

CLERK OF THE COURT

1 **NOAS**
2 Gwen Rutar Mullins, Esq.
3 Nevada Bar No. 3146
4 Wade B. Gochnour, Esq.
5 Nevada Bar No. 6314
6 **HOWARD & HOWARD ATTORNEYS PLLC**
7 3800 Howard Hughes Parkway, Suite 1000
8 Las Vegas, Nevada 89169
9 Phone: 702.257.1483
10 Fax: 702.567.1568
11 E-Mail: grm@h2law.com, wbg@h2law.com
12 Attorneys for Plaintiffs Robert L. Mendenhall
13 and Sunridge Corporation

Electronically Filed
May 22 2015 11:30 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

**DISTRICT COURT
CLARK COUNTY, NEVADA**

11 ROBERT L. MENDENHALL, an individual,
12 SUNRIDGE CORPORATION, a Nevada
13 corporation,

Case No. A-14-708281-C
Dept. No. XXXII

13 Plaintiffs,

PLAINTIFFS' NOTICE OF APPEAL

14 v.

15 RONALD TASSINARI, an individual,
16 AMERICAN VANTAGE BROWNSTONE,
17 LLC, a Nevada limited liability company,
18 DOES 1 through 5, inclusive and ROE
19 CORPORATIONS 1 through 5, inclusive,

20 Defendants.

21 Notice is hereby given that Plaintiffs, ROBERT L. MENDENHALL and SUNRIDGE
22 CORPORATION, by and through their counsel of record, the law firm of Howard & Howard
23 Attorneys PLLC, hereby appeal to the Supreme Court of Nevada from the Findings of Fact,
24 Conclusions of Law, and Order Granting Defendants' Motion to Dismiss filed and entered on
25 May 7, 2015.

26 ///

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///

Howard & Howard Attorneys PLLC
3800 Howard Hughes Pkwy., Suite 1000
Las Vegas, NV 89169
(702) 257-1483

1 This Appeal is taken on all matters of law and fact relating to the aforementioned
2 Findings of Fact, Conclusions of Law and Order Granting Defendants' Motion to Dismiss.

3 DATED this 19th day of May 2015.

4 HOWARD & HOWARD ATTORNEYS PLLC

5
6 /s/ Gwen Rutar Mullins

7 GWEN RUTAR MULLINS, ESQ.

8 Nevada Bar No. 3146

9 WADE B. GOCHNOUR, ESQ.

10 Nevada Bar No. 6314

11 3800 Howard Hughes Parkway, Ste. 1000

12 Las Vegas, Nevada 89169

13 Attorneys for Plaintiffs Robert L. Mendenhall

14 and Sunridge Corporation

15 **CERTIFICATE OF E-SERVICE**

16 I do hereby certify that on the 19th day of May 2015, I served a copy of the
17 **PLAINTIFFS' NOTICE OF APPEAL** on all parties listed in the Master Service List in
18 accordance with the Electronic Filing Order entered in this matter on the following:

19 James J. Lee, Esq. – james@leelawonline.com

20 Harry Marquis, Esq. - harry@marquislaw.net

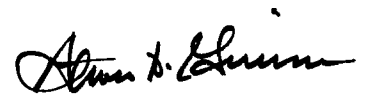
21 and by depositing a true and correct copy of the same for mailing at Las Vegas, Nevada, first-
22 class postage fully prepaid, addressed to:

23 Harry Paul Marquis, Esq.
24 HARRY PAUL MARQUIS CHARTERED
25 400 South Fourth Street, Third Floor
26 Las Vegas, Nevada 89101
27 Attorneys for Defendants Ronald Tassinari
28 and American Vantage Brownstone, LLC

James J. Lee, Esq.
LAW OFFICE OF JAMES J. LEE
2620 Regatta Drive, Ste. 102
Las Vegas, Nevada 89128
Attorneys for Defendants Ronald Tassinari
and American Vantage Brownstone, LLC

/s/ Kellie Piet

An employee of Howard & Howard Attorneys PLLC



CLERK OF THE COURT

1 **ASTA**
2 Gwen Rutar Mullins, Esq.
3 Nevada Bar No. 3146
4 Wade B. Gochnour, Esq.
5 Nevada Bar No. 6314
6 **HOWARD & HOWARD ATTORNEYS PLLC**
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10 Fax: 702.567.1568
11 E-Mail: grm@h2law.com, wbg@h2law.com
12 Attorneys for Plaintiffs Robert L. Mendenhall
13 and Sunridge Corporation

9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 ROBERT L. MENDENHALL, an individual,
12 SUNRIDGE CORPORATION, a Nevada
13 corporation,

Case No. A-14-708281-C
Dept. No. XXXII

13 Plaintiffs,

**PLAINTIFFS' CASE APPEAL
STATEMENT**

14 v.

15 RONALD TASSINARI, an individual,
16 AMERICAN VANTAGE BROWNSTONE,
17 LLC, a Nevada limited liability company,
18 DOES 1 through 5, inclusive and ROE
19 CORPORATIONS 1 through 5, inclusive,

20 Defendants.

- 21 1. Name of appellants filing this case appeal statement:
22 Robert L. Mendenhall, Sunridge Corporation
- 23 2. Identify the judge issuing the decision, judgment or order appeal from:
24 Eighth Judicial District Court Judge Rob Bare.
- 25 3. Identify each appellant and the name and address of counsel for each appellant:
26 Appellants: Robert L. Mendenhall, Sunridge Corporation

27 ///

28 ///

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Howard & Howard Attorneys PLLC
3800 Howard Hughes Pkwy., Suite 1000
Las Vegas, NV 89169
(702) 257-1483

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Counsel for Appellants:
Gwen Rutar Mullins, Esq.
Wade B. Gochmour, Esq.
Howard & Howard Attorneys PLLC
3800 Howard Hughes Parkway, Suite 1000
Las Vegas, Nevada 89169
702-257-1483

4. Identify each respondent and the name and address of appeal counsel, if known, for each respondent:

Respondents: Ronald Tassinari, American Vantage Brownstone, LLC

Counsel for Respondent:
Harry Paul Marquis, Esq.
Harry Paul Marquis Chartered
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101

James J. Lee, Esq.
LAW OFFICE OF JAMES J. LEE
2620 Regatta Drive, Ste. 102
Las Vegas, Nevada 89128

5. All counsel identified are licensed to practice law in the State of Nevada.
6. Appellants were represented by retained counsel in the District Court.
7. Appellants will be represented by retained counsel in this Appeal.
8. Appellants have not been granted leave to proceed in forma pauperis.
9. Date this matter commenced in the District Court: October 8, 2014.
10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

This appeal results from the District Court's grant of Respondents' Motion to Dismiss Appellants' Complaint for fraud in the inducement; fraud; negligent misrepresentation; and fraudulent omission. Respondents, who were not parties to a prior suit, claimed, and the district court agreed by the granting of the Motion to Dismiss, that the tort claims asserted in this action were barred under the doctrine of claim preclusion.

- 1 11. This appeal has not previously been the subject of an appeal to original writ
2 proceeding in the Supreme Court.
3 12. This appeal does not involve child custody or visitation.
4 13. Appellant is unsure at this time whether this appeal involves the possibility of
5 settlement.

6 DATED this 19th day of May 2015.

7 **HOWARD & HOWARD ATTORNEYS PLLC**

8 /s/ Gwen Rutar Mullins

9 GWEN RUTAR MULLINS, ESQ.

10 Nevada Bar No. 3146

11 WADE B. GOCHNOUR, ESQ.

12 Nevada Bar No. 6314

13 3800 Howard Hughes Parkway, Ste. 1000

14 Las Vegas, Nevada 89169

15 Attorneys for Plaintiffs

16 **CERTIFICATE OF E-SERVICE**

17 I do hereby certify that on the 19th day of May 2015, I served a copy of the
18 **PLAINTIFFS' CASE APPEAL STATEMENT** on all parties listed in the Master Service List
19 in accordance with the Electronic Filing Order entered in this matter on the following:

20 James J. Lee, Esq. – james@leelawonline.com

21 Harry Marquis, Esq. - harry@marquislaw.net

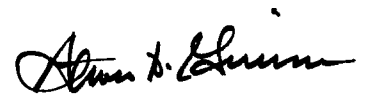
22 and by depositing a true and correct copy of the same for mailing at Las Vegas, Nevada, first-
23 class postage fully prepaid, addressed to:

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27 Las Vegas, Nevada 89101
28 Attorneys for Defendants Ronald Tassinari
and American Vantage Brownstone, LLC

James J. Lee, Esq.
LAW OFFICE OF JAMES J. LEE
2620 Regatta Drive, Ste. 102
Las Vegas, Nevada 89128
Attorneys for Defendants Ronald Tassinari
and American Vantage Brownstone, LLC

/s/ Kellie Piet

An employee of Howard & Howard Attorneys PLLC



CLERK OF THE COURT

1 **NPNR**
2 Gwen Rutar Mullins, Esq.
3 Nevada Bar No. 3146
4 Wade B. Gochnour, Esq.
5 Nevada Bar No. 6314
6 **HOWARD & HOWARD ATTORNEYS PLLC**
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8 Las Vegas, Nevada 89169
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11 E-Mail: grm@h2law.com, wbg@h2law.com
12 Attorneys for Plaintiffs Robert L. Mendenhall
13 and Sunridge Corporation

9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 ROBERT L. MENDENHALL, an individual,
12 SUNRIDGE CORPORATION, a Nevada
13 corporation,

Case No. A-14-708281-C
Dept. No. XXXII

14 Plaintiffs,

**PLAINTIFFS' NOTICE OF POSTING
BOND FOR COSTS ON APPEAL**

15 v.

16 RONALD TASSINARI, an individual,
17 AMERICAN VANTAGE BROWNSTONE,
18 LLC, a Nevada limited liability company,
19 DOES 1 through 5, inclusive and ROE
20 CORPORATIONS 1 through 5, inclusive,

21 Defendants.

22 Notice is hereby given that Plaintiffs, ROBERT L. MENDENHALL and SUNRIDGE
23 CORPORATION, hereby post a cash bond in the amount of \$500.00 for costs on appeal
24 pursuant to N.R.A.P. 7.

25 DATED this 19th day of May 2015.

26 **HOWARD & HOWARD ATTORNEYS PLLC**

27 /s/ Gwen Rutar Mullins

28 GWEN RUTAR MULLINS, ESQ., Nevada Bar No. 3146
WADE B. GOCHNOUR, ESQ., Nevada Bar No. 6314
3800 Howard Hughes Parkway, Ste. 1000
Las Vegas, Nevada 89169
Attorneys for Plaintiffs

Howard & Howard Attorneys PLLC
3800 Howard Hughes Pkwy., Suite 1000
Las Vegas, NV 89169
(702) 257-1483

Howard & Howard Attorneys PLLC
3800 Howard Hughes Pkwy., Suite 1000
Las Vegas, NV 89169
(702) 257-1483

CERTIFICATE OF E-SERVICE

I do hereby certify that on the 19th day of May 2015, I served a copy of the **PLAINTIFFS’ NOTICE OF POSTING BOND FOR COSTS ON APPEAL** on all parties listed in the Master Service List in accordance with the Electronic Filing Order entered in this matter on the following:

James J. Lee, Esq. – james@leelawonline.com
Harry Marquis, Esq. - harry@marquislaw.net

and by depositing a true and correct copy of the same for mailing at Las Vegas, Nevada, first-class postage fully prepaid, addressed to:

Harry Paul Marquis, Esq.
HARRY PAUL MARQUIS CHARTERED
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
Attorneys for Defendants Ronald Tassinari
and American Vantage Brownstone, LLC

James J. Lee, Esq.
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2620 Regatta Drive, Ste. 102
Las Vegas, Nevada 89128
Attorneys for Defendants Ronald Tassinari
and American Vantage Brownstone, LLC

/s/ Kellie Piet
An employee of Howard & Howard Attorneys PLLC

DEPARTMENT 32
CASE SUMMARY
CASE NO. A-14-708281-C

Robert Mendenhall, Plaintiff(s)
vs.
Ronald Tassinari, Defendant(s)

§
§
§
§
§

Location: **Department 32**
Judicial Officer: **Bare, Rob**
Filed on: **10/08/2014**
Cross-Reference Case Number: **A708281**

CASE INFORMATION

Case Type: **Other Tort**
Case Flags: **Appealed to Supreme Court**

DATE	CASE ASSIGNMENT
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Current Case Assignment

Case Number	A-14-708281-C
Court	Department 32
Date Assigned	10/08/2014
Judicial Officer	Bare, Rob

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Mendenhall, Robert L	Rutar Mullins, Gwen <i>Retained</i> 702-257-1483(W)
	Sunridge Corporation	Rutar Mullins, Gwen <i>Retained</i> 702-257-1483(W)
Defendant	American Vantage Brownstone LLC Removed: 05/07/2015 Dismissed	Lee, James John <i>Retained</i> 702-382-4044(W)
	Tassinari, Ronald	Lee, James John <i>Retained</i> 702-382-4044(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
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10/08/2014	<input checked="" type="checkbox"/> Complaint Filed By: Plaintiff Mendenhall, Robert L <i>Complaint</i>	
10/08/2014	Case Opened	
12/02/2014	<input checked="" type="checkbox"/> Affidavit of Due Diligence Filed By: Plaintiff Mendenhall, Robert L <i>Affidavit of Due Diligence re: American Vantage Brownstone, LLC, a Nevada Limited Liability Company</i>	
12/02/2014	<input checked="" type="checkbox"/> Affidavit of Due Diligence Filed By: Plaintiff Mendenhall, Robert L <i>Affidavit of Due Diligence re: Ronald Tassinari</i>	
12/03/2014	<input checked="" type="checkbox"/> Ex Parte Application Party: Plaintiff Mendenhall, Robert L <i>Ex Parte Application for an Order to Allow Service by Publication of Summons as to</i>	

DEPARTMENT 32
CASE SUMMARY
CASE NO. A-14-708281-C

Defendant Ronald Tassinari

12/10/2014  Order for Publication
Filed By: Plaintiff Mendenhall, Robert L
Order for Publication of Summons as to Defendant Ronald Tassinari

12/10/2014  Affidavit of Service
Filed By: Plaintiff Mendenhall, Robert L
Affidavit of Service

12/11/2014  Notice of Entry of Order
Filed By: Defendant Tassinari, Ronald
Notice of Entry of Order for Publication of Summons as to Defendant Ronald Tassinari

01/13/2015  Affidavit of Publication
Filed By: Plaintiff Mendenhall, Robert L
Affidavit of Publication

01/23/2015  Motion to Dismiss
Filed By: Defendant Tassinari, Ronald
Defendant's Motion to Dismiss

01/23/2015  Initial Appearance Fee Disclosure
Filed By: Defendant Tassinari, Ronald
Initial Appearance Fee Disclosure

02/10/2015  Stipulation and Order
Filed by: Plaintiff Mendenhall, Robert L
Stipulation and Order To Continue Hearing on Motion to Dismiss

02/12/2015  Notice of Entry of Stipulation and Order
Filed By: Plaintiff Mendenhall, Robert L
Notice of Entry of Stipulation and Order to Continue Hearing on Motion to Dismiss

02/24/2015  Opposition to Motion to Dismiss
Filed By: Plaintiff Mendenhall, Robert L
Plaintiffs' Opposition to Defendants' Motion to Dismiss

03/10/2015  Reply in Support
Filed By: Defendant Tassinari, Ronald
Reply in Support of Defendant's Motion to Dismiss

03/17/2015  **Motion to Dismiss** (9:00 AM) (Judicial Officer: Bare, Rob)
Defendant's Motion to Dismiss

03/30/2015  **Minute Order** (3:00 AM) (Judicial Officer: Bare, Rob)

05/07/2015  Order
Filed By: Defendant Tassinari, Ronald
Finding of Fact, Conclusions of Law, and Order Granting Defendant's Motion to Dismiss

05/07/2015 **Order of Dismissal With Prejudice** (Judicial Officer: Bare, Rob)
Debtors: Robert L Mendenhall (Plaintiff), Sunridge Corporation (Plaintiff)
Creditors: Ronald Tassinari (Defendant), American Vantage Brownstone LLC (Defendant)

DEPARTMENT 32
CASE SUMMARY
CASE NO. A-14-708281-C

Judgment: 05/07/2015, Docketed: 05/14/2015

05/08/2015	<input type="checkbox"/> Notice of Entry Filed By: Defendant Tassinari, Ronald <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order Granting Defendants' Motion to Dismiss</i>
05/19/2015	<input type="checkbox"/> Notice of Appeal Filed By: Plaintiff Mendenhall, Robert L <i>Plaintiffs' Notice of Appeal</i>
05/19/2015	<input type="checkbox"/> Notice of Posting of Cost Bond Filed By: Plaintiff Mendenhall, Robert L <i>Plaintiffs' Notice of Posting Bond for Costs on Appeal</i>
05/19/2015	<input type="checkbox"/> Case Appeal Statement Filed By: Plaintiff Mendenhall, Robert L <i>Plaintiffs' Case Appeal Statement</i>

DATE

FINANCIAL INFORMATION

Defendant American Vantage Brownstone LLC	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 5/21/2015	0.00
Defendant Tassinari, Ronald	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 5/21/2015	0.00
Plaintiff Mendenhall, Robert L	
Total Charges	294.00
Total Payments and Credits	294.00
Balance Due as of 5/21/2015	0.00
Plaintiff Sunridge Corporation	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 5/21/2015	0.00
Plaintiff Mendenhall, Robert L	
Appeal Bond Balance as of 5/21/2015	500.00

DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada

A - 1 4 - 7 0 8 2 8 1 - C

Case No. _____

X X X I I

(Assigned by Clerk's Office)

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): <p style="text-align: center;">Robert L. Mendenhall Sunridge Corporation</p>	Defendant(s) (name/address/phone): <p style="text-align: center;">Ronald Tassinari American Vantage Brownstone, LLC</p>
Attorney (name/address/phone): <p style="text-align: center;">Gwen Rutar Mullins, Esq. - (702) 257.1483 Howard & Howard Attorneys PLLC 3800 Howard Hughes Pkwy., Suite 1000 Las Vegas, NV 89169</p>	Attorney (name/address/phone):

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

<p style="text-align: center;">Real Property</p> <p>Landlord/Tenant</p> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <p>Title to Property</p> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <p>Other Real Property</p> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<p style="text-align: center;">Negligence</p> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <p style="text-align: center;">Malpractice</p> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<p style="text-align: center;">Torts</p> <p>Other Torts</p> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input checked="" type="checkbox"/> Other Tort Fraud, Misrepresentation
<p style="text-align: center;">Probate</p> <p>Probate <i>(select case type and estate value)</i></p> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <p>Estate Value</p> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<p style="text-align: center;">Construction Defect & Contract</p> <p>Construction Defect</p> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <p>Contract Case</p> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<p style="text-align: center;">Judicial Review/Appeal</p> <p>Judicial Review</p> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <p>Nevada State Agency Appeal</p> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <p>Appeal Other</p> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<p style="text-align: center;">Civil Writ</p> <p>Civil Writ</p> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant		<p style="text-align: center;">Other Civil Filing</p> <p>Other Civil Filing</p> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

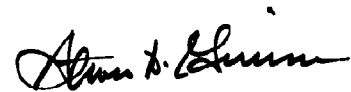
October 8, 2014

Date

/s/ Gwen Rutar Mullins

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

1 **ORDR**

2 **JAMES J. LEE, ESQ.**

3 Nevada Bar No. 01909
4 Legal Offices of James J Lee
5 2620 Regatta Drive, Suite 102
6 Las Vegas, Nevada 89128
7 Telephone (702) 664-6545
8 Email: james@leelawonline.com

9 **HARRY PAUL MARQUIS, ESQ.**

10 Nevada Bar No. 001252
11 HARRY PAUL MARQUIS, CHTD.
12 400 South Fourth Street, Third Floor
13 Las Vegas, Nevada, 89101
14 Telephone (702) 382-6700
15 Email: harry@marquislaw.net
16 *Attorneys for Defendants Ronald Tassinari*
17 *And American Vantage Brownstone, LLC*

18 **DISTRICT COURT**
19 **CLARK COUNTY, NEVADA**

20 ROBERT L. MENDENHALL, an individual,)
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22 Corporation,)
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Case no.: A-14-708281-C
Dept. no.: XXXII

**FINDINGS OF FACT,
CONCLUSIONS OF
LAW, AND ORDER GRANTING
DEFENDANTS' MOTION
TO DISMISS**

The Motion to Dismiss filed on behalf of Defendants Ronald Tassinari and American Vantage Brownstone, LLC, having come on for hearing on March 17, 2015; with Harry Paul Marquis, Esq., of Harry Paul Marquis, Chartered, appearing on behalf of Defendants Ronald
ORDER GRANTING MOTION TO DISMISS - 1

1 Tassinari and American Vantage Brownstone, LLC; with Gwen Rutar Mullins, Esq. and Jay
2 Young, Esq., of Howard & Howard Attorneys, PLLC, appearing on behalf of Plaintiffs, Robert
3 L. Mendenhall (“Mendenhall”) and Sunridge Corporation (“Sunridge”); the Court, having
4 considered the Motion, the Opposition and Reply thereto, and oral arguments by counsel, and
5 good cause appearing therefor, the Court rules as follows:
6

7 1. THE COURT HEREBY FINDS AND CONCLUDES that Defendants have
8 satisfied the three-part test for determining whether claim preclusion applies which the Nevada
9 Supreme Court established in *Five Star Capital Corp v Ruby*, 124 Nev. 1048, 194 P3d 709, 713
10 (2008);
11

12 2. THE COURT HEREBY FINDS AND CONCLUDES that Defendant American
13 Vantage Brownstone LLC is the owner of both Brownstone Gold Town, LLC, and Brownstone
14 Gold Town CV, LLC, (collectively the “First Case Plaintiffs”) the Plaintiffs in *Brownstone Gold
15 Town LLC v. Robert Mendenhall et al*, A-11-653822-C (the “First Case”) and that Defendant
16 American Vantage Brownstone LLC signed the Term Sheet which was attached as Exhibit 1 to
17 the Complaint herein (the “Term Sheet”);
18

19 3. THE COURT HEREBY FINDS AND CONCLUDES that Defendant Ronald
20 Tassinari signed the Term Sheet in his capacity as chairman of Defendant American Vantage
21 Brownstone LLC;
22

23 4. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that Defendant
24 Ronald Tassinari managed, led, and acted on behalf of the Brownstone Plaintiffs and the interests
25 and motivations of Defendant Ronald Tassinari and the Brownstone Plaintiffs have sufficient
26 commonality and alignment that privity exists;
27
28

1 5. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that
2 Defendant American Vantage Brownstone LLC managed, led, owned, and acted on behalf of the
3 Brownstone Plaintiffs and the interests and motivations of Defendant American Vantage
4 Brownstone LLC and the Brownstone Plaintiffs have sufficient commonality and alignment that
5 privity exists;
6

7 6. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that
8 Defendants Ronald Tassinari and American Vantage Brownstone, LLC are both privies with
9 Brownstone Gold Town, LLC and Brownstone Gold Town CV, LLC, the Plaintiffs in the First
10 Case;
11

12 7. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that the first
13 part of the *Five Star Capital Corp v Ruby, Supra*, test that the parties or their privies are the
14 same has been satisfied;

15 8. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that the Order
16 of Dismissal of Action with Prejudice (the "Order of Dismissal") filed in the First Case on
17 August 29, 2014 is a final valid judgment;

18 9. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that the
19 second part of the *Five Star Capital Corp v Ruby, Supra*, test that the final judgment is valid has
20 been satisfied;
21

22 10. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that on July
23 21, 2014, the Plaintiffs herein, Mendenhall and Sunridge, filed a Motion for Leave to Amend in
24 the First Case seeking to assert a counterclaim and a third-party complaint against Defendants
25 Ronald Tassinari and American Vantage Brownstone, LLC containing virtually the same
26 allegations as those set forth in the current Complaint filed herein on October 8, 2014;
27
28

1 11. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that claims
2 asserted in this action through the Complaint filed herein on October 8, 2014 are based on the
3 same claims or any part of them that were or could have been brought in the First Case;

4 12. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that the third
5 and final part of the *Five Star Capital Corp v Ruby, Supra*, test that the subsequent action is
6 based on the same claims or any part of them that were or could have been brought in the first
7 case has been satisfied;

8 13. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that Plaintiffs
9 claims herein are barred by the doctrine of claim preclusion;


10 14. IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant's
11 Motion to Dismiss is hereby GRANTED in its entirety;


12 15. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this action is
13 hereby dismissed, with prejudice as to all parties and all claims.

14 DATED this 28 day of April, 2015.


15 Respectfully Submitted By:

16 **HARRY PAUL MARQUIS, CHARTERED**

17
18
19
20
21
22
23 
24 HARRY PAUL MARQUIS, ESQ.
25 Nevada Bar No. 1252
26 400 South Fourth Street, Third Floor
27 Las Vegas, Nevada 89101
28 Tel. No.: (702) 382-6700
Fax No.: (702) 384-0715
Email: harry@marquislaw.net
Attorney for Defendants

18 
19 **DISTRICT COURT JUDGE**
20 ROB BARE
21 JUDGE, DISTRICT COURT, DEPARTMENT 32
22 Approved as to Form Only:

23 **HOWARD & HOWARD ATTORNEYS**

24 
25 GWEN RUTAR MULLINS, ESQ.
26 Nevada Bar No. 003146
27 Jay A. Young, Esq.
28 Nevada Bar No. 005562
3800 Howard Hughes Pkwy., Suite 1400
Las Vegas, Nevada 89169
Tel. No.: (702) 257-1483
Attorney for Plaintiffs

1 In Association with:

2 **JAMES J. LEE, ESQ.**
3 Nevada Bar No. 01909
4 Legal Offices of James J Lee
5 2620 Regatta Drive, Suite 102
6 Las Vegas, Nevada 89128
7 Telephone (702) 664-6545
8 Email: james@leeclawonline.com
9 *Attorney for Defendants*

8

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11 4846-9299-6643, v. 4

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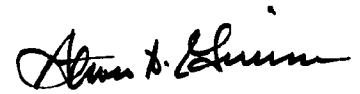
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CLERK OF THE COURT

NEO

JAMES J. LEE, ESQ.

Nevada Bar No. 01909
Legal Offices of James J Lee
2620 Regatta Drive, Suite 102
Las Vegas, Nevada 89128
Telephone (702) 664-6545
Email: james@leelawonline.com

HARRY PAUL MARQUIS, ESQ.

Nevada Bar No. 001252
HARRY PAUL MARQUIS, CHTD.
400 South Fourth Street, Third Floor
Las Vegas, Nevada, 89101
Telephone (702) 382-6700
Email: harry@marquislaw.net
*Attorneys for Defendants Ronald Tassinari
And American Vantage Brownstone, LLC*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

ROBERT L. MENDENHALL, an individual,)
SUNRIDGE CORPORATION, a Nevada)
Corporation,)
)
)
Plaintiffs,)
)
v.)
)
RONALD TASSINARI, an individual,)
AMERICAN VANTAGE BROWNSTONE,)
LLC, a Nevada limited liability company,)
DOES 1 through 5, inclusive and ROE)
CORPORATIONS 1 through 5, inclusive,)
)
Defendants.)

Case no.: A-14-708281-C
Dept. no.: XXXII

**NOTICE OF ENTRY OF
FINDINGS OF FACT,
CONCLUSIONS OF
LAW, AND ORDER GRANTING
DEFENDANTS' MOTION
TO DISMISS**

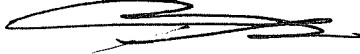
TO: GWEN RUTAR MULLINS, ESQ., HOWARD & HOWARD, PLLC, attorney for
Plaintiffs.

1 YOU WILL PLEASE TAKE NOTICE that on the 7TH day of May, 2015, the above-entitled
2 Court entered a Findings of Fact, Conclusions of Law, and Order Granting Defendants' Motion to
3 Dismiss in the above-entitled action. A true copy of the Findings of Fact, Conclusions of Law, and
4 Order Granting Defendants' Motion to Dismiss is attached hereto as Exhibit "1" and incorporated
5 herein by this reference.

6 DATED this 8th day of May, 2015.

7
8 Respectfully submitted,

9 **HARRY PAUL MARQUIS, CHTD.**

10
11 
12 _____
13 HARRY PAUL MARQUIS, ESQ.
14 Nevada Bar No. 1252
15 400 South Fourth Street, Third Floor
16 Las Vegas, Nevada 89101
17 Telephone (702) 382-6700
18 *Attorneys for Defendants Ronald Tassinari*
19 *And American Vantage Brownstone, LLC*

20 In Association with:

21 **JAMES J. LEE, ESQ.**
22 Nevada Bar No. 01909
23 Legal Offices of James J Lee
24 2620 Regatta Drive, Suite 102
25 Las Vegas, Nevada 89128
Telephone (702) 664-6545
Email: james@leelawonline.com
Attorney for Defendants

1 CERTIFICATE OF SERVICE

2 I certify that on the 8th day of May, 2015, I served a true copy of the above and
3 foregoing *Notice of Entry of Findings of Fact, Conclusions of Law, and Order Granting*
4 *Defendant's Motion to Dismiss* herein electronically via the Court's ECF system upon all parties
5 listed on the electronic service list, as follows:

6 Gwen Rutar Mullins, Esq.
7 Wade B. Gochnour, Esq.
8 **HOWARD & HOWARD ATTORNEYS PLLC**
9 3800 Howard Hughes Parkway, Suite 1000
10 Las Vegas, Nevada 89169
11 Telephone: (702) 257-1483
12 Facsimile: (702) 567-1568
13 Email: grm@h2law.com
14 Email: wbg@h2law.com
15 *Attorneys for Plaintiffs*

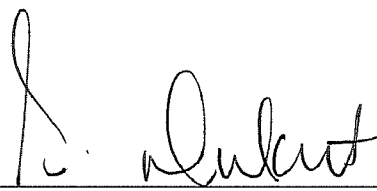
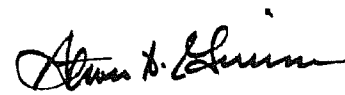
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An employee of
HARRY PAUL MARQUIS, CHTD.

Exhibit “1”


CLERK OF THE COURT

1 **ORDR**

2 **JAMES J. LEE, ESQ.**

3 Nevada Bar No. 01909

4 Legal Offices of James J Lee

5 2620 Regatta Drive, Suite 102

6 Las Vegas, Nevada 89128

7 Telephone (702) 664-6545

8 Email: jamesj@leelawonline.com

9 **HARRY PAUL MARQUIS, ESQ.**

10 Nevada Bar No. 001252

11 **HARRY PAUL MARQUIS, CHTD.**

12 400 South Fourth Street, Third Floor

13 Las Vegas, Nevada, 89101

14 Telephone (702) 382-6700

15 Email: harry@marquislaw.net

16 *Attorneys for Defendants Ronald Tassinari*

17 *And American Vantage Brownstone, LLC*

18 **DISTRICT COURT**
19 **CLARK COUNTY, NEVADA**

20 ROBERT L. MENDENHALL, an individual,)
21 SUNRIDGE CORPORATION, a Nevada)
22 Corporation,)

23 Plaintiffs,)

24 v.)

25 RONALD TASSINARI, an individual,)
26 AMERICAN VANTAGE BROWNSTONE,)
27 LLC, a Nevada limited liability company,)
28 DOES 1 through 5, inclusive and ROE)
CORPORATIONS 1 through 5, inclusive,)

Defendants.)

Case no.: A-14-708281-C
Dept. no.: XXXII

**FINDINGS OF FACT,
CONCLUSIONS OF
LAW, AND ORDER GRANTING
DEFENDANTS' MOTION
TO DISMISS**

The Motion to Dismiss filed on behalf of Defendants Ronald Tassinari and American

Vantage Brownstone, LLC, having come on for hearing on March 17, 2015; with Harry Paul

Marquis, Esq., of Harry Paul Marquis, Chartered, appearing on behalf of Defendants Ronald

1 Tassinari and American Vantage Brownstone, LLC; with Gwen Rutar Mullins, Esq. and Jay
2 Young, Esq., of Howard & Howard Attorneys, PLLC, appearing on behalf of Plaintiffs, Robert
3 L. Mendenhall (“Mendenhall”) and Sunridge Corporation (“Sunridge”); the Court, having
4 considered the Motion, the Opposition and Reply thereto, and oral arguments by counsel, and
5 good cause appearing therefor, the Court rules as follows:
6

7 1. THE COURT HEREBY FINDS AND CONCLUDES that Defendants have
8 satisfied the three-part test for determining whether claim preclusion applies which the Nevada
9 Supreme Court established in *Five Star Capital Corp v Ruby*, 124 Nev. 1048, 194 P3d 709, 713
10 (2008);
11

12 2. THE COURT HEREBY FINDS AND CONCLUDES that Defendant American
13 Vantage Brownstone LLC is the owner of both Brownstone Gold Town, LLC, and Brownstone
14 Gold Town CV, LLC, (collectively the “First Case Plaintiffs”) the Plaintiffs in *Brownstone Gold
15 Town LLC v. Robert Mendenhall et al, A-11-653822-C* (the “First Case”) and that Defendant
16 American Vantage Brownstone LLC signed the Term Sheet which was attached as Exhibit 1 to
17 the Complaint herein (the “Term Sheet”);
18

19 3. THE COURT HEREBY FINDS AND CONCLUDES that Defendant Ronald
20 Tassinari signed the Term Sheet in his capacity as chairman of Defendant American Vantage
21 Brownstone LLC;
22

23 4. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that Defendant
24 Ronald Tassinari managed, led, and acted on behalf of the Brownstone Plaintiffs and the interests
25 and motivations of Defendant Ronald Tassinari and the Brownstone Plaintiffs have sufficient
26 commonality and alignment that privity exists;
27
28

1 5. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that
2 Defendant American Vantage Brownstone LLC managed, led, owned, and acted on behalf of the
3 Brownstone Plaintiffs and the interests and motivations of Defendant American Vantage
4 Brownstone LLC and the Brownstone Plaintiffs have sufficient commonality and alignment that
5 privity exists;
6

7 6. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that
8 Defendants Ronald Tassinari and American Vantage Brownstone, LLC are both privies with
9 Brownstone Gold Town, LLC and Brownstone Gold Town CV, LLC, the Plaintiffs in the First
10 Case;
11

12 7. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that the first
13 part of the *Five Star Capital Corp v Ruby, Supra*, test that the parties or their privies are the
14 same has been satisfied;
15

16 8. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that the Order
17 of Dismissal of Action with Prejudice (the "Order of Dismissal") filed in the First Case on
18 August 29, 2014 is a final valid judgment;
19

20 9. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that the
21 second part of the *Five Star Capital Corp v Ruby, Supra*, test that the final judgment is valid has
22 been satisfied;
23

24 10. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that on July
25 21, 2014, the Plaintiffs herein, Mendenhall and Sunridge, filed a Motion for Leave to Amend in
26 the First Case seeking to assert a counterclaim and a third-party complaint against Defendants
27 Ronald Tassinari and American Vantage Brownstone, LLC containing virtually the same
28 allegations as those set forth in the current Complaint filed herein on October 8, 2014;

1 11. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that claims
2 asserted in this action through the Complaint filed herein on October 8, 2014 are based on the
3 same claims or any part of them that were or could have been brought in the First Case;

4 12. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that the third
5 and final part of the *Five Star Capital Corp v Ruby, Supra*, test that the subsequent action is
6 based on the same claims or any part of them that were or could have been brought in the first
7 case has been satisfied;

8 13. THE COURT HEREBY FURTHER FINDS AND CONCLUDES that Plaintiffs
9 claims herein are barred by the doctrine of claim preclusion;

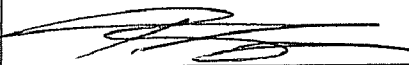
10 14. IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant's
11 Motion to Dismiss is hereby GRANTED in its entirety;

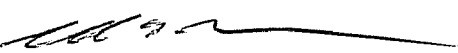
12 15. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this action is
13 hereby dismissed, with prejudice as to all parties and all claims.

14 DATED this 28 day of April, 2015.


15 Respectfully Submitted By:

16 **HARRY PAUL MARQUIS, CHARTERED**

17
18
19
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21
22
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24 HARRY PAUL MARQUIS, ESQ.
25 Nevada Bar No. 1252
26 400 South Fourth Street, Third Floor
27 Las Vegas, Nevada 89101
28 Tel. No.: (702) 382-6700
Fax No.: (702) 384-0715
Email: harry@marquislaw.net
Attorney for Defendants


DISTRICT COURT JUDGE
JUDGE, DISTRICT COURT, DEPARTMENT 32
Approved as to Form Only:

HOWARD & HOWARD ATTORNEYS

23 
24 GWEN RUTAR MULLINS, ESQ.
25 Nevada Bar No. 003146
26 Jay A. Young, Esq.
27 Nevada Bar No. 005562
28 3800 Howard Hughes Pkwy., Suite 1400
Las Vegas, Nevada 89169
Tel. No.: (702) 257-1483
Attorney for Plaintiffs

1 In Association with:

2 **JAMES J. LEE, ESQ.**

3 Nevada Bar No. 01909

4 Legal Offices of James J Lee

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6 Las Vegas, Nevada 89128

7 Telephone (702) 664-6545

8 Email: james@leeelawonline.com

9 *Attorney for Defendants*

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14 4846-9299-6643, v. 4

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

March 17, 2015

A-14-708281-C Robert Mendenhall, Plaintiff(s)
vs.
Ronald Tassinari, Defendant(s)

March 17, 2015 9:00 AM Motion to Dismiss

HEARD BY: Bare, Rob **COURTROOM:** RJC Courtroom 03C

COURT CLERK: Susie Schofield

RECORDER: Carrie Hansen

REPORTER:

PARTIES

PRESENT: Marquis, Harry P. Attorney
Rutar Mullins, Gwen Attorney
Tassinari, Ronald Defendant

JOURNAL ENTRIES

- Court presented an overview and procedural history of the case, noting the Five Star Capital case regarding claim preclusion. Colloquy regarding a previous case with like claims before Judge Israel that was dismissed.

Arguments by Mr. Marquis in support of Defendant's Motion to Dismiss, stating the claims in this case could have been brought in the previous case before Judge Israel. Opposition argued by Mr. Young alleging different circumstances in this case, noting the offer of judgment timeline in the previous case. Following further arguments by counsel distinguishing the two cases, COURT ORDERED, matter taken UNDER ADVISEMENT; written Order TO ISSUE.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

March 30, 2015

A-14-708281-C Robert Mendenhall, Plaintiff(s)
vs.
Ronald Tassinari, Defendant(s)

March 30, 2015 3:00 AM Minute Order

HEARD BY: Bare, Rob

COURTROOM:

COURT CLERK: Susie Schofield

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- **DECISION:** Motion to Dismiss

This matter came before the Court on March 17, 2015 for hearing on Defendants Motion to Dismiss Re: Doctrine of Claim Preclusion. Counsel presented their case and Court took matter under advisement. After carefully considering the papers submitted and hearing arguments, Court issued its Decision this 30th day of March, 2015. COURT ORDERED, Motion to Dismiss GRANTED. Counsel for Tassinari and American Vantage Brownstone, LLC is directed to submit a proposed Order consistent with the foregoing which sets forth the underpinnings of the same in accordance herewith and with counsel s briefing and argument and submit to opposing counsel for review and signification of approval/disapproval.

CLERK'S NOTE: A copy of this Minute Order to be placed in the attorney folder(s) of: Harry P. Marquis, Esq., and Gwen P. Mullins (Howard & Howard).

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):

PLAINTIFFS' NOTICE OF APPEAL; PLAINTIFFS' CASE APPEAL STATEMENT; PLAINTIFFS' NOTICE OF POSTING BOND FOR COSTS ON APPEAL; DISTRICT COURT DOCKET ENTRIES; DISTRICT COURT CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING DEFENDANTS' MOTION TO DISMISS; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING DEFENDANTS' MOTION TO DISMISS; DISTRICT COURT MINUTES

ROBERT L. MENDENHALL;
SUNRIDGE CORPORATION,

Plaintiff(s),

vs.

RONALD TASSINARI; AMERICAN
VANTAGE BROWNSTONE, LLC,

Defendant(s),

Case No: A708281

Dept No: XXXII

now on file and of record in this office.

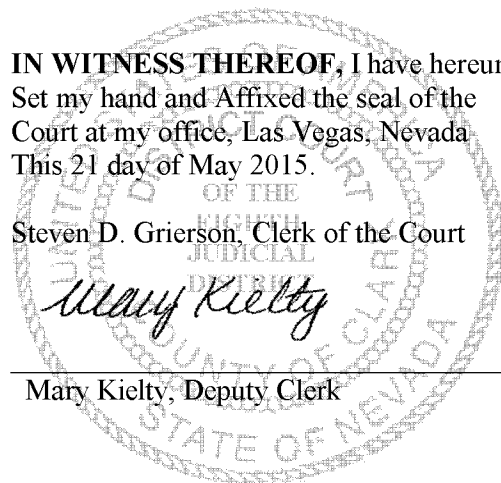
IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 21 day of May 2015.

Steven D. Grierson, Clerk of the Court



Mary Kielty

Mary Kielty, Deputy Clerk



6173

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