

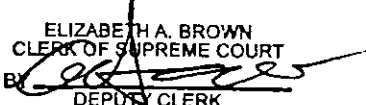
IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS REVIEW-JOURNAL, INC.,  
Appellant,  
vs.  
NEVADA ASSOCIATION OF PUBLIC  
SAFETY OFFICERS, A NEVADA  
NONPROFIT CORPORATION AND  
LOCAL GOVERNMENT EMPLOYEE  
ORGANIZATION, AND ITS NAMED  
AND UNNAMED AFFECTED  
MEMBERS,  
Respondent.

No. 88067

**FILED**

FEB 26 2025

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 special motion to dismiss in an action seeking declaratory and injunctive relief. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

Appellant Las Vegas Review-Journal, Inc. (the Review-Journal) published an article in print and online concerning conditions at the Henderson Detention Center (HDC). The article included video footage of corrections officers interacting with inmates at HDC, as well as still photographs derived from the video footage. Respondent Nevada Association of Public Safety Officers (NAPSO) sued the Review-Journal, seeking a declaration that the Review-Journal violated NRS 289.025 by publishing the video and photos and requesting an injunction requiring the Review-Journal to redact the officer's faces from the photos. See NRS 289.025 (providing that photos "in the possession of a law enforcement agency" of peace officers are generally confidential). The district court denied the Review-Journal's anti-SLAPP special motion to dismiss, finding

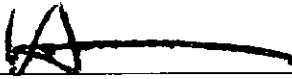
that NAPSO had “not asserted ‘claims’ against the Review-Journal within the intendment of” Nevada’s anti-SLAPP statutes. The Review-Journal appeals.

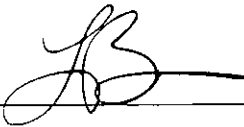
The Review-Journal argues the district court erred in concluding that NAPSO’s claims were not subject to Nevada’s anti-SLAPP statutes. We review de novo, *see Smith v. Zilverberg*, 137 Nev. 65, 67, 481 P.3d 1222, 1226 (2021) (applying de novo review to a district court’s interpretation of Nevada’s anti-SLAPP statutes), and conclude that errors in the district court’s analysis warrant reversal.

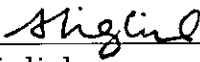
NRS 41.660(1) allows a defendant to file an anti-SLAPP motion to dismiss “an action [that] is brought against [the defendant] based upon” certain types of communications. As we have observed, the anti-SLAPP statutes “do not limit [their] protections to only certain claims for relief.” *Panik v. TMM, Inc.*, 139 Nev., Adv. Op. 53, 538 P.3d 1149, 1154 (2023). Thus, an action for declaratory or injunctive relief may be the subject of an anti-SLAPP motion if the action is “based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public importance.” NRS 41.660(1). Notably, California courts interpreting a similar anti-SLAPP provision have concluded that “an anti-SLAPP motion may lie against a complaint for declaratory relief.” *Lunada Biomedical v. Nunez*, 178 Cal. Rptr. 3d 784, 793 (Ct. App. 2014) (collecting similar cases). Accordingly, we conclude that the district court erred by denying the Review-Journal’s motion on the basis that the complaint did not assert a claim “within the intendment of” Nevada’s anti-SLAPP statutes. Consistent with the anti-SLAPP statutes, the district court, in its analysis, must first determine whether the action against the Review-Journal is based upon a protected good-faith

communication, NRS 41.660(3)(a); NRS 41.637; and, if so, whether NAPSO “demonstrated with prima facie evidence a probability of prevailing on [its] claim[s],” NRS 41.660(3)(b). Based on 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.

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

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

  
\_\_\_\_\_, J.  
Stiglich

cc: Hon. Mark R. Denton, District Judge  
Charles K. Hauser, Settlement Judge  
Ballard Spahr LLP/Las Vegas  
Greenberg Traurig, LLP/Las Vegas  
Ballard Spahr LLP/Wash DC  
Clark Hill PLLC  
Eighth District Court Clerk