District Court Case No: A-21-829038-C

Supreme Court Docket No: 91506

IN THE SUPREME COURT OF THE STATE OF NEVADA

T. MATTHEW PHILLIPS,
Appellant(s),

vs.

JENNIFER V. ABRAMS; THE ABRAMS LAW FIRM, LLC; MARK DICIERO; AND DAVE SCHOEN,
Respondent(s),

RECORD ON APPEAL
VOLUME
16

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7	10/2/2021	Plaintiff's Notice of Non-Opposition to Plaintiff's Evidentiary Objections [Filed in Connection with Plaintiff's Opposition to Defendants' Anti-SLAPP]	1540 - 1549
7	9/18/2021	Plaintiff's Notice of Violation of Federal Civil Rights [Fourteenth Amendment]	1436 - 1442
9	11/18/2021	Plaintiff's Notice to the Court re Violation of NRS 41.660(3)(f), and Request for Calendar Preference	1836 - 1840
10	2/21/2022	Plaintiff's Objections (Filed in Connection with the Hearing on Feb. 22, 2022] Plaintiff Requests Oral Argument	2188 - 2193
11	3/14/2023	Plaintiff's Objections to Media Order (3/17/21) (Plaintiff Requests Oral Argument)	2296 - 2311

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

I N D E X

VOL	DATE	PLEADING	PAGE NUMBER:
9	11/17/2021	Plaintiff's Objections to the Introduction of Evidence on Defendants' Anti-SLAPP Motion	1828 - 1835
12	7/24/2023	Plaintiff's Opposition to Defendant's Countermotion (Filed 7/10/23) (Continued)	2696 - 2700
13	7/24/2023	Plaintiff's Opposition to Defendant's Countermotion (Filed 7/10/23) (Continuation)	2701 - 2766
3	4/28/2021	Plaintiff's Opposition to Defendants Jennifer V. Abrams and the Abrams Law Firm LLC's Motion to Enlarge Time to File an Anti-SLAPP Motion. Plaintiff Requests Oral Argument	492 - 502
7	9/16/2021	Plaintiff's Opposition to Defendant's Late-Filed Joint Motion to Strike Plaintiff's Aug. 24, 2021 Sur-Reply.; Plaintiff Requests Oral Argument	1425 - 1432
9	12/12/2021	Plaintiff's Opposition to Defendants' Motion to Strike Plaintiff's Objections (Nov. 17, 2021)	1860 - 1868
5	8/16/2021	Plaintiff's Opposition to Defendants' Renewed Anti-SLAPP Motion to Dismiss and Joinder [Filed Concurrently with Affidavit of Plaintiff, T. Matthew Phillips]; Plaintiff Requests Oral Argument	958 - 1026
1	3/28/2021	Plaintiff's Opposition to Joinder to Defendants Jennifer V. Abrams and the Abrams Law Firm, L.L.C.'s Motion to Dismiss and/or Strike Plaintiff's First Amended Complaint and Additional Supporting Points and Authorities as to Defendants Mark Diciero and Dave Schoen (Plaintiff Request Oral Argument)	89 - 101

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

I N D E X

VOL	DATE	PLEADING	PAGE NUMBER:
1	3/26/2021	Plaintiff's Opposition to Motion to Dismiss. Plaintiff Request Oral Argument	66 - 79
9	11/15/2021	Plaintiff's Reply to Defendants' Joint Response to Plaintiff's Motion to Strike Scandalous Matter	1817 - 1826
8	10/21/2021	Plaintiff's Reply to Defendants' Joint Response to Plaintiff's Request for Ruling on Plaintiff's Evidentiary Objections, etc.	1615 - 1620
3	5/12/2021	Plaintiff's Reply to Defendants Mark Diciero's and Dave Schoen's Opposition to Plaintiff's Motion to Strike Immaterial and Scandalous Matter, [NRCP, Rule 12(f)]	522 - 527
8	10/19/2021	Plaintiff's Reply to Defendants' Opposition to Motion to Disqualify	1607 - 1614
9	1/10/2022	Plaintiff's Reply to Defendants' Opposition to Plaintiff's Motion for an Order Allowing Oral Testimony	1976 - 1981
12	7/24/2023	Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion to Continue Hearing Date	2689 - 2695
8	11/1/2021	Plaintiff's Reply to Defendants' Opposition to Plaintiff's Reply for Sanctions Against Mark Cwik Esq., Adam Pernsteiner, Esq.	1715 - 1722
10	4/4/2022	Plaintiff's Request for C.J. Bells Clarification. [Plaintiff Requests Oral Argument]	2232 - 2235
10	2/6/2022	Plaintiff's Request for Case Management Conference [Oral Argument Requested]	2148 - 2151
10	1/14/2022	Plaintiff's Request for Case Management Conference with Chief Judge [Oral Argument Requested]	2067 - 2070

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

I N D E X

VOL	DATE	PLEADING	PAGE NUMBER:
9	12/29/2021	Plaintiff's Request for Hearing Date on Defendants' Anti-Slapp Motion [NRS 41.660(3)(f)]	1885 - 1888
11	3/14/2023	Plaintiff's Request for Judicial Notice [Filed in Support of Plaintiff's Opposition to Defendants' Anti-SLAPP Motion to Dismiss]	2312 - 2333
10	2/1/2022	Plaintiff's Request for Judicial Notice; Plaintiff Requests Oral Argument	2080 - 2084
9	12/29/2021	Plaintiff's Request for Oral Argument on Plaintiff's Motion for an Order Allowing Oral Testimony at the Hearing on Plaintiff's Motion for Sanctions Against Mark S. Cwik, Esq., and Adam J. Persteiner, Esq., Lewis Brisbois, Bisgaard, & Smith, LLP.; Oral Argument Requested	1889 - 1892
10	3/1/2022	Plaintiff's Request for Recusal of Dept. XXVI as per N.C.J.D., Rule 2.11. (Plaintiff Requests Oral Argument)	2209 - 2220
8	11/4/2021	Plaintiff's Request to Calendar a Hearing Date on Plaintiff's Motion for Reconsideration (Filed Sept. 8 2021). (Plaintiff Requests Oral Argument)	1723 - 1725
13	7/27/2023	Plaintiff's Second Motion to Disqualify the Sitting Judge, [NCJC, Rule 2.11(a)], and Affidavit of T. Matthew Phillips; Plaintiff Requests Hearing	2806 - 2824
9	12/17/2021	Plaintiff's Second Notice re Violation of NRS 41.660(3)(f), and Motion for New Hearing Date on Defendants' Anti-SLAPP	1869 - 1875
7	8/24/2021	Plaintiff's Sur-Reply to Defendants' Reply	1386 - 1394
5	8/23/2021	Reply in Support of Defendants Mark DiCiero and Dave Schoen's Renewed	1061 - 1076

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

I N D E X

VOL	DATE	PLEADING	PAGE NUMBER:
		Special Motion to Dismiss Pursuant to NRS 41.660 (Anti-SLAPP), NRCP 12(b)(5), and/or Motion for Summary Judgment	
11	5/18/2022	Request for Assignment of a Senior Judge to the District Court	2281 - 2281
1	3/3/2021	Request for Dismissal of Cause-of -Action No. Three [Intentional Infliction of Emotional Distress]	32 - 35
7	9/28/2021	Request for Ruling on Plaintiff's Evidentiary Objections [Filed in Connection with Plaintiff's Opposition to Defendant's Anti-SLAPP]	1529 - 1538
3	6/29/2021	Second Amended Complaint for Damages and Injunction; Arbitration Exempt (Amount Exceeds $50,000); Jury Trial Demanded	549 - 603
5	8/12/2021	Stipulation and Order to Continue Hearing and Deadlines on Defendants Mark Diciero and Dave Schoen's Renewed Special Motion to Dismiss Pursuant to NRS 41.660 (Anti-Slapp), NRCP 12(b)(5), and/or Motion for Summary Judgment (First Request)	936 - 944
1	3/12/2021	Substitution of Attorneys for Defendants Mark Diciero and Dave Schoen	36 - 39
1	2/9/2021	Summons (Electronically Issued Only)	25 - 26
12	7/11/2023	Transcript of Hearing Held on April 14, 2023	2491 - 2552
12	7/12/2023	Transcript of Hearing Held on March 15, 2023	2554 - 2578
9	1/10/2022	Transcript of Hearing Held on September 21, 2021	1949 - 1975

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

I N D E X

VOL	DATE	PLEADING	PAGE NUMBER:
15	10/20/2025	Unfiled Document(s) Department Vexatious Litigant Cover Letter w/Copy of Unsigned Plaintiff's Motion to Reconsider [EDCR, Rule 2.24(b)] Oral Arguments Requested	3303 - 3350
13	9/10/2025	Unfiled Document(s) Department Vexatious Litigant Cover Letter w/Copy of Unsigned Plaintiff's Motion to Void-Out J. Cherry's Oral Pronouncement and Set Hearing Date on Defendant's Anti-Slapp Motion, [Filed 04/23/2021].	2865 - 2875

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Steven D. Grierson
CLERK OF THE COURT

ASTA

District Court Case No: A-21-829038-C

Dept No: UNASSIGNED

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

T. MATTHEW PHILLIPS,

Plaintiff(s),

vs.

JENNIFER V. ABRAMS; THE ABRAMS LAW FIRM, L.L.C.; MARK DICIERO; DAVE SCHOEN,

Defendant(s),

CASE APPEAL STATEMENT

1. Name of appellant(s) filing this case appeal statement:
   T. Matthew Phillips

2. Identify the judge issuing the decision, judgment or order appealed from:
   Michael P. Villani

3. Identify each appellant and the name and address of counsel for each appellant. If an appellant(s) is self-represented, identify the name and address of appellant(s):

   T. Matthew Phillips

   T. Matthew Phillips

4894 W. Lone Mountain Rd., No. 132
Las Vegas, NV 89130

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel). For self-represented respondents, identify the name and address of each respondent:

Jennifer V. Abrams; The Abrams Law Firm, L.L.C.;

Joseph P. Garin, Esq.
9900 Covington Cross Dr., Ste. 210
Las Vegas, NV 89144

Mark Diciero; Dave Schoen

David R. Clayson, Esq.
6385 S. Rainbow Blvd., Ste. 600
Las Vegas, NV 89118

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the District Court granted that attorney permission to appear under SCR 42: **N/A**

6. If appellant was represented by counsel in the District Court, indicate whether counsel was ☐ appointed or ☐ retained or ☒ N/A

7. If appellant is represented by counsel on appeal, is counsel ☐ appointed or ☐ retained or ☒ N/A

8. Has appellant been granted leave to proceed informa pauperis?

☐ Yes: Identify the date of entry of the District Court order granting such leave: (copy of order to follow by mail)
***Expires 1 year from date filed*

☒ No: Has appellant filed an application to proceed in forma pauperis?
☒ No.

☐ Yes: identify date the application was filed:
If application was denied, indicate date of order denying:
(copy of order to follow by mail.)

9. Indicate the date the proceedings commenced in the District Court (e.g., date complaint, indictment, information, or petition was filed): **February 7, 2021**

10. Provide a brief description of the nature of the action and result in the District Court, including the type of judgment or order being appealed and the relief granted by the District Court: **Dismissal**

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court or Court of Appeals and, if so, the caption and appellate court docket number of the prior proceedings:

Docket No.	**Case Caption**
85856	PHILLIPS VS. DIST. CT. (ABRAMS)
90319	PHILLIPS VS. PHILLIPS (FAMILY)

12. Does this appeal raise issues involving child custody, the guardianship of a minor, parenting time, or visitation?
☐ Yes: Is this the primary issue on appeal? ☐ Yes ☐ No
☒ No

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: **unknown**

Dated This 23 day of October 2025.

Steven D. Grierson, Clerk of the Court

/s/ Cierra Borum
Cierra Borum, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: T. Matthew Phillips

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Steven D. Grierson
CLERK OF THE COURT

DAVID R. CLAYSON
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6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Telephone: 702.893.3383
Facsimile: 702.893.3789

Attorneys for Defendants Mark Diciero and Dave Schoen

DISTRICT COURT

COUNTY OF CLARK, NEVADA

T. MATTHEWS PHILLIPS;

Plaintiff,

vs.

(1) JENNIFER V. ABRAMS
(2) THE ABRAMS LAW FIRM, L.L.C.
(3) MARK DICIERO
(4) DAVE SCHOEN
And DOES I - X,

Defendants.

Case No. A-21-829038-C

Dept. No.: [Assigned to Senior Judge Department, Senior Judge Michael P. Villani)

NOTICE OF NON-OPPOSITION

Defendants MARK DICIERO and DAVE SHOEN by and through their attorneys of record, LEWIS BRISBOIS BISGAARD & SMITH LLP, hereby notify this Court of their Notice of Non-Opposition to Defendants Mark Diciero and Dave Shoen's Motion for Attorney's Fees and Costs filed with the above-entitled Court on October 8, 2025.

EDCR Rule 2.20(e) states that:

> Within 14 days after service of the motion, and 5 days after service of any joinder to the motion, the opposing party must serve and file written notice of nonopposition or opposition thereto, together with a memorandum of points and authorities and supporting affidavits, if any, stating facts showing why the motion and/or joinder should be denied. Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion/joinder is meritorious and a consent to Granting the same.

/ / /

/ / /

Pursuant to NRCP 6(d) and EDCR 2.20(e), any opposition was due on or before October 22, 2025. Defendants have not received any opposition to the Motion to date. Therefore, notice should be taken of the lack of any timely written opposition.

Defendants request that the matter be submitted for decision and Defendants' Motion for Fees and Costs be GRANTED

DATED this 24th day of October 2025.

LEWIS BRISBOIS BISGAARD & SMITH LLP

By */s/ David R. Clayson*

David R. Clayson, Esq.
6835 S. Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
Telephone: 702.893.3383
Attorneys for Defendants
Mark Diciero and Dave Schoen

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of LEWIS BRISBOIS BISGAARD & SMITH LLP, and that on this 24th day of October, 2025, a true and correct copy of the foregoing **NOTICE OF NON-OPPOSITION** was served by electronically filing with the Clerk of the Court using the Eighth Judicial District Court electronic filing system, which will send a notice of electronic filing to the following:

T. Matthew Phillips 4894 W. Lone Mtn. Rd., No. 132 Las Vegas, NV 89130 tmatthewphillips@aol.com *Plaintiff in Propria Persona*	Joseph P. Garin, Esq. **GARIN LAW GROUP** *9900 Covington Cross Drive, Suite 210 Las Vegas, Nevada 89144 Phone: (702) 382-1500 Fax: (702) 382-1512* *jgarin@garinlawgroup.com* *Attorneys for Defendants Jennifer V. Abrams and The Abrams Law Firm, LLC*

By */s/ Lucille Quintana*
An Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP

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10/30/2025 1:35 PM
CLERK OF THE COURT

ORD
DAVID R. CLAYSON
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Telephone: 702.893.3383
Facsimile: 702.893.3789
Attorneys for Defendants Mark Diciero and Dave Schoen

DISTRICT COURT

COUNTY OF CLARK, NEVADA

T. MATTHEWS PHILLIPS;

Plaintiff,

vs.

(1) JENNIFER V. ABRAMS
(2) THE ABRAMS LAW FIRM, L.L.C.
(3) MARK DICIERO
(4) DAVE SCHOEN
And DOES I - X,

Defendants.

Case No. A-21-829038-C

Dept. No.: [Assigned to Senior Judge Department, Senior Judge Michael P. Villani)

ORDER ON DEFENDANTS MARK DICIERO AND DAVE SCHOEN'S MOTION FOR ATTORNEY'S FEES AND COSTS

Defendants MARK DICIERO and DAVE SCHOEN (hereinafter "Defendants"), filed "Defendants Mark Diciero And Dave Schoen's Motion For Attorneys Fees And Costs" which, for good cause shown, is hereby GRANTED.

NRS 18.010(2) provides that the court may make an allowance of attorney's fees to a prevailing party when authorized by specific statute, or when the court finds that the claim was brought or maintained without reasonable ground or to harass the prevailing party. Further, NRS 18.010(2) provides that [t]he court shall liberally construe the provisions of this paragraph in favor of awarding attorney s fees in all appropriate situations. Pursuant to NRS 41.670(1), Defendants are entitled to recover a statutory award of reasonable attorneys' fees and costs.

In *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345 (1969), the Nevada Supreme Court determined the standards for determining proper and reasonable awards for attorneys fees in court

actions as follows: (1) the qualities of the advocate: his ability, his training, education, experience, professional standing and skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation; (3) the work actually performed by the lawyer: the skill, time and attention given to the work; (4) the result: whether the attorney was successful and what benefits were derived.

NRS 41.670 clearly states that if the court grants a special motion to dismiss pursuant to NRS 41.660, which has happened in this matter, then "(a) The court **shall** award reasonable costs and attorney's fees to the person against whom the action was brought." [emphasis suppled]

The Defendants were able to demonstrate each of the four factors set forward by the Nevada Supreme Court in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969) "in determining the reasonable value of an attorney's services." Specifically, a showing was made that the qualities of the advocates who represented the Defendants abilities, training, education, experience, professional standing and skill were sufficient. Next, the character of the work performed to address the serious allegations of intentional torts and to address the necessary pleadings and motions to obtain a successful resolution of this matter was present. The work was documented concerning what work was actually performed. Finally, the results were the successful dismissal of all claims against the Defendants.

The next issue concerns the request for $20,000.00 pursuant to NRS 41.671(1)(b). The court in *Zilverberg v. Smith,* 137 Nev. 65, 481 P.3d 1222 (2021) addressed this statute. The Nevada Supreme Court wrote that the "plain language of NRS 41.670 does not limit the statutory award to $10,000 per lawsuit." 137 Nev. at 74, 481 P.3d at 1232. Therefore, the court held that each of the defendants was entitled to $10,000 and the two defendants' "joint representation is irrelevant to their entitled to additional awards under NRS 41.670(1)(b)." *Id.* Because claims dismissed by an anti-SLAPP motion are inherently frivolous and "designed to impede protected public activities," *Abrams v. Sanson*, 136 Nev. 83, 91, 458 P.3d 1062, 1069 (2020), then it certainly makes sense for this Court to also award this amount, especially when there is no specific test to determine when this award should be entered and no finding of bad faith is required.

LEWIS BRISBOIS BISGAARD & SMITH LLP ATTORNEYS AT LAW

Here, Defendants seeks $191,770.00 in attorney's fees. Plaintiff did not oppose the Motion, thus pursuant to EDCR 2.20(e), this motion is deemed meritorious. Moreover, dismissal was entered in favor of Defendants pursuant to NRS 41.660, Anti- SLAPP provisions, and the Court ordered that Defendants were was entitled to attorneys fees and costs. The work performed by Defendants' attorneys in preparing this matter was necessary, reasonable, and actually incurred by Defendants. Thus, the Court finds that the *Brunzell* factors have been satisfied by Defendants' attorneys. Accordingly, the Court will award Defendants $191,770.00 in attorney's fees.

Additionally, NRS 41.670(1)(b) allows the Court to award "up to $10,000.00 to the person against whom the action was brought." Here an action was brought against Defendant Mark Diciero and Defendant Dave Schoen. The Court finds that each Defendant is entitled to recover a statutory award of $10,000.00 for a total of $20,000.00.

Due to the aforementioned reasons, Defendants' Motion for Attorney's Fees and Costs is hereby GRANTED.

Entered into this ____ day of _____, 2025

Dated this 30th day of October, 2025

SENIOR JUDGE MICHAEL VILLANI

2A1 0AE 4F9B 364C
Michael Villani
District Court

Submitted by:

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ David R. Clayson
David R. Clayson, Esq.
6835 S. Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
Telephone: 702.893.3383
Attorneys for Defendants
Mark Diciero and Dave Schoen

LEWIS BRISBOIS BISGAARD & SMITH LLP ATTORNEYS AT LAW

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

T. Phillips, Plaintiff(s)	CASE NO: A-21-829038-C
vs.	DEPT. NO. Department Unassigned
Jennifer Abrams, Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 10/30/2025

Lucille Quintana	Lucille.Quintana@lewisbrisbois.com
Joseph Garin	jgarin@garinlawgroup.com
David Ochoa	dochoa@garinlawgroup.com
Juan Cerezo	jcerezo@garinlawgroup.com
Jennifer Abrams	JVAGroup@tamlf.com
Fabian Mendoza	Fabian.Mendoza@lewisbrisbois.com
T. Phillips	tmatthewphillips@aol.com
Michele Stones	mstones@garinlawgroup.com
Melvin Grimes	Melvin@lvfamilylaw.com
ONvJ Media	media@ournevadajudges.com
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Steven D. Grierson
CLERK OF THE COURT

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Las Vegas, Nevada 89118
Telephone: 702.893.3383
Facsimile: 702.893.3789
Attorneys for Defendants Mark Diciero and Dave Schoen

DISTRICT COURT

COUNTY OF CLARK, NEVADA

T. MATTHEWS PHILLIPS; Plaintiff, vs. (1) JENNIFER V. ABRAMS (2) THE ABRAMS LAW FIRM, L.L.C. (3) MARK DICIERO (4) DAVE SCHOEN And DOES I - X, Defendants.	Case No. A-21-829038-C Dept. No.: [Assigned to Senior Judge Department, Senior Judge Michael P. Villani) **NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that an Order Granting Defendants Mark Diciero and Dave Schoen's Motion for Attorney's Fees and Costs was entered in the above-entitled Court on the 30th day of October, 2025. A true and correct copy of the Order is attached hereto as **Exhibit A**, and made a part hereof.

DATED this 4th day of November, 2025.

LEWIS BRISBOIS BISGAARD & SMITH LLP

By */s/ David R. Clayson*
David R. Clayson, Esq.
6835 S. Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
Telephone: 702.893.3383
Attorneys for Defendants Mark Diciero and Dave Schoen

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of LEWIS BRISBOIS BISGAARD & SMITH LLP, and that on this 4th day of November, 2025, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** was served by electronically filing with the Clerk of the Court using the Eighth Judicial District Court electronic filing system, which will send a notice of electronic filing to the following:

T. Matthew Phillips 4894 W. Lone Mtn. Rd., No. 132 Las Vegas, NV 89130 tmatthewphillips@aol.com *Plaintiff in Propria Persona*	Joseph P. Garin, Esq. **GARIN LAW GROUP** *9900 Covington Cross Drive, Suite 210 Las Vegas, Nevada 89144* *jgarin@garinlawgroup.com* *Attorneys for Defendants Jennifer V. Abrams and The Abrams Law Firm, LLC*

By */s/ Lucille Quintana*
An Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP

EXHIBIT A

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CLERK OF THE COURT

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DAVID R. CLAYSON
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Attorneys for Defendants Mark Diciero and Dave Schoen

DISTRICT COURT

COUNTY OF CLARK, NEVADA

T. MATTHEWS PHILLIPS; Plaintiff, vs. (1) JENNIFER V. ABRAMS (2) THE ABRAMS LAW FIRM, L.L.C. (3) MARK DICIERO (4) DAVE SCHOEN And DOES I - X, Defendants.	Case No. A-21-829038-C Dept. No.: [Assigned to Senior Judge Department, Senior Judge Michael P. Villani) **ORDER ON DEFENDANTS MARK DICIERO AND DAVE SCHOEN'S MOTION FOR ATTORNEY'S FEES AND COSTS**

Defendants MARK DICIERO and DAVE SCHOEN (hereinafter "Defendants"), filed "Defendants Mark Diciero And Dave Schoen's Motion For Attorneys Fees And Costs" which, for good cause shown, is hereby GRANTED.

NRS 18.010(2) provides that the court may make an allowance of attorney's fees to a prevailing party when authorized by specific statute, or when the court finds that the claim was brought or maintained without reasonable ground or to harass the prevailing party. Further, NRS 18.010(2) provides that [t]he court shall liberally construe the provisions of this paragraph in favor of awarding attorney s fees in all appropriate situations. Pursuant to NRS 41.670(1), Defendants are entitled to recover a statutory award of reasonable attorneys' fees and costs.

In *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345 (1969), the Nevada Supreme Court determined the standards for determining proper and reasonable awards for attorneys fees in court

actions as follows: (1) the qualities of the advocate: his ability, his training, education, experience, professional standing and skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation; (3) the work actually performed by the lawyer: the skill, time and attention given to the work; (4) the result: whether the attorney was successful and what benefits were derived.

NRS 41.670 clearly states that if the court grants a special motion to dismiss pursuant to NRS 41.660, which has happened in this matter, then "(a) The court **shall** award reasonable costs and attorney's fees to the person against whom the action was brought." [emphasis supplied]

The Defendants were able to demonstrate each of the four factors set forward by the Nevada Supreme Court in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969) "in determining the reasonable value of an attorney's services." Specifically, a showing was made that the qualities of the advocates who represented the Defendants abilities, training, education, experience, professional standing and skill were sufficient. Next, the character of the work performed to address the serious allegations of intentional torts and to address the necessary pleadings and motions to obtain a successful resolution of this matter was present. The work was documented concerning what work was actually performed. Finally, the results were the successful dismissal of all claims against the Defendants.

The next issue concerns the request for $20,000.00 pursuant to NRS 41.671(1)(b). The court in *Zilverberg v. Smith,* 137 Nev. 65, 481 P.3d 1222 (2021) addressed this statute. The Nevada Supreme Court wrote that the "plain language of NRS 41.670 does not limit the statutory award to $10,000 per lawsuit." 137 Nev. at 74, 481 P.3d at 1232. Therefore, the court held that each of the defendants was entitled to $10,000 and the two defendants' "joint representation is irrelevant to their entitled to additional awards under NRS 41.670(1)(b)." *Id.* Because claims dismissed by an anti-SLAPP motion are inherently frivolous and "designed to impede protected public activities," *Abrams v. Sanson*, 136 Nev. 83, 91, 458 P.3d 1062, 1069 (2020), then it certainly makes sense for this Court to also award this amount, especially when there is no specific test to determine when this award should be entered and no finding of bad faith is required.

LEWIS BRISBOIS BISGAARD & SMITH LLP ATTORNEYS AT LAW

Here, Defendants seeks $191,770.00 in attorney's fees. Plaintiff did not oppose the Motion, thus pursuant to EDCR 2.20(e), this motion is deemed meritorious. Moreover, dismissal was entered in favor of Defendants pursuant to NRS 41.660, Anti- SLAPP provisions, and the Court ordered that Defendants were was entitled to attorneys fees and costs. The work performed by Defendants' attorneys in preparing this matter was necessary, reasonable, and actually incurred by Defendants. Thus, the Court finds that the *Brunzell* factors have been satisfied by Defendants' attorneys. Accordingly, the Court will award Defendants $191,770.00 in attorney's fees.

Additionally, NRS 41.670(1)(b) allows the Court to award "up to $10,000.00 to the person against whom the action was brought." Here an action was brought against Defendant Mark Diciero and Defendant Dave Schoen. The Court finds that each Defendant is entitled to recover a statutory award of $10,000.00 for a total of $20,000.00.

Due to the aforementioned reasons, Defendants' Motion for Attorney's Fees and Costs is hereby GRANTED.

Entered into this ____ day of _____, 2025

Dated this 30th day of October, 2025

SENIOR JUDGE MICHAEL VILLANI

2A1 0AE 4F9B 364C
Michael Villani
District Court

Submitted by:

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ David R. Clayson
David R. Clayson, Esq.
6835 S. Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
Telephone: 702.893.3383
Attorneys for Defendants
Mark Diciero and Dave Schoen

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

T. Phillips, Plaintiff(s)	CASE NO: A-21-829038-C
vs.	DEPT. NO. Department Unassigned
Jennifer Abrams, Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 10/30/2025

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jgarin@garinlawgroup.com

Attorneys for Defendants Jennifer V. Abrams and The Abrams Law Firm, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

T. MATTHEWS PHILLIPS

Plaintiff,

v.

(1) JENNIFER V. ABRAMS
(2) THE ABRAMS LAW FIRM, L.L.C.
(3) MARK DICIERO
(4) DAVE SCHOEN
And DOES I - X

Defendants.

Case No: A-21-829038-C

Hon. Michael P. Villani, Senior Justice

ORDER GRANTING DEFENDANTS JENNIFER V. ABRAMS AND THE ABRAMS LAW FIRM'S MOTION FOR ATTORNEY'S FEES AND COSTS AND JUDGMENT

Defendants Jennifer V. Abrams and The Abrams Law Firm ("Abrams Defendants") Filed a Motion for Attorney's Fees Costs following the granting of their Renewed Special Motion to Dismiss Pursuant to NRS 41.660 (Anti-SLAPP), NRCP 12(b)(5), and/or Motion for Summary Judgment. The Court having considered all papers and pleadings and being no Opposition filed, The Court finds and concludes as follows:

FINDINGS OF FACT AND PROCEDURAL HISTORY

1. On September 10, 2025, the Court entered Findings of Fact, Conclusions of Law and Order granting Defendants Jennfier Abrams, and The Abrams Law Firm, L.L.C.'s Special Motion to Dismiss pursuant to NRS 41.660 (Anti-SLAPP).

Case Number: A-21-829038-C

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2. On October 8, 2025, the Abrams Defendants filed their Motion for Attorney's Fees and Costs.

3. Plaintiff did not file an Opposition to the Motion for Fees and Costs. On October 23, 2025, Abrams Defendants filed a Notice of Non-Opposition, which indicated no Opposition had been timely filed, and requested the matter be submitted for decision.

4. The Motion seeks $98,802.00 in attorney's fees and $1,753.21 in costs. Abrams Defendants filed the Memorandum of Costs and Disbursement. Abrams Defendants provided invoices showing these costs and explaining that the costs are reasonable and necessary. Further, Plaintiff did not file a motion to retax costs.

5. The Motion for Fees and Costs also sought sanctions pursuant to NRS 41.670(1)(b).

CONCLUSIONS OF LAW

1. Pursuant to NRS 41.670(1), Defendant Abrams and the Abrams Law Firm, L.L.C. are entitled to recover a statutory award of reasonable attorney's fees and costs.

2. NRS 18.020 states costs must be allowed to the prevailing party against any adverse party against whom judgment is rendered in an action for the recovery of money or damages, where the plaintiff seeks to recover more than $2,500. *See* NRS 18.020(3).

3. In *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. 114, 120 (2015), the Nevada Supreme Court stated: NRS 18.020 and NRS 18.050 give the district courts wide, but not unlimited, discretion to award costs to prevailing parties. Costs awarded must be reasonable, NRS 18.005; *Bobby Berosini, Ltd. v. PETA*, 114 Nev. 1348, 1352, 971 P.2d 383, 385 (1998), but parties may not simply estimate a reasonable amount of costs. *See Gibellini v. Klindt*, 110 Nev. 1201, 1205-06, 885 P.2d 540, 543 (1994) (holding that a party may not estimate costs based on hours billed). Rather, NRS 18.110(1) requires a party to file and serve "a memorandum[of costs] ... verified by the oath of the party ... stating that to the best of his or her knowledge and belief the items are correct, and that the costs have been necessarily incurred in the action or

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proceeding." Thus, costs must be reasonable, necessary, and actually incurred. *Id.* at 120.

4. The Abrams Defendants unopposed Memorandum of Costs satisfies the requirements of verified costs that are reasonable, necessary, and actually incurred in the specific amount of $1,753.21. *See* NRS 18.110(1), and *see also* EDCR 2.20(e).

5. Accordingly, the Court will award the Abrams Defendants $1,753.21 in costs, pursuant to NRS 41.670 and NRS 18.020.

6. NRS 18.010(2) provides that the court may make an allowance of attorney's fees to a prevailing party when authorized by specific statute, or when the court finds that the claim was brought or maintained reasonable ground or to harass the prevailing party. Further, NRS 18.010(2) provides that [t]he court shall liberally construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate situations. Again, as previously stated, NRS 41.670(1) entitles Defendants to attorney fees.

7. All fees incurred in defending oneself from a SLAPP suit are recoverable when all claims are dismissed under the anti-SLAPP statute. *See Graham-Suit v. Clainos*, 738 F.3d 1131,1159 (9th Cir. 2013) (affirmed in *Graham-Suit v. Clainos*, 756 F.3d 724, 752 (9th Cir. 2014)) (finding that awarding all attorney's fees incurred in connection with a case, even if not directly related to the anti-SLAPP motion, are recoverable if all claims are dismissed). The award is not limited to fees and costs incurred on the Special Motion. See *Smith v. Zilverberg*, 137 Nev. Adv. Rep. 7, 481 P. 3d 1222, 1231 (2021).

8. In *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345 (1969), the Nevada Supreme Court determined the standards for determining proper and reasonable awards for attorney's fees in court actions as follows:(1) the qualities of the advocate: his ability, his training, education, experience, professional standing and skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect

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the importance of the litigation; (3) the work actually performed by the lawyer: the skill, time and attention given to the work; (4) the result: whether the attorney was successful and what benefits were derived.

9. The *Brunzell* factors do not limit a reasonable award of attorney's fees to a predetermined insurance rate. Reasonable attorney's fees are generally calculated using the traditional "lodestar" method, which involves multiplying "the number of hours reasonably spent on a case by a reasonable hourly rate." *See Camacho v. Bridgeport Financial, Inc.*, 523 F.3d 973, 979 (9th Cir. 2008); *see also Shuette,* 124 P.2d at 549 citing *Herbst v. Humana Health Ins. Of Nevada*, 105 Nev. 586, 590, 781 P.2d 762, 764 (1989); *see also Cunningham v. County of Los Angeles*, 879 F.2d 481, 488 (9th Cir. 1988) (the lodestar figure is presumptively reasonable).

10. The 'reasonableness' aspect of the lodestar analysis is determined by the specific facts of each case and requires examination of "the prevailing market rate in the relevant legal community for similar services by lawyers of reasonably comparable skills, experience, and reputation." *Camacho*, 523 F.3d at 979; *see also Norman v. Housing Authority of City of Montgomery*, 836 F.2d 1292, 1299 (11 Cir. 1988), citing *Blum v. Stenson*, 465 U.S. 886, 895 n.11, 104 S. Ct. 1541, 1547 (1984).

11. There are several instances in Anti-SLAPP cases where significant awards of attorney's fees and costs have been approved. *See e.g., Century Surety Company v. Prince*, US District Court NV Case No. 2-16-cv-02465-JCM-PAL (Nev Mar 28, 2018) (Trial court permitted defendants' attorney fees and costs totaling $63,474.37 and more than 50% of the fees were approved at an enhanced rate.) *affirmed* at 782 Fed. Appx. 553 (2019); *Wynn v. Chanos*, 14-cv-04329-WHO (ND Cal. June 19, 2015) (Court approved award of Anti-SLAPP costs and fees of $422,380.86); *Metabolite Int'l, Inc. v. Wornick*, 213 F. Supp. 2d 1220, 1223-1224 (S.D. Cal. 2002) (prevailing Anti-SLAPP defendant entitled to recover fees and costs of $318,687.99 incurred for preparation of Anti-SLAPP motion and assertion of alternative legal defenses in response to meritless litigation); *Smith v. Zilverberg*, 137 Nev. Adv. Rep. 7, 481 P. 3d 1222, 1231 (Nev. 2021) (Affirmed by Nevada

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Supreme Court.), Clark County Eighth Judicial District Court Case No.: A-19-798171-C (Dept. 24 granted $69,002.53 in Anti-SLAPP costs and attorney fees plus $10,000 to each defendant as permitted by NRS 41.670(1)(b)); *Thomson v Helix*, Clark County Eighth Judicial District Court Case No. A-19-789664-B (By Order of September 9, 2020, Dept. 27 granted Anti-SLAPP attorney fees totaling $464,376.38); *Gilman v. Toll*, Storey County First Judicial District Court Case No., 18 TRT 00001 1E, Nev. Dist. LEXIS 592, *11 (By order September 24, 2020, Nevada First District Court Judge awarded $188,840 in attorney fees under NRS 41.670).

12. By calculating fees using a prevailing market or customary rate, courts ensure that attorneys are fairly compensated for their services regardless of whether they "charge nothing ..., charge at below-market or discounted rates, represent the client on a straight contingent fee basis, or are in-house counsel." *Chacon v. Litke*, 105 Cal.Rptr. 3d 214, 233, 181 Cal.App.4th 1234, 1260–61 (Cal.App. 1 Dist. 2010); *see also Laffey v. Northwest Airlines, Inc.*, 572 F. Supp. 354, 353 (D.C. 1983), rev'd in part on other grounds ("Although the attorney's actual billing rate is highly relevant proof of the prevailing community rate ... it is clear that a court's fee settling inquiry does not begin and end with counsels' monthly billing statements.").

13. Here, the Abrams Defendants seek $98,802.00 in attorney's fees. Plaintiff did not oppose the Motion, thus pursuant to EDCR 2.20(e), this motion is deemed meritorious. Moreover, dismissal was entered in favor of Defendants pursuant to NRS 41.660, Anti-SLAPP provisions, and the Court ordered that Defendants were entitled to attorney's fees and costs. Further, the work performed by Defendants' attorneys in preparing this matter was necessary, reasonable, and actually incurred by Defendants. Thus, the court finds that the *Brunzell* factors have been satisfied by Defendants' attorneys in their request for fees at a reasonable market rate. Accordingly, the Court will award Defendants $98,802.00 in attorney's fees.

14. Additionally, NRS 41.670(1)(b) allows the Court to award "up to $10,000.00 to the person against whom the action was brought." Here an action was brought against

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Defendant Jennifer V. Abrams and Defendant Abrams Law Firm, L.L.C. The Court finds that each Defendant is entitled to recover the statutory award up to $10,000 each, and granted each that amount for a total of $20,000.00.

ORDER AND JUDGMENT

Based on the foregoing, the Court hereby ORDERS that:

1. The Abrams Defendants' Motion for Fees and Costs is **GRANTED.**

2. The Court awards Defendants their attorney's fees in the amount of $98,802.00 pursuant to NRS 41.670 and NRS 18.010.

3. The Court awards Defendants their costs in the amount of $1,753.21 pursuant to NRS 41.670 and NRS 18.020.

4. The Court awards each of the Abrams Defendants $10,000.00, totaling $20,000.00, as a sanction pursuant to NRS 41.670(1)(b).

5. The total of attorney's fees ($98,802.00), costs ($1,753.21), and sanctions ($20,000.00) amount to $120,555.21.

6. **THUS, IT IS SO ORDERED THAT JUDGMENT** is entered in favor of Defendant Jennifer V. Abrams and Defendant Abrams Law Firm, L.L.C., and against Plaintiff T. Matthews Phillips for attorney's fees in the amount of $$98,802.00, costs in the amount of $$1,753.21.69, and sanctions in the amount of $20,000.00, together collectively for a total judgment in the amount of **$120,555.21.**

7. **IT IS FURTHER ORDERED,** that post-judgment interest is accruing on the principal judgment at the legal rate set forth in NRS 17.130.

IT IS SO ORDERED.

11/18/25

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Submitted by: GARIN LAW GROUP /s/ Joseph P. Garin JOSEPH P. GARIN, ESQ. Nevada Bar No. 6653 9900 Covington Cross Drive, Ste. 210 Las Vegas, Nevada 89144 jgarin@garinlawgroup.com *Attorneys for Defendants Jennifer V. Abrams and The Abrams Law Firm, LLC*	*Approved:* LEWIS BRISBOIS BISGAARD & SMITH LLP */s/ David R. Clayson* DAVID R. CLAYSON Nevada Bar No. 2826 6385 S. Rainbow Blvd., Suite 600 Las Vegas, NV 89119 David.Clayson@lewisbrisbois.com *Attorneys for Defendants, Dave Schoen and Mark Diciero*
Approved: *No response received* T. MATTHEW PHILLIPS, ESQ. 4894 W. Lone Mtn. Rd., No. 132 Las Vegas, NV 89130 tmatthewphillips@aol.com *Plaintiff in Propria Persona*	

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Attorneys for Defendants Jennifer V. Abrams and The Abrams Law Firm, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

T. MATTHEWS PHILLIPS

Plaintiff,

v.

(1) JENNIFER V. ABRAMS
(2) THE ABRAMS LAW FIRM, L.L.C.
(3) MARK DICIERO
(4) DAVE SCHOEN
And DOES I - X

Defendants.

Case No: A-21-829038-C

Hon. Michael P. Villani, Senior Justice

NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS JENNIFER V. ABRAMS AND THE ABRAMS LAW FIRM'S MOTION FOR ATTORNEY'S FEES AND COSTS AND JUDGMENT

PLEASE TAKE NOTICE that an Order Granting Defendants Jennifer V. Abrams and the Abrams Law Firm's Motion for Attorney's Fees and Costs was entered by the Court on November 19, 2025, a copy of which is attached hereto.

DATED this 20th day of November, 2025.

GARIN LAW GROUP

By: _____
JOSEPH P. GARIN, ESQ. (NV Bar No. 6653)
9900 Covington Cross Drive, Suite 210
Las Vegas, Nevada 89144

Attorneys for Defendants Jennifer V. Abrams and The Abrams Law Firm, LLC

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and Administrative Order 14-2, I certify that on the 20th day of November, 2025, I electronically served the foregoing **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS JENNIFER V. ABRAMS AND THE ABRAMS LAW FIRM'S MOTION FOR ATTORNEY'S FEES AND COSTS AND JUDGMENT** upon the following parties utilizing the Court's E-File/ServeNV System:

T. Matthew Phillips, Esq. 4894 W. Lone Mtn. Rd., No. 132 Las Vegas, NV 89130 tmatthewphillips@aol.com *Plaintiff in Propria Persona*	David R. Clayson, Esq. LEWIS BRISBOIS BISGAARD & SMITH LLP 6385 S. Rainbow Blvd., Suite 600 Las Vegas, NV 89119 David.Clayson@lewisbrisbois.com *Attorney for Defendants,* *Dave Schoen and Mark Diciero*

/s/ Michele Stones
An Employee of GARIN LAW GROUP

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Attorneys for Defendants Jennifer V. Abrams and The Abrams Law Firm, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

T. MATTHEWS PHILLIPS

Plaintiff,

v.

(1) JENNIFER V. ABRAMS
(2) THE ABRAMS LAW FIRM, L.L.C.
(3) MARK DICIERO
(4) DAVE SCHOEN
And DOES I - X

Defendants.

Case No: A-21-829038-C

Hon. Michael P. Villani, Senior Justice

ORDER GRANTING DEFENDANTS JENNIFER V. ABRAMS AND THE ABRAMS LAW FIRM'S MOTION FOR ATTORNEY'S FEES AND COSTS AND JUDGMENT

Defendants Jennifer V. Abrams and The Abrams Law Firm ("Abrams Defendants") Filed a Motion for Attorney's Fees Costs following the granting of their Renewed Special Motion to Dismiss Pursuant to NRS 41.660 (Anti-SLAPP), NRCP 12(b)(5), and/or Motion for Summary Judgment. The Court having considered all papers and pleadings and being no Opposition filed, The Court finds and concludes as follows:

FINDINGS OF FACT AND PROCEDURAL HISTORY

1. On September 10, 2025, the Court entered Findings of Fact, Conclusions of Law and Order granting Defendants Jennfier Abrams, and The Abrams Law Firm, L.L.C.'s Special Motion to Dismiss pursuant to NRS 41.660 (Anti-SLAPP).

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2. On October 8, 2025, the Abrams Defendants filed their Motion for Attorney's Fees and Costs.

3. Plaintiff did not file an Opposition to the Motion for Fees and Costs. On October 23, 2025, Abrams Defendants filed a Notice of Non-Opposition, which indicated no Opposition had been timely filed, and requested the matter be submitted for decision.

4. The Motion seeks $98,802.00 in attorney's fees and $1,753.21 in costs. Abrams Defendants filed the Memorandum of Costs and Disbursement. Abrams Defendants provided invoices showing these costs and explaining that the costs are reasonable and necessary. Further, Plaintiff did not file a motion to retax costs.

5. The Motion for Fees and Costs also sought sanctions pursuant to NRS 41.670(1)(b).

CONCLUSIONS OF LAW

1. Pursuant to NRS 41.670(1), Defendant Abrams and the Abrams Law Firm, L.L.C. are entitled to recover a statutory award of reasonable attorney's fees and costs.

2. NRS 18.020 states costs must be allowed to the prevailing party against any adverse party against whom judgment is rendered in an action for the recovery of money or damages, where the plaintiff seeks to recover more than $2,500. *See* NRS 18.020(3).

3. In *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. 114, 120 (2015), the Nevada Supreme Court stated: NRS 18.020 and NRS 18.050 give the district courts wide, but not unlimited, discretion to award costs to prevailing parties. Costs awarded must be reasonable, NRS 18.005; *Bobby Berosini, Ltd. v. PETA*, 114 Nev. 1348, 1352, 971 P.2d 383, 385 (1998), but parties may not simply estimate a reasonable amount of costs. *See Gibellini v. Klindt*, 110 Nev. 1201, 1205-06, 885 P.2d 540, 543 (1994) (holding that a party may not estimate costs based on hours billed). Rather, NRS 18.110(1) requires a party to file and serve "a memorandum[of costs] ... verified by the oath of the party ... stating that to the best of his or her knowledge and belief the items are correct, and that the costs have been necessarily incurred in the action or

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proceeding." Thus, costs must be reasonable, necessary, and actually incurred. *Id.* at 120.

4. The Abrams Defendants unopposed Memorandum of Costs satisfies the requirements of verified costs that are reasonable, necessary, and actually incurred in the specific amount of $1,753.21. *See* NRS 18.110(1), and *see also* EDCR 2.20(e).

5. Accordingly, the Court will award the Abrams Defendants $1,753.21 in costs, pursuant to NRS 41.670 and NRS 18.020.

6. NRS 18.010(2) provides that the court may make an allowance of attorney's fees to a prevailing party when authorized by specific statute, or when the court finds that the claim was brought or maintained reasonable ground or to harass the prevailing party. Further, NRS 18.010(2) provides that [t]he court shall liberally construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate situations. Again, as previously stated, NRS 41.670(1) entitles Defendants to attorney fees.

7. All fees incurred in defending oneself from a SLAPP suit are recoverable when all claims are dismissed under the anti-SLAPP statute. *See Graham-Suit v. Clainos*, 738 F.3d 1131,1159 (9th Cir. 2013) (affirmed in *Graham-Suit v. Clainos*, 756 F.3d 724, 752 (9th Cir. 2014)) (finding that awarding all attorney's fees incurred in connection with a case, even if not directly related to the anti-SLAPP motion, are recoverable if all claims are dismissed). The award is not limited to fees and costs incurred on the Special Motion. See *Smith v. Zilverberg*, 137 Nev. Adv. Rep. 7, 481 P. 3d 1222, 1231 (2021).

8. In *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345 (1969), the Nevada Supreme Court determined the standards for determining proper and reasonable awards for attorney's fees in court actions as follows:(1) the qualities of the advocate: his ability, his training, education, experience, professional standing and skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect

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the importance of the litigation; (3) the work actually performed by the lawyer: the skill, time and attention given to the work; (4) the result: whether the attorney was successful and what benefits were derived.

9. The *Brunzell* factors do not limit a reasonable award of attorney's fees to a predetermined insurance rate. Reasonable attorney's fees are generally calculated using the traditional "lodestar" method, which involves multiplying "the number of hours reasonably spent on a case by a reasonable hourly rate." *See Camacho v. Bridgeport Financial, Inc.*, 523 F.3d 973, 979 (9th Cir. 2008); *see also Shuette,* 124 P.2d at 549 citing *Herbst v. Humana Health Ins. Of Nevada*, 105 Nev. 586, 590, 781 P.2d 762, 764 (1989); *see also Cunningham v. County of Los Angeles*, 879 F.2d 481, 488 (9th Cir. 1988) (the lodestar figure is presumptively reasonable).

10. The 'reasonableness' aspect of the lodestar analysis is determined by the specific facts of each case and requires examination of "the prevailing market rate in the relevant legal community for similar services by lawyers of reasonably comparable skills, experience, and reputation." *Camacho*, 523 F.3d at 979; *see also Norman v. Housing Authority of City of Montgomery*, 836 F.2d 1292, 1299 (11 Cir. 1988), citing *Blum v. Stenson*, 465 U.S. 886, 895 n.11, 104 S. Ct. 1541, 1547 (1984).

11. There are several instances in Anti-SLAPP cases where significant awards of attorney's fees and costs have been approved. *See e.g., Century Surety Company v. Prince*, US District Court NV Case No. 2-16-cv-02465-JCM-PAL (Nev Mar 28, 2018) (Trial court permitted defendants' attorney fees and costs totaling $63,474.37 and more than 50% of the fees were approved at an enhanced rate.) *affirmed* at 782 Fed. Appx. 553 (2019); *Wynn v. Chanos*, 14-cv-04329-WHO (ND Cal. June 19, 2015) (Court approved award of Anti-SLAPP costs and fees of $422,380.86); *Metabolite Int'l, Inc. v. Wornick*, 213 F. Supp. 2d 1220, 1223-1224 (S.D. Cal. 2002) (prevailing Anti-SLAPP defendant entitled to recover fees and costs of $318,687.99 incurred for preparation of Anti-SLAPP motion and assertion of alternative legal defenses in response to meritless litigation); *Smith v. Zilverberg*, 137 Nev. Adv. Rep. 7, 481 P. 3d 1222, 1231 (Nev. 2021) (Affirmed by Nevada

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Supreme Court.), Clark County Eighth Judicial District Court Case No.: A-19-798171-C (Dept. 24 granted $69,002.53 in Anti-SLAPP costs and attorney fees plus $10,000 to each defendant as permitted by NRS 41.670(1)(b)); *Thomson v Helix*, Clark County Eighth Judicial District Court Case No. A-19-789664-B (By Order of September 9, 2020, Dept. 27 granted Anti-SLAPP attorney fees totaling $464,376.38); *Gilman v. Toll*, Storey County First Judicial District Court Case No., 18 TRT 00001 1E, Nev. Dist. LEXIS 592, *11 (By order September 24, 2020, Nevada First District Court Judge awarded $188,840 in attorney fees under NRS 41.670).

12. By calculating fees using a prevailing market or customary rate, courts ensure that attorneys are fairly compensated for their services regardless of whether they "charge nothing ..., charge at below-market or discounted rates, represent the client on a straight contingent fee basis, or are in-house counsel." *Chacon v. Litke*, 105 Cal.Rptr. 3d 214, 233, 181 Cal.App.4th 1234, 1260–61 (Cal.App. 1 Dist. 2010); *see also Laffey v. Northwest Airlines, Inc.*, 572 F. Supp. 354, 353 (D.C. 1983), rev'd in part on other grounds ("Although the attorney's actual billing rate is highly relevant proof of the prevailing community rate ... it is clear that a court's fee settling inquiry does not begin and end with counsels' monthly billing statements.").

13. Here, the Abrams Defendants seek $98,802.00 in attorney's fees. Plaintiff did not oppose the Motion, thus pursuant to EDCR 2.20(e), this motion is deemed meritorious. Moreover, dismissal was entered in favor of Defendants pursuant to NRS 41.660, Anti-SLAPP provisions, and the Court ordered that Defendants were entitled to attorney's fees and costs. Further, the work performed by Defendants' attorneys in preparing this matter was necessary, reasonable, and actually incurred by Defendants. Thus, the court finds that the *Brunzell* factors have been satisfied by Defendants' attorneys in their request for fees at a reasonable market rate. Accordingly, the Court will award Defendants $98,802.00 in attorney's fees.

14. Additionally, NRS 41.670(1)(b) allows the Court to award "up to $10,000.00 to the person against whom the action was brought." Here an action was brought against

GARIN LAW GROUP
9900 Covington Cross Drive, Suite 210, Las Vegas, Nevada 89144
Telephone: (702) 382-1500 Facsimile: (702) 382-1512

Defendant Jennifer V. Abrams and Defendant Abrams Law Firm, L.L.C. The Court finds that each Defendant is entitled to recover the statutory award up to $10,000 each, and granted each that amount for a total of $20,000.00.

ORDER AND JUDGMENT

Based on the foregoing, the Court hereby ORDERS that:

1. The Abrams Defendants' Motion for Fees and Costs is **GRANTED.**

2. The Court awards Defendants their attorney's fees in the amount of $98,802.00 pursuant to NRS 41.670 and NRS 18.010.

3. The Court awards Defendants their costs in the amount of $1,753.21 pursuant to NRS 41.670 and NRS 18.020.

4. The Court awards each of the Abrams Defendants $10,000.00, totaling $20,000.00, as a sanction pursuant to NRS 41.670(1)(b).

5. The total of attorney's fees ($98,802.00), costs ($1,753.21), and sanctions ($20,000.00) amount to $120,555.21.

6. **THUS, IT IS SO ORDERED THAT JUDGMENT** is entered in favor of Defendant Jennifer V. Abrams and Defendant Abrams Law Firm, L.L.C., and against Plaintiff T. Matthews Phillips for attorney's fees in the amount of $$98,802.00, costs in the amount of $$1,753.21.69, and sanctions in the amount of $20,000.00, together collectively for a total judgment in the amount of **$120,555.21.**

7. **IT IS FURTHER ORDERED,** that post-judgment interest is accruing on the principal judgment at the legal rate set forth in NRS 17.130.

IT IS SO ORDERED.

11/18/25

GARIN LAW GROUP
9900 Covington Cross Drive, Suite 210, Las Vegas, Nevada 89144
Telephone: (702) 382-1500 Facsimile: (702) 382-1512

Submitted by: GARIN LAW GROUP /s/ Joseph P. Garin JOSEPH P. GARIN, ESQ. Nevada Bar No. 6653 9900 Covington Cross Drive, Ste. 210 Las Vegas, Nevada 89144 jgarin@garinlawgroup.com *Attorneys for Defendants Jennifer V. Abrams and The Abrams Law Firm, LLC*	*Approved:* LEWIS BRISBOIS BISGAARD & SMITH LLP */s/ David R. Clayson* DAVID R. CLAYSON Nevada Bar No. 2826 6385 S. Rainbow Blvd., Suite 600 Las Vegas, NV 89119 David.Clayson@lewisbrisbois.com *Attorneys for Defendants, Dave Schoen and Mark Diciero*
Approved: *No response received* T. MATTHEW PHILLIPS, ESQ. 4894 W. Lone Mtn. Rd., No. 132 Las Vegas, NV 89130 tmatthewphillips@aol.com *Plaintiff in Propria Persona*	

GARIN LAW GROUP
9900 Covington Cross Drive, Suite 210, Las Vegas, Nevada 89144
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DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	April 05, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

April 05, 2021 **8:00 AM** **Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. The call-in number or website is:
Dial the following number: 1-408-419-1715
Meeting ID: 552 243 859
Online: https://bluejeans.com/552243859
To connect by phone, dial the telephone number, then the meeting ID, followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	April 13, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

April 13, 2021 **9:30 AM** **All Pending Motions**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

Garin, Joseph P	Attorney
Pernsteiner, Adam J.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Julie Funai, Esq. present for Defts.

DEFENDANTS JENNIFER V. ABRAMS AND THE ABRAMS LAW FIRM, LLC S MOTION TO DISMISS AND/OR STRIKE PLAINITFF S FIRST AMENDED COMPLAINT...JOINDER TO DEFENDANTS JENNIFER V. ABRAMS AND THE ABRAMS LAW FIRM, LLC S MOTION TO DISMISS AND/OR STRIKE PLAINTIFF S FIRST AMENDED COMPLAINT AND ADDITIONAL SUPPORTING POINTS AND AUTHORITIES AS TO DEFENDANTS MARK DICIERO AND DAVE SCHOEN

Hearing held by BlueJeans remote conferencing. Colloquy regarding Pltf's medical issue and rescheduling matters. COURT ORDERED, matters CONTINUED to 4/29/21 at 9:05 a.m. Mr. Garin advised anti-slapp contemplated and 60-day time period set to expire in approximately 2 weeks. Mr. Garin requested that deadline extended 2 weeks after Court's ruling on 4/29/21. Court stated matter to be duly noticed and that Mr. Garin may file the matter on an order shortening time.

CONTINUED TO: 4/29/21 9:05 AM DEFENDANTS JENNIFER V. ABRAMS AND THE ABRAMS LAW FIRM, LLC S MOTION TO DISMISS AND/OR STRIKE PLAINITFF S FIRST AMENDED

COMPLAINT...JOINDER TO DEFENDANTS JENNIFER V. ABRAMS AND THE ABRAMS LAW FIRM, LLC S MOTION TO DISMISS AND/OR STRIKE PLAINTIFF S FIRST AMENDED COMPLAINT AND ADDITIONAL SUPPORTING POINTS AND AUTHORITIES AS TO DEFENDANTS MARK DICIERO AND DAVE SCHOEN

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	April 20, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

April 20, 2021 **8:00 AM** **Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is:
Dial the following number: 1-408-419-1715
Meeting ID: 552 243 859
Online: https://bluejeans.com/552243859
To connect by phone, dial the telephone number, then the meeting ID, followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
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Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	April 26, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

April 26, 2021 **8:00 AM** **Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is:
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CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	April 29, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

April 29, 2021 **9:05 AM** **All Pending Motions**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES PRESENT:

Garin, Joseph P	Attorney
Pernsteiner, Adam J.	Attorney
Phillips, T. Matthew	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Alexander Falconi present for Our Nevada Judges.

PLAINTIFF MOTION FOR RECONSIDERATION OF ORDER (MARCH 30, 2021)
Hearing held by BlueJeans remote conferencing. Arguments by Mr. Phillips and Mr. Falconi. COURT ORDERED, Motion DENIED.

DEFENDANTS JENNIFER V. ABRAMS AND THE ABRAMS LAW FIRM, LLC S MOTION TO DISMISS AND/OR STRIKE PLAINITFF'S FIRST AMENDED COMPLAINT...JOINDER TO DEFENDANTS JENNIFER V. ABRAMS AND THE ABRAMS LAW FIRM, LLC S MOTION TO DISMISS AND/OR STRIKE PLAINTIFF'S FIRST AMENDED COMPLAINT AND ADDITIONAL SUPPORTING POINTS AND AUTHORITIES AS TO DEFENDANTS MARK DICIERO AND DAVE SCHOEN
Arguments by Mr. Garin, Mr. Pernsteiner, and Mr. Phillips. COURT ORDERED, Motion GRANTED IN PART and DENIED IN PART; DENIED in general sense as to dismissal; GRANTED as to striking respecting what would be defined under Nevada Law pursuant to Rule 12(b) as impertinent or irrelevant statements of fact or statements of law not germaine to case at hand such as defamation

and/or a false light case. Court directed counsel for prevailing party to prepare the order and circulate; if parties unable to agree on form and content, may submit competing orders.

DEFENDANTS JENNIFER V. ABRAMS AND THE ABRAMS LAW FIRM, LLC S MOTION TO ENLARGE TIME TO FILE ANTI-SLAPP MOTION ON ORDER SHORTENING TIME
Mr. Garin advised in light of prior decision, matter moot and withdraws same. Court so noted. Mr. Phillips objected to declaration by Mr. Garin. Arguments by Mr. Garin and Mr. Phillips regarding same. Court stated will take no action on the matter at this time; case will proceed.

Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	May 05, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

May 05, 2021 **8:00 AM** **Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is:
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CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	May 11, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

May 11, 2021 **9:05 AM** **Motion to Strike**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

Pernsteiner, Adam J.	Attorney
Phillips, T. Matthew	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Lisa Zastrow, Esq., present for Joseph Garin, Esq., for Defts. Alexander Falconi present for Our Nevada Judges.

Hearing held by BlueJeans remote conferencing. Matter argued and submitted. COURT FINDS, Alexander Falconi is not a party to the instant litigation and does not have standing to file pleadings and motions/oppositions pursuant to mandate of the Rules. Therefore, COURT ORDERED, Motion to Strike Non-Conforming Brief GRANTED as follows: Opposition to Motion for Reconsideration and Allowing Camera Access to Court Proceedings, filed Mar. 30, 2021, is hereby STRICKEN; Opposition to Motion to Strike, filed April 5, 2021, is hereby STRICKEN.

CLERK S NOTE: Subsequent to proceedings, Court clarified findings and order, as reflected above. A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System. /cd 6-14-2021/

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	May 17, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

May 17, 2021 **8:00 AM** **Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is:
Dial the following number: 1-408-419-1715
Meeting ID: 552 243 859
Online: https://bluejeans.com/552243859
To connect by phone, dial the telephone number, then the meeting ID, followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
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Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	May 25, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

May 25, 2021 **9:05 AM** **Motion to Strike**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

Garin, Joseph P	Attorney
Pernsteiner, Adam J.	Attorney
Phillips, T. Matthew	Plaintiff

JOURNAL ENTRIES

- Hearing held by BlueJeans remote conferencing. Matter argued and submitted. COURT ORDERED, as far as future pleadings are concerned, Mr. Phillips to remove law office reference when signing; as to Motion to Strike, GRANTED with respect to specific references, as discussed. Court directed Mr. Phillips to prepare and circulate the order; if parties cannot agree on form and content, may submit competing orders. Mr. Pernsteiner advised proposed order submitted on prior motions include vacating the pending 6/3/21 Motion to Dismiss and parties would stipulate to same. Upon Court's inquiry, Mr. Phillips advised no objection to vacating the matter. COURT FURTHER ORDERED, 6/3/21 Motion VACATED.

Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	August 19, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

August 19, 2021 **3:00 AM** **Minute Order**

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 21-04, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. The call-in number or website is:
Dial the following number: 1-408-419-1715
Meeting ID: 305 354 001
Participant Passcode: 2258
Online: https://bluejeans.com/305354001/2258
To connect by phone, dial the telephone number, then the meeting ID, followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
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CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	August 26, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

August 26, 2021 **9:30 AM** **All Pending Motions**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Rhonda Aquilina

PARTIES PRESENT:

Cwik, Marc S.	Attorney
Garin, Joseph P	Attorney
Phillips, T. Matthew	Plaintiff

JOURNAL ENTRIES

- Hearing held by BlueJeans remote conferencing.

DEFENDANTS MARK DICIERO AND DAVE SCHOEN'S RENEWED SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660 (ANTI-SLAPP), NRCP 12(B)(5), AND/OR MOTION FOR SUMMARY JUDGMENT...DEFENDANTS JENNIFER V. ABRAMS AND THE ABRAMS LAW FIRM, LLC'S JOINDER TO DEFENDANTS MARK DICIERO AND DAVE SCHOEN'S SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660 (ANTI-SLAPP) AND/OR MOTION FOR SUMMARY JUDGMENT...DEFENDANTS JOINT MOTION TO STRIKE PLAINTIFF S AUGUST 20, 2021 NOTICE OF ERRATUM AND SUPPLEMENTAL BRIEF IN OPPOSITION TO MOTION TO DISMISS, ON ORDER SHORTENING TIME

Court disclosed certain known persons. Colloquy regarding same. Court stated that although it believes it could be fair, in order to avoid appearance of impropriety and bias, the COURT hereby RECUSES itself and ORDERS this matter be REASSIGNED at random.

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	August 31, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

August 31, 2021 **3:00 AM** **Minute Order**

HEARD BY: Kishner, Joanna S. **COURTROOM:** Chambers

COURT CLERK: Natalie Ortega

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Although the Court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11(A) of the Nevada Code of Judicial Conduct in order to avoid the appearance of impartiality as the Court and its family members are familiar with one or more of the parties and witnesses and issues. Thus, the Court hereby recuses itself from the matter and requests that it be randomly reassigned in accordance with appropriate procedures and hearings reset in the reassigned department.

CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve and/or served via facsimile. ndo/08/31/21

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	September 03, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

September 03, 2021 **3:00 AM** **Minute Order** **Minute Order: DC 28 Recusal**

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Kathy Thomas

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Although the Court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11 (A) of the Nevada Code of Judicial Conduct in order to avoid the appearance of impartiality as the Court is familiar with one or more of the parties and witnesses. Thus, the Court hereby recuses itself from the matter and requests that it be randomly reassigned in accordance with appropriate procedures and hearings reset in the reassigned department.

CLERK'S NOTE: A copy of this minute order was electronically served to all parties. kt 9/3/21

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	**COURT MINUTES**	**September 21, 2021**

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

September 21, 2021 8:30 AM All Pending Motions

HEARD BY: Johnson, Susan **COURTROOM:** RJC Courtroom 15D

COURT CLERK: Alice Jacobson

RECORDER: Norma Ramirez

REPORTER:

PARTIES PRESENT:

Cwik, Marc S.	Attorney
Garin, Joseph P	Attorney
Phillips, T. Matthew	Plaintiff

JOURNAL ENTRIES

- Defendants' Joint Motion To Strike Plaintiff's August 20, 2021 Notice Of Erratum And Supplemental Brief In Opposition To Motion To Dismiss, On Order Shortening Time

Defendants' Joint Motion to Strike Plaintiff's August 24, 2021 Sur-Reply to Defendants' Reply on an Order Shortening Time

Defendants Mark Diciero and Dave Schoen's Renewed Special Motion to Dismiss Pursuant to NRS 41.660 (Anti-SLAPP), NRCP 12(b)(5), and/or Motion for Summary Judgment

Defendants Jennifer V. Abrams and the Abrams Law Firm, LLC's Joinder to Defendants Mark Diciero and Dave Schoen's Special Motion to Dismiss Pursuant to NRS 41.660 (Anti-SLAPP) and/or Motion for Summary Judgment

--Following arguments by the parities, COURT ORDERED matter CONTINUED 10/5/21 8:30am for additional arguments.

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	October 27, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

October 27, 2021 **3:00 AM** **Minute Order**

HEARD BY: Johnson, Susan **COURTROOM:** Chambers

COURT CLERK: Sandra Matute

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Having examined the aforementioned matter, noted Plaintiff filed a Motion for Sanctions scheduled to be heard November 16, 2021 at 8:30 a.m. and Motion to Strike calendared for hearing on November 30, 2021 at 8:30 a.m.. while Plaintiff's Motion to Disqualify Judge is pending and scheduled for hearing on November 4, 2021, COURT ORDERS the hearings scheduled to hear the Motion for Sanctions and Motion to Strike on November 16 and 30, 2021, respectively are VACATED until such time as a decision is issued concerning the Motion to Disqualify Judge.

CLERK'S NOTE: The above minute order has been distributed to counsel by the Court Clerk via electronic service. sm// 10-27-21

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	November 04, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

November 04, 2021 10:30 AM Motion

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Yolanda Orpineda

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- On September 28, 2021, Plaintiff filed a Motion to Disqualify Judge Susan Johnson. Plaintiff certified that he served the Motion upon opposing counsel, but did not serve the Motion upon the judge, as required by NRS 1.235(4). However, the Motion was delivered to Judge Johnson by other means at a later time.

At this time, this Court makes no findings as to the substantive disqualification as alleged against Judge Johnson.
As no Affidavit in Response was submitted from Judge Johnson pursuant to NRS 1.235(6), this case is to be randomly reassigned pursuant to NRS 1.235(5).

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. // yo 11/04/21

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	December 07, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

December 07, 2021 **10:40 AM** **Minute Order**

HEARD BY: Krall, Nadia **COURTROOM:** No Location

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Although the Court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11(A) of the Nevada Code of Judicial Conduct in order to avoid the appearance of impartiality as the Court is familiar with one or more of the parties and witnesses and issues. Thus, the Court hereby recuses itself from the matter and requests that it be randomly reassigned in accordance with appropriate procedures and hearings reset in the reassigned department.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	December 30, 2021

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

December 30, 2021 **3:00 AM** **Minute Order**

HEARD BY: Escobar, Adriana **COURTROOM:** Chambers

COURT CLERK:
Jessica Quamina

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- --No Parties present.

Pursuant to Nevada Code of Judicial Conduct Canon (NCJC) Rule 2.11(A), to avoid the appearance of impropriety and implied bias, and NCJC Rule 1.2 (Promoting Confidence in the Judiciary) this court ORDERS, this case to be REASSIGNED at random. Plaintiff Phillips complaint includes Mr. Sampson and Veterans in Politics International (VIPI) numerous times. In this case plaintiff is intertwined with Mr. Sampson and VIPI. VIPI has hosted radio programs with and later endorsed Judge Escobar in previous campaigns for re-election. Further, Mr. Sampson appeared in a commercial filmed for Judge Escobar s re-election campaign.

CLERK'S NOTE: A copy of this Minute Order was distributed via Odyssey File and Serve/ jq 12.30.21

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	January 11, 2022

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

January 11, 2022 **3:28 PM** **Minute Order**

HEARD BY: Bell, Linda Marie **COURTROOM:** No Location

COURT CLERK: Anntoinette Naumec-Miller

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Plaintiff previously filed a motion to disqualify Judge Susan Johnson. Although the motion was not properly served on Judge Susan Johnson to require a response, the Court out of an abundance of caution granted the disqualification. Because of Judge Susan Johnson s close relationship with Judge Eric Johnson through marriage, and the Plaintiff s objection to Judge Eric Johnson hearing his matter in view of Judge Susan Johnson previous disqualification, the Court orders the random reassignment of the case to a new judge to avoid any appearance of conflict. Mr. Phillips's Motion is rendered moot by the reassignment and will be taken off calendar. The Court also notes for Mr. Phillips that reassignment happens randomly through our computer system first in order to generate a notice of reassignment with the appropriate department.

CLERK'S NOTE: The above Minute Order was electronically served on all parties registered in Odyssey File and Serve. anm/1/11/22

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	January 13, 2022

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

January 13, 2022 **3:00 AM** **Minute Order**

HEARD BY: Sturman, Gloria **COURTROOM:** Chambers

COURT CLERK: Chad Johnson

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, matter referred to the Chief Judge for decision on the Request for Reassignment to a Senior or Visiting Judge. COURT FURTHER ORDERED, any Motion currently noticed for hearing in Department 26 is hereby VACATED pending a ruling by the Chief Judge pursuant to EDCR 1.30 and EDCR 1.60 and Pursuant to the Notice Pursuant to DCR 18 (3).

CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Chad Johnson, to all registered parties for Odyssey File & Serve and/or served via facsimile. cj/1/13/22

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	January 20, 2022

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

January 20, 2022 **3:00 AM** **Minute Order**

HEARD BY: Bell, Linda Marie **COURTROOM:** Chambers

COURT CLERK:
Yolanda Orpineda

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Judge Sturman placed Defendants request for assignment of senior judge before Dept. 7 for consideration as a result of a countermotion filed prior to the case s assignment to Dept. 26.

As Judge Sturman is not voluntarily recusing at this time, Defendants request appears moot. The case is with Judge Sturman, and she currently has jurisdiction to hear all requests and/or motions in the matter.

Beyond the scope of Judge Sturman s January 13, 2022 Notice, Dept. 7 does not have jurisdiction over this matter, therefore Plaintiff s request for a case management conference with the Chief Judge is denied.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. // yo 01.20.22

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	January 26, 2022

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

January 26, 2022 **3:00 AM** **Minute Order**

HEARD BY: Sturman, Gloria **COURTROOM:** Chambers

COURT CLERK: Chad Johnson

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Chief Judge Bell entered a minute order denying Defendants' request for assignment of senior judge on January 20, 2022. On January 21, 2022 Plaintiff filed a document entitled Motion to Reassign the Case to Judge Williams for Hearing on Motion for Reconsideration. As reassignment of cases may only be made by the Chief Judge this matter is referred to the Chief judge for a ruling on the request prior to further proceedings in this department.

CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Chad Johnson, to all registered parties for Odyssey File & Serve and/or served via facsimile. cj/1/26/22

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	**COURT MINUTES**	**February 22, 2022**

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

February 22, 2022 **10:00 AM** **Motion to Strike**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Quara Pyatt

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

Cwik, Marc S.	Attorney
Phillips, T. Matthew	Plaintiff
Schoen, Dave	Defendant
Williams, Amber M	Attorney

JOURNAL ENTRIES

- Counsel and Mr. Matthew, argued Motion to Strike.

COURT HEARD MATTER, and Continued matter to get a clear record to hear the Anti-SLAPP hearing.

CONTINUED 03/01/2022 @1:30 PM

CLERK'S NOTE: Due to calendar maintenance, the hearings previously scheduled in Court for March 1st has been reset for March 2, 2022 @ 1:30PM.

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	March 01, 2022

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

March 01, 2022 **3:00 AM** **Minute Order**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Quara Pyatt

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, matter referred to the Chief Judge for decision on the Plaintiff s Request for Recusal of Dept. XXVI as per NCJD Rule 2.11 filed March 1, 2022. COURT FURTHER ORDERED any Motion currently noticed for hearing in Department 26 is hereby VACATED pending a ruling by the Chief Judge pursuant to EDCR 1.30 and EDCR 1.60.

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	March 02, 2022

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

March 02, 2022 **1:30 PM** **Motion to Dismiss**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Quara Pyatt

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Judge requested matter be CONTINUED to Chambers. Waiting for decision from Chief Judge.

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	**COURT MINUTES**	**March 11, 2022**

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

March 11, 2022 **3:00 AM** **Minute Order**

HEARD BY: Bell, Linda Marie **COURTROOM:** Chambers

COURT CLERK: Stephanie Rapel

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Due to the number of recusal and/or disqualification requests in this matter, the case is being referred to the Nevada Supreme Court for potential reassignment to the Senior Judge Program.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk Stephanie Rapel to all registered parties for Odyssey File & Serve. /smr

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	June 06, 2022

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

June 06, 2022 **3:00 AM** **Motion to Dismiss**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Maricela Grant

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Waiting for a Sr judge to be appointed check again in 30 days.

CONTINUED: 7/11/2022 CHAMBERS

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	January 03, 2023

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

January 03, 2023 **3:00 AM** **Minute Order**

HEARD BY: Wiese, Jerry A. Wittenberger, Shannon **COURTROOM:** Chambers

COURT CLERK: Joy McClain

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- The Court notes NRS 3.026(1)(a)(2) gives the Chief Judge the authority to ensure that cases and other proceedings considered within the jurisdiction of the district court are considered and decided in a timely manner.

It was brought to this Court s attention that prior-Chief Judge Bell issued a Minute Order on 3/11/22 referring this case to the Nevada Supreme Court for potential reassignment to the Senior Judge Program due to the number of recusal and/or disqualification requests. While it is unclear to this Court whether the referral occurred, there are several pending motions in this case requiring disposition.

Consequently, to ensure that this case is considered and decided in a timely manner, this Court will submit a new referral to the Nevada Supreme Court, consistent with prior-Chief Judge Bell s intent.

CLERK'S NOTE: The above minute order has been distributed to all registered parties via Odyssey File & Serve. //1.3.23 -jm

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	March 15, 2023

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

March 15, 2023 **1:30 PM** **Motion**

HEARD BY: Cherry, Michael A. **COURTROOM:** Phoenix Building 11th Floor 110

COURT CLERK: Carolyn Jackson

RECORDER: Rudolph Zepeda

REPORTER:

PARTIES PRESENT:

Cwik, Marc S.	Attorney
Garin, Joseph P	Attorney
Phillips, T. Matthew	Plaintiff
Schoen, Dave	Defendant

JOURNAL ENTRIES

- Court stated that pursuant to Administrative Order No. 23-00407, dated February 6, 2023, this matter was temporarily ordered assigned to Senior Judge Michael Cherry. Further, Court state that it knew the facts of the case; however, did not know the status.

Upon Court's inquiry regarding the status of the case, Mr. Cwik advised Defendants Schon and DiCiero filed an Anti-Slapp Motion in July 28, 2021 and the Motion was set for hearing on August 26, 2021 before Judge Tim Williams; however, Judge Williams recused himself and the matter was not heard. Additionally, Mr. Cwik advised there were a couple of reassignments before the matter was reset for hearing before Judge Susan Johnson who heard oral arguments but due to scheduling conflicts the hearing was continued before the conclusion of arguments. Mr. Cwik advised during the continuance of the hearing, Plaintiff filed a motion to seek disqualification of Judge Johnson. A transcript of the July 28, 2021 hearing was prepared and is contained as an exhibit to the February 4, 2022 filing of Defendants' Joint Motion for Order to Calendar Case Management Conference. A copy of the July 28, 2021 transcript will be provided to the Court. Additionally, there has been no discovery

in this matter and the Plaintiff continues to file pleadings.

Mr. Phillips advised that he is prepared to argue the Anti-Slapp Motion today; however objected to extraneous evidence submitted by the Defendants from third parties that is not relevant to the matter.

COURT ORDERED, parties are to prepare briefs and submit documents to the court by March 22, 2023 at 5:00 PM. COURT FURTHER ORDERED, hearing on the Motion SET; the parties are not to file any additional pleadings.

CONTINUED TO: 04-14-23 1:30 PM

CLERK'S NOTE: The above minutes were prepared on or about March 21, 2023, and did not automatically attached in Odyssey; however, on or about July 6, 2023, the minutes were manually attached. //cj 07-06-23//

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	April 14, 2023

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

April 14, 2023 **1:30 PM** **Motion**

HEARD BY: Cherry, Michael A. **COURTROOM:** Phoenix Building 11th Floor 110

COURT CLERK: Stephanie Rapel

RECORDER: Aimee Curameng

REPORTER:

PARTIES PRESENT:

Cwik, Marc S.	Attorney
Garin, Joseph P	Attorney
Phillips, T. Matthew	Plaintiff

JOURNAL ENTRIES

- Court INQUIRED about the scope of the hearing.

Mr. Cwik discussed the briefing schedule and the Stipulation placed on the record. Mr. Phillips stated he filed objections along with an Affidavit considering Defendant opened the scope of the evidence by adding a new exhibit in the Reply and subject matter jurisdiction could be raised at anytime. Mr. Phillips stated it was his position, Defendants could not turn the matter into a de facto criminal proceeding. Colloquy regarding supplemental briefs, EDCR 2.20 and exhibits. Mr. Cwik elaborated on the prongs under an Anti-SLAPP motion, provided a brief background history of the case while elaborating on the parties who were participants in a public political debate surrounding the Nevada Judiciary and noted Plaintiff was a litigious person who even sued the Court system. Mr. Cwik referenced Veterans in Politics International, Inc. ("VIPI") emails and argued Plaintiff opened the door for attacks in the public arena and Defendants had a right to respond. Mr. Cwik argued the matter fell within public interest and the information at issue was in the public record well in advance of the December 2020 Order. Mr. Cwik referenced the TPO document which mentioned alleged threats Plaintiff made. Mr. Garin argued there was not a basis for vicarious liability against

Ms. Abrams or her law firm. Furthermore, Plaintiff did not oppose Ms. Abrams affidavit which indicated she did not direct, control, authorize, ratify or have anything to do with the statements. Mr. Phillips argued Jennifer Abrams benefited by the statements made by her employees and the posts were made during business hours. Mr. Phillips elaborated on issues he had with the family court system and those who benefited from or spoke out against it. Court's INQUIRED as to why discovery was not conducted by Plaintiff to dispute allegations of threats made by Mr. Phillips. Following further arguments, Court stated its Findings and ORDERED Defendants Motion to Dismiss on the basis of Anti-Slapp GRANTED as to Dave Schoen and Mark DiCiero. Court FURTHER ORDERED the Motion to Dismiss on the basis of Anti-Slapp GRANTED as to Jennifer Abrams and the Motion for Summary Judgment GRANTED as unopposed pursuant to EDCR 2.20 as to Jennifer Abrams. Court NOTED everything in the record was to be included. COURT DIRECTED Defense to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders. Court Granted Defense Counsels' request for an extension to prepare the Order.

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	July 27, 2023

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

July 27, 2023 **9:30 AM** **Motion**

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 17A

COURT CLERK: Alexis Turner

RECORDER: Vanessa Medina

REPORTER:

PARTIES PRESENT:

Cwik, Marc S.	Attorney
Garin, Joseph P	Attorney
Phillips, T. Matthew	Plaintiff

JOURNAL ENTRIES

- Court NOTED, Mr. Phillips requested a continuance, but no good cause found to continue. Court further NOTED, according to NRS 1.235's procedure to disqualify, the Motion filed by Mr. Phillips should be filed as an affidavit. Court stated that a fax transmission was forwarded to Judge Cherry to be considered good service. Arguments made by Mr. Phillips. Arguments made by Mr. Garin. Arguments made by Mr. Cwik. Court NOTED, no choice but to reassign since Judge Cherry did not respond under NRS 1.235 and ORDERED, Motion GRANTED. COURT FURTHER NOTED, cannot grant Motions for sanctions and ORDERED, countermotions for sanctions DENIED and all other Motions filed STAYED until a new judge is assigned.

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	August 14, 2025

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

August 14, 2025 **9:30 AM** **Status Check**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Patia Cunningham

RECORDER: Judy Chappell

REPORTER:

PARTIES PRESENT:

Clayson, David R.	Attorney
Garin, Joseph P	Attorney
Phillips, T. Matthew	Plaintiff

JOURNAL ENTRIES

- Court advised of It's appointment by the Supreme Court to handle this case. Court noted that on April 14, 2023 an Anti-Slapp motion was heard and granted by Justice Cherry; subsequently the prevailing party was ordered to prepare and submit the Formal Order, however, as of today, the Order has not been filed. Mr. Garin explained that he requested a transcript of the hearing but a Motion to Disqualify Justice Cherry was filed and the Order could not be entered. Following colloquy regarding the transcript, Court further noted that the transcript for the April 14th, 2023 hearing was filed into the case on July 11, 2023. COURT ORDERED, the prevailing party to prepare the Order and all other parties to review the Order as to form and content; if the content cannot be agreed upon, other parties to submit competing Orders and the Order most consistent with Justice Cherry's ruling with be approved. Further, said Order(s) are to be provided within 14 days.

Upon additional colloquy regarding the merits the case, Court noted the Motion to Disqualify Justice Cherry was filed after the Anti-Slapp motion and parties may file additional motions as they deem appropriate once this Order has been completed. COURT FURTHER ORDERED a Status check regarding the filing of the Order(s) SET in chambers.

STATUS CHECK: ANTI-SLAPP ORDER 9/4/2025 (CHAMBERS)

DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct	COURT MINUTES	September 04, 2025

A-21-829038-C T. Phillips, Plaintiff(s)
vs.
Jennifer Abrams, Defendant(s)

September 04, 2025 3:00 AM Status Check

HEARD BY: Villani, Michael **COURTROOM:** No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- The Court having considered all papers and pleadings and being no opposition filed, Defendants Jennifer V. Abrams and the Abrams Law Firm, L.L.C. s Motion for Attorney s Fees and Costs is hereby GRANTED.

NRS 18.010(2) provides that the court may make an allowance of attorney s fees to a prevailing party when authorized by specific statute, or when the court finds that the claim was brought or maintained without reasonable ground or to harass the prevailing party. Further, NRS 18.010(2) provides that [t]he court shall liberally construe the provisions of this paragraph in favor of awarding attorney s fees in all appropriate situations. NRS 18.020 states that [c]osts must be allowed of course to the prevailing party against any adverse party against whom judgment is rendered [i]n an action for the recovery of money or damages, where the plaintiff seeks to recover more than $2,500. See NRS 18.020(3). Pursuant to NRS 41.670(1), Defendants Jennifer V. Abrams and the Abrams Law Firm, L.L.C. s (hereinafter Defendants) are entitled to recover a statutory award of reasonable attorneys fees and costs.

Costs
In Cadle Co. v. Woods & Erickson, LLP, 131 Nev. 114, 120 (2015), the Nevada Supreme Court stated:

NRS 18.020 and NRS 18.050 give district courts wide, but not unlimited, discretion to award costs to prevailing parties. Costs awarded must be reasonable, NRS 18.005; Bobby Berosini, Ltd. v. PETA, 114 Nev. 1348, 1352, 971 P.2d 383, 385 (1998), but parties may not simply estimate a reasonable amount of costs. See Gibellini v. Klindt, 110 Nev. 1201, 1205 06, 885 P.2d 540, 543 (1994) (holding that a party may not estimate costs based on hours billed). Rather, NRS 18.110(1) requires a party to file and serve a memorandum [of costs] ... verified by the oath of the party ... stating that to the best of his or her knowledge and belief the items are correct, and that the costs have been necessarily incurred in the action or proceeding. Thus, costs must be reasonable, necessary, and actually incurred.
Id. at 120.

Here, Defendants seeks $1,753.21 in costs. Defendants filed the Memorandum of Costs and Disbursement. Defendants provided invoices showing these costs and explain that these the costs reasonable and necessary. Further, Plaintiff T. Philips did not file a motion to retax costs. See, EDCR 2.20(e). Accordingly, the Court will award Defendants $1,753.21 in costs.

Attorney Fees
As previously stated, NRS 18.010(2) provides that the court may make an allowance of attorney s fees to a prevailing party when allowed by a statutory provision. NRS 41.670(1) entitles Defendants to attorney fees.

In Brunzell v. Golden Gate Nat l Bank, 85 Nev. 345 (1969), the Nevada Supreme Court determined the standards for determining proper and reasonable awards for attorneys fees in court actions as follows:(1) the qualities of the advocate: his ability, his training, education, experience, professional standing and skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation; (3) the work actually performed by the lawyer: the skill, time and attention given to the work; (4) the result: whether the attorney was successful and what benefits were derived.

Here, Defendants seeks $98,802.00 in attorney s fees. Plaintiff did not oppose the Motion, thus pursuant to EDCR 2.20(e), this motion is deemed meritorious. Moreover, dismissal was entered in favor of Defendants pursuant to NRS 41.660, Anti- SLAPP provisions, and the Court ordered that Defendants were was entitled to attorneys fees and costs. The work performed by Defendants attorneys in preparing this matter was necessary, reasonable, and actually incurred by Defendants. Thus, the Court finds that the Brunzell factors have been satisfied by Defendants attorneys. Accordingly, the Court will award Defendants $98,802.00 in attorney s fees.

Additionally, NRS 41.670(1)(b) allows the Court to award up to $10,000.00 to the person against whom the action was brought. Here an action was brought against Defendant Jennifer V. Abrams and Defendant Abrams Law Firm, L.L.C. The Court finds that each Defendant is entitled to recover a statutory award of $10,000.00, for a total of $20,000.00.

Due to the aforementioned reasons, Defendants Motion for Attorney s Fees and Costs is hereby

GRANTED.

Defendants counsel is directed to prepare a proposed order and to promptly submit it to chambers at DC24Inbox@clarkcountycourts.us for signature. Such order should set forth a synopsis of the supporting reasons proffered to the Court in the briefing. The order is due in two weeks pursuant to EDCR 7.21.

CLERK'S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service, by Court Clerk, Brittany Chapa //bc 10/29/2025

Certification of Copy and Transmittal of Record

State of Nevada
County of Clark } **SS:**

Pursuant to the Supreme Court order dated December 10, 2025, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises sixteen volumes with pages numbered 1 through 3457.

T. MATTHEW PHILLIPS,

Plaintiff(s),

vs.

JENNIFER V. ABRAMS; THE ABRAMS LAW FIRM, L.L.C.; MARK DICIERO; DAVE SCHOEN,

Defendant(s),

Case No: A-21-829038-C

Dept. No: UNASSIGNED

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 30 day of December 2025.

Steven D. Grierson, Clerk of the Court

/s/ Cierra Borum
Cierra Borum, Deputy Clerk