IN THE SUPREME COURT OF THE STATE OF NEVADA

DOUGLAS B. ANSELL, AS GUARDIAN FOR MINOR CHILD,
Appellant/Cross-Respondent,
vs.
MCDONALD CARANO LLP AND PAT LUNDVALL,
Respondents/Cross-Appellants.

No. 89664

FILED

MAY 15 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This appeal and cross-appeal challenge a district court's order granting a motion for judgment on the pleadings and denying a special motion to dismiss under NRS 41.660. Appellant/cross-respondent Douglas Ansell initiated a lawsuit on behalf of his minor daughter against his ex-wife's attorney, Marshall Willick, alleging Willick disclosed Ansell's daughter's private medical information in a separate civil action.

Two years into the litigation over the disclosure of records, Respondent/cross-appellant Pat Lundvall was appointed as guardian ad litem (GAL) for Ansell's minor child. Lundvall was required to assess whether the minor's claims had merit, make decisions on behalf of the minor, and provide periodic recommendations to the court. Lundvall ultimately recommended that the minor's claims were without merit, and the court granted summary judgment in favor of Willick. Lundvall's appointment was terminated shortly thereafter.

Following Lundvall's termination, Ansell served Lundvall's place of employment, Respondent/cross-appellant McDonald Carano LLP, with a subpoena deuces tecum seeking production of all records concerning their work on his daughter's case. McDonald Carano objected; Ansell did

not move the court to compel production of those documents. In a separate letter to McDonald Carano, Ansell asserted he was entitled to all of the records related to the child, including a proper accounting, because he was the minor's parent and legal guardian.

Eventually, Ansell filed suit against Lundvall and McDonald Carano, as they refused to provide Ansell with all the records they retained related to Ansell's child. Lundvall and McDonald Carano filed a special motion to dismiss the action (anti-SLAPP), or in the alternative, for judgment on the pleadings. The district court granted the motion for judgment on the pleadings, concluding the *Willick* court had jurisdiction to resolve the records request, and denied the special motion to dismiss as moot, without reaching the merits. Ansell appeals the grant of the motion for judgment on the pleadings, and Lundvall and McDonald Carano cross-appeal the denial of the special motion to dismiss and the failure of the district court to award attorney's fees.

The district court erred when it found Ansell should have sought relief from the Willick court

On a motion for judgment on the pleadings, this court accepts the factual allegations in the complaint as true and draws all inferences in favor of the nonmoving party. *Peck v. Zipf*, 133 Nev. 890, 892, 407 P.3d 775, 778 (2017). A de novo standard of review applies to an order granting a motion for judgment on the pleadings. *Sadler v. PacifiCare of Nev., Inc.*, 130 Nev. 990, 993, 340 P.3d 1264, 1266 (2014).

The district court erred by declining to decide which party was entitled to the records and an accounting for services rendered, and it improperly directed Ansell to seek relief from the *Willick* court. The claims asserted by Ansell in the *Willick* action are not the same claims raised in this suit. In *Willick*, Ansell alleged: (1) unreasonable publicity given to

private facts; (2) abuse of process; (3) negligence; and (4) gross negligence. By contrast, this action asserts (1) claim and delivery for client documents, and (2) declaratory relief establishing that Ansell is the holder of the attorney-client privilege. Ansell's claims in this suit are different legal disputes based on different facts, and he seeks different remedies. The common factual issues regarding the appointment of Lundvall as GAL do not alone preclude Ansell from filing a separate action seeking different relief. *See Round Hill Gen. Improvement Dist. v. B-Neva, Inc.*, 96 Nev. 181, 184, 606 P.2d 176, 178 (1980) ("Where claims arise at different times out of the same transaction, a judgment as to one or more of such claims is no bar to a subsequent action on the claims arising thereafter."). The district court erred by deferring Ansell's claims to the jurisdiction of the *Willick* court. Because the district court never truly considered Ansell's claims, we decline to resolve the merits of his claims and Lundvall's defenses to those claims in the first instance. Instead, we remand for the district court to consider the merits of Ansell's claim and Lundvall's defenses. *See Ryan's Express Transp. Servs., Inc. v. Amador Stage Lines, Inc.*, 128 Nev. 289, 299, 279 P.3d 166, 172 (2012) ("An appellate court is not particularly well-suited to make factual determinations in the first instance.").

This court does not reach the merits of Lundvall and McDonald Carano's special motion to dismiss because it was not considered

"We review a decision to grant or deny an anti-SLAPP special motion to dismiss de novo." *Smith v. Zilverberg*, 137 Nev. 65, 67, 481 P.3d 1222, 1226 (2021). "[T]he anti-SLAPP framework demands a two-prong analysis when considering a special motion to dismiss." *Wynn v. Associated Press*, 140 Nev., Adv. Op. 56, 555 P.3d 272, 276 (2024), *cert. denied*, 145 S. Ct. 1434 (2025). "The first prong requires the court to '[d]etermine whether the moving party has established, by a preponderance of the evidence, that

the claim 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 concern.'" *Id.* (quoting NRS 41.660(3)(a)). "If the moving party makes this initial showing, the burden shifts to the plaintiff under the second prong to show 'with prima facie evidence a probability of prevailing on the claim.'" *Id.* (quoting NRS 41.660(3)(b)). Because the district court did not rule on Lundvall and McDonald Carano's special motion to dismiss or develop a sufficient record for appellate review, we decline to review the motion. *See Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (concluding that "an appellate court is not an appropriate forum in which to resolve disputed questions of fact").

Accordingly, we reverse the judgment on the pleadings and remand the case for the district court to determine whether Ansell is entitled to any of the documents he seeks from Lundvall and McDonald Carano and consider Lundvall and McDonald Carano's special motion to dismiss.

It is so ORDERED.

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Bell, J.
Bell

cc: Hon. Anna C. Albertson, Judge
Israel Kunin, Settlement Judge
Thompson Lower PLLC
Garin Law Group
Eighth District Court Clerk