

**NOAS**

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Law Offices of George O. West III  
**Consumer Attorneys Against Auto Fraud**  
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Las Vegas, NV 89145  
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Electronically Filed  
Jan 05 2018 03:12 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

CRAIG B. FRIEDBERG [SBN 4601]  
Law Offices of Craig B. Friedberg, Esq.  
4760 S. Pecos Road, Suite 103  
Las Vegas, NV 89121  
(702) 435-7968  
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Email: attcbf@cox.net  
Website: www.consumerlaw.justia.net

Attorneys for Plaintiffs  
**DERRICK POOLE**

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

DERRICK POOLE,

Plaintiff,

v

NEVADA AUTO DEALERSHIP INVEST-  
MENTS LLC a Nevada Limited Liability  
Company d/b/a SAHARA CHRYSLER,  
JEEP, DODGE, WELLS FARGO DEALER  
SERVICES INC., COREPOINTE INSUR-  
ANCE COMPANY, and DOES 1 through 100,  
Inclusive,

Defendants,

CASE NO : A-16-737120-C  
DEPT : XXVII

**NOTICE OF APPEAL**

[Filed concurrently with Plaintiff's  
Case Appeal Statement]

**TO ALL PARTIES AND TO THEIR ATTORNEY OF RECORD :**

**PLEASE TAKE NOTICE**, that Plaintiff DERRICK POOLE, by and through his attorney George O. West III, hereby appeals to the Supreme Court of Nevada from the entry of the order granting Defendants' NEVADA AUTO DEALERSHIP INVESTMENTS LLC, and COREPOINTE INSURANCE COMPANY's Motion for Summary Judgment dismissing the above caption action in its entirety as to all claims for relief with respect to remaining Defendants NEVADA AUTO DEALERSHIP INVESTMENTS LLC, and COREPOINTE INSURANCE COMPANY. Said order was entered on December 1, 2017.<sup>1</sup>

Dated this 23<sup>rd</sup> day of December, 2017

By /s/ George O. West III  
 GEORGE O. WEST III  
 Law Offices of George O. West III  
*Consumer Attorneys Against Auto Fraud*  
**Attorney for Plaintiff**  
**DERRICK POOLE**

<sup>1</sup> Defendant WELLS FARGO DEALER SERVICES INC was dismissed from the action via a stipulation and order pursuant to Rule 41 after the granting of Defendants NEVADA AUTO DEALERSHIP INVESTMENTS LLC, and COREPOINTE INSURANCE COMPANY's motion for summary judgment

1  
2 **PROOF OF SERVICE**

3 STATE OF NEVADA                    )  
4 COUNTY OF CLARK                    )

5 On December 23, 2017, I served the forgoing document(s) described as 1) **NOTICE OF**  
6 **APPEAL 2) CASE APPEAL STATEMENT** on interested party(ies) in this action by  
7 either fax and/or email, or by placing a true and correct copy and/or original thereof  
8 addressed as follows:

9 **JEFF BENDAVID, ESQ**  
10 Moran, Brandon, Bendavid, Moran  
630 South Fourth Street  
Las Vegas, NV 89101  
j.bendavid@moranlawfirm.com

11 **NATHAN KANUTE, ESQ**  
12 Snell & Wilmer  
3883 Howard Hughes Pkwy  
Suite 1100  
13 Las Vegas, NV 89169  
14 nkanute@swlaw.com

15 [ ] **(BY FIRST CLASS MAIL)** I am readily familiar with the firm's practice of  
16 collection and processing correspondence for mailing. Under that practice it would be  
deposited with the U.S. Postal service on that same day with first class postage thereon  
fully prepaid at Las Vegas, NV in the ordinary course of business.

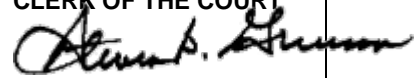
17 [ ] **(BY PERSONAL SERVICE)** I delivered such envelope by hand to the office, and/or  
18 to the attorney listed as the addressee below.

19 [ ] **(BY FAX SERVICE)** Pursuant to consent under NRCP, Rule 5(b), I hereby certify  
20 that service of the aforementioned document(s) via facsimile, pursuant to EDCR Rule  
7.26(a), as set forth herein.

21 [x] **(BY EMAIL SERVICE) (Wiznet/email)** Pursuant NRCP, Rule 5(b)(2)(D), and  
22 the EDCR on electronic service, I hereby certify that service of the aforementioned  
document(s) via email to pursuant to the relevant and pertinent provisions of EDCR and  
NRCP, as set forth herein.

23  
24 Executed on this 23<sup>rd</sup> day of December, 2017

25  
26 /s/ George O. West III  
GEORGE O. WEST III



**ASTA**

GEORGE O. WEST III [SBN 7951]  
Law Offices of George O. West III

**Consumer Attorneys Against Auto Fraud**

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CRAIG B. FRIEDBERG [SBN 4606]  
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Las Vegas, NV 89121  
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Website: www.consumerlaw.justia.net

Attorneys for Plaintiffs  
**DERRICK POOLE**

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

DERRICK POOLE,

Plaintiff,

v

NEVADA AUTO DEALERSHIP INVEST-  
MENTS LLC a Nevada Limited Liability  
Company d/b/a SAHARA CHRYSLER,  
JEEP, DODGE, WELLS FARGO DEALER  
SERVICES INC., COREPOINTE INSUR-  
ANCE COMPANY, and DOES 1 through 100,  
Inclusive,

Defendants,

CASE NO : A-16-737120-C  
DEPT : XXVII

**CASE APPEAL STATEMENT**

[Filed concurrently with Plaintiff's  
Notice of Appeal]

1. Name of Appellant : Derrick Poole

2. Judge Issuing Order Being Appealed : Hon. Nancy Alf

3. Parties to the District Court Proceeding :

**Plaintiff :** DERRICK POOLE

**Defendants :** NEVADA AUTO DEALERSHIP INVESTMENTS LLC a Nevada  
WELLS FARGO DEALER SERVICES INC., COREPOINTE INSURANCE  
COMPANY

4. Parties involved in this Appeal

**Appellant:** DERRICK POOLE

**Respondents:** NEVADA AUTO DEALERSHIP INVESTMENTS LLC a Nevada  
And COREPOINTE INSURANCE COMPANY<sup>1</sup>

5. Identification of Attorneys for Represented Parties :

For Plaintiff : DERRICK POOLE

GEORGE O. WEST III  
Law Offices of George O. West III  
*Consumer Attorneys Against Auto Fraud*  
10161 Park Run Drive, Suite 150  
Las Vegas, NV 89145  
Email : gowesq@cox.net  
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Las Vegas, NV 89121  
(702) 435-7968  
Fax: (702) 946-0887  
Email: attcbf@cox.net

For Respondents: NEVADA AUTO DEALERSHIP INVESTMENTS LLC,  
and COREPOINTE INSURANCE COMPANY

**JEFF BENDAVID, ESQ**  
Moran, Brandon, Bendavid, Moran  
630 South Fourth Street  
Las Vegas, NV 89101

---

<sup>1</sup> Defendant WELLS FARGO DEALER SERVICES INC was dismissed from the action via a stipulation and order pursuant to Rule 41 after the granting of Defendants NEVADA AUTO DEALERSHIP INVESTMENTS LLC, and COREPOINTE INSURANCE COMPANY's motion for summary judgment

(702) 384-8424  
j.bendavid@moranlawfirm.com

6. Appellant was represented by retained counsel George O. West III and Craig B. Friedberg
7. Appellant is currently being represented by retained counsel George O. West III and Craig B. Friedberg
8. Forma Paupris Status : N/A
9. Date Proceedings Commenced in District Court : Complaint filed May 22, 2016.
10. This is an action based on statutory consumer fraud/deceptive trade practices pursuant to NRS 41.600 and Chapter 598 of the NRS involving the sale of used certified pre owned vehicle. The case involved material non-disclosures relating to the vehicle at time of sale. Defendants NEVADA AUTO DEALERSHIP INVESTMENTS LLC and COREPOINTE INSURANCE COMPANY filed a motion for summary judgment pursuant to Rule 56. The Court granted said Defendants' motion for summary judgment dismissing all of Plaintiff's claims for relief.
11. Case has not been subject to any previous appeal or writ.
12. This appeal does not involved child custody of visitation
13. Defendants were granted summary judgment on all claims for relief, consequently settlement is not likely on the part of Defendants/Respondents.

Dated this 23<sup>rd</sup> day of December, 2017

By /s/ George O. West III  
GEORGE O. WEST III  
Law Offices of George O. West III  
*Consumer Attorneys Against Auto Fraud*  
**Attorney for Plaintiff**  
**DERRICK POOLE**

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j.bendavid@moranlawfirm.com

11 **NATHAN KANUTE, ESQ**  
12 Snell & Wilmer  
3883 Howard Hughes Pkwy  
Suite 1100  
13 Las Vegas, NV 89169  
14 nkanute@swlaw.com

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document(s) via email to pursuant to the relevant and pertinent provisions of EDCR and  
NRCP, as set forth herein.

23  
24 Executed on this 23<sup>rd</sup> day of December, 2017

25  
26 /s/ George O. West III  
GEORGE O. WEST III

DEPARTMENT 27  
**CASE SUMMARY**  
**CASE NO. A-16-737120-C**

**Derrick Poole, Plaintiff(s)**  
**vs.**  
**Nevada Auto Dealership Investments LLC, Defendant**  
**(s)**

§  
§  
§  
§  
§

Location: **Department 27**  
Judicial Officer: **Allf, Nancy**  
Filed on: **05/22/2016**  
Cross-Reference Case Number: **A737120**

CASE INFORMATION

**Statistical Closures**  
12/08/2017 Summary Judgment

Case Type: **Other Tort**  
Case Flags: **Appealed to Supreme Court**  
**Jury Demand Filed**  
**Automatically Exempt from Arbitration**

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number A-16-737120-C  
Court Department 27  
Date Assigned 05/22/2016  
Judicial Officer Allf, Nancy





PARTY INFORMATION

<b>Plaintiff</b>	<b>Poole, Derrick</b>	<i>Lead Attorneys</i> <b>West III, George O.</b> <i>Retained</i> 702-318-6570(W)
<b>Defendant</b>	<b>CorePoint Insurance Company</b>	<b>Terry, Brian K.</b> <i>Retained</i> 702-366-0622(W)
	<b>Nevada Auto Dealership Investments LLC</b>	<b>Bendavid, Jeffrey A.</b> <i>Retained</i> 7023848424(W)
	<b>Wells Fargo Dealer Services Inc</b>	<b>Sorenson, Amy F.</b> <i>Retained</i> 702-784-5200(W)

DATE

EVENTS & ORDERS OF THE COURT













INDEX

05/22/2016	 Complaint With Jury Demand Filed By: Plaintiff Poole, Derrick <i>Complaint for Damages, and Equitable and Declaratory Relief and Demand for Jury Trial</i>	
08/31/2016	 Answer to Complaint Filed by: Defendant Wells Fargo Dealer Services Inc <i>Wells Fargo Dealer Services' Answer to Complaint for Damages and Equitable and Declaratory Relief</i>	
08/31/2016	 Initial Appearance Fee Disclosure Filed By: Defendant Wells Fargo Dealer Services Inc <i>Wells Fargo Dealer Services' Initial Appearance Fee Disclosure</i>	
08/31/2016	 Answer to Complaint Filed by: Defendant Nevada Auto Dealership Investments LLC <i>Defendants, Nevada Auto Dealership Investments LLC d/b/a Sahara Chrysler, Jeep, Dodge</i>	



DEPARTMENT 27  
**CASE SUMMARY**  
**CASE NO. A-16-737120-C**

*and CorePoint Insurance Company's Answer to Complaint for Damages and Equitable and Declaratory Relief*

08/31/2016	 Initial Appearance Fee Disclosure Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
10/14/2016	 Joint Case Conference Report Filed By: Plaintiff Poole, Derrick <i>Joint Case Conference Report</i>
12/06/2016	 Scheduling Order <i>Scheduling Order</i>
01/26/2017	 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call <i>Order Setting Civil Jury Trial, Pre-Trial/Calendar Call</i>
03/17/2017	 Motion to Amend Complaint Filed By: Plaintiff Poole, Derrick <i>Notice of Motion and Motion for Leave to File First Amended Complaint</i>
03/28/2017	 Non Opposition Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Non-Opposition to Plaintiff's Motion for Leave to File First Amended Complaint</i>
04/13/2017	 <b>Minute Order</b> (3:00 AM) (Judicial Officer: Allf, Nancy) <i>Minute Order: Notice of Motin and Motion for Leave to File First Amended Complaint</i>
04/17/2017	 Order Granting Motion Filed By: Plaintiff Poole, Derrick <i>Order Granting Plaintiff's Motion to File Second Amended Complaint</i>
04/19/2017	<b>CANCELED Motion to Amend Complaint</b> (9:00 AM) (Judicial Officer: Allf, Nancy) <i>Vacated - Moot</i> <i>Notice of Motion and Motion for Leave to File First Amended Complaint</i>
05/15/2017	 First Amended Complaint Filed By: Plaintiff Poole, Derrick <i>First Amended Complaint for Damages and for Equitable and Declaratory Relief and Demand for Jury Trial</i>
06/01/2017	 Substitution of Attorney Filed by: Defendant Nevada Auto Dealership Investments LLC <i>Substitution of Attorneys</i>
08/07/2017	 Notice of Association of Counsel Filed By: Plaintiff Poole, Derrick <i>Notice of Association of Counsel</i>
08/16/2017	 Answer to Amended Complaint Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Defendant Nevada Auto Dealership Investments LLC dba Sahara Chrysler Jeep Dodge and Corepointe Insurance Co's Answer to First Amended Complaint</i>

DEPARTMENT 27  
**CASE SUMMARY**  
**CASE NO. A-16-737120-C**

08/17/2017	 Answer to Amended Complaint Filed By: Defendant Wells Fargo Dealer Services Inc <i>Wells Fargo Dealer Services, Inc.'s Answer to First Amended Complaint for Damages and Equitable and Declaratory Relief</i>
09/11/2017	 Opposition Filed By: Plaintiff Poole, Derrick <i>Plaintiff's Opposition to Defendant Sahara Chrysler Jeep Dodge's MOTion for Protective Order on OST</i>
09/11/2017	 Motion Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Defendant Nevada Auto Dealership Investments LLC dba Sahara Chrysler Jeep Dodge's Motion for Protective Order on Order Shortening Time</i>
09/12/2017	 Certificate of Service Filed by: Defendant Nevada Auto Dealership Investments LLC <i>Certificate of Service</i>
09/19/2017	 Motion to Compel Filed By: Plaintiff Poole, Derrick <i>Motion To Compel Defendant On Shortened Time To: 1) Unconditionally Admit Requests For Admissions 2) Serve Supplemental Responses To Interrogatories 3) Serve Supplemental Responses And Documents To Plaintiff's Request For Production Of Documents</i>
09/22/2017	 Notice of Change Filed By: Plaintiff Poole, Derrick <i>Notice of Change of Status on Plaintiff's Motions to Compel and Defendant Sahara's Motion for Protective Order</i>
09/26/2017	 Opposition Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Opposition to Plaintiff's Motion to Compel Unqualified Responses to Certain Requests for Admissions from Defendant on Order Shortening Time</i>
09/27/2017	<b>Motion for Protective Order (9:30 AM)</b> (Judicial Officer: Bulla, Bonnie) <i>Deft Nevada Auto Dealership Investments LLC dba Sahara Chrysler Jeep Dodge's Motion for Protective Order on OST</i>
09/27/2017	<b>Motion to Compel (9:30 AM)</b> (Judicial Officer: Bulla, Bonnie) <i>Motion To Compel Defendant On Shortened Time To: 1) Unconditionally Admit Requests For Admissions 2) Serve Supplemental Responses To Interrogatories 3) Serve Supplemental Responses And Documents To Plaintiff's Request For Production Of Documents</i>
09/27/2017	 <b>All Pending Motions (9:30 AM)</b> (Judicial Officer: Bulla, Bonnie)
09/29/2017	 Motion Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Motion in Limine to Exclude the Report, Testimony and Opinions of Plaintiff Derrick Poole's Expert, Rocco Avellini</i>
10/02/2017	 Motion for Summary Judgment Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Defendant's Nevada Auto Dealership Investments LLC's and Corepointe Insurance Company's Motion for Summary Judgment</i>

DEPARTMENT 27  
**CASE SUMMARY**  
**CASE NO. A-16-737120-C**

10/02/2017	 Motion in Limine Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Defendant Nevada Auto Dealership Investments LLC dba Sahara Chrysler Jeep Dodge Ram's Motion in Limine No.2 to Exclude any Reference, Discussion, Testimony or Other Evidence of Plaintiff's Opinion(s) Regarding Frame Damage and/or the Appropriateness of Certification on the Subject Vehicle</i>
10/02/2017	 Motion in Limine Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Defendant Nevada Auto Dealership Investments LLC dba Sahara Chrysler Jeep Dodge Ram's Motion in Limine No.4 to Exclude any Reference, Discussion, Testimony or Other Evidence of General Expectations of all Consumers</i>
10/02/2017	 Motion in Limine Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Defendant Nevada Auto Dealership Investments LLC dba Sahara Chrysler Jeep Dodge Ram's Motion in Limine No.1 to Exclude any Reference, Discussion, Testimony or Other Evidence Offered by Witnesses Who Have Not Already Been Disclosed and Identified Prior to the Close of Discovery</i>
10/02/2017	 Motion in Limine Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Defendant Nevada Auto Dealership Investments LLC dba Sahara Chrysler Jeep Dodge Ram's Motion in Limine No.3 to Exclude any Reference, Discussion, Testimony or Other Evidence of Plaintiff's Opinion(s) Regarding any Safety Issues on the Subject Vehicle</i>
10/03/2017	 Motion Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Defendant Nevada Auto Dealership Investments LLC dba Sahara Chrysler Jeep Dodge Ram's Motion to Continue Trial on Order Shortening Time</i>
10/12/2017	 Subpoena Electronically Issued Filed by: Defendant Nevada Auto Dealership Investments LLC <i>Trial Subpoena</i>
10/13/2017	 Opposition Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Defendant Nevada Auto Dealership Investments LLC dba Sahara Chrysler Jeep Dodge Ram's Limited Opposition to Plaintiff's Motion to Continue Trial</i>
10/13/2017	 Order Shortening Time Filed By: Plaintiff Poole, Derrick <i>Order Shortening Time To Hear Plaintiff's Motion To Continue Defendant Sahara's Motions In Limine And Motion For Summary Judgment</i>
10/16/2017	 Opposition Filed By: Plaintiff Poole, Derrick <i>Plaintiff's Opposition to Sahara's Motion to Continue Trial on OST</i>
10/17/2017	 <b>Minute Order</b> (3:00 AM) (Judicial Officer: Allf, Nancy) <i>Minute Order: Disclosure</i>
10/18/2017	<b>Motion to Continue Trial</b> (9:00 AM) (Judicial Officer: Allf, Nancy) <i>Defendant Nevada Auto Dealership Investments LLC d/b/a Sahara Chrysler Jeep Dodge Ram's Motion to Continue Trial on Order Shortening Time</i>
10/18/2017	<b>Motion to Continue</b> (9:00 AM) (Judicial Officer: Allf, Nancy)

DEPARTMENT 27  
**CASE SUMMARY**  
**CASE NO. A-16-737120-C**

*Plaintiff's Motion to Continue Defendant Sahara's Motions in Limine and Motion for Summary Judgment on Order Shortening Time*

10/18/2017	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Allf, Nancy)
10/20/2017	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Poole, Derrick <i>Plaintiff's Opposition to Defendant Sahara's Motion for Summary Judgment</i>
10/20/2017	 Response Filed by: Plaintiff Poole, Derrick <i>Plaintiff's Response to Defendants' Separate Statement of Undisputed Material Facts in Opposition to Defendants' Motion for Motion for Summary</i>
10/21/2017	 Statement Filed by: Plaintiff Poole, Derrick <i>Plaintiff's Separate Statement of Undisputed Material Facts in Support to Plaintiff's Opposition to Defendant's Motion for Summary Judgment</i>
10/21/2017	 Exhibits Filed By: Plaintiff Poole, Derrick <i>Plaintiff's Exhibits in Support of Plaintiff's Opposition to Defendant's Motion for Summary Judgment</i>
10/22/2017	 Errata Filed By: Plaintiff Poole, Derrick <i>Notice of Errata on Plaintiffs Separate Statement of Undisputed Material Facts in Opposition to Defendants' Motion for Summary Judgment</i>
10/24/2017	 Application Filed By: Plaintiff Poole, Derrick <i>Plaintiff's Ex Parte Application [with Notice] to Increase Page Limitations on Plaintiffs Opposition to Defendants' Motion for Summary Judgment</i>
10/25/2017	 Notice Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Notice of Non Opposition to Defendant Nevada Auto Dealership Investments LLC D/B/A Sahara Chrysler Jeep Dodge Rams Motion in Limine No. 1 to Exclude any Reference, Discussion, Testimony or Other Evidence Offered by Witnesses who have not Already Been Disclosed and Identified Prior to the Close of Discovery</i>
10/25/2017	 Notice <i>Notice of Non Opposition to Defendant Nevada Auto Dealership Investments LLC D/B/A Sahara Chrysler Jeep Dodge Rams Motion in Limine No. 2 to Exclude any Reference, Discussion, Testimony or Other Evidence of Plaintiffs Opinion(s) Regarding Frame Damage and/or the Appropriateness of Certification on the Subject Vehicle</i>
10/25/2017	 Notice Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Notice of Non Opposition to Defendant Nevada Auto Dealership Investments LLC D/B/A Sahara Chrysler Jeep Dodge Rams Motion in Limine No. 3 to Exclude any Reference, Discussion, Testimony or Other Evidence of Plaintiffs Opinion(s) Regarding any Safety Issues on the Subject Vehicle</i>
10/25/2017	 Notice Filed By: Defendant Nevada Auto Dealership Investments LLC

DEPARTMENT 27  
**CASE SUMMARY**  
**CASE NO. A-16-737120-C**

*Notice of Non Opposition to Motion in Limine to Exclude the Report, Testimony and Opinions of Plaintiff Derrick Poole's Expert Rocco Avellini*

10/25/2017



Notice

Filed By: Defendant Nevada Auto Dealership Investments LLC  
*Notice of Non Opposition to Defendant Nevada Auto Dealership Investments LLC D/B/A Sahara Chrysler Jeep Dodge Rams Motion in Limine No. 4 to Exclude any Reference, Discussion, Testimony or Other Evidence of General Expectations of all Consumers*

10/26/2017



Objection

Filed By: Plaintiff Poole, Derrick  
*Objection to Defendants Filing of Non Oppositions to Defendants Motions in Limine*

11/02/2017



Reply

Filed by: Defendant Nevada Auto Dealership Investments LLC  
*Defendants' Nevada Auto Dealership Investments LLC and Corepointe Insurance Opposition to Plaintiff's Ex Parte Application [with Notice] to Increase Page Limitation on Plaintiff's Opposition to Defendant's Motion for Summary Judgment*

11/02/2017



Response

Filed by: Defendant Nevada Auto Dealership Investments LLC  
*Response to Plaintiff's Objection to Defendants' Notices of Non Opposition to Defendants' Motions in Limine*

11/03/2017



Reply

Filed by: Plaintiff Poole, Derrick  
*PLAINTIFF'S REPLY BRIEF TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S APPLICATION TO INCREASE PAGE LIMITATION IN OPPOSING DEFENDANT'S MSJ*

11/03/2017



Reply

Filed by: Defendant Nevada Auto Dealership Investments LLC  
*Defendants Nevada Auto Dealership Investments LLC's and Corepointe Insurance Company's Reply In Support of Motion for Summary Judgment*

11/03/2017



Motion

Filed By: Defendant Nevada Auto Dealership Investments LLC  
*Motion to Strike Declaration of Rocco Avellini Attached on Plaintiff's Opposition on Order Shortening Time*

11/03/2017



Motion

Filed By: Defendant Nevada Auto Dealership Investments LLC  
*Defendant's Motion to Strike Fugitive Documents Filed by Plaintiff on Order Shortening Time*

11/04/2017



Order

Filed By: Plaintiff Poole, Derrick  
*ORDER GRANTING PLAINTIFF'S EX PART APPLICATION [WITH NOTICE] TO INCREASE THE PAGE LIMITATIONS ON PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT*

11/06/2017



Opposition

Filed By: Plaintiff Poole, Derrick  
*Plaintiff's Opposition to Defendant's Motion to Strike "Fugitive" Documents on OST*

11/06/2017











Opposition

Filed By: Plaintiff Poole, Derrick  
*Plaintiff's Opposition to Defendant's Motion to Strike Declaration of Rocco Avellini in Support*










DEPARTMENT 27  
**CASE SUMMARY**  
**CASE NO. A-16-737120-C**

*of Plaintiff's Opposition to Defendants' Motion for Summary Judgment*

11/08/2017	 <b>Minute Order</b> (3:00 AM) (Judicial Officer: Allf, Nancy)
11/09/2017	<b>Pretrial/Calendar Call</b> (10:30 AM) (Judicial Officer: Allf, Nancy)
11/09/2017	<b>Motion for Summary Judgment</b> (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Defendant's Nevada Auto Dealership Investments LLC's and Corepointe Insurance Company's Motion for Summary Judgment</i>
11/09/2017	<b>Motion to Strike</b> (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Defendants Nevada Auto Dealership Investments LLC d/b/a Sahara Chrysler and Corepointe Insurance Co.'s Motion to Strike Declaration of Rocco Avellini Attached to Plaintiff's Opposition on Order Shortening Time</i>
11/09/2017	<b>Motion to Strike</b> (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Defendants Nevada Auto Dealership Investments LLC d/b/a Sahara Chrysler and Corepointe Insurance Co.'s Motion to Strike Fugitive Documents Filed by Plaintiff on Order Shortening Time</i>
11/09/2017	 <b>All Pending Motions</b> (10:30 AM) (Judicial Officer: Allf, Nancy)
11/13/2017	<b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated</i>
11/13/2017	 <b>Opposition</b> Filed By: Plaintiff Poole, Derrick <i>PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE TO EXCLUDE PLAINTIFF'S RETAINED EXPERT, ROCCO AVILLINI, AT TIME OF TRIAL</i>
11/13/2017	 <b>Opposition</b> <i>PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE TO EXCLUDE ANY REFERENCE, DISCUSSION, TESTIMONY OR OTHER EVIDENCE OF PLAINTIFF'S OPINIONS REGARDING FRAME DAMAGE AND/OR APPROPRIATENESS OF CERTIFICATION OF THE VEHICLE</i>
11/13/2017	 <b>Opposition</b> Filed By: Plaintiff Poole, Derrick <i>PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE TO EXCLUDE ANY REFERENCE, DISCUSSION, TESTIMONY OR OTHER EVIDENCE OFFERED BY WITNESS WHO HAVE NOT ALREADY BEEN DISCLOSED OR IDENTIFIED PRIOR TO THE CLOSE OF DISCOVERY</i>
11/13/2017	 <b>Opposition</b> Filed By: Plaintiff Poole, Derrick <i>Plaintiff's Opposition to Defendants' Motion in Limine to Exclude any Reference, Discussion, Testimony or Other Evidence of General Expectations of All Consumers</i>
11/13/2017	 <b>Opposition</b> Filed By: Plaintiff Poole, Derrick <i>PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE TO EXCLUDE ANY REFERENCE, DISCUSSION, TESTIMONY OR OTHER EVIDENCE OF PLAINTIFF'S OPINIONS REGARDING SAFETY ISSUES ON THE SUBJECT VEHICLE</i>
11/13/2017	 <b>Opposition</b> Filed By: Plaintiff Poole, Derrick <i>Plaintiff's Opposition to Defendants' Motion in Limine to Exclude any Reference, Discussion, Testimony or Other Evidence Offered by Witnesses who have not Already Been Disclosed or</i>




DEPARTMENT 27  
**CASE SUMMARY**  
**CASE NO. A-16-737120-C**

*Identified Prior to the Close of Discovery*

11/21/2017	<b>CANCELED Decision</b> (3:00 AM) (Judicial Officer: Allf, Nancy) <i>Vacated</i> <i>Decision: Defendant's Nevada Auto Dealership Investments LLC's and Corepointe Insurance Company's Motion for Summary Judgment</i>
11/27/2017	 <b>Decision and Order</b> <i>Decision and Order Granting Defendants' Motion for Summary Judgment</i>
11/27/2017	<b>Summary Judgment</b> (Judicial Officer: Allf, Nancy) Debtors: Derrick Poole (Plaintiff) Creditors: Nevada Auto Dealership Investments LLC (Defendant) Judgment: 11/27/2017, Docketed: 11/27/2017
11/30/2017	<b>CANCELED Status Check: Compliance</b> (3:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
12/01/2017	 <b>Notice of Entry of Decision and Order</b> Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Notice of Entry of Decision and Order Granting Defendants' Motion for Summary Judgment</i>
12/01/2017	 <b>Discovery Commissioners Report and Recommendations</b> <i>Discovery Commissioner's Report and Recommendations</i>
12/05/2017	 <b>Memorandum</b> Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Verified memorandum of Costs</i>
12/08/2017	 <b>Order to Statistically Close Case</b> <i>Civil Order to Statistically Close Case</i>
12/08/2017	 <b>Motion to Retax</b> Filed By: Plaintiff Poole, Derrick <i>Motion to Retax and Settle Costs</i>
12/09/2017	 <b>Order Denying Motion</b> Filed By: Plaintiff Poole, Derrick <i>Order Denying Defendant Nevada Auto Dealership Investments LLC D/B/A Sahara Chrysler Jeep Dodge Ram's Motion to Strike Fugitive Documents and Motion to Strike the Declaration of Rocco Avellini Attached to Plaintiff's Opposition to Defendants's Motion for Summary Judgment</i>
12/19/2017	 <b>Supplemental</b> Filed by: Defendant Nevada Auto Dealership Investments LLC <i>Supplemental Verified Memorandum of Costs</i>
12/19/2017	 <b>Motion for Attorney Fees and Costs</b> Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Defendant Nevada Auto Dealership Investments, LLC's Motion for Attorneys' Fees and Costs</i>
12/21/2017	<b>CANCELED Motion in Limine</b> (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated - per Order</i> <i>Motion in Limine to Exclude the Report, Testimony and Opinions of Plaintiff Derrick Poole's Expert, Rocco Avellini</i>

# CASE SUMMARY

## CASE NO. A-16-737120-C

12/21/2017	<b>CANCELED Motion in Limine</b> (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated - per Order</i> <i>Defendant Nevada Auto Dealership Investments LLC dba Sahara Chrysler Jeep Dodge Ram's Motion in Limine No.2 to Exclude any Reference, Discussion, Testimony or Other Evidence of Plaintiff's Opinion(s) Regarding Frame Damage and/or the Appropriateness of Certification on the Subject Vehicle</i>
12/21/2017	<b>CANCELED Motion in Limine</b> (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated - per Order</i> <i>Defendant Nevada Auto Dealership Investments LLC dba Sahara Chrysler Jeep Dodge Ram's Motion in Limine No.4 to Exclude any Reference, Discussion, Testimony or Other Evidence of General Expectations of all Consumers</i>
12/21/2017	<b>CANCELED Motion in Limine</b> (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated - per Order</i> <i>Defendant Nevada Auto Dealership Investments LLC dba Sahara Chrysler Jeed Dodge Ram's Motion in Limine No 1 to Exclude any Reference, Discussion, Testimony or Other Evidence Offered by Witnesses Who Have Not Already Been Disclosed and Identified Prior to the Close of Discovery</i>
12/21/2017	<b>CANCELED Motion in Limine</b> (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated - per Order</i> <i>Defendant Nevada Auto Dealership Investments LLC dba Sahara Chrysler Jeep Dodge Ram's Motion in Limine No. 3 to Exclude an Reference, Discussion, Testimony or Other Evidence of Plaintiff's Opinion(s) Regarding Any Safety Issues on the Subject Vehicle</i>
12/21/2017	 Declaration Filed By: Defendant Nevada Auto Dealership Investments LLC <i>Supplemental Declaration of Jeffery A. Bendavid in Support of Defendant's Motion for Attorneys' Fees and Costs</i>
12/23/2017	 Notice of Appeal Filed By: Plaintiff Poole, Derrick <i>Notice of Appeal</i>
12/23/2017	 Case Appeal Statement Filed By: Plaintiff Poole, Derrick <i>Case Appeal Statment</i>
01/08/2018	<b>CANCELED Jury Trial - FIRM</b> (10:00 AM) (Judicial Officer: Allf, Nancy) <i>Vacated - per Order</i>
02/01/2018	<b>Motion</b> (9:30 AM) (Judicial Officer: Allf, Nancy) <i>Motion to Retax and Settle Costs</i>
02/01/2018	<b>Motion for Attorney Fees and Costs</b> (9:30 AM) (Judicial Officer: Allf, Nancy) <i>Defendant Nevada Auto Dealership Investments, LLC's Motion for Attorneys' Fees and Costs</i>

## DATE

## FINANCIAL INFORMATION

<b>Defendant</b> CorePoint Insurance Company	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 12/28/2017</b>	<b>0.00</b>
<b>Defendant</b> Nevada Auto Dealership Investments LLC	
Total Charges	423.00
Total Payments and Credits	423.00
<b>Balance Due as of 12/28/2017</b>	<b>0.00</b>
<b>Defendant</b> Wells Fargo Dealer Services Inc	
Total Charges	223.00



DEPARTMENT 27  
**CASE SUMMARY**  
**CASE NO. A-16-737120-C**

Total Payments and Credits	223.00
<b>Balance Due as of 12/28/2017</b>	<b>0.00</b>
<b>Plaintiff</b> Poole, Derrick	
Total Charges	318.00
Total Payments and Credits	318.00
<b>Balance Due as of 12/28/2017</b>	<b>0.00</b>

## DISTRICT COURT CIVIL COVER SHEET

A- 16- 737120- C

CLARK County, Nevada  
 Case No. \_\_\_\_\_  
 (Assigned by Clerk's Office)

XXVI I

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

Plaintiff(s) (name/address/phone): <b>DERRICK POOLE</b>	Defendant(s) (name/address/phone): <b>NEVADA AUTO DEALERSHIP INVESTMENTS LLC</b>
	<b>WELLS FARGO DALERS SERVICES INC</b>
	<b>COREPOINT INSURANCE COMPANY</b>
Attorney (name/address/phone): <b>GEORGE O. WEST III</b>	Attorney (name/address/phone):
<b>10161 PARK RUN DRIVE, SUITE 150</b>	
<b>LAS VEGAS, NV 89145</b>	
<b>702-318-6570</b>	

**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

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

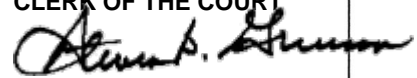
Business Court filings should be filed using the Business Court civil coversheet.

**MAY 22, 2016**

Date

Signature of initiating party or representative

See other side for family-related case filings.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

DERRICK POOLE

CASE NO.: A-16-737120-C  
DEPT NO.: 27

PLAINTIFF(S)

VS.

NEVADA AUTO DEALERSHIP  
INVESTMENTS, LLC; WELLS FARGO  
DEALER SERVICES, INC.;  
COREPOINTE INSURANCE  
COMPANY

DEFENDANT(S)

**DECISION & ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT**

These matters having come on for hearing on November 9, 2017; George O. West III, Esq. and Craig B. Friedberg, Esq. appearing for Plaintiff Derrick Poole ("Poole"); Jeffery A. Bendavid, Esq. and Stephanie J. Smith, Esq. appearing for Defendants Nevada Auto Dealership Investments LLC d/b/a Sahara Chrysler, Jeep, Dodge, and Corepointe Insurance Company ("Defendant(s)"), and the Court having heard arguments of counsel, and being fully advised in the premises, COURT FINDS after review:

This case arises out of a sale of a Certified Pre-Owned ("CPO") truck purchased on or about May 26, 2014. Defendants Nevada Auto Dealership LLC and Corepointe Insurance Co. filed a Motion for Summary Judgment on October 2, 2017, and a hearing was held November 9, 2017. The Court took the matter under advisement and set a Status Check for November 21, 2017 for the Court to release a written decision.

1 When Plaintiff purchased his CPO 2013 Dodge Ram from Defendant, Defendant  
2 disclosed that the vehicle was in a prior accident. It is undisputed that Defendant produced a  
3 CarFax vehicle history report that listed the vehicle was in a prior accident, and the sales  
4 representative indicated the same. Plaintiff drove the vehicle for a year, at which point he  
5 discovered the vehicle had frame damage. Plaintiff kept driving the vehicle. Plaintiff now  
6 contends that Defendants' disclosure of the previous accident at the time of sale was  
7 insufficient because Defendants had an Allstate Collision Estimate of Record ("ACE") that  
8 stated the nature, extent, and repair cost of the damage from the previous collision.  
9

10 Defendant moves for summary judgment under NRCP 56. "Summary judgment is  
11 appropriate under NRCP 56 when the pleadings, depositions, answers to interrogatories,  
12 admissions, and affidavits, if any, that are properly before the court demonstrate that no  
13 genuine issue of material fact exists, and the moving party is entitled to judgment as a matter  
14 of law." *Wood v. Safeway, Inc.*, 121 Nev. 724, 731, 121 P.3d 1026, 1031 (2005).  
15

16 Plaintiff argues that each of his claims arise from Defendant's failure to disclose material  
17 facts, namely the nature and extent of the damage from the previous collision. Defendant  
18 contends that the material fact here is that the vehicle was in a prior accident, not the extent of  
19 the damage from that accident.  
20

21 NRS 598.0923 only requires the disclosure of material facts. Here, the material fact is that  
22 the vehicle was in a prior accident. The duty to disclose under NRS 598.0923 does not extend to  
23 the entire effect of the accident, such as a price breakdown of every part and service provided as  
24 listed in the ACE. It is undisputed that Defendant disclosed the prior accident to Plaintiff. There  
25 is no indication in the record that Plaintiff inquired about the parts and services used to repair the  
26 vehicle as provided in the ACE, and such information was then withheld. Plaintiff relied on the  
27  
28


1 CPO report, which the undisputed evidence shows would only have notated frame damage if a  
2 repair, if any, was not up to standard.

3 To the extent Plaintiff argues Defendant made false representations as to the certification of  
4 truck, or that the truck was of a particular quality or standard, this argument is flawed. The  
5 vehicle went through and passed a 125-point Certified Pre-Owned Vehicle Inspection. Given this  
6 certification, Plaintiff cannot argue that Defendant misrepresented that the vehicle was CPO  
7 certified, as it was. The sufficiency of the CPO inspection standards is not at issue for this  
8 argument, but rather the fact that the vehicle was ultimately certified as pre-owned.  
9

10 Plaintiff conceded at the hearing that if the claim for deceptive trade practices fails, the  
11 remaining claims for equitable relief must also fail. This Court agrees. Defendant disclosed the  
12 material facts about the vehicle, and Plaintiff purchased the vehicle, driving it for at least two  
13 years. Thus, there are no grounds to grant equitable relief for Plaintiff.  
14

15 THEREFORE, COURT ORDERS for good cause appearing and after review Defendants'  
16 Motion for Summary Judgment is hereby GRANTED. The hearing on Motions in Limine set for  
17 December 21, 2017 at 10:30 a.m. on Motions Calendar and the Jury Trial set to begin January 8,  
18 2018 at 10:00 a.m. are hereby VACATED.  
19

20 DATED November 22, 2017  
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24 NANCY ALLF  
25 DISTRICT COURT JUDGE  
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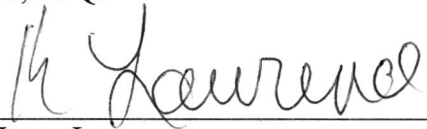
**CERTIFICATE OF SERVICE**

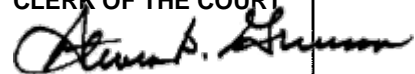
I hereby certify that on or about the date signed I caused the foregoing document to be electronically served pursuant to EDCR 8.05(a) and 8.05(f) through the Eighth Judicial District Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail to and/or by fax and mail to:

Jeffery Bendavid, Esq.  
Stephanie Smith, Esq.  
MORAN BRANDON BENDAVID MORAN

George West III, Esq.  
LAW OFFICES OF GEORGE O. WEST, III

Craig Friedberg, Esq.  
LAW OFFICES OF CRAIG B. FRIEDBERG, ESQ.

  
\_\_\_\_\_  
Karen Lawrence  
Judicial Executive Assistant



1 **NEO**  
2 **JEFFERY A. BENDAVID, ESQ.**  
3 Nevada Bar No. 6220  
4 **STEPHANIE J. SMITH, ESQ.**  
5 Nevada Bar No. 11280  
6 **MORAN BRANDON BENDAVID MORAN**  
7 630 South 4<sup>th</sup> Street  
8 Las Vegas, Nevada 89101  
9 (702) 384-8424  
10 j.bendavid@moranlawfirm.com  
11 s.smith@moranlawfirm.com  
12 *Attorney for Defendants, Nevada Auto*  
13 *Dealership Investments LLC d/b/a Sahara*  
14 *Chrysler and Corepointe Insurance Co.*

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

12 DERRICK POOLE,

13 Plaintiff,

14 v.

15 NEVADA AUTO DEALERSHIP  
16 INVESTMENTS LLC, a Nevada Limited  
17 Liability Company d/b/a SAHARA  
18 CHRYSLER; JEEP, DODGE, WELLS  
19 FARGO DEALER SERVICES INC.,  
20 COREPOINTE INSURANCE  
21 COMPANY; and DOES 1 through 100,  
22 Inclusive,

21 Defendant.

Case No.: A-16-737120-C  
Dept. No.: XXVII

23 **NOTICE OF ENTRY OF DECISION AND ORDER GRANTING DEFENDANTS'**  
24 **MOTION FOR SUMMARY JUDGMENT**

25 Please take notice that the FINDINGS OF FACT AND CONCLUSIONS OF LAW  
26 ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT was entered in the above  
27 entitled case by the Honorable Nancy L. Allf on the 27<sup>th</sup> day of November, 2017.  
28



MORAN BRANDON  
BENDAVID MORAN  
ATTORNEYS AT LAW

630 SOUTH 4TH STREET  
LAS VEGAS, NEVADA 89101  
PHONE: (702) 384-8424  
FAX: (702) 384-6568

1 A TRUE AND CORRECT COPY of the above referenced document is attached  
2 hereto as Exhibit A.

3 DATED this 1<sup>st</sup> day of December, 2017.

4 **MORAN BRANDON BENDAVID MORAN**

5 /s/ Jeffery A. Bendavid

6 **JEFFERY A. BENDAVID, ESQ.**

7 Nevada Bar No. 6220

8 **STEPHANIE J. SMITH, ESQ.**

9 630 South 4th Street

10 Las Vegas, Nevada 89101

11 *Attorney for Defendants, Nevada Auto*

12 *Dealership Investments LLC d/b/a Sahara*

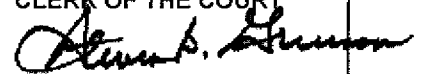
13 *Chrysler and Corepointe Insurance Co.*



MORAN BRANDON  
BENDAVID MORAN  
ATTORNEYS AT LAW

630 SOUTH 4TH STREET  
LAS VEGAS, NEVADA 89101  
PHONE: (702) 384-8424  
FAX: (702) 384-6568





DISTRICT COURT  
CLARK COUNTY, NEVADA

DERRICK POOLE

CASE NO.: A-16-737120-C  
DEPT NO.: 27

PLAINTIFF(S)

VS.

NEVADA AUTO DEALERSHIP  
INVESTMENTS, LLC; WELLS FARGO  
DEALER SERVICES, INC.;  
COREPOINTE INSURANCE  
COMPANY

DEFENDANT(S)

**DECISION & ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT**

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10 Defendant moves for summary judgment under NRCP 56. "Summary judgment is  
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15 THEREFORE, COURT ORDERS for good cause appearing and after review Defendants'  
16 Motion for Summary Judgment is hereby GRANTED. The hearing on Motions in Limine set for  
17 December 21, 2017 at 10:30 a.m. on Motions Calendar and the Jury Trial set to begin January 8,  
18 2018 at 10:00 a.m. are hereby VACATED.  
19

20 DATED November 22, 2017  
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24 NANCY ALLF  
25 DISTRICT COURT JUDGE  
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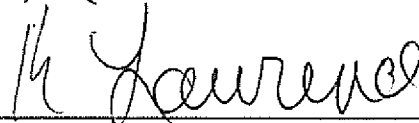
**CERTIFICATE OF SERVICE**

I hereby certify that on or about the date signed I caused the foregoing document to be electronically served pursuant to EDCR 8.05(a) and 8.05(f) through the Eighth Judicial District Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail to and/or by fax and mail to:

Jeffery Bendavid, Esq.  
Stephanie Smith, Esq.  
MORAN BRANDON BENDAVID MORAN

George West III, Esq.  
LAW OFFICES OF GEORGE O. WEST, III

Craig Friedberg, Esq.  
LAW OFFICES OF CRAIG B. FRIEDBERG, ESQ.

  
\_\_\_\_\_  
Karen Lawrence  
Judicial Executive Assistant

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**April 13, 2017**

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A-16-737120-C	Derrick Poole, Plaintiff(s) vs. Nevada Auto Dealership Investments LLC, Defendant(s)
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<b>April 13, 2017</b>	<b>3:00 AM</b>	<b>Minute Order</b>
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<b>HEARD BY:</b> Alf, Nancy	<b>COURTROOM:</b>
-----------------------------	-------------------

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review Plaintiff filed a Motion for Leave to File First Amended Complaint ( Motion ) on March 17, 2017 and the matter was set for a Hearing on Motions Calendar on April 19, 2017 at 9:00 a.m.

COURT FURTHER FINDS after review the Certificate of Service indicates the Motion was e-served through the Court s e-service system to Defendants on March 17, 2017.

COURT FURTHER FINDS after review that no party has filed an opposition to the Motion. Furthermore, on March 28, 2017, Defendant Nevada Auto Dealership Investments, LLC filed a Notice of Non-Opposition.

COURT ORDERS for good cause appearing and after review pursuant to EDCR 2.20(e), failure to file an opposition may be construed as an admission that the motion is meritorious and consent to granting the same. COURT FURTHER ORDERS for good cause appearing and after review, Plaintiff s Motion for Leave to File First Amended Complaint is GRANTED; the Court has reviewed the Motion, which provides for cause for the Granting of this Motion; HEARING set for MOTIONS CALENDAR on April 19, 2017 at 9:00 a.m., VACATED; the Court will sign Plaintiff s previously submitted Order.

CLERK'S NOTE: A copy of this minute order was placed in faxed to: Thorndal Armstrong Delk Balkenbush & Eisinger (702-366-0327), Law Offices of George O. West III (702-664-0459), Snell & Wilmer, L.L.P. (702-784-5252)



counsel may qualify as discussed; amend answers and send to Mr. West by 10-13-17. Mr. West to prepare the Report and Recommendations, and Mr. Bendavid to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**October 17, 2017**

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A-16-737120-C      Derrick Poole, Plaintiff(s)  
vs.  
Nevada Auto Dealership Investments LLC, Defendant(s)

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**October 17, 2017      3:00 AM      Minute Order**

**HEARD BY:** Allf, Nancy

**COURTROOM:**

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review on October 3, 2017 Defendants Nevada Auto Dealership Investments LLC d/b/a Sahara Chrysler and Corepointe Insurance Co. filed a Motion to Continue Trial on Order Shortening Time, and on October 13, 2017 Plaintiff filed an Order Shortening Time to Hear Plaintiff's Motion to Continue Defendant Sahara's Motions in Limine and Motion for Summary Judgment (collectively, the Motions); Hearing was set for Wednesday, October 18, 2017 at 9:00 a.m. on Motions Calendar. COURT FURTHER FINDS Defendant Wells Fargo Dealer Services, Inc. is represented by the law firm of Snell & Wilmer, LLP.

This minute order is entered pursuant to Nevada Code of Judicial Conduct 2.11(A). Judge Allf's law clerk, Adam Ellis, worked for the law firm of Snell & Wilmer for approximately two months as a Summer Associate during law school, and will be returning to the law firm at the end of his clerkship in September 2018.

Given the pendency of the upcoming hearing, Mr. Ellis will not work on the upcoming Motions. Mr. Ellis has no personal knowledge about any of the allegations made in the complaint, nor any involvement which would preclude him impartiality. This case was commenced May 22, 2016, before the time Mr. Ellis worked at Snell & Wilmer.

Should any party have an objection to Mr. Ellis working on the case generally, such objection may be made via fax to Department 27 by Wednesday, October 19, 2017 at 3:00 p.m. Should any party object, Mr. Ellis will recuse himself from any further substantive matters of the case, but will continue to work on procedural matters.

CLERK'S NOTE: A copy of this minute order was faxed to: Law Offices of George O. West III (702-664-0459), Moran Brandon Bendavid Moran (702-384-6568), Snell & Wilmer LLP (702-784-5252), and Thorndal Armstrong Delk Balkenbush & Eisinger (702-366-0327)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**October 18, 2017**

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A-16-737120-C	Derrick Poole, Plaintiff(s) vs. Nevada Auto Dealership Investments LLC, Defendant(s)
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**October 18, 2017      9:00 AM      All Pending Motions**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn Griffiths

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bendavid, Jeffrey A.	Attorney
	Friedberg, Craig B.	Attorney
	West III, George O.	Attorney

**JOURNAL ENTRIES**

- DEFENDANT NEVADA AUTO DEALERSHIP INVESTMENTS LLC D/B/A SAHARA CHRYSLER JEEP DODGE RAM'S MOTION TO CONTINUE TRIAL ON ORDER SHORTENING TIME...PLAINTIFF'S MOTION TO CONTINUE DEFENDANT SAHARA'S MOTIONS IN LIMINE AND MOTION FOR SUMMARY JUDGMENT ON ORDER SHORTENING TIME

Court stated it could set the trial certain at the end of the stack and set motions in limine at a time convenient to everyone. Mr. West noted his expert would be out of town. Colloquy regarding availability and settings for motions and trial. COURT ORDERED, Defendant's Nevada Auto Dealership Investments LLC d/b/a Sahara Chrysler Jeep Dodge Ram's Motion to Continue Trial on Order Shortening Time GRANTED; Plaintiff's Motion to Continue Defendant Sahara's Motions in Limine and Motion for Summary Judgment GRANTED, pretrial motions CONTINUED to December 21, 2017 10:00 a.m., Motion in Summary Judgment CONTINUED to November 9, 2017 at 1030 a.m. Mr. West requested an extra day to file their oppositions. Mr. Bendavid stated he had no opposition to that. COURT SO ORDERED. Mr. West requested to exceed the thirty page limit on his opposition. Court directed Mr. West to obtain a stipulation or do an exparte application.

1/8/2017 - 1/12/2017 JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Tort

# COURT MINUTES

November 08, 2017

A-16-737120-C          Derrick Poole, Plaintiff(s)  
vs.  
Nevada Auto Dealership Investments LLC, Defendant(s)

November 08, 2017 3:00 AM Minute Order

**HEARD BY:** Alf, Nancy **COURTROOM:**

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- COURT FINDS after review on September 29, 2017 and October 2, 2017 Defendant Nevada Auto Dealership Investments LLC dba Sahara Chrysler Jeep Dodge Ram filed multiple Motions in Limine ( Motions in Limine ), and hearings were set for November 2 and November 8, 2017.

COURT FURTHER FINDS after review on October 3, 2017 Defendant filed a Motion to Continue Trial on Order Shortening Time, and hearing was held October 18, 2017. At the October 18, 2017 hearing, the Court granted the Motion to Continue Trial, continued the hearings on the Motions in Limine to December 21, 2017 at 10:30 a.m. on Motions Calendar, and indicated to the parties that it was the Court s intention to reset the briefing schedule on the Motions in Limine in light of the continued hearings. However, the Court did not set a briefing schedule.

COURT FURTHER FINDS after review on October 25, 2017 Defendant filed multiple Notices of Non-Opposition to its Motions in Limine.

COURT FURTHER FINDS after review the minutes do not reflect the Court's decision to reset the briefing schedule, and further the minutes were entered on October 31, 2017, after Defendant filed its Notices of Non-Opposition. As no party was tasked with ordering the transcript to prepare the order, the Court reviewed the recording of the hearing to verify what was decided.

COURT FURTHER FINDS after review on October 26, 2017 Plaintiff filed an Objection to Defendant's Filing of Non Oppositions to Defendant s Motions in Limine ( Objection ). In the Objection, Plaintiff indicates its Oppositions to the Motions in Limine will be filed no later than Monday, November 13, 2017.

COURT ORDERS for good cause appearing and after review, pursuant to the Court's verbal decision at the hearing on October 18, 2017 to reset the briefing schedule, Plaintiff's objection is SUSTAINED. COURT FURTHER ORDERS for good cause appearing and after review the briefing schedule on the Motions in Limine as follows: Plaintiffs will have until November 13, 2017 at 5:00 p.m. to file any oppositions; Defendants will have until November 30, 2017 at 5:00 p.m. to file any replies.

CLERK'S NOTE: A copy of this minute order was faxed to:

Consumer Attorneys Against Auto Fraud (702-664-0459)  
Law Offices of Craig B. Friedberg, Esq. (702-435-6659)  
Thorndal Armstrong Delk Balkenbush & Eisinger (702-366-0327)  
Moran Brandon Bendavid Moran (702-384-6568)  
Snell & Wilmer LLP (702-784-5252)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**November 09, 2017**

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A-16-737120-C      Derrick Poole, Plaintiff(s)  
vs.  
Nevada Auto Dealership Investments LLC, Defendant(s)

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**November 09, 2017      10:30 AM      All Pending Motions**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn Griffiths

**REPORTER:**

**PARTIES**

**PRESENT:**      Bendavid, Jeffrey A.      Attorney  
Friedberg, Craig B.      Attorney  
Smith, Stephanie J.      Attorney  
West III, George O.      Attorney

**JOURNAL ENTRIES**

- DEFENDANT'S NEVADA AUTO DEALERSHIP INVESTMENTS LLC'S AND COREPOINTE INSURANCE COMPANY'S MOTION FOR SUMMARY JUDGMENT...DEFENDANTS NEVADA AUTO DEALERSHIP INVESTMENTS LLC D/B/A SAHARA CHRYSLER AND COREPOINTE INSURANCE CO.'S MOTION TO STRIKE DECLARATION OF ROCCO AVELLINI ATTACHED TO PLAINTIFF'S OPPOSITION ON ORDER SHORTENING TIME...DEFENDANTS NEVADA AUTO DEALERSHIP INVESTMENTS LLC D/B/A SAHARA CHRYSLER AND COREPOINTE INSURANCE CO.'S MOTION TO STRIKE FUGITIVE DOCUMENTS FILED BY PLAINTIFF ON ORDER SHORTENING TIME...PRETRIAL/CALENDAR CALL

Arguments by Mr. Bendavit and Mr. West regarding the merits of and oppositions to the pending motions. Court stated its findings and ORDERED, Defendants Nevada Auto Dealership Investments LLC d/b/a Sahara Chrysler and Corepointe Insurance Co.'s Motion to Strike Declaration of Rocco Avellini Attached to Plaintiff's Opposition on Order Shortening Time DENIED; Defendants Nevada Auto Dealership Investments LLC d/b/a Sahara Chrysler and Corepointe Insurance Co.'s Motion to

Strike Fugitive Documents Filed by Plaintiff on Order Shortening Time DENIED; Defendant's Nevada Auto Dealership Investments LLC's and Corepointe Insurance Company's Motion for Summary Judgment CONTINUED TO CHAMBERS CALENDAR for court to view NRS and other case law.

11/21/2017 (CHAMBERS) DECISION: DEFENDANT'S NEVADA AUTO DEALERSHIP INVESTMENTS LLC'S AND COREPOINTE INSURANCE COMPANY'S MOTION FOR SUMMARY JUDGMENT





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

**GEORGE O. WEST, III**  
**10161 PARK RUN DR., SUITE 150**  
**LAS VEGAS, NV 89145**

**DATE: December 28, 2017**  
**CASE: A-16-737120-C**

**RE CASE:** DERRICK POOLE vs. NEVADA AUTO DEALERSHIP INVESTMENTS LLC dba  
SAHARA CHRYSLER, JEEP, DODGE; WELLS FARGO DEALER SERVICES INC.;  
COREPOINTE INSURANCE COMPANY

NOTICE OF APPEAL FILED: December 23, 2017

**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; DECISION & ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF DECISION AND ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

DERRICK POOLE,

Plaintiff(s),

vs.

NEVADA AUTO DEALERSHIP  
INVESTMENTS LLC dba SAHARA  
CHRYSLER, JEEP, DODGE; WELLS FARGO  
DEALER SERVICES INC.; COREPOINTE  
INSURANCE COMPANY,

Defendant(s),

Case No: A-16-737120-C

Dept No: XXVII

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 28 day of December 2017.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk