

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

**INDICATE FULL CAPTION:**

STUART SACKLEY; et al,  
Petitioners,

vs.

ILAN GORODEZI,  
Respondant.

No. 72777

Electronically Filed  
May 24 2017 02:31 p.m.

Elizabeth A. Brown

**DOCKETING STATEMENT**  
**CIVIL APPEALS**

**GENERAL INFORMATION**

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

**WARNING**

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department 1

County Clark Judge Honorable Kenneth C. Cory

District Ct. Case No. A-12-663960-C

**2. Attorney filing this docketing statement:**

Attorney Spencer M. Judd, Esq. Telephone (702) 606-4357

Firm Spencer M. Judd, Esq.

Address 325 So. 3rd Street, #5  
Las Vegas, NV 89101

Client(s) Sackley Family Trust and Stuart Sackley

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney(s) representing respondents(s):**

Attorney Becky A. Pintar, Esq. Telephone \_\_\_\_\_

Firm Pintar & Albiston

Address 6053 S. Fort Apache Rd., Suite 120  
Las Vegas, NV 89148

Client(s) Ilan Gorodezki

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

Client(s) \_\_\_\_\_

(List additional counsel on separate sheet if necessary)

**4. Nature of disposition below (check all that apply):**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal:                                     |
| <input type="checkbox"/> Judgment after jury verdict           | <input type="checkbox"/> Lack of jurisdiction                           |
| <input type="checkbox"/> Summary judgment                      | <input type="checkbox"/> Failure to state a claim                       |
| <input type="checkbox"/> Default judgment                      | <input type="checkbox"/> Failure to prosecute                           |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief     | <input type="checkbox"/> Other (specify): _____                         |
| <input type="checkbox"/> Grant/Denial of injunction            | <input type="checkbox"/> Divorce Decree:                                |
| <input type="checkbox"/> Grant/Denial of declaratory relief    | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination        | <input type="checkbox"/> Other disposition (specify): _____             |

**5. Does this appeal raise issues concerning any of the following?**

- ☐ Child Custody  
☐ Venue  
☐ Termination of parental rights

**6. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

Not applicable.

**7. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

A-11-644772-C (Eighth Judicial District Court) - Sackley Family Trust, Plaintiff vs. LV Blvd Casino Center FF370 LLC, Defendants

12-14838-BAM (US Bankruptcy Court, District of Nevada) - In re: LV Blvd Casino Center FF370 LLC

**8. Nature of the action.** Briefly describe the nature of the action and the result below:

Complaint for 1) Tortious Interference with Contractual Relations; 2) Tortuious Interference with Prospective Economic Advantage; and 3) Attorney's Fees as Special Damages and counterclaim by Defendants for 1) Tortious Interference with Contractual Relations; 2) Tortuious Interference with Prospective Economic Advantage; and 3) Defamation Per Se.

A week long bench trial was held March 16, 2015 through March 20, 2015. Judgment was entered finding no merit to any of the claims of Plaintiff or Defendant.

**9. Issues on appeal.** State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

See attachment 1.

**10. Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

None Petitioner is aware of.

**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

**12. Other issues.** Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

**13. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

**14. Trial.** If this action proceeded to trial, how many days did the trial last? 5

Was it a bench or jury trial? Bench

**15. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?  
Not applicable.

## TIMELINESS OF NOTICE OF APPEAL

**16. Date of entry of written judgment or order appealed from** March 28, 2016

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

**17. Date written notice of entry of judgment or order was served** March 15, 2017

Was service by:

☒ Delivery

☒ Mail/electronic/fax

**18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)**

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b)      Date of filing \_\_\_\_\_

☐ NRCP 52(b)      Date of filing \_\_\_\_\_

☐ NRCP 59          Date of filing \_\_\_\_\_

**NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. \_\_\_, 245 P.3d 1190 (2010).**

(b) Date of entry of written order resolving tolling motion \_\_\_\_\_

(c) Date written notice of entry of order resolving tolling motion was served \_\_\_\_\_

Was service by:

☐ Delivery

☐ Mail

**19. Date notice of appeal filed** April 3, 2017

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

**20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other**

NRAP 4(a)

### **SUBSTANTIVE APPEALABILITY**

**21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

(a)

- |   |                                       |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205   |
| <input type="checkbox"/> NRAP 3A(b)(2)            | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3)            | <input type="checkbox"/> NRS 703.376  |
| <input type="checkbox"/> Other (specify) _____    |                                       |

(b) Explain how each authority provides a basis for appeal from the judgment or order:  
This is an appeal of a final judgment entered by the court.



**22. List all parties involved in the action or consolidated actions in the district court:**

(a) Parties:

Ilan Gorodezki, Stuart Sackley, Sackley Family Trust, Douglas DaSilva, National Title Co.

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

Douglas DaSilva and National Title were dismissed from the case prior to trial.

**23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.**

Not applicable.

**24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

☒ Yes

☐ No

**25. If you answered "No" to question 24, complete the following:**

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

Ilan Gorodezki, Plaintiff

Stuart Sackley, Sackley Family Trust, Defendants

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☒ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☒ No

**26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

The Court Ordered, Adjudged and Decreed that the claims of all parties were without merit and therefore found in favor of Defendants on Plaintiff's claims and in favor of Plaintiff on Defendants' claims. No claims remain to be adjudicated by the Court below.

**27. Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

## VERIFICATION


I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Stuart Sackley  
Name of appellant

May 24, 2017  
Date

Clark County, Nevada  
State and county where signed

Spencer M. Judd, Esq.  
Name of counsel of record

  
Signature of counsel of record

## CERTIFICATE OF SERVICE

I certify that on the 24th day of May, 2017, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Becky Pintar, Esq.  
Pintar & Albiston  
6053 S. Fort Apache Rd., Suite 120  
Las Vegas, NV 89148

Dated this 24th day of May, 2017

  
Signature

## **ATTACHMENT 1**

The District Court ruled prior to the trial that a Purchase Agreement for real property executed by the Plaintiff as well as three of four Addendums to that Purchase Agreement were not valid or enforceable because they lacked required signatures of fractional owners of the real property. The Court left open the possibility that a fourth amendment to the Purchase Agreement was valid. The Court ruled, after trial, that the fourth amendment to the Purchase Agreement in this matter was not valid or enforceable. Without a valid Contract for purchase the Plaintiff had no claims against Defendants for the claims made.

In contrast, Defendants DID have a valid ownership interest in the real property and had a valid purchase agreement (obtained by way of a Settlement Agreement) for the balance of the fractional interests in the property. Plaintiff interfered with said Agreement by a lawsuit to stop the sale to Defendants by the other fractional owners and through the filing of a Lis Pendens. The other fractional owners, who held their interests by way of membership interests in an LLC, were forced to file a chapter 11 bankruptcy for the LLC or risk large legal fees in defending the lawsuit filed by the Plaintiff in this matter.

Defendants were able to eventually purchase the property through a bid in Bankruptcy Court at an added expense of \$700,000.00.

The District Court erred in ruling that Plaintiff did not tortuously interfere with a contractual relationship Defendant's had with the other fractional owners of the Property. Defendant's did have 1) a valid, existing contract; 2) Plaintiff knew of the contract; 3) Plaintiff intentionally disrupted the contractual relationship by filing a lawsuit to stop the sale of the real property to Defendants; 4) the sale was stopped; and 5) Defendant's were damaged by having to pay an additional \$700,000.00 to purchase the real property.

The Court also erred by ruling that Plaintiff did not tortuously interfere with a prospective economic advantage held by Defendants. Defendants did establish, at trial that 1) there was a prospective contractual relationship between the Defendants and the other fractional owners of the real property; 2) that Plaintiff had knowledge of said contractual relationship; 3) that Plaintiff intended to harm Defendant's through his actions; 4) that Plaintiff had no privilege or justification for his actions; and 5) that Defendants were harmed by Plaintiff's conduct.

The Court ruled that Defendant's failed to establish defamation per se against Plaintiff. Testimony at trial did establish that Plaintiff made 1) a false and defamatory communication; 2) an unprivileged publication to a third person; and 3) that Plaintiff did bear fault, or at least negligence, in so doing. Plaintiff intentionally filed a Lis Pendens that stopped the sale by the other fractional owners to the Defendants. At the time of the filing of the Lis Pendens Plaintiff knew, or should have known, that said Lis Pendens was defamatory and false, was published to third persons and that at a minimum, doing so was negligent.