



In the Supreme Court of the State of Nevada

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INDICATE FULL CAPTION:

~~FITGERALDS CASINO/HOTEL AND~~  
~~CANNON COCHRAN MANAGEMENT~~  
~~SERVICES, INC.~~

Appellant(s),

No. 55818

vs.

GARY MOGG

Respondent(s).

DOCKETING STATEMENT  
CIVIL APPEALS

FILED

MAY 06 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Tracie K. Lindeman*  
DEPUTY CLERK

Cross-Appellant(s),

vs.

Cross-Respondent(s).

GENERAL INFORMATION

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to attach documents as requested in this statement, completely fill out the statement, or to fail to file it in a timely manner, will constitute grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. *See Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 25 P.3d 898 (2001); *Ed. Wilson Pools v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991). Please use tab dividers to separate any attached documents.

RECEIVED  
MAY 05 2010  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

10-11764

1. Judicial District EIGHTH Department XXI County CLARK COUNTY  
Judge VALERIE ADAIR District Ct. Docket No. A-09594516-J

2. Attorney filing this docket statement:

Attorney JOHN P. LAVERY, ESQ. Telephone \_\_\_\_\_  
Firm LEWIS BRISBOIS BISGAARD & SMITH LLP  
Address 400 SOUTH FOURTH STREET SUITE 500  
LAS VEGAS, NEVADA 89101  
Client(s) FITZGERALDS CASINO/HOTEL & CANNON COCHRAN MANAGEMENT SERVICES, I

If this is a joint statement completed on behalf of multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondent(s):

Attorney GARY WATSON, ESQ. Telephone 702-486-2830  
Firm NEVADA ATTORNEY FOR INJURED WORKERS  
Address 2200 SOUTH RANCHO DRIVE, SUITE 230  
LAS VEGAS, NEVADA 89102  
Client(s) GARY MOGG

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_  
Firm \_\_\_\_\_  
Address \_\_\_\_\_  
Client(s) \_\_\_\_\_

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Judgment after bench trial  | <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief                       |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Grant/Denial of injunction                              |
| <input type="checkbox"/> Summary judgment            | <input type="checkbox"/> Grant/Denial of declaratory relief                      |
| <input type="checkbox"/> Default judgment            | <input type="checkbox"/> Review of agency determination                          |
| <input type="checkbox"/> Dismissal                   | <input type="checkbox"/> Divorce decree:   |
| <input type="checkbox"/> Lack of jurisdiction        | <input type="checkbox"/> Original <input type="checkbox"/> Modification          |
| <input type="checkbox"/> Failure to state a claim    | <input checked="" type="checkbox"/> Other disposition (specify) <u>Denial of</u> |
| <input type="checkbox"/> Failure to prosecute        | <u>Petition for Judicial Review</u>  |
| <input type="checkbox"/> Other (specify) _____       | _____  |

5. Does this appeal raise issues concerning any of the following: **NO**

- |  |  |
|--|--|
| <input type="checkbox"/> Child custody | <input type="checkbox"/> Termination of parental rights    |
| <input type="checkbox"/> Venue         | <input type="checkbox"/> Grant/denial of injunction or TRO |
| <input type="checkbox"/> Adoption      | <input type="checkbox"/> Juvenile matters                  |

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

N/A

7. **Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

N/A

8. **Nature of the action.** Briefly describe the nature of the action, including a list of the causes of action pleaded, and the result below:

APPEAL OF DENIAL OF PETITION FOR JUDICIAL REVIEW

9. **Issues on appeal.** State concisely the principal issue(s) in this appeal:

RESPONDENT'S ENTITLEMENT TO INDUSTRIAL INSURANCE BENEFITS

10. **Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceeding presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket number and identify the same or similar issues raised:

N/A

11. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A  Yes.....  No.....

If not, explain N/A

12. **Other issues.** Does this appeal involve any of the following issues?

- Reversal of well-settled Nevada precedent (on an attachment, identify the case(s))
- An issue arising under the United States and/or Nevada Constitutions
- A substantial issue of first-impression
- An issue of public policy
- An issue where en banc consideration is necessary to maintain uniformity of this court's decisions
- A ballot question

If so, explain N/A

13. **Trial.** If this action proceeded to trial, how many days did the trial last? N/A

Was it a bench or jury trial? N/A

14. **Judicial disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal. If so, which Justice?

NO

**SUBSTANTIVE APPEALABILITY**

20. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

NRAP 3A(b)(1).....NRS 155.190.....(specify subsection).....  
NRAP 3A(b)(2).....NRS 38.205.....(specify subsection).....  
NRAP 3A(b)(3).....NRS 703.376.....  
Other (specify).....NRS 233B.150.....

Explain how each authority provides a basis for appeal from the judgment or order:

.....NRS 233B.150 ALLOWS FOR APPEAL AS IN ALL OTHER CASES.....  
.....  
.....  
.....  
.....

21. List all parties involved in the action in the district court:

FITZGERALDS CASINO/HOTEL; CANNON COCHRAN MANAGEMENT SERVICES, INC.; GARY MOGG; AND THE STATE OF NEVADA DEPARTMENT OF ADMINISTRATION, HEARING DIVISION, APPEALS OFFICE.

(a) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, e.g., formally dismissed, not served, or other:

STATE OF NEVADA - JUDGE/GOVERNMENT AGENCY @ ADMINISTRATIVE LEVEL

22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims or third-party claims, and the trial court's disposition of each claim, and how each claim was resolved (i.e., order, judgment, stipulation), and the date of disposition of each claim. Attach a copy of each disposition.

FITZGERALDS CASINO/HOTEL AND CANNON COCHRAN MANAGEMENT SERVICES, INC.: DENIED INDUSTRIAL INSURANCE BENEFITS

GARY MOGG: OPPOSES DENIAL OF BENEFITS

APPEALS OFFICER: ON JUNE 15, 2009 REVERSED DENIAL OF BENEFITS

23. Attach copies of the last-filed version of all complaints, counterclaims, and/or cross-claims filed in the district court. N/A
24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action below: N/A  
 Yes.....No.....
25. If you answered "No" to the immediately previous question, complete the following:
- (a) Specify the claims remaining pending below:  
 N/A
- (b) Specify the parties remaining below:  
 N/A
- (c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b): N/A  
 Yes.....No..... If "Yes," attach a copy of the certification or order, including any notice of entry and proof of service.
- (d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment: N/A  
 Yes.....No.....
26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)): N/A

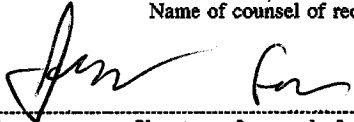
**VERIFICATION**

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

FITZGERALDS CASINO/HOTEL AND  
 CANNON COCHRAN MANAGEMENT SERVICES, INC.  
 Name of appellant

JOHN P. LAVERY, ESQ.  
 Name of counsel of record

05/04/10  
 Date

  
 Signature of counsel of record

NEVADA/CLARK  
 State and county where signed

**CERTIFICATE OF SERVICE**

I certify that on the 4<sup>th</sup> day of May, 2010, I served a copy of this completed docketing statement upon all counsel of record:

By personally serving it upon him/her; or

By mailing it by first class mail with sufficient postage prepaid to the following address(es):

GARY WATSON, ESQ.  
2200 S RANCHO DR, STE 230  
LAS VEGAS, NV 89102

CAROLYN WORRELL  
4236 FURGERSON RANCH RD  
CARSON CITY, NV 89701

Dated this 4<sup>th</sup> day of May, 2010

  
Signature