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Respondent*

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Clerk of Supreme Court

**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,

Appellants,

v.

SIG ROGICH aka SIGMUND
ROGICH as Trustee of THE ROGICH
FAMILY IRREVOCABLE TRUST,

Respondent.

Case No.: 67595

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

Dept. No.: XXVII

**REPLY IN SUPPORT OF MOTION
TO DISMISS APPEAL**

Appellants argue that (1) its appeal is timely because it was taken from a
“Final Judgment” and (2) Respondent should be judicially estopped from claiming
the “Final Judgment” was not appealable, because Respondent did not certify the
interlocutory orders under NRCP 54(b) and labelled the “Final Judgment” .

The Order of November 5, 2014 was a final judgment. Appellants’ attorney
“Approved” it (Appellants’ Exhibit 1 at line 18), knew it was an appealable final
judgment and belatedly appealed it. Exhibit A attached.

Appellants’ argument that a final appealable judgment must show it’s
finality for appeal purposes by 54(b) certifications or finality language is without


1 merit. As Lee states "the finality of a district court's order depends not so much
2 on its label as an 'order' or a 'judgment' , but on what the 'order' or 'judgment'
3 substantially accomplishes. The Order of November 5, 2014 resolved, with
4 finality, all issues presented, except attorney's fees and costs and was a final
5 judgment appealable under NRAP 3(b)(1).

6 Appellants' judicial estoppel argument is meritless. Respondent made no
7 representation to the court with respect to the "Final Judgment". In fact, the "Final
8 Judgment" was submitted to the Court on February 17, 2015, 94 days after the
9 final judgment of November 5, 2014 had been entered and 64 days after the appeal
10 period had expired.

11 CONCLUSION/

12 The Motion to Dismiss Appeal should be granted.

13 FENNEMORE CRAIG

14 By 
15 Samuel S. Lionel, Esq.
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18 Las Vegas. NV 89101
19 Attorney for Respondents
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EXHIBIT A


CLERK OF THE COURT

NOTC

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

v.

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

Defendants.

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

AND ALL RELATED MATTERS

NOTICE OF APPEAL

COMES NOW, Plaintiffs, Carlos A. Huerta, the Alexander Trust by and through its counsel of
record, Brandon B. McDonald, Esq. of McDonald Law Offices, PLLC, and hereby appeals to the
Nevada Supreme Court from the Order entered on November 5, 2014 and noticed on the November 6,
2014 which granted partial summary against Plaintiffs; the Order dated February 10, 2015 and noticed
on February 11, 2015 which awarded attorney's fees and costs to the Defendants, and; the Final

Judgment filed on February 23, 2015 and notice on February 24, 2015. Said Orders are attached hereto.

DATED this 13th day of March, 2015.

McDONALD LAW OFFICES, PLLC

By: /s/ Brandon B. McDonald
Brandon B. McDonald, Esq.
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of March, 2015, I served a copy of the foregoing **NOTICE OF APPEAL** upon each of the parties via Odyssey E-Filing System pursuant to NRCP 5(b)(2)(D) and EDCR 8.05 to:

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