

IN THE SUPREME COURT OF THE STATE OF NEVADA

MEI-GSR HOLDINGS, A NEVADA
LIMITED LIABILITY COMPANY; AM-GSR
HOLDINGS, LLC, A NEVADA LIMITED
LIABILITY COMPANY; GRAND SIERRA
RESORT UNIT OWNERS ASSOCIATION, A
NEVADA NON-PROFIT ORGANIZATION;
AND GAGE VILLAGE COMMERCIAL
DEVELOPMENT, LLC, A NEVADA
LIMITED LIABILITY COMPANY,

Appellants,

v.

ALBERT THOMAS; JANE DUNLAP; JOHN
DUNLAP; BARRY HAY; MARIE-ANNIE
ALEXANDER AS TRUSTEE OF THE MARIE-
ANNIE ALEXANDER LIVING TRUST;
MELISSA VAGUJHELYI AND GEORGE
VAGUJHELYI, AS CO-TRUSTEES OF THE
GEORGE VAGUJHELYI AND MELISSA
VAGUJHELYI 2001 FAMILY TRUST
AGREEMENT U/T/A APRIL 13,2001;
D'ARCY NUNN; HENRY NUNN; LEE VAN
DER BOKKE; MADELYN VAN DER BOKKE;
DONALD SCHREIFELS; ROBERT R.
PEDERSON, INDIVIDUALLY AND AS
TRUSTEE OF THE PEDERSON 1990 TRUST;
LOU ANN PEDERSON, INDIVIDUALLY
AND AS TRUSTEE OF THE PEDERSON 1990
TRUST; LORI ORDOVER; WILLIAM A.
HENDERSON; CHRISTINE E. HENDERSON;
LOREN D. PARKER; SUZANNE C. PARKER;
MICHAEL IZADY; STEVEN TAKAKI;
FARAD TORABKHAN; SAHAR TAVAKOL;
M & Y HOLDINGS, A NEVADA LIMITED
LIABILITY COMPANY; JL & YL
HOLDINGS, LLC, A NEVADA LIMITED
LIABILITY COMPANY; SANDI RAINES; R.
RAGHURAM; USHA RAGHURAM; LORI K.
TOKUTOMI; GARETT TOM; ANITA TOM;
RAMON FADRILAN; FAYE FADRILAN;
PETER K. LEE AND MONICA L. LEE, AS
TRUSTEES OF THE LEE FAMILY 2002

Supreme Court Case No.: 69184

Case No.: **Electronically Filed**
Nov-24-2015 03:44 p.m.
Dept. No.: 10 **Tracie K. Lindeman**
Clerk of Supreme Court

**AMENDED CASE APPEAL
STATEMENT**

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1 REVOCABLE TRUST; DOMINIC YIN; ELIAS
2 SHAMIEH; NADINE'S REAL ESTATE
3 INVESTMENTS, LLC, A NORTH DAKOTA
4 LIMITED LIABILITY COMPANY; JEFFERY
5 JAMES QUINN; BARBARA ROSE QUINN;
6 KENNETH RICHE; MAXINE RICHE;
7 NORMAN CHANDLER; BENTON WAN;
8 TIMOTHY KAPLAN; SILKSCAPE INC., A
9 CALIFORNIA CORPORATION; PETER
10 CHENG; ELISA CHENG; GREG A.
11 CAMERON; TMI PROPERTY GROUP, LLC,
12 A CALIFORNIA LIMITED LIABILITY
13 COMPANY; RICHARD LUTZ; SANDRA
14 LUTZ; MARY A. KOSSICK; MELVIN H.
15 CHEAH; DI SHEN; AJIT GUPTA; SEEMA
16 GUPTA; FREDRICK FISH; LISA FISH;
17 ROBERT A. WILLIAMS; JACQUELINE
18 PHAM; MAY ANN HOM, AS TRUSTEE OF
19 THE MAY ANN HOM TRUST; MICHAEL
20 HURLEY; DUANE WINDHORST; MARILYN
21 WINDHORST; VINOD BHAN; ANNE BHAN;
22 GUY P. BROWNE; GARTH WILLIAMS;
23 PAMELA Y. ARATANI; DARLEEN
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AS TRUSTEE OF THE WEISS FAMILY
TRUST; PRAVESH CHOPRA; TERRY POPE;
NANCY POPE; JAMES TAYLOR; RYAN
TAYLOR; KI HAM; YOUNG JA CHOI; SAND
DAE SOHN; KUK HYUNG, "CONNIE";
SANG "MIKE" YOO; BRETT MENMUIR, AS
TRUSTEE OF THE CAYENNE TRUST;
WILLIAM MINER, JR.; CHANH TRUONG;
ELIZABETH ANDERS MECUA; SHEPARD
MOUNTAIN, LLC, A TEXAS LIMITED
LIABILITY COMPANY; ROBERT
BRUNNER; AMY BRUNNER; JEFF
RIOPELLE; PATRICIA M. MOLL; AND
DANIEL MOLL

Respondents.

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5. Does any attorney mentioned in questions 3 or 4 not licensed in the State of Nevada and if so, whether the district court granted that attorney permission to appear under SCR 42:

Not applicable.

6. Is the appellant represented by appointed or retained counsel on appeal:

By retained counsel.

7. Is the respondent represented by appointed or retained counsel on appeal:

By retained counsel.

8. Was appellant granted leave to proceed in forma pauperis, and the date of the entry of the district order granting such leave:

Not applicable.

9. The date the proceedings commenced in the district court:

August 27, 2012

10. A brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

In summary, this action by 99 Plaintiffs who currently own or have owned one or more hotel-condominiums within the project known as Grand Sierra Resort Unit-Owners' Association. Plaintiffs allege damages generally based upon the loss of rental income from their units, and depreciation in the value of the units; after having signed into multiple agreements which dictated the rights and responsibilities of the parties. Due to alleged discovery violations, by the Appellants, their answer to the Plaintiffs' second amended complaint was stricken. The matter proceeded to a multi-day default judgment hearing.

As a result of the default judgment hearing, a judgment in favor of the Appellants was entered for in excess of \$9 million dollars on October 9, 2015. The Court concluded that the agreements between the parties should be purged, and allowed the Plaintiffs to be awarded damages based on their expectations, as opposed to being bound by the contradictory contractual language. Additionally no evidence or testimony was presented directly by any of the Plaintiffs; all of the evidence and testimony of damages came solely through the Plaintiffs' sole expert

witness. The Court determined that the allegations of the Complaint were deemed admitted, and thus concluded that no individual plaintiff was required to testify. Notwithstanding the contracts that were entered and the “class action” nature of the default judgment hearing, the Plaintiffs were awarded all the damages they sought. This appeal now follows.

11. Has the case been subject to a prior appeal or original writ proceeding in the Supreme Court:

No.

12. Does the appeal involve child custody or visitation:

No.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement.

This matter is a civil case and Appellants do not believe that there is a likely possibility of settlement.

Dated this 24th day of November, 2015.

COHEN|JOHNSON, LLC

By: /s/ H. Stan Johnson
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CERTIFICATE OF SERVICE

Pursuant to NRAP 25(c)(1), I hereby certify that on this 24th day of November, 2015, service of the foregoing **AMENDED CASE APPEAL STATEMENT** was made by submission to the electronic filing service for the Nevada Supreme Court upon the following registered users to the email addresses on file:

H. Johnson
Jarrad Miller
Mark Wray

/s/ CJ Barnabi
An employee of Cohen-Johnson, LLC