

IN THE SUPREME COURT OF THE STATE OF NEVADA

*** * * ***

**ENRIQUE RODRIGUEZ, AN
INDIVIDUAL,**

Electronically Filed
Aug 25 2017 02:54 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appellant,

vs.

NO. 72098

**FIESTA PALMS, LLC, A NEVADA
LIMITED LIABILITY COMPANY, D/B/A
PALMS CASINO RESORT, N/K/A FCH1,
LLC, A NEVADA LIMITED LIABILITY
COMPANY,**

Respondents.

_____ /

RESPONDENTS' APPENDIX

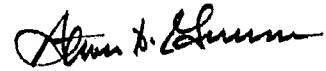
**ROBERT L. EISENBERG (SBN 950)
LEMONS, GRUNDY & EISENBERG
6005 Plumas Street, Third Floor
Reno, NV 89519
775-786-6868
rle@lge.net**

ATTORNEYS FOR RESPONDENTS

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CHRONOLOGICAL INDEX TO RESPONDENTS' APPENDIX

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CLERK OF THE COURT

1 MWCN
2 JEFFERY A. BENDAVID, ESQ.
3 Nevada Bar No.: 6220
4 MORAN LAW FIRM, LLC
5 630 S. Fourth Street
6 Las Vegas, Nevada 89101
7 (702) 384-8424
8 (702) 384-6568 – *facsimile*
9 Prior Attorney for Defendant,
10 FIESTA PALMS, LLC

11 DISTRICT COURT
12 CLARK COUNTY, NEVADA

13 ENRIQUE RODRIGUEZ, an individual,)
14)
15 Plaintiff,)
16)
17 vs.)
18)
19 FIESTA PALMS, L.L.C., a Nevada)
20 Limited Liability Company, dba PALMS)
21 CASINO RESORT; DOES I through X,)
22 Inclusive; and ROE CORPORATIONS,)
23 I -X, inclusive,)
24)
25 Defendants.)

Case No.: A531538
Dept. No.:X

2/2/12
In chambers

26 MOTION TO CLARIFY RECORD AND WITHDRAW OF COUNSEL ON ORDER
27 SHORTENING TIME

28 COMES NOW, JEFFERY A. BENDAVID, ESQ., of MORAN LAW FIRM, LLC, prior
attorney for the Defendant, FIESTA PALMS, LLC, hereby move this Honorable Court for an
Order allowing clarification of the record and order of withdrawal of the undersigned as the
listed attorney of record for the Defendant, Fiesta Palms, LLC, a Nevada limited liability
company, dba Palms Casino Resort in this action or Order Shortening Time.

///



MORAN LAW FIRM, LLC
MORAN BRANDON BENDAVID MORAN
ATTORNEYS AT LAW
630 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
FAX: (702) 384-6568

1 This Motion is made and based upon the Affidavit filed herewith, the Memorandum of
2 Points and Authorities attached hereto, pleadings and papers herein filed now and testimony
3 produced at the time of Hearing.

4 DATED this 25th day of January, 2012.

5 **MORAN LAW FIRM, LLC**

6
7 s/: Jeffery A. Bendavid, Esq.
8 **JEFFERY A. BENDAVID, ESQ.**
9 Nevada Bar No. 6220
10 630 S. Fourth Street
11 Las Vegas, Nevada 89101
12 Prior Attorney for Defendant,
13 FIESTA PALMS, LLC
14
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MORAN LAW FIRM, LLC
JEFFERY A. BENDAVID MORAN
ATTORNEYS AT LAW

30 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
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ORDER SHORTENING TIME

This matter having come before this Court upon the Affidavit of Jeffery A. Bendavid, Esq., of the Moran Law Firm, LLC, in support of an Order Shortening Time and the Court having reviewed all of the papers and pleadings on file herein, and for good cause, therefore;

IT IS HEREBY ORDERED that the foregoing **MOTION TO CLARIFY RECORD AND WITHDRAW OF COUNSEL ON ORDER SHORTENING TIME** be heard on the 2 day of FEB., 2012 at the hour of CHAMBERS, pm; in Department X of the Eighth Judicial District Court.

DATED this 2/1 day of January, 2012.

Jessie Walsh
DISTRICT COURT JUDGE *y*

Respectfully submitted by:

MORAN LAW FIRM, LLC

/s/ Jeffery A. Bendavid, Esq.
JEFFERY A. BENDAVID, ESQ.
Nevada Bar No. 6220
630 S. Fourth Street
Las Vegas, Nevada 89101
Prior Attorney for Defendant,
Fiesta Palms, LLC



MORAN LAW FIRM, LLC
JEFFERY A. BENDAVID, ESQ.
JEFFERY A. BENDAVID, ESQ.

30 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
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AFFIDAVIT OF JEFFERY A. BENDAVID, ESQ.

COUNTY OF CLARK)
) ss:
 STATE OF NEVADA)

I, JEFFERY A. BENDAVID, ESQ., of the MORAN LAW FIRM, LLC, being first duly sworn on oath, depose and state:

- 1) That I am an attorney duly licensed to practice in the State of Nevada.
- 2) That I am presently listed on the records of the Clark County Clerk of Courts as one of the attorneys of record for the Defendant, Fiesta Palms, LLC, a Nevada limited liability company, dba Palms Casino Resort (the "Palms") in the above-captioned action.
- 3) That beginning on April 9, 2008, this office was informed by Palms' insurance company, Zurich American Insurance Company ("Zurich"), that it had retained Archer Norris to represent the Palms in this matter and accordingly, Archer Norris would be substituting in for the Moran Law Firm, LLC, in this matter.
- 4) Following notification that this matter was being transferred to Archer Norris, an Association of Counsel from Archer Norris was filed on April 14, 2008.
- 5) On April 21, 2008, this office received additional notification from Zurich that it was to cease all work on this matter, transfer the files concerning this matter to Archer Norris, and execute a Substitution of Attorney provided by Archer Norris. However, no Substitution of Attorney was ever provided by Archer Norris.
- 6) Immediately thereafter, the files concerning this matter were transferred to Archer Norris and Archer Norris took over the handling of this case beginning in mid-April 2008.
- 7) In June 2008, after Archer Norris had not provided a Substitution of Attorney, this office prepared a Substitution of Attorney and forwarded to Marsha Stephenson, Esq., for execution



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1 and filing. Archer Norris had indicated that Archer Norris would be working with Ms.
2 Stephenson thereafter.

3 8) However, rather than filing the Substitution of Attorney, it appears that Ms. Stephenson
4 instead filed an "Association of Counsel" with Archer Norris.

5 9) Unbeknownst to the Moran Law Firm, LLC, the Substitution of Attorney was never filed
6 by Marsha Stephenson's office.

7 10) Nevertheless, all files concerning this matter were transferred to Archer Norris, in April
8 2008, and Archer Norris was handling this case exclusively for Palms.

9 11) Although it was believed that a Substitution of Attorney was filed, the undersigned
10 apparently remained as counsel of record on the Court's records despite transferring the case to
11 Archer Norris in April 2008.

12 12) It was not until after the verdict was announced in this matter that I was made aware
13 that the Clark County Clerk of Courts' records still listed the Moran Law Firm, LLC, as
14 counsel of record.

15 13) Following this notification, the undersigned contacted Marsha Stephenson, Esq.
16 concerning the Substitution of Attorney. Ms. Stephenson recalled receiving the Substitution of
17 Attorney, but could not remember what happened to it after she received it.

18 14) In fact, Ms. Stephenson believed that a Substitution of Attorney was filed and it was
19 surprise to her that the Moran Law Firm, LLC, was still listed as counsel. Nonetheless, Ms.
20 Stephenson indicated that her office would search for this Substitution of Attorney.

21 15) When no Substitution of Attorney was located by Ms. Stephenson's office, this office
22 forwarded a second Substitution of Attorney to Ms. Stephenson for her execution and filing
23 confirming that our substitution from this case was effective in June 2008.



24 MORAN LAW FIRM, LLC
25 MORAN BRANDON BENDAVID MORAN
26 ATTORNEYS AT LAW

27 630 SOUTH 4TH STREET
28 LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
FAX: (702) 384-6568

1 16) Despite repeat telephone calls and assurances from Ms. Stephenson related to the
 2 second Substitution of Attorney, the Substitution of Attorney was never signed or filed with the
 3 Court. Now, no further responses from Ms. Stephenson's office have been received.

4 17) This case is now on appeal and the Moran Law Firm, LLC, continues to be copied on all
 5 briefs, Scheduling Orders, etc., despite effectively having been substituted, although not
 6 officially, out of the case in April 2008, by K.C. Ward, Esq., of Archer Norris.

7 18) At this time, the Moran Law Firm, LLC, has been noticed to attend the Nevada Supreme
 8 Court Mandatory Settlement Conference simply because the Court's records show the Moran
 9 Law Firm, LLC as one of the attorney of record.

10 19) Given the nature of the clerical discrepancies, as well as the status of the case, this
 11 matter is requested on an Order Shortening Time to correct the record.

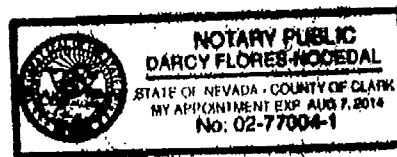
12 **FURTHER AFFIANT SAYETH NAUGHT.**

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JEFFERY A. BENDAVID, ESQ.

SUBSCRIBED AND SWORN to before me
 this 25 day of January, 2012.

NOTARY PUBLIC of and for
 said County and State.



MORAN LAW FIRM, LLC
 MORAN BRANDON BENDAVID MORAN
 ATTORNEYS AT LAW

630 SOUTH 4TH STREET
 LAS VEGAS, NEVADA 89101
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MEMORANDUM OF POINTS AND AUTHORITIES**I. FACTS**

On or about April 9, 2008, , the undersigned and Moran Law Firm, LLC, was informed that Defendant, Fiesta Palms, LLC, a Nevada limited liability company, dba Palms Casino Resort's (the "Palms") insurance carrier, Zurich American Insurance Company ("Zurich"), had retained Archer Norris to represent the Palms in this case (Rodriguez v. Fiesta Palms, LLC, et al.) (the "Lawsuit"). *See Correspondence dated April 9, 2008, attached hereto and incorporated herein as Exhibit "A."* *See also, Affidavit of Jeffery A. Bendavid, Esq.* At that time, the Moran Law Firm, LLC, also received an Association of Counsel, which was filed with the Court on April 14, 2008.. *See Association of Counsel, a copy of which is attached hereto and incorporated as Exhibit "B."* Thereafter, on April 21, 2008, Zurich provided notice that the Moran Law Firm, LLC, was being substituted by Archer Norris on this case and that a Substitution of Attorney would be provided for execution. *See Correspondence dated April 21, 2008, a copy of which is attached hereto and incorporated herein as Exhibit "C."* Zurich also stated in this letter that the Moran Law Firm, LLC, would not be paid for any work on this Lawsuit after April 30, 2008. *See Exhibit "C."*

Despite this correspondence, no Substitution of Attorney was provided. *See Affidavit of Jeffery A. Bendavid, Esq.* Nonetheless, the files concerning this Lawsuit were transferred to Archer Norris and Archer Norris took over the representation of the Palms in this Lawsuit in the middle of April 2008. *See Id.*

In June 2008, after Archer Norris had not provided the promised Substitution of Attorney, the Moran Law Firm, LLC, prepared a separate Substitution of Attorney and forwarded it to Marsha Stephenson, Esq., for execution and filing. *See Id.* Ms. Stephenson was



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ATTORNEYS AT LAW

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1 the Nevada attorney that Archer Norris associated into this Lawsuit and with whom Archer
2 Norris had indicated it would be working. *See Association of Counsel, a copy of which is*
3 *attached hereto and incorporated herein as Exhibit "D"*

4 After April of 2008, Archer Norris handled the representation of the Palms exclusively in
5 this Lawsuit and the Moran Law Firm, LLC, took no further action and provided no further legal
6 representation of the Palms in this Lawsuit. *See Affidavit of Jeffery A. Bendavid, Esq.*
7 Unbeknownst to the Moran Law Firm, LLC, the Substitution of Attorney it provided to Ms.
8 Stephenson was never filed by Marsha Stephenson's office. *See Id.* Apparently, because of this
9 failure to file the Substitution of Attorney, the Moran Law Firm, LLC, and Jeffery A. Bendavid,
10 Esq., remained listed as a counsel of record in this Lawsuit despite performing no work on the
11 case since April of 2008, and transferring the case to Archer Norris in April 2008. *See Id.*

12 However, shortly after a verdict was rendered in this matter, the Moran Law Firm, LLC,
13 became aware that it was still listed as a counsel of record. *See Id.* At that time, Jeffery A.
14 Bendavid, Esq., contacted Ms. Stephenson concerning the Substitution of Attorney. *See Id.* Ms.
15 Stephenson recalled receiving the Substitution of Attorney, but could not remember what
16 happened to it after she received it. *See Id.* In fact, Ms. Stephenson believed that a Substitution
17 of Attorney was filed and it was a surprise to her that the Moran Law Firm, LLC, was still listed
18 as counsel. *See Id.* Nonetheless, Ms. Stephenson indicated that her office would search for this
19 Substitution of Attorney. *See Id.*

20 When no Substitution of Attorney was located by Ms. Stephenson's office, the Moran
21 Law Firm, LLC, forwarded a separate Substitution of Attorney to Ms. Stephenson for her
22 execution and filing confirming that the Moran Law Firm, LLC, was substituted from this case.
23 *See Id.* Despite repeat telephone calls and assurances from Ms. Stephenson related to the



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1 execution and filing of the second Substitution of Attorney, this Substitution of Attorney was
 2 never signed or filed with the Court. *See Id.* Now, no further responses from Ms. Stephenson's
 3 office have been received. *See Id.*

4 This Lawsuit is now on appeal and the Moran Law Firm, LLC, continues to be copied on
 5 all briefs, Scheduling Orders, etc., despite transferring the case to K.C. Ward, Esq., of Archer
 6 Norris in April 2008. *See Id.* Now, the Moran Law Firm, LLC, has been noticed to attend the
 7 Nevada Supreme Court Mandatory Settlement Conference simply because the Court's records
 8 show the Moran Law Firm, LLC as one of the attorneys of record.

10 Given the unusual nature of this matter, as well as the fact that Jeffery A. Bendavid,
 11 Esq., of the Moran Law Firm, LLC, is still listed as one of the attorneys of record in this
 12 Lawsuit by the Clark County Clerk of Courts, the undersigned respectfully requests that this
 13 Honorable Court enter an Order clarifying that Jeffery A. Bendavid, Esq., and the Moran Law
 14 Firm, LLC, were substituted as the Palms' counsel in this Lawsuit by Archer in April 2008.

16 II. ARGUMENT

17 *EDCR 7.40* authorizes withdraw of attorney of record in a case. The basis for my
 18 request to withdrawal as attorney of record and for clarification of the Court record is detailed
 19 on the attached Affidavit, and incorporated herein by reference. Additionally, the undersigned
 20 relies on the documentation outlining substitution of the Moran Law Firm, LLC, and Jeffery A.
 21 Bendavid, Esq., from this case, effective April 30, 2008.

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MORAN LAW FIRM, LLC
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 FAX: (702) 384-6568

1 Based on the foregoing, the undersigned respectfully request clarification of the Court
2 record, as well as withdrawal in this matter.

3 DATED this 25th day of January, 2012.

4 MORAN LAW FIRM, LLC

5
6
7 /s/: Jeffery A. Bendavid, Esq.
8 **JEFFERY A. BENDAVID, ESQ.**
9 Nevada Bar No. 6220
10 630 S. Fourth Street
11 Las Vegas, Nevada 89101
12 Prior Attorney for Defendant,
13 FIESTA PALMS, LLC
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MORAN LAW FIRM, LLC
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EXHIBIT “A”

From: 9259343665 Page: 2/4 Date: 4/9/2008 2:20:10 PM



2033 North Main Street, Suite 800
PO Box 8035
Walnut Creek, CA 94596-3728
925.930.6600
925.930.6620 (Fax)
www.archernorris.com

JONATHAN W. THAMES
jthames@archernorris.com
925.952.5535

April 9, 2008

VIA FACSIMILE AND MAIL (702) 384-6568

Jeffery A. Bendavid, Esq.
Moran Law Firm
630 S. 4th Street
Las Vegas, NV 89101

Re: Enrique Rodriguez v. Fiesta Palms LLC, et al.
Clark County District Court Case No. A531538

Dear Mr. Bendavid:

Ms. Deborah Kennedy of the Palms' insurer Zurich has retained this office to defend the Palms in the above matter. Please find enclosed our Association of Counsel, which we ask that you sign and file with the Court as soon as practicable. Paralegal Virgene Lowe of this office will contact your office to arrange the scanning/copying of your files.

Please contact the undersigned or KC Ward if you have any questions or wish to discuss.
Thank you for your cooperation.

Very truly yours,

ARCHER NORRIS

Jonathan W. Thames

JWT/ds
Enc.

cc: Mr. Jim Hughes (Palms Executive Vice President/General Manager) via Facsimile (enc.)
Ms. Deborah Kennedy (Zurich MCU) via Facsimile and U.S. Mail (enc.)

EXHIBIT “B”

ORIGINAL

1 ASSOC

Jeffery A. Bendavid, Esq. (NV Bar. No.6220)

2 MORAN LAW FIRM, LLC

2 MORAN LAW FIRM, LLC

630 South Fourth Street

3 Las Vegas, NV 89101

Telephone: (702) 384-8424

4 Facsimile: (702) 384-6568

5 Kenneth C. Ward, Esq. (NV Bar No. 6530)

ARCHER NORRIS

6 A Professional Law Corporation

2033 North Main Street, Suite 800

7 P.O. Box 8035

Walnut Creek, CA 94596

8 Telephone: (925) 930-6600

Facsimile: (925) 930-6620

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

11 DISTRICT COURT

12 CLARK COUNTY, NEVADA

14 ENRIQUE RODRIGUEZ,

15 Plaintiffs,

16 v.

17 FIESTA PALMS, LLC, a Nevada Limited
18 Liability Company, d/b/a/ The Palms
19 Casino Resort, et al.

20 Defendants.

CASE NO.: A531538

DEPT. NO.:

ASSOCIATION OF COUNSEL

Action filed: November 15, 2006

21 Defendant FIESTA PALMS, LLC, a Nevada Limited Liability Company, d/b/a/ THE
22 PALMS CASINO RESORT associates Kenneth C. Ward, Esq., and the firm of Archer Norris,
APLC, 2033 North Main Street, Suite 800, P.O. Box 8035, Walnut Creek, California 94596,
(925) 930-6600, as counsel of record in the above-entitled action in association with Jeffrey A.
Bendavid, Esq., and the Moran Law Firm, LLC.

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ZA126/647577-1

FILED

FILED

APR 14 4 07 PM '08

CLERK OF THE COURT

RECEIVED

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CLERK OF THE COURT

1 The undersigned consents to the above association.

2 Dated: April 11, 2008.

MORAN LAW FIRM, LLC

2 Dated: April 11, 2008.

MORAN LAW FIRM, LLC

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10 The undersigned accepts the above association.

11 DATED: April 9, 2008

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ARCHER NORRIS, APLC

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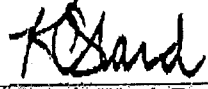

Kenneth C. Ward, Esq. (NV Bar No. 6530)
2033 North Main Street, Suite 800
P.O. Box 8035
Walnut Creek, CA 94596
Telephone: (925) 930-6600
Facsimile: (925) 930-6620
Attorneys for Defendant FIESTA PALMS, LLC, a
Nevada Limited Liability Company, d/b/a/ THE
PALMS CASINO RESORT

EXHIBIT “C”



April 21, 2008

Jeffrey Bendavid
Moran & Associates
630 South 4th Street
Las Vegas, NV 89101

RE: Rodriguez vs. Palms AND Williams vs. Palms
Claim #: 9620141038-001 AND 9080026029
Insured: PALMS, LLC
Date of Loss: 11/22/04

Zurich North America
Claims

P.O. Box 981030
West Sacramento, CA
95798

Telephone (800) 239-4829
Fax (800) 547-2487
<http://www.zurichna.com>

Dear Mr. Bendavid:

Zurich American Insurance has made the decision to move both of these cases to Archer Norris for direct handling. We cannot pay two law firms to defend the insured. Under the circumstances, if you have not done so already we expect that you will immediately sign the attorney substitution and return it to Archer & Norris.

[REDACTED]

Archer Norris has advised us that so far you have only provided them with part of the information for both cases. Please be advised that we will not be reimbursing your law firm for any legal services on these cases after April 30, 2008.

Very truly yours,
Zurich American Insurance Company

Deborah Kennedy
MCU SUPERVISOR
(916) 636-0721
C: Jim Hughes - via fax
C: Archer Norris

EXHIBIT “D”

ORIGINAL

FILED

JUL 24 23 PM '08

Clerk
CLERK OF THE COURT

1 ASSN
1 ASSN
2 Marsha L. Stephenson, Esq. (NV Bar No. 6130)
2 STEPHENSON & DICKINSON, P.C.
3 2820 West Charleston Blvd., Suite 19
3 Las Vegas, NV 89102-1942
4 Telephone: (702) 474-7229
4 Facsimile: (702) 474-7237

5
6 Kenneth C. Ward, Esq. (NV Bar No. 6530)
6 ARCHER NORRIS
7 2033 North Main Street, Suite 800
7 P.O. Box 8035
8 Walnut Creek, CA 94596
8 Telephone: (925) 930-6600
9 Facsimile: (925) 930-6620

10 Co-Counsel for Defendants
11 FIESTA PALMS, LLC
12 d/b/a THE PALMS CASINO

13 DISTRICT COURT
14 CLARK COUNTY, NEVADA

15
16 ENRIQUE RODRIGUEZ

17 Plaintiff,

18 vs.

19 FIESTA PALMS, LLC, a Nevada Limited
20 Liability Company d/b/a PALMS CASINO
21 RESORT; DOES I through X, inclusive; and
22 ROE BUSINESS ENTITIES I through X,
23 inclusive,

24 Defendants.

CASE NO. A531538

DEPT. NO. X

ASSOCIATION OF COUNSEL

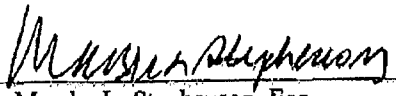
25 MARSHA L. STEPHENSON, ESQ. of the Law Offices of STEPHENSON &
26 DICKINSON, 2820 West Charleston Boulevard, Suite 19, Las Vegas, Nevada 89102, Telephone:
27 (702) 474-7229, hereby associates in with KENNETH C. WARD, ESQ. of the Law Offices of
28 ARCHER NORRIS, 2033 North Main Street, Suite 800, Walnut Creek, California 94596,

1 Telephone: (925) 930-6600, as co-counsel for Defendant FIESTA PALMS, LLC d/b/a THE
1 Telephone: (925) 930-6600, as co-counsel for Defendant FIESTA PALMS, LLC d/b/a THE
2 PALMS CASINO.

3 DATED this 2 day of July, 2008.

4 STEPHENSON & DICKINSON

6 By:


Marsha L. Stephenson, Esq.
Nevada Bar No. 6130
2820 West Charleston Blvd., Suite 19
Las Vegas, Nevada 89102
*Attorneys for Defendant Fiesta Palms, LLC
d/b/a The Palms Casino*

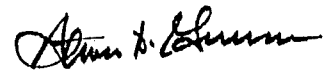
11
12 **CERTIFICATE OF MAILING**

13 The undersigned does hereby certify that on the 2nd day of July, 2008, a true and correct
14 copy of the foregoing ASSOCIATION OF COUNSEL was mailed to the following parties via
15 U.S. Postal Service, first class mail, postage prepaid and addressed as follows:

16 Steven Baker, Esq.
17 BENSON, BERTOLDO & BAKER, CHTD.
18 7408 W. Sahara Avenue
19 Las Vegas, NV 89117
Telephone: (702) 228-2600
Attorney for Plaintiff

Kenneth C. Ward, Esq.
ARCHER NORRIS
2033 North Main Street, Suite 800
P.O. Box 8035
Walnut Creek, CA 94596
Telephone: (925) 930-6600
Facsimile: (925) 930-6620
*Attorneys for Defendant Fiesta Palms, LLC
d/b/a The Palms Casino*

23
24 
25 Employee of STEPHENSON & DICKINSON
26
27
28


CLERK OF THE COURT

1 **ORD**
2 **JEFFREY A. BENDAVID, ESQ.**
3 Nevada Bar No.: 6220
4 **MORAN LAW FIRM, LLC**
5 630 S. Fourth Street
6 Las Vegas, Nevada 89101
7 (702) 384-8424
8 (702) 384-6568 – *facsimile*
9 Attorney for Plaintiff,
10 **FIESTA PALMS, LLC**

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 ENRIQUE RODRIGUEZ, an individual,)

14 Plaintiff,)

Case No. A531538

Dept. No. X

15 vs.)

16 FIESTA PALMS, L.L.C., a Nevada
17 Limited Liability Company, dba PALMS
18 CASINO RESORT; DOES I through X,
19 Inclusive; and ROE CORPORATIONS,
20 I -X, inclusive,)

21 Defendants.)

22 **ORDER GRANTING MOTION**
23 **TO CLARIFY RECORD AND**
24 **WITHDRAW OF COUNSEL**
25 **ON ORDER SHORTENING**
26 **TIME**

27 Defendant, FIESTA PALMS, LLC, a Nevada limited liability company, dba Palms
28 Casino Resort's and Jeffery Bendavid, Esq. of the Moran Law Firm's Motion to Clarify Record
and Withdraw of Counsel on Order Shortening Time, having come before this Honorable Court
on February 2, 2012, in chambers.

Having reviewed the Affidavit filed herewith, the Memorandum of Points and
Authorities attached hereto, and for good cause being found in the premises, hereby order as
follows:

///

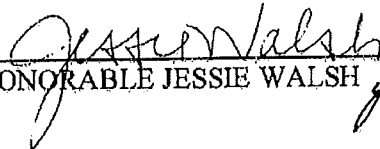


MORAN LAW FIRM, LLC
JEFFREY A. BENDAVID, ESQ.
ATTORNEY AT LAW

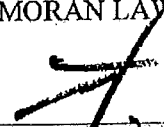
30 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
FAX: (702) 384-6568

IT IS HEREBY ORDERED that Motion to Clarify Record and Withdraw of Counsel on Order Shortening Time is hereby granted. The Court further Orders that JEFFERY A. BENDAVID, ESQ., and the MORAN LAW FIRM, LLC, were effectively substituted out as Fiesta Palms, LLC's counsel of record as of April 2008 and the record shall so reflect.

IT IS SO ORDERED this 21st day of March, 2012.


HONORABLE JESSIE WALSH

Respectfully Submitted by:
MORAN LAW FIRM, LLC.

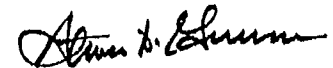

JEFFERY A. BENDAVID, ESQ.
Nevada Bar No. 6220
630 South Fourth Street
Las Vegas, Nevada 89101
Attorney for Defendant,
Fiesta Palms, LLC



MORAN LAW FIRM, LLC
JEFFERY A. BENDAVID, ESQ. MORAN
ATTORNEYS AT LAW

630 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
FAX: (702) 384-6568

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CLERK OF THE COURT

1 **NEO**
2 **JEFFREY A. BENDAVID, ESQ.**
3 Nevada Bar No.: 6220
4 **MORAN LAW FIRM, LLC**
5 630 S. Fourth Street
6 Las Vegas, Nevada 89101
7 (702) 384-8424
8 (702) 384-6568 – *facsimile*
9 Attorney for Plaintiff,
10 **FIESTA PALMS, LLC**

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 ENRIQUE RODRIGUEZ, an individual,)

14 Plaintiff,)

Case No. A531538

Dept. No. X

15 vs.)

16 FIESTA PALMS, L.L.C., a Nevada)
17 Limited Liability Company, dba PALMS)
18 CASINO RESORT; DOES I through X,)
19 Inclusive; and ROE CORPORATIONS,)
20 I -X, inclusive,)

21 Defendants.)

22 **NOTICE OF ENTRY OF ORDER GRANTING MOTION TO CLARIFY**
23 **RECORD AND WITHDRAW OF COUNSEL ON ORDER SHORTENING TIME**

24 TO: ALL PARTIES, and

25 TO: THEIR ATTORNEYS OF RECORD HEREIN.

26 YOU AND EACH OF YOU, will please take notice that the NOTICE OF ENTRY OF
27 ORDER GRANTING MOTION TO CLARIFY RECORD AND WITHDRAW OF
28 COUNSEL ON ORDER SHORTENING TIME was entered on the Docket on the above
entitled case by the Honorable Jessie Walsh on the 27th day of March, 2012.



MORAN LAW FIRM, LLC
JEFFREY A. BENDAVID, ESQ.
JEFFREY A. BENDAVID, ESQ.

630 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
FAX: (702) 384-6568

1 A TRUE AND CORRECT COPY of the Order is attached hereto.

2 DATED this 30th day of March, 2012.

3 **MORAN LAW FIRM**

4 /s/: Jeffery A. Bendavid, Esq.

5 **JEFFERY A. BENDAVID, ESQ.**

6 Nevada Bar No. 6220

7 630 South Fourth Street

8 Las Vegas, Nevada 89101

9 **CERTIFICATE OF MAILING**

10 I hereby certify that on the 30th day of March, 2012, I served the foregoing Notice of
11 Entry of Order, to each of the parties to this action by depositing copies in the United States
12 mail, pre-paid, addressed to them as follows:
13

14 Steven M. Baker, Esq.
15 Benson, Bertoldo, Baker & Carter
16 7408 W. Sahara Ave.
17 Las Vegas, NV 89117

18 /s/: Leilani Gamboa

19 *An Employee of Moran Law Firm, LLC.*



MORAN LAW FIRM LLC
MORAN BRANDON BENDAVID MORAN
ATTORNEYS AT LAW

30 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
FAX: (702) 384-6568

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03/27/2012 09:08:43 AM

Alvin L. Schuman
CLERK OF THE COURT

ORD
JEFFREY A. BENDAVID, ESQ.
Nevada Bar No.: 6220
MORAN LAW FIRM, LLC
630 S. Fourth Street
Las Vegas, Nevada 89101
(702) 384-8424
(702) 384-6568 -- *facsimile*
Attorney for Plaintiff,
FIESTA PALMS, LLC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

ENRIQUE RODRIGUEZ, an individual,

Plaintiff,

Case No. A531538
Dept. No. X

vs.

FIESTA PALMS, L.L.C., a Nevada
Limited Liability Company, dba PALMS
CASINO RESORT; DOES I through X,
Inclusive; and ROE CORPORATIONS,
I-X, inclusive,

Defendants.

ORDER GRANTING MOTION
TO CLARIFY RECORD AND
WITHDRAW OF COUNSEL
ON ORDER SHORTENING
TIME

Defendant, FIESTA PALMS, LLC, a Nevada limited liability company, dba Palms Casino Resort's and Jeffery Bendavid, Esq. of the Moran Law Firm's Motion to Clarify Record and Withdraw of Counsel on Order Shortening Time, having come before this Honorable Court on February 2, 2012, in chambers.

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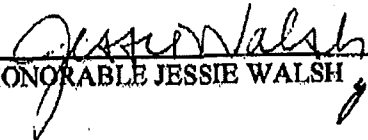


MORAN LAW FIRM, LLC
MORAN BENDAVID BENDAVID MORAN
ATTORNEYS AT LAW

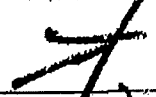
30 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
FAX: (702) 384-6568

1 **IT IS HEREBY ORDERED** that Motion to Clarify Record and Withdraw of Counsel
 2 on Order Shortening Time is hereby granted. The Court further Orders that JEFFERY A.
 3 BENDAVID, ESQ., and the MORAN LAW FIRM, LLC, were effectively substituted out as
 4 Fiesta Palms, LLC's counsel of record as of April 2008 and the record shall so reflect.
 5

6 **IT IS SO ORDERED** this 21st day of March, 2012.

7
 8 
 HONORABLE JESSIE WALSH

9 *Respectfully Submitted by:*
 10 MORAN LAW FIRM, LLC.

11 
 12 JEFFERY A. BENDAVID, ESQ.
 13 Nevada Bar No. 6220
 14 630 South Fourth Street
 15 Las Vegas, Nevada 89101
 16 Attorney for Defendant,
 17 *Fiesta Palms, LLC*
 18
 19
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 21
 22
 23
 24
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 27
 28



MORAN LAW FIRM LLC
 JOHAN B. MORAN, JEFFREY A. BENDAVID
 ATTORNEYS AT LAW
 630 SOUTH 4TH STREET
 LAS VEGAS, NEVADA 89101
 PHONE: (702) 384-6424
 FAX: (702) 384-6368