

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2
3 No. 65409

Electronically Filed
Apr 22 2014 12:53 p.m.

4
5 **LEWIS HELFSTEIN; MADALYN HELFSTEIN; SUMMIT LASER PRODUCTS, INC;**
6 **AND SUMMIT TECHNOLOGIES, LLC;** Clerk of Supreme Court

Petitioners,

7 vs.

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

Respondent,

10 and

11
12 **IRA AND EDYTHE SEAVER FAMILY TRUST, IRA SEAVER, CIRCLE CONSULTING**
13 **CORPORATION.**

14 Real Parties in Interest.

15
16 Eighth Judicial District Court, Clark County, Nevada
17 The Honorable Elizabeth Gonzalez, District Judge
18 The Honorable Elissa Cadish, District Judge

19 District Court Case No. A-09-587003

20 **SUPPLEMENTAL APPENDIX TO PETITION FOR EXTRAORDINARY**
21 **WRIT RELIEF**

22 J. Michael Oakes, Esq.
23 Nevada Bar No. 1999
24 FOLEY & OAKES, PC
25 850 East Bonneville Avenue
26 Las Vegas, Nevada 89101
27 Tel.: (702) 384-2070
28 Fax: (702) 384-2128
mike@foleyoakes.com
Attorneys for Petitioners

LEWIS HELFSTEIN; MADALYN
HELFSTEIN; SUMMIT LASER
PRODUCTS, INC; AND SUMMIT
TECHNOLOGIES, LLC.

District Court Case No. A-09-587003

VS,

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

And,

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

Real Parties in Interest.

**FOLEY
&
DAKES**

Specifically, this Supplemental Appendix includes the following:

1. Notice of Entry of Order Denying Defendants' Motion to Dismiss.
PSA 001 – 004.
2. Notice of Entry of Order Granting Defendants' Motion to Stay
Proceedings Pending Writ Petition. PSA 005 – 009.

DATED this 22nd day of April, 2014.

FOLEY & OAKES, PC

/s/ J. Michael Oakes
J. Michael Oakes, Esq.
Nevada Bar No. 1999
850 East Bonneville Avenue
Las Vegas, Nevada 89101
Attorney for Petitioners

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of Foley &
3 Oakes, PC, and that on the 22nd day of April, 2014, I served the following
4 document(s):

5 **SUPPLEMENTAL APPENDIX TO PETITION FOR EXTRAORDINARY**
6 **WRIT RELIEF**

7 I served the above-named document(s) by the following means to the
8 persons as listed below:

9 [x] **By United States Mail**, postage fully prepaid to person(s) and
10 addresses as follows:

11 Michael Lee, Esq.
12 Law Office of Michael B. Lee
2000 South Eastern Avenue
13 Las Vegas, Nevada 89104

Jeffrey Albregts, Esq.
Cotton, Driggs, Walch
Holley, Woloson & Thompson
400 South 4th Street, Third Floor
Las Vegas, NV 89101

15 Jeff Silvestri, Esq.
16 Seth T. Floyd, Esq.
McDonald Carano Wilson LLP
17 2300 West Sahara Avenue, Suite
18 1000
Las Vegas, NV 89102

Honorable Elizabeth Gonzelez
Eighth Judicial District Court
Department 11
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155

20 Honorable Elissa F. Cadish
21 Eighth Judicial District Court
Department 6
22 Regional Justice Center
23 200 Lewis Avenue
Las Vegas, Nevada 89155

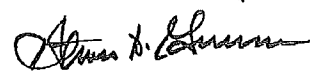
24
25 I declare under the penalty of perjury that the foregoing is true and correct.

26 /s/ Elizabeth Gould

27 An employee of FOLEY & OAKES, PC

4/15/14

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04/14/2014 11:04:43 AM


CLERK OF THE COURT

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

7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 IRA AND EDYTHE SEAVER FAMILY
11 TRUST, et al.,
Plaintiffs,

Case No: A587003
Dept. No.: XI

12 v.

13 LEWIS HELFSTEIN, et al,
14 Defendants.

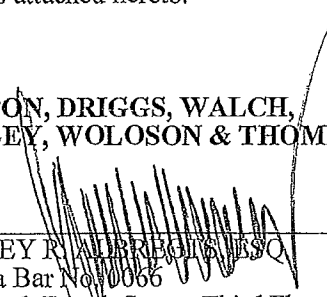
NOTICE OF ENTRY OF ORDER

15 And All Related Matters.
16

17 YOU, and each of you, will please take notice that an Order Denying Defendants' Motion
18 To Dismiss in the above entitled matter was filed and entered by the Clerk of the above-entitled
19 Court on the 11th day of April, 2014, a copy of which is attached hereto.

20 Dated this 14th day of April, 2014.

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

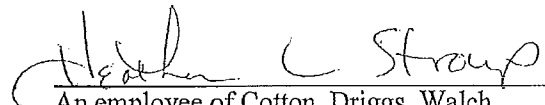
23 
24 JEFFREY R. ALBREGTS, ESQ.
Nevada Bar No. 0066
25 400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
26 *Attorneys for Plaintiffs*

1 **CERTIFICATE OF MAILING**

2 I HEREBY CERTIFY that, on the 14th day of April, 2014, and pursuant to NRCP 5(b), I
3 deposited for mailing in the U.S. Mail a true and correct copy of the foregoing **NOTICE OF**
4 **ENTRY OF ORDER DENYING DEFENDANT'S MOTION TO DISMISS**, postage prepaid
5 and addressed to:

6 Michael Lee, Esq.
7 LAW OFFICE OF MICHAEL B. LEE
8 2000 South Eastern Avenue
9 Las Vegas, NV 89104
10 *Attorneys for Defendants*

11 J. Michael Oakes, Esq.
12 Foley & Oakes
13 850 East Bonneville Ave.
14 Las Vegas, NV 89101
15 *Attorneys for Lewis Helfstein, Madelyn*
16 *Helfstein, Summit Laser Products, Inc., and*
17 *Summit Technologies, LLC.*

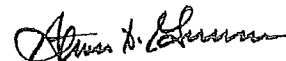
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25
26
27
28

An employee of Cotton, Driggs, Walch,
Holley, Woloson & Thompson

04-09-14P04:57 RCVD

1 **ORDR**

2 JEFFREY R. ALBREGTS, ESQ.
3 Nevada-Bar No: 0066
4 COTTON, DRIGGS, WALCH,
5 HOLLEY, WOLOSON & THOMPSON
6 400 South Fourth Street, Third Floor
7 Las Vegas, Nevada 89101
8 jalbregts@nevadafirm.com
9 Telephone: (702) 791-0308
10 Facsimile: (702) 791-1912
11 *Attorneys for Plaintiffs*
12 *Ira and Edythe Seaver Family Trust and*
13 *Circle Consulting Corporation*

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CLERK OF THE COURT

8 **DISTRICT COURT**
9
10 **CLARK COUNTY, NEVADA**

11 IRA AND EDYTHE SEAVER FAMILY
12 TRUST, IRA SEAVER, CIRCLE
13 CONSULTING CORPORATION,

14 Plaintiffs,

15 v.

16 LEWIS HELFSTEIN, MADALYN
17 HELFSTEIN, SUMMIT LASER PRODUCTS,
18 INC., SUMMIT TECHNOLOGIES LLC;
19 DOES 1 through 20, and ROE entities 21 through
20 40, inclusive,

21 Defendants.

22 AND RELATED CLAIMS

Case No.: A-587003
Dept. No.: XI

**ORDER DENYING DEFENDANT'S
MOTION TO DISMISS**

Date: April 1, 2014
TIME: 8:30 A.M.

21 This matter having come on for hearing before this Honorable Court at the above-
22 referenced date and time pursuant to the Motion To Dismiss of Defendants Lewis Helfstein,
23 Madalyn Helfstein, Summit Laser Products, Inc., and Summit Technologies, LLC ("Helfstein
24 Defendants"); Plaintiffs, and each of them, being represented by their attorney Jeffrey R.
25 Albregts, Esq, of Cotton, Driggs, Walch, Holley, Woloson & Thompson; the Helfstein
26 Defendants, and each of them, being represented by their attorney, J. Michael Oakes of Foley &
27 Oakes; the Court having read the moving papers and Opposition to the same, as well as being
28

07650-03/946411

PSA000003

1 familiar with all of the pleadings and papers on file herein, and having heard the argument of
2 counsel; good cause appearing, it is hereby

3 ORDERED, ADJUDGED and DECREED that the Helfstein Defendants' Motion to
4 Dismiss is hereby DENIED.

5 DATED this 10th day of April, 2014.

7
8 
9 HONORABLE ELIZABETH GONZALEZ,
DISTRICT COURT JUDGE

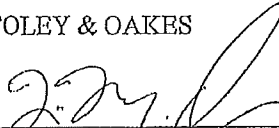
10 Submitted by:

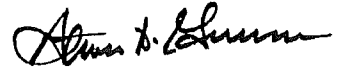
11 COTTON, DRIGGS, WALCH,
12 HOLLEY, WOLOSON & THOMPSON

13 
14 JEFFREY R. AMBRICO, ESQ., #0066
Attorneys for Plaintiff

15 Approved as to form and content:

16 FOLEY & OAKES

17 
18 J. MICHAEL OAKES, ESQ., NSB 1999
19 Attorney for "Helfstein" Defendants



CLERK OF THE COURT

1 **NOTC**

2 J. Michael Oakes, Esq.
3 Nevada Bar No. 1999
4 Daniel T. Foley, Esq.
5 Nevada Bar No 1078
6 FOLEY & OAKES, PC
7 850 East Bonneville Avenue
8 Las Vegas, Nevada 89101
9 (702) 384-2070 - office
10 (702) 384-2128 - facsimile
11 mike@foleyoakes.com
12 *Attorneys for the Helfsteins*

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10
11 IRA AND EDYTHE SEAVER FAMILY
12 TRUST, IRA SEAVER, CIRCLE
13 CONSULTING CORPORATION,

14 Plaintiffs,

15 vs.

16 LEWIS HELFSTEIN, MADALYN
17 HELFSTEIN, SUMMIT LASER PRODUCTS,
18 INC., SUMMIT TECHNOLOGIES, LLC, UI
19 SUPPLIES, UNINET IMAGING, INC.,
20 NESTOR SAPORITI and DOES 1 through 20,
21 and ROE entities 21 through 40, inclusive,

22 Defendants.

23 And Related Claims

) Case No. A-09-587003

) Dept. No. XI

NOTICE OF ENTRY OF ORDER
GRANTING DEFENDANTS' MOTION
TO STAY PROCEEDINGS PENDING
WRIT PETITION ON ORDER
SHORTENING TIME

24 TO: ALL INTERESTED PARTIES HEREIN AND THEIR COUNSEL OF RECORD

25 YOU, AND EACH OF YOU WILL PLEASE TAKE NOTICE that an Order Granting
26 Defendants' Motion to Stay Proceedings Pending Writ Petition on Order Shortening Time was
27

1 entered in the above-entitled matter on the 18th day of April, 2014, a copy of which is attached
2 hereto.

3 DATED this 18 of April, 2014
4

5 FOLEY & OAKES, PC

6
7 By: 

8 Daniel T. Foley, Esq.
9 Nevada Bar No. 1078
10 850 East Bonneville Ave
11 Las Vegas, NV 89101
12 (702) 384-2070
13 *Attorneys for the Helfsteins*
14
15
16
17
18
19
20
21
22
23
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25
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27
28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of Foley & Oakes, PC,
3 and that on the 15th day of April, 2014, I served the following document(s):
4

5 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION TO STAY**
PROCEEDINGS PENDING WRIT PETITION ON ORDER SHORTENING TIME

6 I served the above-named document(s) by the following means to the persons as listed
7 below:

8 ☐ **By Facsimile Transmission** to person(s) and addresses as follows: I faxed the
9 document(s) to the persons at the fax numbers listed herein. No error was reported by the fax
10 machine that I used. A copy of the record of the fax transmission is attached.

11 ☒ **By United States Mail**, postage fully prepaid to person(s) and addresses as
12 follows:

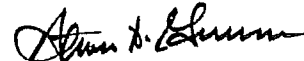
13 Michael Lee, Esq.
14 Law Office of Michael B. Lee
15 2000 South Eastern Avenue
16 Las Vegas, Nevada 89104
Attorneys for Defendants

Jeffrey Albregts, Esq.
Cotton, Driggs, Walch
Holley, Woloson & Thompson
400 South 4th Street, Third Floor
Las Vegas, NV 89101

17 Jeff Silvestri, Esq.
18 Seth T. Floyd, Esq.
19 McDonald Carano Wilson LLP
20 2300 West Sahara Avenue, Suite 1000
Las Vegas, NV 89102
Attorneys for Defendants

21 I declare under the penalty of perjury that the foregoing is true and correct.
22

23 
24 An employee of FOLEY & OAKES, PC
25
26
27
28



CLERK OF THE COURT

ORDR

J. MICHAEL OAKES, ESQ.
Nevada Bar No. 1999
FOLEY & OAKES, PC
850 East Bonneville Avenue
Las Vegas, Nevada 89101
Tel.: (702) 384-2070
Fax: (702) 384-2128
Email: mike@foleyoakes.com
Attorneys for the Helfsteins

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

LEWIS HELFSTEIN, MADALYN
HELFSTEIN, SUMMIT LASER PRODUCTS,
INC., SUMMIT TECHNOLOGIES, LLC, UI
SUPPLIES, UNINET IMAGING, INC.,
NESTOR SAPORITI and DOES 1 through 20,
and ROE entities 21 through 40, inclusive,

Defendants.

And Related Claims

Case No. A-09-587003

Dept. No. XI

ORDER GRANTING DEFENDANTS'
MOTION TO STAY PROCEEDINGS
PENDING WRIT PETITION ON
ORDER SHORTENING TIME

Date: April 17, 2014

Time: 8:30 a.m.

Defendants' LEWIS HELFSTEIN, MADALYN HELFSTEIN, SUMMIT LASER
PRODUCTS, INC., and SUMMIT TECHNOLOGIES, LLC, (collectively "the Helfstein
Defendants") Motion to Stay Proceedings Pending Writ Petition on Order Shortening Time,
having come on for hearing on April 17, 2014, at 8:30 am, with J. Michael Oakes, Esq., on
behalf on the Helfstein Defendants, and Jeffrey Albregts, Esq., on behalf of the Plaintiffs, and the
Court having reviewed the pleadings and papers on file herein, and good cause appearing,

**FOLEY
&
OAKES**

04-17-14A11:27 RCVB

1 of 2

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1 Although the Court firmly believes that all of its prior rulings in this case were
2 appropriate, such that the Petition for Extraordinary Writ Relief is without merit, the Court
3 nonetheless finds that a serious legal question is involved and the balance of equities, particularly
4 the interest of judicial economy, weigh heavily in favor of granting the stay. Therefore,

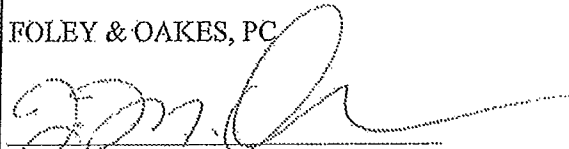
5
6 **IT IS HEREBY ORDERED** that this action shall be stayed through August 21, 2014, at
7 8:30 a.m., at which time this case shall be back on calendar for a status check. All other pending
8 dates are hereby vacated,

9 DATED this 17th day of April, 2014.

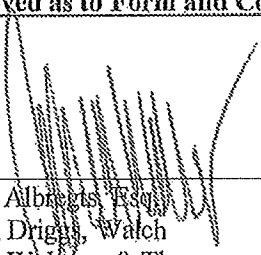
10 
11 DISTRICT COURT JUDGE
12

13 Respectfully Submitted,

14 FOLEY & OAKES, PC

15 
16 J. Michael Oakes, Esq.
17 Nevada Bar No. 1999
18 850 E. Bonneville Ave.
19 Las Vegas, NV 89101

20 Approved as to Form and Content:

21 
22 By
23 Jeffrey Albregts, Esq.
24 Cotton, Driggs, Welch
25 Holley, Woloson & Thompson
26 400 South 4th Street, Third Floor
27 Las Vegas, NV 89101
28

FOLEY
&
OAKES