

1 FENNEMORE CRAIG  
Samuel S. Lionel (Bar No. 1766)  
2 1400 Bank of America Plaza  
300 South Fourth Street  
3 Las Vegas, Nevada 89101  
Telephone: (702) 692-8000  
4 Facsimile: (702) 692-8099  
Email: slionel@fclaw.com

5 *Attorneys for Sig Rogich aka*  
6 *Sigmund Rogich as Trustee of*  
7 *The Rogich Family Irrevocable Trust;*  
8 *and Eldorado Hills, LLC, a Nevada*  
9 *limited liability company*

Electronically Filed  
Apr 27 2015 03:52 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

10  
11 **IN THE SUPREME COURT OF THE**  
12 **STATE OF NEVADA**

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

21 Appellants,

22 v.

23 SIG ROGICH aka SIGMUND  
24 ROGICH as Trustee of THE ROGICH  
25 FAMILY IRREVOCABLE TRUST;  
26 ELDORADO HILLS, LLC, a Nevada  
27 limited liability company; DOES 1-X;  
28 and/or ROE CORPORATIONS I-X,  
inclusive,

Respondents.

Case No.: 67595

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 Appellants Carlos A. Huerta and The Alexander Christopher Trust on the ground that the Appellants have not timely filed this Appeal.

This Motion is made and based on the record herein, and the Points and

1 Authorities including Exhibits 1 through 5, attached thereto.

2 **POINTS AND AUTHORITIES**

3 **FACTS**

4 Appellant's Notice of Appeal, filed March 13, 2015, states that it appeals  
5 from two Orders and a final judgment. All three are Exhibits A to the Notice of  
6 Appeal. They are:

7 (1) Order entered on November 5, 2014 and noticed on November 6,  
8 2014, granting Partial Summary Judgment against Appellants;

9 (2) Order Granting Motion for Award of Attorneys' Fees entered on  
10 February 10, 2015 and noticed on February 11, 2015, awarding attorney's fees to  
11 Respondent; and

12 (3) Final Judgment entered on February 23, 2015 and noticed on February  
13 24, 2015, which recites the prior entry of the November 5, 2014 Judgment  
14 dismissing the Amended Complaint and the attorneys' fees award and adds the  
15 costs.

16 THIS COURT HAS NO JURISDICTION BECAUSE APPELLANTS DID NOT  
17 TIMELY FILE THIS APPEAL FROM A FINAL JUDGMENT  
18 DISPOSING OF ALL ISSUES.

19 NRCP 3(b)(1) provides that an appeal may be taken from "[a] final judgment  
20 entered in an action or proceeding commenced in the court in which the judgment is  
21 rendered." Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000) holds that a  
22 "final judgment is one that disposes of all the issues presented in the case and  
23 leaves nothing for the future consideration of the court, except post-judgment issues  
24 such as attorney's fees and costs". 116 Nev. at 426. Quoting from Valley Bank of  
25 Nevada v. Ginsburg, 110 Nev. 440, 445, 874 P.2d. 729, 733 (1994) the Court stated  
26 that "' [t]his Court determines the finality of an order or judgment by looking to  
27 what the order or judgment actually does, not what it is called.' We thus found  
28 labels to be inconclusive with determining finality; instead we recognized that this

1 Court has consistently determined the finality of an order or judgment by what it  
2 substantively accomplished". 116 Nev. at 427. Here all issues presented in the  
3 case were disposed of by a final judgment on November 5, 2014. The February 23,  
4 2015 "Final Judgment" accomplished nothing substantial.

5 The Complaint herein contained a joinder of claims by Appellants and  
6 Nanyah Vegas, LLC. On October 1, 2014, the Court issued its Order Granting  
7 Partial Summary Judgment against Nanyah Vegas, LLC. Ex. 1. An appeal of that  
8 Order was filed on October 31, 2014. There was no NRCP 54(b) certificate and no  
9 timely appeal of the final judgment of November 5, 2014 and a Motion to Dismiss  
10 that appeal is pending.

11 On November 5, 2014, an Order was duly entered granting Partial Summary  
12 Judgment. That Order dismissed Appellants' three claims for relief, recited the  
13 dismissal of Nanyah Vegas's claim for relief and that all alleged claims for relief  
14 had been dismissed and "Ordered, Adjudged and Decreed that the Amended  
15 Complaint herein, be and it is, hereby dismissed." Ex. 2. That Order, approved by  
16 Appellant's attorney, disposed of all issues presented in the action and was a final  
17 judgment and appealable. Appellants' appeal of the November 5, 2014 Order duly  
18 noticed on November 6, 2014 on March 13, 2015, 96 days later, is obviously not  
19 timely. Ex. 3. NRAP 4(a)(1).

20 On February 10, 2015, an Order was entered awarding Respondent  
21 \$237,954.50 as attorney's fees. The Order stated that the Court "has disposed of all  
22 of Appellant's causes of action". The award of attorneys' fees is the only matter  
23 covered in the Order. Ex. 4.

24 On February 23, 2015 a document entitled Final Order was entered. It  
25 recited entry of the Order Granting Summary Judgment on November 5, 2014  
26 dismissing the Amended Complaint of Appellants, the entry of the February 11,  
27 2015 Order awarding \$237,954.50 for attorney's fees, the filing of a Memorandum  
28 of Costs and Disbursements in the amount of \$5,016.77 and that Appellants had not

1 filed a Motion to Retax and awarded costs in the amount of \$5,016.77. Ex. 5.

2 That "Final Judgment" did not dispose of any issues except the costs. All  
3 causes of action had been disposed of and the document merely listed the  
4 disposition of those causes of action, and the award of attorney's fees and costs. It  
5 was obviously a document for recordation.

6 The Order of November 5, 2014 disposed of all issues presented by  
7 Appellants and Nanyah Vegas, LLC and was a final judgment and appealable. It  
8 was not appealed until March 13, 2015. Neither the February 10, 2015 Order  
9 awarding attorney's fees nor the February 23, 2015 order labelled "Final Judgment"  
10 summing up prior Orders was a final judgment. Lee v. GNLV; Cristo Campos-  
11 Garcia v. Johnson, 130 Nev. Adv. Rep. 64, 331 P.3d. 890 (2014).

### 12 CONCLUSION

13 Respondent's Motion to Dismiss Appeal should be granted.

14 **FENNEMORE CRAIG**

15  
16 By 

Samuel S. Lionel, Esq.

17 Nevada Bar No. 1766

18 300 South Fourth St., #1400

19 Las Vegas, NV 89101

*Attorney for Respondents*


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

Pursuant to Nevada Rule of Appellate Procedure 25 (c)(1), I hereby certify that I am an employee of FENNEMORE CRAIG and that on this 27th day of April , 2015, I caused the foregoing **MOTION TO DISMISS APPEAL** to be served by submission to the electronic filing service for the Nevada Supreme Court upon the following to the email addresses on file and by depositing same for mailing in the United States Mail, in a sealed envelope addressed to:

brandon@mcdonaldlawyers.com

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

  
An employee of Fennemore Craig

10308132

# EXHIBIT 1

  
CLERK OF THE COURT

**ORD**  
Samuel S. Lionel, NV Bar No. 1766  
*slionel@lionelsawyer.com*  
**LIONEL SAWYER & COLLINS**  
300 South Fourth Street, 17<sup>th</sup> 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,

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

**ORDER GRANTING PARTIAL  
SUMMARY JUDGMENT**

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

**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 Nanyah LLC  
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 .  
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.

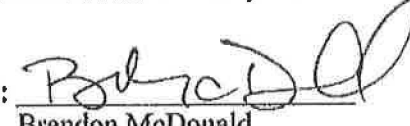
17 DATED this \_\_\_\_ day of September, 2014.

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

1 **ORD**  
2 Samuel S. Lionel, NV Bar No. 1766  
3 *slionel@lionelsawyer.com*  
4 LIONEL SAWYER & COLLINS  
5 300 South Fourth Street, 17<sup>th</sup> 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

**ORDER GRANTING PARTIAL  
SUMMARY JUDGMENT**

25  
26  
27  
28 **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 <sup>November</sup> October, 2014.

8 Nancy L. Allen  
DISTRICT COURT JUDGE

9  
10  
11 SUBMITTED:  
12 LIONEL SAWYER & COLLINS

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

18 APPROVED  
19 McDonald Law Offices, PLC

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

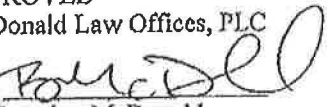
5 IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Amended Complaint  
6 herein, be, and it is, hereby dismissed.

7 DATED this \_\_\_\_ day of October, 2014.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
DISTRICT COURT JUDGE

SUBMITTED:  
LIONEL SAWYER & COLLINS

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

APPROVED  
McDonald Law Offices, PLC  
By:   
Brandon McDonald  
2505 Anthem Village Dr., Suite E-474  
Henderson, NV 89052  
Attorney for Plaintiffs

# 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, 17<sup>th</sup> 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  
25 AND RELATED CLAIMS

Case No. A-13-686303-C

Dept. XXVII

**NOTICE OF ENTRY OF ORDER**

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

27 //

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

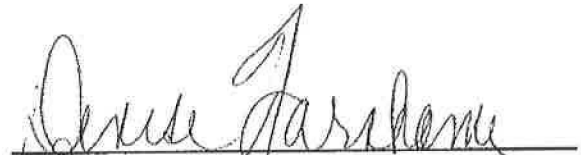
6 By: /s/ Samuel S. Lionel  
7 Samuel S. Lionel, NV Bar #1766  
8 300 South Fourth Street, 17<sup>th</sup> Floor  
9 Las Vegas, NV 89101  
10 *Attorneys for Defendant*

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 6<sup>th</sup> 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

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

6 **DISTRICT COURT**  
7 **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,

13 Plaintiffs,

14 v.

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

18 Defendants.

20 AND RELATED CLAIMS

Case No. A-13-686303-C

Depl. XXVII

**ORDER GRANTING PARTIAL  
SUMMARY JUDGMENT**

23 **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..." *NA 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 <sup>November</sup> October, 2014.

8 Nancy L. Allen  
DISTRICT COURT JUDGE

9  
10  
11 SUBMITTED:  
12 LIONEL SAWYER & COLLINS

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

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

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.

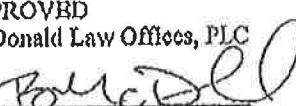
5 IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Amended Complaint  
6 herein, be, and it is, hereby dismissed.

7 DATED this \_\_\_\_ day of October, 2014.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
DISTRICT COURT JUDGE

SUBMITTED:  
LIONEL SAWYER & COLLINS

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

APPROVED  
McDonald Law Offices, PLC  
By:   
Brandon McDonald  
2505 Anthem Village Dr., Suite B-474  
Henderson, NV 89052  
Attorney for Plaintiffs



# EXHIBIT 4

  
CLERK OF THE COURT

**ORD**

Samuel S. Lionel, NV Bar No. 1766  
slionel@fclaw.com  
FENNERMORE CRAIG, P.C.  
300 South Fourth Street, 14<sup>th</sup> Floor  
Las Vegas, Nevada 89101  
Telephone: (702) 791-8251  
Fax: (702) 791-8252  
*Attorneys for Sig Rogich aka  
Sigmund Rogich as Trustee of  
The Rogich Family Irrevocable Trust*

**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. XXVII

**ORDER GRANTING MOTION FOR  
AWARD OF ATTORNEYS FEES**

**ORDER GRANTING MOTION FOR AWARD OF ATTORNEYS FEES**

The Motion of Defendant, The Rogich Family Irrevocable Trust ("Rogich Trust"), having  
been regularly heard on January 15, 2015, Samuel S. Lionel appearing for the Rogich Trust and  
Cher Shaine appearing for Plaintiffs' Carlos A. Huerta, individually, and as Trustee of The  
Alexander Christopher Trust, and the Court having heard argument of the Motion and good cause

1 appearing, makes the following findings:

2 1. The Court has disposed of all of Plaintiffs' causes of action in a five page written  
3  
4 Order that incorporated Findings of Fact and Conclusions of Law.

5 2. This Action was actively litigated and involved sophisticated issues of law. It  
6  
7 required a high level of skill to defend, the issues raised by the parties were complex. The  
8 attorney who primarily represented the Defendant Rogich Trust, by reason of his experience,  
9 professional standing, skill and advocacy, successfully represented his clients and as a result all of  
10 Plaintiffs substantial claims were dismissed.  
11  
12

13 3. The hourly rates charged were appropriate given the experience and skill necessary  
14  
15 to defend the action and the time spent in the defense was reasonable.

16 4. Paragraph 7(d) of the Purchase Agreement is clear and unambiguous and  
17  
18 Defendant was the prevailing party and entitled to its attorneys' fees as provided therein.

19 5. Defendant is awarded its fees for the defense of Plaintiffs' claims in the amount of  
20  
21 \$237,954.50. The Plaintiffs, Carlos A. Huerta and The Alexander Christopher Trust are liable  
22 jointly and severally to The Rogich Family Irrevocable Trust for said award.  
23  
24  
25  
26  
27  
28

1 Dated this 6 day of February, 2015.)

2  
3  
4 Nancy L. AUC  
DISTRICT COURT JUDGE at

5  
6 SUBMITTED by:  
7 FENNEMORE CRAIG, P.C.

APPROVED as to form this  
\_\_\_\_ day of January, 2015  
McDONALD LAW OFFICES, PLLC

8  
9 By: Samuel S. Lionel  
10 Samuel S. Lionel  
11 300 S. Fourth Street, #1400  
12 Las Vegas, NV 89101  
13 Attorneys for Defendant

By: \_\_\_\_\_  
2505 Anthem Village Dr., Suite E-474  
Henderson, NV 89052  
Attorney for Plaintiffs

# EXHIBIT 5

  
CLERK OF THE COURT

**JUDG**

Samuel S. Lionel, NV Bar No. 1766

slionel@fclaw.com

FENNERMORE CRAIG, P.C.

300 South Fourth Street, 14<sup>th</sup> Floor

Las Vegas, Nevada 89101

Telephone: (702) 791-8251

Fax: (702) 791-8252

Attorneys for Sig Rogich aka

Sigmund Rogich as Trustee of

The Rogich Family Irrevocable Trust

**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. XXVII

**FINAL JUDGMENT**

**FINAL JUDGMENT**

WHEREAS, an Order Granting Summary Judgment was duly entered on November 5,  
2015 dismissing the Amended Complaint of Plaintiffs Carlos A. Huerta, individually, and as  
Trustee of The Alexander Christopher Trust; and

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

1 WHEREAS, an Order Granting Motion for Award of Attorneys' Fees was duly entered  
2 on February 11, 2015 in favor of Defendant, The Rogich Family Irrevocable Trust, in the amount  
3 of \$237,954.50 against said Plaintiffs; and

4 WHEREAS, on November 7, 2014, The Rogich Family Irrevocable Trust duly filed a  
5 Memorandum of Costs and Disbursements in the amount of \$5,016.77; and

6 WHEREAS, the Plaintiffs did not file a Motion to Retax.

7  
8 NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED THAT the  
9 Defendant, The Rogich Family Irrevocable Trust, be and is hereby awarded Final Judgment  
10 against Plaintiffs Carlos A. Huerta, individually, and as Trustee of The Alexander Christopher  
11 Trust, dismissing the Amended Complaint, with prejudice, together with the award of  
12 \$237,954.50, for attorneys' fees, plus costs taxed in the amount of \$5,016.77.  
13

14 Dated this 20 day of February, 2015.

15 Sharon A. Alf  
16 DISTRICT COURT JUDGE  
17

18 SUBMITTED by:  
19 FENNEMORE CRAIG, P.C.  
20 17<sup>th</sup> day of February, 2015

21 By: Samuel S. Lionel  
22 Samuel S. Lionel  
23 300 S. Fourth Street, #1400  
24 Las Vegas, NV 89101  
25 Attorneys for Defendant  
26  
27  
28