

Electronically Filed  
Jun 12 2018 03:18 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

JAMES P. KEMP, ESQUIRE  
Nevada Bar No. 006375  
KEMP & KEMP  
7435 W. Azure Drive, Suite 110,  
Las Vegas, NV 89130  
(702) 258-1183  
(702) 258-6983 (fax)  
jp@kemp-attorneys.com  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

ANTONETTE PATUSH,

Plaintiff,

vs.

LAS VEGAS BISTRO, LLC; DOES I-X; ROE  
BUSINESS ENTITIES I-X,

Defendants.

Case No.: A-18-771491-C

Dept. No. X

**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN to the District Court, Supreme Court of Nevada and all Defendants including those that are set forth in the Certificate of Service which are incorporated herein by reference, that the above-named Plaintiff, ANTONETTE PATUSH, by and through her counsel of record, JAMES P. KEMP, ESQUIRE, hereby appeals to the Supreme Court of Nevada from the District Court's Order GRANTING Defendant LAS VEGAS BISTRO LLC's Motion to Dismiss, said Order of the District Court having been entered on May 30, 2018.

DATED: June 2, 2018

\_\_\_\_\_/s/ James P. Kemp\_\_\_\_\_  
JAMES P. KEMP, ESQUIRE  
Nevada Bar No. 006375  
7435 W. Azure Drive, Suite 110,  
Las Vegas, NV 89130  
Attorney for Petitioner

KEMP & KEMP  
ATTORNEYS AT LAW  
7435 W. Azure Dr., Suite 110  
LAS VEGAS, NEVADA 89130  
Tel. (702) 258-1183 • Fax (702) 258-6983

**CERTIFICATE OF SERVICE**

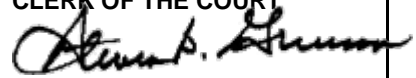
Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this date, I submitted the foregoing NOTICE OF APPEAL for service on the following parties by electronic transmission through the court's electronic filing and service Odyssey system:

Deanna L. Forbush, Esq.  
Jeremy J. Thompson, Esq.  
CLARK HIL, PLLC  
3800 Howard Hughes Pkwy, Suite 500  
Las Vegas, NV 89169

All other parties registered for service through Odyssey.

DATED this 2<sup>nd</sup> day of June 2018

/s/ James P. Kemp  
JAMES P. KEMP, ESQ.



JAMES P. KEMP, ESQUIRE  
Nevada Bar No. 006375  
KEMP & KEMP  
7435 W. Azure Drive, Suite 110,  
Las Vegas, NV 89130  
(702) 258-1183  
(702) 258-6983 (fax)  
jp@kemp-attorneys.com  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

ANTONETTE PATUSH,

Plaintiff,

vs.

LAS VEGAS BISTRO, LLC; DOES I-X; ROE  
BUSINESS ENTITIES I-X,

Defendants.

Case No.: A-18-771491-J

Dept. No.: 10

**CASE APPEAL STATEMENT**

1. Name of appellant filing this case appeal statement: ANTONETTE PATUSH.

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

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

Appellant: ANTONETTE PATUSH.

Counsel: JAMES P. KEMP, ESQUIRE  
Nevada Bar No. 006375  
KEMP & KEMP  
7435 W. Azure Drive, Suite 110,  
Las Vegas, NV 89130  
Attorney for Appellant.

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

4 Respondent: LAS VEGAS BISTRO, LLC

5 Counsel: DEANNA L. FORBUSH, ESQ.  
6 JEREMY J THOMPSON, ESQ  
7 CLARK HILL, PLLC  
8 3800 Howard Hughes Parkway  
Las Vegas, NV 89169

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

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

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

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

18 9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,  
19 indictment, information, or petition was filed): March 21, 2018

20 10. Provide a brief description of the nature of the action and result in the district court,  
21 including the type of judgment or order being appealed and the relief granted by the district court:  
22 Order Dismissing case for Retaliatory Discharge in Violation of Public Policy on alleged statute of  
23 limitations grounds.  
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/s/ James P. Kemp  


---

JAMES P. KEMP, ESQUIRE  
Nevada Bar No. 006375  
KEMP & KEMP  
7435 W. Azure Drive, Suite 110,  
Las Vegas, NV 89130  
Attorney for Plaintiff/Appellant

**CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this date, I submitted the foregoing CASE APPEAL STATEMENT for service on the following parties by electronic transmission through the court's electronic filing and service Odyssey system:

Deanna L. Forbush, Esq.  
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3800 Howard Hughes Pkwy, Suite 500  
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All other parties registered for service through Odyssey.

DATED this 2<sup>nd</sup> day of June 2018

/s/ James P. Kemp  
JAMES P. KEMP, ESQ.

DEPARTMENT 10  
**CASE SUMMARY**  
**CASE NO. A-18-771491-C**

**Antonette Patush, Plaintiff(s)**  
**vs.**  
**Las Vegas Bistro, LLC, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 10**  
Judicial Officer: **Jones, Tierra**  
Filed on: **03/21/2018**  
Cross-Reference Case Number: **A771491**

CASE INFORMATION

**Statistical Closures**

05/30/2018 Motion to Dismiss by the Defendant(s)

Case Type: **Employment Tort**

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

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number A-18-771491-C  
Court Department 10  
Date Assigned 03/21/2018  
Judicial Officer Jones, Tierra

PARTY INFORMATION

**Plaintiff** **Patush, Antonette**

*Lead Attorneys*

**Kemp, James P.**  
*Retained*  
7022581183(W)







**Defendant** **Las Vegas Bistro, LLC**

**Forbush, Deanna**  
*Retained*  
702-862-8300(W)








DATE

EVENTS & ORDERS OF THE COURT

INDEX

|            |                                                                                                                                                                                                                                                      |  |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 03/21/2018 |  Complaint With Jury Demand<br>Filed By: Plaintiff Patush, Antonette<br><i>Complaint</i>                                                                          |  |
| 03/21/2018 |  Initial Appearance Fee Disclosure<br>Filed By: Plaintiff Patush, Antonette<br><i>Initial Fee Disclosure</i>                                                      |  |
| 04/13/2018 |  Initial Appearance Fee Disclosure<br>Filed By: Defendant Las Vegas Bistro, LLC<br><i>Initial Appearance Fee Disclosure</i>                                       |  |
| 04/13/2018 |  Motion to Dismiss<br>Filed By: Defendant Las Vegas Bistro, LLC<br><i>Defendant Las Vegas Bistro, LLC's Motion to Dismiss</i>                                     |  |
| 04/27/2018 |  Opposition to Motion to Dismiss<br>Filed By: Plaintiff Patush, Antonette<br><i>Plaintiff's Opposition to Defendant Las Vegas Bistro, LLC's Motion to Dismiss</i> |  |
| 05/08/2018 |  Reply in Support<br>Filed By: Defendant Las Vegas Bistro, LLC<br><i>Defendant Las Vegas Bistro, LLC's Reply In Support of Motion to Dismiss</i>                  |  |

DEPARTMENT 10  
**CASE SUMMARY**  
**CASE NO. A-18-771491-C**

| 05/15/2018 |  <b>Motion to Dismiss</b> (9:30 AM) (Judicial Officer: Jones, Tierra)<br><i>Defendant Las Vegas Bistro, LLC's Motion to Dismiss</i>                                    |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/30/2018 | <b>Order of Dismissal</b> (Judicial Officer: Jones, Tierra)<br>Debtors: Antonette Patush (Plaintiff)<br>Creditors: Las Vegas Bistro, LLC (Defendant)<br>Judgment: 05/30/2018, Docketed: 05/30/2018                                                      |
| 05/30/2018 |  <b>Order Granting Motion</b><br>Filed By: Defendant Las Vegas Bistro, LLC<br><i>Order Granting Defendant's Motion to Dismiss</i>                                      |
| 05/31/2018 |  <b>Notice of Entry of Order</b><br>Filed By: Defendant Las Vegas Bistro, LLC<br><i>Notice of Entry of Order</i>                                                       |
| 06/02/2018 |  <b>Notice of Appeal</b><br>Filed By: Plaintiff Patush, Antonette<br><i>Notice of Appeal</i>                                                                           |
| 06/02/2018 |  <b>Case Appeal Statement</b><br>Filed By: Plaintiff Patush, Antonette<br><i>Case Appeal Statement</i>                                                                 |
| 06/04/2018 |  <b>Memorandum of Costs and Disbursements</b><br>Filed By: Defendant Las Vegas Bistro, LLC<br><i>Las Vegas Bistro's Verified Memorandum of Costs and Disbursements</i> |
| 06/04/2018 |  <b>Motion for Attorney Fees</b><br>Filed By: Defendant Las Vegas Bistro, LLC<br><i>Defendant Las Vegas Bistro, LLC's Motion for Attorney's Fees</i>                 |
| 07/10/2018 | <b>Motion for Attorney Fees</b> (9:30 AM) (Judicial Officer: Jones, Tierra)<br><i>Defendant Las Vegas Bistro LLC's Motion for Attorney's Fees</i>                                                                                                       |
| DATE       | FINANCIAL INFORMATION                                                                                                                                                                                                                                   |

**Defendant** Las Vegas Bistro, LLC

|                                   |             |
|-----------------------------------|-------------|
| Total Charges                     | 223.00      |
| Total Payments and Credits        | 223.00      |
| <b>Balance Due as of 6/6/2018</b> | <b>0.00</b> |

**Plaintiff** Patush, Antonette

|                                   |             |
|-----------------------------------|-------------|
| Total Charges                     | 294.00      |
| Total Payments and Credits        | 294.00      |
| <b>Balance Due as of 6/6/2018</b> | <b>0.00</b> |



# DISTRICT COURT CIVIL COVER SHEET      A-18-771491-C

Clark County, Nevada

Case No. \_\_\_\_\_  
(Assigned by Clerk's Office)

Department 10

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

|                                                                                                                                                                                              |                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Plaintiff(s) (name/address/phone):<br><p style="text-align: center;">Antonette Patush<br/>% Kemp &amp; Kemp, Attorneys at Law<br/>7435 W. Azure Drive, Suite 110<br/>Las Vegas, NV 89130</p> | Defendant(s) (name/address/phone):<br><p style="text-align: center;">Las Vegas Bistro, LLC;<br/>%The Corporation Trust Co. of Nevada<br/>701 S. Carson Street, Suite 200<br/>Carson City, NV 89701</p> |
| Attorney (name/address/phone):<br><p style="text-align: center;">James P. Kemp, Esq.<br/>7435 W. Azure Drive, Suite 110<br/>Las Vegas, NV 89130<br/>702-258-1183</p>                         | Attorney (name/address/phone):<br>                                                                                                                                                                     |

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

### Civil Case Filing Types

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

*Business Court filings should be filed using the Business Court civil coversheet.*

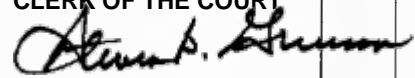
03/21/18

Date

/s/ James P. Kemp, Esq.

Signature of initiating party or representative

*See other side for family-related case filings.*



Deanna L. Forbush, Esq.  
Nevada Bar No. 6646  
Jeremy J. Thompson, Esq.  
Nevada Bar No. 12503  
**CLARK HILL, PLLC**  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169  
ph. (702) 862-8300; fax (702) 862-8400  
Email: [dforbush@clarkhill.com](mailto:dforbush@clarkhill.com)  
Email: [jthompson@clarkhill.com](mailto:jthompson@clarkhill.com)  
Attorneys for Defendant

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

ANTONETTE PATUSH,

Plaintiff,

vs.

LAS VEGAS BISTRO, LLC; DOES I-X;  
ROE BUSINESS ENTITIES I-X,

Defendants.

Case No.: A-18-771491-C  
Dept. No.: 10

**ORDER GRANTING  
DEFENDANT'S MOTION TO  
DISMISS**

**WHEREAS**, the above-captioned matter came on for hearing on Tuesday, May 15, 2018 in Department 10, before the Honorable Tierra Jones, in the Eighth Judicial District Court, Clark County, Nevada. Defendant, Las Vegas Bistro, LLC ("Defendant"), appeared in person, by and through its counsel of record, Deanna L. Forbush, Esq. of Clark Hill PLLC, and Plaintiff Antonette Patush ("Plaintiff"), appeared telephonically, by and through her counsel of record, James P. Kemp, Esq. of the law firm Kemp & Kemp.

The following matter was on calendar for hearing:

- *Defendant's Motion to Dismiss, and Plaintiff's Opposition thereto.*

The Court having reviewed all papers on file herein, and after accepting oral argument, for good cause appearing, hereby finds, notes and orders as follows:

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

1 It is the established public policy of the state that the retaliatory discharge of an employee  
2 by an employer stemming from the filing of a workmen's compensation claim by an injured  
3 employee is actionable in tort. Both the cause of action and its remedy are governed by the law  
4 of tort. Hansen v. Harrah's, 100 Nev. 60, 675 P.2d 394, 115 L.R.R.M. (BNA) 3024, 105  
5 Lab.Cas. P 55,663 (1984);

6 And finding further that, while this kind of public policy tort cannot ordinarily be  
7 committed absent the employer-employee relationship, the tort, the wrong itself, is not dependent  
8 upon or directly related to a contract of continued employment. D'Angelo v. Gardner, 107 Nev.  
9 704, 819 P.2d 206, 123 Lab.Cas. P 57,099 (1991);

10 Based upon the foregoing, it is hereby concluded that the appropriate statute of  
11 limitations for the retaliatory discharge of an employee in violation of public policy is governed  
12 by the law of tort, and that the applicable statute of limitation for said cause of action is the 2  
13 year statute of limitation set forth at NRS 11.190(e)(4).  
14

15 **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss is hereby **GRANTED**;

16 Dated this 25 day of May, 2018.

17  
18  
19 THE HONORABLE TIERRA JONES  
20 *to*

21 Respectfully submitted by:

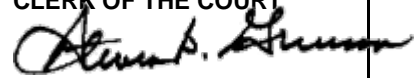
22 CLARK HILL, PLLC

23  
24 *[Signature]*  
25 Deanna L. Forbush, Esq. (NSBN 6646)  
Attorneys for Defendant

26 Respectfully submitted by:

27 KEMP & KEMP

28  
*[Signature]*  
James P. Kemp, Esq. (NSBN 6375)  
Attorneys for Plaintiff



Deanna L. Forbush, Esq.  
Nevada Bar No. 6646  
Jeremy J. Thompson, Esq.  
Nevada Bar No. 12503  
**CLARK HILL, PLLC**  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169  
ph. (702) 862-8300; fax (702) 862-8400  
email: dforbush@clarkhill.com  
email: jthompson@clarkhill.com  
Attorneys for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

ANTONETTE PATUSH,

Plaintiff,

vs.

LAS VEGAS BISTRO, LLC; DOES I-X;  
ROE BUSINESS ENTITIES I-X,

Defendants.

Case No.: **A-18-771491-C**  
Dept. No.: **10**

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that an Order Granting Defendant's Motion to Dismiss was entered on the 30<sup>th</sup> day of May 2018, a copy of which is attached hereto.

Dated this 31<sup>st</sup> day of May, 2018.

**CLARK HILL, PLLC**

By /s/ Deanna L. Forbush

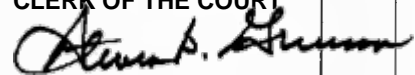
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Las Vegas, Nevada 89169  
ph. (702) 862-8300; fax (702) 862-8400  
Attorneys for Defendants

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☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or

☒ via electronic service by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk.

/s/ *Natasha Martinez*  
An Employee of Clark Hill, PLLC



Deanna L. Forbush, Esq.  
Nevada Bar No. 6646  
Jeremy J. Thompson, Esq.  
Nevada Bar No. 12503  
**CLARK HILL, PLLC**  
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Email: [dforbush@clarkhill.com](mailto:dforbush@clarkhill.com)  
Email: [jthompson@clarkhill.com](mailto:jthompson@clarkhill.com)  
Attorneys for Defendant

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

ANTONETTE PATUSH,

Plaintiff,

vs.

LAS VEGAS BISTRO, LLC; DOES I-X;  
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9 704, 819 P.2d 206, 123 Lab.Cas. P 57,099 (1991);

10 Based upon the foregoing, it is hereby concluded that the appropriate statute of  
11 limitations for the retaliatory discharge of an employee in violation of public policy is governed  
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13 year statute of limitation set forth at NRS 11.190(e)(4).  
14

15 **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss is hereby **GRANTED**;

16 Dated this 25 day of May, 2018.

17  
18  
19 THE HONORABLE TIERRA JONES  
20

21 Respectfully submitted by:

22 CLARK HILL, PLLC

23  
24 Deanna L. Forbush, Esq. (NSBN 6646)  
25 Attorneys for Defendant

26 Respectfully submitted by:

27 KEMP & KEMP

28 James P. Kemp, Esq. (NSBN 6375)  
Attorneys for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**May 15, 2018**

---

A-18-771491-C      Antonette Patush, Plaintiff(s)  
vs.  
Las Vegas Bistro, LLC, Defendant(s)

---

**May 15, 2018      9:30 AM      Motion to Dismiss      Defendant Las Vegas  
Bistro, LLC's Motion  
to Dismiss**

**HEARD BY:** Jones, Tierra

**COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Haly Pannullo

**RECORDER:** Victoria Boyd

**REPORTER:**

**PARTIES**

**PRESENT:**      Forbush, Deanna      Attorney

**JOURNAL ENTRIES**

- James Kemp, Esq., present via Court Call on behalf of Plaintiff.

Court noted the Motion, Opposition and Reply has been read. Mr. Kemp argued NRS 11.220 applies. Ms. Forbush argued this is a tortious action. COURT STATED FINDINGS and ORDERED, Motion to Dismiss GRANTED; Counsel to prepare the Order and submit to Chambers once reviewed by opposing counsel.





**EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE**  
**NOTICE OF DEFICIENCY**  
**ON APPEAL TO NEVADA SUPREME COURT**

**JAMES P. KEMP, ESQ.**  
**7435 W. AZURE DR., STE 110**  
**LAS VEGAS, NV 89130**

**DATE: June 6, 2018**  
**CASE: A-18-771491-C**

**RE CASE: ANTONETTE PATUSH vs. LAS VEGAS BISTRO, LLC**

NOTICE OF APPEAL FILED: June 2, 2018

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

*Please refer to Rule 3 for an explanation of any possible deficiencies.*

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*\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANT'S MOTION TO DISMISS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

ANTONETTE PATUSH,

Plaintiff(s),

vs.

LAS VEGAS BISTRO, LLC,

Defendant(s),

Case No: A-18-771491-C

Dept No: X

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 6 day of June 2018.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk