

# EXHIBIT 1

Tae-Si Kim,& Jin-Sung Hong v.  
Gibson Lowry Burris LLP, et al.  
Supreme Case No.: 74803  
District Case No.: A-17-756785-C

June 26, 2018

**RESPONDENTS' MOTION TO CORRECT CAPTION**

**EXHIBIT 1** – Order Denying Motion to Extend Time for  
Service and Publication of Summons and Complaint  
(E-Filed - December 12, 2017 / Case No.: A-17-756785-C)

# EXHIBIT 1



1 **ODM**

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7 Attorneys for Defendants  
8 Dickinson Wright, PLLC,  
9 Jodi Donetta Lowry, Jonathan M.A.  
10 Salls, Eric Dobberstein, and  
11 Michael G. Vartanian

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

13 TAE-SI KIM, an Individual, and  
14 JIN-SUNG HONG, an Individual,

15 Plaintiffs,

16 v.

17 GIBSON LOWRY BURRIS, LLP,  
18 (now known as GIBSON LOWRY,  
19 LLP), a Nevada limited liability  
20 partnership; DICKINSON  
21 WRIGHT, PLLC, a Nevada  
22 Professional limited liability  
23 company; STEVE A. GIBSON, ESQ.,  
24 an Individual; JODI DONETTA  
25 LOWRY, ESQ., an Individual;  
26 JONATHAN M.A. SALLS, ESQ., an  
27 Individual; ERIC DOBBERSTEIN,  
28 ESQ., an Individual; and MICHAEL  
G. VARTANIAN, ESQ., an  
Individual; and DOES I through X,  
inclusive, and ROE BUSINESS  
ENTITIES XI through XX, inclusive,

Defendants.

) Case No. A-17-756785-C

) Dept. No. XXIV

) **ORDER DENYING MOTION TO**  
) **EXTEND TIME FOR SERVICE AND**  
) **PUBLICATION OF SUMMONS**  
) **AND COMPLAINT**

1 This matter came before the Court on December 5, 2017 for  
2 hearing on Plaintiffs' Motion to Extend Time for Service and For  
3 Publication of Summons and Complaint. Brandon Phillips appeared for  
4 Plaintiffs. Ryan Lower appeared for Dickinson Wright, PLLC, Jodi Donetta  
5 Lowry, Jonathan M.A. Salls, Eric Dobberstein, and Michael G. Vartanian  
6 (collectively "Dickinson Wright"). Jodi Donetta Lowry appeared for Gibson  
7 Lowry Burris LLP, a non-existent entity. The Court, having considered the  
8 motion papers filed in support of and in opposition to the motion, and  
9 having heard the argument of counsel, HEREBY FINDS:

10 (1) Under Nev. R. Civ. P. 4, service by publication is  
11 improper where no cause of action exists. This action was dismissed on  
12 October 17, 2017. Therefore, no cause of action exists against Mr. Gibson;

13 (2) No good cause exists to warrant an extension of time for  
14 service when there is no action pending.

15 Based on these FINDINGS, and good cause appearing IT IS  
16 HEREBY ORDERED that:


17 (1) Plaintiffs' Motion to Extend Time for Service and For  
18 Publication of Summons and Complaint is DENIED.

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DISTRICT COURT JUDGE

DATED: 12/11/17

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23 Approved by:  
24 BRANDON L. PHILLIPS,  
25 ATTORNEY AT LAW, PLLC


26 By:   
27 Brandon L. Phillips, NV Bar No. 12264  
28 1455 E. Tropicana Ave., Suite 750  
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By:

  
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Attorneys for Defendants  
Dickinson Wright, PLLC,  
Jodi Donetta Lowry, Jonathan M.A.  
Salls, Eric Dobberstein, and  
Michael G. Vartanian

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

TAE-SI KIM, AN INDIVIDUAL; AND  
JIN-SUNG HONG, AN INDIVIDUAL,

Appellants,

v.

GIBSON LOWRY BURRIS, LLP, (NOW  
KNOWN AS GIBSON LOWRY, LLP),  
A NEVADA LIMITED LIABILITY  
PARTNERSHIP; DICKINSON  
WRIGHT, PLLC, A NEVADA  
PROFESSIONAL LIMITED LIABILITY  
COMPANY; STEVE A. GIBSON, ESQ.,  
AN INDIVIDUAL; JODI DONETTA  
LOWRY, ESQ., AN INDIVIDUAL;  
JONATHAN M.A. SALLS, ESQ., AN  
INDIVIDUAL; ERIC DOBBERSTEIN,  
ESQ., AN INDIVIDUAL; AND  
MICHAEL G. VARTANIAN, ESQ., AN  
INDIVIDUAL,

Respondents.

Electronically Filed  
Jun 26 2018 04:28:03m.  
Supreme Court No. 74803  
District Court Case No. A756785  
Elizabeth A. Brown  
Clerk of Supreme Court

**RESPONDENTS' MOTION  
TO CORRECT CAPTION**

Respondents, Dickinson Wright, PLLC, Jodi Donetta Lowry,  
Jonathan M.A. Salls, Eric Dobberstein, and Michael G. Vartanian  
(collectively "Respondents") move the Court for an order removing "Gibson,  
Lowery, Burress, LLP (now known as Gibson Lowry, LLP)" and "Steve A.  
Gibson, Esq." from the caption of this appeal.

**I. ARGUMENT**

The district court dismissed Respondents from the underlying  
action on October 17, 2017. The district court denied Appellants' motion to  
reconsider dismissal of Respondents on December 12, 2017.

1           On December 22, 2017, Appellants filed their Notice of Appeal,  
2 appealing the October 17, 2017 order granting the motion to dismiss and the  
3 December 12, 2017 order denying the motion for reconsideration.

4           On December 28, 2017, Appellants filed their Case Appeal  
5 Statement with the District Court. Appellants filed their opening brief on  
6 June 21, 2018.

7           Gibson, Lowry, Burress, LLP and Steve Gibson are not parties to  
8 this appeal. Mr. Gibson was not a party to the underlying action. Ex. 1,  
9 Order Denying Mot. to Extend Time for Service and Publication of Summons  
10 and Complaint, dated December 12, 2017. Appellants have not appealed the  
11 order denying the motion to extend time for service of Mr. Gibson, and they  
12 did not address this order in their opening brief.

13           Similarly, Gibson, Lowry, Burress, LLP, which was dismissed  
14 with prejudice by the district court's order on January 26, 2018, is not a party  
15 to this appeal because Appellants did not appeal the January 26, 2018 order,  
16 and this order is not addressed in Appellants' opening brief.

17           In point of fact, Appellants' opening brief does not include either  
18 Steve Gibson or Gibson, Lowery, Burress, LLP in the caption.

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1 Therefore, Respondents respectfully request the Court to enter  
2 an order removing "Gibson, Lowry, Burress, LLP (now known as Gibson  
3 Lowery, LLP)" and "Steve A. Gibson, Esq." from the caption of this appeal.

4  
5 MORRIS LAW GROUP

6  
7 By: 

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12 Attorneys for Defendants  
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14 Jodi Donetta Lowry, Jonathan M.A.  
15 Salls, Eric Dobberstein, and  
16 Michael G. Vartanian  
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**CERTIFICATE OF SERVICE**


Pursuant to Nev. R. App. P. 25(b) and NEFR 9(f), I hereby certify that I am an employee of Morris Law Group; that on this date I electronically filed the foregoing **RESPONDENTS' MOTION TO CORRECT CAPTION**, with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system (Eflex). Participants in the case who are registered with Eflex as users will be served by the Eflex system as follows:

TO:

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Attorneys for Plaintiffs

DATED this 26<sup>th</sup> day of June, 2018.

By:   
An employee of Morris Law Group