



IN THE SUPREME COURT OF THE STATE OF NEVADA

XIAOCI ZHENG, INDIVIDUALLY,
Appellant,
vs.
JOHN P. ALDRICH, ESQ., LTD., D/B/A
ALDRICH LAW FIRM, LTD.,
Respondent.

No. 87633

ORDER OF REVERSAL AND REMAND

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

Appellant Xiaoci Zheng retained respondent John P. Aldrich, Esq., Ltd., d/b/a Aldrich Law Firm, Ltd. to represent Zheng in a civil action. Aldrich terminated the representation a few months later and Zheng posted several negative reviews about the firm and the attorney assigned to Zheng's case, Catherine Hernandez, on various websites. Aldrich then sued Zheng alleging defamation, defamation *per se*, business disparagement, and intentional interference with prospective economic advantage. Zheng filed an anti-SLAPP special motion to dismiss, arguing the reviews were opinions incapable of being proven false and that Zheng believed the reviews to be truthful. After a hearing, the district court denied Zheng's anti-SLAPP motion. Zheng appeals.

We review de novo and conclude that errors in the district court's analysis warrant reversal. *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). District courts must

conduct a two-prong analysis when evaluating an anti-SLAPP motion to dismiss. *Stark v. Lackey*, 136 Nev. 38, 40, 458 P.3d 342, 345 (2020). Under the first prong, the moving party must demonstrate by a preponderance of the evidence that the action is based on communications that are protected under NRS 41.637 and are either “truthful or [were] made without knowledge of [their] falsehood.” NRS 41.637; *Stark*, 136 Nev. at 40, 458 P.3d at 345 (citing NRS 41.637). If the court concludes the moving party has satisfied the first prong, the court must then move on to the second prong and “determine whether the plaintiff has demonstrated with prima facie evidence a probability of prevailing on [its] claim[s].” NRS 41.660(3)(b).

Thus, the district court first had to determine whether Zheng showed by a preponderance of the evidence that Aldrich’s claims are “based upon a good-faith communication in furtherance of the right to petition or the right to free speech regarding a matter of public concern.” *Abrams v. Sanson*, 136 Nev. 83, 86, 458 P.3d 1062, 1066 (2020) (citing NRS 41.600(3)(a)). In *Rosenbrook v. Lloyd*, we explained that when a claim is based on a number of allegedly protected communications, the first prong of the anti-SLAPP analysis “requires independent review of each separate communication.” 142 Nev., Adv. Op. 36, 588 P.3d 1281, 1287 (2026) (evaluating statements individually to determine whether each statement is a protected communication under the first prong of the anti-SLAPP analysis). Although the district court acknowledged that Zheng’s statements contained a mix of opinion and fact-based statements, it denied the motion in its entirety without completing the first-prong analysis as to the fact-based statements. Thus, the district court erred in failing to consider each of Zheng’s statements individually under the first-prong

analysis. *See Abrams*, 136 Nev. at 91, 458 P.3d at 1069 (“A complaint should not be dismissed in its entirety where it contains claims arising from both protected and unprotected communications.”); *see also Rosenbrook*, 142 Nev., Adv. Op. 36, 588 P.3d at 1291 (recognizing a party can partially prevail on an anti-SLAPP motion to dismiss). We therefore reverse and remand for the district court to undertake a review consistent with the anti-SLAPP statutes.¹ *See Taylor v. Colon*, 136 Nev. 434, 437, 482 P.3d 1212, 1215 (2020) (explaining that Nevada’s anti-SLAPP statutes “ensure full protection and meaningful appellate review” by requiring the district court to conduct the two-prong analysis (internal quotation marks omitted)). 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.



Herndon, C.J.



Bell, J.



Stiglich, J.

cc: Hon. Mark R. Denton, District Judge
Patrick N. Chapin, Settlement Judge
Alex B. Ghibaudo
Aldrich Law Firm, Ltd.
Eighth District Court Clerk

¹Given our disposition, we need not reach the parties’ arguments concerning the second prong of the anti-SLAPP analysis.