

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

TYRA BELL-HOLLAND,

Appellant,

v.

ANTONIO NUNEZ,

Respondent.

Electronically Filed  
Apr 10 2025 03:19 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

Docket No. **90293**

**DOCKETING STATEMENT CIVIL APPEALS**

**GENERAL INFORMATION**

Appellants must complete this docketing statement in compliance with Nevada Rules of Appellate Procedure (NRAP) 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment, and compiling statistical information.

**WARNING**

This statement must be completed fully, accurately, and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or the appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal. *Id.*

A complete list of the documents that must be attached appears as Question 28 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions. *Id.*

This court has noted that when obligations under NRAP 14 to complete the docketing statement properly and conscientiously are not taken seriously, valuable judicial resources of this court are wasted, making the imposition of sanctions appropriate. *See KDI Sylvan Pools v. Workman*, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use divider pages to separate any attached documents.

1. Judicial District: Eighth County: Clark  
Judge: Mark R. Denton District Ct. Case No.: A-24-894713-C  
Department: 13

**2. Person filing this docketing statement:**

Name J. Malcolm DeVoy Bar 11950  
Law Firm Name (if applicable) Holland & Hart, LLP  
Address 9555 Hillwood Drive, 2nd Floor, Las Vegas, NV 89134  
  
Telephone # (702) 222-2500  
Email Address jmdevoy@hollandhart.com  
Client name(s) (if represented by counsel): Tyra Bell-Holland

**If this is a joint statement by multiple appellants, add the names and addresses of the other appellants and, if applicable, the names of their counsel and have them sign the certification below.**

Name Bar #(if applicable)  
Law Firm Name (if applicable)  
Address  
Telephone #  
Email Address  
Client name(s) (if represented by counsel):

**I certify I concur in the filing of this statement.**

Signature of other appellant(s) or of counsel for other appellant Date

**3. Nature of disposition below (check all that apply):**

- ☐ Judgment after bench trial
- ☐ Judgment after jury verdict
- ☐ Summary judgment
- ☐ Default judgment
- ☐ Grant/Denial of NRCP 60(b) relief
- ☐ Grant/Denial of injunction
- ☐ Dismissal:
  - ☐ Lack of jurisdiction
  - ☐ Failure to state a claim
  - ☐ Failure to prosecute
  - ☐ Other (specify):
- ☐ Divorce Decree:
  - ☐ Original
  - ☐ Modification
- ☐ Grant/Denial of declaratory relief
- ☐ Review of agency determination
- ☒ Other disposition (specify): interlocutory appeal of special motion to dismiss (i.e., an “Anti-SLAPP” motion) pursuant to NRS 41.670(4)

**4. Does this appeal raise issues concerning any of the following?**

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

5. **Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

None.

6. **Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

None.

7. **Nature of the action.** Briefly describe the nature of the action and the result below:

This interlocutory appeal is specifically permitted by Nevada Revised Statutes (“NRS”) 41.670(4) and arises from the district court’s denial of appellant’s special motion to dismiss, commonly known as an “Anti-SLAPP Motion,” brought under NRS 41.660(2).

On August 23, 2022, the online publication *Eater* published a promotional piece about Plaintiff’s current restaurant, The Parlour, titled “A Sixth New Restaurant Is Going Into That Cursed Corner Lot On Carson Avenue” (the “Article”). Nunez brought a claim against appellant Tyra Bell-Holland (“Tyra,” or the “Appellant”) for defamation based on her public comments on the social media service Facebook regarding the Article. Appellant filed her *Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.660* on October 20, 2024, seeking dismissal of Nunez’s defamation cause of action against her and an award of all relief available under NRS 41.670(1). On November 4, 2024, Nunez filed an Opposition to the Motion, and on November 7, 2024, Tyra filed a Reply in support of the Motion. The Court heard the Anti-SLAPP Motion on November 7, 2024, and, after hearing arguments of counsel, denied Tyra’s motion. The Court entered its order denying the Anti-SLAPP Motion on February 27, 2025, and this appeal follows.

8. **Issues on appeal.** State concisely the principal issue(s) in this appeal:

The issues on appeal follow:

- (1) Whether the district court erred in denying Appellant’s Anti-SLAPP motion under NRS 41.660(3)(a); and



(2) Whether the district court erred in denying the Anti-SLAPP motion based upon its finding that Appellant had not demonstrated that Nunez's defamation claim was 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 under NRS 41.637.

9. **Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

None.

10. **Constitutional issues:** Does this appeal challenge the constitutionality of a Nevada Statute or ordinance?

☒ No. Continue to #11.

☐ Yes:

a. Identify the Nevada statute or ordinance being challenged:

b. Is the State, any State agency, or a State officer or employee a party to this appeal in an official capacity?

☐ Yes    ☐ No.

**11. Other issues:**

a. Does this appeal involve any of the following issues?

- ☐ Reversal of well-settled Nevada precedent (identify the case(s))
- ☐ An issue arising under the United States and/or Nevada Constitutions
- ☐ A substantial issue of first impression
- ☐ An issue of public policy
- ☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions
- ☐ A ballot question

b. If so, explain:

**12. Assignment to the Court of Appeals or retention in the Supreme Court.**

Briefly set forth whether the matter is retained by the Supreme Court or presumptively assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls.

Nevada's Anti-SLAPP laws (NRS 41.635-41.670) have been considered by both the Nevada Supreme Court and Nevada Court of Appeals; the subject matter of this appeal is not presumptively assigned to either Court under NRAP 17.

**13. Trial.** If this action proceeded to trial, how many days did the trial last?  
\_\_\_\_\_ days.

This action did not proceed to trial.

Was it a:    ☐ bench trial    ☐ jury trial?

**14. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice/judge recuse him/herself from participation in this appeal? *See* NRAP 35. If so, which Justice/Judge? \_\_\_\_\_

No motion for disqualification or recusal is anticipated in this appeal.

- 15. Oral argument.** Would you object to submission of this appeal for disposition without oral argument? ☒ Yes ☐ No

## TIMELINESS OF NOTICE OF APPEAL

16. Date the written judgment(s) or order(s) appealed from was/were filed in the district court: February 27, 2025

If no written judgment or order has been filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of the judgment(s) or order(s) was/were served: 03/04/2025

Was service by:

- ☒ Electronic or personal delivery  
☐ Mail

18. Were any motions seeking relief under NRCP 50(b), 52(b), 59, or 60 or seeking rehearing or reconsideration filed in the district court either before or after the notice of appeal was filed? (attach a copy of the motion)

☒ No. Continue to #19.

☐ Yes:

- a. Specify the type of motion and the date the motion was filed in the district court (check all that apply)

☐ NRCP 50(b) Date filed: \_\_\_\_\_

☐ NRCP 52(b) Date filed: \_\_\_\_\_

☐ NRCP 59 Date filed: \_\_\_\_\_

☐ NRCP 60 Date filed: \_\_\_\_\_

☐ Rehearing/Reconsideration Date filed: \_\_\_\_\_

b. Date the motion was served: \_\_\_\_\_

c. How was the motion served:

- ☐ Electronic or personal delivery  
☐ Mail

d. Date the written order resolving the motion was filed: \_\_\_\_\_

e. Date written notice of entry of the order resolving the motion was served:

f. Was service by:

☐ Electronic or personal delivery

☐ Mail

19. Are there any motions other than those identified in #18 above still pending in the district court?

☐ Yes. Identify the motion and the date it was filed in the district court:

☒ No.

20. Date the notice of appeal was filed in the district court: 03/13/2025

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal: None.

21. Specify the statute or rule governing the time limit for filing the notice of appeal, *e.g.*, NRAP 4(a) or other: NRAP 4(a)

### SUBSTANTIVE APPEALABILITY

22. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

a.

☐ NRAP 3A(b)(1)

☐ NRAP 3A(b)(2)

☐ NRAP 3A(b)(3)

☐ NRAP 3A(b)(4)

☐ NRAP 3A(b)(5)

☐ NRAP 3A(b)(6)

☐ NRAP 3A(b)(7)

☐ NRAP 3A(b)(8)

☐ NRAP 3A(b)(9)

☐ NRAP 3A(b)(10)

☐ NRAP 3A(b)(11)

☐ NRAP 3A(b)(12)

☐ NRS 38.205

☐ NRS 233B.150

☐ NRS 703.376

☒ Other (specify):

NRS 41.670(4)

- b. Explain how each authority provides a basis for appeal from the judgment or order:

NRS 41.670(4) states that if a special motion to dismiss filed under NRS 41.660 is denied, an interlocutory appeal lies to the Nevada Supreme Court. This appeal arises from the district court's denial of such a motion brought by Appellant.

- 23.** List all parties involved in the action or consolidated actions in the district court:

a. Parties: Plaintiff: Antonio Nunez; Defendants: Tyra Bell-Holland, Michelle Howard, and Wayne Dice.

- b. If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, e.g., formally dismissed, not served, or other:

Nunez did not assert a defamation claim against defendants Howard and Dice, and they therefore had no basis to bring an Anti-SLAPP motion. As the sole movant, and the sole defendant with standing to bring such a motion, Appellant is the only defendant party to this appeal.

- 24.** Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Plaintiff Antonio Nunez's claims in Complaint:

- Accounting
- Breach of Fiduciary Duty
- Breach of Contract / Agreement
- Contractual Breach of Covenant of Good Faith and Fair Dealing

- Tortious Breach of Covenant of Good Faith and Fair Dealing
- Declaratory Relief
- Defamation

No claims have been disposed of in this action, as this is an interlocutory appeal of Appellant's Anti-SLAPP Motion brought seeking to dismiss Nunez's defamation claim brought solely against Appellant.

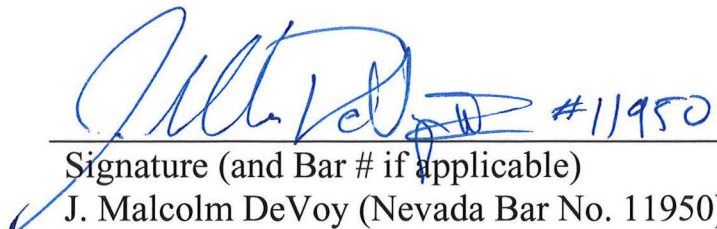
25. Did the judgment or order appealed from adjudicate ALL of the claims alleged below and the rights and liabilities of ALL of the parties to the action or consolidated actions below? ☐ Yes ☒ No
26. If you answered "No" to question 25, complete the following:
- Specify the claims remaining pending below: All claims (accounting; breach of fiduciary duty; breach of contract / agreement; contractual breach of covenant of good faith and fair dealing; tortious breach of covenant of good faith and fair dealing; declaratory relief; and defamation).
  - Specify the parties remaining below: Plaintiff: Antonio Nunez; Defendants: Tyra Bell-Holland, Michelle Howard, and Wayne Dice.
  - Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)? ☐ Yes ☒ No
  - Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment? ☐ Yes ☒ No
27. If you answered "No" to any part of question 26, explain the basis for seeking appellate review (*e.g.*, order is independently appealable under NRAP 3A(b)): NRS 41.670(4) provides that special motions to dismiss brought under NRS 41.660 that are denied, as is Appellant's motion here, receive interlocutory appeal to the Nevada Supreme Court. Appellant files her appeal on this basis.

**28. Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any motion(s) identified in questions 18 and the order(s) resolving the motion(s)
- Any motions identified in question 19
- Orders or NRCP 41(a)(1) dismissals that formally resolve each claim, counterclaim, cross- claim and/or third-party claim asserted in the action or consolidated action below, **even if not at issue on appeal**
- All orders that finally disposes of any parties in the action below, **even if not at issue on appeal**
- Any other order challenged on appeal
- Notices of entry for each attached order

**VERIFICATION**

**I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information, and belief, and that I have attached all required documents to this docketing statement.**

 #11950

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Signature (and Bar # if applicable)      April 10, 2025  
Date  
J. Malcolm DeVoy (Nevada Bar No. 11950)

Clark County, Nevada

---

State and county where signed



## CERTIFICATE OF SERVICE

I certify that on the date day of April 10, 2025, I served a copy of this completed docketing statement upon all parties to this appeal:

☐ by electronic means to registered users of the court's electronic filing system

If served other than through the court's electronic filing system, enter the names and email address of the parties served by this means and attach a copy of each party's written consent authorizing service by this means. See NRAP 25(c)(2)

☐ by personally serving it upon him/her;

☒ by mailing it by first class mail with sufficient postage prepaid to the following address(es):

Antonio Nunez, Respondent<sup>1</sup>  
2624 Romarin Terrace  
Henderson, Nevada 89044

 #11950  
\_\_\_\_\_  
Signature (and Bar # if applicable)  
J. Malcolm DeVoy (Nevada Bar No. 11950)  
Holland & Hart LLP  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, Nevada 89134  
702-669-4600  
jmdevoy@hollandhart.com

April 10, 2025  
Date

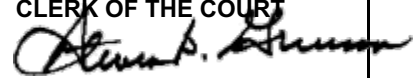
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<sup>1</sup> Service is made directly upon respondent pursuant to this Court's April 10, 2025 Order granting the unopposed Motion to Withdraw made on April 2, 2025, by Respondent's prior counsel. The Court's Order permitting the withdrawal of Respondent's counsel was entered prior to the filing of this Docketing Statement.

# **EXHIBIT 1**

Complaint filed on 06/05/2024

# **EXHIBIT 1**



**COMP**  
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CASE NO. A289713C  
Department 13

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

ANTONIO NUNEZ, individually and on  
behalf of nominal defendant, THE STOVE,  
LLC, as its member,

Plaintiff,

v.

MICHELLE HOWARD, an individual;  
WAYNE DICE, an individual; TYRA  
BELL-HOLLAND DOES 1 through 10 and  
ROE CORPORATIONS I through X,  
inclusive,

Defendants.

and THE STOVE, LLC, by and through its  
member, ANTONIO NUNEZ,

Nominal Defendant.

CASE NO.  
DEPT. NO.

**COMPLAINT**

EXEMPT FROM ARBITRATION

Declaratory Relief Requested

COMES NOW, Plaintiff, ANTONIO NUNEZ, individually and derivatively pursuant to  
NRCP 23.1 on behalf of nominal defendant THE STOVE, LLC, by and through counsel, the law  
firm of COOK & KELESIS, LTD., and pursuant to the Nevada Rules of Civil Procedure, complaints  
and alleges as follows:

## INTRODUCTION

1. Plaintiff, ANTONIO NUNEZ ("Plaintiff" or "Nunez"), is and was at all times hereto an individual residing in the State of Nevada, County of Clark.
2. Nunez brings the derivative claims pursuant to NRCP 23.1 on behalf of and for the benefit of Nominal Defendant The Stove, LLC ("Stove"), a Nevada limited liability company of which Nunez is a member.
3. Defendant, MICHELLE HOWARD ("Howard") is and was at all times hereto a resident of the State of Nevada, living and working in Clark County.
4. Defendant, WAYNE DICE ("Dice") is and was at all times hereto a resident of the State of Nevada, living and working in Clark County.
5. Defendant, TYRA BELL-HOLLAND ("Bell-Holland") is and was at all times hereto a resident of the State of Nevada, living and working in Clark County.
6. The true names or capacities of DOE individuals 1 through 10 are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names. Plaintiff is informed and believes and thereon allege that each of the Defendants designated herein as DOE are responsible in some manner for the events and happenings referred to and caused damages proximately to Plaintiff as herein alleged. Plaintiff will ask leave of this Court to amend this Complaint to insert the true names and capacities of DOES 1 through 10 when the same have been ascertained and to join such Defendants in this action.
7. The true names or capacities or ROE CORPORATIONS I through X, which may include but are not limited to unknown corporations, limited liability companies, or partnerships are unknown to Plaintiff who therefore sues said Defendants by such fictitious names. Plaintiff believes and thereon alleges that each of the Defendants designated herein as ROE ENTITIES I through X are responsible in some manner for the events and happenings.
8. The Court has original subject matter jurisdiction over this dispute pursuant to Article 6, Section 5, Clause 1 of the Constitution of the State of Nevada in that this dispute involves an amount in controversy that exceeds the jurisdictional limits of any justice court.
9. The Court also has original subject matter jurisdiction over this matter pursuant to Nevada

1 Arbitration Rule 3(A) in that Plaintiff's Complaint asserts a cause of action for declaratory  
2 relief.

3 10. The Court has personal jurisdiction over the Defendants pursuant to NRS §14.605.

4 11. Venue is proper in the Eighth Judicial District Court in and for Clark County, Nevada as the  
5 underlying acts giving rise to this action occurred and were performed in Clark County,  
6 Nevada in accordance with NRS §13.010(2).

7 12. Prior to initiating this action, Plaintiff did not make a demand on Stove managers because  
8 they are the same individuals whose conduct gave rise to the claims herein stated and are  
9 individually interested in the outcome of the challenged acts and litigation.

10 13. Moreover, the Defendants were previously approached to comply with the terms of the  
11 Stove Operating Agreement and wholly failed to do so in violation of the same.

12 **FACTUAL BACKGROUND**

13 14. Stove was incorporated in Nevada in 2018 with original members Nunez, Scott Commings  
14 (“Commings”) and Steven Grodkiewicz (“Grodkiewicz”).

15 15. An Operating Agreement was executed for Stove and contained the following provisions;

16 a. Article 3.1 provided net profits or losses “shall be determined on an annual basis and  
17 shall be allocated to the Member-Managers in proportion to their percentages of  
18 capital interest in the Company.”

19 b. Article 4.8 stated that each LLC member was granted access and could inspect all  
20 books, records and materials in any member’s possess

21 c. Article 5.1 indicated profit proceed payments were due to members in an amount  
22 equal to ownership, on the 21<sup>st</sup> day of each month close out.

23 d. Article 6.3 of the Operating Agreement provided that Members were required to  
24 close the books after each calender year and provide a statement to each Member  
25 detailing income and expenses for income tax reporting purposes.

26 e. The Operating Agreement also provided at Article VII for certain procedures to be  
27 followed to transfer a member’s interest in the LLC.

28 16. In March 2018, Stove entered into a joint venture agreement with Water Street Ventures,

- 1           LLC (“Water Street”).
- 2   17.   Water Street was managed by Nunez, Commings and Grodkiewicz. Members of Water
- 3           Street included Howard, Dice and Bell-Holland.
- 4   18.   Under the terms of the joint venture, Water Street was to provide initial capitalization and
- 5           management for Stove which would operate a high end brunch restaurant.
- 6   19.   Nunez, who has over thirty years’ executive level management experience in the restaurant
- 7           business, served as Stove’s operating partner and provided concept development, and
- 8           location selection, design, management training, guest relations, business negotiations,
- 9           streamlined operations and acted as its executive chef during his tenure with the business.
- 10   20.   Stove operates at 11261 S Eastern Avenue, Suite 200 Henderson, a turn key location
- 11           strategically chosen by Nunez who executed the first lease for the premises.
- 12   21.   After the joint venture began operating successfully, Howard, Dice and Bell-Holland
- 13           dissolved Water Street because they wanted to become owners, not solely investors, in the
- 14           Stove.
- 15   22.   Although it was anticipated a new Stove Operating Agreement would be drafted and
- 16           completed, an agreement as to terms could not be reached and so the initial Operating
- 17           Agreement was left in place.
- 18   23.   Eventually various LLC members’ interests were bought by the remaining members and by
- 19           2021, the ownership interests in Stove were: Nunez, 38%; Dice, 34%; Howard, 25% and
- 20           Bell-Holland, 3%.
- 21   24.   As a result of internal disputes between the Stove members, by December 2021, Nunez
- 22           expressed a desire to sell his interest in the LLC.
- 23   25.   Dice initially offered to purchase Nunez’s share of Stove for \$175,000.00 but Nunez deferred
- 24           pending the completion of a business valuation which he requested from Defendants as a
- 25           preliminary step prior to a formal sale.
- 26   26.   Prior to the time an agreement could be reached regarding a Nunez buy out, on or about
- 27           December 27, 2021, Nunez was provided with a document titled, Termination and
- 28           Separation Agreement signed by Howard, Dice and Bell-Holland, that as of December 27,

1           2021, he would be “terminated” from Stove.

2   27.    The purported termination notice improperly classified Nunez as an “at-will” employee,  
3           demanded the release of property and notified Nunez he would no longer participate in the  
4           day to day operations of Stove.

5   28.    The termination notice further acknowledged:  
6                   ... This does not change your position as a member of the company.  
7                   As a continuing member of the company, we will defer to you as  
8                   deemed necessary. Any discussions and negotiations regarding the  
                  potential buyout of your membership interest shall remain  
                  confidential.

9   29.    Thereafter, Howard, Dice and Bell-Holland unsuccessfully attempted to have Nunez  
10           physically removed from the Stove premises. However, since Nunez was an owner of the  
11           business and was the tenant on the LLC lease, he could not be removed.

12   30.    Nunez was eventually forced out as a daily participant of Stove operations and the majority  
13           of the Stove staff left with him in protest.

14   31.    Operations were closed for approximately three (3) weeks as a result of the staff walkout.

15   32.    In approximately January 2022, Nunez obtained an appraisal for Stove in the amount of  
16           \$1,082,875.00.

17   33.    On or about January 3, 2022, while attempting to check the Stove savings account balance,  
18           Nunez learned it was closed and \$100,000.00 was withdrawn.

19   34.    Nunez had kept the sums available in the savings account for emergencies and had not been  
20           consulted regarding the withdrawal despite his 38% ownership interest in the Stove.

21   35.    Based on information and belief, the sums were paid to Dice and Howard.

22   36.    Thereafter, Nunez began receiving notices from the point of sale system (“POS”) he had  
23           placed in Stove for the processing of credit and debit card payments.

24   37.    The notices indicated someone was trying to access the system pass code in order to alter  
25           administrative access via the use of unauthorized email attacks.

26   38.    In an attempt to prevent further diversion of his interests, Nunez temporarily routed the POS  
27           deposits from the Stove business account to a secondary backup account established in the  
28           event of an emergency, under his own name.

- 1 39. Nunez routed the POS deposits until he had recovered sums nearly equal to his interest in the  
2 Stove savings account which had been emptied by Defendants.
- 3 40. Defendants thereafter initiated a criminal action against Nunez in 2022 which was based on  
4 half truths and outright falsity.
- 5 41. In approximately November, 2022 as Nunez was opening a new business venture in  
6 Downtown Las Vegas, Bell-Holland, via social media, made the following false  
7 representations intended to damage Plaintiff's reputation and discourage potential customers  
8 from frequenting the new business:
- 9 a. The new business was "cursed";  
10 b. Investors in the new business should be worried;  
11 c. Nunez was careless with The Stove brand and reputation which resulted in the need  
12 to "rebuild everything";and  
13 d. Nunez was a liability for The Stove.
- 14 42. Beginning in September 2023, Nunez - through counsel - repeatedly asked for financial  
15 records and sought information about the LLC in order to confirm current ownership and  
16 management of the LLC, its compliance with applicable law and investigate the value of  
17 Plaintiff's interest in the LLC.
- 18 43. Plaintiff's demand for inspection of the financial records was ignored despite his right to  
19 request and review the records.

20 **FIRST CAUSE OF ACTION**

21 (Accounting as to Nunez)

- 22 44. Plaintiff repeats and realleges each and every allegation contained in the foregoing  
23 paragraphs, and incorporate the same herein by reference
- 24 45. The Defendants are in possession of books, records, assets and proceeds of The Stove which  
25 have not been accessible to Nunez.
- 26 46. The Defendants had a duty to disclose information regarding the finances of the LLC and  
27 allow Plaintiff access to records, however, they failed to honor those obligations.
- 28 47. Nunez requests and is entitled to an accounting of the financial status of the entity to assist



1 with the determination of its value to present.

2 48. Additionally, in accordance with his rights to obtain financial information regarding the  
3 entity, Plaintiff seeks entry of an order compelling Defendants to file with the Court and  
4 serve on Plaintiff an accounting, under oath, detailing the deposits, payments and transfers  
5 from any and all business accounts, from 2021 to present, including the current locations of  
6 the accounts, including the specific banks where accounts are located; the persons or entities  
7 with control over the accounts; and the location of any assets purchased or acquired with  
8 LLC funds.

9 49. As a result of the actions outlined herein, Plaintiffs have been forced to retain the services  
10 of an attorney to prosecute this action and are entitled to an award of reasonable attorney's  
11 fees.

## 12 **SECOND CAUSE OF ACTION**

13 (Breach of Fiduciary Duty as to Stove and Nunez)

14 50. Plaintiff repeats and realleges each and every allegation contained in the foregoing  
15 paragraphs, and incorporate the same herein by reference.

16 51. At the time of the actions described herein, Defendants were all members of Stove.

17 52. In that capacity, Defendants owed duties of good faith and fair dealing to exercise the highest  
18 standard of good faith in all transactions relating to the entity.

19 53. Defendants owed a duty to place the interest of the entity above their own personal interests  
20 and refrain from self-dealing.

21 54. Defendants owed a duty of care requiring them to act in a reasonably prudent manner with  
22 regard to his responsibilities for carrying out the entity's business and activities and act  
23 reasonably, in good faith, and without any conflict of interest when making business  
24 decisions for the entity.

25 55. Defendants breached their fiduciary duties as set forth herein.

26 56. As a result of said breaches, Plaintiff sustained damages in excess of \$15,000.00.

27 57. As a direct and proximate result of the foregoing, Plaintiff has been damaged in an amount  
28 in excess of \$15,000.00.

1 58. It has been necessary for Plaintiff to retain the services of an attorney to prosecute this action  
2 and therefore, Plaintiff is entitled to reasonable attorney's fees and costs.

3 **THIRD CAUSE OF ACTION**

4 (Breach of Contract / Agreement as to Nunez)

5 59. Plaintiff repeats and realleges each and every allegation contained in the foregoing  
6 paragraphs, and incorporate the same herein by reference.

7 60. The Stove Operating Agreement is a valid and existing contract.

8 61. The Defendants are bound by the terms of the Operating Agreement.

9 62. Plaintiff is a member of Stove.

10 63. Defendants failed to comply with and breached the terms of the Operating Agreement as set  
11 forth herein following their removal of Nunez from the day to day operations of Stove.

12 64. As a result of the breaches, Nunez has suffered damages in an amount in excess of  
13 \$15,000.00.

14 65. It has been necessary for Plaintiff to retain the services of an attorney to prosecute this action  
15 and therefore, Plaintiff is entitled to reasonable attorney's fees and costs.

16 **FOURTH CAUSE OF ACTION**

17 (Contractual Breach of Covenant of Good Faith and Fair Dealing as to Nunez)

18 66. Plaintiff repeats and realleges each and every allegation contained in the foregoing  
19 paragraphs, and incorporate the same herein by reference.

20 67. Defendants are members of Stove and parties to the LLC Operating Agreement.

21 68. Defendants breached their duty in a manner that was unfaithful to the Operating Agreement  
22 when they wrongfully attempted to remove Nunez from the Stove premises and undertook  
23 certain legal actions in violation of his rights as well as refused his access to business records  
24 and questioned his interest in and authority to direct the affairs of Stove.

25 69. As a result of Defendants' breaches, Nunez's justified expectations were denied and he  
26 suffered damages in excess of \$15,000.00.

27 70. It has been necessary for Plaintiff to retain the services of an attorney to prosecute this action  
28 and therefore, Plaintiff is entitled to reasonable attorney's fees and costs.

1 **FIFTH CAUSE OF ACTION**

2 (Tortious Breach of Covenant of Good Faith and Fair Dealing as to Nunez)

3 71. Plaintiff repeats and realleges each and every allegation contained in the foregoing  
4 paragraphs, and incorporate the same herein by reference.

5 72. At the time Nunez was requesting records and accounting information, the Defendants were  
6 members of Stove and parties to the Operating Agreement.

7 73. The Defendants owed a duty of good faith to Nunez.

8 74. The Defendants owed Nunez a fiduciary duty.

9 75. As detailed above, Defendants breached their duty to Nunez.

10 76. As a result of Defendants' breaches, Nunez's justified expectations were denied and he  
11 suffered damages in excess of \$15,000.00.

12 77. It has been necessary for Plaintiff to retain the services of an attorney to prosecute this action  
13 and therefore, Plaintiff is entitled to reasonable attorney's fees and costs.

14 **SIXTH CAUSE OF ACTION**

15 (Declaratory Relief on behalf of Stove)

16 78. Plaintiff repeats and realleges each and every allegation contained in the foregoing  
17 paragraphs, and incorporate the same herein by reference.

18 79. Disputes and controversies have arisen between the parties relative to their actions,  
19 controlling documents and conduct by and between the parties.

20 80. The disputes and controversies include, but are not limited to, the rights and obligations of  
21 the parties relative to Stove, its operations, the ownership or value interest owned by  
22 Plaintiff, and control and management of the LLC's accounts and online presence.

23 81. NRS §30.030 provides that courts of record, within their respective jurisdictions, shall have  
24 the power to declare rights, status, and other legal relations whether further relief is or could  
25 be claimed. No action or proceeding shall be open to objection on the ground that a  
26 declaratory judgment is prayed for. The declaration may be either affirmative or negative in  
27 form and effect, and such declarations shall have the force and effect of a final judgment or  
28 decree.

1 82. Based on the language of NRS §30.030, this Court has the power to declare the rights, status,  
2 and other legal relations between the parties.

3 83. Plaintiffs request that this Court declare the rights, statuses, and other relations of the parties,  
4 including but not limited to the following:

5 a. The number of membership units or percentages owned by each member of Stove;

6 b. That Nunez is entitled to have access to Stove's books and records under the  
7 Operating Agreement;

8 c. That Nunez is a member of Stove;

9 d. That Nunez was improperly removed from the operations of Stove.

10 84. It has been necessary for Plaintiff to retain the services of an attorney to prosecute this action  
11 and therefore, Plaintiff is entitled to reasonable attorney's fees and costs.

12 **SEVENTH CAUSE OF ACTION**

13 (Defamation as to Nunez against Bell-Howard)

14 85. Plaintiff repeats and realleges each and every allegation contained in the foregoing  
15 paragraphs, and incorporate the same herein by reference.

16 86. Bell-Howard made written statements regarding Plaintiff which were false.

17 87. Defendant published the remarks to third parties with knowledge of the falsity or with a  
18 reckless disregard for their truth or falsity.

19 88. The publication was not privileged.

20 89. The publication has resulted in damages to Plaintiff.

21 90. Even if the publication was privileged, as Defendant knew or should have known about the  
22 falsity of the publication, their acts were reckless if not with malice.

23 91. Defendant's actions were willful, wanton, reckless, and malicious, and further show a  
24 complete and deliberate indifference to, and conscious disregard for, the rights of Plaintiff.  
25 Plaintiff is therefore entitled to an award of punitive or exemplary damages in an amount to  
26 compensate him for mental anguish, humiliation, and outrage and to deter Defendant from  
27 future similar conduct.

28 92. Plaintiff has been required to retain the services of an attorney to pursue this action and is

1 entitled to recover attorney's fees and costs incurred.

2 WHEREFORE, Plaintiff, reserving the right to seek additional relief, prays as follows:

- 3 1. Determining that this action is a proper derivative action under Nevada law;
- 4 2. Directing Defendants to account to Stove for its damages as a result of the wrongs  
5 complained of herein;
- 6 3. For breach of fiduciary duty damages in an amount in excess of \$15,000.00;
- 7 4. For an accounting;
- 8 5. For Judgment against Defendants for damages in an amount in excess of Fifteen Thousand  
9 Dollars (\$15,000.00);
- 10 6. Declaratory relief pursuant to NRS 30.030;
- 11 7. For any and all pre-judgment and post-judgment interest that accrues;
- 12 8. For reasonable attorney's fees and costs incurred in the prosecution of this litigation; and
- 13 9. For such other and further relief in equity or at law as the Court determines to be just and  
14 proper.

15 DATED this 3rd day of June, 2024.

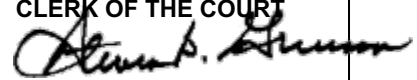
16 COOK & KELESIS, LTD.

17  
18 By: Julie L. Sanpei  
19 MARC P. COOK, ESQ.  
20 Nevada Bar No. 004574  
JULIE L. SANPEI, ESQ.  
21 Nevada Bar No. 005479  
517 South Ninth Street  
Las Vegas, Nevada 89101  
22 Attorneys for Plaintiff ANTONIO NUNEZ  
23  
24  
25  
26  
27  
28

# **EXHIBIT 2**

Defendant Tyra Bell-Holland's Anti-SLAPP  
Special Motion to Dismiss Pursuant to NRS  
41.660 filed on 10/20/2024

# **EXHIBIT 2**



**MDSM**

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

ANTONIO NUNEZ, individually and on  
behalf of nominal defendant, THE STOVE,  
LLC, as its member,

Plaintiff,

v.

MICHELLE HOWARD, an individual;  
WAYNE DICE, an individual; TYRA BELL-  
HOLLAND; DOES 1 through 10 and ROE  
CORPORATIONS I through X, inclusive,

Defendants; and

and THE STOVE, LLC, by and through its  
member, ANTONIO NUNEZ,

Nominal Defendant.

Case No. A-24-894713-C

Dept. No. XIII

**DEFENDANT TYRA BELL-  
HOLLAND'S ANTI-SLAPP SPECIAL  
MOTION TO DISMISS PURSUANT TO  
NRS 41.660**

**HEARING REQUESTED**

Defendant Tyra Bell-Holland ("Tyra"), by and through her counsel of record, Holland & Hart LLP, hereby files her Special Motion to Dismiss, commonly known as an "Anti-SLAPP" Motion (the "Motion") pursuant to NRS 41.660(1)(a), which provides for special dismissal of meritless lawsuits brought against defendants for exercising their First Amendment rights. Based on this authority, Tyra seeks dismissal of Plaintiff Antonio Nunez's ("Nunez['s]") or the "Plaintiff['s]") Seventh Cause of Action as asserted within his Complaint (a direct claim by Nunez against Tyra) with prejudice, the mandatory award of Bell-Holland's reasonable attorney's fees and costs under NRS 41.670(1)(a), and an additional \$10,000 awarded at this Court's discretion as permitted by NRS 41.670(1)(b) and necessitated by Nunez's wrongful conduct in asserting

1 such a facially deficient claim for defamation in retribution for Tyra’s exercise of her First  
2 Amendment rights.

3 This Motion is supported by the following Memorandum of Points and Authorities, the  
4 papers and pleadings on file in this action, the Declaration of Tyra Bell-Holland, Declaration of  
5 J. Malcolm DeVoy, other exhibits identified herein and attached hereto, and any oral argument  
6 the Court may allow.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 **I. INTRODUCTION**

9 On August 23, 2022, the online publication *Eater* published a promotional piece about  
10 Plaintiff’s current restaurant, The Parlour, titled “A Sixth New Restaurant Is Going Into That  
11 Cursed Corner Lot On Carson Avenue.”<sup>1</sup> Although Nunez’s complaint alleges that describing his  
12 restaurant as “cursed” is defamatory (Compl. ¶ 41), food journalist named Janna Karel wrote this  
13 article—not Tyra.<sup>2</sup> The *Eater* article’s headline is classic example of a restaurant review that  
14 Nevada law has aggressively protected as free speech for more than 20 years.<sup>3</sup> Yet, Nunez seeks  
15 to take his frustrations out on Tyra for employing the same non-defamatory, constitutionally  
16 protected statements regarding his activities as a business owner—the exact basis for his coverage  
17 in *Eater*, and a definitional example of “an issue of public interest.”<sup>4</sup>

18 Nunez has sued Tyra for publicly commenting on this *Eater* article and sharing her own  
19 opinions regarding Nunez as they related to that article. While Nunez portrays a public image as  
20 a rising restaurateur, as seen in the *Eater* article itself, Tyra operates a restaurant where Nunez was  
21 a putative business partner—and where he relied on bullying, coercion, and chaos to impose his  
22 will upon others and seek money he was never owed. In fact, the City of Henderson charged

23  
24 <sup>1</sup> A copy of this article is attached hereto as **Exhibit A**. This article is also available at  
25 [https://vegas.eater.com/2022/8/23/23319025/a-sixth-new-restaurant-is-opening-downtown-las-](https://vegas.eater.com/2022/8/23/23319025/a-sixth-new-restaurant-is-opening-downtown-las-vegas)  
26 *vegas* (last accessed Oct. 18, 2024). See also Decl. of J. Malcolm DeVoy (“DeVoy Decl.”) ¶ 4.

27 <sup>2</sup> See *id.*

28 <sup>3</sup> “A review, by its very nature, constitutes the opinion of the reviewer.” *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 714, 57 P.2d 82, 88 (2002) (citing *Greer v. Columbus Monthly Pub. Corp.*, 4 Ohio App. 3d 235, 4 Ohio B. 426, 448 N.E.2d 157, 161 (Ohio Ct. App. 1982)).

<sup>4</sup> NRS 41.637(4).



1 Nunez for embezzling \$60,000 from The Stove Anthem LLC, the misidentified nominal defendant  
2 in this action that Tyra now operates.<sup>5</sup>

3 Nunez has brought a meritless defamation claim against Tyra to punish her quoting an  
4 article headline about him and lawfully expressing her opinions about him on the interactive  
5 website Facebook—a now-classic example of a public forum. Nunez’s defamation claim against  
6 Tyra for a social media post fits the exact trope that caused the Nevada Legislature to revise NRS  
7 41.635 through 41.670 (the “Anti-SLAPP Statutes”) in 2013, allowing defendants to dismiss  
8 meritless lawsuits designed to chill free speech before incurring significant litigation costs. *See*  
9 *Coker v. Sassone*, 135 Nev. 8, 10, 432 P.3d 746, 748 (2019) (“Nevada’s anti-SLAPP statutes aim  
10 to protect First Amendment rights by providing defendants with a procedural mechanism to  
11 dismiss ‘meritless lawsuit[s] that a party initiates primarily to chill a defendant’s exercise of his or  
12 her First Amendment free speech rights’ before incurring the costs of litigation.”). Here, Nunez  
13 seeks to silence Tyra through a meritless defamation claim.

14 As explained below, Tyra’s complained-of statements are statements of opinion that  
15 cannot substantiate a defamation claim, which require false and damaging statements of *fact*. To  
16 the extent Tyra’s statements could even be construed as factual in nature, they are true—yet  
17 another comprehensive defense to defamation. Tyra’s statements being made in direct connection  
18 with an *Eater* article about Nunez, which she provided alongside her comments through the digital  
19 town square of Facebook, satisfy NRS 41.637(4)’s requirement that communication be “made in  
20 direct connection with a n issue of public interest in a place open to the public or in a public forum.”

21 Nunez faces the impossible challenge of presenting “prima facie evidence” demonstrating  
22 “a probability of prevailing” on his defamation claim to defeat Tyra’s Motion. NRS 41.660(3)(b).  
23 As a public figure in connection with his restaurant<sup>6</sup> and the attention it garnered in the *Eater*  
24 article upon which Tyra’s comments are based, Nunez must show Tyra acted with “actual malice”  
25 to prevail on his claim. This standard for “malice” is well-worn by the Nevada Supreme Court,

26 <sup>5</sup> *See State of Nevada v. Nunez*, Case No. 22CRH001331-0000 (filed in Henderson Township  
27 Justice Court Dec. 21, 2022). The existence of this case and its factual basis is judicially  
noticeable under NRS 47.130(2).

28 <sup>6</sup> *See Exhibit A.*

1 based upon United States Supreme Court precedent and requiring Nunez to prove by clear and  
2 convincing evidence<sup>7</sup> that Tyra’s statements were made with “knowledge that [the statement] was  
3 false or with reckless disregard of whether it was false or not.” *Pegasus*, 118 Nev. 718-22, 57  
4 P.3d 89-92. Nevada law dictates that Nunez cannot prevail, Tyra must succeed, and this Court  
5 should grant the Motion—mandatorily awarding Tyra her attorney’s fees and costs as well.

## 6 **II. STATEMENT OF RELEVANT FACTS**

### 7 **A. Nunez’s Relationship with The Stove.**

8 According to Plaintiff’s Complaint, The Stove Anthem LLC, misidentified by Nunez in  
9 this Action as “The Stove, LLC” (hereafter, “The Stove”) was formed in 2018 with Nunez as one  
10 of its members. (Compl. ¶ 14.) After a series of ownership changes and introductions to investors,  
11 Nunez alleges that in 2021 he was a member of The Stove along with defendants Howard, Dice,  
12 and Tyra. Ultimately, Nunez’s employment with The Stove was terminated without prejudice to  
13 his membership interest in the business. (*Id.* at ¶¶ 24, 26-28.)

14 Following his termination, Nunez unilaterally routed the business’s point-of-sale deposits  
15 into his personal bank account as an admitted form of “self-help” to what he deemed himself owed  
16 by the business. (*See id.* ¶¶ 38-39.<sup>8</sup>) Nunez freely admits that this resulted in a criminal action  
17 against him. (*Id.* at ¶ 40.) The City of Henderson criminally charged Nunez for the theft of more  
18 than \$60,000 from The Stove through its point-of-sale system in December of 2022.<sup>9</sup>

### 19 **B. Nunez’s Creation and Promotion of His New Restaurant, The Parlour.**

20 On March 7, 2022, “Alec M. Nunez,” who upon information and belief is one and the  
21 same as Plaintiff Antonio Nunez, filed the Articles of Organization for The Tech and The Cook  
22 LLC, a Nevada limited liability company (“TTTC”).<sup>10</sup> On August 25, 2022—only after *Eater*

23 <sup>7</sup> “Clear and convincing evidence” is a higher standard than the mere preponderance of evidence,  
24 and requires “evidence establishing every factual element to be highly probable. *Ferguson v. Las*  
*Vegas Metro. Police Dep’t*, 131 Nev. 939, 945, 364 P.3d 592, 596 (2015).

25 <sup>8</sup> Indeed, Nunez’s unilateral taking of \$60,000, which he does not allege he has ever returned to  
26 the business, raises future substantive questions as to whether Nunez has received the full  
27 balance of any capital to which he may be entitled, or even an amount in excess of any capital  
28 return.

<sup>9</sup> *Nevada v. Nunez*, Case No. 22CRH001331-0000 (Henderson Twnshp. Justice Ct.).

<sup>10</sup> *See Exhibit B.* (DeVoy Decl. ¶ 5.)

published its article promoting Nunez as the “restaurateur” who is “helm[ing]” The Parlour and “previously opened brunch destinations the Kitchen Table and the Stove”<sup>11</sup>—the Clark County Clerk issued TTTC a Fictitious Firm Name certificate allowing it to be identified and conduct business as The Parlour.<sup>12</sup> From September of 2023 through June of 2024, the Nevada Secretary of State identified “Alec Nunez” and/or “Alec M. Nunez” as the non-commercial registered agent and Manager of TTTC.<sup>13</sup>

**C. Tyra Comments on The Media Coverage of The Parlour and Expresses Her Opinions Based on Her Time Working with Nunez at The Stove.**

As an owner of The Stove since 2021, and the person responsible for The Stove’s operations and success from early 2023 to present, Tyra closely follows Southern Nevada culinary media. Decl. of Tyra Bell-Holland (“TBH Decl.”) ¶ 5. Tyra noticed *Eater*’s article regarding Nunez and his new restaurant on or about the date it was published on August 23, 2022. (*Id.* ¶¶ 5-6; *see* **Exh. A.**)

On August 24, 2022, Tyra used Facebook to share the *Eater* article about Nunez and his new restaurant venture The Parlour. A true and correct copy of Tyra’s Facebook post, depicting a link to *Eater*’s article, is attached as **Exhibit E**. Receiving dozens of reactions from others (*see id* at 2.), Tyra’s statements responding to the *Eater* article in their entirety were:

Cursed is beyond accurate for many reasons (besides the location) and the lease of the new investors worries. For legal reasons, I have been unable to address the [Nunez’s] slander.

For the record, said person was NEVER an owner of Kitchen Table, continues to claim it is closing (8+ years later) since being removed from that project, yet it’s his “claim to fame” then repeats the same rhetoric of The Stove, unless needed to parlay or tout success to another investor. Broken record. The truth prevails...wait for it.

My reputation and character speaks for itself. Goodness always wins!  
Cheers to my amazing partners at The Stove NV – we have worked so hard in rebuilding everything and everyone who was careless with our brand and reputation. Removing liability is key in sustainability for any business. We thank

---

<sup>11</sup> **Exhibit A** at 2.

<sup>12</sup> *See* **Exhibit C**. (DeVoy Decl. ¶ 6.)

<sup>13</sup> *See* **Exhibit B, Exhibit D**. (DeVoy Decl. ¶ 7.)

1 you for supporting local and never wavering in your loyalty and support. We  
2 appreciate you! Tyra, Wayne Dice + Michelle Joy Howard [heart emojis] Special  
3 thanks to chef John Baez who took us to the next level and is now executive chef  
4 at Border Grill Mandalay Bay- so well deserved and my ATX amigo.

5 “...that cursed corner”... [emoji]  
6 [https://vegas.eater.com/2022/8/2023/23319025/a-sixth-new-restaurant-is-opening-](https://vegas.eater.com/2022/8/2023/23319025/a-sixth-new-restaurant-is-opening-downtown-las-vegas)  
7 [downtown-las-vegas](https://vegas.eater.com/2022/8/2023/23319025/a-sixth-new-restaurant-is-opening-downtown-las-vegas)

8 Kitchen Table Javier Chavez  
9 formally The Stove LV now @TheStoveNV Eater Las Vegas  
10 Review-Journal Bryan Eggers

11 **Exhibit E** (the “Facebook Post”).

12 Tyra considered her statements to be matters of her opinion, and informed by facts she  
13 knew to be true and correct. (TBH Decl. ¶¶ 7-8, 12.) Indeed, Tyra believed Nunez had previously  
14 slandered her. (*Id.* ¶ 11.) Tyra was previously involved as the publicist for Kitchen Table, the  
15 Henderson-area restaurant where Nunez had, in fact, been terminated. (*Id.* ¶ 9.) More recently,  
16 Nunez also unilaterally removed more than \$60,000 from The Stove’s point-of-sale system, and  
17 instigated a staff walk-out in an attempt to fatally injure the business following his termination as  
18 an employee (*id.* ¶ 10) – facts that Nunez acknowledges in his own Complaint (Compl. ¶¶ 23-30.)

19 Nearly two years after Tyra made the Facebook Post—and likely long after it had been  
20 forgotten by those who saw it—on June 5, 2024, Nunez made it the basis of his defamation claim  
21 against her. (*See* Compl. at 1.) Ignoring the context of Tyra’s Facebook Post, its public nature,  
22 and the contents that explained far more than the selection excerpted for the Complaint, Nunez  
23 identified the following statements and alleged that they constitute false and defamatory statements  
24 of fact that caused him damages:

- 25 a. The new business was “cursed”;
- 26 b. Investors in the new business should be worried;
- 27 c. Nunez was careless with The Stove brand and reputation which resulted in the  
28 need
- to “rebuild everything”; and
- d. Nunez was a liability for The Stove.

Compl. ¶ 41; *see also id.* ¶ 89.

1     **III.     LEGAL STANDARD**

2             “A SLAPP suit is a meritless lawsuit that a party initiates primarily to chill a defendant’s  
3 exercise of his or her First Amendment free speech rights.” *Stubbs v. Strickland*, 129 Nev. 146,  
4 150, 297 P.3d 326, 329 (2013). Nevada’s anti-SLAPP statutes provide that a defendant “who  
5 engages in a good faith communication in furtherance of the right to petition or the right to free  
6 speech in direct connection with an issue of public concern is immune from any civil action for  
7 claims based upon that communication.” NRS 41.650. Nevada’s anti-SLAPP statutes do “not  
8 exclude any particular claim for relief from its scope because its focus is on the defendant’s  
9 activity, not the form of the plaintiff’s claims for relief.” *Omerza v. Fore Stars*, 455 P.3d 841, 2020  
10 Nev. Unpub. LEXIS 96, \*3 (Jan. 23, 2020) (unpublished). A defendant subject to such a lawsuit  
11 may file a special motion to dismiss that action within 60 days of service of the complaint.  
12 NRS 41.660(2).<sup>14</sup>

13             Anti-SLAPP motions are analyzed under a two-part test. First, the moving party must  
14 show, by a preponderance of the evidence, that the claim is based on a First Amendment activity  
15 that comes within the ambit of the anti-SLAPP statute. *See* NRS 41.660(3)(a); *see also Rosen v.*  
16 *Tarkanian*, 135 Nev. 436, 438, 453 P.3d 1220, 1223 (2019). If the moving party cannot meet that  
17 burden, the inquiry ends, “and the case advances to discovery.” *See Coker*, 135 Nev. at 12, 432  
18 P.3d at 749.

19             A “good faith communication” as used in NRS 41.660 includes a “[c]ommunication made  
20 in direct connection with an issue of public interest in a place open to the public or in a public  
21 forum, which is truthful or is made without knowledge of its falsehood.” NRS 41.637(4). Nevada  
22 has adopted the following guiding principles, referred to by the Nevada Supreme Court as the  
23 *Shapiro* factors, for determining whether an issue is one of public interest or concern:

- 24             1. ‘public interest’ does not equate with mere curiosity;  
25  
26

27             

---

  
28             <sup>14</sup> Nunez’s Complaint was filed on June 5, 2024, and served on August 21, 2024. Bell-Holland  
Decl. ¶ 4. Thus, the Motion is timely filed within sixty days of service upon her.

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.

*Zilverberg*, 137 Nev. Adv. Rep. 7, 481 P.3d at 1227 (quoting *See Shapiro v. Welt*, 133 Nev. 35, 39, 389 P.3d 262, 268 (2017)). The Nevada Supreme Court defined a “public forum” as “a place that is open to the public or where information is freely exchanged, regardless of whether it is uninhibited or controlled.” *Taylor v. Colon*, 468 P.3d 820, 826 (Nev. 2020); *see also Barnes v. Scotch Pine Homeowners Ass’n*, 519 P.3d 1266, 2022 Nev. Unpub. LEXIS 837, at \*4 (Nov. 18, 2022) (unpublished) (same).

Once the moving party makes its required showing under the first part of the test, the burden shifts to the plaintiff to offer sufficient evidence to demonstrate it has a probability of prevailing on its claims. *See* NRS 41.660(3)(b); *Stark v. Lackey*, 136 Nev. Adv. Rep. 4, 458 P.3d 342, 347 (2020) (“[E]ven under the preponderance standard, an affidavit stating that the defendant believed the communications to be truthful or made them without knowledge of their falsehood is sufficient to meet the defendant’s burden absent contradictory evidence in the record.”). If the plaintiff cannot meet its burden, the action must be dismissed, and the defendant is entitled to a reasonable award of costs and attorney fees, as well as a discretionary award against plaintiff of up to \$10,000. *See* NRS 41.670(1)(a)-(b).

#### IV. ARGUMENT

The Nevada Supreme Court broadly construes what constitutes an issue of public concern broadly when evaluating anti-SLAPP motions. *See Smith v. Zilverberg*, 137 Nev. Adv. Rep. 7, 481 P.3d 1222, 1227 (2021). Here, Tyra’s Facebook Post directly relates to an *Eater* article about Nunez and his business. The existence of the *Eater* article and the fact that Nunez’s business was

1 its subject demonstrates the public’s interest in Nunez’s restaurant operations—a subject where  
2 Tyra shared her opinion with the public and received dozens of reactions through Facebook.

3 The Nevada Supreme Court’s *Shapiro* factors for evaluating whether the statements  
4 challenged by Nunez qualify for immunity under NRS 41.637(4) all support this Court granting  
5 the Motion. *See Shapiro*, 133 Nev. at 39, 389 P.3d at 268. As explained below, The Facebook  
6 Post was (1) made in direct connection with an issue of public concern; (2) made in a public forum  
7 (i.e., the Internet); and (3) made in good faith. Accordingly, under Nevada’s anti-SLAPP statutes,  
8 the burden shifts to Plaintiff to demonstrate his probability of prevailing on his claim. However,  
9 as articulated herein, Plaintiff will not be able to demonstrate such a probability. Thus, dismissal  
10 is warranted to protect Tyra from further litigating these meritless claims that were only brought  
11 to chill Tyra’s First Amendment rights.

12 **A. Tyra’s Facebook Post Involved a Matter of Public Interest.**

13 Statements to the public concerning consumer protection information have been protected  
14 by anti-SLAPP statutes. *See Makaeff v. Trump Univ., LLC*, 715 F.3d 254, 262 (9th Cir. 2013)  
15 (protecting under California’s anti-SLAPP statute “consumer protection information” and  
16 recognizing that “statements warning consumers of fraudulent or deceptive business practices  
17 constitute a topic of widespread public interest, so long as they are provided in the context of  
18 information helpful to consumers”). California courts, which the Nevada Supreme Court expressly  
19 looks to for guidance due to California’s similarly worded anti-SLAPP statute,<sup>15</sup> protect “consumer  
20 protection information” because “consumers have an ‘interest in matters which affect their roles  
21 as consumers.’” *Id.* (quoting *Paradise Hills Assocs. v. Procel*, 235 Cal. App. 3d 1528 (1991)).

22 Tyra’s Facebook Post was made in direct connection with an issue of public interest—the  
23 *Eater* article regarding Nunez’s newest restaurant venture and her statements of opinion regarding  
24 Nunez in his professional capacity. As the Ninth Circuit recognized in *Makaeff*, consumer  
25 protection information must be “provided in the context of information helpful to consumers.” 715

26  
27 <sup>15</sup> “California’s anti-SLAPP law includes a similarly phrased category of speech subject to anti-  
28 SLAPP protections, and the case law of our sister state can therefore appropriately inform our  
analysis.” *Kosor v. Olympia Cos., LLC*, 478 P.3d 390, 394 (Nev. 2020).

1 F.3d at 262. The *Eater* article indicated the public’s interest in Nunez’s new restaurant and the  
2 challenges he was expected to face operating in his chosen location, where other restaurants had  
3 struggled in the past. (See **Exh. A.**) The Facebook Post built upon the content of the *Eater* article  
4 (TBH Decl. ¶ 8), providing further commentary and additional opinions regarding the challenges  
5 identified within that article, and constituted information helpful to consumers. (See **Exh. E.**) First,  
6 the Facebook Post informed potential investors and others within the hospitality industry about  
7 Tyra’s opinions, informed by her experience promoting and operating restaurants, about the risk  
8 of maintaining a business relationship with Nunez. (See Compl. ¶ 41.) Additionally, the Facebook  
9 Post differentiated Nunez’s new venture from The Stove so as to avoid potential confusion. (**Exh.**  
10 **E.**)

11 Tyra’s Facebook Post relates to a matter of public interest under the *Shapiro* factors that  
12 the Nevada Supreme Court articulated and has relied upon for almost one decade. First, the public  
13 has an interest that is more than mere curiosity when it comes to consumer protection information.  
14 To be clear, the Nevada Supreme Court “define[s] an issue of public concern broadly.” *Zilverberg*,  
15 137 Nev. Adv. Rep. 7, 481 P.3d at 1227. For instance, the Nevada Supreme Court has found that  
16 the public has an interest beyond mere curiosity in an attorney’s courtroom behavior because it  
17 serves as a warning to potential or current clients. See *id.* (citing *Abrams v. Sanson*, 136 Nev. 83,  
18 87-88, 458 P.3d 1062, 1066-67 (2020)). Similarly, here, the public has an interest in the Facebook  
19 Post because it serves as a warning to potential or current investors and consumers about Nunez’s  
20 past business conduct.

21 Second, the Facebook Post relates to a matter that is of concern to a substantial number of  
22 people. While Plaintiff does not specify the exact number of viewers of the Facebook Post, and  
23 the exact number of people who viewed the Facebook Post is unknown to Tyra, it did receive  
24 dozens of reactions and comments from those who viewed it. (See **Exh. E** at 2.) Like the Internet  
25 itself, Facebook is broadly available and, as Nunez alleges, is pervasive enough that Tyra’s  
26 statements could damage his reputation. (Compl. ¶ 41.) In *Zilverberg*, the Nevada Supreme Court  
27 found that statements posted in a Facebook group reached a sufficient number of people to  
28 constitute a public forum. 137 Nev. Adv. Rep. 7, 481 P.3d at 1228 n.2. Thus, Tyra’s Facebook



1 Post reached a substantial number of people, and a sufficient amount to constitute communication  
2 on a public forum.

3 Finally, the focus of the Facebook Post was the public interest of consumer protection  
4 information. It was not a mere effort to gather ammunition for another round of private  
5 controversy. While the Complaint makes conclusory allegations that “Defendant’s actions were  
6 willful, wanton, reckless, and malicious, and further show a complete and deliberate indifference  
7 to, and conscious disregard for, the rights of Plaintiff” (Compl. ¶ 91), such speculative and  
8 unsupported allegations are not based on first-hand knowledge and are contradicted by the  
9 language of the Facebook Post. *See, e.g., Zilverberg*, 137 Nev. Adv. Rep. 7, 481 P.3d at 1228  
10 (“While Smith provided a declaration stating that Zilverberg’s and Eagan’s actions arose from  
11 ‘animosity and personal spite,’ it contained conclusory statements that were not based on first-  
12 hand factual information.”).

13 **B. The Facebook Post Was Made in a Public Forum.**

14 It cannot be seriously disputed, and in fact is conceded by the Complaint’s own  
15 allegations, that Tyra’s Facebook Post was made in a public forum. The Nevada Supreme Court  
16 defines a “public forum” as “a place that is open to the public or where information is freely  
17 exchanged, regardless of whether it is uninhibited or controlled.” *Taylor*, 468 P.3d at 826.  
18 Comments made on social media have been found to have been made in a public forum. *See, e.g.,*  
19 *Stark*, 136 Nev. Adv. Rep. 4, 458 P.3d at 345 (finding that comments made on a Facebook post  
20 met the first prong of the anti-SLAPP analysis); *Trindade v. Reach Media Grp., LLC*, Case No.  
21 12-CV-4759-PSG, 2013 U.S. Dist. LEXIS 107707 at \*30-31 (N.D. Cal. July 31, 2013)  
22 (“California courts have determined website posts in fact are public forums.”). Accordingly, the  
23 communication was made in a public forum and satisfies this prong of NRS 41.637(4).

24 **C. Tyra’s Facebook Post Was Truthful or Made Without Knowledge of Falsehood.**

25 For purposes of the burden-shifting framework in Nevada for an anti-SLAPP motion, the  
26 moving party’s affidavit is sufficient to meet the burden that the communications were made in  
27 good faith—meaning they were truthful or made without knowledge of their falsehood. *See Stark*,  
28 136 Nev. Adv. Rep. 4, 458 P.3d at 347 (“[E]ven under the preponderance standard, an affidavit

1 stating that the defendant believed the communications to be truthful or made them without  
2 knowledge of their falsehood is sufficient to meet the defendant's burden absent contradictory  
3 evidence in the record.").

4 The Nevada Supreme Court identifies the relevant analysis when reviewing this Motion  
5 is considering "the 'gist or sting' of the communications as a whole, rather than parsing individual  
6 words in the communications." *Abrams v. Sanson*, 136 Nev. 83, 458 P.3d 1062, 1068-69 (2020)  
7 (quoting *Rosen v. Tarkanian*, 135 Nev. 436, 437, 453 P.3d 1220, 1222 (2019)). The gist and  
8 direction of Tyra's Facebook Post, rather than the "literal truth of each word or detail used in a  
9 statement," are used by this Court to determine whether Tyra's statements are knowingly false.  
10 *Abrams*, 136 Nev. at 90, 458 P.3d at 1069 (quoting *Rosen*, 135 Nev. at 440, 453 P.3d at 1224).

11 Here, the Facebook Post's statements expressed Tyra's opinions. To the extent the  
12 Facebook Post's statements were factual in nature, Tyra's statements were truthful or made in  
13 good faith, without knowledge of falsehood. (*See* TBH Decl. ¶¶ 8, 12.) the Nevada Supreme Court  
14 has protected said opinions and declared them to be made without knowledge of their falsehood.  
15 *See Abrams*, 458 P.3d at 1068 ("Because 'there is no such thing as a false idea,' statements of  
16 opinion are statements made without knowledge of their falsehood under Nevada's anti-SLAPP  
17 statutes." (quoting *Pegasus*, 118 Nev. at 714, 57 P.3d at 87)).

18 **D. Nunez Cannot Carry His Burden to Demonstrate Prima Facie Evidence of a**  
19 **Probability of Success on his Defamation Claim as a Public Figure.**

20 **1. Under NRS 41.660(3), Nunez Must Produce Prima Facie Evidence**  
21 **that He Has a Probability of Success on his Defamation Claim.**

22 As discussed above, the Facebook Post relates to a matter of public concern and was  
23 truthful or made without knowledge of its falsehood, satisfying the requisite standards of NRS  
24 41.637(4) and satisfying the first prong of this Court's anti-SLAPP analysis under NRS  
25 41.660(3)(a). Nunez now bears the burden of offering sufficient evidence to demonstrate that he  
26 has a probability of prevailing on his claims. *See* NRS 41.660(3)(b). To discharge the Anti-SLAPP  
27 Statutes' purpose and grant a successful movant immunity from suit,<sup>16</sup> discovery is stayed pending

28 <sup>16</sup> *See* NRS 41.650.

1 this Court’s decision on the Motion. *See* NRS 41.660(3)(e)(1) (“If a special motion to dismiss is  
2 filed pursuant to subsection 2, the court *shall*: Except as otherwise provided in subsection 4, *stay*  
3 *discovery* pending: A ruling by the court on the motion.” (emphasis added)).

4  
5 **2. Nunez’s Prima Facie Evidence Required by NRS 41.660(3)(b) Must**  
6 **Support a Finding That He Can Obtain a Jury Verdict in His Favor**  
7 **by Clear and Convincing Evidence.**

8 Nunez cannot to demonstrate a probability of prevailing on his defamation claim against  
9 Tyra. In the time since Nunez’s lawsuit was filed, the Nevada Supreme Court has clearly spoken  
10 to the circumstances before this Court, and the burden faced by a public figure plaintiff when  
11 attempting to satisfy the second prong of anti-SLAPP motion to dismiss:

12 We therefore hold that to demonstrate by prima facie evidence a probability of  
13 success on the merits of a public figure defamation claim, the plaintiff’s evidence  
14 must be sufficient for a jury, by clear and convincing evidence, to reasonably infer  
15 that the publication was made with actual malice. In other words, while the plaintiff  
16 at this prong must prove only that their claim has minimal merit, a public figure  
17 defamation claim does not have minimal merit, as a matter of law, if the plaintiff’s  
18 evidence of actual malice would not be sufficient—even if credited—to sustain a  
19 favorable verdict under the clear and convincing standard.

20 *Wynn v. AP*, 140 Nev. Adv. Rep. 56, 2024 Nev. LEXIS 47 \*\*11-12 (Sept. 5, 2024) (emphasis  
21 added).

22 To satisfy his burden, Nunez must provide admissible facts demonstrating that he can  
23 prove to a jury, by clear and convincing evidence, that Tyra’s Facebook Post was made with actual  
24 malice: “either that the defendant published the disparaging statement with the intent to cause  
25 harm to the plaintiff’s pecuniary interest, or the defendant published a disparaging remark knowing  
26 its falsity or with reckless disregard for its truth.” *Id.* at 386, 213 P.3d at 504-05 (citing *Pegasus,*  
27 *Inc.*, 118 Nev. at 722, 57 P.3d at 92-93). “Reckless disregard for the truth may be found when the  
28 defendant entertained serious doubts as to the truth of the statement, but published it anyway.”  
*Pegasus*, 118 Nev. at 722, 57 P.3d at 92 (internal citations and quotations omitted). Viewing the  
Facebook post in its entirety, and in context with the *Eater* article upon which it commented, Nunez  
cannot overcome the Motion’s showing that Tyra’s Facebook Post constituted her opinions, was  
not knowingly false, and qualifies as good faith communication protected under NRS 41.637(4).

1 Thus, given the meritless nature of Nunez’s defamation claim, its dismissal is necessary  
2 to protect Tyra’s free speech rights. Tyra engaged in a good faith communication in furtherance of  
3 the right to free speech in direct connection with an issue of public concern through her Facebook  
4 post by commenting on an issue reported in the news media and demonstrably of public concern  
5 through that reporting, and offering her opinions in a manner that would aid consumers and other  
6 market participants. Nunez’s defamation claim is based on protected activity involving the  
7 Facebook Post and, therefore, should be dismissed pursuant to Nevada’s anti-SLAPP statutes. *See*  
8 *Omerza*, 455 P.3d 841, 2020 Nev. Unpub. LEXIS 96 at \*3 (Jan. 23, 2020) (unpublished) (stating  
9 Nevada’s anti-SLAPP statutes do “not exclude any particular claim for relief from its scope  
10 because its focus is on the defendant’s *activity*, not the form of the plaintiff’s claims for relief”).

11 **V. CONCLUSION**

12 Nunez’s defamation claim against Tyra based on her opinions in a public forum in  
13 response to an *Eater* article, which profiled Nunez’s endeavors in his career as a professional chef,  
14 is a definitive example of what Nevada’s Anti-SLAPP Statutes were amended to combat more  
15 than one decade ago. Since then, Nevada’s courts have embraced these statutes to curb abusive  
16 and meritless litigation that serves only to attack defendants’ free speech rights. *See, e.g., Rosen*,  
17 135 Nev. 436, 453 P.3d 1220. Nunez’s defamation claim is not a cause of action against Tyra, but  
18 a frontal attack on free expressions of opinion (and, where factual, statements of truth) regarding  
19 market participants.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 Nunez's defamation claim is no more valiant, and should fare no better, than if he had  
2 sued a patron for a negative review on Yelp or Google. Accordingly, this Court should grant  
3 Tyra's motion and grant the full range of relief available to her under NRS 41.670. Nunez's  
4 defamation claim should be dismissed with prejudice by this Court, with judgment entered against  
5 him for the full amount of Tyra's reasonable attorney's fees and costs. Finally, this Court should  
6 assess an additional \$10,000<sup>17</sup> upon Nunez for his unsupportable conduct as permitted by law.

7 DATED this 20th day of October 2024.

8 **HOLLAND & HART LLP**

9 */s/ J. Malcolm DeVoy*

10 J. Malcolm DeVoy  
11 Nevada Bar No. 11950  
12 Caitlan J. McMasters  
13 Nevada Bar No. 16585  
14 9555 Hillwood Drive, 2nd Floor  
15 Las Vegas, NV 89134

16 *Attorneys for Defendants Michelle Howard,*  
17 *Wayne Dice, and Tyra Bell-Holland*

18 <sup>17</sup> See NRS 41.670(1)(b).

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20th day of October, 2024, a true and correct copy of the foregoing **DEFENDANT TYRA BELL-HOLLAND'S ANTI-SLAPP SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660** was served by the following method(s):

☒ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

Marc P. Cook, Esq.  
Julie L. Sanpei, Esq.  
**COOK & KELESIS, LTD.**  
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Las Vegas, Nevada 89101  
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*Attorneys for Antonio Nunez*

/s/ J. Malcolm DeVoy  
An Employee of Holland & Hart LLP

33063863\_v2

**DECL**

J. Malcolm DeVoy  
Nevada Bar No. 11950  
Caitlan J. McMasters  
Nevada Bar No. 16585  
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*Attorneys for Defendants*  
*Michelle Howard, Wayne Dice, and Tyra Bell-Holland*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

ANTONIO NUNEZ, individually and on  
behalf of nominal defendant, THE STOVE,  
LLC, as its member,  
Plaintiff,

v.

MICHELLE HOWARD, an individual;  
WAYNE DICE, an individual; TYRA BELL-  
HOLLAND; DOES 1 through 10 and ROE  
CORPORATIONS I through X, inclusive,  
Defendants.

and THE STOVE, LLC, by and through its  
member, ANTONIO NUNEZ,

Nominal Defendants.

Case No. A-24-894713-C

Dept. No. XIII

**DECLARATION OF J. MALCOLM  
DEVOY IN SUPPORT OF DEFENDANT  
TYRA BELL-HOLLAND'S ANTI-SLAPP  
SPECIAL MOTION TO DISMISS  
PURSUANT TO NRS 41.660**

I, James Malcolm DeVoy, declare as follows:

1. I am over 18 years of age and am competent to testify to the facts stated herein, which are based on personal knowledge unless stated otherwise, and if called upon to testify, I could and would testify competently to the following.

2. I am a partner of the law firm Holland & Hart LLP, which is counsel of record for Defendants Michelle Howard, Wayne Dice, and Tyra Bell-Holland in this matter. On that basis, I have personal knowledge of the matters set forth herein.

3. I submit this declaration in support of Defendant Tyra Bell-Holland's Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.660 ("Motion").

1 4. Attached as Exhibit A is a true and correct copy of the Eater article titled “A Sixth New  
2 Restaurant Is Going Into That Cursed Corner Lot On Carson Avenue,” authored by Janna Karel  
3 and published on August 23, 2022, which I accessed and created a PDF copy of on October 18,  
4 2024.

5 5. Attached as Exhibit B is a true and correct copy of the Nevada Secretary of State’s website  
6 information identifying March 7, 2022, as the filing date for The Articles of Organization and  
7 Initial List of Managers for The Tech and The Cook LLC, a Nevada limited liability company that  
8 operates as The Parlour Coffee and Cooking in Las Vegas, Nevada, which I accessed and created  
9 a PDF copy of on October 20, 2024.

10 6. Attached as Exhibit C is a true and correct copy of the Clark County Recorder’s fictitious  
11 firm name filing for The Tech and The Cook LLC operating under the name The Parlour Coffee  
12 and Cooking, which I obtained from the Clark County Recorder’s website and created a PDF copy  
13 of on October 18, 2024.

14 7. Attached as Exhibit E is a true and correct copy of the Nevada Secretary of State’s website  
15 information identifying “Alec m Nunez” as the non-commercial registered agent for The Tech and  
16 The Cook LLC as of June 7, 2024, which I accessed and created a PDF copy of on October 20,  
17 2024.

18 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is  
19 true and correct.

20 Executed in Clark County, Nevada on this 20th day of October, 2024

21  
22  
23 /s/ J. Malcolm DeVoy  
J. Malcolm DeVoy

24 33293474\_v1  
25  
26  
27  
28



1 **DECL**

2 J. Malcolm DeVoy

3 Nevada Bar No. 11950

4 Caitlan J. McMasters

5 Nevada Bar No. 16585

6 **HOLLAND & HART LLP**

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11 jmdevoy@hollandhart.com

12 cjmcmasters@hollandhart.com

13 *Attorneys for Defendants*

14 *Michelle Howard, Wayne Dice, and Tyra Bell-Holland*

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 ANTONIO NUNEZ, individually and on  
18 behalf of nominal defendant, THE STOVE,  
19 LLC, as its member,

20 Plaintiff,

21 v.

22 MICHELLE HOWARD, an individual;  
23 WAYNE DICE, an individual; TYRA BELL-  
24 HOLLAND; DOES 1 through 10 and ROE  
25 CORPORATIONS I through X, inclusive,

26 Defendants.

27 and THE STOVE, LLC, by and through its  
28 member, ANTONIO NUNEZ,

Nominal Defendants.

Case No. A-24-894713-C

Dept. No. XIII

**DECLARATION OF TYRA BELL-  
HOLLAND IN SUPPORT OF  
DEFENDANT TYRA BELL-HOLLAND'S  
ANTI-SLAPP SPECIAL MOTION TO  
DISMISS PURSUANT TO NRS 41.660**

I, Tyra Bell-Holland, declare as follows:

1. I am over 18 years of age and am competent to testify to the facts stated herein, which are based on personal knowledge unless stated otherwise, and if called upon to testify, I could and would testify competently to the following.

2. I submit this declaration in support of Defendant Tyra Bell-Holland's Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.660 ("Motion").

3. I am a member of The Stove Anthem LLC.<sup>1</sup>

<sup>1</sup> While the Complaint lists The Stove, LLC as the nominal defendant, the proper entity name is The Stove Anthem LLC.

1       4. I was served with the original complaint filed by plaintiff Antonio Nunez, individually and  
2 on behalf of nominal defendant, The Stove, LLC (“The Stove”), as its member, in this action on  
3 August 21, 2024.

4       5. I have significant experience as a publicist for the hospitality industry, including restaurants  
5 located on the Las Vegas Strip and locally, and since 2021 have been involved in the operation  
6 and management of restaurants, including The Stove. Since 2023, I have been solely responsible  
7 for The Stove’s operations and management. Accordingly, I presently do and for many years have  
8 closely followed trends and news regarding the restaurant and hospitality business in Southern  
9 Nevada.

10       6. I am familiar with the social media post identified in Paragraph 41 of the Complaint in this  
11 action, which I made through the Internet website and service known as Facebook on August 24,  
12 2022 (and not in November of 2022, as alleged in the Complaint). A true and correct copy of my  
13 Facebook post, which I originally authored and published, and prepared in two screen captures  
14 due to its length on October 18, 2024, is attached as Exhibit E.

15       7. I made my Facebook post in response to an article about Plaintiff Antonio Nunez  
16 (“Nunez”) which was published a day prior in *Eater*, an Internet-based publication regarding the  
17 restaurant business that is localized to numerous cities, including Las Vegas.

18       8. My Facebook post was made to share my opinions regarding Mr. Nunez based upon the  
19 information published about him in the *Eater* article. I specifically intended this *Eater* article and  
20 my comments regarding it to be shared with my hundreds of friends on that platform, so as to share  
21 my opinions with them and to engage them for their feedback regarding both my opinions and the  
22 underlying *Eater* article regarding Nunez and his new restaurant venture in downtown Las Vegas.

23       9. I provided publicity services to the Henderson, Nevada-based restaurant Kitchen Table,  
24 where I was aware of the business’s owners and engaged by them. Nunez was not an owner of  
25 that restaurant. In the course of my work for Kitchen Table, I came to learn he was terminated  
26 from his employment there.

27       10. I began working with Michelle Howard and Wayne Dice in connection with The Stove in  
28 2021. By the end of that year, Nunez’s conduct and difficulties communicating with Ms. Howard,

1 Mr. Dice, and myself had become difficult to manage. In early 2022, I learned that Nunez had  
2 changed the account to which funds were deposited in The Stove's point-of-sale system and, by  
3 changing that account, and misdirected \$60,000 in funds meant for The Stove to his personal  
4 account. On another occasion, Mr. Nunez sought to remove pots, pans, and other kitchen  
5 equipment from The Stove in an attempt to seek company property for his membership interest in  
6 the company. Yet another time after his termination as an employee of The Stove, Nunez  
7 organized a walk-out of The Stove's other employees, which required the company to hire new  
8 replacement staff throughout the organization.

9 11. Since his termination from The Stove, I was aware and had heard from others that Nunez  
10 had made verbal statements concerning me, which I considered to be factually false and harmful.  
11 To date, however, I had not pursued any legal remedy against Nunez in connection with those  
12 statements.

13 12. When I published my statements within the Facebook post, I did so only upon careful  
14 consideration and reflection as to the statements I made to express my opinions regarding Mr.  
15 Nunez, as informed by my personal experience with him. I made each of my statements in the  
16 Facebook post based on my personal knowledge and belief that such statements are and were true,  
17 and without any knowledge of the falsity of any statement I made.

18 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is  
19 true and correct.

20 Executed on this 20th day of October, 2024

21  
22  
23 */s/ Tyra Bell-Holland*

24 Tyra Bell-Holland

25 33070029\_v1

# EXHIBIT A

LAS VEGAS

VEGAS RESTAURANT OPENINGS

# A Sixth New Restaurant Is Going Into That Cursed Corner Lot On Carson Avenue

The 'boujee' breakfast spot will offer monkey bread and a drive-thru

by [Janna Karel](#) | Aug 23, 2022, 4:27pm PDT



Antonio Nunez | The Parlour

***Janna Karel** is the Editor for Eater Vegas.*

---

A new restaurant billing itself as a “boujee” breakfast concept is going into the space at 616 E. Carson Ave. Suite #140. The new breakfast joint will be the sixth restaurant to go into the lot bordered by Carson Ave. and an alley which leads to the parking lot, near 7th Street, in downtown Las Vegas.



Zydeco Po-Boys | Zydeco Po-Boys

---

The Parlour will serve breakfast items including a lavender latte, salmon benedicts, vegan breakfast burritos, fresh pastries, and house-made monkey bread. Beer, wine, and spiked coffee will also be made available.

The new fast-casual eatery is helmed by restaurateur Antonio Nunez. He previously opened brunch destinations the Kitchen Table and the Stove, both in Henderson. The Parlour will be open seven days per week from 6 a.m. to 5 p.m. and, interestingly for downtown, will offer a drive-thru.

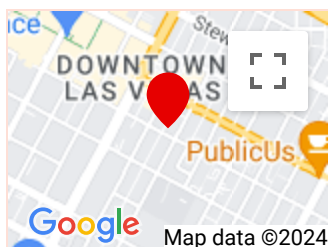
The space that the Parlour will occupy is jokingly referred to as “cursed,” due to its difficulty in retaining a tenant for more than a year or two. It was most recently home to **Madero Street Tacos**, which opened in March of 2021. But you may also remember the restaurant with “I love you TACOS so much” painted on its side as having housed Santos Guisados Tacos & Beer, or Bomb Tacos for about nine months before

that. In 2017, Two Bald Brothers served really good sesame seed pita bread in that location. Its first tenant, Zydeco Po Boys, operated from 2015 through early 2017, closing due to “crime, inconsistent traffic, lack of parking and a high concentration of homeless people,” the [Las Vegas Review-Journal](#) reported at the time.



Santos Guisados Tacos & Beer | [Amelinda B Lee](#)

The Parlour will open on what is now a stretch of Carson Ave. that experiences heavier foot traffic than it did in 2017, due in part to neighboring restaurants, including VegeNation, Carson Kitchen, and Eat, and newer businesses like 7th and Carson, Donut Bar, and the rotating list of incoming tenants in Downtown Container Park.



### Madero Street Tacos

616 E. Carson Ave., Suite #140, Las Vegas, NV 89101

725-204-6969

[Visit Website](#)

# EXHIBIT B



## Filing History

### Entity Information

**Entity Name:**

THE TECH AND THE COOK LLC

**Entity Number:**

E21542692022-1

**Entity Type:**

Domestic Limited-Liability Company (86)

**Entity Status:**

Active

**Formation Date:**

03/07/2022

**NV Business ID:**

NV20222392319

**Termination Date:****Annual Report Due Date:**






3/31/2025

**Compliance Hold:****Series LLC:**

Restricted LLC:



## Filing History Details

File Date	Effective Date	Filing Number	Document Type	Amendment Type	Source	# of Pages	View
08/28/2024	08/28/2024	20244288457	Registered Agent-Statement of Change		Internal	1	
06/07/2024	06/07/2024	20244112939	Annual List		External	2	
09/18/2023	09/18/2023	20233482125	Annual List		External	2	
03/07/2022	03/07/2022	20222154270	Initial List		External	2	
03/07/2022	03/07/2022	20222154268	Articles of Organization		External	2	

Page 1 of 1, records 1 to 5 of 5

## Filing Date SnapShot As Of: 03/07/2022

Business Details

Name Changes

Principal Office

Registered Agent

Officer Information

Shares

RA Type	Name	Attention	Address1/Address2/City/State/Zip/Country	Email
Non-Commercial Registered Agent	Alec m Nunez		3370 saint rose pkwy, 2326, Henderson, NV, 89052, USA	

[Back](#)[Return to Search](#)[Return to Results](#)

# EXHIBIT C

# Document Details

Instrument Number	<div><div>&lt;</div><div>202208251011519</div><div>&gt;</div></div>
Record Date	8/25/2022
Book Type	FFN - FICTITIOUS FIRM NAMES
Book/Page	
Instrument #	202208251011519
Number of Pages	1
Doc Type	FFN - FFN CERTIFICATE
Assumed or Fictitious Name	THE PARLOUR COFFEE AND COOKING
Owner Name	THE TECH AND THE COOK
Mailing Address 1	3370 SAINT ROSE PKWY #2326
Mailing City	HENDERSON
Mailing State	NEVADA
Mailing Zip	89052
Expiration Date	8/25/2027



# EXHIBIT D

## Filing History

### Entity Information

**Entity Name:**

THE TECH AND THE COOK LLC

**Entity Number:**

E21542692022-1

**Entity Type:**

Domestic Limited-Liability Company (86)

**Entity Status:**

Active

**Formation Date:**

03/07/2022

**NV Business ID:**

NV20222392319

**Termination Date:****Annual Report Due Date:**






3/31/2025

**Compliance Hold:****Series LLC:**

Restricted LLC:



## Filing History Details

File Date	Effective Date	Filing Number	Document Type	Amendment Type	Source	# of Pages	View
08/28/2024	08/28/2024	20244288457	Registered Agent-Statement of Change		Internal	1	
06/07/2024	06/07/2024	20244112939	Annual List		External	2	
09/18/2023	09/18/2023	20233482125	Annual List		External	2	
03/07/2022	03/07/2022	20222154270	Initial List		External	2	
03/07/2022	03/07/2022	20222154268	Articles of Organization		External	2	

Page 1 of 1, records 1 to 5 of 5

## Filing Date SnapShot As Of: 06/07/2024

Business Details

Name Changes

Principal Office

Registered Agent

Officer Information

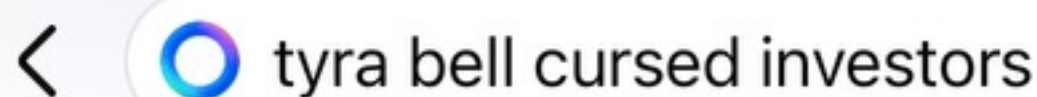

Shares

RA Type	Name	Attention	Address1/Address2/City/State/Zip/Country	Email
Non-Commercial Registered Agent	Alec m Nunez		3370 saint rose pkwy, 2326, Henderson, NV, 89052, USA	

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# EXHIBIT E




 tyra bell cursed investors [All](#) [Posts](#) [People](#) [Reels](#) [Groups](#) [Pages](#) [Videos](#)**Tyra Bell** Aug 24, 2022 · 

Cursed is beyond accurate for many reasons (besides the location) and the least of the new investors worries. For legal reasons, I have been unable to address the slander.

For the record, said person was NEVER an owner of Kitchen Table, continues to claim it is closing (8+ years later) since being removed from that project, yet it's his "claim to fame" then repeats the same rhetoric of The Stove, unless needed to parlay or tout success to another investor. Broken record. The truth prevails...wait for it.

My reputation and character speaks for itself. Goodness always wins!

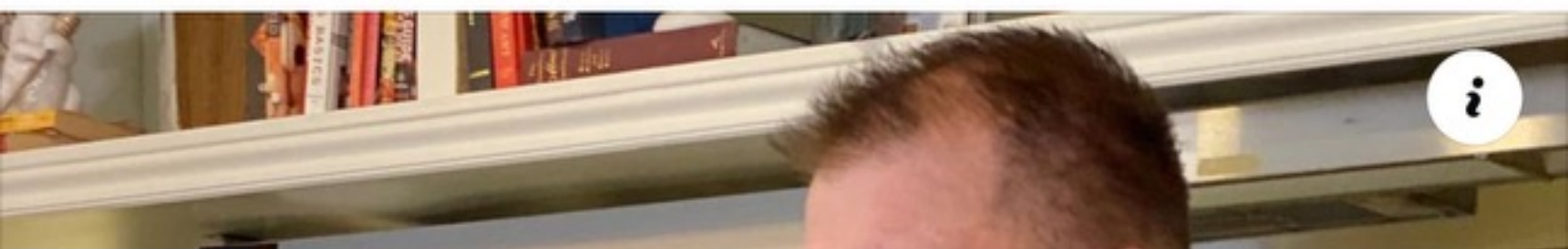
Cheers to my amazing partners at [The Stove NV](#)- we have worked so hard in rebuilding everything and everyone who was careless with our brand and reputation. Removing liability is key in sustainability for any business. We thank you for supporting local and never wavering in your loyalty and support. We appreciate you! Tyra, Wayne Dice + [Michelle Joy Howard](#) ❤️ ❤️ Special thanks to chef [John Baez](#) who took us to the next level and is now executive chef at [Border Grill Mandalay Bay](#)- so well deserved and my ATX amigo.

"..that cursed corner".. 

<https://vegas.eater.com/2022/8/23/23319025/a-sixth-new-restaurant-is-opening-downtown-las-vegas>

[Kitchen Table Javier Chavez](#)

formally [The Stove LV](#) now @TheStoveNV [Eater Las Vegas](#)  
[Review-Journal Bryan Eggers](#)



9+



9+



< tyra bell cursed investors



All Posts People Reels Groups Pages Videos

Cheers to my amazing partners at [The Stove NV](#)- we have worked so hard in rebuilding everything and everyone who was careless with our brand and reputation. Removing liability is key in sustainability for any business. We thank you for supporting local and never wavering in your loyalty and support. We appreciate you! Tyra, Wayne Dice + [Michelle Joy Howard](#) ❤️ ❤️ Special thanks to chef [John Baez](#) who took us to the next level and is now executive chef at [Border Grill Mandalay Bay](#)- so well deserved and my ATX amigo.

"..that cursed corner".. 🙏

<https://vegas.eater.com/2022/8/23/23319025/a-sixth-new-restaurant-is-opening-downtown-las-vegas>

[Kitchen Table Javier Chavez](#)

formally [The Stove LV](#) now @TheStoveNV [Eater Las Vegas](#)  
[Review-Journal Bryan Eggers](#)



vegas.eater.com

**A Sixth New Restaurant Is Going Into That Cursed Corner Lot On Carson Avenue**

👍🙏 Dan Burns and 58 others

19 comments 1 share

👍 Like

💬 Comment

🔗 Copy

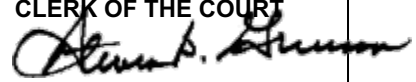
➦ Share



# **EXHIBIT 3**

Notice of Errata filed on 10/21/2024

# **EXHIBIT 3**



**ERR**

J. Malcolm DeVoy  
Nevada Bar No. 11950  
Caitlan J. McMasters  
Nevada Bar No. 16585  
**HOLLAND & HART LLP**  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, NV 89134  
Phone: 702.669.4600  
Fax: 702.669.4650  
jmdevoy@hollandhart.com  
cjmcmasters@hollandhart.com

*Attorneys for Defendants*

*Michelle Howard, Wayne Dice, and Tyra Bell-Holland*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

ANTONIO NUNEZ, individually and on  
behalf of nominal defendant, THE STOVE,  
LLC, as its member,

Plaintiff,

v.

MICHELLE HOWARD, an individual;  
WAYNE DICE, an individual; TYRA BELL-  
HOLLAND; DOES 1 through 10 and ROE  
CORPORATIONS I through X, inclusive,

Defendants.

and THE STOVE, LLC, by and through its  
member, ANTONIO NUNEZ,

Nominal Defendants.

Case No. A-24-894713-C

Dept. No. XIII

**NOTICE OF ERRATA**

**NOTICE OF ERRATA**

Defendant Tyra Bell-Holland (“Tyra”), through her undersigned counsel of record, hereby submits this Notice of Errata and her superseding declaration (“Declaration”) in support of her Anti-SLAPP Motion to Dismiss Pursuant to NRS 41.660 (“Motion”). This Errata is made as the attached Declaration provides certain clarifications and additional details in Paragraph 10, as well as other non-substantive clarifications (e.g., Paragraph 9’s change to reflect Kitchen Table having a single owner). Additionally, the attached declaration contains Tyra’s wet-ink signature.

As such, this Declaration should be considered in place and in stead of the declaration provided on October 20, 2024, in support of the Motion, as this Declaration provides identical

1 substance most relevant to the Motion. (*See, e.g.*, paragraphs 6, 7, 8, and 12.) This errata and the  
2 execution of the Declaration are necessary on account of Tyra's recent travel outside the State of  
3 Nevada to attend to a family emergency, including on and through the date of the Motion's filing.  
4 The substance of the Motion and originally filed declaration are not otherwise changed by the  
5 filing of this Errata and attached superseding Declaration.

6 DATED this 21st day of October 2024.

7 **HOLLAND & HART LLP**

8  
9 /s/ J. Malcolm DeVoy

10 J. Malcolm DeVoy  
11 Caitlan J. McMasters  
12 9555 Hillwood Drive, 2nd Floor  
13 Las Vegas, NV 89134

14 *Attorneys for Defendants Michelle Howard,*  
15 *Wayne Dice, and Tyra Bell-Holland*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 21st day of October, 2024, a true and correct copy of the foregoing **NOTICE OF ERRATA** was served by the following method(s):

- ☒ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

Marc P. Cook, Esq.  
Julie L. Sanpei, Esq.  
**COOK & KELESIS, LTD.**  
517 South Ninth Street  
Las Vegas, Nevada 89101  
E-mail: [law@bckltd.com](mailto:law@bckltd.com)

*Attorneys for Antonio Nunez*

/s/ J. Malcolm DeVoy  
An Employee of Holland & Hart LLP

33349452\_v1



1 **DECL**

2 J. Malcolm DeVoy

3 Nevada Bar No. 11950

4 Caitlan J. McMasters

5 Nevada Bar No. 16585

6 **HOLLAND & HART LLP**

7 9555 Hillwood Drive, 2nd Floor

8 Las Vegas, NV 89134

9 Phone: 702.669.4600

10 Fax: 702.669.4650

11 jmdevoy@hollandhart.com

12 cjmcmasters@hollandhart.com

13 *Attorneys for Defendants*

14 *Michelle Howard, Wayne Dice, and Tyra Bell-Holland*

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 ANTONIO NUNEZ, individually and on  
18 behalf of nominal defendant, THE STOVE,  
19 LLC, as its member,

20 Plaintiff,

21 v.

22 MICHELLE HOWARD, an individual;  
23 WAYNE DICE, an individual; TYRA BELL-  
24 HOLLAND; DOES 1 through 10 and ROE  
25 CORPORATIONS I through X, inclusive,

26 Defendants.

27 and THE STOVE, LLC, by and through its  
28 member, ANTONIO NUNEZ,

Nominal Defendants.

Case No. A-24-894713-C

Dept. No. XIII

**DECLARATION OF TYRA BELL-  
HOLLAND IN SUPPORT OF  
DEFENDANT TYRA BELL-HOLLAND'S  
ANTI-SLAPP SPECIAL MOTION TO  
DISMISS PURSUANT TO NRS 41.660**

I, Tyra Bell-Holland, declare as follows:

1. I am over 18 years of age and am competent to testify to the facts stated herein, which are based on personal knowledge unless stated otherwise, and if called upon to testify, I could and would testify competently to the following.

2. I submit this declaration in support of Defendant Tyra Bell-Holland's Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.660 ("Motion").

3. I am a member of The Stove Anthem LLC.<sup>1</sup>

<sup>1</sup> While the Complaint lists The Stove, LLC as the nominal defendant, the proper entity name is The Stove Anthem LLC.

1       4. I was served with the original complaint filed by plaintiff Antonio Nunez, individually and  
2 on behalf of nominal defendant, The Stove, LLC (“The Stove”), as its member, in this action on  
3 August 21, 2024.

4       5. I have significant experience as a public relations practitioner for the hospitality industry,  
5 including restaurants located on the Las Vegas Strip and locally. Since 2023, I have been solely  
6 responsible for The Stove’s operations and management. Accordingly, I presently do and for many  
7 years have closely followed trends and news regarding the restaurant and hospitality business in  
8 Southern Nevada.

9       6. I am familiar with the social media post identified in Paragraph 41 of the Complaint in this  
10 action, which I made through the Internet website and service known as Facebook on August 24,  
11 2022 (and not in November of 2022, as alleged in the Complaint). A true and correct copy of my  
12 Facebook post, which I originally authored and published, and prepared in two screen captures  
13 due to its length on October 18, 2024, is attached as Exhibit E.

14       7. I made my Facebook post in response to an article about Plaintiff Antonio Nunez  
15 (“Nunez”) which was published a day prior in *Eater*, an Internet-based publication regarding the  
16 restaurant business that is localized to numerous cities, including Las Vegas.

17       8. My Facebook post was made to share my opinions regarding Mr. Nunez based upon the  
18 information published about him in the *Eater* article. I specifically intended this *Eater* article and  
19 my comments regarding it to be shared with my hundreds of friends on that platform, so as to share  
20 my opinions with them and to engage them for their feedback regarding both my opinions and the  
21 underlying *Eater* article regarding Nunez and his new restaurant venture in downtown Las Vegas.

22       9. I provided public relations services to the Henderson, Nevada-based restaurant Kitchen  
23 Table, where I was aware of the business’s owner and engaged by him. Nunez was not the owner  
24 of that restaurant. In the course of my work for Kitchen Table, I came to learn he was terminated  
25 from his employment there.

26       10. I had been working with Michelle Howard and Wayne Dice in connection with The Stove  
27 since 2018. By the end of 2021, Nunez’s conduct and difficulties communicating with Ms.  
28 Howard, Mr. Dice, and myself had become difficult to manage. The Stove terminated Nunez when



1 an independent financial review revealed that Nunez had misappropriated more than \$24,000 from  
2 the company. In early 2022, after The Stove terminated Nunez, I learned that Nunez had changed  
3 the account to which funds were deposited in The Stove's point-of-sale system and, by changing  
4 that account, and misdirected more than \$43,700 in additional funds meant for The Stove to his  
5 personal account. On another occasion, Mr. Nunez sought to remove pots, pans, and other kitchen  
6 equipment from The Stove during business hours in an attempt to seek company property to take  
7 for himself in exchange for his membership interest in the company. Yet another time after his  
8 termination as an employee of The Stove, Nunez arrived unannounced during business hours,  
9 accompanied by at least two other individuals who were not employees of The Stove, threatening  
10 staff members that the restaurant would be closing and that all staff members would lose their  
11 jobs. Nunez and his accomplices then accessed protected, non-public areas of The Stove before  
12 leaving. Nunez's actions required the company to hire new staff to replace those who departed as  
13 a result of this incident throughout the organization. Additionally, this incident required The Stove  
14 to hire security so that staff and guests of the restaurant would feel safe.

15 11. Since his termination from The Stove, I was aware and had heard from others that Nunez  
16 had made verbal statements concerning me, which I considered to be factually false and harmful.  
17 To date, however, I had not pursued any legal remedy against Nunez in connection with those  
18 statements.

19 12. When I published my statements within the Facebook post, I did so only upon careful  
20 consideration and reflection as to the statements I made to express my opinions regarding Mr.  
21 Nunez, as informed by my personal experience with him. I made each of my statements in the  
22 Facebook post based on my personal knowledge and belief that such statements are and were true,  
23 and without any knowledge of the falsity of any statement I made.

24 ///

25 ///

26 ///

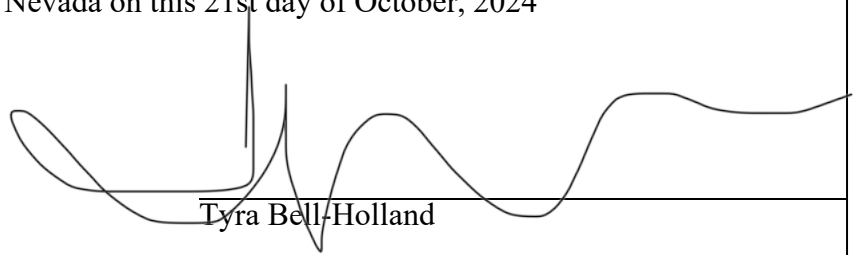
27 ///

28 ///

1 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is  
2 true and correct.

3 Executed in Clark County, Nevada on this 21st day of October, 2024

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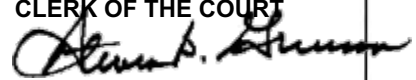
Tyra Bell-Holland

33070029\_v2

# **EXHIBIT 4**

Plaintiff's Opposition to Defendant Tyra Bell-  
Holland's Anti-SLAPP Special Motion to  
Dismiss Pursuant to NRS 41.660 filed  
11/04/2024

# **EXHIBIT 4**



**OPPS**  
MARC P. COOK, ESQ.  
Nevada Bar No. 004574  
JULIE L. SANPEI, ESQ.  
Nevada Bar No. 005479  
COOK & KELESIS, LTD.  
517 South Ninth Street  
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Phone: (702) 737-7702  
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E-mail: [law@bckltd.com](mailto:law@bckltd.com)  
*Attorneys for Plaintiff, ANTONIO NUNEZ*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

ANTONIO NUNEZ, individually and on  
behalf of nominal defendant, THE STOVE,  
LLC, as its member,

Plaintiff,

v.

MICHELLE HOWARD, an individual;  
WAYNE DICE, an individual; TYRA  
BELL-HOLLAND DOES 1 through 10 and  
ROE CORPORATIONS I through X,  
inclusive,

Defendants.

and THE STOVE, LLC, by and through its  
member, ANTONIO NUNEZ,

Nominal Defendant.

CASE NO. A-24-894713-C  
DEPT. NO. XIII

**PLAINTIFF'S OPPOSITION TO  
DEFENDANT TYRA BELL-HOLLAND'S  
ANTI-SLAPP SPECIAL MOTION TO  
DISMISS PURSUANT TO NRS 41.660**

Hearing Date: 11/7/24  
Hearing Time: 9:00 a.m.

COMES NOW, Plaintiff, Antonio Nunez ("Plaintiff" or "Nunez") by and through counsel,  
the law firm of COOK & KELESIS, LTD., and hereby files his Opposition to Defendant Tyra Bell-  
Holland's Anti-SLAPP Special Motion to Dismiss pursuant to NRS 41.660 ("Opposition").

This Opposition is made and based upon the attached Memorandum of Points and  
Authorities, the pleadings and papers on file herein, and any oral argument which may be presented

1 at the time of hearing.

## 2 POINTS AND AUTHORITIES

### 3 I. Introduction

4 This is not a SLAPP suit. It does not seek to punish the Defendant for good faith  
5 communications as defined in NRS 41.637. Further, the claims do not arise from acts Defendant  
6 took in furtherance of the right of petition of free speech.

7 This action was filed against Defendants because they engaged in conduct which intentionally  
8 and unceremoniously removed Plaintiff from day to day operations of a restaurant joint venture and  
9 although they acknowledged he had ownership rights, they failed - for years - to negotiate in good  
10 faith to purchase his interest in the business or provide ongoing financial information to Plaintiff  
11 following his departure, despite due demand. Additionally, and relevant for this Motion, Defendant  
12 Tyra Bell-Holland ("Bell-Holland") also took it upon herself to engage in online conduct designed  
13 to defame and disparage Plaintiff in a clear and intentional attempt to damage his reputation and  
14 discourage potential new customers in his subsequent business.

15 Bell-Holland, is the owner of a public relations firm, Ava Rose Agency. It pitches itself as  
16 a business which crafts "meaningful and impactful strategies for market domination from luxury  
17 food & beverage concepts."<sup>1</sup> She is a marketing key influencer for the "branding, marketing, and  
18 overall business consulting in hospitality, food & beverage" in Las Vegas. She has roughly 6,000  
19 followers on FaceBook and has been featured in Real Vegas Magazine as under an article titled,  
20 Women Who Run Las Vegas "Affluence Through Influence" – Meet the Real Tyra Bell-Holland of  
21 Ava Rose Agency.<sup>2</sup>

22 Significantly, based on his knowledge of the Defendant, who he has known for many years,  
23 Nunez asserts the motivation for the post was anything but an innocent "[quote to] an article headline

---

24 <sup>1</sup>Exhibit 1, Ava Rose Agency Home Page.

25  
26 <sup>2</sup>Exhibit 2, Wiener, C (2023, May 10). Women Who Run Las Vegas "Affluence Through  
27 Influence" – Meet the Real Tyra Bell-Holland of Ava Rose Agency.  
<https://realvegasmagazine.com/avaroseagency/>



1 about [Defendant to] lawfully [express] her opinions about him on ... Facebook.”

2 Making those statements, was not for any free speech right or personal right of advancing  
3 opinion. On the contrary, Defendant specifically made the statements and provided a link to the  
4 vegas.eater.com story in order to strike at Plaintiff, with whom she was already embroiled in a  
5 dispute over a joint venture, portray him as a liar, attack the Plaintiff’s status as a “rising  
6 restaurateur,” state the Plaintiff’s Parlour business was cursed because he was associated with it -  
7 reasons aside from its “location,” publicly report that his investors (who he was still courting at the  
8 time of Plaintiff’s post) should be worried, and called him a liability to any business.

9 In furtherance of her personal dislike of Plaintiff, she lashed out at him and attempted to harm  
10 Plaintiff’s new business. In fact, the post generated additional intended traction as subsequent  
11 responsive comments reflect:

12 Javier Chavez:

13 I’ve worked hard and long to keep the reputation of my restaurant in tact (sic). To  
14 have someone claim he was owner was false ....! cursed it is. I will not allow to use  
this platform as it was saying it was his. Never was never will be.

15 Wayne Dice:

16 Thanks for helping us at The Stove NV for cleaning house and making it truly an  
17 enjoyable experience for everyone. You’ve assembled a great team that has pushed  
us to the next level in service.

18 Ronica Hopkins:

19 Wayment, wtf is this dude in the article? That math ain’t acting right! ...

20 Wayne Dice:

21 Tyra Bell-Holland Couldn’t have been said any better! You along with others know  
22 the truth and have witnessed it first hand. His MO is to slander those who know the  
truth! #karmaiscominginhot

23 Scott Roeben:

24 Eater grabbed that from my story (there’s been a change of personnel, and they aren’t  
25 quite up to speed yet). I’m happy to update my story with your thoughts. I don’t  
want to help promote someone shady, should that be the case.

1 Patricia N Diaz-Bailley:

2 Tyra, your reputation is impeccable and you're a class act. No slander in the world  
3 is going to change that. Talk is cheap, the proof is in the success. Several successful  
4 Chef's and owners have already spoken up ♥. Nothing wrong with a little friendly  
competition but you can't blame your successors for your failures. Karma is a bitch.<sup>3</sup>

5 Plaintiff suffered actual damages as a result of the smear campaign against him initiated by  
6 the false and defamatory Facebook post. As it is clear that the motivation for this speech was to  
7 attack Plaintiff and deter investors and customers from his business, the same is not and cannot be  
8 protected since it does not serve the purpose of the Nevada anti-SLAPP statutes.

## 9 **II. Factual Background**

10 As set forth in the Complaint, the parties in this case were previously involved in a joint  
11 venture operating The Stove, a high end brunch restaurant, located at 11261 S. Eastern Avenue, Suite  
12 200, in Henderson.<sup>4</sup> Nunez, who has over thirty years' executive level management experience in  
13 the restaurant business, served as Stove's operating partner and provided concept development, and  
14 location selection, design, management training, guest relations, business negotiations, streamlined  
15 operations and acted as its executive chef during his tenure with the business.<sup>5</sup> By 2021, the  
16 ownership interests in The Stove were: Nunez, 38%; Dice, 34%; Howard, 25% and Bell-Holland,  
17 3%.<sup>6</sup>

18 As a result of internal disputes between The Stove members, by December 2021, Nunez  
19 expressed a desire to sell his interest in the LLC.<sup>7</sup> Dice initially offered to purchase Nunez's share  
20 for \$175,000.00 but Nunez deferred pending the completion of a business valuation which he  
21

---

22 <sup>3</sup>Exhibit 3, Facebook post and responsive comments.

23 <sup>4</sup>Complaint at ¶¶16-18, 20.

24 <sup>5</sup>*Id.* at ¶19.

25 <sup>6</sup>*Id.* at ¶23.

26 <sup>7</sup>*Id.* at ¶24.

1 requested from Defendants as a preliminary step prior to a formal sale.<sup>8</sup> Prior to the time an  
2 agreement could be reached regarding a Nunez buy out, on or about December 27, 2021, Nunez was  
3 provided with a document titled, Termination and Separation Agreement signed by Howard, Dice  
4 and Bell-Holland, that as of December 27, 2021, he would be "terminated" from Stove.<sup>9</sup> The  
5 purported termination notice improperly classified Nunez as an "at-will" employee, demanded the  
6 release of property and notified Nunez he would no longer participate in the day to day operations  
7 of Stove.<sup>10</sup> The termination notice further acknowledged: ... This does not change your position  
8 as a member of the company. As a continuing member of the company, we will defer to you as  
9 deemed necessary. Any discussions and negotiations regarding the potential buyout of your  
10 membership interest shall remain confidential.

11 Thereafter, Howard, Dice and Bell-Holland unsuccessfully attempted to have Nunez  
12 physically removed from the Stove premises. However, since Nunez was the owner of the business  
13 who had signed the tenant lease, he could not be removed. Nunez was eventually forced out as a  
14 daily participant of Stove operations and the majority of the Stove staff left with him in protest. This  
15 was not a coordinated walk out perpetuated by Nunez, as represented by Bell-Holland.

16 Defendants then initiated a criminal action against Nunez in 2022 which was based on half  
17 truths and outright falsity. While the Defendants, who reported false and misleading information  
18 to the Henderson Police Department were initially successful in causing charges to be filed for felony  
19 theft, the fact is, the case was ultimately dismissed when the true facts came to light and the State  
20 determined there was no violation of law.<sup>11</sup> Bell-Holland conveniently fails to mention this fact  
21 because it does not serve her continued efforts to portray Plaintiff in a negative light, irrespective of  
22

---

23 <sup>8</sup>*Id.* at ¶25.

24 <sup>9</sup>*Id.* at ¶26.

25 <sup>10</sup>*Id.* at ¶27.

26 <sup>11</sup>Exhibit 4, Justice Court Case No. 22CRH001331 Case Details.



1 the truth.

2 **III. Argument**

3 **A. Defendant's anti-SLAPP Motion to Dismiss should be treated as a motion for summary judgment.**

4 "[W]hen an anti-SLAPP motion to strike challenges only the legal sufficiency of a claim, a  
5 district court should apply the Federal Rule of Civil Procedure 12(b)(6) standard." *Planned*  
6 *Parenthood Fed. of Am., Inc. v. Ctr. for Med. Progress*, 890 F.3d 828, 834 (9th Cir. 2018). Under  
7 that standard, district courts are required to "accept as true all facts alleged in the complaint, and  
8 draw all reasonable inferences in favor of Plaintiff." *Newcal Indus., Inc. v. Ikon Office Sol.*, 513 F.3d  
9 1038,1043 n.2 (9th Cir. 2008). As set forth in *Planned Parenthood*, "[i]f a defendant makes an  
10 anti-SLAPP motion to strike founded on purely legal arguments, then the analysis is made under  
11 [Rule] 8 and 12 standards; if it is a factual challenge, then the motion must be treated as though it  
12 were a motion for summary judgment and discovery must be permitted." *Id.* at 833, citing  
13 Fed.R.Civ.P. 8 and 12 and *Z.F. v. Ripon Unified Sch. Dist.*, 482 F. App'x 239, 240 (9th Cir. 2012)  
14 (emphasis added). The court notes as to *Z.F.* analysis that while the same was not binding, the 9th  
15 Circuit concluded that its "reasoning is persuasive, and we hereby adopt it." Moreover, in  
16 considering the matter the court stated:

17  
18 Requiring a presentation of evidence without accompanying discovery would  
19 improperly transform the motion to strike under the anti-SLAPP law into a motion  
20 for summary judgment without providing any of the procedural safeguards that have  
21 been firmly established by the Federal Rules of Civil Procedure. That result would  
22 effectively allow the state anti-SLAPP rules to usurp the federal rules. We could not  
23 properly allow such a result.

24 *Id.* at 834.

25 *Planned Parenthood* held that when a summary judgment standard is applied, "discovery  
26 must be allowed, with opportunities to supplement evidence based on the factual challenges, before  
27 any decision is made by the court." Thus, short of discovery, "the Plaintiff can properly respond  
28 merely by showing sufficiency of pleadings, and there's no requirement for a plaintiff to submit  
evidence to oppose contrary evidence that was never presented by Defendants." *Id.* Conversely, if

1 it is the intention that this motion have a summary judgment analysis, then discovery is appropriate.

2 In fact, the special motion to dismiss functions like a summary judgment motion  
3 procedurally, *Coker v. Sassone*, 135 Nev. 8, 432 P.3d 746 (2019). Pursuant to NRS 41.660(3)-(4),  
4 a district court shall treat the special motion to dismiss as a motion for summary judgment, and its  
5 granting the motion is adjudication upon the merits. Thus, summary Judgment standards apply to  
6 the special motion to dismiss. *Stubbs v. Strickland*, 129 Nev. 146, 157, 297 P.3d 326, 329 (2013).

7 Summary judgment should be granted only “if the movant shows that there is no genuine  
8 issue as to any material fact and the movant is entitled to judgment as a matter of law.” *Wood v.*  
9 *Safeway*, 121 Nev. 724, 121 P.3d 1026 (2005). The burden of demonstrating the absence of a  
10 genuine issue of material fact lies with the moving party. *Adickes v. S.H. Kress & Co.*, 398 U.S. 144,  
11 157 (1970) ; *Martinez v. City of Los Angeles*, 141 F.3d 1373, 1378 (9th Cir. 1998). In assessing a  
12 motion for summary judgment, the facts, along with all inferences that can be reasonably drawn  
13 therefrom, must be read in the light most favorable to the party opposing the motion. *Matsushita*  
14 *Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 106 S.Ct. 1348 (1986); *County of Tuolumne*  
15 *v. Sonora Cmty. Hosp.*, 236 F.3d 1148, 1154 (9th Cir 2001).

16 **B. Defendant’s Motion to Dismiss should be denied because her attacks on Plaintiff are**  
17 **not protected communications; free speech is not a defense to defamation.**

18 The anti-SLAPP statute was enacted in 1992 to “combat frivolous lawsuits brought primarily  
19 to chill the valid exercise of the constitutional right of freedom of speech and petition for the redress  
20 of grievances.” *Foothills Townhome Ass’n v. Christiansen*, 65 Cal.App.4th 688, 694 (1998)  
21 (overruled on other grounds). The paradigm SLAPP suit is filed by a large developer against  
22 environmental activists or neighborhood associations to chill the defendants’ continued political  
23 legal opposition to the developer’s plans with tort lawsuits for defamation or interference with  
24 business. *Wilcox v. Superior Court*, 27 Cal.App.4th 809, 815-16 (1994), disapproved on other  
25 grounds, *Equilon Enters., LLC v. Consumer Cause, Inc.*, 29 Cal.4th 53 (2002).

26 The analysis this Court must apply in evaluating Defendant’s Motion was set forth succinctly  
27 in *Coker*, 135 Nev. 8, 432 P.3d 746 (2019):

1 Under Nevada's anti-SLAPP statutes, a moving party may file a special motion to  
2 dismiss if an action is filed in retaliation to the exercise of free speech. A district  
3 court considering a special motion to dismiss must undertake a two-prong analysis.  
4 First, it must "[d]etermine whether the moving party has established, by a  
5 preponderance of the evidence, that the claim is based upon a good faith  
6 communication in furtherance of ... the right to free speech in direct connection to an  
7 issue of public concern." NRS 41.660(3)(a). If successful, the district court  
8 advances to the second prong, whereby "the burden shifts to the plaintiff to show  
9 'with prima facie evidence a probability of prevailing on the claim.'" (*Shapiro v.*  
10 *Welt*, 133 Nev. 35, 38, 389 P.3d 262, 267 (2017) (quoting NRS 41.660(3)(b)).  
11 Otherwise, the inquiry ends at the first prong, and the case advances to discovery).

12 Applied here, the two pronged test demonstrates Defendant is not entitled to an order  
13 dismissing the Complaint's defamation claim based on anti-SLAPP statutes.

14 **1. Defendant cannot establish by a preponderance of the evidence that her conduct**  
15 **constitutes good faith communications in furtherance of the right to petition or**  
16 **the right to free speech in direct connection with an issue of public concern.**

17 Nevada law holds that a moving party seeking protection under NRS 41.660 must  
18 demonstrate conduct falls within one of four statutorily defined categories of speech. *Delucci v.*  
19 *Longer*, 133 Nev. 290, 396 P.3d 826 (2017). Defendant argues she is immune from civil liability  
20 pursuant to NRS 41.650 because her actions constitute communications made in direct connection  
21 with an issue of public interest in a place open to the public or in a public forum which is truthful  
22 or made without knowledge of its falsehood. NRS 41.637(4).

23 The case law is clear that a district court must evaluate the gravamen of the plaintiff's  
24 complaint, not the supposed motives for the conduct complaint of. *City of Cotati v. Cashman*, 29  
25 Cal.4th 69 (Ca.2002); see also *People ex rel. Fire Ins. Exch. v. Anapol*, 211 Cal.App.4th 809, 823  
26 (Ca.2012) ("courts must be careful to distinguish allegations of conduct on which liability is to be  
27 based from allegations of motives for such conduct").

28 **a. The entirety of Defendant's behavior does not involve an issue in the**  
**public interest.**

Because Nevada recognizes that California's anti-SLAPP statutes are similar in purpose of  
language, Nevada has adopted California's guiding principles, as enunciated in *Piping Rock*  
*Partners, Inc. v. David Lerner Assocs, Inc.*, 946 F.Supp.2d 957 (N.D.Cal.2013) for determining  
whether an issue is of public interest under NRS 41.637; *Shapiro*, 133 Nev. 35, 389 P.3d 262 (2017).

Specifically:

- (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.

In analyzing these considerations, a court must be careful to distinguish between speech involving matters of public interest, e.g., the value of stock in a publicly-traded company, and speech involving a public controversy or concern. Although determining the scope of public concern may be difficult, mere “public interest” is not the test. *Varian Medical Systems, Inc. v. Delfino*, 113 Cal.App.4th 273, (2003) (6<sup>th</sup> Dist.) (reversed on other grounds). Only speech on matters of public concern or controversy are at the “heart of the First Amendment’s protection.” *Dun & Bradstreet, Inc. v. Greenmoss Builders*, 472, U.S. 749, 105 S.Ct. 2939 (1985). Therefore, even if some of the defamatory statements involved matters of public concern (for example, a company discriminates against women in the workplace), if the record viewed as a whole reflected defamatory speech - a vicious personal vendetta - having nothing to do with issues of legitimate concern to the public, it is not protected. In *Varian*, the defendants were former employees of plaintiff, a publicly-traded company. After the defendants left the company, they began posting derogatory messages on numerous internet bulletin boards about the company, the research director, and the vice president. The messages included accusations that maligned the company’s products, and that the company videotaped employees and visitors using the restrooms. An officer was accused of being “a manipulative liar” or “a neurotic hallucinator,” another was charged with being mentally ill, incompetent and a chronic liar; there was also an allegation that the company’s stock was about to



1 plummet. The company sued for defamation and the defendants accused the plaintiff of trying to  
2 chill their right to free speech. The court reviewed the record and concluded that even if some of the  
3 defamatory statements could arguably be considered matters of public concern, such as whether a  
4 company discriminates against or harasses women in the workplace, viewed as a whole the  
5 defamatory speech reflects nothing more than a vicious personal vendetta having nothing to do with  
6 legitimate concern to the public.

7 Numerous decisions have recognized our profound national commitment to the principle that  
8 debate on public issues should be uninhibited, robust and wide open. *New York Times Co. v.*  
9 *Sullivan*, 376 U.S. 254, 84 S.Ct. 710 (1964). But the right to free speech, [a]lthough stated in broad  
10 terms ... is not absolute. *Aguilar v. Avis Rent A Car System, Inc.*, 980 P.2d 846 (Cal.1999)  
11 (disapproved of on other grounds). Liberty of speech ... is ... not an absolute right, and its abuse may  
12 be punished. *Near v. Minnesota*, 283 U.S. 697, 75 L.Ed. 1357 (1931).

13 Not all speech is afforded the same protection under the First Amendment. “[S]peech  
14 concerning public affairs is more than self expression; it is the essence of self-government.”  
15 *Garrison v. State of La.*, 379 U.S. 64, 85 S.Ct. 209 (1964). “In contrast, speech on matters of purely  
16 private concern is of less First Amendment concern.” *Carey v. Brown*, 447 U.S. 455, 100 S.Ct.  
17 2286 (1980).

18 The United States Supreme Court has stated that there is “no constitutional value in false  
19 statements of fact.” *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 95 S.Ct. 2997 (1992). The  
20 intentional lie does not materially advance society’s interest in “uninhibited, robust, and wide open”  
21 debate on public issues. *New York Times Co. v. Sullivan*, 376 U.S. 254, 84 S.Ct. 710 (1964).  
22 Falsehoods belong to that category of utterances that “are no essential part of any exposition of ideas,  
23 and are of such slight social value as a step to truth that any benefit that may be derived from then  
24 is clearly outweighed by the social interest in order and morality.” *Chaplinsky v. New Hampshire*,  
25 315 U.S. 568, 62 S.Ct. 766 (1942). The Court has further stated that “[f]alse statements of fact are  
26 particularly valueless; they interfere with the truth seeking function of the marketplace of ideas, and  
27

1 they cause damage to an individual's reputation that cannot easily be repaired by counterspeech,  
2 however persuasive or effective." *Hustler Magazine v. Falwall*, 485 U.S. 46, 108 S.Ct. 876 (1988).  
3 Nevertheless, there are categories of communication and certain special utterances to which the  
4 protection of the First Amendment does not extend because there are no essential parts of an  
5 exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be  
6 derived from them is clearly outweighed by the social interest in order and morality. *Ashcroft v.*  
7 *Free Speech Coalition*, 535 U.S. 234, 122 S.Ct. 1389 (2000) (the freedom of speech as its limits; it  
8 does not embrace certain categories of speech, including defamation ...); *Beauharnais v. Illinois*, 343  
9 U.S. 250, 72 S.Ct. 725 (1952) (Libelous utterances do not begin within the area of constitutionally  
10 protected speech ...). Clearly the instant case involves defamatory speech uttered by Defendant and  
11 is therefore not constitutionally protected speech.

12 Speech deals with matters of public concern when it can "be fairly considered as relating to  
13 any matter of political, social, or other concern to the community," or when it "is a subject of  
14 legitimate news interest; that is, a subject of general interest and of value and concern to the public."  
15 *Snyder v. Phelps*, 562 U.S. 443, 131 S.Ct. 1207 (2011). To determine whether speech is of public  
16 or private concern, the Supreme Court has held that it must independently examine the "content,  
17 form, and context" of the speech revealed by the whole record. *Dunn & Bradstreet, Inc. v.*  
18 *Greenmoss Builders, Inc.*, 472 U.S. 749, 105 S.Ct. 2939 (1985). In considering content, form, and  
19 context, no factor is dispositive, and it is necessary to evaluate all aspects of the speech. *Snyder v.*  
20 *Phelps*, 562 U.S. 443, 131 S.Ct. 1207 (2011).

21 In *Pope v. Fellhauer*, 135 Nev. 702, 437 P.3d 171 (2019), the Nevada Supreme Court was  
22 unanimous in its decision for the litigants who had sued for defamation. The case involved a dispute  
23 between three cul-de-sac neighbors - the neighbors did not get along and had multiple verbal  
24 altercations. In that case, Mr. Pope began making statements about the Fellhauers on social media  
25 sites, such as Twitter and Alert-ID, a "neighborhood crime-reporting website," alleging that the  
26 Fellhauers were dangerous, sick, mentally unstable, they were the reason behind the neighborhood  
27

1 being labeled a "crime zone," and asserting the Fellhauers recorded a naked 1-year old swimming  
2 in Mr. Pope's pool. Eventually, the Fellhauers filed a defamation complaint against Mr. Pope and in  
3 response Mr. Pope filed an anti-SLAPP motion to dismiss. The Court looked to the above listed  
4 factors in determining whether there was a "public interest" or "public concern," and in applying  
5 these factors, the Court determined that Mr. Pope was simply making public his private feud with  
6 the Fellhausers. The Court found it significant that Mr. Pope engaged in name calling: "it is unclear  
7 how calling the Fellhauers "'weird,' 'wack-jobs,' 'EXTREMELY MENTALLY UNSTABLE,'  
8 'crazy,' and 'sick' conveyed anything other than 'a single [person being] upset with the status quo.'  
9 ... Thus, we cannot conclude that the derogatory remarks about his neighbors were directly related  
10 to an issue of public concern." The Court ultimately concluded, that "[w]e see no evidence that  
11 anyone - other than his two friends - were concerned with Pope's commentary or that Pope was  
12 adding to a preexisting discussion."

13 Here, the evidence in this matter clearly establishes that this is not a matter of public interest  
14 but a mere effort by Defendant to solicit ammunition for another round of private controversy— an  
15 attempt to drive traction for a juvenile online disparagement campaign which is not protected speech.  
16 Unlike the case cited by Defendant in support of her argument, *Makaeff v. Trump Univ., LLC*, 715  
17 F.3d 254 (9thCir2013), here, there is absolutely no public interest akin to warning or protecting  
18 consumers of fraudulent or deceptive business practices from a dishonest real estate seminar  
19 company (ultimately the subject of a \$25 million settlement). The parties clearly have an ongoing  
20 dispute that Defendant has decided to air in public for personal spite. While she now claims she took  
21 the high road in deciding not to address alleged comments Plaintiff made about her, she is the one  
22 who saw fit to utilize social media to promote outright lies about Plaintiff. The fact that she  
23 characterizes her post as truthful and non defamatory opinion does not remotely make it so.  
24 Defendant cannot seriously argue that posting false content calling Plaintiff a liar, a curse for  
25 investors at his new venture (making it plainly obvious she was not referring to the business's  
26 location as the problem), and a business liability on social media on a forum that encourages

comment support is protected speech which furthers the public concern.

Defendant makes a living utilizing social media and touts herself as expert in the marketing of luxury food and beverage. She has a vast Las Vegas reach and chose to post in the very forum strategically designed to disparage Plaintiff and further her agenda, to portray Plaintiff as a falsifier of his beneficial involvement with other dining establishments and someone who was a bad business investment. Bell-Holland cannot be permitted to avoid liability by seeking anti-SLAPP laws to wreak havoc with impunity.

“[A] matter of public interest should be something of concern to a substantial number of people. Thus a matter of concern to the speaker and a relatively small, specific audience is not a matter of public interest.” *Wienberg v. Feisel*, 110 Cal.App.4th 1122, 2 Cal.Rptr.3d 385 (2003) (internal citations omitted). In addition, there should be “some degree of closeness between the challenged statements and the asserted public interest.” *Id.* “[I]t is not enough that the statement refer to a subject of widespread public interest; the statement must in some manner itself contribute to the public debate.” *FilmOn.com*, 439 P.3d 1156 (Ca.2019) (quoting *Wilbanks v. Wolk*, 121 Cal.App.4th 883, 898, 17 Cal.Rptr.3d 497 (2004)). This dispute between the parties is not likely to be of interest to a substantial number of people. The services here are non-essential involving a restaurant business and has no relationship to any governmental function or issue which impacts a substantial number of people or is of public interest.

Additionally, there is a question regarding whether protected speech status should apply to communications regarding a private dispute. When the legislature first enacted Nevada’s anti-SLAPP law in 1997, its preamble says much to guide the Court as to its intent.<sup>12</sup> The concern of the

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<sup>12</sup>“Whereas, The framers of the United States Constitution and the constitution of the State of Nevada, recognizing that participation by citizens in government is an inalienable right which is essential to the survival of democracy, secured its protection by giving the people the right to petition the government for redress of grievances in the First Amendment to the United States Constitution and in section 10 of article 1 of the constitution of the State of Nevada; and

“Whereas, The communications, information, opinions, reports, testimony, claims and argument provided by citizens to their government are essential to wise governmental decisions and public



1 legislature pertained to political public affairs, calling into doubt whether the legislature intended  
2 anti-SLAPP law to apply to situations where a defendant turns to the internet to wage war to destroy  
3 a rival's reputation, investor and business prospects as well as harass him over a private dispute.  
4 There is a serious question as to whether the anti-SLAPP law was designed to go that far.

5 The Defendant's post regarding the Plaintiff, calling him a liar, attacking the Plaintiff's status  
6 as a "rising restaurateur," stating the Plaintiff's Parlour business was cursed because he was  
7 associated with it, publicly report that his investors should be worried, and called him a liability to  
8 any business, is not a matter of public interest. It was done to publicly call Plaintiff dishonest and  
9 denigrate, belittle and negatively portray his participation in business in which they shared joint

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11 policy, the public health, safety and welfare, effective law enforcement, the efficient operation of  
12 governmental programs, the credibility and trust afforded government and the continuation of our  
13 representative form of government; and

14 "Whereas, Civil actions are being filed against many citizens, businesses and organizations based  
15 on their valid exercise of their right to petition; and

16 "Whereas, Such lawsuits, called "Strategic Lawsuits Against Public Participation," or 'SLAPPs,'  
17 are typically dismissed, but often not before the defendant is put to great expense, harassment  
18 and interruption of their productive activities; and

19 "Whereas, The number of SLAPPs has increased significantly over the past 30 years; and

20 "Whereas, SLAPPs are an abuse of the judicial process in that they are used to censor, chill,  
21 intimidate or punish persons for involving themselves in public affairs; and

22 "Whereas, The threat of financial liability, litigation costs and other personal losses from  
23 groundless civil actions seriously affects governmental, commercial and individual rights by  
24 significantly diminishing public participation in government, in public issues and in voluntary  
25 service; and

26 "Whereas, Although courts have recognized and discouraged SLAPPs, protection of this  
27 important right has not been uniform or comprehensive; and

28 "Whereas, It is essential to our form of government that the constitutional rights of citizens to  
participate fully in the process of government be protected and encouraged; now, therefore,..."  
1997 NEV. LAWS Ch. 387.

history to a group of people who followed Defendant on Facebook. It is not something of concern to a substantial number of people but only to the Defendant and a specific audience. Whether or not Plaintiff was an owner of Kitchen Table and the circumstances of his participation in other restaurant businesses is not a matter of public interest.

**2. Defendant cannot demonstrate her comments were truthful or made without knowledge of their falsehood.**

“No communication falls within the purview of NRS 41.660 unless it is truthful or is made without knowledge of its falsehood.” *Shapiro*, 113 Nev. at 40, 389 P.3d at 268. Only a “minimum level of legal sufficiency and triability” is needed for Plaintiff to satisfy the second prong of the anti-SLAPP statute. *Grewel v. Jammu*, 191 Cal.App.4th 977, 989, 119 Cal.Rptr.3d 835 (2011). The evidence favorable to Plaintiff is accepted as true, while the defendant’s evidence is evaluated to determine if it defeats the plaintiff’s claim as a matter of law, e.g., on grounds of privilege or immunity. *Flatley v. Mauro*, 139 P.3d 2 (Cal.2019). The motion will not be granted unless both prongs of the statute are established; the plaintiff’s cause of action must arise from protected speech or petitioning and lack even a minimal degree of merit. *Navellier v. Sletten*, 52 P.3d 703 (Cal.2002).

Here, the Complaint alleges the following against Defendant:

41. In approximately November, 2022, as Nunez was opening a new business venture in Downtown Las Vegas, Bell-Holland, via social media, made the following false representations intended to damage Plaintiff's reputation and discourage potential customers from frequenting the new business:
  - a. The new business was "cursed";
  - b. Investors in the new business should be worried;
  - c. Nunez was careless with The Stove brand and reputation which resulted in the need to "rebuild everything"; and
  - d. Nunez was a liability for The Stove.
- ...
86. Bell-Howard made written statements regarding Plaintiff which were false.
87. Defendant published the remarks to third parties with knowledge of the falsity or with a reckless disregard for their truth or falsity.

1           88.     The publication was not privileged.

2           89.     The publication has resulted in damages to Plaintiff.

3           90.     Even if the publication was privileged, as Defendant knew or should have known  
4                 about the falsity of the publication, their acts were reckless if not with malice.

5           In addition, Defendant, in the context of he representation that Kitchen Table was Nunez's  
6           "claim to fame," wrongly told people that he had nothing to do with its development, concepts and  
7           business plan which was patently false. Accepting those as true, Plaintiff has stated a claim for  
8           defamation. Moreover, Defendant's self serving declaration alleging the posting was truthful or  
9           made without knowledge of the falsehood does not entitle her to relief. The second step of the anti-  
10          SLAPP analysis is consideration of the "pleadings and supporting and opposing affidavits stating  
11          the facts upon which the liability or defense is based." Looking at those affidavits, "[w]e do not  
12          weigh credibility, nor do we evaluate the weight of the evidence. Instead, we accept as true all  
13          evidence favorable to the plaintiff and assess the defendant's evidence only to determine if it defeats  
14          the plaintiff's submission as a matter of law." *Overstock.com, Inc. v. Gradient Analytics, Inc.*, 151  
15          Cal.App.4th 688, 699-700, 61 Cal.Rptr.3d 29 (2007).

16          That is the setting in which it is determined whether a plaintiff has met the required showing,  
17          a showing that is "not high." *Id.* Plaintiff need only show a "minimum level of legal sufficiency and  
18          triability." *Linder v. Thrifty Oil Co.*, 2 P.3d 27 (Cal.2000), In the words of other courts, plaintiff  
19          need show only a case of "minimal merit." (*Peregrine Funding, Inc. v. Sheppard Mullin Richter &*  
20          *Hampton LLP*, 133 Cal.App.4th 658, 675, 35 Cal.Rptr.3d 31 (2005) quoting *Navellier v. Sletten*, 52  
21          P.3d 703 (2002).

22          Moreover, for years, since the time she began doing PR work for Kitchen Table in  
23          approximately 2015 or 2016, Defendant was aware Plaintiff was an owner of the business. This was  
24          common knowledge from at least 2015 by individuals who dealt with the business and it was  
25          reported in news articles about Kitchen Table's opening.<sup>13</sup> This is supported with the Declarations

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26                 <sup>13</sup>Exhibit 5, Enjoy Brunch at the Kitchen Table, [https://topvegasbuyer.com/blog/family-](https://topvegasbuyer.com/blog/family-owned-henderson-restaurants/)  
27                 owned-henderson-restaurants/ ("Henderson chefs Antonio Nunez and Javier Chavez, who



1 of individuals connected to the Kitchen Table who worked with Bell-Holland and are aware of the  
2 ownership information known about the restaurant.<sup>14</sup> Bell-Holland also confirmed her understanding  
3 of Nunez's ownership in Kitchen Table in a June 8, 2017 email she drafted and disseminated  
4 regarding the social media content for Kitchen Table when she began a scheme to try to publicly  
5 distance Nunez from the business:

6 . . .

7 Avoid:

8 Posting about EX partner or reposting when people still mention or refer to Chef Antonio  
9 Nunez.

10 The Chef and Owner is JAVIER CHAVEZ solely.<sup>15</sup>

11 Also, one of the comments contained in the Facebook post stated Plaintiff was untruthful  
12 when he claimed the business Kitchen Table was closing. That was, in fact true since the business  
13 closed for good in approximately May, 2024.<sup>16</sup> Since the allegations are accepted as true, and

14  
15 founded and own the restaurant ...); Exhibit 6, Ventura, L. (2016, May 19). Antonio Nunez  
16 Builds A Winner In The Neighborhood. [https://lasvegasweekly.com/nightlife/industry-](https://lasvegasweekly.com/nightlife/industry-weekly/2016/may/19/antonio-nunez-builds-a-winner-in-the-neighborhood/)  
17 weekly/2016/may/19/antonio-nunez-builds-a-winner-in-the-neighborhood/ (Antonio Nunez  
18 already had a knack for leaving his mark on Las Vegas restaurants when he decided to start his  
19 own. From STK at the Cosmopolitab to Le Cirque at Bellagio, Nunez's Midas touch is evident.  
20 As partner and chef at Kitchen Table in Henderson, Nunez is igniting something rarely seen in  
21 the Vegas Valley: a suburban cult following. Exhibit 7, Stapleton, S. (2015, Dec 9). It's  
22 Adorable - The New Kitchen Table in Henderson.  
23 <https://vegas.eater.com/2015/12/9/9869932/henderson-restaurant-kitchen-table-eater-inside#0>  
24 (referring to the business as "Antonio Nunez and Javier Chavez's new breakfast and lunch  
25 spot."); Exhibit 8, Open Table reservation listing for Kitchen Table.  
26 <https://www.opentable.com/r/kitchen-table-henderson> (stating "Chefs Antonio Nunez, who has  
27 over 23 years experience in the industry, and Javier Chavez, to trained in Paris, France, joined  
28 forces to bring each of their unique styles to the Kitchen Table.")

<sup>14</sup>See attached Declarations of Steven Grodkiewicz and Nick Vardakis.

<sup>15</sup>Exhibit 9, June 8, 2017 email.

<sup>16</sup>Exhibit 10, Kitchen Table Facebook post; Exhibit K, Wright, J (2024, May 29).  
Henderson restaurant closes after almost 10 years.  
<https://www.reviewjournal.com/entertainment/food/henderson-restaurant-closes-after-almost-10->

1 Defendant's denials can only be considered in the context of whether or not they defeat the  
2 Plaintiff's claim as a matter of law, e.g., on the grounds of privilege or immunity, Defendant cannot  
3 prevent Plaintiff from showing her post comments were not truthful.

4 **C. Defendant's Motion fails because Plaintiff can satisfy his burden to show "with prima**  
5 **facie evidence a probability of prevailing" and has provided facts that substantiate**  
6 **legally sufficient claims.**

7 Only after the moving party has satisfied this threshold showing does the burden shift to the  
8 nonmoving party to "demonstrate with prima facie evidence a probability of prevailing on the claim"  
9 and the burden is "the same burden of proof that a plaintiff has been required to meet. For a plaintiff  
10 to succeed on defeating an anti-SLAPP motion to dismiss, "the plaintiff need only state and  
11 substantiate a legally sufficient claim." *City of Montebello v. Vasquez*, 376 P.3D 624, 631  
12 (Cal.2016); see also *Parish v. Latham & Watkins*, 3 Cal.5th 767,777 (2017) (stating that to deny an  
13 anti-SLAPP motion to dismiss, the court must conclude that "the plaintiff has substantiated a legally  
14 tenable claim through a facially sufficient evidentiary showing").

15 Importantly, "the plaintiff's evidence is to be accepted as true" and "the defendant's evidence  
16 is evaluated to determine if it defeats the plaintiff's showing as a matter of law." *Montebello*, 376  
17 P.3d at 631 (2016). Accepting the plaintiff's evidence as true and requiring the plaintiff to satisfy  
18 the minimal burden of stating a "legally sufficient claim" is intended to allow "claims with the  
19 requisite minimal merit to proceed." *Id.* quoting *Navellier*, 52 P.3d 703 (Cal.2002). For the reasons  
20 set forth above, Plaintiff has demonstrated he will prevail on the claim. He has addressed the falsity  
21 of Defendant's comments.

22 Notably, in 2016, after the Kitchen Table opened, the owners of the business became  
23 embroiled in a dispute which was settled in private mediation. The terms of the settlement were  
24 subject to a confidentiality agreement but contain information relative to ownership. The settlement  
25 documents are pertinent to the present defamation claim since Bell-Holland was aware of the terms.  
26 That fact will apply directly to her representation in this matter that she had no knowledge Plaintiff

27 \_\_\_\_\_  
28 years-3059136/



1 was an owner of Kitchen Table and especially to her online post stating Nunez was "NEVER an  
2 owner of Kitchen Table." Plaintiff intends to move for an Order from this Court permitting their use  
3 in this action.

4 Interfering with a long-standing business relationship, such as between Plaintiff and his  
5 customers and investors, is not protected conduct under SLAPP, and this interference does not  
6 become protected simply because arguably protected activity later took place. See *City of Cotati v.*  
7 *Cashman*, 52 P.3d 695 (Cal.2002). At the time Defendant's post was made, Nunez was courting at  
8 least three (3) investors for The Parlour who were no longer interested after the post was made.

9 The Court must apply the "minimal merit" standard to Nunez's claims. *Soukup v. Las*  
10 *Offices of Herbert Hall*, 139 P.3d 30 (Cal.2006) ("In making this assessment it is the court's  
11 responsibility ... to accept as true the evidence favorable to the plaintiff ... The plaintiff need only  
12 establish that his or her claim has minimal merit to avoid being stricken as a SLAPP"). *Jarrow*  
13 *Formulas, Inc. v. LaMarche*, 74 P.3d 737 (Cal.2003), quoting *Linder v. Thrifty Oil Co.*, 2 P.3d 27  
14 (2000).

15 Furthermore, Plaintiff is not a public figure giving rise to a heightened standard of proof -  
16 although, for argument's sake, he could certainly meet even the more stringent burden given the  
17 evidence already available to him. An "all purpose" public figure has " 'achiev[ed] such pervasive  
18 fame or notoriety that he becomes a public figure for all purposes and in all contexts.' " *Reader's*  
19 *Digest Assn. v. Superior Court*, 690 P.2d 610 (1984) A " 'limited purpose' " public figure is one who  
20 " 'voluntarily injects himself or is drawn into a particular public controversy and thereby becomes  
21 a public figure for a limited range of issues.' " *Id.* at pp. 253-254; *Copp v. Paxton*, 45 Cal.App.4th  
22 829, 845-846, 52 Cal.Rptr.2d 831 (1998).

23 Defendant summarily asserts Plaintiff is a public figure without explaining how she reaches  
24 that conclusion. He is certainly not an all purpose public figure whose widely known and  
25 recognized. He is not even a limited purpose public figure given the reasons explained above. This  
26 is not a matter of public controversy, irrespective of *where* Defendant decided to air her dirty  
27

1 laundry. The ownership of Kitchen Table and Nunez's background is not a public issue, and this is  
2 not a public controversy. (See *Copp*, supra, 45 Cal.App.4th at p. 845, 52 Cal.Rptr.2d 831 [" 'If the  
3 issue was being debated publicly and if it had foreseeable and substantial ramifications for  
4 nonparticipants, it was a public controversy.' "].

5 Plaintiff is a private citizen who develops and operates restaurant and dining concepts and  
6 did not become a public figure because he is involved with businesses that serves food and beverages  
7 to the public. See *Time, Inc. v. Firestone*, 424 U.S. 448, 450, 454, fn. 3, 96 S.Ct. 958 (1976)  
8 (ex-wife of "scion of one of America's wealthier industrial families" was not limited public figure,  
9 even though divorce was highly publicized and she had press conferences during it).

10 Second, those charged with defamation cannot, by their own conduct, create their own  
11 defense by making the claimant a public figure. *Wilson v. Cable News Network, Inc.*, 444 P.3d 706  
12 (Ca.2019). Defendant cannot satisfy her burden to show she will prevail on the merits and her  
13 Motion must be denied.

14 **D. Alternatively, Plaintiff should be permitted to conduct discovery to gather and present**  
15 **evidence in opposition to the Motion to Dismiss.**

16 NRS 41.660 permits a party opposing a SLAPP motion to conduct discovery:

17 . . .

- 18 4. Upon a showing by a party that information necessary to meet or oppose the burden  
19 pursuant to paragraph (b) of subsection 3 is in the possession of another party or a  
third party and is not reasonably available without discovery, the court shall allow  
limited discovery for the purpose of ascertaining such information.

20 Courts recognize the disadvantage a plaintiff faces in responding to a motion which permits  
21 a defendant to immediately put the plaintiff to proof evidence before the plaintiff can conduct  
22 discovery. *Rogers v. Home Shopping Network, Inc.*, 57 F.Supp.2d 973 (C.D.Cal.1999). "When the  
23 defendant challenges the factual sufficiency of plaintiff's claims, the court applies a summary-  
24 judgment like analysis to decide whether the plaintiff has shown a probability of prevailing through  
25 admissible evidence." Discovery must be allowed where the nonmoving party has not had the  
26 opportunity to discover information that is essential to its opposition. *Anderson v. Liberty Lobby*,

1 *Inc.*, 477 U.S. 242, 106 S.Ct. 2505 (1986).

2 *Planned Parenthood* advised that if a summary judgment standard is applied, “discovery  
3 must be allowed, with opportunities to supplement evidence based on the factual challenges, before  
4 any decision is made by the court.” Thus to the extent that Defendant’s argument alleges  
5 insufficiency of pleadings in the instant matter, “then the Plaintiff can properly respond merely by  
6 showing sufficiency of pleadings, and there’s no requirement for a plaintiff to submit evidence to  
7 oppose contrary evidence that was never presented by defendants.” *Id.* Conversely, if it is the  
8 intention that this motion have summary judgment analysis, then discovery, as requested  
9 hereinbelow is appropriate. Given that Plaintiff’s position is that the Defendant’s actions were  
10 defamatory and intended to attack his business relationships which is not protected speech, and  
11 Defendant has made an issue of whether or not her comments were made without knowledge of their  
12 falsity, Plaintiff must be permitted to conduct discovery as follows:

- 13 1. The basis for Defendant’s claim that Nunez was never an owner of Kitchen Table;
- 14 2. Discovery of any and all documents authored by Defendant regarding Nunez’s ownership  
15 interest in Kitchen Table, including biographies she drafted and when and how those  
16 were distributed to third parties;
- 17 3. Obtain permission to present mediation documents involving an ownership dispute  
18 regarding Kitchen Table and question Defendant about her discussions and knowledge  
19 of them;
- 20 4. When and whether Defendant, while PR manager for Kitchen Table, discussed with  
21 Nunez, his reports to the media that he was an owner;
- 22 5. When and whether Defendant challenged the various article reports in local media that  
23 Nunez was an owner of Kitchen Table;
- 24 6. The financial status of The Stove after Plaintiff’s departure;
- 25 7. What “rebuilding” of The Stove was done after Plaintiff’s departure;
- 26 8. The facts or information relied upon, if any, to assert Plaintiff’s Parlour business was
- 27



cursed - reasons aside from its location;

9. The facts of information relied upon to call Plaintiff a liability to any business; and

10. The facts or information relied upon to claim Parlour investors should be worried.

## IV. Conclusion

For the foregoing reasons, Plaintiff respectfully requests that the Court deny the Defendant's Motion in its entirety, and permit Plaintiff to recover attorneys fees and costs pursuant to NRS 41.660 given that Defendant made representations to third parties she absolutely knew were false but nevertheless proceeded with this Motion. Alternatively, this Court should allow Plaintiff to conduct limited discovery in support of his claims.

Dated this 1<sup>st</sup> day of November, 2024.

COOK & KELESIS, LTD.

By: /s/ Julie Sanpei  
 MARC P. COOK, ESQ.  
 Nevada Bar No. 004574  
 JULIE L. SANPEI, ESQ.  
 Nevada Bar No. 005479  
 517 South Ninth Street  
 Las Vegas, Nevada 89101  
*Attorneys for Plaintiff, ANTONIO NUNEZ*

1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18)  
3 years, and I am not a party to, nor interested in, this action. On this 4<sup>th</sup> day of November, 2024,  
4 I caused to be served a true and correct copy of the foregoing **PLAINTIFF'S OPPOSITION TO**  
5 **DEFENDANT TYRA BELL-HOLLAND'S ANTI-SLAPP SPECIAL MOTION TO DISMISS**  
6 **PURSUANT TO NRS 41.660** by the method indicated below:

- 7 ☐ BY FAX: by transmitting via facsimile the document(s) listed above to the fax  
8 number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule  
9 7.26(a). A printed transmission record is attached to the file copy of this  
10 document(s).  
11 ☐ BY U.S. MAIL: by placing the document(s) listed above in a sealed envelope with  
12 postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada  
13 addressed as set forth below.  
14 ☐ BY HAND DELIVERY: at Las Vegas, Nevada addressed as set forth below.  
15 ☐ BY EMAIL: by emailing a PDF of the document(s) listed above to the email  
16 address(es) of the individual(s) listed below.  
17 ☐ BY OVERNIGHT MAIL: by causing document(s) to be picked up by an overnight  
18 delivery service company for delivery to the addressee(s) on the next business day.  
19 ☒ BY ELECTRONIC SUBMISSION: submitted to the Eighth Judicial District Court,  
20 for electronic filing in accordance with NRCP 5(b), NEFCR Administrative Order  
21 14-2 and NEFCR 9(e) and service upon the Court's Service List for the  
22 above-referenced case.  
23  
24  
25  
26  
27  
28

/s/ Shannon Fagin  
An employee of COOK & KELESIS, LTD.

## DECLARATION OF ANTONIO NUNEZ

I, Antonio Nunez, make this Declaration in support of the matter of *Nunez v. Howard, Dice and Bell-Holland*, Clark County District Court Case No. A-24-894713-C, based upon my own personal knowledge; and, if called as a witness in that matter, would testify as follows:

1. I am over the age of 18 and a resident of the State of Nevada.
2. I have over thirty (30) years' executive level management experience in the restaurant business.
3. I have traveled and worked for and with world-renowned chefs and restaurateurs.
4. My roster includes Morton's The Steakhouse, Le Cirque at the Bellagio Hotel & Casino, Primo's Steakhouse, Caesars Entertainment (Le Provençal and Restaurant Guy Savoy), Brooklyn Bowl Vegas, Mercadity by Chef Patricio Sandoval in Chicago and STK Las Vegas at the Cosmopolitan Hotel & Casino.
5. I am currently operating multiple The Parlour locations locally which serve breakfast and lunch, including bakery goods, coffee drinks and craft cocktails.
6. In approximately 2015, I asked Defendant, Bell-Holland of Ava Rose Agency to handle public relations work for a joint venture I was opening in Henderson, Nevada with a business partner which would be known as Kitchen Table. Kitchen Table was located at 1716 W. Horizon Ridge Parkway, Henderson.
7. I had known Bell-Holland for several year because she had been handling media and public information for other dining establishments I was associated with in Las Vegas.
8. On many occasions, my ownership interest in Kitchen Table was discussed with Bell-Holland who prepared media information for the business and disseminated it to media.
9. The articles which appeared in vegasbuyer.com, lasvegasweekly.com, vegas.eater.com and

the opentable.com listing attached to this Opposition, appeared in publications while Ava Rose Agency represented Kitchen Table.

10. Pursuant to our agreement with Bell-Holland, any media coverage for the business was reviewed by Bell-Holland, including reports that I had an ownership interest in Kitchen Table.
11. My ownership interest in Kitchen Table continued until at least mid-2016 when I had a falling out with my Kitchen Table partner. The dispute was settled in private mediation. The terms of the settlement were subject to a confidentiality agreement but contain information relative to ownership. Bell-Holland was aware of the terms.
12. Eventually, Bell-Holland and Defendants Michelle Howard and Wayne Dice invested in a separate restaurant I opened called The Stove, a high end brunch restaurant operating out of 11261 S. Eastern Avenue, Suite 200, in Henderson. By 2021, the ownership interests in The Stove were: myself, 38%; Dice, 34%; Howard, 25% and Bell-Holland, 3%.
13. As of December 2021, as a result of ongoing disputes between the other owners, I expressed a desire to sell my interest in The Stove business.
14. Prior to the time an agreement could be reached, the Defendants attempted to "terminate" me.
15. Thereafter, Howard, Dice and Bell-Holland unsuccessfully attempted to have me removed from The Stove premises. However, since I was the majority owner and I had signed the lease, I could not be removed.
16. When I was eventually forced out as a daily participant of Stove operations, staff left with me in protest.
17. I categorically deny I coordinated the walk out. The staff left because they did not approve

of the treatment I received from the other members.

18. Defendants then presented false information about me to the Henderson Police Department in order to have a criminal action opened against me in 2022.
19. Although the Defendants were initially successful in causing charges to be filed for felony theft, the case was ultimately dismissed when the District Attorney's Office obtained additional facts which had not been presented by the Defendants, and determined there had been no violation of law.
20. This matter was initiated because for two (2) years, my attempts to receive a fair buyout of my Stove interests could not be reached with the Defendants who ignored me, as well as my attorney's repeated requests, to obtain access to inspect business records, including financials. The Defendants denied those requests claiming I was not an owner and was not entitled to the information.
21. In 2022, I opened a new Downtown Las Vegas restaurant, The Parlour.
22. Following a story in [vegas.eater.com](https://vegas.eater.com), Bell-Holland took it upon herself to post to her Facebook page commenting on the story and then defamed and disparaged me in a clear and intentional attempt to damage my reputation and discourage potential new customers from frequenting The Parlour.
23. I have known Bell-Holland for many years and am well aware her post was certainly not meant to merely "[quote to] an article headline about [Defendant to] lawfully [express] her opinions about [me] on ... Facebook."
24. On the contrary, Defendant specifically made the statements and provided a link to the [vegas.eater.com](https://vegas.eater.com) story in order to portray me as a liar, attack my status as a "rising

restauranteur,” state The Parlour business was cursed because I was associated with it, and publicly report that my investors (who I was still courting at the time of Plaintiff’s post) should be worried, and called me a liability to any business.

25. Additionally, the context of her representation that Kitchen Table was my “claim to fame” wrongly told people that I had nothing to do with its development, concepts, and business plan which is patently false.
26. The Defendant’s Facebook post had a definite effect on the opening of The Parlor. I have a consistent opening track record in Las Vegas when my name is attached to a restaurant.
27. That did not occur with The Parlor, which was definitely affected after Bell-Holland’s post and smear campaign against me initiated by the false and defamatory information. It took approximately six (6) months for revenue to reach levels of sustainability.
28. I am currently operating a new Parlour location in the Kitchen Table’s Henderson location which was available after Kitchen Table closed earlier this year.
29. The Defendant’s post also affected my ability to secure investors for The Parlor who had been in contact with me up until the time the post appeared.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct and sign this Declaration on the 4th day of November, 2024.

/s/ Antonio Nunez  
Antonio Nunez



## **DECLARATION OF NICK VARDAKIS**

I, Nick Vardakis, make this Declaration in support of the matter of *Nunez v. Howard, Dice and Bell-Holland*, Clark County District Court Case No. A-24-894713-C, based upon my own personal knowledge; and, if called as a witness in that matter, would testify as follows:

1. I am over the age of 18. I am a resident of the State of Nevada.
2. I am a former independent contractor who worked with Defendant Tyra Bell-Holland (“Bell-Holland”) at Ava Rose Agency from 2017 to 2021.
3. I am currently the Chief Executive Officer of NV Entertainment, LLC, a public relations firm operating in Las Vegas.
4. I became acquainted with Plaintiff, Antonio Nunez (“Plaintiff” or “Nunez”) in 2017 through work I performed for Ava Rose Agency as publicist on behalf of The Stove and Kitchen Table managing media and public information for the businesses.
5. I am aware Ava Rose Agency acted as publicist for Kitchen Table from the beginning of its operations in approximately 2015.
6. Work performed on behalf of Nunez included the drafting and updating of his biography which included prior work experience, and an overview of his expertise and history to be shared with journalists as a pres release in an effort to control his background narrative.
7. Bell-Holland prepared and controlled the information contained on Nunez’ biography which included the representation that he was an owner of Kitchen Table.
8. Day to day, Ava Rose Agency handled social media accounts, news releases and reputational management for Kitchen Table and its principals for online accounts such as Yelp and Google.
9. Bell-Holland was aware of the content of media stories about Kitchen Table and Nunez as

clients of Ava Rose Agency.

10. It was commonly known Nunez was an early owner of Kitchen Table.
11. Although by 2017, Bell-Holland was trying to limit information about Nunez' involvement with Kitchen Table, she nonetheless acknowledged she knew about his prior ownership interest in a June 8, 2017 email regarding the social media content for Kitchen Table she sent to me:

...

Avoid:

Posting about EX partner or reposting when people still mention or refer to Chef Antonio Nunez.

The Chef and Owner is JAVIER CHAVEZ solely.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct and sign this Declaration on the 29 day of October, 2024.

  
\_\_\_\_\_  
Nick Vardakis



## **DECLARATION OF STEVEN GRODKIEWICZ**

I, Steven Grodkiewicz, make this Declaration in support of the matter of *Nunez v. Howard, Dice and Bell-Holland*, Clark County District Court Case No. A-24-894713-C, based upon my own personal knowledge; and, if called as a witness in that matter, would testify as follows:

1. I am over the age of 18. I am a resident of the State of Nevada.
2. I am a former managing member of Nominal Defendant, The Stove, LLC ("The Stove").
3. I first became acquainted with Plaintiff, Antonio Nunez ("Plaintiff" or "Nunez") in 2015 when he contacted me through my company, ECOLIFE Development Corporation ("ECOLIFE"), a green construction and consulting company.
4. At the time, Nunez was in the process of building out a restaurant to be known as Kitchen Table at 1716 W Horizon Ridge Pkwy #100, Henderson, and needed assistance with obtaining city approval for the placement of a grease interceptor.
5. I met both Nunez and Javier Chavez ("Chavez") in 2015 at the Kitchen Table location. I was introduced to Chavez by Nunez as his Kitchen Table business partner and joint owner.
6. The Kitchen Table was operated by Dos Huevos, LLC. Nunez and Chavez both indicated to me they were owners of the LLC.
7. While I assisted with the approval of the grease interceptor through ECOLIFE, my second construction company, William James Development, LLC which held a B-2 license, was hired by Dos Huevos, LLC to complete build out work for the Kitchen Table location.
8. Over the course of the next 4-5 months, I had regular and consistent contact with both Nunez and Chavez who continued to refer to each other as partners/owners of Kitchen Table.
9. I later became acquainted with Defendant, Tyra Bell-Holland during her involvement performing public relations work for the Kitchen Table and through her subsequent

acquisition of an ownership interest in The Stove.

10. It was common knowledge Nunez was an early owner of Kitchen Table.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct and sign this Declaration on the 29 day of October, 2024.



---

Steven Grodkiewicz

# **EXHIBIT 1**

## YOU HAVE A CONCEPT. WE HAVE A STRATEGY.

Expert Branding, Publicity Influencing, Partnership Marketing & Instigating

### Our Client Strategy

Crafting meaningful and impactful strategies for market domination from luxury Food & Beverage concepts, high-end Fashion Boutiques, Beauty, Wellness & Concierge Medical Hospitality Services to the most unique offerings always achieving your Affluence through Influence™

### Beyond The Box

Innovative strategies and market expertise that maximizes expertly your market presence though Social Media, Brand Marketing & Influencing. There is no luxury project too big or too small if you dare.

### Meet Tyra Bell-Holland



Tyra Bell-Holland's career has been over 15 years in the making, building key relationships and branding herself as a marketing key influencer. Living by the mantra "in service through friendship"...

[Read More >](#)

### Featured Services



Culinary Festivals, Special Events,  
Private Groups & Dining, Private  
Concierge Services... [Read More >](#)

- ▶ Event Marketing
- ▶ Etiquette Training
- ▶ Culinary Recommendations

## WHO WE HAVE WORKED WITH



## **EXHIBIT 2**

MAY 10, 2023 BY [CANDICE WIENER](#)

# Women Who Run Las Vegas "Affluence Through Influence" – Meet the Real Tyra Bell-Holland of Ava Rose Agency

## Women Who Run Las Vegas "Affluence through Influence"

### Meet the Real Tyra Bell-Holland of Ava Rose Agency

"It's a compliment!", Tyra Bell-Holland says. "To this day, people will still say, you have to work with Ava Rose Agency to be successful, but I am not 100 percent sure what she does, only that everything she touches turns to gold."

"I always say I am a hybrid PR Agency. Pitching to media is the simplest part of the explanation but it's the other 75% of what I uniquely bring to my clients which has contributed to my unique positioning in the marketplace." Branding, marketing, partnership marketing and overall business consulting in hospitality, food & beverage, transportation, medical, luxury mix-use retail space, there isn't anything Bell-Holland hasn't experienced when it comes to contributing to luxury living in Las Vegas.

Let's attempt to peel the layers to further understand Tyra with her unique approach to specializing in hospitality in Las Vegas and how she operates.

### Why the name Ava Rose Agency if your name is Tyra?



Great question! I was in the midst of a non-compete launching ResortCierge MD, so I had some free time on my hands. I wanted to create a company, possibly for events, concierge relations and partnership marketing but too shy to name it after myself so I took the middle names of my two daughters and voila! Isabella Ava and Kaya Rose, hence the name and brand Ava Rose Agency was born.

### **Tell us about ResortCierge MD.**

"Contributing to tourism in Southern Nevada as a career concierge is in my blood. I saw a niche as a Chef Concierge and Past President of the Southern Nevada Hotel Concierge Association in terms of improving Vegas' quality of delivering world-class hospitality when it comes to medical services for tourists along the Las Vegas Strip. I founded ResortCierge MD, which brings medical "house calls" to Vegas hotel rooms, as a passion project. The heart of my dedication to medical tourism is based on what I practiced as a concierge—taking the time to make a genuine connection for the betterment of our community and those who need us whether it be a tourist or a local. It's because of those relationships that I am where I am today, and I don't take that for granted."

### **What is the most difficult part of owning a PR Agency in Las Vegas?**

The initial asks from potential clients for a list of services and costs, that's the part that always takes the most time as there is not "list". The preparation to "on board" a client is second because it is always different based on where they are when we begin and how close are far from realizing their company goals. I curate a proposal based on the needs of the client first and foremost, so an in-depth conversation about realistic and attainable goals and timelines yields long-lasting relationships.

### **How diverse is your current roster of clients?**

As you will see, I am very fond of restaurants, chefs, and fine-dining and/or unique experiences. But I also purposely align myself with clients who are committed to providing incredible and unique experiences. Their passion is what ignites the creativity within me. There is no greater gift than seeing a deserving client succeed and know that you played an integral role to the overall success.

**From Dueling Axes at AREA15 to Celebrity Chef Todd English's Olives, Vegas' newest hotspot, Villa Azur, Summerlin's notorious JING, Henderson's and TikTok's most famous party**

**Brunch, The Stove NV, the Southwest's newest Modern Italian spot, Basilico at Evora, Caviar Bar Seafood by Shaun Hergatt, Cirrus Aviation, medical clients: Dr. Paul Lanfranchi, Dr. Simon Farrow, Therapize Me, or the iconic Stirling Club, can there possibly be a favorite client of yours?** My mantra is to make every client feel as though they are the only ones, and apparently, I have mastered that because I giggle and joke with my team that we are often mistaken for "twentyfourhourpr.com."

**A UNLV alumna with deep roots in the resort corridor—having held executive concierge roles at the Bellagio, Venetian, Palazzo and the Cosmopolitan— what's on the horizon?**

I still don't know what I want to be when I grow up! I look forward to focusing on my own restaurant in Henderson, perhaps expanding it to the Southwest, continuing to raise my wonderful children, doodles, and dream of writing a book. I always say I would love to slow down a bit, but life is so brilliant, beautiful, and delicious... I don't want to miss a thing!

**What are you most grateful for in your career?** No doubt, my friends and colleagues over the years who have personally referred and recommended me. There is no greater compliment which could be bestowed upon me, and I am so honored. I am entirely word of mouth, and this is something that gives me such immense personal gratification.

[avaroseagency.com](http://avaroseagency.com)

1.844.AVA.ROSE (1.844.282.7673)

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TAGGED WITH: [AFFLUENCE THROUGH INFLUENCE LAS VEGAS](#), [AREA 15 LAS VEGAS](#), [AVA ROSE AGENCY](#), [AVA ROSE AGENCY LAS VEGAS](#), [BASILICO AT EVORA LAS VEGAS](#), [BELLAGIO LAS VEGAS](#), [BEST BRUNCH SPOT LAS VEGAS](#), [BEST BRUNCH THE STOVE LAS VEGAS](#), [CAVIAR BAR SEAFOOD BY SHAUN HERGATT](#), [CELEBRITY CHEF TODD ENGLISH'S OLIVES LAS VEGAS](#), [CIRRUS AVIATION LAS VEGAS](#), [CONCIERGE MEDICINE LAS VEGAS](#), [COSMOPOLITAN LAS VEGAS](#), [DR. PAUL LANFRANCHI LAS VEGAS](#), [DR. SIMON FARROW LAS VEGAS](#), [DUELING AXES LAS VEGAS](#), [EXECUTIVE CONCIERGE LAS VEGAS](#), [HYBRID PR AGENCY LAS VEGAS](#), [ISABELLA AVA LAS VEGAS](#), [JING LAS VEGAS](#), [KAYA ROSE LAS VEGAS](#), [LAS VEGAS LUXURY LIFESTYLE](#), [LAS VEGAS PR AGENCY](#), [LUXURY LIVING LAS VEGAS](#), [PALAZZO LAS VEGAS](#), [PR FIRM LAS VEGAS](#), [RESORTCONCIERGE MD LAS VEGAS](#), [RESORTCONCIERGEMD.COM](#), [SUMMERLIN'S NOTORIOUS JING](#), [THE STIRLING CLUB LAS VEGAS](#), [THE STOVE NV](#), [THE STOVE RESTAURANT LAS VEGAS](#), [THERAPIZE ME LAS VEGAS](#), [TIK TOK BRUNCH THE STOVE LAS VEGAS](#), [TYRA BELL-HOLLAND](#), [TYRA BELL-HOLLAND LAS VEGAS](#), [UNLV ALUMNI LAS VEGAS](#), [VENETIAN LAS VEGAS](#), [WOMEN WHO WOW LAS VEGAS](#)



« THE REAL MANDY MCKELLAR OF MCKELLAR LAW OFFICE

THE WOMEN WHO HELP US GET BACK TO WHAT WE DO BEST! »

## 2025 WOMEN WHO WOW

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## **EXHIBIT 3**

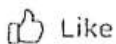
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Tyra Bell-Holland



 Kelly Lynne Byrne and 113 others · 30 comments



Like



Comment



Send



Tyra Bell-Holland



1d · 

Cursed is beyond accurate for many reasons (besides the location) and the least of the new investors worries. For legal reasons, I have been unable to address the slander.

For the record, said person was NEVER an owner of Kitchen Table, continues to claim it is clos... See more



vegas.eater.com

A Sixth New Restaurant Is Going Into That Cursed Corner Lot On Carson Avenue

 56

18 comments · 1 share



Like



Comment



Share



Home



Marketplace



Feeds



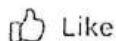
Notifications



Menu



Tyra Bell-Holland



Like



Comment



Send



Tyra Bell-Holland

1d · 🌐



Cursed is beyond accurate for many reasons (besides the location) and the least of the new investors worries. For legal reasons, I have been unable to address the slander.

For the record, said person was NEVER an owner of Kitchen Table, continues to claim it is closing (8+ years later) since being removed from that project, yet it's his "claim to fame" then repeats the same rhetoric of The Stove, unless needed to parlay or tout success to another investor. Broken record. The truth prevails...wait for it.

My reputation and character speaks for itself.

Goodness always wins!

Cheers to my amazing partners at The Stove NV- we have worked so hard in rebuilding everything and everyone who was careless with our brand and reputation. Removing liability is key in sustainability for any business. We thank you for supporting local and never wavering in your loyalty and support. We appreciate you! Tyra, Wayne Dice + Michelle Joy

Howard💖💖 Special thanks to chef John Baez who took us to the next level and is now executive chef at Border Grill Mandalay Bay- so well deserved and my ATX amigo.



Home



Marketplace



Feeds



Notifications



Menu

11:36



Tyra Bell-Holland



1d · 🌐

Cursed is beyond accurate for many reasons (besides the location) and the least of the new investors worries. For legal reasons, I have been unable to address the slander.

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My reputation and character speaks for itself.

Goodness always wins!

Cheers to my amazing partners at The Stove NV- we have worked so hard in rebuilding everything and everyone who was careless with our brand and reputation. Removing liability is key in sustainability for any business. We thank you for supporting local and never wavering in your loyalty and support. We appreciate you! Tyra, Wayne Dice + Michelle Joy

Howard💖💖 Special thanks to chef John Baez who took us to the next level and is now executive chef at Border Grill Mandalay Bay- so well deserved and my ATX amigo.

"..that cursed corner"..🙄

<https://vegas.eater.com/2022/8/23/23319025/a-sixth-new-restaurant-is-opening-downtown-las-vegas>



Home



Marketplace



Feeds



Notifications



Menu

11:36



Tyra Bell-Holland

1d · 🌐



Like



Comment



Share

👁️ 56

1 Share

Most relevant ▾



Javier Chavez

I've worked hard and long to keep the reputation of my restaurant in tact. To have someone claim he was owner was false .....! cursed it is. I will not allow to use this platform as it was saying it was his. Never was never will be.

1d Like Reply

20 🗨️👍👎



Natalia Badzjo

Javier Chavez I only know you to be the owner of Kitchen Table. Nothing but respect, LOVE your food 🍷❤️

1d Like Reply

7 🗨️👍👎



Write a reply...



Javier Chavez

Tyra Bell-Holland has always been a class act towards this company her reputation proceeds...



Write a comment...



Home



Marketplace



Feeds



Notifications



Menu



11:37



<  Tyra Bell-Holland ...

1d Like Reply

17   



Tyra Bell-Holland

Javier Chavez thank you chef. I love and adore you—still your biggest fan. #loyalty

1d Like Reply

7   



Write a reply...



John Baez

Awwww, you're too kind Tyra Bell-Holland, it was my pleasure and was the least I could do after all you have done for me! #atx #HookEm

1d Like Reply

5   



Tyra Bell-Holland

John Baez I am so proud of you and your success! Thank you for trusting me with your career and for giving us your all. ❤️

1d Like Reply

3  



John Baez

Tyra Bell-Holland I'm blushing...lol. 😊

😊😊 Thank you for being such a



Write a comment...



Home



Marketplace



Feeds



Notifications



Menu



11:37



Tyra Bell-Holland

1d · 🌐



John Baez

Tyra Bell-Holland I'm blushing...lol. 😊

😊😊 Thank you for being such a wonderful person! ❤️

1d Like Reply

2 🗳️



Wayne Dice

John Baez Thanks for helping us at The Stove NV for cleaning house and making it truly an enjoyable experience for everyone. You've assembled a great team that has pushed us to the next level in service.

1d Like Reply

5 🗳️



Write a reply...



Kc Ray

It's one of what I call best worst locations. Everything says it should be great yet it is false hope.

1d Like Reply

1 🗳️



Ronica Hopkins

Wayment, wtf is this dude in the article? That math ain't acting right! Chef Javier, I am looking forward to partaking in at least



Write a comment...



Home



Marketplace



Feeds



Notifications



Menu

11:37





**Tyra Bell-Holland**  
1d · 🧑🏿

wayment, wtr is this dude in the article?  
That math ain't acting right! Chef Javier, I  
am looking forward to partaking in at least  
one of your restaurants really soon!

1d Like Reply

5 🍷🍷



**Wayne Dice**

Tyra Bell-Holland Couldn't have been said  
any better! You along with others know the  
truth and have witnessed it first hand. His  
MO is to slander those who know the truth!  
#karmaiscominginhot

1d Like Reply

4 🍷🍷🍷



**Elaine Scott Harris**

Class Act for Both of you!

23h Like Reply

3 🍷🍷



**Tyra Bell-Holland**

Elaine Scott Harris means a lot. Thank  
you!

21h Like Reply



Write a reply...



**Scott Roeben**

Eater grabbed that from my story (there's  
been a change of personnel, and they  
aren't quite up to speed yet). I'm happy to



Write a comment...



Home



Marketplace



Feeds





Notifications



Menu

11:37



<  Tyra Bell-Holland  
1d · 



Tyra Bell-Holland  
Elaine Scott Harris means a lot. Thank you!

21h Like Reply




Write a reply...



Scott Roeben  
Eater grabbed that from my story (there's been a change of personnel, and they aren't quite up to speed yet). I'm happy to update my story with your thoughts. I don't want to help promote someone shady, should that be the case.

20h Like Reply



Patricia N Diaz-Bailley  
Tyra, your reputation is impeccable and you're a class act. No slander in the world is going to change that. Talk is cheap, the proof is in the success. Several successful Chef's and owners have already spoke up . Nothing wrong with a little friendly competition but you can't blame your successors for your failures. Karma is a bitch.

15h Like Reply



Write a comment...



Home



Marketplace



Feeds



Notifications



Menu

## **EXHIBIT 4**

**22CRH001331-0000 STATE OF NEVADA VS NUNEZ SR, ANTONIO CLOSED**

- Case Type:  
CRIMINAL COMPLAINT HND
- Case Status:  
CLOSED
- File Date:  
12/21/2022
- DCM Track:
- Action:  
THEFT, \$25K BUT LT \$100K
- Status Date:  
12/21/2022
- Case Judge:  
SCHIFALACQUA, BARBARA F
- Next Event:

All Information Party Charge Ticket/Citation # Event Docket Disposition

**Party Information**

NUNEZ, SR, ANTONIO  
- DEFENDANT CR/TR

- Disposition
- Disp Date
- Scope ID Number  
1355836

Alias

**Party Attorney**

- Attorney  
VANDER HEYDEN, ADAM
- Bar Code  
010462
- Address
- Phone

[More Party Information](#)

**Party Charge Information**

- NUNEZ, SR, ANTONIO  
- DEFENDANT CR/TR

Charge # 1:

61961 - FELONY THEFT, \$25K BUT LT \$100K

- Original Charge
- 61961 THEFT, \$25K BUT LT \$100K (FELONY)
- Indicted Charge
- Amended Charge
- DV Related?
- Modifiers
- Stage Date
- PCN
- PCN Sequence  
1

- Ticket #
- ATN #
- Tracking #
- Place of Offense  
HENDERSON TOWNSHIP
- Offense Location
- Date of Offense  
01/04/2022
- Complainant

**Party Charge Disposition**

Disposition Date

Disposition

08/14/2024

DISMISSED BEFORE PRELIM

[Sentencing Information](#)

**Ticket/Citation #**



Citation # : - HENDERSON TOWNSHIP

• Offense Date

• 01/04/2022

• Agency

• HENDERSON POLICE DEPARTMENT

• Officer

• Second Officer

• Complainant

• Speed Cited

• Speed Limit

• Location

• Insured/Proof

• Accident

• N

• Work Zone

• Haz Mat

• Points

• Priors

• License Taken

• N

• BAC

• Plate

• State

• Year

• Type

• Style

• Color

**Events**

<u>Date/Time</u>	<u>Location</u>	<u>Type</u>	<u>Result</u>	<u>Event Judge</u>
06/05/2023 09:00 AM	DEPARTMENT 3	MOTIONS HND	CRIMINAL HEARING HELD	SCHIFALACQUA, BARBARA F
06/08/2023 09:00 AM	DEPARTMENT 3	MOTIONS HND	ARRAIGNMENT HEARING HELD	SCHIFALACQUA, BARBARA F
09/20/2023 09:30 AM	DEPARTMENT 3	PRELIMINARY HEARING HND	CRIMINAL HEARING HELD	SCHIFALACQUA, BARBARA F
10/23/2023 09:00 AM	DEPARTMENT 3	COURT APPEARANCE HND	CRIMINAL HEARING HELD	SCHIFALACQUA, BARBARA F
12/05/2023 09:00 AM	DEPARTMENT 3	COURT APPEARANCE HND	CRIMINAL HEARING HELD	SCHIFALACQUA, BARBARA F
03/11/2024 09:30 AM	DEPARTMENT 3	PRELIMINARY HEARING HND	CRIMINAL HEARING HELD	SCHIFALACQUA, BARBARA F
06/10/2024 09:00 AM	DEPARTMENT 3	COURT APPEARANCE HND	CRIMINAL HEARING HELD	SCHIFALACQUA, BARBARA F
08/14/2024 09:30 AM	DEPARTMENT 3	PRELIMINARY HEARING HND	CRIMINAL HEARING HELD	SCHIFALACQUA, BARBARA F

**Docket Information**

<u>Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>
12/21/2022	COMPLAINT FILED	
12/21/2022	PENDING JUDGE'S SIGNATURE	
01/04/2023	ALERT INFORMATION ARREST WARRANT - CRIMINAL issued on: 12/21/2022	

<u>Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>
	For: NUNEZ SR, ANTONIO Bond Amt: \$10,000.00 TOTAL CASH OR SURETY BOND	
05/31/2023	MOTION TO QUASH ARREST WARRANT FILED BY A. VANDERHEYDEN, ESQ	
06/05/2023	SET FOR COURT APPEARANCE Event: MOTIONS HND Date: 06/05/2023 Time: 9:00 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3  Result: CRIMINAL HEARING HELD	
06/05/2023	D.S. GIBSON SR, JP S. SULLIVAN DDA A. VANDER HEYDEN, ESQ. (NOT PRESENT) D. LOPEZ, CLK L. BRENSKE, CR	
06/05/2023	INITIAL ARRAIGNMENT AND MOTION: DEFENDANT NOT PRESENT MOTION BY DEFENSE TO RECALL ARREST WARRANT. MOTION CONTINUED FOR COUNSEL AND DEFENDANT TO BE PRESENT ARREST WARRANT STANDS	
06/05/2023	HEARING HELD The following event: MOTIONS HND scheduled for 06/05/2023 at 9:00 am has been resulted as follows:  Result: CRIMINAL HEARING HELD Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
06/05/2023	SET FOR COURT APPEARANCE Event: MOTIONS HND Date: 06/08/2023 Time: 9:00 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
06/08/2023	ALERT INFORMATION ARREST WARRANT - CRIMINAL canceled on: 06/08/2023 For: NUNEZ SR, ANTONIO	
06/08/2023	D.S. GIBSON SR, JP H. TRIPPIEDI DDA A. VANDER HEYDEN, ESQ J. NESCI, CLK L. BRENSKE, CR	
06/08/2023	INITIAL ARRAIGNMENT AND MOTION: DEFENDANT NOT PRESENT DEFENSE COUNSEL ACKNOWLEDGES, WAIVED READING OF THE COMPLAINT BY AND THROUGH HIS ATTORNEY, DEFENDANT ASKED FOR DATE CERTAIN FOR HEARING. WAIVED 15 DAY RULE PRELIMINARY HEARING DATE SET. MOTION BY DEFENSE TO RECALL ARREST WARRANT. MOTION GRANTED. NO BAIL POSTED	
06/08/2023	ARRAIGNMENT HEARING HELD The following event: MOTIONS HND scheduled for 06/08/2023 at 9:00 am has been resulted as follows:  Result: ARRAIGNMENT HEARING HELD Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
06/08/2023	SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING HND Date: 09/20/2023 Time: 9:30 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
07/12/2023	ALERT INFORMATION ARREST WARRANT - CRIMINAL canceled on: 07/11/2023 For: NUNEZ SR, ANTONIO	
09/20/2023	E. LEE THOMSON, PRO TEM J. TORRE, DDA A. VANDER HAYDEN, ESQ (NOT PRESENT) K. ZICHA, CLK L. BRENSKE, CR	
09/20/2023	PRELIMINARY HEARING: DEFENDANT NOT PRESENT MATTER CALLED OFF STATE MAKES REPRESENTATIONS	



<u>Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>
	CONTINUED FOR STATUS CHECK ON NEGOTIATIONS NO BAIL POSTED	
09/20/2023	HEARING HELD The following event: PRELIMINARY HEARING HND scheduled for 09/20/2023 at 9:30 am has been resulted as follows:  Result: CRIMINAL HEARING HELD Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
09/20/2023	SET FOR COURT APPEARANCE Event: COURT APPEARANCE HND Date: 10/23/2023 Time: 9:00 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
10/23/2023	D.S. GIBSON SR, JP J. TORRE, DDA A. VANDER HAYDEN, ESQ (NOT PRESENT) C. BROHIMER, CLK L. BRENSKE, CR	
10/23/2023	STATUS CHECK: DEFENDANT NOT PRESENT CONTINUED FOR STATUS CHECK ON NEGOTIATIONS COUNSEL NOTIFIED VIA EMAIL NO BAIL POSTED	
10/23/2023	HEARING HELD The following event: COURT APPEARANCE HND scheduled for 10/23/2023 at 9:00 am has been resulted as follows:  Result: CRIMINAL HEARING HELD Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
10/23/2023	SET FOR COURT APPEARANCE Event: COURT APPEARANCE HND Date: 12/05/2023 Time: 9:00 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
12/05/2023	B. SCHIFALACQUA, JP M. LEON, DDA G. OGATA, ESQ. FOR A. VANDER HEYDEN, ESQ. K. ZICHA, CLK L. BRENSKE, CR	
12/05/2023	STATUS CHECK: DEFENDANT NOT PRESENT PRELIMINARY HEARING DATE SET NO BAIL POSTED	
12/05/2023	HEARING HELD The following event: COURT APPEARANCE HND scheduled for 12/05/2023 at 9:00 am has been resulted as follows:  Result: CRIMINAL HEARING HELD Judge: SCHIFALACQUA, BARBARA F Location: DEPARTMENT 3	
12/05/2023	SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING HND Date: 03/11/2024 Time: 9:30 am Judge: SCHIFALACQUA, BARBARA F Location: DEPARTMENT 3	
03/11/2024	B. SCHIFALACQUA, JP M. ALLMON, DDA A. PURSER, ESQ FOR A. VANDER HEYDEN, ESQ K. ZICHA, CLK L. BRENSKE, CR	
03/11/2024	PRELIMINARY HEARING: DEFENDANT NOT PRESENT CONTINUED FOR STATUS CHECK NEGOTIATIONS NO BAIL POSTED	
03/11/2024	HEARING HELD The following event: PRELIMINARY HEARING HND scheduled for 03/11/2024 at 9:30 am has been resulted as follows:	

<u>Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>
	Result: CRIMINAL HEARING HELD Judge: SCHIFALACQUA, BARBARA F Location: DEPARTMENT 3	
03/11/2024	SET FOR COURT APPEARANCE Event: COURT APPEARANCE HND Date: 06/10/2024 Time: 9:00 am Judge: SCHIFALACQUA, BARBARA F Location: DEPARTMENT 3	
06/10/2024	J. MILLER, PROTEM FOR B. SCHIFALACQUA, JP T. SHARP, DDA A. VANDER HEYDEN, ESQ (NOT PRESENT) J. NESCI, CLK L. BRENSKE, CR	
06/10/2024	STATUS CHECK: DEFENDANT NOT PRESENT PRELIMINARY HEARING RESET NO BAIL POSTED	
06/10/2024	HEARING HELD The following event: COURT APPEARANCE HND scheduled for 06/10/2024 at 9:00 am has been resulted as follows:  Result: CRIMINAL HEARING HELD Judge: SCHIFALACQUA, BARBARA F Location: DEPARTMENT 3	
06/10/2024	SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING HND Date: 08/14/2024 Time: 9:30 am Judge: SCHIFALACQUA, BARBARA F Location: DEPARTMENT 3	
08/13/2024	REQUEST FOR REMOTE APPEARANCE (WITNESS) - GRANTED AND FILED.	
08/14/2024	B. SCHIFALACQUA, JP J. MERBACK, DDA A. SCHNEIDER, ESQ FOR A. VANDERHEYDEN, ESQ J. NESCI, CLK S. GRAHAM, CR	
08/14/2024	PRELIMINARY HEARING: DEFENDANT NOT PRESENT MATTER CALLED OFF STATE NOT PROCEEDING MARCUM NOTICE SERVED CASE DISMISSED	
08/14/2024	HEARING HELD The following event: PRELIMINARY HEARING HND scheduled for 08/14/2024 at 9:30 am has been resulted as follows:  Result: CRIMINAL HEARING HELD Judge: SCHIFALACQUA, BARBARA F Location: DEPARTMENT 3	
08/14/2024	CASE CLOSED	
<b>Case Disposition</b>		
<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
CLOSED	08/14/2024	SCHIFALACQUA, BARBARA F

## **EXHIBIT 5**

# Enjoy Brunch at Kitchen Table

Stop by this “social eatery,” as Kitchen Table has branded itself, to have a dining experience like no other. Henderson chefs Antonio Nunez and Javier Chavez, who founded and own the restaurant, believe in creating a unique social experience for their guests by satisfying their hunger for both delicious meals and great conversation.

The restaurant is only open during the day from 8 a.m. to 2 p.m. for breakfast and lunch. The owners want their guests to become regulars and feel at home here, stopping by to grab a bite before they start their day and enjoying a great lunch before the eatery closes.

Kitchen Table’s menu fuses flavors from cuisines all over the world, with a special emphasis on Mexican flavors and dishes. You can also enjoy your brunch on the charming patio on a beautiful day.

There is a reason that numerous local and national publications have named Kitchen Table one of the best brunch spots in not only Henderson but all of Las Vegas. Go and check out what all the fuss is about, and we guarantee you will leave with a smile on your face.

**Location:** 1716 W. Horizon Ridge Parkway, Suite 100, Henderson.

**Hours:** 8 a.m. to 2 p.m. Thursday through Monday.

## **EXHIBIT 6**



## INDUSTRY WEEKLY

[I AM INDUSTRY]

## ANTONIO NUNEZ BUILDS A WINNER IN THE NEIGHBORHOOD

Leslie Ventura

Thu, May 19, 2016 (midnight)

Antonio Nunez already had a knack for leaving his mark on Las Vegas restaurants when he decided to start his own. From STK at the Cosmopolitan to Le Cirque at Bellagio, Nunez's Midas touch is evident. As partner and chef at Kitchen Table in Henderson, Nunez is igniting something rarely seen in the Vegas Valley: a suburban cult following.

"Generally, what I like to do [is] go in and try to get places opened," Nunez says. "This is ours." The "ours" refers to his business partner, Javier Chavez. Since opening last fall, their homegrown "social eatery" has become nothing less than a shining diamond in a sleepy strip mall, a neighborhood restaurant the neighbors can't wait to get into.

"You go to LA, you go to Chicago, they have restaurants like this everywhere. Vegas does not have anything that does this," Nunez says of Kitchen Table, which specializes in breakfast, lunch, brunch and baked goods—he recommends the chilaquiles and croque madame. "Chefs [with] our background, their heart and their ego lies in dinner. Everyone wants to do dinner, so why not go completely left field and do something that no one's doing?"

Like everything else about the restaurant, the menu is a collaboration. Nunez says it's "oddball and weird," but Kitchen Table's duality of flavors and personalities works. "I plan on doing chef collaborations all over town," he says. "Building a brand of one-off restaurants that are built on two-sided chefs, so it's always this dysfunctional function." *Kitchen Table, 1716 Horizon Ridge Parkway #100, 702-478-4782; Monday-Friday 7:30 a.m.-3 p.m., Sunday 7:30 a.m.-3:30 p.m.*

Tags: [Nightlife](#), [Dining](#), [Industry Weekly](#)

## SHARE



LESLIE VENTURA

[GET MORE LESLIE VENTURA](#) →

## **EXHIBIT 7**



LAS VEGAS

EATER INSIDE

# It's Adorable — The New Kitchen Table in Henderson

See the patio, the bakery and more.

by Susan Stapleton | Dec 9, 2015, 12:00pm PST

Via *All Coverage of Kitchen Table [ELV]* | Photography by *Amelinda B Lee*

GRID VIEW



1 of 12

Take a look inside **Antonio Nunez** and **Javier Chavez**'s new breakfast and lunch spot **Kitchen Table**. The duo dub the Henderson restaurant inside the former **Annie's Gourmet Italian** space a social eatery with space for 100. "Eating is a ritual. It can be a source of fuel for some or it can revive people lives through by emphasizing the importance of coming together, sharing traditions, learning new traditions and meeting

at the Kitchen Table," Nunez says in a press statement. Take a look inside the bakery side and patio as well.

## **EXHIBIT 8**

[Overview](#) [Photos](#) [Menu](#) [Reviews](#)

## Kitchen Table

 No Reviews  \$30 and under American

Start or end the day at the Kitchen Table, a social eatery just south of Las Vegas in Henderson, Nevada. Chefs Antonio Nunez, who has over 23 years experience in the industry, and Javier Chavez, who trained in Paris, France, joined forces to bring each of their unique styles to the Kitchen Table. The small yet cozy restaurant welcomes guests with baked goods on display and a communal seating style along the walls. The menu ranges from traditional American or Mexican dishes to internationally inspired creations to push the boundaries of the palate. Sustainable caviar offers sophistication, while farm fresh vegetables and meats provide a more filling meal. The Kitchen Table is ideal for group celebrations or family outings. With its social-centric setup, it is also a great place to get to know somebody new.

[Read less](#)

### Not available on OpenTable

Unfortunately, this restaurant is not on the OpenTable booking network. To check availability, please contact them directly.

[Find similar restaurants](#)

Is this your restaurant? [Claim this listing](#)



## There's more to explore

Discover countless more restaurants like this one with our app.

Open app

### Additional information

**Location**

1716 Horizon Ridge, Suite 100, Suite 100, Henderson, NV 89012

**Neighborhood**

Cannery Hotel & Casino

**Parking details**

None

**Dining style**

Casual Dining

**Price**

\$30 and under

**Cuisines**

American

**Hours of operation**

Monday - Friday 7:30AM to 3:00PM Saturday - Saturday 7:30AM to 3:30PM

**Phone number**

(702) 478-4782

**Website**

<http://www.kitchentablelv.com/locations/>


**Dress code**

Business Casual

## 10 Photos



+5 More

powered by 

## Menu

At present, we do not have menu information for this restaurant. Please see their website or wait to visit the restaurant to learn more.

## Be the first to review this restaurant

At present, Kitchen Table has no reviews. Please add a review after your dining experience to help others make a decision about where to eat.

## FAQs



## **EXHIBIT 9**

----- Forwarded message -----

From: [Tyra@avaroseagency.com](mailto:Tyra@avaroseagency.com) <[tyra@avaroseagency.com](mailto:tyra@avaroseagency.com)>

Date: Thu, Jun 8, 2017 at 4:57 PM

Subject: Fwd: Social Media Content KT

To: Nick Vardakis <[Vardakis@unlv.nevada.edu](mailto:Vardakis@unlv.nevada.edu)>

Cc: Brittany Moore <[brittany@avaroseagency.com](mailto:brittany@avaroseagency.com)>, Brooke Hershey <[hersheyb5580@gmail.com](mailto:hersheyb5580@gmail.com)>

Nick,

Brooke does an awesome job!

Please review the content for errors and if any, revise and share with Brooke to avoid in the future.

Brittany: please share with Nick the social usernames and sign on's for KT & KT2.

Avoid:

Posting about EX partner or reposting when people still mention or refer to Chef Antonio Nunez.

The Chef and Owner is JAVIER CHAVEZ solely.

We feature Latin & European influenced dishes.

We are open for breakfast, lunch daily and weekend brunch menu.

We are opening our 2nd location at the Gramercy this summer. Never give a date.

Brooke/Nick: Please also check monthly food calendars to ensure we are maximizing those opportunities with appropriate foodie posts.

Brooke- send Nick the monthly foodie Calendar you made thru December. Excel version so he can manipulate for Mercato Della Pescheria and Kitchen Table & Kitchen Table Squared similar to what you did for Tivoli.

Thank you!

**Tyra Bell-Holland**

**AVA ROSE AGENCY**

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

[tyra@avaroseagency.com](mailto:tyra@avaroseagency.com)

p-1-844-AVA-ROSE

## **EXHIBIT 10**

**Kitchen Table**

May 30 · 🌐

...

Goodbye for now, Henderson....all our love, Chef **Javier Chavez** & the Kitchen Table family.



REVIEWJOURNAL.COM

## Henderson restaurant closes after almost 10 years

The chef-owned spot in Henderson drew on American, Mexican and European traditions for it...

94

33 6

Like

Comment

Share

Most relevant



Write a comment...

**Rose Lucht**

Oh no!!! All our great restaurants are closing favorite stores closing I can't believe it!

21w Like Reply

2

**Susan Levinson Sharpless**

This is heartbreaking in the 10 years I've lived in Henderson my favorite place to go and escape Javier most friendly ,made you feel at home  
Will always have a place in my heart 🍷💕

4w Like Reply

**Amber B Feick**





**Melissa BeerGal**

Someone is posting in all the local food groups like you died. I'm so sad to see you closing, but glad you are alive & well!

21w Like Reply



**Cora Lynn Woodall**

Oh no. I loved that restaurant. Please Come Back! ❤️❤️❤️

21w Like Reply



**Bonnie Wright Nunnenkamp**

Oh this makes me sad 😞

I hope he opens up in another Henderson location

21w Like Reply



**Angela Drago Berliner**

Please let us know when you relocate! Our favorite place, best food and staff. We'll miss your kitchen. **Kitchen Table** 🙌❤️

21w Like Reply



**Sierra Phillips**

Noooo why?!? Please stay in this part of Henderson if you guys decide to open again, there's barely anything good over here 😭😭😭

19w Like Reply



**Ernie Garcia**

Oh no. Definitely must reopen. And when you do ...I will be there!!! ❤️

21w Like Reply



**Kathy DeVita Artuso**

We love you chef Jave and we're sorry to see you go!!!

21w Like Reply



**Dena Lopez**

Noooooooooo this was one of my favorite restaurants!! ❤️

21w Like Reply



**Carol Richardson Royall**

This is sad to read. Both the food and service were excellent. I pray you find another location.

21w Like Reply



**Susan Pick Blake**

I am so sad about this!!!

21w Like Reply



**Emily McQuinn Radcliffe**

Noooooooooo!

21w Like Reply





2

21w Like Reply

**Mindy Wise**

Greg needs your recipe for his favorite dish ❤️

21w Like Reply

**Letty Angelo**

Nooooo 😞😞😞

21w Like Reply

**Leslie Ann Hawkins**

We will miss you.

21w Like Reply

**Malaina Franco**

Sad to see 😞

21w Like Reply

**Doreen Bell**

Nooooo, the food is so good!!

21w Like Reply

**Patti Milhoan**

This is very heartbreaking we come there every time we're in Vegas. One of our favorite spots!

21w Like Reply

**Claudia Hunt**

I'm broken hearted.

21w Like Reply

**Melody Kay Ramsey Fox**

When? We love your restaurant!!! 😞😞😞

21w Like Reply

**Sue Yim**

Oh no. So sorry to hear that.

21w Like Reply

**Frances McGuck****Gregory Allen**

21w Like Reply

**Lou Maltas**

Will you reopen ? And in the same place? We shall miss you, where and what now ?

21w Like Reply

**Tina Aragon****Anne**

Nope..... they gone



2



**Patricia Montaña**  
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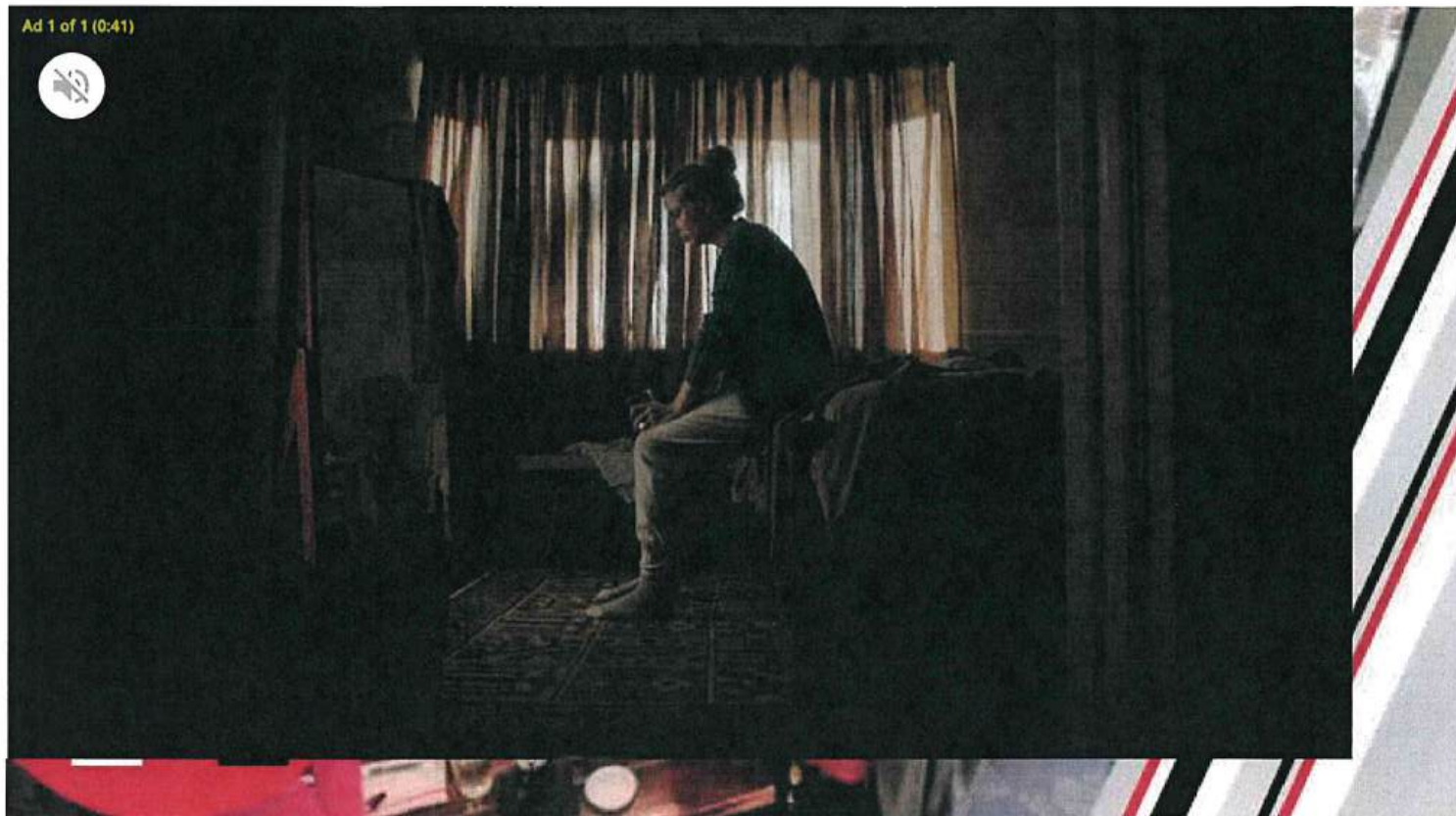
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# **EXHIBIT 11**

## Henderson restaurant closes after almost 10 years

Ad 1 of 1 (0:41)



A restaurant that served breakfast and lunch for almost a decade in Henderson has closed. (Las Vegas Review-Journal)

By **Johnathan L. Wright** Las Vegas Review-Journal

May 29, 2024 - 6:51 pm



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Kitchen Table, which served breakfast and lunch for almost a decade in its Henderson dining room, has shut its doors. Chef-owner Javier Chavez



announced the closing on his personal Facebook page in a post that could only be viewed by friends of the page.

A person who was able to view the post provided images of it to the Las Vegas Review-Journal. Signs on the front door of the restaurant also announced the closing. The last night of service was Sunday.

“After 10 incredible years in Henderson, the lease for Kitchen Table has come to an end,” Chavez said, explaining the closing in a statement for the RJ. “As I reflect on the past decade, my intention remains to reopen my social eatery and serve again all who have shown their support over the years.”

Kitchen Table debuted in fall 2015 at 1716 W. Horizon Ridge Parkway, in the Country Club Center. Over the years, the restaurant became known for its comfort food with a twist in dishes like foie gras and apple skillet cakes or granola-crusted French toast or a ribeye Philly sandwich with jalapeño cheese sauce.

A second spot, Kitchen Table Squared, launched in December 2017 at The Gramercy in the southwest but closed in fall 2020.

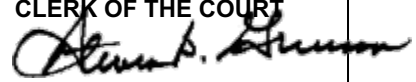
Contact Johnathan L. Wright at [jwright@reviewjournal.com](mailto:jwright@reviewjournal.com). Follow [@JLWTaste](https://www.instagram.com/JLWTaste) on Instagram.

# **EXHIBIT 5**

Reply in Support to Defendant Tyra Bell-  
Holland's Anti-SLAPP Special Motion to  
Dismiss Pursuant to NRS 41.660 filed  
11/07/2024

# **EXHIBIT 5**





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14 *Wayne Dice, and Tyra Bell-Holland*

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 ANTONIO NUNEZ, individually and on  
18 behalf of nominal defendant, THE STOVE,  
19 LLC, as its member,

20 Plaintiff,

21 v.

22 MICHELLE HOWARD, an individual;  
23 WAYNE DICE, an individual; TYRA BELL-  
24 HOLLAND; DOES 1 through 10 and ROE  
25 CORPORATIONS I through X, inclusive,

26 Defendants.

27 and THE STOVE, LLC, by and through its  
28 member, ANTONIO NUNEZ,

Nominal Defendants.

Case No. A-24-894713-C

Dept. No. XIII

**REPLY IN SUPPORT OF DEFENDANT  
TYRA BELL-HOLLAND'S ANTI-SLAPP  
SPECIAL MOTION TO DISMISS  
PURSUANT TO NRS 41.660**

Hearing Date: November 7, 2024

Hearing Time: 9:00 am

Defendant Tyra Bell-Holland ("Tyra"), by and through her counsel of record, Holland & Hart LLP, hereby submits this reply memorandum in support of her Anti-SLAPP Special Motion to Dismiss pursuant to NRS 41.660 (the "Motion") filed on October 20, 2024.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

In 2013, Nevada's Anti-SLAPP laws were updated by the Nevada Legislature to apply in the modern, digital era. The legislative history of Senate Bill ("SB") 286 during the 77th Legislative Session illustrates examples of instances where the updated law was intended to apply: online articles about issues involving homeowners associations (where the issues of the

1 article are “important to one’s community”) and the affairs of a business when reported on by  
2 media (with the example given of a business’s issues reported in the Las Vegas Sun constituting  
3 a matter of public concern).<sup>1</sup> In proceedings before the Nevada Assembly, SB 286 was presented  
4 as a remedy for defamation claims arising from online reviews that are matters of opinion or,  
5 where factual, supported by truth.<sup>2</sup> This is precisely the gravamen of Plaintiff Antonio Nunez’s  
6 defamation claim against Tyra, brought against her for a Facebook post where she described  
7 Nunez’s new business as “cursed,” that she had to “rebuild everything” in her current business,  
8 and that Nunez as a “liability” for her business. (Compl. ¶ 41.)

9 Nunez’s Opposition fails to demonstrate why he should be permitted to pursue a doomed  
10 claim for defamation against Tyra based on her statements of opinion that he is a “liability”.  
11 Nunez cannot survive Bell-Holland’s special motion to dismiss under Nevada’s anti-SLAPP  
12 statutes because the Facebook post satisfies the requirements of NRS 41.637 and thus falls within  
13 Nevada’s grant of immunity from suit under NRS 41.650.

14 Nunez’s true objective for his defamation claim is clear: Nunez seeks to chill Tyra’s free  
15 speech sharing her opinions about Nunez in an article written by noted online dining publication  
16 Eater, which features Nunez’s picture and details about his upcoming business launch. (See Mot.  
17 Exhs. A, E.) As seen throughout Nunez’s Opposition and its supporting exhibits, Nunez and his  
18 associates have their own personal bad blood with Tyra, which is wholly irrelevant to Nunez’s  
19 defamation claim based on Tyra’s statements of opinion, and the legal test before this Court under  
20 Nevada’s Anti-SLAPP statutes. Despite Nunez’s misdirection, Tyra’s Motion must be granted  
21 under Nevada law and Nunez’s claim dismissed.

22  
23  
24  
25  
26  
27 <sup>1</sup> March 28, 2013 Proceedings of the Nevada Senate Judiciary Committee regarding SB 286 at 3-  
16.

28 <sup>2</sup> May 6, 2013 Proceedings of the Nevada Assembly Committee regarding SB 286 at 2-10.

1     **II.     LEGAL ARGUMENT**

2             **A.     Tyra’s Facebook post was Made in Direct Connection with an Issue of**  
3             **Public Concern.**

4             Nunez’s startling assertion that Tyra’s Facebook post was not made in connection with a  
5     matter of public concern runs directly counter to Nevada<sup>3</sup> law, where the Nevada Supreme Court  
6     likewise “define[s] an issue of public interest broadly,” *Coker v. Sassone*, 135 Nev. 8, 14, 432  
7     P.3d 746, 751 (2019), and has found social media comments about the bear population in Nevada  
8     to be an issue of public concern. *See Stark v. Lackey*, 136 Nev. 38, 42, 458 P.3d 342, 346 (2020)  
9     (“[W]e conclude that the treatment of Nevada wildlife, and specifically bears in the Tahoe Basin,  
10    surpasses mere curiosity and is a concern to many people throughout the state.”). Nunez’s claim  
11    that Tyra’s Facebook post is not a matter of public concern is directly contradicted by the  
12    comments made by third parties in response to Tyra’s statements to show that “the post generated  
13    additional intended traction.” (Opposition (“Opp.”) at 3-4.) Nunez’s inclusion of these comments  
14    is an act of self-inflicted harm: by bringing them to the Court’s attention, he has further  
15    demonstrated the public’s interest in Tyra’s Facebook post and commentary based on the *Eater*  
16    article about him and his restaurant ventures. His acknowledgment of the Facebook post’s  
17    “traction” undercuts his attempt to deny that this issue reached, and concerned, a substantial  
18    number of people. *See Opp.* at 13. Tyra therefore satisfies the first prong of the SLAPP analysis.  
19    *See NRS 41.660(3)(a).*

20             Nunez’s Opposition relies almost exclusively on California caselaw in an attempt to liken  
21    Tyra’s Facebook post to that of a private dispute. (*See Opp.* at 8-15.) But the Motion involves  
22    **Nevada’s** specific application of its own anti-SLAPP statute, and the applicable precedents  
23    indicates that this kind of matter absolutely implicates Nevada’s anti-SLAPP laws. *See Williams*  
24    *v. Lazer*, 137 Nev. 437, 440, 495 P.3d 93, 97 (2021) (finding that statements regarding a real  
25    estate agent’s conduct in business and professionalism constituted non-actionable opinions);  
26    *Abrams v. Sanson*, 136 Nev. 83, 87, 458 P.3d 1062, 1066 (2020) (“The public has an interest in

27             <sup>3</sup> This emphasis on Nevada law is necessary, as Nunez’s motion focuses extensively on  
28    California’s construal of its own Anti-SLAPP statute, almost to the exclusion of Nevada’s robust  
  precedent construing and applying its own Anti-SLAPP statutes over the past half-decade.

1 an attorney's courtroom conduct that is not mere curiosity, as it serves as a warning to both  
2 potential and current clients looking to hire or retain the lawyer.”).

3 Tyra’s Facebook post that is the basis of Nunez’s defamation claim satisfies the *Shapiro*  
4 factors identifying matters of public interest. It is not a novel position that in Nevada, where so  
5 much of the economy is driven by hospitality, the public is interest in where and how they obtain  
6 their food—to say nothing of the business implications of it. Nevada law has recognized this for  
7 more than 20 years since *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 721, 57 P.3d 82, 92  
8 (2002) (“a place of public accommodation has voluntarily injected itself into the public concern  
9 for the limited purpose of reporting on its goods and services.”). A century-old example of the  
10 public’s interest in the source of their food, how it is made, and the business practices of those  
11 who produce it, is seen in the public’s interest in Upton Sinclair’s 1905 novel *The Jungle*. *Alvarez*  
12 *v. IBP, Inc.*, 339 F.3d 894, 898 (9th Cir. 2003) (recognizing a public concern for food purity since  
13 publication of *The Jungle*); *Nat’l Meat Ass’n v. Harris*, 565 U.S. 452, 455, 132 S. Ct. 965, 968  
14 (2012) (same). Locally, the public’s interest in where they dine and the operations of restaurants  
15 where they eat can be seen in ABC Broadcasting affiliate KTNV Channel 13’s long-running  
16 “Dirty Dining” feature, where local restaurants are showcased and often confronted on camera  
17 regarding particularly egregious health code violations and closures.<sup>4</sup> Nunez fails to cite any  
18 Nevada caselaw suggesting otherwise. (*See Opp.*) Indeed, Nunez’s over-reliance on inapplicable  
19 California precedent has resulted in him overlooking existing (and longstanding) Nevada  
20 precedent that shows the Facebook post is a matter of public concern.

21 The Facebook post’s contents also belie Nunez’s implicit argument that its contents are a  
22 personally motivated attack against him. (*See Mot. Ex. E.*) Rather, the substance of the post relates  
23 to Nunez’s actions as a business owner. The plain language of Tyra’s Facebook post, from its  
24 literal content to its tone and tenor, demonstrate that Nunez’s reliance on *Pope v. Fellhauer* in an  
25 attempt to shoe-horn Tyra’s statements into a personal dispute, is inapposite. (*Opp.* at 11-12.) In  
26 *Pope*, the Nevada Supreme Court considered whether the anti-SLAPP statutes were implicated

27 \_\_\_\_\_  
28 <sup>4</sup> See KTNV Las Vegas, *Dirty Dining Video Playlist*, <https://www.ktnv.com/dirty-dining-video-playlist> (last accessed Nov. 7, 2024).

1 when a neighbor went on a personal posting campaign against another neighbor. *Pope v.*  
2 *Fellhauer*, 135 Nev. 702, 437 P.3d 171 (2019). The Court found that Pope’s statements did not  
3 relate to an issue of public concern because “he was *not* reporting crimes or actual issues of public  
4 safety, but rather [he] was reporting that his neighbors were bothersome and tattle-tales (and that  
5 the neighborhood was actually safer than it appeared).” *Id.* (emphasis in original). As explained  
6 in the Motion, this is distinguishable, as the Facebook post contained no vicious attacks purely  
7 personal in nature. Rather, the post merely reacted to and commented on the *Eater* article  
8 regarding Nunez’s newest restaurant venture and included Tyra’s statements of opinion regarding  
9 Nunez in his professional capacity.

10 **B. The Facebook post was Truthful or Made Without Knowledge of its**  
11 **Falsehood.**

12 In support of her Motion, Tyra swore under penalty of perjury that her statements in the  
13 Facebook post were “opinions” expressed “only upon careful consideration and reflection,” and  
14 based on Tyra’s “personal experience.” (Decl. of Tyra Bell-Holland (“TBH Decl.”) ¶ 12.) Tyra  
15 further swore that she “made each of [her] statements in the Facebook post based on [her] personal  
16 knowledge and belief that such statements are and were true, and without any knowledge of the  
17 falsity of any statement[.]” (*Id.*) Being unable to attack the statements Nunez specifically contends  
18 are defamatory in the Complaint (see Compl. ¶ 41), Nunez engages in a parsimonious attack of  
19 technical details that are irrelevant to Tyra’s statements about her experience working with him at  
20 The Stove.

21 Nunez attempts to refute Tyra’s declaration that her statements were made in good faith  
22 by dissecting each word in a statement and looking for technical falsehoods without considering  
23 the totality of her statement. (*See* Opp. at 15-18; *see also* Mot. Ex. E.) The Nevada Supreme Court  
24 has rejected attempts to use minute, technical, and irrelevant inaccuracies to undermine  
25 constitutionally protected statements of opinion, or facts that are substantially true. This Court  
26 should do the same.

27 In deciding past Anti-SLAPP motions, the Nevada Supreme Court specifically rejected  
28 arguments that “ignore[] the gist of the statements and instead attempt[] to parse each individual

word in the statements to assess it for its truthfulness.” *Rosen v. Tarkanian*, 135 Nev. 436, 440, 453 P.3d 1220, 1224 (2019). Rather, the Nevada Supreme Court has maintained that “the relevant inquiry in prong one of the anti-SLAPP analysis is whether a preponderance of the evidence demonstrates that ‘the gist of the story, or the portion of the story that carries ‘the sting’ of the [statement] is true.’” *Id.* (quoting *Pegasus v. Reno Newspapers*, 118 Nev. 706, 715 n.17, 57 P.3d 82, 88 n.17 (2002)); *Pegasus*, 118 Nev. at 715 n.17, 57 P.3d at 88 (2002) (“The doctrine of substantial truth provides that minor inaccuracies do not amount to falsity unless the inaccuracies ‘would have a different effect on the mind of the reader from that which the pleaded truth would have produced.’ Specifically, the court must determine whether the gist of the story, or the portion of the story that carries the “sting” of the article, is true.”).

In response to Tyra’s statements about her experience working with Nunez at The Stove, which served as the basis for her commentary about the Eater article, Nunez offers convoluted information about the ownership of Kitchen Table—a separate restaurant where Nunez worked many years ago, and which is not referenced in any way by the statements identified in his defamation claim: that his new business, The Parlour, is “cursed,” Tyra had to “rebuild everything,” Nunez was “a liability,” and investors should be worried. (See Compl. ¶ 41.)

Nunez’s recitation of disputed facts concerning the ownership of Kitchen Table are a misdirection from Tyra’s legally protected statements of opinion. His assertions (and those of third parties) do not demonstrate that Tyra’s statements in the Facebook regarding her experience at The Stove post were untrue. (Opp. at 17.) Nunez does not refute that Tyra’s statements about him that appear in his Complaint are statements of opinion, and to the extent they have factual bases, Tyra has established that they are accurate and not made with knowledge of falsity. (See TBH Decl. ¶ 12.)

Indeed, Tyra’s good faith in making the Facebook post is unrelated to any dispute as to Kitchen Table’s ownership. Any disputes regarding the ownership of this now-closed restaurant do not detract from the gist or the sting of Tyra’s statements that Nunez contends are defamatory within his Complaint, all of which pertain to her experience working with Nunez at a *different* restaurant, The Stove (Compl. at ¶ 41.) None of these statements that Nueez claims to be defamatory



1 have any relationship at all with the alleged evidence. Nunez seeks to use unrelated, parsimonious  
2 disagreements about facts that are unrelated to the statements he charges as defamatory for two  
3 purposes. The first is to create an illusion of a factual dispute to distract this Court. The second is  
4 to side-step the appropriate analysis: whether the Facebook post was truthful or made without  
5 knowledge of its falsehood. NRS 41.637(4).

6 As Nunez tacitly concedes in the Opposition, Tyra's declaration is sufficient to carry her  
7 burden. (Opp. at 16). *See Stark v. Lackey*, 136 Nev. 38, 43, 458 P.3d 342, 347 (2020) ("an affidavit  
8 stating that the defendant believed the communications to be truthful or made them without  
9 knowledge of their falsehood is sufficient to meet the defendant's burden absent contradictory  
10 evidence in the record.") Nunez's declarations from third parties unrelated to this action fail to  
11 establish Tyra's personal knowledge regarding this ancillary issue of the Kitchen Stove's  
12 ownership. Tyra herself has provided sworn testimony that her statements were true, correct,  
13 matters of her opinion, and made without falsity. (TBH Decl. ¶ 12.) Attempts by others to  
14 speculate regarding her personal knowledge under the guise of admissible evidence are improper  
15 and cannot be credited by this Court. *See Smith v. Zilverberg*, 137 Nev. Adv. Rep. 7, 481 P.3d  
16 1222, 1228 (2021) ("While Smith provided a declaration stating that Zilverberg's and Eagan's  
17 actions arose from 'animosity and personal spite,' it contained conclusory statements that were not  
18 based on firsthand factual information.")

19 Moreover, Nunez's reliance on comments by third parties that were allegedly untrue or  
20 inaccurate does not defeat the Motion, as those statements were not made by Tyra and she could  
21 not be held liable for them anyway. (See Opp. at 17-18.) These allegedly false statements made  
22 by third parties can only create liability for those parties and Nunez's sole remedy is to sue them,  
23 rather than attempt to hold Tyra liable for the actions (and statements) of these third parties.

24 Nunez places disproportionate emphasis on the technical details of the ownership of The  
25 Stove because he has no legal or factual grounds to show Tyra's statements were not non-  
26 defamatory opinions or were false statements of fact. The Nevada Supreme Court's *Rosen*  
27 decision roundly disapproves of Nunez's attempt to suppress Tyra's constitutionally protected  
28 speech and oppose her Motion by flyspecking minor and irrelevant factual details. 135 Nev. at

1 440, 453 P.3d at 1224. Despite Nunez’s focus on trivial details unrelated to the specific statements  
2 he identifies as defamatory in his Complaint, he cannot defeat the substantial truth and accuracy  
3 of Tyra’s statements, and therefore cannot defeat Tyra’s Motion.

4 **C. Nunez Cannot Satisfy the Second Prong of the Anti-SLAPP Analysis as**  
5 **Dictated by the Nevada Supreme Court in *Wynn v. AP*.**

6 Nunez is at least a limited-purpose public figure in connection with of his business.  
7 *Pegasus*, 118 Nev. at 721, 57 P.3d at 92 (“Here, Salsa Dave’s is a limited-purpose public figure  
8 because it has voluntarily entered the public spectrum by providing public accommodation and  
9 seeking public patrons.”). Nunez claims that he cannot be a public figure “because he is involved  
10 with businesses that serves food and beverages to the public.” (Opp. at 20.) Once again, Nunez’s  
11 contention is contradicted by long-established Nevada precedent. *Id.*

12 Nunez’s position is factually contradicted by the *Eater* article as well. The article’s very  
13 existence demonstrates the media’s interest in his restaurant, The Parlour, in advance of its  
14 opening. Moreover, the *Eater* article contains a photograph of Nunez and information regarding  
15 its menu items—before the restaurant had even opened. Presumably, Nunez provided this  
16 information to *Eater*, whether himself or through a representative, such as through a press release  
17 or in response to the publication’s request for materials. By opening a business that relies on public  
18 patronage, Nunez made the affirmative choice to enter the public domain—at least in connection  
19 with his restaurant. This worked, as demonstrated by the *Eater* article itself. He cannot backtrack  
20 and claim he is not a public figure because he wishes to reap only the rewards for his actions  
21 without facing lawful criticism in the form of Tyra’s opinions.

22 Following the Nevada Supreme Court’s decision in *Wynn v. AP*, Nunez must show that  
23 he can prevail on his defamation claim by showing actual malice by clear and convincing evidence.  
24 *Wynn v. AP*, 140 Nev. Adv. Rep. 56, 2024 Nev. LEXIS 47 \*\*11-12 (Sept. 5, 2024). He cannot  
25 satisfy this burden. Nunez recognizes this short-coming, as evidenced by his attempt to water-  
26 down his burden, stating that he need only show that his defamation claim has “minimal merit.”  
27 Opp. at 19. But Nunez cites only California caselaw for this proposition and wholly ignores *Wynn*.  
28 Nunez does not allege that the Nevada Supreme Court has adopted the “minimal merit” standard,

1 nor could he, as the Nevada Supreme Court’s recent decision in *Wynn* explicitly contradicts this  
2 lower standard. *See Wynn*, 140 Nev. Adv. Rep. 56, at \*\*11-12. Even taking the Complaint’s bare-  
3 boned allegations as true, Nunez fails to satisfy this burden. *See Complaint*.

4 Accordingly, Nunez cannot show with *prima facie* evidence a probability of prevailing on  
5 his defamation claim and the claim should be dismissed.

6 **D. In addition to being irrelevant, the affidavits submitted to the Court with**  
7 **Nunez’s Opposition should be disregarded as sham affidavits.**

8 As Nunez’s Opposition urges the Motion to be evaluated as one for summary judgment  
9 under Nevada Rule of Civil Procedure (“NRCP”) 56, the standards of that rule also apply to  
10 Nunez’s own submissions. Under NRCP 56(h), the Court may disregard affidavits or other sworn  
11 statements submitted solely for the purposes of defeating a motion for summary judgment. Under  
12 this Rule’s federal analogue,<sup>5</sup> the “sham affidavit” doctrine allows courts to disregard affidavits  
13 generated “solely to create an issue of fact.” *Adler v. Federal Republic of Nigeria*, 107 F.3d 720,  
14 727-728 (9th Cir. 1997). This Court should do so here.

15 The third-party declarations provided with Nunez’s Opposition contain speculation  
16 regarding Tyra’s first-hand information and do not contradict her knowledge concerning Nunez  
17 and her experience working with him at The Stove. The most substantial of these declarations in  
18 support of the Opposition, Nunez’s own (the “Nunez Declaration”), contains thread-bare  
19 assertions that cannot be credited for the purposes opposing Tyra’s Motion.

20 Nunez’s contention that Tyra’s Facebook post “affected” his securing of investors who  
21 “had been in contact” with him raises more questions than it answers. (Nunez Declaration ¶ 29.)  
22 Nunez does not testify that these investors did not proceed or make an investment with him. (*Id.*)  
23 He also does not testify that these investors ceased communicating with him. (*Id.*) No details  
24 regarding these investors, their identities (whether individual or institutional), amounts to be  
25 invested, or nature of investment—such as whether it would be debt or equity—are present in  
26 Nunez’s declaration. (*Id.*) Nor is there any explanation why this information would not be

27 \_\_\_\_\_  
28 <sup>5</sup> *Exec. Mgmt., Ltd. v. Ticor Title Ins. Co.*, 118 Nev. 48, 53, 38 P.3d 872, 876 (2002) (“Federal cases interpreting the Federal Rules of Civil Procedure are strong persuasive authority[.]”)

provided, such as the existence of a confidentiality agreement. (*Id.*) Although the concept of damages is irrelevant to Nunez's burden under NRS 41.660, his insistence on raising the issue while withholding any information that would be necessary to ascertain whether did, in fact, suffer any damages undercuts the Court's ability to rely on his affidavit. These detail-free statements calculated only to oppose Tyra's Motion without providing Tyra or the Court with any details to assess their sufficiency allow the Court to disregard the declarations, including Nunez's in deciding the Motion.

**E. Nunez's request for additional discovery is not made in conformity with NRS 41.660(4) or NRCP 56(d) and should be denied.**

As a Hail Mary effort to save his meritless claim against Tyra, Nunez asks this Court to grant it discovery to test Tyra's "good faith beliefs regarding her statements. (Opp. at 21.) Yet, Nunez fails to make the requisite showing "that information necessary to meet or oppose the burden . . . is in the possession of another party." NRS 41.660(4). Instead of identifying these third parties and specific information necessary, Nunez enumerates several broad categories for which he would seek discovery, far exceeding the limited scope of NRS 41.660(4)'s express purpose for obtaining known facts. Nunez has failed to show that this information exists and how that information is not reasonably available to him. Further, Nunez's desire to test Tyra's declaration of "whether or not her comments were made without knowledge of their falsity" is not a basis for obtaining discovery. *See 1-800 Contacts, Inc. v. Steinberg*, 107 Cal. App. 4th 568, 593 (2003) ("Discovery may not be obtained merely to 'test' the opponent's declaration."). Rather, the plaintiff must make a showing with "some explanation of what additional facts plaintiff expects to uncover." *Id.* (quoting another source). Here, Nunez's conclusory request for discovery should be rejected because it does not meet the standard required under NRS 41.660(4).

Likewise, and further incorporating Nunez's contention that Tyra's motion must be evaluated as one for summary judgment, Nunez's request for discovery fails under NRCP 56(d). NRCP 56(d) states that a court may allow discovery "[if] a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition." As a threshold matter, there is no affidavit, declaration, or other sworn statement satisfying this

1 standard under the rule. Aside from Nunez's failure to support his request by affidavit as required  
2 by the Rule, Nunez has wholly failed to specify any reasons he does not already have the essential  
3 facts for the Opposition. As noted above, Nunez's Opposition sets out topics for discovery rather  
4 than specific facts that are in the possession of a third party and not available without discovery.  
5 The numerous exhibits submitted in support of Nunez's Opposition demonstrates that he has had  
6 no difficulties gathering information without discovery, and there is no explanation provided as to  
7 what specific information cannot be obtained without discovery.

8 The Motion argues that Tyra's Facebook post is protected speech under Nevada's SLAPP  
9 statutes. No additional discovery is required for the Court to rule on the Motion, and Nunez has  
10 not identified what other facts require discovery to be adduced for this purpose. Accordingly,  
11 Nunez's request for discovery also does not meet the standard required under NRCP 56(d).

12 **III. CONCLUSION**

13 As explained in the introduction to this brief, Nevada's Legislature deliberated and  
14 concluded in 2013 that Nunez's defamation claim as this is exactly the kind of case that the Anti-  
15 SLAPP laws were amended to stop in its tracks. For the foregoing reasons and those asserted in  
16 the Motion, the Court should grant the Motion. The Court should honor the Legislature's intent  
17 by dismissing Nunez's claims here, too, and awarding Tyra the full relief sought in her Motion.

18 DATED this 7th day of November 2024.

19 **HOLLAND & HART LLP**

20 */s/ J. Malcolm DeVoy*

21 J. Malcolm DeVoy  
22 Caitlan J. McMasters  
23 9555 Hillwood Drive, 2nd Floor  
24 Las Vegas, NV 89134

25 *Attorneys for Defendants Michelle Howard,*  
26 *Wayne Dice, and Tyra Bell-Holland*  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7th day of November, 2024, a true and correct copy of the foregoing **REPLY IN SUPPORT OF DEFENDANT TYRA BELL-HOLLAND'S ANTI-SLAPP SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660** was served by the following method(s):

☒ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

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/s/ J. Malcolm DeVoy  
An Employee of Holland & Hart LLP

33580481\_v1



# **EXHIBIT 6**

Minute Order filed 11/14/2024

# **EXHIBIT 6**

A-24-894713-C

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract**

**COURT MINUTES**

**November 14, 2024**

---

A-24-894713-C      Antonio Nunez, Plaintiff(s)  
vs.  
Michelle Howard, Defendant(s)

---

**November 14, 2024      3:00 AM      Minute Order**

**HEARD BY:** Denton, Mark R.      **COURTROOM:** Chambers

**COURT CLERK:** Kara Seibert

**JOURNAL ENTRIES**

HAVING further reviewed and considered the parties' filings and argument of counsel pertaining to "Defendant Tyra Bell-Holland's Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.660," heard and taken under advisement on November 7, 2024, and being fully advised in the premises, and having determined that the context of the relationship and scenario between the parties undermines Defendant's contention that a preponderance of the evidence shows that the nature of the subject statements constituted First Amendment activity within the ambit of the anti-SLAPP statute, thus making it unnecessary for further consideration of the second prong of the applicable test, the Court DENIES Defendant's Motion and also DENIES Plaintiff's present request for attorneys' fees. Counsel for Plaintiff is directed to submit a proposed Order consistent herewith and with supportive briefing/argument following provision of the same to opposing counsel for signification of approval/disapproval.

IT IS SO ORDERED.

CLERK'S NOTE: The above minute order has been distributed to all registered parties via Odyssey File & Serve//ks 11/14/24

PRINT DATE: 11/14/2024

Page 1 of 1

Minutes Date: November 14, 2024

# **EXHIBIT 7**

Order Denying Defendant Tyra Bell-Holland's  
Anti-SLAPP Special Motion to Dismiss  
Pursuant to NRS 41.660 filed 02/27/2025

# **EXHIBIT 7**

**ODM**

MARC P. COOK, ESQ.  
Nevada Bar No. 004574  
JULIE L. SANPEI, ESQ.  
Nevada Bar No. 005479  
COOK & KELESIS, LTD.  
517 South Ninth Street  
Las Vegas, Nevada 89101  
Phone: (702) 737-7702  
Fax: (702) 737-7712  
E-mail: [mcook@bckltd.com](mailto:mcook@bckltd.com)  
E-mail: [jsanpei@bckltd.com](mailto:jsanpei@bckltd.com)  
*Attorneys for ANTONIO NUNEZ*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

ANTONIO NUNEZ, individually and on behalf  
of nominal defendant, THE STOVE, LLC, as its  
member,

Plaintiff,

v.

MICHELLE HOWARD, an individual;  
WAYNE DICE, an individual; TYRA BELL-  
HOLLAND, an individual; and DOES 1  
through 10; and ROE CORPORATIONS I  
through X, inclusive,

Defendants.

and THE STOVE, LLC, by and through its  
member, ANTONIO NUNEZ,

Nominal Defendant.

CASE NO. **A-24-894713-C**  
DEPT. NO. **XIII**

**ORDER DENYING DEFENDANT TYRA  
BELL-HOLLAND'S ANTI-SLAPP  
SPECIAL MOTION TO DISMISS  
PURSUANT TON RS 41.660**

Hearing Date: 11/7/24  
Hearing Time: 9:00 a.m.

This matter having come before this Court on the 7<sup>th</sup> day of November, 2024, on  
Defendant Tyra Bell-Holland's Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.660  
("Motion"); Plaintiff, Antonio Nunez ("Plaintiff" or "Nunez") appearing by and through counsel,

1 Julie Sanpei, Esq. of the law firm of COOK & KELESIS, LTD.; Defendant, Tyra Bell-Holland  
2 (“Defendant” or “Bell-Holland”) appearing by and through counsel J. Malcolm DeVoy, Esq. of  
3 the law firm of HOLLAND & HART, LLP; the Court having considered the papers and  
4 pleadings on file herein, the oral argument of counsel presented at the hearing, and taken the  
5 same under advisement, hereby finds, orders, adjudges and decrees the following:  
6

7 **THE COURT FINDS** that Nevada’s Anti-SLAPP<sup>1</sup> statutes set forth in relevant part at  
8 NRS 41.660(1), allow a district court to evaluate the merits of a cause of action based upon  
9 “good faith communication in furtherance of the right to petition or the right to free speech in  
10 direct connection with an issue of public concern,” as defined within NRS 41.637, and provides  
11 for dismissal of the claim if there is a finding the filing was done to punish the exercise of good  
12 faith communications.  
13

14 **THE COURT FINDS** that under NRS 41.637(4), the good faith communication that  
15 may qualify for a special motion to dismiss under NRS 41.660 includes a communication made  
16 in direct connection with an issue of public interest in a place open to the public or in a public  
17 forum, which is truthful or is made without knowledge of its falsehood.  
18

19 **THE COURT FINDS** that motions brought under NRS 41.660(1) are analyzed under a  
20 two-pronged test set forth in NRS 41.660(3)(a): (1) first, the moving party must show by a  
21 preponderance of the evidence that the claim is based on “good faith communication in  
22 furtherance of the right to petition or the right to free speech in direct connection with an issue of  
23 public concern,” as defined within NRS 41.637; and (2) second, if the moving party is successful  
24 in satisfying its burden, the plaintiff must offer sufficient evidence to demonstrate by prima facie  
25  
26  
27  
28

---

<sup>1</sup> “SLAPP” is a commonly used acronym for strategic lawsuits against public participation.

1 evidence it has a probability of prevailing on its claims.

2       **THE COURT FINDS** that in accordance with NRS 41.637 and *Shapiro v. Welt*, 133  
3 Nev. 35, 389 P.3d 262 (2017), a court must consider the following factors in determining  
4 whether an issue is one of public interest or concern: (1) public interest does not equate with  
5 mere curiosity; (2) a matter of public interest should be something of concern to a substantial  
6 number of people; a matter of concern to a speaker and a relatively small specific audience is not  
7 a matter of public interest; (3) there should be some degree of closeness between the challenged  
8 statements and the asserted public interest—the assertion of a broad and amorphous public  
9 interest is not sufficient; (4) the focus of the speaker's conduct should be the public interest rather  
10 than a mere effort to gather ammunition for another round of private controversy; and (5) a  
11 person cannot turn otherwise private information into a matter of public interest simply by  
12 communicating it to a large number of people.

13       **THIS COURT FINDS** that Plaintiff asserted a defamation claim against Defendant  
14 arising from comments and inferences Bell-Holland made in a 2022 Facebook post, which  
15 included a link to an article published on the Internet in Eater, a food- and restaurant-focused  
16 publication, which discussed Plaintiff and his then-new restaurant venture opening in downtown  
17 Las Vegas and which made additional statements, including, but not limited to: a statement that  
18 investors in Plaintiff's new business should be worried; that Plaintiff had nothing to do with  
19 Kitchen Table's development, concepts and business plan; and that Plaintiff was a liability for  
20 The Stove, LLC.

21       **THIS COURT FINDS** that at the time Bell-Holland made the post, the parties had been  
22 involved in various prior business relationships, and at that time were also engaged in a dispute  
23 pertaining to Nominal Defendant, The Stove, LLC.  
24



1           **THE COURT FINDS** that based on the context of the prior business relationship, and  
2 the ownership dispute between Plaintiff and Defendant, Defendant's Facebook post regarding  
3 Plaintiff does not constitute "[c]ommunication made in direct connection with an issue of public  
4 interest," as required to satisfy the requirements of NRS 41.647(4) to constitute "good faith  
5 communication in furtherance of the right to petition or the right to free speech in direct  
6 connection with an issue of public concern" to satisfy the first element of the Motion under NRS  
7 41.660(3)(a).  
8

9           **THE COURT FINDS** that, in light of the foregoing, the parties' existing relationships  
10 discussed above do not support Defendant's contention that a preponderance of the evidence  
11 shows that the nature of the subject statements constituted First Amendment activity within the  
12 ambit of the Anti-SLAPP statute.  
13

14           **THE COURT FINDS** that Defendant's Facebook post regarding Defendant does not  
15 constitute "good faith communication in furtherance of the right to petition or the right to free  
16 speech in direct connection with an issue of public concern," under NRS 41.637(4).  
17

18           **THE COURT FINDS** Defendant's Motion does not satisfy the first prong by which the  
19 Court evaluates the Motion under NRS 41.660(3)(a).  
20

21           Based on the foregoing, therefore:

22           **IT IS HEREBY ORDERED** that Defendant's Motion is DENIED; and

23           **IT IS FURTHER ORDERED** that Plaintiff's request for attorney's pursuant to NRS  
24 41.670(2) is DENIED.

Dated this 27th day of February, 2025



TMB

C07 C9C D6FB B747  
Mark R. Denton  
District Court Judge

Submitted by:

COOK & KELESIS, LTD.

/s/ Julie L. Sanpei

JULIE L. SANPEI, ESQ.

Nevada Bar No. 5479

517 S. Ninth Street

Las Vegas, Nevada 89101

*Counsel for Plaintiff*

*Antonio Nunez*

Approved as to Form and Content:

HOLLAND & HART LLP

/s/ J. Malcolm DeVoy

J. MALCOLM DEVOY, ESQ.

Nevada Bar No. 11950

9555 Hillwood Drive, 2<sup>nd</sup> Floor

Las Vegas, Nevada 89134

*Counsel for Defendants Michelle Howard, Wayne*

*Dice, and Tyra Bell-Holland*

## Shannon Fagin

---

**From:** Julie Sanpei  
**Sent:** Tuesday, February 25, 2025 11:45 AM  
**To:** Shannon Fagin  
**Subject:** FW: Nunez v. Bell-Holland  
**Attachments:** 2025.1.28 - Order Denying Bell-Holland's Anti-SLAPP MTD v5.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

---

**From:** Jay DeVoy <JMDeVoy@hollandhart.com>  
**Sent:** Tuesday, February 25, 2025 11:08 AM  
**To:** Julie Sanpei <JSanpei@bckltd.com>  
**Cc:** Shannon Fagin <SFagin@bckltd.com>  
**Subject:** RE: Nunez v. Bell-Holland

Julie:

Two nits: I bolded "The Court Finds" in the second full paragraph on page 4 and in the second line of that paragraph (4:10-11) changed "does" to "do" for grammatical purposes; I have no other changes and am otherwise fine with the order. I made no other changes to the document. If this is acceptable let's get submitted to the court, and I am on the lookout for your email to the valuator. Thanks!

### J. Malcolm DeVoy

Jay

**Partner, Holland & Hart LLP**

[jmdevoy@hollandhart.com](mailto:jmdevoy@hollandhart.com) | T: (702) 669-4636 | M: (716) 228-3776 | F: (702) 446-6764

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---

**From:** Julie Sanpei <JSanpei@bckltd.com>  
**Sent:** Tuesday, February 25, 2025 11:01 AM  
**To:** Jay DeVoy <JMDeVoy@hollandhart.com>  
**Cc:** Shannon Fagin <SFagin@bckltd.com>  
**Subject:** Nunez v. Bell-Holland

**External Email**

Jay:

Please provide me with your approval on the proposed order regarding the SLAPP motion and authority to e-sign by this afternoon at 3 or I will send to the Court with notice that we have been unable to reach an agreement as to language.

*Julie L. Sanpei*

Julie L. Sanpei, Esq.  
COOK & KELESIS, LTD.  
517 South Ninth Street  
Las Vegas, Nevada 89101  
Main Line (702) 737-7702  
Direct (702) 979-7170

The information contained in this electronic message is confidential information that may be covered by the Electronic Communications Privacy Act, U.S.C. Sections 2510-2521, intended only for the use of the individual or entity named above, and may be privileged, confidential or otherwise protected. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited without the written consent of the sender. If you have received this communication in error, please immediately notify us by telephone (702) 737-7702, and delete the original message. Thank you.

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Antonio Nunez, Plaintiff(s)

CASE NO: A-24-894713-C

7 vs.

DEPT. NO. Department 13

8 Michelle Howard, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 2/27/2025

15 Valerie Larsen

vllarsen@hollandhart.com

16 Julie Sanpei

jsanpei@bckltd.com

17 Marc Cook

mcook@bckltd.com

18 Jay DeVoy

JMDeVoy@hollandhart.com

19 Kristina Cole

krcole@hollandhart.com

20 Shannon Fagin

sfagin@bckltd.com

21 Caitlan McMasters

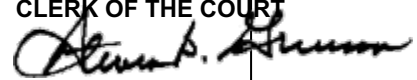
CJMcMasters@hollandhart.com

22  
23  
24  
25  
26  
27  
28

# **EXHIBIT 8**

Notice of Entry of Order Denying Defendant  
Tyra Bell-Holland's Anti-SLAPP Special  
Motion to Dismiss Pursuant to NRS 41.660  
filed 03/04/2025

# **EXHIBIT 8**



**NEOJ**  
MARC P. COOK, ESQ.  
Nevada Bar No. 004574  
JULIE L. SANPEI, ESQ.  
Nevada Bar No. 005479  
COOK & KELESIS, LTD.  
517 South Ninth Street  
Las Vegas, Nevada 89101  
Phone: (702) 737-7702  
Fax: (702) 737-7712  
E-mail: [mcook@bckltd.com](mailto:mcook@bckltd.com)  
E-mail: [jsanpei@bckltd.com](mailto:jsanpei@bckltd.com)  
*Attorneys for ANTONIO NUNEZ*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

ANTONIO NUNEZ, individually and on behalf  
of nominal defendant, THE STOVE, LLC, as its  
member,

Plaintiff,

v.

MICHELLE HOWARD, an individual;  
WAYNE DICE, an individual; TYRA BELL-  
HOLLAND, an individual; and DOES 1  
through 10; and ROE CORPORATIONS I  
through X, inclusive,

Defendants.

and THE STOVE, LLC, by and through its  
member, ANTONIO NUNEZ,

Nominal Defendant.

CASE NO. **A-24-894713-C**  
DEPT. NO. **XIII**

**NOTICE OF ENTRY OF ORDER  
DENYING DEFENDANT TYRA BELL-  
HOLLAND'S ANTI-SLAPP SPECIAL  
MOTION TO DISMISS PURSUANT TO  
NRS 41.660**

Hearing Date:  
Hearing Time:

PLEASE TAKE NOTICE that on the 27<sup>th</sup> day of February, 2025, an **ORDER**  
**DENYING DEFENDANT TYRA BELL-HOLLAND'S ANTI-SLAPP SPECIAL MOTION**  
**TO DISMISS PURSUANT TO NRS 41.660** was entered in the above referenced matter. A

///



1 copy of said Order is attached hereto.

2 DATED this 4<sup>th</sup> day of March, 2025.

3 COOK & KELESIS, LTD.

4 */s/ Julie L. Sanpei*

5 

---

MARC P. COOK, ESQ.

6 Nevada Bar No. 4574

7 JULIE L. SANPEI, ESQ.

8 Nevada Bar No. 5479

9 517 S. Ninth Street

10 Las Vegas, Nevada 89101

11 *Attorneys for ANTONIO NUNEZ*

1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen  
3 (18) years, and I am not a party to, nor interested in, this action. On this 4<sup>th</sup> day of March, 2025,  
4 I caused to be served a true and correct copy of the foregoing **NOTICE OF ENTRY OF**  
5 **ORDER DENYING DEFENDANT TYRA BELL-HOLLAND'S ANTI-SLAPP SPECIAL**  
6 **MOTION TO DISMISS PURSUANT TO NRS 41.660** by the method indicated below:  
7

8 ☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s)  
9 set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A  
10 printed transmission record is attached to the file copy of this document(s).

11 ☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with  
12 postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada  
13 addressed as set forth below.

13 \*\*\*\*\*

14 ☐ **BY HAND DELIVERY:** at Las Vegas, Nevada addressed as set forth below.

15 ☐ **BY EMAIL:** by emailing a PDF of the document(s) listed above to the email address(es)  
16 of the individual(s) listed below.

17 ☐ **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight  
18 delivery service company for delivery to the addressee(s) on the next business  
19 day.

20 ■ **BY ELECTRONIC SUBMISSION:** submitted to the Eighth Judicial District Court, for  
21 electronic filing in accordance with NRCP 5(b), NEFCR Administrative Order  
22 14-2 and NEFCR 9(e) and service upon the Court's Service List for the above-  
23 referenced case.

24 */s/ Shannon J. Fagin*

25 

---

An employee of COOK & KELESIS, LTD.  
26  
27  
28

**ODM**

MARC P. COOK, ESQ.  
Nevada Bar No. 004574  
JULIE L. SANPEI, ESQ.  
Nevada Bar No. 005479  
COOK & KELESIS, LTD.  
517 South Ninth Street  
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Phone: (702) 737-7702  
Fax: (702) 737-7712  
E-mail: [mcook@bckltd.com](mailto:mcook@bckltd.com)  
E-mail: [jsanpei@bckltd.com](mailto:jsanpei@bckltd.com)  
*Attorneys for ANTONIO NUNEZ*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

ANTONIO NUNEZ, individually and on behalf  
of nominal defendant, THE STOVE, LLC, as its  
member,

Plaintiff,

v.

MICHELLE HOWARD, an individual;  
WAYNE DICE, an individual; TYRA BELL-  
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through 10; and ROE CORPORATIONS I  
through X, inclusive,

Defendants.

and THE STOVE, LLC, by and through its  
member, ANTONIO NUNEZ,

Nominal Defendant.

CASE NO. **A-24-894713-C**  
DEPT. NO. **XIII**

**ORDER DENYING DEFENDANT TYRA  
BELL-HOLLAND'S ANTI-SLAPP  
SPECIAL MOTION TO DISMISS  
PURSUANT TON RS 41.660**

Hearing Date: 11/7/24  
Hearing Time: 9:00 a.m.

This matter having come before this Court on the 7<sup>th</sup> day of November, 2024, on  
Defendant Tyra Bell-Holland's Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.660  
("Motion"); Plaintiff, Antonio Nunez ("Plaintiff" or "Nunez") appearing by and through counsel,

1 Julie Sanpei, Esq. of the law firm of COOK & KELESIS, LTD.; Defendant, Tyra Bell-Holland  
2 (“Defendant” or “Bell-Holland”) appearing by and through counsel J. Malcolm DeVoy, Esq. of  
3 the law firm of HOLLAND & HART, LLP; the Court having considered the papers and  
4 pleadings on file herein, the oral argument of counsel presented at the hearing, and taken the  
5 same under advisement, hereby finds, orders, adjudges and decrees the following:  
6

7 **THE COURT FINDS** that Nevada’s Anti-SLAPP<sup>1</sup> statutes set forth in relevant part at  
8 NRS 41.660(1), allow a district court to evaluate the merits of a cause of action based upon  
9 “good faith communication in furtherance of the right to petition or the right to free speech in  
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16 in direct connection with an issue of public interest in a place open to the public or in a public  
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19 **THE COURT FINDS** that motions brought under NRS 41.660(1) are analyzed under a  
20 two-pronged test set forth in NRS 41.660(3)(a): (1) first, the moving party must show by a  
21 preponderance of the evidence that the claim is based on “good faith communication in  
22 furtherance of the right to petition or the right to free speech in direct connection with an issue of  
23 public concern,” as defined within NRS 41.637; and (2) second, if the moving party is successful  
24 in satisfying its burden, the plaintiff must offer sufficient evidence to demonstrate by prima facie  
25

---

26  
27  
28 <sup>1</sup> “SLAPP” is a commonly used acronym for strategic lawsuits against public participation.

1 evidence it has a probability of prevailing on its claims.

2       **THE COURT FINDS** that in accordance with NRS 41.637 and *Shapiro v. Welt*, 133  
3 Nev. 35, 389 P.3d 262 (2017), a court must consider the following factors in determining  
4 whether an issue is one of public interest or concern: (1) public interest does not equate with  
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10 than a mere effort to gather ammunition for another round of private controversy; and (5) a  
11 person cannot turn otherwise private information into a matter of public interest simply by  
12 communicating it to a large number of people.

13       **THIS COURT FINDS** that Plaintiff asserted a defamation claim against Defendant  
14 arising from comments and inferences Bell-Holland made in a 2022 Facebook post, which  
15 included a link to an article published on the Internet in Eater, a food- and restaurant-focused  
16 publication, which discussed Plaintiff and his then-new restaurant venture opening in downtown  
17 Las Vegas and which made additional statements, including, but not limited to: a statement that  
18 investors in Plaintiff's new business should be worried; that Plaintiff had nothing to do with  
19 Kitchen Table's development, concepts and business plan; and that Plaintiff was a liability for  
20 The Stove, LLC.

21       **THIS COURT FINDS** that at the time Bell-Holland made the post, the parties had been  
22 involved in various prior business relationships, and at that time were also engaged in a dispute  
23 pertaining to Nominal Defendant, The Stove, LLC.  
24

1       **THE COURT FINDS** that based on the context of the prior business relationship, and  
2 the ownership dispute between Plaintiff and Defendant, Defendant's Facebook post regarding  
3 Plaintiff does not constitute "[c]ommunication made in direct connection with an issue of public  
4 interest," as required to satisfy the requirements of NRS 41.647(4) to constitute "good faith  
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7 41.660(3)(a).  
8

9       **THE COURT FINDS** that, in light of the foregoing, the parties' existing relationships  
10 discussed above do not support Defendant's contention that a preponderance of the evidence  
11 shows that the nature of the subject statements constituted First Amendment activity within the  
12 ambit of the Anti-SLAPP statute.  
13

14       **THE COURT FINDS** that Defendant's Facebook post regarding Defendant does not  
15 constitute "good faith communication in furtherance of the right to petition or the right to free  
16 speech in direct connection with an issue of public concern," under NRS 41.637(4).  
17

18       **THE COURT FINDS** Defendant's Motion does not satisfy the first prong by which the  
19 Court evaluates the Motion under NRS 41.660(3)(a).  
20

21       Based on the foregoing, therefore:

22       **IT IS HEREBY ORDERED** that Defendant's Motion is DENIED; and

23       **IT IS FURTHER ORDERED** that Plaintiff's request for attorney's pursuant to NRS  
24 41.670(2) is DENIED.

Dated this 27th day of February, 2025



TMB

C07 C9C D6FB B747  
Mark R. Denton  
District Court Judge

Submitted by:

COOK & KELESIS, LTD.

/s/ Julie L. Sanpei

JULIE L. SANPEI, ESQ.

Nevada Bar No. 5479

517 S. Ninth Street

Las Vegas, Nevada 89101

*Counsel for Plaintiff*

*Antonio Nunez*

Approved as to Form and Content:

HOLLAND & HART LLP

/s/ J. Malcolm DeVoy

J. MALCOLM DEVOY, ESQ.

Nevada Bar No. 11950

9555 Hillwood Drive, 2<sup>nd</sup> Floor

Las Vegas, Nevada 89134

*Counsel for Defendants Michelle Howard, Wayne*

*Dice, and Tyra Bell-Holland*



## Shannon Fagin

---

**From:** Julie Sanpei  
**Sent:** Tuesday, February 25, 2025 11:45 AM  
**To:** Shannon Fagin  
**Subject:** FW: Nunez v. Bell-Holland  
**Attachments:** 2025.1.28 - Order Denying Bell-Holland's Anti-SLAPP MTD v5.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**To:** Julie Sanpei <JSanpei@bckltd.com>  
**Cc:** Shannon Fagin <SFagin@bckltd.com>  
**Subject:** RE: Nunez v. Bell-Holland

Julie:

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### J. Malcolm DeVoy

Jay

**Partner, Holland & Hart LLP**

[jmdevoy@hollandhart.com](mailto:jmdevoy@hollandhart.com) | T: (702) 669-4636 | M: (716) 228-3776 | F: (702) 446-6764

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**Subject:** Nunez v. Bell-Holland

**External Email**

Jay:

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*Julie L. Sanpei*

Julie L. Sanpei, Esq.  
COOK & KELESIS, LTD.  
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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

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5  
6 Antonio Nunez, Plaintiff(s)

CASE NO: A-24-894713-C

7 vs.

DEPT. NO. Department 13

8 Michelle Howard, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 2/27/2025

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