then to before 1 NOA Samuel A. Schwartz, Esq. **CLERK OF THE COURT** 2 Nevada Bar No. 10985 Bryan A. Lindsey, Esq. 3 Nevada Bar No. 10662 Electronically Filed Schwartz Flansburg PLLC Jun 06 2016 10:15 a.m. 4 6623 Las Vegas Blvd. South, Suite 300 Tracie K. Lindeman Las Vegas, Nevada 89119 5 Clerk of Supreme Court Telephone: (702) 385-5544 Facsimile: (702) 385-2741 6 Attorneys for the Plaintiffs 7 DISTRICT COURT 8 CLARK COUNTY, NEVADA 9 CARLOS A. HUERTA, an individual; GO Case No. A-13-686303-C GLOBAL, INC., a Nevada corporation, as 10 assignee of interests of THE ALEXANDER Dept. XXVII CHRISTOPHER TRUST, a Trust established in 11 Nevada; NANYAH VEGAS, LLC, a Nevada 12 limited liability company, 13 Plaintiffs, v. 14 SIG ROGICH aka SIGMUND ROGICH as 15 Trustee of The Rogich Family Irrevocable Trust; ELDORADO HILLS, LLC, a Nevada limited 16 liability company; DOES I-X; and/or ROE CORPORATIONS I-X, inclusive, 17 18 Defendants. 19 **NOTICE OF APPEAL** 20 PLEASE TAKE NOTICE that Plaintiffs CARLOS A. HUERTA and GO GLOBAL, 21 INC., (the "Plaintiffs") hereby appeal to the Supreme Court of Nevada from: 22 1. All judgments and orders in this case; 23 Order denying Plaintiffs' Motion for Reconsideration or Relief from Order 24 2. 25 Granting Motion for Partial Summary Judgment entered on April 28, 2016; and 26

3. All rulings and orders made appealable by any of the foregoing. Dated this 25th day of May, 2016. Respectfully Submitted, /s/ Samuel A. Schwartz Samuel A. Schwartz, Esq. Nevada Bar No. 10985 Bryan A. Lindsey, Esq. Nevada Bar No. 10662 Schwartz Flansburg PLLC 6623 Las Vegas Blvd. South, Suite 300 Las Vegas, Nevada 89119 Telephone: (702) 385-5544 Facsimile: (702) 385-2741 Attorneys for the Plaintiffs 

#### **CERTIFICATE OF SERVICE**

1

26

2 I hereby certify that the foregoing **NOTICE OF APPEAL** was submitted electronically 3 for filing and/or service with the Eighth Judicial District Court on the 25th day of May, 2016. 4 Electronic service of the foregoing document shall be made in accordance with the E-Service 5 List as follows:1 6 Andrew M. Leavitt, Esq. Samuel S. Lionel, Esq. Matthew D. Cox, Esq. Brenoch R. Wirthlin, Esq. 7 Law Office of Andrew M. Leavitt, Esq. Fennemore Craig, P.C. 8 633 South Seventh Street 300 South Fourth Street, Ste. 1400 Las Vegas, NV 89101 Las Vegas, NV 89101 9 Attorneys for Eldorado Hills, LLC and Attorneys for Sig Rogich, as Trustee of the 10 TELD, LLC Rogich Family Irrevocable Trust and Imitations, LLC 11 12 I hereby certify that a true and correct copy of the foregoing **NOTICE OF APPEAL** 13 was sent via Regular U.S. Mail to the following on May 25, 2016: 14 Andrew M. Leavitt, Esq. Samuel S. Lionel, Esq. 15 Brenoch R. Wirthlin, Esq. Matthew D. Cox, Esq. Law Office of Andrew M. Leavitt, Esq. Fennemore Craig, P.C. 16 633 South Seventh Street 300 South Fourth Street, Ste. 1400 Las Vegas, NV 89101 Las Vegas, NV 89101 17 Attorneys for Eldorado Hills, LLC and Attorneys for Sig Rogich, as Trustee of the 18 TELD, LLC Rogich Family Irrevocable Trust and Imitations, LLC 19 20 /s/ Christy L. Cahall 21 Christy L. Cahall, an employee of Schwartz Flansburg PLLC 22 23 24 25

Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

then to belie 1 **ASTA** Samuel A. Schwartz, Esq. CLERK OF THE COURT 2 Nevada Bar No. 10985 Bryan A. Lindsey, Esq. 3 Nevada Bar No. 10662 Schwartz Flansburg PLLC 4 6623 Las Vegas Blvd. South, Suite 300 Las Vegas, Nevada 89119 Telephone: 5 (702) 385-5544 Facsimile: (702) 385-2741 6 Attorneys for the Plaintiffs 7 DISTRICT COURT 8 CLARK COUNTY, NEVADA 9 CARLOS A. HUERTA, an individual; GO Case No. A-13-686303-C GLOBAL, INC., a Nevada corporation, as 10 assignee of interests of THE ALEXANDER Dept. XXVII CHRISTOPHER TRUST, a Trust established in 11 Nevada; NANYAH VEGAS, LLC, a Nevada 12 limited liability company, 13 Plaintiffs, V. 14 SIG ROGICH aka SIGMUND ROGICH as 15 Trustee of The Rogich Family Irrevocable Trust; ELDORADO HILLS, LLC, a Nevada limited 16 liability company; DOES I-X; and/or ROE CORPORATIONS I-X, inclusive, 17 18 Defendants. 19 **CASE APPEAL STATEMENT** 20 CARLOS A. HUERTA and GO GLOBAL, INC. (the "Plaintiffs") hereby file their case 21 appeal statement as follows: 22 1. The District Court Case Number is: A-13-686303-C (the "District Court 23 24 Case"). Plaintiffs Carlos A. Huerta and Go Global, Inc. are the Appellants filing this Case 25 Appeal Statement. 26

1	2. The judge issuing the decision, judgment or order appealed from is the
2	Honorable Nancy Allf.
3	3. The names of the appellants and their respective counsel are as follows:
4	Carlos A. Huerta and Go Global, Inc.
5	Samuel A. Schwartz, Esq.
6	Bryan A. Lindsey, Esq. Schwartz Flansburg PLLC
7	6623 Las Vegas Blvd. South, Suite 300
۰	Las Vegas, Nevada 89119
8	Telephone: (702) 385-5544
9	Facsimile: (702) 385-2741 Attorneys for the Plaintiffs
	Automeys for the Framitins
10	4. The respondents and their respective counsel are as follows:
11	Sig Rogich aka Sigmund Rogich as Trustee of The Rogich Family Irrevocable Trust,
12 13	Imitations, LLC, Eldorado Hills, LLC, and TELD, LLC.
13	Samuel S. Lionel, Esq.
14	Brenoch R. Wirthlin, Esq.
	Fennemore Craig, P.C.
L5	300 South Fourth Street, Ste. 1400
اہ	Las Vegas, NV 89101
16	Attorneys for Defendants Sig Rogich, as Trustee of the Rogich Family Irrevocable Trust and
L7	Imitations, LLC
L8	Andrew M. Leavitt, Esq.
	Matthew D. Cox, Esq.
19	Law Office of Andrew M. Leavitt, Esq.
20	633 South Seventh Street Las Vegas, NV 89101
20	Attorneys for Defendants Eldorado Hills, LLC and TELD, LLC
21	Transfers for Defendants Erantated Hills, ELC and TELD, ELC
	5. All attorneys indicated above are licensed to practice law in the State of Nevada.
22	
23	6. The appellants were represented by retained counsel in the district court
24	proceeding.
25	7. The appellants are represented by retained counsel in the appeal.

- 8. The appellants never sought nor were ever granted leave to proceed in forma pauperis.
- 9. The district court proceedings commenced on July 31, 2013, when the Plaintiffs Carlos A. Huerta, Go Global, Inc., The Alexander Christopher Trust, and Nanyah Vegas, LLC filed their complaint.
- 10. The District Court Case is an action to collect \$2,747,729.50 from the Defendants pursuant to that certain agreement entered into by and between Carlos A. Huerta and Sig Rogich whereby Rogich agreed to buy Huerta's ownership interest in property located in Clark County, Nevada, otherwise identified as APN 189-11-401-001. Defendants filed their Motion for Partial Summary Judgment, which was granted on November 5, 2014 (the "Partial Summary Judgment Order");

Afterwards, the Plaintiff's paid their creditors in full pursuant to the Order Confirming their Third Amended Joint Plan of Reorganization (the "Chapter 11 Plan"), which was filed in the United States Bankruptcy Court District of Nevada. As such, in February 2016, the Plaintiffs filed their Motion to Close Case and its related Notice of Consummation of the Plan and Payment of Unsecured Creditors in Full ("Motion to Close and Notice of Payment in Full");

Based upon the Motion to Close and Notice of Payment in Full, the Plaintiffs filed the Plaintiffs' Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment (the "Motion for Reconsideration"). The legal bases for the Motion for Reconsideration were:

- a. the Partial Summary Judgment Order was a partial adjudication only, and thus,
   were interlocutory allowing reconsideration pursuant to Rule 54(b) of the
   Nevada Rules of Civil Procedure ("NRCP");
- b. the Partial Summary Judgment Order should be set aside based upon new evidence and to prevent manifest injustice pursuant to NRCP 60(b); and
- c. the failure to disclose Plaintiffs' claims against Rogich in their Disclosure Statement filed in connection with the Chapter 11 Plan was irrelevant because the Chapter 11 Plan required payment in full of all unsecured creditors' claims, and the Plaintiffs satisfied this requirement, thus allowing for the Court to set aside the Partial Summary Judgment Order under NRCP 60(b);
- d. the failure to disclose Plaintiffs' claims against Rogich in their Disclosure Statement filed in connection with the Chapter 11 Plan was irrelevant because Rogich was not a creditor in the underlying bankruptcy case to whom disclosure was necessary, thus allowing for the Court to set aside the Partial Summary Judgment Order under NRCP 60(b).
- 11. The case has not been previously subject to appeal.
- 12. This appeal does not involve child custody or visitation.
- 13. This case involves the possibility of settlement.

Dated this 25th day of May, 2016. Respectfully Submitted, /s/ Samuel A. Schwartz Samuel A. Schwartz, Esq. Nevada Bar No. 10985 Bryan A. Lindsey, Esq. Nevada Bar No. 10662 Schwartz Flansburg PLLC 6623 Las Vegas Blvd. South, Suite 300 Las Vegas, Nevada 89119 Telephone: (702) 385-5544 Facsimile: (702) 385-2741 Attorneys for the Plaintiffs 

### **CERTIFICATE OF SERVICE**

_	CHAIR OF SHITTED		
2	I hereby certify that the foregoing CASE APPEAL STATEMENT was submitted		
3	electronically for filing and/or service with the Eighth Judicial District Court on the 25th day of		
4	May, 2016. Electronic service of the foregoing document shall be made in accordance with the		
5	E-Service List as follows: <sup>1</sup>		
6	Andrew M. Leavitt, Esq. Samuel S. Lionel, Esq.		
7	Matthew D. Cox, Esq. Brenoch R. Wirthlin, Esq.		
8	Law Office of Andrew M. Leavitt, Esq. Fennemore Craig, P.C. 300 South Fourth Street, Ste. 1400		
9	Las Vegas, NV 89101 Las Vegas, NV 89101		
10	Attorneys for Eldorado Hills, LLC and TELD, LLC Rogich Family Irrevocable Trust and		
11	Imitations, LLC		
12			
13	I hereby certify that a true and correct copy of the foregoing CASE APPEAL		
14	STATEMENT was sent via Regular U.S. Mail to the following on May 25, 2016:		
15	Andrew M. Leavitt, Esq. Samuel S. Lionel, Esq.		
16	Matthew D. Cox, Esq.  Brenoch R. Wirthlin, Esq.  Formers of Andrew M. Lewitt Esq.		
	Law Office of Andrew M. Leavitt, Esq. Fennemore Craig, P.C. 300 South Fourth Street, Ste. 1400		
17	Las Vegas, NV 89101 Las Vegas, NV 89101		
18	Attorneys for Eldorado Hills, LLC and Attorneys for Sig Rogich, as Trustee of the		
19	TELD, LLC Rogich Family Irrevocable Trust and Imitations, LLC		
20			
21	/s/ Christy L. Cahall		
22	Christy L. Cahall, an employee of Schwartz Flansburg PLLC		
23			
24			
25	Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-		
26	Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).		

1	Samuel A. Schwartz, Esq. Nevada Bar No. 10985	Alun to Chum
2	Bryan A. Lindsey, Esq. Nevada Bar No. 10662	CLERK OF THE COURT
3	Schwartz Flansburg PLLC 6623 Las Vegas Blvd. South, Suite 300 Las Vegas, Nevada 89119	
4	Telephone: (702) 385-5544 Facsimile: (702) 385-2741 Attorneys for the Plaintiffs	
5	DISTRICT (	COURT
6	CLARK COUNTY	Y, NEVADA
Ü	CARLOS A. HUERTA, an individual; GO	Case No. A-13-686303-C
7	GLOBAL, INC., a Nevada corporation, as assignee of interests of THE ALEXANDER CHRISTOPHER TRUST, a Trust established in	Dept. XXVII
8	Nevada; NANYAH VEGAS, LLC, a Nevada limited liability company,	
9	Plaintiffs,	
10	V.	
11	SIG ROGICH aka SIGMUND ROGICH as Trustee of The Rogich Family Irrevocable Trust; ELDORADO HILLS, LLC, a Nevada limited	
12	liability company; DOES I-X; and/or ROE CORPORATIONS I-X, inclusive,	
13	Defendants.	
14		<u>.</u>
15	PLAINTIFFS' NOTICE O	OF POSTING BOND
	NOTICE IS HEREBY GIVEN that Plaint	iffs, Carlos A. Huerta and Go Global, Inc.,
16	posted a bond in the amount of \$500.00 pursuant to	Rule 7(b) of the Nevada Rules of Appellate
17	Procedure, with the Clark County Clerk, a copy of v	which is attached hereto as Exhibit A.
10	///	
18	///	
19	///	
	///	

1	Dated this 27th day of May, 2016.	
2		SCHWARTZ FLANSBURG PLLC
3		By:/s/Samuel A. Schwartz
4		By:/s/Samuel A. Schwartz Samuel A. Schwartz, Esq. Nevada Bar No. 10985 Bryan A. Lindsey, Esq. Nevada Bar No. 10662
5		Nevada Bar No. 10662 Schwartz Flansburg PLLC 6623 Las Vegas Blvd. South, Suite 300 Las Vegas, Nevada 89119
6		Telephone: (702) 385-5544 Facsimile: (702) 385-2741
7		Attorneys for the Plaintiffs
8		
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Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

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Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-

# Exhibit A

### OFFICIAL RECEIPT

## District Court Clerk of the Court 200 Lewis Ave, 3rd Floor Las Vegas, NV 89101

Payor Schwartz Flangsburg, PLLC 6623 Las Vegas Blvd S Unit 300 Las Vegas, NV 89119-3246

Receipt No. 2016-51302-CCCLK

Transaction Date 05/26/2016

			05/26/2016
Description			Amount Paid
On Behalf Of Huerta, Carlos A-13-686303-C Carlos Huerta, Plaintiff(s) vs. Eldorado Hills Appeal Bond	LLC, Defendant(s)		
Appeal Bond			500.00
SUBTOTAL		-	500.00
		PAYMENT TOTAL	500.00
		Check (Ref#001758) Tendered Total Tendered Change	500.00 <b>500.00</b> 0.00
05/26/2016 03:34 PM	Cashier Station AIKO	Audit 35498312	0.00

OFFICIAL RECEIPT

### CASE SUMMARY CASE NO. A-13-686303-C

Carlos Huerta, Plaintiff(s)

VS.

02/23/2015

Defendant

Eldorado Hills LLC, Defendant(s)

Summary Judgment

Location: Judicial Officer: Allf, Nancy
Filed on: 07/31/2013
Cross-Reference Case A686303

Number:

Supreme Court No.: **66823 67595** 

CASE INFORMATION

Statistical Closures Case Type: Breach of Contract

Subtype: Other Contracts/Acc/Judgment

Case Flags: Appealed to Supreme Court

Arbitration Exemption Granted

DATE CASE ASSIGNMENT

**Current Case Assignment** 

Case Number A-13-686303-C
Court Department 27
Date Assigned 07/31/2013
Judicial Officer Allf, Nancy

PARTY INFORMATION

Plaintiff Alexander Christopher Trust Schwartz, Samuel A.

Retained 702-385-5544(W)

Huerta, Carlos Schwartz, Samuel A.

Retained 702-385-5544(W)

Nanyah Vegas LLC Simons, Mark G

Retained 775-738-1551(W)

Ray, Robert

Removed: 10/21/2013

Inactive

Dismissed

Defendant Eldorado Hills LLC Lionel, Samuel S.

Retained 7023838888(W)

Rogich, Sig
Removed: 11/05/2014
Lionel, Samuel S.
Retained

7023838888(W)

Counter Claimant Eldorado Hills LLC Lionel, Samuel S.

Retained 7023838888(W)

Counter Alexander Christopher Trust Schwartz, Samuel A

Schwartz, Samuel A.

Retained

702-385-5544(W)

Go Global Inc McDonald, Brandon B

Retained

702-385-7411(W)

Huerta, Carlos A

# CASE SUMMARY CASE NO. A-13-686303-C

Other Plaintiff Go Global Inc

McDonald, Brandon B Retained 702-385-7411(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
07/31/2013	Complaint Filed By: Plaintiff Huerta, Carlos Complaint	
07/31/2013	Case Opened	
08/01/2013	Initial Appearance Fee Disclosure Filed By: Plaintiff Huerta, Carlos Initial Appearance Fee Disclosure (NRS Chapter 19)	
08/30/2013	Proof of Service Filed by: Plaintiff Huerta, Carlos Proof of Service	
09/12/2013	Initial Appearance Fee Disclosure Filed By: Defendant Rogich, Sig Initial Appearance Fee Disclosure	
09/12/2013	Motion to Dismiss  Filed By: Counter Claimant Eldorado Hills LLC  (Vacated 10/30/2013) Defendant Eldorado Hills, LLC's Motion to Dismiss	
09/18/2013	Proof of Service Filed by: Plaintiff Huerta, Carlos Proof of Service	
10/11/2013	Stipulation and Order Filed by: Plaintiff Huerta, Carlos Stipulation and Order to Continue Hearing on Motion Hearings	
10/21/2013	Amended Complaint  Filed By: Plaintiff Huerta, Carlos  First Amended Complaint	
10/30/2013	Notice Filed By: Defendant Rogich, Sig Defendant Eldorado Hills, LLC's Notice Vacating Its Motion to Dismiss	
10/30/2013	Notice Filed By: Defendant Rogich, Sig Defendant Eldorado Hills LLC's Notice Vacating Its Motion to Dismiss	
10/31/2013	CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer: Allf, Nancy)  Vacated - On In Error  Defendant Eldorado Hills, LLC's Motion to Dismiss	
10/31/2013	CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer: Allf, Nancy)  Vacated  parties stipulated to this continuance	

CASE NO. A-13-686303-C		
11/08/2013	Answer and Counterclaim  Filed By: Defendant Rogich, Sig  Answer to First Amended Complaint and Counterclaim	
01/09/2014	Joint Case Conference Report  Filed By: Plaintiff Huerta, Carlos  Joint Case Conference Report	
02/12/2014	Commissioners Decision on Request for Exemption - Granted  Commissioner's Decision on Request for Exemption - Granted	
02/14/2014	Arbitration File  Arbitration File	
02/20/2014	Answer to Counterclaim Filed By: Plaintiff Huerta, Carlos Answer to Counterclaim	
02/20/2014	Scheduling Order Scheduling Order	
03/12/2014	Order Setting Civil Bench Trial  Order Setting Civil Bench Trial, Pre-Trial/Calendar Call	
04/30/2014	Motion for Leave to File Party: Defendant Rogich, Sig Defendants' Motion for Leave to File an Amended Answer on an Order Shortening Time	
05/14/2014	Motion for Leave (9:30 AM) (Judicial Officer: Allf, Nancy)  Defendants' Motion for Leave to File an Amended Answer on an Order Shortening Time	
07/25/2014	Notice of Hearing Filed By: Counter Claimant Eldorado Hills LLC Notice of Hearing	
07/25/2014	Motion for Partial Summary Judgment Filed By: Counter Claimant Eldorado Hills LLC Motion for Partial Summary Judgment	
08/11/2014	Motion for Partial Summary Judgment Filed By: Defendant Rogich, Sig Defendant Sig Rogich, Trustee of The Rogich Family Irrevocable Trust's Motion for Partial Summary Judgment	
08/13/2014	Opposition and Countermotion Filed By: Plaintiff Huerta, Carlos Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment and Counter- Motion for Partial Summary Judgment	
08/14/2014	Initial Appearance Fee Disclosure Filed By: Plaintiff Huerta, Carlos Initial Appearance and Fee Disclosure	

CASE NO. A-13-686303-C			
08/25/2014	Countermotion For Partial Summary Judgment Filed by: Plaintiff Huerta, Carlos Plaintiff's Opposition to Defendant's Motion for Partial Summary Judgment and Counter- Motion for Partial Summary Judgment		
09/02/2014	Reply to Opposition Filed by: Defendant Rogich, Sig Reply to Opposition to Motion for Partial Summary Judgment		
09/08/2014	Reply to Opposition Filed by: Plaintiff Huerta, Carlos Plaintiffs' Reply to Defendants' Opposition to Counter-Motion for Partial Summary Judgment		
09/09/2014	Certificate of Service Filed by: Plaintiff Huerta, Carlos  Certificate of Service		
09/10/2014	Errata Filed By: Counter Claimant Eldorado Hills LLC  Errata		
09/11/2014	Motion for Summary Judgment (10:30 AM) (Judicial Officer: Allf, Nancy) Events: 07/25/2014 Notice of Hearing Defendant Eldorado Hills ILC's Motion for Partial Summary Judgment		
09/11/2014	Opposition and Countermotion (10:30 AM) (Judicial Officer: Allf, Nancy)  Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment and Counter- Motion for Partial Summary Judgment		
09/11/2014	All Pending Motions (10:30 AM) (Judicial Officer: Allf, Nancy)		
09/12/2014	Motion to Compel Filed By: Counter Claimant Eldorado Hills LLC Defendants' Motion to Compel Discovery Responses on Order Shortening Time		
09/16/2014	Amended Answer  Filed By: Defendant Rogich, Sig  Amended Answer to First Amended Complaint; and Counterclaim Jury Demand		
09/18/2014	Reply to Opposition Filed by: Defendant Rogich, Sig Reply to Opposition to Motion for Partial Summary Judgment		
09/19/2014	Opposition to Motion to Compel Filed By: Plaintiff Huerta, Carlos Plaintiffs' Opposition to Motion to Compel Discovery Responses on an Order Shortening Time		
09/19/2014	Notice of Withdrawal of Motion Filed By: Plaintiff Huerta, Carlos Notice of Withdrawal of Plaintiffs' Counter-Motion for Partial Summary Judgment		
09/22/2014	Motion to Continue Filed By: Plaintiff Huerta, Carlos Motion to Continue Trial and Discovery on an Order Shortening Time		

	CASE NO. A-13-686303-C
09/22/2014	Certificate of Service  Certificate of Service
09/25/2014	Amended Certificate of Service Party: Plaintiff Huerta, Carlos Amended Certificate of Service
09/25/2014	Opposition to Motion Filed By: Defendant Rogich, Sig Defendants Opposition to Motion to Continue Trial and Discovery
09/26/2014	Motion to Compel (9:00 AM) (Judicial Officer: Bulla, Bonnie) Defis' Motion to Compel Discovery Responses on OST
09/26/2014	Motion to Continue Trial (9:00 AM) (Judicial Officer: Bulla, Bonnie)  Pltfs' Motion to Continue Trial and Discovery on an OST
09/26/2014	All Pending Motions (9:00 AM) (Judicial Officer: Bulla, Bonnie)  Defis' Motion to Compel Discovery Responses on OST
09/30/2014	Motion to Continue Trial Filed By: Plaintiff Huerta, Carlos Motion to Continue Trial on an Order Shortening Time (First Request)
09/30/2014	Certificate of Service Filed by: Plaintiff Huerta, Carlos Certificate of Service
10/01/2014	Notice of Entry of Order  Filed By: Defendant Rogich, Sig  Notice of Entry of Order
10/01/2014	Order Granting Filed By: Counter Claimant Eldorado Hills LLC Order Granting Partial Summary Judgment
10/01/2014	Partial Summary Judgment (Judicial Officer: Allf, Nancy) Debtors: Nanyah Vegas LLC (Plaintiff) Creditors: Eldorado Hills LLC (Defendant) Judgment: 10/01/2014, Docketed: 10/08/2014
10/02/2014	Opposition to Motion Filed By: Defendant Rogich, Sig Opposition to Motion to Continue Trial
10/06/2014	Reply to Opposition Filed by: Plaintiff Huerta, Carlos Reply to Defendants' Opposition to Motion to Continue Trial on Order Shortening Time
10/08/2014	Motion for Partial Summary Judgment (10:30 AM) (Judicial Officer: Allf, Nancy) Events: 08/11/2014 Motion for Partial Summary Judgment Defendant Sig Rogich, Trustee of The Rogich Family Irrevocable Trust's Motion for Partial Summary Judgment
10/08/2014	

	CASE NO. A-13-686303-C
	Opposition and Countermotion (10:30 AM) (Judicial Officer: Allf, Nancy)  Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment and Counter- Motion for Partial Summary Judgment
10/08/2014	Motion to Continue Trial (10:30 AM) (Judicial Officer: Allf, Nancy)  Plaintiffs' Motion to Continue Trial on an Order Shortening Time
10/08/2014	All Pending Motions (10:30 AM) (Judicial Officer: Allf, Nancy)
10/24/2014	Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie)
10/30/2014	Notice of Appeal Filed By: Plaintiff Nanyah Vegas LLC Notice of Appeal
10/30/2014	CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Allf, Nancy)  Vacated
10/30/2014	Case Appeal Statement Filed By: Plaintiff Nanyah Vegas LLC  Case Appeal Statement
11/03/2014	CANCELED Bench Trial (10:30 AM) (Judicial Officer: Allf, Nancy)  Vacated
11/05/2014	Order Granting Summary Judgment Filed By: Defendant Rogich, Sig Order Granting Partial Summary Judgment
11/05/2014	Partial Summary Judgment (Judicial Officer: Allf, Nancy) Debtors: Carlos Huerta (Plaintiff), Alexander Christopher Trust (Plaintiff) Creditors: Sig Rogich (Defendant) Judgment: 11/05/2014, Docketed: 11/12/2014 Comment: Certain Claims
11/05/2014	Order of Dismissal (Judicial Officer: Allf, Nancy) Debtors: Carlos Huerta (Plaintiff), Alexander Christopher Trust (Plaintiff), Nanyah Vegas LLC (Plaintiff) Creditors: Sig Rogich (Defendant), Eldorado Hills LLC (Defendant) Judgment: 11/05/2014, Docketed: 11/20/2014
11/06/2014	Notice of Entry of Order  Filed By: Plaintiff Huerta, Carlos  Notice of Entry of Order Granting Partial Summary Judgment
11/07/2014	Memorandum of Costs and Disbursements  Filed By: Defendant Rogich, Sig  Memorandum of Costs and Disbursements
11/19/2014	Motion for Attorney Fees Filed By: Defendant Rogich, Sig Motion for Award of Attorneys' Fees
12/05/2014	Opposition to Motion Filed By: Plaintiff Huerta, Carlos Plaintiffs' Opposition to Defendant's Motion for Award of Attorneys' Fees

	CASE NO. A-13-000505-C	
12/11/2014	Stipulation and Order Filed by: Plaintiff Huerta, Carlos Stipulation and Order to Continue Hearing on Motion Hearing	
12/15/2014	Notice of Entry of Order Filed By: Plaintiff Huerta, Carlos Notice of Entry of Order	
12/30/2014	Reply in Support  Filed By: Defendant Rogich, Sig  Defendant's Reply In Support of Motion for Award of Attorneys' Fees	
01/15/2015	Motion for Attorney Fees and Costs (9:30 AM) (Judicial Officer: Allf, Nancy)	
01/16/2015	Recorders Transcript of Hearing Recorder's Partial Transcript of Proceedings: Defendant Sig Rogich, Trustee of the Rogich Family Irrevocable Trust's Motion for Partial Summary Judgment Plaintiffs' Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment Plaintiffs' Motion to Continue Trial on Order Shortening Time - Ruling - October 8, 2014	
01/28/2015	Notice Filed By: Plaintiff Huerta, Carlos Notice of Transcript Request	
02/10/2015	Order Granting Motion Filed By: Defendant Rogich, Sig Order Granting Motion F or Award of Attorneys Fees	
02/10/2015	Order (Judicial Officer: Allf, Nancy) Debtors: Carlos Huerta (Plaintiff), Alexander Christopher Trust (Plaintiff) Creditors: Sig Rogich (Defendant) Judgment: 02/10/2015, Docketed: 02/18/2015 Total Judgment: 237,954.50	
02/11/2015	Notice of Entry of Order  Filed By: Defendant Rogich, Sig  Notice of Entry of Order Granting Award of Attorneys Fees	
02/23/2015	Judgment Filed By: Defendant Rogich, Sig FINAL JUDGMENT	
02/23/2015	Judgment (Judicial Officer: Allf, Nancy) Debtors: Carlos Huerta (Plaintiff), Alexander Christopher Trust (Plaintiff) Creditors: Sig Rogich (Defendant) Judgment: 02/23/2015, Docketed: 03/11/2015 Total Judgment: 242,971.27	
02/24/2015	Notice of Entry of Judgment  Filed By: Defendant Rogich, Sig  Notice of Entry of Final Judgment	
03/13/2015	Recorders Transcript of Hearing	

	CASE NO. A-13-080303-C
	Recorder's PartialTranscript of Proceedings: Notice of Hearing Plaintiff's Opposition to Defendant's Motion for Partial Summary Judgment and Countermotion for Partial Summary Judgment - September 11, 2014
03/13/2015	Case Appeal Statement Filed By: Plaintiff Huerta, Carlos Case Appeal Statement
03/13/2015	Notice of Appeal Filed By: Plaintiff Huerta, Carlos Notice of Appeal
03/17/2015	Recorders Transcript of Hearing  Recorder's Transcript of Proceedings: Notice of Hearing Plaintiff's Opposition to Defendant's  Motion for Partial Summary Judgment and Countermotion for Partial Summary Judgment -  September 11, 2014
04/25/2015	Request Filed by: Plaintiff Huerta, Carlos Notice of Transcript Request
06/15/2015	Recorders Transcript of Hearing  Recorder's Transcript of Proceedings: Partial Transcript - Excludes Ruling Defendant, Sig  Rogich Trustee of the Rogich Family Irrevocable Trust's Motion for Partial Summary  Judgment; Plaintiffs' Opposition to Defendants' Motion for Partial Summary Judgment;  Plaintiffs' Motion to Continue Trial on Order Shortening Time - October 8, 2014
11/20/2015	Recorders Transcript of Hearing  Recorder's Transcript of Proceedings: Defendant's Motion for Attorneys Fees and Costs -  January 15, 2015
02/22/2016	Motion to Reconsider Filed By: Plaintiff Huerta, Carlos Plaintiffs' Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment
02/22/2016	Order Order Setting Status Check
03/07/2016	Opposition Filed By: Defendant Rogich, Sig Opposition to Plaintiffs' Motion for Reconsideration for Relief from Order Granting Motion for Partial Summary Judgment
03/14/2016	Supplement to Opposition Filed By: Defendant Rogich, Sig Supplement to Opposition to Plaintiffs' Motion for Reconsideration for Relief from Order Granting Motion for Partial Summary Judgment
03/22/2016	Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)  Minute Order: Status Check: Status of Case set 3/24/2016 VACATED
03/22/2016	Reply to Opposition Filed by: Plaintiff Huerta, Carlos Plaintiffs' (A) Reply to Defendants' Opposition to Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment; and (B) Request for Oral Argument

	CASE 110. A-13-000303-C
03/22/2016	Application Filed By: Plaintiff Huerta, Carlos Plaintiffs' Application to Set Oral Argument on Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment
03/23/2016	Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)  Minute Order: Matters set on 3/29/2016 chambers calendar and 5/10/2016 chambers calendar.
03/24/2016	CANCELED Status Check: Status of Case (9:30 AM) (Judicial Officer: Allf, Nancy)  Vacated  Status Check: Status of Case
04/04/2016	Substitution of Attorney Filed by: Plaintiff Huerta, Carlos Substitution of Attorneys
04/04/2016	Supplement Filed by: Plaintiff Huerta, Carlos Plaintiffs' Supplement to Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment
04/20/2016	Motion For Reconsideration (10:30 AM) (Judicial Officer: Allf, Nancy)  Plaintiffs' Motion for Reconsideration or Relief from Order Granting Motion for Partial  Summary Judgment
04/28/2016	Order Denying Motion Filed By: Counter Defendant Alexander Christopher Trust Order Denying Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment
04/29/2016	Notice of Entry of Order  Filed By: Counter Claimant Eldorado Hills LLC  Notice of Entry of Order Denying Motion for Reconsideration or Relief from Order Granting  Motion for Partial Summary Judgment
04/29/2016	NV Supreme Court Clerks Certificate/Judgment -Remanded  Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand; Rehearing  Denied
04/29/2016	Clerk's Certificate (Judicial Officer: Allf, Nancy) Debtors: Eldorado Hills LLC (Defendant) Creditors: Nanyah Vegas LLC (Plaintiff) Judgment: 04/29/2016, Docketed: 05/06/2016 Comment: Supreme Court No 66823 - "APPEAL REVERSED and REMAND"
05/10/2016	CANCELED Motion (3:00 AM) (Judicial Officer: Allf, Nancy)  Vacated  Plaintiffs' Application to Set Oral Argument on Motion for Reconsideration or Relief from  Order Granting Motion for Partial Summary Judgment
05/16/2016	Substitution of Attorney Filed by: Plaintiff Nanyah Vegas LLC Substitution of Counsel

05/25/2016	Notice of Appeal Filed By: Plaintiff Huerta, Carlos Notice of Appeal
05/25/2016	Case Appeal Statement Filed By: Plaintiff Huerta, Carlos Case Appeal Statement
05/27/2016	Notice of Posting Bond Filed By: Plaintiff Huerta, Carlos Plaintiffs' Notice of Posting Bond

05/27/2016	Notice of Posting Bond		
	Filed By: Plaintiff Huerta, Carlos		
	Plaintiffs' Notice of Posting Bond		
DATE			
	Plaintiff Ray, Robert		
	Total Charges	30.00	
	Total Payments and Credits	30.00	
	Balance Due as of 5/27/2016	0.00	
	Defendant Rogich, Sig		
	Total Charges	254.00	
	Total Payments and Credits	254.00	
	Balance Due as of 5/27/2016	0.00	
	Counter Claimant Eldorado Hills LLC		
	Total Charges	426.50	
	Total Payments and Credits	426.50	
	Balance Due as of 5/27/2016	0.00	
	Counter Defendant Alexander Christopher Trust		
	Total Charges	33.50	
	Total Payments and Credits	33.50	
	Balance Due as of 5/27/2016	0.00	
	Plaintiff Huerta, Carlos		
	Total Charges	718.00	
	Total Payments and Credits Balance Due as of 5/27/2016	718.00 <b>0.00</b>	
	Balance Due as of 5/2//2010	0.00	
	Plaintiff Nanyah Vegas LLC	54.00	
	Total Charges Total Payments and Credits	54.00 54.00	
	Balance Due as of 5/27/2016	0.00	
		3733	
	Plaintiff Huerta, Carlos		
	Appeal Bond Balance as of 5/27/2016	1,000.00	
	Plaintiff Huerta, Carlos		
	Appeal Bond Balance as of 5/27/2016	0.00	
	Plaintiff Huerta, Carlos		
	Appeal Bond Balance as of 5/27/2016	500.00	

## CIVIL COVER SHEET A-13-686303-C

Clark County, Nevada

XXVII

Case No. (Assigned by Clerk's Office)

I. Party Information			
Plaintiff(s) (name/address/phone): Carlos Hueand Nanyah Vegas, LLC c/o Brandon B. M		Defendant(s) (name/address/phone): Sig Rogich and Eldorado Hills	
Attorney (name/address/phone): Brandon B. McDonald, Esq., 2505 Anthem E-474, Henderson, NV 89052, (702) 385-7		Attorney (name/address/ unknown	/phone):
II. Nature of Controversy (Please check applicable bold applicable subcategory, if appropriate)		category and	Arbitration Requested
	Civi	il Cases	
Real Property		T	orts
□ Landlord/Tenant □ Unlawful Detainer □ Title to Property □ Foreclosure □ Liens □ Quiet Title □ Specific Performance □ Condemnation/Eminent Domain □ Other Real Property □ Partition □ Planning/Zoning	Negligence  Negligence – Auto Negligence – Medical/Dental Negligence – Premises Liability (Stip/Fall) Negligence – Other		☐ Product Liability ☐ Product Liability/Motor Vehicle ☐ Other Torts/Product Liability ☐ Intentional Misconduct ☐ Torts/Defamation (Libel/Slander) ☐ Interfere with Contract Rights ☐ Employment Torts (Wrongful termination) ☐ Other Torts ☐ Anti-trust ☐ Fraud/Misrepresentation ☐ Insurance ☐ Legal Tort ☐ Unfair Competition
Probate			
□ Summary Administration □ General Administration □ Special Administration □ Set Aside Estates □ Trust/Conservatorships □ Individual Trustee □ Corporate Trustee □ Other Probate	Insurance ( Commercial Commercial Collection Collection Guarantee Sale Control Uniform Collection for Other Admi	act Construction Carrier al Instrument tracts/Acct/Judgment of Actions int Contract act	Appeal from Lower Court (also check applicable civil case box)  Transfer from Justice Court Justice Court Civil Appeal  Civil Writ Other Special Proceeding  Other Civil Filing Compromise of Minor's Claim Conversion of Property Damage to Property Employment Security Enforcement of Judgment Foreign Judgment — Civil Other Personal Property Recovery of Property Stockholder Suit Other Civil Matters
III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)			
☐ NRS Chapters 78-88 ☐ Commodities (NRS 90) ☐ Securities (NRS 90)	☐ Investments (NR ☐ Deceptive Trade ☐ Trademarks (NR	Practices (NRS 598)	☐ Enhanced Case Mgmt/Business☐ Other Business Court Matters
7/30/13		1/2-	
Date	-	Signature of	finitiating party or representative

ROR

RELIEF

3 ORDR Samuel S. Lionel, NV Bar No. 1766 2 slionel@fclaw.com **CLERK OF THE COURT** FENNEMORE CRAIG, P.C. 3 300 South Fourth Street, 14h Floor Las Vegas, Nevada 89101 4 Telephone: (702 692-8000 Fax: (702) 692-8099 5 Attorneys for Defendant The Rogich Family Irrevocable Trust 6 7 8 DISTRICT COURT 9 CLARK COUNTY, NEVADA 10 11 CARLOS A. HUERTA, an individual; of GO Case No. A-13-686303-C GLOBAL, INC., a Nevada corporation as Dept. XXVII 12 ALEXANDER assignees ΟÎ the CHRISTOPHER TRUST, a Trust established 13 in Nevada; NANYAH VEGAS, LLC, a Nevada limited liability company, ORDER DENYING MOTION 14 RECONSIDERATION  $\mathbf{OR}$ Plaintiffs. FROM ORDER GRANTING MOTION 15 FOR PARTIAL SUMMARY JUDGMENT V. 16 SIG ROGICH aka SIGMUND ROGICH as 17 Trustee of The Rogich Family Irrevocable Trust; ELDORADO HILLS, LLC, a Nevada 18 limited liability company; DOES I-X; and/or ROE CORPORATIONS I-X, inclusive 19 Defendants. 20 21 ORDER DENYING MOTION FOR RECONSIDERATION OR RELIEF FROM ORDER 22 GRANTING MOTION FOR PARTIAL SUMMARY JUDGMENT 23 Plaintiffs' Motion for Reconsideration or Relief from Order Granting Motion for Partial 24 Summary Judgment having regularly come on for hearing on April 20, 2016, Samuel A. Schwartz-25 appearing for the Plaintiffs and Samuel S. Lionel appearing for the Defendant, Sig Rogich, as

Trustee of The Rogich Family Irrevocable Trust, and the Court, having considered the briefs duly

filed herein and oral argument, and good cause appearing, it is hereby

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ORDERED that the Plaintiffs' Motion for Reconsideration or Relief from Order Granting 0 Ž Motion for Partial Summary Judgment is denied. 3 DATED THIS <u>25</u> OF APRIL 2016. 4 5 DISTRICT COURT HIDGE Ó 7 Submitted by: 8 FENNEMORE CRAIG, P.C. O By: /s/ Samuel S. Lionel Samuel S. Lionel, Esq. (No. 1766) 10 300 South Fourth Street, Suite 1400 t to Las Vegas, NV 89101 Attorneys for Defendants Sig Rogich 12 aka Sigmund Rogich as Trustee of The Rogich Family Irrevocable Trust and Imitations, LLC 13 14 Submitted by: 15 16 Approved by: 17 SCHWARTZ FLANSBURG PLLC 18 By: /s/ Samuel A. Schwartz 19 Samuel A. Schwartz, Esq. (No. 10985) 6623 Las Vegas Blvd. South, Suite 300 20 Las Vegas, NV 891119 Attorneys for Plaintiffs 21 22 23 24 25 26 27

Fehnemore Craig

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Les Vagas

Electronically Filed 04/29/2016 09:19:13 AM

Pines	NOTC Samuel S. Lionel, NV Bar No. 1766	Alm & Comme
2	slionel@fclaw.com FENNEMORE CRAIG, P. C.	CLERK OF THE COURT
3	300 South Fourth Street, 14 <sup>th</sup> Floor Las Vegas, Nevada 89101	
4	Telephone: (702) 692-8000 Fax: (702) 692-8099	
5	Attorneys for Defendant The Rogich Family Irrevocable Trust	
6		
, mg	DISTRIC	TCOURT
8	CLARK COU	NTY, NEVADA
9		
10	CARLOS A. HUERTA, an individual; of GO	Case No. A-13-686303-C
de d	GLOBAL, INC., a Nevada corporation as assignees of the ALEXANDER	Dept. XXVII
12	CHRISTOPHER TRUST, a Trust established in Nevada; NANYAH VEGAS, LLC, a	\$\tau_{1} \tau_{1} \t
13	Nevada limited liability company,	NOTICE OF ENTRY OF ORDER
14	Plaintiffs,	
15	V.	
16	SIG ROGICH aka SIGMUND ROGICH as Trustee of The Rogich Family Irrevocable	
· 7	Trust; ELDORADO HILLS, LLC, a Nevada limited liability company; DOES I-X; and/or ROE CORPORATIONS I-X, inclusive	
*8	Defendants.	
19	. uminuminumumumuminininininininininininin	
20		
21		
22	NOTICE OF ENTRY OF ORDER DENYING	G MOTION FOR RECONSIDERATION OR
23	RELIEF FROM ORDER GRANTING	MOTION FOR PARTIAL SUMMARY
24	JUDG	MENT
25	H	
26	//	
27	//	
28 .	//	
Sennshove Craff	11566145	

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Notice is hereby given that on April 28, 2016 an Order Denying Motion for States. Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment was duly 2 entered herein, a copy of which is attached here as Exhibit A. 3 4 Dated: April 29, 2016. 5 FENNEMORE CRAIG, P.C. 6 By: /s/ Samuel S. Lionel 7 Samuel S. Lionel, NV Bar #1766 300 South Fourth Street, 14th Floor 8 Las Vegas, NV 89101 9 Attorneys for Defendant 10 CERTIFICATE OF SERVICE 12 The undersigned hereby certifies that a true and correct copy of the Order Denying 13 Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment 14 was served on this 29th day of April, 2016 on the following by U.S. Mail, postage prepaid. 15 16 Samuel S. Schwartz, Esq. 17 Bryan A. Lindsey Schwartz Flansberg, PLLC 18 6623 Las Vegas Blvd, South, Suite 300 Las Vegas, NV 89119 19 Attorney for Plaintiffs 20 Matthew D. Cox, Esq. 21 Law offices of Andrew M. Leavitt, Esq. 633 South Seventh Street 22 Las Vegas, NV 89101 Attorney for Eldorado Hills, LLC 23 24 25 26 An Employee of Fennemore Craig, P.C. 27 28

PENNEMORE CRAFG

# EXHIBITA

Electronically Filed 04/28/2016 10:21:55 AM

ORDR
Samuel S. Lionel, NV Bar No. 1766
sitonel Colores com
Fish NEMORE CRAIG, P.C.
300 South Founth Street, 14th Floor
Las Vegas, Nevada 89101
Telephone: (702 692-8000
Fax: (702) 692-8099

Attorneys for Defendant

The Rogich Family Irrevocable Trust

Atu & Sum

CLERK OF THE COURT

### DISTRICT COURT

#### CLARK COUNTY, NEVADA

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

Plaintiffs,

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

Defendants.

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

ORDER DENYING MOTION FOR RECONSIDERATION OR RELIEF FROM ORDER GRANTING MOTION FOR PARTIAL SUMMARY JUDGMENT

# ORDER DENYING MOTION FOR RECONSIDERATION OR RELIEF FROM ORDER GRANTING MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiffs' Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment having regularly come on for hearing on April 20, 2016, Samuel A. Schwartz appearing for the Plaintiffs and Samuel S. Lionel appearing for the Defendant, Sig Rogich, as Trustee of The Rogich Family Irrevocable Trust, and the Court, having considered the briefs duly filed herein and oral argument, and good cause appearing, it is hereby

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SENS HOMB CANG.

ORDERED that the Plaintiffs' Motion for Reconsideration or Relief from Order Granting ě 2 Motion for Partial Summary Judgment is denied. 3 DATED THIS 25 OF APRIL 2016. 4 Š  $\{\dot{\gamma}\}$ 7 Submitted by: Ö FENNEMORE CRAIG, P.C. 9 By: Ist Sumuel & Lione! Samuel S. Lionei, Esq. (No. 1766) 10 300 South Fourth Street, Suite 1400 11 Las Vegas, NV 89101 Attorneys for Defendants Sig Rogich 12 aka Sizmund Rogich as Trustee of The Rogich Family Irrevocable Trust and Imitations, LLC 13 14 Submitted by: 15 16 Approved by: 17 SCHWARTZ FLANSBURG PLLC 18 By: \(\delta \subseteq \Sehvioriz\) 19 Samuel A. Schwartz, Esq. (No. 10985) 6623 Las Vegas Bivd, South, Suite 300 20 Las Vegas, NV 891119 21 Attorneys for Plaintiffs 22 23 24 25 26

FREEMOME CASE

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A-13-686303-C Carlos Huerta, Plaintiff(s)
vs.
Eldorado Hills LLC, Defendant(s)

May 14, 2014 9:30 AM Motion for Leave

HEARD BY: Allf, Nancy COURTROOM: RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

RECORDER: Traci Rawlinson

**REPORTER:** 

**PARTIES** 

PRESENT: Anderson, Steven C Attorney

#### **JOURNAL ENTRIES**

- Mr. Anderson advised he has exchanged emails with opposing counsel he is not opposed to the motion. There being good grounds and no opposition, COURT ORDERED, Defendants' Motion for Leave to File an Amended Answer on an Order Shortening time GRANTED. Order provided to the Court.

A-13-686303-C Carlos Huerta, Plaintiff(s)
vs.
Eldorado Hills LLC, Defendant(s)

September 11, 2014 10:30 AM All Pending Motions

HEARD BY: Allf, Nancy COURTROOM: RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

RECORDER: Traci Rawlinson

**REPORTER:** 

**PARTIES** 

PRESENT: Lionel, Samuel S. Attorney
McDonald, Brandon B Attorney

IOUDNIAL ENERGE

### JOURNAL ENTRIES

- DEFENDANT ELDORADO HILLS LLC'S MOTION FOR PARTIAL SUMMARY JUDGMENT...PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND COUNTER-MOTION FOR PARTIAL SUMMARY JUDGMENT

Arguments by counsel regarding motion for partial summary judgment and counter-motion for partial summary judgment. Court noted it rarely considers counter-motions. Court stated its findings and ORDERED, Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment DENIED WITHOUT PREJUDICE as Court declined to hear the counter-motion; Defendant Eldorado Hills LLC's Motion for Partial Summary Judgment GRANTED. Mr. Lionel to prepare the order and submit it to opposing counsel for approval as to form and content.

PRINT DATE: 05/27/2016 Page 2 of 12 Minutes Date: May 14, 2014

A-13-686303-C Carlos Huerta, Plaintiff(s)
vs.
Eldorado Hills LLC, Defendant(s)

September 26, 2014 9:00 AM All Pending Motions

HEARD BY: Bulla, Bonnie COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

**RECORDER:** Patti Slattery

REPORTER:

**PARTIES** 

PRESENT: Lionel, Samuel S. Attorney
McDonald, Brandon B Attorney

### JOURNAL ENTRIES

- Pltfs' Motion to Continue Trial and Discovery on an OST ........... Defts' Motion to Compel Discovery Responses on OST

Mr. Lionel stated Summary Judgment was Granted September 11, 2014 on the issue in Motion to Compel. COMMISSIONER RECOMMENDED, Defts' Motion to Compel Discovery Responses is OFF CALENDAR. Argument by Mr. McDonald; for walking away from his interest in the Company, Deft received approximately \$680,000 and a Company transferred to him with a valuable piece of property. Mr. McDonald requested to conduct discovery and depositions. Argument by Mr. Lionel.

Mr. McDonald has not reviewed documents recently provided (one month after discovery closed). Commissioner advised counsel anyone who engages in discovery outside the deadline does so at their own peril. Colloquy re: the Mosley factors.

COMMISSIONER RECOMMENDED, Pltfs' Motion to Continue Trial and Discovery is DENIED WITHOUT PREJUDICE; 11/3/14 Trial date STANDS; if the Trial does not move forward, Commissioner will look at the issue again.

PRINT DATE: 05/27/2016 Page 3 of 12 Minutes Date: May 14, 2014

#### A-13-686303-C

Mr. Lionel to prepare the Report and Recommendations, and Mr. McDonald to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Lionel to appear at status check hearing to report on the Report and Recommendations.

10/24/14 11:00 a.m. Status Check: Compliance

A-13-686303-C Carlos Huerta, Plaintiff(s)
vs.
Eldorado Hills LLC, Defendant(s)

October 08, 2014 10:30 AM All Pending Motions

HEARD BY: Allf, Nancy COURTROOM: RJC Courtroom 03A

COURT CLERK: Shelly Landwehr

**RECORDER:** Sandra Pruchnic

REPORTER:

**PARTIES** 

PRESENT: Huerta, Carlos Plaintiff

Lionel, Samuel S. Attorney
McDonald, Brandon B Attorney
Schwartz, Samuel A. Attorney

#### JOURNAL ENTRIES

- DEFENDANT SIG ROGICH, TRUSTEE OF THE ROGICH FAMILY IRREVOCABLE TREUST'S MOTIONFOR PARTIAL SUMMARY JUDGMENT...PLAINTIFF'S OPPOSITION TO DEFENDANTS MOTION FOR PARTIAL SUMMARY JUDGMENT AND COUNTER-MOTION FOR PARTIAL SUMMARYJUDGMENT...PLAINTIFF'S MOTIONTO CONTINUE TRIAL ON AN ORDER SHORTENING TIME

Mr. noted Mr. McDonald was bankruptcy approved and had been retained in this matter. Court so noted.

Mr. Lionel argued in support of his motion stating Defendant had made misrepresentations before the bankruptcy court that they had no claim and now they are before this Court saying there is a claim, and that calls for judicial estoppel. Mr. Lionel argued regarding what judicial estoppel is intended for. Mr. Lionel further argued case law and cited several cases in open court. Lastly, Mr. Lionel argued regarding the requirement of a debtor to file a schedule of assets under oath, and stated the filed document omitted any claim against Rogich Trust.

PRINT DATE: 05/27/2016 Page 5 of 12 Minutes Date: May 14, 2014

Upon Court's inquiry, Mr. Lionel argued Sig Rogich is not a party; the trust is a different entity and stated there was an original plan and three amendments but no claim or potential claim against Rogich Trust. The affidavit filed by Mr. Huerta was not true and accurate. Colloquy regarding the assignment of this claim and whether the Rogich Trust is bound by anything in the plan.

Mr. Schwartz argued the claim against Mr. Rogich is disclosed as an asset; and there are amendments to those schedules that came out throughout the course of the case; however, there is there is nothing that takes Mr. Rogich out. Court inquired regarding disclosure statements and that no claim was made that Defendant would try and collect receivables, and the creditors were not on notice of that. Mr. Schwartz argued that is not what is required from a disclosure statement, you don thave to disclose to the Courts about a receivable that may have to be litigated to collect. Mr. Schwartz further argued regarding the difference between the case referenced by Mr. Lionel and the facts in this case. Lastly, Mr. Schwartz stated there is an asset that is clearly disclosed in the schedules and no one has stated they weren t aware of the bankruptcy or didn t know they were listed as an asset.

Upon Court's inquiry regarding what it believed to be bankruptcy law with respect to the necessity of a disclosure statement, Mr. Schwartz stated there was a creditors plan drafted in which Mr. Huerta was a creditor and the law says you have a right to pursue it as a cause of action. Court stated there is no reference to this lawsuit, no mention of this receivable.

Mr. Schwartz responded there was a reference to some collection activities that had to occur and there was a proposed plan that was 100% to the creditors based on the collection of those assets and they were aware Mr. Huerta had to collect on assets to pay his creditors. Further, there was no concealment, there is no fraud, and Mr. Rogich can t say he was not on notice. Defense admitted they were aware of the bankruptcy and admitted they received land. Court inquired as to why Go Global assigned the right to collect to someone else and noted it was not disclosed in any the bankruptcy court filings.

Following further arguments by Mr. Lionel, COURT ORDERED, motion GRANTED. Mr. Lionel to prepare the order.

A-13-686303-C Carlos Huerta, Plaintiff(s) vs. Cotober 24, 2014

October 24, 2014 11:00 AM Status Check: Compliance

Eldorado Hills LLC, Defendant(s)

HEARD BY: Bulla, Bonnie COURTROOM: RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Richard Kangas

**REPORTER:** 

PARTIES PRESENT:

#### **JOURNAL ENTRIES**

- COMMISSIONER RECOMMENDED, Defense counsel is relieved from preparing the Report and Recommendation based on settlement of case (letter dated Oct. 15, 2014); matter is OFF CALENDAR.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of:

Mr. Lionel - Lionel, S, C

A-13-686303-C Carlos Huerta, Plaintiff(s)
vs.
Eldorado Hills LLC, Defendant(s)

January 15, 2015

9:30 AM Motion for Attorney Fees

HEARD BY: Allf, Nancy COURTROOM: RJC Courtroom 03A

and Costs

**COURT CLERK:** Nicole McDevitt

RECORDER: Traci Rawlinson

REPORTER:

**PARTIES** 

PRESENT: Lionel, Samuel S. Attorney Shaine, Cheri L. Attorney

#### **JOURNAL ENTRIES**

- Arguments by counsel regarding the merits of the motion and opposition. Court stated its findings and ORDERED, Motino for Attorney Fees and Costs GRANTED in the amount of \$237,954.50. Ms. Shaine to prepare the order and submit it to opposing counsel for approval. Upon inquiry, Court stated the judgment would be jointly and severally against all of the named Plaintiffs.

Breach of Contract		COURT MINUTES	March 22, 2016
A-13-686303-C	Carlos Huerta, vs. Eldorado Hills	Plaintiff(s) LLC, Defendant(s)	
March 22, 2016	3:00 AM	Minute Order	Minute Order: Status Check: Status of Case set 3/24/2016 VACATED
HEARD BY: Allf, Nancy		COURTROOM:	
COURT CLERK:	Nicole McDevitt		
RECORDER:			
REPORTER:			
PARTIES PRESENT:			

#### **JOURNAL ENTRIES**

- COURT FINDS after review that on February 22, 2016 set a Status Check for March 24, 2016 at 9:30 a.m. to ascertain the status of the case following the Nevada Supreme Court's Order of Reversal and Remand.

COURT FURTHER FINDS after review that on February 22, 2016 Plaintiffs filed a Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment (Motion).

COURT ORDERS for good cause appearing and after review that the STATUS CHECK set on MOTIONS CALENDAR on March 24, 2016 at 9:30 a.m. is VACATED; as the Motion has been filed, the Status Check is unnecessary.

CLERK'S NOTE: A copy of this minute order was faxed to: Brandon B. McDonald, Esq. (702-385-2741) and Samuel S. Lionel, Esq. (702-692-8099).

PRINT DATE: 05/27/2016 Page 9 of 12 Minutes Date: May 14, 2014

Breach of Contract		COURT MINUTES	March 23, 2016
A-13-686303-C	Carlos Huerta, vs. Eldorado Hills	Plaintiff(s) LLC, Defendant(s)	
March 23, 2016	3:00 AM	Minute Order	Minute Order: Matters set on 3/29/2016 chambers calendar and 5/10/2016 chambers calendar.
HEARD BY: Allf, Nancy		COURTROOM:	
COURT CLERK: N	licole McDevitt		
RECORDER:			
REPORTER:			
PARTIES PRESENT:			

#### JOURNAL ENTRIES

- COURT FINDS after review that on February 22, 2016 Plaintiffs filed a Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment (Motion) and the matter was set for Chambers Calendar on March 29, 2016.

COURT FURTHER FINDS after review that on March 22, 2016 Plaintiffs filed an Application to Set Oral Argument on Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment (Application) and the matter was set for Chambers Calendar on May 10, 2016.

COURT FURTHER FINDS after review that oral argument is appropriate, so the Court will set Oral Argument on Plaintiffs Motion. COURT FURTHER FINDS after review that the Motion is fully briefed.

COURT ORDERS for good cause appearing and after review Plaintiffs Motion for Reconsideration or

PRINT DATE: 05/27/2016 Page 10 of 12 Minutes Date: May 14, 2014

#### A-13-686303-C

Relief from Order Granting Motion for Partial Summary Judgment set for CHAMBERS CALENDAR on March 29, 2016 in CONTINUED to MOTIONS CALENDAR on April 20, 2016 at 10:30 a.m. for Oral Argument. COURT FURTHER ORDERS for good cause appearing and after review the Hearing on CHAMBERS CALENDAR set for May 10, 2016 is VACATED.

CLERK'S NOTE: A copy of this minute order was faxed to: Brandon B. McDonald, Esq. (702-385-2741) and Samuel S. Lionel, Esq. (702-692-8099).

PRINT DATE: 05/27/2016 Page 11 of 12 Minutes Date: May 14, 2014

A-13-686303-C Carlos Huerta, Plaintiff(s)
vs.
Eldorado Hills LLC, Defendant(s)

April 20, 2016

April 20, 2016

April 20, 2016

Reconsideration

HEARD BY: Allf, Nancy COURTROOM: RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

RECORDER: Traci Rawlinson

REPORTER:

PARTIES PRESENT:

#### **JOURNAL ENTRIES**

- Arguments by counsel regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Plaintiffs' Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment DENIED. Mr. Lionel to prepare the order and submit it to opposing counsel for approval

PRINT DATE: 05/27/2016 Page 12 of 12 Minutes Date: May 14, 2014

## **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; CASE APPEAL STATEMENT; PLAINTIFFS' NOTICE OF POSTING BOND; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING MOTION FOR RECONSIDERATION OR RELIEF FROM ORDER GRANTING MOTION FOR PARTIAL SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

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

Plaintiff(s),

VS.

ELDORADO HILLS, LLC,

Defendant(s),

now on file and of record in this office.

Case No: A-13-686303-C

Dept No: XXVII

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 27 day of May 2016.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk

Benk of America 200 S 4h 65 Las Vegas NV 80101 94-72/1224

SCHWARTZ FLANSBURG PLLC 6623 Las Vegas Blyd S Unit 300 Las Vegas, NV 89119-3246

5/12/2016

PAY TO THE

Clerk of the Supreme Court

\*\*\*250.00

\_ DOLLARS

Clerk of the Supreme Court

**VOID IF NOT CASHED IN 90 DAYS** 

МЕМО

Filing Fee - Matter 858-007

A Marie Mari

#OD1757# #122400724# 501018730874#

Go Global v Rogich Matter 858-007

SCHWARTZ FLANSBURG PLLC/6623 Las Vegas Blvd S Unit 300

Clerk of the Supreme Court

5/12/2016

001757 250.00

BofA Bus Ckng 0874 Filing Fee - Matter 858-007

250.00