

CLERK OF THE COURT

1 **NOAS**
2 MATTHEW S. DUNKLEY, ESQ.
3 Nevada Bar No. 6627
4 **MARK G. LOSEE, ESQ.**
5 Nevada Bar No. 12996
6 **DUNKLEY LAW**
7 2450 St. Rose Parkway, Suite 210
8 Henderson, Nevada 89074
9 Tel. (702) 413-6565
10 Fax (702) 570-5940

Electronically Filed
Nov 18 2014 11:03 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

11 Attorneys for Plaintiff

12 **DISTRICT COURT**
13
14 **CLARK COUNTY, NEVADA**

15 WILLIAM POREMBA)
16) CASE NO. : A-14-698184
17 Petitioner,) DEPT NO. : II
18 vs.)
19)
20 SOUTHERN NEVADA PAVING;)
21 S&C CLAIMS SERVICE and)
22 DEPARTMENT OF ADMINISTRATION,)
23 APPEALS OFFICER,)
24)
25 Respondent.)
26)
27)
28)

29 **NOTICE OF APPEAL**

30 **NOTICE IS HEREBY GIVEN** that Petitioner, WILLIAM POREMBA, hereby appeals to the
31 Supreme Court of Nevada from the District Courts Order Denying Petitioner's Petition for Judicial

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1 Review entered on October 8, 2014.

2 Dated this 10 of November, 2014.

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DUNKLEY LAW

By 

MATTHEW S. DUNKLEY, ESQ.
Nevada Bar No. 6627
MARK G. LOSEE, ESQ.
Nevada Bar No. 12996
2450 St. Rose Parkway, Suite 210
Henderson, Nevada 89074
Attorneys for Plaintiff

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that on this 10th day of November, 2014, I served a
3 true and correct copy of the foregoing NOTICE OF APPEAL on the parties addressed as shown
4 below:

- 5 Electronic Service – via the Court’s electronic service system
- 6 Facsimile
- 7 Facsimile and U.S. Mail first class postage prepaid
- 8 U.S. Mail first class postage prepaid

9 Shirley D. Lindsey, Esq.
10 Appeals Officer
11 Department of Administration
12 Hearings Division
2200 South Rancho Drive, Suite 220
Las Vegas, Nevada 89102

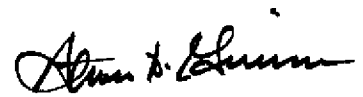
13 Daniel L. Schwartz, Esq.
14 **LEWIS BRISBOIS BISGAAARD & SMITH LLP**
15 2300 West Sahara, Suite 300
Las Vegas, NV 89102-4375

16 Julie Wood
17 S&C Claims Service
18 9075 W. Diablo Drive, # 140
Las Vegas, Nevada 89148

19 Southern Nevada Paving
20 3101 E. Craig Road
N. Las Vegas, Nevada 89030

21 William Poremba
22 168 Red Arches Court
23 Henderson, Nevada 89012

24
25 
26 An Employee of **DUNKLEY LAW**



CLERK OF THE COURT

1 **ASTA**
2 MATTHEW S. DUNKLEY, ESQ.
3 Nevada Bar No. 6627
4 MARK G. LOSEE, ESQ.
5 Nevada Bar No. 12996
6 DUNKLEY LAW
7 2450 St. Rose Parkway, Suite 210
8 Henderson, Nevada 89074
9 Tel. (702) 413-6565
10 Fax (702) 570-5940
11 Attorneys for Appellant

DISTRICT COURT

CLARK COUNTY, NEVADA

11	WILLIAM POREMBA)	
12)	CASE NO. : A-14-698184
13	Petitioner,)	DEPT NO. : II
14	vs.)	
15	SOUTHERN NEVADA PAVING;)	
16	S&C CLAIMS SERVICE and)	
17	DEPARTMENT OF ADMINISTRATION,)	
18	APPEALS OFFICER,)	
19)	
20	Respondent.)	

CASE APPEAL STATEMENT

- 21 **1. Name the appellant filing this case appeal statement:**
22 William Poremba
- 23 **2. Identify the judge issuing the decision, judgment, or order appealed from**
24 Honorable Judge Valorie J. Vega. The District Court Case Number is A-14-698184-J.
- 25 **3. Identify all parties to the proceedings in the district Court:**
26 William Poremba, Petitioner
27 Southern Nevada Paving; S&C Claims Services, Inc., and Nevada Department of

1 Administration Appeals Officer, Respondent

2 **4. Identify all parties involved in this appeal:**

3 William Poremba, Petitioner

4 Southern Nevada Paving; S&C Claims Services, Inc., and Nevada Department of

5 Administration Appeals Officer, Respondent

6 **5. Set forth the name, law firm, address, and telephone number of all counsel on appeal**
7 **and identify the party or parties whom they represent:**

8 Matthew S. Dunkley, Esq.

9 Nevada Bar No. 6627

10 Mark G. Losee, Esq.

11 Nevada Bar No. 12996

12 DUNKLEY LAW

13 2450 St. Rose Parkway, Suite 210

14 Henderson, Nevada 89074

(702) 413-6565

Attorneys for Petitioner, William Poremba

15 Daniel L. Schwartz, Esq.

16 Nevada Bar No. 5125

17 LEWIS BRISBOIS BISGAARD & SMITH, LLP

18 2300 W. Sahara Avenue, Suite 300

19 Las Vegas, Nevada 89102

(702) 893-3383

Attorneys for Respondents, S&C Claims Services, Inc., and Southern Nevada Paving

20 **6. Indicate whether appellant was represented by appointed or retained counsel in district**
21 **court:**

22 Appellant was represented by retained counsel.

23 **7. Indicate whether appellant is represented by appointed or retained counsel on appeal:**

24 Appellant is represented by retained counsel.

25 **8. Indicate whether appellant was granted leave to proceed in forma pauperis:**

26 Appellant did not request to proceed in forma pauperis.

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9. Indicate the date the proceedings commenced in the district court:

The Petition for Judicial Review in this matter was filed in District Court on March 25, 2014.

Dated this 10 of November, 2014.

DUNKLEY LAW

By  _____

Matthew S. Dunkley, Esq.
Nevada Bar No. 6627
Mark G. Losee, Esq.
Nevada Bar No. 12996
2450 St. Rose Parkway, Suite 210
Henderson, Nevada 89074
Attorneys for Petitioner

1 CERTIFICATE OF SERVICE

2 I certify that on this 10th day of November, 2014, the foregoing CASE APPEAL

3 STATEMENT was served on the following by

- 4
- 5 hand delivery
- 6 Facsimile
- 7 Facsimile and U.S. Mail first class postage prepaid
- 8 U.S. Mail first class postage prepaid

9 addressed as follows:

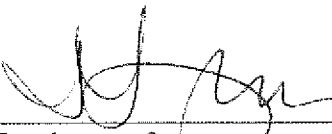
10 Shirley D. Lindsey, Esq.
11 Appeals Officer
12 Department of Administration
13 Hearings Division
14 2200 South Rancho Drive, Suite 220
15 Las Vegas, Nevada 89102

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17 **LEWIS BRISBOIS BISGAAARD & SMITH LLP**
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23 Las Vegas, Nevada 89148

24 Southern Nevada Paving
25 3101 E. Craig Road
26 N. Las Vegas, Nevada 89030

27 William Poremba
28 168 Red Arches Court
Henderson, Nevada 89012

29 
30 _____
31 An Employee of *DUNKLEY LAW*

DEPARTMENT 2
CASE SUMMARY
CASE NO. A-14-698184-J

William Poremba, Plaintiff(s)
 vs.
Southern Nevada Paving, Defendant(s)

§
§
§
§

Location: **Department 2**
 Judicial Officer: **Vega, Valorie J.**
 Filed on: **03/25/2014**
 Cross-Reference Case Number: **A698184**

CASE INFORMATION

Statistical Closures
 10/22/2014 Summary Judgment

Case Type: **Civil Petition for Judicial Review**
 Subtype: **Worker's Compensation Appeal**
 Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number: A-14-698184-J
 Court: Department 2
 Date Assigned: 03/25/2014
 Judicial Officer: Vega, Valorie J.

PARTY INFORMATION

Plaintiff

Poremba, William

Lead Attorneys

Dunkley, Matthew S.
Retained
 7024716777(W)

Defendant

Nevada Dept Of Administration Appeals
S & C Claims Services

Fischer, Alyssa M
Retained
 702-893-3383(W)






Southern Nevada Paving

Fischer, Alyssa M
Retained
 702-893-3383(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

03/25/2014	 Petition for Judicial Review Filed by: Plaintiff Poremba, William <i>Petition for Judicial Review</i>
03/25/2014	Case Opened
03/27/2014	 Amended Petition Filed By: Plaintiff Poremba, William <i>Amended Petition for Judicial Review</i>
03/31/2014	 Initial Appearance Fee Disclosure Filed By: Defendant Southern Nevada Paving <i>Initial Appearance Fee Disclosure</i>
03/31/2014	 Notice of Intent to Participate Filed By: Defendant Southern Nevada Paving <i>Notice of Intent to Participate</i>
05/05/2014	 Certificate of Mailing

DEPARTMENT 2
CASE SUMMARY
CASE NO. A-14-698184-J

Filed By: Defendant Nevada Dept Of Administration Appeals
Certification of Transmittal

05/05/2014



Transmittal

Party: Defendant Nevada Dept Of Administration Appeals
Transmittal of Record on Appeal

05/05/2014



Transmittal of Record on Appeal

Party: Defendant Nevada Dept Of Administration Appeals
Record on Appeal in Accordance with the Nevada Administrative Procedure Act

06/18/2014



Brief

Filed By: Plaintiff Poremba, William
Petitioners Opening Brief

06/24/2014



Certificate of Service

Filed by: Plaintiff Poremba, William
Certificate of Service

07/21/2014



Brief

Filed By: Defendant S & C Claims Services
Respondents' S&C Claims Services, Inc., and Southern Nevada Paving's Answering Brief

08/25/2014



Petitioner's Reply Brief

Filed by: Plaintiff Poremba, William
Petitioners Reply Brief

08/26/2014



Request

Filed by: Plaintiff Poremba, William
Request for Hearing

08/27/2014



Certificate of Mailing

Filed By: Plaintiff Poremba, William
Certificate Of Mailing

09/29/2014



Petition for Judicial Review (3:00 AM) (Judicial Officer: Vega, Valorie J.)

10/22/2014



Order Denying Judicial Review of Administrative Decision

Filed by: Defendant S & C Claims Services
Order Denying Petition's Petition for Judicial Review

10/22/2014

Order Denying Judicial Review (Judicial Officer: Vega, Valorie J.)

Debtors: William Poremba (Plaintiff)

Creditors: Southern Nevada Paving (Defendant), S & C Claims Services (Defendant)

Judgment: 10/22/2014, Docketed: 10/29/2014

10/23/2014



Notice of Entry of Order

Filed By: Defendant S & C Claims Services
Notice of Entry of Order

11/10/2014



Notice of Appeal

Filed By: Plaintiff Poremba, William
Notice of Appeal

DEPARTMENT 2
CASE SUMMARY
CASE NO. A-14-698184-J

11/10/2014



Case Appeal Statement

Filed By: Plaintiff Poremba, William

Case Appeal Statement

DATE

FINANCIAL INFORMATION

Defendant S & C Claims Services

Total Charges

30.00

Total Payments and Credits

30.00

Balance Due as of 11/13/2014

0.00

Defendant Southern Nevada Paving

Total Charges

223.00

Total Payments and Credits

223.00

Balance Due as of 11/13/2014

0.00

Plaintiff Poremba, William

Total Charges

24.00

Total Payments and Credits

24.00

Balance Due as of 11/13/2014

0.00

Ann D. Quinn
CLERK OF THE COURT

1 **ORDD**
2 DANIEL L. SCHWARTZ, ESQ.
3 Nevada Bar No. 005125
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
5 2300 W. Sahara Ave., Ste. 300, Box 28
6 Las Vegas, Nevada 89102
7 Telephone: 702/893-3383
8 Facsimile: 702/366-9689
9 Email: daniel.schwartz@lewisbrisbois.com
10 *Attorneys for Respondents*
11 *S&C CLAIMS SERVICES, INC. and*
12 *SOUTHERN NEVADA PAVING*

13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 WILLIAM POREMBA,

Case No.: A-14-698184-J

Petitioner,

Dept. No.: II

vs.

16 SOUTHERN NEVADA PAVING; S&C CLAIMS
17 SERVICES, INC.; AND NEVADA
18 DEPARTMENT OF ADMINISTRATION,
19 APPEALS OFFICER

Respondents.

20 **ORDER DENYING PETITIONER'S PETITION FOR JUDICIAL REVIEW**

21 TO: WILLIAM POREMBA, Petitioner; and

22 TO: MATTHEW DUNKLEY, ESQ. and MARK LOSEE, ESQ. Petitioner's Attorneys of
23 Record.

24 The above-captioned matter came before the Honorable Valorie J. Vega on
25 September 29, 2014, on the Petitioner, WILLIAM POREMBA's Petition for Judicial Review
26 relative to the Appeal Officer's Order Granting Summary Judgment against him related to a request
27 for reopening, in a contested workers' compensation claim. The Court, having reviewed the record
28 and considered the arguments of the parties, finds that the Petitioner's Petition for Judicial Review is
DENIED.

When this Court reviews an Administrative decision, it is to give deference to the

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Judgment of Arbitration
<input type="checkbox"/> Motion to Dismiss by Certificate	

1 agency's determination of facts. Roberts v. State Indus. Ins. System, 114 Nev. 364, 367, 956 P.2d
2 790, 792 (1998). The reviewing Court is not to substitute its view of the case so long as the Appeals
3 Officer's decision does not contain an error of law or is clearly erroneous in view of the reliable,
4 probative and substantial evidence, and therefore, based upon the whole record was not arbitrary,
5 capricious or characterized by an abuse of discretion. NRS 233B.135(3).
6

7 Here, the claimant appealed from the denial of reopening of his workers'
8 compensation claim. Claimant failed to submit any medical evidence in support of his request for
9 reopening. Further, claimant failed to prove that he exhausted his third-party proceeds on medical
10 treatment before asking the Insurer to pay additional benefits under the workers' compensation
11 claim. The Insurer denied claimant's request for reopening and the claimant appealed. The parties
12 bypassed the Hearing Officer. The Insurer filed a Motion for Summary Judgment, which the
13 Appeals Officer initially denied and a hearing commenced.
14

15 At the Appeals Officer hearing, the Claimant testified that he spent the third-party
16 settlement sum of \$34,631.51 on paying his mortgage, supporting his family, and on food. The
17 Claimant admitted that he did not spend the \$34,631.51 on medical care that would be the
18 responsibility of the workers' compensation Insurer if the claim was reopened.

19 The Insurer argued (1) that the Claimant has not proven that he has exhausted his
20 offset because he has not proven that he spent his third-party proceeds on medical care incurred after
21 the date of settlement; and (2) even if we could reach the issue of reopening, the Claimant has
22 insufficient medical evidence to prove the need for more treatment on an industrial basis.
23

24 Appeals Officer Shirley Lindsey issued an Order Granting the Insurer's Motion for
25 Summary Judgment, in lieu of a Decision and Order with Findings of Fact and Conclusions of Law.

26 ///

27 ///

1 Order Denying Petition for Judicial Review
2 Petitioner: William Poremba
3 Case No.: A-14-698184-J
4 Dept. No.: II

5 THE COURT FINDS, that the there was no violation of law, excess of authority,
6 unlawful procedure, error of law, nor clear error upon review of the record. The Appeal's Officer's
7 granting of Insurer's Motion for Summary Judgment was based upon substantial evidence and,
8 therefore, was not arbitrary, capricious, or an abuse of discretion. Therefore, COURT ORDERED,
9 Petition for Judicial Review is DENIED.

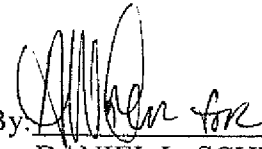
10 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
11 Petitioner WILLIAM POREMBA's Petition for Judicial Review is DENIED.

12 IT IS SO ORDERED.

13 DATED this 5th day of October, 2014.

14
15 
16 VALORIE J. VEGA
17 DISTRICT COURT JUDGE 

18 Submitted by:
19 LEWIS BRISBOIS BISGAARD & SMITH LLP

20
21 By: 
22 DANIEL L. SCHWARTZ, ESQ.
23 Nevada Bar No. 5125
24 2300 W. Sahara Ave., Ste. 300, Box 28
25 Las Vegas, Nevada 89102
26 Attorneys for the Respondents
27 S&C CLAIMS and SOUTHERN NEVADA PAVING
28

CLERK OF THE COURT

1 **NEOJ**
2 DANIEL L. SCHWARTZ, ESQ.
3 Nevada Bar No. 005125
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
5 2300 W. Sahara Ave. Ste. 300
6 Las Vegas, Nevada 89102
7 Telephone: 702/893-3383
8 Facsimile: 702/366-9689
9 *Attorney for Respondents*
10 *S&C CLAIMS SERVICES, INC.,*
11 *and SOUTHERN NEVADA PAVING*

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 WILLIAM POREMBA,

Case No.: A-14-698184-J

10 Petitioner,

Dept. No.: II

11 vs.

12 SOUTHERN NEVADA PAVING; S&C
13 CLAIMS SERVICES, INC.; AND NEVADA
14 DEPARTMENT OF ADMINISTRATION,
15 APPEALS OFFICER

16 Respondents.

17 **NOTICE OF ENTRY OF ORDER**

18 YOU, AND EACH OF YOU, please take notice that a **ORDER OF DENYING**
19 **PETITINOER'S FOR JUDICIAL REVIEW** was entered in the above-captioned matter on the
20 8th day of October, 2014, a copy of which is attached hereto and made a part hereof.

21 DATED this 22 day of October, 2014.

22 Respectfully submitted,

23 LEWIS BRISBOIS BISGAARD & SMITH LLP

24 By: DANIEL L. SCHWARTZ, ESQ.
25 Nevada Bar No. 005125
26 2300 W. Sahara Ave. Ste. 300
27 Las Vegas, Nevada 89102
28 Attorney for Respondents

1 CERTIFICATE OF MAILING

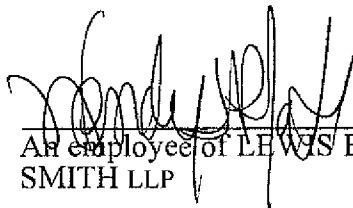
2 Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that, on the
3 23 day of October, 2014, service of the attached **NOTICE OF ENTRY OF ORDER** was
4 made this date by depositing a true copy of the same for mailing, first class mail, at Las Vegas,
5 Nevada, addressed follows:

6
7 Matthew Dunkley, Esq.
8 Dunkley Law
9 2450 St. Rose Pkwy., Ste. 210
10 Henderson, NV 89074

11
12 Southern Nevada Paving
13 3101 E. Craig Road
14 N. Las Vegas, NV 89030

15
16 S&C Claims Services
17 9075 W. Diablo Drive, Ste. 140
18 Las Vegas, NV 89148

19
20 Department of Administration
21 2200 S. Rancho Drive, Ste. 220
22 Las Vegas, NV 89102

23
24
25
26
27
28


An employee of LEWIS BRISBOIS BISGAARD &
SMITH LLP

Alvin D. Lavin
CLERK OF THE COURT

1 **ORDD**
2 DANIEL L. SCHWARTZ, ESQ.
3 Nevada Bar No. 005125
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
5 2300 W. Sahara Ave., Ste. 300, Box 28
6 Las Vegas, Nevada 89102
7 Telephone: 702/893-3383
8 Facsimile: 702/366-9689
9 Email: daniel.schwartz@lewisbrisbois.com
10 *Attorneys for Respondents*
11 *S&C CLAIMS SERVICES, INC. and*
12 *SOUTHERN NEVADA PAVING*

13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 WILLIAM POREMBA,

Case No.: A-14-698184-J

16 Petitioner,

Dept. No.: II

17 vs.

18 SOUTHERN NEVADA PAVING; S&C CLAIMS
19 SERVICES, INC.; AND NEVADA
20 DEPARTMENT OF ADMINISTRATION,
21 APPEALS OFFICER

22 Respondents.

23 **ORDER DENYING PETITIONER'S PETITION FOR JUDICIAL REVIEW**

24 TO: WILLIAM POREMBA, Petitioner; and

25 TO: MATTHEW DUNKLEY, ESQ. and MARK LOSEE, ESQ. Petitioner's Attorneys of
26 Record.

27 The above-captioned matter came before the Honorable Valorie J. Vega on
28 September 29, 2014, on the Petitioner, WILLIAM POREMBA's Petition for Judicial Review
relative to the Appeal Officer's Order Granting Summary Judgment against him related to a request
for reopening, in a contested workers' compensation claim. The Court, having reviewed the record
and considered the arguments of the parties, finds that the Petitioner's Petition for Judicial Review is
DENIED.

When this Court reviews an Administrative decision, it is to give deference to the

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Disposition Judgment
<input type="checkbox"/> Settlement Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Defendant	<input type="checkbox"/> Judgment of Acquittal

1 agency's determination of facts. Roberts v. State Indus. Ins. System, 114 Nev. 364, 367, 956 P.2d
2 790, 792 (1998). The reviewing Court is not to substitute its view of the case so long as the Appeals
3 Officer's decision does not contain an error of law or is clearly erroneous in view of the reliable,
4 probative and substantial evidence, and therefore, based upon the whole record was not arbitrary,
5 capricious or characterized by an abuse of discretion. NRS 233B.135(3).
6

7 Here, the claimant appealed from the denial of reopening of his workers'
8 compensation claim. Claimant failed to submit any medical evidence in support of his request for
9 reopening. Further, claimant failed to prove that he exhausted his third-party proceeds on medical
10 treatment before asking the Insurer to pay additional benefits under the workers' compensation
11 claim. The Insurer denied claimant's request for reopening and the claimant appealed. The parties
12 bypassed the Hearing Officer. The Insurer filed a Motion for Summary Judgment, which the
13 Appeals Officer initially denied and a hearing commenced.
14

15 At the Appeals Officer hearing, the Claimant testified that he spent the third-party
16 settlement sum of \$34,631.51 on paying his mortgage, supporting his family, and on food. The
17 Claimant admitted that he did not spend the \$34,631.51 on medical care that would be the
18 responsibility of the workers' compensation Insurer if the claim was reopened.
19

20 The Insurer argued (1) that the Claimant has not proven that he has exhausted his
21 offset because he has not proven that he spent his third-party proceeds on medical care incurred after
22 the date of settlement; and (2) even if we could reach the issue of reopening, the Claimant has
23 insufficient medical evidence to prove the need for more treatment on an industrial basis.
24

25 Appeals Officer Shirley Lindsey issued an Order Granting the Insurer's Motion for
26 Summary Judgment, in lieu of a Decision and Order with Findings of Fact and Conclusions of Law.
27

28 ///

///

1 Order Denying Petition for Judicial Review

2 Petitioner: William Poremba

3 Case No.: A-14-698184-J



4 Dept. No.: II

5 THE COURT FINDS, that there was no violation of law, excess of authority,
6 unlawful procedure, error of law, nor clear error upon review of the record. The Appeal's Officer's
7 granting of Insurer's Motion for Summary Judgment was based upon substantial evidence and,
8 therefore, was not arbitrary, capricious, or an abuse of discretion. Therefore, COURT ORDERED,
9 Petition for Judicial Review is DENIED.

10 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
11 Petitioner WILLIAM POREMBA's Petition for Judicial Review is DENIED.

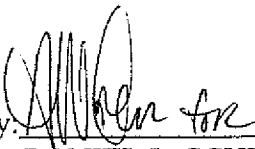
12 IT IS SO ORDERED.

13 DATED this 5th day of October, 2014.

14
15 
16 VALORIE J. VEGA
17 DISTRICT COURT JUDGE 

18 Submitted by:

19 LEWIS BRISBOIS BISGAARD & SMITH LLP

20
21 By: 
22 DANIEL L. SCHWARTZ, ESQ.
23 Nevada Bar No. 5125
24 2300 W. Sahara Ave., Ste. 300, Box 28
25 Las Vegas, Nevada 89102
26 Attorneys for the Respondents
27 S&C CLAIMS and SOUTHERN NEVADA PAVING
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Civil Petition for Judicial
Review**

COURT MINUTES

September 29, 2014

A-14-698184-J William Poremba, Plaintiff(s)
 vs.
 Southern Nevada Paving, Defendant(s)

September 29, 2014 3:00 AM Petition for Judicial Review

HEARD BY: Vega, Valorie J. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Nora Pena

PARTIES None

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, Petition for Judicial Review DENIED and thereby AFFIRMS the DECISION below pursuant to NRS 233B.135 as the Court does not find any violation of law, excess of authority, unlawful procedure, error of law, clear error upon review of the record, nor that the decision was arbitrary, or capricious, or characterized by abuse of discretion. Ms. Fischer to prepare the order.



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

MATTHEW S. DUNKLEY, ESQ.
2450 ST. ROSE PKWY., SUITE 210
HENDERSON, NV 89074

DATE: November 13, 2014
CASE: A698184

RE CASE: WILLIAM POREMBA vs. SOUTHERN NEVADA PAVING; S&C CLAIMS SERVICE; DEPARTMENT OF ADMINISTRATION, APPEALS OFFICER

NOTICE OF APPEAL FILED: November 10, 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 DENYING PETITIONER'S PETITION FOR JUDICIAL REVIEW; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

WILLIAM POREMBA,

Plaintiff(s),

vs.

SOUTHERN NEVADA PAVING; S&C
CLAIMS SERVICE; DEPARTMENT OF
ADMINISTRATION, APPEALS OFFICER,

Defendant(s),

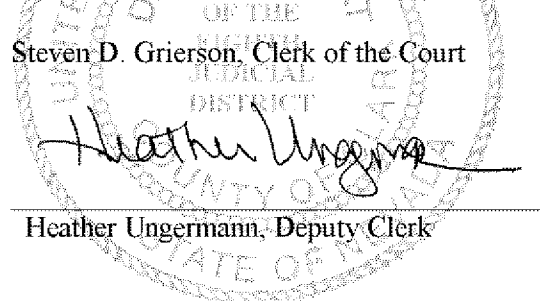
Case No: A698184

Dept No: II

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 13 day of November 2014.

Steven D. Grierson, Clerk of the Court



Heather Ungermann

Heather Ungermann, Deputy Clerk