

1 DRUMMOND LAW FIRM, P.C.
2 Craig W. Drummond, Esq.
3 Nevada Bar No. 011109
4 Liberty A. Ringor, Esq.
5 Nevada Bar No. 014417
6 810 S. Casino Center Blvd., Suite 101
7 Las Vegas, NV 89101
8 T: (702) 366-9966
9 F: (702) 508-9440
10 Craig@DrummondFirm.com
11 *Attorneys for Appellants*

Electronically Filed
Oct 19 2017 02:04 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

9 CAREY HUMPHRIES, an individual; and)
10 LORENZO ROCHA III, an individual;)

11 Appellants,)

12 vs.)

13 NEW YORK-NEW YORK HOTEL & CASINO,)
14 a Nevada Limited Liability Company, d/b/a/ New)
15 York-New York Hotel & Casino,)

16 Respondent.)
17)

Case No.: 65316
District Court Case No.: A-641181

18
19 **APPELLANTS' VERIFIED BILL OF COSTS AND REQUEST FOR COSTS**

20 COMES NOW, Appellants and Prevailing Parties, CAREY HUMPHRIES, and
21 LORENZO ROCHA III, by and through their attorney, CRAIG W. DRUMMOND, ESQ., of the
22 DRUMMOND LAW FIRM, and provides this document and declaration pursuant to Nevada
23 Supreme Court Rule 39.

24 The Prevailing Parties in this case hereby make a request for all recoverable costs in this
25 matter. In support of this request a verified bill of costs is hereby provided.
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I.

**DECLARATION OF COUNSEL IN SUPPORT OF
APPELLANTS' VERIFIED BILL OF COSTS**

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

CRAIG W. DRUMMOND, ESQ, being first duly sworn, deposes and says:

1. That I am a duly licensed practicing attorney in the State of Nevada, County of Clark, maintaining an office at 810 S Casino Center Blvd., Ste 101, Las Vegas, NV 89101 and am the attorney of record for Appellants/Plaintiffs in the above entitled matter.

2. That an Order was filed on October 5, 2017, by the Supreme Court of Nevada REVERSING AND REMANDING the original District Court Order in this case. This request is being timely filed pursuant to NSCR 39.

3. The following costs have been expended:

NSCR 39(e)(1), the preparation and transmission of the record. Preparation of the record is costs at \$0.10/page for a total of this includes the preparation of the entire record at 344 pages is \$34.40.

NSCR 39(e)(2), the reporter's transcript. \$97.45 paid to the Clark County Treasurer for the transcript of the District Court proceedings.

NSCR 39(e)(3), preparation of the appendix. None.

NSCR 39(e)(4), premiums paid for a supersedeas bond or other bond to preserve rights pending appeal. Bond of \$500.00 paid on 4/4/2014, \$250.00 on 10/13/15, \$250.00 on 9/23/16, \$250.00 on 9/26/17. Total bond payments of \$1,250.00.

NSCR 39(e)(5), the fee for filing the notice of appeal. \$24.00 paid on 4/2/14 to the District Court and \$250.00 paid on 3/26/14 to the Supreme Court of Nevada.

TOTAL RECOVERABLE COSTS EXPENDED: \$1,655.85.

CRAIG W. DRUMMOND, ESQ
Nevada Bar No. 11109

II.

LAW AND ARGUMENT

a. Pursuant to NSCR 39 Recovery of Costs are Warranted.

RULE 39. COSTS

(a) **Against Whom Assessed.** The following rules apply in civil appeals unless the law provides or the court orders otherwise:

(1) if an appeal is dismissed, costs are taxed against the appellant, unless the parties agree otherwise;

(2) if a judgment is affirmed, costs are taxed against the appellant;

(3) if a judgment is reversed, costs are taxed against the respondent;

(4) if a judgment is affirmed in part, reversed in part, modified, or vacated, costs are taxed only as the court orders.

(b) Reserved.

(c) Costs of Briefs, Appendices, Counsel's Transportation; Limitation.

(1) **Costs of Copies.** The cost of producing necessary copies of briefs or appendices shall be taxable in the Supreme Court or Court of Appeals at rates not higher than those generally charged for such work in the area where the district court is located.

(2) **Costs of Counsel's Transportation.** The actual costs of round trip transportation for one attorney, actually attending arguments before the Supreme Court or Court of Appeals, between the place where the district court is located and the place where the appeal is argued shall be taxable. For the purpose of this Rule,

1 “actual costs” for private automobile travel shall be deemed to be 15 cents per mile,
2 but where commercial air transportation is available at a cost less than private
automobile travel, only the cost of the air transportation shall be taxable.

3 (3) Bill of Costs. A party who wants such costs taxed shall—within 14 days
4 after entry of judgment—file an itemized and verified bill of costs with the clerk,
with proof of service.

5 (4) Objections. Objections to a bill of costs shall be filed within 5 days after
6 service of the bill of costs, unless the court extends the time.

7 (5) Limit on Costs. The maximum amount of costs taxable under this section
8 shall be \$500.

9 (d) Clerk to Insert Costs in Remittitur. The clerk shall prepare and certify an
10 itemized statement of costs taxed in the Supreme Court or Court of Appeals for
insertion in the remittitur, but issuance of the remittitur must not be delayed for
11 taxing costs. If the remittitur issues before costs are finally determined, the district
court clerk must—upon the Supreme Court clerk’s request—add the statement of
12 costs, or any amendment of it, to the remittitur.

13 (e) Costs on Appeal Taxable in the District Courts. The following costs on
14 appeal are taxable in the district court for the benefit of the party entitled to costs
under this Rule:

- 15 (1) the preparation and transmission of the record;
16 (2) the reporter’s transcript, if needed to determine the appeal;
17 (3) preparation of the appendix;
18 (4) premiums paid for a supersedeas bond or other bond to preserve rights
19 pending appeal; and
20 (5) the fee for filing the notice of appeal.

21 In this case the Plaintiffs/Appellants are the prevailing party. The above-listed costs are all
22 taxable in the District Court. Support for the requested costs are attached. The verification will be
23 filed in both the Supreme Court and the District Court in this case. Request is hereby made for
24 immediate payment by the Defendant/Respondent of the requested sums.
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III.

CONCLUSION

For the reasons set forth herein, the Plaintiffs/Appellants request immediate recovery of the sum of \$1,655.85 as recoverable costs in this matter.

DATED this 19 day of October, 2017.

DRUMMOND LAW FIRM, P.C.

By: 

Craig W. Drummond, Esq.

Nevada Bar No. 011109

Liberty A. Ringor, Esq.

Nevada Bar No. 014417

810 S. Casino Center Blvd., Suite 101

Las Vegas, NV 89101

Craig@DrummondFirm.com

Liberty@DrummondFirm.com

Attorneys for Appellants

CERTIFICATE OF SERVICE

The following was served on the E-Service list for the parties as listed by the Nevada Supreme Court. Additionally, pursuant to NEFCR 9 and Administrative Order 14-2, the undersigned does hereby certify that on this 19 day of October, 2017, service of a true and correct copy of the foregoing APPELLANTS' VERIFIED BILL OF COSTS AND REQUEST FOR COSTS was duly made on all parties herein by causing a true copy thereof to be filed and/or served with the Clerk of Court using the Odyssey E-File & Serve system, which was served via electronic transmission per Service List; and facsimile to the below-listed fax number.

Todd L. Bice (Pisanelli Bice, PLLC)
Dustun H. Holmes (Pisanelli Bice, PLLC)
Robert A. Ryan (Pisanelli Bice, PLLC)

Martin J. Kravitz (Kravitz, Schnitzer & Johnson, Chtd.)
Kristopher T. Zeppenfeld (Kravitz, Schnitzer & Johnson, Chtd.)
Attorneys for Respondent/Defendant

Joshua L. Tomsheck (Hofland & Tomsheck)
Co-Counsel for Appellants/Plaintiffs


An Employee of DRUMMOND LAW FIRM

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellants,)

vs.)

NEW YORK-NEW YORK HOTEL & CASINO,)
a Nevada Limited Liability Company, d/b/a/ New)
York-New York Hotel & Casino,)

Respondent.)

Case No.: 65316

District Court Case No.: A-641181

EXHIBITS IN SUPPORT OF COSTS

CLARK COUNTY COURTS
TRANSCRIPTION PURCHASE
RECEIPT OF PAYMENT

№ 12192

DATE: 10/30/14	PURCHASER: Craig Drummond @ Drummond & Nelson	
CASE NUMBER: A641181	CASE NAME: HUMPHRIES v. NEW YORK - NEW YORK	
HEARING DATE: 1/29/14	DEPARTMENT: 17	

ITEM DESCRIPTION	COST
1 hr @ \$30 /hr recording fee	\$30.00
19 pgs @ \$3.55 /pg of transcript	\$67.45
TOTAL AMOUNT DUE	\$97.45

paid 10/23/14 CL# 2487 RW

WHITE COPY - CASHIER'S OFFICE YELLOW COPY - TRANSCRIBER'S OFFICE PINK COPY - CUSTOMER

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 89106
(702) 248-4200
94-177/1224

2487

October 22, 2014

PAY TO THE
ORDER OF

Clark County Treasurer

\$ 97.45

Ninety-seven and 45/100

DOLLARS

VOID AFTER 90 DAYS

MEMO CASE NO.: A-11-641181-C
HUMPHRIES TRANSCRIPT OF 1/29/14

AUTHORIZED SIGNATURE

CRAIG W. DRUMMOND, P.C. / ATTORNEY AT LAW

2487

HUMPHRIES V. NYNY APPEAL - TRANSCRIPT OF 1/29/14 hearing
Payable to CLARK COUNTY TREASURER
TAX ID # 88-6000028

CRAIG W. DRUMMOND, P.C. / ATTORNEY AT LAW

2487

OFFICIAL RECEIPT

District Court Clerk of the Court 200 Lewis Ave, 3rd Floor Las Vegas, NV 89101

Payor
Craig W. Drummond

Receipt No
2014-40283-CCCL

Transaction Date
04/4/201

Description	Amount Paid
On Behalf Of Humphries, Carey A-11-641181-C Carey Humphries, Plaintiff(s) vs. New York-New York Hotel & Casino, LLC, Defendant(s) Appeal Bond	
Appeal Bond	500.00
SUBTOTAL	500.00
PAYMENT TOTAL	
	500.00
Check (Ref #2351) Tendered	500.00
Total Tendered	500.00
Change	0.00
04/04/2014 12:50 PM	Cashier Station AIKO Audit 33605542

OFFICIAL RECEIPT

Kaercher Insurance

9555 Hillwood Drive, Suite 140
Las Vegas, NV 89134
Phone : 702-304-7800 702-386-7970

Drummond Law Firm
228 South Fourth St. First Fl.
Las Vegas, NV 89101

INVOICE # 411213

Page 1

ACCOUNTING	DR	DATE
DRUMM-1	KC	10/13/15

Civil Court Bond

POLICY #
LSM0801360

COMPANY
RLI Insurance Company

PRODUCER
Karen Canton

EFFECTIVE	EXPIRATION
10/13/15	10/13/16

Item #	Eff Date	Trm	Type	Policy #	Description	Amount
999SRX	10/13/15	NEW	COUR	LSM0801360	Humphries & Rocha Bond	\$ 250.00
Invoice Balance:						\$ 250.00

CRAIG W. DRUMMOND, P.C. / ATTORNEY AT LAW

2799

Kaercher Insurance
Case Costs

10/20/2015

250.00

Checking

Inv 411213 - Humphries Bond

250.00

Renewal premiums are due Prior to the Renewal date
& continue to accrue until released by obligee

Kaercher Insurance

9555 Hillwood Drive, Suite 140
Las Vegas, NV 89134
Phone : 702-304-7800 702-386-7970

Drummond Law Firm

810 S. Casino Center Blvd #101
Las Vegas, NV 89101

INVOICE # 417546

Page 1

ACCOUNT NO.	OP	DATE
DRUMM-1	KC	09/23/16

Civil Court Bond

POLICY #
LSM0801360

COMPANY
RLI Insurance Company

PRODUCER
Karen Canton

EFFECTIVE	EXPIRATION
10/13/16	10/13/17

Item #	Eff Date	Trn	Type	Policy #	Description	Amount
99BNQM	10/13/16	REN	COUR	LSM0801360	Court Bond	\$ 250

\$7,072.92 Carey Humphries & Lorenzo Rocha III

Invoice Balance: \$ 250

Checking	Inv 417546 - Cost bond Humphries	250.00
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CRAIG W. DRUMMOND, P.C. / ATTORNEY AT LAW

3149

Kaercher Insurance
Case Costs

10/28/2016

250.00

Checking	Inv 417546 - Cost bond Humphries	250.00
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9555 Hillwood Drive #140
Las Vegas, NV 89134
Phone: (702) 304-7800

Drummond Law Firm
Drummond Law Firm
810 S. Casino Center Blvd #101
Las Vegas, NV 89101

Invoice # 2021

Page 1 of 1

Account Number

Date

DRUMLAW-01
Drummond Law

9/25/2017

BALANCE DUE ON

10/23/2017

AMOUNT PAID

Amount Due

\$250.00

Civil Court Bond

PolicyNumber: LSM0801360

Effective: 10/13/2017 to 10/13/2018

Item #	Trans Eff Date	Due Date	Trans	Description	Amo
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23734	10/13/2017	10/23/2017	RENB	\$7,072 Humphries & Rocha III vs NYNY Supersedeas Bond	\$250.00
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Please make check payable to Kaercher Insurance. Thank you for your business. Once bond is released, please send release to our office.

Total Invoice Balance:

\$250.00

Kaercher Insurance
Case Costs

9/26/2017

3480

250.00

Checking

Inv 2021 - Cost bond Humphries

250.00

OFFICIAL RECEIPT

District Court Clerk of the Court 200 Lewis Ave, 3rd Floor Las Vegas, NV 89101

Payor
Craig W. Drummond

Receipt N
2014-40280-CCCL

Transaction Da
04/4/201

Description	Amount Paid
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Humphries, Carey

A-11-641181-C

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

04B. NOTICE OF APPEAL --- Civil fee sch - \$24

24.00

SUBTOTAL

24.00

Remaining Balance Due: \$0.00

PAYMENT TOTAL

24.00

Check (Ref #2350) Tendered

24.00

Total Tendered

24.00

Change

0.00

04/04/2014
12:49 PM

Cashier
Station AIKO

Audit
33605528

OFFICIAL RECEIPT

CRAIG W. DRISCOLL P.C. & A ATTORNEYS AT LAW 10000 UNIVERSITY AVENUE SUITE 1000 DALLAS, TEXAS 75243		STATE OF TEXAS COUNTY OF DALLAS FILE NO. 123456 JAN 12 2014		2340
TO THE ORDER OF		3-26-14		
PAY TO THE ORDER OF		1250.00		
FOR DEPOSIT ONLY				
[REDACTED]				