

CLERK OF THE COURT

Electronically Filed
Nov 05 2014 01:26 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

NOTC

Brandon B. McDonald, Esq.
Nevada Bar No.: 11206
McDONALD LAW OFFICES, PLLC
2505 Anthem Village Drive, Ste. E-474
Henderson, NV 89052
Telephone: (702) 385-7411
Facsimile: (702) 664-0448
Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

CARLOS A. HUERTA, an individual; CARLOS
A. HUERTA as Trustee of THE ALEXANDER
CHRISTOPHER TRUST, a Trust established in
Nevada as assignee of interests of GO GLOBAL,
INC., a Nevada corporation; NANYAH VEGAS,
LLC, a Nevada limited liability company;

Plaintiffs,

v.

SIG ROGICH aka SIGMUND ROGICH as
Trustee of The Rogich Family Irrevocable Trust;
ELDORADO HILLS, LLC, a Nevada limited
liability company; DOES I-X; and/or ROE
CORPORATIONS I-X, inclusive,

Defendants.

Case No.: A-13-686303-C
Dept. No.: XXVII

AND ALL RELATED MATTERS

NOTICE OF APPEAL

COMES NOW, Plaintiff Nanyah Vegas, LLC by and through its counsel of record, Brandon B.
McDonald, Esq. of McDonald Law Offices, PLLC, and hereby appeals to the Nevada Supreme Court
from the Order entered on October 1, 2014 and notice of entry of order provided on even date, which
Notice

...

1 and Order are attached hereto.

2 DATED this 30th day of October, 2014.

3 McDONALD LAW OFFICES, PLLC

4
5
6 By: /s/ Brandon B. McDonald
7 Brandon B. McDonald, Esq.
8 Nevada Bar No.: 11206
9 2505 Anthem Village Drive, Ste. E-474
10 Henderson, NV 89052
11 Attorneys for Plaintiffs

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on the 30th day of October, 2014, I served a copy of the foregoing
14 **NOTICE OF APPEAL** upon each of the parties via Odyssey E-Filing System pursuant to NRCP
15 5(b)(2)(D) and EDCR 8.05 to:

16 Lionel Sawyer & Collins

17 Angela Westlake awestlake@lionelsawyer.com

18 Rob Hernquist rhernquist@lionelsawyer.com

19 Samuel S. Lionel slionel@lioneslawyer.com

20 McDonald Law Offices, PLLC

21 Brandon McDonald brandon@mcdonaldlawyers.com

22 Charles Barnabi cj@mcdonaldlawyers.com

23 /s/ Charles Barnabi

24 An employee of McDonald Law Offices, PLLC


CLERK OF THE COURT

1 **NOEJ**
2 Samuel S. Lionel, NV Bar No. 1766
3 *slionel@lionelsawyer.com*
4 Steven C. Anderson, NV Bar No. 11901
5 *sanderson@lionelsawyer.com*
6 LIONEL SAWYER & COLLINS
300 South Fourth Street, 17th Floor
Las Vegas, Nevada 89101
Telephone: (702) 383-8884
Fax: (702) 383-8845
Attorneys for Defendant

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

10 CARLOS A. HUERTA, an individual;
11 CARLOS A. HUERTA as Trustee of THE
12 ALEXANDER CHRISTOPHER TRUST, a
13 Trust established in Nevada as assignee of
14 interests of GO GLOBAL, INC., a Nevada
15 corporation; NANYAH VEGAS, LLC, a
16 Nevada limited liability company,

17 Plaintiffs,

18 v.

19 SIG ROGICH aka SIGMUND ROGICH as
20 Trustee of The Rogich Family Irrevocable
21 Trust; ELDORADO HILLS, LLC, a Nevada
22 limited liability company; DOES I-X; and/or
23 ROE CORPORATIONS I-X, inclusive

24 Defendants.

25 AND RELATED CLAIMS

Case No. A-13-686303-C

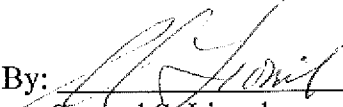
Dept. XXVII

NOTICE OF ENTRY OF ORDER

26 Notice is hereby given that the attached **ORDER GRANTING PARTIAL SUMMARY**
27 **JUDGMENT**, was entered by this court on September 25, 2014.

28 Dated: October 1, 2014

LIONEL SAWYER & COLLINS

By: 
Samuel S. Lionel
Attorneys for Defendant

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Nevada Rule of Civil Procedure 5(b), I hereby certify that I am an employee
3 of LIONEL SAWYER & COLLINS and that on this 1st day of October 2014, I caused the
4 document **NOTICE OF ENTRY OF ORDER** to be served as follows:

5 ☒ [X] by depositing same for mailing in the United States Mail, in a sealed envelope
6 addressed to:

7 Brandon B. McDonald, Esq.
8 McDonald Law Offices, PLLC
9 2505 Anthem Village Drive
Suite E-474
Henderson, Nevada 89052

10 *Attorney for Plaintiffs*

11 ☐ [] pursuant to Nev. R. Civ. P. 5(b)(2)(D) to be sent via facsimile as indicated:

12 ☐ [] to be hand delivered to:

13 and/or

14 ☒ [X] by the Court's ECF System through Wiznet.

15
16
17
18 
An employee of Lionel Sawyer & Collins


CLERK OF THE COURT

ORD
Samuel S. Lionel, NV Bar No. 1766
slionel@lionelsawyer.com
LIONEL SAWYER & COLLINS
300 South Fourth Street, 17th Floor
Las Vegas, Nevada 89101
Telephone: (702) 383-8884
Fax: (702) 383-8845
Attorneys for Defendant
Eldorado Hills, LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

CARLOS A. HUERTA, an individual;
CARLOS A. HUERTA as Trustee of THE
ALEXANDER CHRISTOPHER TRUST, a
Trust established in Nevada as assignee of
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corporation; NANYAH VEGAS, LLC, a
Nevada limited liability company,

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v.

SIG ROGICH aka SIGMUND ROGICH as
Trustee of The Rogich Family Irrevocable
Trust; ELDORADO HILLS, LLC, a Nevada
limited liability company; DOES I-X; and/or
ROE CORPORATIONS I-X, inclusive

Defendants.

AND RELATED CLAIMS

Case No. A-13-686303-C
Dept. XXVII

ORDER GRANTING PARTIAL
SUMMARY JUDGMENT

ORDER GRANTING PARTIAL SUMMARY JUDGMENT

The Defendants Eldorado Hills, LLC ("Eldorado") having filed a Motion for Partial Summary Judgment and Plaintiff, Nanyah Vegas, LLC ("Nanyah"), having filed a Countermotion for Partial Summary Judgment and the parties having duly filed Memorandums of Points and Authorities in support of their respective motions and oppositions and the Court having heard oral argument on September 11, 2014 and good cause appearing, the court finds the undisputed material fact is and makes the legal determinations as follows:

1 UNDISPUTED MATERIAL FACTS

- 2 1. Nanyah alleged that he invested \$1,500,000 for a membership interest in Eldorado
3 which he intended to be a capital investment and that he did not receive an
4 interest in Eldorado .
5 2. There is no evidence that Nanyah made an investment directly into Eldorado.
6 3. There was no privity between Nanyah and Eldorado.

7 LEGAL DETERMINATIONS

- 8 1. Nanyah's claim for unjust enrichment, if any, arose at the time of its alleged
9 investment.
10 2. The applicable statutes of limitations are NRS 11.190(2) and NRS 11:220.
11 3. Nanyah's alleged claim of unjust enrichment cannot be maintained and is barred
12 by the statutes of limitations.

13 WHEREFORE IT IS ORDERED that Defendant Nanyah Vegas, LLC's Countermotion is
14 denied without prejudice; and

15 IT IS FURTHER ORDERED that the Defendant Eldorado Hills, LLC's Motion for
16 Partial Summary Judgment against Defendant Nanyah Vegas, LLC, be and it is hereby granted.

17 DATED this 25 day of September, 2014.

18
19 Brandon McDonald
20 DISTRICT COURT JUDGE
21 *AM*

22 SUBMITTED:
23 LIONEL SAWYER & COLLINS

APPROVED
McDonald Law Offices, PLC

24 By: Samuel S. Lionel
25 Samuel S. Lionel
26 300 S. Fourth Street, #1700
27 Las Vegas, NV 89101
Attorneys for Defendant
Eldorado Hills, LLC

By: _____
Brandon McDonald
2505 Anthem Village Dr, Suite E-474
Henderson, NV 89052
Attorney for Plaintiffs

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3 which he intended to be a capital investment and that he did not receive an
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14 denied without prejudice; and

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16 Partial Summary Judgment against Defendant Nanyah Vegas, LLC, be and it is hereby granted,

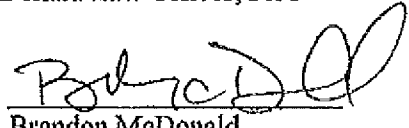
17 DATED this ____ day of September, 2014.

18
19
20 DISTRICT COURT JUDGE

21
22 SUBMITTED:
23 LIONEL SAWYER & COLLINS

24 By: 
25 Samuel S. Lionel
26 300 S. Fourth Street, #1700
27 Las Vegas, NV 89101
28 Attorneys for Defendant
Eldorado Hills, LLC

APPROVED
McDonald Law Offices, PLC

By: 
Brandon McDonald
2505 Anthem Village Dr, Suite B-474
Henderson, NV 89052
Attorney for Plaintiffs


CLERK OF THE COURT

CAST

Brandon B. McDonald, Esq.
Nevada Bar No.: 11206
McDONALD LAW OFFICES, PLLC
2505 Anthem Village Drive, Ste. E-474
Henderson, NV 89052
Telephone: (702) 385-7411
Facsimile: (702) 664-0448
Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

CARLOS A. HUERTA, an individual; CARLOS
A. HUERTA as Trustee of THE ALEXANDER
CHRISTOPHER TRUST, a Trust established in
Nevada as assignee of interests of GO GLOBAL,
INC., a Nevada corporation; NANYAH VEGAS,
LLC, a Nevada limited liability company;

Plaintiffs,

v.

SIG ROGICH aka SIGMUND ROGICH as
Trustee of The Rogich Family Irrevocable Trust;
ELDORADO HILLS, LLC, a Nevada limited
liability company; DOES I-X; and/or ROE
CORPORATIONS I-X, inclusive,

Defendants.

AND ALL RELATED MATTERS

Case No.: A-13-686303-C
Dept. No.: XXVII

CASE APPEAL STATEMENT

COMES NOW, Plaintiff, Nanyah Vegas, LLC, by and through its counsel of record, Brandon
B. McDonald, Esq. of McDonald Law Offices, PLLC, and hereby files the following Case Appeal
Statement:

1. Name of appellants filing this case appeal statement:

1 Nanyah Vegas, LLC

2 2. Judge issuing the Judgment appealed from:

3 The Honorable Judge Nancy Alf

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

5 Nanyah Vegas, LLC
6 c/o Brandon B. McDonald, Esq.
7 McDONALD LAW OFFICES, PLLC
8 2505 Anthem Village Drive, Ste. E-474
9 Henderson, NV 89052
Telephone: (702) 385-7411
Facsimile: (702) 992-0569

10 4. Identify each respondent and the name and address of their counsel:

11 Eldorado Hills, LLC
12 Sigmund Rogich
13 c/o Samuel S. Lionel, Esq.
14 LIONEL SAWYER & COLLINS
15 300 South Fourth Street, 17th Floor
Las Vegas, NV 89101
Telephone: (702) 383-8888
Facsimile: (702) 383-8845

16 5. Does any attorney mentioned in questions 3 or 4 not licensed in the State of Nevada and
17 if so, whether the district court granted that attorney permission to appear under SCR 42:

18 Not applicable.

19 6. Is the appellant represented by appointed or retained counsel on appeal:

20 By retained counsel.

21 7. Is the respondent represented by appointed or retained counsel on appeal:

22 By retained counsel.

23 8. Was appellant granted leave to proceed in forma pauperis, and the date of the entry of
24 the district order granting such leave:

25 Not applicable.

26 9. The date the proceedings commenced in the district court:
27
28

1 July 31, 2013

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

4 Approximately in 2007, Nanyah Vegas ("Nanyah") invested \$1,500,000 into CanaMex Nevada,
5 LLC which in turn provided those funds to Defendant/Respondent Eldorado Hills. Due to an
6 agreement between Go Global, Inc. and The Rogich Family Irrevocable Trust, in lieu of Nanyah
7 receiving an interest in Eldorado (which was in a poor financial position because the company was
8 unable to sell its primary asset, 161.93 acres of land near Boulder City, Nevada), Nanyah was supposed
9 to receive repayment of \$1,500,000. This was acknowledged in agreements dated October 24, 2008
10 and October 30, 2008, signed by Go Global, Inc. and The Rogich Family Irrevocable Trust; which at
11 that time constituted the near entirety of the membership interests of Eldorado Hills, LLC. In late 2012,
12 Sigmund Rogich caused to be transferred his trust's interest in Eldorado. Mr. Rogich only thereafter
13 informed Carlos Huerta (the President of Go Global and manager of Nanyah's business affairs with
14 regards to this matter) that he had surrendered his interest. Mr. Rogich also indicated that no other
15 parties would be repaid, including those identified as being owed funds under these agreements. This
16 contrasted with Mr. Rogich's continual reassurances that the parties which were owed funds would be
17 repaid.
18

19
20 On September 11, 2014 Judge Allf heard Defendant Eldorado Hills, LLC motion for partial
21 summary judgment. The motion sought to dismiss Nanyah's claim for unjust enrichment for failure to
22 file the claim within the applicable statute of limitations. Nanyah contended that the statute could not
23 have run because it had no indication that it would not be repaid until late 2012 when Mr. Rogich
24 indicated as much to Mr. Huerta. Judge Allf determined that the statute began to run at the moment
25 that Nanyah released the money in 2007, notwithstanding there being no indication at that time or for
26
27
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1 several years thereafter that Nanyah would not be repaid. According to Judge Allf, no further facts
2 were relevant in her analysis of whether the statute of limitations expired. Judge Allf also rejected
3 Nanyah's arguments asserting that Nanyah was an intended third-party beneficiary under the
4 agreements, because she believed there was no contractual privity with Eldorado Hills, LLC. Therefore
5 based on Judge Allf's ruling Nanyah's claims were dismissed.

6 Nanyah now appeals the order that was entered on October 1, 2014, which granted Eldorado's
7 motion for partial summary judgment.

8
9 11. Has the case been subject to a prior appeal or original writ proceeding in the Supreme
10 Court:

11 No.

12 12. Does the appeal involve child custody or visitation:

13 No.

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

15 This matter is a civil case and appellant believes that there is a possibility of settlement.

16 DATED this 30th day of October, 2014.

17
18 McDONALD LAW OFFICES, PLLC

19
20 By: /s/ Brandon B. McDonald
21 Brandon B. McDonald, Esq.
22 Nevada Bar No.: 11206
23 2505 Anthem Village Drive, Ste. E-474
24 Henderson, NV 89052
25 Attorneys for Plaintiffs
26
27
28

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of October, 2014, I served a copy of the foregoing **CASE APPEAL STATEMENT** upon each of the parties via Odyssey E-Filing System pursuant to NRCP 5(b)(2)(D) and EDCR 8.05 to:

Lionel Sawyer & Collins

Angela Westlake awestlake@lionelsawyer.com

Rob Hernquist rhernquist@lionelsawyer.com

Samuel S. Lionel slionel@lioneslawyer.com

McDonald Law Offices, PLLC

Brandon McDonald brandon@mcdonaldlawyers.com

Charles Barnabi cj@mcdonaldlawyers.com

/s/ Charles Barnabi

An employee of McDonald Law Offices, PLLC

DEPARTMENT 27
CASE SUMMARY
CASE NO. A-13-686303-C

Carlos Huerta, Plaintiff(s)
vs.
Sig Rogich, Defendant(s)

§
§
§
§
§

Location: **Department 27**
Judicial Officer: **Allf, Nancy**
Filed on: **07/31/2013**
Cross-Reference Case Number: **A686303**

CASE INFORMATION

Case Type: **Breach of Contract**
Subtype: **Other Contracts/Acc/Judgment**
Case Flags: **Appealed to Supreme Court**
Arbitration Exemption Granted

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-13-686303-C
Court	Department 27
Date Assigned	07/31/2013
Judicial Officer	Allf, Nancy

PARTY INFORMATION

Plaintiff	Alexander Christopher Trust	<i>Lead Attorneys</i> McDonald, Brandon B <i>Retained</i> 702-385-7411(W)
	Huerta, Carlos	McDonald, Brandon B <i>Retained</i> 702-385-7411(W)
	Nanyah Vegas LLC	McDonald, Brandon B <i>Retained</i> 702-385-7411(W)
	Ray, Robert	McDonald, Brandon B <i>Retained</i> 702-385-7411(W)
Defendant	Eldorado Hills LLC	Lionel, Samuel S. <i>Retained</i> 7023838888(W)
	Rogich, Sig	Lionel, Samuel S. <i>Retained</i> 7023838888(W)
Counter Claimant	Eldorado Hills LLC	Lionel, Samuel S. <i>Retained</i> 7023838888(W)
Counter Defendant	Alexander Christopher Trust	McDonald, Brandon B <i>Retained</i> 702-385-7411(W)
	Go Global Inc	McDonald, Brandon B <i>Retained</i> 702-385-7411(W)
	Huerta, Carlos A	
Other Plaintiff	Go Global Inc	McDonald, Brandon B

DEPARTMENT 27
CASE SUMMARY
CASE NO. A-13-686303-C

Retained
702-385-7411(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
07/31/2013	 Complaint Filed By: Plaintiff Huerta, Carlos <i>Complaint</i>	
07/31/2013	Case Opened	
08/01/2013	 Initial Appearance Fee Disclosure Filed By: Plaintiff Huerta, Carlos <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>	
08/30/2013	 Proof of Service Filed by: Plaintiff Huerta, Carlos <i>Proof of Service</i>	
09/12/2013	 Initial Appearance Fee Disclosure Filed By: Defendant Rogich, Sig <i>Initial Appearance Fee Disclosure</i>	
09/12/2013	 Motion to Dismiss Filed By: Defendant Eldorado Hills LLC <i>(Vacated 10/30/2013) Defendant Eldorado Hills, LLC's Motion to Dismiss</i>	
09/18/2013	 Proof of Service Filed by: Plaintiff Huerta, Carlos <i>Proof of Service</i>	
10/11/2013	 Stipulation and Order Filed by: Plaintiff Huerta, Carlos <i>Stipulation and Order to Continue Hearing on Motion Hearings</i>	
10/21/2013	 Amended Complaint Filed By: Plaintiff Huerta, Carlos <i>First Amended Complaint</i>	
10/30/2013	 Notice Filed By: Defendant Rogich, Sig <i>Defendant Eldorado Hills LLC's Notice Vacating Its Motion to Dismiss</i>	
10/30/2013	 Notice Filed By: Defendant Rogich, Sig <i>Defendant Eldorado Hills, LLC's Notice Vacating Its Motion to Dismiss</i>	
10/31/2013	CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer: Allf, Nancy) <i>Vacated - On In Error</i> <i>Defendant Eldorado Hills, LLC's Motion to Dismiss</i>	
10/31/2013	CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer: Allf, Nancy) <i>Vacated</i> <i>parties stipulated to this continuance</i>	
11/08/2013	 Answer and Counterclaim	

DEPARTMENT 27
CASE SUMMARY
CASE NO. A-13-686303-C

	Filed By: Defendant Rogich, Sig <i>Answer to First Amended Complaint and Counterclaim</i>
01/09/2014	 Joint Case Conference Report Filed By: Plaintiff Huerta, Carlos <i>Joint Case Conference Report</i>
02/12/2014	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - Granted</i>
02/14/2014	 Arbitration File <i>Arbitration File</i>
02/20/2014	 Scheduling Order <i>Scheduling Order</i>
02/20/2014	 Answer to Counterclaim Filed By: Plaintiff Huerta, Carlos <i>Answer to Counterclaim</i>
03/12/2014	 Order Setting Civil Bench Trial <i>Order Setting Civil Bench Trial, Pre-Trial/Calendar Call</i>
04/30/2014	 Motion for Leave to File Party: Defendant Rogich, Sig <i>Defendants' Motion for Leave to File an Amended Answer on an Order Shortening Time</i>
05/14/2014	 Motion for Leave (9:30 AM) (Judicial Officer: Alf, Nancy) <i>Defendants' Motion for Leave to File an Amended Answer on an Order Shortening Time</i>
07/25/2014	 Notice of Hearing Filed By: Defendant Eldorado Hills LLC <i>Notice of Hearing</i>
07/25/2014	 Motion for Partial Summary Judgment Filed By: Defendant Eldorado Hills LLC <i>Motion for Partial Summary Judgment</i>
08/11/2014	 Motion for Partial Summary Judgment Filed By: Defendant Rogich, Sig <i>Defendant Sig Rogich, Trustee of The Rogich Family Irrevocable Trust's Motion for Partial Summary Judgment</i>
08/13/2014	 Opposition and Countermotion Filed By: Plaintiff Huerta, Carlos <i>Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment</i>
08/14/2014	 Initial Appearance Fee Disclosure Filed By: Plaintiff Huerta, Carlos <i>Initial Appearance and Fee Disclosure</i>
08/25/2014	 Countermotion For Partial Summary Judgment Filed by: Plaintiff Huerta, Carlos










CASE SUMMARY

CASE NO. A-13-686303-C





Plaintiff's Opposition to Defendant's Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment

09/02/2014	 Reply to Opposition Filed by: Defendant Rogich, Sig <i>Reply to Opposition to Motion for Partial Summary Judgment</i>
09/08/2014	 Reply to Opposition Filed by: Plaintiff Huerta, Carlos <i>Plaintiffs' Reply to Defendants' Opposition to Counter-Motion for Partial Summary Judgment</i>
09/09/2014	 Certificate of Service Filed by: Plaintiff Huerta, Carlos <i>Certificate of Service</i>
09/10/2014	 Errata Filed By: Defendant Eldorado Hills LLC <i>Errata</i>
09/11/2014	Motion for Summary Judgment (10:30 AM) (Judicial Officer: Allf, Nancy) Events: 07/25/2014 Notice of Hearing <i>Defendant Eldorado Hills LLC's Motion for Partial Summary Judgment</i>
09/11/2014	Opposition and Countermotion (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment</i>
09/11/2014	 All Pending Motions (10:30 AM) (Judicial Officer: Allf, Nancy)
09/12/2014	 Motion to Compel Filed By: Defendant Eldorado Hills LLC <i>Defendants' Motion to Compel Discovery Responses on Order Shortening Time</i>
09/16/2014	 Amended Answer Filed By: Defendant Rogich, Sig <i>Amended Answer to First Amended Complaint; and Counterclaim Jury Demand</i>
09/18/2014	 Reply to Opposition Filed by: Defendant Rogich, Sig <i>Reply to Opposition to Motion for Partial Summary Judgment</i>
09/19/2014	 Opposition to Motion to Compel Filed By: Plaintiff Huerta, Carlos <i>Plaintiffs' Opposition to Motion to Compel Discovery Responses on an Order Shortening Time</i>
09/19/2014	 Notice of Withdrawal of Motion Filed By: Plaintiff Huerta, Carlos <i>Notice of Withdrawal of Plaintiffs' Counter-Motion for Partial Summary Judgment</i>
09/22/2014	 Motion to Continue Filed By: Plaintiff Huerta, Carlos <i>Motion to Continue Trial and Discovery on an Order Shortening Time</i>
09/22/2014	 Certificate of Service <i>Certificate of Service</i>

DEPARTMENT 27
CASE SUMMARY
CASE NO. A-13-686303-C

09/25/2014	 Amended Certificate of Service Party: Plaintiff Huerta, Carlos <i>Amended Certificate of Service</i>
09/25/2014	 Opposition to Motion Filed By: Defendant Rogich, Sig <i>Defendants Opposition to Motion to Continue Trial and Discovery</i>
09/26/2014	Motion to Compel (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Defts' Motion to Compel Discovery Responses on OST</i>
09/26/2014	Motion to Continue Trial (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Pltfs' Motion to Continue Trial and Discovery on an OST</i>
09/26/2014	 All Pending Motions (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Defts' Motion to Compel Discovery Responses on OST Pltfs' Motion to Continue Trial and Discovery on an OST</i>
09/30/2014	 Motion to Continue Trial Filed By: Plaintiff Huerta, Carlos <i>Motion to Continue Trial on an Order Shortening Time (First Request)</i>
09/30/2014	 Certificate of Service Filed by: Plaintiff Huerta, Carlos <i>Certificate of Service</i>
10/01/2014	 Notice of Entry of Order Filed By: Defendant Rogich, Sig <i>Notice of Entry of Order</i>
10/01/2014	 Order Granting Filed By: Defendant Eldorado Hills LLC <i>Order Granting Partial Summary Judgment</i>
10/01/2014	Partial Summary Judgment (Judicial Officer: Allf, Nancy) Debtors: Nanyah Vegas LLC (Plaintiff) Creditors: Eldorado Hills LLC (Defendant) Judgment: 10/01/2014, Docketed: 10/08/2014
10/02/2014	 Opposition to Motion Filed By: Defendant Rogich, Sig <i>Opposition to Motion to Continue Trial</i>
10/06/2014	 Reply to Opposition Filed by: Plaintiff Huerta, Carlos <i>Reply to Defendants' Opposition to Motion to Continue Trial on Order Shortening Time</i>
10/08/2014	Motion for Partial Summary Judgment (10:30 AM) (Judicial Officer: Allf, Nancy) Events: 08/11/2014 Motion for Partial Summary Judgment <i>Defendant Sig Rogich, Trustee of The Rogich Family Irrevocable Trust's Motion for Partial Summary Judgment</i>
10/08/2014	Opposition and Countermotion (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment</i>

DEPARTMENT 27
CASE SUMMARY
CASE NO. A-13-686303-C

10/08/2014	Motion to Continue Trial (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Plaintiffs' Motion to Continue Trial on an Order Shortening Time</i>
10/08/2014	 All Pending Motions (10:30 AM) (Judicial Officer: Allf, Nancy)
10/24/2014	 Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie)
10/30/2014	 Notice of Appeal Filed By: Plaintiff Nanyah Vegas LLC <i>Notice of Appeal</i>
10/30/2014	CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated</i>
10/30/2014	 Case Appeal Statement Filed By: Plaintiff Nanyah Vegas LLC <i>Case Appeal Statement</i>
11/03/2014	CANCELED Bench Trial (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated</i>

DATE	FINANCIAL INFORMATION
------	-----------------------

Defendant Eldorado Hills LLC	
Total Charges	423.00
Total Payments and Credits	423.00
Balance Due as of 11/4/2014	0.00
Defendant Rogich, Sig	
Total Charges	230.00
Total Payments and Credits	230.00
Balance Due as of 11/4/2014	0.00
Plaintiff Alexander Christopher Trust	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 11/4/2014	0.00
Plaintiff Huerta, Carlos	
Total Charges	670.00
Total Payments and Credits	670.00
Balance Due as of 11/4/2014	0.00
Plaintiff Nanyah Vegas LLC	
Total Charges	54.00
Total Payments and Credits	54.00
Balance Due as of 11/4/2014	0.00
Plaintiff Ray, Robert	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 11/4/2014	0.00

CIVIL COVER SHEET A-13-686303-C

Clark County, Nevada

XXVII

Case No. _____

(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone): Carlos Huerta, Robert Ray and Nanyah Vegas, LLC c/o Brandon B. McDonald, Esq.

Defendant(s) (name/address/phone): Sig Rogich and Eldorado Hills

Attorney (name/address/phone):

Brandon B. McDonald, Esq., 2505 Anthem Village Dr., Ste. E-474, Henderson, NV 89052, (702) 385-7411

Attorney (name/address/phone):

unknown

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 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
Probate	Other Civil Filing Types	
<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"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input checked="" type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input checked="" 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

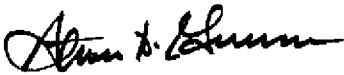
III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

7/30/13

Date

Signature of initiating party or representative


CLERK OF THE COURT

ORD

Samuel S. Lionel, NV Bar No. 1766
slionel@lionelsawyer.com
LIONEL SAWYER & COLLINS
300 South Fourth Street, 17th Floor
Las Vegas, Nevada 89101
Telephone: (702) 383-8884
Fax: (702) 383-8845
Attorneys for Defendant
Eldorado Hills, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

CARLOS A. HUERTA, an individual;
CARLOS A. HUERTA as Trustee of THE
ALEXANDER CHRISTOPHER TRUST, a
Trust established in Nevada as assignee of
interests of GO GLOBAL, INC., a Nevada
corporation; NANYAH VEGAS, LLC, a
Nevada limited liability company,

Plaintiffs,

v.

SIG ROGICH aka SIGMUND ROGICH as
Trustee of The Rogich Family Irrevocable
Trust; ELDORADO HILLS, LLC, a Nevada
limited liability company; DOES I-X; and/or
ROE CORPORATIONS I-X, inclusive

Defendants.

AND RELATED CLAIMS

Case No. A-13-686303-C
Dept. XXVII

**ORDER GRANTING PARTIAL
SUMMARY JUDGMENT**

ORDER GRANTING PARTIAL SUMMARY JUDGMENT

The Defendants Eldorado Hills, LLC ("Eldorado") having filed a Motion for Partial Summary Judgment and Plaintiff, Nanyah Vegas, LLC ("Nanyah"), having filed a Countermotion for Partial Summary Judgment and the parties having duly filed Memorandums of Points and Authorities in support of their respective motions and oppositions and the Court having heard oral argument on September 11, 2014 and good cause appearing, the court finds the undisputed material fact is and makes the legal determinations as follows:

1 **UNDISPUTED MATERIAL FACTS**

- 2 1. Nanyah alleged that he invested \$1,500,000 for a membership interest in Eldorado
3 which he intended to be a capital investment and that he did not receive an
4 interest in Eldorado .
5 2. There is no evidence that Nanyah made an investment directly into Eldorado.
6 3. There was no privity between Nanyah and Eldorado.

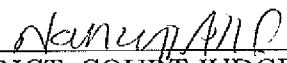

7 **LEGAL DETERMINATIONS**

- 8 1. Nanyah's claim for unjust enrichment, if any, arose at the time of its alleged
9 investment.
10 2. The applicable statutes of limitations are NRS 11.190(2) and NRS 11:220.
11 3. Nanyah's alleged claim of unjust enrichment cannot be maintained and is barred
12 by the statutes of limitations.

13 WHEREFORE IT IS ORDERED that Defendant Nanyah Vegas, LLC's Countermotion is
14 denied without prejudice; and


15 IT IS FURTHER ORDERED that the Defendant Eldorado Hills, LLC's Motion for
16 Partial Summary Judgment against Defendant Nanyah Vegas, LLC, be and it is hereby granted.

17 DATED this 25 day of September, 2014.

18
19 
20 DISTRICT COURT JUDGE
21 

22 SUBMITTED:
23 LIONEL SAWYER & COLLINS

APPROVED
McDonald Law Offices, PLC

24 By: 
25 Samuel S. Lionel
26 300 S. Fourth Street, #1700
27 Las Vegas, NV 89101
28 Attorneys for Defendant
Eldorado Hills, LLC

By: _____
Brandon McDonald
2505 Anthem Village Dr, Suite E-474
Henderson, NV 89052
Attorney for Plaintiffs

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1

2


CLERK OF THE COURT

1 **NOEJ**
2 Samuel S. Lionel, NV Bar No. 1766
3 *slionel@lionelsawyer.com*
4 Steven C. Anderson, NV Bar No. 11901
5 *sanderson@lionelsawyer.com*
6 LIONEL SAWYER & COLLINS
300 South Fourth Street, 17th Floor
Las Vegas, Nevada 89101
Telephone: (702) 383-8884
Fax: (702) 383-8845
Attorneys for Defendant

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

10 CARLOS A. HUERTA, an individual;
11 CARLOS A. HUERTA as Trustee of THE
12 ALEXANDER CHRISTOPHER TRUST, a
13 Trust established in Nevada as assignee of
14 interests of GO GLOBAL, INC., a Nevada
15 corporation; NANYAH VEGAS, LLC, a
16 Nevada limited liability company,

17 Plaintiffs,

18 v.

19 SIG ROGICH aka SIGMUND ROGICH as
20 Trustee of The Rogich Family Irrevocable
21 Trust; ELDORADO HILLS, LLC, a Nevada
22 limited liability company; DOES I-X; and/or
23 ROE CORPORATIONS I-X, inclusive

24 Defendants.

25 AND RELATED CLAIMS

Case No. A-13-686303-C

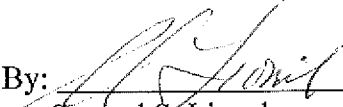
Dept. XXVII

NOTICE OF ENTRY OF ORDER

26 Notice is hereby given that the attached **ORDER GRANTING PARTIAL SUMMARY**
27 **JUDGMENT**, was entered by this court on September 25, 2014.

28 Dated: October 1, 2014

LIONEL SAWYER & COLLINS

By: 
Samuel S. Lionel
Attorneys for Defendant

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Nevada Rule of Civil Procedure 5(b), I hereby certify that I am an employee
3 of LIONEL SAWYER & COLLINS and that on this 1st day of October 2014, I caused the
4 document **NOTICE OF ENTRY OF ORDER** to be served as follows:

5 ☒ [X] by depositing same for mailing in the United States Mail, in a sealed envelope
6 addressed to:

7 Brandon B. McDonald, Esq.
8 McDonald Law Offices, PLLC
9 2505 Anthem Village Drive
Suite E-474
Henderson, Nevada 89052

10 *Attorney for Plaintiffs*

11 ☐ [] pursuant to Nev. R. Civ. P. 5(b)(2)(D) to be sent via facsimile as indicated:

12 ☐ [] to be hand delivered to:

13 and/or

14 ☒ [X] by the Court's ECF System through Wiznet.

15
16
17
18 
An employee of Lionel Sawyer & Collins
19
20
21
22
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24
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27


CLERK OF THE COURT

ORD
Samuel S. Lionel, NV Bar No. 1766
slionel@lionelsawyer.com
LIONEL SAWYER & COLLINS
300 South Fourth Street, 17th Floor
Las Vegas, Nevada 89101
Telephone: (702) 383-8884
Fax: (702) 383-8845
Attorneys for Defendant
Eldorado Hills, LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

CARLOS A. HUERTA, an individual;
CARLOS A. HUERTA as Trustee of THE
ALEXANDER CHRISTOPHER TRUST, a
Trust established in Nevada as assignee of
interests of GO GLOBAL, INC., a Nevada
corporation; NANYAH VEGAS, LLC, a
Nevada limited liability company,

Plaintiffs,

v.

SIG ROGICH aka SIGMUND ROGICH as
Trustee of The Rogich Family Irrevocable
Trust; ELDORADO HILLS, LLC, a Nevada
limited liability company; DOES I-X; and/or
ROE CORPORATIONS I-X, inclusive

Defendants.

AND RELATED CLAIMS

Case No. A-13-686303-C
Dept. XXVII

ORDER GRANTING PARTIAL
SUMMARY JUDGMENT

ORDER GRANTING PARTIAL SUMMARY JUDGMENT

The Defendants Eldorado Hills, LLC ("Eldorado") having filed a Motion for Partial Summary Judgment and Plaintiff, Nanyah Vegas, LLC ("Nanyah"), having filed a Countermotion for Partial Summary Judgment and the parties having duly filed Memorandums of Points and Authorities in support of their respective motions and oppositions and the Court having heard oral argument on September 11, 2014 and good cause appearing, the court finds the undisputed material fact is and makes the legal determinations as follows:

1 UNDISPUTED MATERIAL FACTS

- 2 1. Nanyah alleged that he invested \$1,500,000 for a membership interest in Eldorado
3 which he intended to be a capital investment and that he did not receive an
4 interest in Eldorado .
5 2. There is no evidence that Nanyah made an investment directly into Eldorado.
6 3. There was no privity between Nanyah and Eldorado.

7 LEGAL DETERMINATIONS

- 8 1. Nanyah's claim for unjust enrichment, if any, arose at the time of its alleged
9 investment.
10 2. The applicable statutes of limitations are NRS 11.190(2) and NRS 11:220.
11 3. Nanyah's alleged claim of unjust enrichment cannot be maintained and is barred
12 by the statutes of limitations.

13 WHEREFORE IT IS ORDERED that Defendant Nanyah Vegas, LLC's Countermotion is
14 denied without prejudice; and

15 IT IS FURTHER ORDERED that the Defendant Eldorado Hills, LLC's Motion for
16 Partial Summary Judgment against Defendant Nanyah Vegas, LLC, be and it is hereby granted.

17 DATED this 25 day of September, 2014.

18
19 Brandon McDonald
20 DISTRICT COURT JUDGE
21 *AM*

22 SUBMITTED:
23 LIONEL SAWYER & COLLINS

APPROVED
McDonald Law Offices, PLC

24 By: Samuel S. Lionel
25 Samuel S. Lionel
26 300 S. Fourth Street, #1700
27 Las Vegas, NV 89101
Attorneys for Defendant
Eldorado Hills, LLC

By: _____
Brandon McDonald
2505 Anthem Village Dr, Suite E-474
Henderson, NV 89052
Attorney for Plaintiffs

1 UNDISPUTED MATERIAL FACTS

- 2 1. Nanyah alleged that he invested \$1,500,000 for a membership interest in Eldorado
3 which he intended to be a capital investment and that he did not receive an
4 interest in Eldorado .
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7 LEGAL DETERMINATIONS

- 8 1. Nanyah's claim for unjust enrichment, if any, arose at the time of its alleged
9 investment.
10 2. The applicable statutes of limitations are NRS 11.190(2) and NRS 11:220.
11 3. Nanyah's alleged claim of unjust enrichment cannot be maintained and is barred
12 by the statutes of limitations.


13 WHEREFORE IT IS ORDERED that Defendant Nanyah Vegas, LLC's Countermotion is
14 denied without prejudice; and

15 IT IS FURTHER ORDERED that the Defendant Eldorado Hills, LLC's Motion for
16 Partial Summary Judgment against Defendant Nanyah Vegas, LLC, be and it is hereby granted,

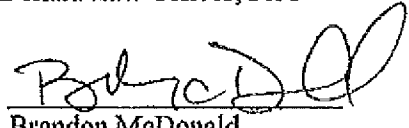
17 DATED this ____ day of September, 2014.

18
19
20 DISTRICT COURT JUDGE

21
22 SUBMITTED:
23 LIONEL SAWYER & COLLINS

24 By: 
25 Samuel S. Lionel
26 300 S. Fourth Street, #1700
27 Las Vegas, NV 89101
28 Attorneys for Defendant
Eldorado Hills, LLC

APPROVED
McDonald Law Offices, PLC

By: 
Brandon McDonald
2505 Anthem Village Dr, Suite B-474
Henderson, NV 89052
Attorney for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

May 14, 2014

A-13-686303-C Carlos Huerta, Plaintiff(s)
 vs.
 Sig Rogich, Defendant(s)

May 14, 2014 9:30 AM Motion for Leave

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Traci Rawlinson

REPORTER:

PARTIES

PRESENT: Anderson, Steven C Attorney

JOURNAL ENTRIES

- Mr. Anderson advised he has exchanged emails with opposing counsel he is not opposed to the motion. There being good grounds and no opposition, COURT ORDERED, Defendants' Motion for Leave to File an Amended Answer on an Order Shortening time GRANTED. Order provided to the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

September 11, 2014

A-13-686303-C Carlos Huerta, Plaintiff(s)
vs.
Sig Rogich, Defendant(s)

September 11, 2014 10:30 AM All Pending Motions

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Traci Rawlinson

REPORTER:

PARTIES

PRESENT: Lionel, Samuel S. Attorney
 McDonald, Brandon B Attorney

JOURNAL ENTRIES

- DEFENDANT ELDORADO HILLS LLC'S MOTION FOR PARTIAL SUMMARY JUDGMENT...PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND COUNTER-MOTION FOR PARTIAL SUMMARY JUDGMENT

Arguments by counsel regarding motion for partial summary judgment and counter-motion for partial summary judgment. Court noted it rarely considers counter-motions. Court stated its findings and ORDERED, Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment DENIED WITHOUT PREJUDICE as Court declined to hear the counter-motion; Defendant Eldorado Hills LLC's Motion for Partial Summary Judgment GRANTED. Mr. Lionel to prepare the order and submit it to opposing counsel for approval as to form and content.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

September 26, 2014

A-13-686303-C Carlos Huerta, Plaintiff(s)
vs.
Sig Rogich, Defendant(s)

September 26, 2014 9:00 AM All Pending Motions

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT: Lionel, Samuel S. Attorney
McDonald, Brandon B Attorney

JOURNAL ENTRIES

- Pltfs' Motion to Continue Trial and Discovery on an OST	Defts' Motion to Compel Discovery
Responses on OST	

Mr. Lionel stated Summary Judgment was Granted September 11, 2014 on the issue in Motion to Compel. COMMISSIONER RECOMMENDED, Defts' Motion to Compel Discovery Responses is OFF CALENDAR. Argument by Mr. McDonald; for walking away from his interest in the Company, Deft received approximately \$680,000 and a Company transferred to him with a valuable piece of property. Mr. McDonald requested to conduct discovery and depositions. Argument by Mr. Lionel.

Mr. McDonald has not reviewed documents recently provided (one month after discovery closed). Commissioner advised counsel anyone who engages in discovery outside the deadline does so at their own peril. Colloquy re: the Mosley factors.

COMMISSIONER RECOMMENDED, Pltfs' Motion to Continue Trial and Discovery is DENIED

PRINT DATE: 11/04/2014

Page 3 of 7

Minutes Date: May 14, 2014

WITHOUT PREJUDICE; 11/3/14 Trial date STANDS; if the Trial does not move forward, Commissioner will look at the issue again.

Mr. Lionel to prepare the Report and Recommendations, and Mr. McDonald to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Lionel to appear at status check hearing to report on the Report and Recommendations.

10/24/14 11:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

October 08, 2014

A-13-686303-C Carlos Huerta, Plaintiff(s)
vs.
Sig Rogich, Defendant(s)

October 08, 2014 10:30 AM All Pending Motions

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Shelly Landwehr

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES

PRESENT:	Huerta, Carlos	Plaintiff
	Lionel, Samuel S.	Attorney
	McDonald, Brandon B	Attorney
	Schwartz, Samuel A.	Attorney

JOURNAL ENTRIES

- DEFENDANT SIG ROGICH, TRUSTEE OF THE ROGICH FAMILY IRREVOCABLE TREUST'S MOTIONFOR PARTIAL SUMMARY JUDGMENT...PLAINTIFF'S OPPOSITION TO DEFENDANTS MOTION FOR PARTIAL SUMMARY JUDGMENT AND COUNTER-MOTION FOR PARTIAL SUMMARYJUDGMENT...PLAINTIFF'S MOTIONTO CONTINUE TRIAL ON AN ORDER SHORTENING TIME

Mr. noted Mr. McDonald was bankruptcy approved and had been retained in this matter. Court so noted.

Mr. Lionel argued in support of his motion stating Defendant had made misrepresentations before the bankruptcy court that they had no claim and now they are before this Court saying there is a claim, and that calls for judicial estoppel. Mr. Lionel argued regarding what judicial estoppel is intended for. Mr. Lionel further argued case law and cited several cases in open court. Lastly, Mr.

Lionel argued regarding the requirement of a debtor to file a schedule of assets under oath, and stated the filed document omitted any claim against Rogich Trust.

Upon Court's inquiry, Mr. Lionel argued Sig Rogich is not a party; the trust is a different entity and stated there was an original plan and three amendments but no claim or potential claim against Rogich Trust. The affidavit filed by Mr. Huerta was not true and accurate. Colloquy regarding the assignment of this claim and whether the Rogich Trust is bound by anything in the plan.

Mr. Schwartz argued the claim against Mr. Rogich is disclosed as an asset; and there are amendments to those schedules that came out throughout the course of the case; however, there is nothing that takes Mr. Rogich out. Court inquired regarding disclosure statements and that no claim was made that Defendant would try and collect receivables, and the creditors were not on notice of that. Mr. Schwartz argued that is not what is required from a disclosure statement, you don't have to disclose to the Courts about a receivable that may have to be litigated to collect. Mr. Schwartz further argued regarding the difference between the case referenced by Mr. Lionel and the facts in this case. Lastly, Mr. Schwartz stated there is an asset that is clearly disclosed in the schedules and no one has stated they weren't aware of the bankruptcy or didn't know they were listed as an asset.

Upon Court's inquiry regarding what it believed to be bankruptcy law with respect to the necessity of a disclosure statement, Mr. Schwartz stated there was a creditors plan drafted in which Mr. Huerta was a creditor and the law says you have a right to pursue it as a cause of action. Court stated there is no reference to this lawsuit, no mention of this receivable.

Mr. Schwartz responded there was a reference to some collection activities that had to occur and there was a proposed plan that was 100% to the creditors based on the collection of those assets and they were aware Mr. Huerta had to collect on assets to pay his creditors. Further, there was no concealment, there is no fraud, and Mr. Rogich can't say he was not on notice. Defense admitted they were aware of the bankruptcy and admitted they received land. Court inquired as to why Go Global assigned the right to collect to someone else and noted it was not disclosed in any the bankruptcy court filings.

Following further arguments by Mr. Lionel, COURT ORDERED, motion GRANTED. Mr. Lionel to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

October 24, 2014

A-13-686303-C Carlos Huerta, Plaintiff(s)
 vs.
 Sig Rogich, Defendant(s)

October 24, 2014 11:00 AM Status Check: Compliance

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Richard Kangas

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COMMISSIONER RECOMMENDED, Defense counsel is relieved from preparing the Report and Recommendation based on settlement of case (letter dated Oct. 15, 2014); matter is OFF CALENDAR.

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

Mr. Lionel - Lionel, S, C



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

BRANDON B. MCDONALD, ESQ.
2505 ANTHEM VILLAGE DR., STE. E-474
HENDERSON, NV 89052

DATE: November 4, 2014
CASE: A686303

RE CASE: CARLOS A. HUERTA; CARLOS A HUERTA as Trustee of THE ALEXANDER CHRISTOPHER TRUST, a Trust established in Nevada as assignee of interests of GO GLOBAL, INC.; NANYAH VEGAS, LLC vs. SIG ROGICH aka SIGMUND ROGICH as Trustee of THE ROGICH FAMILY IRREVOCABLE TRUST; ELDORADO HILLS, LLC

NOTICE OF APPEAL FILED: October 30, 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; ORDER GRANTING PARTIAL SUMMARY
JUDGMENT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF
DEFICIENCY

CARLOS A. HUERTA; CARLOS A HUERTA
as Trustee of THE ALEXANDER
CHRISTOPHER TRUST, a Trust established in
Nevada as assignee of interests of GO GLOBAL,
INC.; NANYAH VEGAS, LLC,

Plaintiff(s),

vs.

SIG ROGICH aka SIGMUND ROGICH as
Trustee of THE ROGICH FAMILY
IRREVOCABLE TRUST; ELDORADO HILLS,
LLC,

Defendant(s),

Case No: A686303

Dept No: XXVII

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 4 day of November 2014.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk