


CLERK OF THE COURT

Electronically Filed
Sep 18 2015 02:53 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 **NOAS**
2 H. STAN JOHNSON, ESQ.
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5 MICHAEL V. HUGHES, ESQ.
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13 *Attorneys for Plaintiff-Appellant*
14 *Yacov Jack Hefetz*

11 No. A-11-645353-C

Dept. No. XXVIII

12 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
13 **STATE OF NEVADA IN AND FOR**
14 **THE COUNTY OF CLARK**

15 YACOV JACK HEFETZ,
16
17 Plaintiff-Appellant,

18 v.

19 CHRISTOPHER BEAVOR,
20
21 Defendant-Appellee.

22 **NOTICE OF APPEAL**

23
24 Notice is hereby given that Plaintiff-Appellant, Yacov Jack Hefetz, by and
25 through his counsel, H. Stan Johnson, Esq., and Michael V. Hughes, Esq. of the
26 law firm of Cohen-Johnson, LLC, hereby appeals to the Supreme Court of Nevada
27 from the Order: (1) Granting Defendant Christopher Beavor's Motion For
28 Attorneys' Fees and Costs (hereinafter referred to as the "Order") entered in this

1 above-captioned action on the 3rd day of September, 2015. A copy of the Notice of
2 Entry of Order with the attached Order is enclosed herewith as **Exhibit 1** and a
3 copy of the Court Minutes arising from the hearing on August 19, 2015 is enclosed
4 herewith as **Exhibit 2**.

5 Dated as of this 15th day of September, 2015.

6
7 By: Michael V. Hughes
8 H. Stan Johnson, Esq.
9 Nevada Bar No. 00265
10 Michael V. Hughes, Esq.
11 Nevada Bar No. 13154
12 Suite 100
13 255 East Warm Springs Road
14 Las Vegas, Nevada 89119
15 Telephone No. (702) 823-3500
16 Facsimile No. (702) 823-3400
17 *Attorneys for Plaintiff-Appellant*
18 *Yacov Jack Hefetz*
19
20
21
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23
24
25
26
27
28

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on the 15th day of September, 2015, a true and correct copy of the foregoing **NOTICE OF APPEAL** was served upon each of the parties set forth below via U.S. First-Class Mail and Odyssey E-Filing System pursuant to Rule 5(b)(2)(D) of the Nevada Rules of Civil Procedure and Rule 8.05 of the Eighth Judicial District Court Rules:

Joel Z. Schwarz, Esq.
Gabriel A. Blumberg, Esq.
Dickinson Wright PLLC
8383 West Sunset Road, Suite 200
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Email: jschwarz@dickinsonwright.com
Email: gblumberg@dickinsonwright.com
Attorney for Defendant-Appellee
Christopher Beavor



An employee of Cohen-Johnson, LLC

EXHIBIT 1


CLERK OF THE COURT

1 NEOJ
2 DICKINSON WRIGHT PLLC
3 JOEL Z. SCHWARZ
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6 GABRIEL A. BLUMBERG
7 Nevada Bar No. 12332
8 Email: gblumberg@dickinsonwright.com
9 8383 West Sunset Road, Suite 200
10 Las Vegas, Nevada 89113
11 Tel: (702) 382-4002
12 Fax: (702) 382-1661
13 *Attorneys for Christopher Beavor*

14 DISTRICT COURT

15 CLARK COUNTY, NEVADA

16 YACOV JACK HEFETZ,

17 Plaintiff,

CASE NO. A-11-645353-C
DEPT. XXVIII

18 vs.

19 CHRISTOPHER BEAVOR,

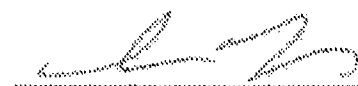
20 Defendant.

21 NOTICE OF ENTRY OF ORDER

22 NOTICE IS HEREBY GIVEN that an Order Granting Defendant Christopher Beavor's
23 Motion for Attorneys' Fees and Costs was entered on September 1, 2015, a copy of which is
24 attached hereto.

25 DATED this 3rd day of September 2015.

26 DICKINSON WRIGHT PLLC

27 
28 JOEL Z. SCHWARZ
Nevada Bar No. 9181
GABRIEL A. BLUMBERG
Nevada Bar No. 12332
8363 West Sunset Road, Suite 200
Las Vegas, Nevada 89113-2210
Tel: (702) 382-4002
Attorneys for Christopher Beavor

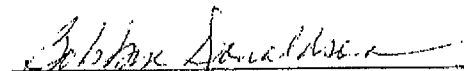
DICKINSON WRIGHT PLLC

8363 West Sunset Road, Suite 200
Las Vegas, Nevada 89113-2210

1 CERTIFICATE OF SERVICE

2 The undersigned, an employee of Dickinson Wright PLLC, hereby certifies that on the 3rd
3 day of September 2015, she caused a copy of **Notice of Entry of Order** to be served by
4 electronic service in accordance with Administrative Order 14.2, to all interested parties, through
5 the Court's Odyssey E-File & Serve system to:

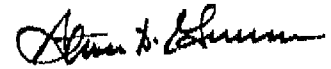
6 H. Stan Johnson, Esq.
Email: sjohnson@cohenjohnson.com
7 Michael V. Hughes, Esq.
Email: mhughes@cohenjohnson.com
8 COHEN-JOHNSON, L.L.C.
255 East Warm Springs Road, Suite 100
9 Las Vegas, NV 89119
Attorneys for Yacov Hefetz

10 
11 Bobby Donaldson, an employee of
Dickinson Wright PLLC

DICKINSON WRIGHT PLLC

8363 West Sunset Road, Suite 200
Las Vegas, Nevada 89113-2210

ORIGINAL



CLERK OF THE COURT

1 **ORDG**
2 **DICKINSON WRIGHT PLLC**
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11 Tel: (702) 382-4002
12 Fax: (702) 382-1661
13 *Attorneys for Christopher Beavor*

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 **YACOV JACK HEPETZ,**

17 Plaintiff,

CASE NO. A-11-645353-C
DEPT. XXVIII

18 vs.

19 **CHRISTOPHER BEAVOR.**

20 Defendant.

21 **ORDER GRANTING DEFENDANT CHRISTOPHER BEAVOR'S MOTION FOR**
22 **ATTORNEYS' FEES AND COSTS**

23 Defendant Christopher Beavor's ("Defendant") Motion for Attorneys' Fees and Costs
24 ("Motion") having come before the Court in Chambers on August 19, 2015, the Court having
25 reviewed the Motion, the opposition, and reply and supplement to reply thereto, and good cause
26 appearing therefore, the Court hereby finds as follows:

27 IT IS HEREBY ORDERED that the Defendant's Motion for Attorney's Fees is
28 GRANTED. Defendant is the prevailing party, having obtained a dismissal without prejudice.
Attorney fees are appropriate pursuant to the Offer of Judgment and hereby are awarded in the
amount of \$15,000.00.

Defendant's Offer of Judgment was both timely and reasonable in the amount especially

9/27/15 (28)

1 given the circumstances under which the Plaintiff had been advised prior to the filing of the
2 motion to dismiss that the One-Action Rule would resolve the situation.

3 In discussing the *Brunzell* factors: (1) the quality of the work performed by Defendant's
4 counsel was very good; (2) the character and difficulty of the work was reasonable in nature and
5 particularly so given that it resolved the case; and (3) Defendant achieved appropriate results or
6 results that would satisfy the *Brunzell* factors. It was the amount of time spent following the
7 Offer of Judgment that this Court feels was excessive, and therefore the Court reduces the total
8 award of attorneys' fees to \$15,000.00.

9 IT IS HEREBY FURTHER ORDERED that the Defendant's Motion for Costs is
10 GRANTED as no timely Motion to Relax was submitted and the costs set forth in Defendant's
11 memorandum of costs are all taxable pursuant to NRS 18.005. Defendant therefore is awarded
12 costs in the amount of \$338.48.

13
14 
DISTRICT COURT JUDGE

15 DATED: 8-28-15
16

17 Submitted by

18 DICKINSON WRIGHT PLLC

19
20 
JOEL Z. SCHWARZ

21 Nevada Bar No. 9181

22 Email: jschwarz@dickinsonwright.com

GABRIEL A. BLUMBERG

23 Nevada Bar No. 12332

24 Email: gblumberg@dickinsonwright.com

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25 Las Vegas, Nevada 89113

Tel: (702) 382-4002

26 Fax: (702) 382-1661

Attorneys for Christopher Beavor

EXHIBIT 2

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

August 19, 2015

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

**August 19, 2015 Chambers Motion for Attorney Fees
and Costs**

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

PARTIES

PRESENT: None

JOURNAL ENTRIES

- Motion for Costs are GRANTED as no timely Motion to Retax was submitted. Motion for Attorney's Fees are GRANTED. Defendant prevailed and got the Complaint dismissed even though it was without prejudice. Attorney fees are appropriate pursuant to the offer of judgment and are awarded in the amount of \$15,000.00. This Court reduced the attorneys' fees as the billing seemed excessive post offer of judgment. In discussing the Brunzell factors, the quality of the work done was very good; the character and difficulty of the work was reasonable in nature and particularly so given that it resolved the case. It was the amount of time spent that this Court felt was excessive and therefore reduced the total award of attorneys' fees to \$15,000.00. The Defendant did achieve appropriate results or results that would satisfy the Brunzell factors. The Offer of Judgment was both timely and reasonable in the amount especially given the circumstances under which the Plaintiff had been advised prior to the filing of the motion that the One-Action Rule would resolve the situation. Prevailing party to prepare the order pursuant to EDCR 7.21.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Joel Schwarz, Esq. (Dickinson Wright) and Stanley Johnson, Esq. (Cohen-Johnson)

DEPARTMENT 28
CASE SUMMARY
CASE NO. A-11-645353-C

Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

§
§
§
§
§
§

Location: **Department 28**
Judicial Officer: **Israel, Ronald J.**
Filed on: **07/21/2011**
Cross-Reference Case Number: **A645353**
Supreme Court No.: **68438**

CASE INFORMATION

Statistical Closures

06/10/2015 Motion to Dismiss (By Defendant)
03/04/2013 Jury Trial

Case Type: **Breach of Contract**
Subtype: **Guarantee**

Case Flags: **Appealed to Supreme Court**
Jury Demand Filed
Arbitration Exemption Granted

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-11-645353-C
Court Department 28
Date Assigned 07/21/2011
Judicial Officer Israel, Ronald J.

PARTY INFORMATION

| | | |
|--------------------------|---|--|
| Plaintiff | Cohen, Alis Removed: 06/26/2012 Dismissed | Iglody, Lee I. <i>Retained</i> 702-800-5482(W) |
| | Hefetz, Yacov Jack | Johnson, Harold Stanley <i>Retained</i> 702-823-3500(W) |
| Defendant | Beavor, Christopher | Schwarz, Joel Z. <i>Retained</i> 775-343-7500(W) |
| | Beavor, Samantha Removed: 06/10/2015 Dismissed | |
| Counter Claimant | Beavor, Christopher | |
| | Beavor, Samantha | |
| Counter Defendant | Cohen, Alis Removed: 10/21/2011 Data Entry Error | Iglody, Lee I. <i>Retained</i> 702-800-5482(W) |
| | Hefetz, Yacov Jack | Johnson, Harold Stanley <i>Retained</i> 702-823-3500(W) |







DATE

EVENTS & ORDERS OF THE COURT

INDEX

| | | |
|------------|---|--|
| 07/21/2011 |  Document Filed Filed by: Plaintiff Hefetz, Yacov Jack <i>Verified Complaint</i> | |
| 07/21/2011 | Case Opened | |


DEPARTMENT 28
CASE SUMMARY
CASE NO. A-11-645353-C

| | |
|------------|---|
| 07/22/2011 |  Initial Appearance Fee Disclosure Filed By: Plaintiff Hefetz, Yacov Jack <i>Initial Appearance Fee Disclosure</i> |
| 09/21/2011 |  Affidavit of Service Filed By: Plaintiff Hefetz, Yacov Jack <i>Affidavit of Service of Christopher Beavor</i> |
| 09/27/2011 |  Affidavit of Service Filed By: Plaintiff Hefetz, Yacov Jack <i>Affidavit of Service of Samantha Beavor</i> |
| 10/21/2011 |  Initial Appearance Fee Disclosure Filed By: Defendant Beavor, Christopher <i>Initial Appearance Fee Disclosure</i> |
| 10/21/2011 |  Answer and Counterclaim Filed By: Defendant Beavor, Christopher <i>Defendants' Answer to Complaint and Counterclaim</i> |
| 11/01/2011 |  Reply to Counterclaim Filed by: Counter Defendant Cohen, Alis <i>Reply to Counterclaim</i> |
| 11/28/2011 |  Demand for Jury Trial Filed By: Defendant Beavor, Christopher <i>Demand for Jury Trial</i> |
| 12/12/2011 |  Joint Case Conference Report Filed By: Plaintiff Hefetz, Yacov Jack <i>Joint Case Conference Report</i> |
| 12/16/2011 |  Commissioners Decision on Request for Exemption - Granted Party: Plaintiff Hefetz, Yacov Jack <i>Commissioner's Decision On Request For Exemption - Granted</i> |
| 12/28/2011 |  Scheduling Order <i>Scheduling Order</i> |
| 12/30/2011 |  Order Setting Civil Jury Trial Filed By: Plaintiff Hefetz, Yacov Jack <i>Order Setting Civil Jury Trial</i> |
| 02/21/2012 |  Motion for Leave to File Party: Defendant Beavor, Christopher <i>Defendants' / Counterclaimants' Motion for Leave to Amend Counterclaim</i> |
| 02/22/2012 |  Certificate of Service Filed by: Defendant Beavor, Christopher <i>Certificate of Service</i> |
| 02/27/2012 |  Notice of Change of Address Filed By: Plaintiff Hefetz, Yacov Jack |


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CASE NO. A-11-645353-C

Notice of Change of Address


03/01/2012

 Arbitration File
Arbitration File


03/27/2012

 **Motion to Amend** (3:00 AM) (Judicial Officer: Israel, Ronald J.)
Events: 02/21/2012 Motion for Leave to File
Defendants' / Counterclaimants' Motion for Leave to Amend Counterclaim


04/09/2012

 Counterclaim
Filed By: Counter Claimant Beavor, Christopher
First Amended Counterclaim


04/23/2012

 Reply to Counterclaim
Filed by: Plaintiff Hefetz, Yacov Jack
Reply to First Amended Counterclaim

05/16/2012

 Affidavit of Service
Filed By: Plaintiff Hefetz, Yacov Jack
Affidavit of Service - Gary Frey


05/29/2012

 Stipulation and Order to Extend Discovery Deadlines
Filed By: Plaintiff Hefetz, Yacov Jack
Stipulation and Order to Extend Discovery Deadlines


06/06/2012

CANCELED Status Check (9:15 AM) (Judicial Officer: Israel, Ronald J.)
Vacated - per Stipulation and Order
S&O To Extend Discovery rec'd in Dept. 5/24/12./sj

06/08/2012

 Order Setting Civil Jury Trial
Order Re-Setting Civil Jury Trial


06/26/2012

 Stipulation and Order for Dismissal
Filed by: Plaintiff Hefetz, Yacov Jack
Stipulation and Order


06/26/2012

Order of Dismissal (Judicial Officer: Israel, Ronald J.)
Debtors: Christopher Beavor (Defendant), Samantha Beavor (Defendant)
Creditors: Alis Cohen (Plaintiff)
Judgment: 06/26/2012, Docketed: 07/05/2012

06/29/2012

 Notice of Entry
Filed By: Plaintiff Hefetz, Yacov Jack
Notice of Entry


07/03/2012

 Notice of Entry of Order
Filed By: Plaintiff Hefetz, Yacov Jack
Notice of Entry of Order

08/13/2012

CANCELED Pre Trial Conference (9:30 AM) (Judicial Officer: Israel, Ronald J.)
Vacated - per Stipulation and Order
S&O To Extend Discovery rec'd in Dept. 5/24/12./sj

08/15/2012











 Order Setting Settlement Conference
Filed By: Plaintiff Hefetz, Yacov Jack

DEPARTMENT 28
CASE SUMMARY
CASE NO. A-11-645353-C













Order Setting Settlement Conference

| | |
|------------|--|
| 08/15/2012 |  Status Check (9:45 AM) (Judicial Officer: Israel, Ronald J.) |
| 08/27/2012 | CANCELED Calendar Call (9:30 AM) (Judicial Officer: Gates, Lee A.) <i>Vacated - per Stipulation and Order</i> <i>S&O To Extend Discovery rec'd in Dept. 5/24/12./sj</i> |
| 09/04/2012 | CANCELED Jury Trial (1:30 PM) (Judicial Officer: Israel, Ronald J.) <i>Vacated - per Stipulation and Order</i> <i>S&O To Extend Discovery rec'd in Dept. 5/24/12./sj</i> |
| 09/10/2012 |  Status Check: Status of Case (9:00 AM) (Judicial Officer: Israel, Ronald J.) |
| 09/11/2012 |  Motion for Partial Summary Judgment Filed By: Plaintiff Hefetz, Yacov Jack <i>Plaintiff's Motion for Partial Summary Judgment</i> |
| 09/21/2012 |  Settlement Conference (9:00 AM) (Judicial Officer: Bonaventure, Joseph T.) |
| 10/09/2012 |  Opposition to Motion Filed By: Defendant Beavor, Christopher <i>Defendants' / Counterclaimants' Opposition to Motion for Partial Summary Judgment</i> |
| 10/11/2012 |  Stipulation and Order Filed by: Defendant Beavor, Christopher <i>Stipulation & Order to Continue Plaintiff's Motion for Partial Summary Judgment</i> |
| 10/12/2012 |  Notice of Entry of Stipulation and Order Filed By: Defendant Beavor, Christopher <i>Notice of Entry of Stipulation & Order</i> |
| 10/16/2012 |  Reply in Support Filed By: Plaintiff Hefetz, Yacov Jack <i>Plaintiff's Reply in Support of Motion for Partial Summary Judgment</i> |
| 10/19/2012 |  Supplemental Filed by: Defendant Beavor, Christopher <i>Supplement to Defendants'/Counterclaimants' Opposition to Plaintiff's Motion for Partial Summary Judgment</i> |
| 10/19/2012 |  Response Filed by: Defendant Beavor, Christopher <i>Defendants'/Counterclaimants' Response to Plaintiff's Reply to Opposition to Motion for Partial Summary Judgment</i> |
| 10/22/2012 | Pre Trial Conference (9:30 AM) (Judicial Officer: Israel, Ronald J.) |
| 10/22/2012 | Motion for Partial Summary Judgment (9:30 AM) (Judicial Officer: Israel, Ronald J.) <i>Plaintiff's Motion for Partial Summary Judgment</i> |
| 10/22/2012 | Status Check (9:30 AM) (Judicial Officer: Israel, Ronald J.) <i>STATUS CHECK: OUTCOME OF SETTLEMENT CONFERENCE</i> |
| 10/22/2012 |  All Pending Motions (9:30 AM) (Judicial Officer: Israel, Ronald J.) |













DEPARTMENT 28
CASE SUMMARY
CASE NO. A-11-645353-C

| | |
|------------|---|
| 11/01/2012 |  Notice of Change of Address Filed By: Plaintiff Hefetz, Yacov Jack <i>Notice of Change of Address</i> |
| 11/05/2012 |  Calendar Call (9:30 AM) (Judicial Officer: Israel, Ronald J.) |
| 11/12/2012 |  Notice of Entry of Order Filed By: Plaintiff Hefetz, Yacov Jack <i>Notice of Entry of Order</i> |
| 11/13/2012 | CANCELED Jury Trial (1:30 PM) (Judicial Officer: Israel, Ronald J.) <i>Vacated - per Judge</i> |
| 11/21/2012 |  Order Setting Civil Jury Trial <i>Order Re-Setting Civil Jury Trial</i> |
| 01/15/2013 |  Pre Trial Conference (9:30 AM) (Judicial Officer: Israel, Ronald J.) |
| 01/29/2013 |  Calendar Call (9:30 AM) (Judicial Officer: Israel, Ronald J.) 01/29/2013, 01/31/2013 |
| 02/08/2013 |  Pre-trial Memorandum Filed by: Plaintiff Hefetz, Yacov Jack <i>Joint Pretrial Memorandum</i> |
| 02/25/2013 |  Brief Filed By: Plaintiff Hefetz, Yacov Jack <i>Plaintiff's EDCR 7.27 Brief</i> |
| 02/25/2013 |  Jury Trial (9:30 AM) (Judicial Officer: Israel, Ronald J.) 02/25/2013-03/01/2013 |
| 02/25/2013 |  Jury List Party: Plaintiff Hefetz, Yacov Jack |
| 02/27/2013 |  Transcript of Proceedings <i>Excerpt of Jury Trial - Day 1 Defendant's Opening Statement</i> |
| 03/01/2013 |  Jury List Party: Plaintiff Hefetz, Yacov Jack <i>Amended Jury List</i> |
| 03/01/2013 |  Verdict Party: Plaintiff Hefetz, Yacov Jack |
| 03/01/2013 |  Jury Instructions Party: Plaintiff Hefetz, Yacov Jack <i>Court's Instructions To the Jury</i> |
| 03/01/2013 |  Proposed Jury Instructions Not Used At Trial <i>Plaintiff's Proposed Jury Instructions Not Used At Trial</i> |












DEPARTMENT 28
CASE SUMMARY
CASE NO. A-11-645353-C

| | |
|------------|---|
| 03/01/2013 | Verdict (Judicial Officer: Israel, Ronald J.) Debtors: Yacov Jack Hefetz (Plaintiff) Creditors: Christopher Beavor (Defendant) Judgment: 03/01/2013, Docketed: 03/05/2013 |
| 03/04/2013 |  Order to Statistically Close Case <i>Civil Order To Statistically Close Case</i> |
| 03/06/2013 |  Motion for Judgment Filed By: Plaintiff Hefetz, Yacov Jack <i>Plaintiff Motion for Judgment</i> |
| 03/19/2013 |  Substitution of Attorney Filed by: Plaintiff Hefetz, Yacov Jack <i>Substitution of Counsel</i> |
| 03/25/2013 |  Withdrawal of Attorney Filed by: Defendant Beavor, Christopher <i>Notice of Withdrawal of Attorney</i> |
| 04/16/2013 |  Status Check: Settlement Documents (9:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Status Check: Settlement Documents re: Samantha Beavor</i> |
| 05/15/2013 |  Status Check: Settlement Documents (3:00 AM) (Judicial Officer: Israel, Ronald J.) 05/15/2013, 06/13/2013, 07/09/2013, 08/08/2013 <i>STATUS CHECK: SETTLEMENT DOCUMENTS / DISMISSAL OF SAMANTHA BEAVOR/STATUS OF CASE</i> |
| 05/21/2013 |  Judgment Filed By: Counter Claimant Beavor, Christopher; Defendant Beavor, Christopher; Defendant Beavor, Samantha; Counter Claimant Beavor, Samantha |
| 05/21/2013 |  Notice of Entry of Judgment Filed By: Defendant Beavor, Christopher |
| 05/21/2013 | Judgment Upon the Verdict (Judicial Officer: Israel, Ronald J.) Debtors: Yacov Jack Hefetz (Plaintiff) Creditors: Christopher Beavor (Defendant) Judgment: 05/21/2013, Docketed: 05/29/2013 |
| 06/07/2013 |  Recorders Transcript of Hearing <i>Transcript of Proceedings Jury Trial - Day 3 February 27, 2013</i> |
| 06/07/2013 |  Recorders Transcript of Hearing <i>Transcript of Proceedings Jury Trial - Day 5 March 1, 2013</i> |
| 06/07/2013 |  Recorders Transcript of Hearing <i>Transcript of Proceedings Jury Trial - Day 2 February 26, 2013</i> |
| 06/10/2013 |  Motion for New Trial Filed By: Plaintiff Hefetz, Yacov Jack <i>Motion for New Trial or in the Alternative Motion for Judgment Notwithstanding Verdict (JNOV)</i> |













DEPARTMENT 28
CASE SUMMARY
CASE NO. A-11-645353-C

| | |
|------------|--|
| 06/20/2013 |  Opposition Filed By: Defendant Beavor, Christopher <i>Defendant Christopher Beavor's Opposition to Plaintiff's Motion for New Trial or in the Alternative Motion for Judgment Notwithstanding Verdict (JNOV)</i> |
| 07/02/2013 |  Reply to Opposition Filed by: Plaintiff Hefetz, Yacov Jack <i>Reply to Defendant Christopher Beavor's Opposition to Plaintiff's Motion for New Trial or in the Alternative Motion for Judgment Notwithstanding Verdict (JNOV)</i> |
| 08/07/2013 |  Motion for New Trial (3:00 AM) (Judicial Officer: Israel, Ronald J.) Events: 06/10/2013 Motion for New Trial <i>Plaintiff's Motion for New Trial or in the Alternative Motion for Judgment Notwithstanding Verdict (JNOV)</i> |
| 08/07/2013 |  Motion for Attorney Fees Filed By: Counter Claimant Beavor, Samantha <i>Defendant's Motion for Attorney Fees</i> |
| 08/28/2013 |  Motion to Reconsider Filed By: Defendant Beavor, Christopher <i>Defendant Christopher Beavor's Motion for Reconsideration</i> |
| 08/29/2013 |  Status Check: Trial Setting (9:00 AM) (Judicial Officer: Israel, Ronald J.) |
| 08/29/2013 | CANCELED All Pending Motions (9:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Vacated - On in Error</i> <i>All Pending Motions (08/29/13)</i> |
| 09/04/2013 |  Order Setting Civil Jury Trial <i>Order Setting Civil Jury Trial</i> |
| 09/05/2013 |  Order Granting Motion Filed By: Counter Defendant Hefetz, Yacov Jack <i>Order</i> |
| 09/09/2013 |  Notice of Entry of Order Filed By: Plaintiff Hefetz, Yacov Jack <i>Notice of Entry of Order</i> |
| 09/17/2013 |  Opposition to Motion Filed By: Plaintiff Hefetz, Yacov Jack <i>Opposition to Defendant's Motion for Reconsideration</i> |
| 09/24/2013 |  Certificate of Service Filed by: Defendant Beavor, Christopher <i>Certificate of Service</i> |
| 09/25/2013 |  Opposition to Motion Filed By: Plaintiff Hefetz, Yacov Jack <i>Opposition to Defendant Samantha Beavor's Motion for Attorneys Fees</i> |
| 09/26/2013 | Motion for Attorney Fees (9:00 AM) (Judicial Officer: Israel, Ronald J.) 09/26/2013, 10/24/2013 Events: 08/07/2013 Motion for Attorney Fees |











DEPARTMENT 28
CASE SUMMARY
CASE NO. A-11-645353-C

| | |
|------------|---|
| | <i>Defendant's Motion for Attorney Fees</i> |
| 09/26/2013 | Motion For Reconsideration (9:00 AM) (Judicial Officer: Israel, Ronald J.) Events: 08/28/2013 Motion to Reconsider <i>Defendant Christopher Beavor's Motion for Reconsideration</i> |
| 09/26/2013 |  All Pending Motions (9:00 AM) (Judicial Officer: Israel, Ronald J.) <i>All Pending Motions (09/26/13)</i> |
| 10/04/2013 |  Supplement Filed by: Defendant Beavor, Samantha <i>Supplement to Defendant Samantha Beavor Motion for Attorney's Fees</i> |
| 10/04/2013 |  Certificate of Service Filed by: Defendant Beavor, Samantha <i>Certificate of Service</i> |
| 10/21/2013 |  Opposition Filed By: Plaintiff Hefetz, Yacov Jack <i>Opposition to Supplement to Defendants Samantha Beavor's Motion for Attorney's Fees</i> |
| 10/24/2013 | Status Check (9:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Status Check: Dismissal /S. Beavor</i> |
| 10/24/2013 |  All Pending Motions (9:00 AM) (Judicial Officer: Israel, Ronald J.) <i>All Pending Motions (10/24/13)</i> |
| 11/14/2013 |  Order Filed By: Plaintiff Hefetz, Yacov Jack <i>Order</i> |
| 11/14/2013 |  Findings of Fact, Conclusions of Law and Order Filed By: Defendant Beavor, Christopher <i>Findings of Fact, Conclusion of Law and Order</i> |
| 11/15/2013 |  Notice of Entry of Order Filed By: Plaintiff Hefetz, Yacov Jack <i>Notice of Entry of Order</i> |
| 11/15/2013 |  Notice of Entry of Order Filed By: Plaintiff Hefetz, Yacov Jack <i>Notice of Entry of Order</i> |
| 11/25/2013 |  Motion to Stay Filed By: Counter Claimant Beavor, Christopher <i>Defendant Christopher Beavor's Motion for Stay of Proceedings</i> |
| 01/07/2014 |  Motion For Stay (9:00 AM) (Judicial Officer: Israel, Ronald J.) Events: 11/25/2013 Motion to Stay <i>Defendant Christopher Beavor's Motion for Stay of Proceedings</i> |
| 01/07/2014 | Notice of Stay <i>Stay proceedings 01/07/14</i> |
| 02/20/2014 | CANCELED Pre Trial Conference (9:30 AM) (Judicial Officer: Israel, Ronald J.) |

DEPARTMENT 28
CASE SUMMARY
CASE NO. A-11-645353-C

| | |
|------------|--|
| | <i>Vacated - per Judge</i> |
| 03/11/2014 | CANCELED Calendar Call (9:30 AM) (Judicial Officer: Israel, Ronald J.) <i>Vacated - per Judge</i> |
| 03/17/2014 | CANCELED Jury Trial (1:30 PM) (Judicial Officer: Israel, Ronald J.) <i>Vacated - per Judge</i> |
| 05/13/2014 |  Status Check: Status of Case (9:00 AM) (Judicial Officer: Israel, Ronald J.) 05/13/2014, 08/13/2014, 11/12/2014, 12/11/2014 <i>Status Check: Status of Case//Resetting Trial</i> |
| 10/01/2014 |  Motion to Withdraw As Counsel Filed By: Defendant Beavor, Christopher <i>Notice of Motion to Withdraw as Counsel for Defendant Christopher Beavor</i> |
| 11/05/2014 |  Motion to Withdraw as Counsel (3:00 AM) (Judicial Officer: Israel, Ronald J.) Events: 10/01/2014 Motion to Withdraw As Counsel <i>Hofland & Tomsheck's Motion to Withdraw as Counsel for Defendant Christopher Beavor</i> |
| 12/30/2014 |  Order Setting Civil Jury Trial <i>Order Re-Setting Civil Jury Trial</i> |
| 01/20/2015 |  Pre Trial Conference (9:30 AM) (Judicial Officer: Israel, Ronald J.) |
| 01/21/2015 |  Notice of Appearance Party: Defendant Beavor, Christopher <i>Notice of Appearance</i> |
| 01/27/2015 |  Order Setting Settlement Conference <i>Order Setting Settlement Conference</i> |
| 01/27/2015 |  Order Setting Civil Jury Trial <i>Order Re-Setting Civil Jury Trial</i> |
| 02/03/2015 | CANCELED Calendar Call (9:30 AM) (Judicial Officer: Israel, Ronald J.) <i>Vacated - per Judge</i> |
| 02/09/2015 | CANCELED Jury Trial (1:30 PM) (Judicial Officer: Israel, Ronald J.) <i>Vacated - per Judge</i> |
| 02/26/2015 |  Settlement Conference (1:00 PM) (Judicial Officer: Scotti, Richard F) |
| 03/05/2015 |  Motion in Limine Filed By: Plaintiff Hefetz, Yacov Jack <i>Plaintiff's Motion in Limine Concerning The Exclusion Of The Contents Of Settlement Negotiations</i> |
| 03/05/2015 |  Motion in Limine Filed By: Plaintiff Hefetz, Yacov Jack <i>Plaintiff's Motion in Limine Concerning The Exclusion of References To National Origins And Religious Beliefs.</i> |
| 03/25/2015 |  Response |




DEPARTMENT 28
CASE SUMMARY
CASE NO. A-11-645353-C

| | |
|------------|--|
| | Filed by: Defendant Beavor, Christopher <i>Response to Plaintiff's Motion in Limine Concerning the Exclusion of References to National Origins and Religious Beliefs</i> |
| 03/25/2015 |  Opposition to Motion in Limine Filed By: Defendant Beavor, Christopher <i>Opposition to Plaintiff's Motion in Limine Concerning the Exclusion of the Contents of Settlement Negotiations</i> |
| 03/30/2015 |  Transcript of Proceedings <i>Transcript of Proceedings Jury Trial - Day 1 February 25, 2013</i> |
| 03/30/2015 |  Transcript of Proceedings <i>Transcript of Proceedings Jury Trial - Day 4 February 28, 2013</i> |
| 03/31/2015 |  Pre Trial Conference (9:30 AM) (Judicial Officer: Israel, Ronald J.) |
| 04/01/2015 |  Reply in Support Filed By: Plaintiff Hefetz, Yacov Jack <i>Plaintiff's Reply In Support Of The Motion In Limine Concerning The Exclusion Of The Contents Of Settlement Negotiations</i> |
| 04/06/2015 |  Pre-Trial Disclosure Party: Plaintiff Hefetz, Yacov Jack <i>Plaintiff's Pre-Trial Disclosures Pursuant To NRCP 16.1(A)(3)</i> |
| 04/06/2015 |  Notice Filed By: Defendant Beavor, Christopher <i>Notice of Disassociation of Counsel</i> |
| 04/07/2015 |  Order Setting Civil Jury Trial <i>Order Re-Setting Civil Jury Trial</i> |
| 04/07/2015 | Motion in Limine (9:00 AM) (Judicial Officer: Israel, Ronald J.) Events: 03/05/2015 Motion in Limine <i>Plaintiff's Motion in Limine Concerning The Exclusion Of The Contents Of Settlement Negotiations</i> |
| 04/07/2015 | Motion in Limine (9:00 AM) (Judicial Officer: Israel, Ronald J.) Events: 03/05/2015 Motion in Limine <i>Plaintiff's Motion in Limine Concerning The Exclusion of References To National Origins And Religious Beliefs.</i> |
| 04/07/2015 |  All Pending Motions (9:00 AM) (Judicial Officer: Israel, Ronald J.) <i>All Pending Motions (04/07/15)</i> |
| 04/14/2015 | CANCELED Calendar Call (9:30 AM) (Judicial Officer: Becker, Nancy) <i>Vacated - per Judge</i> |
| 04/20/2015 | CANCELED Jury Trial (1:30 PM) (Judicial Officer: Israel, Ronald J.) <i>Vacated - per Judge</i> |
| 05/07/2015 |  Motion to Dismiss Filed By: Defendant Beavor, Christopher <i>Defendant's Motion to Dismiss Pursuant to NRS 40.435</i> |







DEPARTMENT 28
CASE SUMMARY
CASE NO. A-11-645353-C

| | |
|------------|--|
| 05/08/2015 |  Order Setting Settlement Conference <i>Order Setting Settlement Conference</i> |
| 05/08/2015 |  Motion Filed By: Defendant Beavor, Christopher <i>Defendant Christopher Beavor's Motion to Reopen Dispositive Motion Deadline</i> |
| 05/08/2015 |  Order Granting Motion Filed By: Plaintiff Hefetz, Yacov Jack <i>Order Granting Plaintiff's Motion In Limine Concerning National Origins and Religious Beliefs</i> |
| 05/08/2015 |  Order Denying Motion Filed By: Defendant Beavor, Christopher <i>Order Denying Plaintiff's Motion In Limine Concerning the Exclusion of the Contents of Settlement Negotiations</i> |
| 05/11/2015 |  Notice of Entry of Order Filed By: Plaintiff Hefetz, Yacov Jack <i>Notice of Entry of Order</i> |
| 05/11/2015 |  Notice of Entry of Order Filed By: Plaintiff Hefetz, Yacov Jack <i>Notice of Entry of Order</i> |
| 05/14/2015 |  Settlement Conference (10:30 AM) (Judicial Officer: Kishner, Joanna S.) |
| 05/19/2015 |  Opposition to Motion to Dismiss Filed By: Plaintiff Hefetz, Yacov Jack <i>Plaintiff's Opposition To Defendant's Motion To Dismiss Pursuant To NRS 40.435</i> |
| 05/20/2015 |  Opposition to Motion Filed By: Plaintiff Hefetz, Yacov Jack <i>Plaintiff's Opposition To Defendant's Motion To Reopen Dispositive Motion Deadline</i> |
| 06/02/2015 |  Reply in Support Filed By: Defendant Beavor, Christopher <i>Defendant's Reply in Support of Motion to Dismiss Pursuant to NRS 40.435</i> |
| 06/02/2015 |  Reply in Support Filed By: Defendant Beavor, Christopher <i>Defendant Christopher Beavor's Reply in Support of Motion to Reopen Dispositive Motion Deadline</i> |
| 06/04/2015 |  Notice of Change of Address Filed By: Defendant Beavor, Christopher <i>Notice of Change of Firm Affiliation and Address</i> |
| 06/09/2015 | Motion to Dismiss (9:00 AM) (Judicial Officer: Israel, Ronald J.) Events: 05/07/2015 Motion to Dismiss <i>Defendant's Motion to Dismiss Pursuant to NRS 40.435</i> |
| 06/09/2015 | Motion (9:00 AM) (Judicial Officer: Israel, Ronald J.) Events: 05/08/2015 Motion <i>Defendant Christopher Beavor's Motion to Reopen Dispositive Motion Deadline</i> |


DEPARTMENT 28
CASE SUMMARY
CASE NO. A-11-645353-C

| | |
|------------|--|
| 06/09/2015 |  All Pending Motions (9:00 AM) (Judicial Officer: Israel, Ronald J.) <i>All Pending Motions (06/09/15)</i> |
| 06/10/2015 |  Order to Statistically Close Case <i>Civil Order To Statistically Close Case</i> |
| 06/17/2015 |  Order For Dismissal Without Prejudice Filed By: Defendant Beavor, Christopher <i>Order: (1) Granting Defendant's Motion to Dismiss Pursuant to NRS 40.435; and (2) Vacating as Moot Defendant's Motion for Leave to Reopen Dispositive Motion Deadline</i> |
| 06/17/2015 | Order of Dismissal Without Prejudice (Judicial Officer: Israel, Ronald J.) Debtors: Yacov Jack Hefetz (Plaintiff) Creditors: Christopher Beavor (Defendant), Samantha Beavor (Defendant) Judgment: 06/17/2015, Docketed: 06/18/2015 |
| 06/18/2015 |  Notice of Entry of Order Filed By: Defendant Beavor, Christopher <i>Notice of Entry of Order</i> |
| 06/19/2015 |  Motion Filed By: Plaintiff Hefetz, Yacov Jack <i>Plaintiff's Motion To Re-Open The Case And For Reconsideration Of An Order Of Dismissal Without Prejudice</i> |
| 06/23/2015 |  Notice of Change of Hearing <i>Notice of Change of Hearing</i> |
| 06/25/2015 |  Memorandum of Costs and Disbursements Filed By: Defendant Beavor, Christopher <i>Memorandum of Costs and Disbursements</i> |
| 07/07/2015 |  Opposition to Motion Filed By: Defendant Beavor, Christopher <i>Defendant's Opposition to Plaintiff's Motion to Re-Open the Case and for Reconsideration of an Order of Dismissal without Prejudice</i> |
| 07/08/2015 |  Motion for Attorney Fees Filed By: Defendant Beavor, Christopher <i>Defendant Christopher Beavor's Motion for Attorneys' Fees and Costs</i> |
| 07/14/2015 |  Reply in Support Filed By: Plaintiff Hefetz, Yacov Jack <i>Plaintiff's Reply In Support Of The Motion To Re-Open The Case And For Reconsideration Of An Order Of Dismissal Without Prejudice</i> |
| 07/14/2015 |  Notice of Appeal Filed By: Plaintiff Hefetz, Yacov Jack <i>Notice of Appeal</i> |
| 07/14/2015 |  Case Appeal Statement Filed By: Plaintiff Hefetz, Yacov Jack <i>Case Appeal Statement</i> |

DEPARTMENT 28
CASE SUMMARY
CASE NO. A-11-645353-C

| | |
|------------|--|
| 07/16/2015 |  Motion Filed By: Defendant Beavor, Christopher <i>Defendant's Motion for Leave to Strike Reply; or, in the Alternative, Motion to File Sur-Reply</i> |
| 07/18/2015 |  Opposition to Motion Filed By: Plaintiff Hefetz, Yacov Jack <i>Plaintiff's Opposition To Defendant's Motion For An Award Of Attorneys' Fees and Costs</i> |
| 07/21/2015 |  Opposition to Motion Filed By: Plaintiff Hefetz, Yacov Jack <i>Plaintiff's Opposition to Defendant's Motion for Leave to Strike Reply; or, in the alternative, Motion to File Sur-Reply</i> |
| 07/22/2015 |  Motion (3:00 AM) (Judicial Officer: Israel, Ronald J.) Events: 06/19/2015 Motion <i>Plaintiff's Motion To Re-Open The Case And For Reconsideration Of An Order Of Dismissal Without Prejudice</i> |
| 07/23/2015 |  Posting of Appeal Bond Filed by: Plaintiff Hefetz, Yacov Jack <i>Notice Of Posting Appeal Bond</i> |
| 07/23/2015 |  Order Denying Motion <i>Order</i> |
| 07/24/2015 |  Notice of Entry of Order Filed By: Defendant Beavor, Christopher <i>Notice of Entry of Order</i> |
| 08/12/2015 |  Reply in Support Filed By: Defendant Beavor, Christopher <i>Defendant Christopher Beavor's Reply in Support of Motion for Attorneys' Fees and Costs</i> |
| 08/17/2015 |  Supplemental Filed by: Defendant Beavor, Christopher <i>Defendant Christopher Beavor's Supplement to Reply in Support of Motion for Attorneys' Fees and Costs</i> |
| 08/19/2015 |  Motion for Attorney Fees and Costs (3:00 AM) (Judicial Officer: Israel, Ronald J.) |
| 09/01/2015 |  Order Granting Motion Filed By: Defendant Beavor, Christopher <i>Order Granting Defendant Christopher Beavor's Motion for Attorneys Fees and Costs</i> |
| 09/01/2015 | Order (Judicial Officer: Israel, Ronald J.) Debtors: Yacov Jack Hefetz (Plaintiff) Creditors: Christopher Beavor (Defendant) Judgment: 09/01/2015, Docketed: 09/09/2015 Total Judgment: 15,338.48 |
| 09/03/2015 |  Notice of Entry of Order Filed By: Defendant Beavor, Christopher <i>Notice of Entry of Order</i> |

DEPARTMENT 28
CASE SUMMARY
CASE NO. A-11-645353-C

| | |
|------------|---|
| 09/15/2015 |  Notice of Appeal Filed By: Plaintiff Hefetz, Yacov Jack <i>Notice of Appeal</i> |
| 09/22/2015 | CANCELED Pre Trial Conference (9:30 AM) (Judicial Officer: Israel, Ronald J.) <i>Vacated - per Judge</i> |
| 10/06/2015 | CANCELED Calendar Call (9:30 AM) (Judicial Officer: Israel, Ronald J.) <i>Vacated - per Judge</i> |
| 10/12/2015 | CANCELED Jury Trial (1:30 PM) (Judicial Officer: Israel, Ronald J.) <i>Vacated - per Judge</i> |

| DATE | FINANCIAL INFORMATION |
|------|--|
| | Defendant Beavor, Samantha Total Charges 30.00 Total Payments and Credits 30.00 Balance Due as of 9/17/2015 0.00 |
| | Defendant Beavor, Christopher Total Charges 223.00 Total Payments and Credits 223.00 Balance Due as of 9/17/2015 0.00 |
| | Plaintiff Hefetz, Yacov Jack Total Charges 548.00 Total Payments and Credits 548.00 Balance Due as of 9/17/2015 0.00 |
| | Plaintiff Hefetz, Yacov Jack Appeal Bond Balance as of 9/17/2015 500.00 |

CIVIL COVER SHEET

A-11-645353-C

Clark County, Nevada

Case No. _____

XXVIII

(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone): YACOV HEFETZ AND ALIS COHEN

Defendant(s) (name/address/phone): CHRISTOPHER BEAVOR AND SAMANTHA BEAVOR

Attorney (name/address/phone):

Lee I. Igloody, Esq.

9555 S. Eastern, # 280

Las Vegas, NV 89123

Attorney (name/address/phone):

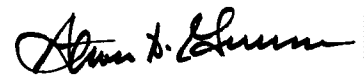
II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)☐ **Arbitration Requested****Civil Cases**

| Real Property | Torts | |
|---|---|---|
| <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning | <input type="checkbox"/> Negligence <input type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other | <input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition |
| Probate | Other Civil Filing Types | |
| <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate | <input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input checked="" type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input checked="" type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal | <input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters |

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

ORIGINAL



CLERK OF THE COURT

1 **ORDG**
2 **DICKINSON WRIGHT PLLC**
3 **JOEL Z. SCHWARZ**
4 Nevada Bar No. 9181
5 Email: jschwarz@dickinsonwright.com
6 **GABRIEL A. BLUMBERG**
7 Nevada Bar No. 12332
8 Email: gblumberg@dickinsonwright.com
9 8383 West Sunset Road, Suite 200
10 Las Vegas, Nevada 89113
11 Tel: (702) 382-4002
12 Fax: (702) 382-1661
13 *Attorneys for Christopher Beavor*

8
9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 **YACOV JACK HEFETZ,**

12 Plaintiff,

13 vs.

14 **CHRISTOPHER BEAVOR,**

15 Defendant.

CASE NO. A-11-645353-C
DEPT. XXVIII

16
17 **ORDER GRANTING DEFENDANT CHRISTOPHER BEAVOR'S MOTION FOR**
18 **ATTORNEYS' FEES AND COSTS**

19
20 Defendant Christopher Beavor's ("Defendant") Motion for Attorneys' Fees and Costs
21 ("Motion") having come before the Court in Chambers on August 19, 2015, the Court having
22 reviewed the Motion, the opposition, and reply and supplement to reply thereto, and good cause
23 appearing therefore, the Court hereby finds as follows:

24 IT IS HEREBY ORDERED that the Defendant's Motion for Attorney's Fees is
25 GRANTED. Defendant is the prevailing party, having obtained a dismissal without prejudice.
26 Attorney fees are appropriate pursuant to the Offer of Judgment and hereby are awarded in the
27 amount of \$15,000.00.

28 Defendant's Offer of Judgment was both timely and reasonable in the amount especially

DICKINSON WRIGHT PLLC


8383 West Sunset Road, Suite 200
Las Vegas, Nevada 89113-2210

9/1/15 (98)

1 given the circumstances under which the Plaintiff had been advised prior to the filing of the
2 motion to dismiss that the One-Action Rule would resolve the situation.


3 In discussing the *Brunzell* factors: (1) the quality of the work performed by Defendant's
4 counsel was very good; (2) the character and difficulty of the work was reasonable in nature and
5 particularly so given that it resolved the case; and (3) Defendant achieved appropriate results or
6 results that would satisfy the *Brunzell* factors. It was the amount of time spent following the
7 Offer of Judgment that this Court feels was excessive, and therefore the Court reduces the total
8 award of attorneys' fees to \$15,000.00.

9 IT IS HEREBY FURTHER ORDERED that the Defendant's Motion for Costs is
10 GRANTED as no timely Motion to Retax was submitted and the costs set forth in Defendant's
11 memorandum of costs are all taxable pursuant to NRS 18.005. Defendant therefore is awarded
12 costs in the amount of \$338.48.

13
14 
15 DISTRICT COURT JUDGE
16 DATED: P-28-15

17 Submitted by

18 DICKINSON WRIGHT PLLC

19
20 
21 JOEL Z. SCHWARZ
22 Nevada Bar No. 9181
23 Email: jschwarz@dickinsonwright.com
24 GABRIEL A. BLUMBERG
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Fax: (702) 382-1661
Attorneys for Christopher Beavor

LVEGAS 65530-1 33065v1


CLERK OF THE COURT

1 **NEOJ**
2 **DICKINSON WRIGHT PLLC**
3 **JOEL Z. SCHWARZ**
4 Nevada Bar No. 9181
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13 *Attorneys for Christopher Beavor*

8
9
10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

11 **YACOV JACK HEFETZ,**

12 Plaintiff,

CASE NO. A-11-645353-C
DEPT. XXVIII

13 vs.

14 **CHRISTOPHER BEAVOR,**

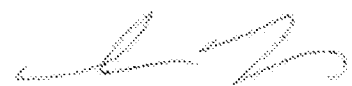
15 Defendant.
16

17 **NOTICE OF ENTRY OF ORDER**

18 NOTICE IS HEREBY GIVEN that an Order Granting Defendant Christopher Beavor's
19 Motion for Attorneys' Fees and Costs was entered on September 1, 2015, a copy of which is
20 attached hereto.

21 DATED this 3rd day of September 2015.

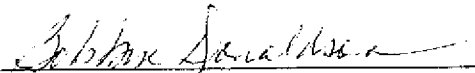
22 **DICKINSON WRIGHT PLLC**

23
24 
25 **JOEL Z. SCHWARZ**
26 Nevada Bar No. 9181
27 **GABRIEL A. BLUMBERG**
28 Nevada Bar No. 12332
8363 West Sunset Road, Suite 200
Las Vegas, Nevada 89113-2210
Tel: (702) 382-4002
Attorneys for Christopher Beavor

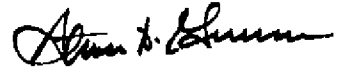
CERTIFICATE OF SERVICE

The undersigned, an employee of Dickinson Wright PLLC, hereby certifies that on the 3rd day of September 2015, she caused a copy of **Notice of Entry of Order** to be served by electronic service in accordance with Administrative Order 14.2, to all interested parties, through the Court's **Odyssey E-File & Serve** system to:

H. Stan Johnson, Esq.
Email: sjohnson@cohenjohnson.com
Michael V. Hughes, Esq.
Email: mhughes@cohenjohnson.com
COHEN-JOHNSON, L.L.C.
255 East Warm Springs Road, Suite 100
Las Vegas, NV 89119
Attorneys for Yacov Hefetz


Bobby Donaldson, an employee of
Dickinson Wright PLLC

ORIGINAL



CLERK OF THE COURT

1 **ORDG**
2 **DICKINSON WRIGHT PLLC**
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13 *Attorneys for Christopher Beavor*

8
9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 **YACOV JACK HEFETZ,**

12 Plaintiff,

CASE NO. A-11-645353-C
DEPT. XXVIII

13 vs.

14 **CHRISTOPHER BEAVOR.**

15 Defendant.

16
17 **ORDER GRANTING DEFENDANT CHRISTOPHER BEAVOR'S MOTION FOR**
18 **ATTORNEYS' FEES AND COSTS**

19
20 Defendant Christopher Beavor's ("Defendant") Motion for Attorneys' Fees and Costs
21 ("Motion") having come before the Court in Chambers on August 19, 2015, the Court having
22 reviewed the Motion, the opposition, and reply and supplement to reply thereto, and good cause
23 appearing therefore, the Court hereby finds as follows:

24 IT IS HEREBY ORDERED that the Defendant's Motion for Attorney's Fees is
25 GRANTED. Defendant is the prevailing party, having obtained a dismissal without prejudice.
26 Attorney fees are appropriate pursuant to the Offer of Judgment and hereby are awarded in the
27 amount of \$15,000.00.

28 Defendant's Offer of Judgment was both timely and reasonable in the amount especially

DICKINSON WRIGHT PLLC

8383 West Sunset Road, Suite 200
Las Vegas, Nevada 89113-7110

9/27/15 (28)

1 given the circumstances under which the Plaintiff had been advised prior to the filing of the
2 motion to dismiss that the One-Action Rule would resolve the situation.

3 In discussing the *Brunzell* factors: (1) the quality of the work performed by Defendant's
4 counsel was very good; (2) the character and difficulty of the work was reasonable in nature and
5 particularly so given that it resolved the case; and (3) Defendant achieved appropriate results or
6 results that would satisfy the *Brunzell* factors. It was the amount of time spent following the
7 Offer of Judgment that this Court feels was excessive, and therefore the Court reduces the total
8 award of attorneys' fees to \$15,000.00.

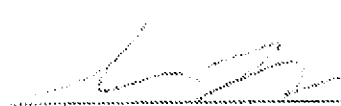
9 IT IS HEREBY FURTHER ORDERED that the Defendant's Motion for Costs is
10 GRANTED as no timely Motion to Retax was submitted and the costs set forth in Defendant's
11 memorandum of costs are all taxable pursuant to NRS 18.005. Defendant therefore is awarded
12 costs in the amount of \$338.48.

13
14 
DISTRICT COURT JUDGE

15 DATED: P-28-15
16

17 Submitted by

18 DICKINSON WRIGHT PLLC

19
20 
JOEL Z. SCHWARZ

21 Nevada Bar No. 9181

22 Email: jschwarz@dickinsonwright.com

23 GABRIEL A. BLUMBERG

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28 Tel: (702) 382-4002

Fax: (702) 382-1661

Attorneys for Christopher Beavor

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

March 27, 2012

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

| | | | |
|-----------------------|----------------|------------------------|---|
| March 27, 2012 | 3:00 AM | Motion to Amend | Defendants' / Counterclaimants' Motion for Leave to Amend Counterclaim |
|-----------------------|----------------|------------------------|---|

HEARD BY: Israel, Ronald J.

COURTROOM:

COURT CLERK: Kathy Klein

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, there being no opposition and good cause, COURT ORDERED, Deft's Motion for Leave to Amend Counterclaim, GRANTED. Defendants have 30 days from today (03/29/12) to file the amended counterclaim.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Lee Iglody, Esq. and Marc Saggese, Esq.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

August 15, 2012

| | |
|---------------|---|
| A-11-645353-C | Yacov Hefetz, Plaintiff(s) vs. Christopher Beavor, Defendant(s) |
|---------------|---|

August 15, 2012 9:45 AM Status Check

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

| | | |
|-----------------|------------------------------------|----------------------|
| PRESENT: | Iglody, Lee I. Saggese, Marc A. | Attorney Attorney |
|-----------------|------------------------------------|----------------------|

JOURNAL ENTRIES

- Ms. Iglody noted a settlement conference would be productive. Colloquy regarding scheduling options for a settlement conference with a Senior Judge or private Judge. Court directed Counsel to call to schedule and to have available dates before the end of October. Court noted it would not move the trial date at this time. Mr. Iglody requested matter be continued two weeks for Counsel to find a mediator and move the motion deadline out two weeks. Mr. Saggese stipulated in open court. At the request of Counsel COURT ORDERED, Matter set for a status check regarding the status of the case.

09/10/12 9:00 AM STATUS CHECK: STATUS OF CASE (Courtroom 15D)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

September 10, 2012

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

September 10, 2012 9:00 AM

**Status Check: Status of
Case**

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15D

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Iglody, Lee I.

Attorney

JOURNAL ENTRIES

- Mr. Iglody informed the Court of the settlement conference being scheduled for 09/21/12 in front of Sr. Judge Bonaventure. Upon Court's inquiry, Mr. Iglody noted discovery was closed. Court noted Counsel may update this Court at the pre-trial conference.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

September 21, 2012

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

September 21, 2012 9:00 AM Settlement Conference

HEARD BY: Bonaventure, Joseph T. **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Clerk not present. Senior Judge Bonaventure conducted the conference; however, matter did not settle. TRIAL STANDS.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

October 22, 2012

| | |
|---------------|----------------------------------|
| A-11-645353-C | Yacov Hefetz, Plaintiff(s) |
| | vs. |
| | Christopher Beavor, Defendant(s) |

October 22, 2012 9:30 AM All Pending Motions

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15D

COURT CLERK: Tiffany Lawrence

RECORDER: Judy Chappell

REPORTER:

PARTIES

| | | |
|-----------------|------------------|----------|
| PRESENT: | Iglody, Lee I. | Attorney |
| | Saggese, Marc A. | Attorney |

JOURNAL ENTRIES

- STATUS CHECK: OUTCOME OF SETTLEMENT CONFERENCE...Case did not settle.

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT...COURT ORDERED, Defts' Response to Pltf's Reply STRICKEN. Arguments of counsel regarding whether Defts are entitled to an off-set judgment; whether Pltf qualified to possess the note. COURT stated FINDINGS and ORDERED, Motioned DENIED.

PRE TRIAL CONFERENCE...Counsel anticipate 5 days for trial.

Mr. Iglody to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

November 05, 2012

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

November 05, 2012 9:30 AM Calendar Call

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15D

COURT CLERK: Louisa Garcia

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Iglody, Lee I. Attorney
Saggese, Marc A. Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, counsel anticipate trial to last 4 days. Colloquy regarding trial readiness. At the request of counsel, COURT ORDERED, trial date VACATED and reset, due to scheduling conflicts.

1/29/13 9:30 AM CALENDAR CALL

2/4/13 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

January 15, 2013

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

January 15, 2013 9:30 AM Pre Trial Conference

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Iglody, Lee I. Attorney
 Saggese, Marc A. Attorney

JOURNAL ENTRIES

- Mr. Iglody present and noted he did not see opposing Counsel. Mr. Iglody further noted settlement was unlikely and estimated trial to be four days. Court trailed matter for Counsel.

Later Recalled: Mr. Saggese not present. COURT ORDERED, Matter CONTINUED, for Counsel to appear.

LATER RECALLED: Mr. Iglody and Mr. Saggese present. Mr. Saggese noted there would be no settlement. Counsel requested trial to be set for either the week of 02/25/13 or 03/04/13. Court to confirm trial date at calendar call. Court vacated continued date previously set.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

January 29, 2013

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

January 29, 2013 9:30 AM Calendar Call

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Iglody, Lee I. Attorney
 Saggese, Marc A. Attorney

JOURNAL ENTRIES

- Mr. Iglody announced ready and estimated 4 days. Mr. Saggese advised he may have a potential Federal Court Trial and will travel Thursday to the hearing to confirm that trial. Colloquy regarding trial scheduling. Counsel agreed if the Federal Court Trial does not proceed, they would be starting trial on 02/25/13. COURT ORDERED, Matter CONTINUED, Counsel to notify the Judicial Executive Assistant (JEA) following the Federal Court hearing and inform this Court of Mr. Saggese's availability and confirm or vacate this Court's tentative trial date.

01/31/13 11:00 AM CONFERENCE CALL: CALENDAR CALL

02/25/13 9:00 AM JURY TRIAL (4 Days) Tentative

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

January 31, 2013

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

January 31, 2013 11:00 AM Calendar Call

HEARD BY: Israel, Ronald J. **COURTROOM:**

COURT CLERK: Kathy Klein

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Mr. Saggese's Office called and stated Mr. Saggese Federal Trial was continued, Therefore this Trial set for 02/25/13 may proceed. TRIAL STANDS. Mr. Iglody called and was notified by Mr. Saggese's Office and confirmed by chambers, the current trial date is a firm date.

02/25/13 9:00 AM JURY TRIAL (4 Days)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

February 25, 2013

| | |
|---------------|---|
| A-11-645353-C | Yacov Hefetz, Plaintiff(s) vs. Christopher Beavor, Defendant(s) |
|---------------|---|

February 25, 2013 9:30 AM Jury Trial

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

| | | |
|-----------------|---------------------|-----------|
| PRESENT: | Beavor, Christopher | Defendant |
| | Beavor, Samantha | Defendant |
| | Hefetz, Yacov Jack | Plaintiff |
| | Hulet, Jeffrey L. | Attorney |
| | Iglody, Lee I. | Attorney |
| | Saggese, Marc A. | Attorney |

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Court received a copy of Plaintiff's brief and Court noted this should have been a Motion In Limine prior to trial. Arguments by Counsel. Court suggested Court could hear the issue and sanction Counsel. Mr. Iglody agreed to set aside his request regarding excluding testimony of close relations. Colloquy regarding the trial protocol. Counsel agreed to last two jurors as the secret alternates. Counsel further agreed to Plaintiff's Rebuttal Witness to be taken out of order. Colloquy regarding stipulated exhibits. (See worksheets).

PROSPECTIVE JURY PANEL PRESENT: Jury and two secret alternates selected and sworn. Opening statements by Counsel. EXCLUSIONARY RULE INVOKED. Testimony and exhibits presented (see worksheets).

Evening recess.

A-11-645353-C

02/26/13 11:30 AM Jury Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

February 26, 2013

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

February 26, 2013 11:00 AM Jury Trial

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

| | | |
|-----------------|---------------------|-----------|
| PRESENT: | Beavor, Christopher | Defendant |
| | Beavor, Samantha | Defendant |
| | Hefetz, Yacov Jack | Plaintiff |
| | Hulet, Jeffrey L. | Attorney |
| | Iglody, Lee I. | Attorney |
| | Saggese, Marc A. | Attorney |

JOURNAL ENTRIES

- JURY PRESENT: Clerk took the roll of the Jury. Testimony and exhibits presented. (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Court admonished Mr. Saggese regarding comments that could be prejudicial and instructed Mr. Saggese not to refer to the Plaintiff as an Israeli and if Counsel uses these type of comments in this trial again, Court will then declare a mistrial. Mr. Saggese stated his reason for the use of his comments and apologized to the Court and all parties. Upon Court's inquiry regarding a curative instruction, Mr. Iglody noted he would wait, to see if it becomes necessary.

JURY PRESENT: Plaintiff's Rebuttal Witness taken out of order as stipulated prior to trial. Further testimony and exhibits presented. (See worksheet).

Evening recess.

02/27/13 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

February 27, 2013

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

February 27, 2013 10:00 AM Jury Trial

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein
Phyllis Irby

RECORDER: Judy Chappell

REPORTER:

PARTIES

| | | |
|-----------------|---------------------|-----------|
| PRESENT: | Beavor, Christopher | Defendant |
| | Beavor, Samantha | Defendant |
| | Hefetz, Yacov Jack | Plaintiff |
| | Hulet, Jeffrey L. | Attorney |
| | Iglody, Lee I. | Attorney |
| | Saggese, Marc A. | Attorney |

JOURNAL ENTRIES

- ***Court Clerk: Kathy Klein 10:00am -11:30am

OUTSIDE THE PRESENCE OF THE JURY: Counsel stipulated to admit additional exhibits. Counsel further agreed not to bring up the issue regarding Alis Cohen. Colloquy regarding trial scheduling.

JURY PRESENCE: Clerk took the roll of the jury. Plaintiff Rested. Testimony and exhibits presented. (See worksheets).

***Court Clerk: Phyllis Irby 1:00pm - 5:00pm

OUTSIDE THE PRESENCE OF THE JURY. Parties have made a partial settlement with Samantha Beavor. Parties have stipulated to put the negotiations on the record.

Mr. Hulet informed the Court one party on the defense side has settled out; Ms. Samantha Beavor. Mr. Hulet stated the terms of the settlement are that Pltf Jack Hefetz is settling with Deft Samantha

Beavor for complete and full mutual release between Samantha Beavor and Jack Hefetz. Both clients agree to release by April 15th the Deed of Trust she resides in the condo on Domnus Lane within 15 DAYS, extending the condition of the settlement is that Samantha Beavor agree not to aid, abet, move or participate in any transfer of assets of her ex-husband Christopher Beavor. We agree to go by the uniform fraudulent transfer act as it pertains to the assets. If the condition is violated or if settlement is breached, parties agree to have liquidated damage clause provision of ONE MILLION (\$1,000,000.00) DOLLARS by the Pltf against the Deft. Mr. Hulet requested a status be set to have the necessary paperwork Stip & Order, Settlement documents and the Deed of Trust in order. COURT ORDERED, STATUS CHECK SET.

4-16-13 9:00 AM STATUS CHECK: SETTLEMENT DOCUMENTS (DEPT. XXVII)

JURY PRESENT. Testimony and exhibits presented (see worksheets). COURT ORDERED, MATTER CONTINUED. Jury recessed for the evening.

02/28/13 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

February 28, 2013

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

February 28, 2013 10:30 AM Jury Trial

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

| | | |
|-----------------|---------------------|-----------|
| PRESENT: | Beavor, Christopher | Defendant |
| | Hefetz, Yacov Jack | Plaintiff |
| | Hulet, Jeffrey L. | Attorney |
| | Iglody, Lee I. | Attorney |
| | Saggese, Marc A. | Attorney |

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding Plaintiff's rebuttal witness to be taken out of order. Mr. Saggese objected. Upon review of the trial schedule and the witness schedule, Court will allow Plaintiffs Rebuttal witness to be called later today.

JURY PRESENT: Clerk took the roll of the jury. Testimony and exhibits presented. (See worksheets). Counsel agreed to call Plaintiff's second rebuttal witness out of order. Further Testimony and exhibits presented. Defendant/Counterclaimant rested.

OUTSIDE THE PRESENCE OF THE JURY: Plaintiff moved for a 50(a) Motion and provided the Court and Counsel a copy of the motion. Court directed Counsel to file with the Clerks Office and arguments will be heard tomorrow regarding this motion. Colloquy regarding scheduling issues. Counsel to argue the 50(a) Motion and jury instructions.

Evening recess

03/01/13 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

March 01, 2013

| | |
|---------------|---|
| A-11-645353-C | Yacov Hefetz, Plaintiff(s) vs. Christopher Beavor, Defendant(s) |
|---------------|---|

March 01, 2013 10:30 AM Jury Trial

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

| | | |
|-----------------|--|--|
| PRESENT: | Beavor, Christopher Hefetz, Yacov Jack Hulet, Jeffrey L. Iglody, Lee I. Saggese, Marc A. | Defendant Plaintiff Attorney Attorney Attorney |
|-----------------|--|--|

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding Samantha Beavor, Defendant, reached an agreement and will no longer be listed as a Defendant in the trial. Arguments by Counsel regarding Plaintiff's 50(a) Motion. Court stated its findings and ORDERED, Plaintiff's 50 (a) Motion, GRANTED; Defendant's Counter-Claims Dismissed. Discussions regarding jury instructions and verdict form. Instructions settled 1-34.

JURY PRESENT: Clerk took the roll of the jury. Court advised the Jury, Samantha Beavor and the Counter-Claims will no longer be an issue in this trial. Court instructed the jury. Closing arguments by Counsel. Marshal and Law Clerk sworn and given charge of the jury. Court Thanked and released the alternate jurors. Amended Jury List Filed in Open Court.

At the hour of 2:38 p.m. the jury retired to deliberate.

At the hour of 4:20 p.m. Jury returned with a Defense Verdict.

Jury polled. Court Thanked and excused the Jury.

Court adjourned.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract**COURT MINUTES****April 16, 2013**

A-11-645353-C Yacov Hefetz, Plaintiff(s)
 vs.
 Christopher Beavor, Defendant(s)

| | | | |
|-----------------------|----------------|---|--|
| April 16, 2013 | 9:00 AM | Status Check: Settlement Documents | Status Check: Settlement Documents re Samantha Beavor |
|-----------------------|----------------|---|--|

HEARD BY: Israel, Ronald J.**COURTROOM:** RJC Courtroom 15C**COURT CLERK:** Ying Pan**RECORDER:** Judy Chappell**REPORTER:****PARTIES**

| | | |
|-----------------|--------------------|----------|
| PRESENT: | H. Stanley Johnson | Attorney |
| | Saggese, Marc A. | Attorney |

JOURNAL ENTRIES

- Court NOTED, there has been a Trial. Upon Court's inquiry, Mr. Saggese stated Plaintiff's Trial counsel recently withdrew, and he is not sure whether the Plaintiff's Trial counsel forwarded the settlement documents to new counsel, Mr. Johnson. Mr. Johnson noted Plaintiff's prior counsel did not provide him with any settlement documents. COURT ORDERED, Status Check regarding settlement documents and case dismissal shall be SET for Court's Chambers Calendar; if counsel submit all the necessary documents by the next Status Check, case will be dismissed; otherwise, counsel will be required to appear and provide an explanation.

5/15/13 3:00 AM STATUS CHECK: SETTLEMENT DOCUMENTS / DISMISSAL OF SAMANTHA BEAVOR

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

May 15, 2013

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

| | | | |
|---------------------|----------------|---|--|
| May 15, 2013 | 3:00 AM | Status Check: Settlement Documents | STATUS CHECK: SETTLEMENT DOCUMENTS / DISMISSAL OF SAMANTHA BEAVOR |
|---------------------|----------------|---|--|

HEARD BY: Israel, Ronald J.

COURTROOM:

COURT CLERK: Kathy Klein

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers filed in this matter, Court notes settlement documents have not been submitted and ORDERED, Matter CONTINUED to the hearing calendar. Court directs Counsel to inform the Court of the status of the case.

06/13/13 9:00 AM STATUS CHECK: SETTLEMENT DOCUMENTS// DISMISSAL OF SAMANTHA BEAVOR// STATUS OF CASE

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: H. Stan Johnson, Esq. (Cohen-Johnson) and Marc Saggese, Esq.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

June 13, 2013

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

| | | | |
|----------------------|----------------|---|--|
| June 13, 2013 | 9:00 AM | Status Check: Settlement Documents | STATUS CHECK: SETTLEMENT DOCUMENTS / DISMISSAL OF SAMANTHA BEAVOR//STATUS OF CASE |
|----------------------|----------------|---|--|

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein
Keri Cromer

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Saggese, Marc A. Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Saggese noted there was a substitution of counsel for Plaintiff and they stated they would produce the documents, However we have not received them. Mr. Saggese noted Mr. Johnson is new Counsel for Plaintiff. COURT ORDERED, Matter CONTINUED. Law Clerk to notify Counsel of the upcoming date. Court noted if Counsel does not appear to the next hearing, Counsel may be sanctioned.

06/20/13 9:00 AM STATUS CHECK: SETTLEMENT DOCUMENTS / DISMISSAL OF SAMANTHA BEAVOR // STATUS OF CASE

CLERK'S NOTE: Law Clerk notified Mr. Johnson, 06/13/13, kk.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract**COURT MINUTES****July 09, 2013**

A-11-645353-C Yacov Hefetz, Plaintiff(s)
 vs.
 Christopher Beavor, Defendant(s)

| | | | |
|----------------------|----------------|---|--|
| July 09, 2013 | 9:00 AM | Status Check: Settlement Documents | STATUS CHECK: SETTLEMENT DOCUMENTS / DISMISSAL OF SAMANTHA BEAVOR//STATUS OF CASE |
|----------------------|----------------|---|--|

HEARD BY: Israel, Ronald J.**COURTROOM:** RJC Courtroom 15C**COURT CLERK:** Kathy Klein**RECORDER:** Judy Chappell**REPORTER:****PARTIES**

| | | |
|-----------------|-----------------------|----------|
| PRESENT: | Morris, Brian A., ESQ | Attorney |
| | Saggese, Marc A. | Attorney |

JOURNAL ENTRIES

- Court noted parties agreed to a stipulation at the time of trial and Counsel has not received the documents of the stipulation. Mr. Morris noted Mr. Johnson was just retained on this case and assured the Court the documents would be submitted. COURT ORDERED, Matter CONTINUED. Court noted if the documents are submitted, Counsel will not need to appear.

08/08/13 9:00 AM STATUS CHECK: SETTLEMENT DOCUMENTS / DISMISSAL OF SAMANTHA BEAVOR // STATUS OF CASE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

August 07, 2013

| | |
|---------------|---|
| A-11-645353-C | Yacov Hefetz, Plaintiff(s) vs. Christopher Beavor, Defendant(s) |
|---------------|---|

| | | | |
|------------------------|----------------|-----------------------------|--|
| August 07, 2013 | 3:00 AM | Motion for New Trial | Plaintiff's Motion for New Trial or in the Alternative Motion for Judgment Notwithstanding Verdict (JNOV) |
|------------------------|----------------|-----------------------------|--|

HEARD BY: Israel, Ronald J.

COURTROOM:

COURT CLERK: Kathy Klein

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of all the papers and pleadings on file in this matter, Court notes Defendant's opposition only addressed the timeliness of Plaintiff's Motion for New Trial and Defendant's were incorrect as to the proper procedure pursuant to EDCR, Therefore, there was no opposition on the merits, COURT ORDERED, Plaintiff's Motion for New Trial, GRANTED. COURT FURTHER ORDERED, Matter set for a status check to reset the trial.

08/29/13 9:00 AM STATUS CHECK: RESET TRIAL

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: H. Stan Johnson, Esq. (Cohen- Johnson) and Marc Saggese, Esq. (Saggese & Associates)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

August 08, 2013

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

| | | | |
|------------------------|----------------|---|--|
| August 08, 2013 | 9:00 AM | Status Check: Settlement Documents | STATUS CHECK: SETTLEMENT DOCUMENTS / DISMISSAL OF SAMANTHA BEAVOR//STATUS OF CASE |
|------------------------|----------------|---|--|

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

| | | |
|-----------------|--------------------|----------|
| PRESENT: | H. Stanley Johnson | Attorney |
| | Saggese, Marc A. | Attorney |

JOURNAL ENTRIES

- Colloquy regarding the preparing of the stipulation and order and the settlement agreement.
COURT ORDERED, CASE CLOSED as to Samantha Beavor. Court noted there will be additional motions regarding Defendant Christopher Beavor.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

August 29, 2013

| | |
|---------------|----------------------------------|
| A-11-645353-C | Yacov Hefetz, Plaintiff(s) |
| | vs. |
| | Christopher Beavor, Defendant(s) |

| | | |
|------------------------|----------------|------------------------------------|
| August 29, 2013 | 9:00 AM | Status Check: Trial Setting |
|------------------------|----------------|------------------------------------|

| | |
|------------------------------------|-------------------------------------|
| HEARD BY: Israel, Ronald J. | COURTROOM: RJC Courtroom 15C |
|------------------------------------|-------------------------------------|

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

| | | |
|-----------------|-----------------------|----------|
| PRESENT: | Morris, Brian A., ESQ | Attorney |
| | Tomsheck, Joshua L. | Attorney |

JOURNAL ENTRIES

- Mr. Morris noted both law firms are new on this case. Colloquy regarding schedules. COURT ORDERED, Jury Trial, SET. The Judicial Executive Assistant (JEA) to issue a trial order. At the request of Counsel, COURT ORDERED, The upcoming Motion for Attorney Fees and Motion for Reconsideration be reset together on the hearing calendar.

09/26/13 9:00 AM MOTION FOR ATTORNEY FEES...MOTION FOR RECONSIDERATION

02/20/14 9:30 AM PRE-TRIAL CONFERENCE

03/11/14 9:30 AM CALENDAR CALL

03/17/14 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

September 26, 2013

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

September 26, 2013 9:00 AM

All Pending Motions

**All Pending Motions
(09/26/13)**

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

| | | |
|-----------------|---------------------|----------|
| PRESENT: | H. Stanley Johnson | Attorney |
| | Saggese, Marc A. | Attorney |
| | Tomsheck, Joshua L. | Attorney |

JOURNAL ENTRIES

- DEFENDANT CHRISTOPHER BEAVOR'S MOTION FOR RECONSIDERATION...DEFENDANT'S MOTION FOR ATTORNEY FEES

Colloquy regarding the dismissal of Ms. Samantha Beavor. Mr. Saggese noted it was in the process, they were fine tuning the language. COURT ORDERED, Matter CONTINUED and FURTHER CONTINUED Mr. Saggese's Motion for Attorney Fees. Court noted if the settlement documents are submitted, Counsel may notify chambers to have the matter taken off calendar.

Arguments by Counsel regarding the Motion to Reconsider Plaintiff's Motion for a new trial. Mr. Tomsheck argued the time of service of the notice of judgment. Colloquy regarding rule 6A and rule 6E and holidays and weekends excluded from the time of service. Further arguments. COURT stated its finding and noted under 2.24 there were no grounds for reconsideration and ORDERED, Motion to Reconsider, DENIED. Mr. Tomsheck requested matter be stayed to take it up on a writ. COURT ORDERED, Oral Motion to Stay, DENIED.

10/24/13 9:00 AM STATUS CHECK: DISMISSAL/S. BEAVOR...DEFT'S MOTION FOR ATTORNEY FEES

CLERK'S NOTE: Following Court, Court noted Mr. Tomsheck may file a written motion for a stay for both sides to brief. A copy of this minute order was placed in the attorney folder(s) of: Joshua Tomsheck, Esq. (Hofland & Tomsheck) and H. Stanley Johnson, Esq. (Cohen-Johnson) and Marc Saggese, Esq.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

October 24, 2013

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

October 24, 2013

9:00 AM

All Pending Motions

**All Pending Motions
(10/24/13)**

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: H. Stanley Johnson Attorney
 Saggese, Marc A. Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR ATTORNEY FEES...STATUS CHECK: SAMANTHA BEAVOR

Mr. Johnson noted the settlement with Samantha Beavor was done. Colloquy regarding the Motion for Attorney Fees, and Mr. Johnson's appearances for the past hearings. Court trailed the matter. Later recalled. Court noted Mr. Hefetz had changed Counsel and delayed this matter. COURT ORDERED, Motion for Attorney Fees, DENIED, Court finds no one had placed the terms on the record.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

January 07, 2014

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

| | | | |
|-------------------------|----------------|------------------------|--|
| January 07, 2014 | 9:00 AM | Motion For Stay | Defendant Christopher Beavor's Motion for Stay of Proceedings |
|-------------------------|----------------|------------------------|--|

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Tomsheck, Joshua L. Attorney

JOURNAL ENTRIES

- There being no opposition, COURT ORDERED, Stay of Proceedings, GRANTED. Upon Court's inquiry, Mr. Tomsheck advised he would file the writ now. COURT FURTHER ORDERED, Trial Dates, VACATED and Matter set for a status check as to the status of the case and to reset trial. Case STAYED pending Supreme Court decision.

05/13/14 9:00 AM STATUS CHECK: STATUS OF CASE // RESETTING TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

May 13, 2014

| | |
|---------------|---|
| A-11-645353-C | Yacov Hefetz, Plaintiff(s) vs. Christopher Beavor, Defendant(s) |
|---------------|---|

May 13, 2014

9:00 AM

**Status Check: Status of
Case**

**Status Check: Status
of Case//Resetting
Trial**

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Tomsheck, Joshua L. Attorney

JOURNAL ENTRIES

- Mr. Tomsheck noted the writ had been filed with the Supreme Court. COURT ORDERED, Matter set for a status check. Court directed Counsel to notify chambers of the status prior to the hearing.

08/13/14 (CHAMBERS) STATUS CHECK: STATUS OF SUPREME COURT DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

August 13, 2014

| | |
|---------------|---|
| A-11-645353-C | Yacov Hefetz, Plaintiff(s) vs. Christopher Beavor, Defendant(s) |
|---------------|---|

| | | | |
|------------------------|----------------|---|--|
| August 13, 2014 | 3:00 AM | Status Check: Status of Case | Status Check: Status of Case//Resetting Trial |
|------------------------|----------------|---|--|

HEARD BY: Israel, Ronald J.

COURTROOM:

COURT CLERK: Kathy Klein

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review, writ of mandamus pending before the Supreme Court. COURT ORDERED, Matter CONTINUED.

11/12/14 (CHAMBERS) STATUS CHECK: STATUS OF CASE/RESETTING TRIAL

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Joshua Tomscheck, Esq. (Hofland & Tomscheck) and Harold Johnson, Esq. (Cohen-Johnson)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

November 05, 2014

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

| | | | |
|--------------------------|----------------|--|--|
| November 05, 2014 | 3:00 AM | Motion to Withdraw as Counsel | Hofland & Tomsheck's Motion to Withdraw as Counsel for Defendant Christopher Beavor |
|--------------------------|----------------|--|--|

HEARD BY: Israel, Ronald J.

COURTROOM:

COURT CLERK: Kathy Klein

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(b) the Motion to Withdraw is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order including the last known address and all upcoming dates including all dates for pretrial compliance with NRCP 16.1 within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Joshua Tomsheck, Esq. (Hofland & Tomsheck) and Counsel to notify all parties.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

November 12, 2014

| | |
|---------------|---|
| A-11-645353-C | Yacov Hefetz, Plaintiff(s) vs. Christopher Beavor, Defendant(s) |
|---------------|---|

November 12, 2014 3:00 AM

**Status Check: Status of
Case**

**Status Check: Status
of Case//Resetting
Trial**

HEARD BY: Israel, Ronald J.

COURTROOM:

COURT CLERK: Kathy Klein

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Matter CONTINUED to the Hearing Calendar for trial setting.

12/11/14 9:00 AM STATUS CHECK: STATUS OF CASE // TRIAL SETTING

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Joshua Tomscheck, Esq. (Hofland & Tomscheck) and Harold Johnson, Esq. (Cohen-Johnson)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract**COURT MINUTES****December 11, 2014**

A-11-645353-C Yacov Hefetz, Plaintiff(s)
 vs.
 Christopher Beavor, Defendant(s)

| | | | |
|--------------------------|----------------|-------------------------------------|--|
| December 11, 2014 | 9:00 AM | Status Check: Status of Case | Status Check: Status of Case//Resetting Trial |
|--------------------------|----------------|-------------------------------------|--|

HEARD BY: Israel, Ronald J.**COURTROOM:** RJC Courtroom 15C**COURT CLERK:** Kathy Klein**RECORDER:** Judy Chappell**REPORTER:****PARTIES**

PRESENT: Hughes, Michael V., ESQ Attorney

JOURNAL ENTRIES

- Mr. Hughes requested trial dates be set. Court noted the Supreme Court denied the writ and Defense Counsel withdrew. COURT ORDERED, Trial SET. The Judicial Executive Assistant (JEA) to issue the trial order. Upon inquiry, Mr. Hughes noted the trial would be 5 days for the re-trial.

01/20/15 9:30 AM PRE-TRIAL CONFERENCE

02/03/15 9:30 AM CALENDAR CALL

02/09/15 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

January 20, 2015

| | |
|---------------|----------------------------------|
| A-11-645353-C | Yacov Hefetz, Plaintiff(s) |
| | vs. |
| | Christopher Beavor, Defendant(s) |

January 20, 2015 9:30 AM Pre Trial Conference

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

| | | |
|-----------------|-------------------------|----------|
| PRESENT: | Johnson, Harold Stanley | Attorney |
| | Schwarz, Joel Z. | Attorney |

JOURNAL ENTRIES

- Mr. Schwarz noted he was just retained Thursday and he spoke with Counsel regarding other trial stacks and will be submitting a joint motion to continue the trial. Court noted the age of the case and the prior trial on this case going to the Supreme Court. Court will allow a limited time given the fact Mr. Schwarz was just retained. Colloquy regarding scheduling issues. COURT ORDERED, Trial dates VACATED and RESET. The Judicial Executive Assistant (JEA) to issue the trial order. COURT FURTHER ORDERED, All Parties to a Settlement Conference. Counsel to notify the Law Clerk in chambers by next Tuesday of the date set for the settlement conference.

CLERK'S NOTE: Chambers received a fax 01/26/15, from Joel Z. Schwarz, Esq. advising that the parties have a Settlement Conference scheduled with Judge Scotti on 02/26/15 @1:00 PM. kk 01/26/15.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

February 26, 2015

| | |
|---------------|---|
| A-11-645353-C | Yacov Hefetz, Plaintiff(s) vs. Christopher Beavor, Defendant(s) |
|---------------|---|

February 26, 2015 1:00 PM Settlement Conference

HEARD BY: Scotti, Richard F **COURTROOM:** Phoenix Building Courtroom - 11th Floor

COURT CLERK: Keri Cromer

RECORDER:

REPORTER:

PARTIES

| | | |
|-----------------|--|--|
| PRESENT: | Beavor, Christopher Hefetz, Yacov Jack Hughes, Michael V., ESQ Schwarz, Joel Z. | Defendant Plaintiff Attorney Attorney |
|-----------------|--|--|

JOURNAL ENTRIES

- Court reviewed the settlement conference process with all parties and advised they must participate in good faith; further advised that anything spoken about by either side would remain confidential. Upon Court's inquiry, Mr. Schwarz indicated that Judge Israel inquired about the possibility of scheduling a settlement conference during their Pre-Trial Conference, and both sides stated they were open to having one. Counsel advised it would be best to move forward with the settlement conference with both sides separated due to the history of the case. Mr. Hughes advised they were open to a constructive settlement and that there was room for negotiation. Settlement conference conducted. Court advised the parties conducted a good faith settlement; however, the matter did not settle. Matter REFERRED back to its originating department for further proceedings.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

March 31, 2015

| | |
|---------------|----------------------------------|
| A-11-645353-C | Yacov Hefetz, Plaintiff(s) |
| | vs. |
| | Christopher Beavor, Defendant(s) |

| | | |
|-----------------------|----------------|-----------------------------|
| March 31, 2015 | 9:30 AM | Pre Trial Conference |
|-----------------------|----------------|-----------------------------|

| | |
|------------------------------------|-------------------------------------|
| HEARD BY: Israel, Ronald J. | COURTROOM: RJC Courtroom 15C |
|------------------------------------|-------------------------------------|

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

| | | |
|-----------------|-------------------------|----------|
| PRESENT: | Hughes, Michael V., ESQ | Attorney |
| | Schwarz, Joel Z. | Attorney |

JOURNAL ENTRIES

- Upon Court's inquiry, Counsel announced ready and estimated 5 days for trial. Counsel stated the dates that they would be unavailable for trial, the week of April 20th and May 4th. Mr. Hughes asked if the Pre-Trial Memorandum could be due after the Motions In Limine. Court will allow the filing of the Pre-Trial Memorandum by April 14th. Colloquy regarding the pending Motions In Limine and the unsuccessful settlement conference.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

April 07, 2015

| | |
|---------------|---|
| A-11-645353-C | Yacov Hefetz, Plaintiff(s) vs. Christopher Beavor, Defendant(s) |
|---------------|---|

| | | | |
|-----------------------|----------------|----------------------------|---|
| April 07, 2015 | 9:00 AM | All Pending Motions | All Pending Motions (04/07/15) |
|-----------------------|----------------|----------------------------|---|

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

| | | |
|-----------------|-------------------------|----------|
| PRESENT: | Hughes, Michael V., ESQ | Attorney |
| | Schwarz, Joel Z. | Attorney |

JOURNAL ENTRIES

- PLAINTIFF'S MOTION IN LIMINE CONCERNING THE EXCLUSION OF REFERENCES TO NATIONAL ORIGINS AND RELIGIOUS BELIEFS: Colloquy regarding avoiding references. Upon Court's inquiry of Counsel holding a meet and confer, Mr. Hughes stated he had failed to set it up. Mr. Schwarz advised the references regarding the national origins or religion may be seen from the evidence and facts presented in trial and should have no bearing on this case. Arguments by Counsel. COURT ORDERED, Motion GRANTED. Moving Counsel to prepare the order.

PLAINTIFF'S MOTION IN LIMINE CONCERNING THE EXCLUSION OF THE CONTENTS OF SETTLEMENT NEGOTIATIONS: Arguments by Counsel. Court inquired if Plaintiff was seeking the amount of the settlement or that they had a settlement. Court further noted Defendants never sought to enforce the settlement. Colloquy. Court stated this was a new trial and the previous stipulations for evidence is not in the new trial. COURT stated its findings noting this is a question for the jury and ORDERED, Motion In Limine, DENIED. Plaintiff's Counsel to prepare the order.

Colloquy regarding Defendant's Order Shortening Time that the Court just received. Mr. Schwarz advised the Motion is a one action rule and not able to waive; Further stating his Client was a Nevada

resident and his property is located in Nevada, the deed of trust is on Defendant's house. Conference at the bench. Court noted Counsel is not ready for trial and ORDERED, Trial VACATED and RESET. The Judicial Executive Assistant (JEA) to issue the trial order. COURT FURTHER ORDERED, All Parties to a Settlement Conference. Counsel to notify chambers with three dates where all parties are available, by next Friday. Court noted they may schedule in Dept. XXX, set a private mediation, or find a Judge that is available. Mr. Schwarz noted the Order Shortening Time is no longer needed.

09/22/15 9:30 AM PRE-TRIAL CONFERENCE

10/06/15 9:30 AM CALENDAR CALL

10/12/15 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

May 14, 2015

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

May 14, 2015 10:30 AM Settlement Conference

HEARD BY: Kishner, Joanna S. COURTROOM: RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

| | | |
|-----------------|-------------------------|-----------|
| PRESENT: | Beavor, Christopher | Defendant |
| | Hefetz, Yacov Jack | Plaintiff |
| | Johnson, Harold Stanley | Attorney |
| | Schwarz, Joel Z. | Attorney |

JOURNAL ENTRIES

- SETTLEMENT CONFERENCE

All parties and counsel present. Settlement options discussed with no settlement reached.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract**COURT MINUTES****June 09, 2015**

A-11-645353-C Yacov Hefetz, Plaintiff(s)
 vs.
 Christopher Beavor, Defendant(s)

June 09, 2015**9:00 AM****All Pending Motions****All Pending Motions
(06/09/15)****HEARD BY:** Israel, Ronald J.**COURTROOM:** RJC Courtroom 15C**COURT CLERK:** Kathy Klein**RECORDER:** Judy Chappell**REPORTER:****PARTIES**

PRESENT: Hughes, Michael V., ESQ Attorney
 Schwarz, Joel Z. Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO DISMISS PURSUANT TO NRS 40.435...DEFENDANT
 CHRISTOPHER BEAVOR'S MOTION TO REOPEN DISPOSITIVE MOTION DEADLINE

Arguments by Counsel. Mr. Schwarz advised they could not waive the one action rule and Plaintiff should release the security or dismiss. Mr. Hughes noted the security interest is under water and the statute of limitations has expired. Conference at the Bench. Court noted the past history of the case. Court stated its findings and noted Defendant's Motion is appropriate and ORDERED, Deft's Motion to Dismiss, GRANTED Without Prejudice. Court noted Plaintiff has not agreed upon a course of action to amend the action and the one action applies. COURT FURTHER ORDERED, Deft's Motion to Reopen Dispositive Motion Deadline, Denied as MOOT and Trial Dates, VACATED. Mr. Schwarz to prepare the order. CASE CLOSED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

July 22, 2015

A-11-645353-C Yacov Hefetz, Plaintiff(s)
vs.
Christopher Beavor, Defendant(s)

| | | | |
|----------------------|----------------|---------------|--|
| July 22, 2015 | 3:00 AM | Motion | Plaintiff's Motion To Re-Open The Case And For Reconsideration Of An Order Of Dismissal Without Prejudice |
|----------------------|----------------|---------------|--|

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Plaintiff's Motion DENIED. Written decision and Order prepare and e-filed by the Court, 07/22/15.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

August 19, 2015

| | |
|---------------|---|
| A-11-645353-C | Yacov Hefetz, Plaintiff(s) vs. Christopher Beavor, Defendant(s) |
|---------------|---|

| | | |
|------------------------|----------------|---|
| August 19, 2015 | 3:00 AM | Motion for Attorney Fees and Costs |
|------------------------|----------------|---|

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Motion for Costs are GRANTED as no timely Motion to Retax was submitted. Motion for Attorney's Fees are GRANTED. Defendant prevailed and got the Complaint dismissed even though it was without prejudice. Attorney fees are appropriate pursuant to the offer of judgment and are awarded in the amount of \$15,000.00. This Court reduced the attorneys' fees as the billing seemed excessive post offer of judgment. In discussing the Brunzell factors, the quality of the work done was very good; the character and difficulty of the work was reasonable in nature and particularly so given that it resolved the case. It was the amount of time spent that this Court felt was excessive and therefore reduced the total award of attorneys' fees to \$15,000.00. The Defendant did achieve appropriate results or results that would satisfy the Brunzell factors. The Offer of Judgment was both timely and reasonable in the amount especially given the circumstances under which the Plaintiff had been advised prior to the filing of the motion that the One-Action Rule would resolve the situation. Prevailing party to prepare the order pursuant to EDCR 7.21.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Joel Schwarz, Esq. (Dickinson Wright) and Stanley Johnson, Esq. (Cohen-Johnson)

EXHIBITS

CASE NO. A645353

[illegible]

DISTRICT COURT
CLARK COUNTY, NEVADA
Yacov Jack Hefetz vs. Christopher Beavor and Teresa Beavor
Case No. A645353

February 25, 2013 Trial

Stipulated Exhibit List

DEFENDANTS' EXHIBITS

| Exhibit | Description | Objection | Offered | Admitted |
|----------------|---|------------------|----------------|-----------------|
| D1. | Eighteen payments to Herbert Frey Revocable Family Trust for monthly installments of one thousand two hundred fifty dollars (\$1,250.00). | | Stip | 02/25/13 |
| D2. | Mutual Release and Payment Agreement between Christopher Beavor, Samantha Beavor, C&S Holdings, LLC, Brian Head Lofts, LLC, Herbert Frey and his successors, and the Herbert Frey Revocable Family Trust dated November 22, 1982 | | Stip | 02/25/13 |
| D3. | Cashier's Check from Silver State Realty & Investment to the Herbert Frey Revocable Family Trust, dated January 4, 2011, in the amount of one thousand dollars (\$1,000.00). | | Stip | 02/25/13 |
| D4. | Secretary of State Entity Details for Star Development, LLC, listing Yacov Hefetz and Gary M. Frey, as Managers in 2010 | | Stip | 02/25/13 |
| D5. | Proposed Settlement Agreement, Release of Guarantees and Reconveyance of Deeds of Trust between Christopher Beavor, Samantha Beavor, Robert A. Rink, Alan R. Floyd, Herbert Frey and Herbert Frey, as Trustee of the Herbert Frey Revocable Family Trust dated November 22, 1982. | | Stip | 02/25/13 |
| D6. | Substitution of Attorney for Toluca Lake Vintage, LLC, dated April 24, 2009 | | Stip | 02/25/13 |
| D7. | Toluca Lake Vintage, LLC, Voluntary Petition for Bankruptcy, United States Bankruptcy Court, Central District of California – SFV Division | | Stip | 02/25/13 |
| D8. | Toluca Lake Vintage, LLC, List of Creditors Holding 20 Largest Unsecured Claims, United States Bankruptcy Court, Central District of California – San Fernando Valley Division. | | Stip | 02/25/13 |

DISTRICT COURT
CLARK COUNTY, NEVADA
Yacov Jack Hefetz vs. Christopher Beavor and Teresa Beavor
Case No. A645353

February 25, 2013 Trial

Stipulated Exhibit List

DEFENDANTS' EXHIBITS

| Exhibit | Description | Objection | Offered | Admitted |
|----------------|---|------------------|----------------|-----------------|
| D9. | Toluca Lake Vintage, LLC, Notice of Bankruptcy Case Filing under Chapter 11 of the United States Bankruptcy Code, United States Bankruptcy Court, Central District of California, entered on May 14, 2009 | | Stip | 02/25/13 |
| D10. | Notice of Commencement of Bankruptcy Case and of Automatic Stay [11 U.S.C. § 362] dated May 14, 2009 | | Stip | 02/25/13 |
| D11. | Notice of Motion and Motion for Order Approving Settlement Agreement by and Between Debtor, Chinatrast Bank (U.S.A.), and Others Pursuant to F.R.B.P. 9019(a); Memorandum of Points and Authorities; Declaration of Victor A. Sahn in Support Thereof, dated January 21, 2010 | | Stip | 02/25/13 |
| D12. | Objection to Emergency Ex Parte Application for Hearing on Debtor's Emergency Motion for Order Authorizing and Approving: (1) A Modification of the Order Approving Settlement Agreement By and Between Debtor, Chinatrast Bank and Others [Docket No. 44]; Etc., dated May 10, 2010 | | Stip | 02/25/13 |
| D13. | Declaration of Christopher Beavor in Opposition to Motion to Modify, dated May 17, 2010. | | Stip | 02/25/13 |
| D14. | Order Granting Emergency Ex Parte Motion for Order Authorizing and Approving: (1) Modification of the Order Approving Settlement By and Between Debtor, Chinatrast Bank and Others [Docket No. 44]; (2) Granting Chinatrast Bank Relief from Automatic stay and Related Relief; and (3) Debtor's Execution of Certain Documents and Agreements in Connection with the Purchase of the Chinatrast Bank Loan by Debtor or a Successor in Interest and Certain Other Relief, dated May 18, 2010. | | Stip | 02/25/13 |

DISTRICT COURT
CLARK COUNTY, NEVADA
Yacov Jack Hefetz vs. Christopher Beavor and Teresa Beavor
Case No. A645353

February 25, 2013 Trial

Stipulated Exhibit List

DEFENDANTS' EXHIBITS

| Exhibit | Description | Objection | Offered | Admitted |
|---------|--|-----------|---------|----------|
| D15. | Notice of Motion and Motion for Final Decree Closing Chapter 11 Case: Memorandum of Points and Authorities and Declaration of Victor A. Sahn in Support Thereof [11 U.S.C. § 350 (a); Fed. R. Bankr. P. 3022 and Loc. Bankr. R. 3020-1(d)], citing satisfaction of the Herbert Frey Revocable Family Trust Claim | | Stip | 02/25/13 |
| D16. | Chapter 11 Bankruptcy Petition filing regarding Toluca Lake Vintage, LLC, Case No. 1:09-bk-15680-GM, dated May 18, 2009 (BATES No. 002193-002225) | | Stip | 02/25/13 |
| D17. | *Omitted | | | |
| D18. | *Omitted | | | |
| D19. | Email from Christopher Beavor to Wayne Krygier dated January 7, 2011 | | | |
| D20. | Email from Christopher Beavor to Yacov Hefetz dated February 1, 2011 | | | |
| D21. | Email from David Haberbusch, Esq., to Christopher Beavor, dated April 26, 2010 | | | |
| D22. | Email communications between Christopher Beavor and Robert Rink, dated January 26, 2010 | | | |
| D23. | Email communications between Christopher Beavor, David Haberbusch, Robert Rink, and Gary Frey dated May 11, 2010 | | | |
| D24 | Exhibit From Mr. Hefetz- Deposition #7 | 2/26/13 | Stp | 2/26/13 |
| | | | | |

Not Provided
by Counsel

DISTRICT COURT
CLARK COUNTY, NEVADA
Yacov Jack Hefetz vs. Christopher Beavor and Teresa Beavor
Case No. A645353

February 25, 2013 Trial

Stipulated Exhibit List

PLAINTIFF'S EXHIBITS

| Exhibit | Description | Objection | Offered | Admitted |
|---------|--|---------------------------------|---------|----------|
| P1. | Loan, Guaranty and Deeds of Trust Documents Bate No . 000001-000167 | | Stip | 02/25/13 |
| P2. | Defendants' Answer and Counterclaim and Verified Complaint | | Stip | 02/25/13 |
| P3. | Assignment documents Bate No. Hefetz Toluca Lake 001-014 | | Stip | 02/25/13 |
| P4. | Ch 11 plan documents Bate No. Hefetz Toluca Lake 015-038 | | Stip | 02/25/13 |
| P5. | Plan description | | Stip | 02/25/13 |
| P6. | Power of Attorney | | Stip | 02/25/13 |
| P7. | Copy of Bank Statement with evidence of wire of funds from Hefetz to Frey | | Stip | 02/25/13 |
| P8. | Alis Cohen Assignment Documents | <i>-not Provided by Counsel</i> | | |
| P9 | Exhibit 7 from Christopher Beavor | | stip | 2/27/13 |
| P10 | Exhibit 10 from Christopher Beavor | | stip | 2/27/13 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |



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

H. STAN JOHNSON, ESQ.
255 E. WARM SPRINGS RD.
LAS VEGAS, NV 89119

DATE: September 17, 2015
CASE: A645353

RE CASE: YACOV JACK HEFETZ vs. CHRISTOPHER BEAVOR

NOTICE OF APPEAL FILED: September 15, 2015

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☒ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANT CHRISTOPHER BEAVOR'S MOTION FOR ATTORNEYS' FEES AND COSTS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

YACOV JACK HEFETZ,

Plaintiff(s),

vs.

CHRISTOPHER BEAVOR,

Defendant(s),

Case No: A645353

Dept No: XXVIII

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 17 day of September 2015.

Steven D. Grierson, Clerk of the Court



Mary Kielty, Deputy Clerk

