

EXHIBIT C

[NOTICE OF ENTRY OF ORDER]


CLERK OF THE COURT

NOE
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

DATE: 01/29/14


TIME: 8:30 a.m.

NOTICE OF ENTRY OF ORDER

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

DATED this 7th day of March, 2014.

KRAVITZ, SCHNITZER & JOHNSON, CHTD.


MARTIN J. KRAVITZ, ESQ.
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Attorneys for Defendant,
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& CASINO, LLC

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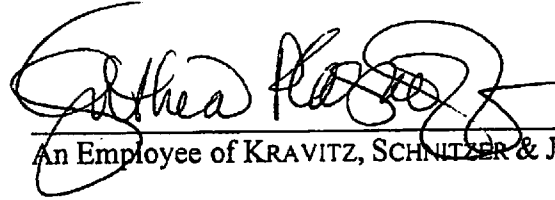
KRAVITZ, SCHNITZER,
SLOANE & JOHNSON, CHTD.
Attorneys
8985 S. Eastern Ave., Suite 200
Las Vegas, Nevada 89123

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*

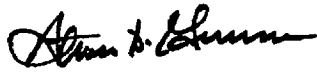
Joshua L. Tomsheck, Esq.
HOFLAND & TOMSHECK
228 South Fourth Street
Las Vegas, Nevada 89101
*Co-Counsel for Plaintiffs CAREY
HUMPHRIES and LORENZO
ROCHA, III*



An Employee of KRAVITZ, SCHNITZER & JOHNSON

EXHIBIT B

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



CLERK OF THE COURT

ORDR
MARTIN J. KRAVITZ, ESQ.
Nevada Bar No. 83
KRISTOPHER T. ZEPPENFELD, ESQ.
Nevada Bar No. 12144
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*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

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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
- 25
- 26

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 ///

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

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.

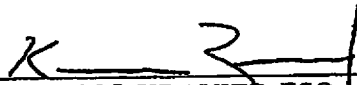
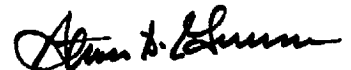
10
11 
12 MARTIN J. KRAVITZ, ESQ.
13 Nevada Bar No. 83
14 KRISTOPHER T. ZEPPENFELD, ESQ.
15 Nevada Bar No. 12144
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EXHIBIT A

[COMPLAINT]



CLERK OF THE COURT

COMP
CRAIG W. DRUMMOND, P.C.
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craig@attorneydrummond.com
Attorney for Plaintiffs

**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

COMPLAINT

COMES NOW, Plaintiffs, CAREY HUMPHRIES and LORENZO ROCHA III, by and
through their attorney, CRAIG W. DRUMMOND, ESQ., and for causes of action against
Defendants, allege as follows:

FIRST CAUSE OF ACTION AND GENERAL ALLEGATIONS
(Negligence)

1. That at all times relevant hereto, Plaintiff, CAREY HUMPHRIES, was, and now
is, a resident of the State of California.

2. That at all times relevant hereto, Plaintiff LORENZO ROCHA III, was, and now
is, a resident of the State of California.

3. Upon information and belief, that at all times relevant hereto, Defendant NEW
YORK-NEW YORK HOTEL & CASINO, LLC, was and now is, a Nevada Limited Liability
Company doing business as NEW YORK-NEW YORK HOTEL & CASINO in County of Clark,

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1 State of Nevada.

2 4. The true names and capacities, whether individual, corporate, associate, or
3 otherwise, of Defendants, DOES I through V and ROE CORPORATIONS VI through X are
4 unknown to Plaintiffs, who therefore sues said Defendants by such fictitious names. Plaintiffs are
5 informed and believe and thereon alleges that each of the Defendants designated herein as Doe
6 and/or Roe is negligently, recklessly, and/or intentionally responsible in some manner for the
7 events and happenings herein referred to and negligently, recklessly, and/or intentionally caused
8 injuries and damages proximately thereby to the Plaintiffs as herein alleged; that at the time of the
9 incident, which is the subject of this Complaint, these unknown individuals or entities may have
10 been responsible for the security of the premises; leased the premises; rented the premises;
11 maintained the premises; owned the premises; controlled the premises; hired, trained and
12 supervised the employees, security and security contractors on or near the premises; and failed to
13 make the premises reasonably safe as to proximately cause said injuries to Plaintiffs. When the
14 names of these entities or individuals become known that Plaintiffs will ask leave of this Court to
15 amend this Complaint to insert the true names and capacities of said Defendants, Does and/or
16 Roes, when same have been ascertained by Plaintiffs, together with appropriate charging
17 allegations, and to join such Defendants in this action.

18 5. That on or about April 10, 2010 Plaintiffs CAREY HUMPHRIES and LORENZO
19 ROCHA III were patrons at NEW YORK-NEW YORK HOTEL & CASINO located at 3790 Las
20 Vegas Blvd. South, Las Vegas, NV 89109.

21 6. That on or about April 10, 2010 a fight and/or physical altercation broke out
22 within NEW YORK-NEW YORK HOTEL & CASINO near the casino floor among patrons.

23 7. That on or about April 10, 2010 Plaintiffs were injured by the fight and/or physical
24 altercation and required to seek medical care and to undergo medical treatment

25 8. That before April 10, 2010, numerous fights, physical altercations and criminal
26 activity, occurred at or near NEW YORK-NEW YORK HOTEL & CASINO.

27 9. That before and on April 10, 2010, Defendants, as aforesaid, and each of them,
28 and/or Defendants' agents or employees, knew or had reason to know, that fights and physical

altercations were occurring and would occur at NEW YORK-NEW YORK HOTEL & CASINO.

10. That at said time and place of this incident, Defendants, as aforesaid, and each of them, and/or Defendants' agents or employees, so intentionally, negligently, and/or recklessly provided inadequate security on the premises; and intentionally, negligently and/or recklessly rented, maintained, owned, controlled and/or operated the premises so as to proximately cause injuries and damages to Plaintiffs.

11. That at said time and place of this incident, Defendant, as aforesaid, and each of them, and/or Defendants' agents or employees, so intentionally, negligently, and/or recklessly hired, trained and supervised the employees, security and security contractors on or near the premises and failed to make the premises reasonably safe as to proximately cause said injuries to Plaintiffs.

12. That as a direct and proximate result of the intentional, negligent and/or reckless conduct of the Defendants, their agents, servants and/or employees, as aforesaid, Plaintiffs suffered various injuries to their bodies, required medical care, also suffered great pain, suffering, disfigurement and anxiety.

13. That as a direct and proximate result of the negligent, intentional, and/or reckless conduct of the Defendants, their agents, servants and/or employees, as aforesaid, Plaintiffs required to seek medical care and to undergo medical treatment, in a sum to be determined at trial.

14. Defendants' acts were willful, malicious, fraudulent and oppressive, and in a conscious disregard of Plaintiffs' rights and safety. Defendants should be punished by the imposition of punitive damages in an amount to be more specifically determined by the trier of fact at trial, to punish Defendants for its conduct in this case and also deter Defendants from any further or similar conduct in the future.

15. That as a direct and proximate result of the negligent, intentional, and/or reckless conduct of the Defendants, and each of them, as aforesaid, the Plaintiff was required to obtain the services of an attorney in order to prosecute this action, and is entitled to recover reasonable attorney's fees, interest plus costs of suit.

SECOND CAUSE OF ACTION
(Negligent Hiring, Training, Supervision and Retention)

16. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1 through 15, and incorporate same as though fully set forth herein.

17. That Defendants, and each of them, had a duty to exercise due care in its dealings with the Plaintiffs and in the selection, training, supervision, oversight, direction, retention and control of its employees, agents, servants, joint venturers, independent contractors, retained by it to provide security at NEW YORK-NEW YORK HOTEL & CASINO.

18. That Defendants, and each of them had a duty to exercise due care in selecting, training, supervising, overseeing directing, retaining and controlling its employees, agents, servants, joint venturers, independent contractors in order to provide responsible security personnel and supervising the same while performing their duties.

19. That Defendants breached their duty to Plaintiffs resulting in serious and disabling injuries to Plaintiffs.

20. As a direct result of the conduct of Defendants, and each of them, Plaintiffs have been damaged in a sum in excess of \$10,000.00.

21. That the acts of the employees of each of the Defendants were fully authorized, ratified, and approved by the employer and all other Defendants.

22. The acts and omissions of Defendants, and each of them, were intentional, willful, oppressive, fraudulent and done in a conscious and deliberate disregard of Plaintiffs' rights and safety, and Plaintiffs are entitled to punitive damages in a sum to be determined at the time of trial to punish and deter Defendants' reprehensible conduct in the future.

23. That as a direct and proximate result of the negligent, intentional, and/or reckless conduct of the Defendants, and each of them, as aforesaid, the Plaintiffs were required to obtain the services of an attorney in order to prosecute this action, and are entitled to recover reasonable attorney's fees plus interest and costs of suit.

//

//

THIRD CAUSE OF ACTION
(Intentional Misrepresentation)

24. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1 through 23, and incorporate same as though fully set forth herein.

25. Defendants, and each of them, failed to preserve material evidence after the wrongful acts and omissions set forth herein, and fraudulently misrepresented the true facts of the events that transpired in order to escape liability hereunder.

26. Defendants, and each of them, engaged in wrongful and intentional conduct by failing to properly investigate this incident and accurately report the nature of the incident and also failed to preserve material evidence, including witness information, receipts, employee records, photographs and video surveillance information in an attempt to escape liability for Plaintiffs' injuries and damages.

27. As a direct and proximate result of the intentional misrepresentation and fraudulent acts of Defendants, Plaintiffs have been damaged in a sum in excess of \$10,000.00.

28. The acts and omissions of Defendants, and each of them, were intentional, willful, oppressive, fraudulent and done in a conscious and deliberate disregard of Plaintiffs' rights and safety, and Plaintiffs are entitled to punitive damages in a sum to be determined at the time of trial to punish and deter Defendants' reprehensible conduct in the future.

29. That as a direct and proximate result of the negligent, intentional, and/or reckless conduct of the Defendants, and each of them, as aforesaid, the Plaintiffs were required to obtain the services of an attorney in order to prosecute this action, and are entitled to recover reasonable attorney's fees plus interest and costs of suit.

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Las Vegas, NV 89101
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1 **WHEREFORE**, Plaintiffs', and each of them, pray for relief from the Defendants, and
2 each of them, for all causes of actions, as follows:

- 3 1. For a sum to be determined for past and future medical expenses;
- 4 2. For a sum to be determined for past and future pain and suffering;
- 5 3. For a sum to be determined for past and future lost wages;
- 6 4. For a sum to be determined for past and future physical and mental pain, suffering,
- 7 anguish and disability;
- 8 5. For special damages in a sum in excess of \$10,000;
- 9 6. For general damages in a sum in excess of \$10,000;
- 10 7. For a sum to be determined at trial for punitive damages;
- 11 8. For reasonable attorney's fees, costs, and interest for having to prosecute this matter.
- 12 9. For such and further relief as this Court may deem just and equitable in the premises.

13 Dated this 12 day of May, 2011.

14 CRAIG W. DRUMMOND,
15 A Professional Corporation

16
17 By _____

18 Craig W. Drummond, Esq.
19 Nevada Bar No. 011109
20 228 South Fourth St., First Floor
21 Las Vegas, NV 89101
22 (702) 366-9966
23 F: (702) 508-9440
24 craig@attorneydrummond.com
25 Attorney for Plaintiffs
26
27
28

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

CAREY HUMPHRIES and LORENZO
ROCHA III

Appellants,

vs.

NEW YORK-NEW YORK HOTEL & CASINO

Respondent.

No. 65316

**DOCKETING STATEMENT
CIVIL APPEALS**

Electronically Filed
Apr 28 2014 04:55 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

GENERAL INFORMATION

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

WARNING

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

A complete list of the documents that must be attached appears as Question 26 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department 17
County Clark Judge Villani
District Ct. Case No. A-11-641181-C

2. Attorney filing this docketing statement:

Attorney Craig W. Drummond, Esq. Telephone (702) 366-9966
Firm DRUMMOND & NELSON LAW FIRM
Address 228 S. Fourth Street, First Floor
Las Vegas, Nevada 89101

Client(s) Carey Humphries and Lorenzo Rocha III

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

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

Attorney Martin J. Kravitz, Esq. Telephone (702) 362-6666
Firm KRAVITZ, SCHNITZER & JOHNSON, CHTD
Address 8985 S. Eastern Ave., Suite 200
Las Vegas, NV 89123

Client(s) New York-New York Hotel & Casino

Attorney _____ Telephone _____
Firm _____
Address _____

Client(s) _____

(List additional counsel on separate sheet if necessary)

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

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

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

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

Humphries v. Eighth Judicial District Court (New York New York Hotel - real party)
129 Nev. Adv. Op. 85 (November 7, 2013), Docket number 61690.

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

None

8. Nature of the action. Briefly describe the nature of the action and the result below:

The Plaintiffs in the lawsuit are Carey Humphries and Lorenzo Rocha. The Defendant is New York-New York Hotel & Casino. Plaintiff, Carey Humphries, a teacher, and her then fiancé, now husband, Lorenzo Rocha, a firefighter paramedic, were both visiting Las Vegas from California. On or about April 10, 2010, Plaintiff, Carey Humphries was verbally harassed and then physically attacked in the middle of the casino floor of New York-New York by an individual named Erik Ferrell. The attack lasted 12-15 seconds while security watched with serious injury resulting to Ms. Humphries.

The claims are negligent security and negligent hiring, training and supervision.

Defendant denies all allegations.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

1) Whether the District Court abused its discretion, or otherwise misapplied the law, in granting Defendant's Counter-Motion for Summary Judgment.

2.) Whether the District Court abused its discretion, or otherwise misapplied the law, in finding that the Defendant was not on notice to protect patrons when the designated NRCP 30(b)(6), admitted without objection, that the subject attack on the Plaintiffs was foreseeable and preventable.

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

None known.

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

☒ N/A

☐ Yes

☐ No

If not, explain:

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

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

13. Trial. If this action proceeded to trial, how many days did the trial last? _____

Was it a bench or jury trial? _____

14. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?
No.

TIMELINESS OF NOTICE OF APPEAL

15. Date of entry of written judgment or order appealed from Mar 5, 2014

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

16. Date written notice of entry of judgment or order was served Mar 7, 2014

Was service by:

☐ Delivery

☒ Mail/electronic/fax

17. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ___, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

18. Date notice of appeal filed Mar 25, 2014

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

19. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

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

(a)

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input type="checkbox"/> Other (specify) _____ | |

(b) Explain how each authority provides a basis for appeal from the judgment or order: Appellant is appealing from an Order denying Plaintiffs' Motion for Summary Judgment and granting Defendant's Countermotion for Summary Judgment. Therefore, it is a final judgment in the case.

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

(a) Parties:

Plaintiffs, Carey Humphries and Lorenzo Rocha III
Defendant, New York-New York Hotel & Casino

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

n/a

22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Plaintiffs have pled a claim of Negligence.

Plaintiffs moved for Summary Judgment on December 2, 2013.

Defendants filed an Opposition and Countermotion for Summary Judgment on December 19, 2013.

23. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

24. If you answered "No" to question 23, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☒ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☒ No

25. If you answered "No" to any part of question 24, explain the basis for seeking appellate review (*e.g.*, order is independently appealable under NRAP 3A(b)):
The subject Order is appealable under NRAP 3A(b) as it dismisses the Plaintiffs' entire cause of action and finds Judgment for the Defendant.

26. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

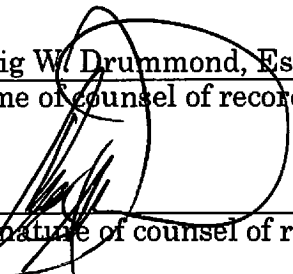
VERIFICATION

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

Carey Humphries & Lorenzo Rocha III
Name of appellant

April 28, 2014
Date

Craig W. Drummond, Esq.
Name of counsel of record


Signature of counsel of record

Clark County, Nevada
State and county where signed

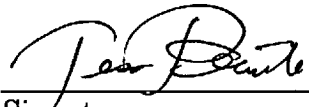
CERTIFICATE OF SERVICE

I certify that on the 28 day of April, 2014, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

KRAVITZ, SCHNITZER & JOHNSON, CHTD.
Attn: Martin J. Kravitz, Esq.
8985 S. Eastern Ave., Suite 200
Las Vegas, NV 89123

Dated this 28 day of April, 2014


Signature