23

24

25

26

27

28

		8/3/2018 1:45 PM Steven D. Grierson CLERK OF THE COURT	
1	JAMES P. KEMP, ESQUIRE	Storm b. Lum	
2	Nevada Bar No. 006375 KEMP & KEMP		
3	7435 W. Azure Drive, Suite 110,		
4	Las Vegas, NV 89130 (702) 258-1183	Electronically Filed Aug 09 2018 09:02 a.m.	
5	(702) 258-6983 (fax) jp@kemp-attorneys.com	Elizabeth A. Brown	
6	Attorney for Plaintiff  DISTRICT (	Clerk of Supreme Court	
	CLARK COUNT		
7	ANTONETTE PATUSH,	)	
8	Plaintiff,		
9	VS.	Case No.: A-18-771491-C	
10	LAS VEGAS BISTRO, LLC; DOES I-X; ROE BUSINESS ENTITIES I-X,	Dept. No. X	
11	,	/ }	
12	Defendants.	NOTICE OF APPEAL	
13			
14		)	
15	NOTICE IS HEREBY GIVEN to the D	District Court, Supreme Court of Nevada and all	
16	Defendants including those that are set forth in t	he Certificate of Service which are incorporated	
17	herein by reference, that the above-named Plain	tiff, ANTONETTE PATUSH, by and through her	
18	counsel of record, JAMES P. KEMP, ESQUIRE	, hereby appeals to the Supreme Court of Nevada	
19	from the District Court's Order GRANTING D	efendant LAS VEGAS BISTRO LLC's Motion for	
20	Attorney Fees, said Order of the District Court having been entered on July 27, 2018.		
21	and the second s		
22			
	DATED: August 3, 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

**Electronically Filed** 

# 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 <u>3<sup>rd</sup></u> day of <u>August</u> 2018
/s/ James P. Kemp
JAMES P. KEMP, ESQ.

#### **DEPARTMENT 10**

## CASE SUMMARY CASE NO. A-18-771491-C

Antonette Patush, Plaintiff(s) vs.

05/30/2018

Las Vegas Bistro, LLC, Defendant(s)

Location: Department 10
Judicial Officer: Jones, Tierra
Filed on: O3/21/2018
Cross-Reference Case
Number: A771491

Number: Supreme Court No.: **76062** 

**CASE INFORMATION** 

Statistical Closures Case Type: Employment Tort

Case Flags: Appealed to Supreme Court

**Jury Demand Filed** 

DATE CASE ASSIGNMENT

**Current Case Assignment** 

Motion to Dismiss by the Defendant(s)

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

Kemp, James P. Retained 7022581183(W)

Defendant Las Vegas Bistro, LLC Forbush, Deanna

Retained 702-862-8300(W)

DATE

EVENTS & ORDERS OF THE COURT

O3/21/2018

Complaint With Jury Demand
Filed By: Plaintiff Patush, Antonette
Complaint

Initial Appearance Fee Disclosure
Filed By: Plaintiff Patush, Antonette
Initial Fee Disclosure

O4/13/2018

Initial Appearance Fee Disclosure
Filed By: Defendant Las Vegas Bistro, LLC

Filed By: Defendant Las Vegas Bistro, LLC Initial Appearance Fee Disclosure

04/13/2018 Motion to Dismiss

Filed By: Defendant Las Vegas Bistro, LLC Defendant Las Vegas Bistro, LLC's Motion to Dismiss

04/27/2018 Opposition to Motion to Dismiss
Filed By: Plaintiff Patush, Antonette

Plaintiff's Opposition to Defendant Las Vegas Bistro, LLC's Motion to Dismiss

05/08/2018 Reply in Support
Filed By: Defendant Las Vegas Bistro, LLC

#### DEPARTMENT 10

# CASE SUMMARY CASE NO. A-18-771491-C

	Defendant Las Vegas Bistro, LLC's Reply In Support of Motion to Dismiss
05/15/2018	Motion to Dismiss (9:30 AM) (Judicial Officer: Jones, Tierra)  Defendant Las Vegas Bistro, LLC's Motion to Dismiss
05/30/2018	Order of Dismissal (Judicial Officer: Jones, Tierra) Debtors: Antonette Patush (Plaintiff) Creditors: Las Vegas Bistro, LLC (Defendant) Judgment: 05/30/2018, Docketed: 05/30/2018
05/30/2018	Order Granting Motion Filed By: Defendant Las Vegas Bistro, LLC Order Granting Defendant's Motion to Dismiss
05/31/2018	Notice of Entry of Order Filed By: Defendant Las Vegas Bistro, LLC Notice of Entry of Order
06/02/2018	Notice of Appeal Filed By: Plaintiff Patush, Antonette Notice of Appeal
06/02/2018	Case Appeal Statement Filed By: Plaintiff Patush, Antonette Case Appeal Statement
06/04/2018	Memorandum of Costs and Disbursements Filed By: Defendant Las Vegas Bistro, LLC Las Vegas Bistro's Verified Memorandum of Costs and Disbursements
06/04/2018	Motion for Attorney Fees Filed By: Defendant Las Vegas Bistro, LLC Defendant Las Vegas Bistro, LLC's Motion for Attorney's Fees
06/16/2018	Opposition to Motion Filed By: Plaintiff Patush, Antonette Plaintiff's Opposition to Defendant Las Vegas Bistro, LLC S MOTION FOR ATTORNEY S FEES
07/03/2018	Reply Filed by: Defendant Las Vegas Bistro, LLC Defendant Las Vegas Bistro, LLC's Reply In Support of Motion for Attorney's Fees
07/10/2018	Motion for Attorney Fees (9:30 AM) (Judicial Officer: Jones, Tierra)  Defendant Las Vegas Bistro LLC's Motion for Attorney's Fees
07/27/2018	Judgment Plus Legal Interest (Judicial Officer: Jones, Tierra) Debtors: Antonette Patush (Plaintiff) Creditors: Las Vegas Bistro, LLC (Defendant) Judgment: 07/27/2018, Docketed: 07/27/2018 Total Judgment: 9,740.19
07/27/2018	Order Filed By: Defendant Las Vegas Bistro, LLC Order Granting Defendant's Motion for Attorrey's Fees

#### DEPARTMENT 10

# CASE SUMMARY CASE NO. A-18-771491-C

08/01/2018	Notice of Entry of Order Filed By: Defendant Las Vegas Bistro, LLC Notice of Entry of Order	
08/03/2018	Notice of Appeal  Filed By: Plaintiff Patush, Antonette  Notice of Appeal	
DATE	FINANCIAL INFORMATION	

FINANCIAL INFORMATION		
<b>Defendant</b> Las Vegas Bistro, LLC		
Total Charges	223.00	
Total Payments and Credits	223.00	
Balance Due as of 8/7/2018	0.00	
Plaintiff Patush, Antonette		
Total Charges	318.00	
Total Payments and Credits	318.00	
Balance Due as of 8/7/2018	0.00	

#### A-18-771491-C DISTRICT COURT CIVIL COVER SHEET County, Nevada

Clark

	Case No.	Department 10				
(Assigned by Clerk's Office)						
I. Party Information (provide both ho						
Plaintiff(s) (name/address/phone):		Defendant(s) (name/address/phone):				
Antonette Pa		Las Vegas Bistro, LLC;				
% Kemp & Kemp, Att	•	%The Corporation Trust Co. of Nevada				
7435 W. Azure Driv	ve, Suite 110	701 S. Carson Street, Suite 200				
Las Vegas, N\	/ 89130	Carson City, NV 89701				
Attorney (name/address/phone):	At	torney (name/address/phone):				
James P. Kem	np, Esq.					
7435 W. Azure Driv	ve, Suite 110					
Las Vegas, N\	/ 89130					
702-258-1	183					
II. Nature of Controversy (please se	elect the one most applicable filing type bel	DW)				
Civil Case Filing Types	77 7 3 77					
Real Property		Torts				
Landlord/Tenant	Negligence	Other Torts				
Unlawful Detainer	Auto	Product Liability				
Other Landlord/Tenant	Premises Liability	Intentional Misconduct				
Title to Property	Other Negligence	Employment Tort				
Judicial Foreclosure	Malpractice	Insurance Tort				
Other Title to Property	Medical/Dental	Other Tort				
Other Real Property	Legal					
Condemnation/Eminent Domain	Accounting					
Other Real Property	Other Malpractice					
Probate	Construction Defect & Contract	**				
Probate (select case type and estate value)	Construction Defect	Judicial Review				
Summary Administration	Chapter 40	Foreclosure Mediation Case				
General Administration	Other Construction Defect	Petition to Seal Records				
Special Administration	Contract Case	Mental Competency				
Set Aside	Uniform Commercial Code	Nevada State Agency Appeal				
Trust/Conservatorship	Building and Construction	Department of Motor Vehicle				
Other Probate	Insurance Carrier	Worker's Compensation				
Estate Value	Commercial Instrument	Other Nevada State Agency				
Over \$200,000	Collection of Accounts	Appeal Other				
Between \$100,000 and \$200,000	Employment Contract	Appeal from Lower Court				
Under \$100,000 or Unknown	Other Contract	Other Judicial Review/Appeal				
Under \$2,500						
Civil Writ		Other Civil Filing				
Civil Writ		Other Civil Filing				
Writ of Habeas Corpus	Writ of Prohibition	Compromise of Minor's Claim				
Writ of Mandamus	Other Civil Writ	Foreign Judgment				
Writ of Quo Warrant		Other Civil Matters				
Business Co	ourt filings should be filed using the Bi	usiness Court civil coversheet.				
03/21/18 /s/ James P. Kemp. Esq.						
Date	<u> </u>	/s/ James P. Kemp, Esq.  Signature of initiating party or representative				
Date		organisation of minimum party of representative				

See other side for family-related case filings.

Form PA 201 Nevada AOC - Research Statistics Unit Pursuant to NRS 3.275 Rev 3.1

Electronically Filed
7/27/2018 9:24 AM
Steven D. Grierson
CLERK OF THE COURT

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 Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

ANTONETTE PATUSH,

Plaintiff,

VS.

9

10

11

12

13

14

16

17

18

19

20

21

22

23

24

25

26

27

28

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 FOR
ATTORNEY'S FEES

WHEREAS, the above-captioned matter came on for hearing on Tuesday, July 10, 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 by and through its counsel of record, Deanna L. Forbush, Esq. of Clark Hill PLLC, and Plaintiff Antonette Patush ("Plaintiff"), appeared by and through her counsel of record, Heather E. Kemp, Esq. of the law firm Kemp & Kemp.

The following matter was on calendar for hearing:

Defendant's Motion for Attorney's Fees 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:

Page 1

ClarkHill\94121\328844\219940940.v1-7/14/18

Clark Hill, PLLC 3800 Howard Hughes Pkwy. Suite 500 Las Vegas, Nevada 89169 Ph. (702) 862-8300 Fax. (702) 862-8400

IT IS HEREBY ORDERED, that Defendant's Motion for Attorneys' Fees and costs is hereby granted; and paid in full. 9 10 11 12 13 Respectfully submitted by: 14 CLARK HILL, PLLC 16 Deanna L. Forbush, Esq. Nevada Bar No. 6646 18 Jeremy J. Thompson, Esq. 19 Nevada Bar No. 12503 3800 Howard Hughes Parkway, Suite 500 Las Vegas, Nevada 89169 Attorneys for Defendant 22 23 24 25 26 27

IT IS FURTHER ORDERED, that Defendant is entitled to an award in the amount of \$9,500.00 for its attorney fees incurred through July 10, 2018, and costs in the amount of \$240.19. Defendant shall have Judgment against Plaintiff, Antonette Patush, for the total sum of \$9,740.19, plus interest at the legal rate from the date Judgment was entered in this matter, until

Dated this // day of July, 2018.

THE HONORABLE TIERRA JONES

28

Electronically Filed 8/1/2018 11:51 AM Steven D. Grierson CLERK OF THE COURT

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 for Attorney's

Fees was entered on the 27<sup>th</sup> day of July 2018, a copy of which is attached hereto.

Dated this 1<sup>st</sup> day of August, 2018.

#### CLARK HILL, PLLC

By /s/ Deanna L. Forbush

Deanna L. Forbush, Esq. (NSBN 6646) Jeremy J. Thompson, Esq. (NSBN 12503) 3800 Howard Hughes Parkway, Suite 500 Las Vegas, Nevada 89169 ph. (702) 862-8300; fax (702) 862-8400 Attorneys for Defendants

28

27

18

19

20

21

22

23

24

25

26

Page **1** of **2** 

Clark Hill, PLLC 3800 Howard Hughes Pkwy. Suite 500 Las Vegas, Nevada 89169 Ph. (702) 862-8300 Fax. (702) 862-8400 www.clarkhill.com

### **CERTIFICATE OF SERVICE** I hereby certify that I am an employee of Clark Hill, PLLC, and on the 1st day of August, 2018, I served a true and correct copy of the foregoing NOTICE OF ENTRY OF ORDER as follows: 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 $\boxtimes$ 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. James P. Kemp, Esq. 12 KEMP & KEMP 7435 W. Azure Drive, #110 13 Las Vegas, Nevada 89130 Attorneys for Plaintiff 14 15 /s/ Natasha Martinez 16 An Employee of Clark Hill, PLLC 18 19 20

Clark Hill, PLLC 3800 Howard Hughes Pkwy. Las Vegas, Nevada 89169 Ph. (702) 862-8300 Fax. (702) 862-8400 www.clarkhill.com

11

17

21

22

23

24

25

26

27

28

220043838.1 94121/328844

Page 2 of 2

Electronically Filed
7/27/2018 9:24 AM
Steven D. Grierson
CLERK OF THE COURT

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 Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

ANTONETTE PATUSH,

Plaintiff,

VS.

9

10

11

12

13

14

16

17

18

19

20

21

22

23

24

25

26

27

28

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 FOR
ATTORNEY'S FEES

WHEREAS, the above-captioned matter came on for hearing on Tuesday, July 10, 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 by and through its counsel of record, Deanna L. Forbush, Esq. of Clark Hill PLLC, and Plaintiff Antonette Patush ("Plaintiff"), appeared by and through her counsel of record, Heather E. Kemp, Esq. of the law firm Kemp & Kemp.

The following matter was on calendar for hearing:

Defendant's Motion for Attorney's Fees 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:

Page 1

ClarkHill\94121\328844\219940940.v1-7/14/18

Clark Hill, PLLC 3800 Howard Hughes Pkwy. Suite 500 Las Vegas, Nevada 89169 Ph. (702) 862-8300 Fax. (702) 862-8400

IT IS HEREBY ORDERED, that Defendant's Motion for Attorneys' Fees and costs is hereby granted; and paid in full. 9 10 11 12 13 Respectfully submitted by: 14 CLARK HILL, PLLC 16 Deanna L. Forbush, Esq. Nevada Bar No. 6646 18 Jeremy J. Thompson, Esq. 19 Nevada Bar No. 12503 3800 Howard Hughes Parkway, Suite 500 Las Vegas, Nevada 89169 Attorneys for Defendant 22 23 24 25 26 27

IT IS FURTHER ORDERED, that Defendant is entitled to an award in the amount of \$9,500.00 for its attorney fees incurred through July 10, 2018, and costs in the amount of \$240.19. Defendant shall have Judgment against Plaintiff, Antonette Patush, for the total sum of \$9,740.19, plus interest at the legal rate from the date Judgment was entered in this matter, until

Dated this // day of July, 2018.

THE HONORABLE TIERRA JONES

28

## DISTRICT COURT CLARK COUNTY, NEVADA

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.

#### DISTRICT COURT **CLARK COUNTY, NEVADA**

**COURT MINUTES Employment Tort** July 10, 2018 Antonette Patush, Plaintiff(s) A-18-771491-C

Las Vegas Bistro, LLC, Defendant(s)

9:30 AM **Motion for Attorney Fees** July 10, 2018

**HEARD BY:** Jones, Tierra **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Kory Schlitz

**RECORDER:** Victoria Boyd

**REPORTER:** 

**PARTIES** 

PRESENT: Forbush, Deanna Attorney Neal, Victoria L. Attorney

#### **JOURNAL ENTRIES**

- Ms. Forbush argued in support of the Motion, stating this was a frivolous action she was forced to defend and requested Attorney's Fees and Costs. Ms. Neal argued the statute of limitation has not been reached and this case is not subject to the two year statute of limitation. COURT ORDERED, Motion GRANTED; Attorney Fees will be awarded in the amount of \$9500.00, Costs in the amount of \$240.19.

PRINT DATE: 08/07/2018 Page 2 of 2 Minutes Date: May 15, 2018



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

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

> DATE: August 7, 2018 CASE: A-18-771491-C

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

NOTICE OF APPEAL FILED: August 3, 2018

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

- ☐ Order
- ☐ Notice of Entry of Order

#### 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.

\*\*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	٦	CC.
<b>County of Clark</b>	}	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; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANT'S MOTION FOR ATTORNEY'S FEES; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

ANTONETTE PATUSH,

Plaintiff(s),

vs.

LAS VEGAS BISTRO, LLC,

Defendant(s),

now on file and of record in this office.

Case No: A-18-771491-C

Dept No: X

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 7 day of August 2018.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk