

CLERK OF THE COURT

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Apr 01 2014 10:11 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

NOTC
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Attorneys for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

CAREY HUMPHRIES, an individual and
LORENZO ROCHA III, an individual;

Plaintiff,

vs.

NEW YORK-NEW YORK HOTEL &
CASINO, a Nevada Limited Liability Company,
d/b/a NEW YORK-NEW YORK HOTEL &
CASINO; DOES I-V; and ROE
CORPORATIONS, inclusive,

Defendants.

CASE NO.: A-11-641181-C
DEPT NO.: XVII

NOTICE OF APPEAL

Plaintiffs, CAREY HUMPHRIES and LORENZO ROCHA III, by and through their
counsel of record, Craig W. Drummond, Esq. of DRUMMOND & NELSON and Josh L.
Tomscheck, Esq. of HOFLAND & TOMSHECK, hereby Appeal to the Supreme Court of Nevada.

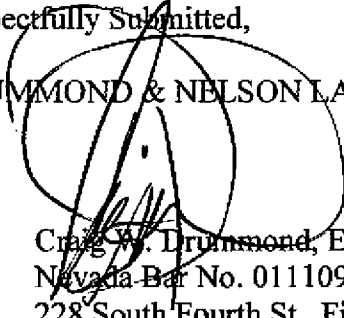
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1 This is an Appeal from the Order entered on or about March 5, 2014 with Notice of Entry
2 of Order being filed on or about March 7, 2014 granting Defendant's Counter-Motion for
3 Summary Judgment against the Plaintiffs.

4 DATED this 25 day of March, 2014.

5
6 Respectfully Submitted,

7 DRUMMOND & NELSON LAW FIRM

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9 
10 Craig W. Drummond, Esq.
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15 F: (702) 508-9440
16 craig@drummondfirm.com
17 Attorneys for Plaintiff

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DRUMMONDFIRM.COM

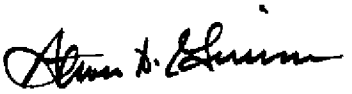
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and EDCR 7.26, I certify that on this 25 day of March, 2014, service of a true and correct copy of the foregoing NOTICE OF APPEAL was duly made by First Class Mail, postage prepaid from Las Vegas, Nevada, to the address below.

KRAVITZ, SCHNITZER & JOHNSON, CHTD.
Martin J. Kravitz, Esq.
Kristopher T. Zeppenfeld
8985 S. Eastern Ave., Suite 200
Las Vegas, NV 89123
Attorneys for Defendant
New York-New York Hotel & Casino, LLC



An Employee of DRUMMOND & NELSON LAW FIRM


CLERK OF THE COURT

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2 **DRUMMOND & NELSON LAW FIRM**
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13 josht@hoflandlaw.com
14 Attorneys for Appellant

11 *Attorneys for Plaintiffs*

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

13 CAREY HUMPHRIES, an individual and
14 LORENZO ROCHA III, an individual;
15
16 Plaintiff,

16 vs.

17 NEW YORK-NEW YORK HOTEL &
18 CASINO, a Nevada Limited Liability Company,
19 d/b/a NEW YORK-NEW YORK HOTEL &
20 CASINO; DOES I-V; and ROE
21 CORPORATIONS, inclusive,

21 Defendants.

CASE NO.: A-11-641181-C
DEPT NO.: XVII

CASE APPEAL STATEMENT

22
23 Plaintiffs, CAREY HUMPHRIES and LORENZO ROCHA III, by and through their
24 counsel of record, Craig W. Drummond, Esq. of DRUMMOND & NELSON and Josh L.
25 Tomsheck, Esq. of HOFLAND & TOMSHECK, hereby submits their Appeal to the Supreme
26 Court of Nevada from the Order entered on or about March 5, 2014 with Notice of Entry of Order
27 being filed on or about March 7, 2014 granting Defendant's Counter-Motion for Summary
28 Judgment against the Plaintiffs.

1. Appellants filing case appeal statement:

CAREY HUMPHRIES and LORENZO ROCHA III

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

The Honorable Michael P. Villani

3. Appellants and counsel for Appellants:

Carey Humphries and Lorenzo Rocha III, Appellants

Counsel:

Craig W. Drummond, Esq.

Nevada Bar No. 011109

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and

Josh L. Tomsheck, Esq.

Nevada Bar No. 9210

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Telephone: (702) 895-7305

Facsimile: (702) 731-6910

josht@hoflandlaw.com

Attorneys for Appellant

//

4. Respondent and Respondent's Counsel:
New York-New York Hotel & Casino, LLC, Respondent

Counsel:

Martin J. Kravitz, Esq.

Nevada Bar No. 83

Kristopher T. Zeppenfeld, Esq.

Nevada Bar No. 12144

KRAVITZ, SCHNITZER & JOHNSON, CHTD.

8985 S. Eastern Ave., Suite 200

Las Vegas, NV 89123

Attorneys for Respondent

5. Counsel for Appellants and Respondent are licensed to practice law in Nevada.

6. Appellants were represented by their retained counsel of record in District Court,
Craig W. Drummond, Esq. and Josh L. Tomsheck, Esq.

7. Appellants are represented by their retained counsel of record on Appeal.

8. Appellants have not been granted leave to proceed in forma pauperis.

9. Proceedings commenced on May 12, 2011 upon the filing of a Complaint.

10. 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 is a negligence action wherein Plaintiff allege that Defendant caused injuries to their body and persons due to negligent security and premises liability. A Complaint in this matter was filed on May 12, 2011. After a Writ of Mandamus was granted by the Nevada Supreme Court in Plaintiffs' favor, on November 7, 2013, the case was remanded back to the District Court. On December 2, 2013, Plaintiffs filed a Motion for Summary Judgment. On December 19, 2013, Defendant filed an Opposition and Counter-Motion for Summary Judgment. On January 12, 2014, Plaintiffs filed an Opposition to Defendant's Counter-Motion and on January 22, 2014, Defendant filed a Reply in Support. On January 29, 2014 a hearing was held in the District Court and on

1 March 5, 2014 Findings of Fact and Conclusions of Law were entered. On March 7, 2014, a
2 Notice of Entry of Order was filed by the Defendant.

3 11. Whether the case has previously been the subject of an appeal to or original writ
4 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the
5 prior proceeding.

6 Yes, Writ of Mandamus, Case No. 61690. Humphries v. New York-New York Hotel &
7 Casino, 129 Nev. Advance Opinion 85 (Nov. 27, 2013).

8 12. Whether the appeal involves child custody or visitation:

9 No.

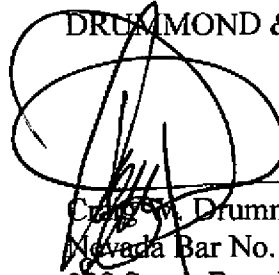
10 13. In civil cases, whether the appeal involves the possibility of settlement.

11 Yes.

12 DATED this 25 day of March, 2014.

13
14 Respectfully Submitted,

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16
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25 *Attorneys for Plaintiff*
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), EDCR 7.26 I certify that on this 25 day of March, 2014, service of a true and correct copy of the foregoing CASE APPEAL STATEMENT was duly made by First Class Mail, postage prepaid from Las Vegas, Nevada, to the address below.

KRAVITZ, SCHNITZER & JOHNSON, CHTD.
Martin J. Kravitz, Esq.
Kristopher T. Zeppenfeld, Esq.
8985 S. Eastern Ave., Suite 200
Las Vegas, NV 89123
Attorneys for Defendant
New York-New York Hotel & Casino, LLC


An Employee of DRUMMOND & NELSON LAW FIRM

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-11-641181-C

Carey Humphries, Plaintiff(s)
vs.
New York-New York Hotel & Casino, LLC, Defendant
(s)

§
§
§
§
§

Location: Department 17
Judicial Officer: Villani, Michael
Filed on: 05/12/2011
Cross-Reference Case Number: A641181

CASE INFORMATION

Case Type: Negligence - Other
Case Flags: Appealed to Supreme Court
Jury Demand Filed
Arbitration Exemption Granted

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-11-641181-C
Court Department 17
Date Assigned 05/12/2011
Judicial Officer Villani, Michael




PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Humphries, Carey	Drummond, Craig W., ESQ <i>Retained</i> 702-366-9966(W)
	Rocha III, Lorenzo	Drummond, Craig W., ESQ <i>Retained</i> 702-366-9966(W)
Defendant	New York-New York Hotel & Casino, LLC	Kravitz, Martin J. <i>Retained</i> 702-362-6666(W)
Third Party Defendant	Ferrell, Erik	
Third Party Plaintiff	New York-New York Hotel & Casino, LLC	Kravitz, Martin J. <i>Retained</i> 702-362-6666(W)













DATE

EVENTS & ORDERS OF THE COURT

INDEX

05/12/2011	 Complaint Filed By: Plaintiff Humphries, Carey <i>Complaint</i>	
05/12/2011	Case Opened	
05/24/2011	 Initial Appearance Fee Disclosure Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Defendant New York-New York Hotel & Casino, LLC's Initial Appearance Fee Disclosure</i>	
05/24/2011	 Demand for Security of Costs Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Defendant New York-New York's Demand for Security of Costs of Plaintiffs Carey Humphries and Lorenzo Rocha, III</i>	













DEPARTMENT 17
CASE SUMMARY
CASE NO. A-11-641181-C

05/27/2011	 Summons Filed by: Plaintiff Humphries, Carey <i>Summons</i>
05/27/2011	 Affidavit of Service Filed By: Plaintiff Humphries, Carey <i>Affidavit of Service for Defendant New York-New York Hotel & Casino</i>
06/01/2011	 Notice of Posting Non-Resident Cost Bond Filed by: Plaintiff Humphries, Carey <i>Notice of Posting Non-Resident Cost Bond for Plaintiff Carey Humphries</i>
06/01/2011	 Notice of Posting Non-Resident Cost Bond Filed by: Plaintiff Rocha III, Lorenzo <i>Notice of Posting Non-Resident Cost Bond for Plaintiff Lorenzo Rocha III</i>
06/09/2011	 Motion to Dismiss Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Defendant's Motion to Dismiss Plaintiff's Spoliation Claim or in the Alternative Motion for More Definite Statement</i>
06/21/2011	 Opposition to Motion to Dismiss Filed By: Plaintiff Humphries, Carey <i>Plaintiffs' Opposition to Defendant's Motion to Dismiss</i>
06/28/2011	 Reply in Support Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Defendant's Reply in Support of Motion to Dismiss</i>
07/13/2011	 Motion to Dismiss (8:30 AM) (Judicial Officer: Villani, Michael) Events: 06/09/2011 Motion to Dismiss <i>Defendant's Motion to Dismiss Plaintiff's Spoliation Claim or in the Alternative Motion for More Definite Statement</i>
07/21/2011	 Order Granting Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Order Granting Defendant's Motion to Dismiss Plaintiffs' Spoliation Claim Without Prejudice</i>
07/21/2011	Order of Dismissal Without Prejudice (Judicial Officer: Villani, Michael) Debtors: Carey Humphries (Plaintiff), Lorenzo Rocha III (Plaintiff) Creditors: New York-New York Hotel & Casino, LLC (Defendant) Judgment: 07/21/2011, Docketed: 08/02/2011 Comment: Certain Claim
07/22/2011	 Notice of Entry of Order Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of Entry of Order Granting Defendant's Motion to Dismiss Plaintiff's Spoliation Claim</i>
08/01/2011	 Answer Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Defendant's Answer to Plaintiffs' Complaint</i>
08/09/2011	 Demand for Jury Trial Filed By: Defendant New York-New York Hotel & Casino, LLC

CASE SUMMARY

CASE NO. A-11-641181-C

Defendant, New York-New York Hotel & Casino, LLC's Demand for Jury Trial

08/17/2011	 Motion to Extend Discovery <i>Plaintiff's Motion to Extend Discovery</i>
08/29/2011	 Ex Parte Order Filed By: Plaintiff Humphries, Carey <i>Ex Parte Order to Vacate Hearing and Strike Pleading</i>
08/31/2011	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner s Decision on Request for Exemption</i>
09/06/2011	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - Granted</i>
10/12/2011	 Motion for Summary Judgment Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Defendant's Partial Motion for Summary Judgment as to Punitive Damages</i>
10/19/2011	 Joint Case Conference Report Filed By: Plaintiff Humphries, Carey <i>Joint Case Conference Report</i>
10/22/2011	 Opposition and Countermotion Filed By: Plaintiff Humphries, Carey <i>Plaintiff's Opposition to Defendant's Partial Motion for Summary Judgment as to Punitive Damages and Counter-Motion to Redact Defendant's Exhibits</i>
10/25/2011	 Scheduling Order <i>Scheduling Order</i>
11/08/2011	 Reply in Support Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Defendant's Reply in Support of Motion for Partial Summary Judgment as to Punitive Damages</i>
11/16/2011	Motion for Summary Judgment (8:30 AM) (Judicial Officer: Brennan, James) Events: 10/12/2011 Motion for Summary Judgment <i>Defendant's Partial Motion for Summary Judgment as to Punitive Damages</i>
11/16/2011	Opposition and Countermotion (8:30 AM) (Judicial Officer: Brennan, James) Events: 10/22/2011 Opposition and Countermotion <i>Plaintiffs' Opposition to Defendant's Partial Motion for Summary Judgment as to Punitive Damages and Counter-Motion to Redact Defendant's Exhibits</i>
11/16/2011	 All Pending Motions (8:30 AM) (Judicial Officer: Brennan, James) <i>Defendant's Partial Motion for Summary Judgment as to Punitive Damages . . . Opposition and Countermotion to Redact Defendant's Exhibits</i>
11/21/2011	 Order Setting Civil Jury Trial Filed By: Plaintiff Humphries, Carey <i>Order Setting Civil Jury Trial and Calendar Call</i>
12/13/2011	 Order Granting Summary Judgment Filed By: Defendant New York-New York Hotel & Casino, LLC

CASE SUMMARY

CASE NO. A-11-641181-C














Order Granting Defendant's Motion for Partial Summary Judgment as to Punitive Damages

12/13/2011	Partial Summary Judgment (Judicial Officer: Villani, Michael) Debtors: New York-New York Hotel & Casino, LLC (Defendant) Creditors: Carey Humphries (Plaintiff), Lorenzo Rocha III (Plaintiff) Judgment: 12/13/2011, Docketed: 12/27/2011
12/14/2011	 Notice of Entry of Order Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of Entry of Order Granting Defendant's Motion for Partial Summary Judgment as to Punitive Damages</i>
02/13/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of (Records Only) Deposition for Spring Valley Hospital Medical Center</i>
02/13/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of (Records Only) Deposition for Desert Radiologists</i>
02/13/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of (Records Only) Deposition for Arrowhead Regional Medical Center</i>
02/13/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of (Records Only) Deposition for Arrowhead Radiology</i>
02/13/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of (Records Only) Deposition for Arrowhead Community Surgical Medical Group</i>
02/13/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of (Records Only) Deposition for American Medical Response</i>
02/13/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of (Records Only) Deposition for Shadow Emergency Physicians</i>
02/15/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of (Records Only) Deposition For Health Office at California State University - San Bernardino</i>
02/15/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of (Records Only) Deposition for Paisano Restaurante Italiano</i>
02/15/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of (Records Only) Deposition for Big Bear Lake Fire Protection District</i>
02/15/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC














CASE SUMMARY

CASE NO. A-11-641181-C

Notice of (Records Only) Deposition for The Cellar Spirits and Grill

02/15/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of (Records Only) Deposition for Fontana Unified School District</i>
02/15/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of (Records Only) Deposition for the County of San Bernardino</i>
02/15/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of (Records Only) Deposition for the Yucaipa Police Department and Sheriff</i>
02/15/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of (Records Only) Deposition for the Yucaipa Police Department and Sheriff</i>
02/15/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of (Records Only) Deposition for the San Bernardino County Sheriff's Department</i>
02/15/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of (Records Only) Deposition for the San Bernardino County Sheriff's Department</i>
03/07/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Defendant's Notice of N.R.C.P. 30(b)(6) Deposition of Carey Humphries</i>
03/07/2012	 Notice of Deposition Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Defendant's Notice of N.R.C.P. 30(b)(6) Deposition of Lorenzo Rocha, III</i>
04/11/2012	 Notice of Deposition Filed By: Plaintiff Humphries, Carey <i>Second Notice of Deposition</i>
04/12/2012	 Motion to Compel Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Defendant's Motion to Compel Plaintiffs to Join a Necessary Party or Face Dismissal</i>
04/19/2012	 Association of Counsel Filed By: Plaintiff Humphries, Carey <i>Notice of Association of Counsel</i>
04/23/2012	 Notice of Deposition Filed By: Plaintiff Humphries, Carey <i>Third Notice of Deposition</i>
04/24/2012	 Opposition Filed By: Plaintiff Humphries, Carey <i>Plaintiffs' Opposition to Defendant's Motion to Compel Plaintiffs to Join a Necessary Party or Face Dismissal</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-11-641181-C


05/14/2012	 Reply in Support Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Defendant's Reply in Support of Motion to Compel Plaintiffs to Join a Necessary Party or Face Dismissal</i>
05/23/2012	 Motion to Compel (3:00 AM) (Judicial Officer: Villani, Michael) <i>Defendant's Motion to Compel Plaintiffs to Join a Necessary Party or Face Dismissal</i>
06/12/2012	 Findings of Fact, Conclusions of Law and Order Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Findings of Fact, Conclusions of Law and Order Granting Defendant's Motion to Compel Plaintiffs to Join a Necessary Party or Face Dismissal</i>
06/13/2012	 Notice of Entry of Order Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Notice of Entry of Order</i>
06/14/2012	 Motion Filed By: Plaintiff Humphries, Carey <i>Plaintiff's Motion for Reconsideration of Order</i>
06/15/2012	 Disclosure of Expert Filed By: Plaintiff Humphries, Carey <i>Plaintiffs' Disclosure of Expert Witness</i>
06/18/2012	 Certificate of Mailing Filed By: Plaintiff Humphries, Carey <i>Certificate of Mailing</i>
06/29/2012	 Supplemental Filed by: Plaintiff Humphries, Carey <i>Plaintiffs' Supplement to Disclosure of Expert Witness</i>
06/29/2012	 Opposition to Motion Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Defendant's Opposition to Plaintiffs' Motion for Reconsideration of Order</i>
07/18/2012	 Motion For Reconsideration (3:00 AM) (Judicial Officer: Villani, Michael) <i>Plaintiff's Motion for Reconsideration of Order</i>
07/18/2012	 Supplement Filed by: Plaintiff Humphries, Carey <i>Plaintiffs' Second Supplement to Disclosure of Expert Witness</i>
08/20/2012	 Motion Filed By: Plaintiff Humphries, Carey <i>Plaintiffs' Motion for Stay of Proceedings on Order Shortening Time</i>
08/21/2012	 Order Denying Motion Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Order Denying Plaintiffs' Motion for Reconsideration</i>
08/22/2012	 Notice of Entry of Order

CASE SUMMARY

CASE NO. A-11-641181-C


Filed By: Defendant New York-New York Hotel & Casino, LLC
Notice of Entry of Order Denying Plaintiffs' Motion for Reconsideration

08/31/2012

 Opposition to Motion

Filed By: Defendant New York-New York Hotel & Casino, LLC
Defendant's Opposition to Plaintiffs' Motion for Stay

09/05/2012

 **Motion (8:30 AM)** (Judicial Officer: Villani, Michael)

Plaintiff's Motion for Stay of Proceedings on Order Shortening

09/20/2012

 Order

Filed By: Plaintiff Humphries, Carey
Order Regarding Plaintiffs' Motion For Stay of Proceedings on Order Shortening Time

10/16/2012

 Discovery Commissioners Report and Recommendations


Filed By: Defendant New York-New York Hotel & Casino, LLC
Discovery Commissioner's Report and Recommendations

10/17/2012

 Notice of Entry of Order

Filed By: Defendant New York-New York Hotel & Casino, LLC
Notice of Entry of Order Affirming the Discovery Commissioner's Report and Recommendations

01/23/2013

 **Calendar Call (9:00 AM)** (Judicial Officer: Villani, Michael)


Events: 11/21/2011 Order Setting Civil Jury Trial

02/04/2013

CANCELED Jury Trial (10:00 AM) (Judicial Officer: Villani, Michael)

Vacated - per Judge


04/24/2013

 **Status Check (8:30 AM)** (Judicial Officer: Villani, Michael)

04/24/2013, 10/23/2013, 05/07/2014


Status Check: Supreme Court Stay / Trial Setting

11/14/2013

 Notice of Change of Firm Name

Filed By: Defendant New York-New York Hotel & Casino, LLC
Notice of Change of Firm Name

12/02/2013

 Motion for Summary Judgment


Filed By: Plaintiff Humphries, Carey
Motion for Summary Judgment

12/19/2013

 Stipulation and Order

Filed by: Defendant New York-New York Hotel & Casino, LLC
Stipulation and Order

12/19/2013

 Notice of Entry of Stipulation and Order


Filed By: Defendant New York-New York Hotel & Casino, LLC
Notice of Entry of Stipulation and Order

12/19/2013

 Third Party Complaint











TPP: Defendant New York-New York Hotel & Casino, LLC
Third-Party Plaintiff, New York-New York Hotel & Casino's Third-Party Complaint

12/19/2013






 Opposition and Countermotion

CASE SUMMARY

CASE NO. A-11-641181-C

	Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Opposition to Plaintiffs' Motion for Summary Judgment and Counter Motion for Summary Judgment</i>
12/23/2013	 Initial Appearance Fee Disclosure Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Initial Appearance Fee Disclosure</i>
01/07/2014	 Affidavit of Service Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Affidavit of Service</i>
01/07/2014	 Summons Issued Party: Defendant New York-New York Hotel & Casino, LLC <i>Summons - Civil</i>
01/08/2014	Motion for Summary Judgment (8:30 AM) (Judicial Officer: Villani, Michael) 01/08/2014, 01/29/2014 <i>Plaintiffs' Motion for Summary Judgment</i>
01/08/2014	Opposition and Countermotion (8:30 AM) (Judicial Officer: Villani, Michael) 01/08/2014, 01/29/2014 <i>Defendant's Opposition to Plaintiffs' Motion for Summary Judgment and Counter Motion for Summary Judgment</i>
01/08/2014	 All Pending Motions (8:30 AM) (Judicial Officer: Villani, Michael) <i>Plaintiff's Motion for Summary Judgment . . . Defendant's Opposition and Countermotion for Summary Judgment</i>
01/12/2014	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Humphries, Carey <i>Opposition to Defendant New York New York Hotel and Casino's Countermotion for Summary Judgment</i>
01/22/2014	 Reply in Support Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Defendants Reply in Support of its Countermotion for Summary Judgment</i>
01/29/2014	 All Pending Motions (8:30 AM) (Judicial Officer: Villani, Michael)
02/18/2014	 Decision (9:00 AM) (Judicial Officer: Villani, Michael) <i>Decision: Plaintiffs' Motion for Summary Judgment and New York's Countermotion for Summary Judgment</i>
03/05/2014	 Findings of Fact, Conclusions of Law and Order Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Findings of Fact, Conclusions of Law and Order Denying Plaintiff's Motion for Summary Judgment and Granting Defendant's Countermotion for Summary Judgment</i>
03/05/2014	Summary Judgment (Judicial Officer: Villani, Michael) Debtors: Carey Humphries (Plaintiff), Lorenzo Rocha III (Plaintiff) Creditors: New York-New York Hotel & Casino, LLC (Defendant) Judgment: 03/05/2014, Docketed: 03/12/2014
03/07/2014	 Notice of Entry of Order Filed By: Defendant New York-New York Hotel & Casino, LLC

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-11-641181-C

	<i>Notice of Entry of Order</i>	
03/14/2014	 Motion for Attorney Fees and Costs Filed By: Defendant New York-New York Hotel & Casino, LLC <i>Defendant's Motion for Attorneys' Fees and Costs</i>	
03/17/2014	 Certificate of Service Filed by: Defendant New York-New York Hotel & Casino, LLC <i>Certificate of Service</i>	
03/25/2014	 Case Appeal Statement Filed By: Plaintiff Humphries, Carey <i>Case Appeal Statement</i>	
03/25/2014	 Opposition Filed By: Plaintiff Humphries, Carey <i>Plaintiffs' Opposition and Countermotion to Retax the Defendant's Costs</i>	
03/25/2014	 Notice of Appeal Filed By: Plaintiff Humphries, Carey <i>Notice of Appeal</i>	
04/23/2014	Motion for Attorney Fees and Costs (3:00 AM) (Judicial Officer: Villani, Michael) <i>Defendant's Motion for Attorneys' Fees and Costs</i>	
04/23/2014	Opposition and Countermotion (3:00 AM) (Judicial Officer: Villani, Michael) <i>Plaintiffs' Opposition and Countermotion to Retax the Defendant's Costs</i>	

DATE	FINANCIAL INFORMATION	
	Defendant New York-New York Hotel & Casino, LLC	
	Total Charges	758.00
	Total Payments and Credits	758.00
	Balance Due as of 3/28/2014	0.00
	Plaintiff Humphries, Carey	
	Total Charges	470.00
	Total Payments and Credits	470.00
	Balance Due as of 3/28/2014	0.00
	Plaintiff Rocha III, Lorenzo	
	Total Charges	30.00
	Total Payments and Credits	30.00
	Balance Due as of 3/28/2014	0.00

CIVIL COVER SHEET

A-11-641181-C

Clark

County, Nevada

XVII

Case No. _____

(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone):

Carey Humphries

Lorenzo Rocha III

Attorney (name/address/phone):

Craig W. Drummond, (702) 366-9966

228 S. Fourth St., 1st Floor., LV, NV 89101

Defendant(s) (name/address/phone):

New York-New York Hotel & Casino, LLC

Attorney (name/address/phone):

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)☐ **Arbitration Requested****Civil Cases**

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input checked="" type="checkbox"/> Negligence – Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
<input type="checkbox"/> Probate <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Other Civil Filing Types <input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	
	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters	

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- ☐ NRS Chapters 78-88
☐ Commodities (NRS 90)
☐ Securities (NRS 90)

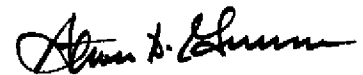
- ☐ Investments (NRS 104 Art. 8)
☐ Deceptive Trade Practices (NRS 598)
☐ Trademarks (NRS 600A)

- ☐ Enhanced Case Mgmt/Business
☐ Other Business Court Matters

5/12/11

Date

Signature of initiating party or representative



CLERK OF THE COURT

ORDR

MARTIN J. KRAVITZ, ESQ.
Nevada Bar No. 83
KRISTOPHER T. ZEPPENFELD, ESQ.
Nevada Bar No. 12144
KRAVITZ, SCHNITZER & JOHNSON, CHTD.
8985 So. Eastern Avenue, Suite 200
Las Vegas, Nevada 89123
Telephone: (702) 362-6666
Facsimile: (702) 362-2203
*Attorneys for Defendant NEW YORK-
NEW YORK HOTEL & CASINO, LLC*

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

CAREY HUMPHRIES, an individual, and
LORENZO ROCHA, III, an individual,
Plaintiffs,

vs.

NEW YORK-NEW YORK HOTEL &
CASINO, a Nevada Limited Liability
Company, d/b/a NEW YORK-NEW YORK
HOTEL & CASINO, DOES I-V, and ROE
CORPORATIONS I-V, inclusive.

Defendants.

Case No.: A-11-641181-C
Dept. No.: XVII

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER DENYING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND GRANTING
DEFENDANT'S COUNTERMOTION FOR SUMMARY JUDGMENT**

Plaintiffs, Carey Humphries and Lorenzo Rocha III, Motion for Summary Judgment and Defendant, New York-New York Hotel & Casino's (hereinafter "New York-New York"), Countermotion for Summary Judgment, having come on for hearing on the 29th day of January, 2014, at 8:30 a.m., the parties herein were represented by their counsel of record, Kristopher T. Zeppenfeld, Esq. for Defendant New York-New York, and Craig Drummond Esq. and Joshua Tomcheck Esq. for Plaintiffs Carey Humphries and Lorenzo Rocha III, the Court having considered the pleadings and papers on file herein and the oral argument of counsel, now enters

KRAVITZ, SCHNITZER & JOHNSON, CHTD.
Attorneys
8985 S. Eastern Ave., Suite 200
Las Vegas, Nevada 89123

RECEIVED BY
DEPT 17 ON

MAR - 3 2014

the following Findings of Fact, Conclusions of Law, and Judgment in favor of Defendant New York-New York and against Plaintiffs Carey Humphries and Lorenzo Rocha III:

FINDINGS OF FACT
(Undisputed Facts)

1. On May 12, 2011, Plaintiffs filed their Complaint for damages against Defendant New York-New York Hotel and Casino.
2. The causes of action in Plaintiff's Complaint were for negligence, negligent hiring, training, supervision, and retention and intentional misrepresentation¹.
3. Plaintiff's Complaint stems from an incident occurring on April 10, 2010, in which Plaintiff sustained injuries as a result of a physical altercation with a third party assailant that took place on New York-New York's casino floor.
4. Plaintiff Humphries initiated conversation with a female patron associated with the third party assailant.
5. The third party assailant then became involved in the conversation, and allegedly made lewd comments toward Plaintiff Humphries.
6. Plaintiff Humphries did not inform New York-New York security of the third party assailant's conduct, nor did she walk away after he made his comments.
7. Plaintiff Humphries made a "spitting-type gesture" toward the third party assailant, causing the assailant to retaliate and the physical altercation to erupt.²
8. New York-New York's security staff responded to the altercation and, after calling for backup, security, along with Metropolitan Police Department Officers, stopped the altercation approximately 17 seconds after it began.

¹ Plaintiff's intentional misrepresentation cause of action was dismissed early on in this action.

² The parties disagree as to whether Plaintiff Humphries actually spat on the assailant, but it is undisputed she made a "spitting type gesture" toward the assailant. The "spitting type gesture" constitutes an assault under NRS § 200.471.

CONCLUSIONS OF LAW

1. The Nevada Supreme Court's decision in *Estate of Smith v. Mahoney's Silver Nugget Inc.*, 265 P.3d 688 (Nev. 2011) is dispositive of the issue before this Court.
2. An innkeeper is liable for injury of the patron if the wrongful act that caused the injury was foreseeable and the keeper failed to take reasonable precautions against the wrongful act. Nev. Rev. Stat. §651.051 (2).
3. The Court shall determine as a matter of law whether the wrongful act was foreseeable and whether the owner or keeper had a duty to take reasonable precautions against the foreseeable wrongful act of the person who caused the death or injury. Nev. Rev. Stat. §651.015 (2)(B).
4. The law requires proof by a preponderance of the evidence that the innkeeper did not exercise due care for the safety of patrons. Nev. Rev. Stat. §651.015 (1)(B).
5. Under Nevada law, an innkeeper may owe a duty when the circumstances prior to the subject incident provide "requisite foreseeability" of the resultant crime. *Estate of Smith v. Mahoney's Silver Nugget, Inc.*, 265 P.3d 688, 692 (Nev. 2011).
6. The Court shall determine as a matter of law whether an innkeeper should have known of a specific danger. *Id*; see also *Bower v. Harrah's Laughlin, Inc.*, 215 P.3d 709 (Nev. 2009).
7. Prior to the subject incident, the third party assailant had not engaged in any disorderly or disruptive conduct that would have raised New York-New York's suspicion or attention.
8. New York-New York security had no notice or knowledge the third party assailant would commit his act of attacking Plaintiff Humphries in retaliation to being assaulted.

1 9. The physical altercation was a spontaneous and unpredictable incident in which New
2 York-New York could not have anticipated.

3 10. Plaintiffs have not met the burden of establishing a lack of due care on the part of
4 New York-New York security, as they did not provide any evidence demonstrating
5 the third party assailant's conduct prior to the subject incident provided New York-
6 New York security the requisite foreseeability of the resultant altercation.

7
8 11. Under the analysis set forth in the *Estate of Smith*, the instant altercation was not
9 foreseeable, and New York-New York exercised due care. *Estate of Smith v.*
10 *Mahoney's Silver Nugget, Inc.*, 265 P.3d 688 (Nev. 2011).

11 12. Plaintiffs have failed to set forth specific facts establishing a genuine issue of material
12 fact to be resolved at trial, so summary judgment in favor of Defendant New York-
13 New York is appropriate.
14

15 **JUDGMENT**

16 Wherefore, based upon the foregoing windings of fact and conclusions of law, this court
17 hereby orders as follows:

18 **IT IS ORDERED, ADJUDGED, AND DECREED**, that Plaintiffs Motion for
19 Summary Judgment is DENIED.

20 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Defendant New
21 York-New York's Countermotion for Summary Judgment is GRANTED.

22 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that judgment be
23 entered in favor of Defendant New York-New York and against Plaintiffs.
24

25
26 ///

1 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this is a final
2 judgment pursuant to an NRCP 54(B).

3 DATED this 4 day of March, 2014.

4
5 

6 The Honorable Michael P. Villani, Judge
7 District Court, Department XVII

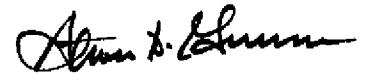
8 Submitted by:

9 KRAVITZ, SCHNITZER & JOHNSON, CHTD.

10
11 
12 MARTIN J. KRAVITZ, ESQ.

13 Nevada Bar No. 83

14 KRISTOPHER T. ZEPPENFELD, ESQ.
15 Nevada Bar No. 12144



CLERK OF THE COURT

1 **NOE**
2 MARTIN J. KRAVITZ, ESQ.
3 Nevada Bar No. 83
4 KRISTOPHER T. ZEPPENFELD, ESQ.
5 Nevada Bar No. 12144
6 KRAVITZ, SCHNITZER & JOHNSON, CHTD.
7 8985 So. Eastern Avenue, Suite 200
8 Las Vegas, Nevada 89123
9 Telephone: (702) 362-6666
10 Facsimile: (702) 362-2203
11 *Attorneys for Defendant,*
12 **NEW YORK-NEW YORK HOTEL**
13 **& CASINO, LLC**

8 **EIGHTH JUDICIAL DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 CAREY HUMPHRIES, an individual, and
11 LORENZO ROCHA, III, an individual,

12 Plaintiffs,

13 vs.

14 NEW YORK-NEW YORK HOTEL &
15 CASINO, a Nevada Limited Liability
16 Company, d/b/a NEW YORK-NEW YORK
HOTEL & CASINO, DOES I-V, and ROE
CORPORATIONS I-V, inclusive.

Defendants.

Case No.: A-11-641181-C

Dept. No.: XVII

DATE: 01/29/14

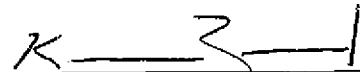
TIME: 8:30 a.m.

17 **NOTICE OF ENTRY OF ORDER**

18 PLEASE TAKE NOTICE that the Findings of Fact, Conclusions of Law and Order
19 Denying Plaintiff's Motion for Summary Judgment and Granting Defendant's Countermotion
20 for Summary Judgment was entered on March 4, 2014. A true and correct copy of said Order,
21 filed with the Clerk on the 5th day of March, 2014 is attached hereto.
22

23 DATED this 7th day of March, 2014.

KRAVITZ, SCHNITZER & JOHNSON, CHTD.



MARTIN J. KRAVITZ, ESQ.

Nevada Bar No. 83

KRISTOPHER T. ZEPPENFELD, ESQ.

Nevada Bar No. 12144

8985 So. Eastern Avenue, Suite 200

Las Vegas, Nevada 89123

Attorneys for Defendant,

NEW YORK-NEW YORK HOTEL

& CASINO, LLC

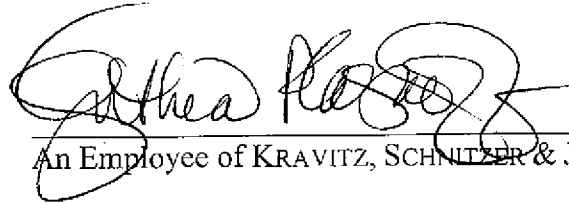
KRAVITZ, SCHNITZER
& JOHNSON, CHTD.
Attorneys
8985 S. Eastern Ave., Suite 200
Las Vegas, Nevada 89123

CERTIFICATE OF SERVICE

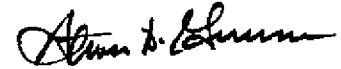
I HEREBY CERTIFY that on the 7th day of March, 2014, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** by electronic mail and by placing the same in a sealed envelope and mailing via U.S. Postal Service, first class, postage fully prepaid, upon thereon to:

Craig W. Drummond, Esq.
CRAIG W. DRUMMOND, P.C.
228 South Fourth Street
Las Vegas, Nevada 89101
*Attorney for Plaintiffs CAREY
HUMPHRIES and LORENZO
ROCHA, III*

Joshua L. Tomsheck, Esq.
HOFLAND & TOMSHECK
228 South Fourth Street
Las Vegas, Nevada 89101
*Co-Counsel for Plaintiffs CAREY
HUMPHRIES and LORENZO
ROCHA, III*



An Employee of KRAVITZ, SCHNITZER & JOHNSON


CLERK OF THE COURT

ORDR

MARTIN J. KRAVITZ, ESQ.
Nevada Bar No. 83
KRISTOPHER T. ZEPPENFELD, ESQ.
Nevada Bar No. 12144
KRAVITZ, SCHNITZER & JOHNSON, CHTD.
8985 So. Eastern Avenue, Suite 200
Las Vegas, Nevada 89123
Telephone: (702) 362-6666
Facsimile: (702) 362-2203
*Attorneys for Defendant NEW YORK-
NEW YORK HOTEL & CASINO, LLC*

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

CAREY HUMPHRIES, an individual, and
LORENZO ROCHA, III, an individual,
Plaintiffs,
vs.

Case No.: A-11-641181-C
Dept. No.: XVII

NEW YORK-NEW YORK HOTEL &
CASINO, a Nevada Limited Liability
Company, d/b/a NEW YORK-NEW YORK
HOTEL & CASINO, DOES I-V, and ROE
CORPORATIONS I-V, inclusive.
Defendants.

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER DENYING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND GRANTING
DEFENDANT'S COUNTERMOTION FOR SUMMARY JUDGMENT**

Plaintiffs, Carey Humphries and Lorenzo Rocha III, Motion for Summary Judgment and Defendant, New York-New York Hotel & Casino's (hereinafter "New York-New York"), Countermotion for Summary Judgment, having come on for hearing on the 29th day of January, 2014, at 8:30 a.m., the parties herein were represented by their counsel of record, Kristopher T. Zeppenfeld, Esq. for Defendant New York-New York, and Craig Drummond Esq. and Joshua Tomcheck Esq. for Plaintiffs Carey Humphries and Lorenzo Rocha III, the Court having considered the pleadings and papers on file herein and the oral argument of counsel, now enters

KRAVITZ, SCHNITZER & JOHNSON, CHTD.
Attorneys
8985 S. Eastern Ave., Suite 200
Las Vegas, Nevada 89123

RECEIVED BY
DEPT 17 ON
MAR - 3 2014

1 the following Findings of Fact, Conclusions of Law, and Judgment in favor of Defendant New
2 York-New York and against Plaintiffs Carey Humphries and Lorenzo Rocha III:

3 **FINDINGS OF FACT**
4 (Undisputed Facts)

- 5 1. On May 12, 2011, Plaintiffs filed their Complaint for damages against Defendant New
6 York-New York Hotel and Casino.
- 7 2. The causes of action in Plaintiff's Complaint were for negligence, negligent hiring,
8 training, supervision, and retention and intentional misrepresentation¹.
- 9 3. Plaintiff's Complaint stems from an incident occurring on April 10, 2010, in which
10 Plaintiff sustained injuries as a result of a physical altercation with a third party assailant
11 that took place on New York-New York's casino floor.
- 12 4. Plaintiff Humphries initiated conversation with a female patron associated with the third
13 party assailant.
- 14 5. The third party assailant then became involved in the conversation, and allegedly made
15 lewd comments toward Plaintiff Humphries.
- 16 6. Plaintiff Humphries did not inform New York-New York security of the third party
17 assailant's conduct, nor did she walk away after he made his comments.
- 18 7. Plaintiff Humphries made a "spitting-type gesture" toward the third party assailant,
19 causing the assailant to retaliate and the physical altercation to erupt.²
- 20 8. New York-New York's security staff responded to the altercation and, after calling for
21 backup, security, along with Metropolitan Police Department Officers, stopped the
22 altercation approximately 17 seconds after it began.
- 23
- 24
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27 ¹ Plaintiff's intentional misrepresentation cause of action was dismissed early on in this action.

28 ² The parties disagree as to whether Plaintiff Humphries actually spat on the assailant, but it is undisputed she made a "spitting type gesture" toward the assailant. The "spitting type gesture" constitutes an assault under NRS § 200.471.

CONCLUSIONS OF LAW

1. The Nevada Supreme Court's decision in *Estate of Smith v. Mahoney's Silver Nugget Inc.*, 265 P.3d 688 (Nev. 2011) is dispositive of the issue before this Court.
2. An innkeeper is liable for injury of the patron if the wrongful act that caused the injury was foreseeable and the keeper failed to take reasonable precautions against the wrongful act. Nev. Rev. Stat. §651.051 (2).
3. The Court shall determine as a matter of law whether the wrongful act was foreseeable and whether the owner or keeper had a duty to take reasonable precautions against the foreseeable wrongful act of the person who caused the death or injury. Nev. Rev. Stat. §651.015 (2)(B).
4. The law requires proof by a preponderance of the evidence that the innkeeper did not exercise due care for the safety of patrons. Nev. Rev. Stat. §651.015 (1)(B).
5. Under Nevada law, an innkeeper may owe a duty when the circumstances prior to the subject incident provide "requisite foreseeability" of the resultant crime. *Estate of Smith v. Mahoney's Silver Nugget, Inc.*, 265 P.3d 688, 692 (Nev. 2011).
6. The Court shall determine as a matter of law whether an innkeeper should have known of a specific danger. *Id*; see also *Bower v. Harrah's Laughlin, Inc.*, 215 P.3d 709 (Nev. 2009).
7. Prior to the subject incident, the third party assailant had not engaged in any disorderly or disruptive conduct that would have raised New York-New York's suspicion or attention.
8. New York-New York security had no notice or knowledge the third party assailant would commit his act of attacking Plaintiff Humphries in retaliation to being assaulted.

1 9. The physical altercation was a spontaneous and unpredictable incident in which New
2 York-New York could not have anticipated.

3 10. Plaintiffs have not met the burden of establishing a lack of due care on the part of
4 New York-New York security, as they did not provide any evidence demonstrating
5 the third party assailant's conduct prior to the subject incident provided New York-
6 New York security the requisite foreseeability of the resultant altercation.

7
8 11. Under the analysis set forth in the *Estate of Smith*, the instant altercation was not
9 foreseeable, and New York-New York exercised due care. *Estate of Smith v.*
10 *Mahoney's Silver Nugget, Inc.*, 265 P.3d 688 (Nev. 2011).

11 12. Plaintiffs have failed to set forth specific facts establishing a genuine issue of material
12 fact to be resolved at trial, so summary judgment in favor of Defendant New York-
13 New York is appropriate.
14

15 JUDGMENT

16 Wherefore, based upon the foregoing windings of fact and conclusions of law, this court
17 hereby orders as follows:

18 **IT IS ORDERED, ADJUDGED, AND DECREED**, that Plaintiffs Motion for
19 Summary Judgment is DENIED.

20 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Defendant New
21 York-New York's Countermotion for Summary Judgment is GRANTED.

22 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that judgment be
23 entered in favor of Defendant New York-New York and against Plaintiffs.
24

25
26 ///

1 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this is a final
2 judgment pursuant to an NRCP 54(B).

3 DATED this 4 day of March, 2014.

4
5 

6 The Honorable Michael P. Villani, Judge
7 District Court, Department XVII

8 Submitted by:

9 KRAVITZ, SCHNITZER & JOINSON, CHTD.

10
11 

12 MARTIN J. KRAVITZ, ESQ.

13 Nevada Bar No. 83

14 KRISTOPHER T. ZEPPENFELD, ESQ.

15 Nevada Bar No. 12144
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other

COURT MINUTES

July 13, 2011

A-11-641181-C	Carey Humphries, Plaintiff(s) vs. New York-New York Hotel & Casino, LLC, Defendant(s)
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July 13, 2011	8:30 AM	Motion to Dismiss	Defendant's Motion to Dismiss Plaintiff's Spoliation Claim or in the Alternative Motion for More Definite Statement
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HEARD BY: Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES**

PRESENT:	Drummond, Craig W., ESQ	Attorney
	Tomsheck, Joshua L.	Attorney
	Zeppenfeld, Kristopher	Attorney

JOURNAL ENTRIES

- Colloquy regarding the Intentional Misrepresentation, Fraud, and Spoliation issues. Mr. Drummond advised there has not been a Early Case Conference or any Rule 16.1 disclosures. The Defendants have stated that they have several eye-witness reports, security reports, and surveillance videos that have not been disclosed to Plaintiff and since counsel for Plaintiff has not had an opportunity to review the evidence in this case, the fraud and intentional misrepresentation issues cannot be pled with more particularity; a relaxed pleading was filed. Argument by Mr. Zeppenfeld; Plaintiffs claim for intentional misrepresentation rests on speculation and should be dismissed; the fraud claim should have been pled with more particularity.

COURT ORDERED, Motion GRANTED, without prejudice. If after Discovery, Plaintiffs are able to make the appropriate allegations, the Court will GRANT the Motion to Amend the Complaint to add the Fraud and Intentional Misrepresentation Claims

Mr. Zeppenfeld to prepare the Order approved as to form and content by Mr. Drummond.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other

COURT MINUTES

November 16, 2011

A-11-641181-C Carey Humphries, Plaintiff(s)
vs.
New York-New York Hotel & Casino, LLC, Defendant(s)

November 16, 2011 8:30 AM All Pending Motions

HEARD BY: Brennan, James **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT: Drummond, Craig W., ESQ Attorney
 Zeppenfeld, Kristopher Attorney

JOURNAL ENTRIES

- DEFENDANT'S PARTIAL MOTION FOR SUMMARY JUDGMENT AS TO PUNITIVE DAMAGES .
.. PLAINTIFF'S OPPOSITION AND COUNTERMOTION TO REDACT DEFENDANT'S EXHIBITS

Mr. Drummond advised that the Plaintiffs oppose the Defendant's Motion because discovery did not commence until after the Motion was filed. No cases have been cited that support their position that a Motion for Summary Judgment should be addressed before any discovery. For the reasons stated on the record, Mr. Drummond is requesting that the Court withhold any decision on this matter and let discovery proceed as NRCP 56(e) allows. Argument by Mr. Zeppenfeld; for the reasons stated on the record, he believes that further discovery would not lead to any further facts that would reveal that New York New York acted with conscious disregard or with a culpable state-of-mind intending to injure the Plaintiff. Rebuttal argument by Mr. Drummond. Court stated it FINDINGS and ORDERED, motion GRANTED, without prejudice. After discovery, Court noted Plaintiff may amend if there is conduct which supports the punitive damages.

With regard to the Countermotion, the Defendant has no objection to redacting any confidential information from the Exhibits and supplementing same, if necessary. Therefore, COURT ORDERED,

A-11-641181-C

Counter-motion GRANTED.

Mr. Zeppenfeld to prepare the Order

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other

COURT MINUTES

May 23, 2012

A-11-641181-C	Carey Humphries, Plaintiff(s) vs. New York-New York Hotel & Casino, LLC, Defendant(s)
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May 23, 2012	3:00 AM	Motion to Compel	Defendant's Motion to Compel Plaintiffs to Join a Necessary Party or Face Dismissal
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HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Defendant's Motion to Compel Plaintiff's to Join a Necessary Party came before this Court on the May 23, 2012, Chamber Calendar. It is alleged that Erik Ferrell is an intentional tortfeasor to the underlying claim for damages. Therefore, the COURT FINDS, that he is a necessary and indispensable party based on the Nevada Supreme Court's recent ruling in Cafe Moda, LLC v. Palma, 272 P.3d 137 (Nev. 2012). COURT ORDERED, Motion GRANTED. COURT FURTHER ORDERED, that Plaintiff is to take the appropriate action under NRCP to add Erik Ferrell.

Counsel for New York-New York is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved pursuant to DECRY 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Kristopher T.

Zeppenfeld, Esq., (Kravitz, Schnitzer, Sloane & Johnson, CHTD).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other

COURT MINUTES

July 18, 2012

A-11-641181-C	Carey Humphries, Plaintiff(s) vs. New York-New York Hotel & Casino, LLC, Defendant(s)
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July 18, 2012	3:00 AM	Motion For Reconsideration
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HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Foley

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff's Motion to Reconsider Defendant's Motion to Join Necessary Party came before this Court on July 18, 2012, Chamber Calendar.

Plaintiff seeks reconsideration of this Court's Order granting Defendant's Motion To Join a Necessary Party. This original motion was heard without oral argument as Master Calendar set the motion on the Court's Chamber Calendar. On or about April 11, 2010, Plaintiff was intentionally battered by Eric Farrell. Plaintiff has brought negligence claims against the Defendant for the intentional acts of Farrell. The Plaintiff has not set forth any new issues of law or fact establishing that the original Order of the Court was in error. Accordingly, COURT ORDERED Motion for Reconsideration is DENIED.

Counsel for New York-New York is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CLERK'S NOTE: A copy of this minute order to be placed in the attorney folder(s) of

Mr. Drummond and Mr. Zeppenfeld.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other

COURT MINUTES

September 05, 2012

A-11-641181-C	Carey Humphries, Plaintiff(s) vs. New York-New York Hotel & Casino, LLC, Defendant(s)
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September 05, 2012	8:30 AM	Motion	Plaintiff's Motion for Stay of Proceedings on Order Shortening
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HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:	Drummond, Craig W., ESQ	Attorney
	Zeppenfeld, Kristopher	Attorney

JOURNAL ENTRIES

- This is the time set for hearing on Plaintiffs' Motion for Stay of Proceedings. Mr. Drummond advised that Plaintiffs are requesting a Stay as he would like to file a Writ of Mandamus to the Nevada Supreme Court with regard to the Court's Order on his Motion for Reconsideration of Order. Pursuant to NRAP 8(a), before filing a Writ, the party must move the District Court for a stay of proceedings. The Motion was on this Court's Chamber Calendar so Mr. Drummond did not have an opportunity to orally request a STAY.

Mr. Zeppenfeld believes that the Plaintiffs have misinterpreted the Rules of Appellate Procedure and for the reasons stated on the record the Rules have not been triggered. Colloquy regarding NRAP 8(a). COURT ORDERED, Motion DENIED; Mr. Zeppenfeld to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other

COURT MINUTES

January 23, 2013

A-11-641181-C Carey Humphries, Plaintiff(s)
vs.
New York-New York Hotel & Casino, LLC, Defendant(s)

January 23, 2013 9:00 AM Calendar Call

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Tia Everett

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT: Drummond, Craig W., ESQ Attorney

JOURNAL ENTRIES

- Mr. Drummond advised the Court that this case was stayed by the Supreme Court on 10/05/2012.
COURT ORDERED, matter trial date VACATED, CASE STAYED, and matter SET for Status Check.

4/24/2013 8:30 AM STATUS CHECK: SUPREME COURT STAY / TRIAL SETTING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other

COURT MINUTES

April 24, 2013

A-11-641181-C	Carey Humphries, Plaintiff(s) vs. New York-New York Hotel & Casino, LLC, Defendant(s)
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April 24, 2013	8:30 AM	Status Check	Supreme Court Stay/Trial Setting
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HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:	Drummond, Craig W., ESQ	Attorney
	Tomsheck, Joshua L.	Attorney
	Zeppenfeld, Kristopher	Attorney

JOURNAL ENTRIES

- Kristopher Zeppenfeld, Esq., appearing telephonically, through CourtCall.

This is the time set for the Status Check with regard to the Supreme Court Stay. Mr. Tomsheck advised this matter was argued before the Supreme Court on April 8, and there is a supplemental briefing that Plaintiffs are going to join into. COURT ORDERED, status check CONTINUED. In the event the Supreme Court comes back with a decision earlier, the parties can place the matter back on calendar.

CONTINUED TO: 10/23/13 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other

COURT MINUTES

October 23, 2013

A-11-641181-C	Carey Humphries, Plaintiff(s) vs. New York-New York Hotel & Casino, LLC, Defendant(s)
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October 23, 2013	8:30 AM	Status Check	Supreme Court Stay/Trial Setting
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HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT: Tomsheck, Joshua L. Attorney

JOURNAL ENTRIES

- Mr. Tomsheck advised this matter was argued before the Nevada Supreme Court and counsel has not received a decision yet. COURT ORDERED, matter CONTINUED for six (6) months. If the Supreme Court comes back earlier, then we can move forward on the underlying case. The parties will need re-notice their motions.

CONTINUED TO: 04/23/14 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other

COURT MINUTES

January 08, 2014

A-11-641181-C	Carey Humphries, Plaintiff(s) vs. New York-New York Hotel & Casino, LLC, Defendant(s)
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January 08, 2014 8:30 AM All Pending Motions

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:	Drummond, Craig W., ESQ	Attorney
	Tomsheck, Joshua L.	Attorney
	Zeppenfeld, Kristopher	Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT . . . DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR SUMMARY JUDGMENT

This is the time set for hearing on Plaintiff's Motion for Summary Judgment and Defendant's Countermotion for Summary Judgment.

Court noted that on December 2, 2013, it received a Notice in Lieu of Remittitur from the Nevada Supreme Court. Therefore, COURT ORDERED, the Supreme Court Order of November 7, 2013, is VACATED.

Mr. Drummond advised that the Defense filed their Summary Judgment as Countermotion and they still have a day or two to respond. The Clerk's Office set both of the Summary Judgment motions on the same day. Plaintiff would like to file an Opposition and, therefore, would request that the matters

on calendar today be continued; the parties would like to keep the motions together. There being no objection by Mr. Zeppenfeld, COURT ORDERED, Motions CONTINUED.

CONTINUED TO: 01/29/14 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other

COURT MINUTES

January 29, 2014

A-11-641181-C Carey Humphries, Plaintiff(s)
vs.
New York-New York Hotel & Casino, LLC, Defendant(s)

January 29, 2014 8:30 AM All Pending Motions

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Andrea Natali

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT: Drummond, Craig W., ESQ Attorney
 Zeppenfeld, Kristopher Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT...DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND COUNTER MOTION FOR SUMMARY JUDGMENT

Argument by Mr. Drummond noting when the deposition of the Corporation had been taken, the Corporation admitted to all elements of negligence without any objections; therefore, only damages should go forward to trial. Further, Mr. Drummond argued that the corporation had admitted there were 2-3 flights a week on the floor.

Mr. Zeppenfeld opposed the motion, stating negligence had not been admitted, argued regarding the injuries of a person on the premise involving a third party, argued there was no evidence that a similar scenario had happened in the past, and argued regarding the in-keeper statue as related to foreseeability. Further, Mr. Zeppenfeld stated security and Metro were on site; argued there was no prior notice of the incident, and there was no standard of care as to the level of staffing that should be present on site.

COURT NOTED, the Plaintiff had complained the security officer had watched the fight for a period of time. Mr. Zeppenfeld stated the security officer had to call for back up as he was outnumbered. Colloquy regarding the people involved in the incident.

Further arguments by counsel regarding whether it was foreseeability, whether reasonable steps had been taken to prevent this incident, whether there were admissions, and whether there was an industry standard as to how the number of staff that should be on site.

COURT ORDERED, written decision TO ISSUE on or before next Wednesday.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other

COURT MINUTES

February 18, 2014

A-11-641181-C	Carey Humphries, Plaintiff(s) vs. New York-New York Hotel & Casino, LLC, Defendant(s)
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February 18, 2014	9:00 AM	Decision	Plaintiffs' Motion for Summary Judgment and Defendant's Countermotion for Summary Judgment
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HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Plaintiffs Carrie Humphries and Lorenzo Rocha III's Motion for Summary Judgment and Defendant New York-New York's Countermotion for Summary Judgment came before this Court on the January 29, 2014, Oral Calendar.

The COURT, having reviewed the pleadings and papers on file herein, and heard argument FINDS that on April 10, 2010, Plaintiffs sustained serious injuries as a result of a physical altercation which took place on Defendant's casino floor. Defendant's security staff responded to the altercation and, after calling for backup stopped the altercation approximately seventeen (17) seconds after it began.

Both parties concede that the Estate of Smith v. Mahoney's Silver Nugget, Inc. 127 Nev. Adv. Op. 76 (2011), is dispositive of the issue before the Court. In Smith, the assailant, Mr. Ott, and two friends entered the hotel lounge and joined a "boisterous" group crowded around several pool tables. The group of lounge patrons had previously caught the attention of casino security and within five (5)

minutes of the arrival of Mr. Ott, the group was asked to leave the casino. At about the same time, Mr. Smith was seated at the bar and after about ten (10) seconds, Mr. Smith rose from his bar stool, walked through the crowd, and punched Mr. Lee. In response to the attack on his friend, Mr. Ott pulled out a concealed weapon and fatally shot Mr. Smith. The District Court granted Summary Judgment in favor of the Casino on the ground that the Casino did not owe Mr. Smith a duty of care of under NRS 651.015. The Supreme Court affirmed the granting of the Summary Judgment. The facts of the present matter are less compelling than those found in Smith.

NRS 651.015(2) states that an innkeeper is liable for injury of a patron if the wrongful act that caused the injury was foreseeable and the keeper failed to take reasonable precautions against the wrongful act. "The court shall determine as a matter of law whether the wrongful act was foreseeable and whether the owner or keeper had a duty to take reasonable precautions against the foreseeable wrongful act of the person who caused the death or injury." NRS 651.015(2)(b). The COURT FINDS, that the instant altercation was not foreseeable. Despite Defendant's statement that two (2) to three (3) fights occur weekly on the casino floor, the assailant had not been violent in any manner before the altercation, and the Plaintiffs do not allege any behavior that would have put casino security on notice. *Estate of Smith v. Mahoney's Silver Nugget, Inc.*, 265 P.3d 688 (Nev. 2011).

Additionally, NRS 651.015(1)(b) requires proof by a preponderance of the evidence that the innkeeper did not exercise due care for the safety of patrons. Although the attack upon Carey Humphries and Lorenzo Rocha III was serious and left the Plaintiffs with potential future injuries, the COURT FINDS, that Plaintiffs have not met the burden of establishing a lack of due care. Casino security responded to the scene, observed, called for backup, and put a stop to the incident within seventeen (17) seconds. Additionally, no information has been presented that casino security knew or had indication of the future criminal conduct of the Plaintiff's assailant. There is no mention by the Plaintiffs on how more or better security could have prevented the attack or ended the conflict sooner. The COURT FURTHER FINDS, that the altercation was not foreseeable and the Defendant exercised due care. *Estate of Smith v. Mahoney's Silver Nugget, Inc.*, 265 P.3d 688 (Nev. 2011).

Therefore, COURT ORDERED, Plaintiffs' Motion for Summary Judgment is DENIED and Defendant's Countermotion for Summary Judgment is GRANTED. Counsel for New York-New York is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Kristopher Zeppenfeld, Esq., (Kravitz, Schnitzer & Johnson, CHTD.).



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

CRAIG W. DRUMMOND, ESQ.
228 S. FOURTH ST., 1ST FLOOR
LAS VEGAS, NV 89101

DATE: March 28, 2014
CASE: A641181

RE CASE: CAREY HUMPHRIES; LORENZO ROCHA, III vs. NEW YORK-NEW YORK
HOTEL & CASINO, LLC dba NEW YORK-NEW YORK HOTEL & CASINO

NOTICE OF APPEAL FILED: March 25, 2014

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☐ \$250 – Supreme Court Filing Fee**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☒ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND GRANTING DEFENDANT'S COUNTERMOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

CAREY HUMPHRIES; LORENZO ROCHA,
III,

Plaintiff(s),

vs.

NEW YORK-NEW YORK HOTEL &
CASINO, LLC dba NEW YORK-NEW YORK
HOTEL & CASINO,

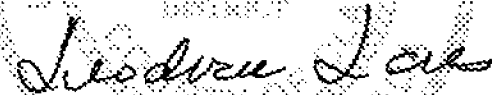
Defendant(s),

Case No: A641181
Dept No: XVII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 28 day of March 2014

Steven D. Grierson, Clerk of the Court



Teodora Jones, Deputy Clerk

CRAIG W. DRUMMOND, P.C. 06-10
ATTORNEY AT LAW
228 SOUTH FOURTH STREET, FIRST FLOOR
LAS VEGAS, NV 89101
(702) 366-9966

BANK OF NEVADA
100 CITY PARKWAY, SUITE 120
LAS VEGAS, NV 89108
(702) 248-4200
94-177/1224

2340

3-26-14

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ORDER OF

Supreme Court

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MEMO

Humphries

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AUTHORIZED SIGNATURE

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