

EXHIBIT 3

1 JEFFREY R. ALBREGTS, ESQ.
Nevada Bar No. 0066
2 COTTON DRIGGS, WALCH,
HOLLEY, WOLOSON & THOMPSON
3 400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
4 Telephone: 702/791-0308
Facsimile: 702/791-1912
5 jalbregts@nevadafirm.com

6 *Attorneys for Respondents*

Electronically Filed
Jul 09 2012 09:08 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

7
8 **IN THE SUPREME COURT OF THE STATE OF NEVADA**
9

10 UI SUPPLIES; AND UI TECHNOLOGIES,

11 Appellants,

12 v.

13 IRA AND EDYTHE SEAVER FAMILY
TRUST; IRA SEAVER; AND CIRCLE
14 CONSULTING CORPORATION,

15 Respondents.

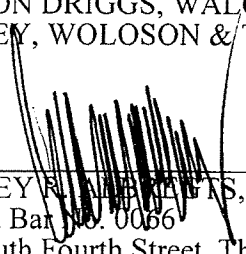
Supreme Court Case No.: 61090
District Court Case No.: A587003

NOTICE OF APPEARANCE

16
17 Jeffrey R. Albregts, Esq. hereby files this Notice of Appearance as attorney of record on
18 behalf of all respondents and demands that all copies of notices, pleadings and documents be
19 served upon him at 400 South Fourth Street, Third Floor, Las Vegas, Nevada 89101.

20 Dated this 6th day of July, 2012.

21 COTTON DRIGGS, WALCH,
22 HOLLEY, WOLOSON & THOMPSON

23
24 
25 JEFFREY R. ALBREGTS, ESQ.
Nevada Bar No. 0066
400 South Fourth Street, Third Floor
26 Las Vegas, Nevada 89101
Attorneys for Respondents
27
28

1 **CERTIFICATE OF MAILING**

2 I HEREBY CERTIFY that, on the 6th day of July, 2012 and pursuant to NRCP
3 5(b), I deposited for mailing in the U.S. Mail a true and correct copy of the foregoing **NOTICE**
4 **OF APPEARANCE**, postage prepaid and addressed to:

5 Michael Lee, Esq.
6 LAW OFFICE OF MICHAEL B. LEE
7 2000 South Eastern Avenue
Las Vegas, NV 89104

8 Gary E. Schnitzer, Esq.
9 KRAVITZ, SCHNITZER, SLOAN
& JOHNSON
10 8985 South Eastern Ave., Suite 200
Las Vegas, NV 89123

11 Jeffrey A. Silvestri, Esq.
12 Seth T. Floyd, Esq.
13 McDONALD CARANO WILSON LLP
14 2300 W. Sahara Avenue, Suite 1000
Las Vegas, NV 89102

15 *Attorneys for Appellants*

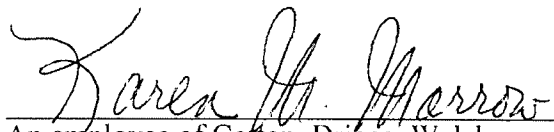
16
17 
18 An employee of Cotton, Driggs, Walch,
Holley, Woloson & Thompson

EXHIBIT 2

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

UI SUPPLIES; AND UI TECHNOLOGIES,
Appellants,
vs.
IRA AND EDYTHE SEAVER FAMILY TRUST; IRA
SEAVER; AND CIRCLE CONSULTING
CORPORATION,
Respondents.

Supreme Court No. 61090
District Court Case No. A587003

NOTICE OF EXEMPTION FROM SETTLEMENT PROGRAM/FILE DOCUMENTS

TO: Cotton, Driggs, Walch, Holley, Woloson & Thompson/Las Vegas/Jeffrey R. Albregts
Michael B. Lee
Kravitz, Schnitzer, Sloane & Johnson, Chtd./Gary E. Schnitzer
Ira Seaver

Upon review of this matter, it has been determined that this appeal will not be scheduled for settlement conference. Accordingly, appellant(s) shall have fifteen (15) days from the date of this notice to comply with NRAP 9(a). Appellants shall have 20 days from the date of this notice to file and serve the docketing statement.

Appellants shall have 120 days from the date of this notice to file and serve the opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1). Parties in proper person are not permitted to file briefs without leave of court. NRAP 46(b).

DATE: June 26, 2012

Tracie Lindeman, Clerk of Court

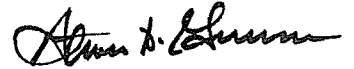
By: Sandy Young
Deputy Clerk

Notification List

Electronic
Michael B. Lee
Kravitz, Schnitzer, Sloane & Johnson, Chtd./Gary E. Schnitzer
Cotton, Driggs, Walch, Holley, Woloson & Thompson/Las Vegas/Jeffrey R. Albregts

Paper
Ira Seaver

EXHIBIT 1



Electronically Filed
Jun 19 2012 02:33 p.m.
CLERK OF THE COURT
Tracie K. Lindeman
Clerk of Supreme Court

MICHAEL B. LEE, ESQ.
Nevada Bar No. 10122
MICHAEL B. LEE, P.C.
2000 So. Eastern Avenue
Las Vegas, Nevada 89104
Telephone: (702) 477.7030
Facsimile: (702) 477.0096
mike@mblnv.com

GARY E. SCHNITZER, ESQ.
Nevada Bar No. 395
8985 So. Eastern Avenue, Suite 200
Las Vegas, Nevada 89123
Telephone: (702) 362.6666
Facsimile: (702) 362.2203
gschnitzer@kssattorneys.com

Attorneys for UI SUPPLIES,
UNINET IMAGING, INC., and NESTOR SAPORITI

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN
AND FOR THE COUNTY OF CLARK**

IRA AND EDYTHE SEAVER FAMILY
TRUST, IRA SEAVER, CIRCLE
CONSULTING CORPORATION,

Case No.: A587003
Dept. No.: XI

Plaintiff,

vs.

UI SUPPLIES, UI TECHNOLOGIES,
UNINET IMAGING, INC., NESTOR
SAPORITI and DOES 1 through 20, and ROE
entities 21 through 40, inclusive; DOES I
through X, inclusive; and ROE BUSINESS
ENTITIES I through X, inclusive,

Defendants.

**NOTICE OF APPEAL TO THE SUPREME COURT FROM A JUDGMENT OF A
DISTRICT COURT**

MICHAEL B. LEE, P.C.
2000 So. Eastern Avenue
Las Vegas, Nevada 89104
TEL - (702) 477.7030; FAX - (702) 477.0096

**NOTICE OF APPEAL TO THE SUPREME COURT FROM A JUDGMENT OF A
DISTRICT COURT**

Notice is hereby given that UI SUPPLIES, UI TECHNOLOGIES, UNINET IMAGING, INC., NESTOR SAPORITI, Defendants above named, hereby appeal to the Supreme Court of Nevada from the final judgment entered in this action on the 21 day of May, 2012.

Dated this 15 day of June, 2012.

MICHAEL B. LEE, P.C.

/s/ Michael Lee
MICHAEL B. LEE, ESQ. (NSB 10122)
2000 So. Eastern Avenue
Las Vegas, Nevada 89104
Telephone: (702) 477.7030
Facsimile: (702) 477.0096
mike@mblnv.com
Attorneys for UI SUPPLIES, UNINET IMAGING, INC., UI TECHNOLOGIES, and NESTOR SAPORITI

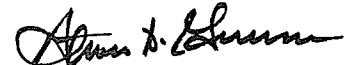
1 **CERTIFICATE OF MAILING**

2 I HEREBY CERTIFY that on this 15 day of June, 2012, I e-mailed a copy and placed a
3 copy of the **NOTICE OF APPEAL TO THE SUPREME COURT FROM A JUDGMENT**
4 **OF A DISTRICT COURT** as required by Eighth Judicial District Court Rule 7.26 by delivering
5 a copy or by mailing by United States mail it to the last known address of the parties listed
6 below, facsimile transmission to the number listed, and/or electronic transmission through the
7 Court's electronic filing system to the e-mail address listed below.

8 Jeffrey R. Albregts, Esq. (NBN 0066) Ira Seaver
9 SANTORO, DRIGGS, WALCH, KEARNEY, 2407 Ping Drive
10 HOLLEY & THOMPSON Henderson, NV 89074
400 South Fourth Street, Third Floor iseaver@aol.com
Las Vegas, Nevada 89101 In Proper Person
11 Tel: (702) 791-0308
Fax: (702) 791-1912
12 jalbregts@nevadafirm.com
Attorneys for Circle Consulting and Seaver
13 Family Trust

14
15 /s/ Desy Wang
16 An employee of MICHAEL B. LEE, P.C.
17
18
19
20
21
22
23
24
25
26
27
28

MICHAEL B. LEE, P.C.
2000 SO. EASTERN AVENUE
LAS VEGAS, NEVADA 89104
TEL - (702) 477.7030; FAX - (702) 477.0096



CLERK OF THE COURT

MICHAEL B. LEE, ESQ.
Nevada Bar No. 10122
MICHAEL B. LEE, P.C.
2000 So. Eastern Avenue
Las Vegas, Nevada 89104
Telephone: (702) 477.7030
Facsimile: (702) 477.0096
mike@mblnv.com

GARY E. SCHNITZER, ESQ.
Nevada Bar No. 395
8985 So. Eastern Avenue, Suite 200
Las Vegas, Nevada 89123
Telephone: (702) 362.6666
Facsimile: (702) 362.2203
gschnitzer@kssattorneys.com

Attorneys for UI SUPPLIES,
UNINET IMAGING, INC., and NESTOR SAPORITI

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN
AND FOR THE COUNTY OF CLARK**

IRA AND EDYTHE SEAVER FAMILY
TRUST, IRA SEAVER, CIRCLE
CONSULTING CORPORATION,

Case No.: A587003

Dept. No.: XI

Plaintiff,

vs.

UI SUPPLIES, UI TECHNOLOGIES,
UNINET IMAGING, INC., NESTOR
SAPORITI and DOES 1 through 20, and ROE
entities 21 through 40, inclusive; DOES I
through X, inclusive; and ROE BUSINESS
ENTITIES I through X, inclusive,

Defendants.

CASE APPEAL STATEMENT

MICHAEL B. LEE, P.C.
2000 SO. EASTERN AVENUE
LAS VEGAS, NEVADA 89104
TEL -- (702) 477.7030; FAX -- (702) 477.0096

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

UI SUPPLIES ("UIS") and UI TECHNOLOGIES ("UIT") (collectively referred to as "UI Defendants").

2. Identify the judge issuing the decision, judgment, or order appealed from:

Hon. Elizabeth Gonzalez, Department XI, of the Eighth Judicial District Court, County of Clark.

3. Identify each appellant and the name and address of counsel for each appellant:

Appellants – UIS and UIT

Michael B. Lee, Esq.
MICHAEL B. LEE, P.C.
2000 So. Eastern Avenue
Las Vegas, NV 89104
Tel – 702.731.0244
Fax – 702.477.0096
Counsel for UI Defendants

Gary E. Schnitzer, Esq.
KRAVITZ, SCHNITZER, SLOANE, &
JOHNSON, CHTD.
8985 So. Eastern Avenue, Suite 200
Las Vegas, NV 89123
Tel – 702.362.6666
Fax – 702.362.2203
Counsel for UI Defendants

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

Respondents – Ira and Edythe Family Trust, Ira Seaver, and Circle Consulting Corp.

Jeffrey R. Albregts, Esq.
COTTON, DRIGGS, WALCH
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
Tel: (702) 791-0308
Fax: (702) 791-1912
*Attorneys for Seaver Family Trust and
Circle Consulting*

Ira Seaver
2407 Ping Drive
Henderson, NV 89074
In Proper Person

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42:

Not applicable.

////

6. **Indicate whether appellant was represented by appointed or retained counsel in the district court:**

Appellants retained counsel in the district court action.

7. **Indicate whether appellant is represented by appointed or retained counsel on appeal:**

Appellants retained counsel on appeal.

8. **Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:**

Appellants have not requested leave to proceed in forma pauperis.

9. **Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):**

Respondents filed the Complaint on April 3, 2009.

10. **Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:**

This action arises over a dispute related to a consulting agreement between Circle Consulting (Ira Seaver's company) and Summit Technologies in 2004. In 2007, Summit sold substantially all of its assets to UI Technologies ("UIT") and UI Supplies ("UIS"). It is undisputed that UIS and UIT did not want to assume the consulting agreement.

On April 3, 2009, Plaintiffs filed a Complaint against Helfstein Defendants and UI Defendants, asserting ten causes of action: (1) Breach of Circle Consulting Contract (against all Defendants); (2) Breach of Summit Technologies Formation Agreement (against Helfstein Defendants Only); (3) Breach of Summit Technologies Operating Agreement (against Helfstein Defendants and Summit Only); (4) Breach of Fiduciary Duty (against Helfstein Defendants Only – amended at trial to include UI Defendants); (5) Promissory Estoppel (against UniNet Defendants Only); (6) Unjust Enrichment (against UniNet Defendants Only); (7) Accounting (against Summit and Helfstein Defendants Only – dismissed at the close of Plaintiffs' case); (8) Declaratory Relief (against All Defendants); (9) Breach of Implied Covenant of Good Faith and Fair Dealing (against All Defendants – district court dismissed tortious breach of the covenant of good faith and faith dealing at the close of Plaintiffs' case); and (10) Alter Ego (against All

1 Defendants – district court dismissed claims against UI Defendants at the close of Plaintiffs’
2 case).

3 On May 18, 2012, the District Court entered findings of fact and conclusions of law,
4 finding in favor of Plaintiffs on the claims for promissory estoppel, breach of contract, and
5 breach of the implied covenant of good faith and fair dealing for damages, as of May 31, 2012,
6 for \$565,597.44. Plaintiffs entered these findings on May 21, 2012. Appellants are now
7 appealing the district court’s findings of fact and conclusions of law on numerous grounds.

8 **11. Indicate whether the case has previously been the subject of an appeal to or original**
9 **writ proceeding in the Supreme Court and, if so, the caption and Supreme Court**
10 **docket number of the prior proceeding:**

11 The Helfstein Defendants appealed the district court’s order denying their request to
12 compel arbitration.

13 LEWIS HELFSTEIN, MADALYN
14 HELFSTEIN, SUMMIT LASER
15 PRODUCTS, INC., SUMMIT
16 TECHNOLOGIES LLC

17 Appellants

18 vs.

19 UI SUPPLIES, UNINET IMAGING AND
20 NESTOR SAPORITI,

21 Respondents.

No. 56383

District Court No.: A587003

22 **12. Indicate whether this appeal involves child custody or visitation:**

23 Not applicable.

24 ////

25 ////

26 ////

27 ////

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

Appellants are open to resolving this case through settlement.

Dated this 15 day of June, 2012.

MICHAEL B. LEE, P.C.

/s/ Michael Lee
MICHAEL B. LEE, ESQ. (NSB 10122)
2000 So. Eastern Avenue
Las Vegas, Nevada 89104
Telephone: (702) 477.7030
Facsimile: (702) 477.0096
mike@mblnv.com
Attorneys for UI SUPPLIES, UNINET IMAGING,
INC., UI TECHNOLOGIES, and NESTOR
SAPORITI

1 **CERTIFICATE OF MAILING**

2 I HEREBY CERTIFY that on this 15 day of June, 2012, I e-mailed a copy and placed a
3 copy of the **CASE APPEAL STATEMENT** as required by Eighth Judicial District Court Rule
4 7.26 by delivering a copy or by mailing by United States mail it to the last known address of the
5 parties listed below, facsimile transmission to the number listed, and/or electronic transmission
6 through the Court's electronic filing system to the e-mail address listed below.

7 Jeffrey R. Albregts, Esq. (NBN 0066) Ira Seaver
8 SANTORO, DRIGGS, WALCH, KEARNEY, 2407 Ping Drive
9 HOLLEY & THOMPSON Henderson, NV 89074
400 South Fourth Street, Third Floor iseaver@aol.com
Las Vegas, Nevada 89101 In Proper Person
10 Tel: (702) 791-0308
Fax: (702) 791-1912
11 jalbregts@nevadafirm.com
Attorneys for Circle Consulting and Seaver
12 Family Trust

13
14 /s/ Desy Wang
15 An employee of MICHAEL B. LEE, P.C.
16
17
18
19
20
21
22
23
24
25
26
27
28

MICHAEL B. LEE, P.C.
2000 SO. EASTERN AVENUE
LAS VEGAS, NEVADA 89104
TEL -- (702) 477.7030; FAX -- (702) 477.0096

IN THE SUPREME COURT OF THE STATE OF NEVADA

UI SUPPLIES; AND UI
TECHNOLOGIES,

Appellants,

vs.

IRA AND EDYTHE SEAVER FAMILY
TRUST; IRA SEAVER; AND CIRCLE
CONSULTING CORPORATION,

Respondents.

Case No.: 61090
Electronically Filed
Jul 16 2012 10:22 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

**EMERGENCY MOTION UNDER NRAP 27(e) FOR INCLUSION IN THE
SETTLEMENT PROGRAM**

(Ruling requested as soon as practicable)

On June 19, 2012, UI Supplies and UI Technologies (collectively, "UI") filed a Notice of Appeal in the Eighth Judicial District Court. See Notice of Appeal to the Supreme Court From a Judgment of a District Court, attached hereto as **Pet. Exhibit 1**. On June 26, 2012, this court issued a notice stating that this appeal would not be scheduled for a NRAP 16 settlement conference. See Notice of Exemption From Settlement Program/File Documents ("Notice of Exemption"), attached hereto as **Pet. Exhibit 2**. The Notice of Exemption then set a schedule for submitting the docketing statement and opening brief. See id. While the Notice of Exemption did not state the reason why this appeal would not receive a settlement conference, Ira Seaver, a respondent in this matter, was not represented by counsel at that time. However, on July 9, 2012, Jeffrey R. Albregts of Cotton, Driggs, Walch, Holley, Woloson & Thompson entered an appearance on behalf of all respondents, including Mr. Seaver. See Notice of Appearance, attached hereto as **Pet. Exhibit 3**. Because all parties are now represented by counsel and settlement negotiations may resolve this matter, UI hereby requests that this court assign this case to a settlement conference pursuant to NRAP 16 and suspend the schedule set forth in the Notice of Exemption for filing a docketing statement and opening brief.

1 Respectfully submitted this 16th day of July, 2012.

3 MCDONALD CARANO WILSON LLP

4 /s/ Seth T. Floyd
5 JEFFREY A. SILVESTRI (NSBN 5779)
6 SETH T. FLOYD (NSBN 11959)
7 MCDONALD CARANO WILSON LLP
8 2300 West Sahara Avenue, Suite 1000
9 Las Vegas, Nevada 89102

10 *Attorneys for Appellants*

11 **EMERGENCY MOTION UNDER NRAP 27(e) FOR INCLUSION IN THE**
12 **SETTLEMENT PROGRAM**

13 I, Seth T. Floyd, certify as follows:

14 *The attorneys for Appellants are:*

15 LAW OFFICE OF MICHAEL B. LEE
16 Michael Lee, Esq.
17 2000 South Eastern Avenue
18 Las Vegas, NV 89104
19 Phone: (702) 477-7030

20 KRAVITZ, SCHNITZER, SLOAN &
21 JOHNSON

22 Gary E. Schnitzer, Esq.
23 8985 South Eastern Ave., Suite 200
24 Las Vegas, NV 89123
25 Phone: (702) 362-6666

26 McDONALD CARANO WILSON LLP
27 Jeffrey A. Silvestri, Esq.
28 Seth T. Floyd, Esq.
2300 W. Sahara Ave., Suite 1000
Las Vegas, NV 89102
Phone: (702) 873-4100

The attorneys for Respondents are:

COTTON DRIGGS, WALCH, HOLLEY,
WOLOSON & THOMPSON
Jeffrey R. Albregts, Esq.
400 South Fourth Street, Third Floor
Las Vegas, NV 89101
Phone: (702) 791-0308

1 When UI filed its Notice of Appeal on June 19, 2012, one of the respondents, Ira
2 Seaver, was not represented by counsel. Accordingly, this court did not assign the appeal
3 to its settlement program. However, both UI and the respondents had planned to
4 participate in a settlement conference in an attempt to resolve the dispute between them.
5 As soon as we learned that this court did not assign the appeal to a settlement conference,
6 we notified Mr. Albregts, who was counsel for Circle Consulting and the Seaver Family
7 Trust at that time. He immediately filed a Notice of Appearance on behalf of Mr. Seaver.
8 All parties are now represented by counsel and we have agreed that settlement is
9 appropriate in this matter.

10 In light of the imminent briefing schedule set by this court in the Notice of
11 Exemption, an emergency exists as this matter should be placed in the settlement
12 program as soon as possible so the parties may attempt a speedy resolution that may
13 avoid full briefing. Furthermore, the docketing statement is due immediately and UI will
14 be unable to precisely state the issues on appeal, if any, until after a settlement
15 conference. UI therefore requests that this court suspend the briefing schedule and place
16 this matter into the settlement program pursuant to NRAP 16.

17 MCDONALD CARANO WILSON LLP

18 /s/ Seth T. Floyd
19 JEFFREY A. SILVESTRI (NSBN 5779)
20 SETH T. FLOYD (NSBN 11959)
21 2300 West Sahara Avenue, Suite 1000
22 Las Vegas, Nevada 89102
23 And

24 MICHAEL LEE (NSBN 10122)
25 LAW OFFICE OF MICHAEL B. LEE
26 2000 South Eastern Avenue
27 Las Vegas, NV 89104

28 and

GARY E. SCHNITZER (NSBN 395)
KRAVITZ, SCHNITZER, SLOAN &
JOHNSON
8985 South Eastern Ave., Suite 200
Las Vegas, NV 89123
Attorneys for Appellants

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Jeffrey R. Albregts
COTTON DRIGGS, WALCH, HOLLEY,
WOLOSON & THOMPSON
400 South Fourth Street, Third Floor
Las Vegas, NV 89101

/s/ Melissa A. Merrill
An employee of McDonald Carano Wilson LLP