


CLERK OF THE COURT

Electronically Filed
Oct 13 2016 08:53 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

JAMES P. KEMP, ESQUIRE
Nevada Bar No. 006375
KEMP & KEMP
7435 W. Azure Drive, Suite 110,
Las Vegas, NV 89130
(702) 258-1183
(702) 258-6983 (fax)
jp@kemp-attorneys.com
Attorney for Petitioner

DISTRICT COURT
CLARK COUNTY, NEVADA

ROBAIRE PREVOST,

Petitioner,

vs.

STATE OF NEVADA and DEPARTMENT
OF ADMINISTRATION, APPEALS
OFFICER, an Agency of the STATE OF
NEVADA,

Respondents

Case No.: A-16-730918-J

Dept. No. IV

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN to the District Court, Supreme Court of Nevada and all Respondents including those that are set forth in the Certificate of Service which are incorporated herein by reference, that the above-named Petitioner, ROBAIRE PREVOST, by and through his counsel of record, JAMES P. KEMP, ESQUIRE, hereby appeals to the Supreme Court of Nevada from the District Court's Order GRANTING Respondent CCMSI's Motion to Dismiss the Petition for Judicial Review, said Order of the District Court having been entered on June 27, 2016, and the September 2, 2016 District Court Order DENYING Petitioner's Motion to Reconsider and for relief under NRCP Rule 60(b).

DATED: October 3, 2016

/s/ James P. Kemp
JAMES P. KEMP, ESQUIRE
Nevada Bar No. 006375
7435 W. Azure Drive, Suite 110,
Las Vegas, NV 89130
Attorney for Petitioner

KEMP & KEMP
ATTORNEYS AT LAW
7435 W. Azure Dr., Suite 110
LAS VEGAS, NEVADA 89130
Tel. (702) 258-1183 • Fax (702) 258-6983

CERTIFICATE OF SERVICE

This is to certify that, in accordance with the court's rules, on the date indicated below the within and foregoing document was served via the court's Wiznet e-file and serve system to the following persons or parties:

Daniel L. Schwartz, Esq.
2300 W. Sahara Ave, Ste 300 Box 28
Las Vegas, NV 89102-4375

And by First Class U.S. Mail, Postage prepaid addressed to the following:

ROBAIRE PREVOST
30 STRADA Di VILLAGGIO
HENDERSON, NV 89011

STATE OF NEVADA –DEPT. OF CORRECTIONS
ATTENTION: BARBARA LUNA
P.O. Box 7011
CARSON CITY, NV 89702

STATE OF NEVADA-RISK MANAGEMENT
ATTENTION: ANA ANDREWS
201 S. ROOP STREET, SUITE 201
CARSON CITY, NV 89701

CCMSI
P.O. BOX 4990
CARSON CITY, NV 89702

DEPARTMENT OF ADMINISTRATION
APPEALS DIVISION
2200 SOUTH RANCOH DRIVE, SUITE 220
LAS VEGAS, NV 89102

CLARK COUNTY DISTRICT ATTORNEY
301 EAS CLARK AVENUE, SUITE 100
LAS VEGAS, NV 89101

DATED this 3rd day of October 2016.

/s/ James P. Kemp
JAMES P. KEMP, ESQ.

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-16-730918-J

Robaire Prevost, Petitioner(s)
vs.
Nevada State of, Respondent(s)

§
§
§
§
§

Location: **Department 4**
Judicial Officer: **Earley, Kerry**
Filed on: **01/27/2016**
Cross-Reference Case Number: **A730918**

CASE INFORMATION

Case Type: **Worker's Compensation Appeal**
Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-16-730918-J
Court	Department 4
Date Assigned	01/27/2016
Judicial Officer	Earley, Kerry

PARTY INFORMATION

Petitioner **Prevost, Robaire**

Lead Attorneys







Kemp, James P.
Retained
7022581183(W)

Respondent **Nevada Dept of Administration Appeals Office**
Nevada State of

DATE

EVENTS & ORDERS OF THE COURT








INDEX

01/27/2016	 Petition for Judicial Review Filed by: Petitioner Prevost, Robaire <i>Petition for Judicial Review</i>	
03/02/2016	 Motion to Dismiss Filed By: Other CCMSI <i>Interested Unnamed Respondent's Special Appearance and Motion to Dismiss Petition for Judicial Review</i>	
03/03/2016	 Initial Appearance Fee Disclosure Filed By: Other CCMSI <i>Initial Appearance Fee Disclosure</i>	
03/04/2016	 Certificate of Mailing Filed By: Other CCMSI <i>Certificate of Mailing of 4/6/16 Hearing Date</i>	
03/08/2016	 Transmittal Party: Respondent Nevada State of <i>Transmittal of Record on Appeal</i>	
03/08/2016	 Transmittal of Record on Appeal Party: Respondent Nevada Dept of Administration Appeals Office <i>Record on Appeal in Accordance with the Nevada Administrative Procedure Act</i>	

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-16-730918-J

03/08/2016	 Affidavit Filed By: Respondent Nevada State of <i>Affidavit & Certification</i>
03/08/2016	 Certificate of Mailing <i>Certification of Transmittal</i>
03/10/2016	 Opposition Filed By: Petitioner Prevost, Robaire <i>Petitioner's Opposition to Motion to Dismiss and to Amend the Petition for Judicial Review</i>
03/21/2016	 Reply Filed by: Other CCMSI <i>Interested Unnamed Respondent's Reply in Support of its Motion to Dismiss Petition for Judicial Review</i>
05/17/2016	 Notice of Appearance Party: Petitioner Prevost, Robaire <i>Notice of Appearance of James P. Kemp, Esq. as Counsel for Petitioner</i>
05/17/2016	 Motion for Leave to File Party: Petitioner Prevost, Robaire <i>Petitioner's Motion for Leave to File Supplemental Opposition to Motion to Dismiss</i>
05/25/2016	 Opposition Filed By: Other CCMSI <i>Interested Unnamed Respondent's Opposition to Petitioner's Motion for Leave to File Supplemental Opposition to Motion to Dismiss</i>
06/08/2016	CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer: Thompson, Charles) <i>Vacated - per Law Clerk</i> <i>Interested Unnamed Respondent CCMSI's Special Appearance and Motion to Dismiss Petition for Judicial Review</i>
06/08/2016	 Minute Order (12:00 PM) (Judicial Officer: Earley, Kerry) <i>Minute Order Re: Interested Unnamed Respondent CCMSI's Special Appearance and Motion to Dismiss Petition for Judicial Review</i>
06/27/2016	 Order Filed By: Other CCMSI <i>Order Granting Interested Unnamed Respondent's Motion to Dismiss and Denying Petitioner's Motion to Amend</i>
06/27/2016	Order of Dismissal (Judicial Officer: Earley, Kerry) Debtors: Robaire Prevost (Petitioner) Creditors: CCMSI (Other) Judgment: 06/27/2016, Docketed: 07/05/2016
06/28/2016	 Notice of Entry of Order Filed By: Other CCMSI <i>Notice of Entry of Order</i>
06/29/2016	CANCELED Motion for Leave (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated - Moot</i> <i>Petitioner's Motion for Leave to File Supplemental Opposition to Motion to Dismiss</i>

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-16-730918-J

07/11/2016	 Motion to Reconsider Filed By: Petitioner Prevost, Robaire <i>Petitioner's Motion to Reconsider Order Granting Motion to Dismiss and for Rehearing Pursuant to NRCP Rule 60(b) and EDCR 2.24</i>
07/19/2016	 Opposition Filed By: Other CCMSI <i>Interested Unnamed Respondent's Opposition to Petitioner's Motion to Reconsider Order Granting Motion to Dismiss and for Rehearing pursuant to NRCP Rule 60(b) and EDCR 2.24</i>
08/10/2016	 Reply to Opposition Filed by: Petitioner Prevost, Robaire <i>Petitioner's Reply to Opposition to Motion to Reconsider Order Granting Motion to Dismiss and for Rehearing Pursuant to NRCP Rule 60(b) and EDCR 2.24</i>
08/15/2016	 Minute Order (4:29 PM) (Judicial Officer: Earley, Kerry) <i>Minute Order Re: Petitioner's Motion to Reconsider Order Granting Motion to Dismiss and for Rehearing Pursuant to NRCP Rule 60(b) and EDCR 2.24</i>
08/17/2016	CANCELED Motion to Reconsider (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated - per Law Clerk</i> <i>Petitioner's Motion to Reconsider Order Granting Motion to Dismiss and for Rehearing Pursuant to NRCP Rule 60(b) and EDCR 2.24</i>
09/01/2016	 Order Denying Motion Filed By: Other CCMSI <i>Order Denying Petitioner's Motion to Reconsider Order Granting Motion to Dismiss and for Rehearing Pursuant to NRCP Rule 60(b) and EDCR 2.24</i>
09/02/2016	 Notice of Entry of Order Filed By: Other CCMSI <i>Notice of Entry of Order</i>
10/03/2016	 Notice of Appeal Filed By: Petitioner Prevost, Robaire <i>Notice of Appeal</i>

DATE

FINANCIAL INFORMATION

Other CCMSI	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 10/5/2016	0.00
 Petitioner Prevost, Robaire	
Total Charges	24.00
Total Payments and Credits	24.00
Balance Due as of 10/5/2016	0.00

DISTRICT COURT CIVIL COVER SHEET A- 16- 730918- J

County, Nevada

Case No.

I V

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
ROBAIRE PREVOST	STATE OF NEVADA
30 STRADA Di VILLAGGIO	P.O. BOX 7011
HENDERSON, NV 89011	CARSON CITY, NV 89702
702-351-4512	
Attorney (name/address/phone):	Attorney (name/address/phone):
VIRGINIA L. HUNT, ESQ.	DANIEL L. SCHWARTZ, ESQ.
3057 E. WARM SPRINGS ROAD, SUITE 400	2300 W. SAHARA AVE., SUITE 300 BOX 28
LAS VEGAS, NV 89120	LAS VEGAS, NV 89102
702-699-5336	702-893-3383

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input checked="" type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

JANUARY 27, 2016

Date

Signature of initiating party or representative

See other side for family-related case filings.

ORDR
DANIEL L. SCHWARTZ, ESQ.
Nevada Bar No. 5125
LEWIS BRISBOIS BISGAARD & SMITH LLP
2300 W. Sahara Ave. Ste. 300
Las Vegas, Nevada 89102
Telephone: (702) 893-3383
FAX: (702) 366-9563
Attorneys for Interested Unnamed Respondent
CCMSI


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

ROBAIRE PREVOST,

Petitioner,

v.

STATE OF NEVADA and DEPARTMENT OF
ADMINISTRATION, APPEALS OFFICER, and
Agency of the STATE OF NEVADA

Respondent.

CASE NO. : A-16-730918-J
DEPT NO. : IV

ORDER GRANTING INTERESTED UNNAMED RESPONDENT'S
MOTION TO DISMISS AND
DENYING PETITIONER'S MOTION TO AMEND

After careful review and consideration of Interested Unnamed Respondent's
Motion to Dismiss Petitioner's Petition for Judicial Review, Petitioner's Opposition, Petitioner's
Motion to Amend, Interested Unnamed Respondent's Reply thereto, and all points, arguments
and authorities contained therein, and good cause appearing,

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1 IT IS HEREBY ORDERED that Interested Unnamed Respondent's Motion to
2 Dismiss Petitioner's Petition for Judicial Review, is GRANTED.

3 IT IS FURTHER ORDERED that Petitioner's Motion to Amend is accordingly
4 DENIED.

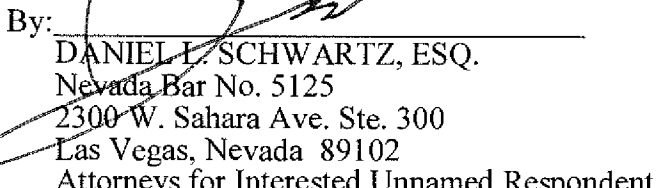
5 Therefore, it is ordered that Petitioner's Petition for Judicial Review is hereby
6 dismissed with prejudice.

7 DATED this 21 day of June, 2016.

8
9
10 
11 DISTRICT COURT JUDGE
KERRY EARLEY

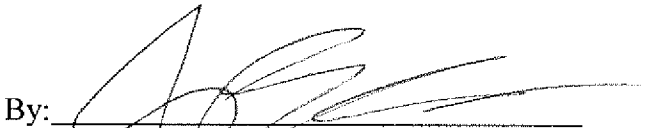
12 Submitted by:

13 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

14
15 By: 
16 DANIEL L. SCHWARTZ, ESQ.
17 Nevada Bar No. 5125
2300 W. Sahara Ave. Ste. 300
18 Las Vegas, Nevada 89102
Attorneys for Interested Unnamed Respondent
CCMSI

19
20 Approved as to form and content by:

21 **KEMP & KEMP, Attorneys at Law**

22
23 By: 
24 James P. Kemp, Esq.
25 Nevada Bar No. 6375
7435 W. Azure Drive, Suite 110
26 Las Vegas, Nevada 89130
27
28


CLERK OF THE COURT

1 **NEOJ**
2 DANIEL L. SCHWARTZ, ESQ.
3 Nevada Bar No. 5125
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
5 2300 W. Sahara Ave. Ste. 300
6 Las Vegas, Nevada 89102
7 Telephone: (702) 893-3383
8 FAX: (702) 366-9563
9 *Attorneys for Interested Unnamed Respondent*
10 *CCMSI*

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

10 ROBAIRE PREVOST,

11 Petitioner,

12 v.

13 STATE OF NEVADA and DEPARTMENT OF
14 ADMINISTRATION, APPEALS OFFICER, an
Agency of the STATE OF NEVADA

15 Respondent.

CASE NO. : A-16-730918-J
DEPT NO. : IV

16 **NOTICE OF ENTRY OF ORDER**

17 TO: ALL INTERESTED PARTIES AND TO THEIR RESPECTIVE COUNSEL.

18 YOU, AND EACH OF YOU, PLEASE TAKE NOTICE that an **ORDER GRANTING**
19 **INTERESTED UNNAMED RESPONDENT'S MOTION TO DISMISS AND DENYING**
20 **PETITIONER'S MOTION TO AMEND** was signed by the Honorable Kerry Earley and
21 entered with the Clerk of the Court in the above-captioned matter on the 21st day of June, 2016,
22 a copy of which is attached hereto and made a part hereof.¹

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25 ///

26
27 ¹ **NOTICE:** Pursuant to NRCP Rule 4, should any party desire to appeal this final District Court Order, the notice
28 of appeal must be filed with the clerk of the District Court after entry of a written judgment or order, and no later
than thirty (30) days after the date that the written notice of entry of the judgment or order appealed from is served.

1 Dated this 25 day of June, 2016.

2 Respectfully Submitted:

3 LEWIS BRISBOIS BISGAARD & SMITH LLP

4
5 By: 

6 DANIEL L. SCHWARTZ, ESQ.

7 Nevada Bar No. 5125

8 2300 W. Sahara Ave. Ste. 300

9 Las Vegas, Nevada 89102

10 Attorneys for Interested Unnamed Respondent

11 CCMSI

CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I certify that I am an employee of Lewis Brisbois Bisgaard & Smith LLP and that on the 28th day of June, 2016, I did cause a true copy of a **NOTICE OF ENTRY OF ORDER** to be placed in the United States Mail, with first class postage prepaid to:

JAMES P. KEMP, ESQ.
KEMP & KEMP, ATTORNEYS AT LAW
7435 W. AZURE DRIVE, SUITE 110
LAS VEGAS, NEVADA 89130

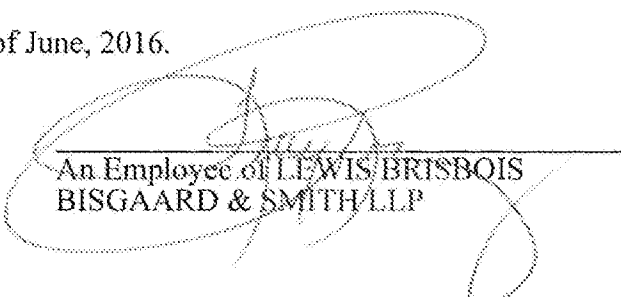
APPEALS OFFICER GREGORY A. KROHN
2200 S RANCHO DRIVE, SUITE 220
LAS VEGAS, NV 89102
APPEAL NO.: **1510563-GK**

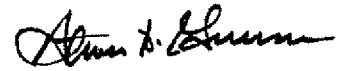
STATE OF NEVADA – DEPT. OF CORRECTIONS
ATTN: BARBARA LUNA
PO BOX 7011
CARSON CITY, NV 89702-7011

STATE OF NEVADA – RISK MGMT.
ATTN: ANA ANDREWS
201 S. ROOP STREET, STE. 201
CARSON CITY, NV 89701-4790

CCMSI
ATTN: STACI JONES
PO BOX 4990
CARSON CITY, NV 89702
CLAIM NO.: **14C62E378732**

DATED this 28th day of June, 2016.


An Employee of LEWIS BRISBOIS
BISGAARD & SMITH LLP



CLERK OF THE COURT

1 **ORDR**
2 DANIEL L. SCHWARTZ, ESQ.
3 Nevada Bar No. 5125
4 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
5 2300 W. Sahara Ave. Ste. 300
6 Las Vegas, Nevada 89102
7 Telephone: (702) 893-3383
8 FAX: (702) 366-9563
9 *Attorneys for Interested Unnamed Respondent*
10 *CCMSI*

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

9 ROBAIRE PREVOST,

10 Petitioner,

11 v.

12 STATE OF NEVADA and DEPARTMENT OF
13 ADMINISTRATION, APPEALS OFFICER, and
14 Agency of the STATE OF NEVADA

Respondent.

CASE NO. : A-16-730918-J
DEPT NO. : IV

15 **ORDER GRANTING INTERESTED UNNAMED RESPONDENT'S**
16 **MOTION TO DISMISS AND**
17 **DENYING PETITIONER'S MOTION TO AMEND**

18 After careful review and consideration of Interested Unnamed Respondent's
19 Motion to Dismiss Petitioner's Petition for Judicial Review, Petitioner's Opposition, Petitioner's
20 Motion to Amend, Interested Unnamed Respondent's Reply thereto, and all points, arguments
21 and authorities contained therein, and good cause appearing,

22 ///

23 ///

24 ///

1 IT IS HEREBY ORDERED that Interested Unnamed Respondent's Motion to
2 Dismiss Petitioner's Petition for Judicial Review, is GRANTED.

3 IT IS FURTHER ORDERED that Petitioner's Motion to Amend is accordingly
4 DENIED.


5 Therefore, it is ordered that Petitioner's Petition for Judicial Review is hereby
6 dismissed with prejudice.

7 DATED this 21 day of June, 2016.

8
9
10 
DISTRICT COURT JUDGE
11 KERRY EARLEY


12 Submitted by:

13 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

14
15 By: 
16 DANIEL F. SCHWARTZ, ESQ.
17 Nevada Bar No. 5125
2300 W. Sahara Ave. Ste. 300
18 Las Vegas, Nevada 89102
Attorneys for Interested Unnamed Respondent
CCMSI

19
20 Approved as to form and content by:

21 **KEMP & KEMP, Attorneys at Law**

22
23 By: 
24 James P. Kemp, Esq.
25 Nevada Bar No. 6375
7435 W. Azure Drive, Suite 110
26 Las Vegas, Nevada 89130
27
28

ORDR
DANIEL L. SCHWARTZ, ESQ.
Nevada Bar No. 5125
LEWIS BRISBOIS BISGAARD & SMITH LLP
2300 W. Sahara Ave. Ste. 300
Las Vegas, Nevada 89102
Telephone: (702) 893-3383
FAX: (702) 366-9563
Attorneys for Interested Unnamed Respondent
CCMSI


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

ROBAIRE PREVOST,

Petitioner,

v.

STATE OF NEVADA and DEPARTMENT OF
ADMINISTRATION, APPEALS OFFICER, an
Agency of the STATE OF NEVADA

Respondent.

CASE NO. : A-16-730918-J
DEPT NO. : IV

ORDER DENYING PETITIONER'S MOTION TO RECONSIDER ORDER
GRANTING MOTION TO DISMISS AND FOR REHEARING PURSUANT TO NRCP
RULE 60(b) AND EDCR 2.24

After careful review and consideration of Petitioner's Motion to Reconsider Order Granting Motion to Dismiss and for Rehearing Pursuant to NRCP Rule 60(b) and EDCR 2.24, Interested Unnamed Respondent CCMSI's Opposition, and Petitioner's Reply thereto, and all points, arguments and authorities contained therein, and good cause appearing,

///

///

///

1 IT IS HEREBY ORDERED that Petitioner has not shown the existence of a
2 manifest error of law or fact upon which the Order granting the Motion to Dismiss was based,
3 nor that there was an intervening change of in controlling law, nor that the Motion to Reconsider
4 and for Rehearing is necessary to prevent manifest injustice.

5 IT IS FURTHER ORDERED that Petitioner has not presented newly-discovered
6 or previously unavailable evidence.

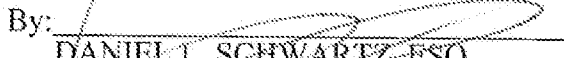
7 IT IS FURTHER ORDERED that Petitioner's Motion to Reconsider and for
8 Rehearing is accordingly DENIED.

9
10 DATED this 30 day of August, 2016.

11
12
13 
14 DISTRICT COURT JUDGE
KERRY EARLEY 


15 Submitted by:

16 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

17
18 By: 
19 DANIEL L. SCHWARTZ, ESQ.
20 Nevada Bar No. 5125
21 2300 W. Sahara Ave. Ste. 300
22 Las Vegas, Nevada 89102
23 Attorneys for Interested Unnamed Respondent
24 CCMSI

25 Approved as to form and content by:

26 **KEMP & KEMP, Attorneys at Law**

27 By: 
28 JAMES R. KEMP, Esq.
Nevada Bar No. 6375
7435 W. Azure Drive, Suite 110
Las Vegas, Nevada 89130


CLERK OF THE COURT

1 **NEOJ**
2 DANIEL L. SCHWARTZ, ESQ.
3 Nevada Bar No. 5125
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
5 2300 W. Sahara Ave. Ste. 300 Box 28
6 Las Vegas, Nevada 89102
7 Telephone No.: (702) 893-3383
8 Facsimile No.: (702) 366-9563
9 Electronic mail: Daniel.Schwartz@lewisbrisbois.com
10 *Attorneys for Interested Unnamed Respondent*
11 *CCMSI*

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

10 ROBAIRE PREVOST,

11 Petitioner,

12 v.

13 STATE OF NEVADA and DEPARTMENT OF
14 ADMINISTRATION, APPEALS OFFICER, an
Agency of the STATE OF NEVADA

15 Respondent.

CASE NO. : A-16-730918-J
DEPT NO. : IV

16 **NOTICE OF ENTRY OF ORDER**

17 TO: ALL INTERESTED PARTIES AND TO THEIR RESPECTIVE COUNSEL.

18 YOU, AND EACH OF YOU, PLEASE TAKE NOTICE that an **ORDER DENYING**
19 **PETITIONER'S MOTION TO RECONSIDER ORDER GRANTING MOTION TO**
20 **DISMISS AND FOR REHEARING PURSUANT TO NRCP RULE 60(b) AND EDCR 2.24**
21 was signed by the Honorable Kerry Earley on August 30, 2016 and entered with the Clerk of the
22 Court in the above-captioned matter on the 1st day of September, 2016, a copy of which is
23 attached hereto and made a part hereof.¹

24 ///

25 ///

26 ¹ **NOTICE:** Pursuant to NRCP Rule 4, should any party desire to appeal this final District Court Order,
27 the notice of appeal must be filed with the clerk of the District Court after entry of a written judgment or
28 order, and no later than thirty (30) days after the date that the written notice of entry of the judgment or
order appealed from is served.

1 Dated this 2nd day of September, 2016.

2 Respectfully Submitted:

3 LEWIS BRISBOIS BISGAARD & SMITH LLP

4
5 By: 

6 DANIEL L. SCHWARTZ, ESQ.

7 Nevada Bar No. 5125

8 2300 W. Sahara Ave. Ste. 300

9 Las Vegas, Nevada 89102

10 Attorneys for Interested Unnamed Respondent

11 CCMSI

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Lewis Brisbois Bisgaard & Smith LLP and that on the ____ day of September, 2016, I did cause a true copy of a **NOTICE OF ENTRY OF ORDER** to be placed in the United States Mail, with first class postage prepaid to:

JAMES P. KEMP, ESQ.
KEMP & KEMP, ATTORNEYS AT LAW
7435 W. AZURE DRIVE, SUITE 110
LAS VEGAS, NEVADA 89130

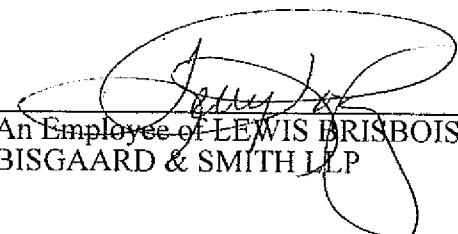
APPEALS OFFICER GREGORY A. KROHN
2200 S RANCHO DRIVE, SUITE 220
LAS VEGAS, NV 89102
APPEAL NO.: **1510563-GK**

STATE OF NEVADA – DEPT. OF CORRECTIONS
ATTN: BARBARA LUNA
PO BOX 7011
CARSON CITY, NV 89702-7011

STATE OF NEVADA – RISK MGMT.
ATTN: ANA ANDREWS
201 S. ROOP STREET, STE. 201
CARSON CITY, NV 89701-4790

CCMSI
ATTN: STACI JONES
PO BOX 4990
CARSON CITY, NV 89702
CLAIM NO.: **14C62E378732**

DATED this 2nd day of September, 2016.


An Employee of LEWIS BRISBOIS
BISGAARD & SMITH LLP

1 **ORDR**
2 DANIEL L. SCHWARTZ, ESQ.
3 Nevada Bar No. 5125
4 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
5 2300 W. Sahara Ave. Ste. 300
6 Las Vegas, Nevada 89102
7 Telephone: (702) 893-3383
8 FAX: (702) 366-9563
9 *Attorneys for Interested Unnamed Respondent*
10 *CCMSI*


CLERK OF THE COURT

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

9 ROBAIRE PREVOST,

10 Petitioner,

11 v.

12 STATE OF NEVADA and DEPARTMENT OF
13 ADMINISTRATION, APPEALS OFFICER, an
14 Agency of the STATE OF NEVADA

Respondent.

CASE NO. : A-16-730918-J
DEPT NO. : IV

15 **ORDER DENYING PETITIONER'S MOTION TO RECONSIDER ORDER**
16 **GRANTING MOTION TO DISMISS AND FOR REHEARING PURSUANT TO NRCP**
17 **RULE 60(b) AND EDCR 2.24**

18 After careful review and consideration of Petitioner's Motion to Reconsider Order
19 Granting Motion to Dismiss and for Rehearing Pursuant to NRCP Rule 60(b) and EDCR 2.24,
20 Interested Unnamed Respondent CCMSI's Opposition, and Petitioner's Reply thereto, and all
21 points, arguments and authorities contained therein, and good cause appearing,

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1 IT IS HEREBY ORDERED that Petitioner has not shown the existence of a
2 manifest error of law or fact upon which the Order granting the Motion to Dismiss was based,
3 nor that there was an intervening change of in controlling law, nor that the Motion to Reconsider
4 and for Rehearing is necessary to prevent manifest injustice.

5 IT IS FURTHER ORDERED that Petitioner has not presented newly-discovered
6 or previously unavailable evidence.

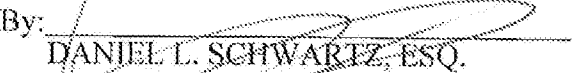
7 IT IS FURTHER ORDERED that Petitioner's Motion to Reconsider and for
8 Rehearing is accordingly DENIED.

9
10 DATED this 30 day of August, 2016.

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12 
13 DISTRICT COURT JUDGE
14 KERRY EARLEY 


15 Submitted by:

16 LEWIS BRISBOIS BISGAARD & SMITH LLP

17
18 By: 
19 DANIEL L. SCHWARTZ, ESQ.
20 Nevada Bar No. 5125
21 2300 W. Sahara Ave. Ste. 300
22 Las Vegas, Nevada 89102
23 Attorneys for Interested Unnamed Respondent
24 CCMSI

25 Approved as to form and content by:

26 KEMP & KEMP, Attorneys at Law

27 By: 
28 James R. Kemp, Esq.
Nevada Bar No. 6375
7435 W. Azure Drive, Suite 110
Las Vegas, Nevada 89130

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Worker's Compensation
Appeal**

COURT MINUTES

June 08, 2016

A-16-730918-J	Robaire Prevost, Petitioner(s) vs. Nevada State of, Respondent(s)
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June 08, 2016	12:00 AM	Minute Order	Minute Order Re: Interested Unnamed Respondent CCMST's Special Appearance and Motion to Dismiss Petition for Judicial Review
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HEARD BY: Earley, Kerry

COURTROOM: Chambers

COURT CLERK: April Watkins

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This motion came before the court for Interested Unnamed Respondent's Special Appearance and Motion to Dismiss Petition for Judicial Review, filed by Daniel Schwartz, Esq. on March 2, 2016. Having considered the Motion, Petitioner's Opposition and Motion to Amend, Interested Unnamed Respondent's Reply thereto, and all points, arguments, and authorities contained therein, the court hereby orders the Interested Unnamed Respondent's Motion GRANTED pursuant to NRS 233B.130(2). Petitioner's Motion to Amend is accordingly DENIED. Counsel for the Interested Unnamed Respondent to prepare the ORDER, to be approved as to form and content by counsel for the Petitioner. The hearing scheduled for this matter on June 8, 2016 at 9:00 a.m. is hereby ordered OFF CALENDAR.

CLERK'S NOTE: COURT ORDERED, Petitioner's Motion for Leave to File Supplemental Opposition

to Motion to Dismiss set for June 29, 2016, at 9:00 a.m. is hereby VACATED as MOOT per June 8, 2016, minute order.

CLERK'S NOTE: The above minute order has been distributed to: Daniel L. Schwartz, Esq., (daniel.schwartz@lewisbrisbois.com) and James P. Kemp, Esq., (jp@kemp-attorneys.com).

awCLERK'S NOTE:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Worker's Compensation
Appeal**

COURT MINUTES

August 15, 2016

A-16-730918-J Robaire Prevost, Petitioner(s)
vs.
Nevada State of, Respondent(s)

August 15, 2016	4:29 PM	Minute Order	Minute Order Re: Petitioner's Motion to Reconsider Order Granting Motion to Dismiss and for Rehearing Pursuant to NRCP Rule 60(b) and EDCR 2.24
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HEARD BY: Earley, Kerry

COURTROOM: Chambers

COURT CLERK: April Watkins

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- This matter came before the court for Petitioner s Motion to Reconsider Order Granting Motion to Dismiss and for Rehearing Pursuant to NRCP Rule 60(b) and EDCR 2.24, Interested Unnamed Respondent CCMSI s Opposition, and Petitioner s Reply thereto. Having reviewed the matter, along with all arguments and authorities provided by counsel, the court hereby issues its Decision. The Court finds Petitioner has not shown the existence of a manifest error of law or fact upon which the Order granting the Motion to Dismiss was based, nor that there was an intervening change in controlling law, nor that the Motion to Reconsider and for Rehearing is necessary to prevent manifest injustice. Further, Petitioner has not presented newly-discovered or previously unavailable evidence. Thus, the Court orders Petitioner s Motion to Reconsider and for Rehearing DENIED. Counsel for Interested Unnamed Respondent CCMSI to prepare the Order denying Petitioner s Motion to

Reconsider and for Rehearing, to be approved as to form and content by counsel for the Petitioner. The hearing currently set for this matter on Wednesday, August 10th at 9:00 a.m. is hereby ordered OFF CALENDAR.

CLERK'S NOTE: The above minute order has been distributed to: James P. Kemp, Esq., (jp@kemp-attorneys.com) and Daniel L. Schwartz, Esq., (daniel.schwartz@lewisbrisbois.com). aw



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

JAMES P. KEMP, ESQ.
7435 W. AZURE DR., SUITE 110
LAS VEGAS, NV 89130

DATE: October 5, 2016
CASE: A-16-730918-J

**RE CASE: ROBAIRE PREVOST vs. STATE OF NEVADA; DEPARTMENT OF
ADMINISTRATION, APPEALS OFFICER**

NOTICE OF APPEAL FILED: October 3, 2016

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☒ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING INTERESTED UNNAMED RESPONDENT'S MOTION TO DISMISS AND DENYING PETITIONER'S MOTION TO AMEND; NOTICE OF ENTRY OF ORDER; ORDER DENYING PETITIONER'S MOTION TO RECONSIDER ORDER GRANTING MOTION TO DISMISS AND FOR REHEARING PURSUANT TO NRCP RULE 60(B) AND EDCR 2.24; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

ROBAIRE PREVOST,

Petitioner(s),

vs.

STATE OF NEVADA; DEPARTMENT OF
ADMINISTRATION, APPEALS OFFICER,

Respondent(s),

Case No: A-16-730918-J

Dept No: IV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 5 day of October 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk