1 2 3 4	F. Christopher Austin, (NV Bar No. 6559)  WEIDE & MILLER, LTD. 7251 W. Lake Mead Blvd., Suite 530  Las Vegas, NV 89128-8373 (702) 382-4804  caustin@weidemiller.com	
5	Attorneys for Plaintiff, Counterdefendant Marc J. Randazza	
6	UNITED STATES DISTRICT COURT	
8	DISTRICT OF NEVADA	
9	MARC J. RANDAZZA, an individual, JENNIFER RANDAZZA, an individual, and NATALIA RANDAZZA, an individual,	Case No.: 2:12-cv-2040-JAD-PAL
11	Plaintiff,	NOTICE OF INTENT TO FILE MOTION TO REINSTATE APPEAL
12	v.	
13	CRYSTAL COX, an individual, et al.,	
14	Defendants.	
15		
16		
17	Notice is hereby given that Counterdefendant Marc J. Randazza ("Randazza") in the	
18	above named case intends to file with the United States Court of Appeals for the Ninth Circuit a	
19	motion to reinstate the appeal of Court of Appeals Docket Case No. 15-15610.	
20	On March 30, 2015, Counterdefendant properly filed a Notice of Appeal of this Court's	
21	denial of Counterdefendant's Special Motion to Dismiss Counterclaimant's surviving	
22	counterclaims under Nevada's anti-SLAPP statute as amended.	
23	On April 10, 2015, a clerk order was entered	l requesting Randazza ("Appellant") to show
24	cause as to why the appeal (Case 15-15610) sho	ould not be dismissed on the grounds that
25	Nevada's anti-SLAPP statute is not immediately ap	ppealable. While it is true that the Court of
26	Appeals had previously held that Nevada's anti-SLAPP statute did not provide for an	
27	interlocutory appeal, that statute was amended in 2013 to expressly provide for an interlocutory	
28	appeal, overcoming the grounds for the prior holding of the Court of Appeals.	
WEIDE & MILLER, LTD. 7251 W. LAKE MEAD BLVD., SUITE 530 LAS VEGAS, NEVADA 89128 (702) 382-4804	FCA-W-0241 1	Notice of Intent to File Motion to Reinstate Appeal

## Case 2:12-cv-02040-JAD-PAL Document 277 Filed 05/21/15 Page 2 of 3

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Unfortunately, the notice of the April 10, 2015, clerk order was never actually served or received by Appellant, because notice was not sent to the email address of counsel for Appellant as set forth on the Notice of Appeal. The clerk sent the notice by email to an email account for Appellant's counsel that had been terminated years earlier. The terminated email had years earlier been registered on the Court of Appeals' ECF system and was returned. A deputy clerk for the Court of Appeals wryly noted on review of the matter that Appellant would have been properly noticed, had its counsel never registered with the Court of Appeals' ECF system at all, as the clerk then would have relied exclusively on the contact information properly set forth on the Notice of Appeals, as the clerk did for Appellee.

Not having received any actual notice of the April 10, 2015, clerk order, Appellant did not respond to it. So, on May 15, 2015, the Court of Appeals dismissed the case for failing to respond to the April 10, 2015, clerk order. Pursuant to FRAP 40(c), Ninth Circuit General Rule 2.4, and Circuit Rule 27-10, Appellant timely may bring a motion to reinstate the appeal within 14 days of the entry of the order dismissing the appeal plus three days for electronic service. Appellant hereby provides notice that he will bring such a motion.

DATED this 21<sup>st</sup> day of May, 2015.

Respectfully Submitted,

WEIDE & MILLER, LTD.

/s/ F. Christopher Austin
F. Christopher Austin

7251 W. Lake Mead Blvd., Suite 530 Las Vegas, NV 89128

Attorney for Attorneys for Plaintiff, Counterdefendant Marc J. Randazza

1	CERTIFICATE OF SERVICE		
2	I hereby certify that I am an employee of Weide & Miller, Ltd. and that on May 21		
3	2015, I served a full, true and correct copy of the foregoing Counterdefendant Marc J		
4	Randazza's Notice of Intent to File Motion to Reinstate Appeal via the United States Distric		
5	Court's CM/ECF filing system upon the following:		
6	RANDAZZA LEGAL GROUP		
7	Ronald D. Green, Esq. Nevada Bar No. 7360		
8	Theresa M. Haar, Esq.		
9	and		
10			
11	CRYSTAL L. COX, Pro Se PO Box 20277		
12	Port Townsend, WA 98368		
13	and via U.S. Mail to the party below requesting notice:		
14	CRYSTAL L. COX, PO Box 20277		
15	Port Townsend, WA 98368 Pro Se Defendant, Counterclaimant		
16			
17	/s/ F. Christopher Austin An employee of WEIDE & MILLER, LTD.		
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