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Nevada Bar No. 12800
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Charles Schueler

Electronically Filed
Apr 30 2018 10:57 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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DISTRICT COURT
CLARK COUNTY, NEVADA

11 CHARLES SCHUELER,
12
13 Plaintiff,
14 v.

Case No.: A-15-722391-C
Dept. No.: XVII

14 MGM GRAND HOTEL, LLC, a Domestic Limited
15 Liability Company d/b/a MGM GRAND; AD ART,
16 INC., A Foreign Corporation; 3A COMPOSITES
17 USA INC., a Foreign Corporation a/k/a
18 ALUCOBOND TECHNOLOGIES
CORPORATION; DOES 1 – 25; ROE
CORPORATIONS 1 - 25; inclusive,
19 Defendants.

NOTICE OF APPEAL

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Brenske & Andreevski
3800 Howard Hughes Parkway, Suite 500
Las Vegas, Nevada 89169
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1 Notice is hereby given that Plaintiff Charles Schueler hereby appeals to the Supreme Court
2 of Nevada from the Order Granting Defendant Ad Art, Inc.'s Motion for Reconsideration on
3 Motion for Judgment entered March 23, 2018.

4 DATED this 20th day of April, 2018.

6 **BRENSKE & ANDREEVSKI**

7 

8 WILLIAM R. BRENSKE, ESQ.

Nevada Bar No. 1806

9 JENNIFER R. ANDREEVSKI, ESQ.

Nevada Bar No. 9095

10 RYAN D. KRAMETBAUER, ESQ.

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Attorneys for Plaintiff,

Charles Schueler

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CERTIFICATE OF SERVICE

I am employed with the law office of Brenske & Andreevski. I am over the age of 18 and not a party to the within action; my business address is 3800 Howard Hughes Parkway, Suite 500, Las Vegas, Nevada 89169. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under its practice mail is to be deposited with the U. S. Postal Service on that same day as stated below, with postage thereon fully prepaid.

I served the foregoing document described as "NOTICE OF APPEAL" on this 20th day of April, 2018, to all interested parties as follows:

BY MAIL: Pursuant to NRC P 5(b), I placed a true copy thereof enclosed in a sealed envelope addressed as follows:

BY FACSIMILE: Pursuant to EDCR 7.26, I transmitted a copy of the foregoing document this date via telecopier to the facsimile number shown below:

BY ELECTRONIC SERVICE: by electronically filing and serving the foregoing document with the Eighth Judicial District Court's WizNet system:

Timothy F. Hunter
RAY LEGO & ASSOCIATES
7450 Arroya Crossing Party, Suite 250
Las Vegas, Nevada 89113
Attorney For Defendant,
Ad Art, Inc.
Facsimile No.: 702-270-4602



An employee of the law office of
Brenske & Andreevski

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-722391-C

Charles Schueler, Plaintiff(s)
vs.
MGM Grand Hotel, LLC, Defendant(s)

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§

Location: **Department 17**
 Judicial Officer: **Villani, Michael**
 Filed on: **07/30/2015**
 Cross-Reference Case Number: **A722391**
 Supreme Court No.: **71882**

CASE INFORMATION

Case Type: **Negligence - Other Negligence**
 Case Flags: **Appealed to Supreme Court**
Jury Demand Filed
Arbitration Exemption Granted

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-15-722391-C
Court	Department 17
Date Assigned	07/30/2015
Judicial Officer	Villani, Michael

PARTY INFORMATION

Plaintiff	Schueler, Charles	Brenske, William R. <i>Retained</i> 7023853300(W)
Defendant	3A Composites USA Inc Removed: 04/08/2016 Dismissed	
	3A Composites USA Inc	Sanders, LeAnn <i>Retained</i> 7023847000(W)
	AD Art Inc	Hunter, Timothy F. <i>Retained</i> 702-479-4350(W)
	MGM Grand Hotel, LLC	
	MGM Resorts International	Clayton, Riley A <i>Retained</i> 7023164111(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

07/30/2015	 Complaint Filed By: Plaintiff Schueler, Charles	
08/27/2015	 Summons Filed by: Plaintiff Schueler, Charles <i>Summons - MGM Resorts International dba MGM Grand</i>	
08/27/2015	 Summons Filed by: Plaintiff Schueler, Charles <i>Summons - MGM Grand Hotel LLC dba MGM Grand and MGM Resorts International dba MGM Grand, AD Art Inc</i>	

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CASE NO. A-15-722391-C

- 09/17/2015  Answer to Complaint
Filed by: Defendant MGM Grand Hotel, LLC
Defendant MGM Grand Hotel, LLC, d/b/a MGM Grand's Answer to Plaintiff's Complaint
- 09/17/2015  Demand for Jury Trial
Filed By: Defendant MGM Grand Hotel, LLC
Demand for Trial by Jury
- 09/17/2015  Initial Appearance Fee Disclosure
Filed By: Defendant MGM Grand Hotel, LLC
Initial Appearance Fee Disclosure (NRS Chapter 19)
- 10/09/2015  Certificate of Service
Filed by: Plaintiff Schueler, Charles
Certificate Of Service
- 10/15/2015  Summons
Filed by: Plaintiff Schueler, Charles
Summons
- 10/23/2015  Answer to Complaint
Filed by: Defendant 3A Composites USA Inc
3A Composites USA Inc., f/k/a Alucobond Technologies Corporation's Answer to Complaint
- 10/23/2015  Initial Appearance Fee Disclosure
Filed By: Defendant 3A Composites USA Inc
Initial Appearance Fee Disclosure (NRS Chapter 19)
- 10/23/2015  Demand for Jury Trial
Filed By: Defendant 3A Composites USA Inc
Demand for Jury Trial
- 10/23/2015  Disclosure Statement
Party: Defendant 3A Composites USA Inc
3A Composites USA Inc., f/k/a Alucobond Technologies Corporation's NRCP 7.1 Disclosure Statement
- 10/26/2015  Commissioners Decision on Request for Exemption - Granted
Commissioner's Decision on Request for Exemption
- 10/28/2015  Affidavit
Filed By: Plaintiff Schueler, Charles
Affidavit Of Sonya Sellek
- 10/28/2015  Declaration
Filed By: Plaintiff Schueler, Charles
Declaration Of Non-Service
- 11/03/2015  Notice of Early Case Conference
Filed By: Plaintiff Schueler, Charles
Notice Of Early Case Conference
- 11/10/2015

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 Amended Notice of Early Case Conference
Filed By: Plaintiff Schueler, Charles
First Amended Notice Of Early Case Conference

11/12/2015  Summons
Filed by: Plaintiff Schueler, Charles
Summons

11/17/2015  Initial Appearance Fee Disclosure
Filed By: Defendant AD Art Inc
Defendant, Ad Art, Inc.'s, Initial Appearance Fee Disclosure (NRS Chapter 19)

11/17/2015  Disclosure Statement
Party: Defendant AD Art Inc
Defendant, Ad Art, Inc.'s, Rule 7.1 Disclosure

11/17/2015  Demand for Jury Trial
Filed By: Defendant AD Art Inc
Defendant, Ad Art, Inc.'s, Demand for Jury Trial

11/17/2015  Answer
Filed By: Defendant AD Art Inc
Defendant, Ad Art, Inc.'s, Answer to Plaintiff's Complaint

11/30/2015  Production of Documents
Filed by: Plaintiff Schueler, Charles
Plaintiff's Production Of Documents And List Of Witnesses Pursuant To NRCp 16.1

12/11/2015  Motion for Judgment
Filed By: Defendant MGM Grand Hotel, LLC
MGM Grand's Motion for Judgment on the Pleading

12/14/2015  Joint Case Conference Report
Filed By: Plaintiff Schueler, Charles
Plaintiff And Defendants' MGM Grand Hotel, LLC, d/b/a MGM Grand; MGM Resorts International d/b/a MGM; And 3A Composites USA Inc., a/k/a Alucobond Technologies Corporation's Joint Case Conference Report

01/27/2016  Notice of Early Case Conference
Filed By: Plaintiff Schueler, Charles
Notice Of Supplemental Early Case Conference

01/27/2016  Motion to Dismiss
Filed By: Defendant 3A Composites USA Inc
Defendant 3A Composites USA Inc.'s Motion to Dismiss For Lack of Personal Jurisdiction

02/01/2016  Opposition
Filed By: Plaintiff Schueler, Charles
Plaintiff Charles Schueler's Opposition To MGM Grand's Motion For Judgment On The Pleading: Alternative Motion For Additional Discovery Pursuant To NRCp 56(f)

02/01/2016  Supplement
Filed by: Plaintiff Schueler, Charles
First Supplement To Plaintiff's Production Of Documents And List Of Witnesses Pursuant To

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CASE NO. A-15-722391-C

NRCP 16.1

- 02/05/2016  Reply in Support
Filed By: Defendant MGM Grand Hotel, LLC
MGM Grand' Reply in Support of Motion for Judgment on the Pleading
- 02/10/2016  **Motion for Judgment** (3:00 AM) (Judicial Officer: Villani, Michael)
02/10/2016, 03/09/2016
MGM Grand's Motion for Judgment on the Pleading
- 02/16/2016  Opposition
Filed By: Plaintiff Schueler, Charles
Plaintiff Charles Schueler's Opposition To Defendant 3A Composites USA Inc.'s Motion To Dismiss For Lack Of Personal Jurisdiction; Alternative Request To Conduct Additional Jurisdictional Discovery Pursuant To NRCP 56(f)
- 03/02/2016  Notice of Entry of Order
Filed By: Defendant MGM Grand Hotel, LLC
Notice of Entry of Order Regarding MGM Grand's Motion for Judgment on the Pleading
- 03/02/2016  Order
Filed By: Defendant MGM Grand Hotel, LLC
Order Regarding MGM Grand's Motion for Judgment on the Pleading
- 03/02/2016  Reply in Support
Filed By: Defendant 3A Composites USA Inc
Defendant 3A Composites USA, Inc.'s Reply in Support of Motion to Dismiss for Lack of Personal Jurisdiction
- 03/08/2016  Notice to Appear for Discovery Conference
Notice to Appear for Discovery Conference
- 03/09/2016 **Motion to Dismiss** (8:30 AM) (Judicial Officer: Villani, Michael)
Defendant 3A Composites USA Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction
- 03/09/2016  **All Pending Motions** (8:30 AM) (Judicial Officer: Villani, Michael)
Defendant 3A Composites USA Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction . . . MGM Grand's Motion for Judgment on the Pleading
- 03/10/2016  Notice of Deposition
Filed By: Plaintiff Schueler, Charles
Notice Of Deposition Of Custodian Of Records Of Yesco Las Vegas
- 03/15/2016  Supplemental Joint Case Conference Report
- 03/16/2016  Notice
Filed By: Plaintiff Schueler, Charles
Notice Of Firm Name And Address Change
- 03/16/2016  Stipulation and Order for Dismissal Without Prejudice
Filed By: Defendant MGM Grand Hotel, LLC
Stipulation and Order to Dismiss Defendant MGM Resorts International dba MGM Grand, Only, Without Prejudice
- 03/16/2016 **Order of Dismissal Without Prejudice** (Judicial Officer: Villani, Michael)

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CASE SUMMARY
CASE NO. A-15-722391-C

Debtors: Charles Schueler (Plaintiff)
Creditors: MGM Resorts International (Defendant)
Judgment: 03/16/2016, Docketed: 03/23/2016

- 03/21/2016  Notice of Entry of Stipulation and Order
Filed By: Defendant MGM Grand Hotel, LLC
Notice of Entry of Stipulation and Order to Dismiss Defendant MGM Resorts International dba MGM Grand, Only, Without Prejudice
- 03/23/2016  **Decision** (2:00 PM) (Judicial Officer: Villani, Michael)
Defendant 3A Composites USA Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction . . . MGM Grand's Motion for Judgment on the Pleading
- 03/31/2016  Subpoena Duces Tecum
Filed by: Plaintiff Schueler, Charles
Subpoena - Civil Duces Tecum
- 04/08/2016  Notice of Entry of Order
Filed By: Defendant 3A Composites USA Inc
Notice of Entry of Order Granting Defendant 3A Composite USA Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction
- 04/08/2016  **Decision** (9:30 AM) (Judicial Officer: Villani, Michael)
Decision: Defendant MGM Grand s Motion for Judgment on the Pleading
- 04/08/2016  Order Granting Motion
Filed By: Defendant 3A Composites USA Inc
Order Granting Defendant 3A Composite USA Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction
- 04/08/2016 **Order of Dismissal With Prejudice** (Judicial Officer: Villani, Michael)
Debtors: Charles Schueler (Plaintiff)
Creditors: 3A Composites USA Inc (Defendant)
Judgment: 04/08/2016, Docketed: 04/15/2016
- 04/12/2016  **Discovery Conference** (9:00 AM) (Judicial Officer: Bulla, Bonnie)
- 04/18/2016  Motion to Reconsider
Filed By: Plaintiff Schueler, Charles
Plaintiff Charles Schueler's Motion For Reconsideration On Defendant 3A Composites USA Inc.'s Motion To Dismiss For Lack Of Personal Jurisdiction
- 04/19/2016  Certificate of Service
Filed by: Plaintiff Schueler, Charles
Certificate Of Service
- 05/02/2016  Opposition to Motion
Filed By: Defendant 3A Composites USA Inc
Defendant 3A Composites USA Inc.'s Opposition to Plaintiff's Motion for Reconsideration on 3A's Motion to Dismiss for Lack of Personal Jurisdiction
- 05/06/2016  Order Denying Motion
Order Denying Defendant MGM Grand's Motion for Judgment on the Pleading
- 05/10/2016  Scheduling Order

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CASE NO. A-15-722391-C

Scheduling Order

- 05/16/2016  Motion to Reconsider
Filed By: Defendant MGM Grand Hotel, LLC
MGM Grand's Motion for Reconsideration on Motion for Judgment on the Pleadings
- 05/18/2016  Reply in Support
Filed By: Plaintiff Schueler, Charles
Plaintiff Charles Schueler's Reply In Support Of His Motion For Reconsideration On Defendant 3A Composites USA Inc.'s Motion To Dismiss For Lack Of Personal Jurisdiction
- 05/20/2016  Initial Appearance Fee Disclosure
Filed By: Defendant AD Art Inc
Defendant, Ad Art, Inc.'s, Initial Appearance Fee Disclosure for Motion for Summary Judgment
- 05/20/2016  Motion for Summary Judgment
Filed By: Defendant AD Art Inc
Defendant Ad Art, Inc.'s Motion for Summary Judgment
- 05/25/2016  **Motion For Reconsideration** (3:00 AM) (Judicial Officer: Villani, Michael)
Plaintiff Charles Schueler's Motion for Reconsideration on Defendant 3A Composites USA Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction
- 05/27/2016  Order Setting Civil Jury Trial
Order Setting Civil Jury Trial and Calendar Call
- 06/03/2016  Opposition to Motion
Filed By: Plaintiff Schueler, Charles
Plaintiff Charles Schueler's Opposition to MGM Grand's Motion for Reconsideration of its Motion For Judgment on the Pleading
- 06/09/2016  Opposition to Motion For Summary Judgment
Filed By: Plaintiff Schueler, Charles
Plaintiff Charles Schueler's Opposition To Ad Art, Inc's Motion For Summary Judgment; Alternative Motion For Additional Discovery Pursuant To NRCP 56(f)
- 06/14/2016  Discovery Commissioners Report and Recommendations
Discovery Commissioners Report and Recommendations
- 06/14/2016  Reply in Support
Filed By: Defendant MGM Grand Hotel, LLC
Reply in Support of MGM Grand's Motion for Reconsideration on Motion for Judgment on the Pleadings
- 06/14/2016 **Sanctions** (Judicial Officer: Villani, Michael)
Debtors: Charles Schueler (Plaintiff)
Creditors: Legal Aid of Southern Nevada (Other)
Judgment: 06/14/2016, Docketed: 06/21/2016
Total Judgment: 50.00
- 06/16/2016  Reply in Support
Filed By: Defendant AD Art Inc
Defendant Ad Art, Inc.'s Reply in Support of Motion for Summary Judgment

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- 06/22/2016  **Motion For Reconsideration** (3:00 AM) (Judicial Officer: Villani, Michael)
06/22/2016, 07/13/2016
MGM Grand's Motion for Reconsideration on Motion for Judgment on the Pleadings
- 06/22/2016  **Motion for Summary Judgment** (8:30 AM) (Judicial Officer: Vega, Valorie J.)
Defendant Ad Art, Inc.'s Motion for Summary Judgment
- 07/22/2016  Supplement
Filed by: Plaintiff Schueler, Charles
Second Supplement To Plaintiff's Production Of Documents And List Of Witnesses Pursuant TO NRCP 16.1
- 08/15/2016  Motion for Clarification
Filed By: Defendant 3A Composites USA Inc
Defendant 3A Composites USA's Motion for Clarification regarding Plaintiff's Motion for Reconsideration
- 08/23/2016  Order Granting Motion
Filed By: Defendant MGM Grand Hotel, LLC
Order Granting MGM Grand's Motion for Reconsideration on Motion for Judgment on the Pleadings
- 08/23/2016 **Order of Dismissal** (Judicial Officer: Villani, Michael)
Debtors: Charles Schueler (Plaintiff)
Creditors: MGM Grand Hotel, LLC (Defendant)
Judgment: 08/23/2016, Docketed: 08/30/2016
- 08/24/2016  Notice of Entry of Order
Filed By: Defendant MGM Grand Hotel, LLC
Notice of Entry of Order Granting MGM Grand's Motion for Reconsideration on Motion for Judgment on the Pleadings
- 09/02/2016  Opposition to Motion
Filed By: Plaintiff Schueler, Charles
Plaintiff Charles Schueler's Opposition To Defendant 3A Composites USA Inc.'s Motion For Clarification Regarding Plaintiff's Motion For Reconsideration
- 09/14/2016  Notice of Deposition
Filed By: Plaintiff Schueler, Charles
First Amended Notice Of Deposition Of Custodian Of Records Of Yesco Las Vegas
- 09/14/2016  Motion
Filed By: Defendant MGM Grand Hotel, LLC
Defendant MGM Grand Hotel, LLC d/b/a MGM Grand's Motion to Certify Judgment as Final Pursuant to NRCP 54(b)
- 09/14/2016  Reply in Support
Filed By: Defendant 3A Composites USA Inc
Reply in Support of 3A's Motion for Clarification Regarding Plaintiff's Motion for Reconsideration
- 09/21/2016  **Motion for Clarification** (3:00 AM) (Judicial Officer: Villani, Michael)
Defendant 3A Composites USA's Motion for Clarification regarding Plaintiff's Motion for Reconsideration

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CASE NO. A-15-722391-C

09/21/2016	 Notice of Non Opposition Filed By: Plaintiff Schueler, Charles <i>Plaintiff Charles Schueler's Notice Of No Opposition To Defendant MGM Grand Hotel, LLC D/B/A MGM Grand's Motion To Certify Judgment As Final Pursuant To NRCP 54(b)</i>
09/28/2016	 Order Filed By: Plaintiff Schueler, Charles <i>Order Re: Plaintiff Charles Schueler's Motion For Reconsideration On Defendant 3A Composites USA Inc's Motion To Dismiss For Lack Of Personal Jurisdiction</i>
09/29/2016	 Notice of Entry of Order Filed By: Plaintiff Schueler, Charles <i>Notice Of Entry Of Order</i>
10/03/2016	 Subpoena Duces Tecum Filed by: Plaintiff Schueler, Charles <i>Subpoena - Civil Duces Tecum</i>
10/10/2016	 Stipulation and Order Filed by: Plaintiff Schueler, Charles <i>Stipulation And Order To Continue Trial Setting And Amended Discovery Deadlines (Before the District Court Judge)</i>
10/11/2016	 Notice of Entry of Order Filed By: Plaintiff Schueler, Charles <i>Notice Of Entry Of Order Re Stipulation And Order To Continue Trial Setting And Amend Discovery Deadlines</i>
10/14/2016	 Order Setting Civil Jury Trial <i>Order Setting Civil Jury Trial and Calendar Call</i>
10/14/2016	 Certificate of Service Filed by: Plaintiff Schueler, Charles <i>Certificate of Service</i>
10/19/2016	 Motion (3:00 AM) (Judicial Officer: Villani, Michael) <i>Defendant MGM Grand Hotel, LLC d/b/a MGM Grand's Motion to Certify Judgment as Final Pursuant to NRCP 54(b)</i>
10/24/2016	CANCELED Minute Order (9:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - On in Error</i> <i>Defendant MGM Grand Hotel, LLC d/b/a MGM Grand's Motion to Certify Judgment as Final Pursuant to NRCP 54(b)</i>
10/27/2016	 Supplement to List of Witnesses & Documents Party: Plaintiff Schueler, Charles <i>Third Supplement To Plaintiff's Production Of Documents And List Of Witnesses Pursuant To NRCP 16.1</i>
11/04/2016	 Order Granting Motion Filed By: Defendant MGM Grand Hotel, LLC <i>Order on Defendant MGM Grand Hotel, LLC d/b/a MGM Grand's Motion to Certify Judgment as Final Pursuant to NRCP 54(b)</i>
11/07/2016	 Notice of Entry of Order

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CASE NO. A-15-722391-C

Filed By: Defendant MGM Grand Hotel, LLC
Notice of Entry of Order on Defendant MGM Grand Hotel, LLC d/b/a MGM Grand's Motion to Certify Judgment as Final Pursuant to NRCP 54(b)

- 11/22/2016  Deposition Subpoena
Filed By: Plaintiff Schueler, Charles
Deposition Subpoena (Duces Tecum) Of Defendant 3A Composites USA Inc. (Subjects 1 - 4) Pursuant To NRCP 30(B)(6)
- 11/22/2016  Notice of Deposition
Filed By: Plaintiff Schueler, Charles
Plaintiff's Notice Of Deposition Of Steve Anderson
- 11/22/2016  Notice of Deposition
Filed By: Plaintiff Schueler, Charles
Plaintiff's Notice Of Deposition Of Doug Robinson
- 11/22/2016  Notice of Deposition
Filed By: Plaintiff Schueler, Charles
Plaintiff's Notice Of Deposition Of Herb Larsen
- 11/30/2016  Notice of Appeal
Filed By: Plaintiff Schueler, Charles
Notice of Appeal
- 11/30/2016  Case Appeal Statement
Filed By: Plaintiff Schueler, Charles
Case Appeal Statement
- 12/13/2016  Notice to Vacate Deposition
Filed by: Plaintiff Schueler, Charles
Notice To Vacate The Deposition Subpoena (Duces Tecum) Of Defendant 3A Composites USA Inc. (Subjects 1-4) Pursuant To N.R.C.P. 30(B)(6)
- 12/13/2016  Notice of Vacating Deposition
Filed By: Plaintiff Schueler, Charles
Plaintiff's Notice To Vacate The Deposition Of Steve Anderson
- 12/13/2016  Notice of Vacating Deposition
Filed By: Plaintiff Schueler, Charles
Plaintiff's Notice To Vacate The Deposition Of Herb Larson
- 12/13/2016  Notice to Vacate Deposition
Filed by: Plaintiff Schueler, Charles
Plaintiff's Notice Of Vacating Deposition Of Doug Robinson
- 12/15/2016  Stipulation and Order to Amend
Filed By: Plaintiff Schueler, Charles
Stipulation and Order To Amend Jurisdictional Discovery Deadline And Remaining Discovery Deadlines
- 12/16/2016  Notice of Entry of Order
Filed By: Plaintiff Schueler, Charles
Notice Of Entry Of Order Re Stipulation And Order To Amend Jurisdictional Discovery Deadline And Remaining Discovery Deadlines

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CASE NO. A-15-722391-C

- 01/10/2017  Application for Issuance of Commission to Take Deposition
Party: Plaintiff Schueler, Charles
Application For Commission To Take Deposition Out Of State
- 01/10/2017  Notice of Deposition
Filed By: Plaintiff Schueler, Charles
Plaintiff's Notice Of Deposition Via Video Conference Of Doug Head
- 01/10/2017  Application for Issuance of Commission to Take Deposition
Party: Plaintiff Schueler, Charles
Application For Commission To Take Deposition Out Of State
- 01/10/2017  Notice of Deposition
Filed By: Plaintiff Schueler, Charles
Plaintiff's Notice Of Deposition Via Video Conference Of Terry Long
- 01/12/2017  Motion for Protective Order
Filed By: Defendant 3A Composites USA Inc
Defendant 3A Composites USA Inc.'s Motion for Protective Order on an Order Shortening Time (Before the Discovery Commissioner)
- 01/13/2017  Deposition Subpoena
Filed By: Plaintiff Schueler, Charles
First Amended Deposition Subpoena (Duces Tecum) Of Defendant 3A Composites USA Inc. (Subjects 1-4) Pursuant To N.R.C.P. 30(B)(6)
- 01/13/2017  Notice of Deposition
Filed By: Plaintiff Schueler, Charles
Notice Of Deposition Of Custodian Of Records Of MGM Grand Hotel, LLC and MGM Resorts International
- 01/13/2017  Amended Notice of Taking Deposition
Filed By: Plaintiff Schueler, Charles
Plaintiff's First Amended Notice Of Deposition Of Doug Robinson
- 01/13/2017  Amended Notice of Taking Deposition
Filed By: Plaintiff Schueler, Charles
Plaintiff's First Amended Notice Of Deposition Of Steve Anderson
- 01/13/2017  Amended Notice of Taking Deposition
Filed By: Plaintiff Schueler, Charles
Plaintiff's First Amended Notice Of Deposition Of Herb Larsen
- 01/13/2017  Application for Issuance of Commission to Take Deposition
Party: Plaintiff Schueler, Charles
Application For Commission To Take Deposition Out Of State
- 01/13/2017  Application for Issuance of Commission to Take Deposition
Party: Plaintiff Schueler, Charles
Application For Commission To Take Deposition Out Of State
- 01/13/2017  Application for Issuance of Commission to Take Deposition
Party: Plaintiff Schueler, Charles

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-722391-C

Application For Commission To Take Deposition Out Of State

01/13/2017

 Application for Issuance of Commission to Take Deposition
Party: Plaintiff Schueler, Charles
Application For Commission To Take Deposition Out Of State

01/19/2017

 Reply in Support
Filed By: Defendant 3A Composites USA Inc
Defendant 3A Composites USA Inc.'s Reply in Support of Motion for Protective Order on an Order Shortening Time

01/19/2017

 Opposition to Motion For Protective Order
Filed By: Plaintiff Schueler, Charles
Plaintiff Charles Schueler's Opposition To Defendant 3A Composites USA Inc.'s Motion For Protective Order On An Order Shortening Time

01/20/2017

 **Motion for Protective Order** (9:30 AM) (Judicial Officer: Bulla, Bonnie)
Defendant 3A Composites USA Inc.'s Motion for Protective Order on an OST (Before the Discovery)

01/20/2017

 Supplement to List of Witnesses & Documents
Party: Plaintiff Schueler, Charles
Fourth Supplement To Plaintiff's Production Of Documents And List Of Witnesses Pursuant To NRCPC 16.1

02/14/2017

 Amended Notice of Taking Deposition
Filed By: Plaintiff Schueler, Charles
Plaintiff's First Amended Notice Of Deposition Of Doug Head

02/14/2017

 Amended Notice of Taking Deposition
Filed By: Plaintiff Schueler, Charles
Plaintiff's First Amended Notice Of Deposition Of Terry Long

02/17/2017

CANCELED Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie)
Vacated - per Commissioner

02/17/2017

 Amended Notice of Taking Deposition
Filed By: Plaintiff Schueler, Charles
First Amended Notice Of Deposition Of Custodian Of Records Of MGM Grand Hotel, LLC and MGM Resorts International

03/02/2017

 Notice of Deposition
Filed By: Plaintiff Schueler, Charles
Plaintiff's Second Amended Notice Of Deposition Of Doug Head

03/02/2017

 Notice of Deposition
Filed By: Plaintiff Schueler, Charles
Plaintiff's Second Amended Notice Of Deposition Of Terry Long

03/08/2017

 Discovery Commissioners Report and Recommendations
Filed By: Defendant 3A Composites USA Inc
Discovery Commissioners Report and Recommendations

03/09/2017

 Notice of Entry of Order
Filed By: Defendant 3A Composites USA Inc

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-722391-C

Notice of Entry of Discovery Commissioner's Report and Recommendations

- 03/21/2017  Motion for Summary Judgment
Filed By: Defendant 3A Composites USA Inc
Defendant 3A Composites USA Inc.'s Motion for Summary Judgment Regarding Lack of Personal Jurisdiction Over 3A
- 03/28/2017  Affidavit of Service
Filed By: Plaintiff Schueler, Charles
Affidavit Of Service
- 04/05/2017 **CANCELED Calendar Call (9:00 AM)** (Judicial Officer: Villani, Michael)
Vacated - per Stipulation and Order
- 04/06/2017  Notice of Entry of Stipulation and Order
Filed By: Defendant AD Art Inc
Notice of Entry of Stipulation & Order to Amend Remaining Discovery Deadlines (Third Request)
- 04/06/2017  Amended Order Setting Jury Trial
Amended Order Setting Civil Jury Trial and Calendar Call
- 04/06/2017  Stipulation and Order to Amend
Filed By: Defendant AD Art Inc
Stipulation and Order to Amend Remaining Discovery Deadlines (Third Request)
- 04/07/2017  Opposition to Motion For Summary Judgment
Filed By: Plaintiff Schueler, Charles
Plaintiff Charles Schueler's Opposition To Defendant 3A Composites USA Inc.'s Motion For Summary Judgment Regarding Lack Of Personal Jurisdiction
- 04/17/2017 **CANCELED Jury Trial (9:00 AM)** (Judicial Officer: Villani, Michael)
Vacated - per Stipulation and Order
- 04/19/2017  Reply to Motion
Filed By: Defendant 3A Composites USA Inc
Defendant 3A Composites USA Inc.'s Reply in Support of Motion for Summary Judgement Regarding Lack of Personal Jurisdiction Over 3A
- 04/26/2017  **Motion for Summary Judgment (8:30 AM)** (Judicial Officer: Villani, Michael)
Defendant 3A Composites USA Inc.'s Motion for Summary Judgment Regarding Lack of Personal Jurisdiction Over 3A
- 04/26/2017  Amended Notice of Taking Deposition
Filed By: Plaintiff Schueler, Charles
Plaintiff's Third Amended Notice of Deposition of Doug Head
- 05/04/2017  Amended Notice of Taking Deposition
Filed By: Plaintiff Schueler, Charles
Second Amended Notice of Taking Deposition of Custodian of Records of MGM Grand Hotel, LLC and MGM Resorts International
- 05/04/2017  Motion
Filed By: Plaintiff Schueler, Charles
Plaintiffs Charles Scheuler's Motion To Supplement His Opposition To Defendant 3A Composites USA Inc.'s Motion For Summary Judgment Regarding Lack of Personal

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-722391-C

Jurisdiction And To Reopen Discovery On Order Shortening Time

- 05/05/2017  Certificate of Service
Filed by: Plaintiff Schueler, Charles
Certificate of Service
- 05/08/2017  Certificate of Service
Filed by: Plaintiff Schueler, Charles
Certificate of Service
- 05/09/2017  Opposition to Motion
Filed By: Defendant 3A Composites USA Inc
Defendant 3A Composites USA Inc.'s Opposition to Plaintiff's Motion to Supplement his Opposition to 3A's Motion for Summary Judgement Regarding Lack of Personal Jurisdiction and to Reopen Discovery on Order Shortening Time
- 05/10/2017  **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)
Plaintiff Charles Scheuler's Motion To Supplement His Opposition To Defendant 3A Composites USA Inc.'s Motion For Summary Judgment Regarding Lack of Personal Jurisdiction And To Reopen Discovery On Order Shortening Time
- 05/15/2017  Supplemental Brief
Filed By: Defendant 3A Composites USA Inc
Defendant 3A Composites USA Inc.'s Supplemental Brief in Support of 3A's Opposition to Plaintiff's Motion to Supplement His Opposition to 3A's Motion for Summary Judgement Regarding Lack of Personal Jurisdiction and to Re-Open Discovery on OST
- 05/17/2017  Affidavit of Service
Filed By: Plaintiff Schueler, Charles
Affidavit Of Service
- 05/19/2017  Supplemental Brief
Filed By: Plaintiff Schueler, Charles
Plaintiff Charles Schueler's Supplemental Brief in Support of Motion To Supplement His Opposition To Defendant 3A Composites USA Inc.'s Motion for Summary Judgment Regarding Lack of Personal Jurisdiction And To Reopen Discovery On Order Shortening Time
- 05/25/2017  Notice of Vacating Deposition
Filed By: Plaintiff Schueler, Charles
Plaintiff's Notice of Vacating Deposition of Custodian of Records of MGM Hotel, LLC and MGM Resorts International
- 05/31/2017 **CANCELED Minute Order** (1:30 PM) (Judicial Officer: Villani, Michael)
Vacated - On in Error
- 05/31/2017  **Minute Order** (4:00 PM) (Judicial Officer: Villani, Michael)
- 06/22/2017  Motion
Filed By: Defendant 3A Composites USA Inc
Defendant 3A Composites USA Inc.'s Motion to Certify Summary Judgement in Favor of 3A as Final Pursuant to NRC P 54(b)
- 06/22/2017  Order Granting
Filed By: Defendant 3A Composites USA Inc
Order Granting Defendant 3A Composites USA Inc.'s Motion for Summary Judgement Regarding Lack of Personal Jurisdiction

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-722391-C

- 06/22/2017  Order Denying
Filed By: Defendant 3A Composites USA Inc
Order Denying Plaintiff's Motion to Supplement his Opposition to 3A's Motion for Summary Judgement Regarding Lack of Personal Jurisdiction and to Reopen Discovery
- 06/22/2017 **Summary Judgment** (Judicial Officer: Villani, Michael)
Debtors: Charles Schueler (Plaintiff)
Creditors: 3A Composites USA Inc (Defendant)
Judgment: 06/22/2017, Docketed: 06/29/2017
- 06/23/2017  Notice of Entry of Order
Filed By: Defendant 3A Composites USA Inc
Notice of Entry of Order Denying Plaintiff'd Motion to Supplement His Opposition to 3A's Motion for Summary Judgement Regarding Lack of Personal Jurisdiction and to Reopen Discovery
- 06/23/2017  Notice of Entry of Order
Filed By: Defendant 3A Composites USA Inc
Notice of Entry of Order Granting Defendant 3A Composites USA Inc.'s Motion for Summary Judgement Regarding Lack of Personal Jurisdiction
- 06/28/2017  Memorandum of Costs and Disbursements
Filed By: Defendant 3A Composites USA Inc
Defendant 3A Composites USA Inc.'s Memorandum of Costs and Disbursements
- 06/28/2017  Notice of Change of Address
Filed By: Defendant 3A Composites USA Inc
Notice of Change of Address
- 07/06/2017  Motion to Retax
Filed By: Plaintiff Schueler, Charles
Motion To Retax Costs
- 07/10/2017  Certificate of Service
Filed by: Plaintiff Schueler, Charles
Certificate of Service
- 07/13/2017  Motion for Attorney Fees
Filed By: Defendant 3A Composites USA Inc
Defendant 3A Composites USA Inc.'s Motion for Attorney's Fees
- 07/24/2017  Opposition to Motion
Filed By: Defendant 3A Composites USA Inc
Defendant 3A Composite USA Inc. a/k/a Alucobond Technologies Corporation's Opposition to Plaintiff's Motion to Retax Costs
- 07/26/2017  **Motion** (3:00 AM) (Judicial Officer: Villani, Michael)
Defendant 3A Composites USA Inc.'s Motion to Certify Summary Judgement in Favor of 3A as Final Pursuant to NRCF 54(b)
- 07/26/2017  Supplement to List of Witnesses & Documents
Party: Plaintiff Schueler, Charles
Fifth Supplement To Plaintiff's Production Of Documetns And List Of Witnesses Pursuant To NRCF 16.1

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-722391-C

07/27/2017  Stipulation and Order to Amend
Filed By: Defendant AD Art Inc
Stipulation and Order to Amende Remaining Discovery Deadlines (Fourth Request)

07/28/2017  Reply in Support
Filed By: Plaintiff Schueler, Charles
Reply In Support Of Plaintiffs Motion To Retax Costs

07/28/2017  Notice of Entry of Stipulation and Order
Filed By: Defendant AD Art Inc
Notice of Entry of Stipulation & Order to Amend Remaining Discovery Deadlines (Fourth Request)

07/28/2017  Amended Order Setting Jury Trial
Amended Order Setting Jury Trial

07/31/2017  Opposition to Motion
Filed By: Plaintiff Schueler, Charles
Plaintiff's Opposition To Defendant 3A Composites USA, Inc.'s Motion For Attorney Fees

08/02/2017  Initial Appearance Fee Disclosure
Defendant, Ad Art, Inc.'s, Initial Appearance Fee Disclosure for Motion for Summary Judgment Fee

08/02/2017  Motion for Summary Judgment
Filed By: Defendant AD Art Inc
Defendant Ad Art, Inc.'s Motion for Summary Judgment

08/03/2017  Notice of Hearing
Filed By: Defendant AD Art Inc
Notice of Hearing on Defendant, Ad Art, Inc.'s, Motion for Summary Judgment

08/09/2017  Reply in Support
Filed By: Defendant 3A Composites USA Inc
Reply in Support of Defendant 3A Composites USA Inc.'s Motion for Attorney's Fees

08/15/2017  Findings of Fact, Conclusions of Law and Order
Filed By: Defendant 3A Composites USA Inc
Findings of Fact, Conclusions of Law and Order Granting Defendant 3A Composites USA, Inc.'s Motion to Certify Judgement as Final

08/16/2017  **Motion to Retax** (3:00 AM) (Judicial Officer: Villani, Michael)
Plaintiff's Motion to Retax Costs

08/16/2017  **Motion for Attorney Fees** (3:00 AM) (Judicial Officer: Villani, Michael)
Defendant 3A Composites USA Inc.'s Motion for Attorney's Fees

08/16/2017 **CANCELED All Pending Motions** (3:00 AM) (Judicial Officer: Villani, Michael)
Vacated

08/17/2017  Notice of Entry of Order
Filed By: Defendant 3A Composites USA Inc
Notice of Entry of Order Granting Defendant 3A Composite USA Inc.'s Motion to Certify

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-722391-C

Judgment as Final Pursuant to NRCF 54(b)

08/22/2017  **Opposition**
Filed By: Plaintiff Schueler, Charles
Plaintiff Charles Schueler's Opposition To Defendant Ad Art, Inc.'s Motion For Summary Judgment

08/23/2017 **CANCELED Calendar Call** (9:00 AM) (Judicial Officer: Villani, Michael)
Vacated

08/30/2017  **Reply in Support**
Filed By: Defendant AD Art Inc
Defendant Ad Art, Inc.'s Reply in Support of Motion for Summary Judgment

09/05/2017 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Villani, Michael)
Vacated - per Stipulation and Order

09/06/2017  **Motion for Summary Judgment** (8:30 AM) (Judicial Officer: Villani, Michael)
Defendant AD Art Inc's Motion for Summary Judgment

09/13/2017 **Order** (Judicial Officer: Villani, Michael)
Debtors: Charles Schueler (Plaintiff)
Creditors: 3A Composites USA Inc (Defendant)
Judgment: 09/13/2017, Docketed: 09/13/2017
Total Judgment: 3,889.13

09/13/2017  **Order**
Filed By: Defendant 3A Composites USA Inc
Order Granting in Part and Denying in Part Plaintiff's Motion to Retax Costs

09/15/2017  **Notice of Entry of Order**
Filed By: Defendant 3A Composites USA Inc
Notice of Entry of Order Granting in Part and Denying in Part Plaintiff's Motion to Retax Costs

10/09/2017  **Minute Order** (4:00 PM) (Judicial Officer: Villani, Michael)
Defendant AD Art Inc's Motion for Summary Judgment

10/23/2017 **Summary Judgment** (Judicial Officer: Villani, Michael)
Debtors: Charles Schueler (Plaintiff)
Creditors: AD Art Inc (Defendant)
Judgment: 10/23/2017, Docketed: 10/23/2017
Comment: In Part

10/23/2017  **Order**
Filed By: Plaintiff Schueler, Charles
Order Re: Defendant Ad Art, Inc.'s Motion For Summary Judgment

10/24/2017  **Notice of Entry of Order**
Filed By: Plaintiff Schueler, Charles
Notice of Entry of Order Re: Defendant Ad Art, Inc.'s Motion For Summary Judgment

11/30/2017  **Order Denying Motion**
Filed By: Plaintiff Schueler, Charles
Order Re: Defendant 3A Composites USA Inc.'s Motion For Attorney's Fees

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-722391-C

- 12/01/2017  Notice of Entry
Filed By: Plaintiff Schueler, Charles
Notice Of Entry Of Order Re: Defendant 3A Composites USA Inc.'s Motion For Attorney Fees
- 12/05/2017  Stipulation and Order to Extend Discovery Deadlines
Filed By: Defendant AD Art Inc
Stipulation and Order to Amend Remaining Discovery Deadlines (Fifth Request)
- 12/06/2017  Notice of Entry of Stipulation and Order
Filed By: Defendant AD Art Inc
Notice of Entry of Stipulation and Order to Amend Remaining Discovery Deadlines (Fifth Request)
- 12/06/2017  Amended Order Setting Jury Trial
Amended Order Setting Jury Trial
- 12/07/2017 **Judgment Plus Interest** (Judicial Officer: Villani, Michael)
Debtors: Charles Schueler (Plaintiff)
Creditors: 3A Composites USA Inc (Defendant)
Judgment: 12/07/2017, Docketed: 12/08/2017
Total Judgment: 3,889.13
- 12/07/2017  Judgment
Filed By: Defendant 3A Composites USA Inc
Judgment in Favor of 3A Composites USA, Inc.
- 12/18/2017  Notice of Entry of Judgment
Filed By: Defendant 3A Composites USA Inc
Notice of Entry of Judgment in Favor of 3A Composites USA, Inc.
- 12/21/2017  Motion to Reconsider
Filed By: Defendant AD Art Inc
Ad Art, Inc.'s Motion for Reconsideration on Motion for Summary Judgment
- 12/22/2017  Notice
Filed By: Defendant AD Art Inc
Notice of Hearing on Ad Art, Inc.'s Motion for Reconsideration on Motion for Summary Judgment
- 01/10/2018  Opposition to Motion
Plaintiff's Charles Schueler's Opposition to Defendant AD Art, Inc.'S Motion for Reconsideration of Its Motion for Summary Judgment
- 01/10/2018  Certificate of Service
Filed by: Plaintiff Schueler, Charles
Cert of Srvc
- 01/17/2018  Reply to Opposition
Filed by: Defendant AD Art Inc
Ad Art, Inc.'s Reply in Support of Motion for Reconsideration on Motion for Summary Judgment
- 01/24/2018  **Motion For Reconsideration** (3:00 AM) (Judicial Officer: Villani, Michael)
Defendant Ad Art, Inc.'s Motion for Reconsideration on Motion for Summary Judgment

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-722391-C

01/24/2018	<i>CANCELED</i> Calendar Call (9:00 AM) (Judicial Officer: Villani, Michael) <i>Vacated</i>
02/05/2018	<i>CANCELED</i> Jury Trial (9:00 AM) (Judicial Officer: Villani, Michael) <i>Vacated</i>
03/08/2018	 Stipulation and Order to Amend Filed By: Plaintiff Schueler, Charles <i>Stipulation And Order To Amend discovery Deadlines (Sixth Request)</i>
03/19/2018	 Notice of Entry of Order Filed By: Plaintiff Schueler, Charles <i>Notice Of Entry Of Order Re: Stipulation And Order To Amend Discovery Deadlines</i>
03/23/2018	Summary Judgment (Judicial Officer: Villani, Michael) Debtors: Charles Schueler (Plaintiff) Creditors: AD Art Inc (Defendant) Judgment: 03/23/2018, Docketed: 03/23/2018
03/23/2018	 Order Granting Filed By: Defendant AD Art Inc <i>Order Granting Ad Art, Inc.'s Motion for Reconsideration on Motion for Summary Judgment</i>
03/23/2018	 Notice of Entry of Order Filed By: Defendant AD Art Inc <i>Notice of Entry of Order Granting Ad Art, Inc.'s Motion for Reconsideration on Motion for Summary Judgment</i>
04/04/2018	<i>CANCELED</i> Calendar Call (9:00 AM) (Judicial Officer: Villani, Michael) <i>Vacated</i>
04/16/2018	<i>CANCELED</i> Jury Trial (9:00 AM) (Judicial Officer: Villani, Michael) <i>Vacated</i>
04/20/2018	 Notice of Appeal Filed By: Plaintiff Schueler, Charles <i>Notice Of Appeal</i>
08/22/2018	Calendar Call (9:00 AM) (Judicial Officer: Villani, Michael)
09/04/2018	Jury Trial (10:00 AM) (Judicial Officer: Villani, Michael)

DATE	FINANCIAL INFORMATION	
	Defendant 3A Composites USA Inc	
	Total Charges	444.00
	Total Payments and Credits	444.00
	Balance Due as of 4/24/2018	0.00
	Defendant AD Art Inc	
	Total Charges	703.50
	Total Payments and Credits	703.50
	Balance Due as of 4/24/2018	0.00
	Defendant MGM Grand Hotel, LLC	
	Total Charges	223.00
	Total Payments and Credits	223.00
	Balance Due as of 4/24/2018	0.00
	Plaintiff Schueler, Charles	

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-722391-C

Total Charges	318.00
Total Payments and Credits	318.00
Balance Due as of 4/24/2018	0.00
Plaintiff Schueler, Charles	
Appeal Bond Balance as of 4/24/2018	500.00

DISTRICT COURT CIVIL COVER SHEET

XVII

Clark

County, Nevada

Case No. _____

(Original by Clerk's Office)

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

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
Charles Schuster	MGM GRAND HOTEL, LLC, d/b/a MGM GRAND; MGM RESORTS INTERNATIONAL, d/b/a MGM GRAND; AD ART, INC., and 3A COMPOSITES USA INC., d/b/a ALLIGATOR TECH SOLUTIONS CORPORATION
Attorney (name/address/phone):	Attorney (name/address/phone):
WILLIAM R. BRENSKE, ESQ. 630 South 3rd Street Las Vegas, NV 89101	UNKNOWN

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

Civil Case Filing Types		
Real Property	Negligence	Torts
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input checked="" type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate	Construction Defect & Contract	Judicial Review/Appral
Probate (select case type and estate value) <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 Estate Value <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	Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <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	Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appral Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appral
Civil Writ		Other Civil Filing
<input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

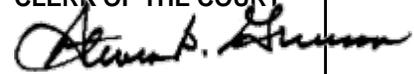
Business Court filings should be filed using the Business Court civil coversheet.

July 30th, 2015

Date

Signature of initiating party or representative

See other side for family-related case filings.



1 **ORD**
2 TIMOTHY F. HUNTER, ESQ.
3 Nevada Bar No. 010622
4 RAY LEGO & ASSOCIATES
5 7450 Arroyo Crossing Parkway, Suite 250
6 Las Vegas, NV 89113
7 Tel: (702) 479-4350
8 Fax: (702) 270-4602
9 tfhunter@travelers.com

10 Attorney for Defendant,
11 **AD ART, INC.**

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

14 CHARLES SCHUELER,

CASE NO.: A-15-722391-C

15 Plaintiff,

DEPT. NO.: XVII

16 vs.

17 MGM GRAND HOTEL, LLC, a Domestic
18 Limited Liability Company d/b/a MGM
19 GRAND; MGM RESORTS
20 INTERNATIONAL, a Foreign Corporation
21 d/b/a MGM GRAND; AD ART, INC., a
22 Foreign Corporation; 3A COMPOSITES USA
23 INC., a Foreign Corporation a/k/a
24 ALUCOBOND TECHNOLOGIES
25 COROPORATION; DOES 1 - 25; ROE
26 CORPORATIONS 1 - 25; inclusive,

27 Defendants.

28 **ORDER GRANTING AD ART, INC.'S MOTION FOR RECONSIDERATION ON**
MOTION FOR SUMMARY JUDGMENT

On December 21, 2017, Defendant, Ad Art, Inc. ("Ad Art"), filed its Motion for Reconsideration on Motion for Summary Judgment. On January 10, 2018, Plaintiff filed his Opposition. On January 17, 2018 Ad Art filed its Reply in Support of Motion for Reconsideration.

In lieu of oral arguments, this Honorable Court, Judge Michael Villani presiding, set the motion for resolution on its Chambers Calendar. After considering the moving, opposing, and reply briefs, and the case authority cited therein and finding good cause, the Court issued a

Ray Lego & Associates
7450 Arroyo Crossing Parkway, Suite 250
Las Vegas, Nevada 89113
Telephone No. (702) 479-4350
Facsimile No. (702) 270-4602

RECEIVED BY
DEPT 17 ON
MAR 15 2018

1 minute order on March 1, 2018 with its ruling on the pending motion for reconsideration, and
2 now hereby submits its Findings of Facts, Conclusions of Law, and Order.

3 **I. FINDINGS OF FACT**

4 1. The MGM Pylon is a sign located in front of MGM Grand Las Vegas at 3799 S.
5 Las Vegas Boulevard, Las Vegas, Nevada 89101. The MGM Pylon was originally constructed
6 in approximately 1993 or 1994 and stands well over 150 feet tall.

7
8 2. The MGM Pylon is one of a kind object that was not mass produced. The MGM
9 Pylon was designed under the direct supervision of MGM, who was involved in every aspect of
10 the design. The MGM Pylon had many different companies involved in its production,
11 including those involved in the foundation, supply of materials, as well as others. The MGM
12 Pylon was built for the sole use of MGM, and was not intended to be placed in the stream of
13 commerce.

14
15 3. On July 31, 2013, Plaintiff, Charles Schueler, was an employee of Young
16 Electric Sign Co. When attempting to perform his repair work on the MGM Pylon, Plaintiff lost
17 his balance and fell approximately 150 feet to the ground below. As a result of the fall, Plaintiff
18 sustained injuries.

19 4. Plaintiff alleges, generally, that Ad Art was responsible for the fall under a
20 theory of Premises Liability and Strict Products Liability only. Plaintiff's Premises Liability
21 Claims were dismissed against Ad Art pursuant to the Court's October 20, 2017 order.

22
23 **II. CONCLUSIONS OF LAW**

24 1. Under EDCR 2.24, "a district court may reconsider a previously decided issue if
25 substantially different evidence is introduced or the decision is clearly erroneous." *Masonry &*
26 *Tile Contractors v. Jolley, Urga & Wirth*, 113 Nev. 7373, 741, 941 P.2d 486, 489 (1997). A
27 court has the inherent authority to reconsider its prior orders. *Trail v. Faretto*, 91 Nev. 401, 536
28

1 P.2d 1026 (1975). Moreover, under NRCP 54(b), “the district court may at any time before the
2 entry of a final judgment, revise orders...” *Barry v. Lindner*, 119 Nev. 661, 670, 81 P.3d 537,
3 543 (2003).

4 2. The question of whether the MGM Pylon is a product for the purposes of a Strict
5 Products Liability analysis centers around the Nevada Supreme Court decision in *Calloway v.*
6 *City of Reno*, 116 Nev. 250, 992 P.2d 1259 (2000). In *Calloway*, it was alleged that the
7 construction of townhomes included defective framing. The Court held that townhomes “were
8 not products for purposes of strict products liability.” *Id.* at 268. The Court acknowledged that
9 some jurisdictions have found that a building can constitute a product under strict product
10 liability while other have found the opposite. Previously, the court found that a leaky gas line
11 fitting in a residence fell under the doctrine of strict products liability. *See, Worrell v. Barnes*,
12 87 Nev. 204, 484 P.2d 573 (1971). The *Calloway* court specifically overruled the *Worrell* court
13 with respect to its application of strict products liability. *Id.* at 271.

14 3. In *Martens v. MCL Construction Corp.*, 347 Ill. App. 3d 303, 807 N.E. 2d 480
15 (2004), the Illinois Court of Appeals dealt with a case similar to the matter at hand. In *Marten*,
16 the Illinois court dealt with a claim involving a fall from a steel beam at a construction site. In
17 affirming the Circuit court’s granting of summary judgment, the Court of Appeals held that a
18 “buildings and indivisible component parts of the building structure itself, such as bricks,
19 supporting beams and railings, are not deemed products for purposes of strict liability in tort.”
20 *Id.* at 320.

21 4. Here, the MGM Pylon is one of a kind object and not mass produced. Under
22 such circumstances the MGM Pylon is not a product for strict liability purposes. *See, Dayberry*
23 *v. City of E. Helena*, 318 Mont. 301, 80 P.3d 1218 (2003).

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///

Ray Lego & Associates
7450 Arroyo Crossing Parkway, Suite 250
Las Vegas, Nevada 89113
Telephone No. (702) 479-4350
Facsimile No. (702) 270-4602

1 **III. ORDER**

2 IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED THAT:

- 3 1. The MGM Pylon is not a product for strict products liability purposes.
4 2. Ad Art, Inc.'s Motion for Reconsideration is GRANTED.
5 3. Ad Art, Inc.'s Motion for Summary Judgment is GRANTED in its entirety.
6 4. Having found that the MGM sign is not a product for strict liability purposes, and
7 GRANTING Ad Art, Inc.'s Motion for Summary Judgment it need not address
8 the successor liability issue.
9

10 DATED this 21 day of March, 2018.

11
12 
13 _____
14 DISTRICT COURT JUDGE *flc*

15 Respectfully submitted,

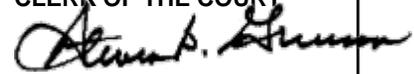
16 RAY LEGO & ASSOCIATES

17 
18 _____
19 TIMOTHY F. HUNTER, ESQ.
20 Nevada Bar No. 010622
21 7450 Arroyo Crossing Parkway, Suite 250
22 Las Vegas, NV 89113
23 Attorney for Defendant, **AD ART, INC.**

24 Approved as to form and content:

25 BRENSKE & ANDREEVSKI

26 *REFUSED TO SIGN*
27 _____
28 WILLIAM R. BRENSKE, ESQ., #1806
RYAN D. KRAMETBAUER, ESQ., #12800
3800 Howard Hughes Parkway, Suite 500
Las Vegas, NV 89169
Attorneys for Plaintiff, **CHARLES SCHUELER**



1 **NEO**
TIMOTHY F. HUNTER, ESQ.
2 Nevada Bar No. 010622
RAY LEGO & ASSOCIATES
3 7450 Arroyo Crossing Parkway, Suite 250
Las Vegas, NV 89113
4 Tel: (702) 479-4350
Fax: (702) 270-4602
5 tfhunter@travelers.com

6 Attorney for Defendant,
AD ART, INC.

7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 CHARLES SCHUELER,

CASE NO.: A-15-722391-C

11 Plaintiff,

DEPT. NO.: XVII

12 vs.

13 MGM GRAND HOTEL, LLC, a Domestic
Limited Liability Company d/b/a MGM
14 GRAND; MGM RESORTS
INTERNATIONAL, a Foreign Corporation
15 d/b/a MGM GRAND; AD ART, INC., a
Foreign Corporation; 3A COMPOSITES USA
16 INC., a Foreign Corporation a/k/a
ALUCOBOND TECHNOLOGIES
CORPORATION; DOES 1 - 25; ROE
17 CORPORATIONS 1 - 25; inclusive,

18 Defendants.

19 **NOTICE OF ENTRY OF ORDER GRANTING AD ART, INC.'S MOTION FOR**
20 **RECONSIDERATION ON MOTION FOR SUMMARY JUDGMENT**

21 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

22 **PLEASE TAKE NOTICE** that an Order in the above-captioned matter was entered on

23 ///

24 ///

25 ///

26 ///

27 ///

28

Ray Lego & Associates
7450 Arroyo Crossing Parkway, Suite 250
Las Vegas, Nevada 89113
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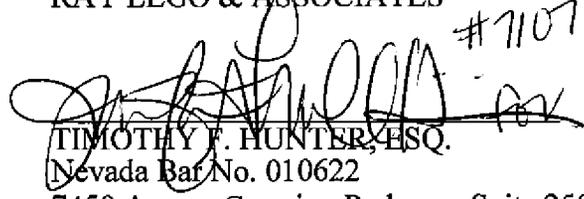
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the 23rd day of March, 2018. A copy of said Order is attached hereto.

DATED this 23rd day of March, 2018.

Respectfully submitted,

RAY LEGO & ASSOCIATES



TIMOTHY F. HUNTER, ESQ.
Nevada Bar No. 010622
7450 Arroyo Crossing Parkway, Suite 250
Las Vegas, NV 89113

Attorney for Defendant, **AD ART, INC.**

Ray Lego & Associates
7450 Arroyo Crossing Parkway, Suite 250
Las Vegas, Nevada 89113
Telephone No. (702) 479-4350
Facsimile No. (702) 270-4602

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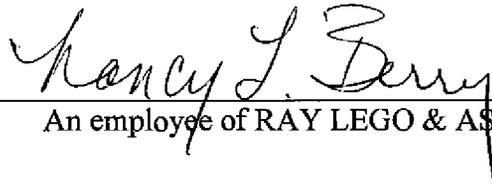
CERTIFICATE OF SERVICE

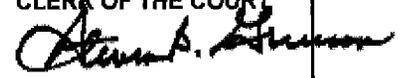
Pursuant to NRCP 5(b), I hereby certify that I am an employee of RAY LEGO & ASSOCIATES and that on the 23RD day of March, 2018 I caused the foregoing **NOTICE OF ENTRY OF ORDER GRANTING AD ART, INC.'S MOTION FOR RECONSIDERATION ON MOTION FOR SUMMARY JUDGMENT** to be served as follows:

 X pursuant to N.E.F.C.R. 9 by serving it via electronic service.

To the attorneys listed below:

William R. Brenske, #001806 BRENSKE & ANDREEVSKI 3800 Howard Hughes Parkway, #500 Las Vegas, NV 89169 wbenske@hotmail.com	P: 702/385-3300 F: 702/385-3823 Attorneys for Plaintiff, CHARLES SCHUELER
--	--


An employee of RAY LEGO & ASSOCIATES



1 **ORD**
2 TIMOTHY F. HUNTER, ESQ.
3 Nevada Bar No. 010622
4 RAY LEGO & ASSOCIATES
5 7450 Arroyo Crossing Parkway, Suite 250
6 Las Vegas, NV 89113
7 Tel: (702) 479-4350
8 Fax: (702) 270-4602
9 tfhunter@travelers.com

10 Attorney for Defendant,
11 AD ART, INC.

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

14 CHARLES SCHUELER,

CASE NO.: A-15-722391-C

15 Plaintiff,

DEPT. NO.: XVII

16 vs.

17 MGM GRAND HOTEL, LLC, a Domestic
18 Limited Liability Company d/b/a MGM
19 GRAND; MGM RESORTS
20 INTERNATIONAL, a Foreign Corporation
21 d/b/a MGM GRAND; AD ART, INC., a
22 Foreign Corporation; 3A COMPOSITES USA
23 INC., a Foreign Corporation a/k/a
24 ALUCOBOND TECHNOLOGIES
25 CORPORATION; DOES 1 - 25; ROE
26 CORPORATIONS 1 - 25; inclusive,

27 Defendants.

28 **ORDER GRANTING AD ART, INC.'S MOTION FOR RECONSIDERATION ON
MOTION FOR SUMMARY JUDGMENT**

On December 21, 2017, Defendant, Ad Art, Inc. ("Ad Art"), filed its Motion for Reconsideration on Motion for Summary Judgment. On January 10, 2018, Plaintiff filed his Opposition. On January 17, 2018 Ad Art filed its Reply in Support of Motion for Reconsideration.

In lieu of oral arguments, this Honorable Court, Judge Michael Villani presiding, set the motion for resolution on its Chambers Calendar. After considering the moving, opposing, and reply briefs, and the case authority cited therein and finding good cause, the Court issued a

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Telephone No. (702) 479-4350
Facsimile No. (702) 270-4602

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1 minute order on March 1, 2018 with its ruling on the pending motion for reconsideration, and
2 now hereby submits its Findings of Facts, Conclusions of Law, and Order.

3 **I. FINDINGS OF FACT**

4 1. The MGM Pylon is a sign located in front of MGM Grand Las Vegas at 3799 S.
5 Las Vegas Boulevard, Las Vegas, Nevada 89101. The MGM Pylon was originally constructed
6 in approximately 1993 or 1994 and stands well over 150 feet tall.

7
8 2. The MGM Pylon is one of a kind object that was not mass produced. The MGM
9 Pylon was designed under the direct supervision of MGM, who was involved in every aspect of
10 the design. The MGM Pylon had many different companies involved in its production,
11 including those involved in the foundation, supply of materials, as well as others. The MGM
12 Pylon was built for the sole use of MGM, and was not intended to be placed in the stream of
13 commerce.

14
15 3. On July 31, 2013, Plaintiff, Charles Schueler, was an employee of Young
16 Electric Sign Co. When attempting to perform his repair work on the MGM Pylon, Plaintiff lost
17 his balance and fell approximately 150 feet to the ground below. As a result of the fall, Plaintiff
18 sustained injuries.

19 4. Plaintiff alleges, generally, that Ad Art was responsible for the fall under a
20 theory of Premises Liability and Strict Products Liability only. Plaintiff's Premises Liability
21 Claims were dismissed against Ad Art pursuant to the Court's October 20, 2017 order.

22
23 **II. CONCLUSIONS OF LAW**

24 1. Under EDCR 2.24, "a district court may reconsider a previously decided issue if
25 substantially different evidence is introduced or the decision is clearly erroneous." *Masonry &*
26 *Tile Contractors v. Jolley, Urga & Wirth*, 113 Nev. 7373, 741, 941 P.2d 486, 489 (1997). A
27 court has the inherent authority to reconsider its prior orders. *Trail v. Faretto*, 91 Nev. 401, 536
28

1 P.2d 1026 (1975). Moreover, under NRCP 54(b), “the district court may at any time before the
2 entry of a final judgment, revise orders...” *Barry v. Lindner*, 119 Nev. 661, 670, 81 P.3d 537,
3 543 (2003).

4 2. The question of whether the MGM Pylon is a product for the purposes of a Strict
5 Products Liability analysis centers around the Nevada Supreme Court decision in *Calloway v.*
6 *City of Reno*, 116 Nev. 250, 992 P.2d 1259 (2000). In *Calloway*, it was alleged that the
7 construction of townhomes included defective framing. The Court held that townhomes “were
8 not products for purposes of strict products liability.” *Id.* at 268. The Court acknowledged that
9 some jurisdictions have found that a building can constitute a product under strict product
10 liability while other have found the opposite. Previously, the court found that a leaky gas line
11 fitting in a residence fell under the doctrine of strict products liability. *See, Worrell v. Barnes*,
12 87 Nev. 204, 484 P.2d 573 (1971). The *Calloway* court specifically overruled the *Worrell* court
13 with respect to its application of strict products liability. *Id.* at 271.

14 3. In *Martens v. MCL Construction Corp.*, 347 Ill. App. 3d 303, 807 N.E. 2d 480
15 (2004), the Illinois Court of Appeals dealt with a case similar to the matter at hand. In *Marten*,
16 the Illinois court dealt with a claim involving a fall from a steel beam at a construction site. In
17 affirming the Circuit court’s granting of summary judgment, the Court of Appeals held that a
18 “buildings and indivisible component parts of the building structure itself, such as bricks,
19 supporting beams and railings, are not deemed products for purposes of strict liability in tort.”
20 *Id.* at 320.

21 4. Here, the MGM Pylon is one of a kind object and not mass produced. Under
22 such circumstances the MGM Pylon is not a product for strict liability purposes. *See, Dayberry*
23 *v. City of E. Helena*, 318 Mont. 301, 80 P.3d 1218 (2003).

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Ray Lego & Associates
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Las Vegas, Nevada 89113
Telephone No. (702) 479-4350
Facsimile No. (702) 270-4602

1 **III. ORDER**

2 IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED THAT:

- 3 1. The MGM Pylon is not a product for strict products liability purposes.
4 2. Ad Art, Inc.'s Motion for Reconsideration is GRANTED.
5 3. Ad Art, Inc.'s Motion for Summary Judgment is GRANTED in its entirety.
6 4. Having found that the MGM sign is not a product for strict liability purposes, and
7 GRANTING Ad Art, Inc.'s Motion for Summary Judgment it need not address
8 the successor liability issue.
9

10 DATED this 21 day of March, 2018.

11 

12 DISTRICT COURT JUDGE *flc*

13 Respectfully submitted,

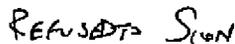
14 RAY LEGO & ASSOCIATES

15 

16 TIMOTHY F. HUNTER, ESQ.
17 Nevada Bar No. 010622
18 7450 Arroyo Crossing Parkway, Suite 250
19 Las Vegas, NV 89113
20 Attorney for Defendant, AD ART, INC.

21 Approved as to form and content:

22 BRENSKE & ANDREEVSKI

23 

24 WILLIAM R. BRENSKE, ESQ., #1806
25 RYAN D. KRAMETBAUER, ESQ., #12800
26 3800 Howard Hughes Parkway, Suite 500
27 Las Vegas, NV 89169
28 Attorneys for Plaintiff, CHARLES SCHUELER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

February 10, 2016

A-15-722391-C

Charles Schueler, Plaintiff(s)

vs.

MGM Grand Hotel, LLC, Defendant(s)

February 10, 2016

3:00 AM

Motion for Judgment

**MGM Grand's
Motion for Judgment
on the Pleading**

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Defendant MGM Grand Hotel's Motion for Judgment on the Pleading came before this Court on the February 10, 2016, Chamber Calendar. MGM Grand Hotel's Motion for Judgment on the Pleadings is essentially a motion to dismiss, and it is this Court's policy to place dispositive motions on the oral calendar for argument. Therefore COURT ORDERED, the Defendant MGM Grand Hotel's Motion for Judgment on the Pleading is CONTINUED. Counsel for MGM Grand Hotel is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21.

CONTINUED TO: 03/09/16 8:30 AM

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Riley A. Clayton, Esq.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

March 09, 2016

A-15-722391-C Charles Schueler, Plaintiff(s)
vs.
MGM Grand Hotel, LLC, Defendant(s)

March 09, 2016 8:30 AM All Pending Motions

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT: Brenske, William R. Attorney
Clayton, Riley A Attorney
Silverman, Edward Attorney

JOURNAL ENTRIES

- DEFENDANT 3A COMPOSITES USA INC.'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION . . . MGM GRAND'S MOTION FOR JUDGMENT ON THE PLEADING

This is the time set for hearing on the above-named Motions.

Motion to Dismiss for Lack of Personal Jurisdiction: the Court has reviewed the Defendant's Motion to Dismiss for Lack of Personal Jurisdiction, the Plaintiff Charles Schueler's Opposition and Alternative Request to Conduct Additional Jurisdictional Discovery Pursuant to NRCP 56(f) and the Defendant's Reply in Support of Motion to Dismiss for Lack of Personal Jurisdiction. After hearing arguments of counsel COURT ORDERED, decision DEFERRED a written decision will be prepared.

Motion for Judgment on the Pleading: the Court has reviewed the Motion for Judgment on the Pleadings, the Plaintiff Charles Schueler's Opposition and Alternative Motion for Additional Discovery Pursuant to NRCP 56(f), and the Defendant's Reply in support of Motion for Judgment on the Pleading. After hearing arguments of counsel COURT ORDERED, decision DEFERRED a written

decision will be prepared.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

March 23, 2016

A-15-722391-C Charles Schueler, Plaintiff(s)
vs.
MGM Grand Hotel, LLC, Defendant(s)

March 23, 2016 2:00 PM Decision

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant 3A Composite USA Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction and MGM Grand's Motion for Judgment on the Pleading came before the Court on the March 9, 2016, Oral Calendar. The Court DEFERRED its decision and both Motions and now rules as follows on the Motion to Dismiss for Lack of Personal Jurisdiction:

Defendant 3A Composite USA Inc. ("3A") seeks to dismiss Plaintiff's Complaint for lack of both general jurisdiction and specific jurisdiction. At the outset, the Court recognizes that 3A is a Missouri Corporation with its principle place of business in North Carolina. On or around April 6, 1998, 3A sold the product at issue in this case ("Alucobond") to a California company named Interstate Electric Co. ("Interstate"). Interstate obtained the Alucobond in Kentucky, and part of Interstate's order was first shipped to Montana before ultimately arriving in Nevada.

First, a district court has general jurisdiction over a non-resident defendant when the defendant's affiliations with the forum state are so constant and pervasive "as to render [it] essentially at home in the forum state." Daimler AG v. Bauman, 134 S.Ct. 746 (2014) (quoting Goodyear Dunlop Tires Ops., S.A. v. Brown, 131 S.Ct. 2846 (2011)). Goodyear made clear that a limited set of affiliations within a forum state would render a defendant amenable to general jurisdiction. Id. For a corporation, the state of incorporation and principal place of business are the primary considerations for general

jurisdiction. Id. "Mere business transactions, even if occurring at regular intervals" are not enough to warrant a court's assertion of general jurisdiction over a non-resident corporation in a cause of action unrelated to those transactions. Id. The placement of a product into the stream of commerce may bolster a claim for specific jurisdiction, but these contacts do not warrant a finding of general jurisdiction. Id.

Additionally, a district court has general jurisdiction over a non-resident defendant when the defendant's activities in the forum state are "substantial" or "continuous and systematic" such that the assertion of personal jurisdiction over the non-resident defendant is constitutionally fair even where the claims are unrelated to those contacts. *Trump v. Eighth Judicial Dist. Ct.*, 109 Nev. 687 (1993). The United States Supreme Court recently held in *Daimler AG v. Bauman*, that when a foreign corporation has its principal place of business in another state, even proof of a "substantial, continuous, and systematic course of business" in the forum is not enough to assert general jurisdiction over it, but its affiliations with the state must be "so continuous and systematic" as to render it essentially at home in the forum state.

Lastly, a district court has specific jurisdiction over a non-resident defendant when the defendant purposefully enters the forum state's market or establishes contacts in the forum state, affirmatively directs conduct there, and the claims must also arise from that purposeful conduct. *Viega v. Eighth Judicial Dist. Ct.*, 130 Nev. Adv. Op. 40 (2014). The claims must have a "specific and direct relationship or be intimately related to the forum contacts." *Munley v. Second Dist. Ct.*, 104 Nev. 492 (1988). To exercise specific personal jurisdiction over a non-resident defendant, the plaintiff must demonstrate that (1) the defendant purposefully avails himself of the privilege of serving the forum state or enjoys the protection of the laws of the forum state, or that the defendant purposefully established contacts with and affirmatively directed conduct towards the forum state; and (2) the cause of action arises from that purposeful contact with the forum state. *Trump v. Eighth Judicial District Ct.*, 109 Nev. 687 (1993). The court must also consider whether it is reasonable for the defendant to defend the suit there. *Baker v. Eighth Judicial Dist. Ct.*, 116 Nev. 527 (2000).

The COURT FINDS that 3A's affiliations with Nevada are not so continuous and systematic as to render 3A essentially at home in Nevada. 3A is a Missouri Corporation with its principal place of business in North Carolina. The COURT FURTHER FINDS that 3A's contacts with Nevada do not rise to the level of purposeful contact or that 3A was affirmatively directing commerce to Nevada. The sale's invoice for the transaction consummated in 1998 was part of a larger transaction whose final destination could be changed at the whim of Interstate. 3A had no knowledge that its Alucobond would purposefully end up in Nevada. 3A's other contacts also do not rise to the level of purposeful contact or that 3A was affirmatively directing commerce to Nevada.

Therefore, COURT ORDERED Defendant 3A Composite USA Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction is GRANTED. Counsel for Defendant 3A Composite USA Inc. is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Edward Silverman, Esq., (Alverson, Taylor, Mortensen & Sanders).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

April 08, 2016

A-15-722391-C

Charles Schueler, Plaintiff(s)

vs.

MGM Grand Hotel, LLC, Defendant(s)

April 08, 2016

9:30 AM

Decision

**Defendant MGM
Grand's Motion for
Judgment on the
Pleading**

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Defendant MGM Grand's Motion for Judgment on the Pleading and Defendant 3A Composite USA Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction came before this Court on the March 9, 2016, Oral Calendar. This COURT DEFERRED its decision on Defendant MGM Grand's Motion for Judgment on the Pleading and Defendant 3A Composite USA Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction. The Court ruled on Defendant 3A Composite USA Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction on March 23, 2016, and now rules on Defendant MGM Grand's Motion for Judgment on the Pleading as follows:

MGM Grand brings the present motion under NRCP 12(c). As such, a motion for judgment on the pleading is to be determined similarly to a motion to dismiss for failure to state a claim pursuant to NRCP 12(b)(5). See *Guise v. GWM Mortgage, LLC*, 377 F.3d 795 (7th Cir. 2004). In ruling upon a motion to dismiss, the court recognizes all factual allegations in the complaint as true and draws all inferences in its favor. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224 (2008). The complaint should be dismissed under NRCP 12(b)(5) only if it appears beyond a doubt that a party could prove no set of facts, which, if true, would entitle the party to relief. *Id.* Allegations within the complaint

must be taken at face value and construed favorably in the nonmoving party's behalf. *Edgar v. Wagner*, 101 Nev. 226 (1985).

Plaintiff alleges that MGM owned, operated, maintained, controlled, implemented and/or designed a sign. Plaintiff further alleges that MGM had a duty to provide a safe and defect free environment with the sign and reasonably and adequately repair or warn of dangerous conditions with the sign. MGM argues that Schueler's fall from the sign was an open and obvious danger and MGM had no duty to warn Schueler of the danger. In *Sierra Pacific Power Co. v. Rinehard*, 99 Nev. 557 (1983), the Nevada Supreme Court found that the plaintiff's fall from a cooling tower was an open and obvious danger. In the present case, Schueler did not fall by merely working on the sign. Schueler fell when a walkway or platform collapsed under his weight within the sign. The COURT FINDS that falling from within the MGM sign from a collapsed walkway or platform is not an open and obvious danger.

In the alternative, MGM Grand argues that MGM is a statutory employer of Schueler and is immune from suit. See NRS 616.560; NRS 618.395. The Court must look at the type of work performed to determine whether or not MGM is a statutory employer of Schueler. The COURT FINDS that the work performed by Schueler was not the kind of work normally conducted by employees of MGM Grand. *Meers v. Haughton Elevator*, 101 Nev. 283 (1985). The specialized work performed by Schueler required skill and expertise that the employees of MGM do not possess. Accordingly, at this stage of the proceedings, the Court cannot state as a matter of law that MGM Grand is a statutory employer to warrant granting a motion for judgment on the pleading.

Therefore, COURT ORDERED Defendant MGM Grand's Motion for Judgment on the Pleading is DENIED. Counsel for Plaintiff is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of William R. Brenske, Esq., (Law Offices of William R. Brenske).

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Other Negligence

COURT MINUTES

May 25, 2016

A-15-722391-C Charles Schueler, Plaintiff(s)
vs.
MGM Grand Hotel, LLC, Defendant(s)

May 25, 2016	3:00 AM	Motion For Reconsideration	Plaintiff Charles Schueler's Motion for Reconsideration on Defendant 3A Composites USA Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction
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HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Plaintiff's Motion for Reconsideration on Defendant 3A Composites USA Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction came before this Court on the May 25, 2016, Chamber Calendar.

During argument on Defendant 3A Composites USA Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction, Plaintiff's counsel stated, "We don t need 56(f) [relief]." When issuing its decision, the Court did not recall that in summation Plaintiff modified its position and stated "So there's plenty of . . . specific jurisdiction in this case, your honor. And if for any reason you don't believe that s correct, then we do discovery like they did in Trump and the other Nevada Supreme Court cases that allow you to do that." Defendant 3A Composites USA Inc. submitted matters outside of the pleadings to the Motion to Dismiss (i.e. an invoice), so the Motion to Dismiss must be treated as a Motion for Summary Judgment. Stevens v. McGimsey, 99 Nev. 840, 840, 673 P.2d 499, 500 (1983). As such,

Plaintiff's request for jurisdictional discovery and supporting affidavit were appropriate under NRCPC 56(f).

Therefore, COURT ORDERED Motion for Reconsideration on Defendant 3A Composites USA Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction is GRANTED. Plaintiff's Countermotion to Conduct Additional Discovery is GRANTED. Plaintiff may conduct jurisdictional discovery to the extent set forth in Plaintiff's affidavit. Counsel for Plaintiff is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Riley A. Clayton, Esq., (Hall Jaffe & Clayton, LLP).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

June 22, 2016

A-15-722391-C

Charles Schueler, Plaintiff(s)

vs.

MGM Grand Hotel, LLC, Defendant(s)

June 22, 2016

3:00 AM

**Motion For
Reconsideration**

**MGM Grand's
Motion for
Reconsideration on
Motion for Judgment
on the Pleadings**

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- MGM Grand's Motion for Reconsideration of Motion for Judgment on the Pleadings came before this Court on the June 22, 2016, Chamber Calendar. COURT ORDERED Motion for Reconsideration of Motion for Judgment on the Pleadings CONTINUED for Judge Villani's consideration.

CONTINUED TO: 08/13/16 CHAMBER CALENDAR

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

June 22, 2016

A-15-722391-C

Charles Schueler, Plaintiff(s)

vs.

MGM Grand Hotel, LLC, Defendant(s)

June 22, 2016

8:30 AM

**Motion for Summary
Judgment**

**Defendant Ad Art,
Inc.'s Motion for
Summary Judgment**

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- This is the time set for hearing on Defendant Ad Art, Inc.'s Motion for Summary Judgment.

Mr. Hunter advised that Ad Art, Inc. is a new corporation formed by the former officers and employees of Ad Art Electric Sign Corporation which was sold to become a division of La-Man, Inc. which later became Display Technologies, Inc. Later, NASCO Electric Sign Company purchased the naming rights to Ad Art. However, in March 2003 the new corporation Ad Art, Inc. was formed. Mr. Hunter's client only purchased the NAME Ad Art. Ad Art was liquidated and NASCO only purchased the ability to use the name Ad Art; the new corporation was formed in 2003. This is not a successor corporation; Ad Art Electric Sign Company or the Company that purchased them La-Man, Inc. or Display Technologies which is what La-Man changed their name to, those are the companies which were successor entities.

The MGM pylon sign that is outside the MGM Grand Hotel was built in either 1993 or 1994, which is ten (10) years before the formation of this corporation. Ad Art Electric Sign Corporation did not merge with Ad Art, Inc. The company that bought Ad Art, Inc. was dissolved in 2001 and then the new corporation was formed two (2) years later in 2003. Plaintiff has not provided any evidence that

Ad Art, Inc. was in existence back in 1993 when the sign was actually built.

Additionally, Mr. Hunter advised that the Plaintiff is requesting NRCP 56(f) relief; the relief is not relevant because they are looking for information on the predecessor entities and there were no predecessor entities to Ad Art, Inc. Therefore, there is no relevance to anything that the predecessor entity may have done involving the MGM pylon sign and/or who the employees of Ad Art Inc. or the corporate designees of Ad Art Electric Sign Corporation were, which is the old corporation.

Mr. Brenske advised that no discovery has been done in this case. The purpose of discovery is to determine whether or not the current Deft. is liable for the injuries to his client. If you have a successor corporation, they are liable for the debts of a prior corporation. The Plaintiff is required to provide certain issues of fact in order to keep Ad Art, Inc. in this case. That is why the Plaintiff filed the Rule 56(f) motion because discovery needs to be done to determine those things and that is why the Rule 56(f) motion is relevant. Mr. Brenske requested that this Court deny the Motion for Summary Judgment, without prejudice, but alternatively, grant the motion under Rule 56(f); he would like one hundred twenty (120) days to perform some written discovery and take some depositions.

The COURT FINDS, that this is a recently filed case with no discovery having been conducted to date and that there are genuine issues of material fact as to whether successor liability exists and whether or not Ad Art, Inc. is a continued entity of the same corporation. Discovery needs to be conducted to flush out the facts and for the facts to become known to counsel; at this juncture it is difficult to determine how much time would be needed to conduct that discovery. The Court would have been inclined to a continuance under Rule 56(f) but because no discovery has been done yet, it is difficult to ascertain how much time is going to be needed. Therefore, COURT ORDERED, Motion for Summary Judgment DENIED, without prejudice. However, the Court will allow the discovery to go forward and then once the facts are flushed out and there is actual evidence and/or testimony that can be presented to attach as exhibits to this motion it may be brought anew. The denial is pursuant to Wood v. Safeway.

Mr. Hunter advised that some discovery has been done; Plaintiff propounded some written discovery upon his client and it was responded to; therefore, Mr. Hunter requested that this Court impose a discovery deadline. Court noted that counsel has the EDCR's the NRCP s and the Discovery Commissioner at his assistance.

Mr. Brenske to prepare the Order approved as to form and content.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

July 13, 2016

A-15-722391-C

Charles Schueler, Plaintiff(s)

vs.

MGM Grand Hotel, LLC, Defendant(s)

July 13, 2016

3:00 AM

**Motion For
Reconsideration**

**MGM Grand's
Motion for
Reconsideration on
Motion for Judgment
on the Pleadings**

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Defendant MGM Grand's Motion for Reconsideration on Motion for Judgment on the Pleadings came before this Court on the July 13, 2016, Chamber Calendar.

On April 8, 2016, this Court issued a Minute Order denying Defendant's Motion for Judgment on the Pleadings. Defendant now requests this Court reconsider its previous ruling. Schueler was an employee of YESCO and injured when he fell from a platform on the premises of the MGM Grand while he replaced LED lights for a marquee sign. It is undisputed that YESCO is a licensed contractor. Schueler filed suit against MGM for premises liability.

In Richards v. Republic Silver State Disposal, Inc., 122 Nev. 1213, 148 P.3d 684 (2006), Richards brought suit against Republic for an injury Richards sustained when he fell from a ladder while descending from the rooftop of Republic. Richards was installing a swamp cooler, which Republic contracted Richard's employer to complete. The facts in Richards are strikingly similar to those in the present matter.

Here, MGM Grand contracted YESCO, a licensed contractor, to perform the replacement of the LED lights in the marquee sign. Schueler alleges that his injuries resulted from his fall from the marquee sign, but this fall resulted from a risk directly associated with working on the sign. Upon further review of these facts and applicable law regarding statutory immunity, the COURT FINDS that Schueler's claim is related to a risk arising out of his duties with YESCO and that YESCO was a licensed contractor hired by MGM. Therefore, MGM is a statutory employer immune from suit. *Id.*; see also *Harris v. Rio Hotel & Casino, Inc.*, 117 Nev. 482, 25 P.3d 206 (2001).

Therefore, COURT ORDERED MGM Grand's Motion for Reconsideration on Motion for Judgment on the Pleadings is GRANTED. Counsel for MGM Grand is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Riley Clayton, Esq., (Hall Jaffe & Clayton, LLP).

in briefing.

CLERK'S NOTE: The above minute order has been distributed via facsimile to: William Brenske, Esq. (702-385-3823), Timothy Hunter, Esq. (702-270-4602), and Riley Clayton, Esq. (702-316-4114)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

January 20, 2017

A-15-722391-C Charles Schueler, Plaintiff(s)
vs.
MGM Grand Hotel, LLC, Defendant(s)

January 20, 2017	9:30 AM	Motion for Protective Order	Defendant 3A Composites USA Inc.'s Motion for Protective Order on an OST (Before the Discovery)
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HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Krametbauer, Ryan D. Attorney

JOURNAL ENTRIES

- Edward Silverman, Esquire, for 3A Composites USA Inc.

Arguments by counsel. COMMISSIONER RECOMMENDED, motion is GRANTED but WITHOUT PREJUDICE to renew certain requests for documents in the future; 1997 to 2000 documents are PROTECTED; if documents become critical, bring to Commissioner's attention for consideration again.

MATTER TRAILED AND RECALLED: Mr. Krametbaur read excerpts of Stipulation and Order. Complete depositions by 3/20/17; if necessary, counsel agreed to bring a Motion for jurisdiction discovery; all discovery in case EXTENDED to 6/23/17; adding parties, amended pleadings, and

initial expert disclosures DUE 4/20/17; rebuttal expert disclosures DUE 5/22/17; FILE dispositive motions by 7/21/17; 9/5/17 Trial date STANDS.

Mr. Silverman to prepare the Report and Recommendations, and Mr. Krametbaur 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. Mr. Silverman to appear at status check hearing to report on the Report and Recommendations.

2/17/17 11:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

April 26, 2017

A-15-722391-C Charles Schueler, Plaintiff(s)
vs.
MGM Grand Hotel, LLC, Defendant(s)

**April 26, 2017 8:30 AM Motion for Summary
Judgment**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT: Brenske, William R. Attorney
 Hunter, Timothy F. Attorney
 Krametbauer, Ryan D. Attorney

JOURNAL ENTRIES

- Edward Silverman, Esq. appearing on behalf of Defendant 3A Composites USA Inc.'s

Arguments by counsel regarding the merits of the motion. Court stated due the nature of the motion, COURT ORDERED, Decision DEFERRED. The Court will prepare a written decision.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

May 10, 2017

A-15-722391-C Charles Schueler, Plaintiff(s)
vs.
MGM Grand Hotel, LLC, Defendant(s)

May 10, 2017 8:30 AM Motion

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT: Hunter, Timothy F. Attorney
 Krametbauer, Ryan D. Attorney

JOURNAL ENTRIES

- Edward Silverman, Esq. appearing on behalf of 3A Composites USA Inc.'s

Arguments by counsel regarding the merits of the motion. COURT ORDERED, decision DEFERRED.
The Court will prepare a written decision.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

May 31, 2017

A-15-722391-C Charles Schueler, Plaintiff(s)
vs.
MGM Grand Hotel, LLC, Defendant(s)

May 31, 2017 4:00 PM Minute Order

HEARD BY: Villani, Michael **COURTROOM:** Chambers

COURT CLERK: Olivia Black

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of Timothy Hunter, Esq., Ryan Krametbauer, Esq., William Brenske, Esq. and Edward Silverman, Esq.//ob/05/31/17.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

July 26, 2017

A-15-722391-C Charles Schueler, Plaintiff(s)
vs.
MGM Grand Hotel, LLC, Defendant(s)

July 26, 2017 3:00 AM Motion

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant's Motion to Certify Judgment as Final Pursuant to NRCP 54(b) came before this Court on the July 26, 2017, Chamber Calendar. This Court, having reviewed the pleadings and papers on file and no opposition on file and pursuant to EDCR 2.20(e), COURT ORDERED Motion to Certify Judgment as Final Pursuant to NRCP 54(b) GRANTED. Defendant is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of William Brenske, Esq. LeAnn Sanders, Esq., Timothy Hunter, Esq., Riley Clayton, Esq.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

August 16, 2017

A-15-722391-C Charles Schueler, Plaintiff(s)
vs.
MGM Grand Hotel, LLC, Defendant(s)

August 16, 2017 3:00 AM Motion for Attorney Fees

HEARD BY: Villani, Michael **COURTROOM:** Chambers

COURT CLERK: Olivia Black

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant 3A Composites USA, Inc.'s Motion for Attorney's Fees came before this Court on August 16, 2017, Chamber Calendar. The Court finds as follows:

Defendant 3A Composites filed a Motion to Dismiss, which was granted by this Court on 3/23/16. Thereafter, Plaintiff filed a Motion for Reconsideration, which was granted on 5/25/16. Finally, Defendant 3A Composites filed a Motion for Clarification, which was ruled upon on 9/21/16. The Court ultimately held on 5/31/17 that Defendant 3A Composites lacked personal jurisdiction in Nevada, and therefore, granted the Motion for Summary Judgment based on Lack of Personal Jurisdiction. Defendant 3A Composites now asks for attorney s fees pursuant to NRS 18.010(2)(b). Subsequent to receiving the documents relating to the motion, the Court requested redacted attorney statements for review. The Court received and reviewed the attorney statements and rules as follows:

NRS 18.010(2)(b) governs the award of attorney's fees. In the instant case, Defendant 3A Composites was the prevailing party on the jurisdictional issue. Although the Court found that jurisdiction was lacking against 3A Composites, it cannot, and does not, find that Plaintiff's claim against 3A Composites "was brought or maintained without reasonable ground or to harass the prevailing party." NRS 18.010(2)(b). Further, the Court is mindful that an award for attorney's fees should be

liberally construed in appropriate situations. Here, the Court finds this is not the appropriate situation since the claim for jurisdiction was not maintained without reasonable ground or to harass.

Therefore, COURT ORDERED Defendant 3A Composites USA, Inc.'s Motion for Attorney's Fees DENIED. Counsel for Plaintiff is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be approved as to form and content by Plaintiff.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of William Brenske, Esq., LeAnn Sanders, Esq., Timothy Hunter, Esq. and Riley Clayton, Esq. //ob/10/25/17.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

August 16, 2017

A-15-722391-C

Charles Schueler, Plaintiff(s)

vs.

MGM Grand Hotel, LLC, Defendant(s)

August 16, 2017

3:00 AM

Motion to Retax

HEARD BY: Villani, Michael

COURTROOM: Chambers

COURT CLERK: Olivia Black

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Plaintiff's Motion to Retax Costs came before this Court on August 16, 2017, Chamber Calendar. The Court finds as follows:

"The party in whose favor judgment is rendered, and who claims costs, must file with the clerk, and serve a copy upon the adverse party, within 5 days after the entry of judgment, or such further time as the court or judge may grant, a memorandum of the items of the costs in the action or proceeding, which memorandum must be verified by the oath of the party, or the party's attorney or agent, or by the clerk of the party's attorney, stating that to the best of his or her knowledge and belief the items are correct, and that the costs have been necessarily incurred in the action or proceeding." NRS 18.110(1). Additionally, a court may then award "[a]ny other reasonable and necessary expense incurred in connection with the action, including reasonable and necessary expenses for computerized services for legal research." NRS 18.005(17).

The COURT FINDS that Plaintiff sought relief that had value in excess of \$2,500 and Defendant is therefore entitled to an award of costs as the prevailing party. NRS 18.020(3). The COURT FURTHER FINDS:

(1) Defendant's \$139.55 in photocopy costs are reasonable and proper pursuant to NRS 18.005(12);

- (2) Defendant's \$331.69 in miscellaneous charges for legal research, facsimile costs, CDs/DVDs of hearings are reasonable pursuant to NRS 18.005(16) and (17);
- (3) Defendant's \$435.64 hotel expenses were reasonable pursuant to NRS 18.005(15) given the time of day of the deposition;
- (4) Defendant's \$232.52 in rental vehicle expenses were reasonable pursuant to NRS 18.005(15); and
- (5) Defendant's \$169.41 in meal expenses were fair and reasonable pursuant to NRS 18.005(15).

The COURT FURTHER FINDS Defendant's airfare in the amount of \$2,212.90 was excessive; Defendant could have rebooked the flight if the deposition was cancelled and been reimbursed for any additional fees incurred due to the cancellation. The Court independently reviewed airfare costs and finds \$750.00 to be the average expense. Therefore, only \$750.00 for airfare is reasonable and proper under NRS 18.005(15).

Therefore, COURT ORDERED Plaintiff's Motion to Retax GRANTED IN PART and DENIED IN PART, and Defendant is entitled to costs in the amount of \$3,889.13. Counsel for Defendant is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be approved as to form and content by Plaintiff.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of William Brenske, Esq., LeAnn Sanders, Esq., Timothy Hunter, Esq. and Riley Clayton, Esq. //ob/08/18/17.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Other Negligence

COURT MINUTES

October 09, 2017

A-15-722391-C Charles Schueler, Plaintiff(s)
vs.
MGM Grand Hotel, LLC, Defendant(s)

October 09, 2017 4:00 PM Minute Order

HEARD BY: Villani, Michael COURTROOM: Chambers

COURT CLERK: Olivia Black

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- Defendant Ad Art, Inc. s Motion for Summary Judgment came before this Court on the September 6, 2017 oral calendar. The Court having further reviewed the pleadings, files, and argument finds as follows:

Summary judgment is appropriate when the pleadings and other evidence on file demonstrate no genuine issue as to any material fact [remains] and the moving party is entitled to judgment as a matter of law. See NRCP 56(c); Wood v. Safeway, Inc., 121 Nev. 724, 731, 121 P.3d 1026, 1031 (2005). In ruling upon a motion for summary judgment, the Court must view all evidence and inferences in the light most favorable to the non-moving party. See Torrealba v. Kesmetis, 124 Nev. 95, 178 P.3d 716 (2008). To rebut a motion for summary judgment, the nonmoving party must present some specific facts to demonstrate that a genuine issue of material fact exists. Forouzan, Inc. v. Bank of George, 128 Nev. 896, 381 P.3d 612 (2012).

Defendant Ad Art, Inc. seeks summary judgment based on claims that (1) old Ad Art completed the work on the MGM pylon sign at issue; (2) the current Ad Art was not in existence at the time of its construction; (3) Ad Art is not a successor corporation of old Ad Art; (4) the MGM pylon sign at issue was not a product to which products liability can apply; (5) the Statue of Repose applies; and (6) Plaintiff s premise liability claim fails because Ad Art was not the owner, occupier, designer, manufacturer, constructor, or maintainer of the MGM pylon sign.

Old Ad Art vs. current Ad Art

The Court finds ownership of Ad Art to be a question of fact for the jury. The Clark County Building Department Permit dated 10/5/93 (provided on page 4 of Plaintiff s Opposition) lists Ad Art, Inc. as the contractor. Although this runs counter to the statements made by Terry Long, the sale agreement between NASCO and Ad Art, Inc., and printout from the Nevada Secretary of State s website, it creates a question of fact as to which Ad Art was involved in the design, manufacture, creation, or maintenance of the sign. Therefore, the Motion is DENIED as to this issue.

Strict products liability vs. premise liability

Under *Calloway v. City of Reno*, one is strictly liable from a dangerously defective product only if one is a seller engaged in the business of selling such a product. 116 Nev. 250 (2000). The Court finds Ad Art is a manufacturer of signs. The fact that the MGM sign is one of a kind does not preclude such a claim against its manufacturer, Ad Art. Further, it follows that if the MGM pylon sign is a product, then it cannot be a premise to which premises liability can attach. Therefore, the Motion is GRANTED as to the premises liability claim against Defendant Ad Art, Inc.

Statute of Repose

Under NRS 11.190, NRS 11.220, and *Fisher v. Prof l Compounding Ctrs of Am., Inc.*, the statute of limitations for product liability cases is 4 years. 311 F. Supp. 2d. 1008, 1017-18 (Nev. 2012). That period does not run from the date of injury, rather, it starts when the injured party discovers or reasonably should have discovered facts supporting a cause of action. *Fisher*. The Court finds Plaintiff s Complaint stems from the personal injuries he suffered as a result of the defective product. Under NRS 11.190(4), the statute of limitations is 2 years. Plaintiff fell on 7/31/13; his Complaint was filed on 7/30/15. Therefore, the Complaint was filed within the requisite time frame. Therefore, the Motion is DENIED as to this issue.

Therefore, COURT ORDERED Defendant Ad Art, Inc. s Motion for Summary Judgment DENIED IN PART and GRANTED IN PART. Counsel for Plaintiff is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be approved as to form and content by all parties.

CLERK'S NOTE: A copy of the foregoing minute order has been electronically distributed to all registered parties.//ob/10/9/17

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

January 24, 2018

A-15-722391-C	Charles Schueler, Plaintiff(s)
	vs.
	MGM Grand Hotel, LLC, Defendant(s)

January 24, 2018	3:00 AM	Motion For Reconsideration
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HEARD BY: Villani, Michael	COURTROOM: Chambers
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COURT CLERK: Olivia Black

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant Ad Art, Inc. s Motion for Reconsideration on Motion for Summary Judgment came before this Court on the January 24, 2018 Chamber Calendar. This Court, having reviewed the pleadings and papers on file herein, finds as follows:

A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or if the prior decision was clearly erroneous. *Masonry & Tile Contractors Ass n of Southern Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737 (1976); *Moore v. City of Las Vegas*, 92 Nev. 402, 404 (1976).

Defendant Ad Art s Motion for Reconsideration centers on the question as to whether or not MGM s pylon business sign should be considered a product for purposes of Plaintiff s Second Cause of Action claim Products Liability. The Second Cause of Action alleges that Defendant Ad Art designed, manufactured, constructed, assembled, sold and/or distributed the MGM pylon sign. See Pl. Compl., 6:9-11.

Plaintiff s First Cause of Action alleged that the sign in question was a premise for purposes of its premises liability claim. The Court dismissed this Cause of Action by determining that an

advertising sign would not be covered under a legal theory of premises liability.

Both parties agree that the aforementioned question is answered by an analysis of *Calloway v. City of Reno*, 116 Nev. 250, 992 P.2d 1259 (2000). In *Calloway*, it was alleged that the construction of townhomes included defective framing. The Court held that the economic loss rule applied to construction defect cases. Further, it held that townhomes were not products for purposes of strict products liability. *Id.* at 268. The Court acknowledged that some jurisdictions have found that a building can constitute a product under strict liability while others have found the opposite. Previously, the Court found that a leaky gas line fitting in a residence fell under the doctrine of strict liability. See *Worrell v. Barnes*, 87 Nev. 204, 484 P.2d 573 (1971). The *Calloway* court specifically overruled the *Worrell* court with respect to its application of strict products liability. *Id.* at 271.

In *Martens v. MCL Construction Corp.*, 347 Ill. App. 3d 303, 807 N.E. 2d 480 (2004), the Illinois Court of Appeals dealt with a case similar to matter at hand. In *Marten*, the Illinois court dealt with a claim involving a fall from a steel beam at a construction site. In affirming the Circuit Court's granting of summary judgment, the Court of Appeals held that buildings and indivisible component parts of the building structure itself, such as bricks, supporting beams and railings, are not deemed products for purposes of strict liability in tort. *Id.* at 320. Here, the MGM sign is a one of a kind object and not mass produced. Under such circumstances the MGM sign is not a product for strict liability purposes. See *Dayberry v. City of E. Helena*, 318 Mont. 301, 80 P.3d 1218 (2003).

Since the Court has determined that the MGM sign is not a product for strict liability purposes, it need not address the successor in liability issue. Additionally, the Court notes Plaintiff's Complaint does not allege a negligence claim or claim for failure to warn workers who perform maintenance work on the sign.

Therefore, the Court has reconsidered its previous decision and GRANTS Defendant Ad Art's Motion for Summary Judgment.

Therefore, COURT ORDERED Defendant Ad Art, Inc.'s Motion for Reconsideration on Motion for Summary Judgment GRANTED. Counsel for Defendant Ad Art, Inc. is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be approved as to form and content by all parties.

CLERK'S NOTE: A copy of the foregoing minute order has been electronically distributed to all registered parties and placed in the attorney folder of LeAnn Sanders, Esq./ /ob/03/01/18.



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

WILLIAM R. BRENSKE, ESQ.
3800 HOWARD HUGHES PKWY., SUITE 500
LAS VEGAS, NV 89169

DATE: April 24, 2018
CASE: A-15-722391-C

RE CASE: CHARLES SCHUELER vs. MGM GRAND HOTEL, LLC dba MGM GRAND; AD
ART, INC.; 3A COMPOSITES USA INC. aka ALUCOBOND TECHNOLOGIES CORPORATION

NOTICE OF APPEAL FILED: April 20, 2018

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

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

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):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING AD ART, INC.'S MOTION FOR RECONSIDERATION ON MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER GRANTING AD ART, INC.'S MOTION FOR RECONSIDERATION ON MOTION FOR SUMMARY JUDGMENT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

CHARLES SCHUELER,

Plaintiff(s),

vs.

MGM GRAND HOTEL, LLC dba MGM GRAND; AD ART, INC.; 3A COMPOSITES USA INC. aka ALUCOBOND TECHNOLOGIES CORPORATION,

Defendant(s),

Case No: A-15-722391-C

Dept No: XVII

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 24 day of April 2018.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

