

1 **NOAS**
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701 Shadow Lane, Suite 150
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Telephone: 702/265-3093
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Attorney for Defendant LaBarbera


CLERK OF THE COURT

Electronically Filed
Sep 19 2016 11:24 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 WYNN LAS VEGAS, LLC d/b/a WYNN LAS
VEGAS, a Nevada limited liability company,

11 Plaintiff,

12 v.

13 MARIO LABARBERA, an individual,

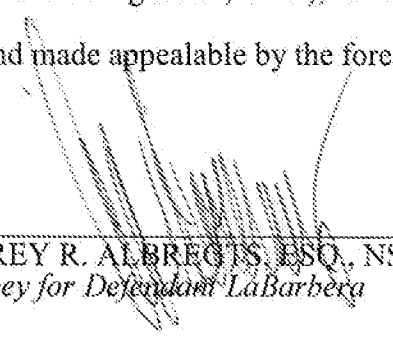
14 Defendant,

Case No.: A-14-695025-C
Dept. No.: XXVIII

NOTICE OF APPEAL

15 Notice is hereby given that MARIO LABARBERA hereby appeals to the Supreme Court
16 of Nevada from the Judgment on Jury Verdict entered in this action on the 3rd day of August,
17 2016 (Notice of Entry of Judgment on Jury Verdict entered August 10, 2016), and any Orders,
18 Judgments and Rulings entered by the District Court and made appealable by the foregoing.

19 DATED this 9th day of September, 2016.

20
21 
22 JEFFREY R. ALBREGTS, ESQ., NSB# 0066
Attorney for Defendant LaBarbera

1
2 **CERTIFICATE OF SERVICE**

3 I HEREBY CERTIFY that, on the 9th day September, 2016, pursuant to NEFCR 9,
4 NRCP 5(b), and EDCR 7.26, I served by way of Notice of Electronic Filing provided by the
5 court mandated E-File and Serve system, a true and correct copy of the foregoing **Notice of**
6 **Appeal**, to all parties of record, and further certify that I mailed via the U.S. Postal service, with
7 postage prepaid, to the following:

8 Lawrence J. Semenza, III, Esq.
9 Christopher D. Kircher, Esq.
10 Jarrod L. Rickard, Esq.
11 10161 Park Run Drive
12 Suite 150
13 Las Vegas, NV 89145
14 *Attorney for Plaintiff*

15 
16 An employee of Jeffrey R. Albregts, LLC
17
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DEPARTMENT 28
CASE SUMMARY
CASE NO. A-14-695025-C

Wynn Las Vegas LLC, Plaintiff(s)
vs.
Mario La Barbera, Defendant(s)

§
§
§
§
§

Location: **Department 28**
Judicial Officer: **Israel, Ronald J.**
Filed on: **01/24/2014**
Cross-Reference Case Number: **A695025**

CASE INFORMATION

Statistical Closures
07/27/2016 Verdict Reached

Case Type: **Breach of Contract**
Subtype: **Commercial Instrument**
Case Flags: **Appealed to Supreme Court**
Jury Demand Filed
Arbitration Exemption Granted

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-14-695025-C
Court	Department 28
Date Assigned	01/24/2014
Judicial Officer	Israel, Ronald J.

PARTY INFORMATION

Plaintiff

Wynn Las Vegas LLC

Lead Attorneys

Sinatra, Kimmarie
Retained
702-770-2116(W)

Defendant

La Barbera, Mario


Albregts, Jeffrey R.
Retained
702-265-3093(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX


01/24/2014

 **Complaint**
Filed By: Plaintiff Wynn Las Vegas LLC
Complaint

01/24/2014

Case Opened


04/07/2014

 **Summons Issued**
Party: Plaintiff Wynn Las Vegas LLC
Summons


09/16/2014

 **Answer**
Filed By: Defendant La Barbera, Mario
Answer to Complaint

09/25/2014














 **Notice of Early Case Conference**
Filed By: Plaintiff Wynn Las Vegas LLC
Notice of Early Case Conference

10/02/2014

 **Amended Notice of Early Case Conference**
Filed By: Plaintiff Wynn Las Vegas LLC












10/14/2014

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CASE SUMMARY
CASE NO. A-14-695025-C








	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption</i>
10/22/2014	 Demand for Jury Trial Filed By: Defendant La Barbera, Mario <i>Demand for Jury Trial</i>
10/30/2014	 Joint Case Conference Report Filed By: Plaintiff Wynn Las Vegas LLC <i>Joint Case Conference Report</i>
11/06/2014	 Notice to Appear for Discovery Conference <i>Notice to Appear for Discovery Conference</i>
11/25/2014	 Discovery Conference (9:30 AM) (Judicial Officer: Bulla, Bonnie)
12/03/2014	 Substitution of Attorney Filed by: Plaintiff Wynn Las Vegas LLC <i>Substitution of Counsel</i>
12/12/2014	 Scheduling Order <i>Scheduling Order</i>
12/16/2014	CANCELED Discovery Conference (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
12/16/2014	CANCELED Status Check (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i> <i>Status Check: Substitution of Counsel</i>
12/19/2014	 Summons Filed by: Plaintiff Wynn Las Vegas LLC <i>Summons</i>
12/31/2014	 Order Setting Civil Jury Trial <i>Order Setting Civil Jury Trial</i>
05/21/2015	 Motion to Compel Filed By: Plaintiff Wynn Las Vegas LLC <i>Plaintiff's Motion to Compel and for Order Shortening Time</i>
05/29/2015	 Motion to Compel (9:00 AM) (Judicial Officer: Bulla, Bonnie) 05/29/2015, 06/03/2015 <i>Pltf's Motion to Compel and for OST</i>
06/18/2015	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings - Plaintiff's Motion to Compel and for OST - heard on June 3, 2015</i>
06/19/2015	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings - Plaintiff's Motion to Compel and for OST - heard on May 29, 2015</i>
06/26/2015	CANCELED Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie)

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CASE NO. A-14-695025-C














Vacated - per Commissioner

07/22/2015	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Wynn Las Vegas LLC <i>Discovery Commissioner's Report and Recommendation</i>
07/28/2015	 Notice of Entry of Order Filed By: Plaintiff Wynn Las Vegas LLC <i>Notice of Entry of Order</i>
08/13/2015	 Status Check (9:45 AM) (Judicial Officer: Bonaventure, Joseph T.) <i>Status Check: Referral to Settlement Conference // Trial Readiness/ 11/16/15 Trial Stack</i>
08/19/2015	 Stipulation and Order Filed by: Defendant La Barbera, Mario <i>Stipulation and Order to Extend Dispositive Motion Deadline</i>
09/11/2015	 Motion Filed By: Defendant La Barbera, Mario <i>Defendant's Motion To Dismiss Or For Summary Judgment, Pursuant to NRCP 56, as Plaintiff's Claims are Barred By the Statute of Limitations</i>
09/14/2015	 Initial Appearance Fee Disclosure Filed By: Defendant La Barbera, Mario <i>Fee Disclosure</i>
09/28/2015	 Opposition Filed By: Plaintiff Wynn Las Vegas LLC <i>Plaintiff's Opposition to Defendant's Motion to Dismiss or for Summary Judgment</i>
10/07/2015	 Stipulation and Order Filed by: Plaintiff Wynn Las Vegas LLC <i>Stipulation and Order to Extend Dispositive Motion Deadline and Trial Date - Second Request</i>
10/12/2015	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Wynn Las Vegas LLC <i>Notice of Entry of Stipulation and Order</i>
10/14/2015	 Order Setting Civil Jury Trial <i>Order Re-Setting Civil Jury Trial</i>
10/15/2015	 Stipulation and Order Filed by: Defendant La Barbera, Mario <i>Stipulation and Order</i>
10/15/2015	Order of Dismissal (Judicial Officer: Israel, Ronald J.) Debtors: Mario La Barbera (Defendant) Creditors: Wynn Las Vegas LLC (Plaintiff) Judgment: 10/15/2015, Docketed: 10/22/2015 Comment: Certain Claims
10/20/2015	CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Vacated - per Stipulation and Order</i> <i>Defendant's Motion To Dismiss Or For Summary Judgment, Pursuant to NRCP 56, as Plaintiff's Claims are Barred By the Statute of Limitations</i>

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10/27/2015	CANCELED Pre Trial Conference (9:30 AM) (Judicial Officer: Israel, Ronald J.) <i>Vacated</i>
11/09/2015	 Motion for Summary Judgment Filed By: Plaintiff Wynn Las Vegas LLC <i>Plaintiff's Motion for Summary Judgment</i>
11/09/2015	 Initial Appearance Fee Disclosure Filed By: Plaintiff Wynn Las Vegas LLC <i>Initial Appearance Fee Disclosure for Motion for Summary Judgment Filing</i>
11/10/2015	CANCELED Calendar Call (9:30 AM) (Judicial Officer: Israel, Ronald J.) <i>Vacated</i>
11/16/2015	CANCELED Jury Trial (1:30 PM) (Judicial Officer: Israel, Ronald J.) <i>Vacated - per Stipulation and Order</i>
12/08/2015	 Status Check (9:45 AM) (Judicial Officer: Israel, Ronald J.) <i>STATUS CHECK: REFERRAL TO SETTLEMENT CONFERENCE // TRIAL READINESS (03/14/16 Trial Stack)</i>
12/14/2015	 Stipulation and Order Filed by: Defendant La Barbera, Mario <i>Stipulation and Order To Continue Briefing And Hearing on Plaintiff's Motion For Summary Judgment</i>
12/17/2015	 Notice of Entry Filed By: Defendant La Barbera, Mario <i>Notice of Entry of Stipulation and Order</i>
12/30/2015	 Initial Appearance Fee Disclosure Filed By: Defendant La Barbera, Mario <i>Initial Appearance Fee Disclosure (for Countermotion For Summary Judgment)</i>
12/30/2015	 Opposition to Motion For Summary Judgment Filed By: Defendant La Barbera, Mario <i>Defendant's Opposition to Plaintiff's Motion For Summary Judgment and Countermotion For Summary Judgment</i>
01/12/2016	 Reply in Support Filed By: Plaintiff Wynn Las Vegas LLC <i>Reply in Support of Plaintiff's Motion for Summary Judgment and Opposition to Defendant's Countermotion for Summary Judgment</i>
01/19/2016	 Reply to Opposition Filed by: Defendant La Barbera, Mario <i>Defendant's Reply to Plaintiff's Opposition to His Countermotion For Summary Judgment</i>
01/21/2016	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Plaintiff's Motion for Summary Judgment</i>
01/21/2016	Opposition and Countermotion (9:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Defendant's Opposition to Plaintiff's Motion For Summary Judgment and Countermotion For Summary Judgment</i>










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01/21/2016	 All Pending Motions (9:00 AM) (Judicial Officer: Israel, Ronald J.) <i>All Pending Motions (01/21/16)</i>
01/29/2016	 Motion in Limine Filed By: Plaintiff Wynn Las Vegas LLC <i>Plaintiff's Motion In Limine [#1] to Exclude Any Evidence or Argument Regarding Defendant's Alleged Gambling Addiction</i>
01/29/2016	 Motion in Limine Filed By: Plaintiff Wynn Las Vegas LLC <i>Plaintiff's Motion In Limine [#2] to Exclude Any Evidence or Argument Regarding Defendant's Alleged Intoxication</i>
01/29/2016	 Motion in Limine Filed By: Plaintiff Wynn Las Vegas LLC <i>Plaintiff's Motion In Limine [#3] to Exclude Any Evidence or Argument Regarding Any Alleged Forgery</i>
02/12/2016	 Pre-Trial Disclosure Party: Plaintiff Wynn Las Vegas LLC <i>Plaintiff Wynn Las Vegas, LLC d/b/a Wynn Las Vegas' Pretrial Disclosures</i>
02/17/2016	 Objection Filed By: Plaintiff Wynn Las Vegas LLC <i>Defendant's Objection To Plaintiff Wynn's Third Supplemental Disclosures and Pretrial Disclosures Pursuant to NRCP 16.1</i>
02/18/2016	 Pre Trial Conference (9:30 AM) (Judicial Officer: Israel, Ronald J.) <i>PRE TRIAL CONFERENCE</i>
02/19/2016	 Pre-Trial Disclosure Party: Defendant La Barbera, Mario <i>Defendant Mario LaBarbera's Pretrial Disclosures</i>
02/19/2016	 Opposition to Motion in Limine Filed By: Defendant La Barbera, Mario <i>Defendant LaBarbera's Opposition to Pending MIL [#1], To Exclude Any Evidence or Argument Regarding Def's Alleged Gambling Addiction; [#2] To Exclude Any Evidence re Alleged Intoxication; and [#3] To Exclude Any Evidence Regarding Any Alleged Forgery</i>
02/26/2016	 Reply Filed by: Plaintiff Wynn Las Vegas LLC <i>Plaintiff's Reply In Support of Its Motions in Limine Nos. 1, 2 and 3</i>
03/01/2016	 Stipulation and Order Filed by: Defendant La Barbera, Mario <i>Stipulation and Order To Continue Hearing on Plaintiff's Motions In Limine</i>
03/02/2016	 Order Filed By: Plaintiff Wynn Las Vegas LLC <i>Order Denying Plaintiff's Motion for Summary Judgment and Denying Defendant's Countermotion for Summary Judgment</i>
03/02/2016	 Notice of Entry of Stipulation and Order Filed By: Defendant La Barbera, Mario







CASE SUMMARY

CASE NO. A-14-695025-C

Notice of Entry of Stipulation and Order To Continue Hearing On Plaintiff's Motions In Limine














03/03/2016	 Notice of Entry of Order Filed By: Plaintiff Wynn Las Vegas LLC <i>Notice of Entry of Order</i>
03/03/2016	Motion in Limine (9:45 AM) (Judicial Officer: Israel, Ronald J.) <i>Plaintiff's Motion In Limine [#1] to Exclude Any Evidence or Argument Regarding Defendant's Alleged Gambling Addiction</i>
03/03/2016	Motion in Limine (9:45 AM) (Judicial Officer: Israel, Ronald J.) <i>Plaintiff's Motion In Limine [#2] to Exclude Any Evidence or Argument Regarding Defendant's Alleged Intoxication</i>
03/03/2016	Motion in Limine (9:45 AM) (Judicial Officer: Israel, Ronald J.) <i>Plaintiff's Motion In Limine [#3] to Exclude Any Evidence or Argument Regarding Any Alleged Forgery</i>
03/03/2016	 All Pending Motions (9:45 AM) (Judicial Officer: Israel, Ronald J.) <i>All Pending Motions (03/03/16)</i>
03/08/2016	 Calendar Call (9:30 AM) (Judicial Officer: Israel, Ronald J.) <i>Calendar Call</i>
03/17/2016	 Transcript of Proceedings Party: Plaintiff Wynn Las Vegas LLC <i>Transcript of Proceedings Plaintiff's Motions in Limine #1, #2, and #3 Mary 3, 2016</i>
03/18/2016	 Motion Filed By: Defendant La Barbera, Mario <i>Defendant's Motion To Allow Testimony At Trial From Italy VIS-A-VIS Video Conference And An Interpreter On An Order Shortening Time</i>
03/21/2016	 Pre-trial Memorandum Filed by: Plaintiff Wynn Las Vegas LLC <i>Plaintiff's Pre-Trial Memorandum</i>
03/25/2016	 Pre-trial Memorandum Filed by: Defendant La Barbera, Mario <i>Defendant Mario La Barbera's Pretrial Memorandum</i>
03/25/2016	 Objection Filed By: Plaintiff Wynn Las Vegas LLC <i>Defendant Mario La Barbera's Objection To Plaintiff Wynn's Fourth Supplemental Disclosures and Pretrial Disclosures Pursuant to NRCP 16.1</i>
03/28/2016	 Opposition Filed By: Plaintiff Wynn Las Vegas LLC <i>Plaintiff's Opposition to Defendant's Motion to Allow Testimony at Trial by Video Conference and Interpreter on an Order Shortening Time</i>
03/29/2016	 Motion (9:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Defendant's Motion To Allow Testimony At Trial From Italy VIS-A-VIS Video Conference And An Interpreter On An Order Shortening Time</i>

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04/05/2016	 Supplement Filed by: Defendant La Barbera, Mario <i>Defendant Mario LaBarbera's Supplement to Pretrial Memorandum</i>
04/06/2016	 Order Scheduling Status Check <i>Order Scheduling Status Check: Reset Trial</i>
04/08/2016	 Reporters Transcript <i>Transcript of Proceedings Plaintiff's Motion for Summary Judgment Defendant's Opposition to Plaintiff's Motion for Summary Judgment and Countermotion for Summary Judgment January 21, 2016</i>
04/11/2016	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Vacated - per Judge</i>
04/18/2016	 Order Denying Motion Filed By: Plaintiff Wynn Las Vegas LLC <i>Order Denying Defendant's Motion to Allow Testimony at Trial by Video Conference and Interpreter on an Order Shortening Time</i>
04/19/2016	 Notice of Entry of Order Filed By: Plaintiff Wynn Las Vegas LLC <i>Notice of Entry of Order</i>
04/21/2016	 Order Setting Civil Jury Trial <i>Order Re-Setting Civil Jury Trial</i>
04/21/2016	 Status Check: Trial Setting (9:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Status Check: Trial Setting</i>
04/28/2016	 Pre Trial Conference (9:30 AM) (Judicial Officer: Bixler, James)
04/28/2016	 Order Granting Motion Filed By: Plaintiff Wynn Las Vegas LLC <i>Order Granting Plaintiff's Motion in Limine [#1] to Exclude Evidence or Argument Regarding Defendant's Alleged Gambling Addiction</i>
04/28/2016	 Order Denying Motion Filed By: Plaintiff Wynn Las Vegas LLC <i>Order Denying Plaintiff's Motion in Limine [#3] to Exclude Any Evidence or Argument Regarding Any Alleged Forgery</i>
04/29/2016	 Notice of Entry of Order Filed By: Plaintiff Wynn Las Vegas LLC <i>Notice of Entry of Order Granting Plaintiff's Motion in Limine [#1]</i>
04/29/2016	 Notice of Entry of Order Filed By: Plaintiff Wynn Las Vegas LLC <i>Notice of Entry of Order Denying Plaintiff's Motion in Limine [#3]</i>
05/10/2016	 Order Setting Civil Jury Trial <i>Order Setting Firm Civil Jury Trial</i>
05/17/2016	 Calendar Call (9:30 AM) (Judicial Officer: Israel, Ronald J.)

DEPARTMENT 28
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



Calendar Call (Trial set 06/13/16)

05/19/2016	 Order <i>Order</i>
05/19/2016	 Order Filed By: Plaintiff Wynn Las Vegas LLC <i>Order Granting Plaintiff's Motion in Limine [#2] to Exclude Evidence or Argument Regarding Defendant's Alleged Intoxication</i>
05/23/2016	 Pre-trial Memorandum Filed by: Plaintiff Wynn Las Vegas LLC <i>Plaintiff's Pre-Trial Memorandum</i>
05/23/2016	 Change of Address Filed By: Defendant La Barbera, Mario <i>Attorney's Change of Address</i>
05/24/2016	 Notice of Entry of Order Filed By: Plaintiff Wynn Las Vegas LLC <i>Notice of Entry of Order Granting Plaintiff's Motion in Limine [#2]</i>
05/31/2016	 Objection Filed By: Defendant La Barbera, Mario <i>Defendant's Objection to Plaintiff's Second Pretrial Memorandum and Designation of his Deposition Transcript Testimony for Trial</i>
06/10/2016	 Instructions to the Jury Party: Defendant La Barbera, Mario <i>Defendant's Proposed Jury Instructions (without citations)</i>
06/10/2016	 Proposed Voir Dire Questions Filed By: Defendant La Barbera, Mario <i>Defendant's Proposed Voir Dire Questions</i>
06/10/2016	 Proposed Verdict Forms Not Used at Trial Party: Plaintiff Wynn Las Vegas LLC <i>Plaintiff Wynn Las Vegas, LLC D/B/A Wynn Las Vegas' Proposed Verdict Form</i>
06/10/2016	 Proposed Voir Dire Questions Filed By: Plaintiff Wynn Las Vegas LLC <i>Plaintiff's Proposed Voir Dire Questions</i>
06/10/2016	 Objection Filed By: Plaintiff Wynn Las Vegas LLC <i>Plaintiff's Objections to Defendant's Pre-Trial Disclosures</i>
06/10/2016	 Brief Filed By: Plaintiff Wynn Las Vegas LLC <i>Plaintiff's Trial Brief</i>
06/13/2016	 Instructions to the Jury Party: Defendant La Barbera, Mario <i>Defendant's proposed Jury Instructions (with citations)</i>

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CASE NO. A-14-695025-C

06/13/2016	 Jury Trial - FIRM (9:00 AM) (Judicial Officer: Israel, Ronald J.) 06/13/2016-06/15/2016 <i>Jury Trial - Firm</i>
06/13/2016	 Jury List
06/14/2016	 Supplement Filed by: Plaintiff Wynn Las Vegas LLC <i>Plaintiff's First Supplement to Its Counter-Designations of Defendant's Deposition Testimony</i>
06/14/2016	 Amended Jury List
06/15/2016	 Proposed Jury Instructions Not Used At Trial <i>Plaintiffs' Proposed Jury Instructions Not Used At Trial</i>
06/15/2016	 Proposed Jury Instructions Not Used At Trial <i>Defendants' Proposed Jury Instructions Not Used At Trial</i>
06/15/2016	 Amended Jury List <i>2nd Amended Jury List</i>
06/15/2016	 Verdict <i>Verdict Form</i>
06/15/2016	 Jury Instructions
06/15/2016	Verdict (Judicial Officer: Israel, Ronald J.) Debtors: Mario La Barbera (Defendant) Creditors: Wynn Las Vegas LLC (Plaintiff) Judgment: 06/15/2016, Docketed: 06/22/2016 Total Judgment: 1,000.00
07/27/2016	 Order to Statistically Close Case <i>Civil Order To Statistically Close Case</i>
08/03/2016	 Judgment on Jury Verdict Filed By: Plaintiff Wynn Las Vegas LLC <i>Judgment on Jury Verdict</i>
08/03/2016	Judgment Upon the Verdict (Judicial Officer: Israel, Ronald J.) Debtors: Mario La Barbera (Defendant) Creditors: Wynn Las Vegas LLC (Plaintiff) Judgment: 08/03/2016, Docketed: 08/10/2016 Total Judgment: 1,000,000.00
08/10/2016	 Memorandum Filed By: Plaintiff Wynn Las Vegas LLC <i>Memorandum of Costs</i>
08/10/2016	 Notice of Entry of Judgment Filed By: Plaintiff Wynn Las Vegas LLC <i>Notice of Entry of Judgment on Jury Verdict</i>

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08/17/2016	 Motion to Retax Filed By: Defendant La Barbera, Mario <i>Defendant's Objection and Motion to Retax Plaintiff's Memorandum of Costs</i>
08/23/2016	 Motion for Attorney Fees and Costs Filed By: Plaintiff Wynn Las Vegas LLC <i>Plaintiff's Motion for Attorneys' Fees, Costs and Interest</i>
08/30/2016	 Opposition to Motion Filed By: Defendant La Barbera, Mario <i>Defendant's Opposition To Plaintiff's Motion For Attorney's Fees, Costs and Interest</i>
09/06/2016	 Opposition Filed By: Plaintiff Wynn Las Vegas LLC <i>Plaintiff's Opposition to Defendant's Objection and Motion to Retax Costs</i>
09/09/2016	 Notice of Appeal Filed By: Defendant La Barbera, Mario <i>Notice of Appeal</i>
09/21/2016	Motion to Retax (3:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Defendant's Objection and Motion to Retax Plaintiff's Memorandum of Costs</i>
09/28/2016	Motion for Attorney Fees and Costs (3:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Plaintiff's Motion for Attorneys' Fees, Costs and Interest</i>

CIVIL COVER SHEET

County, Nevada

Case No. _____

(Assigned by Clerk's Office)

A- 14- 695025- C

XXVI I I

I. Party Information

Plaintiff(s) (name/address/phone): Wynn Las Vegas, LLC
 d/b/a Wynn Las Vegas
 3131 Las Vegas Blvd. So.
 Las Vegas, Nevada 89109
 Attorney (name/address/phone): Las Vegas, Nevada 89109
 Kim Sinatra, 3131 LV Blvd
 Las Vegas, Nevada 89109

Defendant(s) (name/address/phone): Mario La Barbera
 Via Modello 4040,
 Santa Flavia
 Palermo, Italy 90017
 Attorney (name/address/phone):

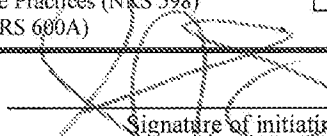
II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)
☐ Arbitration Requested**Civil Cases**

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

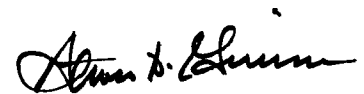
III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 680A) | |

January 29, 14
 Date


 Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

JUDG

Lawrence J. Semenza, III, Esq., Bar No. 7174

Email: ljs@skrlawyers.com

Christopher D. Kircher, Esq., Bar No. 11176

Email: cdk@skrlawyers.com

Jarrold L. Rickard, Esq., Bar No. 10203

Email: jlr@skrlawyers.com

LAWRENCE J. SEMENZA, III, P.C.

10161 Park Run Drive, Suite 150

Las Vegas, Nevada 89145

Telephone: (702) 835-6803

Facsimile: (702) 920-8669

*Attorneys for Plaintiff Wynn Las Vegas, LLC
d/b/a Wynn Las Vegas*

DISTRICT COURT

CLARK COUNTY, NEVADA

WYNN LAS VEGAS, LLC d/b/a WYNN
LAS VEGAS, a Nevada limited liability
company,

Plaintiff,

v.

MARIO LA BARBERA, an individual,

Defendant.

Case No.: A-14-695025-C

Dept. No.: XXVIII

JUDGMENT ON JURY VERDICT

This action came on for trial before a jury commencing June 13, 2016, and concluding June 15, 2016. Plaintiff Wynn Las Vegas, LLC d/b/a Wynn Las Vegas ("Plaintiff"), appeared by and through its counsel Lawrence J. Semenza, III, Esq. and Jarrod L. Rickard, Esq. with the law firm Lawrence J. Semenza, III, P.C. Defendant, Mario La Barbera ("Defendant"), appeared by and through his counsel Jeffrey R. Albregts, Esq. with the law firm Jeffrey R. Albregts, LLC. The Jury was regularly empaneled and sworn, heard and considered the evidence and arguments of counsel, and thereafter, upon instructions of the Court, and after due and deliberate consideration, rendered its verdict as received by the Court on June 15, 2016. Accordingly, in accordance with the verdict and good cause appearing:

<input type="checkbox"/> Non-Jury Disposed After Trial Start	<input type="checkbox"/> Jury Disposed After Trial Start
<input type="checkbox"/> Non-Jury Judgment Reached	<input checked="" type="checkbox"/> Jury Verdict Reached
<input type="checkbox"/> Transferred Before Trial	<input type="checkbox"/> Other

LAWRENCE J. SEMENZA, III, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Telephone: (702) 835-6803

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Telephone: (702) 835-6803

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that a verdict was
2 rendered in favor of the Plaintiff as to its Breach of Contract cause of action.

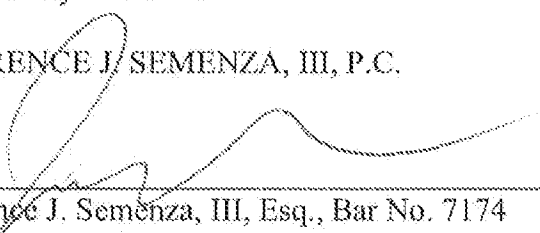
3 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff
4 is awarded damages against the Defendant in the principal sum of One Million Dollars and Zero
5 Cents (\$1,000,000.00).

6 Dated this 2 day of Aug, 2016.

7 
8 EIGHTH JUDICIAL DISTRICT COURT JUDGE

9 Respectfully submitted:

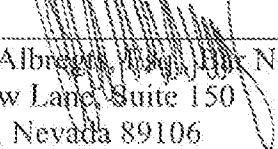
10 LAWRENCE J. SEMENZA, III, P.C.

11 
12 By: _____
13 Lawrence J. Semenza, III, Esq., Bar No. 7174
14 Christopher D. Kircher, Esq., Bar No. 11176
15 Jarrod L. Rickard, Esq., Bar No. 10203
16 10161 Park Run Drive, Suite 150
17 Las Vegas, Nevada 89145

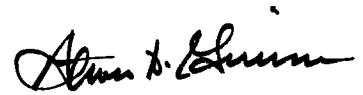
18 *Attorneys for Plaintiff Wynn Las Vegas, LLC*
19 *d/b/a Wynn Las Vegas*

20 Approved as to Form and Content By:

21 JEFFREY R. ALBREGTS, LLC

22 By: 
23 Jeffrey R. Albregts, Esq., Bar No. 0066
24 701 Shadow Lane, Suite 150
25 Las Vegas, Nevada 89106

26 *Attorneys for Defendant Mario La Barbera*
27
28



CLERK OF THE COURT

NJUD

Lawrence J. Semenza, III, Esq., Bar No. 7174

Email: ljs@semenzalaw.com

Christopher D. Kircher, Esq., Bar No. 11176

Email: cdk@semenzalaw.com

Jarrold L. Rickard, Esq., Bar No. 10203

Email: jlr@semenzalaw.com

LAWRENCE J. SEMENZA, III, P.C.

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Las Vegas, Nevada 89145

Telephone: (702) 835-6803

Facsimile: (702) 920-8669

Attorneys for Plaintiff Wynn Las Vegas, LLC

d/b/a Wynn Las Vegas

DISTRICT COURT

CLARK COUNTY, NEVADA

WYNN LAS VEGAS, LLC d/b/a WYNN
LAS VEGAS, a Nevada limited liability
company,

Plaintiff,

v.

MARIO LA BARBERA, an individual,

Defendant.

Case No.: A-14-695025-C

Dept. No.: XXVIII

**NOTICE OF ENTRY OF JUDGMENT
ON JURY VERDICT**

PLEASE TAKE NOTICE that a Judgment on Jury Verdict was entered by the Court on
August 3, 2016, a true and complete copy of which is attached hereto.

DATED this 10th day of August, 2016.

LAWRENCE J. SEMENZA, III, P.C.

/s/ Lawrence J. Semenza, III

Lawrence J. Semenza, III, Esq., Bar No. 7174

Christopher D. Kircher, Esq., Bar No. 11176

Jarrold L. Rickard, Esq., Bar No. 10203

10161 Park Run Drive, Suite 150

Las Vegas, Nevada 89145

Attorneys for Plaintiff Wynn Las Vegas, LLC

d/b/a Wynn Las Vegas

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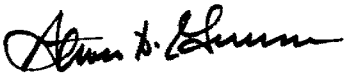
CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b) and NEFCR 9, I hereby certify that I am an employee of the law firm of Lawrence J. Semenza, III, P.C. and that on this 10th day of August, 2016, I sent via Wiznet's online filing system, a true and correct copy of the above and foregoing **NOTICE OF ENTRY OF JUDGMENT ON JURY VERDICT** to the following registered user:

JEFFREY R. ALBREGTS, LLC
Jeffrey R. Albregts, Esq., jalbregts@albregtslaw.com

Attorney for Defendant

/s/ Olivia A. Kelly
An Employee of Lawrence J. Semenza, III, P.C.


CLERK OF THE COURT

JUDGE

Lawrence J. Semenza, III, Esq., Bar No. 7174

Email: ljs@skrlawyers.com

Christopher D. Kircher, Esq., Bar No. 11176

Email: cdk@skrlawyers.com

Jarrold L. Rickard, Esq., Bar No. 10203

Email: jlr@skrlawyers.com

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*Attorneys for Plaintiff Wynn Las Vegas, LLC
d/b/a Wynn Las Vegas*

DISTRICT COURT

CLARK COUNTY, NEVADA

WYNN LAS VEGAS, LLC d/b/a WYNN
LAS VEGAS, a Nevada limited liability
company,

Plaintiff,

v.

MARIO LA BARBERA, an individual,

Defendant.

Case No.: A-14-695025-C

Dept. No.: XXVIII

JUDGMENT ON JURY VERDICT

This action came on for trial before a jury commencing June 13, 2016, and concluding June 15, 2016. Plaintiff Wynn Las Vegas, LLC d/b/a Wynn Las Vegas ("Plaintiff"), appeared by and through its counsel Lawrence J. Semenza, III, Esq. and Jarrod L. Rickard, Esq. with the law firm Lawrence J. Semenza, III, P.C. Defendant, Mario La Barbera ("Defendant"), appeared by and through his counsel Jeffrey R. Albregts, Esq. with the law firm Jeffrey R. Albregts, LLC. The Jury was regularly empaneled and sworn, heard and considered the evidence and arguments of counsel, and thereafter, upon instructions of the Court, and after due and deliberate consideration, rendered its verdict as received by the Court on June 15, 2016. Accordingly, in accordance with the verdict and good cause appearing:

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1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that a verdict was
2 rendered in favor of the Plaintiff as to its Breach of Contract cause of action.

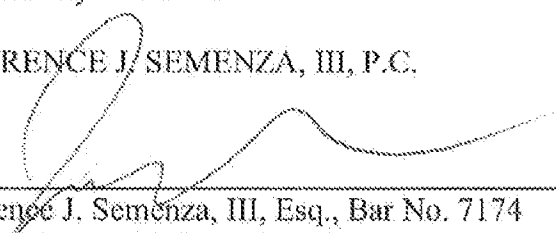
3 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff
4 is awarded damages against the Defendant in the principal sum of One Million Dollars and Zero
5 Cents (\$1,000,000.00).

6 Dated this 2 day of Aug, 2016.

7 
8 EIGHTH JUDICIAL DISTRICT COURT JUDGE

9 Respectfully submitted:

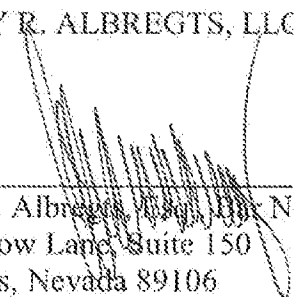
10 LAWRENCE J. SEMENZA, III, P.C.

11 
12 By: _____
13 Lawrence J. Semenza, III, Esq., Bar No. 7174
14 Christopher D. Kircher, Esq., Bar No. 11176
15 Jarrod L. Rickard, Esq., Bar No. 10203
16 10161 Park Run Drive, Suite 150
17 Las Vegas, Nevada 89145

18 *Attorneys for Plaintiff Wynn Las Vegas, LLC*
19 *d/b/a Wynn Las Vegas*

20 Approved as to Form and Content By:

21 JEFFREY R. ALBREGTS, LLC

22 
23 By: _____
24 Jeffrey R. Albregts, Esq., Bar No. 0066
25 701 Shadow Lane, Suite 150
26 Las Vegas, Nevada 89106

27 *Attorneys for Defendant Mario La Barbera*
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

November 25, 2014

A-14-695025-C Wynn Las Vegas LLC, Plaintiff(s)
vs.
Mario La Barbera, Defendant(s)

November 25, 2014 9:30 AM Discovery Conference

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

COURT CLERK: Alan Castle

RECORDER: Richard Kangas

REPORTER:

PARTIES

PRESENT: Albregts, Jeffrey Richard Attorney

JOURNAL ENTRIES

- Matter trailed for counsel to be present.

10:39 a.m.

Matter recalled. Mr. Albregts present. Upon Court's inquiry, Mr. Albregts was unable to get counsel from Semenza law firm on the phone for appearance. Discovery Commissioner so noted.

Discovery Commissioner advised the problem with the Joint Case Conference Report in this matter is that there is no substitution on file with the Court by In-house counsel for Plaintiff, Wynn Las Vegas, LLC and Semenza law firm. COMMISSIONER RECOMMENDED, Discovery Conference is CONTINUED for appearance of BOTH, In-House counsel, Stacie Michaels, Esq. and counsel for Lawrence J. Semenza, P.C. Failure of either counsel to appear may result in progressive sanctions. No contributions this date. FURTHER, status check set on filing of substitution of counsel. Discovery Commissioner notes that Mr. Albregts is excused from appearance next date; and, should advise opposing counsel that discovery requests will not be responded to until a proper substitution is on file. Counsel acknowledged.

Counsel anticipate 1 - 2 days for trial re: Breach of Contract. COMMISSIONER RECOMMENDED, discovery cutoff is 7/08/15; adding parties, amended pleadings, and initial expert disclosures DUE

4/09/15; rebuttal expert disclosures DUE 5/08/15; dispositive motions TO BE FILED BY 8/07/15. Scheduling Order may not be finalized until after the next hearing date to ensure that appropriate counsel is identified.

12/16/14 9:00 a.m. Discovery Conference (CONTINUED) /// Status Check: Substitution of Counsel

CLERK'S NOTE: The above minute order has been distributed to: Stacie Michaels, Esq. (General Counsel, Wynn Las Vegas, LLC); and, Lawrence J. Semenza, P.C. ac/11/25/14.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

May 29, 2015

A-14-695025-C	Wynn Las Vegas LLC, Plaintiff(s) vs. Mario La Barbera, Defendant(s)
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May 29, 2015

9:00 AM

Motion to Compel

**Pltf's Motion to
Compel and for OST**

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:	Albregts, Jeffrey Richard Kircher, Christopher D.	Attorney Attorney
-----------------	--	----------------------

JOURNAL ENTRIES

- Mr. Albregts' Opposition provided in Open Court. Arguments by counsel. Colloquy re: Defts financial condition when they sign the markers, and when the Contract was formed.

Commissioner will review the Opposition. Mr. Kircher stated Mr. Semenza will attend the June 11th deposition in Italy. Mr. Albregts asked Defts to provide documents at the time of deposition. Arguments by counsel. COMMISSIONER RECOMMENDED, motion is CONTINUED.

6/3/15 9:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

June 03, 2015

A-14-695025-C Wynn Las Vegas LLC, Plaintiff(s)
vs.
Mario La Barbera, Defendant(s)

June 03, 2015

9:00 AM

Motion to Compel

**Pltf's Motion to
Compel and for OST**

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Albregts, Jeffrey Richard Attorney
 Kircher, Christopher D. Attorney

JOURNAL ENTRIES

- Courtesy copy provided to Commissioner from Mr. Kircher. Colloquy re: the Bank account records at or near the time markers were signed. Mr. Kircher addressed whether the Fifth Amendment applied to Bank records; courtesy copy provided to Mr. Albregts and Commissioner in Open Court.

COMMISSIONER RECOMMENDED, motion is GRANTED for Interrogatories and Request for Documents LIMITED to eight months within the parameters discussed (to the extent it relates to records on the Credit Application); what was the financial picture based on the Credit Application. Mr. Albregts stated Deft asserted his Fifth Amendment Rights on Interrogatory. Mr. Albregts needs an order before going to Italy. Upon Commissioner's inquiry, Mr. Albregts cannot waive the objection period. Commissioner advised counsel they will not have an Order before the deposition.

Mr. Kircher to prepare the Report and Recommendations, and Mr. Albregts 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. Kircher to appear at status check hearing to report on the Report and Recommendations.

Colloquy re: Mr. Albregts' client asserting his Fifth Amendment Rights, and there may be consequences; however, the records must be produced.

6/26/15 11:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

August 13, 2015

A-14-695025-C Wynn Las Vegas LLC, Plaintiff(s)
vs.
Mario La Barbera, Defendant(s)

August 13, 2015	9:45 AM	Status Check	Status Check: Referral to Settlement Conference // Trial Readiness/ 11/16/15 Trial Stack
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HEARD BY: Bonaventure, Joseph T.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Semenza, Lawrence, III Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Semenza noted he did not see opposing Counsel and he was not inclined to schedule a settlement conference. Mr. Semenza further stated he was working closely with Counsel to schedule a deposition from Italy and parties stipulated to extend discovery.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract**COURT MINUTES****December 08, 2015**

A-14-695025-C Wynn Las Vegas LLC, Plaintiff(s)
 vs.
 Mario La Barbera, Defendant(s)

December 08, 2015	9:45 AM	Status Check	STATUS CHECK: REFERRAL TO SETTLEMENT CONFERENCE // TRIAL READINESS (03/14/16 Trial Stack)
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HEARD BY: Israel, Ronald J.**COURTROOM:** RJC Courtroom 15C**COURT CLERK:** Kathy Klein**RECORDER:** Judy Chappell**REPORTER:****PARTIES**

PRESENT:	Albregts, Krista N.	Attorney
	Semenza, Lawrence, III	Attorney

JOURNAL ENTRIES

- Mr. Semenza gave a brief status of the case involving an international Defendant from Italy. Mr. Semenza further noted he would need consent from his clients to schedule a settlement conference, only if they all agree, then he could notify chambers for a settlement conference. Mr. Semenza advised he sent a stipulation and order to continue his pending Motion for Summary Judgment. Pursuant to the stipulation and order, COURT ORDERED, Plaintiff's pending Motion for Summary Judgment, CONTINUED to a later date. Continued date below to be listed in the stipulation and order.

01/21/16 9:00 AM PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

January 21, 2016

A-14-695025-C	Wynn Las Vegas LLC, Plaintiff(s) vs. Mario La Barbera, Defendant(s)
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January 21, 2016

9:00 AM

All Pending Motions

**All Pending Motions
(01/21/16)**

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT:	Albregts, Jeffrey Richard Kircher, Christopher D.	Attorney Attorney
-----------------	--	----------------------

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT...DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT

Court noted Court read all the papers and pleadings submitted. Arguments by Counsel. Mr. Kircher argued in support of his motion regarding Defendants signature. Court noted it was a question of fact. Mr. Albregt argued in favor of his countermotion stating the Defendant was recruited from Italy with a gambling addiction, lack of english and further noted his defense he did not know they were checks and was intoxicated. Further arguments by Counsel. Court stated findings as to the Plaintiff's Motion, noting the question of fact regarding if the checks were signed by the Defendant, and ORDERED, Plaintiff's Motion for Summary Judgment, DENIED.

Court stated findings as to Defendants Countermotion, stating there was an abundance of facts, questions for the jury and ORDERED, Defendant's Countermotion for Summary Judgment, DENIED, Mr. Kircher to prepare the order. Upon Court's inquiry, Counsel estimated one week for trial.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

February 18, 2016

A-14-695025-C Wynn Las Vegas LLC, Plaintiff(s)
vs.
Mario La Barbera, Defendant(s)

February 18, 2016

9:30 AM

Pre Trial Conference

**PRE TRIAL
CONFERENCE**

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Albregts, Krista N. Attorney
 Kircher, Christopher D. Attorney
 Richards, Jared R. Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Counsel noted they were working it out. Colloquy regarding discovery issues and order for bank records. COURT ORDERED, Pending Motions In Limine, RESET to a later time of day for courts availability.

03/01/16 10:00 AM PENDING MOTIONS IN LIMINE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

March 03, 2016

A-14-695025-C Wynn Las Vegas LLC, Plaintiff(s)
vs.
Mario La Barbera, Defendant(s)

March 03, 2016

9:45 AM

All Pending Motions

**All Pending Motions
(03/03/16)**

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Debbie Winn

REPORTER:

PARTIES

PRESENT: Albregts, Krista N. Attorney
 Kircher, Christopher D. Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION IN LIMINE #1 TO EXCLUDE ANY EVIDENCE OR ARGUMENT REGARDING DEFENDANT'S ALLEGED GAMBLING ACTION: Arguments by Counsel. Court finds the cases and statutes cited are very clear and it is not relevant. COURT ORDERED, Motion In Limine #1 to Exclude Alleged Gambling Addiction, GRANTED. Plaintiff's Counsel to prepare the order.

PLAINTIFF'S MOTION IN LIMINE #2 TO EXCLUDE ANY EVIDENCE OR ARGUMENT REGARDING DEFENDANT'S ALLEGED INTOXICATION: Arguments by Counsel. Colloquy regarding the signatures on the markers and the Defendant does not speak english. Court noted Counsel did not site, FGA, Inc., DBA Instant Replay Sports Pub & Grill and Carminoe s Little Italy, v. Debbie Giglio 128 Nev., Advance Opinion 26 and provided Counsel copies of the cited case. Further arguments by Counsel. Court stated the Defendant did not disclose his alleged intoxication and gambling additions and voluntary intoxication is not a valid defense. Court finds Giglio precedes and COURT ORDERED, Motion In Limine #2, GRANTED. Plaintiff's Counsel to prepare the order.

PLAINTIFF'S MOTION IN LIMINE #3 TO EXCLUDE ANY EVIDENCE OR ARGUMENT

REGARDING ANY ALLEGED FORGERY: Arguments by Counsel. Mr. Albregts noted he was not going to state the signatures on the markers were forged, However does not want to be limited regarding the Plaintiff's not able to authenticate the signature. Court stated its findings noting its the Plaintiff's burden to prove the signatures authenticity, COURT ORDERED, Motion In Limine #3, DENIED. Counsel will not use the word forgery. Defense Counsel to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

March 08, 2016

A-14-695025-C	Wynn Las Vegas LLC, Plaintiff(s) vs. Mario La Barbera, Defendant(s)
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March 08, 2016

9:30 AM

Calendar Call

Calendar Call

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:	Albregts, Jeffrey Richard Kircher, Christopher D. Semenza, Lawrence, III	Attorney Attorney Attorney
-----------------	--	----------------------------------

JOURNAL ENTRIES

- Counsel announced ready and estimated three days for trial. COURT ORDERED, Trial SET.

Following the Courts Calendar, Court had discussions with Counsel regarding trial protocol.

04/11/16 9:00 AM JURY TRIAL (3 DAYS)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract**COURT MINUTES****March 29, 2016**

A-14-695025-C Wynn Las Vegas LLC, Plaintiff(s)
 vs.
 Mario La Barbera, Defendant(s)

March 29, 2016	9:00 AM	Motion	Defendant's Motion To Allow Testimony At Trial From Italy VIS-A-VIS Video Conference And An Interpreter On An Order Shortening Time
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HEARD BY: Israel, Ronald J.**COURTROOM:** RJC Courtroom 15C**COURT CLERK:** Kathy Klein**RECORDER:** Judy Chappell**REPORTER:****PARTIES**

PRESENT:	Albregts, Jeffrey Richard	Attorney
	Kircher, Christopher D.	Attorney
	Semenza, Lawrence, III	Attorney

JOURNAL ENTRIES

- Arguments by Counsel. Colloquy regarding Defendant La Barbera residing in Italy, Defendant's deposition conducted in Italy, and Defendant not returning and avoiding persecution. COURT stated its findings and ORDERED, Motion, DENIED and noted the Defendant's deposition can be used as testimony. Mr. Semenza to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

April 21, 2016

A-14-695025-C Wynn Las Vegas LLC, Plaintiff(s)
vs.
Mario La Barbera, Defendant(s)

April 21, 2016 9:00 AM Status Check: Trial Setting Status Check: Trial Setting

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

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Albregts, Jeffrey Richard Attorney
 Richards, Jared R. Attorney
 Semenza, Lawrence, III Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Counsel estimated the trial to be three days and requested the fourth week of the May 23rd trial stack or the middle of June. COURT ORDERED, Trial SET. The Judicial Executive Assistant (JEA) to issue the trial order. Colloquy regarding trying to settle the matter.

04/28/16 9:30 AM PRE-TRIAL CONFERENCE

05/17/16 9:30 AM CALENDAR CALL

05/23/16 1:30 PM JURY TRIAL (3 DAYS)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

April 28, 2016

A-14-695025-C Wynn Las Vegas LLC, Plaintiff(s)
vs.
Mario La Barbera, Defendant(s)

April 28, 2016 9:30 AM Pre Trial Conference

HEARD BY: Bixler, James

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Albregts, Jeffrey Richard Attorney
Semenza, Lawrence, III Attorney

JOURNAL ENTRIES

- Mr. Semenza noted this was a firm trial that was vacated due to another jury trial extended. Counsel announced ready and estimated three days. Counsel agreed to the week of 06/13/16, middle of June would be available for their schedules. Trial SET. Counsel to appear to the calendar call to confirm trial setting.

06/13/16 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

May 17, 2016

A-14-695025-C Wynn Las Vegas LLC, Plaintiff(s)
vs.
Mario La Barbera, Defendant(s)

May 17, 2016

9:30 AM

Calendar Call

**Calendar Call (Trial
set 06/13/16)**

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Semenza, Lawrence, III Attorney

JOURNAL ENTRIES

- Mr. Semenza noted this was a firm trial setting and Counsel announced ready for trial.

06/13/16 9:00 AM JURY TRIAL (FIRM)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

June 13, 2016

A-14-695025-C	Wynn Las Vegas LLC, Plaintiff(s) vs. Mario La Barbera, Defendant(s)
---------------	---

June 13, 2016

9:00 AM

Jury Trial - FIRM

Jury Trial - Firm

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT:	Albregts, Jeffrey R. Kircher, Christopher D. Richards, Jared R. Semenza, Lawrence, III	Attorney Attorney Attorney Attorney
-----------------	---	--

JOURNAL ENTRIES

- Also present. Ms. Jennifer Squatritto a representative for Wynn Las Vegas.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Mr. Albregts moved to strike late disclosed Plaintiff's witnesses. Arguments by Counsel. Mr. Semenza noted the Defendant acknowledged it was his signature and in his deposition changed his testimony, Hence the witnesses were disclosed in February to verify his signature. Further arguments by Counsel. Colloquy regarding the discovery deadline dates and discovery closure. Court noted Counsel did not dispute this issue in February for sanctions and would have had additional time for depositions of these individuals. Court further noted Plaintiff's did violate 16.1 and there may be monetary sanctions. Mr. Semenza agreed to pay for the depositions. COURT ORDERED, Defendants Request to Strike, DENIED.

Mr. Albregts requested to inform the jury of the Defendants bench warrant. Arguments by Counsel regarding the bench warrant for Defendant and the reason why Defendant is not present for trial. Court noted this issue should have been a motion in limine and Counsel will not be allowed to bring

up the bench warrant, However will allow portions of Defendants deposition. Arguments by Counsel regarding Defendant's criminal case. Court stated its findings noting Defendant's potential criminal case has no relevance with this civil action. Mr. Albregts requested to be allowed to ask Plaintiff's witness if they turned the matter over to the District Attorney. Mr. Semenza objected. Court will allow inquiry of chip markers turned in for prosecution.

Colloquy regarding authenticity of Defendants' signature and Motion In Limine #3. Court noted it was clear it was the Plaintiff's burden to show who signed the instrument.

Counsel estimated 3 trial days. Upon Courts inquiry, Counsel agreed to have the last two jurors as the alternate secret jurors. Mr. Albregts agreed to admit a few of the Plaintiff's exhibits. (See worksheets).

PROSPECTIVE JURY PANEL PRESENT: Voir Dire. Jury and two secret alternates selected and sworn. JURY LIST FILED IN OPEN COURT. Opening statements by Counsel. EXCLUSIONARY RULE INVOKED. Testimony and exhibits presented. (See worksheets)

Evening recess.

06/14/16 12:00 PM Jury Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

June 14, 2016

A-14-695025-C	Wynn Las Vegas LLC, Plaintiff(s) vs. Mario La Barbera, Defendant(s)
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June 14, 2016

12:00 AM

Jury Trial - FIRM

Jury Trial - Firm

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT:	Albregts, Jeffrey R. Kircher, Christopher D. Rickard, Jarrod L. Semenza, Lawrence, III	Attorney Attorney Attorney Attorney
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JOURNAL ENTRIES

- Also present. Ms. Jennifer Squatritto a representative for Wynn Las Vegas.

JURY PRESENT: Clerk took the roll of the Jury. Juror #3 called chambers and stated she could not be present. Juror # 3 appeared for jury duty. Court inquired of her request not to serve. Counsel agreed to excuse Juror #3. AMENDED JURY LIST FILED IN OPEN COURT.
Testimony and exhibits presented. (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding scheduling issues. Court directed Counsel to appear at 9:00 AM to argue jury instructions, Counsel to prepare an uncontested packet of jury instructions separate from the disputed jury instructions. Counsel agreed upon the verdict form.

Evening recess.

06/15/16 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

June 15, 2016

A-14-695025-C Wynn Las Vegas LLC, Plaintiff(s)
vs.
Mario La Barbera, Defendant(s)

June 15, 2016

9:00 AM

Jury Trial - FIRM

Jury Trial - Firm

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Albregts, Krista N. Attorney
 Kircher, Christopher D. Attorney
 Rickard, Jarrod L. Attorney
 Semenza, Lawrence, III Attorney

JOURNAL ENTRIES

- Also present. Ms. Jennifer Squatritto a representative for Wynn Las Vegas.

OUTSIDE THE PRESENCE OF THE JURY: Proposed Jury Instructions argued. Instructions settled.

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

OUTSIDE THE PRESENCE OF THE JURY: Arguments by Counsel regarding Defendants deposition designations.

JURY PRESENT: Counsel read to the Jury the Defendants deposition designations.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Semenza moved for a direct verdict. Arguments by Counsel. COURT ORDERED, Motion for Direct Verdict, DENIED. Court finds under Bliss v. Deprang, 81 Nev, 599, 407 P.2d 726 (1965), the evidence must be overwhelming, no questions

remaining and if facts are disputed there questions for the jury,

JURY PRESENT: Defense rested. No Rebuttal. Court instructed the jury. Closing arguments.

Marshal and Judicial Executive Assistant sworn and given charge of the jury. Court Thanked and released the alternate juror.

At the hour of 4:00 PM the Jury retired to deliberate.

At the hour of 5:10 PM the Jury returned a Verdict for Plaintiff. Plaintiff awarded \$1,000,000.00. Jury polled.

Court Thanked and excused the Jury.

Court adjourned.

EXHIBIT(S) LIST

Case No.: **A695025**

Trial Date: 06/13/16

Dept. No.: **XXVIII**

Judge: RONALD J. ISRAEL

Court Clerk: KATHY KLEIN

PLAINTIFF'S: WYNN LAS VEGAS, LLC

Recorder: JUDY CHAPPELL

Counsel for Plaintiff: Lawrence Semenza III, Esq.

VS.

DEFENDANT'S: **MARIO LA BARBERA**

Counsel for Defendant: Jeffrey Albregts, Esq.

TRIAL BEFORE THE COURT

PLAINTIFF'S EXHIBITS

see attached

[illegible]

WYNN LAS VEGAS vs. MARIO LA BARBERA
Case No. A-14-695025-C, Dept. No. XXVIII

Wynn's Proposed Exhibit List

<u>Ex No.</u>	<u>DOCUMENT/BATES NUMBERS</u>	<u>DATE OFFERED</u>	<u>OBJECTION</u>	<u>DATE ADMITTED</u>
1.	Defendant's Italian Passport (WYNN-00001, WYNN-00034)		NO	6/13/16
2.	Credit Application (WYNN-00033)		NO	5
3.	Credit Agreement (WYNN -00046 – WYNN -00047)		NO	6/13/16
4.	Credit Line Increases (WYNN-00035 – WYNN-00039)		NO	6/13/16
5.	Desk Copy of Check No. 70601126 for \$120,000 payable to Wynn (WYNN-00150), La Barbera's Banco Popolare Italiana Check No. 70601126 for \$120,000 payable to Wynn (WYNN-00002), 11/17/08 Bank of America letter re returned Check No. 70601126 (WYNN-00003)	6/14/16	obj (sign)	6/14/16
6.	Desk Copy of Check No. 70601883 for \$100,000 payable to Wynn (WYNN-00139), La Barbera's Banco Popolare Italiana Check No. 70601883 for \$100,000 payable to Wynn (WYNN-00018 - WYNN-00019), 12/15/08 Bank of America letter re returned Check No. 70601883 (WYNN-00020)	}	obj	}
7.	Desk Copy of Check No. 70601886 for \$50,000 payable to Wynn (WYNN-00148), La Barbera's Banco Popolare Italiana Check No. 70601886 for \$50,000 payable to Wynn (WYNN-00021), 11/17/08 Bank of America letter re returned Check No. 70601886 (WYNN -00022)		obj	
8.	Desk Copy of Check No. 70601890 for \$50,000 payable to Wynn (WYNN-00147), La Barbera's Banco Popolare Italiana Check No. 70601890 for \$50,000 payable to Wynn (WYNN-00023), 11/17/08 Bank of America letter re returned Check No. 70601890 (WYNN 00024)		obj	

WYNN LAS VEGAS vs. MARIO LA BARBERA**Case No. A-14-695025-C, Dept. No. XXVIII****Wynn's Proposed Exhibit List**

<u>EX No.</u>	<u>DOCUMENT/BATES NUMBERS</u>	<u>DATE OFFERED</u>	<u>OBJECTION</u>	<u>DATE ADMITTED</u>
9.	Desk Copy of Check No. 70601892 for \$100,000 payable to Wynn (WYNN-00138), La Barbera's Banco Popolare Italiana Check No. 70601892 for \$100,000 payable to Wynn (WYNN-00010 - WYNN-00011), 12. 12/12/08 Bank of America letter re returned Check No. 70601892 (WYNN -00012)	6/14/16	obj	6/14/16
10.	Desk Copy of Check No. 70601898 for \$100,000 payable to Wynn (WYNN-00142), La Barbera's Banco Popolare Italiana Check No. 70601898 for \$100,000 payable to Wynn (WYNN-00013 - WYNN-00014), 12/12/08 Bank of America letter re returned Check No. 70601898 (WYNN 00015)			
11.	Desk Copy of Check No. 70601900 for \$50,000 payable to Wynn (WYNN-000143), La Barbera's Banco Popolare Italiana Check No. 70601900 for \$50,000 payable to Wynn (WYNN-00016), 11/25/08 Bank of America letter re returned Check No. 70601900 (WYNN-00017)			
12.	Desk Copy of Check No. 70602091 for \$100,000 payable to Wynn (WYNN-00146), La Barbera's Banco Popolare Italiana Check No. 70602091 for \$100,000 payable to Wynn (WYNN-00004 - WYNN-00005), 12/12/08 Bank of America letter re returned Check No. 70602091 (WYNN -00006)			
13.	Desk Copy of Check No. 70602095 for \$100,000 payable to Wynn (WYNN-00144), La Barbera's Banco Popolare Italiana Check No. 70602095 for \$100,000 payable to Wynn (WYNN-00007 - WYNN-00008), 12/12/08 Bank of America letter re returned Check No. 70602095 (WYNN -00009)	6/14/16	obj	6/14/16

WYNN LAS VEGAS vs. MARIO LA BARBERA
Case No. A-14-695025-C, Dept. No. XXVIII

Wynn's Proposed Exhibit List

<u>EX No.</u>	<u>DOCUMENT/BATES NUMBERS</u>	<u>DATE OFFERED</u>	<u>OBJECTION</u>	<u>DATE ADMITTED</u>
14.	Desk Copy of Check No. 70602099 for \$100,000 payable to Wynn (WYNN-00145), La Barbera's Banco Popolare Italiana Check No. 70602099 for \$100,000 payable to Wynn (WYNN-00025 - WYNN-00026), 12/15/08 Bank of America letter re returned Check No. 70602099 (Wynn-00027)	6/14/16	obj	6/14/16
15.	Desk Copy of Check No. 70602104 for \$100,000 payable to Wynn (WYNN-00141), La Barbera's Banco Popolare Italiana Check No. 70602104 for \$100,000 payable to Wynn (WYNN-00028 - WYNN-00029), 12/12/08 Bank of America letter re returned Check No. 70602104 (WYNN-00032)			
16.	Desk Copy of Check No. 70602124 for \$100,000 payable to Wynn (WYNN-00140), La Barbera's Banco Popolare Italiana Check No. 70602124 for \$100,000 payable to Wynn (WYNN-00030 - WYNN-00031), 11/17/18 Bank of America letter re Check No. 70602124 (WYNN-00151);	6/14/16	obj	6/14/16
17.	Player Report (WYNN-00128 - WYNN-00131)	6/14/16	no obj	6/14/16
18.	Marker History (WYNN-00125 - WYNN-00127)	6/14/16	no obj	6/14/16
19.	June 18, 2008, E-mail re bank information (WYNN-00056)	6/13/16	NO	6/13/16
20.	7/9/08 Demand Letter to La Barbera (WYNN-00040 - WYNN-00041)	6/13/16	NO	6/13/16
21.	12/15/08 Demand Letter to La Barbera (WYNN-00042 - WYNN-00045, LA BAR00001)	6/14/16	NO	6/14/16
22.	Comps Report (WYNN-00123 - WYNN-00124) Returned			
23.	Wynn Las Vegas Hotel Folis (WYNN-00118 - WYNN-00122)	6/14/16	NO	6/14/16
24.	Player Audit Trail (WYNN-00135 - WYNN-00137) Returned			

WYNN LAS VEGAS vs. MARIO LA BARBERA
Case No. A-14-695025-C, Dept. No. XXVIII

Wynn's Proposed Exhibit List

<u>Ex No.</u>	<u>DOCUMENT/BATES NUMBERS</u>	<u>DATE OFFERED</u>	<u>OBJECTION</u>	<u>DATE ADMITTED</u>
25.	June 15, 2015 Letter from Wynn Las Vegas re gaming activities (WYNN-00134);	Returned		
26.	La Barbera's Responses to Wynn's First Set of Requests for Admissions;		NO	6/13/16
27.	La Barbera's Responses to Wynn's First Set of Requests for Production	Returned		
28.	La Barbera's Responses to Wynn's First Set of Interrogatories			
29.	La Barbera's Supplemental Responses to Wynn's First Set of Requests for Production and First Set of Interrogatories			
30.	La Barbera's Answer			
31.	Wynn's Complaint			
32.	Bank Records Produced at Deposition.			
33.	Wynn Las Vegas Front Money-Safekeeping Detail Sheet	6/14/16	obj	
34.	Wynn Main Cage - Credit Dept. 08 Sheet for Mario La Barbera	Returned		
35.	Roulette Diagram			
36.	Blank Copy of Marker/Credit Instrument Demonstrative only			→

EXHIBIT(S) LIST

Case No.: A695025

Trial Date: 06/13/16

Dept. No.: **XXVIII**

Judge: RONALD J. ISRAEL

Court Clerk: KATHY KLEIN

PLAINTIFF'S: WYNN LAS VEGAS, LLC

Recorder: JUDY CHAPPELL

Counsel for Plaintiff: Lawrence Semenza, Esq. &
Christopher Kircher, Esq. &

Jarrold Rickard, Esq.

Counsel for Defendant: Jeffrey Albregts, Esq.

vs.

DEFENDANT'S: MARIO LA BARBERA

TRIAL BEFORE THE COURT

DEFENDANT'S EXHIBITS

[illegible]

EXHIBIT(S) LIST

Case No.: **A695025**

Trial Date: 06/13/16

Dept. No.: **XXVIII**

Judge: RONALD J. ISRAEL

Court Clerk: KATHY KLEIN

PLAINTIFF'S: WYNN LAS VEGAS, LLC

Recorder: JUDY CHAPPELL

Counsel for Plaintiff: Lawrence Semenza III, Esq.

vs.

DEFENDANT'S: MARIO LA BARBERA

Counsel for Defendant: Jeffrey Albregts, Esq.

TRIAL BEFORE THE COURT

COURT'S EXHIBITS

[illegible]



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

JEFFREY R. ALBREGTS, ESQ.
701 SHADOW LANE, SUITE 150
LAS VEGAS, NV 89106

DATE: September 13, 2016
CASE: A-14-695025-C

RE CASE: WYNN LAS VEGAS, LLC d/b/a WYNN LAS VEGAS vs. MARIO LA BARBERA

NOTICE OF APPEAL FILED: September 9, 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):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; JUDGMENT ON JURY VERDICT; NOTICE OF ENTRY OF JUDGMENT ON JURY VERDICT; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

WYNN LAS VEGAS, LLC d/b/a WYNN LAS VEGAS,

Plaintiff(s),

vs.

MARIO LA BARBERA,

Defendant(s),

Case No: A-14-695025-C

Dept No: XXVIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 13 day of September 2016.

Steven D. Grierson, Clerk of the Court

Chaunte Pleasant

Chaunte Pleasant, Deputy Clerk