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Elizabeth A. Brown  
Clerk of Supreme Court

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*Attorneys for Plaintiff  
George Stuart Yount*

DISTRICT COURT  
WASHOE COUNTY, NEVADA

GEORGE STUART YOUNT, individually  
and in his capacity as owner of  
GEORGE YOUNT IRA,

Case No. CV16-00767

Dept. No. 7

Plaintiff,

*vs.*

**AMENDED NOTICE OF APPEAL**

CRISWELL RADOVAN, LLC, a Nevada  
limited liability company; CR CAL  
NEVA, LLC, a Nevada limited liability  
company; ROBERT RADOVAN;  
WILLIAM CRISWELL; CAL NEVA  
LODGE, LLC, a Nevada limited  
liability company; POWELL, COLEMAN  
AND ARNOLD, LLP; DAVID MARRINER;  
MARRINER REAL ESTATE, LLC, a  
Nevada limited liability company;  
and DOES 1-10,

Defendants.

1 AMENDED NOTICE OF APPEAL

2 Please take notice that plaintiff George Stuart Yount, individually and in  
3 his capacity as owner of George Yount IRA, hereby appeals to the Supreme  
4 Court of Nevada from:

- 5 1. All judgments and orders in this case;  
6 2. "Amended Order," entered on September 15, 2017 (Exhibit 1);  
7 3. "Judgment," filed March 12, 2018, notice of entry of which was  
8 served electronically on March 13, 2018; and  
9 4. All rulings and interlocutory orders made appealable by any of the  
10 foregoing.

11 The undersigned hereby affirms that this document does not contain the  
12 social security number of any person.

13 Dated this 23rd day of March, 2018.

14 LEWIS ROCA ROTHGERBER CHRISTIE LLP

15  
16 By: /s/ Joel D. Henriod

17 DANIEL F. POLSENBERG (SBN 2376)  
18 JOEL D. HENRIOD (SBN 8492)  
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22 Reno, Nevada 89501  
Phone (775) 686-2446

23 *Attorneys for Plaintiff*  
24  
25  
26  
27  
28

1 CERTIFICATE OF SERVICE

2 I hereby certify that on the 23rd day of March, 2018, I served the  
3 foregoing "Amended Notice of Appeal" on counsel by the Court's electronic filing  
4 system to the persons and addresses listed below:

5 MARTIN A. LITTLE ANDREW N. WOLF  
6 ALEXANDER VILLAMAR INCLINE LAW GROUP, LLC  
7 HOWARD & HOWARD 264 Village Boulevard, Suite 104  
8 3800 Howard Hughes Parkway, Suite 1000 Incline Village, Nevada 89451  
Las Vegas, Nevada 89169

9  
10  
11 /s/ Adam Crawford  
An Employee of Lewis Roca Rothgerber Christie LLP  
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INDEX OF EXHIBITS

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# EXHIBIT 1

# EXHIBIT 1

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

GEORGE STUART YOUNT,  
Individually and in his Capacity as  
Owner of GEORGE YOUNT IRA,

Case No.: CV16-00767

Dept. No.: 7

Plaintiff,

vs.

CRISWELL RADOVAN, LLC, a  
Nevada limited liability company; CR  
CAL NEVA, LLC, a Nevada limited  
liability company; ROBERT  
RADOVAN; WILLIAM CRISWELL;  
CAL NEVA LODGE, LLC, a Nevada  
limited liability company; POWELL,  
COLEMAN and ARNOLD, LLP;  
DAVID MARRINER; MARRINER  
REAL ESTATE, LLC, a Nevada  
limited liability company; and DOES  
1-10,

Defendants.

**AMENDED ORDER**

On September 8, 2017, after hearing testimony and taking evidence in a seven-day bench trial, this Court dismissed Plaintiff's Second Amended Complaint, dismissed the crossclaims by Defendants David Marriner and Marriner Real Estate, LLC as moot and entered judgment against Plaintiff and in favor of Defendants. In its oral ruling, the Court awarded damages on Defendants' counterclaim.

///

///

1 Upon further consideration, the Court is concerned that its oral recitation of  
2 damages maybe subject to misinterpretation and thus hereby amends its previous  
3 Order as follows:

- 4 1. WILLIAM CRISWELL ("Criswell"), is awarded \$1.5 million in compensatory  
5 damages, two years' salary, management fees (if applicable), attorney's fees  
6 and costs of suit;
- 7 2. ROBERT RADOVAN ("Radovan"), is awarded \$1.5 million in compensatory  
8 damages, two years' salary, management fees (if applicable), attorney's fees  
9 and costs of suit;
- 10 3. DAVID MARRINER; is awarded \$1.5 million in compensatory damages<sup>1</sup>,  
11 attorney's fees and costs of suit;
- 12 4. POWELL, COLEMAN AND ARNOLD, LLP ("PCA"), is awarded its attorney's  
13 fees and costs of suit;<sup>2</sup>
- 14 5. CRISWELL RADOVAN, LLC (Criswell Radovan), is awarded its lost  
15 Development Fees,<sup>3</sup> attorney's fees and costs of suit;
- 16 6. CR CAL NEVA, LLC ("CR Cal Neva"), is awarded its lost Development Fees,<sup>4</sup>  
17 attorney's fees, and costs of suit;
- 18 7. CAL NEVA LODGE, LLC, is awarded its attorney's fees and costs of suit;<sup>5</sup>
- 19 8. MARRINER REAL ESTATE, LLC, is awarded its attorney's fees, and costs.<sup>6</sup>

20 IT IS SO ORDERED this 15 day of September, 2017.

21   
22 PATRICK FLANAGAN  
23 District Judge  
24

25 <sup>1</sup> These damages include both lost commissions (Ex. 1) and loss of business good will.

26 <sup>2</sup> There was no testimony or evidence of damages to PCA produced at trial.

27 <sup>3</sup> Less that which has been earned and paid up to \$1.2 million in the aggregate. (Ex. 3, p. 8)

28 <sup>4</sup> Less that which has been earned and paid up to \$1.2 million in the aggregate. (Ex. 3, p.8)

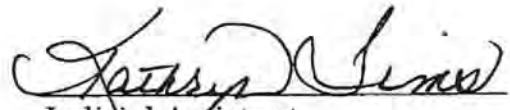
<sup>5</sup> There were no damages sought on behalf of this project development entity.

<sup>6</sup> Only to the extent that they are not duplicative of any award or fees to David Marriner individually.

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second  
3 Judicial District Court of the State of Nevada, County of Washoe; that on this  
4 15 day of September, 2017, I electronically filed the following with the Clerk of  
5 the Court by using the ECF system which will send a notice of electronic filing to  
6 the following:

7 Richard G. Campbell, Jr., Esq., attorney for Plaintiff George Stuart Yount;  
8 Andrew N. Wolf, Esq., Attorney for Defendants David Marriner and Marriner  
9 Real Estate, LLC; and  
10 Martin A. Little, Esq., attorney for Defendants Criswell Radovan, LLC; CR  
11 Cal Neva, LLC; Robert Radovan; William Criswell; Cal Neva Lodge, LLC;  
12 Powell, Coleman, and Arnold, LLP.

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15 Judicial Assistant  
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# EXHIBIT 2

# EXHIBIT 2

**CODE: 2535**

ANDREW N. WOLF (#4424)  
JEREMY L. KRENEK (#13361)  
Incline Law Group, LLP  
264 Village Blvd., Suite 104  
Incline Village, Nevada 89451  
(775) 831-3666

Attorneys for Defendants DAVID MARRINER and  
MARRINER REAL ESTATE, LLC

IN THE SECOND JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA IN AND FOR THE  
COUNTY OF WASHOE

GEORGE STUART YOUNT, Individually  
and in his Capacity as Owner of GEORGE  
STUART YOUNT IRA,

Plaintiff,

v.

CRISWELL RADOVAN, LLC, a Nevada  
limited liability company; CR Cal Neva,  
LLC, a Nevada limited liability company;  
ROBERT RADOVAN; WILLIAM  
CRISWELL; CAL NEVA LODGE, LLC, a  
Nevada limited liability company;  
POWELL, COLEMAN and ARNOLD  
LLP; DAVID MARRINER; MARRINER  
REAL ESTATE, LLC, a Nevada limited  
liability company; NEW CAL-NEVA  
LODGE, LLC, a Nevada limited liability  
company and DOES 1-10,

Defendants.

CASE NO. CV16-00767

DEPT NO. B7

**NOTICE OF ENTRY OF JUDGMENT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 12, 2018, a final Judgment was entered in this  
matter by District Judge Jerry Polaha. (Eflex Transaction # 6572400.)

1                   **Affirmation:** The undersigned does hereby affirm that the foregoing document does not  
2 contain the social security number of any person.

3  
4                   Date: March 12, 2018.

5                   INCLINE LAW GROUP, LLP

6                   By: s/Andrew N. Wolf

7                   ANDREW N. WOLF

8                   Nevada State Bar No. 4424

9                   Attorneys for Defendants DAVID MARRINER  
10                  and MARRINER REAL ESTATE, LLC  
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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of Incline Law Group, LLP, and that on this day, I caused to be served, a true and correct copy of:

**NOTICE OF ENTRY OF JUDGMENT**

UPON:

Richard G. Campbell, Jr. THE LAW OFFICE OF RICHARD G. CAMPBELL, JR. INC. 333 Flint Street Reno, NV 89501 Telephone: (775) 384-1123 Fax: (775) 686-2401 rcampbell@rgclawoffice.com	Attorney for Plaintiff George Stuart Yount, Individually and in his capacity as Owner of George Stuart Yount IRA
Martin A. Little HOWARD & HOWARD ATTORNEYS PLLC 3800 Howard Hughes Parkway, Suite 1000 Las Vegas, NV 86169 Telephone: 702-257-1483 Fax: 702-567-1568	Attorney for Defendants Criswell Radovan, LLC, CR CAL NEVA LLC, Robert Radovan, William Criswell, Cal Neva Lodge, LLC, Powell, Coleman and Arnold, LLP
Daniel F. Polsenberg Joel D. Henriod LEWIS ROCA ROTHGERBER CHRISTIE LLP 3993 Howard Hughes Parkway, Suite 600 Las Vegas, Nevada 89169 Telephone: (702) 949-8200 Fax: (702) 949-8398	Attorneys for Plaintiff George Stuart Yount, etc.

**VIA: Washoe County Eflex e-filing system:** A true and correct copy of the foregoing document(s) was (were) electronically served via the court's electronic filing system to the above named attorneys associated with this case. If the any of the above named attorneys (and all of their listed co-counsel within the same firm) are not registered with the court's e-filing system, then a true and correct paper copy of the above-named document(s) was(were) served on the attorney via U.S.P.S. first class mail with first-class postage prepaid, to the attorney's address listed above, on this date.

Date: March 13, 2018.

/s/ Stacy Crocket  
Stacy Crocket

1 **CODE: 1880**

2 ANDREW N. WOLF (#4424)  
3 JEREMY L. KRENEK (#13361)  
4 Incline Law Group, LLP  
264 Village Blvd., Suite 104  
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5 Attorneys for Defendants DAVID MARRINER and  
6 MARRINER REAL ESTATE, LLC

7  
8 IN THE SECOND JUDICIAL DISTRICT COURT OF  
9 THE STATE OF NEVADA IN AND FOR THE  
10 COUNTY OF WASHOE

11 GEORGE STUART YOUNT, Individually  
12 and in his Capacity as Owner of GEORGE  
STUART YOUNT IRA,

13 Plaintiff,

14 v.

15 CRISWELL RADOVAN, LLC, a Nevada  
16 limited liability company; CR Cal Neva,  
17 LLC, a Nevada limited liability company;  
18 ROBERT RADOVAN; WILLIAM  
19 CRISWELL; CAL NEVA LODGE, LLC, a  
20 Nevada limited liability company;  
21 POWELL, COLEMAN and ARNOLD  
22 LLP; DAVID MARRINER; MARRINER  
REAL ESTATE, LLC, a Nevada limited  
liability company; NEW CAL-NEVA  
LODGE, LLC, a Nevada limited liability  
company and DOES 1-10,

23 Defendants.

CASE NO. CV16-00767

DEPT NO. B7

24 **JUDGMENT**

25 This matter came before the Court for a bench trial on August 29, 2017, through  
26 September 8, 2017, the late Hon. Patrick Flanagan, District Judge, presiding. Plaintiff George  
27 Stuart Yount, individually and in his capacity as owner of George Stuart Yount IRA, appeared  
28

1 by and through his counsel of record, Richard G. Campbell, Jr., Esq. Defendants Criswell  
2 Radovan, LLC, CR Cal Neva, LLC, Robert Radovan, William Criswell, and Powell, Coleman  
3 and Arnold, LLP, appeared by and through their counsel Martin A. Little, Esq., of Howard &  
4 Howard Attorneys PLLC. Defendants David Marriner and Marriner Real Estate, LLC,  
5 appeared by and through their counsel of record, Andrew N. Wolf, Esq., of Incline Law Group,  
6 LLP.

7 On September 8, 2017, at the conclusion of the trial and following the close of the  
8 evidence, Judge Flanagan, ruling from the bench, orally stated his findings of fact, conclusions  
9 of law and decision on the record in open court pursuant to NRCP 52. Judge Flanagan also  
10 adopted the proposed findings of fact submitted by the defendants prior to trial. Transcript  
11 1131:14-16.

12 On or about September 15, 2017, a transcript of the trial was filed, containing Judge  
13 Flanagan's ruling from the bench. On September 15, 2017, the same day, Judge Flanagan  
14 issued an *AMENDED ORDER* clarifying his award of damages to the various Defendants.

15 At the conclusion of his ruling from the bench, Judge Flanagan requested that  
16 defendants' counsel prepare the judgment. Thereafter, Judge Flanagan suddenly fell ill and  
17 passed away on October 6, 2017. Thereafter, on October 30, 2017, defense counsel jointly  
18 submitted a proposed form of findings of fact, conclusions of law and judgment.

19 Subsequently, the matter was assigned to the undersigned District Judge. On November  
20 13, 2017, the court held a status conference wherein the court directed the parties to file briefs  
21 regarding the appropriate procedure to be followed after Judge Flanagan's untimely passing.  
22 This briefing was completed on or about February 2, 2018. Based on the briefing, the court  
23 determines that the primary rules which govern further proceedings by the undersigned  
24 successor judge are NRCP 52 (findings by the court; judgment on partial findings), NRCP 58  
25 (entry of judgment) and NRCP 63 (inability of a judge to proceed).

26 In this case, Judge Flanagan left an extensive record of his decision, including  
27 summaries of witness testimony, the credibility of certain witnesses, his analysis of various trial  
28 exhibits, and his determination of each claim for relief.

1           The court has reviewed the trial transcript in its entirety and the exhibits referenced in  
2 the transcript and in Judge Flanagan's ruling. Pursuant to NRCP 63, the court hereby certifies  
3 its familiarity with the record. Moreover, given the status of the case at the time of Judge  
4 Flanagan's passing (evidence closed, closing arguments completed, and a completed ruling  
5 from the bench on the merits, followed by his written Amended Order), and the detailed extent  
6 of Judge Flanagan's ruling from the bench and his subsequently filed Amended Order dated  
7 September 8, 2017, the court has determined, pursuant to NRCP 63, that the proceedings in this  
8 case may be completed as set forth herein without prejudice to the parties.

9           Under NRCP 63, the court has discretion to recall witnesses. The court finds no need or  
10 reason to recall witnesses. See: *Smith's Food King v. Hornwood*, 108 Nev. 666, 836 P. 2d 1241  
11 (1992); and, *Canseco v. United States*, 97 F.3d 1224, 1227 (9<sup>th</sup> Cir. 1996) [successor judges  
12 need only certify their familiarity with those portions of the record that relate to the issues  
13 before them]. Compare: *Mergentime Corporation v. Washington Metropolitan Area Transit*  
14 *Authority*, 166 F.3d 1257 (DC Cir. 1999). Accordingly, the court now enters judgment as  
15 follows:

16           IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff's Second  
17 Amended Complaint, and each of the causes of action stated therein, are dismissed with  
18 prejudice as to all Defendants.

19           IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Marriner's  
20 and Marriner Real Estate's crossclaim against the other defendants is moot and is dismissed  
21 with prejudice.

22           IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff  
23 GEORGE STUART YOUNT, Individually and in his Capacity as Owner of GEORGE  
24 STUART YOUNT IRA, shall pay William Criswell the sum of **\$1.5 Million** in compensatory  
25 damages.

26           IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff  
27 GEORGE STUART YOUNT, Individually and in his Capacity as Owner of GEORGE  
28 STUART YOUNT IRA, shall pay Robert Radovan the sum of **\$1.5 Million** in compensatory

1 damages.

2 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff  
3 GEORGE STUART YOUNT, Individually and in his Capacity as Owner of GEORGE  
4 STUART YOUNT IRA, shall pay DAVID MARRINER, individually, the sum of **\$1.5 Million**.

5 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that GEORGE  
6 STUART YOUNT, Individually and in his Capacity as Owner of GEORGE STUART YOUNT  
7 IRA, shall pay each defendant its costs of suit as allowed by law. Each Defendant shall file and  
8 serve its verified memorandum of costs as required by Chapter 18 NRCP.

9 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that defendants  
10 may seek recovery of their attorney's fees by an appropriate motion pursuant to NRCP 54(d)  
11 and NRS 18.010, or as otherwise allowed by law.

12 DATED this 9 day of March 2018.

13   
14 DISTRICT COURT JUDGE

15 Submitted by:

16  
17 INCLINE LAW GROUP, LLP

18 Andrew N. Wolf, Esq.

19 264 Village Boulevard, Suite 104

20 Incline Village, NV 89451

21 Telephone: (775) 831-3666

22 *Attorneys for Defendants*

23 *David Marriner and Marriner Real Estate, LLC*  
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1 **1310**

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21 *Attorneys for Plaintiff*  
22 *George Stuart Yount*

23 DISTRICT COURT  
24 WASHOE COUNTY, NEVADA

25 GEORGE STUART YOUNT, individually  
26 and in his capacity as owner of  
27 GEORGE YOUNT IRA,

28 Plaintiff,

*vs.*

29 CRISWELL RADOVAN, LLC, a Nevada  
30 limited liability company; CR CAL  
31 NEVA, LLC, a Nevada limited liability  
32 company; ROBERT RADOVAN;  
33 WILLIAM CRISWELL; CAL NEVA  
34 LODGE, LLC, a Nevada limited  
35 liability company; POWELL, COLEMAN  
36 AND ARNOLD, LLP; DAVID MARRINER;  
37 MARRINER REAL ESTATE, LLC, a  
38 Nevada limited liability company;  
39 and DOES 1-10,

40 Defendants.

Case No. CV16-00767

Dept. No. 7

**AMENDED CASE APPEAL STATEMENT**

AMENDED CASE APPEAL STATEMENT

1. Name of appellants filing this case appeal statement:

Plaintiff George Stuart Yount, individually and in his capacity as owner of George Yount IRA

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

The Honorable Patrick Flanagan and The Honorable Jerome Peloha

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

*Attorneys for Appellant George Stuart Yount, individually and in his capacity as owner of George Yount IRA*

DANIEL F. POLSENBERG  
JOEL D. HENRIOD  
LEWIS ROCA ROTHGERBER CHRISTIE LLP  
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RICHARD G. CAMPBELL, JR.  
THE LAW OFFICE OF RICHARD G. CAMPBELL, JR. INC.  
200 South Virginia Street, 8th Floor  
Reno, Nevada 89501  
(775) 686-2446

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

*Attorneys for Respondents Criswell Radovan, LLC;  
CR Cal Neva, LLC; Robert Radovan; William Criswell;  
Cal Neva Lodge, LLC; and Powell, Coleman and Arnold LLP*

MARTIN A. LITTLE  
ALEXANDER VILLAMAR  
HOWARD & HOWARD  
3800 Howard Hughes Parkway, Suite 1000  
Las Vegas, Nevada 89169  
(702) 257-1483

*Attorney for Respondents David Marriner  
and Marriner Real Estate, LLC*

ANDREW N. WOLF  
INCLINE LAW GROUP, LLP  
264 Village Boulevard, Suite 104  
Incline Village, Nevada 89451  
(775) 831-3666

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

None

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

Retained counsel

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

Retained counsel

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

N/A

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

"Complaint," filed April 4, 2016

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

This action arises from a dispute over shares in a real estate development project. Plaintiff-appellant sued the Defendant-respondent developers for fraud and conversion (among other claims) to obtain a refund of his \$1 million investment, upon learning that Defendants did not give him the type of shares that they had promised to give him.

The Court dismissed Plaintiff's second amended complaint and entered judgment in favor of the Defendants. The Court then awarded monetary damages to the Defendants based on their affirmative defense of unclean hands. (See "Amended Order," entered September 15, 2017.) Plaintiff appealed that ruling on October 16, 2017. Plaintiff now appeals from the final judgment.

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

N/A

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

This case does not involve child custody or visitation.

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

There are no circumstances that make settlement impossible.

The undersigned hereby affirms that this document does not contain the social security number of any person.

Dated this 23rd day of March, 2018.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Joel D. Henriod

DANIEL F. POLSENBERG (SBN 2376)  
JOEL D. HENRIOD (SBN 8492)  
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Reno, Nevada 89501  
Phone (775) 686-2446

*Attorneys for Plaintiff*

1 CERTIFICATE OF SERVICE

2 I hereby certify that on the 23rd day of March, 2018, I served the  
3 foregoing "Amended Case Appeal Statement" on counsel by the Court's  
4 electronic filing system to the persons and addresses listed below:

5 MARTIN A. LITTLE ANDREW N. WOLF  
6 ALEXANDER VILLAMAR INCLINE LAW GROUP, LLC  
7 HOWARD & HOWARD 264 Village Boulevard, Suite 104  
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Las Vegas, Nevada 89169

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11 /s/ Adam Crawford  
An Employee of Lewis Roca Rothgerber Christie LLP  
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**SECOND JUDICIAL DISTRICT COURT****STATE OF NEVADA****COUNTY OF WASHOE****Case History - CV16-00767****Case Description: GEORGE S. YOUNT ETAL VS CRISWELL RADOVAN ETAL (B7)****Case Number: CV16-00767 Case Type: SECURITIES (NRS 90) - Initially Filed On: 4/4/2016****Parties**

<u>Party Type &amp; Name</u>	<u>Party Status</u>
JUDG - EGAN WALKER - B7	Active
PLTF - GEORGE STUART YOUNT IRA - @1291458	Active
PLTF - GEORGE STUART YOUNT - @1291457	Active
DEFT - MARRINER REAL ESTATE - @1291473	Active
DEFT - WILLIAM CRISWELL - @1291469	Active
DEFT - POWELL, COLEMAN AND ARNOLD LLP - @1291471	Active
DEFT - CR CAL NEVA, LLC - @1291467	Active
DEFT - CAL NEVA LODGE, LLC - @1291470	Active
DEFT - ROBERT RADOVAN - @1291468	Active
DEFT - CRISWELL RADOVAN, LLC - @1291466	Active
DEFT - DAVID MARRINER - @1291472	Active
DEFT - NEW CAL-NEVA LODGE, LLC - @1290790	Active
ATTY - Alexander Villamar, Esq. - 9927	Active
ATTY - Joel D. Henriod - 8492	Active
ATTY - Jeremy L. Krenek, Esq. - 13361	Active
ATTY - Martin A. Little, Esq. - 7067	Active
ATTY - Richard Glen Campbell, Jr., Esq. - 1832	Active
ATTY - Daniel F. Polsenberg, Esq. - 2376	Active
ATTY - Andrew N. Wolf, Esq. - 4424	Active

**Disposed Hearings**

- 1 Department: D7 -- Event: Request for Submission -- Scheduled Date & Time: 8/4/2016 at 10:48:00  
Extra Event Text: DEFT MARRINER'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT  
Event Disposition: S200 - 9/13/2016
- 2 Department: D7 -- Event: MAND PRETRIAL STATUS CONF -- Scheduled Date & Time: 10/11/2016 at 13:15:00  
Extra Event Text: Breach of Contract - B7  
Event Disposition: D260 - 10/11/2016
- 3 Department: D7 -- Event: STATUS HEARING -- Scheduled Date & Time: 1/26/2017 at 13:45:00  
  
Event Disposition: D445 - 1/26/2017
- 4 Department: D7 -- Event: STATUS HEARING -- Scheduled Date & Time: 3/16/2017 at 13:15:00  
Extra Event Text: MARTIN LITTLE, ESQ. OK TO APPEAR TELEPHONICALLY  
Event Disposition: D260 - 3/16/2017
- 5 Department: D7 -- Event: STATUS HEARING -- Scheduled Date & Time: 5/18/2017 at 14:00:00  
  
Event Disposition: D260 - 5/18/2017

**Report Does Not Contain Sealed Cases or Confidential Information**

- 6 Department: D7 -- Event: PRE-TRIAL CONFERENCE -- Scheduled Date & Time: 5/31/2017 at 13:15:00  
Extra Event Text: Breach of Contract - B7  
Event Disposition: D844 - 12/1/2016
- 7 Department: D7 -- Event: TRIAL - NON JURY -- Scheduled Date & Time: 6/12/2017 at 09:30:00  
Extra Event Text: Breach of Contract - B7  
Event Disposition: D844 - 12/1/2016
- 8 Department: D7 -- Event: STATUS HEARING -- Scheduled Date & Time: 7/20/2017 at 14:00:00  
Extra Event Text: SET EXHIBIT MARKING  
Event Disposition: D260 - 7/20/2017
- 9 Department: D7 -- Event: Request for Submission -- Scheduled Date & Time: 8/4/2017 at 10:57:00  
Extra Event Text: DEFENDANTS MARRINERS' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT  
Event Disposition: S200 - 8/15/2017
- 10 Department: D7 -- Event: Request for Submission -- Scheduled Date & Time: 8/4/2017 at 08:13:00  
Extra Event Text: DAVID MARRINER AND MARRINER REAL ESTATE'S MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE, PARTIAL SUMMARY J  
Event Disposition: S200 - 8/7/2017
- 11 Department: D7 -- Event: Request for Submission -- Scheduled Date & Time: 8/7/2017 at 08:46:00  
Extra Event Text: PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT  
Event Disposition: S200 - 8/15/2017
- 12 Department: D7 -- Event: Request for Submission -- Scheduled Date & Time: 8/7/2017 at 08:46:00  
Extra Event Text: DEFENDANTS RADOVAN, CRISWELL, AND POWELL, COLEMAN AND ARNOLD'S MOTION FOR SUMMARY JUDGMENT FILED 6-29-17  
Event Disposition: S200 - 8/7/2017
- 13 Department: D7 -- Event: Request for Submission -- Scheduled Date & Time: 8/7/2017 at 09:27:00  
Extra Event Text: RADOVAN, CRISWELL, AND POWELL, COLEMAN AND ARNOLD'S MOTION FOR SUMMARY JUDGMENT  
Event Disposition: S200 - 8/15/2017
- 14 Department: D7 -- Event: PRE-TRIAL MOTIONS -- Scheduled Date & Time: 8/16/2017 at 13:30:00  
Extra Event Text: PTR. POSSIBLE CHANGE OF TRIAL DATE TO 11/06/17-B7  
Event Disposition: D845 - 8/16/2017
- 15 Department: D7 -- Event: PRE-TRIAL CONFERENCE -- Scheduled Date & Time: 8/16/2017 at 13:15:00  
Extra Event Text: Breach of Contract - B7  
Event Disposition: D425 - 8/16/2017
- 16 Department: D7 -- Event: EXHIBITS TO BE MARKED W/CLERK -- Scheduled Date & Time: 8/28/2017 at 15:00:00  
Extra Event Text: IN DEPARTMENT SEVEN JURY ROOM - COUNSEL CAMPBELL, LITTLE AND WOLF  
Event Disposition: D596 - 8/28/2017
- 17 Department: D7 -- Event: TRIAL - NON JURY -- Scheduled Date & Time: 8/28/2017 at 09:30:00  
Extra Event Text: Breach of Contract - B7  
Event Disposition: D844 - 8/16/2017
- 18 Department: D7 -- Event: TRIAL - NON JURY -- Scheduled Date & Time: 8/29/2017 at 09:00:00  
Extra Event Text: DAY ONE OF A FOUR DAY TRIAL  
Event Disposition: D832 - 8/29/2017
- 19 Department: D7 -- Event: TRIAL - NON JURY -- Scheduled Date & Time: 8/30/2017 at 09:00:00  
Extra Event Text: DAY TWO  
Event Disposition: D832 - 8/30/2017

- 20 Department: D7 -- Event: TRIAL ONGOING -- Scheduled Date & Time: 8/31/2017 at 09:00:00  
Extra Event Text: DAY THREE  
Event Disposition: D832 - 8/31/2017
- 21 Department: D7 -- Event: TRIAL ONGOING -- Scheduled Date & Time: 9/1/2017 at 09:00:00  
Extra Event Text: DAY FOUR  
Event Disposition: D832 - 9/1/2017
- 22 Department: D7 -- Event: TRIAL ONGOING -- Scheduled Date & Time: 9/6/2017 at 13:30:00  
Extra Event Text: DAY FIVE  
Event Disposition: D832 - 9/6/2017
- 23 Department: D7 -- Event: TRIAL ONGOING -- Scheduled Date & Time: 9/7/2017 at 09:00:00  
Extra Event Text: DAY SIX  
Event Disposition: D832 - 9/7/2017
- 24 Department: D7 -- Event: TRIAL ONGOING -- Scheduled Date & Time: 9/8/2017 at 09:00:00  
Extra Event Text: DAY SEVEN  
Event Disposition: D422 - 9/8/2017
- 25 Department: D3 -- Event: STATUS CONFERENCE -- Scheduled Date & Time: 11/13/2017 at 14:00:00  
  
Event Disposition: D435 - 11/13/2017
- 26 Department: D7 -- Event: Request for Submission -- Scheduled Date & Time: 2/5/2018 at 17:00:00  
Extra Event Text: POST TRIAL PROCEEDINGS (NO ORDER PROVIDED)  
Event Disposition: S200 - 3/12/2018

### **Actions**

- |   | <u>Filing Date</u> | <u>-</u> | <u>Docket Code &amp; Description</u>  |
|---|--------------------|----------|---|
| 1 | 4/4/2016           | -        | COV - **Civil Cover Sheet<br><i>No additional text exists for this entry.</i>   |
| 2 | 4/4/2016           | -        | \$PLTF - \$Addl Plaintiff/Complaint<br><i>No additional text exists for this entry.</i>   |
| 3 | 4/4/2016           | -        | \$1422 - \$Complaint - Business Court<br><i>No additional text exists for this entry.</i>   |
| 4 | 4/4/2016           | -        | 4090 - ** Summons Issued<br>Additional Text: X8   |
| 5 | 4/4/2016           | -        | PAYRC - **Payment Receipted<br>Additional Text: A Payment of -\$1,550.00 was made on receipt DCDC535899.  |
| 6 | 4/5/2016           | -        | 1075 - Affidavit ...<br>Additional Text: AFFIDAVIT OF RICHARD G. CAMPBELL REGARDING SERVICE PURSUANT TO NRCP 4(d)(1) - Transaction 5450878 -<br>Approved By: CSULEZIC : 04-05-2016:15:41:42 |
| 7 | 4/5/2016           | -        | NEF - Proof of Electronic Service<br>Additional Text: Transaction 5451062 - Approved By: NOREVIEW : 04-05-2016:15:42:45   |



- 8 4/21/2016 - 4085 - Summons Filed  
Additional Text: Marriner Real Estate LLC SERVED ON 4/6/16 - Transaction 5478406 - Approved By: MCHOLICO : 04-21-2016:14:29:18
- 9 4/21/2016 - 4085 - Summons Filed  
Additional Text: Cal Neva Lodge LLC SERVED ON 4/6/16 - Transaction 5478406 - Approved By: MCHOLICO : 04-21-2016:14:29:18
- 10 4/21/2016 - 4085 - Summons Filed  
Additional Text: CR Cal Neva LLC SERVED ON 4/6/16 - Transaction 5478406 - Approved By: MCHOLICO : 04-21-2016:14:29:18
- 11 4/21/2016 - 4085 - Summons Filed  
Additional Text: Criswell Radovan LLC SERVED ON 4/6/16 - Transaction 5478406 - Approved By: MCHOLICO : 04-21-2016:14:29:18
- 12 4/21/2016 - 1005 - Acceptance of Service  
Additional Text: ALI P. HAMIDI, ESQ. ACCEPTED SERVICE OBO ROBERT RADOVAN AND WILLIAM CRISWELL ON 4/20/16 - Transaction 5478406 - Approved By: MCHOLICO : 04-21-2016:14:29:18
- 13 4/21/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5478653 - Approved By: NOREVIEW : 04-21-2016:14:30:20
- 14 4/25/2016 - 2610 - Notice ...  
Additional Text: Notice of Service Pursuant to N.R.C.P. 4(d)(1) - Transaction 5482627 - Approved By: CSULEZIC : 04-25-2016:13:10:47
- 15 4/25/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5482884 - Approved By: NOREVIEW : 04-25-2016:13:11:55
- 16 4/28/2016 - 1220 - Application for Default  
Additional Text: Transaction 5488786 - Approved By: MCHOLICO : 04-28-2016:09:43:14
- 17 4/28/2016 - 1520 - Declaration  
Additional Text: Declaration of Richard G. Campbell, Jr. in support of Application for Default - Transaction 5488786 - Approved By: MCHOLICO : 04-28-2016:09:43:14
- 18 4/28/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5488826 - Approved By: NOREVIEW : 04-28-2016:09:46:06
- 19 4/28/2016 - 1550 - Default  
Additional Text: MARRINER REAL ESTATE LLC
- 20 6/6/2016 - 1005 - Acceptance of Service  
Additional Text: Transaction 5547492 - Approved By: RKWATKIN : 06-06-2016:10:23:58
- 21 6/6/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5547614 - Approved By: NOREVIEW : 06-06-2016:10:25:11
- 22 6/7/2016 - \$DEFT - \$Addl Def/Answer - Prty/Appear  
Additional Text: POWELL COLEMAN AND ARNOLD LLP - Transaction 5550519 - Approved By: SWOLFE : 06-07-2016:14:09:52
- 23 6/7/2016 - \$DEFT - \$Addl Def/Answer - Prty/Appear  
Additional Text: CAL NEVA LODGE LLC - Transaction 5550519 - Approved By: SWOLFE : 06-07-2016:14:09:52
- 24 6/7/2016 - \$DEFT - \$Addl Def/Answer - Prty/Appear  
Additional Text: WILLIAM CRISWELL - Transaction 5550519 - Approved By: SWOLFE : 06-07-2016:14:09:52
- 25 6/7/2016 - \$DEFT - \$Addl Def/Answer - Prty/Appear  
Additional Text: ROBERT RADOVAN - Transaction 5550519 - Approved By: SWOLFE : 06-07-2016:14:09:52

- 26 6/7/2016 - \$DEFT - \$Addl Def/Answer - Prty/Appear  
Additional Text: CR CAL NEVA LLC - Transaction 5550519 - Approved By: SWOLFE : 06-07-2016:14:09:52
- 27 6/7/2016 - \$1131 - \$Answer - Business Court  
Additional Text: ANSWER OF DEFENDANTS CRISWELL RADOVAN, LLC, CR CAL NEVA LLC, ROBERT RADOVAN, WILLIAM CRISWELL, CAL NEVA LODGE, LLC, POWELL, COLEMAN AND ARNOLD LLP TO PLAINTIFF'S COMPLAINT - Transaction 5550519 - Approved By: SWOLFE : 06-07-2016:14:09:52
- 28 6/7/2016 - PAYRC - \*\*Payment Receipted  
Additional Text: A Payment of \$1,623.00 was made on receipt DCDC542560.
- 29 6/7/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5550576 - Approved By: NOREVIEW : 06-07-2016:14:13:01
- 30 6/9/2016 - 3696 - Pre-Trial Order  
Additional Text: Transaction 5556150 - Approved By: NOREVIEW : 06-09-2016:16:37:48
- 31 6/9/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5556164 - Approved By: NOREVIEW : 06-09-2016:16:38:49
- 32 6/14/2016 - 4050 - Stipulation ...  
Additional Text: STIPULATION TO SET ASIDE DEFAULT - Transaction 5560593 - Approved By: EGALLIET : 06-14-2016:11:02:19
- 33 6/14/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5560890 - Approved By: NOREVIEW : 06-14-2016:11:03:17
- 34 6/14/2016 - 3105 - Ord Granting ...  
Additional Text: STIPULATION TO SET ASIDE DEFAULT - Transaction 5561182 - Approved By: NOREVIEW : 06-14-2016:12:46:51
- 35 6/14/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5561184 - Approved By: NOREVIEW : 06-14-2016:12:47:51
- 36 6/27/2016 - 2520 - Notice of Appearance  
Additional Text: (DEFENDANTS DAVID MARRINER AND MARRINER REAL ESTATE, LLC) - Transaction 5580125 - Approved By: RKWATKIN : 06-27-2016:09:53:02
- 37 6/27/2016 - \$1566 - \$Def 1st App - Business Court  
Additional Text: DAVID MARRINER - Transaction 5580125 - Approved By: RKWATKIN : 06-27-2016:09:53:02
- 38 6/27/2016 - \$DEFT - \$Addl Def/Answer - Prty/Appear  
Additional Text: MARRINER REAL ESTATE, LLC - Transaction 5580125 - Approved By: RKWATKIN : 06-27-2016:09:53:02
- 39 6/27/2016 - PAYRC - \*\*Payment Receipted  
Additional Text: A Payment of \$1,503.00 was made on receipt DCDC544685.
- 40 6/27/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5580244 - Approved By: NOREVIEW : 06-27-2016:09:54:04
- 41 6/27/2016 - FIE - \*\*Document Filed in Error  
*No additional text exists for this entry.*
- 42 6/27/2016 - FIE - \*\*Document Filed in Error  
*No additional text exists for this entry.*
- 43 6/28/2016 - 1615 - Disclaimer  
Additional Text: DISCLOSURE STATEMENT PER NRCP 7.1 - Transaction 5582091 - Approved By: RKWATKIN : 06-28-2016:09:04:33

- 44 6/28/2016 - 2315 - Mtn to Dismiss ...  
Additional Text: DEFENDANTS DAVID MARRINER and MARRINER REAL ESTATE, LLC'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT - Transaction 5582091 - Approved By: RKWATKIN : 06-28-2016:09:04:33
- 45 6/28/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5582173 - Approved By: NOREVIEW : 06-28-2016:09:05:30
- 46 6/28/2016 - 1250E - Application for Setting eFile  
Additional Text: Breach of Contract - B7  
MPTC - 10.11.16 - 1:15 p.m.  
PTC - 05.31.17 - 1:15 p.m.  
Trial - 06.12.17 - 9:30 a.m. [#1/5 day bench]  
  
Attys:  
P: Rick Campbell, Esq. - 329.5900  
D Criswell Radovan. LLC, Radovan, Criswell, Cal Neva Lodge, Power, Coleman & Arnold, LLP - Martin Little, Esq. - 702.699.7500  
D David Marriner and Marriner RE - Andrew Wolf, [Incline Law Grp] 831.3666
- 47 6/28/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5582248 - Approved By: NOREVIEW : 06-28-2016:09:22:32
- 48 7/8/2016 - 4050 - Stipulation ...  
Additional Text: TO AMEND COMPLAINT TO ADD ADDITIONAL DEFENDANT - Transaction 5600168 - Approved By: RKWATKIN : 07-08-2016:14:56:39
- 49 7/8/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5600353 - Approved By: NOREVIEW : 07-08-2016:14:57:37
- 50 7/11/2016 - 3370 - Order ...  
Additional Text: APPROVING STIPULATION TO ADD ADDITIONAL DEFENDANT TO COMPLAINT - Transaction 5603082 - Approved By: NOREVIEW : 07-11-2016:17:34:29
- 51 7/11/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5603083 - Approved By: NOREVIEW : 07-11-2016:17:35:19
- 52 7/20/2016 - 1090 - Amended Complaint  
Additional Text: First Amended Complaint - Transaction 5618654 - Approved By: CSULEZIC : 07-21-2016:08:48:40
- 53 7/21/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5618891 - Approved By: NOREVIEW : 07-21-2016:08:49:40
- 54 7/27/2016 - 4090 - \*\* Summons Issued  
*No additional text exists for this entry.*
- 55 7/28/2016 - 2645 - Opposition to Mtn ...  
Additional Text: TO DISMISS, OR IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT - Transaction 5631865 - Approved By: RKWATKIN : 07-28-2016:13:24:44
- 56 7/28/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5632226 - Approved By: NOREVIEW : 07-28-2016:13:25:48
- 57 8/3/2016 - 3795 - Reply...  
Additional Text: DEFENDANTS DAVID MARRINER and MARRINER REAL ESTATE, LLC'S REPLY MEMORANDUM OF POINTS AND AUTHORITIES RE MARRINER'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT - Transaction 5641502 - Approved By: YVILORIA : 08-04-2016:10:46:25
- 58 8/3/2016 - 3860 - Request for Submission

Additional Text: Transaction 5641502 - Approved By: YVILORIA : 08-04-2016:10:46:25  
DOCUMENT TITLE: DEFTS DAVID MARRINER AND MARRINER REAL ESTATE, LLC'S MOTION TO DISMISS OR, IN THE ALTERNATIVE,  
FOR A MORE DEFINITE STATEMENT FILED 6-28-16  
PARTY SUBMITTING: ANDREW N. WOLF ESQ  
DATE SUBMITTED: AUGUST 4, 2016  
SUBMITTED BY: YVILORIA  
DATE RECEIVED JUDGE OFFICE:

59 8/4/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5642351 - Approved By: NOREVIEW : 08-04-2016:10:47:16

60 8/8/2016 - 1320 - Case Conference Report

Additional Text: Transaction 5647945 - Approved By: MPURDY : 08-09-2016:09:57:23

61 8/9/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5648501 - Approved By: NOREVIEW : 08-09-2016:09:59:07

62 8/22/2016 - 1830 - Joinder...

Additional Text: DEFENDANT'S DAVID MARRINER and MARRINER REAL ESTATE, LLC'S JOINDER IN PLAINTIFF'S CASE CONFERENCE  
REPORT - Transaction 5670215 - Approved By: YVILORIA : 08-22-2016:15:17:21

63 8/22/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5670921 - Approved By: NOREVIEW : 08-22-2016:15:18:38

64 9/13/2016 - 3370 - Order ...

Additional Text: [DENYING DEFENDANTS' MTN TO DISMISS; GRANTING DEFENDANTS' MTN FOR MORE DEFINITE STATEMENT - ks] -  
Transaction 5704467 - Approved By: NOREVIEW : 09-13-2016:13:44:38

65 9/13/2016 - S200 - Request for Submission Complet

*No additional text exists for this entry.*

66 9/13/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5704474 - Approved By: NOREVIEW : 09-13-2016:13:45:40

67 9/14/2016 - 2540 - Notice of Entry of Ord

Additional Text: Transaction 5707151 - Approved By: NOREVIEW : 09-14-2016:13:43:02

68 9/14/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5707157 - Approved By: NOREVIEW : 09-14-2016:13:43:59

69 9/27/2016 - 1090 - Amended Complaint

Additional Text: SECOND AMENDED COMPLAINT - Transaction 5728761 - Approved By: RKWATKIN : 09-27-2016:16:28:40

70 9/27/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5729112 - Approved By: NOREVIEW : 09-27-2016:16:29:41

71 10/7/2016 - 2584 - Not/Stay Pend BK Not All Deft

Additional Text: NOTICE OF BANKRUPTCY FILINGS BY CERTAIN DEFENDANTS AND NOTICE OF INTENT TO PROCEED AGAINST NON-D  
EBTOR DEFENDANTS - Transaction 5746619 - Approved By: RKWATKIN : 10-07-2016:13:47:20

72 10/7/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5746731 - Approved By: NOREVIEW : 10-07-2016:13:48:11

73 10/11/2016 - 3915 - Scheduling Order

Additional Text: Transaction 5751246 - Approved By: NOREVIEW : 10-11-2016:13:52:02

74 10/11/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5751254 - Approved By: NOREVIEW : 10-11-2016:13:53:03

- 75 10/13/2016 - MIN - \*\*\*Minutes  
Additional Text: MANDATORY PRETRIAL STATUS CONFERENCE - 10-11-16 - Transaction 5755744 - Approved By: NOREVIEW : 10-13-2016:11:33:26
- 76 10/13/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5755749 - Approved By: NOREVIEW : 10-13-2016:11:34:25
- 77 10/18/2016 - 2582 - Notice of Taking Deposition  
Additional Text: Transaction 5763295 - Approved By: CSULEZIC : 10-18-2016:14:35:10
- 78 10/18/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5763496 - Approved By: NOREVIEW : 10-18-2016:14:35:57
- 79 10/24/2016 - 1137 - Answer and Counterclaim  
Additional Text: DEFENDANTS DAVID MARRINER'S AND MARRINER REAL ESTATE, LLC'S ANSWER TO SECOND AMENDED COMPLAINT AND CROSSCLAIM FOR INDEMNITY, CONTRIBUTION AND DECLARATORY RELIEF RE APPORTIONMENT OF FAULT - Transaction 5773463 - Approved By: RKWATKIN : 10-25-2016:10:00:58
- 80 10/25/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5774242 - Approved By: NOREVIEW : 10-25-2016:10:02:00
- 81 12/1/2016 - 1250E - Application for Setting eFile  
Additional Text: Breach of Contract - B7  
MPTC - 10.11.16 - 1:15 p.m.  
PTC - 08.16.17 - 1:15 p.m.  
Trial - 08.28.17 - 9:30 a.m. [#1/5 day bench]  
  
Attys:  
P: Rick Campbell, Esq. - 329.5900  
D Criswell Radovan, LLC. Radovan, Criswell, Cal Neva Lodge, Power, Coleman & Arnold, LLP - Martin Little, Esq. - 702.699.7500  
D David Marriner and Marriner RE - Andrew Wolf, [Incline Law Grp] 831.3666
- 82 12/1/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5830914 - Approved By: NOREVIEW : 12-01-2016:10:24:43
- 83 12/12/2016 - 1120 - Amended ...  
Additional Text: Notice of Taking Deposition - Transaction 5849593 - Approved By: PMSEWELL : 12-12-2016:16:50:57
- 84 12/12/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5849734 - Approved By: NOREVIEW : 12-12-2016:16:52:16
- 85 12/12/2016 - 2525 - Notice of Change of Address  
Additional Text: Transaction 5849744 - Approved By: PMSEWELL : 12-13-2016:08:59:56
- 86 12/13/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5849941 - Approved By: NOREVIEW : 12-13-2016:09:01:00
- 87 12/20/2016 - 4050 - Stipulation ...  
Additional Text: STIPULATION TO AMEND SCHEDULING ORDER - Transaction 5862750 - Approved By: YVILORIA : 12-20-2016:10:24:19
- 88 12/20/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5862972 - Approved By: NOREVIEW : 12-20-2016:10:25:23
- 89 12/20/2016 - 3370 - Order ...  
Additional Text: AMENDING SCHEDULING ORDER - Transaction 5864843 - Approved By: NOREVIEW : 12-20-2016:17:09:26

- 90 12/20/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5864845 - Approved By: NOREVIEW : 12-20-2016:17:10:26
- 91 2/7/2017 - 2582 - Notice of Taking Deposition  
Additional Text: Transaction 5939904 - Approved By: PMSEWELL : 02-08-2017:08:54:57
- 92 2/7/2017 - 2582 - Notice of Taking Deposition  
Additional Text: Transaction 5939904 - Approved By: PMSEWELL : 02-08-2017:08:54:57
- 93 2/7/2017 - 4075 - Substitution of Counsel  
Additional Text: RICHARD CAMPBELL, ESQ. FOR PLAINTIFF IN PLACE OF DOWNEY BRAND, LLP - Transaction 5939904 - Approved By : PMSEWELL : 02-08-2017:08:54:57
- 94 2/7/2017 - 1120 - Amended ...  
Additional Text: Notice of Taking Deposition - Transaction 5939904 - Approved By: PMSEWELL : 02-08-2017:08:54:57
- 95 2/8/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5940042 - Approved By: NOREVIEW : 02-08-2017:08:55:44
- 96 2/9/2017 - MIN - \*\*\*Minutes  
Additional Text: 1/26/17 STATUS HEARING - Transaction 5944346 - Approved By: NOREVIEW : 02-09-2017:15:21:18
- 97 2/9/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5944353 - Approved By: NOREVIEW : 02-09-2017:15:22:18
- 98 3/17/2017 - MIN - \*\*\*Minutes  
Additional Text: STATUS HEARING - 03-16-17 - Transaction 6003638 - Approved By: NOREVIEW : 03-17-2017:10:51:39
- 99 3/17/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6003654 - Approved By: NOREVIEW : 03-17-2017:10:53:09
- 100 3/24/2017 - 1120 - Amended ...  
Additional Text: Amended Notice of Taking Deposition - Transaction 6016412 - Approved By: PMSEWELL : 03-24-2017:12:23:12
- 101 3/24/2017 - 1120 - Amended ...  
Additional Text: Notice of Taking Deposition - Transaction 6016412 - Approved By: PMSEWELL : 03-24-2017:12:23:12
- 102 3/24/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6016522 - Approved By: NOREVIEW : 03-24-2017:12:24:26
- 103 5/2/2017 - 1120 - Amended ...  
Additional Text: FOURTH AMENDED NOTICE OF TAKING DEPOSITION - Transaction 6079787 - Approved By: YVILORIA : 05-02-2017:13:42:43
- 104 5/2/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6079902 - Approved By: NOREVIEW : 05-02-2017:13:43:46
- 105 5/19/2017 - MIN - \*\*\*Minutes  
Additional Text: STATUS HEARING - 05-18-17 - Transaction 6108908 - Approved By: NOREVIEW : 05-19-2017:10:37:50
- 106 5/19/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6108909 - Approved By: NOREVIEW : 05-19-2017:10:38:50
- 107 6/13/2017 - 4075 - Substitution of Counsel  
Additional Text: MARTIN A. LITTLE ESQ IN PLACE OF LAW FIRM OF JOELLY URGAS WOODBURY & LITTLE - Transaction 6145395 - Approved By: YVILORIA : 06-13-2017:09:30:51

- 108 6/13/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6145436 - Approved By: NOREVIEW : 06-13-2017:09:31:46
- 109 6/27/2017 - \$2160 - \$Mtn Partial Sum Judgment  
Additional Text: MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 6169488 - Approved By: TBRITTON : 06-27-2017:16:22:03
- 110 6/27/2017 - PAYRC - \*\*Payment Receipted  
Additional Text: A Payment of \$200.00 was made on receipt DCDC579220.
- 111 6/27/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6169793 - Approved By: NOREVIEW : 06-27-2017:16:23:56
- 112 6/28/2017 - 1520 - Declaration  
Additional Text: Declaration of Robert Radovan in Support of Motion for Summary Judgment - Transaction 6171947 - Approved By: CSULEZIC : 06-29-2017:09:54:17
- 113 6/28/2017 - 1520 - Declaration  
Additional Text: of Counsel and Volume of Evidence in Support of Motion for Summary Judgment - Transaction 6172106 - Approved By : PMSEWELL : 06-29-2017:10:55:26
- 114 6/28/2017 - \$2200 - \$Mtn for Summary Judgment  
Additional Text: Transaction 6172106 - Approved By: PMSEWELL : 06-29-2017:10:55:26
- 115 6/29/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6172475 - Approved By: NOREVIEW : 06-29-2017:09:55:14
- 116 6/29/2017 - PAYRC - \*\*Payment Receipted  
Additional Text: A Payment of \$200.00 was made on receipt DCDC579416.
- 117 6/29/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6172696 - Approved By: NOREVIEW : 06-29-2017:10:56:39
- 118 6/29/2017 - \$2200 - \$Mtn for Summary Judgment  
Additional Text: Transaction 6173719 - Approved By: PMSEWELL : 06-29-2017:16:00:30
- 119 6/29/2017 - PAYRC - \*\*Payment Receipted  
Additional Text: A Payment of \$200.00 was made on receipt DCDC579499.
- 120 6/29/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6174196 - Approved By: NOREVIEW : 06-29-2017:16:01:40
- 121 7/18/2017 - 2645 - Opposition to Mtn ...  
Additional Text: Criswell Radovan, LLC, CR Cal Neva, LLC, Robert Radovan, William Criswell, and Powell, Coleman and Arnold's Opposition to Plaintiff's Motion for Partial Summary Judgment - Transaction 6202444 - Approved By: PMSEWELL : 07-19-2017:08:43:25
- 122 7/19/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6202647 - Approved By: NOREVIEW : 07-19-2017:08:44:25
- 123 7/19/2017 - 2645 - Opposition to Mtn ...  
Additional Text: PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT - Transaction 6203804 - Approved By: PMSEWELL : 07-19-2017:14:30:07
- 124 7/19/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6203936 - Approved By: NOREVIEW : 07-19-2017:14:33:00
- 125 7/21/2017 - MIN - \*\*\*Minutes  
Additional Text: 7/20/17 STATUS HEARING - Transaction 6207767 - Approved By: NOREVIEW : 07-21-2017:10:18:08

- 126 7/21/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6207770 - Approved By: NOREVIEW : 07-21-2017:10:19:08
- 127 7/25/2017 - 4047 - Stip Extension of Time ...  
Additional Text: Transaction 6213910 - Approved By: CSULEZIC : 07-25-2017:16:10:36  
  
STRICKEN PER COURT ORDER FILED 8/3/17 - RW
- 128 7/25/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6214042 - Approved By: NOREVIEW : 07-25-2017:16:11:20
- 129 7/28/2017 - 2645 - Opposition to Mtn ...  
Additional Text: PLAINTIFF'S OPPOSITION TO DEFENDANTS DAVID MARRINER AND MARRINER REAL ESTATE, LLC'S MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT - Transaction 6221305 - Approved By: YVILORIA : 07-28-2017:15:05:08
- 130 7/28/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6221363 - Approved By: NOREVIEW : 07-28-2017:15:06:22
- 131 8/3/2017 - 3250 - Ord Striking ...  
Additional Text: STIPULATION FOR EXTENSION OF TIME - Transaction 6230440 - Approved By: NOREVIEW : 08-03-2017:10:53:22
- 132 8/3/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6230443 - Approved By: NOREVIEW : 08-03-2017:10:54:24
- 133 8/3/2017 - 3795 - Reply...  
Additional Text: DEFENDANTS DAVID MARRINER and MARRINER REAL ESTATE, LLC'S REPLY TO YOUNT'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT - Transaction 6232084 - Approved By: YVILORIA : 08-04-2017:08:06:09
- 134 8/3/2017 - 3860 - Request for Submission  
Additional Text: - Transaction 6232089 - Approved By: YVILORIA : 08-04-2017:08:09:01  
DOCUMENT TITLE: DEFENDANTS DAVID MARRINER AND MARRINER REAL ESTATE, LLC'S MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT FILED 6-28-17  
PARTY SUBMITTING: ANDREW N WOLF ESQ  
DATE SUBMITTED: AUG 4, 2017  
SUBMITTED BY: YVILORIA  
DATE RECEIVED JUDGE OFFICE:
- 135 8/3/2017 - 3860 - Request for Submission  
Additional Text: MOTION FOR SUMMARY JUDGMENT OR, IN 27 THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT FILED 6/28/17 - Transaction 6232110 - Approved By: CSULEZIC : 08-04-2017:08:17:48  
PARTY SUBMITTING: ANDREW WOLF ESQ  
DATE SUBMITTED: 8/04/17  
SUBMITTED BY: 8/04/17  
DATE RECEIVED JUDGE OFFICE:
- 136 8/4/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6232244 - Approved By: NOREVIEW : 08-04-2017:08:06:51
- 137 8/4/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6232249 - Approved By: NOREVIEW : 08-04-2017:08:09:53
- 138 8/4/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6232271 - Approved By: NOREVIEW : 08-04-2017:08:18:42
- 139 8/4/2017 - 3790 - Reply to/in Opposition  
Additional Text: REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 6234232 - Approved By: YVILORIA : 08-07-2017:08:32:59



- 140 8/4/2017 - 3860 - Request for Submission  
Additional Text: - Transaction 6234232 - Approved By: YVILORIA : 08-07-2017:08:32:59  
DOCUMENT TITLE: MOTION FOR PARTIAL SUMMARY JUDGMENT FILED 6-27-17  
PARTY SUBMITTING: RICHARD GLEN CAMPBELL JR ESQ  
DATE SUBMITTED: AUG 7, 2017  
SUBMITTED BY: YVILORIA  
DATE RECEIVED JUDGE OFFICE:
- 141 8/4/2017 - 3860 - Request for Submission  
Additional Text: Transaction 6234240 - Approved By: YVILORIA : 08-07-2017:08:35:49  
DOCUMENT TITLE: DEFTS CRISWELL RADOVAN LLC, CR CAL NEVA LLC, ROBERT RADOVAN, WILLIAM CRISWELL, AND POWELL, COLEMAN AND ARNOLD LLP'S MOTION FOR S UMMARY JUDGMENT FILED 6-29-17  
PARTY SUBMITTING: MARTIN A LITTLE ESQ  
DATE SUBMITTED: AUG 7, 2017  
SUBMITTED BY: YVILORIA  
DATE RECEIVED JUDGE OFFICE:
- 142 8/7/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6234382 - Approved By: NOREVIEW : 08-07-2017:08:33:56
- 143 8/7/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6234389 - Approved By: NOREVIEW : 08-07-2017:08:36:35
- 144 8/7/2017 - 3795 - Reply...  
Additional Text: Defendants Criswell Radovan, LLC, CR Cal Neva, LLC, Robert Radovan, William Criswell, Cal Neva Lodge, LLC, and Powell Coleman and Arnold LLP's Reply in Support of Their Motion for Summary Judgment - Transaction 6234444 - Approved By: YVILORIA : 08-07-2017:09:17:23
- 145 8/7/2017 - 3860 - Request for Submission  
Additional Text: Transaction 6234453 - Approved By: YVILORIA : 08-07-2017:09:25:31  
DOCUMENT TITLE: DEFTS CRISWELL RADOVAN LLC, CR CAL NEVA LLC, ROBERT RADOVAN, WILLIAM CRISWELL, AND POWELL, COLEMAN AND ARNOLD LLP'S MOTION FOR SUMMARY JUDGMENT  
PARTY SUBMITTING: MARTIN A LITTLE ESQ  
DATE SUBMITTED: AUG 7, 2017  
SUBMITTED BY: YVILORIA  
DATE RECEIVED JUDGE OFFICE:
- 146 8/7/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6234627 - Approved By: NOREVIEW : 08-07-2017:09:18:19
- 147 8/7/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6234673 - Approved By: NOREVIEW : 08-07-2017:09:27:02
- 148 8/7/2017 - S200 - Request for Submission Complet  
Additional Text: [DEFENDANT MARRINER FILED ITS AMENDED REQUEST FOR SUBMISSION RE MJS ON 08.03.17 AS CERT OF SERVICE FAILED TO HAVE SIGNATURE- DUPLICATE ENTRY - ks]
- 149 8/7/2017 - S200 - Request for Submission Complet  
Additional Text: [DEFENDANT RADOVAN'S REQUEST FOR SUBMISSION WAS RESUBMITTED WITHIN MINUTES OF INITIAL SUBMISSION FILING AFTER REPLY WAS FILED - DUPLICATE ENTRY - ks]
- 150 8/8/2017 - 4047 - Stip Extension of Time ...  
Additional Text: Transaction 6237238 - Approved By: CSULEZIC : 08-08-2017:11:22:04
- 151 8/8/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6237414 - Approved By: NOREVIEW : 08-08-2017:11:22:51
- 152 8/15/2017 - 3370 - Order ...  
Additional Text: [DEFENDANTS MARRINER REAL ESTATE'S MTN FOR SUMMARY JUDGMENT IS DENIED - ks] - Transaction 6249888 - Approved By: NOREVIEW : 08-15-2017:11:30:35

- 153 8/15/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6249903 - Approved By: NOREVIEW : 08-15-2017:11:31:52
- 154 8/15/2017 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 155 8/15/2017 - 3370 - Order ...  
Additional Text: [PLAINTIFF YOUNT'S MTN FOR PARTIAL SUMMARY JUDGMENT IS DENIED - ks] - Transaction 6249926 - Approved By: NOREVIEW : 08-15-2017:11:37:32
- 156 8/15/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6249928 - Approved By: NOREVIEW : 08-15-2017:11:38:21
- 157 8/15/2017 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 158 8/15/2017 - 3370 - Order ...  
Additional Text: [DEFENDANT RADOVAN, ET AL'S MTN FOR SUMMARY JUDGMENT IS DENIED - ks] - Transaction 6251054 - Approved By: NOREVIEW : 08-15-2017:15:47:52
- 159 8/15/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6251077 - Approved By: NOREVIEW : 08-15-2017:15:51:48
- 160 8/15/2017 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 161 8/18/2017 - MIN - \*\*\*Minutes  
Additional Text: PRE-TRIAL CONFERENCE - 08-16-17 - Transaction 6256988 - Approved By: NOREVIEW : 08-18-2017:10:30:14
- 162 8/18/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6256990 - Approved By: NOREVIEW : 08-18-2017:10:31:01
- 163 8/25/2017 - 4205 - Trial Statement...  
Additional Text: Marriner's Trial Statement - Transaction 6268451 - Approved By: PMSEWELL : 08-25-2017:12:21:57
- 164 8/25/2017 - 3373 - Other ...  
Additional Text: Marriner's Proposed Findings of Fact and Conclusions of Law - Transaction 6268465 - Approved By: PMSEWELL : 08-25-2017:12:26:43
- 165 8/25/2017 - 4210 - Trial Statement - Defendant  
Additional Text: DEFENDANTS' TRIAL STATEMENT - Transaction 6268600 - Approved By: NMASON : 08-25-2017:13:13:05
- 166 8/25/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6268601 - Approved By: NOREVIEW : 08-25-2017:12:22:42
- 167 8/25/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6268625 - Approved By: NOREVIEW : 08-25-2017:12:29:41
- 168 8/25/2017 - 1368 - Certificate ...  
Additional Text: Defendants' Proposed Findings of Fact and Conclusions of Law - Transaction 6268725 - Approved By: NMASON : 08-25-2017:14:05:37
- 169 8/25/2017 - 4220 - Trial Statement - Plaintiff  
Additional Text: PLAINTIFF'S TRIAL STATEMENT - Transaction 6268739 - Approved By: NMASON : 08-25-2017:14:00:59
- 170 8/25/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6268753 - Approved By: NOREVIEW : 08-25-2017:13:14:08

- 171 8/25/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6268912 - Approved By: NOREVIEW : 08-25-2017:14:02:01
- 172 8/25/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6268924 - Approved By: NOREVIEW : 08-25-2017:14:06:31
- 173 9/1/2017 - 1595 - Deposition ...  
Additional Text: DEPOSITION TRANSCRIPT OF GEORGE STUART YOUNT DATED JUNE 6, 2017  
OPEN AND PUBLISHED
- 174 9/8/2017 - 1695 - \*\* Exhibit(s) ...  
Additional Text: NON-JURY TRIAL  
PLAINTIFF'S EXHIBITS 1 - 79  
DEFENDANTS' EXHIBITS 100 - 156 AND EXHIBITS 200 - 217
- 175 9/12/2017 - MIN - \*\*\*Minutes  
Additional Text: NON-JURY TRIAL - AUGUST 29, 2017 - SEPTEMBER 8, 2017 - Transaction 6294951 - Approved By: NOREVIEW : 09-12-2017:13:43:55
- 176 9/12/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6294956 - Approved By: NOREVIEW : 09-12-2017:13:45:03
- 177 9/15/2017 - 4190 - Transcript - Partial  
Additional Text: TRIAL - SEPTEMBER 8, 2017 - Transaction 6301606 - Approved By: NOREVIEW : 09-15-2017:10:38:27
- 178 9/15/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6301609 - Approved By: NOREVIEW : 09-15-2017:10:39:27
- 179 9/15/2017 - 1105 - Amended Ord and/or Judgment  
Additional Text: [AMENDS ORDER OF 09.08.17 - ks] - Transaction 6301767 - Approved By: NOREVIEW : 09-15-2017:11:16:32
- 180 9/15/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6301773 - Approved By: NOREVIEW : 09-15-2017:11:17:33
- 181 9/21/2017 - COC - Evidence Chain of Custody Form  
*No additional text exists for this entry.*
- 182 10/13/2017 - 4185 - Transcript  
Additional Text: TRIAL VOLUME I - AUGUST 29, 2017 - Transaction 6346510 - Approved By: NOREVIEW : 10-13-2017:13:59:59
- 183 10/13/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6346514 - Approved By: NOREVIEW : 10-13-2017:14:00:58
- 184 10/13/2017 - 4185 - Transcript  
Additional Text: TRIAL VOLUME II - AUGUST 30, 2017 - Transaction 6346520 - Approved By: NOREVIEW : 10-13-2017:14:01:27
- 185 10/13/2017 - 4185 - Transcript  
Additional Text: TRIAL VOLUME III - AUGUST 31, 2017 - Transaction 6346526 - Approved By: NOREVIEW : 10-13-2017:14:02:37
- 186 10/13/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6346524 - Approved By: NOREVIEW : 10-13-2017:14:02:27
- 187 10/13/2017 - 4185 - Transcript  
Additional Text: TRIAL VOLUME IV - SEPTEMBER 1, 2017 - Transaction 6346534 - Approved By: NOREVIEW : 10-13-2017:14:03:39

- 188 10/13/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6346532 - Approved By: NOREVIEW : 10-13-2017:14:03:39
- 189 10/13/2017 - 4185 - Transcript  
Additional Text: TRIAL VOLUME V - SEPTEMBER 6, 2017 - Transaction 6346543 - Approved By: NOREVIEW : 10-13-2017:14:04:51
- 190 10/13/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6346540 - Approved By: NOREVIEW : 10-13-2017:14:04:39
- 191 10/13/2017 - 4185 - Transcript  
Additional Text: TRIAL VOLUME VI - Transaction 6346555 - Approved By: NOREVIEW : 10-13-2017:14:06:01
- 192 10/13/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6346552 - Approved By: NOREVIEW : 10-13-2017:14:05:48
- 193 10/13/2017 - 4185 - Transcript  
Additional Text: TRIAL VOLUME VII - SEPTEMBER 8, 2017 - Transaction 6346565 - Approved By: NOREVIEW : 10-13-2017:14:07:01
- 194 10/13/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6346564 - Approved By: NOREVIEW : 10-13-2017:14:06:57
- 195 10/13/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6346572 - Approved By: NOREVIEW : 10-13-2017:14:07:58
- 196 10/16/2017 - 2610 - Notice ...  
Additional Text: NOTICE OF ASSOCIATION OF COUNSEL - Transaction 6348819 - Approved By: CSULEZIC : 10-16-2017:15:37:49
- 197 10/16/2017 - 2515 - Notice of Appeal Supreme Court  
Additional Text: Transaction 6348845 - Approved By: YVILORIA : 10-16-2017:15:24:28
- 198 10/16/2017 - 1310 - Case Appeal Statement  
Additional Text: Transaction 6348860 - Approved By: YVILORIA : 10-16-2017:15:26:13
- 199 10/16/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6348883 - Approved By: NOREVIEW : 10-16-2017:15:25:28
- 200 10/16/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6348889 - Approved By: NOREVIEW : 10-16-2017:15:28:40
- 201 10/16/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6348946 - Approved By: NOREVIEW : 10-16-2017:15:38:36
- 202 10/18/2017 - 1350 - Certificate of Clerk  
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6352125 - Approved By: NOREVIEW : 10-18-2017:09:05:18
- 203 10/18/2017 - 4113 - District Ct Deficiency Notice  
Additional Text: Transaction 6352125 - Approved By: NOREVIEW : 10-18-2017:09:05:18
- 204 10/18/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6352128 - Approved By: NOREVIEW : 10-18-2017:09:08:01
- 205 10/18/2017 - SAB - \*\*Supreme Court Appeal Bond  
Additional Text: Transaction 6352380 - Approved By: YVILORIA : 10-18-2017:10:53:11

- 206 10/18/2017 - PAYRC - \*\*Payment Received  
Additional Text: A Payment of \$500.00 was made on receipt DCDC589525.
- 207 10/18/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6352547 - Approved By: NOREVIEW : 10-18-2017:10:54:09
- 208 10/19/2017 - \$2515 - \$Notice/Appeal Supreme Court  
Additional Text: NOTICE OF APPEAL FILED 10-16-17
- 209 10/19/2017 - PAYRC - \*\*Payment Received  
Additional Text: A Payment of -\$34.00 was made on receipt DCDC589662.
- 210 10/25/2017 - 1188 - Supreme Court Receipt for Doc  
Additional Text: SUPREME COURT NO. 74275 / RECEIPT FOR DOCUMENTS - Transaction 6364809 - Approved By: NOREVIEW : 10-25-2017:14:28:26
- 211 10/25/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6364814 - Approved By: NOREVIEW : 10-25-2017:14:29:16
- 212 1/3/2018 - 2525 - Notice of Change of Address  
Additional Text: Transaction 6464572 - Approved By: YVILORIA : 01-04-2018:09:01:14
- 213 1/4/2018 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6464823 - Approved By: NOREVIEW : 01-04-2018:09:02:15
- 214 1/16/2018 - 2640 - Opening Brief  
Additional Text: MARRINER'S OPENING BRIEF RE POST-TRIAL PROCEEDINGS BY SUCCESSOR DISTRICT JUDGE - Transaction 6483207 - Approved By: CSULEZIC : 01-17-2018:10:04:19
- 215 1/16/2018 - 3675 - Post Trial Brief  
Additional Text: Plaintiff's Brief Regarding Status of Case and Appropriate Procedure Going Forward - Transaction 6483249 - Approved By: YVILORIA : 01-17-2018:10:17:39
- 216 1/17/2018 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6483688 - Approved By: NOREVIEW : 01-17-2018:10:05:18
- 217 1/17/2018 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6483785 - Approved By: NOREVIEW : 01-17-2018:10:19:10
- 218 1/17/2018 - 3675 - Post Trial Brief  
Additional Text: Defendants' Brief Regarding Post-Trial Procedure by Successor Judge - Transaction 6484288 - Approved By: CSULEZIC : 01-17-2018:13:07:35
- 219 1/17/2018 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6484517 - Approved By: NOREVIEW : 01-17-2018:13:08:34
- 220 1/26/2018 - 4047 - Stip Extension of Time ...  
Additional Text: STIPULATION AND ORDER FOR EXTENSION OF TIME IN WHICH TO RESPOND TO BRIEF REGARDING POST-TRIAL PROCEDURE BY SUCCESSOR JUDGE - Transaction 6501360 - Approved By: YVILORIA : 01-26-2018:14:27:23
- 221 1/26/2018 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6501579 - Approved By: NOREVIEW : 01-26-2018:14:28:11
- 222 2/2/2018 - 3795 - Reply...  
Additional Text: Defendants' Reply Brief Regarding Post-Trial Procedure by Successor Judge - Transaction 6513844 - Approved By: SWILLIAM : 02-05-2018:10:01:32

223 2/2/2018 - 3880 - Response...

Additional Text: Plaintiffs' Response to Defendants' Briefs Regarding Case Status - Transaction 6513899 - Approved By: PMSEWELL : 02-05-2018:10:17:39

224 2/2/2018 - 3785 - Reply Brief

Additional Text: MARRINER'S REPLY BRIEF RE POST-TRIAL PROCEEDINGS BY SUCCESSOR DISTRICT JUDGE - Transaction 6513902 - Approved By: PMSEWELL : 02-05-2018:10:45:07

225 2/5/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6514307 - Approved By: NOREVIEW : 02-05-2018:10:02:18

226 2/5/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6514392 - Approved By: NOREVIEW : 02-05-2018:10:18:30

227 2/5/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6514527 - Approved By: NOREVIEW : 02-05-2018:10:46:07

228 2/5/2018 - 3860 - Request for Submission

Additional Text: - Transaction 6515393 - Approved By: PMSEWELL : 02-05-2018:16:47:37  
DOCUMENT TITLE: POST TRIAL PROCEEDINGS (NO ORDER PROVIDED)  
PARTY SUBMITTING: ANDREW WOLF, ESQ.  
DATE SUBMITTED: FEBRUARY 5, 2018  
SUBMITTED BY: PMSEWELL  
DATE RECEIVED JUDGE OFFICE:

229 2/5/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6516362 - Approved By: NOREVIEW : 02-05-2018:16:48:31

230 2/9/2018 - MIN - \*\*\*Minutes

Additional Text: STATUS CONFERENCE - 11-13-17 - Transaction 6525689 - Approved By: NOREVIEW : 02-09-2018:14:47:04

231 2/9/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6525695 - Approved By: NOREVIEW : 02-09-2018:14:47:53

232 3/12/2018 - 1880 - Judgment

Additional Text: Transaction 6572400 - Approved By: NOREVIEW : 03-12-2018:13:47:27

233 3/12/2018 - F230 - Other Manner of Disposition

*No additional text exists for this entry.*

234 3/12/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6572404 - Approved By: NOREVIEW : 03-12-2018:13:48:18

235 3/12/2018 - S200 - Request for Submission Complet

*No additional text exists for this entry.*

236 3/13/2018 - 2535 - Notice of Entry of Judgment

Additional Text: Transaction 6573654 - Approved By: NOREVIEW : 03-13-2018:09:29:12

237 3/13/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6573670 - Approved By: NOREVIEW : 03-13-2018:09:30:20

238 3/16/2018 - 1950 - Memorandum of Costs

Additional Text: Verified Memorandum of Costs - Transaction 6581541 - Approved By: CSULEZIC : 03-16-2018:14:24:56

239 3/16/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6581715 - Approved By: NOREVIEW : 03-16-2018:14:25:47

240 3/20/2018 - 1953 - Memo of Costs & Disbursements

Additional Text: DEFENDANTS DAVID MARRINER'S AND MARRINER REAL ESTATE, LLC'S MEMORANDUM OF COSTS AND DISBURSEMENTS - Transaction 6586177 - Approved By: YVILORIA : 03-20-2018:13:13:21

241 3/20/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6586246 - Approved By: NOREVIEW : 03-20-2018:13:14:09

242 3/23/2018 - 1097 - Amended Notice of Appeal

Additional Text: Transaction 6592906 - Approved By: YVILORIA : 03-23-2018:11:10:03

243 3/23/2018 - 1087 - Amended Case Appeal Statement

Additional Text: Transaction 6592907 - Approved By: YVILORIA : 03-23-2018:11:10:17

244 3/23/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6592921 - Approved By: NOREVIEW : 03-23-2018:11:11:06

245 3/23/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6592922 - Approved By: NOREVIEW : 03-23-2018:11:11:16

246 3/23/2018 - 1350 - Certificate of Clerk

Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - AMENDED NOTICE OF APPEAL - Transaction 6593482 - Approved By: NOREVIEW : 03-23-2018:13:43:31

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

GEORGE STUART YOUNT,  
Individually and in his Capacity as  
Owner of GEORGE YOUNT IRA,

Case No.: CV16-00767

Dept. No.: 7

Plaintiff,

vs.

CRISWELL RADOVAN, LLC, a  
Nevada limited liability company; CR  
CAL NEVA, LLC, a Nevada limited  
liability company; ROBERT  
RADOVAN; WILLIAM CRISWELL;  
CAL NEVA LODGE, LLC, a Nevada  
limited liability company; POWELL,  
COLEMAN and ARNOLD, LLP;  
DAVID MARRINER; MARRINER  
REAL ESTATE, LLC, a Nevada  
limited liability company; and DOES  
1-10,

Defendants.

**AMENDED ORDER**

On September 8, 2017, after hearing testimony and taking evidence in a seven-day bench trial, this Court dismissed Plaintiff's Second Amended Complaint, dismissed the crossclaims by Defendants David Marriner and Marriner Real Estate, LLC as moot and entered judgment against Plaintiff and in favor of Defendants. In its oral ruling, the Court awarded damages on Defendants' counterclaim.

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Upon further consideration, the Court is concerned that its oral recitation of damages maybe subject to misinterpretation and thus hereby amends its previous *Order* as follows:

1. WILLIAM CRISWELL ("Criswell"), is awarded \$1.5 million in compensatory damages, two years' salary, management fees (if applicable), attorney's fees and costs of suit;
2. ROBERT RADOVAN ("Radovan"), is awarded \$1.5 million in compensatory damages, two years' salary, management fees (if applicable), attorney's fees and costs of suit;
3. DAVID MARRINER; is awarded \$1.5 million in compensatory damages<sup>1</sup>, attorney's fees and costs of suit;
4. POWELL, COLEMAN AND ARNOLD, LLP ("PCA"), is awarded its attorney's fees and costs of suit;<sup>2</sup>
5. CRISWELL RADOVAN, LLC (Criswell Radovan), is awarded its lost Development Fees,<sup>3</sup> attorney's fees and costs of suit;
6. CR CAL NEVA, LLC ("CR Cal Neva"), is awarded its lost Development Fees,<sup>4</sup> attorney's fees, and costs of suit;
7. CAL NEVA LODGE, LLC, is awarded its attorney's fees and costs of suit;<sup>5</sup>
8. MARRINER REAL ESTATE, LLC, is awarded its attorney's fees, and costs.<sup>6</sup>

**IT IS SO ORDERED** this 15 day of September, 2017.

Patrick Flanagan  
PATRICK FLANAGAN  
District Judge

<sup>1</sup> These damages include both lost commissions (Ex. 1) and loss of business good will.

<sup>2</sup> There was no testimony or evidence of damages to PCA produced at trial.

<sup>3</sup> Less that which has been earned and paid up to \$1.2 million in the aggregate. (Ex. 3, p. 8)

<sup>4</sup> Less that which has been earned and paid up to \$1.2 million in the aggregate. (Ex. 3, p.8)

<sup>5</sup> There were no damages sought on behalf of this project development entity.

<sup>6</sup> Only to the extent that they are not duplicative of any award or fees to David Marriner individually.

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Richard G. Campbell, Jr., Esq., attorney for Plaintiff George Stuart Yount;  
Andrew N. Wolf, Esq., Attorney for Defendants David Marriner and Marriner  
Real Estate, LLC; and  
Martin A. Little, Esq., attorney for Defendants Criswell Radovan, LLC; CR  
Cal Neva, LLC; Robert Radovan; William Criswell; Cal Neva Lodge, LLC;  
Powell, Coleman, and Arnold, LLP.

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1 **CODE: 1880**

2 ANDREW N. WOLF (#4424)  
3 JEREMY L. KRENEK (#13361)  
4 Incline Law Group, LLP  
264 Village Blvd., Suite 104  
Incline Village, Nevada 89451  
(775) 831-3666

5 Attorneys for Defendants DAVID MARRINER and  
6 MARRINER REAL ESTATE, LLC

7  
8 IN THE SECOND JUDICIAL DISTRICT COURT OF  
9 THE STATE OF NEVADA IN AND FOR THE  
10 COUNTY OF WASHOE

11 GEORGE STUART YOUNT, Individually  
12 and in his Capacity as Owner of GEORGE  
STUART YOUNT IRA,

13 Plaintiff,

14 v.

15 CRISWELL RADOVAN, LLC, a Nevada  
16 limited liability company; CR Cal Neva,  
LLC, a Nevada limited liability company;  
17 ROBERT RADOVAN; WILLIAM  
CRISWELL; CAL NEVA LODGE, LLC, a  
18 Nevada limited liability company;  
POWELL, COLEMAN and ARNOLD  
19 LLP; DAVID MARRINER; MARRINER  
REAL ESTATE, LLC, a Nevada limited  
20 liability company; NEW CAL-NEVA  
21 LODGE, LLC, a Nevada limited liability  
company and DOES 1-10,

22 Defendants.  
23

CASE NO. CV16-00767

DEPT NO. B7

24 **JUDGMENT**

25 This matter came before the Court for a bench trial on August 29, 2017, through  
26 September 8, 2017, the late Hon. Patrick Flanagan, District Judge, presiding. Plaintiff George  
27 Stuart Yount, individually and in his capacity as owner of George Stuart Yount IRA, appeared  
28

1 by and through his counsel of record, Richard G. Campbell, Jr., Esq. Defendants Criswell  
2 Radovan, LLC, CR Cal Neva, LLC, Robert Radovan, William Criswell, and Powell, Coleman  
3 and Arnold, LLP, appeared by and through their counsel Martin A. Little, Esq., of Howard &  
4 Howard Attorneys PLLC. Defendants David Marriner and Marriner Real Estate, LLC,  
5 appeared by and through their counsel of record, Andrew N. Wolf, Esq., of Incline Law Group,  
6 LLP.

7 On September 8, 2017, at the conclusion of the trial and following the close of the  
8 evidence, Judge Flanagan, ruling from the bench, orally stated his findings of fact, conclusions  
9 of law and decision on the record in open court pursuant to NRCP 52. Judge Flanagan also  
10 adopted the proposed findings of fact submitted by the defendants prior to trial. Transcript  
11 1131:14-16.

12 On or about September 15, 2017, a transcript of the trial was filed, containing Judge  
13 Flanagan's ruling from the bench. On September 15, 2017, the same day, Judge Flanagan  
14 issued an *AMENDED ORDER* clarifying his award of damages to the various Defendants.

15 At the conclusion of his ruling from the bench, Judge Flanagan requested that  
16 defendants' counsel prepare the judgment. Thereafter, Judge Flanagan suddenly fell ill and  
17 passed away on October 6, 2017. Thereafter, on October 30, 2017, defense counsel jointly  
18 submitted a proposed form of findings of fact, conclusions of law and judgment.

19 Subsequently, the matter was assigned to the undersigned District Judge. On November  
20 13, 2017, the court held a status conference wherein the court directed the parties to file briefs  
21 regarding the appropriate procedure to be followed after Judge Flanagan's untimely passing.  
22 This briefing was completed on or about February 2, 2018. Based on the briefing, the court  
23 determines that the primary rules which govern further proceedings by the undersigned  
24 successor judge are NRCP 52 (findings by the court; judgment on partial findings), NRCP 58  
25 (entry of judgment) and NRCP 63 (inability of a judge to proceed).

26 In this case, Judge Flanagan left an extensive record of his decision, including  
27 summaries of witness testimony, the credibility of certain witnesses, his analysis of various trial  
28 exhibits, and his determination of each claim for relief.

1           The court has reviewed the trial transcript in its entirety and the exhibits referenced in  
2 the transcript and in Judge Flanagan's ruling. Pursuant to NRCP 63, the court hereby certifies  
3 its familiarity with the record. Moreover, given the status of the case at the time of Judge  
4 Flanagan's passing (evidence closed, closing arguments completed, and a completed ruling  
5 from the bench on the merits, followed by his written Amended Order), and the detailed extent  
6 of Judge Flanagan's ruling from the bench and his subsequently filed Amended Order dated  
7 September 8, 2017, the court has determined, pursuant to NRCP 63, that the proceedings in this  
8 case may be completed as set forth herein without prejudice to the parties.

9           Under NRCP 63, the court has discretion to recall witnesses. The court finds no need or  
10 reason to recall witnesses. See: *Smith's Food King v. Hornwood*, 108 Nev. 666, 836 P. 2d 1241  
11 (1992); and, *Canseco v. United States*, 97 F.3d 1224, 1227 (9<sup>th</sup> Cir. 1996) [successor judges  
12 need only certify their familiarity with those portions of the record that relate to the issues  
13 before them]. Compare: *Mergentime Corporation v. Washington Metropolitan Area Transit*  
14 *Authority*, 166 F.3d 1257 (DC Cir. 1999). Accordingly, the court now enters judgment as  
15 follows:

16           IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff's Second  
17 Amended Complaint, and each of the causes of action stated therein, are dismissed with  
18 prejudice as to all Defendants.

19           IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Marriner's  
20 and Marriner Real Estate's crossclaim against the other defendants is moot and is dismissed  
21 with prejudice.

22           IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff  
23 GEORGE STUART YOUNT, Individually and in his Capacity as Owner of GEORGE  
24 STUART YOUNT IRA, shall pay William Criswell the sum of **\$1.5 Million** in compensatory  
25 damages.

26           IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff  
27 GEORGE STUART YOUNT, Individually and in his Capacity as Owner of GEORGE  
28 STUART YOUNT IRA, shall pay Robert Radovan the sum of **\$1.5 Million** in compensatory

1 damages.

2 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff  
3 GEORGE STUART YOUNT, Individually and in his Capacity as Owner of GEORGE  
4 STUART YOUNT IRA, shall pay DAVID MARRINER, individually, the sum of **\$1.5 Million**.

5 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that GEORGE  
6 STUART YOUNT, Individually and in his Capacity as Owner of GEORGE STUART YOUNT  
7 IRA, shall pay each defendant its costs of suit as allowed by law. Each Defendant shall file and  
8 serve its verified memorandum of costs as required by Chapter 18 NRCP.

9 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that defendants  
10 may seek recovery of their attorney's fees by an appropriate motion pursuant to NRCP 54(d)  
11 and NRS 18.010, or as otherwise allowed by law.

12 DATED this 9 day of March 2018.

13   
14 DISTRICT COURT JUDGE

15 Submitted by:

16  
17 INCLINE LAW GROUP, LLP

18 Andrew N. Wolf, Esq.

19 264 Village Boulevard, Suite 104

20 Incline Village, NV 89451

21 Telephone: (775) 831-3666

22 *Attorneys for Defendants*

23 *David Marriner and Marriner Real Estate, LLC*  
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**CODE: 2535**

ANDREW N. WOLF (#4424)  
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(775) 831-3666

Attorneys for Defendants DAVID MARRINER and  
MARRINER REAL ESTATE, LLC

IN THE SECOND JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA IN AND FOR THE  
COUNTY OF WASHOE

GEORGE STUART YOUNT, Individually  
and in his Capacity as Owner of GEORGE  
STUART YOUNT IRA,

Plaintiff,

v.

CRISWELL RADOVAN, LLC, a Nevada  
limited liability company; CR Cal Neva,  
LLC, a Nevada limited liability company;  
ROBERT RADOVAN; WILLIAM  
CRISWELL; CAL NEVA LODGE, LLC, a  
Nevada limited liability company;  
POWELL, COLEMAN and ARNOLD  
LLP; DAVID MARRINER; MARRINER  
REAL ESTATE, LLC, a Nevada limited  
liability company; NEW CAL-NEVA  
LODGE, LLC, a Nevada limited liability  
company and DOES 1-10,

Defendants.

CASE NO. CV16-00767

DEPT NO. B7

**NOTICE OF ENTRY OF JUDGMENT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 12, 2018, a final Judgment was entered in this  
matter by District Judge Jerry Polaha. (Eflex Transaction # 6572400.)

1           **Affirmation:** The undersigned does hereby affirm that the foregoing document does not  
2 contain the social security number of any person.

3  
4           Date: March 12, 2018.

5           INCLINE LAW GROUP, LLP

6           By: *s/Andrew N. Wolf*

7           ANDREW N. WOLF

8           Nevada State Bar No. 4424

9           Attorneys for Defendants DAVID MARRINER  
10           and MARRINER REAL ESTATE, LLC  
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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of Incline Law Group, LLP, and that on this day, I caused to be served, a true and correct copy of:

**NOTICE OF ENTRY OF JUDGMENT**

UPON:

Richard G. Campbell, Jr. THE LAW OFFICE OF RICHARD G. CAMPBELL, JR. INC. 333 Flint Street Reno, NV 89501 Telephone: (775) 384-1123 Fax: (775) 686-2401 rcampbell@rgclawoffice.com	Attorney for Plaintiff George Stuart Yount, Individually and in his capacity as Owner of George Stuart Yount IRA
Martin A. Little HOWARD & HOWARD ATTORNEYS PLLC 3800 Howard Hughes Parkway, Suite 1000 Las Vegas, NV 86169 Telephone: 702-257-1483 Fax: 702-567-1568	Attorney for Defendants Criswell Radovan, LLC, CR CAL NEVA LLC, Robert Radovan, William Criswell, Cal Neva Lodge, LLC, Powell, Coleman and Arnold, LLP
Daniel F. Polsenberg Joel D. Henriod LEWIS ROCA ROTHGERBER CHRISTIE LLP 3993 Howard Hughes Parkway, Suite 600 Las Vegas, Nevada 89169 Telephone: (702) 949-8200 Fax: (702) 949-8398	Attorneys for Plaintiff George Stuart Yount, etc.

**VIA: Washoe County Eflex e-filing system:** A true and correct copy of the foregoing document(s) was (were) electronically served via the court's electronic filing system to the above named attorneys associated with this case. If the any of the above named attorneys (and all of their listed co-counsel within the same firm) are not registered with the court's e-filing system, then a true and correct paper copy of the above-named document(s) was(were) served on the attorney via U.S.P.S. first class mail with first-class postage prepaid, to the attorney's address listed above, on this date.

Date: March 13, 2018.

/s/ Stacy Crocket  
Stacy Crocket

CASE NO. CV16-00767

GEORGE S. YOUNT et al. vs. CRISWELL RADOVAN ET AL.

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

10/11/16

HONORABLE

PATRICK

FLANAGAN

DEPT. NO. 7

K. Oates

(Clerk)

None

(Reporter)

MANDATORY PRETRIAL STATUS CONFERENCE

Rick Campbell, Esq., was present in Court on behalf of the Plaintiff, who was not present.

Martin Little, Esq., was present in Court via Court Call, and Andrew Wolf, Esq. present in person, on behalf of the Defendants, who were not present.

1:20 p.m. – Court convened with Court and counsel present.

Counsel Campbell, on behalf of the Plaintiff, addressed the Court and advised that settlement discussions are “tied up” due to the pending bankruptcy.

Counsel Little, on behalf of the Defendants, addressed the Court and concurred with opposing counsel, to include that settlement discussions are premature, and he is hopeful that financing can resolve the case, however, he, defense counsel, is uncertain as to how long it will take to resolve the bankruptcy.

A Scheduling Order was entered by the Court.

Counsel Campbell responded he does not anticipate experts in this case.

Counsel Little replied he does not anticipate experts, however, will not waive written expert reports.

Counsel Wolf, on behalf of the Defendants, addressed the Court and moved to submit dispositive motions to the Court on May 12, 2017, and file dispositive motions on April 12, 2017.

Counsel Campbell and Little responded and had no objection; SO ORDERED.

Counsel Wolf moved to set a Settlement Conference in another department.

COURT ORDERED: Status Hearing set for January 26, 2017 at 1:45 p.m. at which counsel Little can appear via Court Call. It is further ordered that the Court and counsel can discuss setting a Settlement Conference at the Status Hearing.

1:28 p.m. – Court stood in recess.

CASE NO. CV16-00767

GEORGE S. YOUNT ETAL VS. CRISWELL RADOVAN ETAL

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

01/26/2017

**STATUS HEARING**

HONORABLE

Richard Campbell, Esq. was present in Court on behalf of the Plaintiff, who was not present. Martin Little, Esq. was present in Court via Court Call and Andrew Wolf, Esq. was present in person on behalf of the Defendants, who were not present.

03/16/2017

PATRICK

2:09 p.m. – Court convened with Court and Counsel present. Counsel Campbell advised the Court that there is a slight chance that the case will resolve, depositions are progressing and should be finished in late March/early April.

1:00 p.m.

FLANAGAN

Counsel Wolf advised that everyone is focused on the outcome of the bankruptcy matter. Counsel Little advised that the information provided is consistent with his information and they are in a holding pattern waiting to reach a deal in the bankruptcy.

Status Hearing

DEPT. NO. 7

A. DeGayner

(Clerk)

S. Koetting

(Reporter)

**COURT ORDERED:** Matter CONTINUED for Status Hearing on March 16, 2017 at 1:00 p.m. Court authorized Counsel Little to appear telephonically.

2:13 p.m. - Court stood in recess.

CASE NO. CV16-00767

GEORGE S. YOUNT et al. vs. CRISWELL RADOVAN ET AL.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

03/16/17  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
K. Oates  
(Clerk)  
S. Koetting  
(Reporter)

STATUS HEARING

Rick Campbell, Esq., was present in Court on behalf of the Plaintiff, who was not present.

Sarah Mead, Esq., and Andrew Wolf, Esq., were present in Court via Court Call, on behalf of the Defendants, who were not present.

1:17 p.m. – Court convened with Court and counsel present.

Counsel Campbell, on behalf the Plaintiff, addressed the Court and advised that as to the bankruptcy, a Hearing is scheduled for either May 1<sup>st</sup> or 2<sup>nd</sup>, which may or may not resolve the case. Further, counsel advised that depositions in this case are scheduled for April, and the discovery cutoff is May 31, 2017.

Counsel Mead, on behalf of the Defendants, addressed the Court and responded that her understanding is the same as counsel for the Plaintiff, and her clients are anxious for the bankruptcy to be resolved.

Counsel Wolf, on behalf of the Defendants, addressed the Court and moved to continue the scheduled depositions until after the hearing in Bankruptcy Court to avoid incurring additional costs in the event this case is resolved. Further, counsel argued in support of extending the discovery cutoff by thirty days, and advised that the bankruptcy Defendant(s) do have a plan of reorganization.

COURT ORDERED: The Court will not postpone the scheduled depositions or move the present discovery cutoff date. It is further ordered a Status Hearing is set for May 18, 2017 at 2:00 p.m.

1:27 p.m. – Court stood in recess.

CASE NO. CV16-00767

GEORGE S. YOUNT et al. vs. CRISWELL RADOVAN ET AL.

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

05/18/17

HONORABLE

PATRICK

FLANAGAN

DEPT. NO. 7

K. Oates

(Clerk)

S. Koetting

(Reporter)

STATUS HEARING

Rick Campbell, Esq., was present in Court on behalf of the Plaintiff, who was not present.

Martin Little, Esq., and Andrew Wolf, Esq., were present in Court via Court Call, on behalf of the Defendants, who were not present.

1:58 p.m. – Court convened with Court and counsel present.

Counsel Campbell, on behalf the Plaintiff, addressed the Court and advised that as to the bankruptcy, it has not settled, and a Settlement Conference is scheduled for Monday with “Judge Sprecker.” Further, counsel advised at this time, trial is imminent.

Counsel Little, on behalf of the Defendants, addressed the Court and responded he is not involved in the bankruptcy, depositions have been conducted in this case, and additional depositions are to be taken next week in Reno. Further, counsel advised he will speak to his clients as to the bankruptcy.

Counsel Wolfe, on behalf of the Defendants, addressed the Court and advised that to his knowledge there are no new developments in the bankruptcy matter, other parties in this case have connections to the bankruptcy, and he suggested that perhaps everyone should speak to their clients.

Counsel for the Plaintiff responded that the Settlement Conference set for Monday is scheduled to occur all day, and Settlement Conference briefs are due tomorrow.

COURT ORDERED: A Status Hearing is set for July 20, 2017 at 2:00 p.m.

2:09 p.m. – Court stood in recess.

CASE NO. CV16-00767

GEORGE S. YOUNT ET AL VS. CRISWELL RADOVAN ET AL

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

7/20/17

STATUS HEARING

HON. PATRICK  
FLANAGAN  
DEPT. NO. 7  
T. Travers  
(Clerk)  
S. Koetting  
(Reporter)  
G. Bird  
(Bailiff)

Counsel Rick Campbell, Esq. was present representing the Plaintiff.  
Counsel Martin Little, Esq., was present telephonically, representing Criswell  
Radovan et al.  
Counsel Andrew Wolf, Esq., was present telephonically, representing David  
Marriner.

The Court noted that counsel, Rick Campbell was present in court, Martin Little and  
Andrew Wolf were present telephonically.  
Counsel Campbell addressed the Court and informed that the bankruptcy status  
and that there will probably be no money left to satisfy the plaintiff.  
Counsel Little informed that he had nothing to add to the bankruptcy issue and  
discussed the motions the need for replies.  
Counsel Wolf addressed the Court and discussed the need for a plan to preserve  
some equity from the bankruptcy. Further, he stated that all parties had filed  
summary judgments.  
Counsel Campbell stated that he had not seen the motions.  
Discussion ensued as to the dates of when motions were filed.  
Counsel Wolf addressed the Court and stated the need for time to review the filings.  
The Court advised respective counsel to connect and prepare a stipulation as to  
time needed.  
Discussion ensued as to issues with trial date conflicts; respective counsel agreed  
to a trial on November 6, 2017 if the present issue does not resolved.  
Discussion ensued as to a date to hear Pretrial Motions.  
Respective counsel agreed to have the Pretrial Motions heard on August 16, 2017  
with the Motion to Confirm Trial.

COURT ORDERED: Pretrial Motions hearing shall be set for August 16, 2016 at  
1:30 p.m. Respective counsel shall confer and file a stipulation of dates agreed  
upon.

CASE NO. CV16-00767

GEORGE S. YOUNT et al. vs. CRISWELL RADOVAN ET AL.

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

08/16/17

PRE-TRIAL CONFERENCE

HONORABLE

Rick Campbell, Esq., was present in Court on behalf of the Plaintiff, who was not present.

PATRICK

Martin Little, Esq., was present in Court on behalf of Defendants Criswell Radovan et al., who were not present.

FLANAGAN

DEPT. NO. 7

K. Oates

Andrew Wolf, Esq., was present in Court on behalf of Defendants Marriner, who were not present.

(Clerk)

S. Koetting

1:20 p.m. – Court convened with Court and counsel present.

(Reporter)

Counsel Campbell, on behalf the Plaintiff, addressed the Court and advised that he is ready to proceed with trial.

Counsel Little, on behalf of Defendants Criswell Radovan et al., addressed the Court and responded that he starts a trial in Denver, Colorado, on August 21, 2017.

Counsel Campbell responded that he will need two days for his portion of the trial.

Counsel Little replied that he expects this case to be tried in four days.

Counsel Wolf, on behalf of Defendants Marriner, addressed the Court and inquired if any witnesses are expected to be called other than party witnesses.

Exhibits and witness testimony were discussed between the Court and counsel.

Respective counsel responded that no experts will be called at trial.

COURT ORDERED: Trial will begin on Tuesday, August 29, 2017 at 9:00 a.m. and there will be no Opening Statements presented. It is further ordered that Trial Statements and the Findings of Fact, Conclusions of Law and Judgment are due to the Court no later than 12:00 p.m. on Friday, August 25, 2017. It is further ordered that the exhibit marking in this matter is scheduled for Monday, August 28, 2017 at 3:00 p.m. in Department Seven's Jury Room, and counsel are to contact the Court's IT Department with any equipment requests, including Skype.

Counsel Campbell responded that counsel can confer after Court as to witnesses expected to be called at trial.

1:42 p.m. – Court stood in recess.

CASE NO. CV16-00767

GEORGE S. YOUNT et al. vs. CRISWELL RADOVAN ET AL.

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

08/29/17  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
K. Oates  
(Clerk)  
S. Koetting  
(Reporter)

NON-JURY TRIAL (Day One)

Rick Campbell, Esq., was present in Court on behalf of Plaintiff George S. Yount, who was present.

Martin Little, Esq., was present in Court on behalf of Defendants Criswell Radovan, with Defendants William Criswell and Robert Radovan present.

Andrew Wolf, Esq., was present in Court on behalf of Defendants Marriner, with Defendant David Fulton Marriner present.

9:35 a.m. – Court convened with Court, counsel and respective parties present.

Prior to the commencement of Court, Plaintiff's Exhibits 1 – 76; Defendants Criswell Radovan Exhibits 100 – 156; and Defendants Marriner Exhibits 200 – 213 were marked for identification.

Counsel Little, on behalf of Defendants Criswell Radovan et al. addressed the Court and Invoked the Rule of Exclusion, to include witnesses that may be present in the Courtroom.

Counsel Campbell, on behalf of the Plaintiff, addressed the Court and advised he would not be calling the Plaintiff's wife as a witness at trial, so she can remain in the Courtroom.

Counsel Campbell called **David Fulton Marriner**, who was sworn and direct examined.

**COURT ORDERED: By stipulation of counsel, Plaintiff's Exhibits 1 – 76; Defendants Criswell Radovan Exhibits 100 – 156; and Defendants Marriner Exhibits 200 – 213 were ADMITTED.**

10:42 a.m. – Morning Recess.

11:06 a.m. – Court reconvened with Court, counsel and Plaintiff present.

David Fulton Marriner resumed the stand, heretofore sworn and further direct examination conducted.

12:02 p.m. – Noon Recess. Court to reconvene at 1:15 p.m.

1:23 p.m. – Court reconvened with Court, counsel and respective parties present.

David Fulton Marriner resumed the stand, heretofore sworn and further direct examination conducted; cross-examination conducted

CONTINUED TO

CONTINUED TO



CASE NO. CV16-00767

GEORGE S. YOUNT et al. vs. CRISWELL RADOVAN ET AL.

Page Two

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

08/29/17  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
K. Oates  
(Clerk)  
S. Koetting  
(Reporter)

NON-JURY TRIAL (Day One)

by counsel Wolf, on behalf of Defendants Marriner; counsel Little conducted cross-examination.

2:36 p.m. – Afternoon Recess.

2:59 p.m. – Court reconvened with Court, counsel and respective parties present.

David Fulton Marriner resumed the stand, heretofore sworn and further cross-examined by counsel Little; re-direct examination conducted; re-cross examination waived by counsel Little and Wolfe; witness excused, subject to recall.

Counsel Campbell, on behalf of the Plaintiff, called **William Criswell**, who was sworn and direct examined.

Court to reconvene on Wednesday, August 30, 2017 at 9:00 a.m.

4:48 p.m. – Court stood in recess.

10/10

CASE NO. CV16-00767

GEORGE S. YOUNT et al. vs. CRISWELL RADOVAN ET AL.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

08/30/17  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
K. Oates  
(Clerk)  
S. Koetting  
(Reporter)

NON-JURY TRIAL (Day Two)

Rick Campbell, Esq., was present in Court on behalf of Plaintiff George S. Yount, who was present.

Martin Little, Esq., was present in Court on behalf of Defendants Criswell Radovan, with Defendants William Criswell and Robert Radovan present.

Andrew Wolf, Esq., was present in Court on behalf of Defendants Marriner, with Defendant David Fulton Marriner present.

9:08 a.m. – Court convened with Court, counsel and respective parties present.

Defendant William Criswell resumed the stand, heretofore sworn and further direct examined by counsel Campbell.

10:10 a.m. – Morning Recess.

10:40 a.m. – Court reconvened with Court, counsel and respective parties present.

Defendant William Criswell resumed the stand, heretofore sworn and further direct examined by counsel Campbell.

11:37 a.m. – Noon Recess. Court to reconvene at 1:30 p.m.

1:32 p.m. – Court convened with Court, counsel and respective parties present.

Defendant William Criswell resumed the stand, heretofore sworn and cross-examined by counsel Little; cross-examination waived by counsel Wolf; re-direct examination conducted; counsel Little conducted re-cross examination; counsel Wolfe conducted re-cross-examination; counsel Campbell conducted further re-direct examination; witness excused; subject to recall.

2:37 p.m. – Afternoon Recess.

3:08 p.m. – Court convened with Court, counsel and respective parties present.

Counsel Campbell, on behalf of the Plaintiff, called **Robert Radovan**, who was sworn and direct examined.

Court to reconvene on Thursday, August 31, 2017 at 9:00 a.m.

4:46 p.m. – Court stood in recess.

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONTINUED TO
08/31/17 HONORABLE PATRICK FLANAGAN DEPT. NO. 7 K. Oates (Clerk) S. Koetting (Reporter)	<p><u>NON-JURY TRIAL (Day Three)</u></p> <p>Rick Campbell, Esq., was present in Court on behalf of Plaintiff George S. Yount, who was present.</p> <p>Martin Little, Esq., was present in Court on behalf of Defendants Criswell Radovan, with Defendants William Criswell and Robert Radovan present.</p> <p>Andrew Wolf, Esq., was present in Court on behalf of Defendants Marriner, with Defendant David Fulton Marriner present.</p> <p>9:03 a.m. – Court convened with Court, counsel and respective parties present.</p> <p>Counsel Campbell, on behalf of the Plaintiff, called <b>Bruce Coleman</b>, who was sworn and presented testimony via Skype; cross-examination conducted by counsel Little; cross-examination waived by counsel Wolf; re-direct examination conducted by counsel Campbell; re-cross examination conducted by counsel Little; re-cross examination waived by counsel Wolf; further re-direct examination conducted; witness excused.</p> <p>10:34 a.m. – Morning Recess.</p> <p>11:00 a.m. – Court reconvened with Court, counsel and respective parties present.</p> <p>Robert Radovan resumed the stand, heretofore sworn and further direct examination conducted by counsel Campbell; cross-examination conducted by counsel Little.</p> <p>12:17 p.m. – Noon Recess. Court to reconvene at 1:30 p.m.</p> <p>1:35 p.m. – Court reconvened with Court, counsel and respective parties present.</p> <p>Robert Radovan resumed the stand, heretofore sworn and cross-examination conducted by counsel Wolf; counsel Campbell conducted re-direct examination; counsel Little conducted re-cross examination; counsel Wolf conducted re-cross examination conducted; witness excused.</p> <p>Counsel Campbell, on behalf of the Plaintiff called <b>George S. Yount</b>, who was sworn and direct examined.</p> <p>2:48 p.m. – Afternoon Recess.</p>	

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

## APPEARANCES-HEARING

## CONTINUED TO

08/31/17

NON-JURY TRIAL (Day Three)

HONORABLE

3:12 p.m. – Court reconvened with Court, counsel and respective parties present.

PATRICK

FLANAGAN

George S. Yount resumed the stand, heretofore sworn and further direct examination conducted.

DEPT. NO. 7

K. Oates

The Court and counsel discussed the remaining trial schedule to include resuming at 9:00 a.m. tomorrow, 1:30 p.m. on Wednesday, September 6, 2017 and 9:00 a.m. on Thursday, September 7, 2017. Additionally, any objections to testifying witnesses will be filed with the Court no later than Friday, September 1, 2017, with a subsequent ruling to follow by the Court.

(Clerk)

S. Koetting

Court to reconvene on Friday, September 1, 2017 at 9:00 a.m.

(Reporter)

5:02 p.m. – Court stood in recess.

CASE NO. CV16-00767

GEORGE S. YOUNT et al. vs. CRISWELL RADOVAN ET AL.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

09/01/17

NON-JURY TRIAL (Day Four)

HONORABLE

Rick Campbell, Esq., was present in Court on behalf of Plaintiff George S. Yount, who was present.

PATRICK

Martin Little, Esq., was present in Court on behalf of Defendants Criswell Radovan, with Defendants William Criswell and Robert Radovan present.

FLANAGAN

DEPT. NO. 7

K. Oates

(Clerk)

Andrew Wolf, Esq., was present in Court on behalf of Defendants Marriner, with Defendant David Fulton Marriner present.

S. Koetting

(Reporter)

9:03 a.m. – Court convened with Court, counsel and respective parties present.

Plaintiff George S. Yount resumed the stand, heretofore sworn and cross-examination conducted by counsel Little.

Deposition Transcript of **George S. Yount Open and Published; SO ORDERED.**

10:25 a.m. – Morning Recess.

10:35 a.m. – Court reconvened with Court, counsel and respective parties present.

Plaintiff George S. Yount resumed the stand, heretofore sworn and cross-examined by counsel Little.

Court to reconvene on Wednesday, September 6, 2017 at 1:30 p.m.

11:32 a.m. – Court stood in recess.

CASE NO. CV16-00767

GEORGE S. YOUNT et al. vs. CRISWELL RADOVAN ET AL.

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

09/06/17

HONORABLE  
PATRICK

FLANAGAN

DEPT. NO. 7

K. Oates

(Clerk)

S. Koetting

(Reporter)

NON-JURY TRIAL (Day Five)

Rick Campbell, Esq., was present in Court on behalf of Plaintiff George S. Yount, who was present.

Martin Little, Esq., was present in Court on behalf of Defendants Criswell Radovan, with Defendants William Criswell and Robert Radovan present.

Andrew Wolf, Esq., was present in Court on behalf of Defendants Marriner, with Defendant David Fulton Marriner present.

1:38 p.m. – Court convened with Court, counsel and respective parties present.

Plaintiff George S. Yount resumed the stand, heretofore sworn and further cross-examination conducted by counsel Little; cross-examination conducted by counsel Wolf; re-direct examination conducted.

3:28 p.m. – Afternoon Recess.

3:50 p.m. – Court reconvened with Court, counsel and respective parties present.

George S. Yount resumed the stand, heretofore sworn and further direct examination conducted.

Counsel for the Plaintiff moved to mark and admit an additional exhibit; counsel Little and Wolf stated their objections; Objection SUSTAINED.

Counsel Little conducted re-cross examination; counsel Wolf waived cross-examination; witness excused.

Counsel Campbell, on behalf of the Plaintiff, called **Brandon Chaney**, who was sworn and direct examined.

Court to reconvene on Thursday, September 7, 2017 at 9:00 a.m.

4:53 p.m. – Court stood in recess.



DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

## APPEARANCES-HEARING

## CONTINUED TO

09/07/17

NON-JURY TRIAL (Day Six)HONORABLE  
PATRICK

Rick Campbell, Esq., was present in Court on behalf of Plaintiff George S. Yount, who was present.

FLANAGAN

Martin Little, Esq., was present in Court on behalf of Defendants

DEPT. NO. 7

Criswell Radovan, with Defendants William Criswell and Robert

K. Oates

Radovan present.

(Clerk)

Andrew Wolf, Esq., was present in Court on behalf of Defendants

S. Koetting

Marriner, with Defendant David Fulton Marriner present.

(Reporter)

9:03 a.m. – Court convened with Court, counsel and respective parties present.

Counsel for the Plaintiff called **Kenneth Tratner**, who was sworn and direct examined via Skype; cross-examination conducted by counsel Little; cross-examination conducted by counsel Wolf; re-direct examination waived; witness excused.

Brandon Chaney resumed the stand, heretofore sworn and further direct examination conducted by counsel Campbell.

**Exhibit 77** marked for identification; offered; no objections stated; **ADMITTED.**

**Exhibit 78** marked for identification; offered; objections stated; objections overruled; **ADMITTED.**

Counsel Little conducted cross-examination.

**Exhibits 214 and 215** offered; no objection; **ADMITTED.**

Counsel Wolf conducted cross-examination; counsel Little conducted additional cross-examination; re-direct examination conducted; counsel Little conducted re-cross examination; counsel Wolf waived re-cross examination; witness excused.

Counsel Campbell, on behalf of the Plaintiff, rested the Plaintiff's case.

Counsel Little responded he would be recalling Defendant Radovan to the stand.

11:30 a.m. – Noon Recess. Court to reconvene at 1:45 p.m.

1:43 p.m. – Court reconvened with Court, counsel and respective parties present.

Counsel Little, on behalf of Defendant Criswell, Radovan, recalled **Robert Radovan**, heretofore sworn and direct examined.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

## APPEARANCES-HEARING

## CONTINUED TO

09/07/17  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
K. Oates  
(Clerk)  
S. Koetting  
(Reporter)

**NON-JURY TRIAL (Day Six)**

**Exhibit 216** marked for identification; offered; no objection;  
**ADMITTED.**

Counsel Little moved to have witness Radovan play a voicemail message located on his cell phone; counsel for the Plaintiff stated his objection.

COURT ORDERED: The objection is overruled, and the voicemail message will be played for the Court. It is further ordered that the Court Reporter will transcribe the voicemail message and provide a copy to the Court Clerk which will be marked and **ADMITTED** as **Exhibit 217.**

Counsel Campbell conducted cross-examination.

**Exhibit 79** marked for identification; offered; no objection;  
**ADMITTED.**

Counsel Little conducted re-direct examination; no re-cross examination conducted; witness excused.

Counsel Little, on behalf of the Defendants, rested the Defendants' case.

Court will reconvene on Friday, September 8, 2017 at 9:00 a.m. beginning with Closing Arguments.

2:25 p.m. – Court stood in recess.



CASE NO. CV16-00767

GEORGE S. YOUNT et al. vs. CRISWELL RADOVAN ET AL.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

09/08/17

NON-JURY TRIAL (Day Seven)

HONORABLE  
PATRICK

Rick Campbell, Esq., was present in Court on behalf of Plaintiff George S. Yount, who was present.

FLANAGAN

Martin Little, Esq., was present in Court on behalf of Defendants

DEPT. NO. 7

Criswell Radovan, with Defendants William Criswell and Robert

K. Oates

Radovan present.

(Clerk)

Andrew Wolf, Esq., was present in Court on behalf of Defendants

S. Koetting

Marriner, with Defendant David Fulton Marriner present.

(Reporter)

9:35 a.m. – Court convened with Court, counsel and respective parties present.

The Court inquired of counsel for the Plaintiff, who in turn addressed the Court and responded.

Counsel Campbell, on behalf of the Plaintiff, conducted Closing Argument.

Counsel Little, on behalf of Defendants Criswell Radovan, addressed the Court and conducted Closing Argument.

Counsel Wolf, on behalf of Defendants Marriner, addressed the Court and conducted Closing Argument.

11:45 a.m. – Noon Recess. Court to reconvene at 1:10 p.m.

1:14 p.m. – Court reconvened with Court, counsel and respective parties present.

Counsel Wolf, on behalf of Defendants Marriner, continued with Closing Argument.

Counsel Campbell, on behalf of the Plaintiff, conducted final Closing Argument.

1:51 p.m. – Afternoon Recess.

2:50 p.m. - Court reconvened with Court, counsel and respective parties present.

COURT ORDERED: The Court recited an extensive procedural history of this case, and findings to include: Plaintiff's Causes of Action 1 – 7 are DISMISSED; the Crossclaim by Defendants Marriner against the other Defendants is DISMISSED AS MOOT; the Defendants' Counterclaim as to unclean hands is GRANTED; and damages are awarded against the Plaintiff in favor of all Defendants in the amount of 1.5 million each, two years' salary, management

CASE NO. CV16-00767

GEORGE S. YOUNT et al. vs. CRISWELL RADOVAN ET AL.

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DATE, JUDGE  
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APPEARANCES-HEARING

CONTINUED TO

09/08/17  
HONORABLE  
PATRICK  
FLANAGAN  
DEPT. NO. 7  
K. Oates  
(Clerk)  
S. Koetting  
(Reporter)

NON-JURY TRIAL (Day Seven)  
fees, lost wages and attorney's fees. Defense counsel Little and  
Wolf are to prepare the proposed order.  
5:02 p.m. – Court stood in recess.

## Non-Jury Trial Exhibits

PLTF: **GEORGE S. YOUNT et al.**

PATY: **Rick Campbell, Esq.**

DEFT: **CRISWELL RADOVAN et al.**

DATY: **Martin Little, Esq. & Andrew Wolf, Esq.**

Case No: **CV16-00767** Dept. No: **7** Clerk: **Kim Oates**

Date: **August 29, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	Plaintiff	Real Estate Consulting Agreement Cal Neva Lodge Development	08-28-17	Stipulated	08-29-17
2	Plaintiff	Email from Yount to Dave Marriner re: Cal Neva Lodge Business Plan	08-28-17	Stipulated	08-29-17
3	Plaintiff	Private Placement Memorandum	08-28-17	Stipulated	08-29-17
4	Plaintiff	CalNeva Resort & Casino Confidential Offering Memorandum	08-28-17	Stipulated	08-29-17
5	Plaintiff	Cal Neva Lodge, LLC Amended and Restated Operation Agreement	08-28-17	Stipulated	08-29-17
6	Plaintiff	Email from Marriner to Yount re: Cal Neva Progress Pictures and Video	08-28-17	Stipulated	08-29-17
7	Plaintiff	Email from Yount to Marriner re: Cal Neva	08-28-17	Stipulated	08-29-17
8	Plaintiff	Email from Marriner to Yount re: Cal Neva	08-28-17	Stipulated	08-29-17
9	Plaintiff	Email from Marriner to Yount re: "Confidential" Cal Neva Founders Equity	08-28-17	Stipulated	08-29-17
10	Plaintiff	CalNeva Renovation Monthly Status Report	08-28-17	Stipulated	08-29-17
11	Plaintiff	Email from Marriner to Yount re: Cal Neva	08-28-17	Stipulated	08-29-17
12	Plaintiff	Email from Marriner to Yount re: Cal Neva	08-28-17	Stipulated	08-29-17
13	Plaintiff	Email from Peter Grove to Yount re: Cal Neva	08-28-17	Stipulated	08-29-17
14	Plaintiff	Email from Marriner to Yount re: Cal Neva	08-28-17	Stipulated	08-29-17

## Non-Jury Trial Exhibits

PLTF: **GEORGE S. YOUNT et al.**

PATY: **Rick Campbell, Esq.**

DEFT: **CRISWELL RADOVAN et al.**

DATY: **Martin Little, Esq. & Andrew Wolf, Esq.**

Case No: **CV16-00767** Dept. No: **7** Clerk: **Kim Oates**

Date: **August 29, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
15	Plaintiff	Email from Yount to Marriner re: Cal-Neva/Progress Report (Confidential)	08-28-17	Stipulated	08-29-17
16	Plaintiff	Email from Marriner to Younts re: Cal-Neva/Progress Report (Confidential)	08-28-17	Stipulated	08-29-17
17	Plaintiff	Email from Yount to Robert Radovan re: Cal Neva	08-28-17	Stipulated	08-29-17
18	Plaintiff	Email from Robert Radovan to Yount re: Cal Neva	08-28-17	Stipulated	08-29-17
19	Plaintiff	Email from Yount to Ken Tratner re: Potential 401k Investment for Stu	08-28-17	Stipulated	08-29-17
20	Plaintiff	Email from Robert Radovan to Yount re: Debt	08-28-17	Stipulated	08-29-17
21	Plaintiff	Cal Neva Lodge Investment Notes	08-28-17	Stipulated	08-29-17
22	Plaintiff	Email from Marriner to Yount re: Cal Neva	08-28-17	Stipulated	08-29-17
23	Plaintiff	Email from Yount to Ken Tratner re: Cal Neva	08-28-17	Stipulated	08-29-17
24	Plaintiff	Email from Robert Radovan to Yount re: Questions	08-28-17	Stipulated	08-29-17
25	Plaintiff	Email from Pete Dordick to Yount, et al re: Calneva	08-28-17	Stipulated	08-29-17
26	Plaintiff	Email from Yount to Pete Dordick, et al re: Calneva	08-28-17	Stipulated	08-29-17
27	Plaintiff	Email from Yount to Ken Tratner re: Cal Neva	08-28-17	Stipulated	08-29-17
28	Plaintiff	Email from Yount to Peter Grove re: Cal Neva	08-28-17	Stipulated	08-29-17

## Non-Jury Trial Exhibits

PLTF: **GEORGE S. YOUNT et al.**

PATY: **Rick Campbell, Esq.**

DEFT: **CRISWELL RADOVAN et al.**

DATY: **Martin Little, Esq. & Andrew Wolf, Esq.**

Case No: **CV16-00767** Dept. No: **7** Clerk: **Kim Oates**

Date: **August 29, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
29	Plaintiff	Email from Yount to Marriner re: Cal Neva Founder's Membership	08-28-17	Stipulated	08-29-17
30	Plaintiff	Email from Marriner to Yount re: Application forms for your self-directed IRA	08-28-17	Stipulated	08-29-17
31	Plaintiff	Email from Doug Driver to Yount re: Cal Neva	08-28-17	Stipulated	08-29-17
32	Plaintiff	Email from Marriner to Yount re: Cal Neva	08-28-17	Stipulated	08-29-17
33	Plaintiff	Email from Heather Hill to Bruce Coleman re: Cal Neva Equity	08-28-17	Stipulated	08-29-17
34	Plaintiff	Email from Yount to Doug Driver re: Cal Neva	08-28-17	Stipulated	08-29-17
35	Plaintiff	Email from Heather Hill to Yount & Radovan re: Cal Neva	08-28-17	Stipulated	08-29-17
36	Plaintiff	Email from Robert Radovan to Yount re: (no subject)	08-28-17	Stipulated	08-29-17
37	Plaintiff	Email from Yount to Marriner re: Cal Neva	08-28-17	Stipulated	08-29-17
38	Plaintiff	Email from Heather Hill to Cheri Montgomery re: Cal Neva Investment – Mr. Yount	08-28-17	Stipulated	08-29-17
39	Plaintiff	Email from Marriner to Younts re: Cal Neva Founder's Ownership	08-28-17	Stipulated	08-29-17
40	Plaintiff	Acceptance of Subscription	08-28-17	Stipulated	08-29-17
41	Plaintiff	Email from Yount to Marriner re: Cal Neva	08-28-17	Stipulated	08-29-17



## Non-Jury Trial Exhibits

PLTF: **GEORGE S. YOUNT et al.**

PATY: **Rick Campbell, Esq.**

DEFT: **CRISWELL RADOVAN et al.**

DATY: **Martin Little, Esq. & Andrew Wolf, Esq.**

Case No: **CV16-00767** Dept. No: **7** Clerk: **Kim Oates**

Date: **August 29, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
42	Plaintiff	Email from Cheri Montgomery to Doug Driver re: Signed documents for – Cal Neva investment – Mr. Yount	08-28-17	Stipulated	08-29-17
43	Plaintiff	140784.00 Cal Neva Tower Renovation Contract Change Orders -8 -14	08-28-17	Stipulated	08-29-17
44	Plaintiff	Email from Heather Hill to Anthony Zabit, et al re: Financials by quarter through Q3	08-28-17	Stipulated	08-29-17
45	Plaintiff	Email from Marriner to Robert Radovan & William Criswell re: Questions from Financial Mtg	08-28-17	Stipulated	08-29-17
46	Plaintiff	Email from Yount to Bill Criswell re: FW:	08-28-17	Stipulated	08-29-17
47	Plaintiff	Email from Yount to Marriner re: Cal Neva Progress Report (Confidential)	08-28-17	Stipulated	08-29-17
48	Plaintiff	Email from Yount to Paul Jameson re: Cal Neva Progress Report (Confidential)	08-28-17	Stipulated	08-29-17
49	Plaintiff	Email from Heather Hill to <a href="mailto:jasperreddog@gmail.com">jasperreddog@gmail.com</a> , et al re: Executive Committee Meeting/Call Dec 18, 2015	08-28-17	Stipulated	08-29-17
50	Plaintiff	Email from Paul Jameson to Yount re: Cal-Neva Investment	08-28-17	Stipulated	08-29-17

## Non-Jury Trial Exhibits

PLTF: **GEORGE S. YOUNT et al.**

PATY: **Rick Campbell, Esq.**

DEFT: **CRISWELL RADOVAN et al.**

DATY: **Martin Little, Esq. & Andrew Wolf, Esq.**

Case No: **CV16-00767** Dept. No: **7** Clerk: **Kim Oates**

Date: **August 29, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
51	Plaintiff	Email from William Criswell to Yount re: Cal Neva-Investment	08-28-17	Stipulated	08-29-17
52	Plaintiff	Email from Paul Jameson to Anthony Zabit, et al re: Agenda and materials – missing items	08-28-17	Stipulated	08-29-17
53	Plaintiff	Email from Bruce Coleman to William Criswell and Robert Radovan re: Proposed Amendment to Operating Agreement	08-28-17	Stipulated	08-29-17
54	Plaintiff	Email from Heather Hill to Anthony Zabit, et al re: Additional items for the call today	08-28-17	Stipulated	08-29-17
55	Plaintiff	Email from Paul Jameson to Yount, Heather Bacon and Geri Yount re: Follow up	08-28-17	Stipulated	08-29-17
56	Plaintiff	Email from Yount to Heather Hill, et al re: Meeting Minutes Jan 8, 2016	08-28-17	Stipulated	08-29-17
57	Plaintiff	Email from Heather Hill to Marriner, Robert Radovan and William Criswell re: January 19 <sup>th</sup> 11am (PT) Executive Committee & Member call	08-28-17	Stipulated	08-29-17
58	Plaintiff	Email from Yount to Molly Kingston re: Cal Neva	08-28-17	Stipulated	08-29-17
59	Plaintiff	Email from Paul Jameson to Yount re: January 27 <sup>th</sup> Cal Neva Monthly Meeting	08-28-17	Stipulated	08-29-17

## Non-Jury Trial Exhibits

**PLTF: GEORGE S. YOUNT et al.**

**PATY: Rick Campbell, Esq.**

**DEFT: CRISWELL RADOVAN et al.**

**DATY: Martin Little, Esq. & Andrew Wolf, Esq.**

**Case No: CV16-00767 Dept. No: 7 Clerk: Kim Oates**

**Date: August 29, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
60	Plaintiff	Email from Marriner to Jeremy Page re: January 27 <sup>th</sup> Cal Neva Monthly Meeting	08-28-17	Stipulated	08-29-17
61	Plaintiff	Email from Robert Radovan to Bruce Coleman re: January 27 <sup>th</sup> Cal Neva Monthly Meeting	08-28-17	Stipulated	08-29-17
62	Plaintiff	Email from Yount to Marriner re: January 27 <sup>th</sup> Cal Neva Monthly Meeting	08-28-17	Stipulated	08-29-17
63	Plaintiff	Email from William Criswell to Yount re: Assignment of Interest in Cal Neva Lodge, LLC	08-28-17	Stipulated	08-29-17
64	Plaintiff	Email from William Criswell to Heather Hill re: Stewart Yount Documents	08-28-17	Stipulated	08-29-17
65	Plaintiff	Email from Bruce Coleman to Yount re: Assignment of Interest in Cal Neva Lodge, LLC	08-28-17	Stipulated	08-29-17
66	Plaintiff	Email from Yount to Bruce Coleman re: Assignment of Interest in Cal Neva Lodge, LLC	08-28-17	Stipulated	08-29-17
67	Plaintiff	Email from Yount to Coleman re: Assignment of Interest in Cal Neva Lodge, LLC	08-28-17	Stipulated	08-29-17
68	Plaintiff	Email from Radovan to Paul Jameson re: Savage & Sons	08-28-17	Stipulated	08-29-17
69	Plaintiff	Email from Yount to Robert Radovan and Bill Criswell re: Yount Cal Neva Investment	08-28-17	Stipulated	08-29-17



## Non-Jury Trial Exhibits

PLTF: **GEORGE S. YOUNT et al.**

PATY: **Rick Campbell, Esq.**

DEFT: **CRISWELL RADOVAN et al.**

DATY: **Martin Little, Esq. & Andrew Wolf, Esq.**

Case No: **CV16-00767** Dept. No: **7** Clerk: **Kim Oates**

Date: **August 29, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
70	Plaintiff	Email from Bruce Coleman to William Criswell re: Yount IRA Investment	08-28-17	Stipulated	08-29-17
71	Plaintiff	Email from Bruce Coleman to Yount re: Yount IRA Investment	08-28-17	Stipulated	08-29-17
72	Plaintiff	Email from Yount to Bruce Coleman re: January 27 Cal Neva Monthly Meetings	08-28-17	Stipulated	08-29-17
73	Plaintiff	Email from Radovan to Criswell re: Stuart Yount Complaint	08-28-17	Stipulated	08-29-17
74	Plaintiff	Email from Robert Radovan to William Criswell re: Yount v. Criswell Radovan, LLC, et al.	08-28-17	Stipulated	08-29-17
75	Plaintiff	Email from Heather Hill to Criswell & Radovan re: Yount/Marriner	08-28-17	Stipulated	08-29-17
76	Plaintiff	Email from Ali P. Hamidi to Marriner re: Yount law suit	08-28-17	Stipulated	08-29-17
77	Plaintiff	Letter to Criswell Radovan, LLC from Mosaic Real Estate Credit, LLC dated February 24, 2016	09-07-17	No Objections Stated	09-07-17
78	Plaintiff	Documentation dated March 9, 2016 To the Members of the IMC Investment Group CNR, LLC from Darsi Casey	09-07-17	Objections Stated; Objections Overruled	09-07-17
79	Plaintiff	E-mail to Richard Campbell from Brandon Chaney dated September 4, 2017	09-07-17	No Objection	09-07-17

## Non-Jury Trial Exhibits

PLTF: **GEORGE S. YOUNT et al.**

PATY: **Rick Campbell, Esq.**

DEFT: **CRISWELL RADOVAN et al.**

DATY: **Martin Little, Esq. & Andrew Wolf, Esq.**

Case No: **CV16-00767** Dept. No: **7** Clerk: **Kim Oates**

Date: **August 29, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
100	Defendants Criswell Radovan	Email string Yount to Driver (2/21/14) re Cal Neva NDA (Yount, Exhibit 49) GSY002644-2646	08-28-17	Stipulated	08-29-17
101	Defendants Criswell Radovan	Cal Neva Funding Status (4/23/14) chart (Marriner, Exhibit 21)	08-28-17	Stipulated	08-29-17
102	Defendants Criswell Radovan	Email string Yount to Radovan (7/29/15) (Yount, Exhibit 59)	08-28-17	Stipulated	08-29-17
103	Defendants Criswell Radovan	Email string Yount to Tratner (8/8/15) re potential 401k investment for Stu (GSY004677-4679)	08-28-17	Stipulated	08-29-17
104	Defendants Criswell Radovan	Email string Yount to Tratner (8/17/15) re Calneva (GSY000856-857)	08-28-17	Stipulated	08-29-17
105	Defendants Criswell Radovan	Email string Marriner to Yount (9/16/15) chart (Marriner, Exhibit 30)	08-28-17	Stipulated	08-29-17
106	Defendants Criswell Radovan	Email string Marriner to Yount (10/1/15) chart (Marriner, Exhibit 31)	08-28-17	Stipulated	08-29-17
107	Defendants Criswell Radovan	Wiring Instructions Criswell Radovan, LLC (Yount, Exhibit 71)	08-28-17	Stipulated	08-29-17
108	Defendants Criswell Radovan	Email transmittal from Montgomery/Premier Trust to Driver (10/14/15) re signed documents for Cal Neva investment – Mr. Yount (Coleman, Exhibit 36)	08-28-17	Stipulated	08-29-17

## Non-Jury Trial Exhibits

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Case No: **CV16-00767** Dept. No: **7** Clerk: **Kim Oates**

Date: **August 29, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
109	Defendants Criswell Radovan	Email Chaney to investors Racich, et al. (12/17/15) re Cal Neva information on Drop Box (GSY000350)	08-28-17	Stipulated	08-29-17
110	Defendants Criswell Radovan	Email Jameson to Busick, et al (12/22/15) re Investor Action List (GSY000296-298)	08-28-17	Stipulated	08-29-17
111	Defendants Criswell Radovan	Correspondence from Cannito/PENTA to Cal-Neva Lodge and TDS, Inc. (12/31/15) re Demand for Evidence of Adequate Financial Arrangements and Notice of Right to Stop Work Pursuant to NRS 624.610(1) (GSY001815-1816)	08-28-17	Stipulated	08-29-17
112	Defendants Criswell Radovan	Email Young to Jameson (1/7/16) re PENTA letter (GSY001817)	08-28-17	Stipulated	08-29-17
113	Defendants Criswell Radovan	Email string Jameson to Hill, et al., (1/7/16) re Agenda and materials-missing items, and equity table (GSY002068-2069)	08-28-17	Stipulated	08-29-17
114	Defendants Criswell Radovan	Email Jameson to Criswell, et al (1/22/16) re CR and preferred majority discussion pre-EC meeting 1/27 at IMC	08-28-17	Stipulated	08-29-17
115	Defendants Criswell Radovan	Email Chaney to Young (1/24/16) re discussion about Robert (Yount, Exhibit 79)	08-28-17	Stipulated	08-29-17

## Non-Jury Trial Exhibits

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Case No: **CV16-00767** Dept. No: **7** Clerk: **Kim Oates**

Date: **August 29, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
116	Defendants Criswell Radovan	Email string Jameson to Yount (1/25/16) re "My Notes" (GSY004648)	08-28-17	Stipulated	08-29-17
117	Defendants Criswell Radovan	Email string Gibson to Marriner, et al. (1/26/16) re Cal Neva Monthly Meeting (GSY 004548-4557)	08-28-17	Stipulated	08-29-17
118	Defendants Criswell Radovan	Email Jameson to Yount (1/26/16) re CR (Yount, Exhibit 81) (GSY002999)	08-28-17	Stipulated	08-29-17
119	Defendants Criswell Radovan	Email Jameson to Busick (1/27/16) re Cal Neva Meeting next week (Yount, Exhibit 82) (GSY002584-2587)	08-28-17	Stipulated	08-29-17
120	Defendants Criswell Radovan	Email Jameson to Yount (1/28/16) re Rogert – North Light (Yount, Exhibit 83) (GSY004721)	08-28-17	Stipulated	08-29-17
121	Defendants Criswell Radovan	Email Yount to Jameson (1/30/16) re talk with Jeremy (GSY005040)	08-28-17	Stipulated	08-29-17
122	Defendants Criswell Radovan	Email string Jameson to Yount (1/31/16) re talk with Jeremy (Yount, Exhibit 84) (GSY004797-4798)	08-28-17	Stipulated	08-29-17
123	Defendants Criswell Radovan	Email string Criswell to Hill re Assignment of Interest in LLC with attached documents (Coleman, Exhibit 40) (CR000212-219)	08-28-17	Stipulated	08-29-17

## Non-Jury Trial Exhibits

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Case No: **CV16-00767** Dept. No: **7** Clerk: **Kim Oates**

Date: **August 29, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
124	Defendants Criswell Radovan	Email string Jameson to Radovan, et al. (2/2/16) re Interim EC report re 2/1 Mosaic loan meeting (page 76-80)	08-28-17	Stipulated	08-29-17
125	Defendants Criswell Radovan	Email from Yount to Kingston (2/2/16) re "utterly confused" re meeting with Mosaic 2/1 (GSY004841)	08-28-17	Stipulated	08-29-17
126	Defendants Criswell Radovan	Email from Kingston to Yount (2/2/16) re "novel approach" [Confidential] re CR (GSY001805)	08-28-17	Stipulated	08-29-17
127	Defendants Criswell Radovan	Email string Jameson to Yount (2/2/16) re assignment of interest in Cal Neva Lodge, LLC (Yount, Exhibit 86) (GSY002172-2175)	08-28-17	Stipulated	08-29-17
128	Defendants Criswell Radovan	Email string Yount to Kingston (2/2/16) re "novel approach" [Confidential] re letter to shareholders re CR (Yount, Exhibit 85) (GSY004654-4655)	08-28-17	Stipulated	08-29-17
129	Defendants Criswell Radovan	Email string S Yount to G Yount(2/3/16) re Interim EC report re 2/1 Mosaic loan meeting (Yount, Exhibit 87) (GSY000903-908)	08-28-17	Stipulated	08-29-17
130	Defendants Criswell Radovan	Email string Jameson to Yount (2/5/16) re Sharing Roger info – perhaps Boulder Bay summary (GSY004947)	08-28-17	Stipulated	08-29-17



## Non-Jury Trial Exhibits

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Case No: **CV16-00767** Dept. No: **7** Clerk: **Kim Oates**

Date: **August 29, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
131	Defendants Criswell Radovan	Email string Yount to Jameson (2/5/16) re potential new developers (Yount, Exhibit 88) (GSY004690-4691)	08-28-17	Stipulated	08-29-17
132	Defendants Criswell Radovan	Email string Jameson to Yount (2/14/16) re Paramount-inv (GSY004668-4669)	08-28-17	Stipulated	08-29-17
133	Defendants Criswell Radovan	Email string Jameson to Yount (2/26/16) re "another day!?!?!?" re 5M agreement (Yount, Exhibit 89) (GSY002072-2073)	08-28-17	Stipulated	08-29-17
134	Defendants Criswell Radovan	Email string Jameson to Chaney et al. (2/28/16) re Cal Neva EC Report on Financing (GSY00161-162)	08-28-17	Stipulated	08-29-17
135	Defendants Criswell Radovan	Purchase and Sale Agreement Feb __, 2016, Global Bancorp and New Cal Neva (GSY002446-2473)	08-28-17	Stipulated	08-29-17
136	Defendants Criswell Radovan	Email string (3/8/16) Kingston to Yount re EC voting members excluding CR (GSY04154-4158)	08-28-17	Stipulated	08-29-17
137	Defendants Criswell Radovan	Correspondence Chaney to Radovan and Criswell (3/11/16) re Formal Notice of Breach of Cal Nev Lodge Operating Agreement (GSY001820-1822)	08-28-17	Stipulated	08-29-17

## Non-Jury Trial Exhibits

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Case No: **CV16-00767** Dept. No: **7** Clerk: **Kim Oates**

Date: **August 29, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
138	Defendants Criswell Radovan	Email G Yount to Hill et al (3/14/16) re Cal Neva March 15, 2016 monthly reporting	08-28-17	Stipulated	08-29-17
139	Defendants Criswell Radovan	Email Kingston to Yount (3/14/16) re lack of progress (GSY004619-4621)	08-28-17	Stipulated	08-29-17
140	Defendants Criswell Radovan	Email string Yount to Kingston (3/14/16) re lack of progress (accidental response to confidential email instead of EC email) (Yount, Exhibit 90)(GSY0004602-4605)	08-28-17	Stipulated	08-29-17
141	Defendants Criswell Radovan	Email string Yount to Busick (3/14/16) re lack of progress, re Paul's commission (GSY0004626-4631)	08-28-17	Stipulated	08-29-17
142	Defendants Criswell Radovan	Email string Yount to Jameson (3/15/16) re Important Disclosure to Cal Neva Lodge, LLC Membership (Yount, Exhibit 91) (GSY002044-2047)	08-28-17	Stipulated	08-29-17
143	Defendants Criswell Radovan	Email string Jameson to G Yount (3/16/16) re meeting 3/17/16 (GSY005050)	08-28-17	Stipulated	08-29-17
144	Defendants Criswell Radovan	Email string S Yount to G Yount (3/18/16) re notice as discussed (GSY004650)	08-28-17	Stipulated	08-29-17
145	Defendants Criswell Radovan	Email string Yount to Kingston (3/23/16) re Len Savage – reach out (GSY004638)	08-28-17	Stipulated	08-29-17

## Non-Jury Trial Exhibits

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Case No: **CV16-00767** Dept. No: **7** Clerk: **Kim Oates**

Date: **August 29, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
146	Defendants Criswell Radovan	Email string Jameson to Yount (3/25/16) re Cal Neva (GSY002276-2279)	08-28-17	Stipulated	08-29-17
147	Defendants Criswell Radovan	Executive Summary re CalNeva Hotel & Casino – Phase 2 (GSY000124)	08-28-17	Stipulated	08-29-17
148	Defendants Criswell Radovan	CalNeva Resort – Forecast spreadsheet 2015-2024 (GSY000301-302)	08-28-17	Stipulated	08-29-17
149	Defendants Criswell Radovan	Marx/Okubo Monthly Progress Report No. 14 re Cal-Neva Resort and Spa dated 1/26/16 (GSY00419-439)	08-28-17	Stipulated	08-29-17
150	Defendants Criswell Radovan	Exhibit 2 to Defendant's Opposition to Motion for Summary Judgment – Promissory Note from New Cal-Neva Lodge, LLC to Ladera Development, LLC dated 9/30/14 in the amount of \$6,000,000 (10 pages)	08-28-17	Stipulated	08-29-17
151	Defendants Criswell Radovan	Color charge code spreadsheet/summary for Cal-Neva Hotel (2/1/16) (5 pages)	08-28-17	Stipulated	08-29-17
152	Defendants Criswell Radovan	Unconditional Waiver and Release Upon Progress Payment (12/24/14) re Cal Neva Tower Renovation by PENTA Building Group (CR 000351-360)	08-28-17	Stipulated	08-29-17



## Non-Jury Trial Exhibits

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**Case No: CV16-00767 Dept. No: 7 Clerk: Kim Oates**

**Date: August 29, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
153	Defendants Criswell Radovan	Applications and Certificates for Payment (CR00361-628)	08-28-17	Stipulated	08-29-17
154	Defendants Criswell Radovan	Second Amended Complaint filed 9/27/16 (18 pages)	08-28-17	Stipulated	08-29-17
155	Defendants Criswell Radovan	Exhibit 6 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment (Affidavit of George Stuart Yount)	08-28-17	Stipulated	08-29-17
156	Defendants Criswell Radovan	Schedule of Cal Neva Unsecured Claims	08-28-17	Stipulated	08-29-17
200	Defendants Marriner	Email Yount to Marriner (8/3/2015)	08-28-17	Stipulated	08-29-17
201	Defendants Marriner	Email SY to DM 7/19/2015	08-28-17	Stipulated	08-29-17
202	Defendants Marriner	Email DM to SY 7/22/2015	08-28-17	Stipulated	08-29-17
203	Defendants Marriner	Email SY to DM 7/22/2015	08-28-17	Stipulated	08-29-17
204	Defendants Marriner	Email SY to Ken Tratner 7/26/2015	08-28-17	Stipulated	08-29-17
205	Defendants Marriner	SY Investment Notes 7/26/15	08-28-17	Stipulated	08-29-17
206	Defendants Marriner	Email Radovan to SY 7/27/2015	08-28-17	Stipulated	08-29-17
207	Defendants Marriner	Email SY to Radovan 7/29/2015	08-28-17	Stipulated	08-29-17
208	Defendants Marriner	Emails SY RR & Ken Tratner 8/4/2015	08-28-17	Stipulated	08-29-17

## Non-Jury Trial Exhibits

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Case No: **CV16-00767** Dept. No: **7** Clerk: **Kim Oates**

Date: **August 29, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
209	Defendants Marriner	Emails SY & RR 8/9/2015	08-28-17	Stipulated	08-29-17
210	Defendants Marriner	Email Dordick – SY & Tratner 8/10/15	08-28-17	Stipulated	08-29-17
211	Defendants Marriner	Email RR to SY 10/10/2015	08-28-17	Stipulated	08-29-17
212	Defendants Marriner	Email RR to RY 7/25/2015	08-28-17	Stipulated	08-29-17
213	Defendants Marriner	Email correspondence RR - SY	08-28-17	Stipulated	08-29-17
214	Defendants Criswell Radovan	Spoliation Findings of Fact and Conclusions of Law	09-07-17	No Objection	09-07-17
215	Defendants Criswell Radovan	Order	09-07-17	No Objection	09-07-17
216	Defendants Criswell Radovan	New Cal Neva Lodge, LLC General Journal Transaction	09-07-17	No Objection	09-07-17
217	Defendants Criswell Radovan	Voicemail Message from Defendant Robert Radovan's cell phone – transcribed by Court Reporter Stephanie Koetting	09-07-17	Objection; Objection Overruled	09-07-17

**CASE NO. CV16-00767    TITLE: GEORGE S. YOUNT; ETAL VS. CRISWELL RADOVAN; ETAL**

**OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

---

11/13/17

**STATUS CONFERENCE**

HONORABLE

JEROME M.

POLAHA

DEPT. NO. 3

R. Woosley

(Clerk)

J. Dotson

(Reporter)

Richard Campbell, Esq., Daniel Polsenberg, Esq., and Joel Henriod, Esq., were present telephonically on behalf of the Plaintiff George Stuart Yount. Andrew Wolf, Esq., was present telephonically on behalf of the Defendants Marriner Real Estate and David Marriner. Martin Little, Esq., was present telephonically on behalf of the Defendants Cal Neva, LLC, CR Cal Neva, LLC, Criswell Radovan, LLC, William Criswell, Coleman and Arnold, LLP and Robert Radovan.

Discussion ensued regarding the parties preparing to file post-trial motions.

**COURT** advised the parties that he has reviewed the Honorable Patrick Flanagan's Findings of Act, and inquired whether it is necessary for the Court to review the transcripts of the non-jury trial.

Defense counsel Little addressed the Court, and indicated the Plaintiff had filed an appeal with the Nevada Supreme Court based upon the timing of the Court's non-jury trial decision, and that the parties are set to participate in a settlement conference on December 15, 2017.

**COURT ORDERED** that the case is stayed pending outcome of the parties settlement conference.

**COURT FURTHER ORDERED** briefing schedule set if the parties fail to reach a settlement agreement; joint briefs are to be filed no later than January 16, 2018, and responses shall be filed no later than January 26, 2018.

# ORIGINAL

## BUSINESS COURT CIVIL COVER SHEET

WASHOE County, Nevada  
Case No. 0115 00707  
(Assigned by Clerk's Office)

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

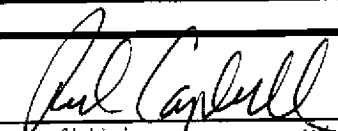
Plaintiff(s) (name/address/phone): George Stuart Yount, individually and in his Capacity as Owner of George Stuart Yount IRA	Defendant(s) (name/address/phone): Criswell Radovan, LLC; CR Cal Neva, LLC; Robert Radovan; William Criswell; Cal Neva Lodge, LLC; Powell, Coleman and Arnold LLP; David Marriner; Marriner Real Estate
Attorney (name/address/phone): Richard G. Campbell, Jr. Downey Brand LLP 100 W. Liberty St., Ste. 900, Reno, NV 89501 775-329-5900	Attorney (name/address/phone):

### II. Nature of Controversy (Please check the applicable boxes for both the civil case type and business court case type)

<input checked="" type="checkbox"/> Arbitration Requested													
<b>Civil Case Filing Types</b>	<b>Business Court Filing Types</b>												
<table border="1"><thead><tr><th>Real Property</th><th>Torts</th></tr></thead><tbody><tr><td><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</td><td><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 type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice</td></tr><tr><td><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</td><td><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</td></tr><tr><td colspan="2"><b>Civil Writs</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</td></tr></tbody></table>	Real Property	Torts	<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 type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Construction Defect &amp; 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<input type="checkbox"/> NRS Chapters 78-89 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Mergers (NRS 92A) <input type="checkbox"/> Uniform Commercial Code (NRS 104) <input type="checkbox"/> Purchase/Sale of Stock, Assets, or Real Estate <input type="checkbox"/> Trademark or Trade Name (NRS 600) <input type="checkbox"/> Enhanced Case Management <input type="checkbox"/> Other Business Court Matters													
<b>WASHOE COUNTY BUSINESS COURT</b>													
<input type="checkbox"/> NRS Chapters 78-88 (BH) <input type="checkbox"/> Commodities (NRS 91) (BI) <input checked="" type="checkbox"/> Securities (NRS 90) (BJ) <input type="checkbox"/> Investments (NRS 104 Art. 8) (BK) <input type="checkbox"/> Deceptive Trade Practices (NRS 598) (BL) <input type="checkbox"/> Trademark/Trade Name (NRS 600) (BM) <input type="checkbox"/> Trade Secrets (NRS 600A) (BN) <input type="checkbox"/> Enhanced Case Management (BO) <input type="checkbox"/> Other Business Court Matters (BP)													
<b>Judicial Review/Appeal/Other Civil Filing</b>													
<table border="1"><thead><tr><th>Judicial Review</th><th>Other Civil Filing</th></tr></thead><tbody><tr><td><input type="checkbox"/> Foreclosure Mediation Case <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court</td><td><input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters</td></tr></tbody></table>	Judicial Review	Other Civil Filing	<input type="checkbox"/> Foreclosure Mediation Case <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court	<input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters									
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April 4, 2016

Date

  
Signature of initiating party or representative

Code 1350

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

GEORGE STUART YOUNT, individually and in his  
Capacity as Owner of GEORGE STUART YOUNT IRA,

Case No. CV16-00767

Plaintiff,

vs.

Dept. No. B7

CRISWELL RADOVAN, LLC, a Nevada limited liability  
company; CR Cal Neva, LLC, a Nevada limited liability  
company; ROBERT RADOVAN; WILLIAM CRISWELL; CAL  
NEVA LODGE, LLC, a Nevada limited liability company;  
POWELL, COLEMAN and ARNOLD LLP; DAVID  
MARRINER; MARRINER REAL ESTATE, LLC, a Nevada  
limited liability company; NEW CAL-NEVA LODGE, LLC, a  
Nevada limited liability company and DOES 1-10,

Defendants.

CERTIFICATE OF CLERK AND TRANSMITTAL – AMENDED NOTICE OF APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada,  
County of Washoe; that on the 23rd day of March, 2018 I electronically filed the Amended Notice of  
Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original  
pleadings on file with the Second Judicial District Court.

Dated this 23rd day of March, 2018.

Jacqueline Bryant  
Clerk of the Court

By /s/Yvonne Vioria  
Yvonne Vioria  
Deputy Clerk