

1 NTC
2 MARJORIE HAUF, ESQ.
3 Nevada Bar No. 8111
4 IDA M. YBARRA, ESQ.
5 Nevada Bar No. 11327
6 GANZ & HAUF
7 8950 W. Tropicana Ave., Ste. 1
8 Las Vegas, Nevada 89147
9 Tel: (702) 598-4529
10 Fax: (702) 598-3626

11 Attorneys for Plaintiff

12 -000-

13 DISTRICT COURT
14 CLARK COUNTY, NEVADA

15 JAPONICA GLOVER-ARMONT,

16 Plaintiff,

17 vs.

18 JOHN CARGILE; CITY OF NORTH LAS
19 VEGAS, a Municipal Corporation existing
20 under the laws of the State of Nevada in the
21 County of Clark; DOES I through X, inclusive;
22 and/or ROE CORPORATIONS I through X,
23 inclusive,

24 Defendants.

CASE NO.: A-13-683211-C
DEPT NO.: XIX

PLAINTIFF'S NOTICE OF APPEAL

25 NOTICE OF APPEAL

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28 ...
...

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08/03/2016 03:45:21 PM

Tracie K. Lindeman

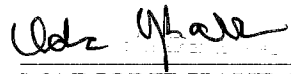
CLERK OF THE COURT
Electronically Filed
Aug 08 2016 03:01 p.m.
Tracie K. Lindeman
Clerk of Supreme Court



1 NOTICE IS HEREBY GIVEN that Plaintiff, JAPONICA GLOVER-ARMONT, hereby
2 appeals to the Nevada Supreme Court from the Order Granting Defendants' Motion for
3 Reconsideration dated April 7, 2016 (attached hereto as Exhibit 1). The Order was entered on
4 dated July 5, 2016. Plaintiff also appeals from all other rulings, orders, and judgments made final
5 and appealable by the foregoing.
6

7 Dated this 31st day of August, 2016.

8 Respectfully submitted,
9 GANZ & HAUF

10 
11 MARJORIE HAUF, ESQ.
12 Attorney for Plaintiff
13 Nevada Bar No. 8111
14 IDA M. YBARRA, ESQ.
15 Attorney for Plaintiff
16 Nevada Bar No. 11327
17 8950 W. Tropicana Ave., Ste. 1
18 Las Vegas, Nevada 89147
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1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b) and EDCR 7.26, I certify that on this date, I served the foregoing

3 **NOTICE OF APPEAL** on all parties to this action by:

4 ☐ Facsimile

5 ☒ Mail

6 ☒ E-Service

7 addressed as follows:

8 Christopher Craft, Esq.
9 Deputy City Attorney
10 2250 Las Vegas Blvd Ste 810
11 North Las Vegas, NV 89030

12 Dated this 3 day of August, 2016.


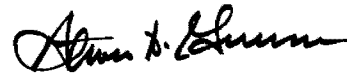
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14 _____
15 An employee of the law firm of GANZ & HAUF
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EXHIBIT 1



CLERK OF THE COURT

1 NEO
2 NORTH LAS VEGAS CITY ATTORNEY
3 Sandra Douglass Morgan, Nev. Bar No. 8582
4 City Attorney
5 Christopher D. Craft, Nev. Bar No. 7314
6 Deputy City Attorney
7 2250 Las Vegas Blvd. North, Suite 810
8 North Las Vegas, Nevada 89030
9 Telephone: (702) 633-1050
10 Facsimile: (702) 649-8879
11 Attorneys for Defendants
12 John Cargile and City of North Las Vegas

DISTRICT COURT
CLARK COUNTY, NEVADA

9 JAPONICA GLOVER-ARMONT,

10 Plaintiff,

11 vs.

12 JOHN CARGILE; CITY OF NORTH LAS
13 VEGAS, a Municipal Corporation existing
14 under the laws of the State of Nevada in the
15 County of Clark; DOES I through X, inclusive;
16 and/or ROE CORPORATIONS I through X,
17 inclusive,

18 Defendants.

Case No. A-13-683211-C

Dept. No. XIX

NOTICE OF ENTRY OF ORDER

19 PLEASE TAKE NOTICE that an Order granting Defendants' Motion for Reconsideration
20 and granting Defendants' Motion for Summary Judgment was hereby entered on the 5th day of July,
21 2016, a copy of which is attached hereto.

22 DATED this 6th day of July, 2016.

23 NORTH LAS VEGAS CITY ATTORNEY

24 /s/ Christopher D. Craft
25 Sandra Douglass Morgan, Nev. Bar No. 8582
26 Christopher D. Craft, Nev. Bar No. 7314
27 2250 Las Vegas Blvd. North, Suite 810
28 North Las Vegas, Nevada 89030
(702) 633-1050
Attorneys for Defendants
John Cargile and City of North Las Vegas

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☒ By electronic service, pursuant to N.E.F.C.R. 9

☐ By first class mail, postage prepaid from Las Vegas, Nevada pursuant to N.R.C.P. 5(b) addressed as follows

☐ By facsimile, pursuant to EDCR 7.26 (as amended)

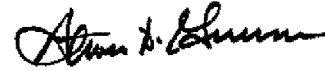
☐ By hand delivery

Marjorie Hauf, Esq.
Ida M. Ybarra, Esq.
GANZ & HAUF
8950 W. Tropicana Avenue, Ste. 1
Las Vegas, Nevada 89147
Facsimile (702) 598-3626

/s/ Michelle T. Harrell
An Employee of North Las Vegas
City Attorney's Office

ORIGINAL

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CLERK OF THE COURT

OGM
NORTH LAS VEGAS CITY ATTORNEY
Sandra Douglass Morgan, Nev. Bar No. 8582
City Attorney
Christopher D. Craft, Nev. Bar No. 7314
Deputy City Attorney
2250 Las Vegas Blvd. North, Suite 810
North Las Vegas, Nevada 89030
Telephone: (702) 633-1050
Facsimile: (702) 649-8879
Attorneys for Defendants
John Cargile and City of North Las Vegas

DISTRICT COURT

CLARK COUNTY, NEVADA

JAPONICA GLOVER-ARMONT,

Plaintiff,

vs.

JOHN CARGILE; CITY OF NORTH LAS
VEGAS, a Municipal Corporation existing
under the laws of the State of Nevada in the
County of Clark; DOES I through X, inclusive;
and/or ROE CORPORATIONS I through X,
inclusive,

Defendants.

Case No. A-13-683211-C

Dept. No. XIX

ORDER

Defendants City of North Las Vegas (the "City") and Sergeant John Cargile ("Sergeant Cargile") (collectively "Defendants") came before the Court for hearing on Defendants' Motion for Summary Judgment on February 2, 2016, and March 1, 2016, and on Defendants' Motion to Reconsider on May 31, 2016. Plaintiff Japonica Glover-Armont appeared by and through her counsel, Adam Ganz, Esq., and Marjorie Hauf, Esq., and Defendants appeared by and through their counsel, Christopher Craft, Esq. After consideration of the papers and pleadings on file, and argument of counsel, the Court issues the following Findings of Fact, Conclusions of Law, and Order:

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

I.

FINDINGS OF FACT

1. On November 5, 2012, Defendant John Cargile ("Cargile"), a Sergeant with the North Las Vegas Police Department, was responding to an emergency call, specifically that shots had been fired and at least one person was injured. Cargile's actions in responding to the call, driving his police vehicle to the scene of the emergency, were within his authority as a police officer.

2. While responding to the call, Cargile made the decision to proceed through a red traffic signal at the intersection of 5th Street and Cheyenne Avenue in North Las Vegas, as he was turning left onto Cheyenne Avenue from northbound 5th Street.

3. When Cargile was in the process of clearing the intersection, a collision occurred between his vehicle and that of Plaintiff Japonica Glover-Armont, who was driving eastbound on Cheyenne Avenue at the time.

II.

CONCLUSIONS OF LAW

1. To receive discretionary-act immunity under NRS 41.032(2), a public employee's decision "must (1) involve an element of individual judgment or choice and (2) be based on considerations of social, economic, or political policy." Martinez v. Maruszczak, 123 Nev. 433, 446-47, 168 P.3d 720, 729 (2007). "[D]ecisions at all levels of government, including frequent or routine decisions, may be protected by discretionary-act immunity...." Id. at 447, 168 P.3d at 729.

2. While responding to the emergency call, Cargile used his individual judgment in deciding how to respond, including making decisions as to what route to take, and whether and how to proceed through the red traffic signal at 5th Street and Cheyenne Avenue.

3. Cargile's actions, undertaken while responding to an emergency call, were related to, and in furtherance of, public policies, such as protection of the public, enforcing the law, and apprehending criminals.

4. Cargile's actions do not constitute an intentional tort, and no intentional torts were pled in this matter. Furthermore, because Cargile was acting within the scope of his authority by responding to an emergency call, his actions were not undertaken in bad faith.

6. Furthermore, because Cargile is immune from Plaintiff's negligence claims as set forth above, there are no grounds for Plaintiff's claims against the City for negligent entrustment, negligent hiring, negligent training, negligent supervision, negligent retention, or vicarious liability.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that Defendants' Motion for Summary Judgment is GRANTED. Plaintiff's Complaint is dismissed with prejudice.

DISTRICT COURT JUDGE

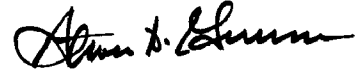
for Judge William Kephart

Christopher D. Craft, Nev. Bar No. 7314
Deputy City Attorney
2250 Las Vegas Blvd. North, Suite 810
North Las Vegas, Nevada 89030
Telephone: (702) 633-1050
Attorneys for Defendants
John Cargile and City of North Las Vegas

MARJORIE HAUF, ESQ.
Nevada Bar No. 8111
IDA M. YBARRA, ESQ.
Nevada Bar No. 11327
GANZ & HAUF
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Las Vegas, Nevada 89147
Tel: (702) 598-4529
Fax: (702) 598-3626

Attorneys for Plaintiff

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CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

JAPONICA GLOVER-ARMONT,

Plaintiff,

vs.

JOHN CARGILE; CITY OF NORTH LAS
VEGAS, a Municipal Corporation existing
under the laws of the State of Nevada in the
County of Clark; DOES I through X, inclusive;
and/or ROE CORPORATIONS I through X,
inclusive,

Defendants.

CASE NO.: A-13-683211-C
DEPT NO.: XIX

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

Japonica Glover-Armont

2. Identify the Judge issuing the decision, judgment, or order appealed from:

Honorable Judge William Kephart

...

...

...



8950 W. Tropicana Ave., #1
Las Vegas, NV 89147
Phone: (702) 598-4529
Fax: (702) 598-3626

1 **3. Identify each appellant and the name and address of counsel for each appellant:**

2 Japonica Glover-Armont
3 c/o GANZ & HAUF, CHTD
4 8950 W. Tropicana Ave, Suite 1
5 Las Vegas, Nevada 89147
6 Tel: (702) 598-4529

7 **4. Identify each respondent and the name and address of appellate counsel, if known,
8 for each respondent (if the name of a respondent's trial counsel:**

9 John Cargile; City of North Las Vegas
10 c/o Christopher D. Craft, Esq.
11 Deputy City Attorney
12 2250 Las Vegas Blvd Ste 810
13 Las Vegas, Nevada 89030
14 Tel: (702) 633-1050

15 **5. Indicate whether any attorney identified above in response to question 3 or 4 is not
16 licensed to practice law in Nevada, and if so, whether the district court granted that
17 attorney permission to appear under SCR 42:**

18 Both Attorneys involved are licensed to practice law in Nevada.

19 **6. Indicate whether appellant was represented by appointed or retained counsel in the
20 district court:**

21 Appellant was represented by retained counsel.

22 **7. Indicate whether appellant is represented by appointed or retained counsel on
23 appeal:**

24 Appellant is represented by retained counsel.

25 **8. Indicate whether Appellant was granted leave to proceed in forma pauperis:**

26 Appellant did not request to proceed in forma pauperis.

27 **9. Indicate the date the proceeding commenced in the District Court:**

28 The Complaint in this matter was filed on June, 10, 2013.

29 **10. Provide a brief description of the nature of the action and result in the district
30 court, including the type of judgment or order being appealed and the relief granted
31 by the district court:**

32 This claim involved a motor vehicle accident with a police vehicle. Defendants filed a
33 Motion for Summary Judgment on December 22, 2015. Plaintiff filed an Opposition

1 on January 11, 2016. Plaintiff prevailed in defeating the Defendants' Motion for
2 Summary Judgment on March 1, 2016. Defendants filed a Motion to Reconsider the
3 Motion for Summary Judgment on April 7, 2016. Plaintiff filed an Opposition to
4 Defendants' Motion to Reconsider on April 27, 2016. The District Court entered an
5 Order granting the Defendants' Motion for Reconsideration on June 30, 2016.
6 Plaintiff seeks to appeal the Order granting Defendant's Motion for Reconsideration.
7 Plaintiff also appeals from all other rulings, orders, and judgments made final and
8 appealable by the foregoing.
9

10 **11. Indicate whether the case has previously been the subject of an appeal to or original**
11 **writ proceeding in the Supreme Court and, if so, the caption and Supreme court**
12 **docket number of the prior proceeding:**

13 Not applicable

14 **12. Indicate whether this appeal involves child custody or visitation:**

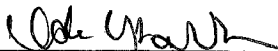
15 Not applicable.

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

18 Yes.

19 DATED this 3rd day of August, 2016.

20 GANZ & HAUF

21
22 
23 MARJORIE HAUF, ESQ
24 Nevada Bar No. 8111
25 IDA M. YBARRA, ESQ
26 Nevada Bar No. 11327
27 8950 W. Tropicana Ave., Ste. 1
28 Las Vegas, Nevada 89147

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and EDCR 7.26, I certify that on this date, I served the foregoing

CASE APPEAL STATEMENT on all parties to this action by:

☐ Facsimile

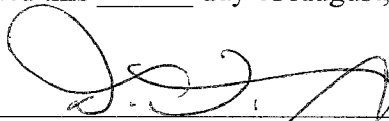
☒ Mail

☒ E-Service

addressed as follows:

Christopher Craft, Esq.
Deputy City Attorney
2250 Las Vegas Blvd Ste 810
North Las Vegas, NV 89030

Dated this 3 day of August, 2016.



An employee of the law firm of GANZ & HAUF

DEPARTMENT 19
CASE SUMMARY
CASE NO. A-13-683211-C

Japonica Glover-Armont, Plaintiff(s)
vs.
John Cargile, Defendant(s)

§
§
§
§
§

Location: **Department 19**
Judicial Officer: **Kephart, William D.**
Filed on: **06/10/2013**
Case Number History:
Cross-Reference Case Number: **A683211**

CASE INFORMATION

Statistical Closures
07/05/2016 Summary Judgment

Case Type: **Negligence - Auto**
Case Flags: **Appealed to Supreme Court**
Jury Demand Filed
Arbitration Exemption Granted

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-13-683211-C
Court	Department 19
Date Assigned	01/05/2015
Judicial Officer	Kephart, William D.






PARTY INFORMATION

Plaintiff	Glover-Armont, Japonica	Hauf, Marjorie L. <i>Retained</i> 7025984529(W)
Defendant	Cargile, John North Las Vegas City Of Removed: 07/05/2016 Dismissed	
Short Trial Judge	Judge Pro Tempore	












DATE

EVENTS & ORDERS OF THE COURT









INDEX

06/10/2013	 Complaint Filed By: Plaintiff Glover-Armont, Japonica <i>Complaint</i>	
06/10/2013	 Initial Appearance Fee Disclosure Filed By: Plaintiff Glover-Armont, Japonica <i>Initial Appearance Fee Disclosure</i>	
06/10/2013	Case Opened	
09/05/2013	 Answer Filed By: Defendant Cargile, John <i>Answer</i>	
10/15/2013	 Commissioners Decision on Request for Exemption - Granted Party: Plaintiff Glover-Armont, Japonica <i>Commissioner's Decision on Request for Exemption - Granted</i>	
11/11/2013	 Demand for Jury Trial	

DEPARTMENT 19
CASE SUMMARY
CASE NO. A-13-683211-C








	Filed By: Plaintiff Glover-Armont, Japonica <i>Demand for Jury Trial</i>
12/10/2013	 Joint Case Conference Report Filed By: Plaintiff Glover-Armont, Japonica <i>Joint Case Conference Report</i>
12/24/2013	 Scheduling Order Filed By: Short Trial Judge Judge Pro Tempore <i>Scheduling Order</i>
09/03/2014	 Stipulation and Order to Extend Discovery Deadlines Filed By: Plaintiff Glover-Armont, Japonica <i>Stipulation and Order to Extend Discovery (First Request)</i>
09/08/2014	 Stipulation and Order to Extend Discovery Deadlines Filed By: Plaintiff Glover-Armont, Japonica <i>Stipulation and Order to Extend Discovery (First Request)</i>
10/28/2014	 Order Setting Civil Jury Trial <i>Order Setting Civil Jury Trial</i>
01/05/2015	Judicial Elections 2014 - Case Reassignment <i>District Court Judicial Officer Reassignment 2014</i>
02/18/2015	 Designation of Expert Witness Filed By: Defendant Cargile, John <i>Defendants' Designation of Expert Witnesses Pursuant to NRCP 16.1(a)(2)</i>
04/01/2015	 Designation of Expert Witness Filed By: Defendant Cargile, John <i>City of North Las Vegas's Designation of Rebuttal Expert Witnesses Pursuant to NRCP 16.1(a)(2)</i>
05/08/2015	 Stipulation and Order Filed by: Plaintiff Glover-Armont, Japonica <i>Stipulation and Order to Extend Discovery (Second Request)</i>
05/11/2015	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Glover-Armont, Japonica <i>Notice of Entry of Order</i>
05/20/2015	 Order Setting Civil Jury Trial <i>Order Setting Civil Jury Trial</i>
08/13/2015	CANCELED Status Check (9:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Commissioner</i>
09/17/2015	CANCELED Calendar Call (9:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Commissioner</i>
09/29/2015	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Earl, Allan R.) <i>Vacated - per Commissioner</i>
12/22/2015	 Motion for Summary Judgment

DEPARTMENT 19
CASE SUMMARY
CASE NO. A-13-683211-C







	Filed By: Defendant Cargile, John <i>Defendants' Motion for Summary Judgment</i>
01/06/2016	 Order Setting Civil Jury Trial <i>Amended Order Setting Civil Jury Trial</i>
01/11/2016	 Opposition to Motion Filed By: Plaintiff Glover-Armont, Japonica <i>Opposition to Motion</i>
01/26/2016	 Reply in Support Filed By: Defendant North Las Vegas City Of <i>Defendants' Reply in Support of Motion for Summary Judgment</i>
02/02/2016	 Motion for Summary Judgment (9:00 AM) (Judicial Officer: Kephart, William D.) 02/02/2016, 03/01/2016 <i>Defendants' Motion for Summary Judgment</i>
02/23/2016	 Supplemental Brief Filed By: Defendant North Las Vegas City Of <i>Defendants' Supplemental Brief in Support of Motion for Summary Judgment</i>
02/23/2016	 Opposition Filed By: Plaintiff Glover-Armont, Japonica <i>Supplemental Opposition to Defendants' Motion for Summary Judgment</i>
03/28/2016	 Recorders Transcript of Hearing <i>Transcript of Proceedings - Defendants' Motion for Summary Judgment March 1, 2016</i>
04/07/2016	 Motion to Reconsider Filed By: Defendant Cargile, John <i>Defendants' Motion to Reconsider</i>
04/11/2016	 Notice of Motion Filed By: Defendant Cargile, John <i>Notice of Motion</i>
04/14/2016	 Motion in Limine Filed By: Plaintiff Glover-Armont, Japonica <i>Plaintiff's Motion in Limine Nos. 1-8</i>
04/14/2016	 Omnibus Motion In Limine Filed by: Defendant North Las Vegas City Of <i>Defendants' Omnibus Motion in Limine</i>
04/19/2016	 Pre Trial Conference (9:00 AM) (Judicial Officer: Kephart, William D.)
04/27/2016	 Opposition Filed By: Plaintiff Glover-Armont, Japonica <i>Opposition to Defendants' Motion for Reconsideration</i>
04/28/2016	 Pre-Trial Disclosure Party: Plaintiff Glover-Armont, Japonica

DEPARTMENT 19
CASE SUMMARY
CASE NO. A-13-683211-C

Plaintiff's Pre-Trial Disclosure

05/10/2016	CANCELED Calendar Call (9:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
05/17/2016	 Opposition to Motion in Limine Filed By: Defendant North Las Vegas City Of <i>Defendants' Opposition to Plaintiff's Motion in Limine</i>
05/17/2016	 Opposition to Motion in Limine Filed By: Plaintiff Glover-Armont, Japonica <i>Plaintiff's Oppositions to Defendants' Omnibus Motion in Limine</i>
05/24/2016	 Reply in Support Filed By: Defendant Cargile, John <i>Defendants' Reply in Support of Omnibus Motion in Limine</i>
05/24/2016	 Reply in Support Filed By: Defendant Cargile, John <i>Defendants' Reply in Support of Motion for Reconsideration</i>
05/24/2016	 Reply Filed by: Plaintiff Glover-Armont, Japonica <i>Replies to Defendants' Oppositions to Plaintiff's Motions in Limine Nos. 1-8</i>
05/31/2016	Motion to Reconsider (9:00 AM) (Judicial Officer: Kephart, William D.) <i>Defendants' Motion to Reconsider</i>
05/31/2016	Motion in Limine (9:00 AM) (Judicial Officer: Kephart, William D.) <i>Plaintiff's Motion in Limine Nos. 1-8</i>
05/31/2016	Omnibus Motion in Limine (9:00 AM) (Judicial Officer: Kephart, William D.) <i>Defendants' Omnibus Motion in Limine</i>
05/31/2016	 All Pending Motions (9:00 AM) (Judicial Officer: Kephart, William D.)
05/31/2016	CANCELED Jury Trial (1:00 PM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
06/21/2016	CANCELED Pre Trial Conference (9:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
07/05/2016	 Order Granting Motion Filed By: Defendant North Las Vegas City Of <i>Order</i>
07/05/2016	Summary Judgment (Judicial Officer: Kephart, William D.) Debtors: Japonica Glover-Armont (Plaintiff) Creditors: North Las Vegas City Of (Defendant), John Cargile (Defendant) Judgment: 07/05/2016, Docketed: 07/12/2016
07/05/2016	Order of Dismissal With Prejudice (Judicial Officer: Kephart, William D.) Debtors: Japonica Glover-Armont (Plaintiff) Creditors: North Las Vegas City Of (Defendant), John Cargile (Defendant) Judgment: 07/05/2016, Docketed: 07/12/2016

DEPARTMENT 19
CASE SUMMARY
CASE NO. A-13-683211-C

07/06/2016	 Notice of Entry of Order Filed By: Defendant North Las Vegas City Of <i>Notice of Entry of Order</i>
07/06/2016	 Memorandum of Costs and Disbursements Filed By: Defendant Cargile, John <i>Memorandum of Costs and Disbursements</i>
07/11/2016	 Motion to Retax Filed By: Plaintiff Glover-Armont, Japonica <i>Plaintiff's Motion to Retax Costs</i>
07/19/2016	CANCELED Calendar Call (9:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
07/20/2016	 Opposition to Motion Filed By: Defendant North Las Vegas City Of <i>Defendants' Opposition to Plaintiff's Motion to Retax Costs</i>
08/01/2016	CANCELED Jury Trial (1:00 PM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
08/03/2016	 Notice of Appeal Filed By: Plaintiff Glover-Armont, Japonica <i>Plaintiff's Notice of Appeal</i>
08/03/2016	 Case Appeal Statement Filed By: Plaintiff Glover-Armont, Japonica <i>Case Appeal Statement</i>
08/11/2016	Motion to Retax (3:00 AM) (Judicial Officer: Kephart, William D.) <i>Plaintiff's Motion to Retax Costs</i>

DATE	FINANCIAL INFORMATION	
	Plaintiff Glover-Armont, Japonica	
	Total Charges	294.00
	Total Payments and Credits	294.00
	Balance Due as of 8/5/2016	0.00

Case No. _____
(Assigned by Clerk's Office)**I. Party Information**Plaintiff(s) (name/address/phone):
Japonica Glover-ArmontAttorney (name/address/phone): Adam Ganz, Esq.
8950 W. Tropicana Ave, Ste 1
Las Vegas, NV 89147 (702) 598-4529

Defendant(s) (name/address/phone): John Cargile

City of North Las Vegas

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	
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 (Slip/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	Other Civil Filing Types	
Estimated Estate Value: Summary Administration General Administration Special Administration Set Aside Estates Trust/Conservatorships Individual Trustee Corporate Trustee Other Probate	Construction Defect Chapter 40 General Breach of Contract Building & Construction Insurance Carrier Commercial Instrument Other Contracts/Acct/Judgment Collection of Actions Employment Contract Guarantee Sale Contract Uniform Commercial Code Civil Petition for Judicial Review Foreclosure Mediation Other Administrative Law Department of Motor Vehicles Worker's Compensation Appeal	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	Investments (NRS 104 Art. 8)	Enhanced Case Mgmt/Business
Commodities (NRS 90)	Deceptive Trade Practices (NRS 598)	Other Business Court Matters
Securities (NRS 90)	Trademarks (NRS 600A)	

6/10/13

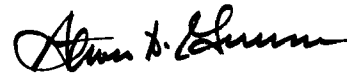
Date

Marjorie Hauf /s/

Signature of initiating party or representative

See other side for family-related case filings.

ORIGINAL



CLERK OF THE COURT

OGM
NORTH LAS VEGAS CITY ATTORNEY
Sandra Douglass Morgan, Nev. Bar No. 8582
City Attorney
Christopher D. Craft, Nev. Bar No. 7314
Deputy City Attorney
2250 Las Vegas Blvd. North, Suite 810
North Las Vegas, Nevada 89030
Telephone: (702) 633-1050
Facsimile: (702) 649-8879
Attorneys for Defendants
John Cargile and City of North Las Vegas

DISTRICT COURT
CLARK COUNTY, NEVADA

JAPONICA GLOVER-ARMONT,

Plaintiff,

vs.

JOHN CARGILE; CITY OF NORTH LAS
VEGAS, a Municipal Corporation existing
under the laws of the State of Nevada in the
County of Clark; DOES I through X, inclusive;
and/or ROE CORPORATIONS I through X,
inclusive,

Defendants.

Case No. A-13-683211-C

Dept. No. XIX

ORDER

Defendants City of North Las Vegas (the "City") and Sergeant John Cargile ("Sergeant Cargile") (collectively "Defendants") came before the Court for hearing on Defendants' Motion for Summary Judgment on February 2, 2016, and March 1, 2016, and on Defendants' Motion to Reconsider on May 31, 2016. Plaintiff Japonica Glover-Armont appeared by and through her counsel, Adam Ganz, Esq., and Marjorie Hauf, Esq., and Defendants appeared by and through their counsel, Christopher Craft, Esq. After consideration of the papers and pleadings on file, and argument of counsel, the Court issues the following Findings of Fact, Conclusions of Law, and Order:

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

1 I.

2 FINDINGS OF FACT

3 1. On November 5, 2012, Defendant John Cargile ("Cargile"), a Sergeant with the North
4 Las Vegas Police Department, was responding to an emergency call, specifically that shots had been
5 fired and at least one person was injured. Cargile's actions in responding to the call, driving his
6 police vehicle to the scene of the emergency, were within his authority as a police officer.

7 2. While responding to the call, Cargile made the decision to proceed through a red
8 traffic signal at the intersection of 5th Street and Cheyenne Avenue in North Las Vegas, as he was
9 turning left onto Cheyenne Avenue from northbound 5th Street.

10 3. When Cargile was in the process of clearing the intersection, a collision occurred
11 between his vehicle and that of Plaintiff Japonica Glover-Armont, who was driving eastbound on
12 Cheyenne Avenue at the time.

13 II.

14 CONCLUSIONS OF LAW

15 1. To receive discretionary-act immunity under NRS 41.032(2), a public employee's
16 decision "must (1) involve an element of individual judgment or choice and (2) be based on
17 considerations of social, economic, or political policy." Martinez v. Maruszczak, 123 Nev. 433,
18 446-47, 168 P.3d 720, 729 (2007). "[D]ecisions at all levels of government, including frequent or
19 routine decisions, may be protected by discretionary-act immunity...." Id. at 447, 168 P.3d at 729.

20 2. While responding to the emergency call, Cargile used his individual judgment in
21 deciding how to respond, including making decisions as to what route to take, and whether and how
22 to proceed through the red traffic signal at 5th Street and Cheyenne Avenue.

23 3. Cargile's actions, undertaken while responding to an emergency call, were related to,
24 and in furtherance of, public policies, such as protection of the public, enforcing the law, and
25 apprehending criminals.

26 4. Cargile's actions do not constitute an intentional tort, and no intentional torts were
27 pled in this matter. Furthermore, because Cargile was acting within the scope of his authority by
28 responding to an emergency call, his actions were not undertaken in bad faith.

5. Because Cargile's actions involved his individual discretion, and were related to, and in furtherance of, public policy, Cargile and the City are entitled to discretionary immunity pursuant to NRS 41.032.

6. Furthermore, because Cargile is immune from Plaintiff's negligence claims as set forth above, there are no grounds for Plaintiff's claims against the City for negligent entrustment, negligent hiring, negligent training, negligent supervision, negligent retention, or vicarious liability.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that
Defendants' Motion for Reconsideration is GRANTED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that Defendants' Motion for Summary Judgment is GRANTED. Plaintiff's Complaint is dismissed with prejudice.

DATED this 30th day of June, 2016.

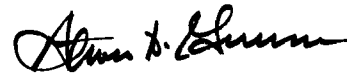
DISTRICT COURT JUDGE

Submitted by:

for Judge William Kephart

NORTH LAS VEGAS CITY ATTORNEY

Christopher D. Craft, Nev. Bar No. 7314
Deputy City Attorney
2250 Las Vegas Blvd. North, Suite 810
North Las Vegas, Nevada 89030
Telephone: (702) 633-1050
Attorneys for Defendants
John Cargile and City of North Las Vegas



CLERK OF THE COURT

1 NEO
2 NORTH LAS VEGAS CITY ATTORNEY
3 Sandra Douglass Morgan, Nev. Bar No. 8582
4 City Attorney
5 Christopher D. Craft, Nev. Bar No. 7314
6 Deputy City Attorney
7 2250 Las Vegas Blvd. North, Suite 810
8 North Las Vegas, Nevada 89030
9 Telephone: (702) 633-1050
10 Facsimile: (702) 649-8879
11 Attorneys for Defendants
12 John Cargile and City of North Las Vegas

**DISTRICT COURT
CLARK COUNTY, NEVADA**

9 JAPONICA GLOVER-ARMONT,

10 Plaintiff,

11 vs.

12 JOHN CARGILE; CITY OF NORTH LAS
13 VEGAS, a Municipal Corporation existing
14 under the laws of the State of Nevada in the
15 County of Clark; DOES I through X, inclusive;
16 and/or ROE CORPORATIONS I through X,
17 inclusive,

18 Defendants.

Case No. A-13-683211-C

Dept. No. XIX

NOTICE OF ENTRY OF ORDER

19 PLEASE TAKE NOTICE that an Order granting Defendants' Motion for Reconsideration
20 and granting Defendants' Motion for Summary Judgment was hereby entered on the 5th day of July,
21 2016, a copy of which is attached hereto.

22 DATED this 6th day of July, 2016.

23 NORTH LAS VEGAS CITY ATTORNEY

24 /s/ Christopher D. Craft
25 Sandra Douglass Morgan, Nev. Bar No. 8582
26 Christopher D. Craft, Nev. Bar No. 7314
27 2250 Las Vegas Blvd. North, Suite 810
28 North Las Vegas, Nevada 89030
(702) 633-1050
Attorneys for Defendants
John Cargile and City of North Las Vegas

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that service of a true and correct copy of the **NOTICE OF ENTRY**
3 **OF ORDER** was made on the 6th day of July, 2016, as indicated below:

- 4 ☒ By electronic service, pursuant to N.E.F.C.R. 9
5 ☐ By first class mail, postage prepaid from Las Vegas, Nevada pursuant to N.R.C.P.
6 5(b) addressed as follows
7 ☐ By facsimile, pursuant to EDCR 7.26 (as amended)
8 ☐ By hand delivery

9 To the parties listed below:

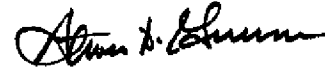
10 Marjorie Hauf, Esq.
11 Ida M. Ybarra, Esq.
12 GANZ & HAUF
13 8950 W. Tropicana Avenue, Ste. 1
Las Vegas, Nevada 89147
Facsimile (702) 598-3626

14 *Attorneys for Plaintiff*

15
16
17
18
19 /s/ Michelle T. Harrell
20 An Employee of North Las Vegas
City Attorney's Office
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ORIGINAL

Electronically Filed
07/05/2016 10:30:11 AM



CLERK OF THE COURT

OGM
NORTH LAS VEGAS CITY ATTORNEY
Sandra Douglass Morgan, Nev. Bar No. 8582
City Attorney
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DISTRICT COURT

CLARK COUNTY, NEVADA

JAPONICA GLOVER-ARMONT,

Plaintiff,

vs.

JOHN CARGILE; CITY OF NORTH LAS
VEGAS, a Municipal Corporation existing
under the laws of the State of Nevada in the
County of Clark; DOES I through X, inclusive;
and/or ROE CORPORATIONS I through X,
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Defendants.

Case No. A-13-683211-C

Dept. No. XIX

ORDER

Defendants City of North Las Vegas (the "City") and Sergeant John Cargile ("Sergeant Cargile") (collectively "Defendants") came before the Court for hearing on Defendants' Motion for Summary Judgment on February 2, 2016, and March 1, 2016, and on Defendants' Motion to Reconsider on May 31, 2016. Plaintiff Japonica Glover-Armont appeared by and through her counsel, Adam Ganz, Esq., and Marjorie Hauf, Esq., and Defendants appeared by and through their counsel, Christopher Craft, Esq. After consideration of the papers and pleadings on file, and argument of counsel, the Court issues the following Findings of Fact, Conclusions of Law, and Order:

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

I.

FINDINGS OF FACT

1. On November 5, 2012, Defendant John Cargile ("Cargile"), a Sergeant with the North Las Vegas Police Department, was responding to an emergency call, specifically that shots had been fired and at least one person was injured. Cargile's actions in responding to the call, driving his police vehicle to the scene of the emergency, were within his authority as a police officer.

2. While responding to the call, Cargile made the decision to proceed through a red traffic signal at the intersection of 5th Street and Cheyenne Avenue in North Las Vegas, as he was turning left onto Cheyenne Avenue from northbound 5th Street.

3. When Cargile was in the process of clearing the intersection, a collision occurred between his vehicle and that of Plaintiff Japonica Glover-Armont, who was driving eastbound on Cheyenne Avenue at the time.

II.

CONCLUSIONS OF LAW

1. To receive discretionary-act immunity under NRS 41.032(2), a public employee's decision "must (1) involve an element of individual judgment or choice and (2) be based on considerations of social, economic, or political policy." Martinez v. Maruszczak, 123 Nev. 433, 446-47, 168 P.3d 720, 729 (2007). "[D]ecisions at all levels of government, including frequent or routine decisions, may be protected by discretionary-act immunity...." Id. at 447, 168 P.3d at 729.

2. While responding to the emergency call, Cargile used his individual judgment in deciding how to respond, including making decisions as to what route to take, and whether and how to proceed through the red traffic signal at 5th Street and Cheyenne Avenue.

3. Cargile's actions, undertaken while responding to an emergency call, were related to, and in furtherance of, public policies, such as protection of the public, enforcing the law, and apprehending criminals.

4. Cargile's actions do not constitute an intentional tort, and no intentional torts were pled in this matter. Furthermore, because Cargile was acting within the scope of his authority by responding to an emergency call, his actions were not undertaken in bad faith.

6. Furthermore, because Cargile is immune from Plaintiff's negligence claims as set forth above, there are no grounds for Plaintiff's claims against the City for negligent entrustment, negligent hiring, negligent training, negligent supervision, negligent retention, or vicarious liability.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that Defendants' Motion for Summary Judgment is GRANTED. Plaintiff's Complaint is dismissed with prejudice.

DISTRICT COURT JUDGE

for Judge William Kephart

Christopher D. Craft, Nev. Bar No. 7314
Deputy City Attorney
2250 Las Vegas Blvd. North, Suite 810
North Las Vegas, Nevada 89030
Telephone: (702) 633-1050
Attorneys for Defendants
John Cargile and City of North Las Vegas

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

February 02, 2016

A-13-683211-C Japonica Glover-Armont, Plaintiff(s)
vs.
John Cargile, Defendant(s)

**February 02, 2016 9:00 AM Motion for Summary
Judgment**

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Craft, Christopher D. Attorney
Ganz, Adam Attorney

JOURNAL ENTRIES

- Mr. Craft argued in support of motion stating the Officer's lights and sirens were on and pursuant to the Martinez case the Officer was making split second decisions during the response to an emergency call and should be given immunity. Mr. Ganz argued in opposition stating there are factual issues in this case based on the discrepancies between the statements of the parties. Upon Court's inquiry, Mr. Craft advised there are competing experts in this case as to fault of the accident. Further argument by counsel. Court stated he wants parties to provide supplemental briefing to include description of the accident as well as police reports which shall be blind briefs due on or before 2/23/2016.

CONTINUED TO: 3/01/2016 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

March 01, 2016

A-13-683211-C	Japonica Glover-Armont, Plaintiff(s) vs. John Cargile, Defendant(s)
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March 01, 2016	9:00 AM	Motion for Summary Judgment
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HEARD BY: Kephart, William D.	COURTROOM: RJC Courtroom 03E
--------------------------------------	-------------------------------------

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Craft, Christopher D. Hauf, Marjorie L.	Attorney Attorney
-----------------	--	----------------------

JOURNAL ENTRIES

- Court stated he previously continued in order for counsel to provide supplemental briefing regarding the factual issues the Court had and the Court does not believe the briefs answered the Court's concerns; therefore COURT ORDERED, Motion DENIED WITHOUT PREJUDICE as the Court believes there are general issues of material fact that remain. Mr. Craft argued in support of motion stating discretionary immunity as the officer is responding to a call, and is required to make conscious decision. Further discussion regarding Mr. Craft's position. Ms. Hauf argued there is a dispute of facts which needs to be looked at in the light most favorable to the moving party and believes the motion should be denied. Court stated ruling stands.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

April 19, 2016

A-13-683211-C	Japonica Glover-Armont, Plaintiff(s) vs. John Cargile, Defendant(s)
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April 19, 2016 9:00 AM Pre Trial Conference

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Craft, Christopher D.	Attorney
	Ganz, Adam	Attorney

JOURNAL ENTRIES

- Mr. Craft advised he will be requesting the trial be continued due to scheduling conflicts. Mr. Ganz advised he cannot agree; however, he appreciates the request to continue. Colloquy regarding scheduling. COURT ORDERED, trial date VACATED and RESET; Defendant's pending motions in limine shall be CONTINUED to 5/31/2016 at 9:00 am.

7/05/2016 9:00 AM PRE TRIAL CONFERENCE

7/19/2016 9:00 AM CALENDAR CALL

8/01/2016 1:00 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

May 31, 2016

A-13-683211-C Japonica Glover-Armont, Plaintiff(s)
vs.
John Cargile, Defendant(s)

May 31, 2016 9:00 AM All Pending Motions

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Craft, Christopher D. Attorney
 Ganz, Adam Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO RECONSIDER:

Upon Court's inquiry, Mr. Craft it is undisputed that Plaintiff saw the lights at some point. Colloquy regarding Defendant's motion. Mr. Ganz argued in opposition. COURT ORDERED, Motion GRANTED and Defendant's Motion for Summary Judgment GRANTED. Mr. Ganz requested 54 (b) certification in order to file a writ. COURT FURTHER ORDERED, 54 (b) certification GRANTED.

PLAINTIFF'S MOTIONS IN LIMINE 1 - 8 ... DEFENDANT'S OMNIBUS MOTION IN LIMINE:

COURT FURTHER ORDERED, motions OFF CALENDAR as MOOT; trial date VACATED.



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

MARJORIE HAUF, ESQ.
8950 W. TROPICANA AVE., STE. 1
LAS VEGAS, NV 89147

DATE: August 5, 2016
CASE: A-13-683211-C

RE CASE: JAPONICA GLOVER-ARMONT vs. JOHN CARGILE; CITY OF NORTH LAS VEGAS

NOTICE OF APPEAL FILED: August 3, 2016

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):

PLAINTIFF'S NOTICE OF APPEAL; CASE APPEAL STATEMENT;
DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER; NOTICE OF ENTRY OF
ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

JAPONICA GLOVER-ARMONT,

Plaintiff(s),

vs.

JOHN CARGILE; CITY OF NORTH LAS
VEGAS,

Defendant(s),

Case No: A-13-683211-C

Dept No: XIX

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 5 day of August 2016.

Steven D. Grierson, Clerk of the Court

Chaunte Pleasant

Chaunte Pleasant, Deputy Clerk