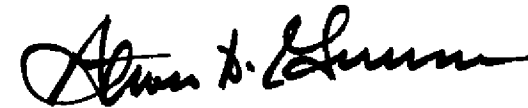


# **EXHIBIT 2**



CLERK OF THE COURT

NEO  
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

**NOTICE OF ENTRY OF ORDER**

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

DATED this 6th day of July, 2016.

NORTH LAS VEGAS CITY ATTORNEY

/s/ Christopher D. Craft  
Sandra Douglass Morgan, Nev. Bar No. 8582  
Christopher D. Craft, Nev. Bar No. 7314  
2250 Las Vegas Blvd. North, Suite 810  
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:

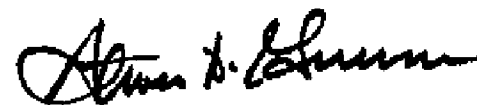
10 Marjorie Hauf, Esq.  
11 Ida M. Ybarra, Esq.  
12 GANZ & HAUF  
13 8950 W. Tropicana Avenue, Ste. 1  
Las Vegas, Nevada 89147  
Facsimile (702) 598-3626

14 *Attorneys for Plaintiff*

15  
16  
17  
18  
19 /s/ Michelle T. Harrell  
20 An Employee of North Las Vegas  
City Attorney's Office  
21  
22  
23  
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28

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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.

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

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

7  
8 **THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED,** that  
9 Defendants' Motion for Reconsideration is GRANTED.

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


12 DATED this 30<sup>th</sup> day of June, 2016.

13  
14  
15   
DISTRICT COURT JUDGE

16 Submitted by:

17 for Judge William Kephart

18 NORTH LAS VEGAS CITY ATTORNEY

19   
20 Christopher D. Craft, Nev. Bar No. 7314  
21 Deputy City Attorney  
22 2250 Las Vegas Blvd. North, Suite 810  
23 North Las Vegas, Nevada 89030  
24 Telephone: (702) 633-1050  
25 Attorneys for Defendants  
26 John Cargile and City of North Las Vegas  
27  
28

# **EXHIBIT 1**

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**

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

**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)

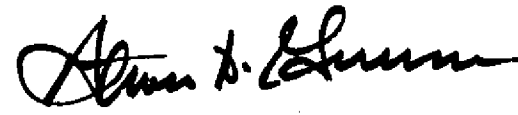
6/10/13

Marjorie Hauf /s/

Date

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

**COMP**  
MARJORIE HAUF, ESQ.  
Nevada Bar No. 8111  
IDA M. YBARRA, ESQ.  
Nevada Bar No. 11327  
GANZ & HAUF  
8950 W. Tropicana Ave., Ste. 1  
Las Vegas, Nevada 89147  
Tel: (702) 598-4529  
Fax: (702) 598-3626

Attorneys for Plaintiff

-000-

**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

**COMPLAINT**

Plaintiff, JAPONICA GLOVER-ARMONT, by and through her attorney of record,  
MARJORIE HAUF, ESQ. of the law firm of GANZ & HAUF, hereby complains and alleges as  
follows:

**JURISDICTION**

1. That at all times, herein mentioned, Plaintiff JAPONICA GLOVER-ARMONT was  
and is a resident of the County of Clark, State of Nevada.

1           2.       That Defendant JOHN CARGILE is a resident of the County of Clark, State of  
2 Nevada.

3           3.       At all times mentioned herein, Defendant, CITY OF NORTH LAS VEGAS, was  
4 and is, a Municipal Corporation existing under the laws of the State of Nevada in the County of  
5 Clark.

6           4.       The true names of DOES I through X and ROE Corporations I through X, though  
7 their citizenship and capacities, whether individual, corporate, associate, partnership or otherwise,  
8 are unknown to Plaintiff who therefore sues these Defendants by such fictitious names. Plaintiff is  
9 informed and believes, and therefore alleges, that each of the Defendants designated as DOES I  
10 through X and ROE CORPORATIONS I through X, are or may be, legally responsible for the  
11 events referred to in this action, and caused damages to the Plaintiff, as herein alleged, and  
12 Plaintiff will ask leave of this Court to amend the Complaint to insert the true names and capacities  
13 of such Defendants, when the same have been ascertained, and to join them in this action, together  
14 with proper charges and allegations.

15           5.       DOES I through V and ROE CORPORATIONS I through X may be employers of  
16 Defendant who may be liable for Defendants' negligence pursuant to NRS 41.130, which states:

17                   Except as otherwise provided in NRS 41.745, whenever any person  
18 shall suffer personal injury by wrongful act, neglect or default of  
19 another, the person causing the injury is liable to the person injured for  
20 damages; and where the person causing the injury is employed by  
21 another person or corporation responsible for his conduct, that person  
22 or corporation so responsible is liable to the person injured for  
23 damages.

24           6.       DOES VI through X may be immediate family members of Defendant who may be  
25 liable for Defendants' negligence pursuant to 41.440, which states:

26                   Any liability imposed upon a wife, husband, son, daughter, father,  
27 mother, brother sister or other immediate member of a family arising  
28 out of his or her driving and operating a motor vehicle upon a highway  
with the permission, express or implied, of such owner is hereby  
imposed upon the owner of the motor vehicle, and such owner shall be

1 jointly and severally liable with his or her wife, husband, son,  
2 daughter, father, mother, brother, sister, or other immediate member of  
3 the family for any damages proximately resulting from such  
4 negligence or willful misconduct, and such negligent or willful  
5 misconduct shall be imputed to the owner of the motor vehicle for all  
6 purposes of civil damages.

7 7. DOE/ROE Defendants may also be any other person or entity responsible for the  
8 damages caused to Plaintiff, through actions or contract. DOE/ROE Defendants are intended to  
9 include not only persons or entities whose actions are responsible for the Plaintiff's injuries, but  
10 also persons or entities who may be financially liable to compensate Plaintiff for damages,  
11 including, but not limited to, uninsured/underinsured motorist insurance carriers.

12 8. ROE Corporations VI through X are entities associated with Defendant, CITY OF  
13 NORTH LAS VEGAS, and/or the true and proper entity owning and/or managing the vehicle  
14 operated by Defendant, JOHN CARGILE, at the time of the motor vehicle accident that is subject  
15 of this Complaint.

16 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

17 9. That on or around, November 5, 2012, Plaintiff, JAPONICA GLOVER-ARMONT,  
18 was driving, eastbound on Cheyenne approaching the intersection of 5<sup>th</sup> Street in North Las Vegas,  
19 Nevada. Defendant, JOHN CARGILE, while driving a vehicle owned by his employer,  
20 Defendant, CITY OF NORTH LAS VEGAS, was driving northbound on 5<sup>th</sup> Street in North Las  
21 Vegas, Nevada when Defendant JOHN CARGILE attempted to cross the intersection on a red light  
22 without his siren causing an impact with Plaintiff's vehicle.

23 10. At the time of the subject motor vehicle accident, Defendant, JOHN CARGILE was  
24 operating vehicle owned by, Defendant, CITY OF NORTH LAS VEGAS, and/or Does I through  
25 V and Roe Corporations I through X.

26 11. Defendant, JOHN CARGILE was a permissive driver, driving a vehicle owned by  
27 CITY OF NORTH LAS VEGAS, and/or Does I through V and Roe Corporations I through X.  
28

1           12.     At the time of the subject motor vehicle accident, Defendant, JOHN CARGILE,  
2 was in the course and scope of his employment for CITY OF NORTH LAS VEGAS and/or Does I  
3 through V and Roe Corporations I through X.

4                               **FIRST CLAIM FOR RELIEF**

5                                       **(Negligence)**

6  
7           13.     Plaintiff repeats and realleges each and every statement set forth in Paragraphs 1  
8 through 12 of the Complaint on file herein, as though each were set forth herein verbatim.

9           14.     That Defendant, JOHN CARGILE, and/or DOE/ROE Defendants owed a duty of  
10 care to Plaintiff to operate his vehicle owned by Defendants in a careful, responsible and  
11 reasonably prudent manner.

12           15.     That Defendant, JOHN CARGILE, and/or DOE/ROE Defendants breached his duty  
13 when he failed to use due care, failing to use his sirens and by negligently striking Plaintiff,  
14 JAPONICA GLOVER-ARMONT while she was driving a vehicle.

15  
16           16.     That as a direct and proximate cause of the negligence, carelessness, and/or  
17 recklessness of Defendant, JOHN CARGILE, and/or Does I through V and Roe Corporations I  
18 through X, Plaintiff sustained severe bodily trauma, all of which may be permanent and disabling  
19 in nature to all her general and compensatory damage in an amount in excess of TEN  
20 THOUSAND DOLLARS, \$10,000. In addition, Plaintiff was required to incur expenses for  
21 medical care and treatment, including physicians, nurses, physical therapists, hospitalization, x-  
22 rays, medicine and general medical care in an amount not yet ascertained; and in this regard  
23 Plaintiff prays leave of the Court to insert all said damages herein when the same have been fully  
24 ascertained or proven at the time of trial herein.

25  
26           17.     That as a direct and proximate result of the negligence, carelessness, and/or  
27 recklessness of Defendant JOHN CARGILE, and/or Does I through V and Roe Corporations I  
28 through X, Plaintiff has endured pain and suffering, worry, anxiety, emotional distress, loss of

1 enjoyment of life, and will continue to endure said losses for an indefinite period of time in the  
2 future, in an amount in excess of TEN THOUSAND DOLLARS, \$10,000.00, and in this regard  
3 Plaintiff prays leave of the Court to assert all said damages herein when the same have been fully  
4 ascertained or proven at the time of trial herein.

5  
6 18. It has been necessary for Plaintiff to retain the services of counsel to represent her  
7 in the above-entitled matter, and she should be awarded reasonable attorneys' fees and costs of suit  
8 incurred herein.

9 **SECOND CLAIM FOR RELIEF**

10 **(Vicarious Liability)**

11 19. Plaintiff repeats and realleges each and every statement set forth in Paragraphs 1  
12 through 18 of the Complaint on file herein, as though each were set forth above.

13  
14 20. On or about November 5, 2012, Defendant, JOHN CARGILE, was driving a  
15 vehicle owned by Defendant, CITY OF NORTH LAS VEGAS, while working for Defendant,  
16 CITY OF NORTH LAS VEGAS, and/or Does I through V and/or Roe Corporations I through X,  
17 while in the course and scope of his employment; so that Defendants, and/or Does I through V  
18 and/or Roe Corporations I through X, are vicariously liability for damages to Plaintiff under the  
19 theory of Respondeat Superior, codified in NRS 41.745.

20 **THIRD CLAIM FOR RELIEF**

21 **(Negligent Entrustment)**

22  
23 21. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1  
24 through 20 of the Complaint as though the same were fully set forth herein.

25 22. Defendant, CITY OF NORTH LAS VEGAS, knowingly entrusted a vehicle to an  
26 inexperienced or incompetent person.

27 23. Defendant, CITY OF NORTH LAS VEGAS, had the right to control the vehicle  
28 Defendant, JOHN CARGILE, was driving at the time of the subject accident.

1           24. Defendant, CITY OF NORTH LAS VEGAS, permitted Defendant, JOHN  
2 CARGILE, to use its vehicle.

3           25. Defendant, CITY OF NORTH LAS VEGAS, knew or should have known that use  
4 of the vehicle by Defendant, JOHN CARGILE, may create an unreasonable risk of harm to others.

5           26. As a direct and proximate cause of the negligence, carelessness, and/or recklessness  
6 of Defendants, and each of them, Plaintiff sustained severe bodily trauma, all or some of which  
7 may be permanent and disabling in nature all to her general and compensatory damage in an  
8 amount in excess of \$10,000.00. In addition, Plaintiff was required to incur expenses for medical  
9 care, treatment and expenses incidental thereto, all to her detriment, in an amount unknown at this  
10 time, and maybe required in the future to incur expenses for medical care and treatment, including  
11 surgery, physicians, nurses, physical therapists, hospitalization, x-rays, medicine and general  
12 medical care in an amount not yet ascertained, and in this regard Plaintiff prays leave of the Court  
13 to insert all said damages herein when the same have been fully ascertained or proven at the time  
14 of trial herein.

15           27. As a direct and proximate result of the negligence, carelessness, and/or recklessness  
16 of Defendants, and each of them, Plaintiff has endured pain and suffering, worry, anxiety,  
17 emotional distress, loss of enjoyment of life, and will continue to endure said losses for an  
18 indefinite period of time in the future, in an amount in excess of \$10,000.00, and in this regard  
19 Plaintiff prays leave of the Court to insert all said damages herein when the same have been fully  
20 ascertained or proven at the time of trial herein.

21           28. It has been necessary for the Plaintiff to retain the services of counsel to represent  
22 her in the above-entitled matter, and that she should be awarded reasonable attorney's fees and  
23 costs.

24  
25  
26  
27 ///

28 ///

1 **FOURTH CLAIM FOR RELIEF**

2 **(Negligent Hiring, Training and Supervision)**

3 29. Plaintiff repeats and realleges and incorporates herein by reference each and every  
4 allegation contained in paragraphs 1 through 28 of the Plaintiff's Complaint as set forth above.

5 30. Defendant CITY OF NORTH LAS VEGAS and/or DOE/ROE Defendants had a  
6 duty to properly hire, train and supervise each of their staff and/or other agents.  
7

8 31. As described in detail in the above paragraphs incorporated herein, these  
9 Defendants failed to meet this obligation and breached this duty to adequately hire, train and  
10 supervise each of their staff and other agents.

11 32. As a direct and proximate result of the negligence of the Defendants, and each of  
12 them, Plaintiff suffered damage in an amount in excess of the minimum jurisdiction amount  
13 established for filing this action.  
14

15 33. Defendants' failure was the proximate cause of substantial injury to Plaintiff.

16 34. It has been necessary for Plaintiff to retain the services of counsel to represent her  
17 in the above-entitled matter, and he should be awarded reasonable attorneys' fees and cost of suit  
18 incurred herein.

19 **PRAYER FOR RELIEF**

20 Wherefore, Plaintiff prays for relief and judgment as against Defendants, and each of them,  
21 as follows:  
22

- 23 1. Compensatory damages in excess of \$10,000, according to proof at trial;  
24 2. Interest from the time of service of this complaint as allowed by NRS 17.130;  
25 3. Costs of suit and attorney fees; and

26 ///

27 ///

28 ///

1           4.       For such other and further relief as the court may deem appropriate.

2       Dated this 7<sup>th</sup> day of June, 2013.

3                               GANZ & HAUF

4  
5                               Ida M. Ybarra  
6                               MARJORIE HAUF, ESQ.  
7                               Nevada Bar No. 8111  
8                               IDA M. YBARRA, ESQ.  
9                               Nevada Bar No. 11327  
10                              8950 W. Tropicana Ave., Suite 1  
11                              Las Vegas, Nevada 89147  
12                              Attorney for Plaintiff  
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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

**INDICATE FULL CAPTION:**

JAPONICA GLOVER-ARMONT

Appellant,

vs.

JOHN CARGILE; AND CITY OF NOTH LAS  
VEGAS, A MUNICIPAL CORPORATION  
EXSITING UNDER THE LAWS OF THE  
STATE OF NEVADA

No. 70988

Electronically Filed  
Sep 14 2016 11:48 a.m.

Tracie K. Lindeman  
Clerk of Supreme Court  
**DOCKETING STATEMENT  
CIVIL APPEALS**

**GENERAL INFORMATION**

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

**WARNING**

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department XIX  
County Clark Judge Kephart  
District Ct. Case No. A-13-683211-C

**2. Attorney filing this docketing statement:**

Attorney Adam Ganz, Esq. Telephone 702-598-4529

Firm Ganz & Hauf

Address 8950 W. Tropicana Ave., Suite 1  
Las Vegas, Nevada 89147

Client(s) Japonica Glover-Armont

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney(s) representing respondents(s):**

Attorney Christopher Craft, Esq. Telephone 702-633-1050

Firm North Las Vegas City Attorney

Address 2250 Las Vegas Blvd., North, Suite 810  
North Las Vegas, Nevada 89030

Client(s) John Cargile and City of North Las Vegas

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

Client(s) \_\_\_\_\_

(List additional counsel on separate sheet if necessary)

**4. Nature of disposition below (check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> Judgment after bench trial         | <input type="checkbox"/> Dismissal:                                     |
| <input type="checkbox"/> Judgment after jury verdict        | <input type="checkbox"/> Lack of jurisdiction                           |
| <input checked="" type="checkbox"/> Summary judgment        | <input type="checkbox"/> Failure to state a claim                       |
| <input type="checkbox"/> Default judgment                   | <input type="checkbox"/> Failure to prosecute                           |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief  | <input type="checkbox"/> Other (specify): _____                         |
| <input type="checkbox"/> Grant/Denial of injunction         | <input type="checkbox"/> Divorce Decree:                                |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination     | <input type="checkbox"/> Other disposition (specify): _____             |

**5. Does this appeal raise issues concerning any of the following?**

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

**6. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

N/A

**7. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

N/A

**8. Nature of the action.** Briefly describe the nature of the action and the result below:

This claim involved a motor vehicle crash with a police vehicle. Respondents filed a Motion for Summary Judgment on December 22, 2015. Appellant filed an Opposition on January 11, 2016. Appellant prevailed in defeating Respondents' Motion for Summary Judgment on March 1, 2016. Respondents filed a Motion to Reconsider the Motion for Summary Judgment on April 7, 2016. Appellant filed an Opposition to Respondents' Motion to Reconsider on April 27, 2016. The District Court entered an Order granting the Respondents' Motion for Reconsideration. Appellant also appeals from all other rulings, orders and judgments made final and appealable by the foregoing.

**9. Issues on appeal.** State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

1. Whether or not discretionary immunity afforded to the City of North Las Vegas per NRS 41.032(2) shields police officers from ever being sued for negligence.
2. Whether or not discretionary immunity afforded to the City of North Las Vegas per NRS 41.032(2) is unfettered, and therefore, shields police officers from liability when the facts show that the police officer did not act with due care.

**10. Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

Appellant is not aware of any pending proceedings in this court raising the same or similar issues.

**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

**12. Other issues.** Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☒ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

**13. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

The matter should remain with the Supreme Court under NRAP 17(a)(14) as this matter raises a question of statewide public importance. This issue in this case pertains to the issue of discretionary immunity of a police officer and negligence.

**14. Trial.** If this action proceeded to trial, how many days did the trial last? \_\_\_\_\_

Was it a bench or jury trial? \_\_\_\_\_

**15. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?  
No.

## TIMELINESS OF NOTICE OF APPEAL

**16. Date of entry of written judgment or order appealed from** 07/05/2016

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

**17. Date written notice of entry of judgment or order was served** 07/06/2016

Was service by:

☐ Delivery

☒ Mail/electronic/fax

**18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)**

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b)      Date of filing \_\_\_\_\_

☐ NRCP 52(b)      Date of filing \_\_\_\_\_

☐ NRCP 59      Date of filing \_\_\_\_\_

**NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. \_\_\_, 245 P.3d 1190 (2010).**

(b) Date of entry of written order resolving tolling motion \_\_\_\_\_

(c) Date written notice of entry of order resolving tolling motion was served 07/06/2016

Was service by:

☐ Delivery

☒ Mail

**19. Date notice of appeal filed** 08/08/2016

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

**20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other**

NRAP 4(a)

### **SUBSTANTIVE APPEALABILITY**

**21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

(a)

☒ NRAP 3A(b)(1)

☐ NRS 38.205

☐ NRAP 3A(b)(2)

☐ NRS 233B.150

☐ NRAP 3A(b)(3)

☐ NRS 703.376

☐ Other (specify) \_\_\_\_\_

(b) Explain how each authority provides a basis for appeal from the judgment or order:

NRAP 3A(b)(1) allows for the appeal of a final judgment, which has been entered in this case following a Motion for Summary Judgment.

**22. List all parties involved in the action or consolidated actions in the district court:**

(a) Parties:

Japonica Glover-Armont, Appellant

John Cargile, Respondent

The City of North Las Vegas, Respondent

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

N/A

**23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.**

Negligence, vicarious liability, negligent entrustment, negligent hiring, training and supervision - 7/5/16

**24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

☒ Yes

☐ No

**25. If you answered "No" to question 24, complete the following:**

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

**26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (*e.g.*, order is independently appealable under NRAP 3A(b)):**

**27. Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

## VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Japonica Glover Armont  
Name of appellant

September 14, 2016  
Date

Nevada, Clark  
State and county where signed

Adam Ganz, Esq.  
Name of counsel of record

[Signature]  
Signature of counsel of record

## CERTIFICATE OF SERVICE

I certify that on the 14th day of September, 2016, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Christopher Craft, Esq.  
North Las Vegas City Attorney  
2250 Las Vegas Blvd., North, Suite 810  
North Las Vegas, Nevada 89030

Dated this 14th day of September, 2016

[Signature]  
Signature