

CLERK OF THE COURT

Electronically Filed
Jan 11 2017 09:42 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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Attorneys for Plaintiff, Enrique Rodriguez

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 ENRIQUE RODRIGUEZ, an individual,

11 Plaintiff,

Case No.: A-06-531538

Dept. No.: XV

12 vs.

13 FIESTA PALMS, LLC, a Nevada Limited
Liability Company, d.b.a. PALMS CASINO
14 RESORT; BRANDY L. BEAVERS,
individually; DOES I through X; and ROE
15 CORPORATIONS I through X, inclusive,

16 Defendants.

NOTICE OF APPEAL

MARQUIS AURBACH COFFING

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NOTICE OF APPEAL

Plaintiff, Enrique Rodriguez, by and through his attorneys of record, Marquis Aurbach Coffing, hereby appeals to the Supreme Court of Nevada from the Order Denying Plaintiff's Motion for NRCP 60 Relief, which was filed on December 23, 2016 and is attached as **Exhibit 1.**

Dated this 5th day of January, 2017.

MARQUIS AURBACH COFFING

By /s/ Micah S. Echols
Micah S. Echols, Esq.
Nevada Bar No. 8437
Adele V. Karoum, Esq.
Nevada Bar No. 11172
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Plaintiff, Enrique Rodriguez

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF APPEAL** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 5th day of January, 2017.

Electronic service of the foregoing document shall be made in accordance with the E-Service

List as follows:¹

MORAN LAW FIRM, LLC	
Contact	Email
Darcy Flores-Nocedal	<u>D.NOCEDAL@MORANLAWFIRM.COM</u>
Lew Brandon, Jr.	<u>l.brandon@moranlawfirm.com</u>

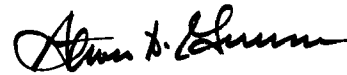
I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

Robert L. Eisenberg, Esq.
Lemons, Grundy & Eisenberg
6005 Plumas Street, Third Floor
Reno, Nevada 89519
Attorneys for Defendant

/s/ Leah Dell
Leah Dell, an employee of
Marquis Aurbach Coffing

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

Exhibit 1



CLERK OF THE COURT

ORDR

LEW BRANDON, JR., ESQ.

Nevada Bar No.: 5880

JUSTIN W. SMERBER, ESQ.

Nevada Bar No.: 10761

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PALMS CASINO RESORT

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Attorneys for Defendant,

FIESTA PALMS, LLC d/b/a

PALMS CASINO RESORT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

ENRIQUE RODRIGUEZ, an individual,
Plaintiff,

v.

FIESTA PALMS, L.L.C., a Nevada Limited
Liability Company, d/b/a PALMS CASINO
RESORT; BRANDY L. BEAVERS, individually,
DOES I through X, and ROE CORPORATIONS I
through X, inclusive,

Defendants.

CASE NO.: 06A531538

DEPT. NO.: XV

**ORDER DENYING PLAINTIFF'S
MOTION FOR NRCP 60 RELIEF**

Plaintiff, ENRIQUE RODRIGUEZ's Motion for NRCP 60 Relief having come before
this Honorable Court on November 15, 2016 at 9:00 a.m., JUSTIN W. SMERBER, ESQ. of



MORAN BRANDON
BENDAVID MORAN
ATTORNEYS AT LAW

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1 MORAN BRANDON BENDAVID MORAN and ROBERT EISENBERG, ESQ. of LEMONS,
2 GRUNDY & EISENBERG having appeared on behalf of FIESTA PALMS, LLC, and JOEL
3 SELIK, ESQ. of SELIK LAW having appeared on behalf of ENRIQUE RODRIGUEZ, the
4 Court having reviewed the Motion, the papers and pleadings on file herein, and for good cause
5 appearing finds and orders as follows:

6 Plaintiff has made application to the Court seeking NRCP 60 relief from an order
7 dismissing Plaintiff's case due to a failure to comply with mandatory requirements in NRCP
8 16.1 and EDCR 2.67. The only subpart of Rule 60 on which Plaintiff relies is NRCP 60(b)(1),
9 which allows relief where a party has demonstrated "mistake, inadvertence, surprise, or
10 excusable neglect." Plaintiff has not sufficiently demonstrated any mistake, inadvertence,
11 surprise or excusable neglect relating to his failure to comply with mandatory discovery and
12 pretrial requirements, especially considering the fact that he was personally admonished by the
13 Court regarding his need to comply.

14 Additionally, the Court has considered Plaintiff's request for Rule 60 relief in
15 accordance with the factors set forth in *Yochum v. Davis*, 98 Nev. 484 (1982), which include: (1)
16 whether a prompt application was made to remove the judgment; (2) the absence of an intent to
17 delay the proceedings; (3) a lack of knowledge of procedural requirements; and (4) good
18 faith. *Id.*

19 The Court finds that Plaintiff did not make a prompt application for relief under Rule 60.
20 Plaintiff has asserted that his Rule 60 motion was timely, because it was filed within six (6)
months of the Notice of Entry of Order granting the Motion to Dismiss. The Plaintiff's Motion
was filed approximately five (5) months and three (3) weeks after Notice of Entry of Order was
served. In accordance with to *Union Petrochemical Corp. v. Scott*, 96 Nev. 337 (1980), this



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1 Court finds that the mere fact that Plaintiff filed the motion for relief within six (6) months does
2 not make the application “prompt” or timely. As stated in the Union Petrochemical Corp case,
3 “want of diligence in seeking to set aside a judgment is ground enough for denial of such a
4 motion.” *Id.* at p. 338 (holding that district court properly denied motion as untimely where
5 motion was filed “almost six months” after entry of the judgment). This is especially true in the
6 instant case where Plaintiff was personally present in Court when the Motion to Dismiss was
7 granted.

8 The Court also finds that Plaintiff’s actions have resulted in delay and prejudice to the
9 Defense, and awarding relief under Rule 60 would create further delay and prejudice. This
10 matter has been in District Court on remand since November 4, 2014. There have been
11 numerous continuances of the trial date at the Plaintiff’s request. The Nevada Rules of Civil
12 Procedure are to be construed to secure the just, speedy, and inexpensive determination of every
13 action. Dougan v. Gustaveson, 108 Nev. 517 (1992). The timeliness provisions written into the
14 rules will, as a general proposition, be enforced by the courts in order to promote the timely and
15 efficient processing of cases. *Id.* Because this matter has already been significantly delayed by
16 Plaintiff’s actions, the Court finds that relief under Rule 60 at this time would create further
17 delay and prejudice to Defendant, and is inappropriate.

18 The Court also finds that Plaintiff had actual knowledge of the mandatory procedural
19 requirements imposed upon him in this case. Plaintiff has argued that he was not aware of the
20 specific procedural requirements imposed upon him, because he was in proper person at the
time that the motion to dismiss was filed. Initially, the fact that Plaintiff was in proper person
does not excuse him from complying with the rules of procedure. *See Bonnell v. Lawrence*, 282
P.3d 712, 718 (2012) citing Raymond J. German, Ltd. v. Brossart, 2012 ND 89, 816 N.W.2d 47,



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1 (N.D. 2012). Further, the Court finds that Plaintiff was in fact personally and actually aware of
2 the mandatory procedural requirements imposed upon him, due to the fact that: (1) this Court
3 mailed its Trial Scheduling Order to Plaintiff directly at his home address; (2) Defendant filed
4 its motion to dismiss and served it on Plaintiff at his home address, alerting Plaintiff of his
5 procedural requirements at a time when Plaintiff could have rectified any deficiencies; and (3)
6 Plaintiff appeared in person at a hearing on April 7, 2016 and was personally admonished by
7 this Court regarding Defendant's pending dispositive motions and the importance of complying
8 with the rules and taking appropriate action if he wished to pursue this case. Plaintiff did not
9 take any action despite these express warnings.

10 Finally, Plaintiff asserts that relief should be granted under Rule 60 due to the public
11 policy of having matters heard on their merits. While the Court acknowledges the public policy
12 of having matters heard on their merits, the present matter presents issues that warrant a denial
13 of Rule 60 relief. The Plaintiff in this action has shown a blatant disregard for the rules of
14 procedure. Even in the face of numerous opportunities to correct his deficiencies and express
15 warnings from the Court regarding the consequences of his failure to comply with mandatory
16 rules, Plaintiff refused to take the necessary actions in his case. Then upon having his matter
17 dismissed for failure to act, Plaintiff again did nothing to rectify the situation until nearly six (6)
18 months after his case was dismissed. Such are not the actions of a party who is entitled to relief
19 under Rule 60.

20 Accordingly, the Court hereby finds that Plaintiff has failed to establish any of the
grounds for relief set forth in NRCP 60(b)(1), and Plaintiff has failed to establish any of the
factors identified in Yochum v. Davis.



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1 IT IS THEREFORE ORDERED THAT PLAINTIFF'S MOTION FOR NRCP 60
2 RELIEF IS DENIED.

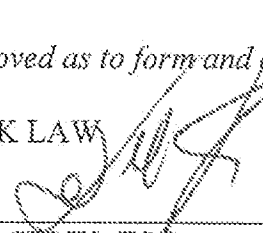
3 IT IS SO ORDERED this ^{December} 22nd day of ~~November~~, 2016.

4 
DISTRICT COURT JUDGE

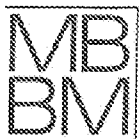
5 *Respectfully Submitted by:*
MORAN BRANDON BENDAVID MORAN

6
7 ~~LEW BRANDON, JR., ESQ.~~
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11 FIESTA PALMS, LLC d/b/a
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12 *Approved as to form and content:*

13 SELIK LAW
14 

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17 Attorney for Plaintiff



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CLERK OF THE COURT

1 **Marquis Aurbach Coffing**
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mechols@maclaw.com
6 akaroum@maclaw.com
Attorneys for Plaintiff, Enrique Rodriguez

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 ENRIQUE RODRIGUEZ, an individual,

11 Plaintiff,

Case No.: A-06-531538

Dept. No.: XV

12 vs.

13 FIESTA PALMS, LLC, a Nevada Limited
Liability Company, d.b.a. PALMS CASINO
14 RESORT; BRANDY L. BEAVERS,
individually; DOES I through X; and ROE
15 CORPORATIONS I through X, inclusive,

16 Defendants.

17
18 **CASE APPEAL STATEMENT**

19 Plaintiff, Enrique Rodriguez ("Mr. Rodriguez"), by and through his attorneys of record,
20 Marquis Aurbach Coffing, hereby files this Case Appeal Statement.

21 1. Name of appellant filing this Case Appeal Statement:

22 Enrique Rodriguez

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

24 Honorable Joe Hardy
25
26
27
28

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

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

2 Appellant: Enrique Rodriguez

3 Micah S. Echols, Esq.
4 Adele V. Karoum, Esq.
5 Marquis Aurbach Coffing
6 10001 Park Run Drive
7 Las Vegas, Nevada 89145

8 4. Identify each respondent and the name and address of appellate counsel, if known,
9 for each respondent (if the name of a respondent’s appellate counsel is unknown, indicated as
10 much and provide the name and address of that respondent’s trial counsel):

11 Respondent: Fiesta Palms, LLC, a Nevada limited liability company,
12 d.b.a. Palms Casino Resort, now known as FCH1, LLC, a Nevada
13 limited liability company (“Palms Resort”)

14 Lew Brandon, Jr., Esq.
15 Justin W. Smerber, Esq.
16 Moran Brandon Bendavid Moran
17 630 S. Fourth Street
18 Las Vegas, Nevada 89101

19 and

20 Robert L. Eisenberg, Esq.
21 Lemons, Grundy & Eisenberg
22 6005 Plumas Street, Third Floor
23 Reno, Nevada 89519

24 5. Indicate whether any attorney identified above in response to question 3 or 4 is
25 not licensed to practice law in Nevada and, if so, whether the district court granted that attorney
26 permission to appear under SCR 42 (attach a copy of any district court order granting such
27 permission):

28 N/A.

29 6. Indicated whether appellant was represented by appointed or retained counsel in
30 the district court:

31 Mr. Rodriguez was represented by retained counsel throughout most of the
32 instant case. However, Mr. Rodriguez represented himself after the withdrawal of
33 his counsel from December 9, 2014 through May 12, 2015, when attorney Paul
34 Padda appeared on his behalf. After Mr. Padda withdrew on February 16, 2016,

1 Mr. Rodriguez was unrepresented in the District Court until October 14, 2016
2 when attorney Joel Selik appeared on his behalf. Mr. Rodriguez is currently
3 represented by retained counsel.

4 7. Indicate whether appellant is represented by appointed or retained counsel on
5 appeal:

6 Retained.

7 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and
8 the date of entry of the district court order granting such leave:

9 N/A.

10 9. Indicate the date the proceedings commenced in the district court (e.g., date
11 complaint indictment, information, or petition was filed):

12 The complaint was filed on November 15, 2006.

13 10. Provide a brief description of the nature of the action and result in the district
14 court, including the type of judgment or order being appealed and the relief granted by the
15 district court:

16 Mr. Rodriguez was in attendance at a sports bar owned and operated by
17 Palms Resort on November 22, 2004 to watch a televised football game. During
18 half-time, Palm Girls, including Brandy L. Beavers (“Ms. Beavers”) in particular,
19 were throwing souvenirs to the sports bar patrons while blindfolded. In response
20 to Ms. Beavers throwing souvenirs, a customer within the sports bar dove for a
21 thrown souvenir and hit Mr. Rodriguez’s extended and stationary left knee.
22 Mr. Rodriguez then struck the person next to him, hitting the left side of his head
23 and falling down, thereby sustaining the life-changing injuries that form the basis
24 of the claims in the instant case.

25 On February 25, 2010, a default against Ms. Beavers was entered for
26 failure to appear or file an answer.

27 The case against Palms Resort proceeded to a twelve-day bench trial,
28 ultimately resulting in a \$6,051,589 award to Mr. Rodriguez for damages. Palms

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Resort appealed (docketed as Supreme Court Case No. 59630), and the Supreme Court reversed and remanded for a new trial.

Upon remand, the District Court granted Palms Resort’s motion to set a jury trial, and a jury trial was set to begin on February 22, 2016.

On January 20, 2016, with trial looming, Mr. Padda filed a motion to withdraw on shortened time, which was granted. The order itself does not appear to have ever been filed. However, prior to his withdrawal being granted, Mr. Padda did not attend the February 1, 2016 pre-trial conference, but, according to the Court’s service records, he received notice that the Court had reset the trial date to May. Mr. Padda failed to inform Mr. Rodriguez of any of the new dates.

On March 7, 2016, Palms Resort, taking advantage of Mr. Rodriguez’s unrepresented status, filed 16 motions in limine, a motion for partial summary judgment, and a motion to dismiss. Mr. Rodriguez appeared at the April 7, 2016 hearing on the motions in limine and requested a 6-month extension of time to enable him to retain new counsel and properly respond to the 18 different motions filed by Palms Resort immediately following the withdrawal of his counsel, but the Court denied the request and, instead, granted all of Palms Resort’s motions in limine as unopposed.

In addition, Mr. Rodriguez appeared at the April 14, 2016 hearing on the motion to dismiss and the motion for partial summary judgment. Mr. Rodriguez requested a continuance, reporting that he had spoken with counsel who was also supposed to be in attendance with him, but who had not shown up for the hearing. The Court denied Mr. Rodriguez’s request for continuance, granted Palms Resort’s motion to dismiss, and denied Palms Resort’s partial motion for summary judgment as moot.

Mr. Rodriguez continued to struggle for several months with finding counsel who would take on his case, but he was finally able to retain Mr. Selik, who appeared on October 14, 2016 and filed a motion for relief from judgment

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pursuant to NRCP 60. The Court denied the motion for relief at the hearing on November 15, 2016. The order denying Plaintiff's motion for NRCP 60 relief was filed on December 23, 2016 and noticed on December 28, 2016. Mr. Rodriguez now appeals from the December 23, 2016 order.

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

This case was previously on appeal (docketed as Supreme Court Case No. 59630, FCH1, LLC v. Rodriguez).

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

N/A.

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

This case does involve the possibility of settlement.

Dated this 5th day of January, 2017.

MARQUIS AURBACH COFFING

By /s/ Micah S. Echols
Micah S. Echols, Esq.
Nevada Bar No. 8437
Adele V. Karoum, Esq.
Nevada Bar No. 11172
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Plaintiff, Enrique Rodriguez

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **CASE APPEAL STATEMENT** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 5th day of January, 2017. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

MORAN LAW FIRM, LLC	
Contact	Email
Darcy Flores-Nocedal	<u>D.NOCEDAL@MORANLAWFIRM.COM</u>
Lew Brandon, Jr.	<u>l.brandon@moranlawfirm.com</u>

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

Robert L. Eisenberg, Esq.
Lemons, Grundy & Eisenberg
6005 Plumas Street, Third Floor
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Attorneys for Defendant

/s/ Leah Dell
Leah Dell, an employee of
Marquis Aurbach Coffing

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

DEPARTMENT 15
CASE SUMMARY
CASE NO. 06A531538

Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

§
§
§
§
§
§

Location: **Department 15**
Judicial Officer: **Hardy, Joe**
Filed on: **11/15/2006**
Case Number History:
Cross-Reference Case **A531538**
Number:
Supreme Court No.: **59630**

CASE INFORMATION

Statistical Closures
04/20/2016 Motion to Dismiss by the Defendant(s)

Case Type: **Negligence - Premises Liability**
Case Flags: **Appealed to Supreme Court
Jury Demand Filed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	06A531538
Court	Department 15
Date Assigned	05/18/2015
Judicial Officer	Hardy, Joe





PARTY INFORMATION

Plaintiff	Rodriguez, Enrique	Selik, Joel G. <i>Retained</i> 702-243-1930(W)
Defendant	Beavers, Brandy L Removed: 04/12/2011 Judgment Against Fiesta Palms LLC	
Conversion Extended Connection Type	No Convert Value @ 06A531538 Removed: 04/24/2009 Converted From Blackstone	
Doing Business As	Palms Casino Resort	










DATE

EVENTS & ORDERS OF THE COURT



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11/15/2006	 Complaint <i>COMPLAINT FILED Fee \$148.00</i>	<i>06A5315380001.tif pages</i>
11/15/2006	 Initial Appearance Fee Disclosure Filed By: Plaintiff Rodriguez, Enrique <i>INITIAL APPEARANCE FEE DISCLOSURE</i>	<i>06A5315380002.tif pages</i>
12/11/2006	 Affidavit Filed By: Plaintiff Rodriguez, Enrique <i>AFFIDAVIT OF SERVICE</i>	<i>06A5315380003.tif pages</i>
12/26/2006	Appearance <i>APPEARANCE</i>	<i>06A5315380004.tif pages</i>
12/26/2006	 Motion <i>DEFT FIESTA PALMS'S MTN TO DISMISS PLTF'S THIRD CAUSE OF ACTION/ VR</i>	<i>06A5315380005.tif pages</i>








DEPARTMENT 15
CASE SUMMARY
CASE NO. 06A531538

	<i>1/30/07</i>	
12/26/2006	 Initial Appearance Fee Disclosure Filed By: Defendant Fiesta Palms LLC <i>INITIAL APPEARANCE FEE DISCLOSURE</i>	<i>06A5315380006.tif pages</i>
01/26/2007	 Judgment <i>ORDR OF DISMISSAL W/O PREJ(CERTAIN CLAIM</i>	<i>06A5315380007.tif pages</i>
01/26/2007	Order of Dismissal Without Prejudice (Judicial Officer: Walsh, Jessie) Converted Disposition: Entry Date & Time: 01/29/2007 @ 12:32 Description: ORDR OF DISMISSAL W/O PREJ(CERTAIN CLAIM Debtor: Rodriguez, Enrique Creditor: Multiple Parties Amount Awarded: \$0.00 Attorney Fees: \$0.00 Costs: \$0.00 Interest Amount: \$0.00 Total: \$0.00	
01/30/2007	 Notice of Entry of Order Filed By: Defendant Fiesta Palms LLC <i>NOTICE OF ENTRY OF ORDER</i>	<i>06A5315380008.tif pages</i>
01/31/2007	CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer: Walsh, Jessie) Events: 12/26/2006 Motion <i>Vacated</i>	
04/23/2007	 Answer Filed By: Defendant Fiesta Palms LLC <i>DEFENDANT FIESTA PALM'S LLC DBA PALMS CASINO RESORT'S ANSWER TO PLAINTIFF'S COMPLAINT</i>	<i>06A5315380009.tif pages</i>
04/23/2007	Answer Filed By: Doing Business As Palms Casino Resort <i>DEFENDANT FIESTA PALM'S LLC DBA PALMS CASINO RESORT'S ANSWER TO PLAINTIFF'S COMPLAINT</i>	<i>06A5315380010.tif pages</i>
06/21/2007	 Commissioner's Decision On Request For Exemption <i>COMMISSIONERS DECISION ON REQUEST FOR EXEMPTION</i>	<i>06A5315380011.tif pages</i>
06/29/2007	 Notice of Early Case Conference Filed By: Plaintiff Rodriguez, Enrique <i>NOTICE OF EARLY CASE CONFERENCE</i>	<i>06A5315380012.tif pages</i>
09/24/2007	 List of Witnesses Filed By: Plaintiff Rodriguez, Enrique <i>PLAINTIFFS 16.1 LIST OF DOCUMENTS AND WITNESSES</i>	<i>06A5315380013.tif pages</i>
10/29/2007	 Joint Case Conference Report Filed By: Plaintiff Rodriguez, Enrique <i>JOINT CASE CONFERENCE REPORT</i>	<i>06A5315380014.tif pages</i>
11/05/2007	 Discovery Scheduling Order <i>DISCOVERY SCHEDULING ORDER</i>	<i>06A5315380015.tif pages</i>














DEPARTMENT 15
CASE SUMMARY
CASE NO. 06A531538

01/14/2008	 List of Witnesses Filed By: Plaintiff Rodriguez, Enrique <i>PLTFS FIFTH SUPPLEMENTAL EARLY CASE CONFERENCE LIST OF DOCUMENTS AND WITNESSES</i>	06A5315380016.tif pages
01/25/2008	 Supplemental Case Conference Report Filed by: Plaintiff Rodriguez, Enrique <i>PLTFS SIXTH SUPPLEMENTAL EARLY CASE CONFERENCE LIST OF DOCUMENTS AND WITNESSES</i>	06A5315380017.tif pages
02/05/2008	Conversion Case Event Type <i>PRETRIAL CONFERENCE VJ 11/14/08</i>	06A5315380019.tif pages
02/05/2008	 Order Setting Civil Non-Jury Trial <i>ORDER SETTING CIVIL BENCH TRIAL</i>	06A5315380021.tif pages
04/14/2008	 Association of Counsel Filed By: Defendant Fiesta Palms LLC <i>ASSOCIATION OF COUNSEL</i>	06A5315380022.tif pages
07/01/2008	 Supplemental Filed by: Plaintiff Rodriguez, Enrique <i>PLAINTIFFS SEVENTH SUPPLEMENTAL EARLY CASE CONFERENCE LIST OF DOCUMENTS AND WITNESSES</i>	06A5315380023.tif pages
07/02/2008	 Association of Counsel Filed By: Defendant Fiesta Palms LLC <i>ASSOCIATION OF COUNSEL</i>	06A5315380024.tif pages
07/25/2008	 List of Witnesses Filed By: Plaintiff Rodriguez, Enrique <i>PLAINTIFFS EIGHTH SUPPLEMENTAL EARLY CASE CONFERENCE LIST OF DOCUMENTS AND WITNESSES</i>	06A5315380025.tif pages
10/09/2008	 Discovery Conference <i>DISCOVERY CONFERENCE</i>	06A5315380026.tif pages
10/13/2008	 Supplemental Filed by: Plaintiff Rodriguez, Enrique <i>PLAINTIFFS NINTH SUPPLEMENTAL EARLY CASE CONFERENCE LIST OF DOCUMENTS AND WITNESSES</i>	06A5315380027.tif pages
10/30/2008	 Supplemental Filed by: Plaintiff Rodriguez, Enrique <i>PLTFS TENTH SUPPLEMENTAL EARLY CASE CONFERENCE LIST OF DOCUMENTS AND WITNESSES</i>	06A5315380028.tif pages
10/30/2008	 List of Witnesses Filed By: Plaintiff Rodriguez, Enrique <i>PLAINTIFFS EXPERT DISCLOSURE</i>	06A5315380029.tif pages
10/30/2008	 Supplemental Filed by: Plaintiff Rodriguez, Enrique <i>PLAINTIFFS ELEVENTH SUPPLEMENT EARLY CASE CONFERENCE LIST OF DOCUMENT AND WITNESSES</i>	06A5315380030.tif pages

DEPARTMENT 15
CASE SUMMARY
CASE NO. 06A531538







11/04/2008	Discovery Conference (9:00 AM) (Judicial Officer: Bulla, Bonnie) Events: 10/09/2008 Discovery Conference <i>DISCOVERY CONFERENCE Court Clerk: Jennifer Lott Heard By: BONNIE BULLA</i>	
11/14/2008	Discovery Conference (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>DISCOVERY CONFERENCE Court Clerk: Jennifer Lott Heard By: BONNIE BULLA</i>	
11/25/2008	 Scheduling Order <i>AMENDED SCHEDULING ORDER</i>	06A5315380034.tif pages
11/26/2008	Conversion Case Event Type <i>PRETRIAL CONFERENCE</i>	06A5315380032.tif pages
11/26/2008	 Order Setting Civil Non-Jury Trial <i>ORDER SETTING CIVIL NON-JURY TRIAL</i>	06A5315380035.tif pages
02/03/2009	 Motion <i>DEFT'S MTN TO COMPEL VR 3/5/09 FOR PRODUCTION OF DOCS/09</i>	06A5315380037.tif pages
02/11/2009	 Notice Filed By: Plaintiff Rodriguez, Enrique <i>NOTICE OF DEPO DUCES TECUM OF BRANDY BEAVERS</i>	06A5315380038.tif pages
03/09/2009	 Notice Filed By: Defendant Fiesta Palms LLC <i>NOTICE TO TAKE DEPOSITION OF DR JOHN G NORK MD</i>	06A5315380040.tif pages
03/10/2009	 Opposition Filed By: Plaintiff Rodriguez, Enrique <i>OPPOSITION TO MTN TO COMPEL RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS TO COMPEL FURTHER RESPONSES TO INTERROGATORIES FOR SANCTIONS AND MTN TO COMPEL INDEPENDENT MEDICAL EXAMINATIONS OF PLAINTIFF</i>	06A5315380041.tif pages
03/11/2009	CANCELED Motion to Compel (9:00 AM) (Judicial Officer: Bulla, Bonnie) Events: 02/03/2009 Motion <i>Vacated</i>	
03/16/2009	CANCELED Pre Trial Conference (9:00 AM) (Judicial Officer: Walsh, Jessie) Events: 02/05/2008 Conversion Case Event Type <i>Vacated</i>	
03/30/2009	CANCELED Calendar Call (3:00 PM) (Judicial Officer: Walsh, Jessie) <i>Vacated</i>	
04/06/2009	CANCELED Bench Trial (9:00 AM) (Judicial Officer: Walsh, Jessie) <i>Vacated</i>	
04/14/2009	 Demand for Jury Trial Filed By: Defendant Fiesta Palms LLC <i>DEMAND FOR JURY TRIAL</i>	06A5315380043.tif pages
04/14/2009	Demand for Jury Trial Filed By: Doing Business As Palms Casino Resort <i>DEMAND FOR JURY TRIAL</i>	06A5315380044.tif pages

DEPARTMENT 15
CASE SUMMARY
CASE NO. 06A531538

- 05/01/2009  Supplement
Filed by: Plaintiff Rodriguez, Enrique
Plaintiff's Fourteenth Supplemental Early Case Conference List of Documents and Witnesses
- 05/01/2009  Supplement
Filed by: Plaintiff Rodriguez, Enrique
Plaintiff's Thirteenth Supplemental Early Case Conference List of Documents and Witnesses
- 05/08/2009  Motion to Amend Complaint
Filed By: Plaintiff Rodriguez, Enrique
NRCP 10 (a) Motion to Amend Complaint to Substitute Party
- 06/08/2009  **Motion to Amend Complaint** (3:00 AM) (Judicial Officer: Walsh, Jessie)
Events: 05/08/2009 Motion to Amend Complaint
NRCP 10 (a) Motion to Amend Complaint to Substitute Party
- 07/08/2009  Amended Complaint
Filed By: Plaintiff Rodriguez, Enrique
- 07/10/2009  Order
Filed By: Plaintiff Rodriguez, Enrique
Order After Hearing
- 08/05/2009  Notice of Entry of Order
Filed By: Plaintiff Rodriguez, Enrique
- 08/20/2009  Affidavit of Due Diligence
Filed By: Plaintiff Rodriguez, Enrique
- 08/24/2009  Motion for Order
Filed By: Plaintiff Rodriguez, Enrique
Motion For Order fro Publication and Posting of Summons and Affidavit in Support of Motion and Order
- 09/03/2009  Certificate of Service
Filed by: Plaintiff Rodriguez, Enrique
- 09/30/2009  **Motion** (3:00 AM) (Judicial Officer: Walsh, Jessie)
Events: 08/24/2009 Motion for Order
Plaintiff's Motion For Order for Publication and Posting of Summons and Affidavit in Support of Motion and Order
- 10/23/2009  Motion to Extend
Motion for Extension of Time to Service Amended Summons Amended Complaint
- 11/09/2009 **CANCELED Pre Trial Conference** (9:00 AM) (Judicial Officer: Walsh, Jessie)
Vacated
- 11/09/2009  Certificate of Service
Filed by: Plaintiff Rodriguez, Enrique
- 11/23/2009  **Motion** (3:00 AM) (Judicial Officer: Walsh, Jessie)


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CASE NO. 06A531538


Events: 10/23/2009 Motion to Extend
Motion for Extension of Time to Service Amended Summons Amended Complaint


- 11/23/2009 **Calendar Call** (3:00 PM) (Judicial Officer: Walsh, Jessie)
CALENDAR CALL
- 11/24/2009  Stipulation and Order
Filed by: Defendant Fiesta Palms LLC; Doing Business As Palms Casino Resort
Stipulation and Order to Continue Discovery and Trial (Second Request)
- 11/25/2009  Notice of Entry of Order
Notice of Entry of Order
- 12/04/2009  Order Granting Motion
Filed By: Plaintiff Rodriguez, Enrique
Order Granting Motion for Publication and Posting of Amended Summons
- 12/04/2009  Order Granting Motion
Filed By: Plaintiff Rodriguez, Enrique
Order Granting Motion for Extension of Time to Serve Amended Summons and Amended Complaint
- 12/07/2009 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Walsh, Jessie)
Vacated - per Stipulation and Order
- 01/11/2010  Affidavit of Publication
- 01/22/2010  Affidavit of Posting
Filed By: Plaintiff Rodriguez, Enrique
- 01/26/2010  Affidavit of Compliance
Filed By: Plaintiff Rodriguez, Enrique
- 02/25/2010  Default
Filed By: Plaintiff Rodriguez, Enrique
Default Prty: Defendant Beavers, Brandy L
Default _ Brandy L Beavers
- 03/03/2010  Request
Request for Trial Setting
- 05/11/2010  Amended Order
Amended Order Setting Bench Trial
- 06/15/2010  Disclosure of Expert
Filed By: Defendant Fiesta Palms LLC
Fiesta Palms, LLC, a Nevada Limited Liability Company, d/b/a/ The Palms Casino Resort's Disclosure of Experts
- 07/14/2010  Designation of Witness
Filed By: Defendant Fiesta Palms LLC
Rebuttal Expert Disclosure
- 07/28/2010  Motion


CASE SUMMARY**CASE NO. 06A531538**


Filed By: Defendant Fiesta Palms LLC
Motion to Compel Responses to Request for Production of Documents, to Compel Further Responses to Interrogatories; Request for Sanctions; and Motion to Compel Independent Medical Examination of Plaintiff


07/28/2010  Affidavit
 Filed By: Defendant Fiesta Palms LLC
Affidavit of Keith R. Gillette in Support of Motion to Compel Independent Medical Examination of Plaintiff


08/03/2010  Affidavit in Support
 Filed By: Defendant Fiesta Palms LLC
Affidavit of Keith R. Gillette in Support of Application for Order Shortening Time on Hearing of Defendant's Motion to Compel Independent Medical Examination of Plaintiff; and Order Shortening Time


08/06/2010  Receipt of Copy
 Filed by: Defendant Fiesta Palms LLC
Receipt of Copy


08/06/2010  Amended Notice
 Filed By: Defendant Fiesta Palms LLC
Amended Notice of Motion


08/09/2010  Opposition
Plaintiff's Opposition To Defendant's Motion To Compel Responses To Request For Production Of Documents, To Compel Further Responses To Interrogatories; Request For Sanctions; And Motion To Compel Independent Medical Examination Of Plaintiff

08/11/2010  **Motion to Compel** (10:00 AM) (Judicial Officer: Bulla, Bonnie)
 Events: 08/06/2010 Amended Notice
Affidavit of Keith R. Gillette in Support of Application for Order Shortening Time on Hearing of Defendant's Motion to Compel Independent Medical Examination of Plaintiff; and Order Shortening Time

08/20/2010  Notice of Motion
 Filed By: Defendant Fiesta Palms LLC
Notice Of Defendant Fiesta Palms, LLC, A Nevada Limited Liability Company, D/B/A/ The Palms Casino Resort, Et Al's Motion In Limine To Exclude Evidence (No. 1) Of Punitive Damages












08/26/2010  Certificate of Mailing
 Filed By: Defendant Fiesta Palms LLC
Certificate of Mailing

08/26/2010  Order Shortening Time
 Filed By: Plaintiff Rodriguez, Enrique
Plaintiff's Motion to Strike Defendant's Rebuttal Expert Witnesses on Ex Parte Application for Order Shortening Time; Order Shortening Time

08/30/2010  Certificate of Mailing
 Filed By: Plaintiff Rodriguez, Enrique
Certificate of Service













09/01/2010 **CANCELED Motion to Compel** (9:00 AM) (Judicial Officer: Bulla, Bonnie)
*Vacated
 matter heard on ost on 8/11/10.*

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CASE NO. 06A531538


- 09/02/2010  Opposition to Motion in Limine
Filed By: Plaintiff Rodriguez, Enrique
Plaintiff's Opposition to Defendant Fiesta Palms, L.L.C., d/b/a Palms Resort Casino's Motion in Limine to Exclude Evidence (No. 1) of Punitive Damages
- 09/07/2010  Opposition to Motion
Filed By: Defendant Fiesta Palms LLC
Defendant's Opposition to Plaintiff's Motion on Shortened Time to Strike Defendants' Rebuttal Expert Witnesses
- 09/07/2010  Affidavit
Filed By: Defendant Fiesta Palms LLC
Affidavit of Keith R. Gillette in Support of Defendant's Opposition to Plaintiff's Motion to Strike Defendant's Rebuttal Expert Witnesses
- 09/13/2010  Reply in Support
Filed By: Defendant Fiesta Palms LLC
Reply in Support of Defendant Fiesta Palms, LLC's Motion in Limine No. 1 to Exclude Punitive Damages
- 09/15/2010  **Pre Trial Conference** (9:00 AM) (Judicial Officer: Walsh, Jessie)
Events: 05/11/2010 Amended Order
- 09/15/2010  **Motion to Strike** (9:00 AM) (Judicial Officer: Walsh, Jessie)
Events: 08/26/2010 Order Shortening Time
Plaintiff's Motion to Strike Defendant's Rebuttal Expert Witnesses on Ex Parte Application for Order Shortening Time; Order
- 09/24/2010 **CANCELED Calendar Call** (9:00 AM) (Judicial Officer: Walsh, Jessie)
Vacated
- 09/27/2010  Pre-trial Memorandum
Filed by: Plaintiff Rodriguez, Enrique
Plaintiff's Pre-Trial Memorandum
- 09/29/2010  Motion to Strike
Filed By: Plaintiff Rodriguez, Enrique
Plaintiff's Motion to Strike Defendants' Expert Witnesses on Ex Parte Application for Order Shortening Time; Order
- 10/04/2010  Opposition
Filed By: Defendant Fiesta Palms LLC
Defendant Fiesta Palms, LLC's Opposition to Plaintiff's Motion to Strike Defendant's Expert Witnesses
- 10/04/2010  Affidavit
Filed By: Defendant Fiesta Palms LLC
Affidavit of Kenneth C. Ward in Support of Defendant Fiesta Palms, LLC's Opposition to Plaintiff's Motion to Strike Defendant's Expert Witnesses
- 10/04/2010  Certificate of Service
Filed by: Plaintiff Rodriguez, Enrique
Certificate of Service
- 10/04/2010 **CANCELED Bench Trial** (9:00 AM) (Judicial Officer: Walsh, Jessie)

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CASE NO. 06A531538

Vacated

- 10/06/2010  **Motion to Strike** (9:30 AM) (Judicial Officer: Bulla, Bonnie)
Plaintiff's Motion to Strike Defendants' Expert Witnesses on Ex Parte Application for Order Shortening Time; Order
- 10/06/2010  Pre-trial Memorandum
Filed by: Defendant Fiesta Palms LLC
Fiesta Palms, LLC's Pre-Trial Memorandum
- 10/07/2010  Order Denying Motion
Filed By: Defendant Fiesta Palms LLC
Order Denying Plaintiff's Motion on Shortened Time to Strike Defendant's Rebuttal Expert Witnesses
- 10/12/2010 **CANCELED Calendar Call** (9:00 AM) (Judicial Officer: Walsh, Jessie)
Vacated
- 10/13/2010  **Motion in Limine** (11:00 AM) (Judicial Officer: Walsh, Jessie)
Defendant Fiesta Palms, LLC, A Nevada Limited Liability Company, D/B/A/ The Palms Casino Resort, Et Al's Motion In Limine To Exclude Evidence (No. 1) Of Punitive Damages(Via - Court Call System)
- 10/18/2010  Motion
Filed By: Defendant Fiesta Palms LLC
Defendant's Motion to Set Matter for Jury Trial On Ex Parte Application for Order Shortening Time; Order
- 10/19/2010  Opposition to Motion
Filed By: Plaintiff Rodriguez, Enrique
Plaintiff's Opposition to Motion to Set Matter for Jury Trial
- 10/20/2010  **Motion** (9:00 AM) (Judicial Officer: Walsh, Jessie)
Events: 10/18/2010 Motion
Defendant's Motion to Set Matter for Jury Trial On Ex Parte Application for Order Shortening Time; Order
- 10/25/2010  **Jury Trial** (9:00 AM) (Judicial Officer: Walsh, Jessie)
10/25/2010-10/26/2010
- 10/27/2010  **Bench Trial** (12:00 PM) (Judicial Officer: Walsh, Jessie)
10/27/2010-10/28/2010, 11/01/2010-11/05/2010, 11/08/2010-11/10/2010
- 11/10/2010  Motion to Strike
Filed By: Plaintiff Rodriguez, Enrique
Plaintiff's Motion to Strike
- 11/10/2010  Motion for Judgment
Filed By: Plaintiff Rodriguez, Enrique
Plaintiff's Rule 50 Motion for Judgment on Liability
- 11/18/2010  Reporters Transcript
Reporter s Partial Transcript Bench Trial Testimony of Vikki Kooinga
- 11/18/2010

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-  Reporters Transcript
Reporter s Partial Transcript Bench Trial Testimony of Sheri Long
- 11/18/2010  Reporters Transcript
Reporter s Partial Transcript Bench Trial Testimony of Dr. Louis Mortillaro
- 11/18/2010  Reporters Transcript
Reporter s Partial Transcript Bench Trial Testimony of Enrique Rodriguez Volume II
- 11/18/2010  Reporters Transcript
Reporter s Partial Transcript Bench Trial Testimony of Enrique Rodriguez Volume I
- 11/18/2010  Reporters Transcript
Reporter s Partial Transcript Bench Trial Testimony of Dr. Maryanne Shannon
- 11/18/2010  Reporters Transcript
Reporter s Partial Transcript Bench Trial Testimony of Dr. Joseph Schifini
- 11/18/2010  Reporters Transcript
Reporter s Partial Transcript Bench Trial Testimony of Dr. Joseph Schifini
- 11/18/2010  Reporters Transcript
Reporter s Partial Transcript Bench Trial Testimony of Dr. Russell Shah Volume I
- 11/18/2010  Reporters Transcript
Reporter s Partial Transcript Bench Trial Testimony of Enrique Rodriguez Volume III
- 11/18/2010  Reporters Transcript
Reporter s Partial Transcript Bench Trial Testimony of Dr. Russell Shah Volume II
- 11/18/2010  Reporters Transcript
Reporter s Partial Transcript Bench Trial Testimony of Forrest P. Franklin
- 11/18/2010  Reporters Transcript
Reporter s Partial Transcript Bench Trial Testimony of Maria Perez
- 11/18/2010  Reporters Transcript
Reporter s Partial Transcript Bench Trial Testimony of Frank Sciulla
- 11/18/2010  Reporters Transcript
Reporter s Partial Transcript Bench Trial Testimony of Dr. Thomas Cargill
- 11/18/2010  Reporters Transcript
Reporter s Partial Transcript Bench Trial
- 11/22/2010  Reporters Transcript
Filed By: Plaintiff Rodriguez, Enrique
Thursday, November 4, 2010 Reporter s Partial Transcript Bench Trial Testimony Of Terrance Dinneen
- 11/22/2010  Reporters Transcript
Thursday, November 5, 2010 Reporter s Partial Transcript Bench Trial Testimony Of Dr.

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George Becker

- 11/22/2010  Reporters Transcript
Thursday, November 4, 2010 Reporter s Partial Transcript Bench Trial Testimony Of Nicholas Tavaglione
- 11/22/2010  Reporters Transcript
Friday, November 5, 2010 Reporter s Partial Transcript Bench Trial Testimony Of Dr. Jacob Tauber
- 11/23/2010  Opposition to Motion
Filed By: Defendant Fiesta Palms LLC
Defendant's Opposition to Plaintiff's Rule 50 Motion for Judgment on Liability
- 11/23/2010  Opposition to Motion
Filed By: Defendant Fiesta Palms LLC
Defendant The Palms' Opposition to Plaintiff's Motion to Strike
- 11/24/2010 Brief
Filed By: Defendant Fiesta Palms LLC
Defendant The Palms' Post-Trial Brief
- 12/08/2010  Motion to Strike
Filed By: Plaintiff Rodriguez, Enrique
Plaintiff's Motion to Strike Defendant's Post-Trial Brief on Ex Parte Application for Order Shortening Time; Order
- 12/08/2010  Reply to Opposition
Filed by: Plaintiff Rodriguez, Enrique
Plaintiff's Reply to Opposition to Motion to Strike Expert Witnesses' Trial Testimony
- 12/08/2010  Reply to Opposition
Filed by: Plaintiff Rodriguez, Enrique
Plaintiff's Reply to Opposition to Plaintiff's Rule 50 Motion for Judgment on Liability
- 12/10/2010  Certificate of Service
Filed by: Plaintiff Rodriguez, Enrique
Certificate of Service
- 12/13/2010  Opposition to Motion
Filed By: Defendant Fiesta Palms LLC
Defendant's Opposition To Plaintiff's Motion To Strike Palms' Posttrial Brief
- 01/11/2011  Reply to Opposition
Filed by: Plaintiff Rodriguez, Enrique
Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion to Strike Post-Trial Brief
- 01/13/2011  Trial Memorandum
Filed by: Plaintiff Rodriguez, Enrique
Plaintiff's Confidential Trial Brief
- 01/14/2011  Opposition to Motion
Filed By: Plaintiff Rodriguez, Enrique
Plaintiff's Opposition to Defendants' Motion for Mistrial

DEPARTMENT 15
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- 01/14/2011  Certificate of Service
Filed by: Plaintiff Rodriguez, Enrique
Certificate of Service
- 01/18/2011  Certificate of Service
Filed by: Defendant Fiesta Palms LLC
Certificate of Service for Defendants Fiesta Palms, Motion for Mistrial, or, alternately, Motion to Strike Plaintiffs Confidential Pretrial Briefs on Ex Parte Application for Order Shortening Time; Order
- 01/20/2011  Motion
Filed By: Defendant Fiesta Palms LLC; Doing Business As Palms Casino Resort
Defendant Fiesta Palms LLC's Motion for Mistrial OR Alternatively Motion to Strike Plaintiff's Confidential Pretrial and Trial Briefs on Ex Parte Application for Order Shortening Time; Order
- 01/26/2011  Reply in Support
Filed By: Defendant Fiesta Palms LLC
Reply in Support of the Palms' Motion for Mistrial, or, Alternatively, Motion to Strike Plaintiff's Confidential Pretrial and Trial Briefs
- 01/27/2011  **Hearing** (9:30 AM) (Judicial Officer: Walsh, Jessie)
Pltf's Rule 50 Motion re: Liability
- 01/27/2011 **Motion to Strike** (9:30 AM) (Judicial Officer: Walsh, Jessie)
Motion to Strike Expert Witness Testimony
- 01/27/2011 **Motion to Strike** (9:30 AM) (Judicial Officer: Walsh, Jessie)
Plaintiff's Motion to Strike Defendant's Post-Trial Brief
- 01/27/2011 **Motion** (9:30 AM) (Judicial Officer: Walsh, Jessie)
Events: 01/20/2011 Motion
Defendant's Motion for Mistrial, or Alternatively, Motion to Strike Plaintiff's Confidential Pretrial and Trial Briefs
- 03/10/2011  Findings of Fact, Conclusions of Law and Order
Filed By: Plaintiff Rodriguez, Enrique
Findings of Fact, Conclusions of Law, and Order
- 03/10/2011  Findings of Fact, Conclusions of Law and Order
Filed By: Plaintiff Rodriguez, Enrique
Findings of Fact, Conclusions of Law, and Order
- 03/10/2011  Findings of Fact, Conclusions of Law and Order
Filed By: Plaintiff Rodriguez, Enrique
Findings of Fact, Conclusions of Law, and Order
- 03/10/2011  Findings of Fact, Conclusions of Law and Order
Filed By: Plaintiff Rodriguez, Enrique
Findings of Fact, Conclusions of Law and Order
- 03/14/2011  Notice of Entry of Order
Filed By: Plaintiff Rodriguez, Enrique
Notice of Entry of Order
- 03/14/2011

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-  Notice of Entry of Order
Filed By: Plaintiff Rodriguez, Enrique
Notice of Entry of Order
- 03/14/2011  Notice of Entry of Order
Filed By: Plaintiff Rodriguez, Enrique
Notice of Entry of Order
- 03/14/2011  Notice of Entry of Order
Filed By: Plaintiff Rodriguez, Enrique
Notice of Entry of Order
- 03/14/2011  Verdict
Verdict
- 03/14/2011 **Verdict** (Judicial Officer: Walsh, Jessie)
Debtors: Fiesta Palms LLC (Defendant), Palms Casino Resort (Doing Business As), Brandy L Beavers (Defendant)
Creditors: Enrique Rodriguez (Plaintiff)
Judgment: 03/14/2011, Docketed: 03/18/2011
- 03/15/2011  Memorandum of Costs and Disbursements
Filed By: Plaintiff Rodriguez, Enrique
Plaintiff's Memorandum of Costs and Disbursements Pursuant to NRS 18.020
- 03/17/2011  Notice of Entry
Filed By: Plaintiff Rodriguez, Enrique
Notice of Entry of Verdict
- 03/21/2011  Motion
Filed By: Defendant Fiesta Palms LLC
Defendant Fiesta Palms, LLC, a Nevada Limited Liability Company, d/b/a/ The Palms Casino Resorts' Notice of Motion and Motion to Tax Costs
- 03/22/2011  Memorandum
Filed By: Plaintiff Rodriguez, Enrique
Memorandum Re: Pre-Judgment Interest
- 03/25/2011  Points and Authorities
Filed by: Defendant Fiesta Palms LLC
*DEFENDANT FIESTA PALMS, LLC DBA THE PALMS CASINO RESORT S
MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF ITS MOTION FOR
NEW TRIAL*
- 03/25/2011  Declaration
Filed By: Defendant Fiesta Palms LLC
*Declaration of Kenneth C Ward in Support of Defendant Fiesta Palms LLC's Motion for
New Trial*
- 03/25/2011  Declaration
Filed By: Defendant Fiesta Palms LLC
*Declaration of Kenneth C Ward in Support of Defendant Fiesta Palms LLC's Motion for
New Trial*
- 03/28/2011  Points and Authorities


CASE SUMMARY**CASE NO. 06A531538**


Filed by: Defendant Fiesta Palms LLC
Defendant Fiesta Palms, Llc dba The Palms Casino Resort s Memorandum of Points & Authorities in Support of its Motion for New Trial


- 03/28/2011  Declaration
 Filed By: Defendant Fiesta Palms LLC
Declaration of Kenneth C. Ward in Support of Defendant Fiesta Palms, Llc s Motion for New Trial
- 03/28/2011  Certificate of Mailing
 Filed By: Defendant Fiesta Palms LLC
Certificate of Service of Defendant Fiesta Palms, Llc's Motion for New Trial
- 03/28/2011  Notice of Motion
 Filed By: Defendant Fiesta Palms LLC; Doing Business As Palms Casino Resort
Defendant Fiesta Palms, LLC's Notice of Motion and Motion for New Trial
- 03/29/2011  Motion for Stay of Execution
 Filed By: Defendant Fiesta Palms LLC; Doing Business As Palms Casino Resort
- 04/01/2011  Motion
 Filed By: Defendant Fiesta Palms LLC
Defendant Fiesta Plams, LLC, a Nevada Limited Liability Company, d/b/a/ The Palms Casino Resports' Motion or Request for The Court to Enter its Findings of Facts, Conclusions of Law, and Judgment in Accordance with NRCP 52 and 58
- 04/01/2011  Reply
 Filed by: Defendant Fiesta Palms LLC
Defendant Fiesta Plams, LLC's Reply Memorandum/Opposition to Plaintiff's Memorandum Re: Pre-Judgment Interest
- 04/04/2011  Opposition to Motion
 Filed By: Plaintiff Rodriguez, Enrique
Opposition to Motion to Stay Execution of Judgment
- 04/04/2011  Certificate of Service
 Filed by: Defendant Fiesta Palms LLC
Certificate of Service of Defendant Fiesta Palms, LLC's Motion for New Trial
- 04/05/2011  **Motion for Stay of Execution** (9:00 AM) (Judicial Officer: Walsh, Jessie)
 Events: 03/29/2011 Motion for Stay of Execution
Deft Fiesta Palms, LLC's Motion For Stay of Execution of Judgment and Order Shortening Time; Affidavit of Keith R. Gillette In Support Thereof; Memorandum of Points and Authorities
- 04/05/2011  Memorandum
 Filed By: Plaintiff Rodriguez, Enrique
Amended Memorandum Re: Pre-Judgment Interest
- 04/05/2011  Opposition to Motion
 Filed By: Plaintiff Rodriguez, Enrique
Opposition to Defendant Fiesta Palms, L.L.C., d/b/a The Palms Casino's Motion to Tax [SIC] Costs
- 04/11/2011  Notice


DEPARTMENT 15
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CASE NO. 06A531538


Filed By: Defendant Fiesta Palms LLC
Notice of Hearing of Defendant Fiesta Palms, LLC's Motion to Stay Execution of Judgment


04/11/2011  Notice
Filed By: Defendant Fiesta Palms LLC
Notice of Hearing on Defendant Fiesta Palms, LLC's Motion to Tax Costs


04/12/2011  Judgment on Jury Verdict
Filed By: Plaintiff Rodriguez, Enrique
Judgment on the Verdict


04/13/2011  Reply
Filed by: Defendant Fiesta Palms LLC
Defendant Fiesta Palms, LLC, a Nevada Limited Liability Company, d/b/a/ The Palms Casnio Resorts' Reply to Plaintiff's Opposition to the Motion to Tax Costs


04/14/2011  Certificate of Mailing
Certificate of Service Re Hearing On Defendant Fiesta Palms LLC's Motion to Stay Execution of Judgment [May 12, 2011]

04/14/2011  Certificate of Mailing
Certificate of Service Re Hearing On Defendant Fiesta Palms, LLC's Motion to Tax Costs [May 12, 2011]


04/15/2011  Notice of Entry of Judgment
Filed By: Plaintiff Rodriguez, Enrique
Notice of Entry of Judgment


04/21/2011  Finding of Fact and Conclusions of Law
Filed By: Plaintiff Rodriguez, Enrique
Finding of Fact and Conclusion of Law in Support of Verdict


04/22/2011  Opposition to Motion
Filed By: Plaintiff Rodriguez, Enrique
Plaintiff's Opposition to Defendants' Motion for New Trial

04/27/2011  Notice of Entry
Filed By: Plaintiff Rodriguez, Enrique
Notice of Entry of Findings of Fact and Conclusions of Law in Support of Verdict

04/28/2011 **CANCELED Motion** (3:00 AM) (Judicial Officer: Walsh, Jessie)
Vacated - On in Error
Notice of Motion not filed.

05/02/2011  Notice
Filed By: Defendant Fiesta Palms LLC
Notice of Hearing on Motion to Amend Judgment on the Verdict

05/02/2011  Notice of Motion
Filed By: Defendant Fiesta Palms LLC
Notice of Motion and Motion to Amend Judgment on the Verdict

05/02/2011  Reply
Filed by: Defendant Fiesta Palms LLC

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Defendant Fiesta Palms, LLC, A Nevada Limited Liability Company, d/b/a The Palms Casino Resort's Reply to Plaintiff's Opposition to the Motion for New Trial

- 05/05/2011  Certificate of Mailing
Filed By: Defendant Fiesta Palms LLC
Certificate of Service Re Hearing on Defendant Fiesta Palms, LLC's Motion to Amend Judgment on the Verdict
- 05/11/2011  Association of Counsel
Filed By: Defendant Fiesta Palms LLC
Association of Counsel
- 05/12/2011  Stipulation and Order
Filed by: Plaintiff Rodriguez, Enrique
Stipulation and Order
- 05/13/2011  Notice of Entry of Stipulation and Order
Filed By: Plaintiff Rodriguez, Enrique
Notice of Entry of Order
- 05/18/2011  Mediation Settlement
Party: Plaintiff Rodriguez, Enrique
Mediation Settlement
- 05/31/2011 **CANCELED Motion For Stay** (9:00 AM) (Judicial Officer: Walsh, Jessie)
Vacated
- 06/15/2011  Memorandum of Points and Authorities
Filed By: Defendant Fiesta Palms LLC
Memorandum of Points and Authorities in Support of Fiesta Palms, LLC's Motion to Lift Stay of Proceedings Subject to Mediation Settlement Dated May 16, 2011
- 06/15/2011  Affidavit in Support
Filed By: Defendant Fiesta Palms LLC
Affidavit of Keith R. Gillette in Support of Defendant's Motion to Lift Stay of Proceedings Subject to Mediation Settlement Dated May 16, 2011; and [Proposed Order]
- 06/15/2011  Affidavit in Support
Filed By: Defendant Fiesta Palms LLC
Affidavit of Keith R. Gillette in Support of Application for Order Shortening Time on Hearing of Defendant's Motion to Lift Say of Proceedings Subject to Mediation Settlement Dated May 16, 2011; and [Proposed] Order
- 06/16/2011  Motion
Filed By: Doing Business As Palms Casino Resort
- 06/17/2011  Receipt of Copy
Filed by: Defendant Fiesta Palms LLC
Receipt of Copy
- 06/21/2011  **Motion** (9:00 AM) (Judicial Officer: Walsh, Jessie)
Events: 06/16/2011 Motion
Application for Order Shortening Time, Notice of Motion and Motion To Lift Stay of Proceedings Subject to Mediation Settlement Dated May 16, 2011

DEPARTMENT 15
CASE SUMMARY
CASE NO. 06A531538

06/27/2011  Notice of Hearing
Filed By: Defendant Fiesta Palms LLC
Notice of Hearings Re: (1) Motion to Tax Costs; (2) Motion for New Trial; (3) Motion to Amend Judgment on the Verdict.

06/30/2011  Amended Notice
Filed By: Defendant Fiesta Palms LLC
Amended Notice of Hearings Re: (1) Motion to Tax Costs; (2) Motion for New Trial; (3) Motion to Amend Judgment on the Verdict

07/05/2011 **Motion for New Trial** (11:00 AM) (Judicial Officer: Walsh, Jessie)
Deft's Motion for a New Trial - (Court Call)

07/05/2011 **Motion** (11:00 AM) (Judicial Officer: Walsh, Jessie)
Deft's Motion to Tax Costs

07/05/2011 **Motion to Amend Judgment** (11:00 AM) (Judicial Officer: Walsh, Jessie)
Events: 05/02/2011 Notice of Motion
Deft Fiesta Palms Notice of Hearing on Motion to Amend Judgment on the Verdict - Court Call

07/05/2011  **All Pending Motions** (11:00 AM) (Judicial Officer: Walsh, Jessie)

08/18/2011  Motion
Filed By: Plaintiff Rodriguez, Enrique
Motion to Require Posting of Supersedeas Bond; Application for Order Shortening Time; Order

08/19/2011  Certificate of Service
Filed by: Plaintiff Rodriguez, Enrique
Certificate of Service

08/29/2011  Amended Notice
Filed By: Plaintiff Rodriguez, Enrique
Amended Notice of Hearing Regarding Plaintiff's Motion to Require Posting of Supersedeas Bond

08/30/2011  Opposition to Motion
Filed By: Defendant Fiesta Palms LLC
Defendant's Opposition to Plaintiff's Motion to Require Posting of Supersedeas Bond

08/30/2011  Affidavit in Support
Filed By: Defendant Fiesta Palms LLC
Affidavit of Keith R. Gillette in Support of Opposition to Plaintiff's Motion to Require Posting of Supersedeas Bond


09/02/2011  Reply to Opposition
Filed by: Plaintiff Rodriguez, Enrique
Reply to Opposition to Motion to Require Defendants to Post Supersedeas Bond


09/06/2011  **Motion** (9:00 AM) (Judicial Officer: Walsh, Jessie)
Events: 08/18/2011 Motion
Pltf's Motion to Require Posting of Supersedeas Bond; Application for Order Shortening Time; Order


09/19/2011  Order


DEPARTMENT 15
CASE SUMMARY
CASE NO. 06A531538


Filed By: Defendant Fiesta Palms LLC
Order After Hearing


09/19/2011  Findings of Fact, Conclusions of Law and Order
Filed By: Defendant Fiesta Palms LLC
Findings of Fact, Conclusions of Law and Order


09/19/2011  Findings of Fact, Conclusions of Law and Order
Filed By: Defendant Fiesta Palms LLC
Findings of Fact, Conclusions of Law and Order


09/22/2011  Notice of Entry of Order
Filed By: Doing Business As Palms Casino Resort
Notice of Entry of Order - Motion to Tax Costs


09/22/2011  Notice of Entry of Order
Filed By: Defendant Fiesta Palms LLC
Notice of Entry of Order - Motion to Lift Stay of Proceedings


09/22/2011  Notice of Entry of Order
Filed By: Defendant Fiesta Palms LLC
Notice of Entry of Order - Motion to Amend Judgment


09/29/2011  Findings of Fact, Conclusions of Law and Order
Filed By: Plaintiff Rodriguez, Enrique
Findings of Fact, Conclusions of Law, and Order Denying Defendant's Motion for New Trial


10/04/2011  Notice of Entry of Order
Filed By: Plaintiff Rodriguez, Enrique
Notice of Entry of Order

10/05/2011  Motion to Reconsider
Filed By: Plaintiff Rodriguez, Enrique
Plaintiff's Motion for Reconsideration of Order Granting Defendant's Motion to Retax Costs; Ex Parte Application for Order Shortening Time; Order

10/14/2011  Opposition to Motion
Filed By: Defendant Fiesta Palms LLC
Defendant Fiesta Palms, LLC, A Nevada Limited Liability Company, d/b/a The Palms Casino Resorts' Opposition to Plaintiff's Motion for Reconsideration of Order to Retax Costs














10/18/2011  Association of Counsel
Filed By: Doing Business As Palms Casino Resort
Association of Counsel

10/18/2011  Reply to Opposition
Filed by: Plaintiff Rodriguez, Enrique
Plaintiff's Reply to Defendant's Opposition to Motion for Reconsideration of Order Granting Defendant's Motion to Retax Costs

10/18/2011  Notice of Motion
Filed By: Defendant Fiesta Palms LLC
Notice of Motion and Motion to Amend the Order Denying Defendant's Motion for a New

DEPARTMENT 15
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CASE NO. 06A531538













Trial

- 10/18/2011  Memorandum of Points and Authorities
Filed By: Defendant Fiesta Palms LLC
Memorandum of Points and Authorities in support of Motion to Amende the Order Denying Defendant's Motion for New Trial
- 10/18/2011  Affidavit in Support
Filed By: Defendant Fiesta Palms LLC
Affidavit of Keith R. Gillette in Support of Motion to Amend Order Denying Defendant's Motion for New Trial
- 10/20/2011  Certificate of Mailing
Filed By: Doing Business As Palms Casino Resort
Certificate of Mailing
- 10/25/2011  Certificate of Service
Filed by: Plaintiff Rodriguez, Enrique
Certificate of Service
- 10/27/2011  **Motion to Reconsider** (3:00 AM) (Judicial Officer: Walsh, Jessie)
Pltf's Motion for Reconsideration of Order Granting Deft's Motion to Retax Costs
- 11/04/2011  Notice of Appeal
Filed By: Defendant Fiesta Palms LLC
Notice of Appeal
- 11/04/2011  Opposition to Motion
Filed By: Plaintiff Rodriguez, Enrique
Opposition to Motion to Amend the Order Denying Defnedant's Motion for New Trial
- 11/04/2011  Notice of Appeal
Filed By: Defendant Fiesta Palms LLC
Notice of Appeal
- 11/04/2011  Case Appeal Statement
Filed By: Defendant Fiesta Palms LLC
Case Appeal Statement
- 11/08/2011  Order Shortening Time
Filed By: Plaintiff Rodriguez, Enrique
Plaintiff's Renewed Motion to Require Posting of Supersedeas Bond; Ex Parte Application for Order Shortening Time; Order
- 11/09/2011  Notice of Entry of Order
Filed By: Defendant Fiesta Palms LLC
Notice of Entry of Order After Hearing Re Plaintiff's Motion to Require Posting of Supersedeas Bond
- 11/09/2011  Certificate of Service
Filed by: Plaintiff Rodriguez, Enrique
Certificate of Service
- 11/14/2011  Opposition to Motion

CASE SUMMARY

CASE NO. 06A531538

Filed By: Defendant Fiesta Palms LLC
Fiesta Palms, LLC, d/b/a The Palms Casino Resort's Opposition to Plaintiff's Renewed Motion to Require Supersedeas Bond

- 11/14/2011  Declaration
 Filed By: Defendant Fiesta Palms LLC
Declaration of Jason A. Rose in Support of Fiesta Palms, LLC, d/b/a The Palms Casino Resport's Opposition to Plaintiff's Renewed Motion to Require Supersedeas Bond
- 11/15/2011  **Motion** (9:30 AM) (Judicial Officer: Walsh, Jessie)
Pltf's Renewed Motion to Require Posting of Supersedeas Bond
- 11/17/2011  Order Granting Motion
 Filed By: Plaintiff Rodriguez, Enrique
Order
- 11/17/2011  Notice of Entry of Order
 Filed By: Plaintiff Rodriguez, Enrique
Notice of Entry of Order
- 11/17/2011  Notice of Entry of Order
 Filed By: Plaintiff Rodriguez, Enrique
Notice of Entry of Order
- 11/17/2011  Order
 Filed By: Plaintiff Rodriguez, Enrique
- 11/17/2011 **Order** (Judicial Officer: Walsh, Jessie)
 Debtors: Fiesta Palms LLC (Defendant), Palms Casino Resort (Doing Business As), Brandy L Beavers (Defendant)
 Creditors: Enrique Rodriguez (Plaintiff)
 Judgment: 11/17/2011, Docketed: 12/05/2011
 Total Judgment: 149,146.18
- 11/28/2011  Transcript of Proceedings
Transcript of Proceedings Plaintiffs' Renewed Motion To Require Posting Of Supercedes Bond November 15, 2011
- 12/01/2011  **Motion** (3:00 AM) (Judicial Officer: Walsh, Jessie)
Def't's Motion to Amend the Order Denying Defendant's Motion for a New Trial
- 12/13/2011  Amended
 Filed By: Defendant Fiesta Palms LLC
Amended or Supplemental Notice of Appeal
- 12/13/2011  Case Appeal Statement
 Filed By: Defendant Fiesta Palms LLC
Amended or Supplemental Case Appeal Statement
- 01/27/2012  Motion to Withdraw As Counsel
 Filed By: Defendant Fiesta Palms LLC
Motion to Clarify Record and Withdraw of Counsel on Order Shortening Time
- 02/02/2012  **Motion to Clarify** (3:00 AM) (Judicial Officer: Walsh, Jessie)
Jeffery A. Bendavid, ESQ., Of Moran Laz Firm, LLC motion to Clarify Record and















DEPARTMENT 15
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CASE NO. 06A531538

Withdraw of Counsel on Order Shortening Time


- 02/15/2012  Amended Judgment
Filed By: Plaintiff Rodriguez, Enrique
Amended Judgment on the Verdict
- 02/15/2012 **Amended Judgment Upon the Verdict** (Judicial Officer: Walsh, Jessie)
Debtors: Fiesta Palms LLC (Defendant), Brandy L Beavers (Defendant)
Creditors: Enrique Rodriguez (Plaintiff)
Judgment: 02/15/2012, Docketed: 04/20/2011
Total Judgment: 6,627,763.27
Comment: Costs disallowed per Order 09-19-2011/Costs Back in 02-15-2012
- 03/09/2012  Notice of Entry of Judgment
Filed By: Plaintiff Rodriguez, Enrique
Notice of Entry of Amended Judgment on the Verdict
- 03/13/2012  Amended Notice
Filed By: Defendant Fiesta Palms LLC
Second Amended or Supplemental Notice of Appeal
- 03/13/2012  Case Appeal Statement
Filed By: Defendant Fiesta Palms LLC
Second Amended or Supplemental Case Appeal Statement
- 03/22/2012  Request
Filed by: Defendant Fiesta Palms LLC
Request for Transcripts of Proceedings
- 03/27/2012  Order Granting Motion
Filed By: Defendant Fiesta Palms LLC
Order Granting Motion to Clarify Record and Withdraw of Counsel on Order Shortening Time
- 03/30/2012  Notice of Entry
Filed By: Defendant Fiesta Palms LLC
Notice of Entry of Order Granting Motion to Clarify Record and Withdraw of Counsel on Order Shortening Time
- 05/04/2012  Association of Counsel
Filed By: Defendant Fiesta Palms LLC
Notice of Disassociation of Counsel
- 05/21/2012  Transcript of Proceedings
Party: Plaintiff Rodriguez, Enrique
Transcript of Proceedings Defendant's Motion for New Trial, Defendant's Motion to Amend Judgment on the Verdict and Defendant's Motion to Tax Costs July 5, 2011
- 05/21/2012  Transcript of Proceedings
Transcript of Proceedings Defendant's Motion for Mistrial or Alternatively Motion to Strike Plaintiff's Confidential Pretrial and Trial Briefs; Plaintiff's Motion to Strike Defendant's Post-Trial Brief Motion to Strike Expert Witness Testimony and Plaintiff's Rule 50 Motion Re: Liability January 27, 2011
- 05/21/2012  Transcript of Proceedings
*Transcript of Proceedings *Partial Transcript* Bench Trial (Closing Arguments)*








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November 10, 2010

- 05/21/2012  Transcript of Proceedings
*Transcript of Proceedings *Partial Transcript* Bench Trial - Day 1 (Opening Statements and Deposition of Nathan Heaps, M.d.) October 25, 2010*
- 05/21/2012  Transcript of Proceedings
Transcript of Proceedings Defendant's Motion for Jury Trial October 20, 2010
- 05/21/2012  Transcript of Proceedings
Transcript of Proceedings Plaintiff's Motion to Strike Defendant's Rebuttal Expert Witnesses September 15, 2010
- 10/30/2012  Substitution of Attorney
Filed by: Defendant Fiesta Palms LLC
Substitution of Counsel
- 07/15/2014  Notice of Hearing
Filed By: Plaintiff Rodriguez, Enrique
- 08/05/2014  **Status Check** (10:00 AM) (Judicial Officer: Walsh, Jessie)
08/05/2014, 08/12/2014, 08/19/2014
Status Check: Supreme Crt. order
- 08/19/2014  Notice of Department Reassignment
- 10/13/2014  Order
Order Setting Hearing Further Proceedings Re: Supreme Court Reversal and Remand
- 10/23/2014  Motion
Filed By: Defendant Fiesta Palms LLC
Motion to: (1) Vacate And Strike Filings and Orders Entered Prior to Issuance of Nevada Supreme Court Remittitur, Including the Reassignment of Judge Timothy C. Williams, and (2) Vacate November 6, 2014, Hearing on Order Shortening Time
- 10/23/2014  Peremptory Challenge
Filed by: Defendant Fiesta Palms LLC
Peremptory Challenge Of Judge
- 10/23/2014  Receipt of Copy
Filed by: Defendant Fiesta Palms LLC
Receipt Of Copy
- 10/23/2014  Notice of Department Reassignment
- 10/24/2014  Notice of Change of Hearing
- 11/03/2014  Opposition to Motion
Filed By: Plaintiff Rodriguez, Enrique
OPPOSITION TO: (1) Vacate and Strike Filings and Orders Entered Prior to Issuance of Nevada Supreme Court Remittitur, Including the Reassignment of Judge Timothy C. Williams, and (2) Vacate November 6, 2014, Hearing on Order Shortening Time
- 11/04/2014


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CASE NO. 06A531538


 NV Supreme Court Clerks Certificate/Judgment -Remanded
Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand; Rehearing Denied and Amending Opinion


- 11/04/2014 **Clerk's Certificate** (Judicial Officer: Ellsworth, Carolyn)
Debtors: Enrique Rodriguez (Plaintiff)
Creditors: Fiesta Palms LLC (Defendant), Palms Casino Resort (Doing Business As)
Judgment: 11/04/2014, Docketed: 11/05/2014
Comment: Supreme Court No. 59630; Judgment Reversed, Case Remanded; Rehearing Denied
- 11/06/2014 **Hearing** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
Order Setting Hearing Further Proceedings Re: Supreme Court Reversal And Remand
- 11/06/2014 **Motion to Vacate** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
Motion to: (1) Vacate And Strike Filings and Orders Entered Prior to Issuance of Nevada Supreme Court Remittitur, Including the Reassignment of Judge Timothy C. Williams, and (2) Vacate November 6, 2014, Hearing on Order Shortening Time
- 11/06/2014  **All Pending Motions** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
- 11/20/2014  **Order Denying Motion**
Filed By: Defendant Fiesta Palms LLC
Order Denying Motion To: (1) Vacate And Strike Filings And Orders Entered Prior To Issuance Of Nevada Supreme Court Remittitur, Including The Reassignment Of Judge Timothy C. Williams, And (2) Vacate November 6, 2014 Hearing On Order Shortening Time
- 11/21/2014  **Notice of Entry of Order**
Filed By: Defendant Fiesta Palms LLC
Notice Of Entry Of Order Denying Motion To: (1) Vacate And Strike Filings And Orders Entered Prior To Issuance Of Nevada Supreme Court Remittitur Including The Reassignment Of Judge Timothy C. Williams, And (2) Vacate November 6, 2014 Hearing On Order Shortening Time
- 11/24/2014  **Motion to Withdraw As Counsel**
Filed By: Plaintiff Rodriguez, Enrique
Benson, Bertoldo, Baker & Carter's Motion to Withdraw as Attorneys for Plaintiff Enrique Rodriguez; and Hearing on Order Shortening Time
- 11/24/2014  **Notice of Hearing**
Filed By: Plaintiff Rodriguez, Enrique
Notice of Hearing: Benson, Bertoldo, Baker & Carter's Motion to Withdraw as Attorneys for Plaintiff Enrique Rodriguez; and Hearing on Order Shortening Time
- 12/02/2014  **Notice of Non Opposition**
Filed By: Defendant Fiesta Palms LLC
Notice of Non-Opposition to Benson, Bertoldo, Baker & Carter's Motion to Withdraw as Attorneys for Plaintiff Enrique Rodriguez; and Hearing on Order Shortening Time
- 12/04/2014  **Order**
Order Scheduling Status Check: Trial Setting
- 12/05/2014 **CANCELED Motion to Withdraw as Counsel** (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
Vacated - On in Error
Motion to Withdraw as Counsel for Pltf's Rodriguez


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12/05/2014 **CANCELED Motion to Withdraw as Counsel** (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
Vacated - per Secretary
Benson, Bertoldo, Baker & Carter's Motion to Withdraw as Attorneys for Plaintiff Enrique Rodriguez; and Hearing on Order Shortening Time


12/09/2014  **Notice of Entry of Order**
Filed By: Plaintiff Rodriguez, Enrique
Notice of Entry of Order Granting Benson, Bertoldo, Baker & Carter's Motion To Withdraw As Attorneys For Plaintiff Enrique Rodriguez; And Hearing On Order Shortening Time


12/09/2014  **Order to Withdraw as Attorney of Record**
Filed by: Plaintiff Rodriguez, Enrique
Order Granting Benson, Bertoldo, Baker & Carter's Motion To Withdraw As Attorneys For Plaintiff Enrique Rodriguez; And Hearing On Order Shortening Time


01/09/2015  **Status Check: Trial Setting** (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
01/09/2015, 02/13/2015


02/11/2015  **Substitution of Attorney**
Filed by: Defendant Fiesta Palms LLC
Substitution of Attorneys

02/12/2015  **Notice**
Filed By: Defendant Fiesta Palms LLC
Notice of Substitution of Attorneys


02/13/2015  **Demand for Jury Trial**
Filed By: Defendant Fiesta Palms LLC
Demand for Jury Trial


02/13/2015  **Motion**
Filed By: Defendant Fiesta Palms LLC
Motion to Set Jury Trial

02/19/2015  **Notice of Department Reassignment**
Notice of Department Reassignment


02/19/2015  **Peremptory Challenge**
Filed by: Plaintiff Rodriguez, Enrique
Plaintiff's Peremptory Challenge of Judge

03/20/2015 **CANCELED Motion to Set Trial Date** (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
Vacated - Moot
Motion to Set Jury Trial


03/25/2015  **Status Check** (9:00 AM) (Judicial Officer: Scotti, Richard F.)
03/25/2015, 04/01/2015, 04/08/2015, 04/29/2015, 05/13/2015
Status Check: New Counsel


03/31/2015  **Notice of Motion**
Filed By: Defendant Fiesta Palms LLC
Notice of Motion

DEPARTMENT 15
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CASE NO. 06A531538


03/31/2015  Motion
Filed By: Defendant Fiesta Palms LLC
Motion to Set Jury Trial


05/04/2015 Case Reassigned to Department 2
Case reassigned from Judge Abbi Silver Dept 15


05/12/2015  Notice of Appearance
Party: Plaintiff Rodriguez, Enrique
Notice of Appearance


05/12/2015  Motion for Settlement Conference
Filed By: Plaintiff Rodriguez, Enrique
Plaintiff's Motion For A Mandatory Settlement Conference


05/13/2015 **Motion** (9:00 AM) (Judicial Officer: Scotti, Richard F.)
Fiesta Palms, LLC's, Motion to Set Jury Trial

05/13/2015  **All Pending Motions** (9:00 AM) (Judicial Officer: Scotti, Richard F.)

05/13/2015  Opposition to Motion
Filed By: Plaintiff Rodriguez, Enrique
Plaintiff's Opposition To Defendants' Motion For Jury Trial


05/18/2015  Notice of Department Reassignment
Notice of Department Reassignment


06/01/2015  Opposition
Filed By: Defendant Fiesta Palms LLC
Opposition to Plaintiff's Motion for Settlement Conference


06/08/2015  Order Scheduling Status Check
Order Setting Status Check


06/15/2015 **Motion for Mandatory Settlement Conference** (9:00 AM) (Judicial Officer: Hardy, Joe)
Plaintiff's Motion For A Mandatory Settlement Conference

06/15/2015 **Status Check** (9:00 AM) (Judicial Officer: Hardy, Joe)
Status Check: New Trial Date


06/15/2015  **All Pending Motions** (9:00 AM) (Judicial Officer: Hardy, Joe)
Plaintiff's Motion For A Mandatory Settlement Conference and Status Check: New Trial Date


06/23/2015  Order Setting Civil Jury Trial
Fourth Amended Order Setting Civil Jury Trial, Pre-Trial Conference and Calendar Call

06/24/2015  Order Denying
Filed By: Defendant Fiesta Palms LLC
Order Denying Plaintiff's Motion for Mandatory Settlement Conference Without Prejudice

06/25/2015  Notice of Entry of Order
Filed By: Defendant Fiesta Palms LLC
Notice of Entry of Order

DEPARTMENT 15
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06/25/2015  **Minute Order** (10:30 AM) (Judicial Officer: Hardy, Joe)
Minute Order Re: Deft's Motion to Set Jury Trial & Pltf's Opposition

07/22/2015  **Order Granting**
Filed By: Defendant Fiesta Palms LLC
Order Granting Defendant's Motion to Set Jury Trial


07/23/2015  **Notice of Entry of Order**
Filed By: Defendant Fiesta Palms LLC
Notice of Entry of Order

07/24/2015 **CANCELED Calendar Call** (10:00 AM) (Judicial Officer: Ellsworth, Carolyn)
Vacated - per Judge

08/03/2015 **CANCELED Bench Trial** (1:30 PM) (Judicial Officer: Ellsworth, Carolyn)
Vacated - per Judge

09/28/2015  **Status Check** (9:30 AM) (Judicial Officer: Hardy, Joe)
Status Check


09/29/2015  **Order Setting Civil Jury Trial**
Fifth Amended Order Setting Civil Jury Trial, Pre-Trial Conference and Calendar Call


11/12/2015  **Amended Notice**
Filed By: Defendant Fiesta Palms LLC
Amended Notice of Association of Counsel

11/23/2015 **CANCELED Pre Trial Conference** (8:30 AM) (Judicial Officer: Hardy, Joe)
Vacated - per Judge


12/09/2015 **CANCELED Calendar Call** (8:30 AM) (Judicial Officer: Hardy, Joe)
Vacated - per Judge


12/14/2015 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Hardy, Joe)
Vacated - per Judge

01/20/2016  **Motion to Withdraw As Counsel**
Filed By: Plaintiff Rodriguez, Enrique
Motion to Withdraw as Counsel of Record for Plaintiff on Order Shortening Time











01/20/2016  **Notice**
Filed By: Plaintiff Rodriguez, Enrique
Notice Of Filing Motion To Withdraw As Counsel Of Record For Plaintiff On Order Shortening Time

02/01/2016  **Pre Trial Conference** (8:30 AM) (Judicial Officer: Hardy, Joe)

02/04/2016  **Order Setting Civil Jury Trial**
Sixth Amended Order Setting Civil Jury Trial, Pre-Trial Conference and Calendar Call

02/09/2016  **Motion to Withdraw as Counsel** (3:00 AM) (Judicial Officer: Hardy, Joe)
Paula S. Padda, Esq's Motion to Withdraw as Counsel of Record for Plaintiff on Order Shortening Time

DEPARTMENT 15
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- 02/16/2016  Notice
Filed By: Plaintiff Rodriguez, Enrique
Notice Of Filing Order Granting Withdrawal Of Plaintiff's Counsel
- 02/17/2016 **CANCELED Calendar Call** (8:30 AM) (Judicial Officer: Hardy, Joe)
Vacated
- 02/22/2016 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Hardy, Joe)
Vacated
- 03/07/2016  Motion to Dismiss
Filed By: Defendant Fiesta Palms LLC
Defendant, Fiesta Palms, LLC's Motion to Dismiss Pursuant to NRCPC 16.1 and EDCR 2.67
- 03/07/2016  Motion for Partial Summary Judgment
Filed By: Defendant Fiesta Palms LLC
Motion for Partial Summary Judgment Regarding Punitive Damages
- 03/07/2016  Motion in Limine
Filed By: Defendant Fiesta Palms LLC
Defendant, Fiesta Palms, LLC's Motion in Limine No. 1 to Exclude Testimony Regarding Witnesses Vikki Kooinga and Sheri Long
- 03/07/2016  Motion in Limine
Filed By: Defendant Fiesta Palms LLC
Defendant, Fiesta Palms, LLC's Motion in Limine No. 2 to Exclude Any Reference that any Motion in Limine has Been Filed: That the Court Has Ruled, or May Rule On any part of outside the presence of the jury; or suggesting or implying to potential jurors during voir dire or seated jurors in any manner whatsoever that Defendant moved to exclude proof in any manner or that the Court has excluded proof of any manner.
- 03/07/2016  Motion in Limine
Filed By: Defendant Fiesta Palms LLC
Defendant, Fiesta Palms, LLC's Motion in Limine No. 3 Motion in Limine No. 3 to Exclude Any Monetary Damages of the Plaintiff Not Previously Disclosed or Based Upon Claims Not Previously Asserted.
- 03/07/2016  Motion in Limine
Filed By: Defendant Fiesta Palms LLC
Defendant, Fiesta Palms, LLC's Motion in Limine No. 4 to Exclude Any Reference to Liability Insurance or Some Other Similar Contractor Policy Related to the Defendant.
- 03/07/2016  Motion in Limine
Filed By: Defendant Fiesta Palms LLC
Defendant, Fiesta Palms, LLC's Motion in Limine No. 5 to Exclude Any Reference That The "golden rule" or That the Jury Panel or the Jury Should Do Unto Others As You have them done unto you.
- 03/07/2016  Motion in Limine
Filed By: Defendant Fiesta Palms LLC
Defendant, Fiesta Palms, LLC's Motion in Limine No. 6 to Exclude All Side Bar Comments Made by Counsel During Depositions that Were Recorded on Videotape or Present in Deposition Transcripts.
- 03/07/2016  Motion in Limine
Filed By: Defendant Fiesta Palms LLC

CASE SUMMARY**CASE NO. 06A531538**

Defendant, Fiesta Palms, LLC's Motion in Limine No. 7 to Exclude Any Reference that the Attorneys for Defendant Specialize in the Handling of Insurance Cases.

03/07/2016



Motion in Limine

Filed By: Defendant Fiesta Palms LLC

Defendant, Fiesta Palms, LLC's Motion in Limine No. No. 8 to Exclude Any Questions that Would Invade The Attorney/Client Privilege.

03/07/2016



Motion in Limine

Filed By: Defendant Fiesta Palms LLC

Defendant, Fiesta Palms, LLC's Motion in Limine No.9 to Exclude Any Statement or Implication that Defendant Sought to Delay this Trial.

03/07/2016



Motion in Limine

Filed By: Defendant Fiesta Palms LLC

Defendant, Fiesta Palms, LLC's Motion in Limine No. 10 to Exclude Any Comments Regarding the Number of Attorneys Representing the Defendant.

03/07/2016



Motion in Limine

Filed By: Defendant Fiesta Palms LLC

Defendant, Fiesta Palms, LLC's Motion in Limine No. 11 to Exclude Any Testimony Offered by Witnesses who Have Not Already Been Disclosed and Identified Prior to the Close of Discovery.

03/07/2016



Motion in Limine

Filed By: Defendant Fiesta Palms LLC

Defendant, Fiesta Palms, LLC's Motion in Limine No. 12 to Preclude Any Lay Person from Rendering Opinions as to Any Medical Aspects of the Plaintiffs, Specifically Diagnoses and Claims of Diagnoses from Any Third-Parties as the Expertise Properly Lies with the Medical Provider and Beyond the Scope of a Lay Person's Experience.

03/07/2016



Motion in Limine

Filed By: Defendant Fiesta Palms LLC

Defendant, Fiesta Palms, LLC's Motion in Limine No. 13 to Exclude Any Evidence or Claims of Mental, Psychological or Emotional Damages.

03/07/2016



Motion in Limine

Filed By: Defendant Fiesta Palms LLC

Defendant, Fiesta Palms, LLC's Motion in Limine No. 14 to Preclude Plaintiff's Treating Physicians and Medical Expert from Testifying at Trial.

03/07/2016



Motion in Limine

Filed By: Defendant Fiesta Palms LLC

Defendant, Fiesta Palms, LLC's Motion in Limine No. 15 to Preclude Plaintiff From Claiming Medical Specials Exceeding Amounts Disclosed by Plaintiff Pursuant to NRCP 16.1.

03/07/2016



Motion in Limine

Filed By: Defendant Fiesta Palms LLC

Defendant, Fiesta Palms, LLC's Motion in Limine No. 16 to Preclude Plaintiff from Arguing that the Violation of Defendant's Internal Policies Constitutes Negligence Per Se.

03/08/2016



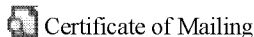
Certificate of Mailing

Filed By: Defendant Fiesta Palms LLC

Certificate of Mailing

03/08/2016

DEPARTMENT 15
CASE SUMMARY
CASE NO. 06A531538












Filed By: Defendant Fiesta Palms LLC
Certificate of Mailing

- 04/07/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant, Fiesta Palms, LLC's Motion in Limine No. 1 to Exclude Testimony Regarding Witnesses Vikki Kooinga and Sheri Long
- 04/07/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant, Fiesta Palms, LLC's Motion in Limine No. 2 to Exclude Any Reference that any Motion in Limine has Been Filed: That the Court Has Ruled, or May Rule On any part of outside the presence of the jury; or suggesting or implying to potential jurors during voir dire or seated jurors in any manner whatsoever that Defendant moved to exclude proof in any manner or that the Court has excluded proof of any manner.
- 04/07/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant, Fiesta Palms, LLC's Motion in Limine No. 3 Motion in Limine No. 3 to Exclude Any Monetary Damages of the Plaintiff Not Previously Disclosed or Based Upon Claims Not Previously Asserted.
- 04/07/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant, Fiesta Palms, LLC's Motion in Limine No. 4 to Exclude Any Reference to Liability Insurance or Some Other Similar Contractor Policy Related to the Defendant.
- 04/07/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant, Fiesta Palms, LLC's Motion in Limine No. 5 to Exclude Any Reference That The "golden rule" or That the Jury Panel or the Jury Should Do Unto Others As You have them done unto you.
- 04/07/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant, Fiesta Palms, LLC's Motion in Limine No. 6 to Exclude All Side Bar Comments Made by Counsel During Depositions that Were Recorded on Videotape or Present in Deposition Transcripts.
- 04/07/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant, Fiesta Palms, LLC's Motion in Limine No. 7 to Exclude Any Reference that the Attorneys for Defendant Specialize in the Handling of Insurance Cases.
- 04/07/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant, Fiesta Palms, LLC's Motion in Limine No. No. 8 to Exclude Any Questions that Would Invade The Attorney/Client Privilege.
- 04/07/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant, Fiesta Palms, LLC's Motion in Limine No.9 to Exclude Any Statement or Implication that Defendant Sought to Delay this Trial.
- 04/07/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant, Fiesta Palms, LLC's Motion in Limine No. 10 to Exclude Any Comments Regarding the Number of Attorneys Representing the Defendant.
- 04/07/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant, Fiesta Palms, LLC's Motion in Limine No. 11 to Exclude Any Testimony Offered by Witnesses who Have Not Already Been Disclosed and Identified Prior to the Close of Discovery.
- 04/07/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant, Fiesta Palms, LLC's Motion in Limine No. 12 to Preclude Any Lay Person from Rendering Opinions as to Any Medical Aspects of the Plaintiffs, Specifically Diagnoses and Claims of Diagnoses from Any Third-Parties as the Expertise Properly Lies with the Medical Provider and Beyond the Scope of a Lay Person's Experience.
- 04/07/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Hardy, Joe)

DEPARTMENT 15
CASE SUMMARY
CASE NO. 06A531538

Defendant, Fiesta Palms, LLC's Motion in Limine No. 13 to Exclude Any Evidence or Claims of Mental, Psychological or Emotional Damages.

- 04/07/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant, Fiesta Palms, LLC's Motion in Limine No. 14 to Preclude Plaintiff's Treating Physicians and Medical Expert from Testifying at Trial.
- 04/07/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant, Fiesta Palms, LLC's Motion in Limine No. 15 to Preclude Plaintiff From Claiming Medical Specials Exceeding Amounts Disclosed by Plaintiff Pursuant to NRCP 16.1.
- 04/07/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant, Fiesta Palms, LLC's Motion in Limine No. 16 to Preclude Plaintiff from Arguing that the Violation of Defendant's Internal Policies Constitutes Negligence Per Se.
- 04/07/2016  **All Pending Motions** (9:00 AM) (Judicial Officer: Hardy, Joe)
- 04/08/2016  Pre-trial Memorandum
Filed by: Defendant Fiesta Palms LLC
Defendant, Fiesta Palms, LLC.'s Individual Pre-trial Memorandum
- 04/11/2016  **Pre Trial Conference** (8:30 AM) (Judicial Officer: Hardy, Joe)
- 04/14/2016 **Motion to Dismiss** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant, Fiesta Palms, LLC's Motion to Dismiss Pursuant to NRCP 16.1 and EDCR 2.67
- 04/14/2016 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer: Hardy, Joe)
Defendant's Motion for Partial Summary Judgment Regarding Punitive Damages
- 04/14/2016  **All Pending Motions** (9:00 AM) (Judicial Officer: Hardy, Joe)
- 04/14/2016  Order Granting Motion
Filed By: Defendant Fiesta Palms LLC
Order Granting Defendant, Fiesta Palms, LLC's Motions in Limine No. 1-16
- 04/15/2016  Notice of Entry of Order
Filed By: Defendant Fiesta Palms LLC
Notice of Entry of Order
- 04/20/2016  Order Granting Motion
Filed By: Defendant Fiesta Palms LLC
Order Granting Defendant, Fiesta Palms, LLC's Motion to Dismiss
- 04/20/2016  Order Denying Motion
Filed By: Defendant Fiesta Palms LLC
Order Denying Defendant, Fiesta Palms, LLC's Motion for Partial Summary Judgment on Punitive Damages as Moot
- 04/20/2016 **Order of Dismissal Without Prejudice** (Judicial Officer: Hardy, Joe)
Debtors: Enrique Rodriguez (Plaintiff)
Creditors: Fiesta Palms LLC (Defendant), Palms Casino Resort (Doing Business As)
Judgment: 04/20/2016, Docketed: 04/21/2016
- 04/21/2016  Notice of Entry of Order

DEPARTMENT 15
CASE SUMMARY
CASE NO. 06A531538

Filed By: Defendant Fiesta Palms LLC
Notice of Entry of Order

04/21/2016  Notice of Entry of Order
Filed By: Defendant Fiesta Palms LLC
Notice of Entry of Order

04/27/2016 **CANCELED Calendar Call** (8:30 AM) (Judicial Officer: Bixler, James)
Vacated - per Order


05/02/2016 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Hardy, Joe)
Vacated - per Order


10/14/2016  Substitution of Attorney
Filed by: Plaintiff Rodriguez, Enrique
Plaintiff's Substitution of Attorney

10/14/2016  Motion for Relief
Filed By: Plaintiff Rodriguez, Enrique
Motion for Relief - NRCPC 60

10/26/2016  Opposition to Motion
Filed By: Defendant Fiesta Palms LLC
Defendant, Fiesta Palms, LLC's Opposition to Plaintiff's Motion for Relief Under NRCPC 60


11/10/2016  Reply
Filed by: Plaintiff Rodriguez, Enrique
Reply re: Motion for Relief

11/15/2016  **Motion for Relief** (9:00 AM) (Judicial Officer: Hardy, Joe)
Plaintiff's Motion for Relief - NRCPC 60

12/20/2016  Notice of Appearance
Party: Plaintiff Rodriguez, Enrique
Notice of Appearance

12/23/2016  Order Denying Motion
Filed By: Defendant Fiesta Palms LLC
Order Denying Plaintiff's Motion for NRCPC 60 Relief

12/28/2016  Notice of Entry of Order
Filed By: Defendant Fiesta Palms LLC
Notice of Entry of Order

01/05/2017  Notice of Appeal
Filed By: Plaintiff Rodriguez, Enrique
Notice of Appeal

01/05/2017  Case Appeal Statement
Filed By: Plaintiff Rodriguez, Enrique
Case Appeal Statement

01/05/2017  Substitution of Attorney
Filed by: Plaintiff Rodriguez, Enrique

DEPARTMENT 15
CASE SUMMARY
CASE NO. 06A531538

Substitution of Counsel

ORIGINAL

CIVIL COVER SHEET

CLARK County, Nevada
 Case No. AG 31338
(Assigned by Clerk's Office)

X

I. Party Information

Plaintiff(s) (name/address/phone):
 Enrique Rodriguez
 Plaintiff's City, State, ZIP & Phone
 Attorney (name/address/phone):
 W. Jonathan Weber, Esq. (NBN: 7554)
 Benson, Bertoldo, Baker & Carter, Chtd.

Defendant(s) (name/address/phone):
 Fiesta Palms, L.L.C.
 Defendant's City, State, ZIP & Phone
 Attorney (name/address/phone):
 Attorney's Name/Address
 Attorney's City, State, ZIP & Phone

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

Arbitration Requested

Civil Cases

Real Property	Negligence	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 - Auto <input type="checkbox"/> Negligence - Medical/Dental <input checked="" 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

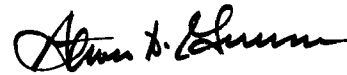
<input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input 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"/> 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
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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 600A) | |

11/15/06
 Date

[Signature]
 Signature of initiating party or representative



CLERK OF THE COURT

ORDR

LEW BRANDON, JR., ESQ.

Nevada Bar No.: 5880

JUSTIN W. SMERBER, ESQ.

Nevada Bar No.: 10761

MORAN BRANDON BENDAVID MORAN

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Attorneys for Defendant,

FIESTA PALMS, LLC d/b/a

PALMS CASINO RESORT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

ENRIQUE RODRIGUEZ, an individual,
Plaintiff,

v.

FIESTA PALMS, L.L.C., a Nevada Limited
Liability Company, d/b/a PALMS CASINO
RESORT; BRANDY L. BEAVERS, individually,
DOES I through X, and ROE CORPORATIONS I
through X, inclusive,

Defendants.

CASE NO.: 06A531538

DEPT. NO.: XV

**ORDER DENYING PLAINTIFF'S
MOTION FOR NRCP 60 RELIEF**

Plaintiff, ENRIQUE RODRIGUEZ's Motion for NRCP 60 Relief having come before
this Honorable Court on November 15, 2016 at 9:00 a.m., JUSTIN W. SMERBER, ESQ. of



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BENDAVID MORAN
ATTORNEYS AT LAW

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LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
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1 MORAN BRANDON BENDAVID MORAN and ROBERT EISENBERG, ESQ. of LEMONS,
2 GRUNDY & EISENBERG having appeared on behalf of FIESTA PALMS, LLC, and JOEL
3 SELIK, ESQ. of SELIK LAW having appeared on behalf of ENRIQUE RODRIGUEZ, the
4 Court having reviewed the Motion, the papers and pleadings on file herein, and for good cause
5 appearing finds and orders as follows:

6 Plaintiff has made application to the Court seeking NRCP 60 relief from an order
7 dismissing Plaintiff's case due to a failure to comply with mandatory requirements in NRCP
8 16.1 and EDCR 2.67. The only subpart of Rule 60 on which Plaintiff relies is NRCP 60(b)(1),
9 which allows relief where a party has demonstrated "mistake, inadvertence, surprise, or
10 excusable neglect." Plaintiff has not sufficiently demonstrated any mistake, inadvertence,
11 surprise or excusable neglect relating to his failure to comply with mandatory discovery and
12 pretrial requirements, especially considering the fact that he was personally admonished by the
13 Court regarding his need to comply.

14 Additionally, the Court has considered Plaintiff's request for Rule 60 relief in
15 accordance with the factors set forth in *Yochum v. Davis*, 98 Nev. 484 (1982), which include: (1)
16 whether a prompt application was made to remove the judgment; (2) the absence of an intent to
17 delay the proceedings; (3) a lack of knowledge of procedural requirements; and (4) good
18 faith. *Id.*

19 The Court finds that Plaintiff did not make a prompt application for relief under Rule 60.
20 Plaintiff has asserted that his Rule 60 motion was timely, because it was filed within six (6)
months of the Notice of Entry of Order granting the Motion to Dismiss. The Plaintiff's Motion
was filed approximately five (5) months and three (3) weeks after Notice of Entry of Order was
served. In accordance with to *Union Petrochemical Corp. v. Scott*, 96 Nev. 337 (1980), this



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1 Court finds that the mere fact that Plaintiff filed the motion for relief within six (6) months does
2 not make the application “prompt” or timely. As stated in the *Union Petrochemical Corp* case,
3 “want of diligence in seeking to set aside a judgment is ground enough for denial of such a
4 motion.” *Id.* at p. 338 (holding that district court properly denied motion as untimely where
5 motion was filed “almost six months” after entry of the judgment). This is especially true in the
6 instant case where Plaintiff was personally present in Court when the Motion to Dismiss was
7 granted.

8 The Court also finds that Plaintiff’s actions have resulted in delay and prejudice to the
9 Defense, and awarding relief under Rule 60 would create further delay and prejudice. This
10 matter has been in District Court on remand since November 4, 2014. There have been
11 numerous continuances of the trial date at the Plaintiff’s request. The Nevada Rules of Civil
12 Procedure are to be construed to secure the just, speedy, and inexpensive determination of every
13 action. *Dougan v. Gustaveson*, 108 Nev. 517 (1992). The timeliness provisions written into the
14 rules will, as a general proposition, be enforced by the courts in order to promote the timely and
15 efficient processing of cases. *Id.* Because this matter has already been significantly delayed by
16 Plaintiff’s actions, the Court finds that relief under Rule 60 at this time would create further
17 delay and prejudice to Defendant, and is inappropriate.

18 The Court also finds that Plaintiff had actual knowledge of the mandatory procedural
19 requirements imposed upon him in this case. Plaintiff has argued that he was not aware of the
20 specific procedural requirements imposed upon him, because he was in proper person at the
time that the motion to dismiss was filed. Initially, the fact that Plaintiff was in proper person
does not excuse him from complying with the rules of procedure. *See Bonnell v. Lawrence*, 282
P.3d 712, 718 (2012) citing Raymond J. German, Ltd. v. Brossart, 2012 ND 89, 816 N.W.2d 47,



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BENDAVID MORAN
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1 (N.D. 2012). Further, the Court finds that Plaintiff was in fact personally and actually aware of
2 the mandatory procedural requirements imposed upon him, due to the fact that: (1) this Court
3 mailed its Trial Scheduling Order to Plaintiff directly at his home address; (2) Defendant filed
4 its motion to dismiss and served it on Plaintiff at his home address, alerting Plaintiff of his
5 procedural requirements at a time when Plaintiff could have rectified any deficiencies; and (3)
6 Plaintiff appeared in person at a hearing on April 7, 2016 and was personally admonished by
7 this Court regarding Defendant's pending dispositive motions and the importance of complying
8 with the rules and taking appropriate action if he wished to pursue this case. Plaintiff did not
9 take any action despite these express warnings.

10 Finally, Plaintiff asserts that relief should be granted under Rule 60 due to the public
11 policy of having matters heard on their merits. While the Court acknowledges the public policy
12 of having matters heard on their merits, the present matter presents issues that warrant a denial
13 of Rule 60 relief. The Plaintiff in this action has shown a blatant disregard for the rules of
14 procedure. Even in the face of numerous opportunities to correct his deficiencies and express
15 warnings from the Court regarding the consequences of his failure to comply with mandatory
16 rules, Plaintiff refused to take the necessary actions in his case. Then upon having his matter
17 dismissed for failure to act, Plaintiff again did nothing to rectify the situation until nearly six (6)
18 months after his case was dismissed. Such are not the actions of a party who is entitled to relief
19 under Rule 60.

20 Accordingly, the Court hereby finds that Plaintiff has failed to establish any of the
grounds for relief set forth in NRCP 60(b)(1), and Plaintiff has failed to establish any of the
factors identified in Yochum v. Davis.



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1 IT IS THEREFORE ORDERED THAT PLAINTIFF'S MOTION FOR NRCP 60
2 RELIEF IS DENIED.

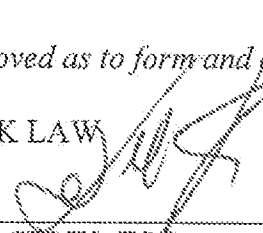
3 IT IS SO ORDERED this ^{December} 22nd day of ~~November~~, 2016.

4 
DISTRICT COURT JUDGE

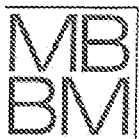
5 *Respectfully Submitted by:*
MORAN BRANDON BENDAVID MORAN

6
7 ~~LEW BRANDON, JR., ESQ.~~
Nevada Bar No. 5880
8 JUSTIN W. SMERBER, ESQ.
Nevada Bar No. 10761
630 S. Fourth Street
9 Las Vegas, Nevada 89101
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10 (702) 384-6568 - *facsimile*
lbrandon@moranlawfirm.com
Attorneys for Defendant,
11 FIESTA PALMS, LLC d/b/a
PALMS CASINO RESORT

12 *Approved as to form and content:*

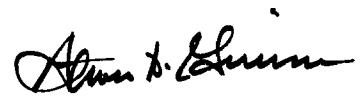
13 SELIK LAW
14 

15 JOEL SELIK, ESQ.
Nevada Bar No. 402
10191 Park Run Drive Suite 110 Las Vegas, NV 89145
16 Tel: (702) 243-1930
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Joel@SelikLaw.com
17 Attorney for Plaintiff



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CLERK OF THE COURT

1 **NEOJ**
 2 **LEW BRANDON, JR., ESQ.**
 Nevada Bar No.: 5880
 3 **JUSTIN W. SMERBER, ESQ.**
 Nevada Bar No.: 10761
 4 **MORAN BRANDON BENDAVID MORAN**
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 5 Las Vegas, Nevada 89101
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 6 (702) 384-6568 - *facsimile*
 7 *l.brandon@moranlawfirm.com*
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 8 FIESTA PALMS, LLC d/b/a
 9 PALMS CASINO RESORT

10 **ROBERT L. EISENBERG, ESQ.**
 Nevada Bar No. 0950
 11 **LEMONS, GRUNDY & EISENBERG**
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 12 Reno, Nevada 89519
 Telephone: (775) 786-6868
 13 Facsimile: (775) 786-9716
 14 *rle@lge.net*
 Attorneys for Defendant,
 15 FIESTA PALMS, LLC d/b/a
 16 PALMS CASINO RESORT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

17 ENRIQUE RODRIGUEZ, an individual,

18
19 Plaintiff,

CASE NO.: 06A531538
DEPT. NO.: XV

20
21 v.

22 FIESTA PALMS, L.L.C., a Nevada
 23 Limited Liability Company, d/b/a
 24 PALMS CASINO RESORT; BRANDY
 L. BEAVERS, individually, DOES I
 25 through X, and ROE CORPORATIONS I
 through X, inclusive,

NOTICE OF ENTRY OF ORDER

26 Defendants.

27
28 ///



MORAN BRANDON
BENDAVID MORAN
ATTORNEYS AT LAW

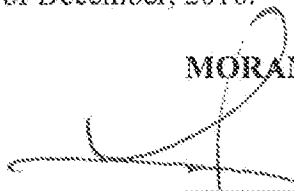
330 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE (702) 384-8424
FAX (702) 384-8660

1 **NOTICE OF ENTRY OF ORDER**

2 YOU, AND EACH OF YOU, will please take notice that on December 23, 2016, an
3 Order Denying Plaintiff's Motion for NRCP 60 Relief was entered in the above-entitled matter
4 by the Honorable Joe Hardy. A filed copy is attached hereto.
5

6 DATED this 27 day of December, 2016.

7 **MORAN BRANDON BENDAVID MORAN**



8 **LEW BRANDON, JR., ESQ.**

9 Nevada Bar No. 5880

10 **JUSTIN W. SMERBER, ESQ.**

11 Nevada Bar No.: 10761

12 630 S. Fourth Street

13 Las Vegas, Nevada 89101

14 Attorneys for Defendant,

15 FIESTA PALMS, LLC d/b/a

16 PALMS CASINO RESORT

17 **CERTIFICATE OF SERVICE**

18 Pursuant to Nev. R. Civ. P. 5(b), I certify that on December 27, 2016, I served a true
19 and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** through the Court's ECF
20 electronic filing system:

21 **MICAH S. ECHOLS, ESQ.**

22 Nevada Bar No. 8437

23 **MARQUIS AURBACH COFFING**

24 10001 Park Run Drive

25 Las Vegas, Nevada 89145

26 Attorney for Plaintiff,

27 **ENRIQUE RODRIGUEZ**

28 **JOEL SELIK, ESQ.**

Nevada Bar No. 402

SELIK LAW

10191 Park Run Drive Suite 110 Las

Vegas, NV 89145

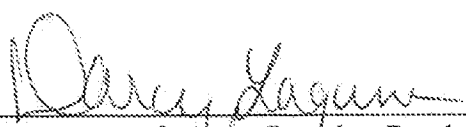
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Joel@SelikLaw.com

Attorney for Plaintiff,

ENRIQUE RODRIGUEZ



An Employee of Moran Brandon Bendauid Moran



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ORDR
LEW BRANDON, JR., ESQ.
Nevada Bar No.: 5880
JUSTIN W. SMERBER, ESQ.
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Alvin D. Quinn
CLERK OF THE COURT

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Attorneys for Defendant,
FIESTA PALMS, LLC d/b/a
PALMS CASINO RESORT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

ENRIQUE RODRIGUEZ, an individual,
Plaintiff,
v.
FIESTA PALMS, L.L.C., a Nevada Limited
Liability Company, d/b/a PALMS CASINO
RESORT; BRANDY L. BEAVERS, individually,
DOES I through X, and ROE CORPORATIONS I
through X, inclusive,
Defendants.

CASE NO.: 06A531538
DEPT. NO.: XV

**ORDER DENYING PLAINTIFF'S
MOTION FOR NRCP 60 RELIEF**

Plaintiff, ENRIQUE RODRIGUEZ's Motion for NRCP 60 Relief having come before
this Honorable Court on November 15, 2016 at 9:00 a.m., JUSTIN W. SMERBER, ESQ. of



MORAN BRANDON
BENDAVID MORAN
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1 MORAN BRANDON BENDAVID MORAN and ROBERT EISENBERG, ESQ. of LEMONS,
2 GRUNDY & EISENBERG having appeared on behalf of FIESTA PALMS, LLC, and JOEL
3 SELIK, ESQ. of SELIK LAW having appeared on behalf of ENRIQUE RODRIGUEZ, the
4 Court having reviewed the Motion, the papers and pleadings on file herein, and for good cause
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6 Plaintiff has made application to the Court seeking NRCP 60 relief from an order
7 dismissing Plaintiff's case due to a failure to comply with mandatory requirements in NRCP
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9 which allows relief where a party has demonstrated "mistake, inadvertence, surprise, or
10 excusable neglect." Plaintiff has not sufficiently demonstrated any mistake, inadvertence,
11 surprise or excusable neglect relating to his failure to comply with mandatory discovery and
12 pretrial requirements, especially considering the fact that he was personally admonished by the
13 Court regarding his need to comply.

14 Additionally, the Court has considered Plaintiff's request for Rule 60 relief in
15 accordance with the factors set forth in Yochum v. Davis, 98 Nev. 484 (1982), which include: (1)
16 whether a prompt application was made to remove the judgment; (2) the absence of an intent to
17 delay the proceedings; (3) a lack of knowledge of procedural requirements; and (4) good
18 faith. *Id.*

19 The Court finds that Plaintiff did not make a prompt application for relief under Rule 60.
20 Plaintiff has asserted that his Rule 60 motion was timely, because it was filed within six (6)
months of the Notice of Entry of Order granting the Motion to Dismiss. The Plaintiff's Motion
was filed approximately five (5) months and three (3) weeks after Notice of Entry of Order was
served. In accordance with to Union Petrochemical Corp. v. Scott, 96 Nev. 337 (1980), this



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1 Court finds that the mere fact that Plaintiff filed the motion for relief within six (6) months does
2 not make the application “prompt” or timely. As stated in the Union Petrochemical Corp case,
3 “want of diligence in seeking to set aside a judgment is ground enough for denial of such a
4 motion.” *Id.* at p. 338 (holding that district court properly denied motion as untimely where
5 motion was filed “almost six months” after entry of the judgment). This is especially true in the
6 instant case where Plaintiff was personally present in Court when the Motion to Dismiss was
7 granted.

8 The Court also finds that Plaintiff’s actions have resulted in delay and prejudice to the
9 Defense, and awarding relief under Rule 60 would create further delay and prejudice. This
10 matter has been in District Court on remand since November 4, 2014. There have been
11 numerous continuances of the trial date at the Plaintiff’s request. The Nevada Rules of Civil
12 Procedure are to be construed to secure the just, speedy, and inexpensive determination of every
13 action. Dougan v. Gustavson, 108 Nev. 517 (1992). The timeliness provisions written into the
14 rules will, as a general proposition, be enforced by the courts in order to promote the timely and
15 efficient processing of cases. *Id.* Because this matter has already been significantly delayed by
16 Plaintiff’s actions, the Court finds that relief under Rule 60 at this time would create further
17 delay and prejudice to Defendant, and is inappropriate.

18 The Court also finds that Plaintiff had actual knowledge of the mandatory procedural
19 requirements imposed upon him in this case. Plaintiff has argued that he was not aware of the
20 specific procedural requirements imposed upon him, because he was in proper person at the
time that the motion to dismiss was filed. Initially, the fact that Plaintiff was in proper person
does not excuse him from complying with the rules of procedure. *See Bonnell v. Lawrence*, 282
P.3d 712, 718 (2012) citing Raymond J. German, Ltd. v. Brossart, 2012 ND 89, 816 N.W.2d 47,



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1 (N.D. 2012). Further, the Court finds that Plaintiff was in fact personally and actually aware of
2 the mandatory procedural requirements imposed upon him, due to the fact that: (1) this Court
3 mailed its Trial Scheduling Order to Plaintiff directly at his home address; (2) Defendant filed
4 its motion to dismiss and served it on Plaintiff at his home address, alerting Plaintiff of his
5 procedural requirements at a time when Plaintiff could have rectified any deficiencies; and (3)
6 Plaintiff appeared in person at a hearing on April 7, 2016 and was personally admonished by
7 this Court regarding Defendant's pending dispositive motions and the importance of complying
8 with the rules and taking appropriate action if he wished to pursue this case. Plaintiff did not
9 take any action despite these express warnings.

10 Finally, Plaintiff asserts that relief should be granted under Rule 60 due to the public
11 policy of having matters heard on their merits. While the Court acknowledges the public policy
12 of having matters heard on their merits, the present matter presents issues that warrant a denial
13 of Rule 60 relief. The Plaintiff in this action has shown a blatant disregard for the rules of
14 procedure. Even in the face of numerous opportunities to correct his deficiencies and express
15 warnings from the Court regarding the consequences of his failure to comply with mandatory
16 rules, Plaintiff refused to take the necessary actions in his case. Then upon having his matter
17 dismissed for failure to act, Plaintiff again did nothing to rectify the situation until nearly six (6)
18 months after his case was dismissed. Such are not the actions of a party who is entitled to relief
19 under Rule 60.

20 Accordingly, the Court hereby finds that Plaintiff has failed to establish any of the
grounds for relief set forth in NRCP 60(b)(1), and Plaintiff has failed to establish any of the
factors identified in Yochum v. Davis.




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1 IT IS THEREFORE ORDERED THAT PLAINTIFF'S MOTION FOR NRCP 60
2 RELIEF IS DENIED.

3 IT IS SO ORDERED this 22nd day of ^{December}~~November~~, 2016.

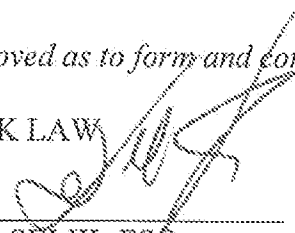
4 
DISTRICT COURT JUDGE

5 *Respectfully Submitted by:*
6 MORAN BRANDON BENDAVID MORAN

7 
LEW BRANDON, JR., ESQ.
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Attorneys for Defendant,
11 FIESTA PALMS, LLC d/b/a
PALMS CASINO RESORT

12 *Approved as to form and content:*

13 SELIK LAW

14 
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15 Nevada Bar No. 402
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DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

November 14, 2008

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

November 14, 2008 9:00 AM Discovery Conference

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

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

PARTIES

PRESENT: Baker, Steven M Attorney
 Stephenson, Marsha L Attorney

JOURNAL ENTRIES

- COMMISSIONER RECOMMENDED, 4/6/09 trial date VACATED; discovery cutoff is EXTENDED to 8/28/09; adding parties, amended pleadings, and initial expert disclosures DUE 5/29/09; rebuttal expert disclosures DUE 6/29/09; dispositive motions TO BE FILED BY 9/28/09. Amended Scheduling Order will issue.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

June 08, 2009

06A531538

Enrique Rodriguez, Plaintiff(s)

vs.

Fiesta Palms LLC, Defendant(s)

June 08, 2009

3:00 AM

**Motion to Amend
Complaint**

HEARD BY: Walsh, Jessie

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- There being no opposition, COURT ORDERED motion GRANTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

September 30, 2009

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

September 30, 2009 3:00 AM Motion

HEARD BY: Walsh, Jessie **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for Plaintiff to demonstrate why Beavers cannot be served at an address she gave during her deposition, or why she cannot be served at the address of her California attorney.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

November 23, 2009

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

November 23, 2009 3:00 AM Motion

HEARD BY: Walsh, Jessie **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Following review of the papers and pleadings on file herein, COURT ORDERED motion GRANTED.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

August 11, 2010

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

August 11, 2010	10:00 AM	Motion to Compel	Affidavit of Keith R. Gillette in Support of Application for Order Shortening Time on Hearing of Deft's Motion to Compel Independent Medical Examination of Pltf; and Order Shortening Time
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HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

PARTIES

PRESENT: Baker, Steven M Attorney

JOURNAL ENTRIES

- Marshal Wilds present; Keith Gillette, Esquire, for Deft (Telephonic Conf).

Arguments by counsel. Mr. Baker confirmed Pltf's psychological injury has not resolved. COMMISSIONER RECOMMENDED, Deft's Motion for Psychological IME is DENIED WITHOUT PREJUDICE; NO IME; 10/4/10 trial date STANDS; Deft's expert can testify on the psychological aspect (based on records) if appropriately designated and consistent with his report; scope will be determined by the Court; if trial does not go forward, Commissioner would reconsider ruling. Mr. Baker prepare recommendation; Mr. Gillette approve form and content.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

September 15, 2010

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

September 15, 2010 9:00 AM Motion to Strike Pltf's Motion to Strike Deft's Rebuttal Expert Witnesses on Ex-Parte Applicatio for OST; Order

HEARD BY: Walsh, Jessie **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Karina Kennedy

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Baker, Steven M Attorney
Ward Esq, Kenneth C. Attorney

JOURNAL ENTRIES

- Mr. Baker argued expert reports were untimely and the two experts should be stricken. Mr. Ward argued it is past expert deadline but not Discovery deadline. Arguments between counsel regarding taking Economist and Security experts depositions. The Court FINDS Mr. Ward needs to make experts available to Mr. Baker for depositions, therefore, COURT ORDERED, Motion DENIED.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

October 06, 2010

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

October 06, 2010	9:30 AM	Motion to Strike	Plaintiff's Motion to Strike Defendants' Expert Witnesses on Ex Parte Application for Order Shortening Time; Order
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HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

PARTIES

PRESENT:	Baker, Steven M	Attorney
	Ward Esq, Kenneth C.	Attorney

JOURNAL ENTRIES

- Marshal Wilds present.

Arguments by counsel. COMMISSIONER RECOMMENDED, motion is DENIED WITHOUT PREJUDICE, and DENIED from a discovery perspective; admissibility of Dr. Becker's testimony is DEFERRED to the Judge as discussed in Open Court; Dr. Smith cannot testify at trial, and his report cannot be admitted. Mr. Baker prepare recommendation; Mr. Ward approve form and content.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

October 20, 2010

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

October 20, 2010 9:00 AM Motion

HEARD BY: Walsh, Jessie COURTROOM: RJC Courtroom 14B

COURT CLERK: Phyllis Irby

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Baker, Steven M Attorney
Cardenas, Robert S. Attorney
Stephenson, Marsha L Attorney

JOURNAL ENTRIES

- Court Noted, it hasn't had a chance to read Opposition. Ms. Stephenson stated defense counsel preferred to have a Non-Jury Trial; at no time did defense want to WAIVE Jury trial, this is appropriate for Jury Trial. Mr. Baker informed the Court an Order for Non-Jury Trial was sent out in February and no Opposition was filed. Therefore, this should be a Non-Jury trial; there is prejudice for Plaintiff's counsel to request a Jury Trial 5 days before trial. Court Noted, there are good points made by both parties; therefore, COURT ORDERED, MOTION DENIED. Mr. Baker to prepare the Order and run pass Ms. Stephenson before submitting to the Court for signature.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

October 27, 2010

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

October 27, 2010 12:00 AM Bench Trial

HEARD BY: Walsh, Jessie COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Baker, Steven M	Attorney
	Cardenas, Robert S.	Attorney
	Rodriguez, Enrique	Plaintiff
	Ward Esq, Kenneth C.	Attorney

JOURNAL ENTRIES

- Mr. Baker continued with his case in chief. Testimony and exhibits presented. (See worksheets). Following testimony of Dr. Shannon, court instructed parties to return tomorrow at the given time.

10/28/10 1:30 PM BENCH TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

October 28, 2010

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

October 28, 2010 1:30 PM Bench Trial

HEARD BY: Walsh, Jessie COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Baker, Steven M	Attorney
	Cardenas, Robert S.	Attorney
	Rodriguez, Enrique	Plaintiff
	Ward Esq, Kenneth C.	Attorney

JOURNAL ENTRIES

- Mr. Baker continued with his case in chief. Testimony and exhibits presented. (See worksheets).
Following testimony of Dr. Schfini, court instructed parties to return Monday at the given time.

11/01/10 9:00 AM BENCH TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

November 03, 2010

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

November 03, 2010 1:00 PM Bench Trial

HEARD BY: Walsh, Jessie COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Baker, Steven M Attorney
Cardenas, Robert S. Attorney
Rodriguez, Enrique Plaintiff
Ward Esq, Kenneth C. Attorney

JOURNAL ENTRIES

- Colloquy regarding clarification of exhibits. Continued Testimony and exhibits presented. (See worksheets). Following testimony of Ms. Perez, Court instructed parties to return tomorrow at the given time.

11/04/10 1:00 PM BENCH TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

November 08, 2010

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

November 08, 2010 9:00 AM Bench Trial

HEARD BY: Walsh, Jessie COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Baker, Steven M Attorney
Bendavid, Jeffrey A. Attorney
Rodriguez, Enrique Plaintiff
Ward Esq, Kenneth C. Attorney

JOURNAL ENTRIES

- Continued Testimony and exhibits presented. (See worksheets). Following testimony of Dr. Kidwell, Court instructed the parties to return tomorrow at the given time.

11/09/10 1:00 PM BENCH TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

November 09, 2010

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

November 09, 2010 1:00 PM Bench Trial

HEARD BY: Walsh, Jessie COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Baker, Steven M	Attorney
	Bendavid, Jeffrey A.	Attorney
	Rodriguez, Enrique	Plaintiff
	Ward Esq, Kenneth C.	Attorney

JOURNAL ENTRIES

- Continued Testimony and exhibits presented. (See worksheets). Following testimony of Dr. Mortillaro, Court instructed parties to return tomorrow at the given time.

11/10/10 1:00 PM BENCH TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

November 10, 2010

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

November 10, 2010 1:00 PM Bench Trial

HEARD BY: Walsh, Jessie COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Baker, Steven M	Attorney
	Bendavid, Jeffrey A.	Attorney
	Rodriguez, Enrique	Plaintiff
	Ward Esq, Kenneth C.	Attorney

JOURNAL ENTRIES

- Colloquy regarding admitted exhibits. Upon Court's inquiry, Counsel for plaintiff and defense rested. Mr. Baker advised he would like to submit and file in open court, plaintiff's motion to Strike and plaintiff's rule 50 motion for judgment on liability. COURT SO ORDERED. Argument. Mr. Ward stated he's just been presented these motions and requested the opportunity to brief the motions. Following representations, COURT ORDERED, briefing schedule set as follows: 11/24/10 for opposition and 12/01/10 for reply. Further COURT ORDERED, matter set for argument on 12/15/10. Closing arguments by Mr. Baker and Mr. Ward. Court thanked counsel and advised this court's JEA will contact counsel if the hearing for argument on the motions is vacated.

12/15/10 10:00 AM HEARING: PENDING MOTIONS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

January 27, 2011

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

January 27, 2011 9:30 AM Hearing

HEARD BY: Walsh, Jessie

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Baker, Steven M	Attorney
	Cardenas, Robert S.	Attorney
	Gillete, Keith R.	Attorney

JOURNAL ENTRIES

- Defendant's Motion for Mistrial, or Alternatively, Motion to Strike Plaintiff's Confidential Pretrial and Trial Briefs...Plaintiff's Motion to Strike Defendant's Post-Trial Brief...Motion to Strike Expert Witness Testimony...Pltf's Rule 50 Motion re: Liability

Followings arguments by counsel, Court Stated Its Findings, and ORDERED, as to Defendant's Motion for Mistrial, or Alternatively, Motion to Strike Plaintiff's Confidential Pretrial and Trial Briefs, COURT ORDERED, motion DENIED. As to Plaintiff's Motion to Strike Defendant's Post-Trial Brief, GRANTED. As to Motion to Strike Expert Witness Testimony, GRANTED. As to Pltf's Rule 50 Motion re: Liability, GRANTED. Plaintiff's Motion for Sanctions, WITHDRAWN. Mr. Baker to prepare the order and submit to opposing counsel for review before final submission to the court. Further, Mr. Baker to prepare proposed verdict form and submit to opposing counsel for review before final submission to the court.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

April 05, 2011

06A531538 Enrique Rodriguez, Plaintiff(s)
 vs.
 Fiesta Palms LLC, Defendant(s)

**April 05, 2011 9:00 AM Motion for Stay of
Execution**

HEARD BY: Walsh, Jessie

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Court notes no parties present and ORDERED, matter OFF CALENDAR.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

June 21, 2011

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

June 21, 2011 9:00 AM Motion

HEARD BY: Walsh, Jessie **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Baker, Steven M Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Keith Gillette Esq., Pro Hac Vice for deft., Fiesta Palms present.

Mr. Gillette advised he spoke to Mr. Baker yesterday and he is supposed to be here. Court noted it didn't see an opposition. Matter trailed for Mr. Baker's presence. Later matter recalled. Mr. Baker stated they are not opposing the motion. Court having reviewed the papers and pleadings on file herein, and there being no opposition, COURT ORDERED motion GRANTED. Colloquy regarding pending motions. COURT ORDERED, pending motions SET. Counsel advised the Motion to Lift Stay is rendered Moot. Court so Noted.

07/05/11 9:00 AM Deft's Motion for New Trial... Deft Fiesta Palms Motion to Amend Judgment on the Verdict...Deft's Motion to tax Costs

CLERK'S NOTE: On 09/19/11, Minutes amended to reflect Motion to Lift Stay is rendered Moot. tb.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

July 05, 2011

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

July 05, 2011 11:00 AM All Pending Motions

HEARD BY: Walsh, Jessie COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Baker, Steven M Attorney
Cardenas, Robert S. Attorney
Gillete, Keith R. Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Mr. Gillete present Via Court Call.

DEFT'S MOTION FOR A NEW TRIAL....DEFT. FIESTA PALMS MOTION TO AMEND JUDGMENT ON THE VERDICT...DEFT'S MOTION TO TAX COSTS

Counsel noted they agree as to Deft. Fiesta Palms Motion to Amend Judgment on the Verdict. COURT ORDERED motion GRANTED as it is unopposed.

Following arguments by Mr. Gillete and Mr. Baker, Court Stated Its Findings and ORDERED, Deft's Motion for A New Trial, DENIED. FURTHER COURT ORDERED, Deft's Motion to Tax Costs, GRANTED. Mr. Baker to prepare the order.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

September 06, 2011

06A531538 Enrique Rodriguez, Plaintiff(s)
 vs.
 Fiesta Palms LLC, Defendant(s)

September 06, 2011 9:00 AM Motion

HEARD BY: Walsh, Jessie **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Baker, Steven M Attorney
 Gillete, Keith R. Attorney
 Naylor, John M Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Robert L. Eisenberg Esq., present.

Following arguments by counsel, Court Stated Its Findings and ORDERED, Pltf's Motion to Require Posting of Supersedeas Bond; DENIED. Mr. Gillette to prepare the order.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

August 19, 2014

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

August 19, 2014 9:30 AM Status Check

HEARD BY: Walsh, Jessie **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Baker, Steven M Attorney
 Betke, A Autumn Attorney
 Kaveh, Mona Attorney

JOURNAL ENTRIES

- Following Supreme Court Remand, this Court hereby disqualifies itself and ORDERS, this case be REASSIGNED at random.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

November 06, 2014

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

November 06, 2014 9:00 AM All Pending Motions

HEARD BY: Togliatti, Jennifer COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Baker, Steven M Attorney
Jones, Jon Randall Attorney
Kaveh, Mona Attorney

JOURNAL ENTRIES

- MOTION TO: (1) VACATE AND STRIKE FILINGS AND ORDERS ENTERED PRIOR TO ISSUANCE OF NEVADA SUPREME COURT REMITTITUR, INCLUDING THE REASSIGNMENT OF JUDGE TIMOTHY C. WILLIAMS, AND (2) VACATE NOVEMBER 6, 2014 HEARING ON ORDER SHORTENING TIME ... ORDER SETTING HEARING FURTHER PROCEEDINGS RE: SUPREME COURT REVERSAL AND REMAND

Court noted the Chief Judge can reassign cases and is not an appellate Court, and that the orders will be stricken if the matter goes to the Supreme Court. Mr. Jones argued that the Chief Judge can reassign the case as it was remanded. Court advised it cannot overrule another Judge. Mr. Jones advised his client has the right to a peremptory challenge. Mr. Baker requested the Court find it was an administrative action and the Defense can prepare a writ. Further, Mr. Baker argued that peremptory challenge was already used by the Defense. Court advised it does not have the authority to affect assignment. COURT ORDERED, motion DENIED WITHOUT PREJUDICE, noting it does not have the authority to grant the motion. Mr. Jones to prepare the order and submit to opposing counsel before final submission to the Court.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

February 13, 2015

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

February 13, 2015 9:00 AM Status Check: Trial Setting

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT: Rodriguez, Enrique Plaintiff
 Smerber, Justin W. Attorney

JOURNAL ENTRIES

- STATUS CHECK: TRIAL SETTING

Mr. Rodriquez advised he just received case file from Steve Baker, needs more time to have new counsel review file and requested 30 more days. Mr. Smerber requested trial setting now. COURT noted discovery is closed, and ORDERED, trial date SET and matter CONTINUED for status check on counsel.

3/20/15 9 AM STATUS CHECK: NEW COUNSEL

7/24/15 10 AM CALENDAR CALL

8/3/15 1:30 PM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

March 25, 2015

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

March 25, 2015 9:00 AM Status Check

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Jennifer Kimmel

RECORDER:

REPORTER:

PARTIES

PRESENT: Smerber, Justin W. Attorney

JOURNAL ENTRIES

- Mr. Paul Padda, Esq. present and requesting more time to discuss with the client. COURT ORDERED, request is GRANTED and matter is CONTINUED.

Mr. Smerber, Esq. indicated he will be requesting a Jury Trial. Court directed counsel to place the request in writing.

CONTINUED TO: 4/1/15 9:00 A.M.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

April 01, 2015

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

April 01, 2015 9:00 AM Status Check

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Jennifer Kimmel

RECORDER:

REPORTER:

PARTIES

PRESENT: Smerber, Justin W. Attorney

JOURNAL ENTRIES

- Mr. Paul Padda, Esq. present and stating he can not confirm as Pltf's counsel at this time, and is requesting more time to discuss with the client. COURT ORDERED, request is GRANTED and matter is CONTINUED. Court clarified this is the last time for a continuance, Deft. has pending Pre Trial Motions to be filed.

CONTINUED TO: 4/8/15 9:00 A.M.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

April 29, 2015

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

April 29, 2015 9:00 AM Status Check

HEARD BY: Bonaventure, Joseph T. COURTROOM: RJC Courtroom 11D

COURT CLERK: Jennifer Kimmel

RECORDER:

REPORTER:

PARTIES

PRESENT: Smerber, Justin W. Attorney

JOURNAL ENTRIES

- Mr. Paul Padda, Esq. specially appearing for the Pltf. and advised Mr. Robert Vannah may appear for the Pltf. next date, however he is not certain. Mr. Padda indicated the Pltf. is attempting to obtain the funds needed to proceed with his case and would like to attempt a settlement conference. Court encouraged both counsel to discuss attending a Settlement Conference.

COURT ORDERED, matter CONTINUED.

CONTINUED TO: 5/13/15 9:00 A.M.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

May 13, 2015

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

May 13, 2015 9:00 AM All Pending Motions

HEARD BY: Scotti, Richard F. **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristen Brown

RECORDER:

REPORTER: Loree Murray

PARTIES

PRESENT: Smerber, Justin W. Attorney

JOURNAL ENTRIES

- The Court disclosed that it had previously worked on this case with his former firm of Kemp, Jones & Coulthard which represents the deft., therefore, to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERED, this case be REASSIGNED at random.

Argument by counsel regarding Pltf's Motion for a Mandatory Settlement Conference. Court stated it is generally a fan of Alternative Dispute Resolution (ADR) however, given this would go forward with one side not wanting to participate, the harm is a waste of time and resources, for all concerned. Accordingly, COURT FURTHER ORDERED, Pltf's Motion is DENIED WITHOUT PREJUDICE.

Mr. Smerber, Esq. moved for the Court to address a previously filed Motion for this matter to go forward as a Jury Trial and not a Bench Trial. COURT FURTHER ORDERED, it will issue a decision regarding the Trial either through a minute order or a written decision, which will be provided to both sides.

COURT NOTED, parties are #1 on their STACK.

Court directed Mr. Smerber to prepare the Order and submit to Mr. Padda for his review and signature prior to submitting to the Court for signature.

11/23/15 8:30 A.M. PRETRIAL CONFERENCE

12/09/15 8:30 A.M. CALENDAR CALL

12/14/15 10:30 A.M. JURY TRIAL

06A531538

after opposing counsel has approved that order as to form and content.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

September 28, 2015

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

September 28, 2015 9:30 AM Status Check

HEARD BY: Hardy, Joe **COURTROOM:** Phoenix Building Courtroom -
11th Floor

COURT CLERK: Jennifer Kimmel

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Padda, Paul S. Attorney
Smerber, Justin W. Attorney

JOURNAL ENTRIES

- Mr. Smerber, Esq. requested a continuance of the trial until some time in 2016. Counsel advised they did not need an extension on the discovery deadline. There being no opposition, COURT ORDERED, request is GRANTED and the Pretrial Conference, Calendar Call and Jury Trial dates are RESET and the last date to file pretrial Motions is 12/28/15.

Court's Judicial Executive Assistant will prepare a new Trial Order.

2/1/16 8:30 A.M. PRETRIAL CONFERENCE

2/17/16 8:30 A.M. CALENDAR CALL

2/22/16 10:30 A.M. JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

February 09, 2016

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

February 09, 2016 3:00 AM Motion to Withdraw as
Counsel

HEARD BY: Hardy, Joe COURTROOM: Chambers

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, pursuant to EDCR 7.40(b)(2)(i) and EDCR 2.20(e) (no opposition having been filed), the COURT hereby GRANTS Paul S. Padda, Esq. s Motion to Withdraw as Counsel of Record for Plaintiff Enrique Rodriguez. Movants are directed to prepare a written order that includes Plaintiff Enrique Rodriguez address and phone number and submit it to this Court s chambers within 10 days pursuant to EDCR 7.21.

CLERK'S NOTE: A copy of this minute order e-mailed to: Paul S. Padda, Esq. [ppadda@caplawyers.com] and Lewis W. Brandon, Jr. [l.brandon@moranlawfirm.com]. (KD 2/9/16)

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

April 07, 2016

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

April 07, 2016 9:00 AM All Pending Motions

HEARD BY: Hardy, Joe COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Rodriguez, Enrique Plaintiff
Smerber, Justin W. Attorney

JOURNAL ENTRIES

- DEFENDANT, FIESTA PALMS, LLC'S MOTION IN LIMINE NO. 1 TO EXCLUDE TESTIMONY REGARDING WITNESSES VIKKI KOOINGA AND SHERI LONG...DEFENDANT, FIESTA PALMS, LLC'S MOTION IN LIMINE NO. 5 TO EXCLUDE ANY REFERENCE THAT THE "GOLDEN RULE" OR THAT THE JURY PANEL OR THE JURY SHOULD DO UNTO OTHERS AS YOU HAVE THEM DONE UNTO YOU...DEFENDANT, FIESTA PALMS, LLC'S MOTION IN LIMINE NO. 3 TO EXCLUDE ANY MONETARY DAMAGES OF THE PLAINTIFF NOT PREVIOUSLY DISCLOSED OR BASED UPON CLAIMS NOT PREVIOUSLY ASSERTED...DEFENDANT, FIESTA PALMS, LLC'S MOTION IN LIMINE NO. 2 TO EXCLUDE ANY REFERENCE THAT ANY MOTION IN LIMINE HAS BEEN FILED; THAT THE COURT HAS RULED, OR MAY RULE ON ANY PART OF OUTSIDE THE PRESENCE OF THE JURY; OR SUGGESTING OR IMPLYING TO POTENTIAL JURORS DURING VOIR DIRE OR SEATED JURORS IN ANY MANNER WHATSOEVER THAT DEFENDANT MOVED TO EXCLUDE PROOF IN ANY MANNER OR THAT THE COURT HAS EXCLUDED PROOF OF ANY MANNER...DEFENDANT, FIESTA PALMS, LLC'S MOTION IN LIMINE NO. 4 TO EXCLUDE ANY REFERENCE TO LIABILITY INSURANCE OR SOME OTHER SIMILAR CONTRACTOR POLICY RELATED TO THE DEFENDANT...DEFENDANT, FIESTA PALMS, LLC'S MOTION IN LIMINE NO. 6 TO EXCLUDE ALL SIDE BAR COMMENTS MADE BY

COUNSEL DURING DEPOSITIONS THAT WERE RECORDED ON VIDEOTAPE OR PRESENT IN DEPOSITION TRANSCRIPTS...DEFENDANT, FIESTA PALMS, LLC'S MOTION IN LIMINE NO. 8 TO EXCLUDE ANY QUESTIONS THAT WOULD INVADE THE ATTORNEY/CLIENT PRIVILEGE...DEFENDANT, FIESTA PALMS, LLC'S MOTION IN LMINE NO. 9 TO EXCLUDE ANY STATEMENT OR IMPLICATION THAT DEFENDANT SOUGHT TO DELAY THIS TRIAL...DEFENDANT, FIESTA PALMS, LLC'S MOTION IN LIMINE NO. 10 TO EXCLUDE ANY COMMENTS REGARDING THE NUMBER OF ATTORNEYS REPRESENTING THE DEFENDANT...DEFENDANT, FIESTA PALMS, LLC'S MOTION IN LIMINE NO. 7 TO EXCLUDE ANY REFERENCE THAT THE ATTORNEYS FOR DEFENDANT SPECIALIZE IN THE HANDLING OF INSURANCE CASES...DEFENDANT, FIESTA PALMS, LLC'S MOTION IN LIMINE NO. 11 TO EXCLUDE ANY TESTIMONY OFFERED BY WITNESSES WHO HAVE NOT ALREADY BEEN DISCLOSED AND IDENTIFIED PRIOR TO THE CLOSE OF DISCOVERY...DEFENDANT, FIESTA PALMS, LLC'S MOTION IN LIMINE NO. 12 TO PRECLUDE ANY LAY PERSON FROM RENDERING OPINIONS AS TO ANY MEDICAL ASPECTS OF THE PLAINTIFFS, SPECIFICALLY DIAGNOSES AND CLAIMS OF DIAGNOSES FROM ANY THIRD-PARTIES AS THE EXPERTISE PROPERLY LIES WITH THE MEDICAL PROVIDER AND BEYOND THE SCOPE OF A LAY PERSON'S EXPERIENCE...DEFENDANT, FIESTA PALMS, LLC'S MOTION IN LIMINE NO. 13 TO EXCLUDE ANY EVIDENCE OF CLAIMS OF MENTAL, PSYCHOLOGICAL OR EMOTIONAL DAMAGES...DEFENDANT, FIESTA PALMS, LLC'S MOTION IN LIMINE NO. 14 TO PRECLUDE PLAINTIFF'S TREATING PHYSICIANS AND MEDICAL EXPERT FROM TESTIFYING AT TRIAL...DEFENDANT, FIESTA PALMS, LLC'S MOTION IN LIMINE NO. 15 TO PRECLUDE PLAINTIFF FROM CLAIMING MEDICAL SPECIALS EXCEEDING AMOUNTS DISCLOSED BY PLAINTIFF PURSUANT TO NRCP 16.1...DEFENDANT, FIESTA PALMS, LLC'S MOTION IN LIMINE NO. 16 TO PRECLUDE PLAINTIFF FROM ARGUING THAT THE VIOLATION OF DEFENDANT'S INTERNAL POLICIES CONSTITUTES NEGLIGENCE PER SE

Court noted that Oppositions had not been filed for any of the instant Motions. Mr. Smerber indicated he had received no Oppositions to any of the Motions, and requested they be granted pursuant to EDCR 2.20(e). Mr. Rodriguez requested a six month extension in order to seek new counsel, noting that Mr. Padda withdrew as his counsel in February. COURT ORDERED Mr. Rodriguez's request for an extension was hereby DENIED, FINDING that, although Plaintiff was proceeding in Proper Person, that did not excuse him from properly following the rules of civil procedure. COURT FURTHER ORDERED, ALL Motions in Limine GRANTED as unopposed, pursuant to EDCR 2.20(e), FINDING that all of the Motions were properly served on the Plaintiff at his last known address. Mr. Smerber to prepare one Order for all of the Motions in Limine and submit it directly to the Court. The Court advised Plaintiff to properly pursue the case if he wished to move forward, and to review the pending Motion for Summary Judgment and determine whether he wished to file an Opposition.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

April 14, 2016

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

April 14, 2016 9:00 AM All Pending Motions

HEARD BY: Hardy, Joe COURTRROOM: Phoenix Building Courtroom - 11th Floor

COURT CLERK: Cynthia Molerres

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Rodriguez, Enrique Plaintiff

JOURNAL ENTRIES

- DEFENDANT, FIESTA PALMS, LLC'S MOTION TO DISMISS PURSUANT TO NRCP 16.1 AND EDCR 2.67...DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING PUNITIVE DAMAGES

Mr. J. Smerber, Esq., appearing on behalf of Fiesta Palms, LLC.

Court noted no opposition or response had been filed. Pltf. requested a continuance, stating he had spoken with local counsel whom were to appear today. Mr. Smerber stated he had no contact with any attorney pertaining to this matter and there being no opposition requested the motion be granted. Court stated its findings and ORDERED, Deft.'s Motion to Dismiss GRANTED; Deft.'s Motion for Partial Summary Judgment DENIED WITHOUT PREJUDICE due to the Motion to Dismiss being granted. Mr. Smerber stated due to the facts discussed Pltf. is self-represented since notice of withdraw and the motions needed to be responded to and service was clearly made, the issue with counsel are insufficient in this action to preclude action in the rules. Mr. Smerber to submit an order to the Court.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

November 15, 2016

06A531538 Enrique Rodriguez, Plaintiff(s)
vs.
Fiesta Palms LLC, Defendant(s)

November 15, 2016 9:00 AM Motion for Relief

HEARD BY: Hardy, Joe COURTRROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Selik, Joel Gary Attorney

JOURNAL ENTRIES

- Also present: Justin Smerber, Esq. and Robert Eisenberg, Esq. on behalf of the Defendant.

Mr. Selik argued in support of the Motion, requesting the Plaintiff be given the chance to have his case heard on its merits. Mr. Smerber argued in opposition, stating that Plaintiff did not make a prompt showing of applying to remove the judgment. COURT ORDERED Motion DENIED for all of the reasons set forth in the Opposition. FINDING the following: (1) Plaintiff was aware for months that he needed to obtain new counsel, or that he needed to proceed as a self-represented litigant; (2) Plaintiff failed to obtain new counsel, and failed to comply with the rules of the Court; (3) the six-month deadline argument was not persuasive, as the six-month deadline was an outside parameter; and (4) the delays throughout the case were prejudicial to the Defendant, and granting the instant Motion would cause further prejudice.

Mr. Smerber to prepare the Order, including all of the bases set forth in the Opposition, and forward it to Mr. Selik for approval as to form and content.

ORIGINAL

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 Nevada Bar No. 4522
 BENSON, BERTOLDO, BAKER & CARTER
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 Las Vegas, Nevada 89117
 Telephone : (702) 228-2600
 Facsimile : (702) 228-2333
monique@bensonlawyers.com
 Attorneys for Plaintiff

DISTRICT COURT
 CLARK COUNTY, NEVADA

ENRIQUE RODRIGUEZ, an individual,
 Plaintiff,

CASE NO: A531538

DEPT NO: 10

vs.

PLAINTIFF'S EXHIBIT LIST

FIESTA PALMS, L.L.C., a Nevada Limited
 Liability Company, d/b/a PALMS CASINO
 RESORT, BRANDY L. BEAVERS,
 individually, DOES 1 through X, inclusive,
 and ROE BUSINESS ENTITIES I through X,
 inclusive,

NON-JURY TRIAL DATE: 10/25/10

Defendants.

Tab No.	Exhibit
1	List of Past Medical Expenses
2 Admit 10-27-10	Medical records and billing statement from American Medical Response (AMR 0001-4)
3 ADM 10-25-10	Medical records and billing statement from Spring Valley Hospital Medical Center (Spring Valley 0001 - 0011)
4 ADM 10-25-10	Medical records and billing statement from Desert Radiologists (Desert Radiologist 0000001-2)
5 ADM 10-25-10	Medical records and billing statement from Shadow Emergency Physicians (Shadow Emergency 0000001-4)
6 10-27-10	Medical records and billing statement from Associated Physicians (Associated Physicians 0000001-16)
7 Admit 10-27-10	Medical records and billing statement from Open MRI of Inland Valley (OPEN MRI 0000001-4)
8 10-27-10	Medical records and billing statement from Wellness Group (Wellness Center 0000001-14)
9 Admit 10-26-10	Medical records and billing statement from Vision Radiology (Vision Radiology

06-7 A

7408 WEST 5 RA AVENUE • LAS VEGAS, NEVADA 89117 • (702) 228-2600 • FAX (702) 228-2333

BENSON BERTOLDO BAKER & CARTER
 ATTORNEYS AT LAW

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Tab No.	Exhibit	Ob	Admit
54	2001 Tax Return (W-2 2001 0000001-8)	N	Y
55	2004 Tax Return (W-2 2004 0000001-10)	N	Y
56	Expert Report of Terrence Dinneen (incl. report by Kathleen Hartmann)		
57	Expert Report of Steven T. Baker		
58	Palms Casino Resort security incident report (FP0118 – FP0120)	N	Y
59	Palms Casino Resort Guest/Employee Voluntary Statement by Enrique Rodriguez (FP0121)		
60	Palms Casino Resort Guest/Employee Voluntary Statement by Chris Poe (FP0122)		
61	Palms Casino Resort Guest/Employee Voluntary Statement by Josh Gonzales (FP0123)		
62	Waiver of Medical Treatment (FP 0124)	N	Y
63	Palms Security Manual (FP5007-5174)		
64	Security Interview Questions (FP5175 – 5178)		
65	Standard Operation Procedures until 3-2006		
66	Expert Report of George Becker, M.D.	N	Y
67	Expert Report of Thomas F. Cargill	N	Y
68	Expert Report of Forrest P. Franklin	N	Y
69	Plaintiff's Responses to First Set of Interrogatories		
70	Plaintiff's Responses to Second Set of Interrogatories		
71	Defendant Fiesta Palms's Responses to First Set of Interrogatories		
72	Defendant Fiesta Palms's Responses to Second Set of Interrogatories		

73	Affidavit of Non Service	N	10-25
74	Affidavit of Non-Service	N	10-25
75	Diagram	N	10-25
76	Contingency Agreement	Y	10-26/10
77	Rancho Physical Therapy Diagram	N	10-27/10

Ob Admit

Ob Admit

Ob Admit
10-26-10
10-27-10

ORIGINAL

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6

7 Attorneys for Defendant
FIESTA PALMS, LLC, a Nevada Limited Liability
Company, d/b/a THE PALMS CASINO RESORT
8

9 Marsha L. Stephenson, (Bar No. 6150)
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10 Las Vegas, NV 89102-1942
Telephone: 702.474.7229
11 Facsimile: 702.474.7237

12 DISTRICT COURT
13 CLARK COUNTY, NEVADA
14

15 ENRIQUE RODRIGUEZ,

16 Plaintiff,

17 v.

18 FIESTA PALMS, LLC, a Nevada Limited
19 Liability Company, d/b/a THE PALMS
CASINO RESORT, et al. ,

20 Defendants.
21

Case No. A531538

DEFENDANT'S TRIAL EXHIBIT LIST

NON-JURY TRIAL DATE: 10/25/2010

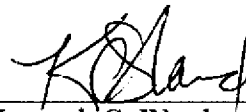
TAB	EXHIBIT DESCRIPTION	Offered Date	Objection	Admitted	Admitted Date
A	Medical records and billing of Riverside Community Hospital (RIVERSIDE COMMUNITY HOSPITAL 00001 - 00275)				

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TAB	EXHIBIT DESCRIPTION	Offered Date	Objection	Admitted	Admitted Date
B	Medical records of Magnolia Medical Clinic (MAGNOLIA MEDICAL CLINIC 000001 - 00034)				
C	Report by George E. Becker, M.D., dated May 21, 2009				
D	Report by Carole Hyland, dated June 11, 2010				
E	Supplemental Report by Thomas F. Cargill, dated October 5, 2010				
F	Curriculum Vitae	Step	N	Y	11-5-10

Dated: November 2, 2010

ARCHER NORRIS



Kenneth C. Ward
Attorneys for Defendant
FIESTA PALMS, LLC, a Nevada Limited
Liability Company, d/b/a THE PALMS
CASINO RESORT



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

MICAH S. ECHOLS, ESQ.
10001 PARK RUN DR.
LAS VEGAS, NV 89145

DATE: January 9, 2017
CASE: 06A531538

RE CASE: ENRIQUE RODRIGUEZ vs. FIESTA PALMS, LLC dba PALMS CASINO RESORT

NOTICE OF APPEAL FILED: January 5, 2017

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; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PLAINTIFF'S MOTION FOR NRCP 60 RELIEF; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

ENRIQUE RODRIGUEZ,

Plaintiff(s),

vs.

FIESTA PALMS, LLC dba PALMS CASINO RESORT,

Defendant(s),


Case No: 06A531538

Dept No: XV

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 9 day of January 2017.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

