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Electronically Filed
May 28 2015 02:19 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

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**IN THE SUPREME COURT OF THE
STATE OF 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;

Case No. 67595

District Court Case No.: A-686303

Appellants,

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,

Respondents.

AND ALL RELATED MATTERS

OPPOSITION TO MOTION TO DISMISS APPEAL

COMES NOW, Appellants, by and through its counsel of record, Brandon B. McDonald, Esq.
of McDonald Law Offices, PLLC and hereby files this Opposition to Respondents' Motion to Dismiss
Appeal. Nevada law is well settled that only orders which are deemed final or which are certified
pursuant to NRCP 54 may be appealed (with a few exceptions). Not one of the orders that Respondents
indicate were final judgments were certified pursuant to NRCP 54. Only the "Final Judgment" actually

1 unambiguously that the matter was “final.” Respondents should not have the benefit of not certifying
2 any of it orders under NRCP 54, and then claim that the appeal should be dismissed based on the fact
3 that allegedly the order were in fact final. This matter should proceed to adjudication on the merits and
4 not dismissed for a perceived technicality.

5 This Opposition is based upon the points and authorities attached hereto, all of the pleadings
6 submitted to date in this action and with the district court.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 **I.**

9 **BRIEF STATEMENT OF FACTS**

10
11 1. On November 5, 2014 the district court entered an order granting partial summary
12 judgment in favor of Respondents. Exhibit 1. The order was noticed the following day on November
13 6, 2014. *Id.* The order was not certified pursuant to NRCP 54. *Id.*

14 2. On February 10, 2015 the district court entered an order granting attorney’s fees and
15 costs against Appellants. Exhibit 2. This order was noticed on the following day. *Id.* This order was
16 also not certified pursuant to NRCP 54. *Id.*

17 3. The Final Judgment was entered on February 23, 2015 and noticed the following day.
18 Exhibit 3. This is the only order from the court that indicated that there was finality. *Id.* Therefore the
19 appeal filed on March 13, 2015 was timely.

20 4. Also according to the Respondent’s counsel a determination that a matter should be
21 certified under NRCP 54(b) is under the sole province of the district. In a related matter between the
22 parties, appellants in that case requested that the parties stipulate to the finality of the matter though the
23 order made no clear indication that the matter was final. As the undersigned wrote on behalf of those
24 Plaintiffs:
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1 In regards to this Decision, please advise if you are willing to stipulate to deeming
2 the judgment therein as final pursuant to NRCP 54(b) as the claim regarding Mr.
Rogich's breach of the guaranty has been dismissed with prejudice.

3 Correspondence dated July 5, 2013 from Brandon B. McDonald, Esq. to Samuel S. Lionel and Steven
4 C. Anderson, Esq., attached herein as Exhibit 4.

5 Mr. Anderson responded for the recipients by stating "the finality of the Court's judgment, an NRCP
6 54(b) determination can only be made by the Court in the appropriate case." Correspondence dated
7 July 9, 2013, attached herein as Exhibit 5.

8 Thereafter, plaintiffs in that matter were compelled to seek leave of the court to seek a NRCP
9 54(b) certification because that finality can "only be made by the Court in the appropriate case."

10 5. Respondent's claim that the appeal was untimely is unsupported even based on their
11 own representations of NRCP 54(b), and their motion cannot be granted.

12 6. Furthermore, Appellants were entitled to the knowledge of whether they would be
13 ordered to pay Respondents attorney's fees and costs prior to filing its appeal.
14

15 II.

16 LEGAL ARGUMENT

17 A. **RESPONDENTS MOTION MUST BE DISMISSED AS THE APPEAL IS PROPERLY** 18 **BEFORE THE COURT BECAUSE THE APPEAL WAS TAKEN FROM A FINAL** 19 **JUDGMENT UNDER NRAP 3(A)(b)(1).**

20 The filing of the Final Judgment in the district court on February 23, 2015 and the filing of the
21 notice of appeal less than 30 days later was proper. NRAP 3(A)(b)(1) states "An appeal may be taken
22 from the following judgments and orders of a district court in a civil action: (1) A final judgment
23 entered in an action or proceeding commenced in the court in which the judgment is rendered."
24 [Emphasis added]. The rules of statutory interpretation apply to the rules of the courts in Nevada, and
25 such rules should be afforded their plain meaning:

26 "[T]he rules of statutory interpretation apply to Nevada's Rules of Civil
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1 Procedure.” *Webb ex rel. Webb v. Clark Cnty. Sch. Dist.*, 125 Nev. 611, 618, 218
2 P.3d 1239, 1244 (2009). Unambiguous language in a rule “is given ‘its ordinary
3 meaning unless it is clear that this meaning was not intended.’ ” *State, Dep’t of*
4 *Taxation v. Am. Home Shield of Nev., Inc.*, 127 Nev. —, —, 254 P.3d 601,
5 603 (2011) (quoting *State, Dep’t of Taxation v. DaimlerChrysler Servs. N. Am.,*
6 *L.L.C.*, 121 Nev. 541, 543, 119 P.3d 135, 136 (2005)).

7 *Dornbach v. Tenth Jud. Dist. Ct.*, 130 Nev. Adv. Op. 33, 324 P.3d 369, 372 (2014).

8 A final judgment is “A court’s final determination of the rights and obligations of the parties in a case.”

9 JUDGMENT, Black’s Law Dictionary (10th ed. 2014). “A post-judgment order awarding attorney’s
10 fees and/or costs may be appealed as a special order made after final judgment, pursuant to NRAP
11 3A(b)(2). See *Smith v. Crown Financial Services*, 111 Nev. 277, 280 n. 2, 890 P.2d 769, 771 n. 2
12 (1995).” *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). When a party files an
13 appeal from a final judgment, it may have the related underlying interlocutory order heard on appeal.
14 *Consol. Generator-Nevada, Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256
(1998).

15 In this matter the appeal taken was proper. The appeal was taken from the Defendants’ “Final
16 Judgment” (Exhibit 3) which is permitted under NRAP 3(A)(b)(1). See *Id.* Unlike *Lee v. GNLV* which
17 involved the respondent filed a motion seeking dismissal of a premature appeal, Respondents herein are
18 seeking dismissal of the appeal from their own “Final Judgment.” (Furthermore, in *Lee*, there were not
19 multiple orders which were not certified under NRCP 54(b) or the entry of “final judgment”, like the
20 Respondents herein. Therefore that case is not dispositive to the actual issues in this matter.)
21 According to the plain meaning of the rule, NRAP 3A(b)(1), the “Final Judgment” was in fact a final
22 judgment which may be appealed. See *Id.* As the rule is unambiguous, and the fact that the “Final
23 Judgment” is precisely that which NRAP 3A(b)(1) allows a party to appeal from, the appeal was in fact
24 timely. See *Dornbach*, 324 P.3d at 372. Additionally the appeal from the final judgment was proper as
25 it was a post judgment order because it is a special order from which an appeal lies. See *Lee*, 116 Nev.
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1 at 426. Therefore the appeal which followed the order determining attorney's fees and costs (as
2 conceded by Respondents) is proper as it was timely filed. *See Id.* Also because Respondents' failed to
3 seek NRCP 54(b) certifications, which by their own admission can "only be made by the Court in the
4 appropriate case" (Exhibit 5), the underlying orders are interlocutory and may be reviewed on appeal
5 from the final judgment. *See Consol. Generator-Nevada, Inc.*, 114 Nev. at 1312.

6
7 **1. Respondents Should Be Estopped From Claiming that the Final Judgment Was**
8 **Not Appealable Under NRAP 3A(b)(1) When They Did Not Certify the Orders**
9 **Under NRCP 54(b) and Then Label Their Final Judgment as the "Final**
10 **Judgment."**

11 Respondents' should be estopped from claiming that the appeal is untimely, when they labeled
12 their own final judgment as the "Final Judgment: when they did not seek NRCP 54(b) certification
13 from the court on their prior orders. Judicial estoppel occurs when a party assumes a certain position in
14 a legal proceeding, and succeeds in maintaining that position - he may not thereafter, simply because
15 his interests have changed, assume a contrary position, especially if it be to the prejudice of the party
16 who has acquiesced in the position formerly taken by him. *New Hampshire v. Maine*, 532 U.S. 742,
17 749 (2001)). In *Hamilton v. State Farm Fire & Cas. Co.*, 270 F.3d 778, 783-84 (9th Cir. 2001) the
18 Court stated that it "restricted the application of judicial estoppel to cases where the court relied on, or
19 'accepted,' the party's previous inconsistent position. *See also Interstate Fire & Casualty Co. v.*
20 *Underwriters at Lloyd's, London*, 139 F.3d 1234, 1239 (9th Cir.1998); *Masayesva v. Hale*, 118 F.3d
21 1371, 1382 (9th Cir.1997).

22 In this case the Respondents received the benefit of entering the "Final Judgment" yet now want
23 to contradictorily state that it was not a final judgment under NRAP 3A(b)(1). Respondents clearly
24 represented to the district court that the "Final Judgment" was what it purported to convey through its
25 unambiguous title, received the benefit of such submission to the same to the Judge, which executed the
26 same – and now seeks to contravene its own submission. *See New Hampshire*, 532 U.S. at 749. This
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1 action typifies the conduct which is impermissible under judicial estoppel. *See Id.* It is undisputed that
2 the Respondent's received a benefit from the Final Judgment as it in fact allowed for attorney's fees
3 and costs, and Respondents should be estopped from asserting their contrary position now in claiming
4 that it was not a final judgment from which an appeal was permitted. *See also Interstate Fire &*
5 *Casualty Co.*, 139 F.3d 1234 at 1239.

6
7 **III.**

8 **CONCLUSION**

9 Wherefore as the appeal from the Final Judgment was proper this matter should not be
10 dismissed. Furthermore, Appellants are entitled to appeal the Final Judgment as a special order, and
11 entitled to determine on appeal whether the underlying interlocutory order were proper.

12 DATED this 25th day of May, 2015.

13 McDONALD LAW OFFICES, PLLC

14
15
16 By: /s/ Brandon B. McDonald
17 Brandon B. McDonald, Esq.
18 Nevada Bar No.: 11206
19 2505 Anthem Village Drive, Ste. E-474
20 Henderson, NV 89052
21 Attorneys for Appellants
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CERTIFICATE OF SERVICE

Pursuant to NRAP 25(c)(1), I hereby certify that on this 28th day of May, 2015, service of the foregoing **OPPOSITION TO MOTION TO DISMISS APPEAL** was made by submission to the electronic filing service for the Nevada Supreme Court upon the following registered users to the email addresses on file:

Samuel Lionel
Brandon McDonald

/s/ C.J. Barnabi
An employee of McDonald Law Offices, PLLC

EXHIBIT 1



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*

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.

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

Defendants.

22 AND RELATED CLAIMS

Case No. A-13-686303-C

Dept. XXVII

NOTICE OF ENTRY OF ORDER

NOTICE OF ENTRY OF ORDER GRANTING PARTIAL SUMMARY JUDGMENT

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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


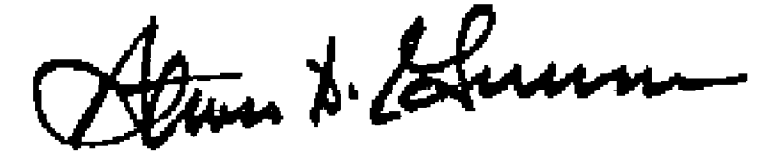
22
23 
24 An Employee of Lionel Sawyer & Collins

EXHIBIT A



CLERK OF THE COURT

1 **ORD**

2 Samuel S. Lionel, NV Bar No. 1766

3 *slionel@lionelsawyer.com*

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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,

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 **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. Arf
DISTRICT COURT JUDGE

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: _____
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.

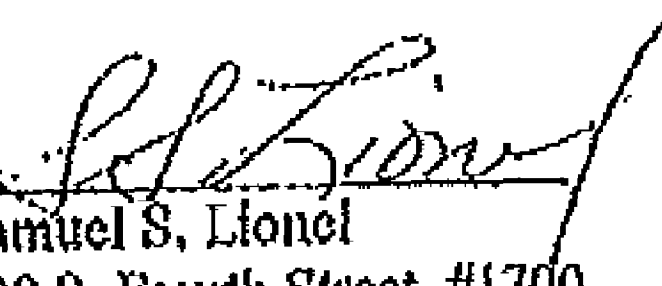
3 AND WHEREAS all claims for relief alleged in the Amended Complaint have been
4 dismissed.

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.

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DISTRICT COURT JUDGE

SUBMITTED:
LIONEL SAWYER & COLLINS

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

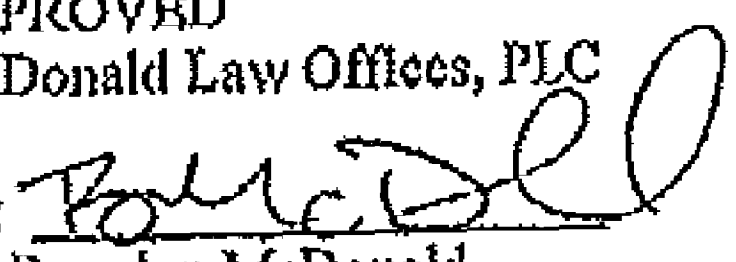
APPROVED
McDonald Law Offices, PLC
By: 
Brandon McDonald
2505 Anthem Village Dr., Suite E-474
Henderson, NV 89052
Attorney for Plaintiffs

EXHIBIT 2



CLERK OF THE COURT

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4 Telephone: (702) 791-8251
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5 *Attorneys for Sig Rogich aka*
Sigmund Rogich as Trustee of
6 *The Rogich Family Irrevocable Trust*

7 DISTRICT COURT

8 CLARK COUNTY, NEVADA

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

14 Plaintiffs,

15 v.

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

19 Defendants.

Case No. A-13-686303-C

Dept. XXVII

NOTICE OF ENTRY OF ORDER

21 NOTICE OF ENTRY OF ORDER GRANTING MOTION FOR AWARD OF

22 ATTORNEYS' FEES

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1 Notice is hereby given that on February 10, 2015 an Order Granting Motion for Award of
2 Attorneys' Fees was duly entered herein, a copy of which is attached as Exhibit A.

3 Dated: February 11, 2015.

4
5 FENNEMORE CRAIG, P.C.

6 By: /s/ Samuel S. Lionel
7 Samuel S. Lionel, NV Bar #1766
8 300 South Fourth Street, 14TH Floor
9 Las Vegas, NV 89101
10 *Attorneys for Sig Rogich aka*
11 *Sigmund Rogich as Trustee of*
12 *The Rogich Family Irrevocable Trust*

13 **CERTIFICATE OF SERVICE**

14 Pursuant to Administrative Order 14-2, the undersigned hereby certifies that a true and
15 correct copy of the **Notice of Entry of Order Granting Motion for Award of Attorneys' Fees**
16 was served through the Wiznet mandatory electronic service on this 11th day of February, 2015
17 on the following counsel of record:

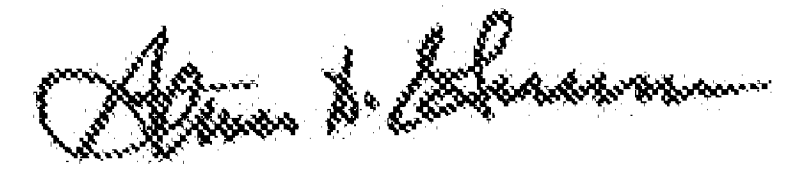
18
19 Brandon McDonald
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21 2505 Anthem Village Drive, Ste. E-474
22 Henderson, NV 89052
23 brandon@mcdonaldlawyers.com

24 Attorney for Plaintiff

25
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27
28

An employee of Fennemore Craig, P.C.

EXHIBIT A



CLERK OF THE COURT

1 ORD

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2 *slionel@felaw.com*

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4 Telephone: (702) 791-8251

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5 *Attorneys for Sig Rogich aka*

Sigmund Rogich as Trustee of

6 *The Rogich Family Irrevocable Trust*

7 DISTRICT COURT

8 CLARK COUNTY, NEVADA

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

14 Plaintiffs,

15 v.

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

19 Defendants.

Case No. A-13-686303-C

Dept. XXVII

ORDER GRANTING MOTION FOR
AWARD OF ATTORNEYS FEES

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21 ORDER GRANTING MOTION FOR AWARD OF ATTORNEYS FEES

22
23 The Motion of Defendant, The Rogich Family Irrevocable Trust ("Rogich Trust"), having
24 been regularly heard on January 15, 2015, Samuel S. Lionel appearing for the Rogich Trust and
25 Cher Shaine appearing for Plaintiffs' Carlos A. Huerta, individually, and as Trustee of The
26 Alexander Christopher Trust, and the Court having heard argument of the Motion and good cause
27
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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 3. The hourly rates charged were appropriate given the experience and skill necessary
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14 to defend the action and the time spent in the defense was reasonable.
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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
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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.
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Dated this 6 day of ^{February} January, 2015.

King L. AUC
DISTRICT COURT JUDGE
at

SUBMITTED by:
FENNEMORE CRAIG, P.C.

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

By: Samuel S. Lionel
Samuel S. Lionel
300 S. Fourth Street, #1400
Las Vegas, NV 89101
Attorneys for Defendant

By: _____

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

EXHIBIT 3



CLERK OF THE COURT

1 NOTC
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3 *slionel@fclaw.com*
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7 Telephone: (702) 791-8251
8 Fax: (702) 791-8252
9 *Attorneys for Sig Rogich aka*
10 *Sigmund Rogich as Trustee of*
11 *The Rogich Family Irrevocable Trust*

7 DISTRICT COURT

8 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,

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
19 limited liability company; DOES I-X; and/or
20 ROE CORPORATIONS I-X, inclusive

19 Defendants.

Case No. A-13-686303-C

Dept. XXVII

NOTICE OF ENTRY OF FINAL
JUDGMENT

21 NOTICE OF ENTRY OF FINAL JUDGMENT

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 Notice is hereby given that on February 23, 2015 an Order Granting Final Judgment was
2 duly entered herein, a copy of which is attached as Exhibit A.

3 Dated: February 24, 2015.

4 FENNEMORE CRAIG, P.C.

5
6 By: /s/ Samuel S. Lionel
7 Samuel S. Lionel, NV Bar #1766
8 300 South Fourth Street, 14TH Floor
9 Las Vegas, NV 89101
10 *Attorneys for Sig Rogich aka*
11 *Sigmund Rogich as Trustee of*
12 *The Rogich Family Irrevocable Trust*

13 **CERTIFICATE OF SERVICE**

14 Pursuant to Administrative Order 14-2, the undersigned hereby certifies that a true and
15 correct copy of the **Notice of Final Judgment** was served through the Wiznet mandatory
16 electronic service on this 24th day of February, 2015 on the following counsel of record:

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

21 Attorney for Plaintiff

22
23 
24 An employee of Fennemore Craig, P.C.

EXHIBIT A



CLERK OF THE COURT

JUDGE

Samuel S. Lionel, NV Bar No. 1766

slionel@fclaw.com

FENNERMORE CRAIG, P.C.

300 South Fourth Street, 14th 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 checked="" 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 Defendant	<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 Dated this 20 day of February, 2015.

14
15 
16 DISTRICT COURT JUDGE
17

18 SUBMITTED by:
19 FENNEMORE CRAIG, P.C.

20 17th day of February, 2015

21 By: 

22 Samuel S. Lionel

23 300 S. Fourth Street, #1400

24 Las Vegas, NV 89101

25 Attorneys for Defendant
26
27
28

EXHIBIT 4

McDONALD LAW OFFICES, PLLC

2505 Anthem Village Drive, Suite E-474, Henderson, Nevada 89052

July 5, 2013

Via Facsimile Only (702) 383-8845

Samuel S. Lionel, Esq.
Steven C. Anderson, Esq.
LIONEL SAWYER & COLLINS
300 South Fourth Street, 17th Floor
Las Vegas, NV 89101

Re: Antonio Nevada, LLC v. Eldorado Hills, LLC
Case No.: A-11-653807-B

Dear Messrs. Lionel and Anderson:

Our office is in receipt of Judge Denton's Order and Decision dated June 21, 2013. In regards to this Decision, please advise if you are willing to stipulate to deeming the judgment therein as final pursuant to NRCP 54(b) as the claim regarding Mr. Rogich's breach of the guaranty has been dismissed with prejudice.


Also in regards to the Decision as it relates to the discovery in this matter, it is our contention that further discovery will need to be conducted. The Decision of the Court has changed several key issues that will need to be raised at trial and it is most likely that expert testimony will need to be offered. This would most likely include expert testimony on the value of the underlying property held by Eldorado Hills and/or the value of interest in the company which Judge Denton states is the issue of fact for trial at this juncture. Please advise if you are willing to stipulate to extending discovery for 120 days or longer (which would include time to designate experts and amend pleadings) voluntarily or your thoughts on this request.

There is also an issue of standing that I would like to address with you. A review of Mr. Rogich's deposition reveals that he is no longer a member of, and has no interest in Eldorado Hill, LLC. As such, we question whether you will continue to represent Eldorado Hill, LLC in this matter.

2505 Anthem Village Drive, Suite E-474
Henderson, NV 89052
Tel: (702) 385-7411
Fax: (702) 664-0448

Thank you for your attention to this matter.

Sincerely,



Brandon McDonald, Esq.

2505 Anthem Village Drive, Suite E-474
Henderson, NV 89052
Tel: (702) 385-7411
Fax: (702) 664-0448

EXHIBIT 5

LIONEL SAWYER & COLLINS

ATTORNEYS AT LAW

300 SOUTH FOURTH STREET

SUITE 1700

LAS VEGAS, NEVADA 89101

(702) 383-8888

FAX (702) 383-8845

lsc@lionsawyer.com

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July 9, 2013

SAMUEL S. LIONEL
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(1918-1996)

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JOHN E. DAWSON
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ROBERT W. HERNQUIST
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BRIAN H. SCHUSTERMAN
MOHAMED A. IQBAL, JR.
MARK J. GARDBERG
JAMES B. GIBSON

GREG J. CARLSON
JOHN D. TENNERT
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OF COUNSEL
RICHARD J. MORGAN*
ELLEN WHITEMORE
PAUL D. BANCROFT

*ADMITTED IN CA ONLY

WRITER'S DIRECT DIAL NUMBER
(702) 383-8949
SANDERSON@LIONELSAWYER.COM

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

Re: Antonio Nevada, LLC v. Eldorado Hills, LLC
A653807-B

Dear Mr. McDonald:

This correspondence responds to your letter dated July 5, 2013. Regarding your proposal to stipulate to the finality of the Court's judgment, an NRCP 54(b) determination can only be made by the Court in the appropriate case.

Our position has not changed regarding discovery. We intend to file an opposition to your motion, which is set for July 22, 2013.

As to your final question, yes, we intent to continue to represent Eldorado Hills, LLC.

Regards,



Steven C. Anderson