

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDRES MENDOZA, AN INDIVIDUAL,  
Appellant,  
vs.  
FRANCISCO SILVA REYES, AN  
INDIVIDUAL; LUCINA ELIZABETH  
SILVA, AN INDIVIDUAL; AND NVFS  
MULTIMEDIA, A SOLE  
PROPRIETORSHIP,  
Respondents.

No. 86074

FILED

JUN 14 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF REVERSAL AND REMAND*

This is an appeal from a district court order denying an anti-SLAPP motion to dismiss. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

Respondents Francisco Silva Reyes, Lucina Elizabeth Silva, and NVFS Multimedia (collectively, NVFS) sued appellant Andres Mendoza and others, alleging generally that Mendoza and others posted negative comments on Mendoza's Facebook page regarding NVFS. Mendoza and two other defendants filed an anti-SLAPP motion, arguing that each comment was a "[c]ommunication made in direct connection with an issue of public interest in a place open to the public or in a public forum" and was "truthful or [was] made without knowledge of its falsehood." NRS 41.637(4). The district court granted the motion with respect to the two other defendants but denied it with respect to Mendoza. In doing so, the district court reasoned that Mendoza had an "[o]bligation to make sure that the comments posted on his public news Facebook page are legitimate."

Reversal is warranted. As a threshold matter, if the other defendants' comments were entitled to anti-SLAPP protection, Mendoza


should have likewise been entitled to such protection regardless of the applicability of 47 U.S.C. § 230(c)(1) (part of the Communications Decency Act). To the extent that the district court based its decision on comments that were not identified in NVFS's complaint, this was also error. See *Spirtos v. Yemenidjian*, 137 Nev. 711, 715, 499 P.3d 611, 616 (2021) (observing that an anti-SLAPP analysis should be premised on the communications alleged in the plaintiff's complaint). Finally, to the extent that NVFS's complaint alleged that Mendoza directly posted objectionable comments, NVFS did not and has not explained how those comments survive the anti-SLAPP statute's two-prong analysis. *Stark v. Lackey*, 136 Nev. 38, 40, 458 P.3d 342, 345 (2020) (explaining what the analysis under NRS 41.660(3) entails).

We caution the district court that findings and analysis are important to our appellate review. See *Boonsong Jitnan v. Oliver*, 127 Nev. 424, 433, 254 P.3d 623, 629 (2011). But despite the lack of findings and analysis in the district court's order, the record dictates our conclusion that Mendoza's anti-SLAPP motion should be granted. Accordingly, on remand, we direct the district court to enter an order granting Mendoza's anti-SLAPP motion. Consistent with the foregoing, we

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

  
\_\_\_\_\_, J.  
Herndon

  
\_\_\_\_\_, J.  
Lee

  
\_\_\_\_\_, J.  
Bell

cc: Hon. Gloria Sturman, District Judge  
Paul M. Haire, Settlement Judge  
Randazza Legal Group, PLLC  
Francisco Silva Reyes  
Lucina Elizabeth Silva  
NVFS Multimedia  
McLetchie Law  
Eighth District Court Clerk