

FENNEMORE CRAIG
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1400 Bank of America Plaza
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Attorneys for Respondents

Electronically Filed
Apr 22 2015 10:32 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

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

NANYAH VEGAS, LLC, a Nevada
limited liability company,

Appellant,

v.

SIGMUND ROGICH aka SIG
ROGICH, as Trustee of the Rogich
Family Irrevocable Trust; ELDORADO
HILLS, LLC, a Nevada limited liability
company, DOES 1-X; and/or ROE
CORPORATIONS I-X, inclusive,

Respondents

Case No.: 66823

District Court Case No: A-13-686303-C

Dept. No.: XXVII

MOTION TO DISMISS APPEAL

Respondent Sigmund Rogich, Trustee of the Rogich Family Irrevocable Trust, moves the Court for an Order dismissing the Appeal of the Appellant, Nanyah Vegas, LLC, on the grounds that there is no NRCP 54(b) certification of Appellant's Appeal from the Order Granting Partial Summary Judgment dismissing its claim, dated October 1, 2014, and there is no appeal from the Final Order herein dated November 5, 2014.

This motion is made and based on the file herein and the points and authorities attached.

///

///

1 POINTS AND AUTHORITIES

2 FACTS

3 Appellant's Notice of Appeal states that it appeals the Order entered on
4 October 1, 2014. That Order granted partial summary judgment against Appellant.
5 Ex. 1. Subsequently, on November 5, 2014, the Court issued another Order
6 Granting Partial Summary Judgment which provides as follows:

7 "... IT IS ORDERED that The Rogich Family Irrevocable Trust's Motion for
8 Partial Summary Judgment be, and is hereby granted and the first, second and third
9 claims for relief of Carlos A. Huerta, individually and as Trustee of the Alexander
10 Christopher Trust are dismissed.

11 AND WHEREAS on October 1, 2014, an Order Granting Partial Summary
12 Judgment dismissing Plaintiff Nanyah Vegas', LLC's fourth claim for relief was
13 duly entered.

14 AND WHEREAS all claims for relief alleged in the Amended Complaint
15 have been dismissed.

16 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the
17 Amended Complaint herein, be, and it is, hereby dismissed". Ex. 2.

18 Notice of Entry of that Order was given on November 6, 2014. Ex. 3.
19 Copies of the Order and Notice of Entry are not included in Appellant's Record of
20 Appeal. Appellant has not appealed from that Order.

21 The Amended Complaint herein contains four claims for relief. Only the
22 fourth claim for relief concerns Appellant and the Order appealed by Appellant
23 concerns only the fourth claim. The first three claims are alleged by Plaintiffs
24 Huerta and Go Global against The Rogich Trust. These claims were not dismissed
25 until the entry of the November 5, 2014 Order.

26 There is no NRCP 54(b) certification with respect to Appellant's appeal.

27 ///

28 ///

1 ARGUMENT

2 THE COURT HAS NO JURISDICTION BECAUSE THERE IS NO
3 DETERMINATION BY THE DISTRICT COURT THAT THERE IS NO JUST
4 REASON FOR DELAY OR ANY DIRECTION FOR THE ENTRY OF A FINAL
5 JUDGMENT.

6 Appellant has appealed from an Order granting partial summary judgment to
7 Respondent Eldorado Falls, LLC. It was partial because following the Order there
8 remained claims of Huerta and Go Global, Inc. against The Rogich Trust. The
9 Order approved on October 1, 2014 was not a final Order. There would be no final
10 Order until the Huerta and Go Global claims were resolved and upon their
11 resolution, a Final Order was entered on November 5, 2014.

12 NRCP 54(b) provides that the District Court could “direct the entry of a final
13 judgment as to one or more, but fewer than all of the parties only upon an express
14 direction for the entry of judgment. The District Court did not direct the entry of a
15 final judgment as provided in NRCP 54(b). As a result, this Court does not have
16 jurisdiction of this appeal. First Western Savings and Loan v. Steinberg, 89 Nev.
17 582, 517 P.2d 793 (1973) (“We perceive no proper way to distinguish this case
18 from our prior decisions, holding that the absence of the determination and
19 direction contemplated by NRCP 54(b), where requisite, is a jurisdictional defect.”
20 See, for example: Donoghue v. Rosepiller, 83 Nev. 251, 427 P. 2d 956 (1967);
21 Wilmurth v. State, 79 Nev. 490, 387 P. 2d 251 (1963); Fernandez v. Infusaid
22 Corp., 110 Nev. 187, 191, 871 P. 2d 292, 295 (1994). (“In the absence of a proper
23 certification of finality, an interlocutory order dismissing fewer than all the parties
24 cannot be challenged on appeal until a final judgment is entered in the action fully
25 and finally resolving all claims against all of the parties.”)

26 THIS IS NOT AN APPEAL OF A FINAL ORDER.

27 Appellant is obviously aware of the jurisdictional defect of not having a
28 NRCP 54(b) certification. In its Jurisdictional Statement in its Opening Brief,

1 Appellant states that final judgment was entered on February 23, 2015 and its
2 appeal was merely premature and “should not be dismissed so long as it is filed
3 prior to dismissal and within the time permitted from the final judgment” , and
4 therefore its October 30, 2014 Notice of Appeal was a premature notice and its
5 appeal was timely. Appellant states that [t]his is an appeal of a final Order, citing
6 Lee v. GNLV Corp., 116 Nev. 424, 427-28, 996 P.2d 416 (2000). Opening Brief at
7 7:6-15. There is no appeal of the November 5, 2014 Order which is a final
8 judgment.

9 Appellant contends its appeal “is timely filed and each were taken within 30
10 days of the notice of appeal of the Final Judgment” citing NRAP 4(a)(1) and 26(c).
11 Opening Brief at 7:15-17. There is only one Notice of Appeal, the October 30, 2014
12 notice, for which there is no 54(b) certification.

13 Furthermore, the final judgment Appellant refers to, the Final Judgment of
14 February 27, 2015, is not a final judgment for appeal purposes and Lee v. GNLV,
15 cited by Appellant, is authority therefor. Lee holds that the finality of a judgment
16 depends on what the order or judgment actually does not on what it is called. “A
17 final judgment is one that disposes of all the issues presented in the case, and leaves
18 nothing for the future consideration of the court, except for post-judgment issues
19 such as attorneys fees and costs.” 116 Nev. at 426. See also Eristo Campos-Garcia
20 v. Johnson, 130 Nev. Adv. Rep. 64, 331 P.3d. 890 (2014).

21 The final order for appeal purposes is the Order entered on November 5,
22 2014, which disposed of all issues except attorneys fees and costs. Appellant has
23 not appealed from the final judgment of November 5, 2014.

24 //

25 //

26 //


27 //

28 //

CONCLUSION

This Court has no jurisdiction of this Appeal, because there is no 54(b) certification of the October 1, 2014 Order and there is no appeal from the final judgment entered on November 5, 2014.

FENNEMORE CRAIG

By 

Samuel S. Lionel, Esq.
Nevada Bar No. 1766
300 South Fourth St., #1400
Las Vegas. NV 89101
Attorneys for Respondents

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to Nevada Rule of Appellate Procedure 25 (c)(1), I hereby certify that
3 I am an employee of FENNEMORE CRAIG and that on this 22nd day of April ,
4 2015, I caused the foregoing **MOTION TO DISMISS APPEAL** to be served by
5 submission to the electronic filing service for the Nevada Supreme Court upon the
6 following to the email addresses on file and by depositing same for mailing in the
7 United States Mail, in a sealed envelope addressed to:

8 brandon@mcdonaldlawyers.com

9 Brandon McDonald, Esq.
10 McDonald Law Offices, PLLC
2505 Anthem Village Drive
11 Suite E-474
Henderson, NV 89052

12 
13 An employee of Fennemore Craig

14
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22
23
24 0240339.1/038537.0004
25
26
27
28

EXHIBIT 1



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

11 **CERTIFICATE OF SERVICE**

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

15 Lionel Sawyer & Collins

16 Angela Westlake awestlake@lionsawyer.com

17 Rob Hernquist rhernquist@lionsawyer.com

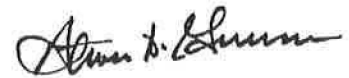
18 Samuel S. Lionel slionel@lioneslawyer.com

19 McDonald Law Offices, PLLC

20 Brandon McDonald brandon@mcdonaldlawyers.com

21 Charles Barnabi cj@mcdonaldlawyers.com

22 /s/ Charles Barnabi
23 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

DISTRICT COURT
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,

Plaintiffs,

v.

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

Defendants.

21 AND RELATED CLAIMS

Case No. A-13-686303-C


Dept. XXVII

NOTICE OF ENTRY OF ORDER

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

24 Dated: October 1, 2014

LIONEL SAWYER & COLLINS

25 By: 
26 Samuel S. Lionel
27 *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

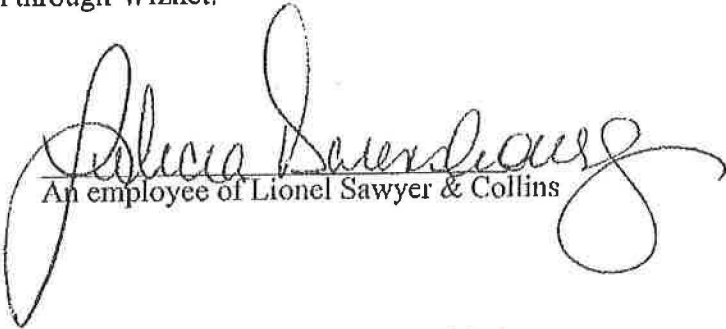
10 *Attorney for Plaintiffs*

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
23
24
25
26
27



CLERK OF THE COURT

1 ORD

Samuel S. Lionel, NV Bar No. 1766

2 *slionel@lionelsawyer.com*

LIONEL SAWYER & COLLINS

3 300 South Fourth Street, 17th Floor

Las Vegas, Nevada 89101

4 Telephone: (702) 383-8884

5 Fax: (702) 383-8845

Attorneys for Defendant

Eldorado Hills, LLC

6
7 DISTRICT COURT

8 CLARK COUNTY, NEVADA

9
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
interests of GO GLOBAL, INC., a Nevada
corporation; NANYAH VEGAS, LLC, a
Nevada limited liability company,

14 Plaintiffs,

15 v.

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

19 Defendants.

20 AND RELATED CLAIMS
21

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

ORDER GRANTING PARTIAL
SUMMARY JUDGMENT

22 ORDER GRANTING PARTIAL SUMMARY JUDGMENT

23 The Defendants Eldorado Hills, LLC ("Eldorado") having filed a Motion for Partial
24 Summary Judgment and Plaintiff, Nanyah Vegas, LLC ("Nanyah"), having filed a
25 Countermotion for Partial Summary Judgment and the parties having duly filed Memorandums
26 of Points and Authorities in support of their respective motions and oppositions and the Court
27 having heard oral argument on September 11, 2014 and good cause appearing, the court finds the
28 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

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3 which he intended to be a capital investment and that he did not receive an
4 interest in Eldorado .
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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.

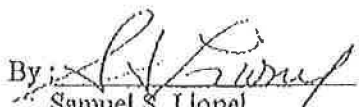
13 WHEREFORE IT IS ORDERED that Defendant Nanyah Vegas, LLC's Countermotion is
14 denied without prejudice; and

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

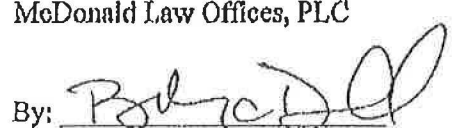
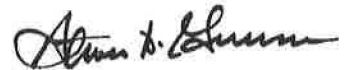
By: 
Brandon McDonald
2505 Anthem Village Dr, Suite E-474
Henderson, NV 89052
Attorney for Plaintiffs

EXHIBIT 2



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

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

I.

UNDISPUTED MATERIAL FACTS

1. In March 2010, Carlos Huerta, Christine H. Huerta (collectively "Huerta") and Go Global, Inc. ("Go Global") filed voluntary Bankruptcy Petitions in the United States Bankruptcy Court for the District of Nevada ("the Huerta Bankruptcy").
2. On July 22, 2013, an Order Confirming Third Amended Joint Chapter 11 Plan of Reorganization of Go Global, Inc., Carlos and Christine Huerta was duly entered in the Huerta Bankruptcy.
3. On November 7, 2012, Huerta and Go Global wrote The Rogich Family Irrevocable Trust ("Rogich Trust") claiming that because the Rogich Trust had transferred its membership interest in Eldorado Hills, LLC, it was in breach of the Purchase Agreement between the parties and offered mediation, the Purchase Agreement prerequisite to litigation.
4. On April 4, 2011, Huerta and Go Global filed a Joint Disclosure Statement in the Huerta Bankruptcy. The statement did not identify or mention the Purchase Agreement or the Rogich Trust.
5. Huerta and Go Global filed Amended Disclosure Statements on January 17, 2013, March 8, 2013 and April 8, 2013. None of those statements identify or mention the Purchase Agreement, any relationship between Huerta, Go Global and the Rogich Trust, any receivable or other indebtedness of the Rogich Trust, any liquidation analysis identifying or identifying a possible claim against the Rogich Trust. The Huerta and Go Global Plan also does not identify or mention any such information.
6. Disclosure Statements inform creditors how they will be paid and are used by creditors to determine whether or not to accept a Plan of Reorganization. The creditors of Huerta and Go Global were never informed there was a receivable from the Rogich Trust to be collected.

1 7. On November 7, 2012, when Huerta and Go Global sent their letter to the Rogich Trust,
2 Huerta and Go Global were aware that they had a claim against the Rogich Trust.

3 8. On June 18, 2013, Carlos Huerta filed a Declaration, under oath that stated in paragraph 4
4 thereof:

5 "In connection with confirmation of the Plan, I reviewed the Plan (as amended),
6 Disclosure Statement (as amended) and all related exhibits thereto. The statements in those
7 documents are true and accurate..." *N/A THIS Declaration allowed Huerta & Go Global to confirm a Ch. 11 Plan 7/22/13*

8 10. On July 30, 2013, Huerta and Go Global assigned to the Alexander Christopher Trust "all
9 money, assets or compensation remaining to be paid pursuant to the Purchase Agreement
10 or from any act of recovery seeking to enforce the obligations of the parties thereto.
11 Carlos Huerta and Christine Huerta are the grantors of said Trust and Carlos Huerta is
12 the Trustee of said Trust.

13 11. On July 31, 2013, Carlos Huerta individually and as Trustee of said Trust filed this action
14 against The Rogich Trust to recover the sum of \$2,747,729.50 allegedly due under the
15 Purchase Agreement.

16 **LEGAL DETERMINATION**

17 1. On November 7, 2012, Huerta and Go Global were aware that they had a claim against
18 the Rogich Trust.

19 2. The said claim was not disclosed in Huerta's and Go Global's First Amended, Second
20 Amended or Third Amended Disclosure Statements.

21 3. The said claim was not disclosed in Huerta's and Go Global's Plan or their first, second or
22 third Amendments to the Plan.

23 WHEREFORE IT IS ORDERED that The Rogich Family Irrevocable Trust's Motion for
24 Partial Summary Judgment be, and is hereby granted and the First, Second and Third claims for
25 relief of Carlos A. Huerta, individually and as Trustee of the Alexander Christopher Trust are
26 dismissed.

27

1 AND WHEREAS on October 1, 2014, an Order Granting Partial Summary Judgment
2 dismissing Plaintiff Nanyah Vegas', LLC's Fourth claim for relief was duly entered.

3 AND WHEREAS all claims for relief alleged in the Amended Complaint have been
4 dismissed.

5 IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Amended Complaint
6 herein, be, and it is, hereby dismissed.

7 DATED this 3 day of ^{November} October, 2014.

8 Nancy L. Allen
DISTRICT COURT JUDGE

9
10
11 SUBMITTED:
LIONEL SAWYER & COLLINS

12
13 By: Samuel S. Lionel
14 Samuel S. Lionel
300 S. Fourth Street, #1700
15 Las Vegas, NV 89101
Attorneys for Defendant

16
17 APPROVED
18 McDonald Law Offices, PLC

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

1 AND WHEREAS on October 1, 2014, an Order Granting Partial Summary Judgment
2 dismissing Plaintiff Nanyah Vegas, LLC's Fourth claim for relief was duly entered.

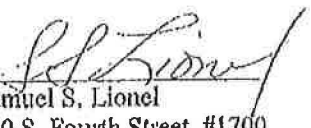
3 AND WHEREAS all claims for relief alleged in the Amended Complaint have been
4 dismissed.

5 IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Amended Complaint
6 herein, be, and it is, hereby dismissed.

7 DATED this ____ day of October, 2014.

8
9 DISTRICT COURT JUDGE

10
11 SUBMITTED:
12 LIONEL SAWYER & COLLINS

13 By: 
14 Samuel S. Lionel
15 300 S. Fourth Street, #1700
16 Las Vegas, NV 89101
Attorneys for Defendant

17
18 APPROVED
19 McDonald Law Offices, PLC

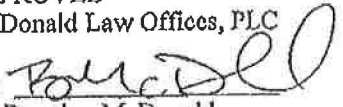

20 By: 
21 Brandon McDonald
22 2505 Anthem Village Dr., Suite E-474
23 Henderson, NV 89052
24 Attorney for Plaintiffs
25
26
27

EXHIBIT 3


CLERK OF THE COURT

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

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

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

16 Plaintiffs,

17 v.

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

23 Defendants.

24 AND RELATED CLAIMS

Case No. A-13-686303-C

Dept. XXVII

NOTICE OF ENTRY OF ORDER

25 **NOTICE OF ENTRY OF ORDER GRANTING PARTIAL SUMMARY JUDGMENT**

26 //

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28 //

//

1 Notice is hereby given that on November 5, 2014 an Order Granting Partial Summary
2 Judgment was duly entered , a copy of which is attached here as Exhibit A.

3 Dated: November 6, 2014.

4
5 LIONEL SAWYER & COLLINS

6 By: /s/ Samuel S. Lionel
7 Samuel S. Lionel, NV Bar #1766
8 300 South Fourth Street, 17th Floor
9 Las Vegas, NV 89101
10 *Attorneys for Defendant*

11
12 **CERTIFICATE OF SERVICE**

13 Pursuant to Administrative Order 14-2, the undersigned hereby certifies that a true and
14 correct copy of the **Notice of Entry of Order Granting Partial Summary Judgment** was
15 electronically served on this 6th day of November, 2014 on the following:

16 Brandon McDonald
17 McDonald Law Offices, PLLC
18 2505 Anthem Village Drive, Ste. E-474
19 Henderson, NV 89052
20 Brandon@mcdonaldlawyers.com

21 Attorney for Plaintiff

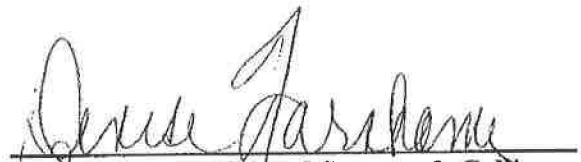

22
23 
24 An Employee of Lionel Sawyer & Collins

EXHIBIT A


CLERK OF THE COURT

ORD
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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

I.

UNDISPUTED MATERIAL FACTS

1. In March 2010, Carlos Huerta, Christine H. Huerta (collectively "Huerta") and Go Global, Inc. ("Go Global") filed voluntary Bankruptcy Petitions in the United States Bankruptcy Court for the District of Nevada ("the Huerta Bankruptcy").
2. On July 22, 2013, an Order Confirming Third Amended Joint Chapter 11 Plan of Reorganization of Go Global, Inc., Carlos and Christine Huerta was duly entered in the Huerta Bankruptcy.
3. On November 7, 2012, Huerta and Go Global wrote The Rogich Family Irrevocable Trust ("Rogich Trust") claiming that because the Rogich Trust had transferred its membership interest in Eldorado Hills, LLC, it was in breach of the Purchase Agreement between the parties and offered mediation, the Purchase Agreement prerequisite to litigation.
4. On April 4, 2011, Huerta and Go Global filed a Joint Disclosure Statement in the Huerta Bankruptcy. The statement did not identify or mention the Purchase Agreement or the Rogich Trust.
5. Huerta and Go Global filed Amended Disclosure Statements on January 17, 2013, March 8, 2013 and April 8, 2013. None of those statements identify or mention the Purchase Agreement, any relationship between Huerta, Go Global and the Rogich Trust, any receivable or other indebtedness of the Rogich Trust, any liquidation analysis identifying or identifying a possible claim against the Rogich Trust. The Huerta and Go Global Plan also does not identify or mention any such information.
6. Disclosure Statements inform creditors how they will be paid and are used by creditors to determine whether or not to accept a Plan of Reorganization. The creditors of Huerta and Go Global were never informed there was a receivable from the Rogich Trust to be collected.

1 7. On November 7, 2012, when Huerta and Go Global sent their letter to the Rogich Trust,
2 Huerta and Go Global were aware that they had a claim against the Rogich Trust.

3 8. On June 18, 2013, Carlos Huerta filed a Declaration, under oath that stated in paragraph 4
4 thereof:

5 "In connection with confirmation of the Plan, I reviewed the Plan (as amended),
6 Disclosure Statement (as amended) and all related exhibits thereto. The statements in those
7 documents are true and accurate..." *N/A THIS Declaration allowed Huerta & Go Global to confirm a Ch. 11 Plan 7/22/13*

8 10. On July 30, 2013, Huerta and Go Global assigned to the Alexander Christopher Trust "all
9 money, assets or compensation remaining to be paid pursuant to the Purchase Agreement
10 or from any act of recovery seeking to enforce the obligations of the parties thereto.
11 Carlos Huerta and Christine Huerta are the grantors of said Trust and Carlos Huerta is
12 the Trustee of said Trust.

13 11. On July 31, 2013, Carlos Huerta individually and as Trustee of said Trust filed this action
14 against The Rogich Trust to recover the sum of \$2,747,729.50 allegedly due under the
15 Purchase Agreement.

16 LEGAL DETERMINATION

- 17 1. On November 7, 2012, Huerta and Go Global were aware that they had a claim against
18 the Rogich Trust.
19 2. The said claim was not disclosed in Huerta's and Go Global's First Amended, Second
20 Amended or Third Amended Disclosure Statements.
21 3. The said claim was not disclosed in Huerta's and Go Global's Plan or their first, second or
22 third Amendments to the Plan.

23 WHEREFORE IT IS ORDERED that The Rogich Family Irrevocable Trust's Motion for
24 Partial Summary Judgment be, and is hereby granted and the First, Second and Third claims for
25 relief of Carlos A. Huerta, individually and as Trustee of the Alexander Christopher Trust are
26 dismissed.

27

1 AND WHEREAS on October 1, 2014, an Order Granting Partial Summary Judgment
2 dismissing Plaintiff Nanyah Vegas, LLC's Fourth claim for relief was duly entered.

3 AND WHEREAS all claims for relief alleged in the Amended Complaint have been
4 dismissed.

5 IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Amended Complaint
6 herein, be, and it is, hereby dismissed.

7 DATED this 3 day of ^{November} October, 2014.

8 Nancy L. Allen
DISTRICT COURT JUDGE

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11 SUBMITTED:
LIONEL SAWYER & COLLINS

12
13 By: Samuel S. Lionel
14 Samuel S. Lionel
15 300 S. Fourth Street, #1700
Las Vegas, NV 89101
16 Attorneys for Defendant

17
18 APPROVED
McDonald Law Offices, PLC

19 By: _____
20 Brandon McDonald
21 2505 Anthem Village Dr., Suite E-474
Henderson, NV 89052
22 Attorney for Plaintiffs

1 AND WHEREAS on October 1, 2014, an Order Granting Partial Summary Judgment
2 dismissing Plaintiff Nanyah Vegas, LLC's Fourth claim for relief was duly entered.


3 AND WHEREAS all claims for relief alleged in the Amended Complaint have been
4 dismissed.

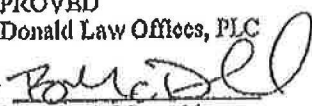
5 IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Amended Complaint
6 herein, be, and it is, hereby dismissed.

7 DATED this ____ day of October, 2014.

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DISTRICT COURT JUDGE

SUBMITTED:
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