

1 DAVID J. CHURCHILL (SBN: 7308)
2 JOLENE J. MANKE (SBN: 7436)
3 **INJURY LAWYERS OF NEVADA**
4 6900 Westcliff Drive, Suite 707
5 Las Vegas, Nevada 89145
6 T: 702-868-8888
7 F: 702-868-8889
8 david@injurylawyersnv.com
9 jolene@injurylawyersnv.com
10 *Attorneys for Petitioner*

Electronically Filed
Feb 24 2017 08:28 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

11 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

12 X'ZAVION HAWKINS,

Case No.: 71759

13 *Petitioner,*

District Court Case No.: A-15-717577

14 vs.

15 EIGHTH JUDICIAL DISTRICT
16 COURT OF THE STATE OF
17 NEVADA, IN AND FOR THE
18 COUNTY OF CLARK; THE
19 HONORABLE JOANNA KISHNER,
20 DISTRICT JUDGE,

**NOTICE OF DISTRICT COURT
ORDER OF FEBRUARY 17, 2017**

21 *Respondent,*

22 -and-

23 GGP MEADOWS MALL LLC, a
24 Delaware Limited Liability Company;
25 MYDATT SERVICES, INC. d/b/a
26 VALOR SECURITY SERVICES, an
27 Ohio Corporation; MARK WARNER, an
28 individual.

Real Parties in Interest

///

///

///

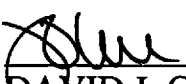
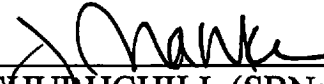
///

///

1 In compliance with this Court's Order Granting Temporary Stay in Part entered on
2 February 17, 2017, attached please find a true and correct copy of the District Court's
3 order entered on February 17, 2017, relating to the above-captioned matter.

4 DATED this 23rd day of February, 2017.

5 INJURY LAWYERS OF NEVADA
6

7
8  
9 DAVID J. CHURCHILL (SBN: 7308)
10 JOLENE J. MANKE (SBN: 7436)
11 6900 Westcliff Drive, Suite 707
12 Las Vegas, Nevada 89145
13 *Attorneys for Petitioner*
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

HON. JOANNA KISHNER
DEPARTMENT XXXI
Eighth Judicial District Court
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

Respondent

Email:
dlee@lee-lawfirm.com
crenwick@lee-lawfirm.com

Attorneys for Real Parties in Interest
GGP MEADOWS MALL, LLP,
MYDATT SECURITY SERVICES,
INC. d/b/a VALOR SECURITY
SERVICES and MARK WARNER

Email:
edgarcarranza@backuslaw.com

Attorneys for Real Parties in Interest
MYDATT SECURITY SERVICES,
INC. d/b/a VALOR SECURITY
SERVICES and MARK WARNER



1 **ORDR**

2 **DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4 X'ZAVION HAWKINS,

5 **Plaintiffs,**

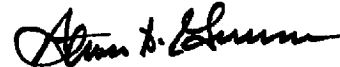
6 **vs.**

7
8 GGP MEADOW MALL LLC, a Delaware
9 Limited Liability Company; MYDATT
10 SERVICES, INC. d/b/a VALOR SECURITY
11 SERVICES, an Ohio Corporation; MARK
12 WARNER, individually; DOES I through 10;
13 DOE SECURITY GUARDS 11 through 20;
14 and ROE ENTITES 21 through 30, Inclusive,

15 **Defendants.**

) Case No. A-15-717577-C

) Electronically Filed
) Dept. No.: ~~XX~~ 17/2017 04:22:13 PM



CLERK OF THE COURT

16 **ORDER**

17 Defendants' Motion to Strike Plaintiff's Complaint and Dismissal filed on
18 November 18, 2016, and Plaintiff's Counter-Motion to Stay Order Pending Writ
19 before the Nevada Supreme Court filed on December 9, 2016, came on for
20 hearing on December 20, 2016. At the hearing David J. Churchill appeared on
21 behalf of Plaintiff and Edgar Carranza of the law firm of BACKUS, CARRANZA &
22 BURDEN and Charlene Renwick, Esq. of the Lee, Hernandez, Landrum &
23 Garofalo law firm appeared on behalf of Defendants, Mydatt Services Inc., d/b/a
24 Valor Security Services and Mark Warner.

25 At the hearing the parties discussed with the Court that Plaintiff had filed a
26 Writ before the Nevada Supreme Court. After providing the parties a full
27 opportunity to argue as to whether the pending Writ impacted the Court's
28

1 jurisdiction to rule on Defendants' pending Motion to Strike and Dismissal and
2 Defendants Motion for Summary Judgment, the Court and the parties agreed that
3 the Court would place those pending Motions for decision on its February 17,
4 2017, Chamber's calendar.¹ At that same December 20, 2016, hearing, counsel
5 for Plaintiff, Mr. Churchill, requested that the Court "give Plaintiff 30 days to pay
6 the less disputed amounts." (Transcript of December 20, 2016 hearing pg. 30:3-
7 4)
8

9 After setting the pending matters for decision as had been requested,
10 Defendants, filed a Motion to Continue Trial and Stay Litigation on Order
11 Shortening Time. Plaintiff then filed a Limited Joinder to Defendant's Motion to
12 Stay the Litigation and Continue Trial and a Renewed Countermotion to Stay
13 Order Pending Writ Before the Nevada Supreme Court. Those matters were
14 heard on January 17, 2017. At the hearing, after taking into account the Record
15 and arguments of counsel as well as applicable law, the Court *inter alia*: 1)
16 Denied Defendants' Motion to Stay without prejudice; 2) Granted Defendants'
17 Motion to Continue Trial and reset the trial date; 3) Denied Plaintiff's Renewed
18 Countermotion to Stay Order Pending Writ Before the Nevada Supreme Court;
19 and, 4) Kept the decision on Defendants' pending Motions for Summary
20 Judgment and Motion to Strike and Dismissal on its Chamber's calendar for
21 Decision².
22

23 Although the District Court was not made aware of the request prior to the
24 instant date, Plaintiff, on February 13, 2017, then filed a Motion to Stay with the
25

26 ¹ Plaintiff's Countermotion to Stay was previously denied; and thus, is not discussed herein.

27 ² Given the procedural posture of the instant case, a Minute Order Denying Defendants' Motion
28 for Summary Judgment without prejudice was posted separately.

1 Nevada Supreme Court requesting a stay of the District Court proceedings
2 pending resolution of the Petition for a Writ of Mandamus.

3
4 On February 17, 2017, the Nevada Supreme Court issued an Order
5 setting forth in relevant part that: "The portion of the district court's October 17,
6 2016 order awarding attorney fees in the amount of \$19,846.00 for work
7 performed by the law firm of Lewis Brisbois is temporarily stayed pending receipt
8 and consideration of any opposition to the motion. The motion is denied in all
9 other respects." In light of the ruling of the Nevada Supreme Court, this Court
10 finds it is proper to issue this Order on Defendants' pending Motion to Strike and
11 Dismissal.

12 As set forth above, at the December 20, 2016, hearing, Plaintiff requested
13 to be given 30 days from the hearing date to pay the outstanding sanction
14 amount which was not the subject of the Writ. The Court has not been informed
15 if that amount has been paid to Defendants. The Court is also cognizant that on
16 February 13, 2017, Plaintiff filed the aforementioned Motion to Stay with the
17 Nevada Supreme Court wherein he not only sought a stay as to enforcement of
18 the sanction award to be paid Defendants for the work performed by the Lewis
19 Brisbois firm, but also the entirety of the district court proceedings. Although the
20 Motion for a Stay was not filed until February, and the sanction amounts awarded
21 to Defendants which are the basis of the Motion to Strike and Dismissal were due
22 in November 2016, the Court has to take into account the totality of the record.
23 In viewing the record in the most favorable manner towards Plaintiff, who is
24 currently in violation of a Court Order and against whom the sanctions have been
25 imposed, the Court finds that in order for it to be advised as to whether Plaintiff
26 has paid the underlying sanction amount for the sum not stayed by the Nevada
27

1 Supreme Court, the District Court will defer ruling on the Motion to Strike and
2 Dismissal until the Court's March 3, 2017, Chamber's calendar. By extending its
3 ruling for approximately two weeks, the Court finds that it has balanced the
4 interests and due process rights of all parties. Given the Nevada Supreme
5 Court's decision denying all aspects of the requested stay other than the sanction
6 amount representing the work performed by Lewis Brisbois on behalf of
7 Defendants, came out the same day that the instant Court was to rule on the
8 pending Motion to Strike and Motion to Dismiss, the Court finds that there is no
9 prejudice to Defendants to delay the decision on that Motion to ensure that there
10 is a clarity in the record.
11

12 Accordingly, as set forth herein, the Court hereby DEFERS ruling on
13 Defendants' Motion to Strike Plaintiff's Complaint and Dismissal until its March 3,
14 2017, Chamber's calendar.

15 IT IS FURTHER ORDERED that no later than 4:00 p.m. on March 1,
16 2017, the parties must provide the Court a written status update as to whether
17 the sanction amount not stayed by the Nevada Supreme Court has been paid to
18 Defendants.
19

20
21 DATED this 17th day of February, 2017.
22

23
24 
25 JOANNA S. KISHNER
26 DISTRICT COURT
27 DISTRICT JUDGE
28

1
2 CERTIFICATE OF SERVICE

3 I hereby certify that on or about the date filed, a copy of this Order was
4 provided to all counsel, and/or parties listed below via one, or more, of the
5 following manners: via email, via facsimile, via US mail, via Electronic Service if
6 the Attorney/Party has signed up for Electronic Service, and/or a copy of this
7 Order was placed in the attorney's file located at the Regional Justice Center:

8 ALL PARTIES SERVED VIA E-SERVICE

9
10 
11 TRACY L. CORDOBA-WHEELER
12 Judicial Executive Assistant
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28