NTC
MARJORIE HAUF, ESQ.
Nevada Bar No. 8111
IDA M. YBARRA,ESQ.
Nevada Bar No. 11327
GANZ & HAUF
8950 W. Tropicana Ave., Ste. 1
Las Vegas, Nevada 89147
Tel: (702) 598-4529
Fax: (702) 598-3626

Attorneys for Plaintiff

-o0o-

DISTRICT COURT

CLARK COUNTY, NEVADA

JAPONICA GLOVER-ARMONT,

Plaintiff,

vs.

JOHN CARGILE; CITY OF NORTH LAS VEGAS, a Municipal Corporation existing under the laws of the State of Nevada in the County of Clark; DOES I through X, inclusive; and/or ROE CORPORATIONS I through X, inclusive,

Defendants.

CASE NO.: A-13-683211-C
DEPT NO.: XIX

PLAINTIFF'S NOTICE OF APPEAL

NOTICE OF APPEAL

...
...
...
...
...
...
...
...
...
...
...
...
...
...
...

GANZ & HAUF
8950 W. Tropicana Ave., #1
Las Vegas, NV 89147
Phone: (702) 598-4529
Fax: (702) 598-3626

NOTICE IS HEREBY GIVEN that Plaintiff, JAPONICA GLOVER-ARMONT, hereby appeals to the Nevada Supreme Court from the Order Granting Defendants' Motion for Reconsideration dated April 7, 2016 (attached hereto as Exhibit 1). The Order was entered on dated July 5, 2016. Plaintiff also appeals from all other rulings, orders, and judgments made final and appealable by the foregoing.

Dated this 31st day of August, 2016.

Respectfully submitted,
GANZ & HAUF

MARJORIE HAUF, ESQ.
Attorney for Plaintiff
Nevada Bar No. 8111
IDA M. YBARRA, ESQ.
Attorney for Plaintiff
Nevada Bar No. 11327
8950 W. Tropicana Ave., Ste. 1
Las Vegas, Nevada 89147

GANZ & HAUF
8950 W. Tropicana Ave., #1
Las Vegas, NV 89147
Phone: (702) 598-4529
Fax: (702) 598-3626

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and EDCR 7.26, I certify that on this date, I served the foregoing **NOTICE OF APPEAL** on all parties to this action by:

___ Facsimile

X Mail

X E-Service

addressed as follows:

Christopher Craft, Esq.
Deputy City Attorney
2250 Las Vegas Blvd Ste 810
North Las Vegas, NV 89030

Dated this 3 day of August, 2016.

An employee of the law firm of GANZ & HAUF

GANZ & HAUF
8950 W. Tropicana Ave., #1
Las Vegas, NV 89147
Phone: (702) 598-4529
Fax: (702) 598-3626

EXHIBIT 1

NEO
NORTH LAS VEGAS CITY ATTORNEY
Sandra Douglass Morgan, Nev. Bar No. 8582
City Attorney
Christopher D. Craft, Nev. Bar No. 7314
Deputy City Attorney
2250 Las Vegas Blvd. North, Suite 810
North Las Vegas, Nevada 89030
Telephone: (702) 633-1050
Facsimile: (702) 649-8879
Attorneys for Defendants
John Cargile and City of North Las Vegas

DISTRICT COURT
CLARK COUNTY, NEVADA

JAPONICA GLOVER-ARMONT,

Plaintiff,

vs.

JOHN CARGILE; CITY OF NORTH LAS VEGAS, a Municipal Corporation existing under the laws of the State of Nevada in the County of Clark; DOES I through X, inclusive; and/or ROE CORPORATIONS I through X, inclusive,

Defendants.

Case No. A-13-683211-C

Dept. No. XIX

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order granting Defendants' Motion for Reconsideration and granting Defendants' Motion for Summary Judgment was hereby entered on the 5th day of July, 2016, a copy of which is attached hereto.

DATED this 6th day of July, 2016.

NORTH LAS VEGAS CITY ATTORNEY

/s/ Christopher D. Craft
Sandra Douglass Morgan, Nev. Bar No. 8582
Christopher D. Craft, Nev. Bar No. 7314
2250 Las Vegas Blvd. North, Suite 810
North Las Vegas, Nevada 89030
(702) 633-1050
Attorneys for Defendants
John Cargile and City of North Las Vegas

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of a true and correct copy of the **NOTICE OF ENTRY OF ORDER** was made on the 6th day of July, 2016, as indicated below:

__√__ By electronic service, pursuant to N.E.F.C.R. 9

___ By first class mail, postage prepaid from Las Vegas, Nevada pursuant to N.R.C.P. 5(b) addressed as follows

___ By facsimile, pursuant to EDCR 7.26 (as amended)

___ By hand delivery

To the parties listed below:

Marjorie Hauf, Esq.
Ida M. Ybarra, Esq.
GANZ & HAUF
8950 W. Tropicana Avenue, Ste. 1
Las Vegas, Nevada 89147
Facsimile (702) 598-3626

Attorneys for Plaintiff

/s/ Michelle T. Harrell
An Employee of North Las Vegas
City Attorney's Office

ORIGINAL

OGM
NORTH LAS VEGAS CITY ATTORNEY
Sandra Douglass Morgan, Nev. Bar No. 8582
City Attorney
Christopher D. Craft, Nev. Bar No. 7314
Deputy City Attorney
2250 Las Vegas Blvd. North, Suite 810
North Las Vegas, Nevada 89030
Telephone: (702) 633-1050
Facsimile: (702) 649-8879
Attorneys for Defendants
John Cargile and City of North Las Vegas

DISTRICT COURT

CLARK COUNTY, NEVADA

JAPONICA GLOVER-ARMONT,

Plaintiff,

vs.

JOHN CARGILE; CITY OF NORTH LAS VEGAS, a Municipal Corporation existing under the laws of the State of Nevada in the County of Clark; DOES I through X, inclusive; and/or ROE CORPORATIONS I through X, inclusive,

Defendants.

Case No. A-13-683211-C

Dept. No. XIX

ORDER

Defendants City of North Las Vegas (the "City") and Sergeant John Cargile ("Sergeant Cargile") (collectively "Defendants") came before the Court for hearing on Defendants' Motion for Summary Judgment on February 2, 2016, and March 1, 2016, and on Defendants' Motion to Reconsider on May 31, 2016. Plaintiff Japonica Glover-Armont appeared by and through her counsel, Adam Ganz, Esq., and Marjorie Hauf, Esq., and Defendants appeared by and through their counsel, Christopher Craft, Esq. After consideration of the papers and pleadings on file, and argument of counsel, the Court issues the following Findings of Fact, Conclusions of Law, and Order:

I.

FINDINGS OF FACT

1. On November 5, 2012, Defendant John Cargile ("Cargile"), a Sergeant with the North Las Vegas Police Department, was responding to an emergency call, specifically that shots had been fired and at least one person was injured. Cargile's actions in responding to the call, driving his police vehicle to the scene of the emergency, were within his authority as a police officer.

2. While responding to the call, Cargile made the decision to proceed through a red traffic signal at the intersection of 5th Street and Cheyenne Avenue in North Las Vegas, as he was turning left onto Cheyenne Avenue from northbound 5th Street.

3. When Cargile was in the process of clearing the intersection, a collision occurred between his vehicle and that of Plaintiff Japonica Glover-Armont, who was driving eastbound on Cheyenne Avenue at the time.

II.

CONCLUSIONS OF LAW

1. To receive discretionary-act immunity under NRS 41.032(2), a public employee's decision "must (1) involve an element of individual judgment or choice and (2) be based on considerations of social, economic, or political policy." Martinez v. Maruszczak, 123 Nev. 433, 446–47, 168 P.3d 720, 729 (2007). "[D]ecisions at all levels of government, including frequent or routine decisions, may be protected by discretionary-act immunity...." Id. at 447, 168 P.3d at 729.

2. While responding to the emergency call, Cargile used his individual judgment in deciding how to respond, including making decisions as to what route to take, and whether and how to proceed through the red traffic signal at 5th Street and Cheyenne Avenue.

3. Cargile's actions, undertaken while responding to an emergency call, were related to, and in furtherance of, public policies, such as protection of the public, enforcing the law, and apprehending criminals.

4. Cargile's actions do not constitute an intentional tort, and no intentional torts were pled in this matter. Furthermore, because Cargile was acting within the scope of his authority by responding to an emergency call, his actions were not undertaken in bad faith.

5. Because Cargile's actions involved his individual discretion, and were related to, and in furtherance of, public policy, Cargile and the City are entitled to discretionary immunity pursuant to NRS 41.032.

6. Furthermore, because Cargile is immune from Plaintiff's negligence claims as set forth above, there are no grounds for Plaintiff's claims against the City for negligent entrustment, negligent hiring, negligent training, negligent supervision, negligent retention, or vicarious liability.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that Defendants' Motion for Reconsideration is GRANTED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that Defendants' Motion for Summary Judgment is GRANTED. Plaintiff's Complaint is dismissed with prejudice.

DATED this 30th day of June, 2016.

DISTRICT COURT JUDGE

for Judge William Kephart

Submitted by:

NORTH LAS VEGAS CITY ATTORNEY

Christopher D. Craft, Nev. Bar No. 7314
Deputy City Attorney
2250 Las Vegas Blvd. North, Suite 810
North Las Vegas, Nevada 89030
Telephone: (702) 633-1050
Attorneys for Defendants
John Cargile and City of North Las Vegas

MARJORIE HAUF, ESQ.
Nevada Bar No. 8111
IDA M. YBARRA,ESQ.
Nevada Bar No. 11327
GANZ & HAUF
8950 W. Tropicana Ave., Ste. 1
Las Vegas, Nevada 89147
Tel: (702) 598-4529
Fax: (702) 598-3626

Attorneys for Plaintiff

-o0o-

DISTRICT COURT

CLARK COUNTY, NEVADA

JAPONICA GLOVER-ARMONT,

Plaintiff,

vs.

JOHN CARGILE; CITY OF NORTH LAS VEGAS, a Municipal Corporation existing under the laws of the State of Nevada in the County of Clark; DOES I through X, inclusive; and/or ROE CORPORATIONS I through X, inclusive,

Defendants.

CASE NO.: A-13-683211-C
DEPT NO.: XIX

CASE APPEAL STATEMENT

1. **Name of appellant filing this case appeal statement:**

   Japonica Glover-Armont

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

   Honorable Judge William Kephart

...

...

...

GANZ & HAUF
8950 W. Tropicana Ave., #1
Las Vegas, NV 89147
Phone: (702) 598-4529
Fax: (702) 598-3626

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

Japonica Glover-Armont
c/o GANZ & HAUF, CHTD
8950 W. Tropicana Ave, Suite 1
Las Vegas, Nevada 89147
Tel: (702) 598-4529

4. **Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's trial counsel:**

John Cargile; City of North Las Vegas
c/o Christopher D. Craft, Esq.
Deputy City Attorney
2250 Las Vegas Blvd Ste 810
Las Vegas, Nevada 89030
Tel: (702) 633-1050

5. **Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada, and if so, whether the district court granted that attorney permission to appear under SCR 42:**

Both Attorneys involved are licensed to practice law in Nevada.

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

Appellant was represented by retained counsel.

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

Appellant is represented by retained counsel.

8. **Indicate whether Appellant was granted leave to proceed in forma pauperis:**

Appellant did not request to proceed in forma pauperis.

9. **Indicate the date the proceeding commenced in the District Court:**

The Complaint in this matter was filed on June, 10, 2013.

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 claim involved a motor vehicle accident with a police vehicle. Defendants filed a Motion for Summary Judgment on December 22, 2015. Plaintiff filed an Opposition

GANZ&HAUF
8950 W. Tropicana Ave., #1
Las Vegas, NV 89147
Phone: (702) 598-4529
Fax: (702) 598-3626

on January 11, 2016. Plaintiff prevailed in defeating the Defendants' Motion for Summary Judgment on March 1, 2016. Defendants filed a Motion to Reconsider the Motion for Summary Judgment on April 7, 2016. Plaintiff filed an Opposition to Defendants' Motion to Reconsider on April 27, 2016. The District Court entered an Order granting the Defendants' Motion for Reconsideration on June 30, 2016. Plaintiff seeks to appeal the Order granting Defendant's Motion for Reconsideration. Plaintiff also appeals from all other rulings, orders, and judgments made final and appealable by the foregoing.

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

Not applicable

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

Not applicable.

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

Yes.

DATED this 3rd day of August, 2016.

GANZ & HAUF

MARJORIE HAUF, ESQ
Nevada Bar No. 8111
IDA M. YBARRA, ESQ
Nevada Bar No. 11327
8950 W. Tropicana Ave., Ste. 1
Las Vegas, Nevada 89147

GANZ & HAUF
8950 W. Tropicana Ave., #1
Las Vegas, NV 89147
Phone: (702) 598-4529
Fax: (702) 598-3626

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and EDCR 7.26, I certify that on this date, I served the foregoing **CASE APPEAL STATEMENT** on all parties to this action by:

____ Facsimile

__X__ Mail

__X__ E-Service

addressed as follows:

Christopher Craft, Esq.
Deputy City Attorney
2250 Las Vegas Blvd Ste 810
North Las Vegas, NV 89030

Dated this 3 day of August, 2016.

An employee of the law firm of GANZ & HAUF

GANZ & HAUF
8950 W. Tropicana Ave., #1
Las Vegas, NV 89147
Phone: (702) 598-4529
Fax: (702) 598-3626

DEPARTMENT 19

CASE SUMMARY

CASE NO. A-13-683211-C

Japonica Glover-Armont, Plaintiff(s)	§	Location:	**Department 19**
vs.	§	Judicial Officer:	**Kephart, William D.**
John Cargile, Defendant(s)	§	Filed on:	**06/10/2013**
	§	Case Number History:	
	§	Cross-Reference Case Number:	**A683211**

CASE INFORMATION

Statistical Closures
07/05/2016 Summary Judgment

Case Type: **Negligence - Auto**

Case Flags: **Appealed to Supreme Court**
Jury Demand Filed
Arbitration Exemption Granted

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	A-13-683211-C
Court	Department 19
Date Assigned	01/05/2015
Judicial Officer	Kephart, William D.

PARTY INFORMATION

Plaintiff **Glover-Armont, Japonica**

Hauf, Marjorie L.
Retained
7025984529(W)

Defendant **Cargile, John**

North Las Vegas City Of
Removed: 07/05/2016
Dismissed

Short Trial Judge **Judge Pro Tempore**

DATE	EVENTS & ORDERS OF THE COURT	INDEX
06/10/2013	Complaint Filed By: Plaintiff Glover-Armont, Japonica *Complaint*	
06/10/2013	Initial Appearance Fee Disclosure Filed By: Plaintiff Glover-Armont, Japonica *Initial Appearance Fee Disclosure*	
06/10/2013	Case Opened	
09/05/2013	Answer Filed By: Defendant Cargile, John *Answer*	
10/15/2013	Commissioners Decision on Request for Exemption - Granted Party: Plaintiff Glover-Armont, Japonica *Commissioner's Decision on Request for Exemption - Granted*	
11/11/2013	Demand for Jury Trial	

Filed By: Plaintiff Glover-Armont, Japonica
Demand for Jury Trial

12/10/2013 Joint Case Conference Report
Filed By: Plaintiff Glover-Armont, Japonica
Joint Case Conference Report

12/24/2013 Scheduling Order
Filed By: Short Trial Judge Judge Pro Tempore
Scheduling Order

09/03/2014 Stipulation and Order to Extend Discovery Deadlines
Filed By: Plaintiff Glover-Armont, Japonica
Stipulation and Order to Extend Discovery (First Request)

09/08/2014 Stipulation and Order to Extend Discovery Deadlines
Filed By: Plaintiff Glover-Armont, Japonica
Stipulation and Order to Extend Discovery (First Request)

10/28/2014 Order Setting Civil Jury Trial
Order Setting Civil Jury Trial

01/05/2015 Judicial Elections 2014 - Case Reassignment
District Court Judicial Officer Reassignment 2014

02/18/2015 Designation of Expert Witness
Filed By: Defendant Cargile, John
Defendants' Designation of Expert Witnesses Pursuant to NRCP 16.1(a)(2)

04/01/2015 Designation of Expert Witness
Filed By: Defendant Cargile, John
City of North Las Vegas's Designation of Rebuttal Expert Witnesses Pursuant to NRCP 16.1(a)(2)

05/08/2015 Stipulation and Order
Filed by: Plaintiff Glover-Armont, Japonica
Stipulation and Order to Extend Discovery (Second Request)

05/11/2015 Notice of Entry of Stipulation and Order
Filed By: Plaintiff Glover-Armont, Japonica
Notice of Entry of Order

05/20/2015 Order Setting Civil Jury Trial
Order Setting Civil Jury Trial

08/13/2015 *CANCELED* **Status Check** (9:00 AM) (Judicial Officer: Kephart, William D.)
Vacated - per Commissioner

09/17/2015 *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kephart, William D.)
Vacated - per Commissioner

09/29/2015 *CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer: Earl, Allan R.)
Vacated - per Commissioner

12/22/2015 Motion for Summary Judgment

Filed By: Defendant Cargile, John
Defendants' Motion for Summary Judgment

01/06/2016 Order Setting Civil Jury Trial
Amended Order Setting Civil Jury Trial

01/11/2016 Opposition to Motion
Filed By: Plaintiff Glover-Armont, Japonica
Opposition to Motion

01/26/2016 Reply in Support
Filed By: Defendant North Las Vegas City Of
Defendants' Reply in Support of Motion for Summary Judgment

02/02/2016 **Motion for Summary Judgment** (9:00 AM) (Judicial Officer: Kephart, William D.)
02/02/2016, 03/01/2016
Defendants' Motion for Summary Judgment

02/23/2016 Supplemental Brief
Filed By: Defendant North Las Vegas City Of
Defendants' Supplemental Brief in Support of Motion for Summary Judgment

02/23/2016 Opposition
Filed By: Plaintiff Glover-Armont, Japonica
Supplemental Opposition to Defendants' Motion for Summary Judgment

03/28/2016 Recorders Transcript of Hearing
Transcript of Proceedings - Defendants' Motion for Summary Judgment March 1, 2016

04/07/2016 Motion to Reconsider
Filed By: Defendant Cargile, John
Defendants' Motion to Reconsider

04/11/2016 Notice of Motion
Filed By: Defendant Cargile, John
Notice of Motion

04/14/2016 Motion in Limine
Filed By: Plaintiff Glover-Armont, Japonica
Plaintiff's Motion in Limine Nos. 1-8

04/14/2016 Omnibus Motion In Limine
Filed by: Defendant North Las Vegas City Of
Defendants' Omnibus Motion in Limine

04/19/2016 **Pre Trial Conference** (9:00 AM) (Judicial Officer: Kephart, William D.)

04/27/2016 Opposition
Filed By: Plaintiff Glover-Armont, Japonica
Opposition to Defendants' Motion for Reconsideration

04/28/2016 Pre-Trial Disclosure
Party: Plaintiff Glover-Armont, Japonica

Plaintiff's Pre-Trial Disclosure

05/10/2016 *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kephart, William D.)
Vacated - per Judge

05/17/2016 Opposition to Motion in Limine
Filed By: Defendant North Las Vegas City Of
Defendants' Opposition to Plaintiff's Motion in Limine

05/17/2016 Opposition to Motion in Limine
Filed By: Plaintiff Glover-Armont, Japonica
Plaintiff's Oppositions to Defendants' Omnibus Motion in Limine

05/24/2016 Reply in Support
Filed By: Defendant Cargile, John
Defendants' Reply in Support of Omnibus Motion in Limine

05/24/2016 Reply in Support
Filed By: Defendant Cargile, John
Defendants' Reply in Support of Motion for Reconsideration

05/24/2016 Reply
Filed by: Plaintiff Glover-Armont, Japonica
Replies to Defendants' Oppositions to Plaintiff's Motions in Limine Nos. 1-8

05/31/2016 **Motion to Reconsider** (9:00 AM) (Judicial Officer: Kephart, William D.)
Defendants' Motion to Reconsider

05/31/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Kephart, William D.)
Plaintiff's Motion in Limine Nos. 1-8

05/31/2016 **Omnibus Motion in Limine** (9:00 AM) (Judicial Officer: Kephart, William D.)
Defendants' Omnibus Motion in Limine

05/31/2016 **All Pending Motions** (9:00 AM) (Judicial Officer: Kephart, William D.)

05/31/2016 *CANCELED* **Jury Trial** (1:00 PM) (Judicial Officer: Kephart, William D.)
Vacated - per Judge

06/21/2016 *CANCELED* **Pre Trial Conference** (9:00 AM) (Judicial Officer: Kephart, William D.)
Vacated - per Judge

07/05/2016 Order Granting Motion
Filed By: Defendant North Las Vegas City Of
Order

07/05/2016 **Summary Judgment** (Judicial Officer: Kephart, William D.)
Debtors: Japonica Glover-Armont (Plaintiff)
Creditors: North Las Vegas City Of (Defendant), John Cargile (Defendant)
Judgment: 07/05/2016, Docketed: 07/12/2016

07/05/2016 **Order of Dismissal With Prejudice** (Judicial Officer: Kephart, William D.)
Debtors: Japonica Glover-Armont (Plaintiff)
Creditors: North Las Vegas City Of (Defendant), John Cargile (Defendant)
Judgment: 07/05/2016, Docketed: 07/12/2016

07/06/2016	Notice of Entry of Order Filed By: Defendant North Las Vegas City Of *Notice of Entry of Order*
07/06/2016	Memorandum of Costs and Disbursements Filed By: Defendant Cargile, John *Memorandum of Costs and Disbursements*
07/11/2016	Motion to Retax Filed By: Plaintiff Glover-Armont, Japonica *Plaintiff's Motion to Retax Costs*
07/19/2016	*CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kephart, William D.) *Vacated - per Judge*
07/20/2016	Opposition to Motion Filed By: Defendant North Las Vegas City Of *Defendants' Opposition to Plaintiff's Motion to Retax Costs*
08/01/2016	*CANCELED* **Jury Trial** (1:00 PM) (Judicial Officer: Kephart, William D.) *Vacated - per Judge*
08/03/2016	Notice of Appeal Filed By: Plaintiff Glover-Armont, Japonica *Plaintiff's Notice of Appeal*
08/03/2016	Case Appeal Statement Filed By: Plaintiff Glover-Armont, Japonica *Case Appeal Statement*
08/11/2016	**Motion to Retax** (3:00 AM) (Judicial Officer: Kephart, William D.) *Plaintiff's Motion to Retax Costs*

DATE	FINANCIAL INFORMATION	
	Plaintiff Glover-Armont, Japonica	
	Total Charges	294.00
	Total Payments and Credits	294.00
	Balance Due as of 8/5/2016	**0.00**

CIVIL COVER SHEET A-13-683211-C

County, Nevada XIX

Case No. _____
(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
Japonica Glover-Armont	John Cargile City of North Las Vegsa
Attorney (name/address/phone): Adam Ganz, Esq. 8950 W. Tropicana Ave, Ste 1 Las Vegas, NV 89147 (702) 598-4529	Attorney (name/address/phone):

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

Arbitration Requested

Civil Cases

Real Property	**Torts**	
Landlord/Tenant Unlawful Detainer **Title to Property** Foreclosure Liens Quiet Title Specific Performance **Condemnation/Eminent Domain** **Other Real Property** Partition Planning/Zoning	**Negligence** **Negligence – Auto** (circled) **Negligence – Medical/Dental** **Negligence – Premises Liability** (Slip/Fall) **Negligence – Other**	**Product Liability** Product Liability/Motor Vehicle Other Torts/Product Liability **Intentional Misconduct** Torts/Defamation (Libel/Slander) Interfere with Contract Rights **Employment Torts** (Wrongful termination) **Other Torts** Anti-trust Fraud/Misrepresentation Insurance Legal Tort Unfair Competition

Probate	**Other Civil Filing Types**	
Estimated Estate Value: **Summary Administration** **General Administration** **Special Administration** **Set Aside Estates** **Trust/Conservatorships** Individual Trustee Corporate Trustee **Other Probate**	**Construction Defect** Chapter 40 General **Breach of Contract** Building & Construction Insurance Carrier Commercial Instrument Other Contracts/Acct/Judgment Collection of Actions Employment Contract Guarantee Sale Contract Uniform Commercial Code **Civil Petition for Judicial Review** Foreclosure Mediation Other Administrative Law Department of Motor Vehicles Worker's Compensation Appeal	**Appeal from Lower Court** *(also check applicable civil case box)* Transfer from Justice Court Justice Court Civil Appeal **Civil Writ** Other Special Proceeding **Other Civil Filing** Compromise of Minor's Claim Conversion of Property Damage to Property Employment Security Enforcement of Judgment Foreign Judgment – Civil Other Personal Property Recovery of Property Stockholder Suit Other Civil Matters

III. Business Court Requested (Please check applicable category; *for Clark or Washoe Counties only.*)

NRS Chapters 78-88	Investments (NRS 104 Art. 8)	Enhanced Case Mgmt/Business
Commodities (NRS 90)	Deceptive Trade Practices (NRS 598)	Other Business Court Matters
Securities (NRS 90)	Trademarks (NRS 600A)	

6/10/13
Date

Marjorie Hauf /s/
Signature of initiating party or representative

See other side for family-related case filings.

ORIGINAL

OGM
NORTH LAS VEGAS CITY ATTORNEY
Sandra Douglass Morgan, Nev. Bar No. 8582
City Attorney
Christopher D. Craft, Nev. Bar No. 7314
Deputy City Attorney
2250 Las Vegas Blvd. North, Suite 810
North Las Vegas, Nevada 89030
Telephone: (702) 633-1050
Facsimile: (702) 649-8879
Attorneys for Defendants
John Cargile and City of North Las Vegas

DISTRICT COURT

CLARK COUNTY, NEVADA

JAPONICA GLOVER-ARMONT,

Plaintiff,

vs.

JOHN CARGILE; CITY OF NORTH LAS VEGAS, a Municipal Corporation existing under the laws of the State of Nevada in the County of Clark; DOES I through X, inclusive; and/or ROE CORPORATIONS I through X, inclusive,

Defendants.

Case No. A-13-683211-C

Dept. No. XIX

ORDER

Defendants City of North Las Vegas (the "City") and Sergeant John Cargile ("Sergeant Cargile") (collectively "Defendants") came before the Court for hearing on Defendants' Motion for Summary Judgment on February 2, 2016, and March 1, 2016, and on Defendants' Motion to Reconsider on May 31, 2016. Plaintiff Japonica Glover-Armont appeared by and through her counsel, Adam Ganz, Esq., and Marjorie Hauf, Esq., and Defendants appeared by and through their counsel, Christopher Craft, Esq. After consideration of the papers and pleadings on file, and argument of counsel, the Court issues the following Findings of Fact, Conclusions of Law, and Order:

I.

FINDINGS OF FACT

1. On November 5, 2012, Defendant John Cargile ("Cargile"), a Sergeant with the North Las Vegas Police Department, was responding to an emergency call, specifically that shots had been fired and at least one person was injured. Cargile's actions in responding to the call, driving his police vehicle to the scene of the emergency, were within his authority as a police officer.

2. While responding to the call, Cargile made the decision to proceed through a red traffic signal at the intersection of 5th Street and Cheyenne Avenue in North Las Vegas, as he was turning left onto Cheyenne Avenue from northbound 5th Street.

3. When Cargile was in the process of clearing the intersection, a collision occurred between his vehicle and that of Plaintiff Japonica Glover-Armont, who was driving eastbound on Cheyenne Avenue at the time.

II.

CONCLUSIONS OF LAW

1. To receive discretionary-act immunity under NRS 41.032(2), a public employee's decision "must (1) involve an element of individual judgment or choice and (2) be based on considerations of social, economic, or political policy." Martinez v. Maruszczak, 123 Nev. 433, 446–47, 168 P.3d 720, 729 (2007). "[D]ecisions at all levels of government, including frequent or routine decisions, may be protected by discretionary-act immunity...." Id. at 447, 168 P.3d at 729.

2. While responding to the emergency call, Cargile used his individual judgment in deciding how to respond, including making decisions as to what route to take, and whether and how to proceed through the red traffic signal at 5th Street and Cheyenne Avenue.

3. Cargile's actions, undertaken while responding to an emergency call, were related to, and in furtherance of, public policies, such as protection of the public, enforcing the law, and apprehending criminals.

4. Cargile's actions do not constitute an intentional tort, and no intentional torts were pled in this matter. Furthermore, because Cargile was acting within the scope of his authority by responding to an emergency call, his actions were not undertaken in bad faith.

5. Because Cargile's actions involved his individual discretion, and were related to, and in furtherance of, public policy, Cargile and the City are entitled to discretionary immunity pursuant to NRS 41.032.

6. Furthermore, because Cargile is immune from Plaintiff's negligence claims as set forth above, there are no grounds for Plaintiff's claims against the City for negligent entrustment, negligent hiring, negligent training, negligent supervision, negligent retention, or vicarious liability.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that Defendants' Motion for Reconsideration is GRANTED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that Defendants' Motion for Summary Judgment is GRANTED. Plaintiff's Complaint is dismissed with prejudice.

DATED this 30th day of June, 2016.

DISTRICT COURT JUDGE

for Judge William Kephart

Submitted by:

NORTH LAS VEGAS CITY ATTORNEY

Christopher D. Craft, Nev. Bar No. 7314
Deputy City Attorney
2250 Las Vegas Blvd. North, Suite 810
North Las Vegas, Nevada 89030
Telephone: (702) 633-1050
Attorneys for Defendants
John Cargile and City of North Las Vegas

NEO
NORTH LAS VEGAS CITY ATTORNEY
Sandra Douglass Morgan, Nev. Bar No. 8582
City Attorney
Christopher D. Craft, Nev. Bar No. 7314
Deputy City Attorney
2250 Las Vegas Blvd. North, Suite 810
North Las Vegas, Nevada 89030
Telephone: (702) 633-1050
Facsimile: (702) 649-8879
Attorneys for Defendants
John Cargile and City of North Las Vegas

DISTRICT COURT
CLARK COUNTY, NEVADA

JAPONICA GLOVER-ARMONT,

Plaintiff,

vs.

JOHN CARGILE; CITY OF NORTH LAS VEGAS, a Municipal Corporation existing under the laws of the State of Nevada in the County of Clark; DOES I through X, inclusive; and/or ROE CORPORATIONS I through X, inclusive,

Defendants.

Case No. A-13-683211-C

Dept. No. XIX

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order granting Defendants' Motion for Reconsideration and granting Defendants' Motion for Summary Judgment was hereby entered on the 5th day of July, 2016, a copy of which is attached hereto.

DATED this 6th day of July, 2016.

NORTH LAS VEGAS CITY ATTORNEY

/s/ Christopher D. Craft
Sandra Douglass Morgan, Nev. Bar No. 8582
Christopher D. Craft, Nev. Bar No. 7314
2250 Las Vegas Blvd. North, Suite 810
North Las Vegas, Nevada 89030
(702) 633-1050
Attorneys for Defendants
John Cargile and City of North Las Vegas

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of a true and correct copy of the **NOTICE OF ENTRY OF ORDER** was made on the 6th day of July, 2016, as indicated below:

__√__ By electronic service, pursuant to N.E.F.C.R. 9

___ By first class mail, postage prepaid from Las Vegas, Nevada pursuant to N.R.C.P. 5(b) addressed as follows

___ By facsimile, pursuant to EDCR 7.26 (as amended)

___ By hand delivery

To the parties listed below:

Marjorie Hauf, Esq.
Ida M. Ybarra, Esq.
GANZ & HAUF
8950 W. Tropicana Avenue, Ste. 1
Las Vegas, Nevada 89147
Facsimile (702) 598-3626

Attorneys for Plaintiff

/s/ Michelle T. Harrell
An Employee of North Las Vegas
City Attorney's Office

ORIGINAL

CLERK OF THE COURT

OGM
NORTH LAS VEGAS CITY ATTORNEY
Sandra Douglass Morgan, Nev. Bar No. 8582
City Attorney
Christopher D. Craft, Nev. Bar No. 7314
Deputy City Attorney
2250 Las Vegas Blvd. North, Suite 810
North Las Vegas, Nevada 89030
Telephone: (702) 633-1050
Facsimile: (702) 649-8879
Attorneys for Defendants
John Cargile and City of North Las Vegas

DISTRICT COURT

CLARK COUNTY, NEVADA

JAPONICA GLOVER-ARMONT,

Plaintiff,

vs.

JOHN CARGILE; CITY OF NORTH LAS VEGAS, a Municipal Corporation existing under the laws of the State of Nevada in the County of Clark; DOES I through X, inclusive; and/or ROE CORPORATIONS I through X, inclusive,

Defendants.

Case No. A-13-683211-C

Dept. No. XIX

ORDER

Defendants City of North Las Vegas (the "City") and Sergeant John Cargile ("Sergeant Cargile") (collectively "Defendants") came before the Court for hearing on Defendants' Motion for Summary Judgment on February 2, 2016, and March 1, 2016, and on Defendants' Motion to Reconsider on May 31, 2016. Plaintiff Japonica Glover-Armont appeared by and through her counsel, Adam Ganz, Esq., and Marjorie Hauf, Esq., and Defendants appeared by and through their counsel, Christopher Craft, Esq. After consideration of the papers and pleadings on file, and argument of counsel, the Court issues the following Findings of Fact, Conclusions of Law, and Order:

I.

FINDINGS OF FACT

1. On November 5, 2012, Defendant John Cargile ("Cargile"), a Sergeant with the North Las Vegas Police Department, was responding to an emergency call, specifically that shots had been fired and at least one person was injured. Cargile's actions in responding to the call, driving his police vehicle to the scene of the emergency, were within his authority as a police officer.

2. While responding to the call, Cargile made the decision to proceed through a red traffic signal at the intersection of 5th Street and Cheyenne Avenue in North Las Vegas, as he was turning left onto Cheyenne Avenue from northbound 5th Street.

3. When Cargile was in the process of clearing the intersection, a collision occurred between his vehicle and that of Plaintiff Japonica Glover-Armont, who was driving eastbound on Cheyenne Avenue at the time.

II.

CONCLUSIONS OF LAW

1. To receive discretionary-act immunity under NRS 41.032(2), a public employee's decision "must (1) involve an element of individual judgment or choice and (2) be based on considerations of social, economic, or political policy." Martinez v. Maruszczak, 123 Nev. 433, 446–47, 168 P.3d 720, 729 (2007). "[D]ecisions at all levels of government, including frequent or routine decisions, may be protected by discretionary-act immunity...." Id. at 447, 168 P.3d at 729.

2. While responding to the emergency call, Cargile used his individual judgment in deciding how to respond, including making decisions as to what route to take, and whether and how to proceed through the red traffic signal at 5th Street and Cheyenne Avenue.

3. Cargile's actions, undertaken while responding to an emergency call, were related to, and in furtherance of, public policies, such as protection of the public, enforcing the law, and apprehending criminals.

4. Cargile's actions do not constitute an intentional tort, and no intentional torts were pled in this matter. Furthermore, because Cargile was acting within the scope of his authority by responding to an emergency call, his actions were not undertaken in bad faith.

5. Because Cargile's actions involved his individual discretion, and were related to, and in furtherance of, public policy, Cargile and the City are entitled to discretionary immunity pursuant to NRS 41.032.

6. Furthermore, because Cargile is immune from Plaintiff's negligence claims as set forth above, there are no grounds for Plaintiff's claims against the City for negligent entrustment, negligent hiring, negligent training, negligent supervision, negligent retention, or vicarious liability.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that Defendants' Motion for Reconsideration is GRANTED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that Defendants' Motion for Summary Judgment is GRANTED. Plaintiff's Complaint is dismissed with prejudice.

DATED this 30th day of June, 2016.

DISTRICT COURT JUDGE

for Judge William Kephart

Submitted by:

NORTH LAS VEGAS CITY ATTORNEY

Christopher D. Craft, Nev. Bar No. 7314
Deputy City Attorney
2250 Las Vegas Blvd. North, Suite 810
North Las Vegas, Nevada 89030
Telephone: (702) 633-1050
Attorneys for Defendants
John Cargile and City of North Las Vegas

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Auto | **COURT MINUTES** | **February 02, 2016**

A-13-683211-C Japonica Glover-Armont, Plaintiff(s)
vs.
John Cargile, Defendant(s)

February 02, 2016 **9:00 AM** **Motion for Summary Judgment**

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

Craft, Christopher D.	Attorney
Ganz, Adam	Attorney

JOURNAL ENTRIES

- Mr. Craft argued in support of motion stating the Officer's lights and sirens were on and pursuant to the Martinez case the Officer was making split second decisions during the response to an emergency call and should be given immunity. Mr. Ganz argued in opposition stating there are factual issues in this case based on the discrepancies between the statements of the parties. Upon Court's inquiry, Mr. Craft advised there are competing experts in this case as to fault of the accident. Further argument by counsel. Court stated he wants parties to provide supplemental briefing to include description of the accident as well as police reports which shall be blind briefs due on or before 2/23/2016.

CONTINUED TO: 3/01/2016 9:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Auto	**COURT MINUTES**	**March 01, 2016**

A-13-683211-C Japonica Glover-Armont, Plaintiff(s)
vs.
John Cargile, Defendant(s)

March 01, 2016 **9:00 AM** **Motion for Summary Judgment**

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

Craft, Christopher D.	Attorney
Hauf, Marjorie L.	Attorney

JOURNAL ENTRIES

- Court stated he previously continued in order for counsel to provide supplemental briefing regarding the factual issues the Court had and the Court does not believe the briefs answered the Court's concerns; therefore COURT ORDERED, Motion DENIED WITHOUT PREJUDICE as the Court believes there are general issues of material fact that remain. Mr. Craft argued in support of motion stating discretionary immunity as the officer is responding to a call, and is required to make conscious decision. Further discussion regarding Mr. Craft's position. Ms. Hauf argued there is a dispute of facts which needs to be looked at in the light most favorable to the moving party and believes the motion should be denied. Court stated ruling stands.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Auto	**COURT MINUTES**	**April 19, 2016**

A-13-683211-C Japonica Glover-Armont, Plaintiff(s)
vs.
John Cargile, Defendant(s)

April 19, 2016 **9:00 AM** **Pre Trial Conference**

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

Craft, Christopher D.	Attorney
Ganz, Adam	Attorney

JOURNAL ENTRIES

- Mr. Craft advised he will be requesting the trial be continued due to scheduling conflicts. Mr. Ganz advised he cannot agree; however, he appreciates the request to continue. Colloquy regarding scheduling. COURT ORDERED, trial date VACATED and RESET; Defendant's pending motions in limine shall be CONTINUED to 5/31/2016 at 9:00 am.

7/05/2016 9:00 AM PRE TRIAL CONFERENCE

7/19/2016 9:00 AM CALENDAR CALL

8/01/2016 1:00 PM

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Auto	**COURT MINUTES**	**May 31, 2016**

A-13-683211-C Japonica Glover-Armont, Plaintiff(s)
vs.
John Cargile, Defendant(s)

May 31, 2016 **9:00 AM** **All Pending Motions**

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

Craft, Christopher D.	Attorney
Ganz, Adam	Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO RECONSIDER:

Upon Court's inquiry, Mr. Craft it is undisputed that Plaintiff saw the lights at some point. Colloquy regarding Defendant's motion. Mr. Ganz argued in opposition. COURT ORDERED, Motion GRANTED and Defendant's Motion for Summary Judgment GRANTED. Mr. Ganz requested 54 (b) certification in order to file a writ. COURT FURTHER ORDERED, 54 (b) certification GRANTED.

PLAINTIFF'S MOTIONS IN LIMINE 1 - 8 ... DEFENDANT'S OMNIBUS MOTION IN LIMINE:

COURT FURTHER ORDERED, motions OFF CALENDAR as MOOT; trial date VACATED.

EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE

NOTICE OF DEFICIENCY

ON APPEAL TO NEVADA SUPREME COURT

MARJORIE HAUF, ESQ.
8950 W. TROPICANA AVE., STE. 1
LAS VEGAS, NV 89147

DATE: August 5, 2016
CASE: A-13-683211-C

RE CASE: JAPONICA GLOVER-ARMONT vs. JOHN CARGILE; CITY OF NORTH LAS VEGAS

NOTICE OF APPEAL FILED: August 3, 2016

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

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
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):

PLAINTIFF'S NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

JAPONICA GLOVER-ARMONT,

Plaintiff(s),

vs.

JOHN CARGILE; CITY OF NORTH LAS VEGAS,

Defendant(s),

Case No: A-13-683211-C

Dept No: XIX

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 5 day of August 2016.

Steven D. Grierson, Clerk of the Court

Chaunte Pleasant

Chaunte Pleasant, Deputy Clerk