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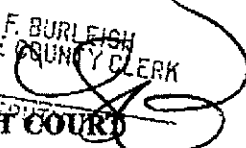
White Pine County Clerk

Cavanaugh-Bill Law Offices, LLC
401 Railroad Street, Suite 307
Elko, Nevada 89801
(775) 753-4357; fax (775) 753-4360

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FILED

2013 SEP 27 PM 5:01

LINDA F. BURLICH
WHITE PINE COUNTY CLERK
BY: 

CASE NO.: CV 1307113
DEPT. NO.: 1

IN THE SEVENTH JUDICIAL DISTRICT COURT
WHITE PINE COUNTY, STATE OF NEVADA

Michael Lemich,

Plaintiff,

vs.

Cheryl Noriega, James Adams, Timothy McGowan, Ely Jet Center, Does 1 through 10, and Does Inc., 1 through 10, and Doe Trust, 1 through 10,

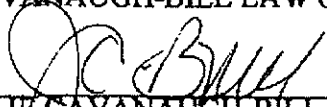
Defendants.

REQUEST FOR REVIEW

COMES NOW, Defendants, CHERYL NORIEGA, JAMES ADAMS, and TIMOTHY MCGOWAN, by and through their Attorneys of record, CAVANAUGH-BILL LAW OFFICES and JEFFERY A. DICKERSON, and hereby Request a Review of their Special Motion to Dismiss filed August 28, 2013, all responsive pleadings have been filed and the matter is now ripe for review. Pursuant to NRS 41.660 (3)© the Court may now rule on the Special Motion to Dismiss as of September 30, 2013. If a hearing should be required Defendants respectfully request that such hearing be calendared on an expedited basis.

DATED this 27th day of Sept., 2013.

CAVANAUGH-BILL LAW OFFICES, LLC

By: 
JULIE CAVANAUGH-BILL
NV Bar No.: 11533
401 Railroad Street, Ste. 307
Elko Nevada 89801
(Attorney for Defendants)

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Case No. CV 13007113

Dept. 1

IN THE SEVENTH JUDICIAL DISTRICT COURT
WHITE PINE COUNTY, STATE OF NEVADA

FILED

2013 SEP 27 PM 4:53

LINDA F. BURLEIGH
WHITE PINE COUNTY CLERK

DEPUTY

Michael Lemich,

Plaintiff.

vs.

REPLY TO OPPOSITION TO
SPECIAL MOTION TO DISMISS

Cheryl Noriega, James Adams, Timothy
McGowan, Ely Jet Center, Does 1 through 10,
and Does Inc., 1 through 10, and Doe Trust, 1
through 10,

Defendants.

Comes now DEFENDANTS, CHERYL NORIEGA, JAMES ADAMS, and TIMOTHY
MCGOWAN, by and through their counsel of record, CAVANAUGH-BILL LAW OFFICES and
JEFFREY A. DICKERSON, and hereby respectfully submit their Reply to Defendant's Opposition
to Special Motion to Dismiss. Defendants' Reply is made and based upon the attached affidavit in
support of this reply, Memorandum of Points & Authorities attached and all pleadings and evidence
contained in the court file.

Dated this 27th day of September, 2013.

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LAW OFFICE OF JEFFREY A. DICKERSON
9653 Gateway Dr., Suite B
Reno, Nevada 89521


Julie Cavanaugh-Bill
Nevada Bar No. 11533

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3 MEMORANDUM OF POINTS AND AUTHORITIES

4 Plaintiff's Opposition focuses on the fact that a draft petition for recall was erroneously
5 published in the local newspaper. What Plaintiff completely fails to address is that there can be no
6 other conclusion but that the lawsuit at issue in the Special Motion To Dismiss is based upon the
7 recall petition itself. This fact is evidenced by statements made to the press following the filing of
8 the lawsuits as specified in the Special Motion To Dismiss but also given the entirety of the
9 circumstances involved with these lawsuits. In fact, in a recent news article on September 19, 2013,
10 counsel for Plaintiff repeatedly refers to the lawsuits as involving the "recall petitions". See Exhibit
11 A, attached hereto to the Affidavit of James Adams (wherein Counsel for Plaintiff is quoted as
12 saying: "I don't know if this has ever been before,...But the statements in the recall petitions ..." and
13 "I really haven't looked into it....It would be an interesting point if anyone who signed the petitions
14 could also be named in the defamation suit." (Emphasis added). With respect to the draft petition
15 for recall - it is not at issue whether to prove or disprove the statements made therein but only to note
16 the Mr. McGowan did in fact clarify that the draft that appeared in the paper was in fact "a rough
17 draft that was inadvertently released to the media before it could be checked for mistakes and
18 refined." See Exhibit C to Plaintiff's Opposition To Motion To Dismiss. The distinction Plaintiff
19 fails to recognize is that this motion is not a general Motion For Summary Judgment, this is a
Special Motion To Dismiss pursuant to NRS 41.660.

20 Despite Plaintiff's arguments to somehow try to "criminalize their behavior" the argument
21 contained in their Opposition To Dismiss would in fact encompass almost any complaint the public
22 should have against a public official. Plaintiff claims he never saw the petition for recall prior to
23 filing his lawsuit; however, it behooves the Defendants how this statement can be made when the
24 Plaintiff has admitted that he was reacting in response to a newspaper article discussing the petition
25 for recall which is what instigated the current lawsuit. In fact, the newspaper article attached to
26 Defendant's Special Motion To Dismiss and the recent article on September 19, 2013 again admits
27 quite clearly that the intent behind the lawsuit was to question the credibility of the recall petitions
28 and in fact implied a threat to anyone who should come forward to sign the recall petitions that

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1 potential litigation could be brought against them as well. The letter referenced by Plaintiff by
2 Finance Director Elizabeth Frances is the appropriate type of response to a recall petition, not a
3 lawsuit. If Defendants and other members of the public somehow and yet in good faith misconstrued
4 the information they were receiving at the public Commissioner's meetings the appropriate response
5 to their petitions for recall was as Director Frances did, seeking public clarification of same. That
6 does not mean however, that Defendants are under some certain obligation to set aside their petition
7 for recall if in good faith they continue to feel that those elected officials are not behaving in the
8 public interests

9 As detailed in the Special Motion To Dismiss, NRS 4.6601 is specifically geared to prohibit
10 "SLAPP" lawsuits intended to "censor, intimidate, and silence critics by burdening them with the
11 costs of a legal defense until they abandon their criticism or opposition." The lawsuit at issue in the
12 Special Motion To Dismiss is exactly that.

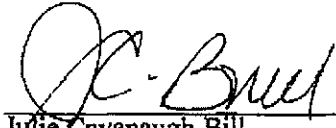
13 The Defendants have made the threshold showing that the lawsuit is targeted at "good faith
14 communication [s made] in furtherance of the right to petition" in their Special Motion to Dismiss
15 *John v. Douglas County School District, 125 Nev. 746, 754 (2009)*. Plaintiff's arguments to the
16 contrary and the obvious attempt to distract this Court from the real matter at hand is disingenuous
17 at best, should the Court desire additional detail as to all factual matters contained in the recall
18 petitions, it shall be provided through testimony at the hearing in this matter.

19 Plaintiff's Motion To Dismiss pursuant to NRS 41.066 should be granted with
20 attorney fees and costs granted and Defendant's Opposition denied in whole.

21 Dated this 27th day of September, 2013.

22 CAVANAUGH-BILL LAW OFFICES, LLC
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24 Elko, Nevada 89801

25 LAW OFFICES OF JEFFREY A. DICKERSON

26 
27 Julie Cavanaugh-Bill
28 Nevada Bar No. 11533

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CASE NO.: CV 1308115

LINDA F. BURLEIGH
WHITE PINE COUNTY CLERK
BY [Signature]
DEPUTY

IN THE SEVENTH JUDICIAL DISTRICT COURT
WHITE PINE COUNTY, STATE OF NEVADA

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John Lampros,

Plaintiff,

REQUEST FOR REVIEW

vs.

Cheryl Noriega, James Adams, Timothy McGowan, Does 1 through 10, and Does Inc., 1 through 10, and Doe Trust, 1 through 10,

Defendants.

COMES NOW, Defendants, CHERYL NORIEGA, JAMES ADAMS, and TIMOTHY MCGOWAN, by and through their Attorneys of record, CAVANAUGH-BILL LAW OFFICES and JEFFERY A. DICKERSON, and hereby Request a Review of their Special Motion to Dismiss filed September 9, 2013, all responsive pleadings have been filed and the matter is now ripe for review. Pursuant to NRS 41.660 (3)© the Court may now rule on the Special Motion to Dismiss as of September 30, 2013. If a hearing should be required Defendants respectfully request that such hearing be calendared on an expedited basis.

DATED this 27th day of September, 2013.

CAVANAUGH-BILL LAW OFFICES, LLC

By: [Signature]
JULIE CAVANAUGH-BILL
NV Bar No.: 11533
401 Railroad Street, Ste. 307
Elko Nevada 89801
(Attorney for Defendants)

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Case No. CV 1308115

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Dept. 1

IN THE SEVENTH JUDICIAL DISTRICT COURT
WHITE PINE COUNTY, STATE OF NEVADA

LINDA E. BURLEIGH
CLERK
BY _____ DEPUTY

John Lampros,

Plaintiff.

vs.

REPLY TO OPPOSITION TO
SPECIAL MOTION TO DISMISS

Cheryl Noriega, James Adams, Timothy
McGowan, Ely Jet Center, Does 1 through 10,
and Does Inc., 1 through 10, and Doe Trust, 1
through 10,

Defendants.

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to Special Motion to Dismiss. Defendants' Reply is made and based upon the attached affidavit in
support of this reply, Memorandum of Points & Authorities attached and all pleadings and evidence
contained in the court file.

Dated this 27th day of September, 2013.

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Julie Cavanaugh-Bill
Nevada Bar No. 11533

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MEMORANDUM OF POINTS AND AUTHORITIES

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Despite Plaintiff's arguments to somehow try to "criminalize their behavior" the argument contained in their Opposition To Dismiss would in fact encompass almost any complaint the public should have against a public official. Plaintiff claims he never saw the petition for recall prior to filing his lawsuit; however, it behooves the Defendants how this statement can be made when the Plaintiff has admitted that he was reacting in response to a newspaper article discussing the petition for recall which is what instigated the current lawsuit. In fact, the newspaper article attached to Defendant's Special Motion To Dismiss and the recent article on September 19, 2013 again admits quite clearly that the intent behind the lawsuit was to question the credibility of the recall petitions and in fact implied a threat to anyone who should come forward to sign the recall petitions that

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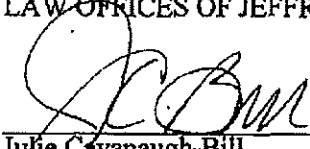
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