

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLUB VISTA FINANCIAL SERVICES,
L.L.C., a Nevada limited liability company,
THARALDSON MOTELS II, INC., a North
Dakota corporation; and GARY D.
THARALDSON,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT FOR THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK,
AND THE HONORABLE MARK R.
DENTON, DISTRICT JUDGE,

Respondents.

and

SCOTT FINANCIAL CORPORATION, A
North Dakota corporation; BRADLEY J.
SCOTT; BANK OF OKLAHOMA, N.A., a
national bank; GEMSTONE
DEVELOPMENT WEST, INC., a Nevada
corporation; ASPHALT PRODUCTS
CORPORATION, dba APCO
CONSTRUCTION, a Nevada Corporation

Real Parties in Interest.

Case No.: 57784

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Jun 06 2011 03:31 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

MOTION TO STAY DISTRICT COURT PROCEEDINGS

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Attorneys for Petitioners

1 **I. INTRODUCTION**

2 This motion requests stay relief under NRAP 8 due to the trial date currently set
3 for July 6, 2011 in the District Court.¹ Despite Plaintiffs' writ petition pending before
4 this Court challenging the validity of jury trial waivers, the District Court refused to
5 continue the non-jury trial date. In satisfaction of NRAP 8(a), Plaintiffs provide the
6 Court with the affidavit of Terry A. Coffing regarding the District Court's denial of
7 Plaintiffs' motion for stay and will supplement this motion with a written denial order
8 once Defendants' counsel has prepared and filed the order.²

9 The Court should stay the District Court proceedings until after Plaintiffs' writ
10 petition has been resolved because the object of this writ petition, dealing with how the
11 trial itself should be conducted, will be defeated if a stay is not granted. Additionally,
12 Defendants will not suffer any irreparable harm or serious injury if a stay is granted.
13 Defendants' counterclaims seek only a monetary award of damages which does not
14 present an issue of irreparable harm.³ Finally, Plaintiffs are likely to prevail on the merits
15 of their writ petition pending before this Court. The Court has already ordered
16 discretionary briefing for this original proceeding.⁴ And, the key arguments offered by
17 the two responding parties, the Scott Defendants and Bank of Oklahoma ("BOK"), have
18 already been implicitly or squarely rejected by this Court dealing with fraud as to an
19 entire contract as being sufficient to prove fraud as to a particular provision within the
20

21 _____
22 ¹ The order setting civil non-jury trial and calendar call is attached as **Exhibit 1**.

23 ² The affidavit of Terry A. Coffing regarding District Court's denial of Plaintiffs' motion
24 for stay is attached as **Exhibit 2**.

25 ³ See Dangberg Holdings Nev., LLC. v. Douglas County, 115 Nev. 129, 142, 978 P.2d
26 311, 319 (1999).

⁴ This Court's March 10, 2011 order directing answer is attached as **Exhibit 3**.

1 contract, as well as a contract being void for all purposes once fraudulent inducement has
2 been proven.⁵

3 Therefore, in weighing the factors of NRAP 8(c), this Court should stay the
4 District Court proceedings until after the Court has had an opportunity to resolve the
5 issues presented in Plaintiffs' writ petition.

6 **II. LEGAL ARGUMENT**

7 **A. STANDARDS FOR GRANTING A STAY PENDING APPEAL.**

8 **1. NRAP 8 Considerations.**

9 NRAP 8(a) provides that before moving for a stay in this Court, a party must
10 generally seek a stay in the District Court. Plaintiffs satisfied this rule by first applying to
11 the District Court for a stay.⁶ In determining whether to issue a stay of judgment or
12 order, NRAP 8 outlines four factors for this Court to consider: (1) Whether the object of
13 the appeal or writ petition will be defeated if the stay or injunction is denied; (2) Whether
14 appellant/petitioner will suffer irreparable or serious injury if the stay or injunction is
15 denied; (3) Whether the respondent/real party in interest will suffer irreparable or serious
16 injury if the stay or injunction is granted; and (4) Whether appellant/petitioner is likely to
17 prevail on the merits of the appeal.⁷

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19 ⁵ See Tuxedo Int'l Inc. v. Rosenberg, 127 Nev. Adv. Op. No. 2, at 10–11, n. 4 (Feb. 10,
20 2011) (stating that this Court disagrees with United States Supreme Court law on the
21 presumption of contractual waivers in that it is not “good policy for Nevada regarding
22 general forum selection clauses, as we do not believe, in reality, a party is likely to be
23 defrauded only in the inclusion of a forum selection clause but not defrauded by the
24 contract as a whole.”); see also Havas v. Bernhard, 85 Nev. 627, 631, 461 P.2d 857, 859–
25 860 (1969) (stating that a contract induced by fraud can be voided and rescinded, such
26 that a contract no longer exists) (citing Bishop v. Stewart, 13 Nev. 25, 42 (1878);
Friendly Irishman v. Ronnow, 74 Nev. 316, 330 P.2d 497 (1958); Lovato v. Catron, 20
N.M. 168, 148 P. 490 (1915); C.I.T. Corp. v. Panac, 25 Cal.2d 547, 154 P.2d 710
(1944)).

⁶ See **Exhibit 2.**

⁷ See Hansen v. Dist. Ct. ex rel. Cty. of Clark, 116 Nev. 650, 6 P.3d 982 (2000); see also
Mikohn Gaming Corp. v. McCrea, 120 Nev. 248, 89 P.3d 36 (2004) (holding that while

1 **2. Stay Pending Appeal to Preserve the Status Quo.**

2 The purpose of a stay of a district court order or judgment pending appeal is to
3 preserve, not change, the status quo.⁸ This case is currently set for a non-jury trial that
4 will last at least three weeks.⁹ However, the non-jury trial will address only issues that
5 the District Court believes Plaintiffs have waived the right to a jury trial.¹⁰ After this
6 initial non-jury trial, the District Court plans to hold a subsequent jury trial addressing
7 claims that the District Court believes Plaintiffs have not waived the right to a jury trial.¹¹
8 Certainly, the issue of how jury trial waivers should be construed with the finding that
9 factual issues exist in the context of fraudulent inducement as to the entire contract
10 presents an issue of public importance.¹² This Court has previously approved the
11 resolution of important issues that have a bearing on the public.¹³ Therefore, the Court
12 should enter a stay of the District Court proceedings to maintain the status quo and to
13 provide an opportunity for this Court to resolve the legal issues dealing with jury trial
14 waivers in the context of fraudulent inducement.

15
16
17
18 no one factor is more important, “if one or two factors are especially strong, they may
19 counterbalance other weak factors”).

20 ⁸ See U.S. v. State of Mich., 505 F. Supp. 467 (W.D. Mich. 1980).

21 ⁹ See **Exhibit 1**.

22 ¹⁰ The District Court’s order striking Plaintiffs’ jury trial demand and bifurcating trial is
attached as **Exhibit 4**.

23 ¹¹ Id.

24 ¹² The District Court orders maintaining that Plaintiffs’ claims for constructive fraud and
25 fraudulent concealment have not been disturbed are attached as **Exhibits 5, 6, 7, 8 & 9**.

26 ¹³ Shuette v. Beazer Homes Holdings Corp., 124 P.3d 530 (Nev. 2005).

1 **B. PLAINTIFFS SATISFY THE NRAP 8(c) FACTORS FOR THIS**
2 **COURT TO ENTER A STAY PENDING APPEAL.**

3 **1. The Object of Plaintiffs' Writ Petition Will Be Defeated and**
4 **Plaintiffs Will Suffer Serious Injury if a Stay is Denied.**

5 Very simply, if the status quo is not maintained, Plaintiffs will be at a severe
6 disadvantage by having to proceed to trial without having the opportunity for this Court
7 to review the correctness of the District Court's analysis of the jury trial waivers.
8 Moreover, this issue presents a matter of first impression and of public importance, given
9 the fundamental right to a jury trial, and the choice that each litigant must make when
10 filing a lawsuit—whether to request a jury or not for trial. Plaintiffs' request to invalidate
11 the jury trial waivers, or at least allow a preliminary jury¹⁴ to decide the question of
12 fraudulent inducement, will be lost if the non-jury trial on the substantive issues is
13 allowed to proceed in the District Court. In that regard, Plaintiffs will also suffer serious
14 injury or irreparable harm because not only will their constitutional right to a jury trial be
15 lost, but the Defendants may obtain a judgment on their counterclaims with the District
16 Court as the factfinder instead of the jury. Therefore, the Court should find that Plaintiffs
17 satisfy the first two factors of NRAP 8(c).

18 **2. Defendants Will Not Suffer Any Serious Injury if a Stay is**
19 **Granted.**

20 Because this matter has not yet proceeded to a final judgment, Defendants have
21 not obtained any monetary award against Plaintiffs for their counterclaims. As such, a
22 stay will not cause Defendants to suffer any serious injury. And, the mere act of seeking
23 review from this Court is categorically not classified as serious injury or irreparable
24 injury.

25 ¹⁴ See, e.g., Federal Housecraft, Inc. v. Faria, 216 N.Y.S.2d 113, 114 (N.Y. App. Term
26 1961) (“[T]he party resisting the contract should be afforded the privilege of a
preliminary trial by jury on the defense of fraud.”).

1 harm.¹⁵ Defendants' counterclaims seek only a monetary award of damages which does
2 not present an issue of irreparable harm.¹⁶ As such, the stay of this matter can be
3 addressed in any final judgment by the accrual of prejudgment interest.¹⁷ And, the July 6,
4 2010 trial date comes at only two-and-a-half years since Plaintiffs filed their complaint.¹⁸

5 Moreover, the July 6, 2010 trial date was not based upon any exigent
6 circumstances or irreparable harm that any of the Defendants will suffer.¹⁹ Furthermore,
7 in a separate writ petition (Case No. 57641), arising from the same District Court case,
8 this Court has stayed the depositions of Plaintiffs' counsel that were noticed by
9 Defendants.²⁰ Thus, the July 6, 2011 non-jury trial cannot go forward, in any event,
10 unless Defendants are willing to concede the correctness of Plaintiffs' position in Case
11 No. 57641 or waive their ability to take these depositions. So, a stay of the District Court
12 proceedings will not cause any irreparable harm or serious injury to Defendants.
13 Therefore, this Court should find that the third NRAP 8(c) factor weighs in favor of
14 Plaintiffs.

15 ¹⁵ See Hansen.

16 ¹⁶ See Dangberg Holdings Nev., LLC. v. Douglas County, 115 Nev. 129, 142, 978 P.2d
18 311, 319 (1999).

19 ¹⁷ See Waddell v. L.V.R.V. Inc., 125 P.3d 1160 (Nev. 2006) (stating that the proper
20 measure of delay for loss of use of funds is prejudgment or post-judgment interest).

21 ¹⁸ Although none of Plaintiffs' claims or Defendants' counterclaims are currently in
22 danger of violating the failure to prosecute rule of NRCP 41(e), a stay from this Court of
23 the entire proceedings will not count against the 5 years in which claims need to be
prosecuted. See Edwards v. Ghandour, 159 P.3d 1086 (Nev. 2007); Boren v. City of
North Las Vegas, 98 Nev. 5, 638 P.2d 404 (1982); Rickard v. Montgomery Ward & Co.,
120 Nev. 493, 96 P.3d 743 (2004).

24 ¹⁹ The Scott Defendants' motion for a firm trial setting and the order granting the motion
25 are respectively attached as **Exhibits 10 & 11.**

26 ²⁰ This Court's March 3, 2011 order granting stay issued in Case No. 57641 is attached as
Exhibit 12.

1 3. **Plaintiffs Are Likely to Prevail on the Merits of Their Writ**
2 **Petition.**

3 Plaintiffs are likely to prevail on the merits of their writ petition pending before
4 this Court. The Court has already ordered discretionary briefing for this original
5 proceeding.²¹ And, the key arguments offered by the Scott Defendants and BOK have
6 already been implicitly or squarely rejected by this Court dealing with fraud as to an
7 entire contract as being sufficient to prove fraud as to a particular provision within the
8 contract, as well as a contract being void for all purposes once fraudulent inducement has
9 been proven.²²

10 First, the Scott Defendants claim that the jurisprudence governing arbitration
11 clauses should determine the outcome of the issues presented to the Court dealing with
12 jury trial waivers. Specifically, the Scott Defendants argue that fraudulent inducement of
13 the guaranties (which the District Court already found is present)²³ is insufficient to show
14 fraudulent inducement of the jury trial waiver provisions themselves. However, this
15 Court has already rejected a nearly identical argument with respect to forum selection
16 clauses in contracts.²⁴ And, this Court's rejection of the distinction, parting ways with

17 _____
18 ²¹ See Exhibit 3.

19 ²² See Tuxedo Int'l Inc. v. Rosenberg, 127 Nev. Adv. Op. No. 2, at 10–11, n. 4 (Feb. 10,
20 2011) (stating that this Court disagrees with United States Supreme Court law on the
21 presumption of contractual waivers in that it is not “good policy for Nevada regarding
22 general forum selection clauses, as we do not believe, in reality, a party is likely to be
23 defrauded only in the inclusion of a forum selection clause but not defrauded by the
24 contract as a whole.”); see also Havas v. Bernhard, 85 Nev. 627, 631, 461 P.2d 857, 859–
25 860 (1969) (stating that a contract induced by fraud can be voided and rescinded, such
26 that a contract no longer exists) (citing Bishop v. Stewart, 13 Nev. 25, 42 (1878);
Friendly Irishman v. Ronnow, 74 Nev. 316, 330 P.2d 497 (1958); Lovato v. Catron, 20
N.M. 168, 148 P. 490 (1915); C.I.T. Corp. v. Panac, 25 Cal.2d 547, 154 P.2d 710
(1944)).

²³ See Exhibits 5, 6, 7, 8 & 9.

²⁴ See Rosenberg.

1 contrary federal decisions, was based upon authorities that associated forum selection
2 clauses with arbitration provisions.²⁵ So, Plaintiffs are likely to prevail on this issue.

3 Second, BOK suggests that Plaintiffs have to separately prove that BOK
4 participated in the fraudulent inducement of the guaranties containing the jury trial
5 waivers. However, Nevada law unequivocally states that once a contract is invalidated
6 by fraud, the contract is void as to all parties.²⁶ So, Plaintiffs are also likely to prevail on
7 this issue as well. Therefore, based upon an analysis of the NRAP 8(c) factors, this Court
8 should order a stay of the District Court proceedings pending the resolution of Plaintiffs'
9 writ petition.

10 **III. CONCLUSION**

11 After weighing the four factors of NRAP 8(c), the Court should order a stay of the
12 District Court proceedings. In particular, the object of Plaintiffs' writ petition
13 challenging the validity of jury trial waivers in the context of fraudulent inducement of
14 guaranties will be defeated if the July 6, 2011 non-jury trial is allowed to proceed. Such
15 a trial would cause irreparable harm of serious injury to Plaintiffs because their
16 constitutional right to a jury trial will be lost.

17 In contrast, Defendants will not suffer any irreparable harm or serious injury if a
18 stay is granted. The current July 6, 2011 non-jury trial date was not based upon any
19 exigent circumstances, and Defendants can potentially recover prejudgment interest on
20 any judgment they obtain following a final judgment.

21 Finally, Plaintiffs are likely to prevail on the merits of their writ petition seeking to
22 invalidate jury trial waivers in light of this Court's stated policy that parties are not likely
23 to be defrauded by the inclusion of a particular provision in a contract and not defrauded

24 _____
25 ²⁵ Id., n. 4 (referencing Scherk v. Alberto-Culver Co., 417 U.S. 506, 519, n. 14 (1974)).

26 ²⁶ See, e.g., Havas.

1 by the contract as a whole. Therefore, Plaintiffs respectfully request that this Court grant
2 this motion for stay of District Court proceedings.

3 Dated this 6th day of June, 2011.

4 MARQUIS AURBACH COFFING

5
6 By /s/ Terry A. Coffing, Esq.
7 TERRY A. COFFING, ESQ.
8 Nevada Bar No. 4949
9 MICAH S. ECHOLS, ESQ.
10 Nevada Bar No. 8437
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15 *Attorneys for Petitioners*
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION TO STAY DISTRICT COURT PROCEEDINGS** was filed electronically with the Nevada Supreme Court on the 6th day of June, 2011. Electronic Service of the foregoing documents shall be made in accordance with the Master Service List as follows:

Robert Eisenberg, Esq.
Gwen Mullins, Esq.
Matthew Carter, Esq.
J. Randall Jones, Esq.

I further certify that I served a copy of these documents by mailing a true and correct copy thereof, postage prepaid, addressed to:

The Honorable Mark R. Denton
Eighth Judicial District Court, Dept. 13
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155
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Attorneys for Scott Financial Corporation and Bradley L. Scott

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/s/ Leah Dell
Leah Dell, an employee of
Marquis Aurbach Coffing

Exhibit “1”

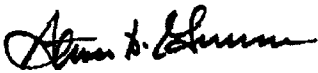
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DISTRICT COURT
CLARK COUNTY, NEVADA
CLARK COUNTY, NEVADA



CLERK OF THE COURT

CLERK OF THE COURT

CLUB VISTA FINANCIAL SERVICES, LLC, et
al.,

Plaintiff(s),

vs.

SCOTT FINANCIAL CORPORATION, et al.,

Defendant(s).

CASE NO. A579963-B
DEPT. NO. XIII

AND ALL RELATED CLAIMS.

**ORDER SETTING CIVIL NON-JURY TRIAL
AND CALENDAR CALL**

IT IS HEREBY ORDERED THAT:

A non-jury trial of the above-entitled case has been given a firm setting on a three week stack to begin Wednesday, **July 6, 2011 at 9:00 a.m.**, with a calendar call on Monday, **June 27, 2011 at 2:00 p.m.** The actual date and time during the stack will be determined at the calendar call.

All parties (attorneys and parties in proper person) **MUST** comply with **ALL** **REQUIREMENTS OF E.D.C.R. 2.67**, except that the date for filing the Pre-Trial Memorandum will be established at the calendar call. As to the Pre-trial Memorandum, counsel should be particularly attentive to their exhibit lists and objections to exhibits, as exhibits not listed or objections not made will not be admitted/allowed over objection based on non-compliance with the Rule's requirements. (Also, it is helpful to the Court when counsel list pertinent pre-trial motions and orders pertaining thereto if it is likely that they will be focused on during trial.)

RECEIVED
FEB 28 2011
CLERK OF THE COURT

MARK R. DENTON
DISTRICT JUDGE

DEPARTMENT THIRTEEN
LAS VEGAS, NV 89155

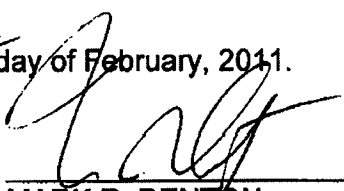
1 All discovery deadlines, deadlines for filing dispositive motions and motions to
2 amend the pleadings or add parties are controlled by the previously issued Scheduling
3 Order and/or any amendments or subsequent orders.

4
5 Counsel are also directed to abide by EDCR 2.47 concerning the time for filing
6 and noticing motions *in limine*. Except upon a showing of unforeseen extraordinary
7 circumstances, the Court will not shorten time for the hearing of any such motions.

8 **Failure of the designated trial attorney or any party appearing in proper**
9 **person to appear for any court appearances or to comply with this Order will**
10 **result in any of the following: (1) dismissal of the action; (2) default judgment; (3)**
11 **monetary sanctions; (4) vacation of trial date; and/or any other appropriate**
12 **remedy or sanction.**

13
14 Counsel are directed to advise the Court promptly when the case settles or is
15 otherwise resolved prior to trial.

16 DATED this 24th day of February, 2011.

17
18 
19 MARK R. DENTON
20 DISTRICT JUDGE

21 **CERTIFICATE**

22 I hereby certify that on or about the date filed, this document was eserved or a
23 copy of this document was placed in the attorney's folder in the Clerk's Office or mailed to:

24 COOKSEY, TOOLEN, GAGE, DUFFY & WOOG
25 Attn: Martin A. Muckleroy, Esq.

26 MARQUIS & AURBACH
27 Attn: Terry A. Coffing, Esq.

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HOWARD & HOWARD
Attn: Robert L. Rosenthal, Esq.

SMITH LAW OFFICE
Attn: P. Kyle Smith, Esq.

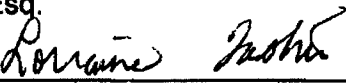

LORRAINE TASHIRO
Judicial Executive Assistant
Dept. No. XIII

Exhibit “2”

Exhibit “2”

Exhibit “2”

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLUB VISTA FINANCIAL SERVICES,
L.L.C., a Nevada limited liability company,
THARALDSON MOTELS II, INC., a North
Dakota corporation; and GARY D.
THARALDSON,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT FOR THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK,
AND THE HONORABLE MARK R.
DENTON, DISTRICT JUDGE,

Respondents.

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SCOTT FINANCIAL CORPORATION, A
North Dakota corporation; BRADLEY J.
SCOTT; BANK OF OKLAHOMA, N.A., a
national bank; GEMSTONE
DEVELOPMENT WEST, INC., a Nevada
corporation; ASPHALT PRODUCTS
CORPORATION, dba APCO
CONSTRUCTION, a Nevada Corporation

Real Parties in Interest.

Case No.: 57784

**AFFIDAVIT OF TERRY A. COFFING REGARDING DISTRICT COURT'S
DENIAL OF PLAINTIFFS' MOTION FOR STAY**

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Nevada Bar No. 9634
3930 Howard Hughes Parkway, Suite 200
Las Vegas, Nevada 89169

Attorneys for Petitioners

1 STATE OF NEVADA)
)
2 COUNTY OF CLARK) ss:

3 Terry A. Coffing, Esq., as counsel of record for Petitioners/Plaintiffs in the above-
4 entitled matter, being duly sworn, submits this Affidavit pursuant to NRAP 9(c).

5 1. I am duly licensed to practice law in the State of Nevada and am a
6 shareholder with the law firm of Marquis Aurbach Coffing. I have personal knowledge
7 of the facts stated herein, except for those stated upon information and belief and, as to
8 those, I believe them to be true. I am competent to testify to the facts stated herein in a
9 court of law.

10 2. On Thursday, June 2, 2011, I attended a hearing before the Honorable Mark
11 R. Denton, District Court Judge in Case No. A579963 (Club Vista Financial Services
12 LLC et al. v. Scott Financial Corp. et al.) which is the case from which this writ petition
13 arises. Among the other motions heard on June 2, the District Court heard argument on
14 Plaintiffs' motion for stay and denied the same.

15 3. The District Court's denial of Plaintiffs' request for a stay was based upon
16 similar reasons that the Court previously denied a stay during the February 14, 2011
17 hearing. The minutes of the February 14, 2011 hearing are attached to this Affidavit.
18 The minutes from the June 2 hearing are not yet available.

19 4. Following the District Court's June 2, 2011 ruling from the bench denying
20 Plaintiffs' stay request, the Scott Defendants' counsel was given the task to prepare the
21 written order, which is also not yet available. Moreover, the hearing transcript from the
22 June 2, 2011 hearing is also not yet available.

23 5. After contacting the Scott Defendants' counsel on Monday, June 6, 2011 to
24 check on the status of the order, I learned that the Scott Defendants' counsel was not
25 available and is out of the office.
26

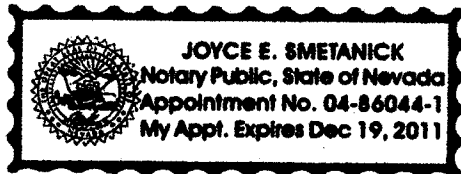
1 6. To avoid any further delay in presenting this motion to stay to this Court,
2 due to the absence of the written order of denial I have provided this Affidavit in
3 accordance with NRAP 9(c) and will supplement Plaintiffs' motion to stay District Court
4 proceedings with the written denial order, minutes, and/or transcript once they are
5 available.

6 Dated this 6th day of June, 2011.

7
8 
9
10 TERRY A. COFFING, ESQ.

11 SUBSCRIBED and SWORN to
12 before me this 6th day of June, 2011.

13 
14 NOTARY PUBLIC



09A579963

**DISTRICT COURT
CLARK COUNTY, NEVADA
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

February 14, 2011

09A579963

Club Vista Financial Services LLC, Tharaldson Motels II Inc, et al

vs

Scott Financial Corp, Bradley Scott, et al

February 14, 2011

9:00 AM

**All Pending
Motions
(02-14-2011)**

- Plaintiff's Motion to Stay and Continue Trial Pending Resolution of Petition for Writ of Mandamus
- Defendant Bank of Oklahoma, N.A.'s Motion for Partial Summary Judgment on Plaintiffs' Ninth Claim for Relief (Acting in Concern/Civil Conspiracy) and Plaintiffs' Eighth Claim for Relief (Aiding and Abetting Breach of Fiduciary Duty)
- Defendant/Counter Claimant Scott Financial Corporation's Motion for Summary Judgment on Breach of Contract Counterclaim
- Defendants/Counter Claimants Scott Financial Corporation and Bradley J Scott's Motion for Summary Judgment Regarding Plaintiffs' Twelfth Claim for Relief (Negligence)
- Defendant Bank of Oklahoma, N.A.'s Motion for Partial Summary Judgment on Plaintiff's Twelfth Claim for Relief (Negligence)
- Plaintiffs' Motion for Partial Summary Judgment on Legal Consequences of Failure of Conditions Precedent to Funding Senior Loan
- Defendants/Cross Claimants Scott Financial Corporation and Bradley J Scott's Motion for Summary Judgment on Plaintiffs' Eleventh Claim
- Plaintiffs' Motion for Partial Summary Judgment Re: Bank of Oklahoma's Fraud and Negligent Misrepresentations Counterclaims

HEARD BY: Denton, Mark R.

COURTROOM: RJC Courtroom 12A

COURT CLERK: Susan Burdette

RECORDER: Cynthia Georgilas

PRINT DATE: 02/17/2011

Page 1 of 4

Minutes Date:

February 14, 2011

09A579963

PARTIES

PRESENT:	Aronson, Martin A.	Attorney for Plaintiffs
PRESENT:	Aronson, Martin A.	Attorney for Plaintiffs
	Clayman, John D.	Attorney for Defendant Bank of Oklahoma, N.A.
	Coffing, Terry A.	Attorney for Plaintiffs
	Gochmour, Wade B.	Attorney for Defendant/Counter Cross Claimant APCO Construction
	Hostetler, Jennifer K.	Attorney for Defendant Bank of Oklahoma, N.A.
	Jones, Jon Randall	Attorney for Defendants/Counter Claimants Scott Financial Corporation and Bradley J Scott
	Jones, Mark Merrill	Attorney for Defendants/Counter Claimants Scott Financial Corporation and Bradley J Scott
	Muckleroy, Martin A.	Attorney for Plaintiffs
	Smith, P. Kyle	Attorney for Alex Edelstein

JOURNAL ENTRIES

As to Plaintiff's Motion to Stay and Continue Trial Pending Resolution of Petition for Writ of Mandamus: Mr. Coffing noted this is based on the Court's Decision to Bifurcate issues; noted the Writ Application will be on file no later than Thursday of this week; made statements as to the Writ and noted this is as to the issues of claim and proclusion; and argued that without a stay of this Court's decision and the pending trial date, there will not be any finality; he is compelled to file this motion before seeking a 27(E) motion before the Supreme Court; cited the Hansen factors; referred to another reason as to prevailing on the merits, and irreparable harm to the parties if the stay is denied.

Mr. Jones noted that Plaintiffs wanted a firm trial date; noted his clients' rights will be deferred; read from the Court's decision; referred to the proclusion issue; and argued that in the bench trial, the Court will make a determination as to whether those issues will go to the Jury; his client has a fundamental constitutional right to have this non-jury trial heard; if a jury trial is heard first, his client will lose their rights to a bench trial; and argued there is no prejudice to Plaintiffs; and referred to prevailing on the merits.

Mr. Rosenthal joined in Mr. Jones' argument.

Mr. Coffing replied that this has been served in a timely manner; and requested a stay, the trial be continued so they may seek a Writ of Mandamus or Prohibition on the Decision the Court has made; and requested the Court gave him an opportunity to file a Writ to the Supreme Court so the issue may be decided.

COURT finds he does not see a reason to stay this case but agrees there should be a continuance to give Plaintiffs an opportunity to seek a Writ in the Supreme Court; noted this is set for non-jury trial; and ORDERED, motion to Stay DENIED; motion to Continue Trial GRANTED effective on proof of filing of the Writ; and since the Court is still proceeding under the bifurcation order, he will issue a new trial order for the Non-Jury portion, which will give Plaintiffs an opportunity file a Petition for a Writ; referred to the 24-page order issued by the Supreme Court on the Teriedo International vs Rosenberg case, which was denied last week as to the fraud in the inducement being an action as to whether the action is forum clause.

09A579963

Mr. Jones stated this will have other implications on other aspects of this case; noted that any delay has implications as to whether they do try the case; and requested to be put on the next non-jury stack and noted they had a firm trial date for the Jury Trial. Court noted this was placed on the jury stack, and now that it is not going forward, he will give this firm date to jury cases. Further statements by Mr. Jones.

Court stated he set this for a bench trial in the near future. Mr. Jones stated that setting it in the near future is a relevant term. Court stated he will check with his JEA but expects it to be set in the next couple of months; and since he had given this a firm setting, he will give it preference. Further statements by Mr. Jones.

Mr. Coffing stated he will prepare the Order and have counsel review.

As to Defendant Bank of Oklahoma, N.A.'s Motion for Partial Summary Judgment on Plaintiffs' Ninth Claim for Relief (Acting in Concern/Civil Conspiracy) and Plaintiffs' Eighth Claim for Relief (Aiding and Abetting Breach of Fiduciary Duty): Mr. Clayman stated this motion is as to the Senior Debt Loan Agreement between Gemstone West and Scott Financial; referred to the critical provision of Article 3, and to Article 4 as to conditions precedent which are between borrowers and lenders; and argued there is no reference to Bank of Oklahoma; they only reviewed the draw request; there are no civil conspiracies; there are no claims with Gemstone and Bank of Oklahoma or with APCO and Bank of Oklahoma; and requested the Court review his analysis of the financial mistake of facts contained in Plaintiffs' Reply.

Mr. Jones joined in the motion as to the 9th claim, which is Acting in Conspiracy and Civil Conspiracy, and argued this is not a negligent claim.

Mr. Gochmour stated APCO also joined the motion.

Mr. Aronson lodged documents with the Court and counsel; and argued as to undisputed facts set forth in the documents; that the agreement could be tacit in the conspiracy and acting in concert or conspiracy of aiding and abetting; referred to the Senior Loan; and argued as to Scott Financial's motive; default; APCO's motivation; and profitable loan for Bank of Oklahoma; and noted the Court has already denied their motion; this is a request for reconsideration.

Mr. Gochmour stated all these things have nothing to do with APCO; APCO never had anything to do with this.

Following further arguments, COURT ORDERED, matter taken UNDER ADVISEMENT.

Court noted counsel do not need to attend the Pre Trial Conference this afternoon; if the proof showing that the Petition has been filed by Thursday February 17, the Court will, by minute order, reschedule the Pre Trial Conference.. Mr. Coffing referred to the Motions in Limine that should be due today. Mr. Gochmour stated that if the trial date is being moved, the Motions in Limine's due date will be moved. Counsel concurred.

Mr. Jones stated this can be discussed Thursday.

COURT FURTHER ORDERED, remaining motions CONTINUED.

02-17-2011 9:00 AM Defendant/Counter Claimant Scott Financial Corporation s Motion
for Summary Judgment on Breach of Contract Counterclaim ... Defendants/Counter

09A579963

Claimants Scott Financial Corporation and Bradley J Scott's Motion for Summary Judgment Regarding Plaintiffs' Twelfth Claim for Relief (Negligence) ... Defendant Judgment Regarding Plaintiffs' Twelfth Claim for Relief (Negligence) ... Defendant Bank of Oklahoma, N.A.'s Motion for Partial Summary Judgment on Plaintiff's Twelfth Claim for Relief (Negligence) ... Plaintiffs' Motion for Partial Summary Judgment on Legal Consequences of Failure of Conditions Precedent to Funding Senior Loan ... Defendants/Cross Claimants Scott Financial Corporation and Bradley J Scott's Motion for Summary Judgment on Plaintiffs' Eleventh Claim ... Plaintiffs' Motion for Partial Summary Judgment Re: Bank of Oklahoma's Fraud and Negligent Misrepresentations Counterclaims

Exhibit “3”

Exhibit “3”

Exhibit “3”

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLUB VISTA FINANCIAL SERVICES,
LLC, A NEVADA LIMITED LIABILITY
COMPANY; THARALDSON MOTELS II,
INC., A NORTH DAKOTA
CORPORATION; AND GARY D.
THARALDSON,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MARK R. DENTON, DISTRICT JUDGE,
Respondents,

and

SCOTT FINANCIAL CORPORATION, A
NORTH DAKOTA CORPORATION;
BRADLEY J. SCOTT; BANK OF
OKLAHOMA, N.A., A NATIONAL
BANK; GEMSTONE DEVELOPMENT
WEST, INC., A NEVADA
CORPORATION; AND ASPHALT
PRODUCTS CORP. D/B/A APCO
CONSTRUCTION, A NEVADA
CORPORATION,
Real Parties in Interest.

No. 57784

FILED

MAR 10 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DIRECTING ANSWER

This original petition for a writ of mandamus or prohibition challenges a district court order striking petitioners' jury demand as to certain claims and bifurcating the trial. Having reviewed the petition, it appears that petitioners have set forth issues of arguable merit and that petitioners may have no plain, speedy, and adequate remedy in the ordinary course of the law. Therefore, real parties in interest, on behalf of

respondents, shall have 30 days from the date of this order within which to file an answer, including authorities, against issuance of the requested writ.

It is so ORDERED.

Dwyer, C.J.

cc: Hon. Mark R. Denton, District Judge
Cooksey, Toolen, Gage, Duffy & Woog
Lemons, Grundy & Eisenberg
Marquis & Aurbach
Morrill & Aronson, P.L.C.
Frederic Dorwart Lawyers
Howard & Howard
Kemp, Jones & Coulthard, LLP
Lewis & Roca, LLP/Las Vegas
Patrick K. Smith

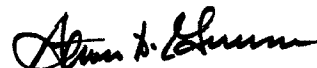
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CLERK OF THE COURT

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9 3800 Howard Hughes Parkway

10 Seventeenth Floor

11 Las Vegas, Nevada 89169

12 Tel. (702) 385-6000

13 Attorneys for Scott Financial Corporation

14 and Bradley J. Scott

DISTRICT COURT

CLARK COUNTY, NEVADA

11 CLUB VISTA FINANCIAL SERVICES,
12 L.L.C., a Nevada Limited Liability Company;
13 THARALDSON MOTELS II, INC., a North
14 Dakota corporation; and GARY D.
15 THARALDSON,

Plaintiffs,

v.

16 SCOTT FINANCIAL CORPORATION, a
17 North Dakota corporation; BRADLEY J.
18 SCOTT; BANK OF OKLAHOMA, N.A., a
19 national bank; GEMSTONE
20 DEVELOPMENT WEST, INC., a Nevada
21 corporation; ASPHALT PRODUCTS
22 CORPORATION D/B/A APCO
23 CONSTRUCTION, a Nevada corporation;
24 DOES INDIVIDUALS 1-100; and ROE
25 BUSINESS ENTITIES 1-100,

Defendants.

AND ALL RELATED MATTERS.

Case No.: A579963

Dept. No.: XIII

**ORDER GRANTING MOTION (1) TO
BIFURCATE TRIAL, (2) TO EXTEND
TIME FOR FILING MOTIONS IN
LIMINE, AND (3) RENEWED MOTION
TO STRIKE JURY DEMAND, AND
DENYING PLAINTIFFS' COUNTER-
MOTION UNDER RULE 39(c) FOR
ADVISORY JURY ON ALL CLAIMS
NOT TRIABLE OF RIGHT BY JURY**

24 This matter having first come before this Court on January 31, 2011, regarding
25 Defendants/Counterclaimants Scott Financial Corporation, Bradley J. Scott, and Bank of Oklahoma,
26 N.A.'s Motion (1) to Bifurcate Trial, and (2) to Extend Time for Filing Motions *in Limine*; and (3)
27 Renewed Motion to Strike Jury Demand, with Joinder by Defendant APCO Construction, and on
28 Plaintiffs' Counter-Motion under Rule 39(c) for Advisory Jury on All Claims Not Triable of Right

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FEB 08 2011

DISTRICT COURT DEPT#13

KEMP, JONES & COULTHARD, LLP
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(702) 385-6000
Fax (702) 385-6001

1 by Jury, and the Court having reviewed the pleadings and papers on file herein, and having heard the
2 arguments of counsel for Plaintiffs, Terry A. Coffing, Esq.; and of counsel for Defendants Scott
3 Financial Corporation and Bradley J. Scott, J. Randall Jones, Esq.; Bank of Oklahoma, N.A., John
4 Clayman, Esq., and Jennifer Hostetler, Esq.; APCO Construction, Gwen Rutar Mullins, Esq.; and
5 Alex Edelstein, Kyle Smith, Esq.; and with good cause appearing and there being no just cause for
6 delay,

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

8 The Court determines that the conspicuous upper case jury waivers just above the signature
9 lines for use by the obviously sophisticated Mr. Tharaldson are valid and enforceable as to all issues
10 surrounding the validity and enforceability of the guaranties. Lowe Enterprises Residential Partners,
11 L.P. v. Eighth Judicial District Court ex. rel. County of Clark, 118 Nev. 92, 100, 40 P.3d 405, 410
12 (2002). In this regard, the Court is not directed to any North Dakota case law to the effect that the
13 right to a jury trial cannot be waived.

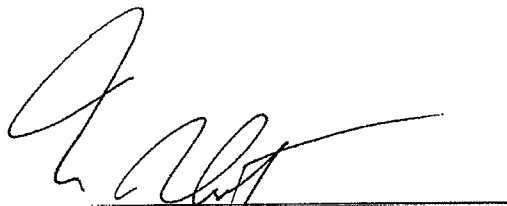

14 The Court has also determined that by bringing this action, the guarantor plaintiffs can hardly
15 complain that the Court would attend to the guaranty issues first. The Court will thus try the
16 guaranty issues first in a bench trial.

17 In making this decision, the Court notes that confusion and prejudice can best be avoided by
18 such a bifurcation, and it believes that issues will likely be narrowed with concomitant judicial
19 economy. Awada v. Shuffle Master, Inc., 123 Nev. 613, 624, 173 P.3d 707, 714 (2007).

20 Finally, any motions *in limine* that will pertain to the jury phase should be allowed at a later
21 time than the deadlines now in force would otherwise permit.

22 In sum, Defendants' Motion and Joinder are GRANTED in all respects, and Plaintiffs'
23 Counter-Motion is DENIED.

24 DATED this 9th day of February, 2011.

25
26 
27 DISTRICT COURT JUDGE
28 

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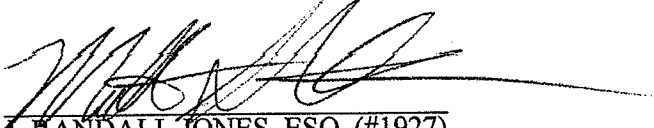
1 Submitted by:
2 KEMP, JONES & COULTHARD, LLP
3 
4 J. RANDALL JONES, ESQ. (#1927)
5 MARK M. JONES, ESQ. (#267)
6 MATTHEW S. CARTER, ESQ. (#9524)
7 3800 Howard Hughes Parkway, Seventeenth Floor
8 Las Vegas, Nevada 89169
9 *Attorneys for Defendants Scott Financial*
10 *Corporation and Bradley J. Scott*
11
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Exhibit “5”

Exhibit “5”

Exhibit “5”

DISTRICT COURT
CLARK COUNTY, NEVADA

Alan D. Denton
CLERK OF THE COURT

CLUB VISTA FINANCIAL SERVICES,)
L.L.C., a Nevada limited liability)
company; THARALDSON MOTELS II,)
INC., a North Dakota corporation;) CASE NO. A579963-B
and GARY D. THARALDSON,) DEPT. NO. XIII
Plaintiff(s),)
vs.) (Consolidated with
SCOTT FINANCIAL CORPORATION, a) A608563; A609288
North Dakota corporation; BRADLEY)
J. SCOTT; BANK OF OKLAHOMA, N.A., a)
national bank; GEMSTONE DEVELOPMENT)
WEST, INC., a Nevada corporation;) Date: January 20, 2011
ASPHALT PRODUCTS CORPORATION D/B/A) Time: 9:00 a.m.
APCO CONSTRUCTION, a Nevada)
corporation,)
Defendant(s).)

DECISION

THIS MATTER having come before the Court on January 20,
2011 for hearing on, *inter alia*, Defendant Bank of Oklahoma,
N.A.'s Motion for Partial Summary Judgment on Plaintiffs' Third
(Constructive Fraud), Seventh (Breach of Fiduciary Duty), and
Eleventh (Breach of the Covenant of Good Faith and Fair Dealing)
Claims for Relief and on Defendants/Cross-Claimants Scott
Financial Corporation and Bradley J. Scott's Motion for Summary
Judgment on Tharaldson's and Tharaldson Motels II Inc.'s Third
and Seventh Claim for Relief, and for Partial Summary Judgment on
their Eleventh Claim for Relief (Re Fiduciary Duty), and the
Court, having considered the papers submitted in connection with

CLERK OF THE COURT

JAN 25 2011

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(Signature)

MARK R. DENTON
DISTRICT JUDGE

DEPARTMENT THIRTEEN
LAS VEGAS, NV 89155

1 such item(s) and heard the arguments made on behalf of the
2 parties and then taken the matter under advisement for further
3 consideration;

4 Given the number of motions that the Court is now
5 hearing in this case and the time constraints involved and the
6 need for prompt decisions in light of the quickly approaching
7 trial date, the Court must be brief in announcing its rulings.
8 It will thus look to counsel who are directed to submit proposed
9 orders to fill in interstices consistent with briefing and
10 argument that the Court has accepted in its rulings.
11

12 NOW, THEREFORE, the Court decides the submitted issues
13 as follows:

14 A. Bank of Oklahoma's Motion.

15 The Court is persuaded that there are no genuine issues
16 of material fact going to the subject causes of action and that
17 Defendant is entitled to partial judgment as a matter of law
18 relative thereto. Accordingly, the Motion is GRANTED.
19

20 B. Scott Defendants' Motion.

21 1. The Court agrees that the Motion relative to the
22 specific Plaintiffs against whom it is made is meritorious as to
23 the Seventh Claim for Relief regarding breach of fiduciary duty,
24 and the same is GRANTED IN PART as to that claim for relief
25 against those Plaintiffs.

26 2. However, in light of the past relationship between
27

1 the parties and the complexities of the transactions and
2 statements made by Scott Defendants pertaining to such
3 relationship, the Court cannot say that there are no genuine
4 issues regarding the Third (constructive fraud) and Eleventh
5 (breach of implied covenant of good faith and fair dealing)
6 Claims for Relief, and the Motion is thus DENIED IN PART as to
7 those claims.
8

9 C. Conclusion.

10 Counsel for Defendant Bank of Oklahoma is directed to
11 submit a proposed order consistent with A. above.

12 Counsel for the Scott Defendants is directed to submit
13 a proposed order consistent with B(1) above.

14 Counsel for Plaintiffs is directed to submit a proposed
15 order consistent with B(2) above.

16 In addition, such proposed order should be submitted to
17 opposing counsel for approval/disapproval. Instead of seeking to
18 litigate any disapproval through correspondence directed to the
19 Court or to counsel with copies to the Court, any such
20 disapproval should be the subject of motion practice.
21

22 This Decision is a summary of the Court's analysis of
23 the matter and sets forth the Court's intended disposition on the

24
25
26

1 subject, but it anticipates further order of the Court to make
2 such disposition effective as an order or judgment.

3 DATED this 25th day of January, 2011.

4
5
6 MARK R. DENTON
DISTRICT JUDGE

7
8 **CERTIFICATE**

9 I hereby certify that on or about the date filed, this
10 document was e-served or a copy of this document was placed in
11 the attorney's folder in the Clerk's Office or mailed to:

12 COOKSEY, TOOLEN, GAGE, DUFFY & WOOG
13 Attn: Martin A. Muckleroy, Esq.

14 Martin A. Aronson, Esq.
15 One E. Camelback Road, Suite 340
Phoenix, AZ 85012

16 MARQUIS & AURBACH
17 Attn: Terry A. Coffing, Esq.

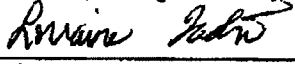
18 John D. Clayman, Esq.
19 Old City Hall
124 E. Fourth Street
Tulsa, OK 74103

20 LEWIS AND ROCA
21 Attn: Jennifer K. Hostetler, Esq.

22 KEMP, JONES & COULTHARD
23 Attn: J. Randall Jones, Esq.

24 HOWARD & HOWARD
Attn: Robert L. Rosenthal, Esq.

25 SMITH LAW OFFICE
26 Attn: P. Kyle Smith, Esq.

27 
28 LORRAINE TASHIRO
Judicial Executive Assistant
Dept. No. XIII

MARK R. DENTON
DISTRICT JUDGE

DEPARTMENT THIRTEEN
LAS VEGAS, NV 89155

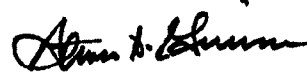
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7 Attorneys for Scott Financial Corporation
and Bradley J. Scott

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA
10

11 CLUB VISTA FINANCIAL SERVICES,
L.L.C., a Nevada Limited Liability Company;
12 THARALDSON MOTELS II, INC., a North
Dakota corporation; and GARY D.
13 THARALDSON,

14 Plaintiffs,

15 v.

16 SCOTT FINANCIAL CORPORATION, a
North Dakota corporation; BRADLEY J.
17 SCOTT; BANK OF OKLAHOMA, N.A., a
national bank; GEMSTONE
18 DEVELOPMENT WEST, INC., a Nevada
corporation; ASPHALT PRODUCTS
19 CORPORATION D/B/A APCO
CONSTRUCTION, a Nevada corporation;
20 DOES INDIVIDUALS 1-100; and ROE
21 BUSINESS ENTITIES 1-100,

22 Defendants.

23 AND ALL RELATED MATTERS.

Case No.: A579963
Dept. No.: XIII

**ORDER GRANTING IN PART SCOTT
FINANCIAL CORPORATION AND
BRADLEY J. SCOTT'S MOTION FOR
SUMMARY JUDGMENT REGARDING
PLAINTIFFS' FIRST, SECOND, AND
THIRD CLAIMS FOR RELIEF**

24 This matter having first come before this Court on January 20, 2011, regarding
25 Defendant/Counterclaimant Scott Financial Corporation's and Defendant Bradley J. Scott's Motion
26 for Summary Judgment Regarding Plaintiffs' First, Second, and Third Claims for Relief, the Court
27 having reviewed the pleadings and papers on file herein, and having heard the arguments of counsel
28 ...

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DISTRICT COURT DEPT#13

1 for Plaintiffs, Martin A. Aronson, Esq., Martin Muckleroy, Esq., and Terry A. Coffing, Esq.; and
2 of counsel for Defendants Scott Financial Corporation and Bradley J. Scott, J. Randall Jones, Esq.;
3 Bank of Oklahoma, N.A., John Clayman, Esq., and Jennifer Hostetler, Esq.; APCO Construction,
4 Gwen Rutar Mullins, Esq., and Alex Edelstein, Kyle Smith, Esq.; and with good cause appearing
5 and there being no just cause for delay, the Court makes the following findings of fact and
6 conclusions of law:

7 **I.**

8 **FINDINGS OF FACT**

- 9 1. Only three people associated with Plaintiffs, apart from Plaintiffs' attorneys, have knowledge
10 related to the project in this case: Gary Tharaldson, Ryan Kucker, and Kyle Newman. See Depo. of
11 Gary Tharaldson at 299:18-301:6, and Depo. of Ryan Kucker at 339:8-340:3.
- 12 2. Gary Tharaldson does not know the extent of alleged fraudulent representations. See Depo.
13 of Gary Tharaldson at 30:20-32:3.
- 14 3. Gary Tharaldson admits that he has no personal knowledge of fraud allegations. See id. at
15 425:11-22.
- 16 4. Gary Tharaldson did not provide any information to his attorneys about specific instances that
17 he believed he was lied to with regard to the Manhattan West project. See id. at 1198:13-17.
- 18 5. Kyle Newman has no knowledge of Brad Scott or Scott Financial Corporation committing
19 fraud in connection with any project. See Depo. of Kyle Newman at 134:1-19.

20
21 **II.**

22 **CONCLUSIONS OF LAW**

- 23 1. There is no genuine issue of material fact going to affirmative fraudulent misrepresentations
24 of either Scott Financial Corporation or Bradley J. Scott.
- 25 2. There are genuine issues regarding concealment and constructive fraud given the relationship
26 between Plaintiff Tharaldson and his entities and the Scott Defendants and the expectations that
27 relationship may have engendered.

28 ...

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III.

CONCLUSION

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Scott Financial Corporation and Bradley J. Scott's Motion for Motion for Summary Judgment is GRANTED IN PART as to Plaintiffs First Claim for Relief. As to the Second and Third Claims for Relief, the Motion for Summary Judgment is DENIED IN PART

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a Judgment in favor of Scott Financial Corporation, and Bradley J. Scott and against Plaintiffs in hereby entered as to Plaintiffs' First Claim for Relief of the First Amended Complaint.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each of the Court's findings of fact is to be construed as a conclusion of law, and each of the Court's conclusion of law is to be construed as a finding of fact, as may be necessary or appropriate to carry out this Order.

DATED this 14th day of February, 2011.


DISTRICT COURT JUDGE 

Submitted by:

KEMP, JONES & COULTHARD, LLP

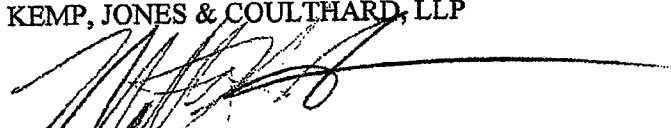

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*Attorneys for Defendants Scott Financial
Corporation and Bradley J. Scott*

Exhibit “7”

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CLERK OF THE COURT

1 ORDR
2 GRIFFITH H. HAYES, Esq.
3 Nevada Bar No. 7374
4 MARTIN A. MUCKLERoy, ESQ.
5 Nevada Bar No. 009634
6 **COOKSEY, TOOLEN, GAGE, DUFFY & WOOG**
7 A Professional Corporation
8 3930 Howard Hughes Parkway, Suite 200
9 Las Vegas, Nevada 89169
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18 MARTIN A. ARONSON, ESQ.
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24 Phoenix, Arizona 85012
25 Telephone: (602) 263-8993
26 Attorneys For Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

18 CLUB VISTA FINANCIAL SERVICES,
19 L.L.C., a Nevada limited liability company;
20 THARALDSON MOTELS II, INC., a
21 North Dakota corporation; and GARY D.
22 THARALDSON,

Plaintiffs,

v.

23 SCOTT FINANCIAL CORPORATION, a
24 North Dakota corporation; BRADLEY J.
25 SCOTT; BANK OF OKLAHOMA, N.A., a
26 national bank; GEMSTONE
27 DEVELOPMENT WEST, INC., a Nevada
28 corporation; ASPHALT PRODUCTS
CORPORATION D/B/A APCO
CONSTRUCTION, a Nevada corporation;
DOE INDIVIDUALS 1-100; and ROE
BUSINESS ENTITIES 1-100,

Defendants.

Case No. A579963
Department No. 13
Consolidated With
Case No. A-10-609288-C

**ORDER DENYING IN PART THE
SCOTT DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT REGARDING
PLAINTIFFS' FIRST (FRAUD)
SECOND (CONCEALMENT) AND
THIRD (CONSTRUCTIVE FRAUD)
CLAIMS FOR RELIEF**

DISTRICT COURT DEPT#13

FEB 25 2011

1 AND RELATED COUNTERCLAIMS
2

3 CLUB VISTA FINANCIAL SERVICES,
4 L.L.C., a Nevada limited liability company;
5 THARALDSON MOTELS II, INC., a
6 North Dakota corporation; and GARY D.
7 THARALDSON,

8 Plaintiffs,

9 v.

10 ALEXANDER EDELSTEIN, an
11 individual,

12 Defendant.

13 This matter having come before the Court on January 18, 2011 on Defendant Scott
14 Financial Corporation's and Defendant Bradley J. Scott's Motion For Summary Judgment
15 Regarding Plaintiffs' First (Fraud), Second (Concealment) and Third (Constructive Fraud) Claims
16 for Relief; and the Court, having considered the papers submitted in connection with such Motion
17 and heard oral arguments made on behalf of the parties and then taken the matter under
18 advisement for further consideration; and the Court, having found there are genuine issues of
19 material fact regarding concealment and constructive fraud given the relationship between
20 Plaintiffs Club Vista Financial Services, LLC, Gary D. Tharaldson and Tharaldson Motels II,
21 Inc., on the one hand, and Defendants Scott Financial Corporation and Bradley J. Scott, on the
22 other hand, and the expectations that relationship may have engendered; and good cause
23 appearing,

24 ///

25 ///

26 ///

27 ///

28 ///

1 IT IS HEREBY ORDERED Defendant Scott Financial Corporation's and Defendant
2 Bradley J. Scott's Motion For Summary Judgment Regarding Plaintiffs' First (Fraud), Second
3 (Concealment) and Third (Constructive Fraud) Claims for Relief is DENIED as to Plaintiffs'
4 Second and Third Claims for Relief.

5 DATED this 2nd day of March, 2011.

6 IT IS SO ORDERED.

7
8 
9 DISTRICT COURT JUDGE 

10 Submitted by

11 COOKSEY, TOOLSEN GAGE, DUFFY & WOOG
12

13
14 By: 

15 MARTIN A. MUCKLEROY
16 COOKSEY, TOOLSEN GAGE, DUFFY & WOOG
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17 Terry A. Coffing, Esq.
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Attorneys for Plaintiff
24 CLUB VISTA FINANCIAL SERVICES, L.L.C.,
THARALDSON MOTELS II, INC., and
25 GARY D. THARALDSON
26
27
28

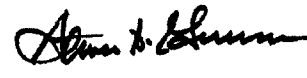
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CLERK OF THE COURT

1 ORDR
2 GRIFFITH H. HAYES, Esq.
3 Nevada Bar No. 7374
4 MARTIN A. MUCKLEROY, ESQ.
5 Nevada Bar No. 009634
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21 Arizona Bar No. 007460
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26 Attorneys For Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

18 CLUB VISTA FINANCIAL SERVICES,
19 L.L.C., a Nevada limited liability company;
20 THARALDSON MOTELS II, INC., a
21 North Dakota corporation; and GARY D.
22 THARALDSON,

Plaintiffs,

v.

23 SCOTT FINANCIAL CORPORATION, a
24 North Dakota corporation; BRADLEY J.
25 SCOTT; BANK OF OKLAHOMA, N.A., a
26 national bank; GEMSTONE
27 DEVELOPMENT WEST, INC., a Nevada
28 corporation; ASPHALT PRODUCTS
CORPORATION D/B/A APCO
CONSTRUCTION, a Nevada corporation;
DOE INDIVIDUALS 1-100; and ROE
BUSINESS ENTITIES 1-100,

Defendants.

Case No. A579963
Department No. 13
Consolidated With
Case No. A-10-609288-C

**ORDER DENYING, IN PART,
DEFENDANTS SCOTT FINANCIAL
CORPORATION AND BRADLEY J.
SCOTT'S MOTION FOR SUMMARY
JUDGMENT ON THARALDSON'S
AND THARALDSON MOTEL II,
INC.'S THIRD AND SEVENTH
CLAIMS FOR RELIEF, AND FOR
PARTIAL SUMMARY JUDGMENT ON
THEIR ELEVENTH CLAIM FOR
RELIEF (RE: FIDUCIARY DUTY)**

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FEB 25 2011

DISTRICT COURT DEPT#33

1 AND RELATED COUNTERCLAIMS
2

3 CLUB VISTA FINANCIAL SERVICES,
4 L.L.C., a Nevada limited liability company;
5 THARALDSON MOTELS II, INC., a
6 North Dakota corporation; and GARY D.
7 THARALDSON,

8 Plaintiffs,

9 v.

10 ALEXANDER EDELSTEIN, an
11 individual,

12 Defendant.

13 This matter having come before the Court on January 20, 2011, on Defendant Scott
14 Financial Corporation's and Defendant Bradley J. Scott's Motion For Summary Judgment
15 Regarding Tharaldson And Tharaldson Motels II, Inc.'s Third And Seventh Claims For Relief,
16 And For Partial Summary Judgment On Their Eleventh Claim For Relief (Re: Fiduciary Duty);
17 and the Court, having considered the papers submitted in connection with such Motion and heard
18 oral arguments made on behalf of the parties and then taken the matter under advisement for
19 further consideration; and the Court, having found that, in light of the past relationship between
20 Plaintiffs Club Vista Financial Services, LLC, Gary D. Tharaldson and Tharaldson Motels II,
21 Inc., on the one hand, and Defendants Scott Financial Corporation and Bradley J. Scott
22 (collectively, "Scott Defendants"), on the other hand, and the complexities of the transactions and
23 statements made by the Scott Defendants pertaining to such relationship, there are genuine issues
24 of material fact regarding Plaintiffs' Third (constructive fraud) and Eleventh (breach of the
25 implied covenant of good faith and fair dealing) Claims for Relief; and therefore, good cause
26 appearing,

27 ///

28 ///

1 IT IS HEREBY ORDERED Defendant Scott Financial Corporation's and Defendant
2 Bradley J. Scott's Motion For Summary Judgment Regarding Tharaldson And Tharaldson Motels
3 II, Inc.'s Third And Seventh Claims For Relief, And For Partial Summary Judgment On Their
4 Eleventh Claim For Relief (Re: Fiduciary Duty) is DENIED as to Plaintiffs' Third and Eleventh
5 Claims for Relief.

6 DATED this 2^d day of March, 2011.

7 IT IS SO ORDERED.

8
9
10 DISTRICT COURT JUDGE
11 *AK*

12 Submitted by

13 COOKSEY, TOOLSEN GAGE, DUFFY & WOOG

14
15 By:

16 MARTIN A. MUCKLEROY
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Attorneys for Plaintiff
CLUB VISTA FINANCIAL SERVICES, L.L.C.,
THARALDSON MOTELS II, INC., and
GARY D. THARALDSON

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CLERK OF THE COURT

ORDER

1 GRIFFITH H. HAYES, Esq.

Nevada Bar No. 7374

2 MARTIN A. MUCKLERoy, ESQ.

Nevada Bar No. 009634

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10 MARTIN A. ARONSON, ESQ.

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13 Phoenix, Arizona 85012

Telephone: (602) 263-8993

14 Attorneys For Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

17 CLUB VISTA FINANCIAL SERVICES,
L.L.C., a Nevada limited liability company;
18 THARALDSON MOTELS II, INC., a North
Dakota corporation; and GARY D.
19 THARALDSON,

20 Plaintiffs,

21 v.

22 SCOTT FINANCIAL CORPORATION, a
North Dakota corporation; BRADLEY J.
23 SCOTT; BANK OF OKLAHOMA, N.A., a
national bank; GEMSTONE DEVELOPMENT
24 WEST, INC., a Nevada corporation;
25 ASPHALT PRODUCTS CORPORATION
D/B/A APCO CONSTRUCTION, a Nevada
corporation; DOE INDIVIDUALS 1-100; and
26 ROE BUSINESS ENTITIES 1-100,

27 Defendants.

Case No. A579963
Department No. 13
Consolidated With
Case No. A-10-609288-C

**ORDER GRANTING, IN PART, AND
DENYING, IN PART, DEFENDANT ALEX
EDELSTEIN'S MOTION FOR SUMMARY
JUDGMENT (CASE NO. A609288)**

RECEIVED

FEB 25 2011

DISTRICT COURT DEPT#13

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1 AND RELATED COUNTERCLAIMS)
2)

3 CLUB VISTA FINANCIAL SERVICES,
4 L.L.C., a Nevada limited liability company;
5 THARALDSON MOTELS II, INC., a North
6 Dakota corporation; and GARY D.
7 THARALDSON,

8 Plaintiffs,

9 v.

10 ALEXANDER EDELSTEIN, an individual,

11 Defendant.

12 **ORDER GRANTING, IN PART, AND DENYING, IN PART, DEFENDANT ALEX**
13 **EDELSTEIN'S MOTION FOR SUMMARY JUDGMENT (CASE NO. A609288)**

14 This matter having come before the Court on January 27, 2011 on Defendant Alex Edelstein's
15 Motion for Summary Judgment (Case No. A609288); and the Court, having considered the papers
16 submitted in connection with such Motion and heard oral arguments made on behalf of the parties and
17 then taken the matter under advisement for further consideration; and the Court having previously found
18 there are no genuine issues of material fact regarding whether or not Plaintiff Tharaldson Motels II, Inc.
19 ("TM2I"), acting through Plaintiff Gary D. Tharaldson, was fraudulently induced to execute the "TM2I
20 Guaranty" by affirmative misrepresentations of fact; and, good cause appearing;

21 IT IS HEREBY ORDERED Defendant Alex Edelstein's Motion for Summary Judgment (Case
22 No. A609288) against Plaintiff Club Vista Financial Services, LLC is DENIED;

23 IT IS FURTHER ORDERED Defendant Alex Edelstein's Motion for Summary Judgment (Case
24 No. A609288) against Plaintiff Gary D. Tharaldson ("Tharaldson") is GRANTED only as to Plaintiff
25 Tharaldson's Third Claim for Relief ("Aiding and Abetting Breach of Fiduciary Duty") and is DENIED as
26 to Plaintiff Tharaldson's First (Fraudulent Misrepresentation), Second (Fraudulent
27 Concealment/Fraudulent Omissions) and Fourth (Aiding and Abetting Misrepresentations and
28 Omissions) Claims for Relief; and

///

1 IT IS FURTHER ORDERED Defendant Alex Edelstein's Motion for Summary Judgment (Case
2 No. A609288) against Plaintiff Tharaldson Motels II, Inc. ("TM2I") is GRANTED only as to Plaintiff
3 TM2I's Third Claim for Relief ("Aiding and Abetting Breach of Fiduciary Duty") and is DENIED as to
4 Plaintiff TM2I's Second (Fraudulent Concealment/Fraudulent Omissions) and Fourth (Aiding and
5 Abetting Misrepresentations and Omissions) Claims for Relief.

6 DATED this 1st day of February, 2011.

7 IT IS SO ORDERED.

8
9
10 DISTRICT COURT JUDGE

11 Submitted by

12 COOKSEY, TOOLSEN GAGE, DUFFY & WOOG

13
14
15 By:

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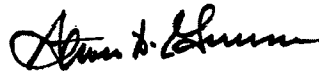
21 MARTIN A. ARONSON
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24 Admitted Pro Hac Vice
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26 Phoenix, Arizona 85012
27 Attorneys for Plaintiff
28 CLUB VISTA FINANCIAL SERVICES, L.L.C.,
THARALDSON MOTELS II, INC., and
GARY D. THARALDSON

Exhibit “10”

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Exhibit “10”

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6 Tel. (702) 385-6000
Attorneys for Scott Financial Corporation
7 and Bradley J. Scott

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 CLUB VISTA FINANCIAL SERVICES,
11 L.L.C., a Nevada Limited Liability Company;
THARALDSON MOTELS II, INC., a North
12 Dakota corporation; and GARY D.
THARALDSON,

13 Plaintiffs,

14 v.

15 SCOTT FINANCIAL CORPORATION, a
16 North Dakota corporation; BRADLEY J.
SCOTT; BANK OF OKLAHOMA, N.A., a
17 national bank; GEMSTONE
DEVELOPMENT WEST, INC., a Nevada
18 corporation; ASPHALT PRODUCTS
CORPORATION D/B/A APCO
19 CONSTRUCTION, a Nevada corporation;
DOES INDIVIDUALS 1-100; and ROE
20 BUSINESS ENTITIES 1-100,

21 Defendants.

Case No.: A579963
Dept. No.: XIII

**DEFENDANTS SCOTT FINANCIAL
CORPORATION AND BRADLEY J.
SCOTT'S MOTION FOR FIRM TRIAL
SETTING**

Hearing Date: October 5, 2009
Hearing Time: 9:00 a.m.

KEMP, JONES & COULTHARD, LLP
3800 Howard Hughes Parkway
Seventeenth Floor
Las Vegas, Nevada 89169
(702) 385-6000
Fax (702) 385-6001

22
23 COME NOW Defendants SCOTT FINANCIAL CORPORATION and BRADLEY J.

24 SCOTT (collectively hereinafter, "Scott"), by and through their attorneys of record, Kemp, Jones &
25 Coulthard, LLP, and move this Court to set a firm trial date in the above-referenced matter.

26 This motion is made and based upon the attached Memorandum of Points and Authorities,
27 any attached exhibits, all pleadings and papers on file in this action, and any oral argument that this

28 ///

KEMP, JONES & COULTHARD, LLP
3800 Howard Hughes Parkway
Seventeenth Floor
Las Vegas, Nevada 89169
(702) 385-6000
Fax (702) 385-6001

1 Court might entertain at the hearing on this motion.

2 Dated this 20th day of August, 2009.

3 Respectfully submitted,

4 KEMP, JONES & COULTHARD

5 

6 J. RANDALL JONES, ESQ. (#1927)

7 MARK M. JONES, ESQ. (#267)

8 MATTHEW S. CARTER, ESQ. (#9524)

9 KEMP, JONES & COULTHARD, LLP

3800 Howard Hughes Parkway

Seventeenth Floor

Las Vegas, Nevada 89169

Attorneys for Scott Financial Corporation

and Bradley J. Scott

11 NOTICE OF MOTION

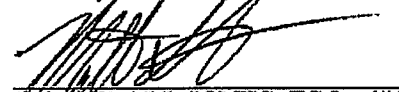
12 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

13 PLEASE TAKE NOTICE that the undersigned will bring the foregoing **DEFENDANTS**
14 **SCOTT FINANCIAL CORPORATION AND BRADLEY J. SCOTT'S MOTION FOR FIRM**
15 **TRIAL SETTING** on for hearing before the above-entitled Court on the 5th day of October, 2009,
16 at 9:00 a.m., or as soon thereafter as counsel may be heard.

17 Dated this 20th day of August, 2009.

18 Respectfully submitted,

19 KEMP, JONES & COULTHARD

20 

21 J. RANDALL JONES, ESQ. (#1927)

22 MARK M. JONES, ESQ. (#267)

23 MATTHEW S. CARTER, ESQ. (#9524)

24 KEMP, JONES & COULTHARD, LLP

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and Bradley J. Scott

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MEMORANDUM OF POINTS AND AUTHORITIES

"Setting trial dates and other matters done in the arrangement of a trial court's calendar is within the discretion of that Court. . ."¹ Scott now comes before this Court to request a firm date for trial. A date certain is necessary in this case because of the large geographic distance between the parties, all of whom, with the sole exception of APCO Construction, reside outside of the state of Nevada. (Scott and the Plaintiffs are based in North Dakota, and Bank of Oklahoma is, obviously, based in Oklahoma.) Also, a vast majority of the witnesses in this matter may come from the banks participating in the subject Manhattan West loan, and none of those banks are based in Nevada. This distance, combined with the schedules of out-of-state counsel, percipient witnesses, and expert witnesses that will likely be retained by all parties, makes it nearly impossible to properly schedule trial testimony when the trial is on a three week stack, or can get bumped from the calendar at the last moment by a case with priority. Accordingly, Scott respectfully requests that this Court exercise its discretion and set a date certain for trial in this matter.

DATED this 20th day of August, 2009.

Respectfully submitted,

KEMP, JONES & COULTHARD



F. RANDALL JONES, ESQ. (#1927)
MARK M. JONES, ESQ. (#267)
MATTHEW S. CARTER, ESQ. (#9524)
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Las Vegas, Nevada 89169
Attorneys for Scott Financial Corporation
and Bradley J. Scott

¹ *Monroe, Ltd. v. Central Tel. Co. So. Nev. Div.*, 91 Nev. 450, 456, 538 P.2d 152, 156 (1975) (citing *Close v. Second Judicial Dist.*, 76 Nev. 194, 314 P.2d 379 (1957)).

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CERTIFICATE OF MAILING

I hereby certify that on the 20th day of August, 2009, the foregoing **DEFENDANTS SCOTT FINANCIAL CORPORATION AND BRADLEY J. SCOTT'S MOTION FOR FIRM TRIAL SETTING** was served on the following persons by mailing a copy thereof, first class mail, postage prepaid, and e-mailing to the e-mail addresses listed as follows:

**ALBRIGHT, STODDARD,
WARNICK & ALBRIGHT**
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Counsel for Plaintiffs

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Martin A. Aronson, Esq.
Stephanie L. Samuelson, Esq.
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Co-Counsel for Plaintiffs

HOWARD & HOWARD ATTORNEYS P.C.
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*Counsel for Defendant APCO Construction
and Asphalt Products Corporation*

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Local counsel for Bank of Oklahoma, N.A.

FREDERIC DORWART, LAWYERS
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Counsel for Bank of Oklahoma, N.A.

Gemstone Development West, Inc.
c/o Alexander Edelstein, Resident Agent
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tami.cloudcrowd@gmail.com


An employee of Kemp, Jones & Coulthard

Exhibit “11”

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FILED

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John D. Johnson
CLERK OF COURT

1 **ORDG**
2 J. RANDALL JONES, ESQ.
3 Nevada Bar No. 1927
4 J. RANDALL JONES, ESQ.
5 Nevada Bar No. 1927
6 MARK M. JONES, ESQ.
7 Nevada Bar No. 267
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14 Tel. (702) 385-6000
15 Attorneys for Scott Financial Corporation
16 and Bradley J. Scott

DISTRICT COURT
CLARK COUNTY, NEVADA

11 CLUB VISTA FINANCIAL SERVICES,
12 L.L.C., a Nevada Limited Liability Company;
13 THARALDSON MOTELS II, INC., a North
14 Dakota corporation; and GARY D.
15 THARALDSON,

16 Plaintiffs,

17 v.

18 SCOTT FINANCIAL CORPORATION, a
19 North Dakota corporation; BRADLEY J.
20 SCOTT; BANK OF OKLAHOMA, N.A., a
21 national bank; GEMSTONE
22 DEVELOPMENT WEST, INC., a Nevada
23 corporation; ASPHALT PRODUCTS
24 CORPORATION D/B/A APCO
25 CONSTRUCTION, a Nevada corporation;
26 DOES INDIVIDUALS 1-100; and ROE
27 BUSINESS ENTITIES 1-100,

28 Defendants.

AND ALL RELATED MATTERS.

Case No.: A579963
Dept. No.: XIII

ORDER GRANTING MOTION FOR
FIRM TRIAL SETTING

09A579963
510771



24 This matter having first come before this Court on October 5, 2009, regarding
25 Defendant/Counterclaimant Scott Financial Corporation's and Defendant Bradley J. Scott's Motion
26 for Firm Trial Setting, the Court having reviewed the pleadings and papers on file herein, and having
27 heard the arguments of counsel for Plaintiffs, Martin A. Aronson, Esq., and Mark Albright, Esq.; and
28 of counsel for Defendants Scott Financial Corporation and Bradley J. Scott, J. Randall Jones, Esq.;
Bank of Oklahoma, N.A., Von Heinz, Esq.; and APCO Construction, Gwen Rutar Mullins, Esq.;

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CLERK OF THE COURT

NOV 06 2009

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2

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(702) 385-6000
Fax (702) 385-6001

1 and with good cause appearing and there being no just cause for delay,

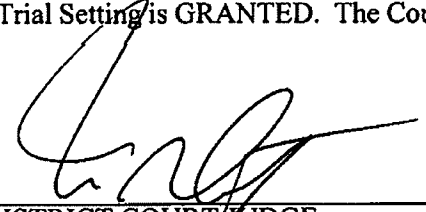
2 IT IS HEREBY ORDERED ADJUDGED AND DECREED that Scott Financial

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Scott Financial

4 Corporation's and Bradley J. Scott's Motion for Firm Trial Setting is GRANTED. The Court will

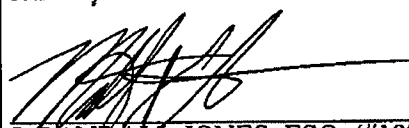
5 set a trial date by separate order of the Court.

6 DATED this 4th day of October, 2009.


DISTRICT COURT JUDGE TG

7 Submitted by:

8 KEMP, JONES & COULTHARD, LLP

9 
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22 and

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27 Las Vegas, NV 89169
28 Attorneys for Plaintiffs

Exhibit “12”

Exhibit “12”

Exhibit “12”

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLUB VISTA FINANCIAL
SERVICES, LLC., A NEVADA
LIMITED LIABILITY COMPANY;
THARALDSON MOTELS II, INC., A
NORTH DAKOTA CORPORATION;
AND GARY D. THARALDSON,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, IN AND FOR THE
COUNTY OF CLARK; AND THE
HONORABLE MARK R. DENTON,
DISTRICT JUDGE,

Respondents,

and

SCOTT FINANCIAL
CORPORATION, A NORTH
DAKOTA CORPORATION;
BRADLEY J. SCOTT; BANK OF
OKLAHOMA, N.A., A NATIONAL
BANK; GEMSTONE
DEVELOPMENT WEST, INC., A
NEVADA CORPORATION; AND
ASPHALT PRODUCTS CORP.
D/B/A APCO CONSTRUCTION, A
NEVADA CORPORATION,
Real Parties in Interest.

No. 57641

FILED

MAR 03 2011

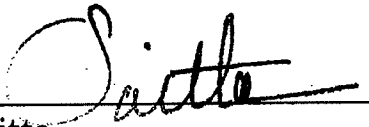
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK


ORDER GRANTING STAY

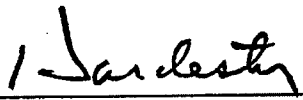
On January 31, 2011, we granted a temporary stay of counsel's depositions, pending receipt and consideration of any opposition and reply to the stay motion. Having considered real parties in interest's opposition and petitioners' reply, we conclude that a stay is warranted.

NRAP 8(c). Accordingly, the depositions are stayed pending further order of this court.

It is so ORDERED.


Saitta, J.


Gibbons, J.


Hardesty, J.

cc: Hon. Mark R. Denton, District Judge
Cooksey, Toolen, Gage, Duffy & Woog
Lemons, Grundy & Eisenberg
Marquis & Aurbach
Morrill & Aronson, P.L.C.
Frederic Dorwart Lawyers
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Kemp, Jones & Coulthard, LLP
Lewis & Roca, LLP/Las Vegas
Patrick K. Smith
Eighth District Court Clerk