

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

BRIAN MARCUS, individual,

Appellant,

vs.

FULL COLOR GAMES, INC., A  
NEVADA CORPORATION,

Respondent.

Supreme Court Case No. 79512

Electronically Filed  
Nov 04 2019 12:50 p.m.  
District Court Case No. A759862  
Elizabeth A. Brown  
Clerk of Supreme Court

**APPELLANT’S MOTION FOR PERMISSION TO FILE  
REQUEST FOR TRANSCRIPT LATE**

Appellant Brian Marcus (“Mr. Marcus”), by and through his attorneys of record, the law firm MAIER GUTIERREZ & ASSOCIATES, hereby files this motion for permission to file the Request for Transcript late.

After attempting to file his Request for Transcript of Proceedings with this Court on November 1, 2019, the Court submitted a “Notice of Deficient Transcript Request” which indicated that the request was due on October 31, 2019, and that the transcript request did not include a file-stamped copy of the original transcript request filed in the district court.

Mr. Marcus’ counsel was under the incorrect understanding that the deadline to file the request for transcript was November 1, 2019. This mistake was made because of a failure to take into account the change in NRAP 9(a)(3)(A) regarding the time to file a transcript request form, which changed from 15 days to 14 days

when the NRAP were amended on March 1, 2019. *See* Declaration of Counsel, attached herein.

Mr. Marcus did not intend to delay this appeal or to violate NRAP in filing his transcript request on November 1, 2019. The error was solely due to the failure of his counsel to properly calendar the deadline.

Further, the file-stamped copy of the original transcript request filed in the district court, which was inadvertently not included in the deficient transcript request submitted to this Court on November 1, 2019, is attached hereto.

Accordingly, Mr. Marcus respectfully requests leave from this Court to file his request for transcript late.

DATED this 4<sup>th</sup> day of November 2019.

Respectfully submitted,

**MAIER GUTIERREZ & ASSOCIATES**

*/s/ Danielle J. Barraza*

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JOSEPH A. GUTIERREZ, ESQ.  
Nevada Bar No. 9046  
DANIELLE J. BARRAZA, ESQ.  
Nevada Bar No. 13822  
8816 Spanish Ridge Avenue  
Las Vegas, Nevada 89148  
*Attorneys for Appellant Brian Marcus*

## **DECLARATION OF COUNSEL IN SUPPORT OF MOTION**

I, DANIELLE J. BARRAZA, ESQ., hereby declare as follows:

1. I am an attorney licensed to practice law in the state of Nevada and an associate with the law office of MAIER GUTIERREZ & ASSOCIATES, counsel for Appellant Brian Marcus (“Mr. Marcus”).

2. I am over the age of eighteen (18) and I have personal knowledge of all matters set forth herein. If called to do so, I would competently and truthfully testify to all matters set forth herein, except for those matters stated to be based upon information and belief.

3. I make this declaration in support of Appellant’s motion for permission to file the request for transcript late.

4. My office attempted to file Mr. Marcus’ request for transcript on November 1, 2019. Thereafter, we received notice that the transcript request was deficient because it was filed late (the deadline was October 31, 2019) and it did not include the file-stamped copy of the original transcript request filed in the district court.

5. My office inadvertently calendared the deadline to file the transcript request form as October 31, 2019. This error is on counsel and was made because of the failure to properly account for the change from 15 days to 14 days to file the transcript request form when the NRAP were amended on March 1, 2019.

6. My office also inadvertently failed to include the original file-stamped copy of the original transcript request form filed in the district court.

7. In making these errors, there was no intentional disregard of NRAP or any intent to delay this appeal.

8. Leave is respectfully sought from this Court to allow Mr. Marcus to file his transcript request late due to the inadvertent errors committed by his counsel.

9. I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct to the best of my information, knowledge and belief.

DATED this 4th day of November, 2019.



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DANIELLE J. BARRAZA, ESQ.

**CERTIFICATE OF SERVICE**

I certify that on the 4<sup>th</sup> day of November 2019, this document was electronically filed with the Nevada Supreme Court. Electronic service of the foregoing: **APPELLANT’S MOTION FOR PERMISSION TO FILE TRANSCRIPT REQUEST LATE** shall be made in accordance with the Master Service List, as follows:

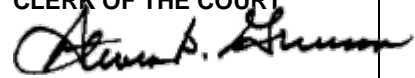
Mark A. Hutchison  
Todd W. Prall  
HUTCHISON & STEFFEN, PLLC  
10080 West Alta Drive, Suite 200  
Las Vegas, Nevada 89200  
*Attorneys for Respondent Full  
Color Games, Inc.*

*/s/ Brandon Lopipero*

\_\_\_\_\_  
An Employee of MAIER GUTIERREZ & ASSOCIATES

# **EXHIBIT 1**

# **EXHIBIT 1**



**REQT**

JOSEPH A. GUTIERREZ, ESQ.

Nevada Bar No. 9046

DANIELLE J. BARRAZA, ESQ.

Nevada Bar No. 13822

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*Attorneys for Third Party Defendant Brian Marcus*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

In re: FULL COLOR GAMES, INC.

MARK MUNGER, an individual; DAVID'S  
HARD WORK TRUST LTD. 3/26/2012, a  
California Trust; MOORE FAMILY TRUST, a  
California Trust; MILLENNIUM TRUST  
COMPANY, LLC CUSTODIAN FBO GARY  
SOLSO, IRA, a California Trust; JEFFREY  
CASTALDO; an individual; MARA H.  
BRAZER, as Trustee for the MARA H.  
BRAZER TRUST UTA 2/12/2004; a California  
Trust; individually and as shareholders of FULL  
COLOR GAMES, INC.; DOES 1 through 10;  
and ROE CORPORATIONS 1 through 10,  
inclusive,

Plaintiffs,

vs.

DAVID MAHON, an individual; GLEN  
HOWARD, an individual; INTELLECTUAL  
PROPERTY HOLDINGS, LLC, a Nevada  
limited liability company; INTELLECTUAL  
PROPERTY HOLDINGS, LTD, an Isle of Man  
corporation; FULL COLOR GAMES, LLC; a  
Nevada limited liability company; FULL  
COLOR GAMES LTD., an Isle of Man  
corporation; FULL COLOR GAMES N.A., INC.  
a Nevada corporation; FULL COLOR GAMES  
GROUP, INC., a Nevada corporation;  
JACKPOT PRODUCTIONS, LLC, a Nevada  
limited liability company; DOES I through X;

Case No.: A-17-759862-B

Dept. No.: XIII

**REQUEST FOR TRANSCRIPT OF  
PROCEEDINGS**

1 and ROE CORPORATIONS I through X,  
2 inclusive,

3 Defendants.

4 DAVID MAHON, an individual; GLEN  
5 HOWARD, an individual; INTELLECTUAL  
6 PROPERTY HOLDINGS, LLC, a Nevada  
7 limited liability company; FULL COLOR  
8 GAMES, N.A., LLC; a Nevada limited liability  
9 company; FULL COLOR GAMES GROUP,  
10 INC., a Nevada corporation; JACKPOT  
11 PRODUCTIONS, LLC, a Nevada limited  
12 liability company; FULL COLOR GAMES,  
13 INC., a Nevada corporation,

14 Counter-claimants,

15 vs.

16 MARK MUNGER, an individual; DOES I  
17 through V; and ROE CORPORATIONS I  
18 through V,

19 Counter-defendants.

20 FULL COLOR GAMES, INC., a Nevada  
21 corporation,

22 Counter-claimant,

23 MARK MUNGER, an individual; DAVID'S  
24 HARD WORK TRUST LTD. 3/26/2012, a  
25 California Trust; MOORE FAMILY TRUST, a  
26 California Trust; MILLENNIUM TRUST  
27 COMPANY, LLC, CUSTODIAN FBO GARY  
28 SOLSO, IRA, a California Trust; MARA H.  
BRAZER, as Trustee for the MARA H.  
BRAZER TRUST UTA 2/12/2004, a California  
Trust; JEFFREY CASTALDO, an individual;

Counter-defendants.

FULL COLOR GAMES, INC., a Nevada  
corporation,

Third-Party Plaintiff,

vs.

SEBASTIAN J. BASTIAN, an individual;  
DIRK SIMMONS, an individual; MARTIN  
LINHAM, an individual; PLAYTECH  
SYSTEMS LTD, a Bahamian limited company;  
ISLANDLUCK.COM, a Bahamian subsidiary



of PLAYTECH; DAVINCI TRADING GROUP, a Cayman Islands limited liability company; DAVINCI HOLDINGS LTD, an Isle of Man limited liability company; ILG SOFTWARE LTD, an Isle of Man limited liability company; VALCROS, LLC, a Nevada limited liability company; G. BRADFORD SOLSO, an individual; DAVID ECKLES, an individual; MARA H. BRAZER, an individual; TERESA MOORE, an individual; LARRY MOORE, an individual; B.L. MOORE CONSTRUCTION INC., a California corporation; BRIAN MARCUS, and individual; JOHN BROCK III, an individual; JOHN BROCK IV an individual; MUNGER & ASSOCIATES, INC., a Nevada Corporation; MULTISLOT, LTD, an Isle of Man Company; ERIC J. JUNGELS, an individual; JEFF HORAN, an individual; SPIN GAMES, LLC, a Nevada limited liability company; KENT YOUNG, an individual; KUNAL MISHRA, an individual; RICHARD NEWMAN, an individual; NEWMAN LAW, LLC, a Nevada limited liability company; COOPER BLACKSTONE, LLC, a Nevada limited liability company; DOES I through X; and ROE CORPORATIONS I through X,

Third-Party Defendants.

**TO: JENNIFER GEROLD, Court Reporter, Department 13, Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89155**

Third Party Defendant/Appellant Brian Marcus requests preparation of a transcript of the proceedings before the district court, as follows:

Judge or officer hearing the proceeding: Honorable Mark R. Denton

Specific individual dates of proceedings for which transcripts are being requested: June 27, 2019.

Specific portions of transcript being requested: Entire transcript

Number of copies required: 2

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1 I recognize that I must serve a copy of this form on the above-named court reporter and  
2 opposing party and pay the appropriate required deposit.

3 DATED this 1<sup>st</sup> day of November 2019.

4 Respectfully submitted,

5 **MAIER GUTIERREZ & ASSOCIATES**

6 */s/ Danielle J. Barraza*

7 

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JOSEPH A. GUTIERREZ, ESQ.

8 Nevada Bar No. 9046

9 DANIELLE J. BARRAZA, ESQ.

Nevada Bar No. 13822

8816 Spanish Ridge Avenue

Las Vegas, Nevada 89148

10 *Attorneys for Third Party Defendant Brian*  
11 *Marcus*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Administrative Order 14-2, a copy of the foregoing **REQUEST FOR**  
3 **TRANSCRIPT OF PROCEEDINGS** was electronically filed on the 1<sup>st</sup> day of November 2019 and  
4 served through the Notice of Electronic Filing automatically generated by the Court's facilities to  
5 those parties listed on the Court's Master Service List or by depositing a true and correct copy of  
6 the same, enclosed in a sealed envelope upon which first class postage was fully prepaid, in the U.S.  
7 Mail at Las Vegas, Nevada, addressed as follows (*Note: All Parties Not Registered Pursuant to*  
8 *Administrative Order 14-2 Have Been Served By Mail.*):

9 Mark A. Hutchison, Esq.  
10 Todd Prall, Esq.  
11 HUTCHISON & STEFFEN, LLC  
12 10080 West Alta Drive, Suite 200  
13 Las Vegas, Nevada 89145  
14 *Attorneys for Defendants David Mahon, Glen Howard, Intellectual Properties Holding, LLC, Full*  
15 *Color Games, LLC, Full Color Games, N.A., Inc., Full Color Games Group, Inc. and Jackpot*  
16 *Productions, LLC*

17 Pat Lundvall, Esq.  
18 Rory T. Kay, Esq.  
19 Jason B. Sifers, Esq.  
20 McDONALD CARANO LLP  
21 2300 West Sahara Avenue, Suite 120  
22 Las Vegas, Nevada 89102  
23 *Attorneys for Third-Party Defendants*  
24 *Spin Games, LLC and Kent Young*

25 Richard Newman, Esq.  
26 NEWMAN LAW, LLC  
27 7435 S. Eastern Ave., Suite 105-431  
28 Las Vegas, Nevada 89123  
*Attorneys for TP Defendants, Richard Newman, Newman Law, LLC*  
*and Cooper Blackstone, LLC*

29 /s/ Brandon Lopipero

30 An Employee of MAIER GUTIERREZ & ASSOCIATES