

Electronically Filed  
Sep 06 2017 01:36 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**ANOA**  
G. MARK ALBRIGHT, ESQ.  
Nevada Bar No. 001394  
D. CHRIS ALBRIGHT, ESQ.  
Nevada Bar No. 004904  
**ALBRIGHT, STODDARD, WARNICK & ALBRIGHT**  
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*Attorneys for Appellant/Plaintiff*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

BRANCH BANKING & TRUST COMPANY, a  
North Carolina corporation,

CASE NO.: A-16-744561-C  
DEPT NO.: XXVII

Appellant/Plaintiff,

vs.

**AMENDED NOTICE OF APPEAL**

DOUGLAS D. GERRARD, ESQ., individually;  
and GERRARD & COX, a Nevada professional  
corporation, d/b/a GERRARD COX & LARSEN;  
JOHN DOE INDIVIDUALS I-X; and ROE  
BUSINESS ENTITIES XI-XX,

Nevada Supreme Court Case No.: 73848

Respondents/Defendants.

NOTICE is hereby given that BRANCH BANKING & TRUST COMPANY, a North Carolina corporation, the Plaintiff in this Case No. A-16-744561-C, and the appellant in Nevada Supreme Court Case No. 73848, hereby appeals to the Supreme Court of the State of Nevada from the following Orders and Judgments which have been entered against it in the above-captioned matter:

A. That certain dispositive "Decision and Order Granting Defendants Douglas D. Gerrard, Esq. and Gerrard Cox & Larsen's Motion to Dismiss First Amended Complaint and Denying Plaintiff's Countermotion for Leave to Amend" entered by the district court on May 25,

1 2017, with Notice of Entry thereof being filed and electronically served on May 26, 2017; and  
2 Plaintiff/Appellant also hereby appeals from:

3 B. That certain "Judgment" entered by the district court on August 29, 2017, which  
4 reiterated and incorporated the district court's prior dispositive Decision and Order, and which also  
5 contained a costs award included therein, with Notice of Entry thereof having been filed and  
6 electronically served on August 30, 2017.

7 DATED this 30<sup>th</sup> day of August, 2017.

8 ALBRIGHT, STODDARD, WARNICK & ALBRIGHT

9  
10   
11 G. MARK ALBRIGHT, ESQ.

12 Nevada Bar No. 001394

13 D. CHRIS ALBRIGHT, ESQ.

14 Nevada Bar No. 004904

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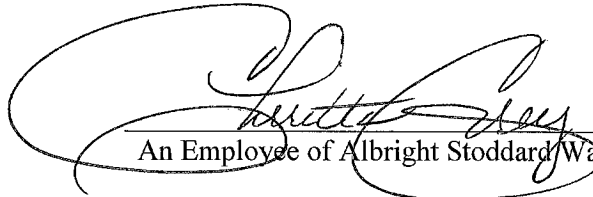
20 *Counsel for Appellant/Plaintiff*  
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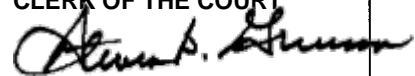
**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of ALBRIGHT, STODDARD, WARNICK & ALBRIGHT and that on this 30<sup>th</sup> day of August, 2017, service was made by the following mode/method of a true and correct copy of the foregoing **AMENDED NOTICE OF APPEAL** to the following person(s):

Craig J. Mariam, Esq., #10926  
Robert S. Larsen, Esq., #7785  
Wing Yan Wong, Esq., #13622  
GORDON & REES LLP  
300 South Fourth Street, Suite 1550  
Las Vegas, Nevada 89101  
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[wwong@gordonrees.com](mailto:wwong@gordonrees.com)  
*Attorney for Defendants*

☐ Certified Mail  
☒ Electronic Filing/Service  
☐ Email  
☐ Facsimile  
☐ Hand Delivery  
☐ Regular U.S. Mail

  
An Employee of Albright Stoddard Warnick & Albright



1 **ACAS**  
2 G. MARK ALBRIGHT, ESQ.  
3 Nevada Bar No. 001394  
4 D. CHRIS ALBRIGHT, ESQ.  
5 Nevada Bar No. 004904  
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12 [dca@albrightstoddard.com](mailto:dca@albrightstoddard.com)  
13 *Attorneys for Appellant/Plaintiff*

8  
9  
10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 BRANCH BANKING & TRUST COMPANY, a  
13 North Carolina corporation,

CASE NO. A-16-744561-C

14 Appellant/Plaintiff,

DEPT NO. XXVII

15 vs.

16 DOUGLAS D. GERRARD, ESQ., individually;  
17 and GERRARD & COX, a Nevada professional  
18 corporation, d/b/a GERRARD COX & LARSEN;  
19 JOHN DOE INDIVIDUALS I-X; and ROE  
20 BUSINESS ENTITIES XI-XX,

**AMENDED CASE APPEAL  
STATEMENT**

21 Respondents/Defendants.

22 1. The name of the Appellant filing this Amended Case Appeal Statement is:  
23 BRANCH BANKING & TRUST COMPANY, a North Carolina corporation, qualified and  
24 registered to do business in Nevada.

25 2. The following Judge issued the Decision and Order and the Judgment appealed  
26 from: The Honorable Nancy L. Allf, District Court Judge, Department 27, Clark County, Nevada.

27 3. The identity of each Appellant and the name and address of counsel for each  
28 Appellant is as follows:

APPELLANT: Branch Banking & Trust Company, a North  
Carolina corporation

1 APPELLANT'S COUNSEL: G. Mark Albright, Esq.  
2 Nevada Bar No. 001394  
3 D. Chris Albright, Esq.  
4 Nevada Bar No. 004904  
5 ALBRIGHT, STODDARD, WARNICK & ALBRIGHT  
6 801 South Rancho Drive, Suite D-4  
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11 [dca@albrightstoddard.com](mailto:dca@albrightstoddard.com)

12 4. The identity of each Respondent and the name and address of anticipated appellate  
13 counsel, which was also district court counsel, for each Respondent, is as follows:

14 RESPONDENTS: DOUGLAS D. GERRARD, ESQ.;

15 GERRARD & COX, a Nevada professional  
16 corporation, d/b/a GERRARD COX & LARSEN

17 RESPONDENTS' COUNSEL: Craig J. Mariam, Esq., #10926  
18 Robert S. Larsen, Esq., #7785  
19 Wing Yan Wong, Esq., #13622  
20 GORDON & REES LLP  
21 300 South Fourth Street, Suite 1550  
22 Las Vegas, Nevada 89101  
23 Tel: 702.577.9310  
24 Fax: 702.255.2858  
25 [cmariam@gordonrees.com](mailto:cmariam@gordonrees.com)  
26 [rlarsen@gordonrees.com](mailto:rlarsen@gordonrees.com)  
27 [wwong@gordonrees.com](mailto:wwong@gordonrees.com)

28 5. All counsel identified in paragraphs 3 and 4 above are licensed to practice law in  
the State of Nevada.

6. Appellant was represented by retained counsel in the district court.

7. Appellant is represented by retained counsel on appeal.

8. Appellant has not sought nor has it been granted leave to proceed in forma  
pauperis.

9. The proceedings commenced in the district court on October 5, 2016.

10. A brief description of the nature of the action and result in the district court,  
including the type of order being appealed from and the relief granted by the district court is as  
follows:

1 This action is a legal malpractice suit against attorney Douglas D. Gerrard (“Gerrard”) and  
2 his law firm Gerrard & Cox, a Nevada professional corporation d/b/a Gerrard Cox & Larsen  
3 (“GC&L”), stemming from those Defendants’ representation of Plaintiff/Appellant Branch  
4 Banking & Trust Company (“BB&T”) in an earlier Clark County, Nevada case, which was known  
5 as Case Number A-08-574852, consolidated with Case No. A-09-594512 (hereinafter the  
6 “underlying priority suit”). The underlying priority suit adjudicated the priority of two competing  
7 deeds of trust against commercial real property located in Henderson Nevada. Said suit was tried  
8 before the Honorable Elizabeth Gonzalez in 2010. BB&T lost the underlying priority suit, and this  
9 loss was appealed to this Nevada Supreme Court (Nev. Sup. Ct. Case No. 56640) which upheld  
10 the lower court’s decision. Thereafter, the outcome in the underlying priority suit was the subject  
11 of a Petition for Writ of Certiorari to the United States Supreme Court (the “Petition”), which  
12 Court ultimately denied that Petition.

13 Within two years of that denial, by the U.S. Supreme Court, of the Petition, this lawsuit  
14 was filed. This lawsuit is a legal malpractice claim against the attorneys who represented  
15 Plaintiff/Appellant BB&T before the trial court in the underlying priority suit. The loss suffered by  
16 BB&T in that suit was, it is alleged herein, not on the merits, but due to procedural and other  
17 errors, constituting legal malpractice, by the Defendants/Respondents. The Defendants in this legal  
18 malpractice suit filed an NRCP 12(b)(5) Motion to Dismiss, arguing among other contentions that  
19 this suit was time-barred under Nevada’s statute of limitations for legal malpractice. That Motion  
20 was granted and this action has now been dismissed based on a Decision and Order entered on  
21 May 25, 2017 dismissing this suit as barred by the applicable statute of limitations. A subsequent  
22 Motion to Alter or Amend, by vacating the Decision and Order of dismissal, was denied. The  
23 Decision and Order of dismissal also resulted in a Judgment, entered on August 29, 2017,  
24 incorporating the Decision and Order, and awarding costs.

25 This is an appeal from the May 25, 2017 Decision and Order of dismissal, and from the  
26 August 29, 2017 Judgment thereon, as the Appellant BB&T avers that this suit was timely brought  
27 within two years of the U.S. Supreme Court’s rejection of the Petition, which Petition should be  
28 treated as an appeal for purposes of applying Nevada’s litigation malpractice appeal tolling and  
delayed claim accrual rules, as recognized by this Nevada Supreme Court.



**CERTIFICATE OF SERVICE**

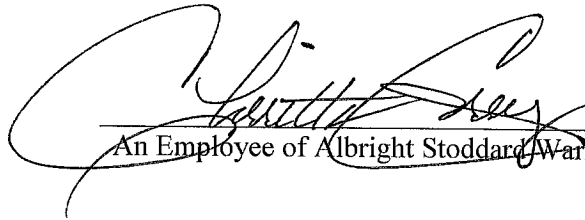
Pursuant to NRCP 5(b), I hereby certify that I am an employee of ALBRIGHT, STODDARD, WARNICK & ALBRIGHT and that on this 30<sup>th</sup> day of August, 2017, service was made by the following mode/method a true and correct copy of the foregoing **AMENDED CASE APPEAL STATEMENT** to the following person(s):

Craig J. Mariam, Esq., #10926  
Robert S. Larsen, Esq., #7785  
Wing Yan Wong, Esq., #13622  
GORDON & REES LLP  
300 South Fourth Street, Suite 1550  
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[cmariam@gordonrees.com](mailto:cmariam@gordonrees.com)  
[rlarsen@gordonrees.com](mailto:rlarsen@gordonrees.com)  
[wwong@gordonrees.com](mailto:wwong@gordonrees.com)

*Attorneys for Respondents/Defendants*

☐ Certified Mail  
☒ Electronic Filing/Service  
☐ Email  
☐ Facsimile  
☐ Hand Delivery  
☐ Regular Mail

  
An Employee of Albright Stoddard Warnick & Albright



DEPARTMENT 27  
**CASE SUMMARY**  
**CASE NO. A-16-744561-C**

**Branch Banking & Trust Company, Plaintiff(s)**  
**vs.**  
**Douglas Gerrard, ESQ, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 27**  
Judicial Officer: **Allf, Nancy**  
Filed on: **10/05/2016**  
Case Number History:  
Cross-Reference Case Number: **A744561**

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**CASE INFORMATION**

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**Statistical Closures**

08/29/2017 Motion to Dismiss by the Defendant(s)

Case Type: **Legal Malpractice**

Case Flags: **Appealed to Supreme Court**  
**Jury Demand Filed**

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**DATE**

**CASE ASSIGNMENT**

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**Current Case Assignment**

Case Number	A-16-744561-C
Court	Department 27
Date Assigned	02/08/2017
Judicial Officer	Allf, Nancy

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**PARTY INFORMATION**

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<b>Plaintiff</b>	<b>Branch Banking &amp; Trust Company</b>	<b>Albright, George Mark</b> <i>Retained</i> 7023847111(W)
<b>Defendant</b>	<b>Gerrard &amp; Cox</b> Removed: 08/29/2017 Dismissed  <b>Gerrard Cox &amp; Larsen</b> Removed: 02/22/2017 Inactive  <b>Gerrard, Douglas D., ESQ</b>	






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**DATE**

**EVENTS & ORDERS OF THE COURT**

**INDEX**

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10/05/2016	 Summons Filed by: Plaintiff Branch Banking & Trust Company <i>Summons</i>	
10/05/2016	 Summons Filed by: Plaintiff Branch Banking & Trust Company <i>Summons</i>	
10/05/2016	 Complaint Filed By: Plaintiff Branch Banking & Trust Company <i>Complaint</i>	
10/18/2016	 Affidavit of Service Filed By: Plaintiff Branch Banking & Trust Company <i>Affidavit of Service on Defendant Douglas D. Gerrard</i>	
10/18/2016	 Affidavit of Service Filed By: Plaintiff Branch Banking & Trust Company	

DEPARTMENT 27  
**CASE SUMMARY**  
**CASE NO. A-16-744561-C**

*Affidavit of Service on Defendant Gerrard Cox Larsen*

11/21/2016	 Request for Judicial Notice Filed By: Defendant Gerrard, Douglas D., ESQ <i>Request for Judicial Notice In Support of Defendant Douglas D. Gerrard, Esq., and Gerrard Cox &amp; Larsen's Motion to Dismiss Complaint</i>
11/21/2016	 Motion to Dismiss Filed By: Defendant Gerrard, Douglas D., ESQ <i>Defendant Douglas D. Gerrard, Esq. and Gerrard Cox &amp; Larsen's Notice of Motion and Motion to Dismiss Complaint; Memorandum Points and Authorities</i>
11/21/2016	 Initial Appearance Fee Disclosure Filed By: Defendant Gerrard, Douglas D., ESQ <i>Defendant's Initial Appearance Fee Disclosure</i>
12/02/2016	 Demand for Jury Trial Filed By: Plaintiff Branch Banking & Trust Company <i>Demand for Jury Trial</i>
12/02/2016	 Stipulation and Order Filed by: Plaintiff Branch Banking & Trust Company <i>Stipulation and Order to Extend Briefing on Defendants' Motion to Dismiss Complaint and to Reset Hearing Date</i>
12/05/2016	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Branch Banking & Trust Company <i>Notice of Entry of Stipulation and Order to Extend Briefing on Defendants' Motion to Dismiss Complaint and to Reset Hearing Date</i>
12/28/2016	 Opposition Filed By: Plaintiff Branch Banking & Trust Company <i>Plaintiff's Opposition to Motion to Dismiss; and Alternative Countermotion for Leave to Amend</i>
12/28/2016	 Response Filed by: Plaintiff Branch Banking & Trust Company <i>Plaintiff's Response and Partial Opposition to Defendants' Request for Judicial Notice</i>
12/28/2016	 Request for Judicial Notice Filed By: Plaintiff Branch Banking & Trust Company <i>Plaintiff's Request for Judicial Notice in Support of Opposition to Defendants' Motion to Dismiss Complaint</i>
01/17/2017	 Reply in Support Filed By: Defendant Gerrard, Douglas D., ESQ <i>Reply In Support Of Defendants Douglas D. Gerrard, Esq., And Gerrard Cox &amp; Larsen's Motion To Dismiss Complaint And Opposition To Alternative Countermotion For Leave To Amend</i>
01/17/2017	 Request for Judicial Notice Filed By: Defendant Gerrard, Douglas D., ESQ <i>Request for Judicial Notice In Support Of Reply In Support Of Defendants Douglas D. Gerrard, Esq., And Gerrard Cox &amp; Larsen's Motion To Dismiss Complaint</i>
01/17/2017	

DEPARTMENT 27  
**CASE SUMMARY**  
**CASE NO. A-16-744561-C**

	 Reply in Support Filed By: Defendant Gerrard, Douglas D., ESQ <i>Reply In Support Of Request For Judicial Notice In Support Of Defendants Douglas D. Gerrard, Esq., And Gerrard Cox &amp; Larsen's Motion To Dismiss Complaint</i>
01/17/2017	 Response Filed by: Defendant Gerrard, Douglas D., ESQ <i>Response And Partial Objection To Plaintiff Branch Banking &amp; Trust Company's Request For Judicial Notice</i>
01/18/2017	 Stipulation and Order Filed by: Defendant Gerrard, Douglas D., ESQ <i>Stipulation and Order to Continue Hearing on Motion to Dismiss</i>
01/18/2017	 Notice of Entry of Stipulation and Order Filed By: Defendant Gerrard, Douglas D., ESQ <i>Notice of Entry of Stipulation and Order to Continue Hearing on Motion to Dismiss</i>
01/20/2017	 Response Filed by: Plaintiff Branch Banking & Trust Company <i>Response to Defendants' [Second] Request for Judicial Notice Filed in Support of Defendants' Reply Points and Authorities Regarding Defendants' Motion to Dismiss</i>
01/26/2017	 Reply Points and Authorities Filed by: Plaintiff Branch Banking & Trust Company <i>Plaintiff's Reply Points and Authorities in Support of its Request for Judicial Notice</i>
01/27/2017	 Reply in Support Filed By: Plaintiff Branch Banking & Trust Company <i>Plaintiff's Reply in Support of Alternative Countermotion for Leave to Amend Complaint</i>
02/06/2017	 Stipulation and Order for Dismissal With Prejudice Filed By: Plaintiff Branch Banking & Trust Company <i>Stipulation and Order to Dismiss the Second Cause of Action from the Plaintiff's Complaint</i>
02/06/2017	<b>Order of Dismissal With Prejudice</b> (Judicial Officer: Allf, Nancy) Debtors: Douglas D. Gerrard, ESQ. (Defendant), Gerrard Cox & Larsen (Defendant) Creditors: Branch Banking & Trust Company (Plaintiff) Judgment: 02/06/2017, Docketed: 02/13/2017 Comment: Certain Causes
02/07/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Branch Banking & Trust Company <i>Notice of Entry of Stipulation and Order to Dismiss the Second Cause of Action from the Plaintiff's Complaint</i>
02/07/2017	<b>Request</b> (10:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Request for Judicial Notice In Support of Defendant Douglas D. Gerrard, Esq., and Gerrard Cox &amp; Larsen's Motion to Dismiss Complaint</i>
02/07/2017	<b>Motion to Dismiss</b> (10:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Defendant Douglas D. Gerrard, Esq. and Gerrard Cox &amp; Larsen's Notice of Motion and Motion to Dismiss Complaint; Memorandum Points and Authorities</i>
02/07/2017	<b>Opposition and Countermotion</b> (10:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Plaintiff's Opposition to Motion to Dismiss; and Alternative Countermotion for Leave to Amend</i>

DEPARTMENT 27  
**CASE SUMMARY**  
**CASE NO. A-16-744561-C**

02/07/2017	 <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Kishner, Joanna S.)
02/08/2017	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
02/16/2017	 Stipulation and Order Filed by: Plaintiff Branch Banking & Trust Company <i>Stipulation and Order to Withdraw Without Prejudice and Vacate Any Scheduled Hearings on Motion to Dismiss and Requests for Judicial Notice</i>
02/17/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Branch Banking & Trust Company <i>Notice of Entry of Stipulation and Order to Withdraw Without Prejudice and Vacate any Scheduled Hearings on Motion to Dismiss and Requests for Judicial Notice</i>
02/22/2017	 First Amended Complaint Filed By: Plaintiff Branch Banking & Trust Company <i>First Amended Complaint</i>
03/08/2017	 Motion to Dismiss Filed By: Defendant Gerrard, Douglas D., ESQ <i>Notice of Motion and Motion to Dismiss First Amended Complaint; Memorandum of Points and Authorities</i>
03/08/2017	 Request for Judicial Notice Filed By: Defendant Gerrard, Douglas D., ESQ <i>Request for Judicial Notice in Support of Defendants Douglas D. Gerrard, Esq. and Gerrard Cox &amp; Larsen's Motion to Dismiss First Amended Complaint</i>
03/21/2017	 Response Filed by: Plaintiff Branch Banking & Trust Company <i>Plaintiff's Response and Partial Opposition to Defendants' March 8, 2017 Request for Judicial Notice and Counter-Request for Judicial Notice by Plaintiff</i>
03/21/2017	 Opposition Filed By: Plaintiff Branch Banking & Trust Company <i>Plaintiff's Opposition to Motion to Dismiss First Amended Complaint; and Alternative Countermotion for Leave to Amend</i>
04/07/2017	 Reply in Support Filed By: Defendant Gerrard, Douglas D., ESQ <i>Defendants Douglas D. Gerrard, Esq., and Gerrard Cox &amp; Larsen's (1) Reply in Support of Defendants' Request for Judicial Notice; (2) Response and Partial Objection to Plaintiff's Counter-Request for Judicial Notice; and (3) Request for Judicial Notice on Reply</i>
04/07/2017	 Reply in Support Filed By: Defendant Gerrard Cox & Larsen <i>Reply in Support of Defendants Douglas D. Gerrard, Esq., and Gerrard Cox &amp; Larsen's Motion to Dismiss First Amended Complaint and Opposition to Alternative Countermotion for Leave to Amend</i>
04/12/2017	 Reply in Support Filed By: Plaintiff Branch Banking & Trust Company <i>Plaintiff's Reply in Support of its Counter-Requests for Judicial Notice and Response to</i>

DEPARTMENT 27  
**CASE SUMMARY**  
**CASE NO. A-16-744561-C**

*Defendnats New Requests*

04/12/2017	 Reply in Support Filed By: Plaintiff Branch Banking & Trust Company <i>Plaintiff's Reply in Support of Alternative Countermotion for Leave to Amend Complaint</i>
04/19/2017	<b>Motion to Dismiss</b> (10:00 AM) (Judicial Officer: Allf, Nancy) Events: 03/08/2017 Motion to Dismiss <i>Deft's Motion and Motion to Dismiss First Amended Complaint; Memorandum of Points and Authorities</i>
04/19/2017	<b>Opposition and Countermotion</b> (10:00 AM) (Judicial Officer: Allf, Nancy) Events: 03/21/2017 Opposition <i>Plaintiff's Opposition to Motion to Dismiss First Amended Complaint; and Alternative Countermotion for Leave to Amend</i>
04/19/2017	 <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Allf, Nancy)
04/28/2017	 Supplemental Brief Filed By: Defendant Gerrard, Douglas D., ESQ <i>Supplemental Briefing of Points and Authorities on Statute of Limitation Issues in Support of Motion to Dismiss First Amended Complaint</i>
04/28/2017	 Supplement Filed by: Plaintiff Branch Banking & Trust Company <i>Supplemental Brief on Statute of Limitations Issues in Opposition to Defendants' Motion to Dismiss First Amended Complaint</i>
05/16/2017	<b>CANCELED Decision</b> (3:00 AM) (Judicial Officer: Allf, Nancy) <i>Vacated</i> <i>Decision: Defendant's Motion and Motion to Dismiss First Amended Complaint; Memorandum of Points and Authorities; Plaintiff's Opposition to Motion to Dismiss First Amended Complaint; and Alternative Countermotion for Leave to Amend</i>
05/25/2017	 Decision and Order <i>Decision and Order Granting Defendants Douglas D. Gerrard, Esq. and Gerrard Cox &amp; Larsen s Motion to Dismiss First Amended Complaint and Denying Plaintiff s Countermotion for Leave to Amend</i>
05/25/2017	<b>Order of Dismissal With Prejudice</b> (Judicial Officer: Allf, Nancy) Debtors: Douglas D. Gerrard, ESQ. (Defendant) Creditors: Branch Banking & Trust Company (Plaintiff) Judgment: 05/25/2017, Docketed: 06/01/2017
05/26/2017	 Notice of Entry Filed By: Defendant Gerrard, Douglas D., ESQ; Defendant Gerrard & Cox <i>Notice Of Entry Of Decision And Order Granting Defendants Gerard D. Gerrard, Esq. and Gerrard Cox &amp; Larsen s Motion To Dismiss First Amended Complaint And Denying Plaintiff s Countermotion For Leave To Amend</i>
06/05/2017	 Memorandum of Costs and Disbursements Filed By: Defendant Gerrard, Douglas D., ESQ; Defendant Gerrard & Cox <i>Defendants' Memorandum of Costs and Disbursements</i>
06/05/2017	 Motion Filed By: Plaintiff Branch Banking & Trust Company <i>Motion to Alter or Amend, by Vacating, Order of Dismissal, Pursuant to NRCP 59(e)</i>

DEPARTMENT 27  
**CASE SUMMARY**  
**CASE NO. A-16-744561-C**

06/22/2017	 <b>Opposition</b> <i>Defendants Douglas D. Gerrard and Gerrard Cox Larsen's Opposition to Motion to Alter or Amend, by Vacating, Order of Dismissal, Pursuant to NRCP 59(e)</i>
06/26/2017	 <b>Recorders Transcript of Hearing</b> <i>Transcript of Proceedings, Defendant's Motion and Motion to Dismiss First Amended Complaint; Memorandum of Points and Authorities, Plaintiff's Opposition to Motion to Dismiss First Amended Complaint; and Alternative Countermotion for Leave to Amend, Heard on April 19, 2017</i>
06/28/2017	 <b>Reply Points and Authorities</b> Filed by: Plaintiff Branch Banking & Trust Company <i>Reply Points and Authorities in Support of Motion to Alter or Amend, by Vacating, Order of Dismissal, Pursuant to NRCP 59(e)</i>
07/19/2017	 <b>Motion</b> (9:00 AM) (Judicial Officer: Allf, Nancy) <i>Plaintiff's Motion to Alter or Amend, by Vacating, Order of Dismissal, Pursuant to NRCP 59(e)</i>
08/07/2017	 <b>Order Denying Motion</b> Filed By: Plaintiff Branch Banking & Trust Company <i>Order Denying Plaintiff Branch Banking &amp; Trust Company's Motion to Alter or Amend, by Vacating, Order of Dismissal, Pursuant to NRCP 59(e)</i>
08/08/2017	 <b>Notice of Entry of Order</b> Filed By: Defendant Gerrard, Douglas D., ESQ; Defendant Gerrard & Cox <i>Notice of Entry of Order Denying Plaintiff Branch Banking &amp; Trust Company's Motion to Alter or Amend, By Vacating, Order of Dismissal, Pursuant To NRCP 59(e)</i>
08/22/2017	 <b>Notice of Appeal</b> Filed By: Plaintiff Branch Banking & Trust Company <i>Notice of Appeal</i>
08/22/2017	 <b>Case Appeal Statement</b> Filed By: Plaintiff Branch Banking & Trust Company <i>Case Appeal Statement</i>
08/29/2017	<b>Order of Dismissal With Prejudice</b> (Judicial Officer: Allf, Nancy) Debtors: Branch Banking & Trust Company (Plaintiff) Creditors: Douglas D. Gerrard, ESQ. (Defendant), Gerrard & Cox (Defendant) Judgment: 08/29/2017, Docketed: 08/30/2017
08/29/2017	<b>Judgment</b> (Judicial Officer: Allf, Nancy) Debtors: Branch Banking & Trust Company (Plaintiff) Creditors: Douglas D. Gerrard, ESQ. (Defendant), Gerrard & Cox (Defendant) Judgment: 08/29/2017, Docketed: 08/30/2017 Total Judgment: 8,769.28
08/29/2017	 <b>Judgment</b> Filed By: Defendant Gerrard, Douglas D., ESQ; Defendant Gerrard & Cox <i>Judgment</i>
08/30/2017	 <b>Notice of Entry of Order</b> Filed By: Defendant Gerrard, Douglas D., ESQ <i>Notice of Entry of Judgment</i>

DEPARTMENT 27  
**CASE SUMMARY**  
**CASE NO. A-16-744561-C**

08/30/2017	 Amended Notice of Appeal Party: Plaintiff Branch Banking & Trust Company <i>Amended Notice of Appeal</i>	
08/30/2017	 Amended Case Appeal Statement Party: Plaintiff Branch Banking & Trust Company <i>Amended Case Appeal Statement</i>	

DATE	FINANCIAL INFORMATION																																				
	<table> <tr> <td><b>Defendant</b> Gerrard &amp; Cox</td><td></td></tr> <tr> <td>Total Charges</td><td style="text-align: right;">14.00</td></tr> <tr> <td>Total Payments and Credits</td><td style="text-align: right;">14.00</td></tr> <tr> <td><b>Balance Due as of 8/31/2017</b></td><td style="text-align: right;"><b>0.00</b></td></tr> <tr> <td> <b>Defendant</b> Gerrard Cox &amp; Larsen</td><td></td></tr> <tr> <td>Total Charges</td><td style="text-align: right;">33.50</td></tr> <tr> <td>Total Payments and Credits</td><td style="text-align: right;">33.50</td></tr> <tr> <td><b>Balance Due as of 8/31/2017</b></td><td style="text-align: right;"><b>0.00</b></td></tr> <tr> <td> <b>Defendant</b> Gerrard, Douglas D., ESQ</td><td></td></tr> <tr> <td>Total Charges</td><td style="text-align: right;">275.50</td></tr> <tr> <td>Total Payments and Credits</td><td style="text-align: right;">275.50</td></tr> <tr> <td><b>Balance Due as of 8/31/2017</b></td><td style="text-align: right;"><b>0.00</b></td></tr> <tr> <td> <b>Plaintiff</b> Branch Banking &amp; Trust Company</td><td></td></tr> <tr> <td>Total Charges</td><td style="text-align: right;">297.50</td></tr> <tr> <td>Total Payments and Credits</td><td style="text-align: right;">297.50</td></tr> <tr> <td><b>Balance Due as of 8/31/2017</b></td><td style="text-align: right;"><b>0.00</b></td></tr> <tr> <td> <b>Plaintiff</b> Branch Banking &amp; Trust Company</td><td></td></tr> <tr> <td>Appeal Bond Balance as of 8/31/2017</td><td style="text-align: right;"><b>500.00</b></td></tr> </table>	<b>Defendant</b> Gerrard & Cox		Total Charges	14.00	Total Payments and Credits	14.00	<b>Balance Due as of 8/31/2017</b>	<b>0.00</b>	 <b>Defendant</b> Gerrard Cox & Larsen		Total Charges	33.50	Total Payments and Credits	33.50	<b>Balance Due as of 8/31/2017</b>	<b>0.00</b>	 <b>Defendant</b> Gerrard, Douglas D., ESQ		Total Charges	275.50	Total Payments and Credits	275.50	<b>Balance Due as of 8/31/2017</b>	<b>0.00</b>	 <b>Plaintiff</b> Branch Banking & Trust Company		Total Charges	297.50	Total Payments and Credits	297.50	<b>Balance Due as of 8/31/2017</b>	<b>0.00</b>	 <b>Plaintiff</b> Branch Banking & Trust Company		Appeal Bond Balance as of 8/31/2017	<b>500.00</b>
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# DISTRICT COURT CIVIL COVER SHEET

A - 1 6 - 7 4 4 5 6 1 - C

X X X I

County, Nevada

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): Branch Banking & Trust Company 9555 Hillwood Drive, 2nd Floor Las Vegas, Nevada 89134 Tel: 702-669-4619	Defendant(s) (name/address/phone): Douglas D. Gerrard, Esq. GERRARD COX & LARSEN 2450 S. Rose Pkwy., Suite 200 Henderson, Nevada 89074
Attorney (name/address/phone): G. Mark Albright, Esq. / D. Chris Albright, Esq. ALBRIGHT, STODDARD, WARNICK & ALBRIGHT 801 S. Rancho Drive, Suite D-4, Las Vegas, NV 89106 Tel: 702.384.7111	Attorney (name/address/phone): _____ _____ _____

## II. Nature of Controversy (please select the one most applicable filing type below)

### Civil Case Filing Types

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

*Business Court filings should be filed using the Business Court civil cover sheet.*

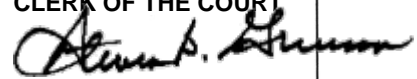
October 5, 2016

Date

Signature of initiating party or representative

See other side for family-related case filings.





DISTRICT COURT  
CLARK COUNTY, NEVADA

BRANCH BANKING & TRUST  
COMPANY, a North Carolina  
corporation,

Plaintiff(s)

vs

Case No.: A-16-744561-C

DOUGLAS D. GERRARD, ESQ.,  
individually; and GERRARD & COX, a  
Nevada professional corporation, d/b/a  
GERRARD COX & LARSEN; JOHN  
DOE INDIVIDUALS I-X; and ROE  
BUSINESS ENTITIES XI-XX,  
Defendants.

Department 27

**DECISION AND ORDER GRANTING DEFENDANTS DOUGLAS D. GERRARD, ESQ. AND  
GERRARD COX & LARSEN'S MOTION TO DISMISS FIRST AMENDED COMPLAINT  
AND DENYING PLAINTIFF'S COUNTERMOTION FOR LEAVE TO AMEND**

This is a legal malpractice suit against attorney Douglas D. Gerrard ("Gerrard") and his law firm, Gerrard Cox & Larsen (individually "GCL") (collectively the "Defendants"). This case stems from the Defendants' representation of Plaintiff Branch Banking & Trust Company ("BBT") in an earlier underlying case tried before the Honorable Elizabeth Gonzalez in 2010. The underlying case involved the adjudication of the priority of two deeds of trust encumbering approximately thirty-eight acres of real property in Henderson, Clark County, Nevada. Colonial Bank, N.A. ("Colonial") originally held the beneficial interest under one of the deeds of trust, but its interest was acquired during the underlying litigation by BBT when Colonial was placed into receivership with the FDIC. It should be noted that

1 Defendants were originally retained to represent Colonial, but such representation transferred  
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4 Court in the underlying case ruled against BBT on the basis that BBT failed to establish, as a  
5 necessary prerequisite to its claims, that it had been assigned and owned the former Colonial  
6 Deed of Trust on which the claims it was pursuing were based. *See* Defendants' Request for  
7 Judicial Notice in Support of Defendants Motion to Dismiss First Amended Complaint,  
8 Exhibit B—Findings of Fact and Conclusions of Law, Case #08-A-574852. BBT asserts  
9 that this ruling was based on the District Court's refusal to allow BBT's attorneys, the  
10 Defendants, to present evidence at trial relative to the assignment of the Colonial Deed of  
11 Trust to BBT due to the Defendants' alleged failure to timely disclose the pertinent  
12 documents prior to trial.

13 BBT initiated this legal malpractice suit against Defendants on October 5, 2016.  
14 BBT filed its First Amended Complaint on February 22, 2017, asserting a single cause of  
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16 Now before the Court is Defendants' Motion to Dismiss First Amended Complaint  
17 ("Motion") filed on March 8, 2017 concurrently with Defendants' Request for Judicial  
18 Notice, wherein Defendants asked this Court to take judicial notice of numerous documents  
19 related to the underlying dispute. BBT filed its Opposition to Defendants' Motion to Dismiss  
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21 Defendants' Motion to Dismiss for a hearing on motions calendar on April 19, 2017 at 10:00  
22 a.m., wherein this Court denied Defendants' Motion to Dismiss as to standing, but took the  
23 issue as to whether the statute of limitations has expired under advisement. The Court  
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1 continued the matter to Chambers Calendar on May 16, 2017 for a decision as to the running  
2 of the statute of limitations.

3  
4 After having read the pleadings and papers on file, including the supplemental briefs  
5 filed by both parties, and for good cause appearing therefore:  
6

7 **THE COURT FINDS** after review, in Nevada, an action for legal malpractice does  
8 not begin to accrue until the “plaintiff’s damages are certain and not contingent upon the  
9 outcome of an appeal.” *Semenza v. Nevada Med. Liab. Ins. Co.*, 104 Nev. 666, 668, 765 P.2d  
10 184, 186 (1988). “It is only after the underlying case has been affirmed on appeal that it is  
11 appropriate to assert injury and maintain a legal malpractice cause of action for damages.” *Id.*  
12 The statute of limitations for legal malpractice claims is four years from the damages or two  
13 years from when the plaintiff discovers, or could discover, the damages, whichever is earlier.  
14 N.R.S. 11.207.  
15

16 **THE COURT FURTHER FINDS** after review that on March 31, 2013, the Nevada  
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20 216 P.3d 239, 242 (2009). The remittitur “terminated the case below as to all issues settled  
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23 (1988); *Dickerson v. State*, 114 Nev. 1084, 1087, 967 P.2d 1132, 1134 (1998).  
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7 of certiorari is not a matter of right, but of judicial discretion. Sup. Ct. R. 10.

8           **THE COURT FURTHER FINDS** after review that because BBT did not have a  
9 right to a writ of certiorari to the United States Supreme Court, and because BBT failed to  
10 file a motion to stay the remittitur under NRAP 41(a)(3)(A), the Nevada Supreme Court’s  
11 May 31, 2013 decision to affirm the district court’s ruling and its remittitur to the district  
12 court, constitutes an final adverse appellate ruling for BBT. Therefore, the statute of  
13 limitations was not tolled when BBT filed a petition for a writ of certiorari to the United  
14 States Supreme Court. Accordingly, the statute of limitations began to run on or about May  
15 31, 2013, making BBT’s deadline under the statute of limitations for its legal malpractice  
16 claim two years later on or about May 31, 2015.  
17

18           **THE COURT FURTHER FINDS** after review BBT filed its Complaint in this case  
19 on October 5, 2016, some 493 days past the expiration of the statute of limitations.  
20

21           **THEREFORE, THE COURT ORDERS** for good cause appearing and for the  
22 reasons stated above, Defendants Motion to Dismiss First Amended Complaint is  
23 **GRANTED** as the statute of limitations ran on or about May 31, 2015.

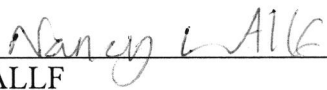
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1  
2 **COURT FURTHER ORDERS** for good cause appearing and after review that  
3 Plaintiff's Countermotion for Leave to Amend is likewise **DENIED. HEARING** set for  
4 **CHAMBERS CALENDAR** on May 16, 2017, **VACATED.**

5  
6 Dated: May <sup>25</sup>23, 2017 <sup>MLA</sup>


7  
8   
9 NANCY ALLF  
District Court Judge, Department 27

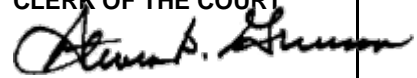
10  
11 **Certificate of Service**

12 I hereby certify that on or about the date signed I caused the foregoing document to be  
13 electronically served pursuant to EDCR 8.05(a) and 8.05(f), through the Eighth Judicial  
14 District Court's electronic filing system, with the date and time of the electronic service  
substituted for the date and place of deposit to: *anb by email to:*

15 Albright, Stoddard, Warnick & Albright  
16 G. Mark Albright, Esq. – [gma@albrightstoddard.com](mailto:gma@albrightstoddard.com)  
D. Chris Albright, Esq. – [dca@albrightstoddard.com](mailto:dca@albrightstoddard.com)

17 Gordon & Rees LLP  
18 Craig J. Mariam, Esq. – [cmariam@gordonrees.com](mailto:cmariam@gordonrees.com)  
19 Robert S. Larsen, Esq. – [rlarsen@gordonrees.com](mailto:rlarsen@gordonrees.com)  
Wong Yan Wong, Esq. – [wwong@gordonrees.com](mailto:wwong@gordonrees.com)

20  
21   
22 Karen Lawrence  
23 Judicial Executive Assistant



NEO  
CRAIG J. MARIAM, ESQ.,  
Nevada Bar No. 10926  
ROBERT S. LARSEN, ESQ.  
Nevada Bar No. 7785  
WING YAN WONG, ESQ.  
Nevada Bar No. 13622  
GORDON & REES LLP  
300 South Fourth Street, Suite 1550  
Las Vegas, Nevada 89101  
Telephone: (702) 577-9300  
Direct: (702) 577-9301  
Facsimile: (702) 255-2858  
E-Mail: [cmariam@gordonrees.com](mailto:cmariam@gordonrees.com)  
[rlarsen@gordonrees.com](mailto:rlarsen@gordonrees.com)  
[wwong@gordonrees.com](mailto:wwong@gordonrees.com)

*Attorneys for Defendants Douglas D.  
Gerrard, Esq. and Gerrard Cox & Larsen*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

BRANCH BANKING & TRUST COMPANY, a ) Case No.: A-16-744561-C  
North Carolina corporation, ) Dept. No.: ~~27~~ XXVII

Plaintiff,

vs.

DOUGLAS D. GERRARD, ESQ., individually; and )  
GERRARD COX & LARSEN, a Nevada )  
professional corporation, JOHN DOES I-X; and )  
ROE BUSINESS ENTITIES XI-XX, )

Defendant.

**NOTICE OF ENTRY OF  
DECISION AND ORDER  
GRANTING DEFENDANTS  
GERARD D. GERRARD, ESQ.  
AND GERRARD COX &  
LARSEN'S MOTION TO DISMISS  
FIRST AMENDED COMPLAINT  
AND DENYING PLAINTIFF'S  
COUNTERMOTION FOR LEAVE  
TO AMEND**

PLEASE TAKE NOTICE that, on May 25, 2017, the Court entered the DECISION  
AND ORDER GRANTING DEFENDANTS GERARD D. GERRARD, ESQ. AND GERRARD  
COX & LARSEN'S MOTION TO DISMISS FIRST AMENDED COMPLAINT AND  
DENYING PLAINTIFF'S COUNTERMOTION FOR LEAVE TO AMEND in this matter.

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A copy of the Court’s Decision and Order is attached hereto as Exhibit “1.”  
DATED this 26th day of May, 2017.

Respectfully submitted,  
GORDON & REES, LLP

/s/ Robert S. Larsen  
Craig J. Mariam, Esq.  
Nevada Bar No. 10926  
Robert S. Larsen, Esq.  
Nevada Bar No. 7785  
Wing Yan Wong, Esq.  
Nevada Bar No. 13622  
300 South Fourth Street, Suite 1550  
Las Vegas, Nevada 89101  
  
*Attorneys for Defendants Douglas D.  
Gerrard, Esq. and Gerrard Cox & Larsen*

**CERTIFICATE OF SERVICE**

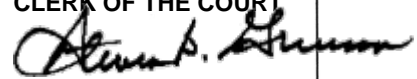
Pursuant to Rule 5(b) of the Nevada Rules of Civil Procedure, I hereby certify under penalty of perjury that I am an employee of GORDON & REES LLP, and that on the 26th day of May, 2017, the foregoing **NOTICE OF ENTRY OF DECISION AND ORDER GRANTING DEFENDANTS GERARD D. GERRARD, ESQ. AND GERRARD COX & LARSEN'S MOTION TO DISMISS FIRST AMENDED COMPLAINT AND DENYING PLAINTIFF'S COUNTERMOTION FOR LEAVE TO AMEND** was served upon those persons designated by the parties in the E-Service Master List in the Eighth Judicial District court eFiling System in accordance with the mandatory electronic service requirements of Administrative Order 14-1 and the Nevada Electronic Filing and Conversion Rules, upon the following:

G. Mark Albright, Esq.  
D. Chris Albright, Esq.  
ALBRIGHT, STODDARD, WARNICK & ALBRIGHT  
801 South Rancho Drive, Suite D-4  
Las Vegas, Nevada 89106

/s/ Gayle Angulo  
An Employee of GORDON & REES, LLP



EXHIBIT “1”



DISTRICT COURT  
CLARK COUNTY, NEVADA

BRANCH BANKING & TRUST  
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vs

Case No.: A-16-744561-C

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22 reasons stated above, Defendants Motion to Dismiss First Amended Complaint is  
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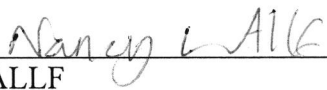
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26 ///

1  
2 **COURT FURTHER ORDERS** for good cause appearing and after review that  
3 Plaintiff's Counter-motion for Leave to Amend is likewise **DENIED. HEARING** set for  
4 **CHAMBERS CALENDAR** on May 16, 2017, **VACATED.**

5  
6 Dated: May <sup>25</sup>23, 2017 <sup>MLA</sup>


7  
8   
9 NANCY ALLF  
District Court Judge, Department 27

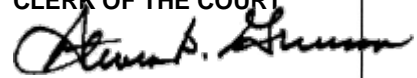
10  
11 **Certificate of Service**

12 I hereby certify that on or about the date signed I caused the foregoing document to be  
13 electronically served pursuant to EDCR 8.05(a) and 8.05(f), through the Eighth Judicial  
14 District Court's electronic filing system, with the date and time of the electronic service  
substituted for the date and place of deposit to: *anb by email to:*

15 Albright, Stoddard, Warnick & Albright  
16 G. Mark Albright, Esq. – [gma@albrightstoddard.com](mailto:gma@albrightstoddard.com)  
D. Chris Albright, Esq. – [dca@albrightstoddard.com](mailto:dca@albrightstoddard.com)

17 Gordon & Rees LLP  
18 Craig J. Mariam, Esq. – [cmariam@gordonrees.com](mailto:cmariam@gordonrees.com)  
19 Robert S. Larsen, Esq. – [rlarsen@gordonrees.com](mailto:rlarsen@gordonrees.com)  
Wong Yan Wong, Esq. – [wwong@gordonrees.com](mailto:wwong@gordonrees.com)

20  
21   
22 Karen Lawrence  
23 Judicial Executive Assistant



1 CRAIG J. MARIAM, ESQ.  
Nevada Bar No. 10926  
2 ROBERT S. LARSEN, ESQ.  
Nevada Bar No. 7785  
3 WING YAN WONG, ESQ.  
Nevada Bar No. 13622  
4 GORDON REES SCULLY MANSUKHANI, LLP  
300 South Fourth Street, Suite 1550  
5 Las Vegas, Nevada 89101  
Telephone: (702) 577-9300  
6 Facsimile: (702) 255-2858  
E-Mail: [cmariam@grsm.com](mailto:cmariam@grsm.com)  
7 [rlarsen@grsm.com](mailto:rlarsen@grsm.com)  
[wwong@grsm.com](mailto:wwong@grsm.com)

8 *Attorneys for Defendants Douglas D.*  
9 *Gerrard, Esq. and Gerrard Cox Larsen*

10 EIGHTH JUDICIAL DISTRICT COURT  
11 CLARK COUNTY, NEVADA

12 BRANCH BANKING & TRUST COMPANY, a ) Case No.: A-16-744561-C  
13 North Carolina corporation, ) Dept. No.: 27  
14 Plaintiff, )  
15 vs. ) **JUDGMENT**  
16 DOUGLAS D. GERRARD, ESQ., individually; and )  
17 GERRARD COX & LARSEN, a Nevada )  
18 professional corporation, JOHN DOES I-X; and )  
19 ROE BUSINESS ENTITIES XI-XX, )  
Defendant. )

20  
21 This action came on for hearing before the Court, the Honorable Nancy L. Allf presiding,  
22 and the issues having been duly heard. On May 25, 2017, the Court entered its Decision and  
23 Order Granting Defendants Douglas D. Gerrard, Esq. and Gerrard Cox & Larsen's Motion to  
24 Dismiss First Amended Complaint and Denying Plaintiff's Countermotion for Leave to Amend.  
25 On June 5, 2017, Defendants filed their Memorandum of Costs for costs in the amount of  
26 \$8,769.28. Plaintiff has not filed any objections or oppositions. On August 7, 2017, the Court  
27 entered its Order Denying Plaintiff Branch Banking & Trust Company's Motion to Alter or  
28 Amend, by Vacating Order of Dismissal, Pursuant to NRCP 59(e).

Gordon Rees Scully Mansukhani, LLP  
300 S. 4th Street, Suite 1550  
Las Vegas, NV 89101

☐ Voluntary Dismissal  
☐ Involuntary Dismissal  
☐ Stipulated Dismissal  
☒ Motion to Dismiss by Deft(s)  
☐ Summary Judgment  
☐ Stipulated Judgment  
☐ Default Judgment  
☐ Judgment of Arbitration



Gordon Rees Scully Mansukhani, LLP  
300 S. 4th Street, Suite 1550  
Las Vegas, NV 89101

The Decision and Order entered on May 25, 2017, attached hereto as Exhibit A, is hereby expressly incorporated herein in full by this reference. In accordance with the Decision and Order entered on May 25, 2017 and the Defendants' Memorandum of Costs filed on June 5, 2017, the Court enters the following Judgment.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT** Plaintiff takes nothing by way of its operative complaint in this matter, that the action be dismissed with prejudice, and that Defendants recover of the Plaintiff Branch Banking & Trust Company their costs in the amount of \$8,769.28.

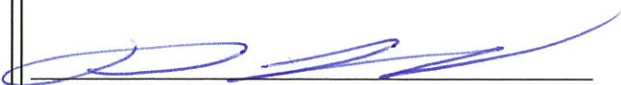
IT IS SO ORDERED, ADJUDGED AND DECREED.

DATED: Aug 29/17

  
DISTRICT COURT JUDGE 

Respectfully Submitted By:

GORDON REES SCULLY MANSUKHANI, LLP

  
CRAIG J. MARIAM, ESQ.  
Nevada Bar No. 10926  
ROBERT S. LARSEN, ESQ.  
Nevada Bar No. 7785  
Wing Yan Wong, Esq.  
Nevada Bar No. 13622  
300 S. Fourth St., Ste. 1550  
Las Vegas, Nevada 89101

*Attorneys for Defendants Douglas D.  
Gerrard, Esq. and Gerrard Cox Larsen*



**EXHIBIT A**

**EXHIBIT A**



DISTRICT COURT  
CLARK COUNTY, NEVADA

BRANCH BANKING & TRUST  
COMPANY, a North Carolina  
corporation,

Plaintiff(s)

vs

Case No.: A-16-744561-C

DOUGLAS D. GERRARD, ESQ.,  
individually; and GERRARD & COX, a  
Nevada professional corporation, d/b/a  
GERRARD COX & LARSEN; JOHN  
DOE INDIVIDUALS I-X; and ROE  
BUSINESS ENTITIES XI-XX,  
Defendants.

Department 27

**DECISION AND ORDER GRANTING DEFENDANTS DOUGLAS D. GERRARD, ESQ. AND  
GERRARD COX & LARSEN'S MOTION TO DISMISS FIRST AMENDED COMPLAINT  
AND DENYING PLAINTIFF'S COUNTERMOTION FOR LEAVE TO AMEND**

This is a legal malpractice suit against attorney Douglas D. Gerrard ("Gerrard") and his law firm, Gerrard Cox & Larsen (individually "GCL") (collectively the "Defendants"). This case stems from the Defendants' representation of Plaintiff Branch Banking & Trust Company ("BBT") in an earlier underlying case tried before the Honorable Elizabeth Gonzalez in 2010. The underlying case involved the adjudication of the priority of two deeds of trust encumbering approximately thirty-eight acres of real property in Henderson, Clark County, Nevada. Colonial Bank, N.A. ("Colonial") originally held the beneficial interest under one of the deeds of trust, but its interest was acquired during the underlying litigation by BBT when Colonial was placed into receivership with the FDIC. It should be noted that

1 Defendants were originally retained to represent Colonial, but such representation transferred  
2 to BBT as Colonial's successor in interest.

3 In its Findings of Fact and Conclusions of Law entered June 23, 2010, the District  
4 Court in the underlying case ruled against BBT on the basis that BBT failed to establish, as a  
5 necessary prerequisite to its claims, that it had been assigned and owned the former Colonial  
6 Deed of Trust on which the claims it was pursuing were based. *See* Defendants' Request for  
7 Judicial Notice in Support of Defendants Motion to Dismiss First Amended Complaint,  
8 Exhibit B—Findings of Fact and Conclusions of Law, Case #08-A-574852. BBT asserts  
9 that this ruling was based on the District Court's refusal to allow BBT's attorneys, the  
10 Defendants, to present evidence at trial relative to the assignment of the Colonial Deed of  
11 Trust to BBT due to the Defendants' alleged failure to timely disclose the pertinent  
12 documents prior to trial.  
13

14  
15 BBT initiated this legal malpractice suit against Defendants on October 5, 2016.  
16 BBT filed its First Amended Complaint on February 22, 2017, asserting a single cause of  
17 action for Professional Negligence/Legal Malpractice.

18 Now before the Court is Defendants' Motion to Dismiss First Amended Complaint  
19 ("Motion") filed on March 8, 2017 concurrently with Defendants' Request for Judicial  
20 Notice, wherein Defendants asked this Court to take judicial notice of numerous documents  
21 related to the underlying dispute. BBT filed its Opposition to Defendants' Motion to Dismiss  
22 on March 21, 2017, along with a Counter-Request for Judicial Notice. The Court set  
23 Defendants' Motion to Dismiss for a hearing on motions calendar on April 19, 2017 at 10:00  
24 a.m., wherein this Court denied Defendants' Motion to Dismiss as to standing, but took the  
25 issue as to whether the statute of limitations has expired under advisement. The Court  
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1 continued the matter to Chambers Calendar on May 16, 2017 for a decision as to the running  
2 of the statute of limitations.

3  
4 After having read the pleadings and papers on file, including the supplemental briefs  
5 filed by both parties, and for good cause appearing therefore:  
6

7 **THE COURT FINDS** after review, in Nevada, an action for legal malpractice does  
8 not begin to accrue until the "plaintiff's damages are certain and not contingent upon the  
9 outcome of an appeal." *Semenza v. Nevada Med. Liab. Ins. Co.*, 104 Nev. 666, 668, 765 P.2d  
10 184, 186 (1988). "It is only after the underlying case has been affirmed on appeal that it is  
11 appropriate to assert injury and maintain a legal malpractice cause of action for damages." *Id.*  
12 The statute of limitations for legal malpractice claims is four years from the damages or two  
13 years from when the plaintiff discovers, or could discover, the damages, whichever is earlier.  
14 N.R.S. 11.207.  
15

16 **THE COURT FURTHER FINDS** after review that on March 31, 2013, the Nevada  
17 Supreme Court affirmed the district court's ruling in the underlying case, and issued its  
18 remittitur. "The reversal and remittitur comprise the judgment by which the parties and the  
19 district court are thereafter bound." *In re Estate & Living Trust of Miller*, 125 Nev. 550, 553,  
20 216 P.3d 239, 242 (2009). The remittitur "terminated the case below as to all issues settled  
21 by the judgment" and formally informs the district court of appellate court's final resolution  
22 of the appeal. *Cerminara v. Eighth Jud. Distr. Ct.*, 104 Nev. 663, 665, 765 P.2d 182, 184  
23 (1988); *Dickerson v. State*, 114 Nev. 1084, 1087, 967 P.2d 1132, 1134 (1998).  
24  
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1           **THE COURT FURTHER FINDS** after review, that Nevada Rules of Appellate  
2 Procedure 41(a)(3)(A) provides that “[a] party may file a motion to stay the remittitur  
3 pending application to the Supreme Court of the United States for a writ of certiorari.”  
4

5           **THE COURT FURTHER FINDS** after review, that a writ of certiorari is separate  
6 and distinct from an appeal. While an appeal to an appellate court is a matter of right, a writ  
7 of certiorari is not a matter of right, but of judicial discretion. Sup. Ct. R. 10.

8           **THE COURT FURTHER FINDS** after review that because BBT did not have a  
9 right to a writ of certiorari to the United States Supreme Court, and because BBT failed to  
10 file a motion to stay the remittitur under NRAP 41(a)(3)(A), the Nevada Supreme Court’s  
11 May 31, 2013 decision to affirm the district court’s ruling and its remittitur to the district  
12 court, constitutes an final adverse appellate ruling for BBT. Therefore, the statute of  
13 limitations was not tolled when BBT filed a petition for a writ of certiorari to the United  
14 States Supreme Court. Accordingly, the statute of limitations began to run on or about May  
15 31, 2013, making BBT’s deadline under the statute of limitations for its legal malpractice  
16 claim two years later on or about May 31, 2015.  
17

18           **THE COURT FURTHER FINDS** after review BBT filed its Complaint in this case  
19 on October 5, 2016, some 493 days past the expiration of the statute of limitations.  
20

21           **THEREFORE, THE COURT ORDERS** for good cause appearing and for the  
22 reasons stated above, Defendants Motion to Dismiss First Amended Complaint is  
23 **GRANTED** as the statute of limitations ran on or about May 31, 2015.

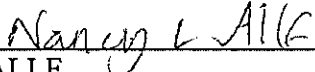
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1  
2 **COURT FURTHER ORDERS** for good cause appearing and after review that  
3 Plaintiff's Countermotion for Leave to Amend is likewise **DENIED. HEARING** set for  
4 **CHAMBERS CALENDAR** on May 16, 2017, **VACATED.**

5  
6 Dated: May <sup>25</sup> 23, 2017 <sup>MLA</sup>

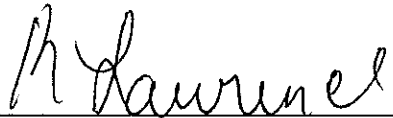
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9 NANCY ALLF  
District Court Judge, Department 27

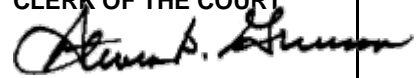
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11 **Certificate of Service**

12 I hereby certify that on or about the date signed I caused the foregoing document to be  
13 electronically served pursuant to EDCR 8.05(a) and 8.05(f), through the Eighth Judicial  
14 District Court's electronic filing system, with the date and time of the electronic service  
substituted for the date and place of deposit to: *anb by email to.*

15 Albright, Stoddard, Warnick & Albright  
16 G. Mark Albright, Esq. – [gma@albrightstoddard.com](mailto:gma@albrightstoddard.com)  
D. Chris Albright, Esq. – [dca@albrightstoddard.com](mailto:dca@albrightstoddard.com)

17 Gordon & Rees LLP  
18 Craig J. Mariam, Esq. – [cmariam@gordonrees.com](mailto:cmariam@gordonrees.com)  
19 Robert S. Larsen, Esq. – [rlarsen@gordonrees.com](mailto:rlarsen@gordonrees.com)  
Wong Yan Wong, Esq. – [wwong@gordonrees.com](mailto:wwong@gordonrees.com)

20   
21  
22 Karen Lawrence  
23 Judicial Executive Assistant  
24  
25  
26  
27  
28



1 **NEOJ**  
2 CRAIG J. MARIAM, ESQ.  
3 Nevada Bar No. 10926  
4 ROBERT S. LARSEN, ESQ.  
5 Nevada Bar No. 7785  
6 WING YAN WONG, ESQ.  
7 Nevada Bar No. 13622  
8 GORDON REES SCULLY MANSUKHANI, LLP  
9 300 South Fourth Street, Suite 1550  
10 Las Vegas, Nevada 89101  
11 Telephone: (702) 577-9300  
12 Direct: (702) 577-9301  
13 Facsimile: (702) 255-2858  
14 E-Mail: [cmariam@grsm.com](mailto:cmariam@grsm.com)  
15 [rlarsen@grsm.com](mailto:rlarsen@grsm.com)  
16 [wwong@grsm.com](mailto:wwong@grsm.com)

17 *Attorneys for Defendants Douglas D.*  
18 *Gerrard, Esq. and Gerrard Cox & Larsen*

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

BRANCH BANKING & TRUST COMPANY, a	)	Case No.: A-16-744561-C
North Carolina corporation,	)	Dept. No.: 26 XXVII
	)	
Plaintiff,	)	
	)	<b>NOTICE OF ENTRY OF</b>
vs.	)	<b>JUDGMENT</b>
	)	
DOUGLAS D. GERRARD, ESQ., individually; and	)	
GERRARD COX & LARSEN, a Nevada	)	
professional corporation, JOHN DOES I-X; and	)	
ROE BUSINESS ENTITIES XI-XX,	)	
	)	
Defendant.	)	

PLEASE TAKE NOTICE that, on August 29, 2017 the Court entered the JUDGMENT  
in this matter.

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28

A copy of the Court’s filed Judgment is attached hereto as Exhibit “1.”

DATED this 30<sup>th</sup> day of August, 2017.

Respectfully submitted,  
  
GORDON REES SCULLY  
MANSUKHANI, LLP

/s/ Wing Yan Wong  
Craig J. Mariam, Esq.  
Nevada Bar No. 10926  
Robert S. Larsen, Esq.  
Nevada Bar No. 7785  
Wing Yan Wong, Esq.  
Nevada Bar No. 13622  
300 South Fourth Street, Suite 1550  
Las Vegas, Nevada 89101  
  
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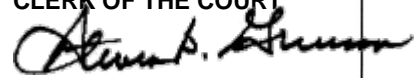
**CERTIFICATE OF SERVICE**

Pursuant to Rule 5(b) of the Nevada Rules of Civil Procedure, I hereby certify under penalty of perjury that I am an employee of GORDON & REES LLP, and that on the 30<sup>th</sup> day of August, 2017, the foregoing **NOTICE OF ENTRY OF JUDGMENT** was served upon those persons designated by the parties in the E-Service Master List in the Eighth Judicial District court eFiling System in accordance with the mandatory electronic service requirements of Administrative Order 14-1 and the Nevada Electronic Filing and Conversion Rules, upon the following:

G. Mark Albright, Esq.  
D. Chris Albright, Esq.  
ALBRIGHT, STODDARD, WARNICK & ALBRIGHT  
801 South Rancho Drive, Suite D-4  
Las Vegas, Nevada 89106

/s/ Gayle Angulo  
An Employee of GORDON REES SCULLY  
MANSUKHANI, LLP

# EXHIBIT “1”



1 CRAIG J. MARIAM, ESQ.  
Nevada Bar No. 10926  
2 ROBERT S. LARSEN, ESQ.  
Nevada Bar No. 7785  
3 WING YAN WONG, ESQ.  
Nevada Bar No. 13622  
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7 [rlarsen@grsm.com](mailto:rlarsen@grsm.com)  
[wwong@grsm.com](mailto:wwong@grsm.com)

8 *Attorneys for Defendants Douglas D.*  
9 *Gerrard, Esq. and Gerrard Cox Larsen*

10 EIGHTH JUDICIAL DISTRICT COURT  
11 CLARK COUNTY, NEVADA

12 BRANCH BANKING & TRUST COMPANY, a  
13 North Carolina corporation,

14 Plaintiff,

15 vs.

16 DOUGLAS D. GERRARD, ESQ., individually; and  
17 GERRARD COX & LARSEN, a Nevada  
18 professional corporation, JOHN DOES I-X; and  
ROE BUSINESS ENTITIES XI-XX,

19 Defendant.

Case No.: A-16-744561-C  
Dept. No.: 27

**JUDGMENT**

20  
21 This action came on for hearing before the Court, the Honorable Nancy L. Allf presiding,  
22 and the issues having been duly heard. On May 25, 2017, the Court entered its Decision and  
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Gordon Rees Scully Mansukhani, LLP  
300 S. 4th Street, Suite 1550  
Las Vegas, NV 89101

<input type="checkbox"/> Voluntary Dismissal	<input type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated or Consent
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input checked="" type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

The Decision and Order entered on May 25, 2017, attached hereto as Exhibit A, is hereby expressly incorporated herein in full by this reference. In accordance with the Decision and Order entered on May 25, 2017 and the Defendants' Memorandum of Costs filed on June 5, 2017, the Court enters the following Judgment.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT** Plaintiff takes nothing by way of its operative complaint in this matter, that the action be dismissed with prejudice, and that Defendants recover of the Plaintiff Branch Banking & Trust Company their costs in the amount of \$8,769.28.

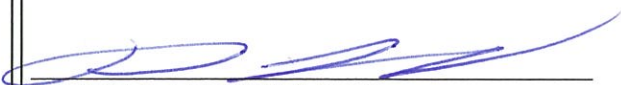
IT IS SO ORDERED, ADJUDGED AND DECREED.

DATED: Aug 29/17

  
DISTRICT COURT JUDGE 

Respectfully Submitted By:

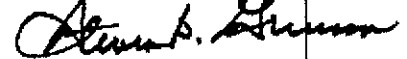
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*Attorneys for Defendants Douglas D.  
Gerrard, Esq. and Gerrard Cox Larsen*

**EXHIBIT A**

**EXHIBIT A**



DISTRICT COURT  
CLARK COUNTY, NEVADA

BRANCH BANKING & TRUST  
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vs

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Department 27

**DECISION AND ORDER GRANTING DEFENDANTS DOUGLAS D. GERRARD, ESQ. AND  
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6

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18 remittitur. "The reversal and remittitur comprise the judgment by which the parties and the  
19 district court are thereafter bound." *In re Estate & Living Trust of Miller*, 125 Nev. 550, 553,  
20 216 P.3d 239, 242 (2009). The remittitur "terminated the case below as to all issues settled  
21 by the judgment" and formally informs the district court of appellate court's final resolution  
22 of the appeal. *Cerminara v. Eighth Jud. Distr. Ct.*, 104 Nev. 663, 665, 765 P.2d 182, 184  
23 (1988); *Dickerson v. State*, 114 Nev. 1084, 1087, 967 P.2d 1132, 1134 (1998).  
24  
25  
26  
27  
28



1           **THE COURT FURTHER FINDS** after review, that Nevada Rules of Appellate  
2 Procedure 41(a)(3)(A) provides that “[a] party may file a motion to stay the remittitur  
3 pending application to the Supreme Court of the United States for a writ of certiorari.”  
4

5           **THE COURT FURTHER FINDS** after review, that a writ of certiorari is separate  
6 and distinct from an appeal. While an appeal to an appellate court is a matter of right, a writ  
7 of certiorari is not a matter of right, but of judicial discretion. Sup. Ct. R. 10.

8           **THE COURT FURTHER FINDS** after review that because BBT did not have a  
9 right to a writ of certiorari to the United States Supreme Court, and because BBT failed to  
10 file a motion to stay the remittitur under NRAP 41(a)(3)(A), the Nevada Supreme Court’s  
11 May 31, 2013 decision to affirm the district court’s ruling and its remittitur to the district  
12 court, constitutes an final adverse appellate ruling for BBT. Therefore, the statute of  
13 limitations was not tolled when BBT filed a petition for a writ of certiorari to the United  
14 States Supreme Court. Accordingly, the statute of limitations began to run on or about May  
15 31, 2013, making BBT’s deadline under the statute of limitations for its legal malpractice  
16 claim two years later on or about May 31, 2015.  
17

18           **THE COURT FURTHER FINDS** after review BBT filed its Complaint in this case  
19 on October 5, 2016, some 493 days past the expiration of the statute of limitations.  
20

21           **THEREFORE, THE COURT ORDERS** for good cause appearing and for the  
22 reasons stated above, Defendants Motion to Dismiss First Amended Complaint is  
23 **GRANTED** as the statute of limitations ran on or about May 31, 2015.

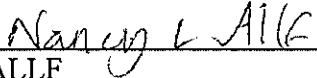
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1  
2 **COURT FURTHER ORDERS** for good cause appearing and after review that  
3 Plaintiff's Countermotion for Leave to Amend is likewise **DENIED. HEARING** set for  
4 **CHAMBERS CALENDAR** on May 16, 2017, **VACATED.**

5  
6 Dated: May <sup>25</sup> 23, 2017 <sup>MLA</sup>

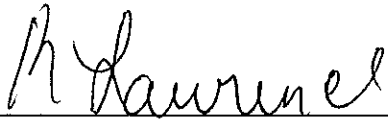
7  
8   
9 NANCY ALLF  
District Court Judge, Department 27

10  
11 **Certificate of Service**

12 I hereby certify that on or about the date signed I caused the foregoing document to be  
13 electronically served pursuant to EDCR 8.05(a) and 8.05(f), through the Eighth Judicial  
14 District Court's electronic filing system, with the date and time of the electronic service  
substituted for the date and place of deposit to: *anb by email to.*

15 Albright, Stoddard, Warnick & Albright  
16 G. Mark Albright, Esq. – [gma@albrightstoddard.com](mailto:gma@albrightstoddard.com)  
D. Chris Albright, Esq. – [dca@albrightstoddard.com](mailto:dca@albrightstoddard.com)

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Wong Yan Wong, Esq. – [wwong@gordonrees.com](mailto:wwong@gordonrees.com)

20   
21  
22 Karen Lawrence  
23 Judicial Executive Assistant  
24  
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26  
27  
28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Legal Malpractice**

**COURT MINUTES**

**February 07, 2017**

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A-16-744561-C      Branch Banking & Trust Company, Plaintiff(s)  
vs.  
Douglas Gerrard, ESQ, Defendant(s)

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**February 07, 2017      10:00 AM      All Pending Motions**

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Kory Schlitz

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Albright, D. Chris	Attorney
	Albright, George Mark	Attorney
	Larsen, Robert S.	Attorney
	Mariam, Craig J.	Attorney
	Wong, Wing Yan	Attorney

**JOURNAL ENTRIES**

- DEFENDANT DOUGLAS D. GERRARD, ESQ. AND GERRARD COX & LARSEN'S NOTICE OF MOTION AND MOTION TO DISMISS COMPLAINT; MEMORANDUM POINTS AND AUTHORITIES... PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS; AND ALTERNATIVE COUNTERMOTION FOR LEAVE TO AMEND... REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT DOUGLAS D. GERRARD, ESQ., AND GERRARD COX & LARSEN'S MOTION TO DISMISS COMPLAINT...

Although the Court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11(A)(3) of the Nevada Code of Judicial Conduct in order to avoid the appearance of impartiality or implied bias as the Court disclosed IN OPEN COURT. Thus, the Court recuses itself from the matter and requests that it be randomly reassigned in accordance with appropriate procedures.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Legal Malpractice**

**COURT MINUTES**

**April 19, 2017**

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A-16-744561-C	Branch Banking & Trust Company, Plaintiff(s) vs. Douglas Gerrard, ESQ, Defendant(s)
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**April 19, 2017                      10:00 AM                      All Pending Motions**

**HEARD BY:** Allf, Nancy **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Traci Rawlinson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Albright, D. Chris	Attorney
	Albright, George Mark	Attorney
	Larsen, Robert S.	Attorney
	Mariam, Craig J.	Attorney

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION AND MOTION TO DISMISS FIRST AMENDED COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES...PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS FIRST AMENDED COMPLAINT; AND ALTERNATIVE COUNTERMOTION FOR LEAVE TO AMEND

Upon inquiry of the Court whether or not Mr. Mark Albright intended to speak to day, Mr. Mark Albright stated he did not. Arguments by Mr. Mariam and Mr. Chris Albright regarding the merits of and opposition to the pending motions. Mr. Chris Albright stated with regard to the U.S. Supreme Court rule 13 which is not in his briefs he could provide a supplement for. COURT ORDERED, Defendant s Motion and Motion to Dismiss First Amended Complaint; Memorandum of Points and Authorities, as to Standing motion is DENIED, Statute of limitation TAKEN UNDER SUBMISSION and CONTINUED TO CHAMBERS CALENDAR for determination as to whether or not the matter can go forward, both parties may submit supplemental briefs no later than April 28, 2017; Plaintiff s Opposition to Motion to Dismiss First Amended Complaint; and Alternative Countermotion for Leave to Amend CONTINUED TO CHAMBERS for decision.

5/16/2016 (CHAMBERS) DECISION: DEFENDANT'S MOTION AND MOTION TO DISMISS FIRST AMENDED COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES; PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS FIRST AMENDED COMPLAINT; AND ALTERNATIVE COUNTERMOTION FOR LEAVE TO AMEND

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Legal Malpractice**

**COURT MINUTES**

**July 19, 2017**

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A-16-744561-C      Branch Banking & Trust Company, Plaintiff(s)  
vs.  
Douglas Gerrard, ESQ, Defendant(s)

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**July 19, 2017      9:00 AM      Motion**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn Griffiths

**REPORTER:**

**PARTIES**

**PRESENT:**      Albright, George      Mark      Attorney  
                 Larsen, Robert S.      Attorney  
                 Wong, Wing Yan      Attorney

**JOURNAL ENTRIES**

- Arguments by counsel regarding the merits of and opposition to the pending motion. Court stated it findings and ORDERED, Plaintiff's Motion to Alter or Amend, by Vacating, Order of Dismissal, Pursuant to NRCP 59(e) DENIED. Mr. Larsen to prepare the order and submit it to opposing counsel for approval as to form.

# 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):

AMENDED NOTICE OF APPEAL; AMENDED CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; DECISION AND ORDER GRANTING DEFENDANTS DOUGLAS D. GERRARD, ESQ. AND GERRARD COX & LARSEN'S MOTION TO DISMISS FIRST AMENDED COMPLAINT AND DENYING PLAINTIFF'S COUNTERMOTION FOR LEAVE TO AMEND; NOTICE OF ENTRY OF DECISION AND ORDER GRANTING DEFENDANTS GERARD D. GERRARD, ESQ. AND GERRARD COX & LARSEN'S MOTION TO DISMISS FIRST AMENDED COMPLAINT AND DENYING PLAINTIFF'S COUNTERMOTION FOR LEAVE TO AMEND; JUDGMENT; NOTICE OF ENTRY OF JUDGMENT; DISTRICT COURT MINUTES

BRANCH BANKING & TRUST COMPANY,

Plaintiff(s),

vs.

DOUGLAS D. GERRARD, ESQ.; GERRARD  
& COX dba GERRARD COX & LARSEN,

Defendant(s),

Case No: A-16-744561-C

Dept No: XXVII

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 31 day of August 2017.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

