

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 NANYAH VEGAS, LLC, A Nevada
3 limited liability company,

4 Petitioner,

5 v.

6 CLARK COUNTY DISTRICT
7 COURT, THE HONORABLE NANCY
8 ALLF, DEPARTMENT 27,

9 Respondent,

10 SIG ROGICH aka SIGMUND
11 ROGICH as Trustee of The Rogich
12 Family Irrevocable Trust; ELDORADO
13 HILLS, LLC, a Nevada limited liability
14 company; TELD, LLC, a Nevada
15 limited liability company; PETER
16 ELIADES, individually and as Trustee
17 of the Eliades Survivor Trust of
18 10/30/08; IMITATIONS, LLC, a
19 Nevada limited liability company;
20 DOES I-X; and/or ROE
21 CORPORATIONS I-X, inclusive,

22 Real Parties in Interest.

SUPREME COURT
CASE NO: 79072

CASE NO.: A-13-686303-C
DEPT. NO.: Electronically Filed
Oct 03 2019 03:38 p.m.
CONSOLIDATED WITH: A. Brown
CASE NO.: A-16-746339-C
Clerk of Supreme Court

**DEFENDANTS' EMERGENCY
MOTION TO DISMISS**

EMERGENCY MOTION

UNDER NRAP 27(e)

*Relief is Necessary on or before
October 17, 2019*

17 **DEFENDANTS' EMERGENCY MOTION TO DISMISS**

18 *EMERGENCY MOTION UNDER NRAP 27(e)*

19 *Relief is Necessary on or before October 17, 2019*

20
21 Real Parties in Interest Sig Rogich ("Mr. Rogich") aka Sigmund Rogich as
22 Trustee of The Rogich Family Irrevocable Trust and Imitations, LLC, (collectively
23 referred to as the "Rogich Defendants"), defendants in the underlying action
24 ("Underlying Action"), hereby move the Court on an emergency basis ("Emergency
25 Motion") for an order dismissing Petitioner Nanyah Vegas, LLC's ("Nanyah" or
26 "Petitioner") Petition for Writ of Mandamus, or in the Alternative, Prohibition
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1 (“Petition”). As set forth more fully herein, on October 1, 2019, the District Court
2 granted judgment (“October 1 Order”) in favor of the Rogich Defendants, granting
3 in full the Rogich Defendants’ Motion for Summary Judgment or Alternatively for
4 Judgment as a Matter of Law Pursuant to NCP 50(a) (“Rogich MSJ”) as well as the
5 Motion for Dismissal with Prejudice Under Rule 41(e) filed by the only remaining
6 defendant, Eldorado Hills, LLC (“Eldorado” and “Dismissal Motion”). Thus, the
7 October 1 Order disposes of all remaining claims against all remaining defendants
8 in the Underlying Action. Accordingly, because the Petitioner now has a plain,
9 speedy and adequate remedy in that it can appeal the Court’s October 1 Order, the
10 instant Petition must be dismissed. Therefore, the Rogich Defendants request that
11 the Plaintiff’s instant Petition be dismissed.
12

13 **NRAP 27(e) CERTIFICATE**

14 (A) The telephone numbers and the office addresses of counsel for the
15 Rogich Defendants appear below counsel’s signature on this Motion. Those of
16 Petitioner/plaintiff’s lead counsel are as follows: Mark Simons, Esq., 6490 South
17 McCarran Blvd., #C-20, Reno, Nevada 89509; Tel: (775) 785-0088. Counsel for
18 Eldorado Hills, LLC is Bailey Kennedy, Joseph Liebman, Esq., 8984 Spanish
19 Ridge Avenue, Las Vegas, NV 89148; Tel: (702) 562-8820.
20

21 (B) In the interest of judicial economy and to avoid irreparable harm, relief
22 is needed in less than 14 days. Facts showing the existence and nature of the
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1 emergency are as follows:

2 1. The Rogich Defendants' responsive brief to the Petition filed
3 herein by Nanyah is currently due October 31, 2019. However, as set forth
4 above, on October 1, 2019, the District Court granted the Rogich MSJ and
5 the Eldorado Dismissal Motion, thereby disposing of all remaining claims
6 against all remaining defendants in the Underlying Action. Accordingly,
7 because the Petitioner now has a plain, speedy and adequate remedy in that it
8 can appeal the Court's October 1 Order, the instant Petition must be
9 dismissed. *See* NRS §§ 34.170, 34.330; *Pan v. Eighth Judicial Dist. Court*
10 *ex rel. Cty. of Clark*, 120 Nev. 222, 223, 88 P.3d 840, 841 (2004).

11 2. The Rogich Defendants file this Motion on an emergency basis
12 because in the event this Court denies the instant Emergency Motion, the
13 Rogich Defendants would then have 14 days in which to prepare their
14 responsive brief to the Petition.

15 (C) Counsel for the Rogich Defendants notified the Clerk of the Supreme
16 Court and opposing counsel¹ pursuant to NRAP 27(e)(1) as follows: (1) I contacted
17 the Clerk of the Supreme Court today, October 3, 2019, by telephone and spoke
18 with the Clerk to inform her that the instant Emergency Motion would be filed
19 today; (2) I emailed Mark Simons, opposing counsel for plaintiff/petitioner Nanyah,
20 as well as Joseph Liebman, counsel for Eldorado, today, October 3, 2019, to inform

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¹ There are no parties proceeding without counsel in this matter.

1 them that the instant Emergency Motion would be filed (a copy of said email is
2 attached hereto as **Exhibit A**); (3) in addition I contacted by telephone the office of
3 Mr. Simons and left a message with his office that the instant Motion would be
4 filed today, and spoke by phone with Mr. Liebman today regarding the same; and
5 (4) my office electronically served the Emergency Motion on all counsel of record
6 before 4:00 pm today.
7

8
9 This Emergency Motion is made and based on the attached memorandum of
10 points and authorities, the exhibits attached hereto, and the papers and pleadings on
11 file herein.
12

13 So certified this 3rd day of October, 2019.
14

15 FENNEMORE CRAIG, P.C.
16

17 By: /s/ Brenoch R. Wirthlin
18 Samuel S. Lionel, Esq. (Bar No. 1766)
19 Thomas Fell, Esq. (Bar No. 3717)
20 Brenoch Wirthlin, Esq. (Bar No. 10282)
21 *Attorneys for Real Parties in Interest the*
22 *Rogich Defendants*
23

24 ///

25 ///

26 ///

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. STATEMENT OF FACTS**

3
4 1. Trial in this matter commenced April 22, 2019. *See* Stipulation and
5 Order Suspending Jury Trial, **Exhibit B** hereto, at pp. 2-3.

6 2. At the commencement of the trial, the Trial Court dismissed defendant
7 Rogich Family Irrevocable Trust (“Rogich Trust”). *Id.*

8
9 3. All parties stipulated on the record that the trial had commenced, and
10 that the trial would be “suspended” – not continued – at Plaintiff’s request to permit
11 the Plaintiff to “file an emergency motion with the Supreme Court to take this up
12 on [a] writ.” *See* Transcript of April 22, 2019 proceedings, **Exhibit C** hereto, at p.
13 13.
14

15
16 4. Plaintiff’s counsel himself requested that the trial be “suspended” for
17 this purpose. *Id.*

18 5. The parties also stipulated, as part of the suspension of the trial, that
19 the Rogich Defendants and Eldorado could file dispositive motions. *Id.* at p. 14.

20
21 6. Plaintiff then waited over 60 days, until June 27, 2019, to file its Writ
22 Petition.

23
24 7. In the meantime, the Rogich Defendants filed their Rogich MSJ on
25 May 10, 2019. *See* state court docket, **Exhibit D** hereto.

26 8. Eldorado filed its Dismissal Motion on July 22, 2019. *Id.*
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1 9. This Court entered its Order Directing Answer on July 25, 2019,
2 making the Rogich Defendants' Responsive Brief due 28 days later, or August 22,
3 2019. Subsequently, the Rogich Defendants sought an extension of time to respond
4 to the Petition, and this Court granted both requests for an extension of time,
5 making the Rogich Defendants' response to the Petition currently due October 31,
6 2019. *See* September 26, 2019 Order Granting Motions entered by this Court, a
7 copy of which is attached as **Exhibit E** for the Court's convenience.

10 10. Subsequently, the Trial Court held a hearing on September 5, 2019, on,
11 among other things, the Rogich MSJ and Eldorado's Dismissal Motion.

13 11. On October 1, 2019, the Trial Court entered its Decision and Order
14 (*i.e.*, the October 1 Order) granting the Rogich MSJ and the Eldorado Dismissal
15 Motion, thereby disposing of all remaining claims against all remaining defendants
16 in the Underlying Action. A copy of the October 1 Order is attached hereto as
17 **Exhibit F**.

18 **II. LEGAL ARGUMENT**

21 Nevada law, as set forth by this Court, is clear that where a party has a plain,
22 speedy and adequate remedy, such as a direct appeal, from a trial court's order, writ
23 relief is precluded. *See* NRS §§ 34.170, 34.330; *Pan v. Eighth Judicial Dist. Court*
24 *ex rel. Cty. of Clark*, 120 Nev. 222, 223, 88 P.3d 840, 841 (2004) (Acknowledging
25 that "this court has recognized that an appeal is generally an adequate legal
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1 **remedy that precludes writ relief.**”); *see also Columbia/HCA Healthcare Corp. v.*
2 *Eighth Judicial Dist. Court In & For Cty. of Clark*, 113 Nev. 521, 525, 936 P.2d
3 844, 846 (1997); *Karow v. Mitchell*, 110 Nev. 958, 962, 878 P.2d 978, 981 (1994)
4 (Holding that “[a] **writ of mandamus will not issue if the petitioner has a plain,**
5 **speedy and adequate remedy in the ordinary course of law.** NRS 34.170; *see*
6 *Heilig v. Christensen*, 91 Nev. 120, 532 P.2d 267 (1975), cert. denied, 423 U.S.
7 1055, 96 S.Ct. 787, 46 L.Ed.2d 645 (1976). The same is true of a writ of
8 prohibition. NRS 34.330.”); *Hickey v. Eighth Judicial Dist. Court In & For Cty. of*
9 *Clark*, 105 Nev. 729, 731, 782 P.2d 1336, 1338 (1989) (“**Neither mandamus nor**
10 **prohibition will issue, however, where the petitioner has a plain, speedy and**
11 **adequate remedy, such as an appeal, in the ordinary course of law.** NRS
12 34.170; 34.330. *See also Heilig v. Christensen*, 91 Nev. 120, 532 P.2d 267 (1975),
13 cert. denied 423 U.S. 1055, 96 S.Ct. 787, 46 L.Ed.2d 645 (1976)); *Heilig v.*
14 *Christensen*, 91 Nev. 120, 123, 532 P.2d 267, 269 (1975) (Recognizing that
15 “[n]either [mandamus nor prohibition] can issue if the petitioner has a plain,
16 speedy, and adequate remedy at law. ... The principle upon which the law of
17 prohibition is predicated is that its attack on jurisdiction is **confined to those cases**
18 **where no other remedy, such as direct appeal, exists.**”)
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25 Accordingly, because Petitioner Nanyah has the option to appeal the October
26 1 Order, writ relief is unavailable to the Petitioner, and the instant Petition must be
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1 dismissed.

2 **III. CONCLUSION**

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4 For all these reasons, the Rogich Defendants respectfully request that this
5 Court grant the instant Emergency Motion, dismiss Nanyah's Petition, and grant
6 such other and further relief as the Court deems appropriate.
7

8 DATED this 3rd day of October, 2109.

9
10 FENNEMORE CRAIG, P.C.

11 By: /s/ Brenoch R. Wirthlin

12 Samuel S. Lionel, Esq. (Bar No. 1766)

13 Thomas Fell, Esq. (Bar No. 3717)

14 Brenoch Wirthlin, Esq. (Bar No. 10282)

15 *Attorneys for Real Parties in Interest the*
16 *Rogich Defendants*
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CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I certify that I am an employee of FENNEMORE CRAIG, P.C., and that on this date I caused to be served a true copy of the **DEFENDANTS’ EMERGENCY MOTION TO DISMISS** with the Nevada Supreme Court and served a copy of the same by the means designated below to the following:

VIA E-SERVICE & EMAIL:

BAILEY KENNEDY
Joseph Liebman
Dennis Kennedy

SIMONS HALL JOHNSTON PC
Mark Simons

VIA US MAIL:

Honorable Nancy L. Allf
Eighth Judicial District Court, Dept. 27
200 Lewis Avenue
Las Vegas, NV 89101

DATED: October 3, 2019

/s/ Morganne Westover
An employee of **Fennemore Craig, P.C.**

EXHIBIT A

EXHIBIT A

WESTOVER, MORGANNE

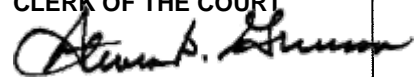
From: WIRTHLIN, BRENOCH
Sent: Thursday, October 3, 2019 12:00 PM
To: Mark Simons; Joseph Liebman (JLiebman@baileykennedy.com)
Cc: LIONEL, SAM; FELL, TOM; LINDER, JON; WESTOVER, MORGANNE; FARNHAM, DENISE
Subject: Nanyah v. Rogich et al., SC Case No. 79072 - Motion to Dismiss Writ Petition [FC-Email.FID6567867]

Mark and Joseph,

We want to advise you pursuant to NRAP 27(e)(1) that, based on the Trial Court's order entered October 1, we will be filing a motion to dismiss Nanyah's Writ Petition today. We will be getting it filed, served and emailed out by 4:00 pm today. Please feel free to contact me to discuss. Thanks

EXHIBIT B

EXHIBIT B



ORDR

Samuel S. Lionel, Esq. (Bar No. 1766)

Thomas H. Fell (Bar No. 3717)

Brenoch Wirthlin, Esq. (Bar No. 10282)

FENNEMORE CRAIG, P.C.

300 S. Fourth Street, Suite 1400

Las Vegas, Nevada 89101

Tel.: (702) 692-8000; Fax: (702) 692-8099

Email: slionel@fclaw.com

*Attorneys for Sigmund Rogich, Individually and as Trustee of
The Rogich Family Irrevocable Trust and Imitations, LLC*

DISTRICT COURT
CLARK COUNTY, NEVADA

CARLOS A. HUERTA, an individual;
CARLOS A. HUERTA as Trustee of THE
ALEXANDER CHRISTOPHER TRUST, a
Trust established in Nevada as assignee of
interests of GO GLOBAL, INC., a Nevada
corporation; NANYAH VEGAS, LLC, A
Nevada limited liability company,

Plaintiffs,

v.

SIG ROGICH aka SIGMUND ROGICH as
Trustee of The Rogich Family Irrevocable
Trust; ELDORADO HILLS, LLC, a Nevada
limited liability company; DOES I-X; and/or
ROE CORPORATIONS I-X, inclusive,

Defendants.

NANYAH VEGAS, LLC, a Nevada limited
liability company,

Plaintiff,

v.

TELD, LLC, a Nevada limited liability
company; PETER ELIADES, individually and
as Trustee of the Eliades Survivor Trust of
10/30/08; SIGMUND ROGICH, individually
and as Trustee of The Rogich Family
Irrevocable Trust; IMITATIONS, LLC, a
Nevada limited liability company; DOES I-X;
and/or ROE CORPORATIONS I-X, inclusive,

Defendants.

CASE NO.: A-13-686303-C

DEPT. NO.: XXVII

**STIPULATION AND ORDER
SUSPENDING JURY TRIAL**

CONSOLIDATED WITH:

CASE NO.: A-16-746239-C

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WHEREAS, on April 30, 2019, the Court entered an Order, wherein Defendant The Rogich Family Irrevocable Trust was dismissed with prejudice;

WHEREAS, the Defendants provided stipulated conditions for suspending the jury trial, which were placed upon the record, agreed to by all parties and approved by the Court; and

WHEREAS, as trial was suspended, this stipulation shall be consistent with the stipulated conditions previously agreed to by the parties.

Given the above understanding, the parties hereby stipulate and agree as follows:

1. The trial in this matter is suspended;
2. The Rogich Family Irrevocable Trust is not required to provide any names or other information regarding the beneficiaries of the Trust; and
3. The remaining parties may file dispositive motions during the suspension of trial


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1 to address Plaintiff's remaining claims.

2 Dated: May 9, 2019.

Dated: May _____, 2019.

3 **FENNEMORE CRAIG, P.C.**

4 By: 
5 SAMUEL S. LIONEL, ESQ.
6 THOMAS FELL, ESQ.
7 BRENOCH WIRTHLIN, ESQ.
8 300 South Fourth Street, Suite 1400
9 Las Vegas, Nevada 89101

10 *Attorneys for SIGMUND ROGICH,*
11 *individually and as Trustee of The Rogich*
12 *Family Irrevocable Trust and IMITATIONS,*
13 *LLC*

By: _____
MARK G. SIMONS, ESQ.
SIMONS HALL JOHNSTON PC
6490 South McCarran Blvd., #20
Reno, Nevada 89509

Attorneys for Nanyah Vegas, LLC

14 Dated: May _____, 2019.

15 **BAILEY KENNEDY**

16 By: _____
17 DENNIS KENNEDY, ESQ.
18 JOSEPH LIEBMAN, ESQ.
19 8984 Spanish Ridge Avenue
20 Las Vegas, Nevada 89148
21 *Attorneys for Eldorado Hills, LLC*

22 **ORDER**

23 Given the above Stipulation of the parties,

24 IT IS SO ORDERED this 14 day of May, 2019.

25 
26 DISTRICT COURT JUDGE

1 to address Plaintiff's remaining claims.

2 Dated: May ____, 2019.

Dated: May ____, 2019.

3 **FENNEMORE CRAIG, P.C.**

4
5 By: _____
6 SAMUEL S. LIONEL, ESQ.
7 THOMAS FELL, ESQ.
8 BRENOCH WIRTHLIN, ESQ.
9 300 South Fourth Street, Suite 1400
10 Las Vegas, Nevada 89101


11 *Attorneys for SIGMUND ROGICH,*
12 *individually and as Trustee of The Rogich*
13 *Family Irrevocable Trust and IMITATIONS,*
14 *LLC*

By: _____
MARK G. SIMONS, ESQ.
SIMONS HALL JOHNSTON PC
6490 South McCarran Blvd., #20
Reno, Nevada 89509

Attorneys for Nanyah Vegas, LLC

15 Dated: May 9, 2019.

16 **BAILEY KENNEDY**

17
18 By:  _____
19 DENNIS KENNEDY, ESQ.
20 JOSEPH LIEBMAN, ESQ.
21 8984 Spanish Ridge Avenue
22 Las Vegas, Nevada 89148

23 *Attorneys for Eldorado Hills, LLC*

24 **ORDER**

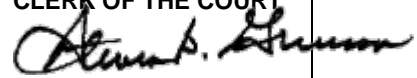
25 Given the above Stipulation of the parties,

26 IT IS SO ORDERED this ____ day of May, 2019.

27
28 _____
DISTRICT COURT JUDGE

EXHIBIT C

EXHIBIT C



1 RTRAN

2 DISTRICT COURT

3 CLARK COUNTY, NEVADA

4 CARLOS A. HUERTA, an individual;
5 CARLOS A. HUERTA as Trustee of
6 THE ALEXANDER CHRISTOPHER
7 TRUST, a Trust established in
8 Nevada as assignee of interests of
GO GLOBAL, INC, a Nevada
corporation; NANYAH VEGAS,
LLC, A Nevada limited liability
company,

9 Plaintiffs,

10 v.

11 SIG RIGOICH, aka SIGMUND
12 ROGICH as Trustee of The Rogich
Family Irrevocable Trust;
13 ELDORADO HILLS, LLC, a Nevada
14 limited liability company; DOES I-X;
and/or ROE CORPORATIONS I-X,
inclusive,

15 Defendants.

16 NANYAH VEGAS, LLC, a Nevada
17 limited liability company,

18 Plaintiff,

19 v.

20 TELD, LLC, a Nevada limited liability
21 company; PETER ELIADAS,
individually and as Trustee of The
22 Eliades Survivor Trust of 10/30/08;
SIGMUND ROGICH, individually and
23 as Trustee of the Rogich Family
Irrevocable Trust; IMITATIONS, LLC,
a Nevada limited liability company;
24 DOES I-X: and/or ROE
CORPORATIONS I-X, inclusive,

25 Defendants.

CASE NO.: A-13-686303-C

DEPT. XXVII

CONSOLIDATED WITH:

CASE NO.: A-16-746239-C

1 BEFORE THE HONORABLE NANCY L. ALLF
2 DISTRICT COURT JUDGE
3 MONDAY, APRIL 22, 2019

4
5 **RECORDER'S TRANSCRIPT OF MOTION HEARING**

6 APPEARANCES:

7 For the Plaintiff: MARK SIMONS, ESQ.

8 For Defendant Rogich: BRENOCH WIRTHLIN, ESQ.
9 THOMAS FELL, ESQ.
10 SAMUEL S. LIONEL, ESQ.

11 For Defendant El Dorado Hills: JOSEPH LIEBMAN, ESQ.
12 DENNIS KENNEDY, ESQ.

13 RECORDED BY: BRYNN GRIFFITHS, COURT RECORDER
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INDEX

Court's Orders11

WITNESSES FOR THE PLAINTIFF

None

WITNESSES FOR THE DEFENDANT

None

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Las Vegas, Nevada, Monday, April 22, 2019

[Case called at 10:12 a.m.]

THE BAILIFF: Department XXVII is now in session, the
Honorable Judge Alf presiding.

THE COURT: Thank you. Please be seated.
Okay. Calling the case of Huerta v. El Dorado Hills.
Appearances, please, from your right to left.

MR. SIMONS: Mark Simons on behalf of Nanyah Vegas,
Your Honor, and in the courtroom with me is Yoav Harlap, the principal
of Nanyah Vegas, and also my assistant, Jodi Alhasan is in the audience.

THE COURT: Very good. Thank you and welcome.

MR. WIRTHLIN: Good morning, Your Honor. Brenoch
Wirthlin on behalf of Rogich Defendants. Mr. Sigmund Rogich is here
with us as well as Ms. Olivas, Melissa Olivas.

MR. FELL: Thomas Fell, also on behalf of the Rogich
Defendants.

MR. LIONEL: Sam Lionel representing the Rogich
Defendants.

MR. LIEBMAN: Joseph Liebman on behalf of El Dorado Hills.

MR. KENNEDY: And Dennis Kennedy on behalf of El Dorado
Hills, the Defendant in Case A-13-686303,

THE COURT: Thank you.

All right. I have the agenda, Mr. Simons. The -- with regard
to the NCRP 15, that order shortening time came in after we closed the

1 office Friday, but I am granting it and will argue the motion.

2 MR. SIMONS: Okay. The motion is premised on the concept
3 that the Court had entered in judgment in favor of the Eliadas
4 Defendants and there is no mechanism under the rule that says it has to
5 be done after the conclusion of the entire case, so there's a procedural
6 aspect of whether it's timely or if it needs to be addressed subsequent to
7 the trial. I think you're fully brief on the issue. We've talked about it a
8 few times. I don't have much more to add.

9 THE COURT: And I've read the briefs, so --

10 MR. SIMONS: Is there any questions you have of me?

11 THE COURT: No.

12 MR. SIMONS: Okay.

13 MR. LIEBMAN: Good morning, Your Honor. I think one of
14 the key points that's been missed here is the fact that an implied contract
15 claim was pled in this case at the inception of the case, when this was
16 filed back in 2013 and when Nanyah sued El Dorado Hills back in 2013,
17 its initial complaint contained the claim they are trying to add now.

18 In the first amended complaint after El Dorado Hills had filed
19 a motion to dismiss on that particular claim, they purposefully omitted it
20 from that particular pleading and we've cited this Court several cases
21 that says in that instance, when a plaintiff, in order to avoid a motion to
22 dismiss or when they're amending the complaint, decides to omit a
23 claim, it waives and abandons that particular claim. And that's precisely
24 what happened in this case. And we've gone five years, Your Honor,
25 since that occurred and there's never been a Rule 15(a) motion brought

1 to you to say we want to add this claim back.

2 So Mr. Simon's briefs a lot of times talk about well, this
3 claim wasn't technically pled for some reason or another, but it was and
4 they've decided to abandon it and they never decided to revive it the
5 way you're supposed to do under Rule 15(a). The procedural aspect that
6 Mr. Simons touched on is problematic for him as well. 15(b) applies to
7 instances where something's tried by implied or expressed consent at
8 trial. The actual title under the new rules of that subsection deals with
9 amendments during and after trial. And we have expressly made the
10 point.

11 We actually filed a notice of non-consent with this Court back
12 on April 9th that said we do not expressly or impliedly consent to this
13 claim being tried, so we're making that clear for the record as well. So if
14 Mr. Simons wanted to bring this motion at a later point in time, that's on
15 the record, that we do not expressly or impliedly consent to this
16 particular claim being added at the 11th hour.

17 And then the last issue I wanted to bring up is prejudice,
18 Your Honor. We were under the impression for five years that they
19 abandoned this claim and we never got to do any discovery on this
20 claim. We never got to depose Mr. Harlap on this claim. We never got
21 to depose Mr. Huerta on this claim. And these are the two people who
22 allegedly made up this so-called implied in fact contract. So to cause us
23 to have to defend against that claim at the 11th hour would cause
24 significant prejudice to the El Dorado Hills Defendants, Your Honor.

25 So unless the Court has any other questions, that's the

1 argument.

2 THE COURT: Okay. Thank you.

3 MR. LIEBMAN: Thank you.

4 MR. SIMONS: First off, we've got to put this in context.

5 What has been addressed by this Court is the obligation that's owed by
6 El Dorado to Nanyah. And that obligation occurred in 2007. It's been
7 established that Nanyah money went into El Dorado. A year after the
8 fact, you found that the Rogich Trust specifically assumed that
9 obligation. So when we have a situation where the Court makes rulings
10 and makes findings that there is an obligation, based upon receipt and
11 retention of funds and then at -- during the testimony of Mr. Huerta
12 that -- counsel just stood up and said we didn't get to depose anybody.

13 Well, this counsel is in after the fact. Mr. Lionel represented
14 El Dorado for years. Mr. Lionel deposed Mr. Huerta. Mr. Huerta said
15 yes, we actually owe them money. This Court was briefed in affidavits
16 from Carlos Huerta. When this Court originally granted summary
17 judgment on the timing, remember what the Court said. The Court said
18 the date of when Nanyah -- it's -- Nanyah's money went into El Dorado
19 was the date the statute of limitation applied and that was based upon
20 Carlos Huerta in affidavit saying El Dorado received our funds. What
21 then happens is it goes up to Supreme Court, comes back down, says
22 no, it's not on the date of the investment when El Dorado received
23 Nanyah's money.

24 So the fact that this recent counsel is contending that they
25 didn't have the opportunity to depose Mr. Huerta, El Dorado did, in fact,

1 depose Mr. Huerta, did in fact question Mr. Huerta extensively about the
2 obligation. The documents that were examined with Mr. Huerta are all
3 the written documents, which are business records of El Dorado saying
4 yes, we owe Nanyah its money back for its investment in El Dorado. So
5 then Mr. Harlap was deposed by Mr. Lionel, again went through the
6 extensive analysis of this situation. It arose -- the October 5th order
7 triggers this consideration, because the Court has rendered rulings that
8 then trigger some events.

9 And whether -- you know, after the fact, filing in the eve of
10 trial a notice of we don't consent to an issue that this Court has already
11 addressed, that's been throughout these pleadings even before the
12 appeal. El Dorado's obligation to Nanyah has been the heart of the case,
13 the contractual obligation. So that's where we have it. We have this
14 case loaded with an obligation from El Dorado to Nanyah. And what
15 does that trigger and what are the ramifications of that?

16 If you perceive that NCRP 15 relief is premature, given that
17 we haven't had the trial, that's one thing. But to say that this issue has
18 not been -- fully saturated this case from Day 1, even before recent
19 counsel, that's a misstatement of the case. Thank you.

20 THE COURT: Thank you. This is the Plaintiff's rule under
21 NRCP 15 to amend the complaint. The motion will be denied for the
22 reason that it's untimely and the claims previously abandoned. It's not
23 fair to require a defense under those circumstances.

24 MR. SIMONS: I'm sorry. You said it's denied, because it's
25 untimely?

1 THE COURT: It's untimely.

2 MR. SIMONS: Okay. Thank you.

3 THE COURT: All right. So the next matter is with regard to
4 N.R.S. 163. Mr. Simons.

5 MR. SIMONS: Again, this one deals with a possible
6 timeliness issue, because it may be that this is continued and revisited
7 after the trial, given that we need to see or should see whether there is a
8 judgment or not a judgment, or excuse me, jury verdict or not a jury
9 verdict entered to determine what steps, if any, the Court should take at
10 that time. I understand that. We -- when this type of notice issue is
11 brought to the Court's attention, steps must be taken. We notified the
12 Court of the various activities. You asked for additional briefing on the
13 discretionary aspect.

14 We've shown you that there is a discretionary aspect. It's not
15 just a black and white 30 days. That hands are -- the Court used the
16 phrase, hands are tied. I don't believe that applies or is in existence on
17 this one. So even though we brought the motion, in the alternative
18 relief, it may be necessary again that we deal with it after the trial.
19 Otherwise, then we're asking preliminarily now that you grant,
20 depending on the outcome of the case, the jury's verdict, that we then
21 take the 163 steps and the Court suspends entry of judgment until 163 is
22 able to be complied with.

23 THE COURT: Okay. And the argument for the discretion if
24 have to do that? Because the Texas case was a contingent beneficiary.

25 MR. SIMONS: Well, it -- that doesn't matter. The benefic --

1 whether it's a contingent beneficiary or not, is entirely irrelevant. What
2 the court looked at -- and it's a uniform trust act, okay? So they look at
3 and say what do we do in this situation? The courts don't automatically
4 say don't give beneficiaries an opportunity and don't prejudice the
5 Plaintiff. Don't harm the Plaintiff. We want to deal with things on the
6 merits. And in fact, the California case, when dealing with discretion
7 says apply discretion, not to be arbitrary or prejudicial to parties.

8 So the Texas case actually said judgment was entered. What
9 we're going to do is -- trial court vacated the judgment. Go do the
10 notice. Let's take steps to comply with given notice to the beneficiaries.
11 And in this case, the lead trustee is the lead beneficiary. So the Court in
12 this situation needs to exercise its discretion or at least postpone it to see
13 what happens at the end of the day. To come in and say before trial, Mr.
14 Simons, you asked for a continuance, so we can comply and now I'm
15 going to deny that.

16 And then I'm even going to deny that before trial, that you
17 don't get to move forward with N.R.S. 163 relief. It is not supported by
18 the case law. It's not supported by the language of discretionary
19 application. It's not supported by the policy of Nevada to deal with
20 matters on their merits and it's not appropriate to deal with the let's
21 penalize a party on the technical component when the Court is vested
22 with discretion to achieve fairness and justice.

23 THE COURT: Thank you.

24 MR. WIRTHLIN: Thank you. Good morning. I'll be brief. The
25 Court hit directly on the point that we're going to make and which we

1 made in our supplemental briefing, which is under this statute and in the
2 situation that has arisen, because of the Plaintiff's failure to give notice to
3 the beneficiaries of the Rogich Trust as required under the statute, there
4 is no discretion for the Court at this point to do anything other than find
5 in favor of the Trust against all Plaintiff's claims and dismiss the Trust.
6 As the Court noted, the Trans American case is distinguishable in that it
7 involved contingent beneficiaries and importantly, does not involve
8 N.R.S. 12.130, which requires intervention before trial.

9 And the beneficiaries cannot now do that. There is discretion
10 in certain instances. That's the BB&T case, where this issue is brought
11 up long before. I think in that case it was two years before there was
12 ever a judgment entered. And in that case, the demand was made for
13 the names of the trust beneficiaries and not provided by the trustee. And
14 the Court therefore in that case affixed a different time. This is an
15 entirely different situation, Your Honor.

16 We're talking about trustees. And I think as was mentioned
17 in the opening argument, that the Court should not be prejudicial to the
18 parties. But I think the consideration that needs to be made and is made
19 embodied in Chapter 163 is the prejudice to the trust beneficiaries, six of
20 whom we know in Mr. Rogich' declaration are minors, one of whom has
21 special needs. They may require appointment of other representatives
22 or guardian ad litem. That is why the statute provides and requires that
23 the beneficiaries be given notice, Your Honor, pursuant to the statute.

24 And again, I don't think it's -- I don't think can forget that the
25 statute contemplates giving that even 30 days after the JCCR is entered.

1 So unless the Court has any questions, we'll rest on our pleadings.

2 THE COURT: Does anyone else wish to weigh in? Then your
3 reply, please.

4 MR. SIMONS: Again, the Court is to look to not be unfair, to
5 not be prejudicial. The Court is to seek mechanisms to effectuate justice
6 and to try cases on the merits. We just heard now that the Rogich Trust
7 wants to be dismissed from the case right before the jury is empaneled.
8 That demonstrates the gamesmanship. After over five years, after this
9 Court rendering verdict -- judgments in favor of the Rogich Trust to come
10 in and say no, we're out of the case now. That's unfair. That's
11 prejudicial to the Plaintiff. There's a mechanism that's embodied in the
12 statute that deals with this situation.

13 Case law demonstrates the Judge is supposed to exercise
14 discretion and to deal with the notice to give opportunities to see if it
15 even matters, to determine whether those beneficiaries are
16 indispensable parties or not indispensable. In fact, the Texas case said
17 you know what, you beneficiaries aren't indispensable. Your interests
18 were adequately represented, just as in this case, just as in five years
19 and two sets of lawyers. So as we've requested, the Court either
20 suspend to see what the outcome of the trial is and/or grant the motion,
21 so that we can the appropriate steps in the event the verdict is in our
22 favor against the Rogich Trust.

23 THE COURT: Thank you. The Court has taken judicial notice
24 of N.R.S. 163.120, which has very definite timelines with regard to the
25 rights of beneficiaries of a trust that has been sued. Here I find that the

1 fact that the notice was so late with regard to the request for information
2 about who the beneficiaries are. The time hasn't even passed for the
3 trust to have to notify you who the beneficiaries are. The whole point of
4 that statute is to allow intervention. N.R.S. 12.130 requires intervention
5 to occur before trial. There's no way those beneficiaries can seek to
6 intervene at this point. So I am going to dismiss the Trust.

7 MR. SIMONS: I'm sorry. You said you're dismissing the
8 Rogich Trust?

9 THE COURT: I am.

10 MR. SIMONS: And you're going to deny discretionary relief
11 under 163?

12 THE COURT: That's correct.

13 MR. SIMONS: Okay. Are you going to allow us to continue
14 and prove to the jury the claims against the Rogich Trust?

15 THE COURT: No. Now, if that affects how you're going to
16 put your case on, do you want a half an hour?

17 MR. SIMONS: Here's what I'd like to do. I'd like to file an
18 emergency motion with the Supreme Court to take this on up on writ.
19 Can we suspend the case, continue the case while I'm allowed to do that,
20 because --

21 THE COURT: Is there --

22 MR. SIMONS: -- this is a significant issue of law --

23 THE COURT: I understand.

24 MR. SIMONS: -- and as you recognize, we have the
25 opportunity to take these things up on writs.

1 THE COURT: Of course. Is there -- do you guys want to
2 recess to -- or are you prepared to respond?

3 MR. WIRTHLIN: Your Honor, I'm not prepared to respond.
4 Can we have a brief recess?

5 THE COURT: Yes.

6 MR. WIRTHLIN: Thank you.

7 THE COURT: Take the time you need, 10, 15 minutes and let
8 me know when everyone's ready. I'll come right back.

9 [Recess at 10:29 a.m.]

10 THE BAILIFF: Court is back in session. Remain seated,
11 please.

12 THE COURT: Please remain seated. Thank you.

13 Defense, are you ready to respond?

14 MR. WIRTHLIN: Yes, Your Honor, we are. And we have
15 spoken amongst ourselves and with Plaintiff's counsel and we would be
16 in agreement to suspend the trial with a few qualifications, which we're
17 all in agreement on, if the Court approves them. The trial has started, so
18 there would be a suspension of the trial, not a continuation. The Trust
19 has been dismissed as a party, so the Trust would not be required to
20 provide any names or other information regarding the beneficiaries of
21 the Rogich Trust and that the parties remaining have the opportunity to
22 file a dispositive motion during the suspension to tee-up the remaining
23 issues concerning the remaining parties, if the Court approves.

24 THE COURT: Are you in agreement to those three
25 conditions?

1 MR. SIMONS: I think we are, except for number 2 and the
2 reason -- number 2 is the no response and it's because I'm not -- I
3 requested I have the opportunity to brief it and their response is we
4 wanted to submit it to the Court and see. And so that's the only one I'm
5 not in agreement with, because I don't know and I didn't have the
6 opportunity clearly to see what effect the statute says, if it has to be a
7 party or not. I'm not really sure.

8 THE COURT: Okay.

9 MR. SIMONS: In order to respond to a 163 notice.

10 MR. LIEBMAN: We're in agreement with all those conditions,
11 Your Honor.

12 THE COURT: So, if there's not an agreement to all terms --

13 [Pause]

14 THE COURT: Mr. Simons, if there's not an agreement to all
15 terms, then do we go forward today? What --

16 MR. SIMONS: I'm grabbing 163.

17 THE COURT: I have it up.

18 MR. WIRTHLIN: Mark, I don't know if you want me to point
19 to it, but just that first line of Subsection 2. A judgment may not be
20 entered in favor of the Plaintiff in the action --

21 MR. SIMONS: Yeah.

22 MR. WIRTHLIN: -- contemplates the loss.

23 MR. SIMONS: I think what you're saying is correct. So given
24 the language, I think what we need to do is also take that issue up on the
25 writ.

1 THE COURT: So does that mean there's consent to
2 suspension, the Trust is not required to respond and the remaining
3 parties can still file dispositive motions? Is that --

4 MR. WIRTHLIN: As far as we're concerned Your Honor.

5 MR. LIEBMAN: Yes, Your Honor.

6 UNIDENTIFIED SPEAKER: Yes.

7 UNIDENTIFIED SPEAKER: Yes.

8 THE COURT: All right. Now, I don't know if for -- this is --
9 may or may not matter whether or not your five-year rule -- there hasn't
10 been a witness -- we haven't had any witnesses, so it's just something to
11 think about.

12 MR. SIMONS: It's actually been satisfied, since we've
13 commenced the trial.

14 THE COURT: Okay. Good enough. So I guess we're in
15 recess until another matter is brought to my attention at this point.

16 MR. WIRTHLIN: Thank you, Your Honor.

17 MR. LIEBMAN: Yes, Your Honor.

18 THE COURT: Thank you, all.

19 MR. LIEBMAN: Thank you.

20 [Proceedings concluded at 10:52 a.m.]

21 * * * * *

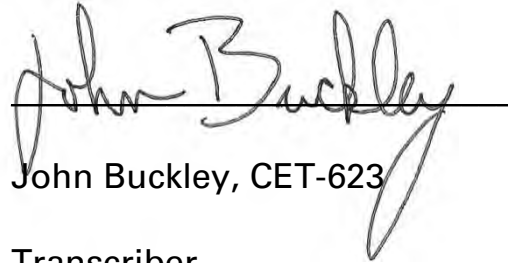
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1 ATTEST: I do hereby certify that I have truly and correctly
2 transcribed the audio/video proceedings in the above-entitled case to the
3 best of my ability.

4
5 
6
7 John Buckley, CET-623
8 Transcriber

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EXHIBIT D

EXHIBIT D

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REGISTER OF ACTIONS

CASE NO. A-13-686303-C

Carlos Huerta, Plaintiff(s) vs. Eldorado Hills LLC, Defendant(s)

§
§
§
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§

Case Type: **Breach of Contract**
Subtype: **Other Contracts/Acc/Judgment**
Date Filed: **07/31/2013**
Location: **Department 27**
Cross-Reference Case Number: **A686303**
Supreme Court No.: **66823**
67595
70492

RELATED CASE INFORMATION

Related Cases

A-16-746239-C (Consolidated)

PARTY INFORMATION

	Lead Attorneys
Consolidated Case Party Eliades Survivor Trust of 10-30-03	
Consolidated Case Party Eliades, Peter	Dennis L. Kennedy <i>Retained</i> 7025628820(W)
Consolidated Case Party Sigmund Rogich	Samuel S. Lionel <i>Retained</i> 7023838888(W)
Consolidated Case Party TELD, LLC	Dennis L. Kennedy <i>Retained</i> 7025628820(W)
Counter Claimant Eldorado Hills LLC	Dennis L. Kennedy <i>Retained</i> 7025628820(W)
Counter Defendant Alexander Christopher Trust	Charles E. Barnabi <i>Retained</i> 702-475-8903(W)
Counter Defendant Go Global Inc	Brandon B McDonald <i>Retained</i> 702-385-7411(W)
Counter Defendant Huerta, Carlos A	
Defendant Eldorado Hills LLC	Dennis L. Kennedy <i>Retained</i> 7025628820(W)
Other Plaintiff Go Global Inc	Brandon B McDonald <i>Retained</i> 702-385-7411(W)
Plaintiff Alexander Christopher Trust	Charles E. Barnabi <i>Retained</i> 702-475-8903(W)
Plaintiff Huerta, Carlos A	Charles E. Barnabi

EVENTS & ORDERS OF THE COURT

DISPOSITIONS	
10/01/2014	Partial Summary Judgment (Judicial Officer: Allf, Nancy) Debtors: Nanyah Vegas LLC (Plaintiff) Creditors: Eldorado Hills LLC (Defendant) Judgment: 10/01/2014, Docketed: 10/08/2014
11/05/2014	Partial Summary Judgment (Judicial Officer: Allf, Nancy) Debtors: Carlos A Huerta (Plaintiff), Alexander Christopher Trust (Plaintiff) Creditors: Sig Rogich (Defendant) Judgment: 11/05/2014, Docketed: 11/12/2014 Comment: Certain Claims
11/05/2014	Order of Dismissal (Judicial Officer: Allf, Nancy) Debtors: Carlos A Huerta (Plaintiff), Alexander Christopher Trust (Plaintiff), Nanyah Vegas LLC (Plaintiff) Creditors: Sig Rogich (Defendant), Eldorado Hills LLC (Defendant) Judgment: 11/05/2014, Docketed: 11/20/2014
02/10/2015	Order (Judicial Officer: Allf, Nancy) Debtors: Carlos A Huerta (Plaintiff), Alexander Christopher Trust (Plaintiff) Creditors: Sig Rogich (Defendant) Judgment: 02/10/2015, Docketed: 02/18/2015 Total Judgment: 237,954.50
02/23/2015	Judgment (Judicial Officer: Allf, Nancy) Debtors: Carlos A Huerta (Plaintiff), Alexander Christopher Trust (Plaintiff) Creditors: Sig Rogich (Defendant) Judgment: 02/23/2015, Docketed: 03/11/2015 Total Judgment: 242,971.27 Satisfaction: Satisfaction of Judgment
04/29/2016	Clerk's Certificate (Judicial Officer: Allf, Nancy) Debtors: Eldorado Hills LLC (Defendant) Creditors: Nanyah Vegas LLC (Plaintiff) Judgment: 04/29/2016, Docketed: 05/06/2016 Comment: Supreme Court No 66823 - "APPEAL REVERSED and REMAND"
07/21/2016	Clerk's Certificate (Judicial Officer: Allf, Nancy) Debtors: Go Global Inc (Other Plaintiff), Carlos A Huerta (Plaintiff), Alexander Christopher Trust (Plaintiff), Nanyah Vegas LLC (Plaintiff) Creditors: Sig Rogich (Defendant) Judgment: 07/21/2016, Docketed: 07/28/2016 Comment: Supreme Court No 67595 - "APPEAL AFFIRMED"
07/31/2017	Clerk's Certificate (Judicial Officer: Allf, Nancy) Debtors: Go Global Inc (Other Plaintiff), Carlos A Huerta (Plaintiff) Creditors: Sig Rogich (Defendant), Eldorado Hills LLC (Defendant) Judgment: 07/31/2017, Docketed: 08/07/2017 Comment: Supreme Court No. 70492 APPEAL AFFIRMED
10/05/2018	Order of Dismissal With Prejudice (Judicial Officer: Allf, Nancy) Debtors: Nanyah Vegas LLC (Plaintiff) Creditors: TELD, LLC (Consolidated Case Party), Peter Eliades (Consolidated Case Party) Judgment: 10/05/2018, Docketed: 10/08/2018 Comment: Consoliated Case Parties Dismissed
OTHER EVENTS AND HEARINGS	
07/31/2013	Case Opened
07/31/2013	Complaint <i>Complaint</i>
08/01/2013	Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
08/30/2013	Proof of Service <i>Proof of Service - Eldorado Hills LLC</i>
09/12/2013	Motion to Dismiss <i>(Vacated 10/30/2013) Defendant Eldorado Hills, LLC's Motion to Dismiss</i>
09/12/2013	Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>
09/18/2013	Proof of Service <i>Proof of Service - Sig Rogich aka Sigmund Rogich</i>
10/11/2013	Stipulation and Order <i>Stipulation and Order to Continue Hearing on Motion Hearings</i>
10/21/2013	Amended Complaint <i>First Amended Complaint</i>
10/30/2013	Notice <i>Defendant Eldorado Hills LLC's Notice Vacating Its Motion to Dismiss</i>
10/30/2013	Notice <i>Defendant Eldorado Hills, LLC's Notice Vacating Its Motion to Dismiss</i>
10/31/2013	CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer Allf, Nancy) <i>Vacated - On In Error</i> <i>Defendant Eldorado Hills, LLC's Motion to Dismiss</i> <i>10/16/2013 Reset by Court to 10/31/2013</i>

10/31/2013 **CANCELED Motion to Dismiss** (9:00 AM) (Judicial Officer Allf, Nancy)
Vacated
parties stipulated to this continuance

11/08/2013 **Answer and Counterclaim**
Answer to First Amended Complaint and Counterclaim

01/09/2014 **Joint Case Conference Report**
Joint Case Conference Report

02/12/2014 **Commissioners Decision on Request for Exemption - Granted**
Commissioner's Decision on Request for Exemption - Granted

02/14/2014 **Arbitration File**
Arbitration File

02/20/2014 **Scheduling Order**
Scheduling Order

02/20/2014 **Answer to Counterclaim**
Answer to Counterclaim

03/12/2014 **Order Setting Civil Bench Trial**
Order Setting Civil Bench Trial, Pre-Trial/Calendar Call

04/30/2014 **Motion for Leave to File**
Defendants' Motion for Leave to File an Amended Answer on an Order Shortening Time

05/14/2014 **Motion for Leave** (9:30 AM) (Judicial Officer Allf, Nancy)
Defendants' Motion for Leave to File an Amended Answer on an Order Shortening Time
[Parties Present](#)
[Minutes](#)
 Result: Granted

07/25/2014 **Motion for Partial Summary Judgment**
Motion for Partial Summary Judgment

07/25/2014 **Notice of Hearing**
Notice of Hearing

08/11/2014 **Motion for Partial Summary Judgment**
Defendant Sig Rogich, Trustee of The Rogich Family Irrevocable Trust's Motion for Partial Summary Judgment

08/13/2014 **Opposition and Countermotion**
Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment

08/14/2014 **Initial Appearance Fee Disclosure**
Initial Appearance and Fee Disclosure

08/25/2014 **Countermotion For Partial Summary Judgment**
Plaintiff's Opposition to Defendant's Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment

09/02/2014 **Reply to Opposition**
Reply to Opposition to Motion for Partial Summary Judgment

09/08/2014 **Reply to Opposition**
Plaintiffs' Reply to Defendants' Opposition to Counter-Motion for Partial Summary Judgment

09/09/2014 **Certificate of Service**
Certificate of Service

09/10/2014 **Errata**
Errata

09/11/2014 **Motion for Summary Judgment** (10:30 AM) (Judicial Officer Allf, Nancy)
Defendant Eldorado Hills LLC's Motion for Partial Summary Judgment
 Result: Granted

09/11/2014 **Opposition and Countermotion** (10:30 AM) (Judicial Officer Allf, Nancy)
Plaintiffs' Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment
 Result: Denied Without Prejudice

09/11/2014 **All Pending Motions** (10:30 AM) (Judicial Officer Allf, Nancy)
[Parties Present](#)
[Minutes](#)
 Result: Matter Heard

09/12/2014 **Motion to Compel**
Defendants' Motion to Compel Discovery Responses on Order Shortening Time

09/16/2014 **Amended Answer**
Amended Answer to First Amended Complaint; and Counterclaim Jury Demand

09/18/2014 **Reply to Opposition**
Reply to Opposition to Motion for Partial Summary Judgment

09/19/2014 **Opposition to Motion to Compel**
Plaintiffs' Opposition to Motion to Compel Discovery Responses on an Order Shortening Time

09/19/2014 **Notice of Withdrawal of Motion**
Notice of Withdrawal of Plaintiffs' Counter-Motion for Partial Summary Judgment

09/22/2014 **Certificate of Service**
Certificate of Service

09/22/2014 **Motion to Continue**
Motion to Continue Trial and Discovery on an Order Shortening Time

09/25/2014 **Opposition to Motion**
Defendants' Opposition to Motion to Continue Trial and Discovery

09/25/2014 **Amended Certificate of Service**
Amended Certificate of Service

09/26/2014 **Motion to Compel** (9:00 AM) (Judicial Officer Bulla, Bonnie)
Defts' Motion to Compel Discovery Responses on OST
 Result: Off Calendar

09/26/2014 **Motion to Continue Trial** (9:00 AM) (Judicial Officer Bulla, Bonnie)
Pltfs' Motion to Continue Trial and Discovery on an OST
 Result: Denied Without Prejudice

09/26/2014 **All Pending Motions** (9:00 AM) (Judicial Officer Bulla, Bonnie)
Defts' Motion to Compel Discovery Responses on OST Pltfs' Motion to Continue Trial and Discovery on an OST
[Parties Present](#)

	Minutes
	Result: Matter Heard
09/30/2014	Motion to Continue Trial <i>Motion to Continue Trial on an Order Shortening Time (First Request)</i>
09/30/2014	Certificate of Service <i>Certificate of Service</i>
10/01/2014	Order Granting <i>Order Granting Partial Summary Judgment</i>
10/01/2014	Notice of Entry of Order <i>Notice of Entry of Order</i>
10/02/2014	Opposition to Motion <i>Opposition to Motion to Continue Trial</i>
10/06/2014	Reply to Opposition <i>Reply to Defendants' Opposition to Motion to Continue Trial on Order Shortening Time</i>
10/08/2014	Motion for Partial Summary Judgment (10:30 AM) (Judicial Officer Allf, Nancy) <i>Defendant Sig Rogich, Trustee of The Rogich Family Irrevocable Trust's Motion for Partial Summary Judgment</i> 09/25/2014 Reset by Court to 10/08/2014
	Result: Granted
10/08/2014	Opposition and Countermotion (10:30 AM) (Judicial Officer Allf, Nancy) <i>Plaintiffs' Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment</i> 09/25/2014 Reset by Court to 10/08/2014
	Result: Matter Heard
10/08/2014	Motion to Continue Trial (10:30 AM) (Judicial Officer Allf, Nancy) <i>Plaintiffs' Motion to Continue Trial on an Order Shortening Time</i>
	Result: No Ruling
10/08/2014	All Pending Motions (10:30 AM) (Judicial Officer Allf, Nancy) Parties Present Minutes
	Result: Matter Heard
10/24/2014	Status Check: Compliance (11:00 AM) (Judicial Officer Bulla, Bonnie) Minutes
	Result: Off Calendar
10/30/2014	CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer Allf, Nancy) <i>Vacated</i>
10/30/2014	Case Appeal Statement <i>Case Appeal Statement</i>
10/30/2014	Notice of Appeal <i>Notice of Appeal</i>
11/03/2014	CANCELED Bench Trial (10:30 AM) (Judicial Officer Allf, Nancy) <i>Vacated</i>
11/05/2014	Order Granting Summary Judgment <i>Order Granting Partial Summary Judgment</i>
11/06/2014	Notice of Entry of Order <i>Notice of Entry of Order Granting Partial Summary Judgment</i>
11/07/2014	Memorandum of Costs and Disbursements <i>Memorandum of Costs and Disbursements</i>
11/19/2014	Motion for Attorney Fees <i>Motion for Award of Attorneys' Fees</i>
12/05/2014	Opposition to Motion <i>Plaintiffs' Opposition to Defendant's Motion for Award of Attorneys' Fees</i>
12/11/2014	Stipulation and Order <i>Stipulation and Order to Continue Hearing on Motion Hearing</i>
12/15/2014	Notice of Entry of Order <i>Notice of Entry of Order</i>
12/30/2014	Reply in Support <i>Defendant's Reply In Support of Motion for Award of Attorneys' Fees</i>
01/15/2015	Motion for Attorney Fees and Costs (9:30 AM) (Judicial Officer Allf, Nancy) Parties Present Minutes 12/24/2014 Reset by Court to 01/15/2015
	Result: Granted
01/16/2015	Recorders Transcript of Hearing <i>Recorder's Partial Transcript of Proceedings: Defendant Sig Rogich, Trustee of the Rogich Family Irrevocable Trust's Motion for Partial Summary Judgment Plaintiffs' Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment Plaintiffs' Motion to Continue Trial on Order Shortening Time - Ruling - October 8, 2014</i>
01/28/2015	Notice <i>Notice of Transcript Request</i>
02/10/2015	Order Granting Motion <i>Order Granting Motion For Award of Attorneys Fees</i>
02/11/2015	Notice of Entry of Order <i>Notice of Entry of Order Granting Award of Attorneys Fees</i>
02/23/2015	Judgment <i>FINAL JUDGMENT</i>
02/24/2015	Notice of Entry of Judgment <i>Notice of Entry of Final Judgment</i>
03/13/2015	Recorders Transcript of Hearing <i>Recorder's Partial Transcript of Proceedings: Notice of Hearing Plaintiff's Opposition to Defendant's Motion for Partial Summary Judgment and Countermotion for Partial Summary Judgment - September 11, 2014</i>
03/13/2015	Notice of Appeal <i>Notice of Appeal</i>

03/13/2015 **Case Appeal Statement**
Case Appeal Statement

03/17/2015 **Recorders Transcript of Hearing**
Recorder's Transcript of Proceedings: Notice of Hearing Plaintiff's Opposition to Defendant's Motion for Partial Summary Judgment and Counter-motion for Partial Summary Judgment - September 11, 2014

04/25/2015 **Request**
Notice of Transcript Request

06/15/2015 **Recorders Transcript of Hearing**
Recorder's Transcript of Proceedings: Partial Transcript - Excludes Ruling Defendant, Sig Rogich Trustee of the Rogich Family Irrevocable Trust's Motion for Partial Summary Judgment; Plaintiffs' Opposition to Defendants' Motion for Partial Summary Judgment; Plaintiffs' Motion to Continue Trial on Order Shortening Time - October 8, 2014

11/20/2015 **Recorders Transcript of Hearing**
Recorder's Transcript of Proceedings: Defendant's Motion for Attorneys Fees and Costs - January 15, 2015

02/22/2016 **Order**
Order Setting Status Check

02/22/2016 **Motion to Reconsider**
Plaintiffs' Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment

03/07/2016 **Opposition**
Opposition to Plaintiffs' Motion for Reconsideration for Relief from Order Granting Motion for Partial Summary Judgment

03/14/2016 **Supplement to Opposition**
Supplement to Opposition to Plaintiffs' Motion for Reconsideration for Relief from Order Granting Motion for Partial Summary Judgment

03/22/2016 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)
Minute Order: Status Check: Status of Case set 3/24/2016 VACATED
[Minutes](#)
Result: Minute Order - No Hearing Held

03/22/2016 **Reply to Opposition**
Plaintiffs' (A) Reply to Defendants' Opposition to Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment; and (B) Request for Oral Argument

03/22/2016 **Application**
Plaintiffs' Application to Set Oral Argument on Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment

03/23/2016 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)
Minute Order: Matters set on 3/29/2016 chambers calendar and 5/10/2016 chambers calendar.
[Minutes](#)
Result: Minute Order - No Hearing Held

03/24/2016 **CANCELED Status Check: Status of Case** (9:30 AM) (Judicial Officer Allf, Nancy)
Vacated
Status Check: Status of Case

04/04/2016 **Substitution of Attorney**
Substitution of Attorneys

04/04/2016 **Supplement**
Plaintiffs' Supplement to Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment

04/20/2016 **Motion For Reconsideration** (10:30 AM) (Judicial Officer Allf, Nancy)
Plaintiffs' Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment
[Minutes](#)
03/29/2016 Reset by Court to 04/20/2016
Result: Denied

04/28/2016 **Order Denying Motion**
Order Denying Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment

04/29/2016 **Notice of Entry of Order**
Notice of Entry of Order Denying Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment

04/29/2016 **NV Supreme Court Clerks Certificate/Judgment -Remanded**
Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand; Rehearing Denied

05/10/2016 **CANCELED Motion** (3:00 AM) (Judicial Officer Allf, Nancy)
Vacated
Plaintiffs' Application to Set Oral Argument on Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment

05/16/2016 **Substitution of Attorney**
Substitution of Counsel

05/25/2016 **Notice of Appeal**
Notice of Appeal

05/25/2016 **Case Appeal Statement**
Case Appeal Statement

05/27/2016 **Notice of Posting Bond**
Plaintiffs' Notice of Posting Bond

07/21/2016 **NV Supreme Court Clerks Certificate/Judgment - Affirmed**
Nevada Supreme Court Clerk's Certificate Judgment - Affirmed

07/28/2016 **Motion for Attorney Fees**
(Withdrawn 8/30/16) Motion for Award of Attorneys' Fees

07/28/2016 **Declaration**
Declaration of Samuel S. Lionel in Support of Motion for Award of Attorneys' Fees

07/29/2016 **Amended Certificate of Service**
Amended Certificate of Service

08/12/2016 **Opposition to Motion**
Plaintiffs' Opposition to Motion for Award of Attorneys' Fees

08/24/2016 **Reply in Support**
Reply in Support of Motion for Award of Attorneys' Fees

08/30/2016 **Stipulation and Order**
Stipulation and Order to Withdraw Motion for Award of Attorneys' Fees Without Prejudice

08/31/2016 **CANCELED Motion for Attorney Fees** (9:00 AM) (Judicial Officer Allf, Nancy)
Vacated - per Stipulation and Order
Motion for Award of Attorneys' Fees

10/19/2016 **Notice**
Plaintiffs' Notice of Transcript Request

11/14/2016 **Recorders Transcript of Hearing**
Transcript Re: Plaintiffs' Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment - April 20, 2016

02/22/2017 **Affidavit**
Affidavit of Judgment

03/22/2017 **Order to Statistically Close Case**
Civil Order to Statistically Close Case

03/31/2017 **Stipulation and Order**
Stipulation for Consolidation

04/05/2017 **Notice of Consolidation**
Notice of Consolidation

04/24/2017 **Answer**
Defendants' Answer to Complaint

05/25/2017 **Joint Case Conference Report**
Joint Case Conference Report

06/14/2017 **Motion to Quash**
Nanyah Vegas, LLC's Motion for Temporary Protective Order to Quash Deposition Notice and Extend Time to Respond to Interrogatories

06/20/2017 **Motion to Quash**
Nanyah Vegas, LLC's Motion for Temporary Protective Order to Quash Deposition Notice and Extend Time to Respond to Interrogatories

06/26/2017 **Opposition and Countermotion**
ntermotion for 2 Days to Complete Mr. Harlap's Deposition and Leave to Serve 25 Additional Interrogatories

07/19/2017 **CANCELED Motion for Protective Order** (9:00 AM) (Judicial Officer Allf, Nancy)
Vacated

07/21/2017 **Motion for Protective Order** (9:00 AM) (Judicial Officer Bulla, Bonnie)
Nanyah Vegas, LLC's Motion for Temporary Protective Order to Quash Deposition Notice and Extend Time to Respond to Interrogatories
 Result: Granted in Part

07/21/2017 **Opposition and Countermotion** (9:00 AM) (Judicial Officer Bulla, Bonnie)
Defendants Opposition to Plaintiff's Motion for Temporary Protective Order to Quash Deposition Notice and Extend Time to Respond to Interrogatories and Countermotion for 2 Days to Complete Mr. Harlap's Deposition and Leave to Serve 25 Additional Interrogatories
 Result: Granted in Part

07/21/2017 **All Pending Motions** (9:00 AM) (Judicial Officer Bulla, Bonnie)
[Parties Present](#)
[Minutes](#)
 Result: Matter Heard

07/26/2017 **Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call**
Order Setting Civil Jury Trial, Pre-Trial/Calendar Call

07/31/2017 **NV Supreme Court Clerks Certificate/Judgment - Affirmed**
Nevada Supreme Court Clerk's Certificate Judgment - Affirmed

08/18/2017 **Affidavit**
Corrected Affidavit of Judgment

08/31/2017 **Notice of Firm Name Change**
Notice of Firm Name Change

09/12/2017 **Notice of Deposition**
NOTICE OF TAKING DEPOSITION AND REQUEST FOR PRODUCTION OF DOCUMENTS

09/21/2017 **Status Check: Compliance** (3:00 AM) (Judicial Officer Bulla, Bonnie)
DCRR 7-21-17
 Result: Matter Continued

09/21/2017 **Stipulation**
Stipulation re: Re-Open Deadlines

10/17/2017 **Objection**
Objection to Notice of Taking Deposition and Request for Production of Documents

10/24/2017 **Discovery Commissioners Report and Recommendations**
Discovery Commissioner's Report and Recommendation

10/25/2017 **Notice**
Notice of Issuance of Subpoenas Duces Tecum

11/13/2017 **Motion to Compel**
Defendants' Motion to Compel

11/16/2017 **Subpoena Duces Tecum**
Nanyah Vegas, LLC's Subpoena Duces Tecum to Nevada Title Company

11/16/2017 **Subpoena Duces Tecum**
Nanyah Vegas, LLC's Subpoena Duces Tecum to Kenneth Woloson, Esq.

11/16/2017 **Subpoena Duces Tecum**
Nanyah Vegas, LLC's Subpoena Duces Tecum to Holley, Driggs, Walch, Fine, Wray, Puzey & Thompson

11/16/2017 **Subpoena Duces Tecum**
Nanyah Vegas, LLC's Subpoena Duces Tecum to Bradshaw, Smith & Co, LLP

11/16/2017 **Subpoena Duces Tecum**
Nanyah Vegas, LLC's Subpoena Duces Tecum to Gerety & Associates

11/16/2017 **Subpoena Duces Tecum**
Nanyah Vegas, LLC's Subpoena Duces Tecum to Bank of Nevada

11/21/2017 **Subpoena Duces Tecum**
Nanyah Vegas, LLC's Subpoena Duces Tecum to Mutual of Omaha Bank

11/29/2017 **Subpoena Duces Tecum**
Nanyah Vegas, LLC's Subpoena Duces Tecum to City National Bank

11/30/2017 **Notice of Change of Hearing**
Notice of Change of Hearing

12/04/2017 **Opposition**
Opposition to Motion to Compel

12/08/2017 **Reply in Support**
Defendants' Reply in Support of Motion to Compel

12/12/2017 **Notice**
Notice of Issuance of Subpoena Duces Tecum

12/12/2017 **Subpoena Duces Tecum**
Nanyah Vegas, LLC's Subpoena Duces Tecum to Blakely Island Holdings, LLC

12/13/2017 **Notice**
Notice of Issuance of Subpoenas Duces Tecum

12/15/2017 **Motion to Compel** (9:30 AM) (Judicial Officer Bulla, Bonnie)
12/15/2017, 01/23/2018, 03/07/2018
COURT CALL - Defendants' Motion to Compel
[Minutes](#)
12/14/2017 Reset by Court to 12/15/2017
01/11/2018 Reset by Court to 01/23/2018
02/07/2018 Reset by Court to 03/07/2018
Result: Continued

12/15/2017 **Motion for Leave to File**
Motion for Leave to Amend Answer to Complaint

12/15/2017 **Certificate of Service**
Certificate of Service

12/18/2017 **Stipulation and Order to Extend Discovery Deadlines**
Stipulation and Order to Extend Discovery Deadlines

12/18/2017 **Acceptance of Service**
Acceptance of Service Regarding Subpoena Duces Tecum to Carlos Huerta

12/18/2017 **Non Opposition**
Nanyah Vegas, LLC's Non-Opposition to Motion for Leave to Amend Answer to Complaint

12/22/2017 **Motion to Strike**
Nanyah Vegas, LLC's Motion to Strike Defendants' Motion to Compel

01/02/2018 **Stipulation and Order**
Stipulation and Order to Vacate Hearing on Defendants' Motion for leave to Amend Answer

01/04/2018 **Order Shortening Time**
Order Shortening Time to Motion to Strike Defendants' Motion to Compel

01/05/2018 **Motion to Compel**
Nanyah Vegas, LLC's Motion to Compel Defendants Responses to Request for Production and Interrogatories

01/05/2018 **Opposition**
Opposition to Nanyah Vegas, LLC's Motion to Strke Defendants' Motion to Compel

01/09/2018 **Motion to Strike**
Nanyah Vegas, LLC's Reply in Support of Motion to Strike Defendants' Motion to Compel

01/17/2018 **CANCELED Motion for Leave** (9:00 AM) (Judicial Officer Allf, Nancy)
Vacated - per Stipulation and Order
Motion for Leave to Amend Answer to Complaint

01/23/2018 **Motion to Strike** (10:30 AM) (Judicial Officer Bulla, Bonnie)
Nanyah Vegas, LLC's Motion to Strike Defendants' Motion to Compel
01/25/2018 Reset by Court to 01/23/2018
Result: Denied

01/23/2018 **All Pending Motions** (10:30 AM) (Judicial Officer Bulla, Bonnie)
[Parties Present](#)
[Minutes](#)
Result: Matter Heard

01/23/2018 **Amended Answer**
(A746239) Defendants' First Amended Answer to Complaint

01/23/2018 **Certificate of Service**
Certificate of Service

01/23/2018 **Opposition to Motion to Compel**
Opposition to Motion to Compel and Countermotion for an Order that the Answers to Requests for Admissions Should be Considered as Having Been Timely Filed

01/24/2018 **Substitution of Attorney**
(A746239) Substitution of Attorneys

01/26/2018 **Reply to Opposition**
Nanyah Vegas, LLC's Reply in Support of Motion to Compel

01/26/2018 **Opposition to Motion**
Nanyah Vegas, LLC's Opposition to Countermotion for an Order That the Answers to Requests for Admission Should be Considered as Having Been Timely Filed

01/29/2018 **Order Granting Motion**
Order Granting Motion for Leave to Amend Answer to Complaint

01/31/2018 **Substitution of Attorney**
Substitution of Attorneys

02/21/2018 **Substitution of Attorney**
Substitution of Counsel

02/23/2018 **Motion for Summary Judgment**
Motion for Summary Judgment

02/27/2018 **Reply in Support**
REPLY IN SUPPORT OF COUNTERMOTION FOR AN ORDER THAT THE ANSWERS TO REQUESTS FOR ADMISSIONS SHOULD BE CONSIDERED AS HAVING BEEN TIMELY FIELD

02/28/2018 **Supplement to Opposition**
Defendants Peter Eliades, individually and as Trustee of The Eliades Survivor Trust of 10/30/08, and TELD, LLC's Supplemental Opposition to Nanyah Vegas, LLC's Motion to Compel

03/05/2018 **Joinder to Motion For Summary Judgment**
Defendants Peter Eliades, individually and as Trustee of The Eliades Survivor Trust of 10/30/08, Eldorado Hills, LLC, and Teld, LLC's Joinder to Motion for Summary Judgment

03/07/2018 **Motion to Compel** (9:00 AM) (Judicial Officer Bulla, Bonnie)
COURT CALL - Nanyah Vegas, LLC's Motion to Compel Defendants Responses to Request for Production and Interrogatories
02/07/2018 Reset by Court to 02/07/2018
02/07/2018 Reset by Court to 03/07/2018
Result: Withdrawn

03/07/2018 **Opposition and Countermotion** (9:00 AM) (Judicial Officer Bulla, Bonnie)

	COURT CALL - Opposition to Motion to Compel and Countermotion for an Order That the Answers to Requests for Admissions Should be Considered as Having Been Timely Filed 02/07/2018 Reset by Court to 03/07/2018
	Result: Granted
03/07/2018	All Pending Motions (9:00 AM) (Judicial Officer Bulla, Bonnie) Parties Present Minutes
	Result: Matter Heard
03/08/2018	Joinder to Motion For Summary Judgment <i>Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations LLC's Joinder to Defendants Peter Eliades Individually and as Trustee of the Eliades Trust of 10/30/08 Eldorado Hills LLC and Teld's Joinder to Motion for Summary Judgment</i>
03/14/2018	Discovery Commissioners Report and Recommendations <i>Discovery Commissioners Report and Recommendation</i>
03/19/2018	Opposition and Countermotion <i>Opposition to Motion for Summary Judgment; Countermotion for Summary Judgment; and Countermotion for NRCP 56(f) Relief</i>
03/20/2018	Initial Appearance Fee Disclosure <i>Fee Disclosure</i>
03/21/2018	Notice of Entry <i>NOTICE OF ENTRY</i>
03/22/2018	CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer Bulla, Bonnie) <i>Vacated - per Commissioner</i>
04/11/2018	Reply in Support <i>Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC's Reply in Support of Motion for Summary Judgment and Opposition to Nanyah Vegas, LLC's Countermotion for Summary Judgment and for NRCP 56(f) Relief</i>
04/11/2018	Reply in Support <i>Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, Eldorado Hills, LLC, and Teld, LLC's: (1) Reply in Support of their Joinder to Motion for Summary Judgment; and (2) Opposition to Nanyah Vegas, LLC's Countermotion for Summary Judgment and for N.R.C.P. 56(f) Relief</i>
04/16/2018	Reply to Opposition <i>Reply to Opposition to Countermotion for Summary Judgment; and Countermotion for NRCP 56(f) Relief</i>
04/17/2018	Joinder <i>Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC's Joinder to Defendants Peter Eliades, Individually and as Trustee of the Eliades Survivor Trust of 10/30/08, Eldorado Hills, LLC and Teld's Reply in Support of Their Joinder to Motion for Summary Judgment and Opposition to Nanyah Vegas, LLC's Countermotion for Summary Judgment and NRCP 56(f) Relief</i>
04/17/2018	Notice of Taking Deposition <i>Notice of Taking Deposition of Sigmund Rogich</i>
04/17/2018	Notice of Taking Deposition <i>Notice of Taking Deposition of Peter Eliades</i>
04/17/2018	Notice of Taking Deposition <i>Notice of Taking Depositions</i>
04/18/2018	Motion for Summary Judgment (10:00 AM) (Judicial Officer Allf, Nancy) 03/28/2018 Reset by Court to 04/18/2018
	Result: Granted in Part
04/18/2018	Joinder (10:00 AM) (Judicial Officer Allf, Nancy) <i>Defendants Peter Eliades, individually and as Trustee of The Eliades Survivor Trust of 10/30/08, Eldorado Hills, LLC, and Teld, LLC's Joinder to Motion for Summary Judgment</i> 03/28/2018 Reset by Court to 04/18/2018
	Result: Matter Heard
04/18/2018	Joinder (10:00 AM) (Judicial Officer Allf, Nancy) <i>Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations LLC's Joinder to Defendants Peter Eliades Individually and as Trustee of the Eliades Trust of 10/30/08 Eldorado Hills LLC and Teld's Joinder to Motion for Summary Judgment</i>
	Result: Matter Heard
04/18/2018	Opposition and Countermotion (10:00 AM) (Judicial Officer Allf, Nancy) <i>Opposition to Motion for Summary Judgment; Countermotion for Summary Judgment; and Countermotion for NRCP 56(f) Relief</i>
	Result: Denied
04/18/2018	All Pending Motions (10:00 AM) (Judicial Officer Allf, Nancy) Parties Present Minutes
	Result: Matter Heard
04/19/2018	Recorders Transcript of Hearing <i>Partial Transcript of Proceedings, All Pending Motions (Ruling Only), Heard on April 18, 2018</i>
04/23/2018	Recorders Transcript of Hearing <i>Partial Transcript of Proceedings, All Pending Motions (Excludes Ruling), Heard on April 18, 2018</i>
04/26/2018	CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer Bulla, Bonnie) <i>Vacated - per Commissioner</i>
04/27/2018	Amended Notice of Taking Deposition <i>Amended Notice of Taking Deposition of Sigmund Rogich</i>
04/27/2018	Notice of Taking Deposition <i>Notice of Taking Deposition of Kenneth Woloson, Esq.</i>
04/27/2018	Amended Notice of Taking Deposition <i>Amended Notice of Taking Deposition of Melissa Olivas</i>
05/01/2018	Discovery Commissioners Report and Recommendations <i>Discovery Commissioners Report and Recommendations</i>
05/02/2018	Notice of Entry <i>Notice of Entry</i>
05/03/2018	Motion to Continue Trial <i>Nanyah Vegas, LLC's Motion to Continue Trial and to Set Firm Trial Date on Order Shortening Time</i>
05/09/2018	Notice of Taking Deposition <i>Amended Notice of Taking Depositions</i>
05/10/2018	Opposition to Motion

Defendants Sigmund Rogich, Individually and As Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC's Opposition to Nanyah Vegas, LLC's Motion to Continue Trial and to Set Firm Trial Date on OST

05/10/2018 **Notice of Taking Deposition**
Amended Notice of Taking Deposition of Kenneth Woloson, Esq.

05/10/2018 **Motion in Limine**
Nanyah Vegas, LLC's Motion in Limine #1 re: Eldorado Hills, LLC Bound by Admissions and Statements of Its Managing Member

05/10/2018 **Motion in Limine**
Nanyah Vegas, LLC's Motion in Limine #2 re: NRS 47.240(2) Mandates Finding That Nanyah Vegas, LLC Invested \$1.5 Million Into Eldorado Hills, LLC

05/10/2018 **Motion in Limine**
Nanyah Vegas, LLC's Motion in Limine #3 re: Defendants Bound by Their Answers to Complaint

05/10/2018 **Motion in Limine**
Nanyah Vegas, LLC's Motion in Limine #4 Yoav Harlap's Personal Financials

05/11/2018 **Notice of Non Opposition**
Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, Eldorado Hills, LLC, and Teld, LLC's Notice of Non-Opposition to Nanyah Vegas, LLC's Motion to Continue Trial and to Set Firm Trial Date on Order Shortening Time

05/11/2018 **Motion in Limine**
Defendants' Motion in Limine to Limit Trial Testimony of Yoav Harlap at Trial

05/15/2018 **Reply to Opposition**
Nanyah Vegas, LLC's Reply in Support of Motion to Continue Trial and to Set Firm Trial Date

05/17/2018 **Motion to Continue Trial** (9:30 AM) (Judicial Officer Allf, Nancy)
Nanyah Vegas LLC's Motion to Continue Trial and to Set Firm Trial Date on Order Shortening Time
[Parties Present](#)
[Minutes](#)
Result: Denied

05/21/2018 **Joinder to Motion in Limine**
Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, Eldorado Hills, LLC, and Teld, LLC's Joinder to Motion in Limine to Limit Trial Testimony of Yoav Harlap at Trial

05/22/2018 **Order Denying Motion**
Order Denying Countermotion for Summary Judgment and Denying NRCP 56(f) Relief

05/22/2018 **Order**
(A686303) Order Partially Granting Summary Judgment

05/22/2018 **Notice of Entry of Order**
Notice of Entry of Orders

06/01/2018 **Motion for Summary Judgment**
Defendant Eldorado Hills, LLC's Motion for Summary Judgment

06/01/2018 **Appendix**
Appendix of Exhibits to Defendant Eldorado Hills, LLC's Motion for Summary Judgment Volume 1 of 2

06/01/2018 **Appendix**
Appendix of Exhibits to Defendant Eldorado Hills, LLC's Motion for Summary Judgment Volume 2 of 2

06/01/2018 **Motion for Summary Judgment**
Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, and Teld, LLC's Motion for Summary Judgment

06/01/2018 **Appendix**
Appendix of Exhibits to Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, and Teld, LLC's Motion for Summary Judgment Volume 1 of 2

06/01/2018 **Appendix**
Appendix of Exhibits to Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, and Teld, LLC's Motion for Summary Judgment Volume 2 of 2

06/04/2018 **Order Denying Motion**
Order Denying Motion to Continue Trial Date and Granting Firm Trial Date Setting

06/04/2018 **Motion to Reconsider**
Motion to Reconsider Order Partially Granting Summary Judgment

06/05/2018 **Motion**
Defendants Sigmund Rogich, Individually And As Trustee Of The Rogich Family Irrevocable Trust And Imitations, Llc's Motion For Reconsideration

06/06/2018 **Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call**
Order Setting Civil Jury Trial, Pre-Trial/Calendar Call

06/12/2018 **Notice of Taking Deposition**
Amended Notice of Taking Deposition of Dolores Eliades

06/14/2018 **Opposition**
Defendants Sigmund Rogich Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC's Opposition to Motion to Reconsider Order Partially Granting Summary Judgment

06/14/2018 **Joinder To Motion**
Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, Eldorado Hills, LLC, and Teld, LLC's Joinder to Defendants Sigmund Rogich, Individually and as Trustee of The Rogich Family Irrevocable Trust and Imitations, LLC's Motion for Reconsideration

06/19/2018 **Motion for Leave to File**
Motion for Leave to File Nanyah Vegas, LLC's Opposition to Eliades Defendants' Motion for Summary Judgment and Countermotion for Summary Judgment in Excess of Thirty (30) Pages

06/19/2018 **Opposition and Countermotion**
Opposition to Eliades Defendants' Motion for Summary Judgment and Countermotion for Summary Judgment

06/19/2018 **Opposition and Countermotion**
Opposition to Eldorado Hill's Motion for Summary Judgment and Countermotion for Summary Judgment

06/21/2018 **Opposition to Motion**
Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, Eldorado Hills, LLC, and Teld, LLC's Opposition to Nanyah Vegas, LLC's Motion to Reconsider Order Partially Granting Summary Judgment

06/25/2018 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer Allf, Nancy)
Vacated

06/25/2018 **Initial Appearance Fee Disclosure**
Fee Disclosure

06/25/2018 **Initial Appearance Fee Disclosure**
Fee Disclosure

06/25/2018 **Reply to Opposition**
Reply in Support of Motion to Reconsider Order Partially Granting Summary Judgment

06/25/2018 **Opposition to Motion**
Nanyah Vegas, LLC's Opposition to Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitation, LLC's Motion for Reconsideration and Joinder

07/02/2018 **Reply in Support**
Reply in Support of Defendants' Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations LLC's Motion for Reconsideration

07/10/2018 **Motion to Reconsider** (3:00 AM) (Judicial Officer Allf, Nancy)
Motion to Reconsider Order Partially Granting Summary Judgment
Result: Denied

07/10/2018 **Motion For Reconsideration** (3:00 AM) (Judicial Officer Allf, Nancy)
Defendants Sigmund Rogich, Individually And As Trustee Of The Rogich Family Irrevocable Trust And Imitations, LLC's Motion For Reconsideration
Result: Denied

07/10/2018 **All Pending Motions** (3:00 AM) (Judicial Officer Allf, Nancy)
[Minutes](#)
Result: Minute Order - No Hearing Held

07/13/2018 **Motion to Strike**
Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, Teld, LLC, and Eldorado Hills, LLC's Motion, on Order Shortening Time, to Strike Nanyah Vegas, LLC's Untimely Countermotions for Summary Judgment

07/16/2018 **Receipt of Copy**
Receipt of Copy of Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, Teld, LLC, and Eldorado Hills, LLC's Motion, on Order Shortening Time, to Strike Nanyah Vegas, LLC's Untimely Countermotions for Summary Judgment

07/16/2018 **Receipt of Copy**
Receipt of Copy of Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, Teld, LLC, and Eldorado Hills, LLC's Motion, on Order Shortening Time, to Strike Nanyah Vegas, LLC's Untimely Countermotions for Summary Judgment

07/16/2018 **Motion**
Defendants' Motion for Expedited Hearing on Pending Motions in Limine on Order Shortening Time

07/19/2018 **Reply in Support**
Defendant Eldorado Hills, LLC's Reply in Support of Its Motion for Summary Judgment and Opposition to Countermotion for Summary Judgment

07/19/2018 **Reply in Support**
Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, and Teld, LLC's Reply in Support of Their Motion for Summary Judgment and Opposition to Countermotion for Summary Judgment

07/20/2018 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)
Minute Order: Motion for Leave to File Nanyah Vegas LLC's Opposition to Eliades Defendant's Motion for Summary Judgment and Countermotion for Summary Judgment in Excess of Thirty (30) Pages set 7/25/2018 GRANTED and VACATED
[Minutes](#)
Result: Minute Order - No Hearing Held

07/23/2018 **Opposition to Motion**
Nanyah Vegas, LLC's Opposition to Motion to Strike Untimely Countermotions for Summary Judgment

07/24/2018 **Order**
Order Denying Motion to Reconsider

07/24/2018 **Errata**
Errata to Nanyah Vegas, LLC's Opposition to Motion to Strike Untimely Countermotions for Summary Judgment

07/24/2018 **Reply in Support**
Reply in Support of Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, Teld, LLC, and Eldorado Hills, LLC's Motion, on Order Shortening Time, to Strike Nanyah Vegas, LLC's Untimely Countermotions for Summary Judgment

07/24/2018 **Opposition to Motion**
Nanyah Vegas, LLC's Limited Opposition to Defendants' Motion for Expedited Hearing on Pending Motions in Limine on Order Shortening Time

07/25/2018 **CANCELED Motion for Leave** (9:00 AM) (Judicial Officer Allf, Nancy)
Vacated
Motion for Leave to File Nanyah Vegas LLC's Opposition to Eliades Defendant's Motion for Summary Judgment and Countermotion for Summary Judgment in Excess of Thirty (30) Pages

07/25/2018 **Reply in Support**
Reply in Support of Defendants' Motion for Expedited Hearing on Pending Motions in Limine

07/26/2018 **Motion for Summary Judgment** (10:30 AM) (Judicial Officer Allf, Nancy)
Defendant Eldorado Hills, LLC's Motion for Summary Judgment
07/05/2018 Reset by Court to 07/26/2018
Result: Denied

07/26/2018 **Motion for Summary Judgment** (10:30 AM) (Judicial Officer Allf, Nancy)
Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, and Teld, LLC's Motion for Summary Judgment
07/05/2018 Reset by Court to 07/26/2018
Result: Granted

07/26/2018 **Opposition and Countermotion** (10:30 AM) (Judicial Officer Allf, Nancy)
Opposition to Eliades Defendants Motion for Summary Judgment and Countermotion for Summary Judgment
Result: Denied

07/26/2018 **Opposition and Countermotion** (10:30 AM) (Judicial Officer Allf, Nancy)
Opposition to Eldorado Hills Motion for Summary Judgment and Countermotion for Summary Judgment.
Result: Denied

07/26/2018 **Motion to Strike** (10:30 AM) (Judicial Officer Allf, Nancy)
Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, Teld, LLC, and Eldorado Hills, LLC's Motion, on Order Shortening Time, to Strike Nanyah Vegas, LLC's Untimely Countermotions for Summary Judgment
Result: Denied

07/26/2018 **Motion** (10:30 AM) (Judicial Officer Allf, Nancy)
Defendant's Motion for Expedited Hearing on Pending Motion In Limine on order Shortening Time
Result: Granted

07/26/2018 **Notice of Entry of Order**
Notice of Entry of Order Denying Motion for Reconsideration

07/26/2018 **All Pending Motions** (10:30 AM) (Judicial Officer Allf, Nancy)
[Parties Present](#)
[Minutes](#)
Result: Matter Heard

08/02/2018 **Recorders Transcript of Hearing**
Transcript of Proceedings, Motions, Heard on July 26, 2018

08/07/2018 **Decision** (3:00 AM) (Judicial Officer Allf, Nancy)
DECISION: Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, and Teld, LLC's Motion for Summary Judgment and Opposition to Eliades Defendants Motion for Summary Judgment and Countermotion for Summary Judgment
[Minutes](#)
 Result: Decision Made

08/10/2018 **Order**
Order Denying Nanyah Vegas, LLC's Motion for Reconsideration

08/13/2018 **Notice of Entry of Order**
Notice of Entry of Order Denying Nanyah Vegas, LLC's Motion for Reconsideration

08/13/2018 **Order Granting Motion**
Order

08/17/2018 **Motion**
Motion for Rehearing

09/04/2018 **Opposition to Motion**
Nanyah Vegas, LLC's Opposition to Motion for Rehearing and Countermotion for Award of Fees and Costs

09/05/2018 **Errata**
Errata to Nanyah Vegas, LLC's Opposition to Motion for Rehearing and Countermotion for Award of Fees and Costs

09/07/2018 **Motion in Limine**
Defendant Eldorado Hills, LLC's Motion in Limine to Preclude Any Argument that Eldorado Hills, LLC is Bound by Any Testimony or Statements by Carlos Huerta Following his Resignation as an Eldorado Hills, LLC Manager

09/07/2018 **Motion in Limine**
Defendant Eldorado Hills, LLC's Motion in Limine to Preclude Any Argument that Eldorado Hills, LLC is Bound by Any Contractual Recitals, Statements, or Language

09/07/2018 **Motion in Limine**
Defendant Eldorado Hills, LLC's Motion in Limine to Preclude Any Evidence or Argument Regarding an Alleged Implied-In-Fact Contract Between Eldorado Hills, LLC and Nanyah Vegas, LLC

09/19/2018 **Opposition to Motion**
Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Motion in Limine # 3: Defendants Bound by their Answers to Complaint

09/19/2018 **Opposition to Motion**
Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Motion in Limine # 4: Yoav Harlap's Personal Financials

09/19/2018 **Opposition to Motion**
Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Motion in Limine # 1: Eldorado Hills, LLC Bound by Admissions and Statements of its Managing Member

09/19/2018 **Opposition to Motion**
Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Motion in Limine # 2: NRS 47.240(2) Mandates Finding that Nanyah Vegas, LLC Invested \$1.5 Million Into Eldorado Hills, LLC

09/20/2018 **Reply in Support**
Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC's Reply in Support of Their Motion for Rehearing

09/24/2018 **Opposition to Motion in Limine**
Nanyah Vegas, LLC's Opposition to Motion in Limine to Preclude any Evidence or Argument Regarding an Alleged Implied-in-Fact Contract Between Eldorado Hills, LLC and Nanyah Vegas, LLC

09/24/2018 **Opposition to Motion in Limine**
Nanyah Vegas, LLC's Opposition to Motion in Limine to Preclude any Argument that Eldorado Hills, LLC is bound by any testimony or Statements by Carlos Huerta Following his Resignation as an Eldorado Hills Manager

09/24/2018 **Opposition to Motion in Limine**
Nanyah Vegas, LLC's Opposition to Motion in Limine to Preclude any Argument that Eldorado Hills, LLC is Bound by any Contractual Recitals, Statements, or Language

09/26/2018 **Notice of Association of Counsel**
Notice of Association of Counsel

09/27/2018 **Motion** (10:00 AM) (Judicial Officer Allf, Nancy)
Motion for Rehearing
09/20/2018 Reset by Court to 09/27/2018
 Result: Decision Made

09/27/2018 **Opposition and Countermotion** (10:00 AM) (Judicial Officer Allf, Nancy)
Nanyah Vegas LLC's Opposition to Motion for Rehearing and Countermotion for Award of Fees and Costs
09/20/2018 Reset by Court to 09/27/2018
 Result: Decision Made

09/27/2018 **Amended Notice**
Amended Notice of Association of Counsel

09/27/2018 **All Pending Motions** (10:00 AM) (Judicial Officer Allf, Nancy)
[Parties Present](#)
[Minutes](#)
 Result: Matter Heard

09/28/2018 **Opposition**
Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC's Opposition to Nanyah Vegas, LLC's Motion in Limine #2 Re: NRS 47.240(2) Mandates Finding that Nanyah Vegas Invested \$1.5 Million into Eldorado Hills, LLC

09/28/2018 **Opposition**
Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC's Opposition to Nanyah's Motion in Limine #3 re Defendants Bound by their Answers to Complaint

09/28/2018 **Non Opposition**
Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations Notice of Non-Opposition to Nanyah's Motion in Limine #4 Re Yoav Harlap's Personal Financials

09/28/2018 **Opposition**
Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC's Opposition to Nanyah Vegas, LLC's Motion in Limine #1 Re: Eldorado Hills, LLC Bound by Admissions and Statements of its Managing Member

10/02/2018 **Recorders Transcript of Hearing**
Transcript of Proceedings, Motion for Rehearing; Nanyah Vegas LLC's Opposition to Motion for Rehearing and Counter Motion for Award of Fees and Costs, Heard on September 27, 2018

10/03/2018 **Reply in Support**

	<i>Reply in Support of Defendant Eldorado Hills, LLC's Motion in Limine to Preclude Any Argument that Eldorado Hills, LLC is Bound by Any Contractual Recitals, Statements, or Language</i>
10/03/2018	Reply in Support <i>Reply in Support of Defendant Eldorado Hills, LLC's Motion in Limine to Preclude Any Argument that Eldorado Hills, LLC is Bound by Any Testimony or Statements by Carlos Huerta Following his Resignation as an Eldorado Hills, LLC Manager</i>
10/03/2018	Reply in Support <i>Reply in Support of Defendant Eldorado Hills, LLC's Motion in Limine to Preclude Any Evidence or Argument Regarding an Alleged Implied-In-Fact Contract Between Eldorado Hills, LLC and Nanyah Vegas, LLC</i>
10/03/2018	Reply to Opposition <i>Nanyah Vegas, LLC's Reply to Oppositions to Motion in Limine #1 re: Eldorado Hills, LLC Bound by Admissions and Statements of Its Managing Member</i>
10/03/2018	Reply to Opposition <i>Nanyah Vegas, LLC's Reply to Oppositions to Motion in Limine #2 re: NRS 47.240(2) Mandates Finding that Nanyah Vegas, LLC Invested \$1.5 Million into Eldorado Hills, LLC</i>
10/03/2018	Reply to Opposition <i>Nanyah Vegas, LLC's Reply to Oppositions to Motion in Limine #3 re: Defendants Bound by Their Answers to Complaint</i>
10/03/2018	Reply to Opposition <i>Nanyah Vegas, LLC's Reply to Oppositions to Motion in Limine #4 re: Yoav Harlap's Personal Financials</i>
10/05/2018	Decision (3:00 AM) (Judicial Officer Alf, Nancy) <i>DECISION: MOTION FOR REHEARING; NANYAH VEGAS LLC'S OPPOSITION TO MOTION FOR REHEARING AND COUNTERMOTION FOR AWARD OF FEES AND COSTS</i> Minutes <i>10/09/2018 Reset by Court to 10/05/2018</i> Result: Minute Order - No Hearing Held
10/05/2018	Order <i>(A686303, A746239) Order: (1) Granting Defendants Peter Eliades, Individually and as Trustee of the Eliades Survivor Trust of 10/30/08, and Teld, LLC's Motion for Summary Judgment; and (2) Denying Nanyah Vegas, LLC's Countermotion for Summary Judgment</i>
10/08/2018	Notice of Entry of Order <i>Notice of Entry of Order</i>
10/10/2018	Motion in Limine (10:30 AM) (Judicial Officer Alf, Nancy) <i>Nanyah Vegas, LLC's Motion in Limine #1 re: Eldorado Hills, LLC Bound by Admissions and Statements of Its Managing Member</i> <i>10/10/2018 Reset by Court to 10/10/2018</i> <i>11/01/2018 Reset by Court to 10/10/2018</i> Result: Denied
10/10/2018	Motion in Limine (10:30 AM) (Judicial Officer Alf, Nancy) <i>Nanyah Vegas, LLC's Motion in Limine #2 re: NRS 47.240(2) Mandates Finding That Nanyah Vegas, LLC Invested \$1.5 Million Into Eldorado Hills, LLC</i> <i>10/10/2018 Reset by Court to 10/10/2018</i> <i>11/01/2018 Reset by Court to 10/10/2018</i> Result: Denied
10/10/2018	Motion in Limine (10:30 AM) (Judicial Officer Alf, Nancy) <i>Nanyah Vegas, LLC's Motion in Limine #3 re: Defendants Bound by Their Answers to Complaint</i> <i>10/10/2018 Reset by Court to 10/10/2018</i> <i>11/01/2018 Reset by Court to 10/10/2018</i> Result: Denied
10/10/2018	Motion in Limine (10:30 AM) (Judicial Officer Alf, Nancy) <i>Nanyah Vegas, LLC's Motion in Limine #4 Yoav Harlap's Personal Financials</i> <i>06/14/2018 Reset by Court to 06/13/2018</i> <i>10/10/2018 Reset by Court to 10/10/2018</i> <i>11/01/2018 Reset by Court to 10/10/2018</i> Result: Granted in Part
10/10/2018	Joinder (10:30 AM) (Judicial Officer Alf, Nancy) <i>Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, Eldorado Hills, LLC, and Teld, LLC's Joinder to Motion in Limine to Limit Trial Testimony of Yoav Harlap at Trial</i> <i>06/14/2018 Reset by Court to 06/13/2018</i> <i>10/10/2018 Reset by Court to 10/10/2018</i> <i>11/01/2018 Reset by Court to 10/10/2018</i> Result: Matter Heard
10/10/2018	Motion in Limine (10:30 AM) (Judicial Officer Alf, Nancy) <i>Defendant Eldorado Hills, LLC's Motion in Limine to Preclude Any Argument that Eldorado Hills, LLC is Bound by Any Testimony or Statements by Carlos Huerta Following his Resignation as an Eldorado Hills, LLC Manager</i> <i>10/10/2018 Reset by Court to 10/10/2018</i> Result: Granted
10/10/2018	Motion in Limine (10:30 AM) (Judicial Officer Alf, Nancy) <i>Defendant Eldorado Hills, LLC's Motion in Limine to Preclude Any Argument that Eldorado Hills, LLC is Bound by Any Contractual Recitals, Statements, or Language</i> <i>10/10/2018 Reset by Court to 10/10/2018</i> Result: Granted
10/10/2018	Motion in Limine (10:30 AM) (Judicial Officer Alf, Nancy) <i>Defendant Eldorado Hills, LLC's Motion in Limine to Preclude Any Evidence or Argument Regarding an Alleged Implied-In-Fact Contract Between Eldorado Hills, LLC and Nanyah Vegas, LLC</i> <i>10/10/2018 Reset by Court to 10/10/2018</i> Result: Deferred Ruling
10/10/2018	All Pending Motions (10:30 AM) (Judicial Officer Alf, Nancy) Parties Present Minutes

	Result: Matter Heard
10/11/2018	Memorandum of Costs and Disbursements <i>Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, and Teld, LLC's Memorandum of Costs and Disbursements</i>
10/12/2018	Pre-Trial Disclosure <i>Nanyah Vegas, LLC's Pretrial Disclosures</i>
10/15/2018	Motion to Retax <i>Nanyah Vegas, LLC's Motion to Retax and Alternatively Motion to Strike</i>
10/16/2018	Recorders Transcript of Hearing <i>Transcript of Proceedings, All Pending Motions in Limine, Heard on October 10, 2018</i>
10/25/2018	Motion for Attorney Fees and Costs <i>Defendants Peter Eliades and Teld, LLC's Motion for Attorneys' Fees and Costs</i>
10/25/2018	Appendix <i>Appendix of Exhibits to Defendants Peter Eliades and Teld, LLC's Motion for Attorneys' Fees and Costs</i>
10/29/2018	Notice of Department Reassignment <i>Notice of Department Reassignment</i>
10/29/2018	Notice <i>Eldorado Hills, LLC's Notice of Non-Consent to Nanyah Vegas, LLC's Unpleaded Implied-In-Fact Contract Theory</i>
10/31/2018	Supplement <i>Nanyah Vegas, LLC's Supplemental Pretrial Disclosures</i>
10/31/2018	Objection <i>Nanyah Vegas, LLC's Objections to Defendants' Pretrial Disclosures</i>
11/01/2018	Calendar Call (11:00 AM) (Judicial Officer Allf, Nancy) Parties Present Minutes <i>06/21/2018 Reset by Court to 11/01/2018</i>
	Result: Matter Heard
11/01/2018	CANCELED Motion in Limine (11:00 AM) (Judicial Officer Allf, Nancy) <i>Vacated - per Attorney or Pro Per</i> <i>Defendants' Motion in Limine to Limit Trial Testimony of Yoav Harlap at Trial</i> <i>06/14/2018 Reset by Court to 06/13/2018</i> <i>07/26/2018 Reset by Court to 11/01/2018</i> <i>07/26/2018 Reset by Court to 07/26/2018</i> <i>11/01/2018 Reset by Court to 07/26/2018</i>
11/02/2018	Opposition to Motion <i>Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, and Teld, LLC's Opposition to Nanyah Vegas, LLC's Motion to Retax and Alternatively Motion to Strike</i>
11/05/2018	Telephonic Conference (2:30 PM) (Judicial Officer Allf, Nancy) Parties Present Minutes
	Result: Matter Heard
11/06/2018	Stipulation and Order <i>Stipulation and Order to Extend Pre-Trial Memorandum Deadline</i>
11/06/2018	Order <i>Order Regarding Motions in Limine</i>
11/06/2018	Notice of Entry of Stipulation and Order <i>Notice of Entry of Stipulation and Order to Extend Pre-Trial Memorandum Deadline</i>
11/06/2018	Notice of Entry of Order <i>Notice of Entry of Order Regarding Motions in Limine</i>
11/13/2018	CANCELED Jury Trial - FIRM (10:00 AM) (Judicial Officer Allf, Nancy) <i>Vacated</i>
11/15/2018	CANCELED Motion to Retax (9:30 AM) (Judicial Officer Allf, Nancy) <i>Vacated - per Order</i> <i>Nanyah Vegas, LLC's Motion to Retax and Alternatively Motion to Strike</i>
11/16/2018	Stipulation and Order <i>Stipulation and Order to Continue the Hearings on: (1) Nanyah Vegas, LLC's Motion to Retax and Alternatively Motion to Strike; and (2) Defendant Peter Eliades and Teld, LLC's Motion for Attorneys' Fees and Costs Until After the Trial Date</i>
11/20/2018	Notice of Entry of Stipulation and Order <i>Notice of Entry of Stipulation and Order to Continue the Hearings on: (1) Nanyah Vegas, LLC's Motion to Retax and Alternatively Motion to Strike; and (2) Defendants Peter Eliades and Teld, LLC's Motion for Attorneys' Fees and Costs Until After the Trial Date</i>
12/05/2018	CANCELED Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer Allf, Nancy) <i>Vacated - per Order</i> <i>Defendants Peter Eliades and Teld LLC's Motion for Attorney's Fees and Costs</i>
12/07/2018	Order Setting Civil Jury Trial and Calendar Call <i>Order Re-Setting Civil Jury Trial and Calendar Call</i>
12/19/2018	Order Setting Civil Jury Trial and Calendar Call <i>Order Re-Setting Civil Jury Trial and Calendar Call</i>
12/20/2018	Stipulation and Order <i>Stipulation and Order to Set the Hearings on: (1) Nanyah Vegas, LLC's Motion to Retax and Alternatively Motion to Strike; and (2) Defendant Peter Eliades and Teld, LLC's Motion for Attorneys' Fees and Costs</i>
12/21/2018	Notice of Entry of Stipulation and Order <i>Notice of Entry of Stipulation and Order to Set the Hearings on: (1) Nanyah Vegas, LLC's Motion to Retax and Alternatively Motion to Strike; and (2) Defendants Peter Eliades and Teld, LLC's Motion for Attorneys' Fees and Costs</i>
01/25/2019	Motion for Summary Judgment <i>Defendant Eldorado Hills, LLC's Motion to Extend the Dispositive Motion Deadline and Motion for Summary Judgment</i>
01/29/2019	Satisfaction of Judgment <i>Satisfaction of Judgment</i>
01/30/2019	Motion for Summary Judgment <i>Nanyah Vegas, LLC's Motion to Extend the Dispositive Motion Deadline and Motion for Summary Judgment</i>
01/30/2019	Initial Appearance Fee Disclosure

02/06/2019 *Fee Disclosure*
Motion for Relief
Motion for Relief From the October 5, 2018 Order Pursuant to NRCP 60(b)

02/07/2019 **Order Shortening Time**
Order Shortening Time

02/08/2019 **Ex Parte Motion**
Ex Parte Motion for an Order Shortening Time on Motion for Relief from the October 5, 2018 Order Pursuant to NRCP 60(b)

02/08/2019 **Notice of Entry of Order**
Notice of Entry of Order

02/12/2019 **Receipt of Copy**
Receipt of Copy

02/15/2019 **Opposition to Motion For Summary Judgment**
Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Motion for Summay Judgment

02/15/2019 **Opposition to Motion For Summary Judgment**
Nanyah Vegas LLC's Opposition to Eldorado Hills LLC's Motion to Extend the Dispositive Motion Deadline and Motion for Summary Judgment and Counter-motion for NRCP 15 Relief

02/15/2019 **Opposition to Motion**
Nanyah Vegas LLC's Opposition to Motion for Relief From the October 5, 2018 Order Pursuant to NRCP 60(b)

02/15/2019 **Motion in Limine**
Nanyah Vegas LLC's Motion in Limine #5 re: Parol Evidence Rule

02/15/2019 **Motion in Limine**
Nanyah Vegas LLC's Motion in Limine #6 re: Date of Discovery

02/18/2019 **Opposition**
Defendants Sigmund Rogich as Trustee of The Rogich Family Irrevocable Trust, Sigmund Rogich, Individually and Imitations, LLC's Omnibus Opposition to (1) Nanyah Vegas LLC's Motion for Summary Judgment and (2) Limited Opposition to Eldorado Hills, LLC's Motion for Summary Judgment

02/19/2019 **Certificate of Service**
Certificate of Service

02/19/2019 **Reply in Support**
Reply in Support of Motion for Relief From the October 5, 2018 Order Pursuant to NRCP 60(b)

02/21/2019 **Motion for Relief** (10:00 AM) (Judicial Officer Allf, Nancy)
Motion for Relief From the October 5, 2018 Order Pursuant to NRCP 60(b)
 03/14/2019 Reset by Court to 02/21/2019
 Result: Denied

02/21/2019 **Opposition** (10:00 AM) (Judicial Officer Allf, Nancy)
Nanyah Vegas LLC's Opposition to Motion for Relief from the October 5, 2018 Order Pursuant to NRCP 60(b)
 Result: Matter Heard

02/21/2019 **All Pending Motions** (10:00 AM) (Judicial Officer Allf, Nancy)
[Parties Present](#)
[Minutes](#)
 Result: Matter Heard

02/25/2019 **Notice of Change of Firm Name**
Notice of Firm Name Change

02/25/2019 **Motion in Limine**
Defendants' Motion in Limine to Preclude the Altered Eldorado Hills' General Ledger and Related Testimony at Trial

02/25/2019 **Motion in Limine**
Defendants' Motion in Limine to Preclude Plaintiff and Carlos Huerta from Presenting at Trial any Contrary Evidence as to Mr. Huerta's Taking of \$1.42 Million from Eldorado Hills, LLC as Go Global, Inc.'s Consulting Fee Income to Attempt to Refinance

02/26/2019 **Motion**
Nanyah Vegas, LLC's Motion to Settle Jury Instructions Based Upon the Court's October 5, 2018, Order Granting Summary Judgment

02/27/2019 **Motion to Compel**
Motion to Compel Production of Plaintiff's Tax Returns and For Attorneys' Fees on Order Shortening Time

03/05/2019 **CANCELED Decision** (3:00 AM) (Judicial Officer Allf, Nancy)
 Vacated - Duplicate Entry

03/05/2019 **Decision** (3:00 AM) (Judicial Officer Allf, Nancy)
Decision Motion for Relief From the October 5, 2018 Order Pursuant to NRCP 60(b) and Nanyah Vegas LLC's Opposition to Motion for Relief from the October 5, 2018 Order Pursuant to NRCP 60(b)
[Minutes](#)
 Result: Minute Order - No Hearing Held

03/06/2019 **CANCELED Motion for Summary Judgment** (10:00 AM) (Judicial Officer Allf, Nancy)
 Vacated
Defendant Eldorado Hills, LLC's Motion to Extend the Dispositive Motion Deadline and Motion for Summary Judgment
 02/27/2019 Reset by Court to 03/06/2019

03/06/2019 **CANCELED Motion for Summary Judgment** (10:00 AM) (Judicial Officer Allf, Nancy)
 Vacated
Nanyah Vegas, LLC's Motion to Extend the Dispositive Motion Deadline and Motion for Summary Judgment

03/06/2019 **CANCELED Opposition and Counter-motion** (10:00 AM) (Judicial Officer Allf, Nancy)
 Vacated
Nanyah Vegas LLC's Opposition to Eldorado Hills LLC's Motion to Extend the Dispositive Motion Deadline and Motion for Summary Judgment and Counter-motion for NRCP 15 Relief

03/08/2019 **Opposition**
Opposition to Nanyah Vegas, LLC's Motion in Limine #6 RE: Date of Discovery

03/08/2019 **Opposition**
OPPOSITION TO NANAY VEGAS, LLC'S MOTION IN LIMINE #5 RE; PAROL EVIDENCE RULE

03/08/2019 **Opposition to Motion in Limine**
Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Motion in Limine # 5 Re: Parol Evidence Rule

03/08/2019 **Opposition to Motion in Limine**
Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Motion in Limine # 6 Re: Date of Discovery

03/14/2019 **Clerk's Notice of Hearing**
Notice of Hearing

03/14/2019 **Reply**
Nanyah Vegas, LLC's Reply in Support of Motion in Limine #5 re: Parol Evidence Rule

03/14/2019 **Reply**
Nanyah Vegas, LLC's Reply in Support of Motion in Limine #6 re: Date of Discovery

03/14/2019 **Opposition to Motion to Compel**
Nanyah Vegas, LLC's Opposition to Rogich Defendants' Motion to Compel

03/15/2019 **Clerk's Notice of Hearing**
Notice of Hearing

03/18/2019 **Reply in Support**
Reply in Support of Motion to Compel Production of Plaintiff's Tax Returns

03/20/2019 **Motion in Limine** (9:00 AM) (Judicial Officer Allf, Nancy)
Nanyah Vegas LLC's Motion in Limine #5 Re: Parole Evidence Rule
Result: Denied

03/20/2019 **Motion in Limine** (9:00 AM) (Judicial Officer Allf, Nancy)
Nanyah Vegas LLC's Motion in Limine #6 Re: Date of Discovery
Result: Denied

03/20/2019 **Motion to Compel** (9:00 AM) (Judicial Officer Allf, Nancy)
Motion for Compel Production of Plaintiffs' Tax Return and for Attorney's Fees and Order Shortening Time
03/08/2019 Reset by Court to 03/20/2019
Result: Granted in Part

03/20/2019 **Opposition to Motion in Limine**
Nanyah Vegas, LLC's Opposition to Rogich Defendants' Motion in Limine re: Carlos Huerta

03/20/2019 **Opposition to Motion in Limine**
Nanyah Vegas, LLC's Opposition to Rogich Defendants' Motion in Limine to Preclude the Altered Eldorado Hill's General Ledger and Related Testimony at Trial

03/20/2019 **Opposition to Motion**
Nanyah Vegas, LLC's Opposition to Rogich Defendants' Motion for Summary Judgment

03/20/2019 **Opposition**
Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Motion to Settle Jury Instructions Based upon the Court's October 5, 2018 Order Granting Summary Judgment

03/20/2019 **Opposition to Motion**
Rogich Defendants' Opposition to Plaintiff's Motion to Settle Jury Instructions

03/20/2019 **All Pending Motions** (9:00 AM) (Judicial Officer Allf, Nancy)
[Parties Present](#)
[Minutes](#)
Result: Matter Heard

03/21/2019 **Errata**
Errata to Rogich Defednatns' Opposition to Plaintiff's Motion to Settle Jury Instructions

03/21/2019 **Recorders Transcript of Hearing**
Transcript of Proceedings, Motions, Heard on March 20, 2019

03/22/2019 **Order**
Order Striking Filings

03/22/2019 **Pre-Trial Disclosure**
Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC's 2nd Supplemental Pre-Trial Disclosures

03/25/2019 **Motion to Reconsider**
Motion to Reconsider Order on Nanyah's Motion in Limine #5: Parol Evidence Rule on Order Shortening Time

03/26/2019 **Order Denying Motion**
Order Denying The Rogich Defendants' NRCP 60(b) Motion

03/26/2019 **Notice of Entry of Order**
Notice of Entry of Order

03/27/2019 **Reply**
Nanyah Vegas LLC's Reply in Support of Motion to Settle Jury Instructions Based Upon the Court's October 5, 2018, Order Granting Summary Judgment

03/28/2019 **Reply in Support**
Reply in Support of Defendants' Motion in Limine to Preclude the Altered Eldorado Hills' General Ledger and Related Testimony at Trial

03/28/2019 **Reply**
Rogich Defendants' Reply in Support of Motion in Limine Regarding Consulting Fee Admission

04/04/2019 **CANCELED Motion for Summary Judgment** (9:30 AM) (Judicial Officer Bell, Linda Marie)
Vacated
Motion for Leave to File Motion for Summary Judgment and Motion for Summary Judgment
03/20/2019 Reset by Court to 04/04/2019

04/04/2019 **CANCELED Motion to Reconsider** (9:30 AM) (Judicial Officer Bell, Linda Marie)
Vacated - Duplicate Entry
Motion to Reconsider Order on Nanyah's Motion in Limine #5: Parol Evidence Rule on Order Shortening Time

04/04/2019 **Opposition to Motion**
Defendant Eldorado Hills, LLC's Opposition to Motion to Reconsider Order on Nanyah's Motion in Limine # 5: Parol Evidence Rule

04/05/2019 **Opposition**
Opposition to Plaintiff's Motion to Reconsider Order on Motion in Limine #5 Re Parol Evidence Rule on OST

04/05/2019 **Reply to Opposition**
Reply in Support of Motion to Reconsider Order on Nanyah's Motion in Limine #5: Parol Evidence Rule on Order Shortening Time

04/05/2019 **Objection**
Nanyah Vegas, LLC's Objections to Defendants' Pretrial Disclosures

04/05/2019 **Pre-Trial Disclosure**
Nanyah Vegas, LLC's 2nd Supplemental Pretrial Disclosures

04/05/2019 **Objection**
Objections to Nanyah Vegas, LLC's Pre-Trial Disclosures

04/05/2019 **Objection**
Objections to Eldorado Hills, LLC's Pre-Trial Disclosures

04/08/2019 **Motion to Reconsider** (10:00 AM) (Judicial Officer Allf, Nancy)
Motion to Reconsider Order on Nanyah's Motion in Limine #5: Parol Evidence Rule on Order Shortening Time
04/04/2019 Reset by Court to 04/08/2019
04/18/2019 Reset by Court to 04/18/2019

04/18/2019 *Reset by Court to 04/04/2019*
 Result: Denied
 04/08/2019 **Motion in Limine** (10:00 AM) (Judicial Officer Allf, Nancy)
Defendants Motion in Limine to Preclude the Altered Eldorado Hills General Ledger and Related Testimony at Trial
04/04/2019 Reset by Court to 04/08/2019
 Result: Denied Without Prejudice
 04/08/2019 **Motion in Limine** (10:00 AM) (Judicial Officer Allf, Nancy)
Defendants Motion in Limine to Preclude Plaintiff and Carlos Huerta from Presenting at Trial any Contrary Evidence as to Mr. Huerta's Taking of \$1.42 Million from Eldorado Hills LLC as Go Goba Inc's Consulting Fee Income o Attempt to Refinance
04/04/2019 Reset by Court to 04/08/2019
 Result: Denied Without Prejudice
 04/08/2019 **Motion** (10:00 AM) (Judicial Officer Allf, Nancy)
Nanyah Vegas, LLC's Motion to Settle Jury Instructions Based Upon the Court's October 5, 2018, Order Granting Summary Judgment
04/04/2019 Reset by Court to 04/08/2019
 Result: Denied
 04/08/2019 **CANCELED Motion** (10:00 AM) (Judicial Officer Allf, Nancy)
Vacated
Defendant Eldarado Hills, LLC's Motion to Extend the Disposition Motion Deadline and Motion for Summary Judgment
04/04/2019 Reset by Court to 04/08/2019
04/17/2019 Reset by Court to 04/04/2019
 04/08/2019 **CANCELED Motion for Summary Judgment** (10:00 AM) (Judicial Officer Allf, Nancy)
Vacated
Nanyah Vegas LLC's Motion to Extend the Dispositive Motion Deadline and Motion for Summary Judgment
04/04/2019 Reset by Court to 04/08/2019
 04/08/2019 **CANCELED Motion to Reconsider** (10:00 AM) (Judicial Officer Allf, Nancy)
Vacated - Duplicate Entry
Motion to Reconsider Order on Nanyah's Motion in Limine #5: Parol Evidence Rule on Order Shortening Time
04/04/2019 Reset by Court to 04/08/2019
 04/08/2019 **All Pending Motions** (10:00 AM) (Judicial Officer Allf, Nancy)
[Parties Present](#)
[Minutes](#)
 Result: Matter Heard
 04/09/2019 **Order**
Order Granting in Part and Denying in Part Motion to Compel Production of Plaintiff's Tax Returns and for Attorneys' Fees
 04/09/2019 **Notice of Entry of Order**
Notice of Entry of Order
 04/09/2019 **Notice**
Eldorado Hills, LLC's Notice of Non-Consent to Nanyah Vegas, LLC's Unpleaded Implied-In-Fact Contract Theory
 04/09/2019 **Pre-Trial Disclosure**
Defendants 3rd Supplemental Pre-Trial Disclosure Statement
 04/09/2019 **Joinder**
Sigmund Rogich, Individually and as a Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC's Joinder to Eldorado Hills, LLC's Notice on Non-Consent to Nanyah Vegas, LLC's Unpleaded Implied-In-Fact Contract Theory
 04/09/2019 **Opposition**
Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Countermotion for NRCP 15 Relief
 04/10/2019 **Order Denying**
Order Denying Nanyah Vegas, LLC's Motion in Limine #5: Parol Evidence Rule
 04/10/2019 **Joinder**
Sigmund Rogich, Individually and As Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC s Joinder to Eldorado Hills, Llc's Objections To Nanyah Vegas, LLC's 2nd Supplemental Pre-Trial Disclosures
 04/10/2019 **Notice of Entry of Order**
Notice of Entry of Order Denying Nanyah Vegas, LLC's Motion in Limine # 5: Parol Evidence Rule
 04/10/2019 **Pre-Trial Disclosure**
Defendants Fourth Supplemental Pre-Trial Disclosure Statement
 04/12/2019 **Pre-Trial Disclosure**
Nanyah Vegas, LLC's 3rd Supplemental Pretrial Disclosures
 04/15/2019 **Request for Judicial Notice**
Request for Judicial Notice
 04/15/2019 **Objection**
Defendant Eldorado Hills, LLC's Objections to Nanyah Vegas, LLC's 3rd Supplemental Pre-Trial Disclosures
 04/15/2019 **Objection**
Defendant Eldorado Hills, LLC's Objections to Defendants Sigmund Rogich, Individually and as Trustee of The Rogich Family Irrevocable Trust, and Imitations, LLC's Third and Fourth Supplemental Pre-Trial Disclosure Statement Pursuant to NRCP 16.1(a)(3)
 04/16/2019 **Notice of Compliance**
Nanyah Vegas, LLC's Notice of Compliance With 4-9-19 Order
 04/16/2019 **Objection**
Nanyah Vegas, LLC's Supplement to Objections to Defendants' Pretrial Disclosures
 04/16/2019 **Pre-trial Memorandum**
Pre-Trial Memorandum
 04/16/2019 **Ex Parte Motion**
Nanyah Vegas, LLC's Emergency Motion to Address Defendant The Rogich Family Irrevocable Trust's NRS 163.120 Notice and/or Motion to Continue Trial for Purposes of NRS 163.120
 04/16/2019 **Pre-trial Memorandum**
Nanyah Vegas, LLC's Pretrial Memorandum
 04/16/2019 **Pre-trial Memorandum**
Eldorado Hills, LLC's Pre-Trial Memorandum
 04/16/2019 **Errata**
Rogich Defendants' Errata to Pretrial Memorandum
 04/17/2019 **Certificate of Service**
Certificate of Service

04/17/2019 **Order Denying Motion**
Order Denying Nanyah Vegas, LLC's Motion in Limine #6 re: Date of Discovery

04/17/2019 **Notice of Entry of Order**
Notice of Entry of Order

04/17/2019 **Request for Judicial Notice**
Request for Judicial Notice and Application of the Law of the Case Doctrine

04/17/2019 **Trial Subpoena**
Trial Subpoena - Civil (Carlos Huerta)

04/17/2019 **Trial Subpoena**
Trial Subpoena - Civil (Dolores Eliades)

04/17/2019 **Trial Subpoena**
Trial Subpoena - Civil (Craig Dunlap)

04/17/2019 **Trial Subpoena**
Trial Subpoena - Civil (Peter Eliades)

04/18/2019 **Telephonic Conference** (4:00 PM) (Judicial Officer Allf, Nancy)
[Parties Present](#)
[Minutes](#)
Result: Matter Heard

04/18/2019 **Opposition to Motion**
Opposition to Plaintiff's Emergency Motion to Address Defendant The Rogich Family Irrevocable Trust's NRS 163.120 Notice and/or Motion to Continue Trial for Purposes of NRS 163.120

04/19/2019 **Objection**
Objection to Nanyah's Request for Judicial Notice and Application of Law of the Case Doctrine

04/19/2019 **Response**
Defendant Eldorado Hills, LLC's Response to Nanyah Vegas, LLC's Request for Judicial Notice and Application of Law of the Case Doctrine

04/21/2019 **Supplemental Brief**
Nanyah Vegas, LLC's Supplement to its Emergency Motion to Address Defendant The Rogich Family Irrevocable Trust's NRS 163.120 Notice and/or Motion to Continue Trial for the Purposes of NRS 163.120

04/21/2019 **Memorandum of Points and Authorities**
The Rogich Defendants Memorandum of Points and Authorities Regarding Limits of Judicial Discretion to Modify Notice Requirements to Trust Beneficiaries Provided under NRS Chapter 163

04/22/2019 **Jury Trial - FIRM** (10:00 AM) (Judicial Officer Allf, Nancy)
Result: Off Calendar

04/22/2019 **Motion** (10:00 AM) (Judicial Officer Allf, Nancy)
Emergency Motion to Continue Trial
Result: Matter Heard

04/22/2019 **Motion** (10:00 AM) (Judicial Officer Allf, Nancy)
Plaintiff's Rule under NRCP 15 to Amend Complaint
Result: Denied

04/22/2019 **All Pending Motions** (10:00 AM) (Judicial Officer Allf, Nancy)
[Parties Present](#)
[Minutes](#)
Result: Matter Heard

04/23/2019 **Recorders Transcript of Hearing**
Transcript of Proceedings, Jury Trial, Heard on April 22, 2019

04/30/2019 **Order**
(A746239) Order

04/30/2019 **Notice of Entry of Order**
Notice of Entry of Order

05/01/2019 **Order Denying**
Order Denying Plaintiff Nanyah Vegas, LLC's Motion to Settle Jury Instructions

05/01/2019 **Order Denying**
Order Denying Nanyah Vegas, LLC's Motion to Reconsider Order on Motion in Limine #5 re: Parol Evidence Rule

05/01/2019 **Recorders Transcript of Hearing**
Transcript of Proceedings, Telephonic Conference, Heard on April 18, 2019

05/01/2019 **Notice of Entry of Order**
Notice of Entry of Order

05/01/2019 **Notice of Entry of Order**
Notice of Entry of Order

05/06/2019 **Order**
Order Denying the Rogich Defendants' Motions in Limine

05/06/2019 **Memorandum of Costs and Disbursements**
Defendant the Rogich Family Irrevocable Trust's Memorandum of Costs and Disbursements Pursuant to NRS 18.005 and NRS 18.110

05/07/2019 **Notice of Entry of Order**
Notice of Entry of Order Denying The Rogich Defendants' Motions in Limine

05/10/2019 **Motion for Summary Judgment**
Motion for Summary Judgment or Alternatively for Judgment as Matter of Law Pursuant to NRCP 50(a)

05/13/2019 **Clerk's Notice of Hearing**
Notice of Hearing

05/16/2019 **Stipulation and Order**
STIPULATION AND ORDER SUSPENDING JURY TRIAL

05/16/2019 **Notice of Entry**
NOTICE OF ENTRY OF STIPULATION AND ORDER SUSPENDING JURY TRIAL

05/21/2019 **Motion for Attorney Fees and Costs**
Defendant The Rogich Family Irrevocable Trust's Motion for Attorneys' Fees and Costs

05/22/2019 **Clerk's Notice of Hearing**
Notice of Hearing

05/22/2019 **Certificate of Service**
Certificate of Service

05/22/2019 **Motion for Summary Judgment**
Defendant Eldorado Hills, LLC's Motion for Summary Judgment

05/23/2019 **Clerk's Notice of Hearing**

05/24/2019 *Notice of Hearing*
Opposition to Motion For Summary Judgment
Opposition to Motion for Summary Judgment or Alternatively for Judgment as a Matter of Law Pursuant to NRCP 50(a)

05/29/2019 **Order**
Order Denying Nanyah Vegas, LLC's Motion for NRCP 15 Relief

05/29/2019 **Order**
Order Regarding Plaintiff's Emergency Motion to Address Defendant The Rogich Family Irrevocable Trust's NRS 163.120 Notice and/or Motion to Continue Trial for Purposes of NRS 163.120

06/13/2019 **CANCELED Motion to Retax** (9:30 AM) (Judicial Officer Cherry, Michael A.)
Vacated - per Stipulation and Order

06/13/2019 **CANCELED Motion for Attorney Fees and Costs** (9:30 AM) (Judicial Officer Cherry, Michael A.)
Vacated - per Stipulation and Order

06/13/2019 **Stipulation and Order**
Stipulation and Order Regarding Rogich Family Irrevocable Trust's Memorandum of Costs and Motion for Attorneys' Fees

06/13/2019 **Stipulation and Order**
Stipulation and Order Regarding Motions for Summary Judgment

06/13/2019 **Stipulation and Order**
Stipulation and Order Regarding The Eliades Defendants' Memorandum of Costs and Motion for Attorneys' Fees

06/24/2019 **Notice of Entry of Order**
Notice of Entry of Order

06/24/2019 **Notice of Entry of Order**
Notice of Entry of Order

06/26/2019 **CANCELED Motion for Attorney Fees and Costs** (9:00 AM) (Judicial Officer Cherry, Michael A.)
Vacated - per Stipulation and Order
Defendant the Rogich Family Irrevocable Trust's Motion for Attorneys' Fees and Costs

07/11/2019 **Opposition to Motion**
Nanyah Vegas, LLC's Opposition to Eldorado Hills, LLC's Motion for Summary Judgment

07/22/2019 **Motion to Dismiss**
Defendant Eldorado Hills, LLC's Motion for Dismissal with Prejudice Under Rule 41(e)

07/22/2019 **Clerk's Notice of Hearing**
Notice of Hearing

07/24/2019 **Reply in Support**
Reply in Support of Motion for Summary Judgment or Alternatively for Judgment as a Matter of Law Pursuant to NRCP 50(a)

07/30/2019 **Stipulation and Order**
Stipulation and Order to Reset the Hearings on: (1) Defendant Eldorado Hills, LLC's Motion for Summary Judgment; and (2) Defendant Eldorado Hills, LLC's Motion for Dismissal Under Rule 41(e)

07/30/2019 **Notice of Entry of Stipulation and Order**
Notice of Entry of Stipulation and Order to Reset the Hearings on: (1) Defendant Eldorado Hills, LLC's Motion for Summary Judgment; and (2) Defendant Eldorado Hills, LLC's Motion for Dismissal Under Rule 41(e)

08/06/2019 **Opposition to Motion to Dismiss**
Nanyah Vegas, LLC's Opposition to Eldorado Hills, LLC's Motion for Dismissal with Prejudice Under Rule 41(e)

08/29/2019 **Reply in Support**
Reply in Support of Defendant Eldorado Hills, LLC's Motion for Summary Judgment

08/29/2019 **Reply in Support**
Reply in Support of Defendant Eldorado Hills, LLC's Motion for Dismissal with Prejudice Under Rule 41(e)

09/05/2019 **Motion for Summary Judgment** (10:30 AM) (Judicial Officer Allf, Nancy)
Motion for Summary Judgment or Alternatively for Judgment as a Matter of Law Pursuant to NRCP 50(a)
06/13/2019 Reset by Court to 07/31/2019
07/31/2019 Reset by Court to 09/05/2019
07/31/2019 Reset by Court to 09/05/2019
09/05/2019 Reset by Court to 07/31/2019

09/05/2019 *Result: Under Advisement*
Motion for Summary Judgment (10:30 AM) (Judicial Officer Allf, Nancy)
Defendant Eldorado Hills, LLC's Motion for Summary Judgment
06/26/2019 Reset by Court to 07/31/2019
07/31/2019 Reset by Court to 09/05/2019

09/05/2019 *Result: Under Advisement*
Motion to Dismiss (10:30 AM) (Judicial Officer Allf, Nancy)
Defendant Eldorado Hills, LLC's Motion for Dismissal with Prejudice Under Rule 41(e)
08/22/2019 Reset by Court to 09/05/2019

09/05/2019 *Result: Under Advisement*
All Pending Motions (10:30 AM) (Judicial Officer Allf, Nancy)
[Parties Present](#)
[Minutes](#)

09/09/2019 *Result: Matter Heard*
Recorders Transcript of Hearing
Recorder's Transcript of Proceedings Re: Motions, Heard on September 5, 2019

09/24/2019 **Status Check** (3:00 AM) (Judicial Officer Allf, Nancy)
Status Check: Decision

FINANCIAL INFORMATION

Consolidated Case Party Eliades, Peter	
Total Financial Assessment	400.00
Total Payments and Credits	400.00
Balance Due as of 10/03/2019	0.00

03/06/2018	Transaction Assessment			200.00
03/06/2018	Efile Payment	Receipt # 2018-15968-CCCLK	Eliades, Peter	(200.00)
06/04/2018	Transaction Assessment			200.00
06/04/2018	Efile Payment	Receipt # 2018-37189-CCCLK	Eliades, Peter	(200.00)
Consolidated Case Party Sigmund Rogich				
	Total Financial Assessment			600.00
	Total Payments and Credits			600.00
	Balance Due as of 10/03/2019			0.00
02/23/2018	Transaction Assessment			200.00
02/23/2018	Efile Payment	Receipt # 2018-13678-CCCLK	Sigmund Rogich as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC	(200.00)
03/08/2018	Transaction Assessment			200.00
03/08/2018	Efile Payment	Receipt # 2018-16795-CCCLK	Sigmund Rogich as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC	(200.00)
05/10/2019	Transaction Assessment			200.00
05/10/2019	Efile Payment	Receipt # 2019-29103-CCCLK	Sigmund Rogich	(200.00)
Consolidated Case Party TELD, LLC				
	Total Financial Assessment			3.50
	Total Payments and Credits			3.50
	Balance Due as of 10/03/2019			0.00
04/26/2017	Transaction Assessment			3.50
04/26/2017	Efile Payment	Receipt # 2017-38879-CCCLK	TELD, LLC	(3.50)
Counter Claimant Eldorado Hills LLC				
	Total Financial Assessment			1,230.00
	Total Payments and Credits			1,230.00
	Balance Due as of 10/03/2019			0.00
09/12/2013	Transaction Assessment			223.00
09/12/2013	Efile Payment	Receipt # 2013-111104-CCCLK	Eldorado Hills LLC	(223.00)
07/25/2014	Transaction Assessment			200.00
07/25/2014	Efile Payment	Receipt # 2014-85677-CCCLK	Eldorado Hills LLC	(200.00)
04/29/2016	Transaction Assessment			3.50
04/29/2016	Efile Payment	Receipt # 2016-41812-CCCLK	Eldorado Hills LLC	(3.50)
08/24/2016	Transaction Assessment			3.50
08/24/2016	Efile Payment	Receipt # 2016-81933-CCCLK	Eldorado Hills LLC	(3.50)
06/04/2018	Transaction Assessment			200.00
06/04/2018	Efile Payment	Receipt # 2018-37183-CCCLK	Eldorado Hills LLC	(200.00)
01/28/2019	Transaction Assessment			200.00
01/28/2019	Efile Payment	Receipt # 2019-05587-CCCLK	Eldorado Hills LLC	(200.00)
03/13/2019	Transaction Assessment			200.00
03/13/2019	Efile Payment	Receipt # 2019-16077-CCCLK	Eldorado Hills LLC	(200.00)
05/22/2019	Transaction Assessment			200.00
05/22/2019	Efile Payment	Receipt # 2019-31434-CCCLK	Eldorado Hills LLC	(200.00)
Counter Defendant Alexander Christopher Trust				
	Total Financial Assessment			33.50
	Total Payments and Credits			33.50
	Balance Due as of 10/03/2019			0.00
08/01/2013	Transaction Assessment			30.00
08/01/2013	Efile Payment	Receipt # 2013-93387-CCCLK	Alexander Christopher Trust	(30.00)
04/28/2016	Transaction Assessment			3.50
04/28/2016	Efile Payment	Receipt # 2016-41498-CCCLK	Alexander Christopher Trust	(3.50)
Defendant Rogich, Sig				
	Total Financial Assessment			476.00
	Total Payments and Credits			476.00
	Balance Due as of 10/03/2019			0.00
09/12/2013	Transaction Assessment			30.00
09/12/2013	Efile Payment	Receipt # 2013-111105-CCCLK	Rogich, Sig	(30.00)
08/11/2014	Transaction Assessment			200.00
08/11/2014	Efile Payment	Receipt # 2014-92154-CCCLK	Rogich, Sig	(200.00)
02/10/2015	Transaction Assessment			3.50
02/10/2015	Efile Payment	Receipt # 2015-14232-CCCLK	Rogich, Sig	(3.50)
02/11/2015	Transaction Assessment			3.50
02/11/2015	Efile Payment	Receipt # 2015-14347-CCCLK	Rogich, Sig	(3.50)
02/23/2015	Transaction Assessment			3.50
02/23/2015	Efile Payment	Receipt # 2015-18818-CCCLK	Rogich, Sig	(3.50)

02/24/2015	Transaction Assessment			3.00
02/24/2015	Payment (Window)	Receipt # 2015-19031-CCCLK	American Legal Investigation	(3.00)
02/24/2015	Transaction Assessment			3.50
02/24/2015	Efile Payment	Receipt # 2015-19063-CCCLK	Rogich, Sig	(3.50)
03/07/2016	Transaction Assessment			3.50
03/07/2016	Efile Payment	Receipt # 2016-23304-CCCLK	Rogich, Sig	(3.50)
03/15/2016	Transaction Assessment			3.50
03/15/2016	Efile Payment	Receipt # 2016-25977-CCCLK	Rogich, Sig	(3.50)
07/28/2016	Transaction Assessment			3.50
07/28/2016	Efile Payment	Receipt # 2016-72633-CCCLK	Rogich, Sig	(3.50)
07/29/2016	Transaction Assessment			3.50
07/29/2016	Efile Payment	Receipt # 2016-72696-CCCLK	Rogich, Sig	(3.50)
08/30/2016	Transaction Assessment			3.50
08/30/2016	Efile Payment	Receipt # 2016-83980-CCCLK	Rogich, Sig	(3.50)
02/21/2017	Transaction Assessment			5.00
02/21/2017	Payment (Window)	Receipt # 2017-16998-CCCLK	American Legal Investigation	(5.00)
02/22/2017	Transaction Assessment			3.50
02/22/2017	Efile Payment	Receipt # 2017-17549-CCCLK	Rogich, Sig	(3.50)
02/23/2017	Transaction Assessment			3.00
02/23/2017	Payment (Window)	Receipt # 2017-17950-CCCLK	American Legal Investigation Services Nevada, Inc	(3.00)
02/19/2019	Transaction Assessment			200.00
02/19/2019	Efile Payment	Receipt # 2019-10798-CCCLK	Rogich, Sig	(200.00)

Plaintiff Huerta, Carlos A

Total Financial Assessment	718.00
Total Payments and Credits	718.00
Balance Due as of 10/03/2019	0.00

08/01/2013	Transaction Assessment			270.00
08/01/2013	Efile Payment	Receipt # 2013-93386-CCCLK	Huerta, Carlos	(270.00)
08/14/2014	Transaction Assessment			200.00
08/14/2014	Efile Payment	Receipt # 2014-93838-CCCLK	Huerta, Carlos	(200.00)
08/26/2014	Transaction Assessment			200.00
08/26/2014	Efile Payment	Receipt # 2014-98219-CCCLK	Huerta, Carlos	(200.00)
03/13/2015	Transaction Assessment			24.00
03/13/2015	Efile Payment	Receipt # 2015-26335-CCCLK	Huerta, Carlos	(24.00)
05/25/2016	Transaction Assessment			24.00
05/25/2016	Efile Payment	Receipt # 2016-50882-CCCLK	Huerta, Carlos	(24.00)

Plaintiff Nanyah Vegas LLC

Total Financial Assessment	1,054.00
Total Payments and Credits	1,054.00
Balance Due as of 10/03/2019	0.00

08/01/2013	Transaction Assessment			30.00
08/01/2013	Efile Payment	Receipt # 2013-93389-CCCLK	Nanyah Vegas LLC	(30.00)
11/03/2014	Transaction Assessment			24.00
11/03/2014	Efile Payment	Receipt # 2014-123797-CCCLK	Nanyah Vegas LLC	(24.00)
03/20/2018	Transaction Assessment			200.00
03/20/2018	Efile Payment	Receipt # 2018-19700-CCCLK	Nanyah Vegas LLC	(200.00)
06/25/2018	Transaction Assessment			200.00
06/25/2018	Efile Payment	Receipt # 2018-42217-CCCLK	Nanyah Vegas LLC	(200.00)
06/25/2018	Transaction Assessment			200.00
06/25/2018	Efile Payment	Receipt # 2018-42220-CCCLK	Nanyah Vegas LLC	(200.00)
01/31/2019	Transaction Assessment			200.00
01/31/2019	Efile Payment	Receipt # 2019-06556-CCCLK	Nanyah Vegas LLC	(200.00)
03/14/2019	Transaction Assessment			200.00
03/14/2019	Efile Payment	Receipt # 2019-16182-CCCLK	Nanyah Vegas LLC	(200.00)

Plaintiff Ray, Robert

Total Financial Assessment	30.00
Total Payments and Credits	30.00
Balance Due as of 10/03/2019	0.00

08/01/2013	Transaction Assessment			30.00
08/01/2013	Efile Payment	Receipt # 2013-93388-CCCLK	Ray, Robert	(30.00)

EXHIBIT E

EXHIBIT E

IN THE SUPREME COURT OF THE STATE OF NEVADA

NANYAH VEGAS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
NANCY L. ALLF, DISTRICT JUDGE,

Respondents,

and

SIG ROGICH, A/K/A SIGMUND
ROGICH, AS TRUSTEE OF THE
ROGICH FAMILY IRREVOCABLE
TRUST; ELDORADO HILLS, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; TELD, LLC, A NEVADA
LIMITED LIABILITY COMPANY;
PETER ELIADES, INDIVIDUALLY
AND AS TRUSTEE OF THE ELIADES
SURVIVOR TRUST OF 10/30/08; AND
IMITATIONS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,

Real Parties in Interest.

No. 79072

FILED

SEP 26 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING MOTIONS

Real parties in interest Sig Rogich and Imitations, LLC (collectively the Rogich parties) have filed an emergency motion for a second extension of time to file an answer against the petition, again on the ground that the district court is expected to rule shortly on the Rogich parties' motion for summary judgment. In addition, the district court is expected to rule on Eldorado Hills, LLC's motion to dismiss and for summary judgment. The Rogich parties contend that the petition may become moot if the district court grants their and Eldorado's motions.

Eldorado Hills does not oppose the motion for an extension but asks to be permitted to file its answer to the writ 10 days after service of the Rogich parties' answer. Petitioner opposes both motions objecting to further delay in the instant proceedings and on the ground that the writ petition may not be rendered moot. The Rogich parties have filed a reply.

The motions are granted. The Rogich parties shall have until October 31, 2019, to file and serve an answer to the petition. Eldorado Hills shall have 10 days from the date of service of the Rogich parties' answer to file an answer to the petition. Petitioner shall have 14 days from service of the last filed answer to file and serve any reply. Failure to timely comply with this order may result in the imposition of sanctions.

It is so ORDERED.¹

 C.J.

cc: Simons Hall Johnston PC/Reno
Fennemore Craig, P.C./Las Vegas
Bailey Kennedy

¹The motion filed August 12, 2019, by Eldorado Hills is denied as moot.

EXHIBIT F

EXHIBIT F

**DISTRICT COURT
CLARK COUNTY, NEVADA**

* * * *

CARLOS HUERTA, et al.

Plaintiff(s)

vs.

ELDORADO HILLS LLC, et al.

Defendant(s)

CASE NO.: A-13-686303

DEPARTMENT 27

CONSOLIDATED WITH:
CASE NO.: A-16-746239

And all related matters.

NOTICE OF ENTRY OF DECISION AND ORDER

PLEASE TAKE NOTICE that a Decision and Order was entered in this action on or about October 1, 2019, a true and correct copy of which is attached hereto.

DATED October 1, 2019

Nancy L Allf

NANCY L. ALLF
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on or about the date filed, a copy of the foregoing was electronically served pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court's Electronic Filing Program.

Karen Lawrence

Karen Lawrence
Judicial Executive Assistant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

* * * *

CARLOS HUERTA, et al.

Plaintiff(s)

vs.

ELDORADO HILLS LLC, et al.

Defendant(s)

CASE NO.: A-13-686303

DEPARTMENT 27

CONSOLIDATED WITH:
CASE NO.: A-16-746239

And all related matters.

DECISION

Pending before the Court are (1) Defendant Eldorado Hills, LLC's Motion for Dismissal with Prejudice Under Rule 41(e); (2) Defendant Eldorado Hills, LLC's Motion for Summary Judgment; and (3) Defendants Sigmund Rogich and Imitations, LLC's Motion for Summary Judgment, or Alternatively for Judgment as a Matter of Law Pursuant to NRCP 50(e). The matter came on for hearing on Motions Calendar on September 5, 2019 and following arguments of counsel, as well as the pleadings and papers on file herein, the Court took the matter under advisement. This decision follows.

I. Eldorado Hills LLC's Motion for Dismissal Under Rule 41(e)

On July 22, 2019, Defendant Eldorado Hills, LLC ("**Eldorado**") filed its Motion for Dismissal Under N.R.C.P 41(e)(4)(B). Eldorado argues that dismissal is warranted because three years have elapsed since the remittitur was filed with the Court and that Nanyah Vegas, LLC ("**Nanyah**") failed to prosecute its case within the applicable limitations. This Court agrees.

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Applicable Standard

N.R.C.P. 41(e)(4)(B), in pertinent part, provides that “[i]f a party appeals a judgment and the judgment is reversed on appeal and remanded for a new trial, the court **must dismiss** the action for want of prosecution if a plaintiff fails to bring the action to trial within 3 years after the remittitur was filed in the trial court (emphasis added).” In order to avoid dismissal, the parties may stipulate, in writing, to extend the time in which to prosecute the action. *See*, N.R.C.P. 41(e)(5).

Discussion

The Complaint in the instant action was filed on July 31, 2013. On July 25, 2014, Eldorado filed a Motion for Partial Summary Judgment seeking to dismiss the unjust enrichment claim, which this Court granted. Nanyah appealed this Court’s dismissal to the Nevada Supreme Court. The Nevada Supreme Court issued an Order of Reversal and Remand, finding that there was a question of fact with respect to Nanyah’s unjust enrichment claim. On April 29, 2016, the Nevada Supreme Court’s remittitur was filed with this Court, thus, triggering the limitations imposed under N.R.C.P. 41(e)(4)(B). Given this remittitur, Nanyah must have brought the action to trial by April 29, 2019, or otherwise stipulated to extend for purposes of N.R.C.P. 41(e).

The instant case was not brought to trial within the time limits of Rule 41(e); moreover, the parties did not agree to stipulate the proceedings for purposes of N.R.C.P 41(e).

The Nevada Supreme Court has held that the swearing of a witness who gives testimony is sufficient to commence trial and thus toll the limitations period specified in N.R.C.P. 41(e). *See Lipitt v. State*, 103 Nev. 412, 413 (1987). Alternatively, examining a juror satisfies the limitations in N.R.C.P. 41(e) and avoids dismissal. *See Smith v. Timm*, 96 Nev. 197, 200 (1980).

1 In *Prostack v. Lowden*, the Nevada Supreme Court interpreted N.R.C.P. 41(e) in the
2 context of the 5-year rule embedded therein and held that “an oral stipulation, entered into in
3 open court, approved by the judge, and spread upon the minutes, is the equivalent of a written
4 stipulation for the purposes of this rule.” 96 Nev. 230, 231 (1980). However, the *Prostack* Court
5 also held that a stipulation that is silent as to the 5-year rule is not sufficient to satisfy N.R.C.P.
6 41(e)’s written-stipulation requirement. *Id.* at 231. The *Prostack* Court further held that “words
7 and conduct, short of a written stipulation, cannot estop a defendant from asserting the
8 mandatory dismissal rule.” *Id.* (quoting *Thran v. District Court*, 79 Nev. 176, 181 (1963)).
9

10 Here, in order to avoid mandatory dismissal, Nanyah must have either (1) called a
11 witness; (2) examined a juror; or (3) stipulated to extend trial expressly for purposes of
12 N.R.C.P. 41(e). None of the three scenarios occurred because the jury trial was halted before
13 *voir dire* even began. First, not a single witness was called nor has a single juror been examined.
14 As such, this Court finds that trial has not begun for purposes of surviving a N.R.C.P. 41(e)
15 dismissal. Second, the April 22, 2019 oral stipulation that was made on the Court’s record was
16 silent as to N.R.C.P. 41(e)(4)(B)’s 3-year rule. Moreover, the Stipulation and Order Suspending
17 Jury Trial filed on May 16, 2019 with this Court was also silent as to N.R.C.P. 41(e)(4)(B)’s 3-
18 year rule. Rather, the jury trial was suspended to allow Nanyah to file an emergency writ with
19 the Supreme Court with respect to this Court’s Order dated April 30, 2019.¹ Therefore,
20 under *Prostack*, this Court finds that the stipulations that were made were not sufficient to
21 satisfy the rule’s express written-stipulation requirement.
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23 Accordingly, mandatory dismissal is warranted under N.R.C.P. 41(e)(4)(B).
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¹ In its Order, the Court dismissed the Rogich Trust defendants with prejudice.

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1 dismissed the Rogich Trust because Nanyah's written demand for a list of beneficiaries was
2 untimely under N.R.S. 163.120 as such notification would not permit interested beneficiaries of
3 the trust an opportunity to intervene in this action pursuant to N.R.S. 12.130(1). Given this
4 dismissal, Nanyah does not currently have an adequate remedy at law in which to pursue. Thus,
5 in light of this Court's decision, unjust enrichment is appropriate as an alternative equitable
6 basis.
7

8 The Court disagrees with Eldorado's argument that Nanyah once *had* an adequate
9 remedy at law, which bars it from pursuing a claim against it for unjust enrichment. The case
10 law in Nevada is consistent in holding that recovery based on unjust enrichment is unavailable
11 if the party *has* an adequate remedy at law. Thus, the test is not past tense—as Eldorado
12 suggests—but rather present perfect tense.
13

14 Viewing facts in light most favorable to Nanyah, questions of fact exist as to whether the
15 *Certified Fire Prot. Inc.* test is met. First, Nanyah has established, for purposes of surviving
16 summary judgment, that Eldorado received a benefit from the \$1,500,000 investment in made in
17 Eldorado. Second, Nanyah has shown that Eldorado accepted the funds and that it had a
18 reasonable expectation of payment. And, Nanyah has demonstrated that it would be inequitable
19 for Eldorado to retain Nanyah's investment without payment.
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21 For these reasons, summary judgment on Nanyah's unjust enrichment claim is
22 premature.
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1 **III. Defendants Sigmund Rogich and Imitations, LLC's Motion for Summary**
2 **Judgment, or Alternatively for Judgment as a Matter of Law Pursuant to**
3 **NRCP 50(e)**

4 On May 10, 2019, Defendants Sigmund Rogich and Imitations, LLC filed their Motion
5 for Summary Judgment, or alternatively, for judgment as a matter of law pursuant to N.R.C.P.
6 50(a) with the Court seeking dismissal of (1) the breach of contract claim against Mr. Rogich,
7 individually; (2) the breach of implied covenant of good faith and fair dealing claim against Mr.
8 Rogich, individually; and (3) the conspiracy claim against Mr. Rogich, individually, and
9 Imitations, LLC. This Court agrees with Defendants Sigmund Rogich and Imitations, LLC that
10 summary judgment is warranted.

12 **Applicable Standard**

13 Summary judgment is proper if the pleadings and all other evidence on file demonstrate
14 that no genuine issue of material fact exists and that the moving party is entitled to judgment as
15 a matter of law. *See*, N.R.C.P. 56.

17 **Discussion**

18 **A. Breach of Contract and Breach of the Implied Covenant of Good Faith and Fair**
19 **Dealing**

20 The elements necessary for breach of contract are as follows: (1) formation of a valid
21 contract; (2) performance or excuse of performance by the plaintiff; (3) material breach by the
22 defendant; and (4) damages. *Bernard v. Rockhill Dev. Co.*, 103 Nev. 132, 134 (1987). In
23 Nevada, an implied covenant of good faith and fair dealing exists in every contract. *A.C. Shaw*
24 *Const., Inc. v. Washoe County*, 105 Nev. 913, 915 (1989). When a party seeks only contractual
25 damages, that party must show that the breaching party acted in bad faith. *Nelson v. Heer*, 123
26 Nev. 217, 226 (2007) ("It is well established that all contracts impose upon the parties an
27

1 implied covenant of good faith and fair dealing, which prohibits arbitrary or unfair acts by one
2 party that work to the disadvantage of the other.”

3
4 Here, no contractual relationship between Mr. Rogich—**individually**—and Nanyah
5 exists. While Mr. Rogich was the Trustee of the Rogich Trust, “a trustee is **not personally**
6 **liable** on a contract properly entered into in the capacity of representative in the course of
7 administration of the trust unless the trustee fails to reveal the representative capacity or identify
8 the trust in the contract.” *See*, NRS 163.120. One of the fundamental elements of a breach of
9 contract claim is for a valid contract—oral or otherwise—to exist.

10
11 In its opposition, Nanyah argues that there are questions of fact related to whether Mr.
12 Rogich is personally liable under the alter ego doctrine. “A party who wishes to assert an alter
13 ego claim must do so in an **independent action** against the alleged alter ego with the requisite
14 notice, service of process, and other attributes of due process (emphasis added).” *Callie v.*
15 *Bowling*, 123 Nev. 181, 185 (2007). Nanyah has not alleged alter ego as a separate independent
16 action against Mr. Rogich. Thus, its assertion that there are questions as fact under the alter ego
17 doctrine is without merit.³

18
19 Similarly, Nanyah argues that there are questions of fact as to the existence of a “special
20 relationship” between Nanyah and Mr. Rogich, individually. This Court disagrees. First, the
21 special relationship requirement is for tortious conduct, which are only available “in rare and
22 exceptional cases when there is a special relationship between the victim and tortfeasor,” or
23 where one party holds “‘vastly superior bargaining power’ ” over another. *See K Mart Corp. v.*
24 *Ponsock*, 103 Nev. 39, 49 (1987). The relationships between the parties here are memorialized
25 in contractual agreements. Specifically, this dispute arises out of an investment by Nanyah in
26

27
28 ³ Further, this Court cannot grant Nanyah leave to amend if it so seeks it at this juncture because the applicable
statute of limitations bars alter ego claims.

1 Eldorado Hills. Eldorado Hills owned 161 acres of real property in Boulder City that was
2 intended to be developed into commercial mixed-use facilities. Nanyah invested in Eldorado
3 \$1,500,000. Agreements in October, 2008 affirm that the Rogich Trust solely owed Nanyah its
4 \$1,500,000 investment. The Court does not find that any party had “superior bargaining
5 powers” over another. Thus, the relationship is not a special relationship that gives rise to
6 recovery of tort damages; rather, it is a contractual relationship. *See Nelson v. Heer*, 123 Nev.
7 217, 226 (2007).

8
9 Accordingly, because there is no contract between Nanyah and Mr. Rogich individually,
10 the Court finds that summary judgment is appropriate on Nanyah’s causes of actions for breach
11 of contract and breach of the implied covenant of good faith and fair dealing against Mr.
12 Rogich.

13 14 **B. Civil Conspiracy**

15 An actionable civil conspiracy “consists of a combination of two or more persons who,
16 by some concerted action, **intend to accomplish an unlawful objective** for the purpose of
17 harming another, and damage results from the act or acts.” *Consol. Generator-Nevada, Inc. v.*
18 *Cummins Engine Co.*, 114 Nev. 1304, 1311 (1998).

19
20 Here, Nanyah’s conspiracy claims are primarily premised on agreements in which the
21 Rogich Trust agreed to indemnify Nanyah. Imitations, LLC was not a party to any of these
22 agreements. Nevertheless, the Court does not find that there was intent to pursue an unlawful
23 objective based on (1) Mr. Rogich’s declaration; and (2) the agreements at issue. While Nanyah
24 cites to Mr. Rogich’s deposition as evidence of his unlawful intent, the testimony does not
25 expressly state that he intended to accomplish an *unlawful* object for the purpose of harming
26 Nanyah. Similarly, there is no evidence in the record that Defendant Imitations, LLC neither
27 intended to accomplish an unlawful objective nor was Defendant Imitations, LLC even a party
28

1 to the agreements at issue. Finally, there are not facts in dispute of an illegal agreement amongst
2 the parties. Without the necessary intent requirement under *Consol. Generator-Nevada, Inc.*,
3 Nanyah's conspiracy claims cannot succeed.
4

5 As such, summary judgment is appropriate on the civil conspiracy cause of action.

6 **ORDER**

7 Accordingly, **COURT ORDERS** for good cause appearing and after review that the
8 Motion Defendant Eldorado Hills, LLC's Motion for Dismissal with Prejudice Under Rule
9 41(e) is hereby **GRANTED**.

10 **COURT FURTHER ORDERS** for good cause appearing and after review that
11 Defendant Eldorado Hills, LLC's Motion for Summary Judgment on the unjust enrichment
12 claim is hereby **DENIED**.
13

14 **COURT FURTHER ORDERS** for good cause appearing and after review that
15 Defendants Sigmund Rogich and Imitations, LLC's Motion for Summary Judgment, or
16 Alternatively for Judgment as a Matter of Law Pursuant to NRCP 50(e) is hereby **GRANTED**.
17

18 DATED this 30 day of September, 2019.
19

20 Nancy L Allf
21 NANCY ALLF
22 DISTRICT COURT JUDGE
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