

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIAM C. BLAUROCK,  
Appellant,  
vs.  
MATTICE LAW OFFICES; CHARLES B.  
WOOD, III; AND MARY LOU  
BLAUROCK,  
Respondents.

No. 64494

**FILED**

**MAY 27 2015**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Tracie K. Lindeman*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is a pro se appeal from a district court order granting summary judgment in a torts action. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

Appellant filed the underlying action against respondents asserting claims for slander of title, abuse of process, and civil conspiracy. Each of these claims was based on appellant's allegation that respondents recorded a notice of lis pendens containing false statements against a piece of his real property. In particular, although appellant acknowledged respondents had filed a certain petition against him in the California courts, he contended the petition did not state a claim for title to the real property, and thus, the notice of lis pendens was false insofar as it asserted an action was pending seeking title to the property. Ultimately, the district court granted summary judgment in favor of respondents on all three claims because the court found, among other things, the claims were barred by the litigation privilege. This appeal followed.

The litigation privilege is an absolute privilege protecting individuals from civil liability based on "communications uttered or


published in the course of judicial proceedings.” *Circus Circus Hotels, Inc. v. Witherspoon*, 99 Nev. 56, 60, 657 P.2d 101, 104 (1983). The privilege, which even protects an individual from liability for statements made with knowledge of falsity and malice, applies “so long as [the statements] are in some way pertinent to the subject of controversy.” *Id.* Moreover, the statements “need not be relevant in the traditional evidentiary sense; but need have only ‘some relation’ to the proceeding; so long as the material has some bearing on the subject matter of the proceeding, it is absolutely privileged.” *Id.* at 61, 657 P.2d at 104.


In his civil appeal statement, appellant has not made any specific arguments contending the district court erred by applying the litigation privilege in this proceeding. Nevertheless, his appellate arguments could arguably be read as asserting the statements in the notice of lis pendens were not covered by the litigation privilege because they did not relate to the action pending in California. *See id.* (providing that, in order for the litigation privilege to apply, the statements must be related in some way to the subject matter of the judicial proceeding).


The record on appeal demonstrates that the petition respondents filed in California before the notice of lis pendens was recorded did not, itself, assert a claim against appellant’s real property. The petition did, however, assert a claim against funds in a particular bank account, and evidence in the record supported the conclusion that funds from that bank account were used to purchase the real property that was the subject of the notice of lis pendens. Moreover, after the notice of lis pendens was filed, the California court permitted the petition to be amended to claim an interest in that piece of real property. Under these circumstances, we conclude the district court did not err by finding that

the statements in the notice of lis pendens related to the pending California action. *See id.* at 62; 657 P.2d at 105 (“Absolute privilege and relevance are questions of law for the court to decide.”); *see also St. Mary v. Damon*, 129 Nev. \_\_\_, \_\_\_, 309 P.3d 1027, 1031 (2013) (recognizing that questions of law are reviewed de novo on appeal). As appellant has not set forth any other arguments to demonstrate the litigation privilege should not have been applied, we affirm the district court’s summary judgment in favor of respondents on the ground that appellant’s claims were barred by the litigation privilege.<sup>1</sup>

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Stefany Miley, District Judge  
William C. Blaurock  
Thorndal Armstrong Delk Balkenbush & Eisinger/Las Vegas  
Eighth District Court Clerk

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<sup>1</sup>As we affirm the summary judgment on this basis, we need not address the district court’s alternative conclusions set forth to support its decision to grant summary judgment.