

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TYLER HARRIS,
Appellant,
vs.
FRSCO CORPORATION,
Respondent.

No. 90146-COA

FILED

FEB 19 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Tyler Harris appeals from a final order dismissing the complaint in a tort action. Eighth Judicial District Court, Clark County; Tina Talim, Judge.

In November 2024, Harris filed a defamation complaint against his former employer, respondent FRSCO Corporation (FRSCO). Harris alleged that he resigned his employment in August 2024 after FRSCO informed him that he was under investigation for sexual misconduct toward his coworkers. Harris then filed for unemployment benefits, which caused Nevada's Department of Education, Training, and Rehabilitation (DETR) to determine whether he was eligible for such benefits. The complaint alleged that FRSCO defamed Harris by informing DETR that he was a pedophile who harassed his coworkers. Harris claimed that he owned his own film studio and that the allegation damaged his reputation.

FRSCO filed a motion to dismiss pursuant to NRCP 12(b)(5) and an alternative motion to dismiss pursuant to NRS 41.660(3), which is one of Nevada's anti-SLAPP statutes. FRSCO argued that dismissal pursuant to NRCP 12(b)(5) was warranted because NRS 612.265(10) establishes that statements or reports made by an employer to DETR

cannot form the basis for a complaint so long as they are made within the scope of DETR's evaluation of a claim for unemployment benefits. FRSCO noted that the complaint admits FRSCO provided the statements to "unemployment," which appears to be a reference to DETR, and thus it was entitled to absolute immunity. FRSCO additionally argued it was entitled to dismissal under NRS 41.660(3) because any statement made to DETR during an investigation constitutes a good faith communication.

Harris did not file an opposition but instead filed a supplement, which included a copy of the investigation file that FRSCO purportedly submitted to DETR. This file contained handwritten statements from his former coworkers and while they did not explicitly call Harris a pedophile, several statements indicated Harris behaved inappropriately with minor coworkers. The supplement again indicated these reports were provided to DETR as part of its evaluation of Harris's request for unemployment benefits.

On February 11, 2025, the district court held a hearing on the motion to dismiss. Ultimately, the district court granted the motion to dismiss pursuant to NRCP 12(b)(5) based on FRSCO's argument concerning NRS 615.265(10) and concluded it need not address whether dismissal was also appropriate under NRS 41.660(3).¹ Harris now appeals.

¹Although the district court did not specifically cite NRS 612.265(10), it granted FRSCO's NRCP 12(b)(5) motion, which was based on that statute. Accordingly, we construe the district court's decision to dismiss Harris's case as being based on NRS 612.265(10). *See Holt v. Reg'l Tr. Servs. Corp.*, 127 Nev. 886, 895, 266 P.3d 602, 608 (2011) (providing that courts interpret an ambiguous order by consulting the record and proceedings giving rise to the order).

A district court's order granting a motion to dismiss for "failure to state a claim upon which relief can be granted" is rigorously reviewed on appeal. NRCP 12(b)(5); *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). In reviewing such an order, we assume that all facts alleged in the complaint are true, and we review the district court's legal conclusions de novo. *Id.* at 228, 181 P.3d at 672.


On appeal, Harris maintains the district court erred because the statute FRSCO relied upon in its motion to dismiss—NRS 612.265(10)—only applies to government agencies and does not protect false allegations. We disagree. "All letters, reports or communications of any kind, oral, written or electronic, from the *employer* . . . to the Division . . . must not be the subject matter or basis for any lawsuit" so long as it is sent or prepared pursuant to the requirements of NRS Chapter 612, which governs unemployment compensation. NRS 612.265(10) (emphasis added). The supreme court has previously recognized that statements or reports provided by an employer to DETR, when DETR is considering a claim for unemployment compensation, are entitled to the same absolute privilege that accompanies judicial proceedings. *See Circus Circus Hotels, Inc. v. Witherspoon*, 99 Nev. 56, 61, 657 P.2d 101, 104 (1983).² Contrary to Harris's argument, the plain language of NRS 612.265(10) does not limit this absolute privilege to government agencies or exclude false allegations but instead expressly states that all the *employer's* statements are protected.

²We note at the time this case was decided, the relevant statutory language was contained within NRS 612.265(7). However, the statute was subsequently amended and the relevant language is now contained within NRS 612.265(10). We further note that the relevant language has not substantively changed since *Circus Circus Hotels* was decided. *Id.* at 61, 657 P.2d at 104.

Because Harris's complaint conceded that these documents were provided as part of DETR's determination into his eligibility for unemployment compensation, we conclude the district court did not err by dismissing Harris's complaint.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Tina Talim, District Judge
Tyler Harris
Garin Law Group
Eighth District Court Clerk

³Insofar as Harris raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief. Further, in light of our disposition, we deny Harris's motion for trial by jury.