHIBIT 1

Declaration of Christopher Davin

1 **DECL**

2 Marc J. Randazza (NV Bar No. 12265)
3 Alex J. Shepard (NV Bar No. 13582)
4 RANDAZZA LEGAL GROUP, PLLC
5 4974 S. Rainbow Blvd., Suite 100
6 Las Vegas, NV 89118
7 Telephone: 702-420-2001
8 ecf@randazza.com

9 Attorneys for Plaintiffs
10 Christopher Davin, Trevor Harder,
11 and Henderson Equality Center

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

14 **CHRISTOPHER DAVIN**, et. al.,
15 Plaintiffs,

16 v.

17 **SOUTHERN NEVADA ASSOCIATION**
18 **OF PRIDE, INC. DBA LAS VEGAS**
19 **PRIDE**, et. al.,
20 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

DECLARATION OF CHRISTOPHER
DAVIN

21 I, Christopher Davin, declare under penalty of perjury:

22 1. I am over 18 years of age and have never been convicted of a crime involving fraud
23 or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called as a witness,
24 could and would testify competently thereto.

25 2. I am a Plaintiff in this matter and am the Executive Director of Plaintiff Henderson
26 Equality Center ("HEC").

27 3. I submit this Declaration in support of Plaintiffs' Sur-Reply (the "Sur-Reply") Re:
Defendants Gary Costa and Golden Rainbow of Nevada, Inc.'s Special Motion To Dismiss Per
Nevada's Anti-SLAPP Provisions, NRRS 41.635, *et seq.* (the "Motion").

1 4. I have reviewed all briefing on the Motion, including Plaintiffs' Opposition and
2 Defendants' Reply and all declarations and exhibits attached thereto.

3 5. As the Executive Director of HEC, I am intimately familiar with the day-to-day
4 operations, business activities, finances, and organizational structure of HEC.

5 6. I am aware that Anthony Cortez claims in his declaration in support of Defendants'
6 Reply that, prior to May 6, 2023, the City of Henderson "received countless calls and emails by
7 Chris Davin trying to once again discredit¹ our organization and get our event canceled. Chris
8 Davin was continually emailing and calling the City of Henderson with false information about
9 our organization." Cortez Decl. at ¶ 10. This is false, as I never sent any communications to the
10 City of Henderson trying to get any event of Cortez or ICME canceled, nor did I email or call the
11 City of Henderson to provide any false information about ICME.

12 7. Neither I, nor anyone at HEC, made any threats regarding any 2023 event put on
13 by Cortez or ICME, nor did we make any statements that could conceivably be construed as a
14 threat.

15 8. I am aware that Jennifer Eason claims in her declaration that I invited her to serve
16 on the Board of HEC in 2020. This is false, as I only asked that she serve on the Board of a separate
17 organization, Equality Nevada.

18 9. Eason claims that she was denied access to HEC's financials when I invited her to
19 serve on HEC's Board. This is highly misleading, as I never invited her to serve on HEC's Board,
20 and thus she had no business having access to HEC's financials.

21 10. Eason claims that I admitted I was "collecting a salary from his various non-profit
22 entities and simultaneously claiming unemployment compensation from Nevada." Eason Decl. at
23 ¶ 6. This is false, as I have never collected a salary from Equality Nevada or HEC. Eason is
24 presumably basing this false claim on a message I sent her in which I said "honey I made a 6 figure

25 ¹ Elsewhere in his declaration, Cortez alleges a trademark dispute between Defendant ICME
26 and Plaintiffs. Cortez Decl. at ¶¶ 2-6. This testimony has nothing to do with the statements at issue
27 here, and is otherwise addressed in Plaintiffs' Opposition and Sur-Reply regarding Defendants
Vegas PRIDE, Brady McGill, and Sean Vangorder's Anti-SLAPP motion.

1 income. and im collecting unemployment and food stamps dont reminded me.” But this statement
2 meant that I *used to*, prior to working with HEC and Equality Nevada, earn a six-figure salary, and
3 that my personal income had dropped significantly since being part of these non-profit
4 organizations. While I do not know Eason’s subjective thoughts, I cannot conceive how she could
5 have interpreted my message to be an admission of fraudulent conduct.

6 11. I am aware that Eason alleges that she “resigned from the Board” because her minor
7 son decided to move out. Eason Decl. at ¶ 7. While she does not specify which Board, she only
8 ever served on the Board of Equality Nevada. She did not resign from the Board of Equality
9 Nevada; she was unanimously voted out. I personally attended the meeting at which she was voted
10 out, and the Board voted her out because, immediately upon joining the Board, she made unusual
11 and invasive requests for internal financial documents and tried to order around other Board
12 members. I told others the truth about why she was voted out, and did not “concoct[] an entirely
13 false narrative about [her] departure from the Board . . . due to misconduct”

14 12. I am aware that Gary Costa alleges Trevor Harder and I “negatively impacted the
15 ability for LGBTQ+ organizations to receive vital money,” and as an example claims he has
16 “witnessed Chris Davin and Trevor Harder harass others and intentionally interfere with contacts
17 in the community also put doubts in the minds of those responsible for distributing grant money.”
18 Costa Supp. Decl. at ¶ 2. This is false, as neither Harder nor I have harassed or tortiously interfered
19 with others in the LGBTQ+ community.


20 13. In his supplemental declaration, Costa alleges that there was a “very public falling
21 out” between HEC and “[a] local non-profit called Charity Gurus,” in which I allegedly posted
22 “negative comments on social media questioning their non-profit credentials and ma[de] wild
23 accusations about them with the intent to damage their credibility in the community.” Costa Supp.
24 Decl. at ¶ 2. Costa’s statement is highly misleading, as this “falling out” occurred because I
25 personally observed through my own research that Charity Gurus did not have 501(c)(3) tax-
26 exempt status with the IRS, and that it was not registered as any type of entity with the Nevada
27 Secretary of State. It was thus improper and false for Charity Gurus to claim it was a non-profit

1 organization. Furthermore, Charity Gurus had a parasitic relationship with HEC, by which it used
2 HEC's fundraising platform for the purpose of raising money for itself, without providing anything
3 to HEC. I don't know what "wild accusations" Costa is referring to, as Defendants do not attach
4 any of these alleged statements about Charity Gurus, but it is hardly "wild" to accurately inform
5 others of Charity Gurus' conduct and status.

6 14. I have reviewed the document attached as *Exhibit G* to Defendants' Supplement to
7 their Reply, which purports to be a March 23, 2022, letter to HEC from the City of Henderson.
8 This purported letter refers to intimidation and threats to the City of Henderson and third parties.
9 Neither HEC, nor anyone affiliated with it, engaged in any such conduct. I anticipate that discovery
10 will show any incidents of threats or intimidation observed by or reported to the City of Henderson
11 were actually done by Defendant ICME, in an attempt to sabotage HEC's activities and
12 relationships with the City of Henderson.

13
14 I declare under penalty of perjury that the foregoing is true and correct.

15 Executed on 04 / 02 / 2024

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18 Christopher Davin
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JUDGE RONALD J. ISRAEL
EIGHTH JUDICIAL DISTRICT COURT
DEPARTMENT 28

Regional Justice Center
200 Lewis Avenue, 15th Floor
Las Vegas, Nevada 89155

DISTRICT COURT
CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, an individual;
TREVOR HARDEN, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

v.

SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. dba LAS VEGAS
PRIDE, a Nevada nonprofit corporation;
HUMAN RIGHTS CAMPAIGN INC., a
District of Columbia nonprofit
corporation; HOLY ORDER SINSITY
SISTERS OF PERPETUAL
INDULGENCE, INC., a Nevada
nonprofit corporation;
INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY, a
Nevada non-profit corporation; GENDER
JUSTICE NEVADA, a Nevada non-profit
corporation; LAS VEGAS
TRANSPRIDE, a Nevada non-profit
corporation; SOCIAL INFLUENCE
FOUNDATION dba HOUSE OF VEGAS
PRIDE, a Nevada nonprofit corporation;
and JOHN PHOENIX, APRN, PLLC dba
HUNTRIDGE FAMILY CLINIC, a
Nevada professional LLC, GOLDEN
RAINBOW OF NEVADA, INC., a
Nevada nonprofit corporation, BRADY
MCGILL, an individual, NICOLE
WILLIAMS, an individual, JOHN
PHOENIX, an individual, GARY
COSTA, an individual, ANTHONY
CORTEX, an individual, and SEAN
VANGORDER, an individual.

Case No: A-23-879938-C

Dept.: XXVIII

JUDGE RONALD J. ISRAEL

EIGHTH JUDICIAL DISTRICT COURT
DEPARTMENT 28

Defendants.

ORDER

On Tuesday, April 9, 2024, Defendants Southern Nevada Association of Pride, Inc. D/B/A Las Vegas Pride, Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc., and Sean Vangorder's Special Motion to Dismiss Plaintiffs' Slapp Suit Pursuant to NRS 41.660 (Anti-Slapp), and request for Attorney Fees, Costs, and Damages Pursuant to NRS 41.670, and Defendants Gary Costa and Golden Rainbow of Nevada, Inc's Special Motion to Dismiss Per Nevada's Anti-Slapp Provisions, NRS 41.634 ET. SEQ., was set on Department XXVIII's Civil Law and Motion Calendar.

It has come to the Court's attention that on March 4, 2024, the Defendant, Southern Nevada Association of Pride, Inc., d/b/a as Las Vegas Pride, along with Bradly McGill, initiated a substitution of attorney, thereby replacing Accelerated Law Group with Lewis Brisbois Bisgaard & Smith, LLP. Notably, among the attorneys listed in this matter is Bradley C.W. Combs, Esq.

Nevada Code of Judicial Conduct Rule 2.11(A) states, "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances: (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.

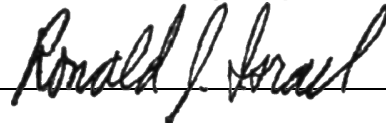
In the present case, while there exists no clear indication of bias, the Court recognizes the importance of upholding the appearance of impartiality and avoiding any perception of impropriety or bias. Hence, in adherence to the established tradition wherein former law clerks abstain from appearing before the judge they previously served for, for a period of one year, Judge Israel has made the decision to recuse himself

1 from participation in this case. This action serves to safeguard the integrity of the
2 judicial process and uphold public confidence in the administration of justice.

3
4 **IT IS HEREBY ORDERED:** that Judge Ronald J. Israel recuses himself from
5 the instant case.

6 **IT IS FURTHER ORDERED:** that the instant case be randomly reassigned
7 and that any pending hearings be reset on the new department's docket.

8
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10 Dated this 8th day of April, 2024

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kd

13 Case No: A-23-879938-C

14 **9DB 980 14EA 7648**
15 **Ronald J. Israel**
16 **District Court Judge**
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7	vs.	DEPT. NO. Department 28
8	Southern Nevada Association of	
9	Pride, Inc, Defendant(s)	

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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: 4/8/2024

15	Joseph Nold	noldj@cox.net
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20	Meredith Holmes	mholmes@dennettwinspear.com
21	Susan Awe	susan.awe@lewisbrisbois.com
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If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 4/9/2024

Marc Randazza	2764 Lake Sahara Drive Ste. 109 Las Vegas, NV, 89117
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DISTRICT COURT
CLARK COUNTY, NEVADA

Christopher Davin, Plaintiff(s)

vs.

Southern Nevada Association of Pride, Inc,
Defendant(s)

Case No.: A-23-879938-C

Department 7

NOTICE OF DEPARTMENT REASSIGNMENT

NOTICE IS HEREBY GIVEN that the above-entitled action has been randomly reassigned to Judge Danielle Pieper.

☒ This reassignment is due to: Order Re: Recusal Filed 04-09-2024.

ANY TRIAL DATE AND ASSOCIATED TRIAL HEARINGS STAND BUT MAY BE RESET BY THE NEW DEPARTMENT.

Any motions or hearings presently scheduled in the FORMER department will be heard by the NEW department as set forth below.

04/16/2024 **Motion to Dismiss** (Judicial Officer: Pieper, Danielle)
9:00 AM

Defendants Gary Costa and Golden Rainbow of Nevada, Inc.'s Special Motion to Dismiss Per Nevada's Anti-Slepp Provisions

04/16/2024 **Motion to Dismiss** (Judicial Officer: Pieper, Danielle)
9:00 AM

Defendants Southern Nevada Association of Pride, Inc. D/B/A Las Vegas Pride, Holy Order Sin City Sisters of Perpetual In

PLEASE INCLUDE THE NEW DEPARTMENT NUMBER ON ALL FUTURE FILINGS.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Salevao Asifoa

Salevao Asifoa, Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that this 9th day of April, 2024

☒ The foregoing Notice of Department Reassignment was electronically served to all registered parties for case number A-23-879938-C.

/s/ Salevao Asifoa

Salevao Asifoa, Deputy Clerk of the Court



ERR

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
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Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. XXVIII

NOTICE OF ERRATA RE:
DECLARATION OF BRITTANI M.
HOLT IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS'
SPECIAL MOTION TO DISMISS
PLAINTIFFS' SLAPP SUIT PURSUANT
TO NRS 41.660

Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center hereby file this Errata to correct the Declaration of Brittani Holt filed in the above-captioned matter on January 18, 2024, attached to Plaintiffs' Opposition to Defendants' Southern Nevada Association of Pride, Inc. d/b/a Las Vegas Pride, Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc., Las Vegas TransPride, Brady McGill, and Sean Vangorder's Special Motion to Dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 (ANTI-SLAPP), and Request for Attorney Fees, Costs, and Damages Pursuant to NRS 41.670. Ms. Holt's declaration in support of that Opposition did not specify that it was made under penalty of perjury. Attached as **Exhibit 1** to this notice of errata is a version of Ms. Holt's declaration made under penalty of perjury. Aside from the inclusion of this language

and the date on which it is signed, the attached declaration is identical to Ms. Holt's January 18, 2024, declaration.

Dated: April 12, 2024.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

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Christopher Davin, Trevor Harder,

and Henderson Equality Center

Case No. A-23-879938-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on April 12, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Alex J. Shepard

ALEX J. SHEPARD

EXHIBIT 1

Corrected Declaration of
Brittani Holt

DECL

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Attorneys for Plaintiffs
 Christopher Davin, Trevor Harder,
 and Henderson Equality Center

**DISTRICT COURT
 CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

 Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
 OF PRIDE, INC. DBA LAS VEGAS
 PRIDE**, et. al.,

 Defendants.

Case No. A-23-879938-C

Dept. XXVIII

**DECLARATION OF
 BRITTANI M. HOLT**

I, Brittani M. Holt, hereby declare:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have knowledge of the facts set forth herein, and if called as a witness, I could and would testify thereto.

2. I am a Paralegal employed at the law firm of Randazza Legal Group, PLLC ("RLG"), counsel for Plaintiffs in the above-captioned matter.

3. I submit this declaration in support of Plaintiffs' Opposition (the "Opposition") to Defendants' Southern Nevada Association of Pride, Inc. D/B/A Las Vegas Pride ("Vegas PRIDE"), Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc. ("Sin Sity Sisters"), Las Vegas TransPride, Brady McGill, and Sean Vangorder's Special Motion to Dismiss Plaintiffs' SLAPP

Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees, Costs, and Damages Pursuant to 41.670 (the "Motion"), filed herewith.

4. On January 16, 2024, at approximately 2:45 p.m., while at the Randazza Legal Group, PLLC office and using the Google Chrome browser on a MacBook Air laptop, I visited Defendant Las Vegas PRIDE's website at the URL: <https://lasvegaspride.org/>. I then clicked on the Press tab and accessed the April 20, 2023, Press Release cited in the Complaint, located at the URL: <https://lasvegaspride.org/2023/04/25/christopher-chris-davin-trevor-harder/>. Immediately after visiting this page, I created a printout of it using the Google Chrome browser's "print to PDF" function. A true and correct copy of the PDF is attached to the Opposition as **Exhibit 1**.

5. On January 16, 2024, at approximately 2:45 p.m., while at the Randazza Legal Group, PLLC office and using the Google Chrome browser on a MacBook Air laptop, I clicked the link within the April 20, 2023, Press Release, at the URL: <https://www.lasvegaspride.org/docs/2021-08-11-ClosedSession.pdf> for the August 11, 2021, closed meeting minutes for Las Vegas PRIDE. Immediately after visiting this page, I created a printout of the meeting minutes using the Google Chrome browser's "print to PDF" function. A true and correct copy of the PDF is attached to the Opposition as **Exhibit 2**.

6. On January 15, 2024, at approximately 5:54 p.m., while at my home and using the Google Chrome browser on a MacBook Air laptop, I visited the United States Patent and Trademark Office's website, and entered US Registration No. 6,976,120 into the search bar at the URL: https://tsdr.uspto.gov/#caseNumber=6,976,120&caseSearchType=US_APPLICATION&caseType=DEFAULT&searchType=documentSearch. Immediately after visiting this page, I clicked on the Documents tab, and created a printout of the Registration Certificate for the HENDERSON PRIDE FEST trademark using the Google Chrome browser's "print to PDF" function. A true and correct copy of this PDF is attached to the Opposition as **Exhibit 4**.

7. On January 15, 2024, at approximately 6:03 p.m., while at my home and using the Google Chrome browser on a MacBook Air laptop, I visited the Nevada Secretary of State's

website, entered “Henderson Pride Fest” into the Business Entity and Mark search bar at the URL: <https://esos.nv.gov/EntitySearch/OnlineBusinessAndMarkSearchResult>. Immediately after visiting this page, I clicked on each of the three listed results, and created a printout of each using the Google Chrome browser's "print to PDF" function. A true and correct copy of each PDF is attached to the Opposition as **Exhibit 5**.

8. On January 15, 2024, at approximately 6:20 p.m., while at my home and using the Google Chrome browser on a MacBook Air laptop, I visited the United States Patent and Trademark Office's website and entered “Henderson Pride” into the Trademark search bar at the URL: <https://tmsearch.uspto.gov/search/search-results>. Immediately after visiting this page, I clicked on the wordmark "Henderson Pride" for which the International Cultural Movement for Equality filed an application, clicked on the Status tab, and created a printout of the mark information using the Google Chrome browser's "print to PDF" function. A true and correct copy of the PDF is attached to the Opposition as **Exhibit 8**.

9. On January 16, 2024, at approximately , while at the Randazza Legal Group, PLLC office and using the Google Chrome browser on a MacBook Air laptop, I visited Defendant Sean Vangorder's Facebook profile page at the URL: <https://www.facebook.com/SeanVanGorder> and attempted to find the Facebook post cited in the Complaint and in the Motion. I was not able to find this post, however, meaning it is not publicly available.

10. On January 17, 2024, at approximately 2:30 p.m., while at the Randazza Legal Group, PLLC office and using the Google Chrome browser on a MacBook Air laptop, I visited Google.com, and entered the email address "gusruizphit@gmail.com" into the search bar. This produced several search results, including one for the website <fiverr.com>. Immediately after viewing these search results, I created a printout of them using the Google Chrome browser's "print to PDF" function. I then visited the search result for the <fiverr.com> website, located at the URL: https://www.fiverr.com/noor_fatima9800/do-data-entry-data-collection-web-research. Immediately after visiting this page, I created a printout of it using the Google Chrome browser's "print to PDF" function. This page contained an image of a <fiverr.com> spreadsheet for email

addresses associated with a "FITNESS NICHE," which includes the email address <gusruizphit@gmail.com>. Immediately after viewing this image of the spreadsheet, I created a printout of it using the Google Chrome browser's "print to PDF" function. A true and correct copy of these PDFs for the Google search results, the <fiverr.com> page, and the image of the <fiverr.com> spreadsheet are attached to the Opposition as **Exhibit 10**.

11. On January 15, 2024, at approximately 6:51 p.m., while at my home and using the Google Chrome browser on a MacBook Air laptop, I visited the website <archive.org>'s Wayback Machine, which archives screenshots of various web pages taken at various times, and searched for archived versions of the Board meeting minutes for Las Vegas PRIDE, at the URL: <https://lasvegaspride.org/about/meeting-minutes/>. I then reviewed the archived versions of this webpage for various dates from August 11, 2021, to April 20, 2023. None of these archived screenshots showed that the minutes for the closed meeting on August 11, 2021, were accessible. To provide an exemplar of these archived pages, I created a printout of the April 2, 2023, archived version of this webpage, located at the URL: <https://web.archive.org/web/20230402001726/https://lasvegaspride.org/about/meeting-minutes/>, using the Google Chrome browser's "print to PDF" function. A true and correct copy of the PDF is attached to the Opposition as **Exhibit 14**.

12. On January 17, 2024, at approximately 2:45 p.m., while at the Randazza Legal Group, PLLC office and using the Google Chrome browser on a MacBook Air laptop, I visited Gustavo Davis's Instagram profile page at the URL: <https://www.instagram.com/fitnessbygustavo/>. Immediately after visiting this page, I created a printout of the profile page using the Google Chrome browser's "print to PDF" function. A true and correct copy of the PDF is attached to the Opposition as **Exhibit 15**.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 12, 2024.

/s/ Brittani M. Holt

Brittani M. Holt

**DISTRICT COURT
CLARK COUNTY, NEVADA****Intentional Misconduct****COURT MINUTES****April 16, 2024**

A-23-879938-C

Christopher Davin, Plaintiff(s)
vs.
Southern Nevada Association of Pride, Inc,
Defendant(s)

Department 7**April 16, 2024****09:00 AM****All Pending Motions****HEARD BY:** Pieper, Danielle**COURTROOM:** RJC Courtroom 05B**COURT CLERK:** Gutierrez, Kimberly**RECORDER:** Ray, Stacey**REPORTER:****PARTIES PRESENT:****Brady McGill****Defendant****Joel Z. Schwarz****Attorney for Defendant****JOURNAL ENTRIES**

DEFENDANTS' SOUTHERN NEVADA ASSOCIATION OF PRIDE, INC. D/B/A LAS VEGAS PRIDE, HOLY ORDER SIN SITY SISTERS OF PERPETUAL INDULGENCE, INC., AND SEAN VANGORDER'S SPECIAL MOTION TO DISMISS PLAINTIFFS' SLAPP SUIT PURSUANT TO NRS 41.660 (ANTI-SLAPP), AND REQUEST FOR ATTORNEY FEES, COSTS, AND DAMAGES PURSUANT TO 41.670...DEFENDANTS GARY COSTA AND GOLDEN RAINBOW OF NEVADA, INC'S SPECIAL MOTION TO DISMISS PER NEVADA'S ANTI-SLAPP PROVISIONS, NRS 41.635 ET. SEQ.

ALSO PRESENT: Alex Shepard, Esq. appeared on behalf of the Plaintiffs; Joseph Nold, Esq. appeared on behalf of Defendant, Sean Vangorder; Peter Pratt, Esq. appeared on behalf of Defendants Golden Rainbow of Nevada, Inc. and Gary Costa.

Arguments on the merits of and opposition to the motions, presented by counsel. Court noted the relative statute as to posting comments in a public forum, as it relates to discourse and ORDERED, Defendants' Southern Nevada Association Of Pride, Inc. D/B/A Las Vegas Pride, Holy Order Sin Sity Sisters Of Perpetual Indulgence, Inc., And Sean Vangorder's Special Motion To Dismiss Plaintiffs' Slapp Suit Pursuant To NRS 41.660 (Anti-Slapp), And Request For Attorney Fees, Costs, And Damages Pursuant To 41.670 Defendants Gary Costa And Golden Rainbow Of Nevada, Inc's Special Motion To Dismiss Per Nevada's Anti-Slapp Provisions, NRS 41.635 Et. Seq., both UNDER ADVISEMENT; a Decision, WILL ISSUE.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct**COURT MINUTES****May 03, 2024**

A-23-879938-C Christopher Davin, Plaintiff(s)
 vs.
 Southern Nevada Association of Pride, Inc,
 Defendant(s)

May 03, 2024 10:30 AM Minute Order

HEARD BY: Pieper, Danielle**COURTROOM:** Chambers**COURT CLERK:** Kimberly Gutierrez

JOURNAL ENTRIES

- This matter came before the Court on April 16, 2024, for Defendants Gary Costa and Golden Rainbow of Nevada Inc.'s Special Motion to Dismiss Per Nevada's ANTI-SLAPP Provisions, NRS 41.635, Et. Seq. and Defendants Southern Nevada Association of Pride, Inc. D/B/ A Las Vegas Pride, Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc., and Sean Vangorder's Special Motion to Dismiss Plaintiffs' Slapp Suit Pursuant to NRS 41.660 (Anti-Slapp), and Request for Attorney Fees, Costs, and Damages Pursuant to 41.670. After considering the motions, supporting documents, legal arguments, and relevant case law, the Court hereby issues the following findings: Plaintiffs, Christopher Davin and Trevor Harden, both individuals, and Henderson Equality Center, a Nevada non-profit corporation, filed a defamation lawsuit against the above named Defendants. Plaintiff dismissed an additional six Defendants with another four Defendants set for Plaintiffs' Notice of Intent to Seek Default.

As a preliminary matter, the Court considered the allegations in the complaint, the supporting documentation and evidence provided to the Court thus far. In doing so, the Court finds Defendant Costa made no statement about Plaintiff Henderson Equality Center. Additionally, Plaintiffs never argued Defendant Costa defamed Henderson Equality Center, nor have Plaintiffs provided any evidence to support a defamation claim against Defendant Costa or Defendant Golden Rainbow. The Court finds Plaintiffs have not alleged any actions or claims against Defendant Henderson Equality Center that would justify the instant lawsuit, and accordingly, the Court dismisses Henderson Equality Center pursuant to NRCP 12(b)(5). For that reason, COURT ORDERED, the claims against Mr. Costa and Golden Rainbow brought forth by Henderson Equality Center are DISMISSED.

The Court notes the below analysis applies to Defendants Gary Costa and Golden Rainbow of Nevada, Inc.

The Court first addresses the issue in the ANTI-SLAPP motion. The Court must address whether or not the statements made by Defendant Costa in an email on May 3, 2023, were defamatory. The Court must look at whether Defendant Costa's statements were made in a public forum, were of public interest and were truthful or Defendant Costa's mere opinions.

Moreover, when considering Defendant Costa and Golden Rainbow's Motion, the Court applies the below analysis to the *independent* actions of Mr. Costa and the *independent* actions, if any, of Golden Rainbow. The Court was certainly mindful of the fact Mr. Costa is the executive director of Golden Rainbow of Nevada, Inc., but nonetheless, the Court was careful in its analysis as to each of the Defendant's individual actions.

The Court has considered Defendants' Motion to Dismiss under Nevada's anti-SLAPP statutes, NRS 41.660 et seq., and applies the two-pronged analysis outlined herein.

As to the first prong, the Court must determine whether the statements were of the public interest and whether the statements were truthful or opinion-based. The Court finds that the statements made by Defendant Costa were of public interest. Defendant Costa's statements were disseminated to the LGBTQIA2+ Connect group, a public *coalition* discussing LGBTQ+ community issues. The Court notes the subscriber list, just for Golden Rainbow alone, is comprised of more than two thousand people. The Court finds that this group constitutes a public forum. The Court looks to precedent recently set forth by the Nevada Supreme Court in *Kosor v. Olympia Companies*, regarding the issue of what constitutes a public forum. In making this determination, the Court first analyzed traditional characteristics of public forums, specifically: whether the email server was compatible with expressive activity, and the extent to which the server allowed free interaction between the person posting the message and the constituent commentators. In the instant case, the Court finds the LGBTQIA2+ Connect group is a coalition of local leaders and organizations that meet regularly to discuss pertinent issues within the local LGBTQ+ community. While the Court acknowledges Defendant's position there were only 44 emails on the thread, the Court finds that this figure does not represent the actual reach of the group. Considering the fact LGBTQIA2+ Connect meet regularly, and that the group does not deny anyone's entry to said meetings, the Court finds the email server represents a public forum in which information about the LGBTQ issues and concerns are freely exchanged and disseminated to the broader community. See *Kosor v. Olympia Companies*, 136 Nev. 705, 478 P.3d 390 (2020).

Additionally, the Court finds the arguments set forth in the motion compelling, and therefore, has determined the statements were either truthful or expressions of valid opinion, both of which are protected under the First Amendment. The Court does not find Golden Rainbow acted on behalf of the organization in any private capacity within the Connect group.

The Court notes Defendant Costa's statements were based on his observations and experiences within the LGBTQ+ community. Defendant Costa formed his opinion of Plaintiffs from the years of witnessing Plaintiffs' unethical behavior and from publically available information. The Court notes,

an opinion based on truth is not a basis for a defamation claim, as long as it is based on true and public information, and an evaluative opinion conveys “the publisher's judgment as to the quality of another's behavior and, as such, it is not a statement of fact.” *Lubin v. Kunin*, 117 Nev. 107, 112, 17 P.3d 422, 426 (2001).

Therefore, the Court cannot invalidate Defendant Costa’s opinions, based on his own experiences and experience in the way in which Plaintiffs treats others. Likewise, the Court cannot make the determination that Defendant Costa took these things “personally,” and therefore, crafted a personal vendetta/smear campaign. The Court looks to the speech, and determines whether or not it is defamatory or whether it is protected. The Court finds that the speech in this case is protected speech, as it is directly related to the experiences Defendant Costa endured throughout years of interactions and opinion-forming of Plaintiffs. In a defamation action, “it is not the literal truth of ‘each word or detail used in a statement which determines whether or not it is defamatory; rather, the determinative question is whether the “gist or sting” of the statement is true or false.’” *See Rosen v. Tarkanian*, 135 Nev. 436, 441, 453 P.3d 1220, 1224 (2019) citing *Oracle USA, Inc. v. Rimini St., Inc.*, 6 F. Supp. 3d 1108, 1131 (D. Nev. 2014). Thus, for Plaintiffs to ask the Court to infer any underlying personal dispute as underlying motivation for its decision, is a complete abuse of this Court’s discretion when deciding such matters. The Court emphasizes that the precedent in Nevada is clear: statements of opinion are protected speech under the First Amendment of the United States Constitution and are not actionable at law. *See Nevada Ind. Broadcasting*, 99 Nev. at 410, 664 P.2d at 341–42.

When determining whether or not each one of Defendants’ statements constitute fact or opinion, the Court again looks to Nevada precedent. That is, “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 410, 664 P.2d at 342. 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) (internal quotation marks omitted), statements of opinion are statements made without knowledge of their falsehood under Nevada's anti-SLAPP statutes. *Abrams v. Sanson*, 136 Nev. 83, 89, 458 P.3d 1062, 1068 (2020).

The Court reviewed every statement made by Defendant Costa regarding the security threats and pattern of bullying, and the Court finds evidence supported each of these statements and/or these statements were based on Defendant Costa’s valid opinion. As explained in his supplemental declaration and further expanded upon at oral argument, Defendant Costa witnessed bad actors inside and outside the LGBTQ+ community for four decades, and based on his own experience, he knows what constitutes bullying and harassing behavior. Moreover, the Court finds there was no compelling evidence presented by Plaintiffs to rebut the fact that, at the very least, Defendant Costa made these statements without knowledge of their falsehood.

As such, the Court finds Defendant Costa and Golden Rainbow have both satisfied their burden under the first prong in the ANTI-SLAPP analysis.

As to the second prong, the probability Plaintiffs will prevail on their claim, the Court notes Plaintiffs,

as public figures, must prove by clear and convincing evidence that the statements were made with actual malice. *Wynn v. Associated Press*, 140 Nev. Adv. Op. 6, 542 P.3d 751, 756 (2024) citing *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 719, 57 P.3d 82, 90 (2002). The Court finds Plaintiffs have failed to meet this burden and have not provided sufficient evidence to substantiate these claims. A public figure plaintiff can prevail on an anti-SLAPP special motion to dismiss by putting forth only minimal evidence of actual malice. The statutes' mechanism for providing an early and expeditious resolution of meritless claims would be rendered ineffectual. *Id.*

For the reasons set forth above, the Court finds Defendant Costa's statements in his May 3, 2023, email are not defamatory, and thus, are protected under Nevada's anti-SLAPP statutes. Accordingly, the Court finds that both Defendants Costa and Golden Rainbow met their burden under the first prong of the anti-SLAPP analysis showing that his statements were an issue of public interest, made in a public forum, and were true or based on his valid opinion. Additionally, Plaintiffs failed to provide any evidence of their probability of prevailing on their claims. Thus, Plaintiffs failed to satisfy their burden under the second prong. As such, Defendants Gary Costa and Golden Rainbow of Nevada, Inc.'s Special Motion to Dismiss Per Nevada's ANTI-SLAPP Provisions, NRS 41.635, ET. Seq is hereby GRANTED. The Court will require additional briefing as to attorney fees and costs. Next, the Court looks to the Motion to Dismiss filed by Defendants Southern Nevada Association of Pride (Las Vegas Pride), Brady McGill, and Sean Vangorder. The Court notes Holy Order Sin Sity Sisters of Perpetual Indulgence, Inc., and Las Vegas TransPride claims were dismissed without prejudice in Plaintiffs' December 19, 2023 filing.

The Court finds Plaintiffs' Complaint against the aforementioned Defendants included allegations of defamation, false light, tortious interference, civil conspiracy, and other various claims, all of which Plaintiffs contended arose from a Press Release issued by Defendant Las Vegas Pride. Defendants have moved to dismiss the complaint under Nevada's anti-SLAPP laws, arguing that their statements were made in good faith, in furtherance of the right to free speech on matters of public concern. Here, the Court looks at Nevada's anti-SLAPP statutes codified as NRS 41.660 et seq. These statutes provide a mechanism for the expedited dismissal of lawsuits that target the exercise of constitutionally protected rights, such as the right to free speech. Pursuant to NRS 41.660(3)(a), a defendant may file a special motion to dismiss if they can demonstrate, 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.

As a preliminary matter, the Court is careful to note the Press Release by Las Vegas Pride addresses Plaintiffs distinctly as individuals. As to the harassment of community members and former board members, only Plaintiff Davin was addressed. Plaintiff Harder was mentioned twice in the Press Release. Once in the vote of "no" confidence from the Las Vegas Pride's Board of Directors minutes and the other time in the section which sought additional comments from the Las Vegas Pride's constituents on experiences with Plaintiff. The Press Release was published by Las Vegas Pride and not any other named Defendants. Moreover, at no time is Plaintiff Henderson Equity Center named nor mentioned.

Again, the Court must conduct the two-prong analysis under Nevada's Anti-SLAPP laws to determine if dismissal is appropriate.

As to the first prong, the Court considers whether or not Defendants have met their burden of demonstrating the good faith communication on matters of public concern. Here, the Defendants asserted their statements in the Press Release were made in good faith and in furtherance of the right to free speech on matters of public concern, particularly regarding the LGBTQ+ community in Las Vegas. The Court finds Defendants' arguments are supported by a preponderance of evidence, showing that the communication was made in good faith. In making this determination, the Court looks to the precedent set forth in *Rosen v. Tarkanian*, where the Nevada Supreme Court held that the determination of whether a communication is made in good faith and in furtherance of the right to free speech depends on whether the "gist or sting" of the statement is true or false. Furthermore, NRS 41.637 requires that the communication be "truthful or is made without knowledge of its falsehood." *Rosen v. Tarkanian*, 135 Nev. 436, 453 P.3d 1220 (2019). The Court finds Defendants provided declarations and exhibits to support their assertion that the Press Release addressed issues of public concern and was made in good faith. The Court emphasizes it is not just the declarations attesting to the truthfulness of the statements made in the Press Release, but the actions and interactions of the Las Vegas Pride constituents. Defendants showed through supporting documentation, including emails and social media posts how Plaintiffs were perceived in the LGBTQ+ community. The Court finds Defendants' actions were in direct response to a genuine concern for the LGBTQ+ community in Las Vegas.

Illustrative of Plaintiff Davin's behavior was the email sent to Defendant Brady on April 8, 2023. Plaintiff Davin not only asked Las Vegas Pride Magazine to remove page 47, but also told Defendant Brady there was a trademark infringement in page 47. Plaintiff Davin then goes a step further and demands page 47 be removed or legal action will be taken. Plaintiff Davin then goes another step and tells Defendant Brady he has already successfully sued for this type of trademark infringement and that he has the money to protect [his] Trademark.

Thereafter, Plaintiffs took issue with the Las Vegas Pride Facebook page. It is uncontested Facebook took action against Las Vegas Pride by deactivating their account and removing posts and photos which promoted community events. The Court does not speculate whether or not the trademark infringement actions by Facebook were legal. Rather, the Court focuses its analysis on whether Las Vegas Pride's actions were reasonable in their concern for their organization; and whether their organization were at risk of additional harm and loss. Thus, the Court finds Las Vegas Pride acted as a reasonable organization would. Las Vegas Pride has represented to Plaintiffs prior to this lawsuit, and now to this Court, their belief their organization was at risk of unlawful interference. While the Court recognized Plaintiffs' argument that they believe they had a legal basis in confronting Defendants, the Court finds Las Vegas Pride has provided substantial evidence to support how Plaintiffs' actions made the risks to Defendants all the more tangible. The Court finds that Plaintiffs' challenges were made material when Defendants' accounts were compromised. Moreover, Defendants' accounts were compromised both internally, with regard to their organization's servers;

and externally – with regard to their Facebook account, both of which directly affected their constituents. In other words, the Court finds that Defendants had reason to believe their organization were at the mercy of Plaintiffs’ actions, and that Defendants acted in a reasonable manner when attempting to rectify any damage done to their organization and the constituents they represent.

The Court next moves on to Plaintiff Davin’s access to sensitive information and data from Las Vegas Pride, which he used without permission to benefit his organization. Defendants again have provided the Court with striking evidence in support of this issue. The Court notes that the communications regarding prohibited access to sensitive information was prior to the Board of Director’s meeting on August 11, 2021. In the August 11, 2021 vote, the Board voted unanimously to remove Plaintiff Davin from his position on the Board due to his violation of Las Vegas Pride’s Bylaws Section 7.1 and Bylaws Section 7.2. See “*Minutes of the Las Vegas PRIDE Board – Closed Session.*” August 11, 2021. The Court notes Defendant Harder also resigned from his position on the Board on August 11, 2021.

Thus, the Court finds Defendants have provided substantial evidence to support their concerns regarding Plaintiffs’ activities. This is evidenced by the numerous members within the LGBTQ community who reported incidents with Plaintiffs. The Court finds these constituents reported, based on their own experiences, what they opined to be bullying, threats, and/or unethical business activities by Plaintiffs.

The Court finds the Press Release was made in a public forum. The Court looks to precedent recently set forth by the Nevada Supreme Court in *Kosor v. Olympia Companies*, regarding the issue of what constitutes a public forum. In making this determination, the Court first analyzed traditional characteristics of public forums, specifically: whether the site was compatible with expressive activity, and the extent to which the site allowed free interaction between the poster and constituent commentators. In the instant case, the Court finds that the Press Release undoubtedly allowed for this interaction as the Press Release, on its face, was indicative of its aim to promote and protect the LGBTQ community. See *Kosor v. Olympia Companies*, 136 Nev. 705, 478 P.3d 390 (2020). An excerpt from the Press Release reads as follows:

For 40 years, Las Vegas PRIDE has fostered strong working relationships with local and national community-serving organizations. Las Vegas PRIDE takes direct threats to our Board Members and attacks on our organization by Mr. Davin and Mr. Harder seriously. Bullying actions of these individuals will not be tolerated, and we encourage the community and our allies to assess their relationships and partnerships through the lens of integrity and professionalism. These are the criteria by which our current and future partnerships will be evaluated. We encourage our community to adopt a zero-tolerance for bullying and violence, no matter the source. Las Vegas PRIDE exists to uplift our community and celebrate our achievements. This Board feels strongly that we must offer our help, love, and support to others who work within the organization(s) represented by both Mr. Davin and Mr. Harder. While we have no direct knowledge

or contact with others within these organization(s), Las Vegas PRIDE maintains an open line for communication and resolution for others who wish to discuss this topic.

Here, the Court, following *Olympia*, was careful to tailor the scope of the public forum in question narrowly. The Court used the same traditional public forum principles, and finds that the website of the Press Release, as well as its respective social media accounts were an interactive space recognized by law as a public forum. The Court makes this finding considering the website itself included an invitation to discuss, included a contact to a Las Vegas Pride representative's email address, and provided direct links for an individual to share the content. This supported the conclusion that the post at issue created a forum for citizen involvement by automatically allowing one to add one's own insight and directly interact with others. The Court finds the social media websites allowed interactive commentary and engagement. See *Knight First Amendment Inst. at Columbia Univ. v. Trump*, 302 F. Supp. 3d 541, 574 (S.D.N.Y. 2018). See also *City of Madison Joint Sch. Dist. No. 8 v. Wis. Emp't Relations Comm'n*, 429 U.S. 167, 175, 97 S.Ct. 421, 50 L.Ed.2d 376 (1976); See also *Page v. Lexington Cty. Sch. Dist. One*, 531 F.3d 275, 284-85 (4th Cir. 2008).

Accordingly, the Court finds Defendants have met the first prong. Thus, the burden shifts to Plaintiffs to demonstrate, with prima facie evidence, a probability of prevailing on the claim. As to the second prong, the Court finds Plaintiffs have failed to provide sufficient evidence to meet this burden. The Court finds the allegations in the Complaint are largely unsupported and rely on speculation, rather than concrete evidence. Furthermore, and perhaps most significant to the Court's ruling, is the fact Plaintiffs have not demonstrated that the statements in the Press Release were false or made with knowledge of their falsehood.

Based on the foregoing analysis, the Court finds Defendants have met their burden under Nevada's Anti-SLAPP statutes by showing by a preponderance of the evidence that the communications at issue were made in good faith and in furtherance of the right to free speech on matters of public concern. In contrast, Plaintiffs have failed to demonstrate a probability of prevailing on their claims. As such, Defendants Southern Nevada Association of Pride, Inc. D/B/A Las Vegas Pride, Holy Order Sin City Sisters of Perpetual Indulgence, Inc., and Sean Vangorder's Special Motion to Dismiss Plaintiffs' Slapp Suit Pursuant to NRS 41.660 (Anti-Slapp) and Request for Attorney Fees is hereby GRANTED. The Court will require additionally briefing as to attorney fees and costs. Defendants to prepare the Order consistent with the Court's ruling, provide to the other parties for review, and submit the same to the Court. Defendants shall submit this order to dc7inbox@clarkcountycourts.us within 14 days pursuant to EDCR 7.21. Additionally, the Court shall set a Status Check: Order Submitted on the Court's Chambers Calendar for May 24, 2024.

Finally, the Court notes for the record that Defendants Nicole Williams and Anthony Cortez have not appeared in this case thus far.

05/24/2024 (CHAMBERS) STATUS CHECK: SUBMITTED ORDER

CLERK'S NOTE: A copy of this Minute Order was electronically served by Courtroom Clerk, Kimberly Gutierrez, to all registered parties for Odyssey File & Serve. /kg (05/03/2024)

Heather S. Smith

CLERK OF THE COURT

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and Brady McGill

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

vs.

SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS PRIDE,
a Nevada nonprofit corporation; HUMAN
RIGHTS CAMPAIGN, INC., a District of
Columbia nonprofit corporation; HOLY
ORDER SIN SITY SISTERS OF
PERPETUAL INDULGENCE, INC., a
Nevada nonprofit corporation;
INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY, a Nevada
non-profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; SOCIAL
INFLUENCE FOUNDATION DBA HOUSE
OF VEGAS PRIDE, a Nevada nonprofit
corporation; and JOHN PHOENIX, APRN,
PLLC DBA HUNTRIDGE FAMILY
CLINIC, a Nevada professional LLC,

Case No. A-23-879938-C
Dept No. 28

**FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER GRANTING
SPECIAL ANTI-SLAPP MOTIONS TO
DISMISS**

1 GOLDEN RAINBOW OF NEVADA, INC.,
2 a Nevada nonprofit corporation, BRADY
3 MCGILL, an individual, NICOLE
4 WILLIAMS, an individual, JOHN PHOENIX,
5 an individual, GARY COSTA, an individual,
6 ANTHONY CORTEZ, an individual, and
7 SEAN VANGORDER, an individual,

Defendants.

8 This matter came on for hearing before the Court on April 16, 2024, on: (1) Defendants Gary
9 Costa and Golden Rainbow of Nevada Inc.'s Special Motion to Dismiss Per Nevada's Anti-SLAPP
10 Provisions, NRS 41.635, et. seq. (the "Golden Rainbow anti-SLAPP Motion"); and Defendants
11 Southern Nevada Association of Pride, Inc. d/b/a Las Vegas Pride, Brady McGill, Holy Order Sin
12 City Sisters of Perpetual Indulgence, Inc., and Sean Vangorder's Special Motion to Dismiss
13 Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees,
14 Costs, and Damages Pursuant to 41.670 (the "Pride anti-SLAPP Motion").

15 Alex J. Shepard of Randazza Law Group, PLLC appeared as counsel for Plaintiffs
16 Christopher Davin ("Davin"), Trevor Harder ("Harder"), and Henderson Equality Center ("HEC,"
17 and together with Davin and Harder, the "Plaintiffs"). Joel Z. Schwarz of Lewis Brisbois Bisgaard
18 & Smith LLP appeared as counsel for Defendants Southern Nevada Association of Pride, Inc. dba
19 Las Vegas Pride ("Las Vegas Pride") and Brady McGill ("McGill," and together with Las Vegas
20 Pride, the "Pride Defendants"). Joseph T. Nold of Accelerated Law Group appeared as counsel for
21 Defendant Sean Vangorder ("Vangorder"). Peter Pratt of Olson Cannon & Gormley appeared on
22 behalf of Defendants Gary Costa ("Costa") and Golden Rainbow of Nevada, Inc. ("Golden
23 Rainbow," and together with Costa, the "Golden Rainbow Defendants").

24 After considering the motions and exhibits thereto, Plaintiffs' oppositions to the motions and
25 exhibits thereto, the replies in support of the motions and exhibits thereto, and Plaintiffs' surreplies;
26 having heard argument of counsel; and good cause appearing, the Court HEREBY FINDS,
27 CONCLUDES, and ORDERS as follows:
28

FINDINGS OF FACT

1. Plaintiffs Christopher Davin and Trevor Harden, both individuals, and Henderson Equality Center, a Nevada non-profit corporation, filed a defamation lawsuit against the above named Defendants.

2. Plaintiffs dismissed an additional six Defendants with another four Defendants set for Plaintiffs' Notice of Intent to Seek Default.

3. There are two remaining Defendants – Nicole Williams and Anthony Cortez – for whom there is no proof of service on file and who have not appeared in the case.

4. Defendants have moved to dismiss the complaint under Nevada's anti-SLAPP laws, arguing that their statements were made in good faith, in furtherance of the right to free speech on matters of public concern.

5. Plaintiffs are public figures.

6. Plaintiffs' claims against Defendants Costa and Golden Rainbow are based upon statements made by Defendant Costa in an email to the LGBTQIA2+ Connect group on May 3, 2023.

7. The Golden Rainbow Defendants made no statement about Plaintiff HEC.

8. Plaintiffs never argued Defendant Costa defamed HEC, nor have Plaintiffs provided any evidence to support a defamation claim against Defendant Costa or Defendant Golden Rainbow.

9. Defendant Costa's statements were based on his observations and experiences within the LGBTQ+ community.

10. Defendant Costa's statements were disseminated to the LGBTQIA2+ Connect group, a public coalition discussing LGBTQ+ community issues.

11. The subscriber list, just for Golden Rainbow alone, is comprised of more than two thousand people.

12. The LBTQIA2+ Connect group is a coalition of local leaders and organizations that meet regularly to discuss pertinent issues within the local LGBTQ+ community.

13. LGBTQIA2+ Connect meets regularly, and the group does not deny anyone's entry to said meetings.

1 14. Golden Rainbow did not act on behalf of the organization in any private capacity
2 within the Connect group.

3 15. Plaintiffs' Complaint against Las Vegas Pride, McGill, and Vangorder includes
4 claims for defamation, false light, tortious interference, civil conspiracy, and other various claims,
5 all of which Plaintiffs contend arose from a Press Release issued by Defendant Las Vegas Pride.

6 16. The Press Release by Las Vegas Pride addresses Plaintiffs distinctly as individuals.

7 17. As to the harassment of community members and former board members discussed
8 in the Press Release, only Plaintiff Davin was addressed.

9 18. Plaintiff Harder was mentioned twice in the Press Release. Once in the vote of "no"
10 confidence from the Las Vegas Pride's Board of Directors minutes and the other time in the section
11 which sought additional comments from the Las Vegas Pride's constituents on experiences with
12 Plaintiff.

13 19. The Press Release was published by Las Vegas Pride and not any other named
14 Defendants.

15 20. Moreover, at no time is Plaintiff HEC named nor mentioned.

16 21. In an August 11, 2021 vote, the Board of Las Vegas Pride voted unanimously to
17 remove Plaintiff Davin from his position on the Board due to his violation of Las Vegas Pride's
18 Bylaws Section 7.1 and Bylaws Section 7.2. *See "Minutes of the Las Vegas PRIDE Board – Closed*
19 *Session."* August 11, 2021.

20 22. Defendant Harder also resigned from his position on the Board on August 11, 2021.

21 23. Numerous members within the LGBTQ community reported incidents with
22 Plaintiffs.

23 24. These constituents reported, based on their own experiences, what they opined to be
24 bullying, threats, and/or unethical business activities by Plaintiffs.

25 CONCLUSIONS OF LAW

26 25. The Court has considered the Golden Rainbow anti-SLAPP Motion and the Pride
27 anti-SLAPP Motion under Nevada's anti-SLAPP statutes, NRS 41.660 *et seq.*

1 26. Under Nevada’s anti-SLAPP statutes, a defendant may file a special motion to
2 dismiss if the defendant can show by a preponderance of the evidence that the claim is based upon
3 a good faith communication made in furtherance of the right to petition or the right to free speech
4 in direct connection with an issue of public concern. If a defendant makes this initial showing, the
5 burden shifts to the plaintiff to show with prima facie evidence a probability of prevailing on the
6 claim. *See Shapiro v. Welt*, 133 Nev. 35, 39, 389 P.3d 262 (2016); *see also* NRS 41.660(3)(a), (b).

7 27. As to the first prong, the Court must determine whether the statements were of the
8 public interest and whether the statements were truthful or opinion-based.

9 28. When determining whether or not each one of Defendants’ statements constitute fact
10 or opinion, the Court again looks to Nevada precedent. That is, “whether a reasonable person would
11 be likely to understand the remark as an expression of the source's opinion or as a statement of
12 existing fact.” *Id.* at 410, 664 P.2d at 342. Because “there is no such thing as a false idea,” *Pegasus*
13 *v. Reno Newspapers, Inc.*, 118 Nev. 706, 714, 57 P.3d 82, 87 (2002) (internal quotation marks
14 omitted), statements of opinion are statements made without knowledge of their falsehood under
15 Nevada's anti-SLAPP statutes. *Abrams v. Sanson*, 136 Nev. 83, 89, 458 P.3d 1062, 1068 (2020).

16 29. As a preliminary matter, the Court considered the allegations in the Plaintiffs’
17 Complaint, the supporting documentation, and evidence provided to the Court thus far.

18 30. The Court finds Defendant Costa made no statement about Plaintiff HEC.
19 Additionally, Plaintiffs never argued Defendant Costa defamed HEC, nor have Plaintiffs provided
20 any evidence to support a defamation claim against the Golden Rainbow Defendants. The Court
21 finds Plaintiffs have not alleged any actions or claims against Plaintiff HEC that would justify the
22 instant lawsuit, and accordingly, the Court dismisses HEC pursuant to NRCP 12(b)(5).

23 31. With respect to the Golden Rainbow Defendants, the Court must address whether or
24 not the statements made by Defendant Costa in an email on May 3, 2023, were defamatory. The
25 Court must look at whether Defendant Costa’s statements were made in a public forum, were of
26 public interest and were truthful or Defendant Costa’s mere opinions.

27 32. Moreover, when considering the Golden Rainbow anti-SLAPP Motion, the Court
28 applies the below analysis to the *independent* actions of Costa and the *independent* actions, if any,

1 of Golden Rainbow. The Court was certainly mindful of the fact Costa is the executive director of
2 Golden Rainbow of Nevada, Inc., but nonetheless, the Court was careful in its analysis as to each of
3 the Defendant's individual actions.

4 33. The statements made by Defendant Costa were of public interest. Defendant Costa's
5 statements were disseminated to the LGBTQIA2+ Connect group, a public *coalition* discussing
6 LGBTQ+ community issues. The Court finds that this group constitutes a public forum.

7 34. The Court looks to precedent recently set forth by the Nevada Supreme Court in
8 *Kosor v. Olympia Companies*, regarding the issue of what constitutes a public forum. In making
9 this determination, the Court first analyzed traditional characteristics of public forums, specifically:
10 whether the email server was compatible with expressive activity, and the extent to which the server
11 allowed free interaction between the person posting the message and the constituent commentators.

12 35. The LBTQIA2+ Connect group is a coalition of local leaders and organizations that
13 meet regularly to discuss pertinent issues within the local LGBTQ+ community. While the Court
14 acknowledges Defendant's position there were only 44 emails on the thread, the Court finds that
15 this figure does not represent the actual reach of the group. Considering the fact LGBTQIA2+
16 Connect meet regularly, and that the group does not deny anyone's entry to said meetings, the
17 Court finds the email server represents a public forum in which information about the LGBTQ
18 issues and concerns are freely exchanged and disseminated to the broader community. *See Kosor*
19 *v. Olympia Companies*, 136 Nev. 705, 478 P.3d 390 (2020).

20 36. Additionally, the Court finds the arguments set forth in the motion compelling, and
21 therefore, has determined the statements were either truthful or expressions of valid opinion, both
22 of which are protected under the First Amendment.

23 37. Defendant Costa's statements were based on his observations and experiences within
24 the LGBTQ+ community. Defendant Costa formed his opinion of Plaintiffs from the years of
25 witnessing Plaintiffs' unethical behavior and from publicly available information.

26 38. An opinion based on truth is not a basis for a defamation claim, as long as it is based
27 on true and public information, and an evaluative opinion conveys "the publisher's judgment as to
28 the quality of another's behavior and, as such, it is not a statement of fact." *Lubin v. Kunin*, 117 Nev.

1 107, 112, 17 P.3d 422, 426 (2001).

2 39. Therefore, the Court cannot invalidate Defendant Costa's opinions, based on his own
3 experiences and experience in the way in which Plaintiffs treats others.

4 40. Likewise, the Court cannot make the determination that Defendant Costa took these
5 things "personally," and therefore, crafted a personal vendetta/smear campaign. The Court looks to
6 the speech, and determines whether or not it is defamatory or whether it is protected. The Court
7 finds that the speech in this case is protected speech, as it is directly related to the experiences
8 Defendant Costa endured throughout years of interactions and opinion-forming of Plaintiffs.

9 41. In a defamation action, "it is not the literal truth of 'each word or detail used in a
10 statement which determines whether or not it is defamatory; rather, the determinative question is
11 whether the "gist or sting" of the statement is true or false.'" *See Rosen v. Tarkanian*, 135 Nev. 436,
12 441, 453 P.3d 1220, 1224 (2019) citing *Oracle USA, Inc. v. Rimini St., Inc.*, 6 F. Supp. 3d 1108,
13 1131 (D. Nev. 2014).

14 42. Thus, for Plaintiffs to ask the Court to infer any underlying personal dispute as
15 underlying motivation for its decision, is a complete abuse of this Court's discretion when deciding
16 such matters. The Court emphasizes that the precedent in Nevada is clear: statements of opinion are
17 protected speech under the First Amendment of the United States Constitution and are not actionable
18 at law. *See Nevada Ind. Broadcasting*, 99 Nev. at 410, 664 P.2d at 341–42.

19 43. The Court reviewed every statement made by Defendant Costa regarding the security
20 threats and pattern of bullying, and the Court finds evidence supported each of these statements
21 and/or these statements were based on Defendant Costa's valid opinion. As explained in his
22 supplemental declaration and further expanded upon at oral argument, Defendant Costa witnessed
23 bad actors inside and outside the LGBTQ+ community for four decades, and based on his own
24 experience, he knows what constitutes bullying and harassing behavior.

25 44. Moreover, the Court finds there was no compelling evidence presented by Plaintiffs
26 to rebut the fact that, at the very least, Defendant Costa made these statements without knowledge
27 of their falsehood.

1 45. As such, the Court finds the Golden Rainbow Defendants have satisfied their burden
2 under the first prong in the anti-SLAPP analysis.

3 46. As to the second prong, the probability Plaintiffs will prevail on their claim, the Court
4 notes Plaintiffs, as public figures, must prove by clear and convincing evidence that the statements
5 were made with actual malice. *Wynn v. Associated Press*, 140 Nev. Adv. Op. 6, 542 P.3d 751, 756
6 (2024) citing *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 719, 57 P.3d 82, 90 (2002).

7 47. The Court finds Plaintiffs have failed to meet this burden and have not provided
8 sufficient evidence to substantiate these claims. A public figure plaintiff cannot prevail on an anti-
9 SLAPP special motion to dismiss by putting forth only minimal evidence of actual malice. The
10 statutes' mechanism for providing an early and expeditious resolution of meritless claims would be
11 rendered ineffectual. *Id.*

12 48. For the reasons set forth above, the Court finds Defendant Costa's statements in his
13 May 3, 2023, email are not defamatory, and thus, are protected under Nevada's anti-SLAPP statutes.

14 49. Accordingly, the Court finds that the Golden Rainbow Defendants met their burden
15 under the first prong of the anti-SLAPP analysis showing that Costa's statements were an issue of
16 public interest, made in a public forum, and were true or based on his valid opinion.

17 50. Additionally, Plaintiffs failed to provide any evidence of their probability of
18 prevailing on their claims. Thus, Plaintiffs failed to satisfy their burden under the second prong.

19 51. Next, the Court looks to the Pride anti-SLAPP Motion, filed by the Pride Defendants
20 and Vangorder.¹

21 52. Again, the Court must conduct the two-prong analysis under Nevada's Anti-SLAPP
22 laws to determine if dismissal is appropriate.

23 53. As to the first prong, the Court considers whether or not Defendants have met their
24 burden of demonstrating the good faith communication on matters of public concern.
25
26

27 ¹ The Court notes Holy Order Sin City Sisters of Perpetual Indulgence, Inc., and Las Vegas
28 TransPride claims were dismissed without prejudice in Plaintiffs' December 19, 2023 filing.

1 54. Here, the Defendants asserted their statements in the Press Release were made in
2 good faith and in furtherance of the right to free speech on matters of public concern, particularly
3 regarding the LGBTQ+ community in Las Vegas. The Court finds Defendants' arguments are
4 supported by a preponderance of evidence, showing that the communication was made in good faith.

5 55. In making this determination, the Court looks to the precedent set forth in *Rosen v.*
6 *Tarkanian*, where the Nevada Supreme Court held that the determination of whether a
7 communication is made in good faith and in furtherance of the right to free speech depends on
8 whether the "gist or sting" of the statement is true or false. Furthermore, NRS 41.637 requires that
9 the communication be "truthful or is made without knowledge of its falsehood." *Rosen v. Tarkanian*,
10 135 Nev. 436, 453 P.3d 1220 (2019).

11 56. The Court finds Defendants provided declarations and exhibits to support their
12 assertion that the Press Release addressed issues of public concern and was made in good faith. The
13 Court emphasizes it is not just the declarations attesting to the truthfulness of the statements made
14 in the Press Release, but the actions and interactions of the Las Vegas Pride constituents. Defendants
15 showed through supporting documentation, including emails and social media posts how Plaintiffs
16 were perceived in the LGBTQ+ community. The Court finds Defendants' actions were in direct
17 response to a genuine concern for the LGBTQ+ community in Las Vegas.

18 57. Illustrative of Plaintiff Davin's behavior was the email sent to Defendant McGill on
19 April 8, 2023. Plaintiff Davin not only asked Las Vegas Pride Magazine to remove page 47, but also
20 told Defendant McGill there was a trademark infringement in page 47. Plaintiff Davin then goes a
21 step further and demands page 47 be removed or legal action will be taken. Plaintiff Davin then goes
22 another step and tells Defendant McGill he has already successfully sued for this type of trademark
23 infringement and that he has the money to protect [his] Trademark.

24 58. Thereafter, Plaintiffs took issue with the Las Vegas Pride Facebook page. It is
25 uncontested Facebook took action against Las Vegas Pride by deactivating its account and removing
26 posts and photos which promoted community events. The Court does not speculate whether or not
27 the trademark infringement actions by Facebook were legal. Rather, the Court focuses its analysis on
28 whether Las Vegas Pride's actions were reasonable in their concern for their organization; and

1 whether their organization were at risk of additional harm and loss. Thus, the Court finds Las Vegas
2 Pride acted as a reasonable organization would. Las Vegas Pride has represented to Plaintiffs prior
3 to this lawsuit, and now to this Court, its belief their organization was at risk of unlawful interference.

4 59. While the Court recognizes Plaintiffs' argument that they believe they had a legal
5 basis in confronting Defendants, the Court finds Las Vegas Pride has provided substantial evidence
6 to support how Plaintiffs' actions made the risks to Defendants all the more tangible. The Court finds
7 that Plaintiffs' challenges were made material when Defendants' accounts were compromised.
8 Moreover, Defendants' accounts were compromised both internally, with regard to their
9 organization's servers; and externally – with regard to their Facebook account, both of which directly
10 affected their constituents. In other words, the Court finds that Defendants had reason to believe
11 their organization were at the mercy of Plaintiffs' actions, and that Defendants acted in a reasonable
12 manner when attempting to rectify any damage done to their organization and the constituents they
13 represent.

14 60. The Court next moves on to Plaintiff Davin's access to sensitive information and
15 data from Las Vegas Pride, which he used without permission to benefit his organization.
16 Defendants again have provided the Court with striking evidence in support of this issue. The Court
17 notes that the communications regarding prohibited access to sensitive information was prior to the
18 Board of Director's meeting on August 11, 2021. In the August 11, 2021 vote, the Board voted
19 unanimously to remove Plaintiff Davin from his position on the Board due to his violation of Las
20 Vegas Pride's Bylaws Section 7.1 and Bylaws Section 7.2. *See "Minutes of the Las Vegas PRIDE*
21 *Board – Closed Session."* August 11, 2021. The Court notes Defendant Harder also resigned from
22 his position on the Board on August 11, 2021.

23 61. Thus, the Court finds Defendants have provided substantial evidence to support their
24 concerns regarding Plaintiffs' activities. This is evidenced by the numerous members within the
25 LGBTQ community who reported incidents with Plaintiffs. The Court finds these constituents
26 reported, based on their own experiences, what they opined to be bullying, threats, and/or unethical
27 business activities by Plaintiffs.

1 62. The Court finds the Press Release was made in a public forum. The Court looks to
2 precedent recently set forth by the Nevada Supreme Court in *Kosor v. Olympia Companies*,
3 regarding the issue of what constitutes a public forum. In making this determination, the Court first
4 analyzed traditional characteristics of public forums, specifically: whether the site was compatible
5 with expressive activity, and the extent to which the site allowed free interaction between the poster
6 and constituent commentators.

7 63. In the instant case, the Court finds that the Press Release undoubtedly allowed for
8 this interaction as the Press Release, on its face, was indicative of its aim to promote and protect the
9 LGBTQ community. *See Kosor v. Olympia Companies*, 136 Nev. 705, 478 P.3d 390 (2020).

10 64. An excerpt from the Press Release reads as follows:

11 For 40 years, Las Vegas PRIDE has fostered strong working relationships with local
12 and national community-serving organizations. Las Vegas PRIDE takes direct
13 threats to our Board Members and attacks on our organization by Mr. Davin and Mr.
14 Harder seriously. Bullying actions of these individuals will not be tolerated, and we
15 encourage the community and our allies to assess their relationships and partnerships
16 through the lens of integrity and professionalism. These are the criteria by which our
17 current and future partnerships will be evaluated. We encourage our community to
18 adopt a zero-tolerance for bullying and violence, no matter the source.

19 Las Vegas PRIDE exists to uplift our community and celebrate our achievements. This
20 Board feels strongly that we must offer our help, love, and support to others who work
21 within the organization(s) represented by both Mr. Davin and Mr. Harder. While we
22 have no direct knowledge or contact with others within these organization(s), Las
23 Vegas PRIDE maintains an open line for communication and resolution for others
24 who wish to discuss this topic.

25 65. Here, the Court, following *Olympia*, was careful to tailor the scope of the public
26 forum in question narrowly. The Court used the same traditional public forum principles, and finds
27 that the website of the Press Release, as well as its respective social media accounts were an
28 interactive space recognized by law as a public forum. The Court makes this finding considering the
website itself included an invitation to discuss, included a contact to a Las Vegas Pride
representative's email address, and provided direct links for an individual to share the content. This
supported the conclusion that the post at issue created a forum for citizen involvement by
automatically allowing one to add one's own insight and directly interact with others. The Court
finds the social media websites allowed interactive commentary and engagement. *See Knight First
Amendment Inst. at Columbia Univ. v. Trump*, 302 F. Supp. 3d 541, 574 (S.D.N.Y. 2018). See also

1 *City of Madison Joint Sch. Dist. No. 8 v. Wis. Emp't Relations Comm'n*, 429 U.S. 167, 175, 97 S.Ct.
2 421, 50 L.Ed.2d 376 (1976); See also *Page v. Lexington Cty. Sch. Dist. One*, 531 F.3d 275, 284-85
3 (4th Cir. 2008).

4 66. Accordingly, the Court finds Defendants have met the first prong. Thus, the burden
5 shifts to Plaintiffs to demonstrate, with prima facie evidence, a probability of prevailing on the
6 claim.

7 67. As to the second prong, the Court finds Plaintiffs have failed to provide sufficient
8 evidence to meet this burden. The Court finds the allegations in the Complaint are largely
9 unsupported and rely on speculation, rather than concrete evidence.

10 68. Furthermore, and perhaps most significant to the Court's ruling, is the fact Plaintiffs
11 have not demonstrated that the statements in the Press Release were false or made with knowledge
12 of their falsehood.

13 69. Based on the foregoing analysis, the Court finds Defendants have met their burden
14 under Nevada's Anti-SLAPP statutes by showing by a preponderance of the evidence that the
15 communications at issue were made in good faith and in furtherance of the right to free speech on
16 matters of public concern. In contrast, Plaintiffs have failed to demonstrate a probability of
17 prevailing on their claims.

18 70. If any finding of fact is better designated as a conclusion of law, or vice versa, the
19 same is so designated.

20 **ORDER**

21 Based on the foregoing, IT IS HEREBY ORDERED:

- 22 1. The Golden Rainbow anti-SLAPP Motion is HEREBY GRANTED. All claims by
23 Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center against
24 Defendants Gary Costa and Golden Rainbow of Nevada, Inc. are dismissed pursuant to
25 NRS 41.635 *et seq.*
- 26 2. The Pride anti-SLAPP Motion is HEREBY GRANTED. All claims by Plaintiffs
27 Christopher Davin, Trevor Harder, and Henderson Equality Center against Defendants
28 Southern Nevada Association of Pride, Inc. dba Las Vegas Pride, Brady McGill, and

Sean Vangorder are dismissed pursuant to NRS 41.635 *et seq.*

3. If any of the moving Defendants pursue an award for attorneys' fees and costs pursuant to NRS 41.670, such request shall require separate motion practice.

IT IS SO ORDERED this ____ day of _____ 2024.

Dated this 22nd day of May, 2024

DISTRICT COURT JUDGE

Respectfully submitted by:

149 F00 E420 2F44
Danielle Pieper
District Court Judge

LEWIS BRISBOIS BISGAARD & SMITH LLP

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By: /s/ Joseph T. Nold

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Attorneys for Defendant Sean Vangorder

From: Joseph Nold <noldj@cox.net>
Sent: Friday, May 17, 2024 2:41 PM
To: Ashley Olson; Alex Shepard; Schwarz, Joel
Cc: Peter R. Pratt; Awe, Susan; Marc Randazza; Brittani Holt; 903a4502e+matter1581750170@maildrop.clio.com; Janet Terrazas
Subject: RE: [EXT] Re: Davin v. So. Nev. Ass'n of Pride, et al.: Draft Findings of Fact, Conclusions of Law, and Order



You have my permission to electronically affix my signature to the FFCL & Order.

Joseph T. Nold, Esq.

On 05/17/2024 2:12 PM PDT Ashley Olson <aolson@ocgattorneys.com> wrote:

You may affix my electronic signature to the FFCL & Order.

Ashley Olson, Esq.

OLSON CANNON & GORMLEY

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aolson@ocgattorneys.com

****Please be advised our firm's email addresses currently aolson@ocgas.com will expire.**

New email address: aolson@ocgattorneys.com

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From: Alex Shepard <ajs@randazza.com>
Sent: Friday, May 17, 2024 2:10 PM
To: Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>
Cc: Ashley Olson <aolson@ocgattorneys.com>; Peter R. Pratt <ppratt@ocgas.com>; Joseph Nold <noldj@cox.net>; Awe, Susan <Susan.Awe@lewisbrisbois.com>; Marc Randazza <mjr@randazza.com>; Brittani Holt <bmh@randazza.com>; 903a4502e+matter1581750170@maildrop.clio.com
Subject: Re: [EXT] Re: Davin v. So. Nev. Ass'n of Pride, et al.: Draft Findings of Fact, Conclusions of Law, and Order

You have authorization to affix my electronic signature.

On Fri, May 17, 2024 at 2:02 PM Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com> wrote:

Thanks Alex, I have accepted all redlines, which are fine by me, and attached is a clean draft with those changes.

All: please confirm we are authorized to affix your electronic signatures and submit to the Court this afternoon.



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From: Alex Shepard <ajs@randazza.com>
Sent: Friday, May 17, 2024 1:34 PM
To: Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>
Cc: Ashley Olson <aolson@ocgattorneys.com>; Peter R. Pratt <ppratt@ocgas.com>; Joseph Nold <noldj@cox.net>; Awe, Susan <Susan.Awe@lewisbrisbois.com>; Marc Randazza <mjr@randazza.com>; Brittani Holt <bmh@randazza.com>; 903a4502e+matter1581750170@maildrop.clio.com
Subject: [EXT] Re: Davin v. So. Nev. Ass'n of Pride, et al.: Draft Findings of Fact, Conclusions of Law, and Order

Joel,

I've reviewed the proposed order and made a few, mostly non-substantive, revisions in the attached redline version. The only substantive change I made was to ¶ 30 to more closely track the language of the minute order.

-Alex

On Thu, May 16, 2024 at 5:26 PM Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com> wrote:

Alex,

Attached please find the draft Findings of Fact, Conclusions of Law, and Order on the anti-SLAPP motions heard April 16, 2024 in this matter. This form has been approved by Ashley Olson and Joe Nold, so please let us know if you have any suggested revisions. As we discussed this evening, if you will require additional time to review, please let us know and we will contact chambers tomorrow.

Thanks and have a nice evening.



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Thank you,

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5	
6 Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7 vs.	DEPT. NO. Department 7
8 Southern Nevada Association of	
9 Pride, Inc, 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 Findings of Fact, Conclusions of Law and Order was served via the
14 court's electronic eFile system to all recipients registered for e-Service on the above entitled
15 case as listed below:

16 Service Date: 5/22/2024

16 Joseph Nold	noldj@cox.net
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14 *Association of Pride, Inc. dba Las Vegas Pride*
15 *and Brady McGill*

16 DISTRICT COURT

17 CLARK COUNTY, NEVADA

18 CHRISTOPHER DAVIN, an individual;
19 TREVOR HARDER, an individual; and
20 HENDERSON EQUALITY CENTER, a
21 Nevada non-profit corporation,

22 Plaintiffs,

23 vs.

24 SOUTHERN NEVADA ASSOCIATION
25 OF PRIDE, INC. DBA LAS VEGAS PRIDE,
26 a Nevada nonprofit corporation; HUMAN
27 RIGHTS CAMPAIGN, INC., a District of
28 Columbia nonprofit corporation; HOLY
ORDER SIN SITY SISTERS OF
PERPETUAL INDULGENCE, INC., a
Nevada nonprofit corporation;
INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY, a Nevada
non-profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; SOCIAL
INFLUENCE FOUNDATION DBA HOUSE
OF VEGAS PRIDE, a Nevada nonprofit
corporation; and JOHN PHOENIX, APRN,
PLLC DBA HUNTRIDGE FAMILY
CLINIC, a Nevada professional LLC,

Case No. A-23-879938-C
Dept No. 28

**NOTICE OF ENTRY OF FINDINGS OF
FACT, CONCLUSIONS OF LAW, AND
ORDER GRANTING SPECIAL ANTI-
SLAPP MOTIONS TO DISMISS**

1 GOLDEN RAINBOW OF NEVADA, INC.,
2 a Nevada nonprofit corporation, BRADY
3 MCGILL, an individual, NICOLE
4 WILLIAMS, an individual, JOHN PHOENIX,
5 an individual, GARY COSTA, an individual,
6 ANTHONY CORTEZ, an individual, and
7 SEAN VANGORDER, an individual,

Defendants.

8 NOTICE IS HEREBY GIVEN that a *Findings of Fact, Conclusions of Law, and Order*
9 *Granting Special Anti-SLAPP Motions to Dismiss* was entered in the above-captioned matter on
10 May 23, 2024, a true and correct copy is attached hereto as **EXHIBIT A**.

11 DATED this 23rd day of May 2024.

12 LEWIS BRISBOIS BISGAARD & SMITH LLP

13
14 By /s/ Joel Z. Schwarz

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25 *and Brady McGill*
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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May 2024, a true and correct copy of a **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING SPECIAL ANTI-SLAPP MOTIONS TO DISMISS** was served by electronically filing with the Clerk of the Court using the Odyssey E-File & Serve system and serving all parties with an email-address on record in this action.

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By /s/ Susan Awe

Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP

EXHIBIT A

EXHIBIT A

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and Brady McGill*

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

vs.

SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS PRIDE,
a Nevada nonprofit corporation; HUMAN
RIGHTS CAMPAIGN, INC., a District of
Columbia nonprofit corporation; HOLY
ORDER SIN SITY SISTERS OF
PERPETUAL INDULGENCE, INC., a
Nevada nonprofit corporation;
INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY, a Nevada
non-profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; SOCIAL
INFLUENCE FOUNDATION DBA HOUSE
OF VEGAS PRIDE, a Nevada nonprofit
corporation; and JOHN PHOENIX, APRN,
PLLC DBA HUNTRIDGE FAMILY
CLINIC, a Nevada professional LLC,

Case No. A-23-879938-C
Dept No. 28

**FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER GRANTING
SPECIAL ANTI-SLAPP MOTIONS TO
DISMISS**

1 GOLDEN RAINBOW OF NEVADA, INC.,
2 a Nevada nonprofit corporation, BRADY
3 MCGILL, an individual, NICOLE
4 WILLIAMS, an individual, JOHN PHOENIX,
5 an individual, GARY COSTA, an individual,
6 ANTHONY CORTEZ, an individual, and
7 SEAN VANGORDER, an individual,

Defendants.

8 This matter came on for hearing before the Court on April 16, 2024, on: (1) Defendants Gary
9 Costa and Golden Rainbow of Nevada Inc.'s Special Motion to Dismiss Per Nevada's Anti-SLAPP
10 Provisions, NRS 41.635, et. seq. (the "Golden Rainbow anti-SLAPP Motion"); and Defendants
11 Southern Nevada Association of Pride, Inc. d/b/a Las Vegas Pride, Brady McGill, Holy Order Sin
12 City Sisters of Perpetual Indulgence, Inc., and Sean Vangorder's Special Motion to Dismiss
13 Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees,
14 Costs, and Damages Pursuant to 41.670 (the "Pride anti-SLAPP Motion").

15 Alex J. Shepard of Randazza Law Group, PLLC appeared as counsel for Plaintiffs
16 Christopher Davin ("Davin"), Trevor Harder ("Harder"), and Henderson Equality Center ("HEC,"
17 and together with Davin and Harder, the "Plaintiffs"). Joel Z. Schwarz of Lewis Brisbois Bisgaard
18 & Smith LLP appeared as counsel for Defendants Southern Nevada Association of Pride, Inc. dba
19 Las Vegas Pride ("Las Vegas Pride") and Brady McGill ("McGill," and together with Las Vegas
20 Pride, the "Pride Defendants"). Joseph T. Nold of Accelerated Law Group appeared as counsel for
21 Defendant Sean Vangorder ("Vangorder"). Peter Pratt of Olson Cannon & Gormley appeared on
22 behalf of Defendants Gary Costa ("Costa") and Golden Rainbow of Nevada, Inc. ("Golden
23 Rainbow," and together with Costa, the "Golden Rainbow Defendants").

24 After considering the motions and exhibits thereto, Plaintiffs' oppositions to the motions and
25 exhibits thereto, the replies in support of the motions and exhibits thereto, and Plaintiffs' surreplies;
26 having heard argument of counsel; and good cause appearing, the Court HEREBY FINDS,
27 CONCLUDES, and ORDERS as follows:
28

1 FINDINGS OF FACT

2 1. Plaintiffs Christopher Davin and Trevor Harden, both individuals, and Henderson
3 Equality Center, a Nevada non-profit corporation, filed a defamation lawsuit against the above
4 named Defendants.

5 2. Plaintiffs dismissed an additional six Defendants with another four Defendants set
6 for Plaintiffs' Notice of Intent to Seek Default.

7 3. There are two remaining Defendants – Nicole Williams and Anthony Cortez – for
8 whom there is no proof of service on file and who have not appeared in the case.

9 4. Defendants have moved to dismiss the complaint under Nevada's anti-SLAPP laws,
10 arguing that their statements were made in good faith, in furtherance of the right to free speech on
11 matters of public concern.

12 5. Plaintiffs are public figures.

13 6. Plaintiffs' claims against Defendants Costa and Golden Rainbow are based upon
14 statements made by Defendant Costa in an email to the LGBTQIA2+ Connect group on May 3,
15 2023.

16 7. The Golden Rainbow Defendants made no statement about Plaintiff HEC.

17 8. Plaintiffs never argued Defendant Costa defamed HEC, nor have Plaintiffs provided
18 any evidence to support a defamation claim against Defendant Costa or Defendant Golden Rainbow.

19 9. Defendant Costa's statements were based on his observations and experiences within
20 the LGBTQ+ community.

21 10. Defendant Costa's statements were disseminated to the LGBTQIA2+ Connect
22 group, a public coalition discussing LGBTQ+ community issues.

23 11. The subscriber list, just for Golden Rainbow alone, is comprised of more than two
24 thousand people.

25 12. The LBTQIA2+ Connect group is a coalition of local leaders and organizations that
26 meet regularly to discuss pertinent issues within the local LGBTQ+ community.

27 13. LGBTQIA2+ Connect meets regularly, and the group does not deny anyone's entry
28 to said meetings.

1 14. Golden Rainbow did not act on behalf of the organization in any private capacity
2 within the Connect group.

3 15. Plaintiffs' Complaint against Las Vegas Pride, McGill, and Vangorder includes
4 claims for defamation, false light, tortious interference, civil conspiracy, and other various claims,
5 all of which Plaintiffs contend arose from a Press Release issued by Defendant Las Vegas Pride.

6 16. The Press Release by Las Vegas Pride addresses Plaintiffs distinctly as individuals.

7 17. As to the harassment of community members and former board members discussed
8 in the Press Release, only Plaintiff Davin was addressed.

9 18. Plaintiff Harder was mentioned twice in the Press Release. Once in the vote of "no"
10 confidence from the Las Vegas Pride's Board of Directors minutes and the other time in the section
11 which sought additional comments from the Las Vegas Pride's constituents on experiences with
12 Plaintiff.

13 19. The Press Release was published by Las Vegas Pride and not any other named
14 Defendants.

15 20. Moreover, at no time is Plaintiff HEC named nor mentioned.

16 21. In an August 11, 2021 vote, the Board of Las Vegas Pride voted unanimously to
17 remove Plaintiff Davin from his position on the Board due to his violation of Las Vegas Pride's
18 Bylaws Section 7.1 and Bylaws Section 7.2. *See "Minutes of the Las Vegas PRIDE Board – Closed*
19 *Session."* August 11, 2021.

20 22. Defendant Harder also resigned from his position on the Board on August 11, 2021.

21 23. Numerous members within the LGBTQ community reported incidents with
22 Plaintiffs.

23 24. These constituents reported, based on their own experiences, what they opined to be
24 bullying, threats, and/or unethical business activities by Plaintiffs.

25 CONCLUSIONS OF LAW

26 25. The Court has considered the Golden Rainbow anti-SLAPP Motion and the Pride
27 anti-SLAPP Motion under Nevada's anti-SLAPP statutes, NRS 41.660 *et seq.*

1 26. Under Nevada’s anti-SLAPP statutes, a defendant may file a special motion to
2 dismiss if the defendant can show by a preponderance of the evidence that the claim is based upon
3 a good faith communication made in furtherance of the right to petition or the right to free speech
4 in direct connection with an issue of public concern. If a defendant makes this initial showing, the
5 burden shifts to the plaintiff to show with prima facie evidence a probability of prevailing on the
6 claim. *See Shapiro v. Welt*, 133 Nev. 35, 39, 389 P.3d 262 (2016); *see also* NRS 41.660(3)(a), (b).

7 27. As to the first prong, the Court must determine whether the statements were of the
8 public interest and whether the statements were truthful or opinion-based.

9 28. When determining whether or not each one of Defendants’ statements constitute fact
10 or opinion, the Court again looks to Nevada precedent. That is, “whether a reasonable person would
11 be likely to understand the remark as an expression of the source's opinion or as a statement of
12 existing fact.” *Id.* at 410, 664 P.2d at 342. Because “there is no such thing as a false idea,” *Pegasus*
13 *v. Reno Newspapers, Inc.*, 118 Nev. 706, 714, 57 P.3d 82, 87 (2002) (internal quotation marks
14 omitted), statements of opinion are statements made without knowledge of their falsehood under
15 Nevada's anti-SLAPP statutes. *Abrams v. Sanson*, 136 Nev. 83, 89, 458 P.3d 1062, 1068 (2020).

16 29. As a preliminary matter, the Court considered the allegations in the Plaintiffs’
17 Complaint, the supporting documentation, and evidence provided to the Court thus far.

18 30. The Court finds Defendant Costa made no statement about Plaintiff HEC.
19 Additionally, Plaintiffs never argued Defendant Costa defamed HEC, nor have Plaintiffs provided
20 any evidence to support a defamation claim against the Golden Rainbow Defendants. The Court
21 finds Plaintiffs have not alleged any actions or claims against Plaintiff HEC that would justify the
22 instant lawsuit, and accordingly, the Court dismisses HEC pursuant to NRCP 12(b)(5).

23 31. With respect to the Golden Rainbow Defendants, the Court must address whether or
24 not the statements made by Defendant Costa in an email on May 3, 2023, were defamatory. The
25 Court must look at whether Defendant Costa’s statements were made in a public forum, were of
26 public interest and were truthful or Defendant Costa’s mere opinions.

27 32. Moreover, when considering the Golden Rainbow anti-SLAPP Motion, the Court
28 applies the below analysis to the *independent* actions of Costa and the *independent* actions, if any,

1 of Golden Rainbow. The Court was certainly mindful of the fact Costa is the executive director of
2 Golden Rainbow of Nevada, Inc., but nonetheless, the Court was careful in its analysis as to each of
3 the Defendant's individual actions.

4 33. The statements made by Defendant Costa were of public interest. Defendant Costa's
5 statements were disseminated to the LGBTQIA2+ Connect group, a public *coalition* discussing
6 LGBTQ+ community issues. The Court finds that this group constitutes a public forum.

7 34. The Court looks to precedent recently set forth by the Nevada Supreme Court in
8 *Kosor v. Olympia Companies*, regarding the issue of what constitutes a public forum. In making
9 this determination, the Court first analyzed traditional characteristics of public forums, specifically:
10 whether the email server was compatible with expressive activity, and the extent to which the server
11 allowed free interaction between the person posting the message and the constituent commentators.

12 35. The LBTQIA2+ Connect group is a coalition of local leaders and organizations that
13 meet regularly to discuss pertinent issues within the local LGBTQ+ community. While the Court
14 acknowledges Defendant's position there were only 44 emails on the thread, the Court finds that
15 this figure does not represent the actual reach of the group. Considering the fact LGBTQIA2+
16 Connect meet regularly, and that the group does not deny anyone's entry to said meetings, the
17 Court finds the email server represents a public forum in which information about the LGBTQ
18 issues and concerns are freely exchanged and disseminated to the broader community. *See Kosor*
19 *v. Olympia Companies*, 136 Nev. 705, 478 P.3d 390 (2020).

20 36. Additionally, the Court finds the arguments set forth in the motion compelling, and
21 therefore, has determined the statements were either truthful or expressions of valid opinion, both
22 of which are protected under the First Amendment.

23 37. Defendant Costa's statements were based on his observations and experiences within
24 the LGBTQ+ community. Defendant Costa formed his opinion of Plaintiffs from the years of
25 witnessing Plaintiffs' unethical behavior and from publicly available information.

26 38. An opinion based on truth is not a basis for a defamation claim, as long as it is based
27 on true and public information, and an evaluative opinion conveys "the publisher's judgment as to
28 the quality of another's behavior and, as such, it is not a statement of fact." *Lubin v. Kunin*, 117 Nev.

1 107, 112, 17 P.3d 422, 426 (2001).

2 39. Therefore, the Court cannot invalidate Defendant Costa’s opinions, based on his own
3 experiences and experience in the way in which Plaintiffs treats others.

4 40. Likewise, the Court cannot make the determination that Defendant Costa took these
5 things “personally,” and therefore, crafted a personal vendetta/smear campaign. The Court looks to
6 the speech, and determines whether or not it is defamatory or whether it is protected. The Court
7 finds that the speech in this case is protected speech, as it is directly related to the experiences
8 Defendant Costa endured throughout years of interactions and opinion-forming of Plaintiffs.

9 41. In a defamation action, “it is not the literal truth of ‘each word or detail used in a
10 statement which determines whether or not it is defamatory; rather, the determinative question is
11 whether the “gist or sting” of the statement is true or false.” See *Rosen v. Tarkanian*, 135 Nev. 436,
12 441, 453 P.3d 1220, 1224 (2019) citing *Oracle USA, Inc. v. Rimini St., Inc.*, 6 F. Supp. 3d 1108,
13 1131 (D. Nev. 2014).

14 42. Thus, for Plaintiffs to ask the Court to infer any underlying personal dispute as
15 underlying motivation for its decision, is a complete abuse of this Court’s discretion when deciding
16 such matters. The Court emphasizes that the precedent in Nevada is clear: statements of opinion are
17 protected speech under the First Amendment of the United States Constitution and are not actionable
18 at law. See *Nevada Ind. Broadcasting*, 99 Nev. at 410, 664 P.2d at 341–42.

19 43. The Court reviewed every statement made by Defendant Costa regarding the security
20 threats and pattern of bullying, and the Court finds evidence supported each of these statements
21 and/or these statements were based on Defendant Costa’s valid opinion. As explained in his
22 supplemental declaration and further expanded upon at oral argument, Defendant Costa witnessed
23 bad actors inside and outside the LGBTQ+ community for four decades, and based on his own
24 experience, he knows what constitutes bullying and harassing behavior.

25 44. Moreover, the Court finds there was no compelling evidence presented by Plaintiffs
26 to rebut the fact that, at the very least, Defendant Costa made these statements without knowledge
27 of their falsehood.

1 45. As such, the Court finds the Golden Rainbow Defendants have satisfied their burden
2 under the first prong in the anti-SLAPP analysis.

3 46. As to the second prong, the probability Plaintiffs will prevail on their claim, the Court
4 notes Plaintiffs, as public figures, must prove by clear and convincing evidence that the statements
5 were made with actual malice. *Wynn v. Associated Press*, 140 Nev. Adv. Op. 6, 542 P.3d 751, 756
6 (2024) citing *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 719, 57 P.3d 82, 90 (2002).

7 47. The Court finds Plaintiffs have failed to meet this burden and have not provided
8 sufficient evidence to substantiate these claims. A public figure plaintiff cannot prevail on an anti-
9 SLAPP special motion to dismiss by putting forth only minimal evidence of actual malice. The
10 statutes' mechanism for providing an early and expeditious resolution of meritless claims would be
11 rendered ineffectual. *Id.*

12 48. For the reasons set forth above, the Court finds Defendant Costa's statements in his
13 May 3, 2023, email are not defamatory, and thus, are protected under Nevada's anti-SLAPP statutes.

14 49. Accordingly, the Court finds that the Golden Rainbow Defendants met their burden
15 under the first prong of the anti-SLAPP analysis showing that Costa's statements were an issue of
16 public interest, made in a public forum, and were true or based on his valid opinion.

17 50. Additionally, Plaintiffs failed to provide any evidence of their probability of
18 prevailing on their claims. Thus, Plaintiffs failed to satisfy their burden under the second prong.

19 51. Next, the Court looks to the Pride anti-SLAPP Motion, filed by the Pride Defendants
20 and Vangorder.¹

21 52. Again, the Court must conduct the two-prong analysis under Nevada's Anti-SLAPP
22 laws to determine if dismissal is appropriate.

23 53. As to the first prong, the Court considers whether or not Defendants have met their
24 burden of demonstrating the good faith communication on matters of public concern.
25
26

27 ¹ The Court notes Holy Order Sin City Sisters of Perpetual Indulgence, Inc., and Las Vegas
28 TransPride claims were dismissed without prejudice in Plaintiffs' December 19, 2023 filing.

1 54. Here, the Defendants asserted their statements in the Press Release were made in
2 good faith and in furtherance of the right to free speech on matters of public concern, particularly
3 regarding the LGBTQ+ community in Las Vegas. The Court finds Defendants' arguments are
4 supported by a preponderance of evidence, showing that the communication was made in good faith.

5 55. In making this determination, the Court looks to the precedent set forth in *Rosen v.*
6 *Tarkanian*, where the Nevada Supreme Court held that the determination of whether a
7 communication is made in good faith and in furtherance of the right to free speech depends on
8 whether the "gist or sting" of the statement is true or false. Furthermore, NRS 41.637 requires that
9 the communication be "truthful or is made without knowledge of its falsehood." *Rosen v. Tarkanian*,
10 135 Nev. 436, 453 P.3d 1220 (2019).

11 56. The Court finds Defendants provided declarations and exhibits to support their
12 assertion that the Press Release addressed issues of public concern and was made in good faith. The
13 Court emphasizes it is not just the declarations attesting to the truthfulness of the statements made
14 in the Press Release, but the actions and interactions of the Las Vegas Pride constituents. Defendants
15 showed through supporting documentation, including emails and social media posts how Plaintiffs
16 were perceived in the LGBTQ+ community. The Court finds Defendants' actions were in direct
17 response to a genuine concern for the LGBTQ+ community in Las Vegas.

18 57. Illustrative of Plaintiff Davin's behavior was the email sent to Defendant McGill on
19 April 8, 2023. Plaintiff Davin not only asked Las Vegas Pride Magazine to remove page 47, but also
20 told Defendant McGill there was a trademark infringement in page 47. Plaintiff Davin then goes a
21 step further and demands page 47 be removed or legal action will be taken. Plaintiff Davin then goes
22 another step and tells Defendant McGill he has already successfully sued for this type of trademark
23 infringement and that he has the money to protect [his] Trademark.

24 58. Thereafter, Plaintiffs took issue with the Las Vegas Pride Facebook page. It is
25 uncontested Facebook took action against Las Vegas Pride by deactivating its account and removing
26 posts and photos which promoted community events. The Court does not speculate whether or not
27 the trademark infringement actions by Facebook were legal. Rather, the Court focuses its analysis on
28 whether Las Vegas Pride's actions were reasonable in their concern for their organization; and

1 whether their organization were at risk of additional harm and loss. Thus, the Court finds Las Vegas
2 Pride acted as a reasonable organization would. Las Vegas Pride has represented to Plaintiffs prior
3 to this lawsuit, and now to this Court, its belief their organization was at risk of unlawful interference.

4 59. While the Court recognizes Plaintiffs' argument that they believe they had a legal
5 basis in confronting Defendants, the Court finds Las Vegas Pride has provided substantial evidence
6 to support how Plaintiffs' actions made the risks to Defendants all the more tangible. The Court finds
7 that Plaintiffs' challenges were made material when Defendants' accounts were compromised.
8 Moreover, Defendants' accounts were compromised both internally, with regard to their
9 organization's servers; and externally – with regard to their Facebook account, both of which directly
10 affected their constituents. In other words, the Court finds that Defendants had reason to believe
11 their organization were at the mercy of Plaintiffs' actions, and that Defendants acted in a reasonable
12 manner when attempting to rectify any damage done to their organization and the constituents they
13 represent.

14 60. The Court next moves on to Plaintiff Davin's access to sensitive information and
15 data from Las Vegas Pride, which he used without permission to benefit his organization.
16 Defendants again have provided the Court with striking evidence in support of this issue. The Court
17 notes that the communications regarding prohibited access to sensitive information was prior to the
18 Board of Director's meeting on August 11, 2021. In the August 11, 2021 vote, the Board voted
19 unanimously to remove Plaintiff Davin from his position on the Board due to his violation of Las
20 Vegas Pride's Bylaws Section 7.1 and Bylaws Section 7.2. *See "Minutes of the Las Vegas PRIDE*
21 *Board – Closed Session."* August 11, 2021. The Court notes Defendant Harder also resigned from
22 his position on the Board on August 11, 2021.

23 61. Thus, the Court finds Defendants have provided substantial evidence to support their
24 concerns regarding Plaintiffs' activities. This is evidenced by the numerous members within the
25 LGBTQ community who reported incidents with Plaintiffs. The Court finds these constituents
26 reported, based on their own experiences, what they opined to be bullying, threats, and/or unethical
27 business activities by Plaintiffs.

1 62. The Court finds the Press Release was made in a public forum. The Court looks to
2 precedent recently set forth by the Nevada Supreme Court in *Kosor v. Olympia Companies*,
3 regarding the issue of what constitutes a public forum. In making this determination, the Court first
4 analyzed traditional characteristics of public forums, specifically: whether the site was compatible
5 with expressive activity, and the extent to which the site allowed free interaction between the poster
6 and constituent commentators.

7 63. In the instant case, the Court finds that the Press Release undoubtedly allowed for
8 this interaction as the Press Release, on its face, was indicative of its aim to promote and protect the
9 LGBTQ community. *See Kosor v. Olympia Companies*, 136 Nev. 705, 478 P.3d 390 (2020).

10 64. An excerpt from the Press Release reads as follows:

11 For 40 years, Las Vegas PRIDE has fostered strong working relationships with local
12 and national community-serving organizations. Las Vegas PRIDE takes direct
13 threats to our Board Members and attacks on our organization by Mr. Davin and Mr.
14 Harder seriously. Bullying actions of these individuals will not be tolerated, and we
15 encourage the community and our allies to assess their relationships and partnerships
16 through the lens of integrity and professionalism. These are the criteria by which our
17 current and future partnerships will be evaluated. We encourage our community to
18 adopt a zero-tolerance for bullying and violence, no matter the source.

19 Las Vegas PRIDE exists to uplift our community and celebrate our achievements. This
20 Board feels strongly that we must offer our help, love, and support to others who work
21 within the organization(s) represented by both Mr. Davin and Mr. Harder. While we
22 have no direct knowledge or contact with others within these organization(s), Las
23 Vegas PRIDE maintains an open line for communication and resolution for others
24 who wish to discuss this topic.

25 65. Here, the Court, following *Olympia*, was careful to tailor the scope of the public
26 forum in question narrowly. The Court used the same traditional public forum principles, and finds
27 that the website of the Press Release, as well as its respective social media accounts were an
28 interactive space recognized by law as a public forum. The Court makes this finding considering the
website itself included an invitation to discuss, included a contact to a Las Vegas Pride
representative's email address, and provided direct links for an individual to share the content. This
supported the conclusion that the post at issue created a forum for citizen involvement by
automatically allowing one to add one's own insight and directly interact with others. The Court
finds the social media websites allowed interactive commentary and engagement. *See Knight First
Amendment Inst. at Columbia Univ. v. Trump*, 302 F. Supp. 3d 541, 574 (S.D.N.Y. 2018). See also

1 *City of Madison Joint Sch. Dist. No. 8 v. Wis. Emp't Relations Comm'n*, 429 U.S. 167, 175, 97 S.Ct.
2 421, 50 L.Ed.2d 376 (1976); See also *Page v. Lexington Cty. Sch. Dist. One*, 531 F.3d 275, 284-85
3 (4th Cir. 2008).

4 66. Accordingly, the Court finds Defendants have met the first prong. Thus, the burden
5 shifts to Plaintiffs to demonstrate, with prima facie evidence, a probability of prevailing on the
6 claim.

7 67. As to the second prong, the Court finds Plaintiffs have failed to provide sufficient
8 evidence to meet this burden. The Court finds the allegations in the Complaint are largely
9 unsupported and rely on speculation, rather than concrete evidence.

10 68. Furthermore, and perhaps most significant to the Court's ruling, is the fact Plaintiffs
11 have not demonstrated that the statements in the Press Release were false or made with knowledge
12 of their falsehood.

13 69. Based on the foregoing analysis, the Court finds Defendants have met their burden
14 under Nevada's Anti-SLAPP statutes by showing by a preponderance of the evidence that the
15 communications at issue were made in good faith and in furtherance of the right to free speech on
16 matters of public concern. In contrast, Plaintiffs have failed to demonstrate a probability of
17 prevailing on their claims.

18 70. If any finding of fact is better designated as a conclusion of law, or vice versa, the
19 same is so designated.

20 **ORDER**

21 Based on the foregoing, IT IS HEREBY ORDERED:

- 22 1. The Golden Rainbow anti-SLAPP Motion is HEREBY GRANTED. All claims by
23 Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center against
24 Defendants Gary Costa and Golden Rainbow of Nevada, Inc. are dismissed pursuant to
25 NRS 41.635 *et seq.*
- 26 2. The Pride anti-SLAPP Motion is HEREBY GRANTED. All claims by Plaintiffs
27 Christopher Davin, Trevor Harder, and Henderson Equality Center against Defendants
28 Southern Nevada Association of Pride, Inc. dba Las Vegas Pride, Brady McGill, and

Sean Vangorder are dismissed pursuant to NRS 41.635 *et seq.*

3. If any of the moving Defendants pursue an award for attorneys' fees and costs pursuant to NRS 41.670, such request shall require separate motion practice.

IT IS SO ORDERED this ____ day of _____ 2024.

Dated this 22nd day of May, 2024

DISTRICT COURT JUDGE

Respectfully submitted by:

149 F00 E420 2F44
Danielle Pieper
District Court Judge

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Joel Z. Schwarz

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Approved by:

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Nevada, Inc. and Gary Costa*

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By: /s/ Joseph T. Nold

JOSEPH T. NOLD

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Attorneys for Defendant Sean Vangorder

From: Joseph Nold <noldj@cox.net>
Sent: Friday, May 17, 2024 2:41 PM
To: Ashley Olson; Alex Shepard; Schwarz, Joel
Cc: Peter R. Pratt; Awe, Susan; Marc Randazza; Brittani Holt; 903a4502e+matter1581750170@maildrop.clio.com; Janet Terrazas
Subject: RE: [EXT] Re: Davin v. So. Nev. Ass'n of Pride, et al.: Draft Findings of Fact, Conclusions of Law, and Order



You have my permission to electronically affix my signature to the FFCL & Order.

Joseph T. Nold, Esq.

On 05/17/2024 2:12 PM PDT Ashley Olson <aolson@ocgattorneys.com> wrote:

You may affix my electronic signature to the FFCL & Order.

Ashley Olson, Esq.

OLSON CANNON & GORMLEY

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Las Vegas, Nevada 89129

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aolson@ocgattorneys.com

****Please be advised our firm's email addresses currently aolson@ocgas.com will expire.**

New email address: aolson@ocgattorneys.com

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From: Alex Shepard <ajs@randazza.com>
Sent: Friday, May 17, 2024 2:10 PM
To: Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>
Cc: Ashley Olson <aolson@ocgattorneys.com>; Peter R. Pratt <pprat@ocgas.com>; Joseph Nold <noldj@cox.net>; Awe, Susan <Susan.Awe@lewisbrisbois.com>; Marc Randazza <mjr@randazza.com>; Brittani Holt <bmh@randazza.com>; 903a4502e+matter1581750170@maildrop.clio.com
Subject: Re: [EXT] Re: Davin v. So. Nev. Ass'n of Pride, et al.: Draft Findings of Fact, Conclusions of Law, and Order

You have authorization to affix my electronic signature.

On Fri, May 17, 2024 at 2:02 PM Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com> wrote:

Thanks Alex, I have accepted all redlines, which are fine by me, and attached is a clean draft with those changes.

All: please confirm we are authorized to affix your electronic signatures and submit to the Court this afternoon.



Joel Z. Schwarz
Partner
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T: 702.693.4380 F: 702.366.9563

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From: Alex Shepard <ajs@randazza.com>
Sent: Friday, May 17, 2024 1:34 PM
To: Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>
Cc: Ashley Olson <aolson@ocgattorneys.com>; Peter R. Pratt <ppratt@ocgas.com>; Joseph Nold <noldj@cox.net>; Awe, Susan <Susan.Awe@lewisbrisbois.com>; Marc Randazza <mjr@randazza.com>; Brittani Holt <bmh@randazza.com>; 903a4502e+matter1581750170@maildrop.clio.com
Subject: [EXT] Re: Davin v. So. Nev. Ass'n of Pride, et al.: Draft Findings of Fact, Conclusions of Law, and Order

Joel,

I've reviewed the proposed order and made a few, mostly non-substantive, revisions in the attached redline version. The only substantive change I made was to ¶ 30 to more closely track the language of the minute order.

-Alex

On Thu, May 16, 2024 at 5:26 PM Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com> wrote:

Alex,

Attached please find the draft Findings of Fact, Conclusions of Law, and Order on the anti-SLAPP motions heard April 16, 2024 in this matter. This form has been approved by Ashley Olson and Joe Nold, so please let us know if you have any suggested revisions. As we discussed this evening, if you will require additional time to review, please let us know and we will contact chambers tomorrow.

Thanks and have a nice evening.



Joel Z. Schwarz
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--

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* Licensed to practice law in California and Nevada

Thank you,

Accelerated Law Group, Inc.

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Las Vegas, Nevada 89146

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702-383-6051 Fax

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5		
6	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7	vs.	DEPT. NO. Department 7
8	Southern Nevada Association of	
9	Pride, Inc, Defendant(s)	

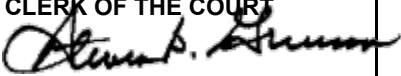
10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 5/22/2024

16	Joseph Nold	noldj@cox.net
17	Janet Terrazas	algpalegal@cox.net
18	Alex Shepard	ecf@randazza.com
19	James Olson	jhollingsworth@ocgas.com
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MEMO
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Nevada Association of Pride, Holy
Order Sin City Sisters of Perpetual
Indulgence, Inc., Las Vegas TransPride,
Brady McGill, and Sean VanGorder

DISTRICT COURT
CLARK COUNTY, NEVADA

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Case No.: A-23-879938-C

Dept. No: 7

Plaintiffs,

vs.

SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS PRIDE,
a Nevada nonprofit corporation; *et. al.*,

Defendants

**DEFENDANTS SOUTHERN NEVADA ASSOCIATION OF PRIDE INC., BRADY MCGILL,
AND SEAN VANGORDER’S MEMORANDUM OF COSTS**

Filing fees.....	\$	297.00
Copy fees.....	\$	159.00
TOTAL		\$ 456.00

DECLARATION OF JOSEPH T. NOLD, ESQ.

JOSEPH T. NOLD, ESQ., being duly sworn (or) under penalty of perjury, states: that Affiant

1 is the attorney for Defendants and has personal knowledge of the above costs incurred; that the items
2 contained in the above Memorandum of Costs are true and correct to the best of this Affiant's
3 knowledge and belief; and that the said costs have been necessarily incurred in this action.

- 4 1. The filing fees of \$297.00 were incurred and paid. These fees were reasonably and
5 necessarily incurred in this matter, and are required to file a Motion to Dismiss, as
6 well as \$3.50 per document.
- 7 2. That copy fees are calculated as twenty cents (\$0.20) per page, for the 795 pages filed
8 in this case. This cost is necessary incurred as one (1) copy of all filed documents
9 must be kept in a physical, paper file.
- 10 3. That this Memorandum of Costs DOES NOT include any costs for Defendants Holy
11 Order Sin City Sisters of Perpetual Indulgence, Inc. or Las Vegas TransPride as these
12 Defendants were voluntarily dismissed on December 19, 2023.
- 13 4. Pursuant to NRS 53.045, I declare that the foregoing is true and correct.

14 DATED this 23rd day of May, 2024.

15
16 /s/ Joseph T. Nold
17 JOSEPH T. NOLD, ESQ.
18 Nevada Bar No.: 008210
19 3030 South Jones Blvd., Ste. 105
20 Las Vegas, Nevada 89146
21 Telephone: (702) 262-1651
22 Fax: (702) 383-6051
23 E-mail: noldj@cox.net
24 Attorney for Defendants Southern
25 Nevada Association of Pride, Holy
26 Order Sin City Sisters of Perpetual
27 Indulgence, Inc., Las Vegas TransPride,
28 Brady McGill, and Sean VanGorder

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on May 24, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

DATED this 24th day of May, 2024.

/s/ Janet Terrazas
An Employee of the Accelerated Law Group

Heather S. Smith

CLERK OF THE COURT

1 **SAO**
2 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

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10 Las Vegas, Nevada 89118

11 Telephone: 702.893.3383

12 Facsimile: 702.893.3789

13 *Attorneys for Defendants Southern Nevada*

14 *Association of Pride, Inc. dba Las Vegas Pride*

15 *and Brady McGill*

16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 **CHRISTOPHER DAVIN, an individual;**

19 **TREVOR HARDER, an individual; and**

20 **HENDERSON EQUALITY CENTER, a**

21 **Nevada non-profit corporation,**

22 **Plaintiffs,**

23 **vs.**

24 **SOUTHERN NEVADA ASSOCIATION**

25 **OF PRIDE, INC. DBA LAS VEGAS PRIDE,**

26 **a Nevada nonprofit corporation; HUMAN**

27 **RIGHTS CAMPAIGN, INC., a District of**

28 **Columbia nonprofit corporation; HOLY**

ORDER SIN SITY SISTERS OF

PERPETUAL INDULGENCE, INC., a

Nevada nonprofit corporation;

INTERNATIONAL CULTURAL

MOVEMENT FOR EQUALITY, a Nevada

non-profit corporation; GENDER JUSTICE

NEVADA, a Nevada non-profit corporation;

LAS VEGAS TRANSPRIDE, a Nevada

non-profit corporation; SOCIAL

INFLUENCE FOUNDATION DBA HOUSE

OF VEGAS PRIDE, a Nevada nonprofit

corporation; and JOHN PHOENIX, APRN,

PLLC DBA HUNTRIDGE FAMILY

CLINIC, a Nevada professional LLC,

GOLDEN RAINBOW OF NEVADA, INC.,

a Nevada nonprofit corporation, BRADY

MCGILL, an individual, NICOLE

Case No. A-23-879938-C

Dept No. 28

STIPULATION AND ORDER: (1)
EXTENDING DEADLINE TO FILE
MEMORANDA OF COSTS; (2)
CONSOLIDATING BRIEFING ON
ATTORNEYS' FEES AND COSTS;
SETTING BRIEFING SCHEDULE AND
HEARING DATE FOR MOTIONS FOR
ATTORNEYS' FEES AND COSTS

1 WILLIAMS, an individual, JOHN PHOENIX,
2 an individual, GARY COSTA, an individual,
3 ANTHONY CORTEZ, an individual, and
4 SEAN VANGORDER, an individual,

Defendants.

5 Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center (together, the
6 “Plaintiffs”), Defendants Southern Nevada Association of Pride, Inc. dba Las Vegas Pride (“Las Vegas
7 Pride”) and Brady McGill (“McGill”), Defendant Sean Vangorder (“Vangorder”), and Defendants
8 Gary Costa (“Costa”) and Golden Rainbow of Nevada, Inc. (“Golden Rainbow,” and collectively, the
9 “Parties”), by and through their respective undersigned counsel, HEREBY STIPULATE and AGREE:

10 1. A Findings of Fact, Conclusions of Law, and Order Granting Special Anti-SLAPP
11 Motion to Dismiss (the “Order”) was entered May 22, 2024 and Notice of Entry of the Order was
12 filed and served May 23, 2024.

13 2. Pursuant to Nevada Revised Statutes (“NRS”) § 41.670(1)(a), Las Vegas Pride,
14 McGill, Vangorder, Costa, and Golden Rainbow are entitled to reasonable attorneys’ fees and costs,
15 and may also be awarded additional amounts pursuant to NRS 41.670(1)(b).

16 3. Pursuant to NRS 18.110(1) and (4), verified memoranda of costs must be filed by
17 May 28, 2024, unless the Court grants additional time, and any motion to retax costs must be filed
18 within three days thereafter.

19 4. Pursuant to Nevada Rule of Civil Procedure (“NRCP”) 54(d), motions for attorneys’
20 fees must be filed by June 14, 2024.

21 5. The Parties are in ongoing discussions regarding a potential resolution of this action,
22 and agree that their negotiations will benefit from an extension of the deadlines for costs memoranda
23 and motions for attorneys’ fees.

24 6. Further, even if the Parties are unable to settle, they agree it will be more expeditious
25 and promote judicial economy to have costs and fees issues briefed, argued, and decided
26 simultaneously.

27 ///

7. Accordingly, the Parties have agreed on the following modified deadlines, consolidated briefing schedule, and hearing date:

a. Deadline to file motions for attorneys' fees and costs and any additional amounts claimed pursuant to NRS 41.670, and to file verified costs memoranda: **June 28, 2024**

b. Deadline to file oppositions to motions for attorneys' fees and costs and any additional amounts claimed pursuant to NRS 41.670 and/or counter motions to retax costs: **July 22, 2024;**

c. Hearing on motions for attorneys' fees and costs and any additional amounts claimed pursuant to NRS 41.670 and counter motions to retax: **August 13, 2024** or the Court's first date of availability thereafter; and

d. Deadline for all reply briefs: 7 days before the hearing.

IT IS SO STIPULATED.

Dated this 24th day of May 2024.

Dated this 24th day of May 2024.

RANDAZZA LEGAL GROUP, PLLC

OLSON CANNON & GORMLEY

By: /s/ Alex J. Shepard
MARC J. RANDAZZA
Nevada Bar No. 12265
ALEX J. SHEPARD
Nevada Bar No. 13582
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Tel.: 702.420.2001
*Attorneys for Plaintiffs Christopher Davin,
Trevor Harder, and Henderson Equality Center*

By: /s/ Peter R. Pratt
JAMES R. OLSON
Nevada Bar No. 000116
ASHLEY OLSON
Nevada Bar No. 15448
PETER PRATT
Nevada Bar No. 6458
9950 West Cheyenne Ave.
Las Vegas, NV 89129
Tel: 702-384-4012
*Attorneys for Defendants Golden Rainbow of
Nevada, Inc. and Gary Costa*

///

///

///

///

1 Dated this 24th day of May 2024.

Dated this 24th day of May 2024..

2 ACCELERATED LAW GROUP

LEWIS BRISBOIS BISGAARD & SMITH
LLP

3
4 By: /s/ Joseph T. Nold

JOSEPH T. NOLD

5 Nevada Bar No. 8210

3030 South Jones Blvd., Ste. 105

6 Las Vegas, Nevada 89146

7 Tel: 702.262.1651

Attorneys for Defendant Sean VanGorder

By: /s/ Joel Z. Schwarz

JOEL Z. SCHWARZ

6385 S. Rainbow Boulevard, Suite 600

Las Vegas, NV 89118

8 Tel: 702.893.3383

Attorneys for Defendants Defendants Southern

Nevada Association of Pride, Inc. dba Las

Vegas Pride and Brady McGill

9
10 **ORDER**

11 The Court, having reviewed the foregoing stipulation (the "Stipulation") and for good cause
12 appearing therefore,

13
14 **IT IS HEREBY ORDERED** that the Parties' Stipulation is GRANTED.

15 **IT IS FURTHER ORDERED:**

16 1. The deadline to file motions for attorneys' fees and costs and any additional amounts
17 claimed pursuant to NRS 41.670, and to file verified costs memoranda shall be **June 28, 2024**.

18 2. The Deadline to file oppositions to motions for attorneys' fees and costs and any
19 additional amounts claimed pursuant to NRS 41.670 and/or countermotions to retax costs shall be
20 **July 22, 2024**.

21 3. The hearing on motions for attorneys' fees and costs and any additional amounts
22 claimed pursuant to NRS 41.670 and countermotions to retax shall be set for : August 15,
23 **2024** at 9:00 a.m./p.m.

24 4. All reply briefs shall be due August 5, 2024 by 5:00 pm.
~~7 days before the hearing.~~

25 Dated this ___ of _____, 2024. **Dated this 28th day of May, 2024**

26
27 
DISTRICT COURT JUDGE

1 Respectfully submitted by:
2
3 LEWIS BRISBOIS BISGAARD & SMITH LLP

4 By: /s/ Joel Z. Schwarz
5 JOEL Z. SCHWARZ
6 6385 S. Rainbow Boulevard, Suite 600
7 Las Vegas, Nevada 89118
8 Telephone: 702.893.3383
9 Facsimile: 702.893.3789
10 *Attorneys for Defendants Southern Nevada*
11 *Association of Pride, Inc. dba Las Vegas*
12 *Pride and Brady McGill*
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From: Joseph Nold <noldj@cox.net>
Sent: Friday, May 24, 2024 2:28 PM
To: Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>
Cc: Awe, Susan <Susan.Awe@lewisbrisbois.com>; Janet Terrazas <algparalegal@cox.net>
Subject: Re: FW: [EXT] Re: Davin v. So. Nev. Ass'n, et al - Motion for Attorney Fees and Costs Extension

You have my permission to electronically affix my signature to the Stip and Order to Extend regarding attorney fees motion.

Joseph Nold

Thank you,

Accelerated Law Group, Inc.

3030 South Jones Blvd., Ste. 105

Las Vegas, Nevada 89146

702-262-1651

702-383-6051 Fax

****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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On 05/24/2024 2:03 PM PDT Schwarz, Joel <joel.schwarz@lewisbrisbois.com> wrote:

Joe, do we have your approval as well?



Joel Z. Schwarz
Partner
Joel.Schwarz@lewisbrisbois.com
T: 702.693.4380 F: 702.366.9563

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From: Peter R. Pratt <ppratt@ocgas.com>
Sent: Friday, May 24, 2024 2:02 PM
To: Alex Shepard <ajs@randazza.com>; Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>
Cc: Ashley Olson <aolson@ocgattorneys.com>; Jim Olson <jolson@ocgas.com>; Joseph Nold <noldj@cox.net>; Marc Randazza <mjr@randazza.com>; Brittani Holt <bmh@randazza.com>
Subject: RE: [EXT] Re: Davin v. So. Nev. Ass'n, et al - Motion for Attorney Fees and Costs Extension

Looks good to me. Please add my e signature.

From: Alex Shepard <ajs@randazza.com>
Sent: Friday, May 24, 2024 1:35 PM
To: Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>
Cc: Ashley Olson <aolson@ocgattorneys.com>; Jim Olson <jolson@ocgas.com>; Peter R. Pratt

<ppratt@ocgas.com>; Joseph Nold <noldj@cox.net>; Marc Randazza <mjr@randazza.com>; Brittani Holt <bmh@randazza.com>

Subject: Re: [EXT] Re: Davin v. So. Nev. Ass'n, et al - Motion for Attorney Fees and Costs Extension

Joel,

The stipulation looks good to me. You have authorization to affix my electronic signature.

-Alex

On Fri, May 24, 2024 at 1:26 PM Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com> wrote:

Good afternoon,

Attached please find a draft stipulation and order for your review, comment and/or approval. Since the current deadline for costs memos is Tuesday, please respond as soon as possible.



Joel Z. Schwarz
Partner

Joel.Schwarz@lewisbrisbois.com

T: 702.693.4380 F: 702.366.9563

6385 South Rainbow Blvd., Suite 600, Las Vegas, NV 89118 | LewisBrisbois.com

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4		
5		
6	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7	vs.	DEPT. NO. Department 7
8	Southern Nevada Association of	
9	Pride, Inc, 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 Stipulation and 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:

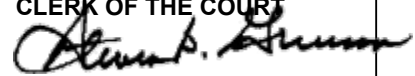
14 Service Date: 5/28/2024

15	Joseph Nold	noldj@cox.net
16	Janet Terrazas	algparalegal@cox.net
17	Alex Shepard	ecf@randazza.com
18	James Olson	jhollingsworth@ocgas.com
19	Theresa Amendola	tamendola@dennettwinspear.com
20	Meredith Holmes	mholmes@dennettwinspear.com
21	Susan Awe	susan.awe@lewisbrisbois.com
22	Ashley Marchant	amarchant@dennettwinspear.com
23	Ashley Olson	aolson@ocgas.com
24	Tony Amendola	aamendola@dennettwinspear.com
25	Joel Schwarz	Joel.Schwarz@lewisbrisbois.com

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Michael Maupin	Mmaupin@halljaffe.com
Shayna Ortega-Rose	srose@halljaffe.com
Erika Parker	Eparker@halljaffe.com
Bradley Combs	Bradley.Combs@lewisbrisbois.com
Michelle Soto	msoto@halljaffe.com



1 **NTSO**
2 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

3 JOEL Z. SCHWARZ
4 Nevada Bar No. 9181
5 Joel.Schwarz@lewisbrisbois.com
6 BRADLEY C.W. COMBS
7 Nevada Bar No. 16391
8 Bradley.Combs@lewisbrisbois.com
9 6385 S. Rainbow Boulevard, Suite 600
10 Las Vegas, Nevada 89118
11 Telephone: 702.893.3383
12 Facsimile: 702.893.3789

13 *Attorneys for Defendants Southern Nevada*
14 *Association of Pride, Inc. dba Las Vegas Pride*
15 *and Brady McGill*

16 DISTRICT COURT

17 CLARK COUNTY, NEVADA

18 CHRISTOPHER DAVIN, an individual;
19 TREVOR HARDER, an individual; and
20 HENDERSON EQUALITY CENTER, a
21 Nevada non-profit corporation,

22 Plaintiffs,

23 vs.

24 SOUTHERN NEVADA ASSOCIATION
25 OF PRIDE, INC. DBA LAS VEGAS PRIDE,
26 a Nevada nonprofit corporation; HUMAN
27 RIGHTS CAMPAIGN, INC., a District of
28 Columbia nonprofit corporation; HOLY
ORDER SIN SITY SISTERS OF
PERPETUAL INDULGENCE, INC., a
Nevada nonprofit corporation;
INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY, a Nevada
non-profit corporation; GENDER JUSTICE
NEVADA, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; SOCIAL
INFLUENCE FOUNDATION DBA HOUSE
OF VEGAS PRIDE, a Nevada nonprofit
corporation; and JOHN PHOENIX, APRN,
PLLC DBA HUNTRIDGE FAMILY

Case No. A-23-879938-C
Dept No. 7

**NOTICE OF ENTRY OF STIPULATION
AND ORDER: (1) EXTENDING
DEADLINE TO FILE MEMORANDA OF
COSTS; (2) CONSOLIDATING
BRIEFING ON ATTORNEYS' FEES AND
COSTS; SETTING BRIEFING
SCHEDULE AND HEARING DATE FOR
MOTIONS FOR ATTORNEYS' FEES
AND COSTS**

1 CLINIC, a Nevada professional LLC,
2 GOLDEN RAINBOW OF NEVADA, INC.,
3 a Nevada nonprofit corporation, BRADY
4 MCGILL, an individual, NICOLE
5 WILLIAMS, an individual, JOHN PHOENIX,
6 an individual, GARY COSTA, an individual,
7 ANTHONY CORTEZ, an individual, and
8 SEAN VANGORDER, an individual,
9
10 Defendants.

11 NOTICE IS HEREBY GIVEN that a *Stipulation and Order: (1) Extending Deadline to File*
12 *Memoranda of Costs; (2) Consolidating Briefing on Attorneys' Fees and Costs; Setting Briefing*
13 *Schedule and Hearing Date for Motions for Attorneys' Fees and Costs* was entered in the above-
14 captioned matter on May 28, 2024, a true and correct copy is attached hereto as **EXHIBIT A**.

15 DATED this 30th day of May 2024.

16 LEWIS BRISBOIS BISGAARD & SMITH LLP

17 By /s/ Joel Z. Schwarz

18 JOEL Z. SCHWARZ
19 Nevada Bar No. 9181
20 BRADLEY C. COMBS
21 Nevada Bar No. 16391
22 Phoenix Plaza Tower II
23 2929 North Central Avenue, Suite 1700
24 Phoenix, Arizona 85012-2761
25 Tel. 602.385.1040

26 *Attorneys for Defendants Southern Nevada*
27 *Association of Pride, Inc. dba Las Vegas Pride*
28 *and Brady McGill*

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of May 2024, a true and correct copy of a **NOTICE OF ENTRY OF STIPULATION AND ORDER: (1) EXTENDING DEADLINE TO FILE MEMORANDA OF COSTS; (2) CONSOLIDATING BRIEFING ON ATTORNEYS' FEES AND COSTS; SETTING BRIEFING SCHEDULE AND HEARING DATE FOR MOTIONS FOR ATTORNEYS' FEES AND COSTS** was served by electronically filing with the Clerk of the Court using the Odyssey E-File & Serve system and serving all parties with an email-address on record in this action.

RANDAZZA LEGAL GROUP, PLLC
Marc J. Randazza
Alex J. Shepard
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Tel.: 702.420.2001
ecf@randazza.com

*Attorneys for Plaintiffs Christopher Davin,
Trevor Harder, and Henderson Equality Center*

OLSON CANNON & GORMLEY
James R. Olson
Ashley Olson
Peter R. Pratt
9950 West Cheyenne Ave.
Las Vegas, NV 89129
Tele.: 702-384-4012 702-383-0701 Fax
jolson@ocgas.com
aolson@ocgas.com
ppratt@ocgas.com

*Attorneys for Defendants Golden Rainbow of
Nevada, Inc. and Gary Costa*

ACCELERATED LAW GROUP
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Las Vegas, Nevada 89146
Tel: 702.262.1651
noldj@cox.net

*Attorney for Defendant
Sean VanGorder*

DENNETT WINSPEAR, LLP
Ryan L. Dennett
3301 N. Buffalo Drive, Suite 195
Las Vegas, Nevada 89129
Tele.: 702.839.1100
rdennett@dennettwinspear.com

*Attorneys for Defendant John Phoenix,
individually*

By /s/ Susan Awe

Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP

140851343.1

EXHIBIT A

EXHIBIT A

1 **SAO**
2 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

3 JOEL Z. SCHWARZ
4 Nevada Bar No. 9181
5 Joel.Schwarz@lewisbrisbois.com
6 BRADLEY C.W. COMBS
7 Nevada Bar No. 16391
8 Bradley.Combs@lewisbrisbois.com
9 6385 S. Rainbow Boulevard, Suite 600
10 Las Vegas, Nevada 89118
11 Telephone: 702.893.3383
12 Facsimile: 702.893.3789

13 *Attorneys for Defendants Southern Nevada*
14 *Association of Pride, Inc. dba Las Vegas Pride*
15 *and Brady McGill*

DISTRICT COURT

CLARK COUNTY, NEVADA

11 CHRISTOPHER DAVIN, an individual;
12 TREVOR HARDER, an individual; and
13 HENDERSON EQUALITY CENTER, a
14 Nevada non-profit corporation,

Plaintiffs,

15 vs.

16 SOUTHERN NEVADA ASSOCIATION
17 OF PRIDE, INC. DBA LAS VEGAS PRIDE,
18 a Nevada nonprofit corporation; HUMAN
19 RIGHTS CAMPAIGN, INC., a District of
20 Columbia nonprofit corporation; HOLY
21 ORDER SIN SITY SISTERS OF
22 PERPETUAL INDULGENCE, INC., a
23 Nevada nonprofit corporation;
24 INTERNATIONAL CULTURAL
25 MOVEMENT FOR EQUALITY, a Nevada
26 non-profit corporation; GENDER JUSTICE
27 NEVADA, a Nevada non-profit corporation;
28 LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; SOCIAL
INFLUENCE FOUNDATION DBA HOUSE
OF VEGAS PRIDE, a Nevada nonprofit
corporation; and JOHN PHOENIX, APRN,
PLLC DBA HUNTRIDGE FAMILY
CLINIC, a Nevada professional LLC,
GOLDEN RAINBOW OF NEVADA, INC.,
a Nevada nonprofit corporation, BRADY
MCGILL, an individual, NICOLE

Case No. A-23-879938-C
Dept No. 28

**STIPULATION AND ORDER: (1)
EXTENDING DEADLINE TO FILE
MEMORANDA OF COSTS; (2)
CONSOLIDATING BRIEFING ON
ATTORNEYS' FEES AND COSTS;
SETTING BRIEFING SCHEDULE AND
HEARING DATE FOR MOTIONS FOR
ATTORNEYS' FEES AND COSTS**

1 WILLIAMS, an individual, JOHN PHOENIX,
2 an individual, GARY COSTA, an individual,
3 ANTHONY CORTEZ, an individual, and
4 SEAN VANGORDER, an individual,

Defendants.

5 Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center (together, the
6 “Plaintiffs”), Defendants Southern Nevada Association of Pride, Inc. dba Las Vegas Pride (“Las Vegas
7 Pride”) and Brady McGill (“McGill”), Defendant Sean Vangorder (“Vangorder”), and Defendants
8 Gary Costa (“Costa”) and Golden Rainbow of Nevada, Inc. (“Golden Rainbow,” and collectively, the
9 “Parties”), by and through their respective undersigned counsel, HEREBY STIPULATE and AGREE:

10 1. A Findings of Fact, Conclusions of Law, and Order Granting Special Anti-SLAPP
11 Motion to Dismiss (the “Order”) was entered May 22, 2024 and Notice of Entry of the Order was
12 filed and served May 23, 2024.

13 2. Pursuant to Nevada Revised Statutes (“NRS”) § 41.670(1)(a), Las Vegas Pride,
14 McGill, Vangorder, Costa, and Golden Rainbow are entitled to reasonable attorneys’ fees and costs,
15 and may also be awarded additional amounts pursuant to NRS 41.670(1)(b).

16 3. Pursuant to NRS 18.110(1) and (4), verified memoranda of costs must be filed by
17 May 28, 2024, unless the Court grants additional time, and any motion to retax costs must be filed
18 within three days thereafter.

19 4. Pursuant to Nevada Rule of Civil Procedure (“NRCP”) 54(d), motions for attorneys’
20 fees must be filed by June 14, 2024.

21 5. The Parties are in ongoing discussions regarding a potential resolution of this action,
22 and agree that their negotiations will benefit from an extension of the deadlines for costs memoranda
23 and motions for attorneys’ fees.

24 6. Further, even if the Parties are unable to settle, they agree it will be more expeditions
25 and promote judicial economy to have costs and fees issues briefed, argued, and decided
26 simultaneously.

27 ///

7. Accordingly, the Parties have agreed on the following modified deadlines, consolidated briefing schedule, and hearing date:

a. Deadline to file motions for attorneys' fees and costs and any additional amounts claimed pursuant to NRS 41.670, and to file verified costs memoranda: **June 28, 2024**

b. Deadline to file oppositions to motions for attorneys' fees and costs and any additional amounts claimed pursuant to NRS 41.670 and/or counter motions to retax costs: **July 22, 2024;**

c. Hearing on motions for attorneys' fees and costs and any additional amounts claimed pursuant to NRS 41.670 and counter motions to retax: **August 13, 2024** or the Court's first date of availability thereafter; and

d. Deadline for all reply briefs: 7 days before the hearing.

IT IS SO STIPULATED.

Dated this 24th day of May 2024.

Dated this 24th day of May 2024.

RANDAZZA LEGAL GROUP, PLLC

OLSON CANNON & GORMLEY

By: /s/ Alex J. Shepard
MARC J. RANDAZZA
Nevada Bar No. 12265
ALEX J. SHEPARD
Nevada Bar No. 13582
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Tel.: 702.420.2001
*Attorneys for Plaintiffs Christopher Davin,
Trevor Harder, and Henderson Equality Center*

By: /s/ Peter R. Pratt
JAMES R. OLSON
Nevada Bar No. 000116
ASHLEY OLSON
Nevada Bar No. 15448
PETER PRATT
Nevada Bar No. 6458
9950 West Cheyenne Ave.
Las Vegas, NV 89129
Tel: 702-384-4012
*Attorneys for Defendants Golden Rainbow of
Nevada, Inc. and Gary Costa*

///

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///

1 Dated this 24th day of May 2024.

Dated this 24th day of May 2024..

2 ACCELERATED LAW GROUP

LEWIS BRISBOIS BISGAARD & SMITH
LLP

3
4 By: /s/ Joseph T. Nold

JOSEPH T. NOLD

5 Nevada Bar No. 8210

3030 South Jones Blvd., Ste. 105

6 Las Vegas, Nevada 89146

7 Tel: 702.262.1651

Attorneys for Defendant Sean VanGorder

By: /s/ Joel Z. Schwarz

JOEL Z. SCHWARZ

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Las Vegas, NV 89118

8 Tel: 702.893.3383

Attorneys for Defendants Defendants Southern

Nevada Association of Pride, Inc. dba Las

Vegas Pride and Brady McGill

9
10 **ORDER**

11 The Court, having reviewed the foregoing stipulation (the "Stipulation") and for good cause
12 appearing therefore,

13
14 **IT IS HEREBY ORDERED** that the Parties' Stipulation is GRANTED.

15 **IT IS FURTHER ORDERED:**

16 1. The deadline to file motions for attorneys' fees and costs and any additional amounts
17 claimed pursuant to NRS 41.670, and to file verified costs memoranda shall be **June 28, 2024**.

18 2. The Deadline to file oppositions to motions for attorneys' fees and costs and any
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21 3. The hearing on motions for attorneys' fees and costs and any additional amounts
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23 **2024** at 9:00 a.m./p.m.

24 4. All reply briefs shall be due August 5, 2024 by 5:00 pm.
~~7 days before the hearing.~~

25 Dated this ___ of _____, 2024. **Dated this 28th day of May, 2024**

26
27 
DISTRICT COURT JUDGE

1 Respectfully submitted by:
2
3 LEWIS BRISBOIS BISGAARD & SMITH LLP

4 By: /s/ Joel Z. Schwarz
5 JOEL Z. SCHWARZ
6 6385 S. Rainbow Boulevard, Suite 600
7 Las Vegas, Nevada 89118
8 Telephone: 702.893.3383
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You have my permission to electronically affix my signature to the Stip and Order to Extend regarding attorney fees motion.

Joseph Nold

Thank you,

Accelerated Law Group, Inc.

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Joe, do we have your approval as well?



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Sent: Friday, May 24, 2024 1:35 PM
To: Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com>
Cc: Ashley Olson <aolson@ocgattorneys.com>; Jim Olson <jolson@ocgas.com>; Peter R. Pratt

<ppratt@ocgas.com>; Joseph Nold <noldj@cox.net>; Marc Randazza <mjr@randazza.com>; Brittani Holt <bmh@randazza.com>

Subject: Re: [EXT] Re: Davin v. So. Nev. Ass'n, et al - Motion for Attorney Fees and Costs Extension

Joel,

The stipulation looks good to me. You have authorization to affix my electronic signature.

-Alex

On Fri, May 24, 2024 at 1:26 PM Schwarz, Joel <Joel.Schwarz@lewisbrisbois.com> wrote:

Good afternoon,

Attached please find a draft stipulation and order for your review, comment and/or approval. Since the current deadline for costs memos is Tuesday, please respond as soon as possible.



Joel Z. Schwarz
Partner

Joel.Schwarz@lewisbrisbois.com

T: 702.693.4380 F: 702.366.9563

6385 South Rainbow Blvd., Suite 600, Las Vegas, NV 89118 | LewisBrisbois.com

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5		
6	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7	vs.	DEPT. NO. Department 7
8	Southern Nevada Association of	
9	Pride, Inc, 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 Stipulation and 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:

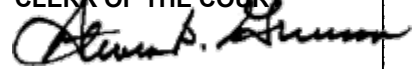
14 Service Date: 5/28/2024

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16	Janet Terrazas	algparalegal@cox.net
17	Alex Shepard	ecf@randazza.com
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23	Ashley Olson	aolson@ocgas.com
24	Tony Amendola	aamendola@dennettwinspear.com
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3 Joseph T. Nold, Esq.
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7 Telephone: (702) 262-1651
8 Fax: (702) 383-6051
9 E-mail: noldj@cox.net
10 Attorney for Defendant
11 Sean VanGorder

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

9 * * * * *

10 CHRISTOPHER DAVIN, an individual;
11 TREVOR HARDER, an individual; and
12 HENDERSON EQUALITY CENTER, a
13 Nevada non-profit corporation,

14 Plaintiffs,

15 vs.

16 SOUTHERN NEVADA ASSOCIATION
17 OF PRIDE, INC. DBA LAS VEGAS PRIDE, a
18 Nevada nonprofit corporation; *et. al.*,

19 Defendants

Case No.: A-23-879938-C

Dept. No: 7

20 AND RELATED CLAIMS

21 **RECEIPT OF COPY**

22 RECEIPT OF COPY of the two NOTICES OF LIEN dated June 12, 2024 addressed to
23 Defendant Brady McGill and Southern Nevada Association of Pride, Inc. dba Las Vegas Pride is
24 hereby acknowledged this 18th day of June, 2024.



25 BRADY MCGILL

26 On behalf of Brady McGill and Southern Nevada
27 Association of Pride, Inc.



NOAS

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
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Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

Case No. A-23-879938-C

Dept. VII

NOTICE OF APPEAL

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, a Nevada nonprofit corporation;
HUMAN RIGHTS CAMPAIGN, INC., a
District of Columbia nonprofit corporation;
**HOLY ORDER SIN SITY SISTERS OF
PERPETUAL INDULGENCE, INC.**, a
Nevada nonprofit corporation;
**INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY**, a Nevada
non-profit corporation; **GENDER JUSTICE
NEVADA**, a Nevada non-profit corporation;
LAS VEGAS TRANSPRIDE, a Nevada
non-profit corporation; **SOCIAL
INFLUENCE FOUNDATION DBA
HOUSE OF VEGAS PRIDE**, a Nevada non-
profit corporation; and **JOHN PHOENIX,
APRN, PLLC DBA HUNTRIDGE
FAMILY CLINIC**, a Nevada professional
limited liability company, **GOLDEN
RAINBOW OF NEVADA, INC.**, a Nevada
nonprofit corporation, **BRADY MCGILL**, an
individual, **NICOLE WILLIAMS**, an
individual, **JOHN PHOENIX**, an individual,

GARY COSTA, an individual, **ANTHONY CORTEZ**, an individual, and **SEAN VANGORDER**, an individual,

Defendants.

Notice is hereby given that Plaintiffs Christopher Davin, Trevor Harder, and the Henderson Equality Center appeal to the Supreme Court of Nevada from the Court's Order granting Defendants Gary Costa and Golden Rainbow of Nevada Inc.'s Special Motion to Dismiss Per Nevada's Anti-SLAPP Provisions, NRS 41.635, et seq. (the "Golden Rainbow anti-SLAPP Motion"), and Defendants Southern Nevada Association of Pride, Inc. d/b/a Las Vegas Pride, Brady McGill, Holy Order Sin City Sisters of Perpetual Indulgence, Inc., and Sean Vangorder's Special Motion to Dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 (Anti-SLAPP), and Request for Attorney Fees, Costs, and Damages Pursuant to NRS 41.670 (the "Pride anti-SLAPP Motion"), notice of entry of which was filed in this action on the 23rd day of May, 2024.

Dated: June 24, 2024.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

RANDAZZA LEGAL GROUP, PLLC

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Telephone: 702-420-2001

ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,
and Henderson Equality Center

Case No. A-23-879938-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on this 24th day of June, 2024 and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Alex J. Shepard
ALEX J. SHEPARD

1 **SAO**

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2 Alex J. Shepard (NV Bar No. 13582)

3 RANDAZZA LEGAL GROUP, PLLC

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4 Las Vegas, NV 89118

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5 ecf@randazza.com

6 Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

7 and Henderson Equality Center

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 **CHRISTOPHER DAVIN**, et. al.,

11 Plaintiffs,

12 v.

13 **SOUTHERN NEVADA ASSOCIATION**
14 **OF PRIDE, INC. DBA LAS VEGAS**
15 **PRIDE**, et. al.,

16 Defendants.

Case No. A-23-879938-C

Dept. VII

SECOND STIPULATION AND ORDER:
(1) EXTENDING DEADLINE TO FILE
MEMORANDA OF COSTS; (2)
CONSOLIDATING BRIEFING ON
ATTORNEYS' FEES AND COSTS;
SETTING BRIEFING SCHEDULE AND
HEARING DATE FOR MOTIONS FOR
ATTORNEYS' FEES AND COSTS

18 Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center ("Plaintiffs"),
19 Defendants Southern Nevada Association of Pride, Inc. dba Las Vegas Pride ("Las Vegas Pride")
20 and Brady McGill ("McGill"), Defendant Sean Vangorder ("Vangorder"), and Defendants Gary
21 Costa ("Costa") and Golden Rainbow of Nevada, Inc. ("Golden Rainbow," and collectively, the
22 "Parties"), by and through their respective undersigned counsel, HEREBY STIPULATE and
23 AGREE:

24 1. A Findings of Fact, Conclusions of Law, and Order Granting Special Anti-SLAPP
25 Motion to Dismiss (the "Order") was entered May 22, 2024, and Notice of Entry of the Order was
26 filed and served May 23, 2024.

1 2. Pursuant to Nevada Revised Statutes (“NRS”) § 41.670(1)(a), Las Vegas Pride,
2 McGill, Vangorder, Costa, and Golden Rainbow are entitled to reasonable attorneys’ fees and
3 costs, and may also be awarded additional amounts pursuant to NRS 41.670(1)(b).

4 3. Pursuant to NRS 18.110(1) and (4), verified memoranda of costs were required to
5 be filed by May 28, 2024, unless the Court grants additional time, and any motion to retax costs
6 must be filed within three days thereafter.

7 4. Pursuant to Nevada Rule of Civil Procedure (“NRCP”) 54(d), motions for
8 attorneys’ fees were required to be filed by June 14, 2024.

9 5. On May 28, 2024, the Court entered a stipulation and order consolidating the above
10 deadlines and extending the deadline to file memoranda of costs and motions for attorneys’ fees
11 to June 28, 2024.

12 6. The Parties are in ongoing discussions regarding a potential resolution of this
13 action, and agree that their negotiations will benefit from an additional extension of the deadlines
14 for costs memoranda and motions for attorneys’ fees.

15 7. Accordingly, the Parties have agreed on the following modified deadlines,
16 consolidated briefing schedule, and hearing date:

17 a. Deadline to file motions for attorneys’ fees and costs and any additional
18 amounts claimed pursuant to NRS 41.670, and to file verified costs memoranda: **July 19, 2024;**

19 b. Deadline to file oppositions to motions for attorneys’ fees and costs and any
20 additional amounts claimed pursuant to NRS 41.670 and/or countermotions to retax costs: **August**
21 **12, 2024;**

22 c. Hearing on motions for attorneys’ fees and costs and any additional amounts
23 claimed pursuant to NRS 41.670 and countermotions to retax: **September 3, 2024**, or the Court’s
24 first date of availability thereafter; and

25 d. Deadline for all reply briefs: 7 days before the hearing.
26
27

1 **IT IS SO STIPULATED.**

2 Dated: 25th day of June, 2024.

Dated: 25th day of June, 2024.

3 LEWIS BRISBOIS BISGAARD & SMITH
4 LLP

OLSON CANNON & GORMLEY

5 By: /s/ Joel Z. Schwarz

By: /s/ James R. Olson

6 Joel Z. Schwarz (NV Bar No. 9181)
7 Bradley C.W. Combs (NV Bar No. 16391)
8 LEWIS BRISBOIS BISGAARD & SMITH LLP
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Ashley Olson (NV Bar No. 15448)
Peter Pratt (NV Bar No. 6458)
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Tel: 702-384-4012

10 *Attorneys for Defendants Southern Nevada Attorneys for Defendants Golden Rainbow of*
11 *Association of Pride, Inc. dba Las Vegas Pride Nevada, Inc. and Gary Costa*
and Brady McGill

12 Dated: 25th day of June, 2024.

13 ACCELERATED LAW GROUP

14
15 By: /s/ Joseph T. Nold

16 JOSEPH T. NOLD
17 Nevada Bar No. 8210
18 3030 South Jones Blvd., Ste. 105
19 Las Vegas, Nevada 89146
Tel: 702.262.1651
Attorneys for Defendant Sean VanGorder

ORDER

The Court, having reviewed the foregoing stipulation (the “Stipulation”) and for good cause appearing therefore,

IT IS HEREBY ORDERED that the Parties’ Stipulation is GRANTED.

IT IS FURTHER ORDERED:

1. The deadline to file motions for attorneys’ fees and costs and any additional amounts claimed pursuant to NRS 41.670, and to file verified costs memoranda shall be **July 19, 2024**.

2. The Deadline to file oppositions to motions for attorneys’ fees and costs and any additional amounts claimed pursuant to NRS 41.670 and/or countermotions to retax costs shall be **August 12, 2024**.

3. The hearing on motions for attorneys’ fees and costs and any additional amounts claimed pursuant to NRS 41.670 and countermotions to retax shall be set for : September 3, **2024** at 9:00 a.m./~~p.m.~~.

4. All reply briefs shall be due 7 days before the hearing.

Dated this ___ of _____, 2024.

Dated this 26th day of June, 2024



Submitted by,

/s/ Alex J. Shepard

RANDAZZA LEGAL GROUP, PLLC
Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118

*Attorneys for Plaintiffs,
Christopher Davin, Trevor Harder,
and Henderson Equality Center*

**95C 288 DCC1 E149
Michael Villani
District Court**

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA
4

5	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
6	vs.	DEPT. NO. Department 7
7	Southern Nevada Association of	
8	Pride, Inc, Defendant(s)	
9		

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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13 Court. The foregoing Order was served via the court's electronic eFile system to all
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NTSO

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Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. VII

**NOTICE OF ENTRY OF STIPULATION
AND ORDER**

PLEASE TAKE NOTICE that on June 26, 2024, the Court entered an Order granting the Second Stipulation and Order: (1) Extending Deadline to File Memoranda of Costs; (2) Consolidating Briefing on Attorneys' Fees and Costs; Setting Briefing Schedule and Hearing Date for Motions for Attorneys' Fees and Costs, which is attached hereto as **Exhibit 1**.

Dated: June 26, 2024.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

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Telephone: 702-420-2001

ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

Case No. A-23-879938-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on June 26, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Alex J. Shepard

ALEX J. SHEPARD

EXHIBIT 1

Notice of Entry of Stipulation and Order

1 **SAO**

2 Marc J. Randazza (NV Bar No. 12265)
3 Alex J. Shepard (NV Bar No. 13582)
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5 4974 S. Rainbow Blvd., Suite 100
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9 Attorneys for Plaintiffs
10 Christopher Davin, Trevor Harder,
11 and Henderson Equality Center

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

14 **CHRISTOPHER DAVIN**, et. al.,
15 Plaintiffs,

16 v.

17 **SOUTHERN NEVADA ASSOCIATION**
18 **OF PRIDE, INC. DBA LAS VEGAS**
19 **PRIDE**, et. al.,
20 Defendants.

Case No. A-23-879938-C

Dept. VII

21 **SECOND STIPULATION AND ORDER:**
22 **(1) EXTENDING DEADLINE TO FILE**
23 **MEMORANDA OF COSTS; (2)**
24 **CONSOLIDATING BRIEFING ON**
25 **ATTORNEYS' FEES AND COSTS;**
26 **SETTING BRIEFING SCHEDULE AND**
27 **HEARING DATE FOR MOTIONS FOR**
ATTORNEYS' FEES AND COSTS

Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center ("Plaintiffs"),
Defendants Southern Nevada Association of Pride, Inc. dba Las Vegas Pride ("Las Vegas Pride")
and Brady McGill ("McGill"), Defendant Sean Vangorder ("Vangorder"), and Defendants Gary
Costa ("Costa") and Golden Rainbow of Nevada, Inc. ("Golden Rainbow," and collectively, the
"Parties"), by and through their respective undersigned counsel, HEREBY STIPULATE and
AGREE:

1. A Findings of Fact, Conclusions of Law, and Order Granting Special Anti-SLAPP
Motion to Dismiss (the "Order") was entered May 22, 2024, and Notice of Entry of the Order was
filed and served May 23, 2024.

1 2. Pursuant to Nevada Revised Statutes (“NRS”) § 41.670(1)(a), Las Vegas Pride,
2 McGill, Vangorder, Costa, and Golden Rainbow are entitled to reasonable attorneys’ fees and
3 costs, and may also be awarded additional amounts pursuant to NRS 41.670(1)(b).

4 3. Pursuant to NRS 18.110(1) and (4), verified memoranda of costs were required to
5 be filed by May 28, 2024, unless the Court grants additional time, and any motion to retax costs
6 must be filed within three days thereafter.

7 4. Pursuant to Nevada Rule of Civil Procedure (“NRCP”) 54(d), motions for
8 attorneys’ fees were required to be filed by June 14, 2024.

9 5. On May 28, 2024, the Court entered a stipulation and order consolidating the above
10 deadlines and extending the deadline to file memoranda of costs and motions for attorneys’ fees
11 to June 28, 2024.

12 6. The Parties are in ongoing discussions regarding a potential resolution of this
13 action, and agree that their negotiations will benefit from an additional extension of the deadlines
14 for costs memoranda and motions for attorneys’ fees.

15 7. Accordingly, the Parties have agreed on the following modified deadlines,
16 consolidated briefing schedule, and hearing date:

17 a. Deadline to file motions for attorneys’ fees and costs and any additional
18 amounts claimed pursuant to NRS 41.670, and to file verified costs memoranda: **July 19, 2024;**

19 b. Deadline to file oppositions to motions for attorneys’ fees and costs and any
20 additional amounts claimed pursuant to NRS 41.670 and/or countermotions to retax costs: **August**
21 **12, 2024;**

22 c. Hearing on motions for attorneys’ fees and costs and any additional amounts
23 claimed pursuant to NRS 41.670 and countermotions to retax: **September 3, 2024**, or the Court’s
24 first date of availability thereafter; and

25 d. Deadline for all reply briefs: 7 days before the hearing.
26
27

1 **IT IS SO STIPULATED.**

2 Dated: 25th day of June, 2024.

Dated: 25th day of June, 2024.

3 LEWIS BRISBOIS BISGAARD & SMITH
4 LLP

OLSON CANNON & GORMLEY

5 By: /s/ Joel Z. Schwarz

By: /s/ James R. Olson

6 Joel Z. Schwarz (NV Bar No. 9181)
7 Bradley C.W. Combs (NV Bar No. 16391)
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9950 West Cheyenne Ave.
Las Vegas, NV 89129
Tel: 702-384-4012

10 *Attorneys for Defendants Southern Nevada Attorneys for Defendants Golden Rainbow of*
11 *Association of Pride, Inc. dba Las Vegas Pride Nevada, Inc. and Gary Costa*
and Brady McGill

12 Dated: 25th day of June, 2024.

13 ACCELERATED LAW GROUP

14
15 By: /s/ Joseph T. Nold

16 JOSEPH T. NOLD
17 Nevada Bar No. 8210
18 3030 South Jones Blvd., Ste. 105
19 Las Vegas, Nevada 89146
Tel: 702.262.1651
Attorneys for Defendant Sean VanGorder

ORDER

The Court, having reviewed the foregoing stipulation (the “Stipulation”) and for good cause appearing therefore,

IT IS HEREBY ORDERED that the Parties’ Stipulation is GRANTED.

IT IS FURTHER ORDERED:

1. The deadline to file motions for attorneys’ fees and costs and any additional amounts claimed pursuant to NRS 41.670, and to file verified costs memoranda shall be **July 19, 2024**.


2. The Deadline to file oppositions to motions for attorneys’ fees and costs and any additional amounts claimed pursuant to NRS 41.670 and/or countermotions to retax costs shall be **August 12, 2024**.

3. The hearing on motions for attorneys’ fees and costs and any additional amounts claimed pursuant to NRS 41.670 and countermotions to retax shall be set for : September 3, **2024** at 9:00 a.m./~~p.m.~~.

4. All reply briefs shall be due 7 days before the hearing.

Dated this ___ of _____, 2024.

Dated this 26th day of June, 2024



Submitted by,

/s/ Alex J. Shepard

RANDAZZA LEGAL GROUP, PLLC
Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
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Las Vegas, NV 89118

*Attorneys for Plaintiffs,
Christopher Davin, Trevor Harder,
and Henderson Equality Center*

**95C 288 DCC1 E149
Michael Villani
District Court**

1 **CSERV**

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3 DISTRICT COURT
CLARK COUNTY, NEVADA
4

5	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
6	vs.	DEPT. NO. Department 7
7	Southern Nevada Association of	
8	Pride, Inc, Defendant(s)	
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STIP

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Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. VII

**STIPULATION FOR DISMISSAL OF
CLAIMS AGAINST DEFENDANTS
GARY COSTA AND GOLDEN
RAINBOW AND WAIVER OF CLAIMS
FOR COSTS AND ATTORNEYS' FEES**

Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center ("Plaintiffs"),
and Defendants Gary Costa ("Costa") and Golden Rainbow of Nevada, Inc. ("Golden Rainbow")
(collectively, the "Parties"), by and through their respective undersigned counsel, HEREBY
STIPULATE to dismiss all claims asserted against Costa and Golden Rainbow with prejudice, with
all parties to bear their own fees and costs, and for Costa and Golden Rainbow to waive any claim to
costs, attorneys' fees, or other amounts under NRS 41.670.

1 **IT IS SO STIPULATED.**

2 Dated: 19th day of July, 2024.

Dated: 19th day of July, 2024.

3 RANDAZZA LEGAL GROUP, PLLC

OLSON CANNON & GORMLEY

4 By: /s/ Alex J. Shepard

By: /s/ Ashley Olson

5 Marc J. Randazza, NV Bar No. 12265

James R. Olson (NV Bar No. 116)

6 Alex J. Shepard, NV Bar No. 13582

Ashley Olson (NV Bar No. 15448)

7 4974 S. Rainbow Blvd., Suite 100

Peter Pratt (NV Bar No. 6458)

Las Vegas, NV 89118

9950 West Cheyenne Ave.

Las Vegas, NV 89129

8 *Attorneys for Plaintiffs,*

Tel: 702-384-4012

9 *Christopher Davin, Trevor Harder,*

Attorneys for Defendants,

and Henderson Equality Center

Golden Rainbow of Nevada, Inc. and Gary

Costa

12 Case No. A-23-879938-C

13 **CERTIFICATE OF SERVICE**

14 I HEREBY CERTIFY that a true and correct copy of the foregoing document was
15 electronically filed on this 19th day of July 2024 and served via the Eighth Judicial District Court's
16 Odyssey electronic filing system.

18 /s/ Alex J. Shepard

19 ALEX J. SHEPARD



Brittani Holt <bmh@randazza.com>

Davin v. Las Vegas PRIDE | Settlement Proposal

Alex Shepard <ajs@randazza.com>

Fri, Jul 19, 2024 at 10:06 AM

To: Ashley Olson <aolson@ocgattorneys.com>

Cc: Brittani Holt <bmh@randazza.com>, Jim Olson <jolson@ocgattorneys.com>, Marc Randazza <mjr@randazza.com>, Staff <staff@randazza.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>

Ashley,

For the sake of getting the district court to move quickly on the stipulation regarding fee motion deadlines, I was thinking it makes more sense for there to be a stipulation for dismissal and waiver of claims to costs and fees rather than a unilateral stip. for dismissal. If that makes sense to you, here's a draft stipulation.

-Alex

[Quoted text hidden]



2024.07.19 - Costa Golden Rainbow Stip. for Dismissal.docx
52K



Brittani Holt <bmh@randazza.com>

Davin v. Las Vegas PRIDE | Settlement Proposal

Ashley Olson <aolson@ocgattorneys.com>

Fri, Jul 19, 2024 at 10:45 AM

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Cc: Brittani Holt <bmh@randazza.com>, Jim Olson <jolson@ocgattorneys.com>, Marc Randazza <mjr@randazza.com>, Staff <staff@randazza.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>

Alex,

That sounds fine to me. You may affix my electronic signature to the stipulation for dismissal and waiver of claims to costs and fees.

Thank you,

Ashley Olson, Esq.

OLSON CANNON & GORMLEY

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aolson@ocgattorneys.com****Please be advised our firm's email addresses currently aolson@ocgas.com will expire.****New email address:** aolson@ocgattorneys.com

This email, including attachments, is intended for the person(s) or company named and may contain confidential and/or legally privileged information. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited. This email and any attachments are believed to be free of any virus or other defect that might affect any computer into which it is received and opened, and it is the responsibility of the recipient to ensure it is virus free, and no responsibility is accepted by Olson Cannon Gormley & Stoberski for any loss or damage arising in any way from its use. If you have received this communication in error, please immediately notify the sender at 702-384-4012, or by electronic email.

From: Alex Shepard <ajs@randazza.com>**Sent:** Friday, July 19, 2024 10:06 AM**To:** Ashley Olson <aolson@ocgattorneys.com>**Cc:** Brittani Holt <bmh@randazza.com>; Jim Olson <jolson@ocgattorneys.com>; Marc Randazza <mjr@randazza.com>; Staff <staff@randazza.com>; 903a4502e+matter1581750170@maildrop.clio.com**Subject:** Re: Davin v. Las Vegas PRIDE | Settlement Proposal

1 **SAO**

Marc J. Randazza (NV Bar No. 12265)

2 Alex J. Shepard (NV Bar No. 13582)

3 RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

4 Las Vegas, NV 89118

Telephone: 702-420-2001

5 ecf@randazza.com

6 Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

7 and Henderson Equality Center

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 **CHRISTOPHER DAVIN**, et. al.,

11 Plaintiffs,

12 v.

13 **SOUTHERN NEVADA ASSOCIATION**
14 **OF PRIDE, INC. DBA LAS VEGAS**
15 **PRIDE**, et. al.,

16 Defendants.

Case No. A-23-879938-C

Dept. VII

THIRD STIPULATION AND ORDER:
(1) EXTENDING DEADLINE TO FILE
MEMORANDA OF COSTS; (2)
CONSOLIDATING BRIEFING ON
ATTORNEYS' FEES AND COSTS;
SETTING BRIEFING SCHEDULE AND
HEARING DATE FOR MOTIONS FOR
ATTORNEYS' FEES AND COSTS

18 Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center ("Plaintiffs"),
19 Defendants Southern Nevada Association of Pride, Inc. dba Las Vegas Pride ("Las Vegas Pride")
20 and Brady McGill ("McGill"), and Defendant Sean Vangorder ("Vangorder") (collectively, the
21 "Parties"), by and through their respective undersigned counsel, HEREBY STIPULATE and
22 AGREE:

23 1. A Findings of Fact, Conclusions of Law, and Order Granting Special Anti-SLAPP
24 Motion to Dismiss (the "Order") was entered May 22, 2024, and Notice of Entry of the Order was
25 filed and served May 23, 2024.

26 2. Pursuant to Nevada Revised Statutes ("NRS") § 41.670(1)(a), Las Vegas Pride,
27

1 McGill, and Vangorder are entitled to reasonable attorneys' fees and costs, and may also be
2 awarded additional amounts pursuant to NRS 41.670(1)(b).

3 3. Pursuant to NRS 18.110(1) and (4), verified memoranda of costs were required to
4 be filed by May 28, 2024, unless the Court grants additional time, and any motion to retax costs
5 must be filed within three days thereafter.

6 4. Pursuant to Nevada Rule of Civil Procedure ("NRCP") 54(d), motions for
7 attorneys' fees were required to be filed by June 14, 2024.

8 5. On May 28, 2024, the Court entered a stipulation and order consolidating the above
9 deadlines and extending the deadline to file memoranda of costs and motions for attorneys' fees
10 to June 28, 2024.

11 6. On June 26, 2024, the Court entered a stipulation and order extending these
12 deadlines again, making the deadline to file memoranda of costs and motions for attorneys' fees
13 July 19, 2024.

14 7. On June 24, 2024, Plaintiffs filed a Notice of Appeal to the Nevada Supreme Court
15 regarding the Order, Appeal No. 88906.

16 8. On July 11, 2024, the appeal was referred to the Nevada Supreme Court's settlement
17 program.

18 9. The Parties are in ongoing discussions regarding a potential resolution of this
19 action, and agree that their negotiations will benefit from an additional extension of the deadlines
20 for costs memoranda and motions for attorneys' fees.

21 10. Furthermore, now that an appeal of the Order has been filed and the Parties have
22 been referred to the Nevada Supreme Court's settlement program, the Parties agree that the issue
23 of costs and attorneys' fees should be reserved until after the appeal is concluded, as the outcome
24 of the appeal may affect entitlement to costs and fees as to some or all of the Defendants.

25 11. Accordingly, if the appeal before the Nevada Supreme Court results in a full or
26 partial affirmance of this Court's Order, the Parties have agreed on the following modified
27 deadlines, consolidated briefing schedule, and hearing date:

1 a. Deadline to file motions for attorneys' fees and costs and any additional
2 amounts claimed pursuant to NRS 41.670, and to file verified costs memoranda: **30 days after**
3 **remittitur is issued;**

4 b. Deadline to file oppositions to motions for attorneys' fees and costs and any
5 additional amounts claimed pursuant to NRS 41.670 and/or counter motions to retax costs: **14 days**
6 **after the deadline to file motions for costs, fees, and any additional amounts;**

7 c. Hearing on motions for attorneys' fees and costs and any additional amounts
8 claimed pursuant to NRS 41.670 and counter motions to retax: **30 days after motions are filed**, or
9 the Court's first date of availability thereafter; and

10 d. Deadline for all reply briefs: 7 days before the hearing.

11
12
13 **IT IS SO STIPULATED.**

14 Dated: 18th day of July, 2024.

Dated: 18th day of July, 2024.

15 LEWIS BRISBOIS BISGAARD & SMITH
16 LLP

ACCELERATED LAW GROUP

17 By: /s/ Joel Z. Schwarz
18 Joel Z. Schwarz (NV Bar No. 9181)
19 Bradley C.W. Combs (NV Bar No. 16391)
20 6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Telephone: 702.893.3383
Facsimile: 702.893.3789

By: /s/ Joseph T. Nold
JOSEPH T. NOLD
Nevada Bar No. 8210
3030 South Jones Blvd., Ste. 105
Las Vegas, Nevada 89146
Tel: 702.262.1651

21 *Attorneys for Defendants Southern Nevada Association of Pride, Inc. dba Las Vegas Pride*
22 *and Brady McGill*
23
24
25
26
27

Attorneys for Defendant Sean VanGorder

ORDER

The Court, having reviewed the foregoing stipulation (the “Stipulation”) and for good cause appearing therefore,

IT IS HEREBY ORDERED that the Parties’ Stipulation is GRANTED.

IT IS FURTHER ORDERED:

1. The deadline to file motions for attorneys’ fees and costs and any additional amounts claimed pursuant to NRS 41.670, and to file verified costs memoranda shall be 30 days after issuance of the remittitur in Appeal No. 88906.

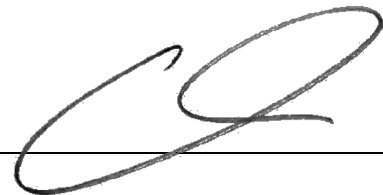
2. The Deadline to file oppositions to motions for attorneys’ fees and costs and any additional amounts claimed pursuant to NRS 41.670 and/or counter motions to retax costs shall be 14 days after such motions are filed.

3. The hearing on motions for attorneys’ fees and costs and any additional amounts claimed pursuant to NRS 41.670 and counter motions to retax shall be set for a date and time to be determined after issuance of the remittitur in Appeal No. 88906.

4. All reply briefs shall be due 7 days before the hearing.

Dated this ___ of _____, 2024.

Dated this 19th day of July, 2024



Submitted by,

/s/ Alex J. Shepard

RANDAZZA LEGAL GROUP, PLLC
Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
*Attorneys for Plaintiffs,
Christopher Davin, Trevor Harder,
and Henderson Equality Center*

**D70 978 D502 C843
Danielle Pieper
District Court Judge**

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5		
6	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7	vs.	DEPT. NO. Department 7
8	Southern Nevada Association of	
9	Pride, Inc, Defendant(s)	

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11 **AUTOMATED CERTIFICATE OF SERVICE**

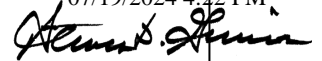
12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Stipulation and Order was served via the court's electronic eFile system
to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 7/19/2024

15	Joseph Nold	noldj@cox.net
16	Janet Terrazas	algparalegal@cox.net
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18	James Olson	jhollingsworth@ocgattorneys.com
19	Theresa Amendola	tamendola@dennettwinspear.com
20	Meredith Holmes	mholmes@dennettwinspear.com
21	Susan Awe	susan.awe@lewisbrisbois.com
22	Ashley Marchant	amarchant@dennettwinspear.com
23	Ashley Olson	aolson@ocgattorneys.com
24	Tony Amendola	aamendola@dennettwinspear.com
25	Joel Schwarz	Joel.Schwarz@lewisbrisbois.com
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Michael Maupin	Mmaupin@halljaffe.com
Shayna Ortega-Rose	srose@halljaffe.com
Erika Parker	Eparker@halljaffe.com
Bradley Combs	Bradley.Combs@lewisbrisbois.com
Michelle Soto	msoto@halljaffe.com



CLERK OF THE COURT

STIP

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. VII

**STIPULATION FOR DISMISSAL OF
CLAIMS AGAINST DEFENDANTS
GARY COSTA AND GOLDEN
RAINBOW AND WAIVER OF CLAIMS
FOR COSTS AND ATTORNEYS' FEES**

Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center ("Plaintiffs"),
and Defendants Gary Costa ("Costa") and Golden Rainbow of Nevada, Inc. ("Golden Rainbow")
(collectively, the "Parties"), by and through their respective undersigned counsel, HEREBY
STIPULATE to dismiss all claims asserted against Costa and Golden Rainbow with prejudice, with
all parties to bear their own fees and costs, and for Costa and Golden Rainbow to waive any claim to
costs, attorneys' fees, or other amounts under NRS 41.670.

1 **IT IS SO STIPULATED.**

2 Dated: 19th day of July, 2024.

Dated: 19th day of July, 2024.

3 RANDAZZA LEGAL GROUP, PLLC

OLSON CANNON & GORMLEY

4 By: /s/ Alex J. Shepard

By: /s/ Ashley Olson

5 Marc J. Randazza, NV Bar No. 12265

James R. Olson (NV Bar No. 116)

6 Alex J. Shepard, NV Bar No. 13582

Ashley Olson (NV Bar No. 15448)

7 4974 S. Rainbow Blvd., Suite 100

Peter Pratt (NV Bar No. 6458)

Las Vegas, NV 89118

9950 West Cheyenne Ave.

Las Vegas, NV 89129

Tel: 702-384-4012

8 *Attorneys for Plaintiffs,*
9 *Christopher Davin, Trevor Harder,*
10 *and Henderson Equality Center*

Attorneys for Defendants,
Golden Rainbow of Nevada, Inc. and Gary
Costa

11 Dated this 19th day of July, 2024

12 

13
14
15
16 **835 0F4 C665 F546**
Danielle Pieper
17 **District Court Judge**



Brittani Holt <bmh@randazza.com>

Davin v. Las Vegas PRIDE | Settlement Proposal

Alex Shepard <ajs@randazza.com>

Fri, Jul 19, 2024 at 10:06 AM

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For the sake of getting the district court to move quickly on the stipulation regarding fee motion deadlines, I was thinking it makes more sense for there to be a stipulation for dismissal and waiver of claims to costs and fees rather than a unilateral stip. for dismissal. If that makes sense to you, here's a draft stipulation.

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[Quoted text hidden]



2024.07.19 - Costa Golden Rainbow Stip. for Dismissal.docx
52K



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Davin v. Las Vegas PRIDE | Settlement Proposal

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Alex,

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Thank you,

Ashley Olson, Esq.

OLSON CANNON & GORMLEY

[9950 W. Cheyenne Ave.](#)[Las Vegas, Nevada 89129](#)

Ph: (702) 384-4012 | F: (702) 383-0701

aolson@ocgattorneys.com****Please be advised our firm's email addresses currently aolson@ocgas.com will expire.****New email address:** aolson@ocgattorneys.com

This email, including attachments, is intended for the person(s) or company named and may contain confidential and/or legally privileged information. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited. This email and any attachments are believed to be free of any virus or other defect that might affect any computer into which it is received and opened, and it is the responsibility of the recipient to ensure it is virus free, and no responsibility is accepted by Olson Cannon Gormley & Stoberski for any loss or damage arising in any way from its use. If you have received this communication in error, please immediately notify the sender at 702-384-4012, or by electronic email.

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6 Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7 vs.	DEPT. NO. Department 7
8 Southern Nevada Association of	
9 Pride, Inc, Defendant(s)	

10
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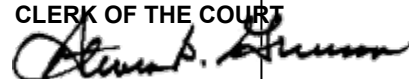
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NTSO

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

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4974 S. Rainbow Blvd., Suite 100

Las Vegas, NV 89118

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ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. VII

**NOTICE OF ENTRY OF STIPULATION
AND ORDER**

PLEASE TAKE NOTICE that on July 19, 2024, the Court entered an Order granting the Third Stipulation (1) Extending Deadline to File Memoranda of Costs; (2) Consolidating Briefing on Attorneys' Fees and Costs; Setting Briefing Schedule and Hearing Date for Motions for Attorneys' Fees and Costs, which is attached hereto as **Exhibit 1**.

Dated: July 22, 2024.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

Las Vegas, NV 89118

Telephone: 702-420-2001

ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

Case No. A-23-879938-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on July 22, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Alex J. Shepard

ALEX J. SHEPARD

EXHIBIT 1

Order Granting Third
Stipulation

1 **SAO**

Marc J. Randazza (NV Bar No. 12265)

2 Alex J. Shepard (NV Bar No. 13582)

3 RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

4 Las Vegas, NV 89118

Telephone: 702-420-2001

5 ecf@randazza.com

6 Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

7 and Henderson Equality Center

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 **CHRISTOPHER DAVIN**, et. al.,

11 Plaintiffs,

12 v.

13 **SOUTHERN NEVADA ASSOCIATION**
14 **OF PRIDE, INC. DBA LAS VEGAS**
15 **PRIDE**, et. al.,

16 Defendants.

Case No. A-23-879938-C

Dept. VII

THIRD STIPULATION AND ORDER:
(1) EXTENDING DEADLINE TO FILE
MEMORANDA OF COSTS; (2)
CONSOLIDATING BRIEFING ON
ATTORNEYS' FEES AND COSTS;
SETTING BRIEFING SCHEDULE AND
HEARING DATE FOR MOTIONS FOR
ATTORNEYS' FEES AND COSTS

18 Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center ("Plaintiffs"),
19 Defendants Southern Nevada Association of Pride, Inc. dba Las Vegas Pride ("Las Vegas Pride")
20 and Brady McGill ("McGill"), and Defendant Sean Vangorder ("Vangorder") (collectively, the
21 "Parties"), by and through their respective undersigned counsel, HEREBY STIPULATE and
22 AGREE:

23 1. A Findings of Fact, Conclusions of Law, and Order Granting Special Anti-SLAPP
24 Motion to Dismiss (the "Order") was entered May 22, 2024, and Notice of Entry of the Order was
25 filed and served May 23, 2024.

26 2. Pursuant to Nevada Revised Statutes ("NRS") § 41.670(1)(a), Las Vegas Pride,
27

1 McGill, and Vangorder are entitled to reasonable attorneys' fees and costs, and may also be
2 awarded additional amounts pursuant to NRS 41.670(1)(b).

3 3. Pursuant to NRS 18.110(1) and (4), verified memoranda of costs were required to
4 be filed by May 28, 2024, unless the Court grants additional time, and any motion to retax costs
5 must be filed within three days thereafter.

6 4. Pursuant to Nevada Rule of Civil Procedure ("NRCP") 54(d), motions for
7 attorneys' fees were required to be filed by June 14, 2024.

8 5. On May 28, 2024, the Court entered a stipulation and order consolidating the above
9 deadlines and extending the deadline to file memoranda of costs and motions for attorneys' fees
10 to June 28, 2024.

11 6. On June 26, 2024, the Court entered a stipulation and order extending these
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14 7. On June 24, 2024, Plaintiffs filed a Notice of Appeal to the Nevada Supreme Court
15 regarding the Order, Appeal No. 88906.

16 8. On July 11, 2024, the appeal was referred to the Nevada Supreme Court's settlement
17 program.

18 9. The Parties are in ongoing discussions regarding a potential resolution of this
19 action, and agree that their negotiations will benefit from an additional extension of the deadlines
20 for costs memoranda and motions for attorneys' fees.

21 10. Furthermore, now that an appeal of the Order has been filed and the Parties have
22 been referred to the Nevada Supreme Court's settlement program, the Parties agree that the issue
23 of costs and attorneys' fees should be reserved until after the appeal is concluded, as the outcome
24 of the appeal may affect entitlement to costs and fees as to some or all of the Defendants.

25 11. Accordingly, if the appeal before the Nevada Supreme Court results in a full or
26 partial affirmance of this Court's Order, the Parties have agreed on the following modified
27 deadlines, consolidated briefing schedule, and hearing date:

1 a. Deadline to file motions for attorneys' fees and costs and any additional
2 amounts claimed pursuant to NRS 41.670, and to file verified costs memoranda: **30 days after**
3 **remittitur is issued;**

4 b. Deadline to file oppositions to motions for attorneys' fees and costs and any
5 additional amounts claimed pursuant to NRS 41.670 and/or counter motions to retax costs: **14 days**
6 **after the deadline to file motions for costs, fees, and any additional amounts;**

7 c. Hearing on motions for attorneys' fees and costs and any additional amounts
8 claimed pursuant to NRS 41.670 and counter motions to retax: **30 days after motions are filed**, or
9 the Court's first date of availability thereafter; and

10 d. Deadline for all reply briefs: 7 days before the hearing.

11
12
13 **IT IS SO STIPULATED.**

14 Dated: 18th day of July, 2024.

Dated: 18th day of July, 2024.

15 LEWIS BRISBOIS BISGAARD & SMITH
16 LLP

ACCELERATED LAW GROUP

17 By: /s/ Joel Z. Schwarz
18 Joel Z. Schwarz (NV Bar No. 9181)
19 Bradley C.W. Combs (NV Bar No. 16391)
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3030 South Jones Blvd., Ste. 105
Las Vegas, Nevada 89146
Tel: 702.262.1651

21 *Attorneys for Defendants Southern Nevada Attorneys for Defendant Sean VanGorder*
22 *Association of Pride, Inc. dba Las Vegas Pride*
23 *and Brady McGill*

ORDER

The Court, having reviewed the foregoing stipulation (the “Stipulation”) and for good cause appearing therefore,

IT IS HEREBY ORDERED that the Parties’ Stipulation is GRANTED.

IT IS FURTHER ORDERED:

1. The deadline to file motions for attorneys’ fees and costs and any additional amounts claimed pursuant to NRS 41.670, and to file verified costs memoranda shall be 30 days after issuance of the remittitur in Appeal No. 88906.

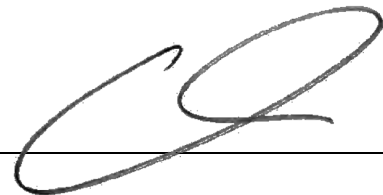
2. The Deadline to file oppositions to motions for attorneys’ fees and costs and any additional amounts claimed pursuant to NRS 41.670 and/or counter motions to retax costs shall be 14 days after such motions are filed.

3. The hearing on motions for attorneys’ fees and costs and any additional amounts claimed pursuant to NRS 41.670 and counter motions to retax shall be set for a date and time to be determined after issuance of the remittitur in Appeal No. 88906.

4. All reply briefs shall be due 7 days before the hearing.

Dated this ___ of _____, 2024.

Dated this 19th day of July, 2024



Submitted by,

/s/ Alex J. Shepard

RANDAZZA LEGAL GROUP, PLLC
Marc J. Randazza, NV Bar No. 12265
Alex J. Shepard, NV Bar No. 13582
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
*Attorneys for Plaintiffs,
Christopher Davin, Trevor Harder,
and Henderson Equality Center*

**D70 978 D502 C843
Danielle Pieper
District Court Judge**

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4		
5		
6	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7	vs.	DEPT. NO. Department 7
8	Southern Nevada Association of	
9	Pride, Inc, 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 Stipulation and Order was served via the court's electronic eFile system
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18	James Olson	jhollingsworth@ocgattorneys.com
19	Theresa Amendola	tamendola@dennettwinspear.com
20	Meredith Holmes	mholmes@dennettwinspear.com
21	Susan Awe	susan.awe@lewisbrisbois.com
22	Ashley Marchant	amarchant@dennettwinspear.com
23	Ashley Olson	aolson@ocgattorneys.com
24	Tony Amendola	aamendola@dennettwinspear.com
25	Joel Schwarz	Joel.Schwarz@lewisbrisbois.com
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Michelle Soto	msoto@halljaffe.com



NTSO

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

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Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. VII

**NOTICE OF ENTRY OF STIPULATION
AND ORDER**

PLEASE TAKE NOTICE that on July 19, 2024, the Court entered an Order granting the Stipulation for Dismissal of Claims Against Defendants Gary Costa and Golden Rainbow and Waiver of Claims for Costs and Attorneys' Fees, which is attached hereto as **Exhibit 1**.

1 Dated: July 22, 2024.

Respectfully submitted,

2 /s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

3 Alex J. Shepard (NV Bar No. 13582)

4 RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

5 Las Vegas, NV 89118

Telephone: 702-420-2001

6 ecf@randazza.com

7 Attorneys for Plaintiffs

8 Christopher Davin, Trevor Harder,

and Henderson Equality Center

Case No. A-23-879938-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on July 22, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Alex J. Shepard

ALEX J. SHEPARD

EXHIBIT 1

Order Granting Stipulation
for Dismissal

STIP

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
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Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. VII

**STIPULATION FOR DISMISSAL OF
CLAIMS AGAINST DEFENDANTS
GARY COSTA AND GOLDEN
RAINBOW AND WAIVER OF CLAIMS
FOR COSTS AND ATTORNEYS' FEES**

Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center ("Plaintiffs"),
and Defendants Gary Costa ("Costa") and Golden Rainbow of Nevada, Inc. ("Golden Rainbow")
(collectively, the "Parties"), by and through their respective undersigned counsel, HEREBY
STIPULATE to dismiss all claims asserted against Costa and Golden Rainbow with prejudice, with
all parties to bear their own fees and costs, and for Costa and Golden Rainbow to waive any claim to
costs, attorneys' fees, or other amounts under NRS 41.670.

1 **IT IS SO STIPULATED.**

2 Dated: 19th day of July, 2024.

Dated: 19th day of July, 2024.

3 RANDAZZA LEGAL GROUP, PLLC

OLSON CANNON & GORMLEY

4 By: /s/ Alex J. Shepard

By: /s/ Ashley Olson

5 Marc J. Randazza, NV Bar No. 12265

James R. Olson (NV Bar No. 116)

6 Alex J. Shepard, NV Bar No. 13582

Ashley Olson (NV Bar No. 15448)

7 4974 S. Rainbow Blvd., Suite 100

Peter Pratt (NV Bar No. 6458)

Las Vegas, NV 89118

9950 West Cheyenne Ave.

Las Vegas, NV 89129

Tel: 702-384-4012

8 *Attorneys for Plaintiffs,*
9 *Christopher Davin, Trevor Harder,*
10 *and Henderson Equality Center*

Attorneys for Defendants,
Golden Rainbow of Nevada, Inc. and Gary
Costa

11 **Dated this 19th day of July, 2024**

12 

13
14
15 **835 0F4 C665 F546**
16 **Danielle Pieper**
17 **District Court Judge**



Brittani Holt <bmh@randazza.com>

Davin v. Las Vegas PRIDE | Settlement Proposal

Alex Shepard <ajs@randazza.com>

Fri, Jul 19, 2024 at 10:06 AM

To: Ashley Olson <aolson@ocgattorneys.com>

Cc: Brittani Holt <bmh@randazza.com>, Jim Olson <jolson@ocgattorneys.com>, Marc Randazza <mjr@randazza.com>, Staff <staff@randazza.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>

Ashley,

For the sake of getting the district court to move quickly on the stipulation regarding fee motion deadlines, I was thinking it makes more sense for there to be a stipulation for dismissal and waiver of claims to costs and fees rather than a unilateral stip. for dismissal. If that makes sense to you, here's a draft stipulation.

-Alex

[Quoted text hidden]



2024.07.19 - Costa Golden Rainbow Stip. for Dismissal.docx
52K



Brittani Holt <bmh@randazza.com>

Davin v. Las Vegas PRIDE | Settlement Proposal

Ashley Olson <aolson@ocgattorneys.com>

Fri, Jul 19, 2024 at 10:45 AM

To: Alex Shepard <ajs@randazza.com>

Cc: Brittani Holt <bmh@randazza.com>, Jim Olson <jolson@ocgattorneys.com>, Marc Randazza <mjr@randazza.com>, Staff <staff@randazza.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>

Alex,

That sounds fine to me. You may affix my electronic signature to the stipulation for dismissal and waiver of claims to costs and fees.

Thank you,

Ashley Olson, Esq.

OLSON CANNON & GORMLEY

[9950 W. Cheyenne Ave.](#)[Las Vegas, Nevada 89129](#)

Ph: (702) 384-4012 | F: (702) 383-0701

aolson@ocgattorneys.com****Please be advised our firm's email addresses currently aolson@ocgas.com will expire.****New email address:** aolson@ocgattorneys.com

This email, including attachments, is intended for the person(s) or company named and may contain confidential and/or legally privileged information. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited. This email and any attachments are believed to be free of any virus or other defect that might affect any computer into which it is received and opened, and it is the responsibility of the recipient to ensure it is virus free, and no responsibility is accepted by Olson Cannon Gormley & Stoberski for any loss or damage arising in any way from its use. If you have received this communication in error, please immediately notify the sender at 702-384-4012, or by electronic email.

From: Alex Shepard <ajs@randazza.com>**Sent:** Friday, July 19, 2024 10:06 AM**To:** Ashley Olson <aolson@ocgattorneys.com>**Cc:** Brittani Holt <bmh@randazza.com>; Jim Olson <jolson@ocgattorneys.com>; Marc Randazza <mjr@randazza.com>; Staff <staff@randazza.com>; 903a4502e+matter1581750170@maildrop.clio.com**Subject:** Re: Davin v. Las Vegas PRIDE | Settlement Proposal

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4	
5	
6 Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7 vs.	DEPT. NO. Department 7
8 Southern Nevada Association of	
9 Pride, Inc, Defendant(s)	

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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22 Ashley Marchant	amarchant@dennettwinspear.com
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Bradley Combs	Bradley.Combs@lewisbrisbois.com
Michelle Soto	msoto@halljaffe.com



NVDP

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

Las Vegas, NV 89118

Telephone: 702-420-2001

ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. VII

**NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE AS TO
DEFENDANTS NICOLE WILLIAMS,
ANTHONY CORTEZ, SOCIAL
INFLUENCE FOUNDATION DBA
HOUSE OF VEGAS PRIDE, AND
INTERNATIONAL CULTURAL
MOVEMENT FOR EQUALITY**

PLEASE TAKE NOTICE that pursuant to NRCP 41(a)(1)(A)(i), Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center hereby voluntarily dismiss all of their claims against Defendants Nicole Williams; Anthony Cortez; Social Influence Foundation dba House of Vegas Pride; and International Cultural Movement for Equality, without prejudice.

Dated: July 30, 2024.

Respectfully submitted,

/s/ Alex J. Shepard

Marc J. Randazza (NV Bar No. 12265)

Alex J. Shepard (NV Bar No. 13582)

RANDAZZA LEGAL GROUP, PLLC

4974 S. Rainbow Blvd., Suite 100

Las Vegas, NV 89118

Telephone: 702-420-2001

ecf@randazza.com

Attorneys for Plaintiffs

Christopher Davin, Trevor Harder,

and Henderson Equality Center

Case No. A-23-879938-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on July 30, 2024, and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Alex J. Shepard

ALEX J. SHEPARD



NOTC
ACCELERATED LAW GROUP
Joseph T. Nold, Esq.
Nevada Bar No.: 008210
3030 South Jones Blvd, Ste 105
Las Vegas, NV 89146
Tel: (702) 262-1651
Fax: (702) 383-6051
Email: noldj@cox.net
Attorney for Defendant
Sean Vangorder

**DISTRICT COURT
CLARK COUNTY, NEVADA**

* * * * *

CHRISTOPHER DAVIN, an individual;
TREVOR HARDER, an individual; and
HENDERSON EQUALITY CENTER, a
Nevada non-profit corporation,

Plaintiffs,

vs.

SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS PRIDE,
a Nevada nonprofit corporation *et. al.*,

Defendants.

Case No.: A-23-879938-C

Dept. No: 28

**NOTICE OF WITHDRAWAL OF
MEMORANDUM OF COSTS**

COMES NOW, Defendant Sean Vangorder, by and through his attorney, Joseph T. Nold, Esq., of the Accelerated Law Group, and hereby submits this Notice of Withdrawal of Memorandum of Costs. The Memorandum of Costs, filed on 5/24/24, is hereby withdrawn, and is declared as moot due to the settlement between Defendant Sean Vangorder and Plaintiffs.

DATED this 7 day of August, 2024.

/s/ Joseph T. Nold
JOSEPH T. NOLD, ESQ.
Nevada Bar No.: 008210
3030 South Jones Blvd., Ste 105
Las Vegas, NV 89146
Tel: (702) 262-1651
Email: noldj@cox.net
Attorney for Defendant Sean Vangorder

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DATED this 7 day of August, 2024.

/s/ Janet Terrazas
An Employee of the Accelerated Law Group

STIP

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
RANDAZZA LEGAL GROUP, PLLC
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Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. VII

**STIPULATION FOR DISMISSAL OF
CLAIMS AGAINST DEFENDANT SEAN
VANGORDER**

Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center (“Plaintiffs”), and Defendant Sean Vangorder (“Vangorder”) (collectively, the “Parties”), by and through their respective undersigned counsel, HEREBY STIPULATE to dismiss all claims asserted against Vangorder with prejudice, with each party to bear their own fees and costs, and for Vangorder to waive any claim to costs, attorneys’ fees, or other amounts under NRS 41.670, unless otherwise agreed to in writing.

IT IS SO STIPULATED.

Dated: 31st day of July, 2024.

Dated: 31st day of July, 2024.

RANDAZZA LEGAL GROUP, PLLC

ACCELERATED LAW GROUP

By: /s/ Alex J. Shepard

By: /s/ Joseph T. Nold

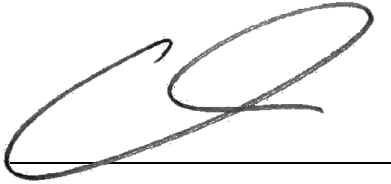
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4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118

Joseph T. Nold, NV Bar No. 8210
3030 South Jones Blvd., Suite 105
Las Vegas, Nevada 89146

*Attorneys for Plaintiffs,
Christopher Davin, Trevor Harder,
and Henderson Equality Center*

*Attorneys for Defendant,
Sean VanGorder*

Dated this 8th day of August, 2024



**394 F0F 3B24 1346
Danielle Pieper
District Court Judge**

Case No. A-23-879938-C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on this 1st day of August 2024 and served via the Eighth Judicial District Court's Odyssey electronic filing system.

/s/ Alex J. Shepard

ALEX J. SHEPARD



Brittani Holt <bmh@randazza.com>

Davin v. Las Vegas Pride | Settlement with Sean Vangorder

Brittani Holt <bmh@randazza.com>

Wed, Jul 31, 2024 at 2:06 PM

To: Alex Shepard <ajs@randazza.com>

Cc: noldj <noldj@cox.net>, Janet Terrazas <algparalegal@cox.net>, Marc Randazza <mjr@randazza.com>, "903a4502e+matter1581750170@maildrop.clio.com" <903a4502e+matter1581750170@maildrop.clio.com>

Mr. Nold,

Please review the attached draft stipulation for dismissal and waiver of costs and fees. You can make any revisions or changes to the attached Word document as tracked changes are turned on. If you approve, please authorize our use of your electronic signature. Thank you.

Sincerely,

Brittani Holt* | **Randazza Legal Group, PLLC**

4974 S. Rainbow Blvd., Ste. 100, Las Vegas, NV 89118

Tel: (702) 420-2001 | Email: bmh@randazza.com

Firm Offices - Las Vegas | Miami | New England

* Paralegal - not licensed to practice law.

[Quoted text hidden]

2 attachments**2024.07.31 Stip for Dismissal re Vangorder.pdf**

150K

**2024.07.31 Stip for Dismissal re Vangorder.docx**

90K



Brittani Holt <bmh@randazza.com>

Davin v. Las Vegas Pride | Settlement with Sean Vangorder

noldj <noldj@cox.net>

Wed, Jul 31, 2024 at 4:22 PM

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Brittani,

I did add a phrase at the end. If acceptable, you have my authorization to electronically affix my signature.

Joseph Nold

Thank you,
Accelerated Law Group, Inc.
3030 South Jones Blvd., Ste. 105
Las Vegas, Nevada 89146
702-262-1651
702-383-6051 Fax

****BE AWARE!!! Online banking fraud is on the rise. We advise that you call our office to confirm wire instructions verbally. In addition, if you receive an email containing NEW OR REVISED WIRE TRANSFER INSTRUCTIONS call immediately to verify the information prior to sending funds.****

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Brittani Holt <bmh@randazza.com>

Davin v. Las Vegas Pride | Settlement with Sean Vangorder

Alex Shepard <ajs@randazza.com>

Wed, Jul 31, 2024 at 4:39 PM

To: noldj <noldj@cox.net>

Cc: Brittani Holt <bmh@randazza.com>, Janet Terrazas <algpalegal@cox.net>

Thanks very much. I don't have an issue with that edit. We'll get it submitted.

[Quoted text hidden]

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7	vs.	DEPT. NO. Department 7
8	Southern Nevada Association of	
9	Pride, Inc, Defendant(s)	

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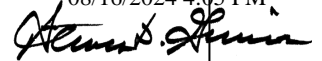
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23	Ashley Olson	aolson@ocgattorneys.com
24	Tony Amendola	aamendola@dennettwinspear.com
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Bradley Combs

Bradley.Combs@lewisbrisbois.com



CLERK OF THE COURT

STIP

Marc J. Randazza (NV Bar No. 12265)
Alex J. Shepard (NV Bar No. 13582)
RANDAZZA LEGAL GROUP, PLLC
4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Plaintiffs
Christopher Davin, Trevor Harder,
and Henderson Equality Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHRISTOPHER DAVIN, et. al.,

Plaintiffs,

v.

**SOUTHERN NEVADA ASSOCIATION
OF PRIDE, INC. DBA LAS VEGAS
PRIDE**, et. al.,

Defendants.

Case No. A-23-879938-C

Dept. VII

**STIPULATION FOR DISMISSAL OF
CLAIMS AGAINST DEFENDANTS LAS
VEGAS PRIDE AND BRADY MCGILL
AND WAIVER OF COSTS AND FEES**

Plaintiffs Christopher Davin, Trevor Harder, and Henderson Equality Center (“Plaintiffs”),
and Defendants Southern Nevada Association of Pride, Inc. dba Las Vegas Pride (“Vegas Pride”) and Brady McGill (“McGill” and, together, “Defendants”) (collectively, the “Parties”), by and through their respective undersigned counsel, HEREBY STIPULATE to dismiss all claims asserted against Defendants with prejudice, with each party to bear their own fees and costs, and for Defendants to waive any claim to costs, attorneys’ fees, or other amounts under NRS 41.670.

1 **IT IS SO STIPULATED.**

2 Dated: 13th day of August, 2024.

Dated: 13th day of August, 2024.

3 RANDAZZA LEGAL GROUP, PLLC

LEWIS BRISBOIS BISGAARD & SMITH
LLP

5 By: /s/ Alex J. Shepard

6 Marc J. Randazza, NV Bar No. 12265
7 Alex J. Shepard, NV Bar No. 13582
8 4974 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118

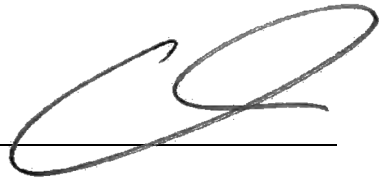
9 *Attorneys for Plaintiffs,*
10 *Christopher Davin, Trevor Harder,*
and Henderson Equality Center

By: /s/ Joel Z. Schwarz

Joel Z. Schwarz, NV Bar No. 9181
Bradley C.W. Combs, NV Bar No. 16391
6385 S. Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118

Attorneys for Defendants,
Southern Nevada Association of Pride, Inc.
dba Las Vegas Pride and Brady McGill

12 Dated this 16th day of August, 2024

13 
14
15

16 **B1A 422 E69A D945**
17 **Danielle Pieper**
18 **District Court Judge**

19 Case No. A-23-879938-C

20 **CERTIFICATE OF SERVICE**

21 I HEREBY CERTIFY that a true and correct copy of the foregoing document was
22 electronically filed on this 13th day of August 2024 and served via the Eighth Judicial District
23 Court's Odyssey electronic filing system.
24

25 /s/ Alex J. Shepard
26 ALEX J. SHEPARD
27

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6	Christopher Davin, Plaintiff(s)	CASE NO: A-23-879938-C
7	vs.	DEPT. NO. Department 7
8	Southern Nevada Association of	
9	Pride, Inc, Defendant(s)	

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11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Stipulation 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: 8/16/2024

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