

IN THE SUPREME COURT OF THE STATE OF NEVADA

TREVOR POPE, AN INDIVIDUAL,
Appellant,
vs.
JAMES FELLHAUER; AND SHARON
FELLHAUER, HUSBAND AND WIFE,
Respondents.

No. 68673

FILED

APR 20 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from an order denying a special motion to dismiss pursuant to NRS 41.660. Eighth Judicial District Court, Clark County; James Crockett, Judge.¹

Appellant Trevor Pope posted several derogatory statements about his neighbors, respondents James and Sharon Fellhauer, on the internet. As a result, the Fellhauers filed suit against Pope, claiming defamation and negligent/intentional infliction of emotional distress. Pope filed a special motion to dismiss, arguing his statements were protected under Nevada's anti-SLAPP statute because they concerned issues of public interest. The district court denied the motion, and this appeal followed.

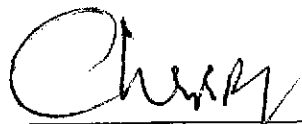
When the district court issued its order, this court had not yet determined what constituted "an issue of public interest" for the purposes of Nevada's anti-SLAPP statute. See NRS 41.637(4). Since then, we have adopted California's guiding principles, as enunciated in *Piping Rock Partners, Inc. v. David Lerner Associates, Inc.*, 946 F. Supp. 2d 957, 968

¹We have determined that oral argument is unnecessary in this matter, and we decide this appeal based on the briefs and record before this court. See NRAP 34(f)(1).

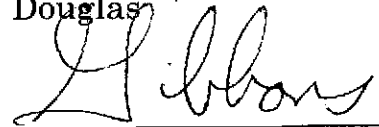
(N.D. Cal. 2013). See *Shapiro v. Welt*, 133 Nev., Adv. Op. 6, ___ P.3d ___, ___ (2017).

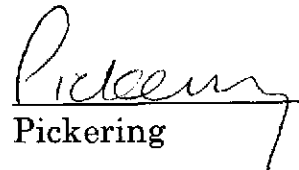
As in *Shapiro*, here, the district court did not apply California's guiding principles in its analysis of the statements at issue. Although the district court may ultimately come to the same conclusion, we believe the matter should be remanded so that the district court may apply the aforementioned principles in the first instance. See *id.* Therefore, we

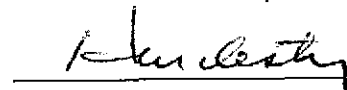
ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

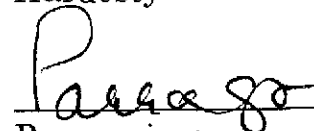

_____, C.J.
Cherry

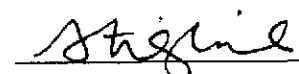

_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. James Crockett, District Judge
Israel Kunin, Settlement Judge
Randazza Legal Group, PLLC
Lewis Roca Rothgerber Christie LLP/Las Vegas
Law Office of John W. Thomson
Law Offices of Clyde Dewitt
Eugene Volokh
Eighth District Court Clerk