

1  
2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA

4 SARA RAMIREZ,

Case No. 3:25-cv-00144-ART-CLB

5 Plaintiff,

ORDER

6 v.

7 BISHOP MANOGUE CATHOLIC HIGH  
SCHOOL, et al.,

8 Defendants.

9  
10 Plaintiff Sara Ramirez sued Defendants Bishop Manogue Catholic High  
11 School (“Bishop Manogue”) and Matthew Schambari, alleging various  
12 constitutional and state law violations, after being terminated from her position  
13 as a Bishop Manogue basketball coach. (ECF No. 1.) In response, Defendants  
14 filed a counterclaim against Ms. Ramirez for defamation. (ECF No. 10.) Before the  
15 Court is Ms. Ramirez’s motion to dismiss Defendants’ counterclaim and her  
16 special motion to dismiss under Nevada’s anti-SLAPP statute. (ECF Nos. 17, 19.)  
17 As detailed below, the Court grants Ms. Ramirez’s special motion to dismiss  
18 under Nevada’s anti-SLAPP statute and denies her motion to dismiss under  
19 Federal Rule of Civil Procedure 12(b)(6) as moot.

20 **I. BACKGROUND**

21 In October 2019, Bishop Manogue hired Ms. Ramirez as a part-time girls’  
22 basketball coach. (ECF No. 10 at ¶ 5.) In 2023, Defendants received multiple  
23 complaints from parents of student-athletes regarding Ms. Ramirez’s treatment  
24 of the players. (*Id.* at ¶ 7.) Due to these repeated complaints, Bishop Manogue  
25 administrators decided that Ms. Ramirez should be terminated during the  
26 summer of 2023. (*Id.* at ¶ 15.)

27 When Ms. Ramirez learned that she might be asked to resign, she requested  
28 a meeting with Mr. Schambari, Bishop Manogue’s President, and Frank Lazarek,

1 Bishop Manogue’s Athletic Director. (*Id.* at ¶¶ 16–17.) Mr. Schambari and Mr.  
2 Lazarek met with Ms. Ramirez on August 8, 2023, to discuss the complaints  
3 about her and Bishop Manogue’s concerns regarding her performance. (*Id.* at ¶  
4 17.) Ms. Ramirez secretly recorded that conversation. (*Id.*) The hour-long  
5 conversation largely centered on concerns about Ms. Ramirez’s aggressive  
6 coaching style, which some players reported was personally demeaning and laced  
7 with profanity. (*Id.* at ¶ 18.) As relevant to this litigation, Mr. Schambari also  
8 expressed concerns about outside perceptions regarding basketball players  
9 receiving scholarships. According to a transcript of the conversation, Mr.  
10 Schambari specifically said,

11 “And I think that we’ve got to be super intentional about not supporting or  
12 creating a narrative where it looks like, oh, well we’re—we’re bringing in—  
13 we’re paying to bring in these brown kids to come and win us basketball  
14 games. And then the white kids don’t get to play. Now, I know that’s BS,  
15 but I can see how the narrative starts to get crafted. And so I’d be really  
16 intentional with your coaching staff and with yourself personally, that don’t  
17 have any conversations around money. Just push them right to me.”

18 (ECF No. 19-1 at 57.)

19 According to her complaint, Ms. Ramirez left this conversation believing  
20 that Mr. Schambari wanted her to change her coaching strategy to favor white  
21 players over players of color. (ECF No. 1 at ¶ 25–29.) Ms. Ramirez refused to  
22 implement this perceived directive and continued to allow her best players to  
23 play. (*Id.* at ¶¶ 30–31.)

24 Mr. Lazarek later pressured Ms. Ramirez to give more playing time to a  
25 white, non-scholarship player whose parents had been advocating for her. (ECF  
26 No. 19-1 at 101–105.) According to Ms. Ramirez, this same student made  
27 statements to other girls on the team indicating that the student and her mom  
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1 were attempting to get Ms. Ramirez terminated for “playing ‘brown’ girls over her.”  
2 (*Id.* at 10.)

3 After this conversation, Ms. Ramirez was placed on probation and was  
4 given a written list of expectations, including cultivating positive relationships  
5 with student-athletes and their families and increased transparency. (ECF No.  
6 10 at ¶ 22.) Bishop Manogue, however, continued to receive complaints about  
7 Ms. Ramirez. (*Id.* at ¶¶ 23–24.) Mr. Schambari subsequently asked Teresa  
8 Burrows, Bishop Manogue’s Dean of Students, to attend the girls’ basketball  
9 practices to observe. (*Id.* at ¶ 25.)

10 On March 14, 2024, 20 days after Ms. Ramirez led her team to a state  
11 championship, she was terminated. (ECF No. 1 at ¶ 24.) According to Ms.  
12 Ramirez, Mr. Schambari justified her termination by stating that Ms. Ramirez  
13 “did not listen to them in the preseason meeting.” (ECF No. 1 at ¶ 25.)

14 After Ms. Ramirez was terminated, she spoke to the press and stated: (1)  
15 that she was warned before the start of the season about “brown kids” who were  
16 attending school on scholarship getting more playing time at the expense of the  
17 white players; (2) that after playing the best players, she was fired for “not  
18 following directions;” and (3) that Ms. Burrows was instructed to attend practices  
19 and games to pressure Ms. Ramirez since she “didn’t change.” (ECF No. 10 at ¶  
20 31.)

21 On March 14, 2025, Ms. Ramirez filed this lawsuit, alleging the following  
22 causes of action: (1) retaliation under Title VII, 42 U.S.C. § 2000e-3(a); (2)  
23 retaliation under 42 U.S.C. § 1981; (3) retaliation and wrongful termination in  
24 violation of public policy; (4) hostile work environment under Title VII, 42 U.S.C.  
25 § 2000e-2(a); (5) negligent supervision and retention; (6) negligent infliction of  
26 emotional distress; (7) breach of covenant of good faith and fair dealing; and (8)  
27 discrimination in violation of NRS 613.330. (ECF No. 1.) Defendants  
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1 subsequently filed a counterclaim alleging defamation by Ms. Ramirez, based on  
2 the statements she made to the press regarding the circumstances surrounding  
3 her termination. (ECF No. 10.)

4 Ms. Ramirez now moves to dismiss Defendants’ defamation counterclaim  
5 because she argues that her statements directly concern an issue of public  
6 interest, which is a protected activity under NRS 41.600—Nevada’s anti-SLAPP  
7 statute. (ECF No. 19.) Alternatively, Ms. Ramirez moves to dismiss Defendants’  
8 counterclaim because it fails to state a cause of action under Rule 12(b)(6). (ECF  
9 No. 17.)

## 10 **II. LEGAL STANDARD**

### 11 **A. Nevada’s Anti-SLAPP Statute**

12 Under NRS 41.650, “[a] person who engages in a good faith communication  
13 in furtherance of the right to petition is immune from civil liability for claims  
14 based upon the communication.” NRS 41.650. Nevada’s anti-SLAPP statute was  
15 enacted to protect “well-meaning citizens who petition [the] government and then  
16 find themselves hit with retaliatory suits known as SLAPP[] [suits].” *John v.*  
17 *Douglas Cnty. Sch. Dist.*, 219 P.3d 1276, 1281 (Nev. 2009), superseded by statute  
18 on other grounds as stated in *Shapiro v. Welt*, 389 P.3d 262, 266 (Nev. 2017).

19 Because it is procedurally treated as a motion for summary judgment, the  
20 Court “can only grant the special motion to dismiss if there is no genuine issue  
21 of material fact and the moving party is entitled to a judgment as a matter of law.”  
22 *Id.* (internal quotations and citations omitted). To overcome the special motion to  
23 dismiss, the “nonmoving party must provide more than general allegations and  
24 conclusions; it must submit specific factual evidence demonstrating the existence  
25 of a genuine factual issue.” *Id.* at 1281–82 (internal quotations and citations  
26 omitted).

27 Motions brought under Nevada’s anti-SLAPP statute follow a two-step,  
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1 burden shifting framework. Under the first prong, the Court evaluates “whether  
2 the moving party has established, by a preponderance of evidence,’ that he or she  
3 made the protected communication in good faith.” *Rosen v. Tarkanian*, 453 P.3d  
4 1220, 1223 (Nev. 2019) (quoting NRS 41.660(3)(a)). A party makes that showing  
5 if the communications fit into one of the four categories in NRS 41.637 and were  
6 “truthful or made without knowledge of its falsity.” *Id.* (citing NRS 41.637). As  
7 relevant here, NRS 41.637(4) covers “[c]ommunication[s] made in direct  
8 connection with an issue of public interest in a place open to the public or in a  
9 public forum.” NRS 41.637(4). If the movant prevails at the first step, the burden  
10 then shifts to the nonmoving party to “demonstrate[] with prima facie evidence a  
11 probability of prevailing on the claim.” *Rosen*, 453 P.3d at 1223 (citation omitted).

12 Because “Nevada's anti-SLAPP law is substantially similar to California's  
13 in both meaning and purpose, [] the Nevada Supreme Court has repeatedly  
14 turned to California courts for guidance on interpreting and applying the  
15 statutes.” *Allstate Ins. Co. v. Belsky*, No. 2:15-CV-02265-MMD-CWH, 2017 WL  
16 7199651, at \*2 (D. Nev. Mar. 31, 2017) (citing *Shapiro*, 389 P.3d at 268; *John*,  
17 219 P.3d at 1281).

### 18 **III. ANALYSIS**

#### 19 **A. Protected Activity**

20 As relevant here, “NRS 41.637(4) defines a ‘[g]ood faith communication in  
21 furtherance of the right to petition or the right to free speech in direct connection  
22 with an issue of public concern’ as any ‘[c]ommunication made in direct  
23 connection with an issue of public interest in a place open to the public or in a  
24 public forum, which is truthful or is made without knowledge of its falsehood.’”  
25 *Shapiro*, 389 P.3d at 267–68 (quoting NRS 41.637(4)). To fall under the protection  
26 of NRS 41.637(4), “a statement must meet three criteria: it must be an issue of  
27 public interest, made in public, and true or made without knowledge of its  
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1 falsehood.” *Moreira-Brown v. Las Vegas Rev. J., Inc.*, 648 F. Supp. 3d 1278, 1287  
2 (D. Nev. 2023), *aff’d*, No. 23-15143, 2024 WL 1596456 (9th Cir. Apr. 12, 2024).

3 The Court addresses these elements in turn.

#### 4 **1. Matters of Public Interest**

5 Ms. Ramirez contends that her statements were matters of public interest  
6 because they concerned possible discriminatory directives given by leadership at  
7 a prominent high school. (ECF No. 19 at 18–20.) Defendants argue that the  
8 circumstances surrounding Ms. Ramirez’s termination concern a private  
9 employment dispute, and not a matter of public interest. (ECF No. 25 at 7–10.)

10 The Nevada Supreme Court has held that public interest is “broadly  
11 defined” and adopted five “guiding principles” to determine whether a public  
12 interest exists: (1) “‘public interest’ does not equate with mere curiosity;” (2) “a  
13 matter of public interest should be something of concern to a substantial number  
14 of people; a matter of concern to a speaker and a relatively small specific audience  
15 is not a matter of public interest;” (3) “there should be some degree of closeness  
16 between the challenged statements and the asserted public interest—the  
17 assertion of a broad and amorphous public interest is not sufficient;” (4) “the  
18 focus of the speaker's conduct should be the public interest rather than a mere  
19 effort to gather ammunition for another round of private controversy;” and (5) “a  
20 person cannot turn otherwise private information into a matter of public interest  
21 simply by communicating it to a large number of people.” *Abrams v. Sanson*, 458  
22 P.3d 1062, 1066 (Nev. 2020) (citing *Shapiro*, 389 P.3d at 268).

23 Considering these guiding principles, the Court finds that Ms. Ramirez’s  
24 statements concern the public’s interest in discrimination and athletics at  
25 educational institutions. The public has an interest in discrimination in  
26 educational settings that is not mere curiosity, as it informs where parents may  
27 enroll their students, and as Defendants concede, Bishop Manogue is an  
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1 educational institution that holds a prominent place in the Reno community. See  
2 e.g., *Morrow v. Los Angeles Unified Sch. Dist.*, 149 Cal. App. 4th 1424, 1436–39  
3 (2007) (principal’s handling of racially-motivated violence concerned an issue of  
4 public interest); *Marca v. Capella Univ.*, No. SA-CV-05642-DOC-MLGX, 2006 WL  
5 8434407, at \*4 (C.D. Cal. Feb. 6, 2006) (quality of educational institution and  
6 possible discrimination are matters of public concern); *McGarry v. Univ. of San*  
7 *Diego*, 154 Cal. App. 4th 97, 109–110 (2007) (reason for football coach’s  
8 termination concerned an issue of public interest).

9       There is also no evidence that Ms. Ramirez’s statements were meant to  
10 gather ammunition for another round of private controversy or turn an otherwise  
11 private matter into a matter of public interest by speaking to the press, because  
12 press regarding her termination after winning a state championship already  
13 existed, and she was merely providing comment. (ECF No. 19 at 19 n.5, 6.)

14       In addition to requiring that the communication concern a matter of public  
15 interest, NRS 41.637(4) also stipulates that the communication be made “in a  
16 place open to the public or in a public forum.” NRS 41.637(4). In this case, Ms.  
17 Ramirez’s statements to press were clearly in a place open to the public or a  
18 public forum as news reports, whether online or on the radio, are a classic  
19 example of public fora. See *Nygaard, Inc. v. Uusi-Kerttula*, 159 Cal. App. 4th 1027,  
20 1038 (2008) (finding that newspapers and magazines are public fora under anti-  
21 SLAPP); *Barrett v. Rosenthal*, 146 P.3d 510, 514 n.4 (2006) (websites accessible  
22 to the public are public fora under anti-SLAPP statutes).

23       The Court therefore finds that Ms. Ramirez’s statements concern matters  
24 of public interest under NRS 41.637(4) and were made in a public forum.

1           **2. Good Faith Communication**

2           Ms. Ramirez next argues that her statements were made in good faith,  
3 because they were based on her firsthand knowledge and experience, and she  
4 believed the statements were true at the time they were made. (ECF No. 19 at 21–  
5 23.) In response, Defendants contend that Ms. Ramirez’s “assertions that she  
6 believed and continues to believe her statements to be true are belied entirely by  
7 . . . evidence concerning parent complaints, and a common sense reading of the  
8 [preseason meeting] transcript.” (ECF No. 25 at 10.)

9           To succeed on the first prong of Nevada’s anti-SLAPP statute, the moving  
10 party must also establish, “by a preponderance of the evidence,” that the  
11 communication was made in good faith. *Rosen*, 453 P.3d at 1223. “A  
12 communication is made in good faith when it ‘is truthful or is made without  
13 knowledge of its falsehood.’” *Id.* (quoting NRS 41.637). A communication is true  
14 when the “preponderance of the evidence demonstrates that the gist of the story,  
15 or the portion of the story that carries the sting of the [statement], is true.” *Id.* at  
16 1224 (internal quotations and citations omitted).

17           The gist of Ms. Ramirez’s statements was true. In the preseason meeting,  
18 Mr. Schambari made an explicit statement regarding being intentional about  
19 avoiding the perception that “brown kids” were being played more than white  
20 players. (ECF No. 19-1 at 57.) While Defendants now argue that an alternative  
21 meaning to those words was obvious, Ms. Ramirez’s possible misinterpretation  
22 does not mean that her statements were false. (ECF No. 25 at 10–13.) Moreover,  
23 the gist of Ms. Ramirez’s statement, which is that Bishop Manogue leadership  
24 expressed racially motivated directives regarding her coaching behavior, is true.  
25 (ECF No. 19-1 at 57.) Her other statements are similarly true, as Ms. Burrows  
26 did attend Ms. Ramirez’s practices to monitor her coaching behavior, and Ms.  
27 Ramirez was fired for not following directives given in the preseason meeting.  
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1 (ECF No. 10 at ¶¶ 25–27.)

2 It is even clearer that Ms. Ramirez’s statements were not made with  
3 knowledge of their falsity. Though the preseason meeting covered a variety of  
4 concerns with Ms. Ramirez’s coaching, Mr. Schambari clearly directed Ms.  
5 Ramirez to be intentional about her coaching behavior when it came to playing  
6 “brown kids.” (ECF No. 19-1 at 57.) While it is possible that Ms. Ramirez  
7 interpreted the statement in a way that Mr. Schambari did not mean, such a  
8 conclusion does not give rise to any inference that she made the statements with  
9 knowledge of their falsity. When considered with the entirety of the circumstances  
10 surrounding her termination, the evidence provides a compelling case that Ms.  
11 Ramirez believed her statements about Mr. Schambari’s directives and the reason  
12 for her termination to be true.

13 Thus, as to the statements that Ms. Ramirez made to the press regarding  
14 the circumstances surrounding her termination from Bishop Manogue, the Court  
15 finds that she has satisfied her initial burden under the two-step anti-SLAPP  
16 framework, shifting the burden to Defendants to show a probability of prevailing  
17 on their defamation counterclaim.

### 18 **B. Probability of Prevailing on the Merits**

19 Defendants’ counterclaim alleges that Ms. Ramirez made false statements  
20 suggesting that Bishop Manogue and Mr. Schambari directed her to ensure that  
21 “brown kids” attending Bishop Manogue on scholarship did not get more playing  
22 time at the expense of white players. (ECF No. 10 at ¶¶ 31–33.) They also allege  
23 that Ms. Ramirez falsely suggested that her failure to follow their directives was  
24 the cause of her termination. (*Id.*) These statements, according to Defendants,  
25 damaged their reputation. (*Id.* at ¶¶ 39–43.) Ms. Ramirez argues that her  
26 statements were true, or substantially true, and that Defendants have failed to  
27 show she acted with actual malice, as is required for limited purpose public  
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1 figures. (ECF No. 19 at 28–33.)

2 To state a claim for defamation, a plaintiff must prove: “(1) a false and  
3 defamatory statement by [a] defendant concerning the plaintiff; (2) an  
4 unprivileged publication to a third person; (3) fault, amounting to at least  
5 negligence; and (4) actual or presumed damages.” *Pegasus v. Reno Newspapers,*  
6 *Inc.*, 57 P.3d 82, 90 (Nev. 2002). Ms. Ramirez seems to concede that there was an  
7 unprivileged publication to a third person and that Defendants suffered damages,  
8 as she does not address these elements in her motion. (ECF No. 19.) The Court  
9 therefore focuses its analysis on falsity and fault.

10 Defendants have failed to demonstrate that any of the statements made by  
11 Ms. Ramirez were false. The transcript of the preseason meeting shows that Mr.  
12 Schambari made statements directing Ms. Ramirez to be intentional with her  
13 coaching and playing of “brown kids” and white players. (ECF No. 19-1 at 57.)  
14 Defendants do not argue that such a statement was never made; instead, they  
15 argue that the conversation contained no explicit or implicit directive to play  
16 students in a race-conscious manner. (ECF No. 25 at 11–13, 13–17.) Mr.  
17 Schambari may not have meant to imply a discriminatory directive, but his  
18 comments telling Ms. Ramirez to be intentional about her coaching so as not to  
19 create a perception that “brown kids” were being favored could easily be  
20 interpreted as such.

21 Defendants also argue that Ms. Ramirez’s statements regarding being  
22 observed by Ms. Burrows and eventually terminated for not following  
23 discriminatory directives are obviously false, when viewed against the backdrop  
24 of the many complaints about her coaching style. (*Id.*) But once again,  
25 Defendants’ contention that Ms. Ramirez misinterpreted Mr. Schambari’s  
26 comments and the reasons for her firing, does not mean that the statements were  
27 false. Even Defendants seem to concede that Ms. Burrows was monitoring Ms.  
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1 Ramirez’s coaching behavior and Ms. Ramirez was fired for not changing her  
2 coaching style, though they contend that those actions were motivated by her  
3 aggressive coaching style. (*Id.*) The Court thus concludes that Ms. Ramirez’s  
4 statements were not defamatory because the gist of her statements were  
5 substantially true.

6 The Court agrees with Ms. Ramirez that Bishop Manogue and Mr.  
7 Schambari are likely public figures for the purposes of this action. “A person or  
8 company can be a limited purpose public figure” when: (1) there is a public  
9 controversy, meaning a publicly-debated issue that has ramifications for  
10 nonparticipants; (2) the person's role in the controversy is more than trivial or  
11 tangential, meaning they took some voluntary act to influence resolution of the  
12 public issue; and (3) the “alleged defamation is germane to the person's  
13 participation in the controversy.” *Oracle USA, Inc. v. Rimini St., Inc.*, 6 F. Supp.  
14 3d 1108, 1129 (D. Nev. 2014). “The determination of whether a party is a public  
15 figure, or a limited purpose public figure, is an issue of law to be decided by the  
16 court.” *Id.* A general public figure is an individual who “achieve[s] such pervasive  
17 fame or notoriety that [they] become[] a public figure for all purposes and in all  
18 contexts.” *Pegasus*, 57 P.3d at 91 (quoting *Gertz v. Robert Welch, Inc.*, 418 U.S.  
19 323, 351 (1974)).

20 As Defendants have conceded, Bishop Manogue is a prominent private  
21 school in the Reno community. (ECF No. 25.) Bishop Manogue’s girls’ basketball  
22 team was especially prominent at the time, as Ms. Ramirez had just led her team  
23 to a state championship. (ECF No. 19 at 5.) As such, Bishop Manogue is likely a  
24 public figure for this litigation.

25 Other jurisdictions have consistently held that school superintendents and  
26 board members are considered public figures. See *Ghafur v. Bernstein*, 131 Cal.  
27 App. 4th 1230, 1237 (2005) (collecting cases). Here, Mr. Schambari’s role as  
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1 Bishop Manogue's President is like that of a school superintendent. The record  
2 shows that Mr. Schambari managed the fundraising for Bishop Manogue,  
3 managed all schools covered by the Archdioceses of Reno, and was the  
4 representative for the dioceses for these schools. (ECF No. 19-1 at 8.)  
5 Consequently, the Court finds that Mr. Schambari is likely a public figure.

6 Because the Court finds that Defendants are likely at least limited purpose  
7 public figures, to prove fault for their defamation counterclaim, they must  
8 establish that Ms. Ramirez made her statements with actual malice. *See Pegasus*,  
9 57 P.2d at 92. "[A]ctual malice is proven when a statement is published with  
10 knowledge that it was false or with reckless disregard for its veracity." *Id.*  
11 "Reckless disregard for the truth may be found when the 'defendant entertained  
12 serious doubts as to the truth of the statement, but published it anyway.'" *Id.*  
13 (quoting *Posadas v. City of Reno*, 851 P.2d 438, 443 (Nev. 1993)). The test is  
14 subjective, "focusing on what the defendant believed and intended to convey, and  
15 not what a reasonable person would have understood the message to be."  
16 *Posadas*, 851 P.2d at 443.

17 As discussed above, there is no evidence that Ms. Ramirez knew her  
18 statements were false or made the statements with reckless disregard to the  
19 truth. She has maintained that she believed the statements were true, and a  
20 reasonable person would likely interpret Defendants' statements and actions in  
21 a similar way as Ms. Ramirez. (ECF No. 19-1 at 3-10.) However, because the  
22 Court concludes that Defendants have not made a requisite showing of falsity,  
23 the Court need not decide whether Defendants are public figures or whether the  
24 challenged statements were made with actual malice.

25 Defendants have not shown a prima facie case establishing a probability of  
26 success on their defamation counterclaim, and as a result, Ms. Ramirez's anti-  
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1 SLAPP motion is granted.<sup>1</sup>

2 **C. Costs and Attorney’s Fees**

3 When a special motion to dismiss under NRS 41.660 is granted, a “court  
4 shall award reasonable costs and attorney’s fees to the person against whom the  
5 action was brought.” NRS 41.670(1)(a). Ms. Ramirez’s anti-SLAPP motion did not,  
6 however, address the amount of fees and costs associated with it. (ECF No. 19.)  
7 Therefore, to the extent Ms. Ramirez is entitled to recover reasonable costs and  
8 attorney’s fees, she must file a separate motion requesting such recovery.

9 **IV. Leave to Amend**

10 Defendants requested leave to amend their counterclaim if Ms. Ramirez’s  
11 anti-SLAPP motion to dismiss is granted, specifically citing the recent availability  
12 of the preseason meeting transcript. (ECF No. 25 at 17–18.)

13 If the court grants a motion to dismiss for failure to state a claim, leave to  
14 amend should be granted unless the deficiencies of the complaint cannot be  
15 cured by amendment. *DeSoto v. Yellow Freight Sys., Inc.*, 957 F.2d 655, 658 (9th  
16 Cir. 1992). “A district court does not err in denying leave to amend where the  
17 amendment would be futile . . . or where the amended complaint would be subject  
18 to dismissal.” *Saul v. U.S.*, 928 F.2d 829, 843 (9th Cir. 1991) (citations omitted).

19 The preseason meeting transcript was attached to Ms. Ramirez’s anti-  
20 SLAPP motion to dismiss and was available for Defendants when composing their  
21 response. (ECF No. 19-1.) Because an anti-SLAPP motion to dismiss is akin to a  
22 summary judgment motion, the Court considered all evidence presented,  
23 including the preseason meeting transcript. *John*, 219 P.3d at 1281–82. As  
24 Defendants have not shown that their counterclaim can be cured by amendment,  
25 and the special motion to dismiss is procedurally similar to a summary judgment

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27 <sup>1</sup> Because the grant of Ms. Ramirez’s anti-SLAPP motion is an adjudication on  
28 the merits, her motion to dismiss under Rule 12(b)(6) is denied as moot. *See*  
*Allstate Ins. Co.*, 2017 WL 7199651, at \*3.

1 motion, the Court denies Defendants' request for leave to amend.

2 **D. CONCLUSION**

3 IT IS THEREFORE ORDERED that Ms. Ramirez's special motion to dismiss  
4 under NRS 41.600 is GRANTED. (ECF No. 19.)

5 IT IS FURTHER ORDERED that Ms. Ramirez's motion to dismiss under  
6 Rule 12(b)(6) is DENIED AS MOOT. (ECF No. 17.)

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8 DATED THIS 2nd day of March 2026.

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ANNE R. TRAUM  
UNITED STATES DISTRICT JUDGE

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