

1 **NOAS (CIV)**  
2 DENNIS L. KENNEDY  
3 Nevada Bar No. 1462  
4 JOSEPH A. LIEBMAN  
5 Nevada Bar No. 10125  
6 **BAILEY ♦ KENNEDY**  
7 8984 Spanish Ridge Avenue  
8 Las Vegas, Nevada 89148-1302  
9 Telephone: 702.562.8820  
10 Facsimile: 702.562.8821  
11 DKennedy@BaileyKennedy.com  
12 JLiebman@BaileyKennedy.com

13 *Attorneys for Respondent/Cross-Appellant*  
14 **ELDORADO HILLS, LLC**

15  
16 DISTRICT COURT  
17 CLARK COUNTY, NEVADA

18 CARLOS A. HUERTA, an individual;  
19 CARLOS A. HUERTA as Trustee of THE  
20 ALEXANDER CHRISTOPHER TRUST, a  
21 Trust established in Nevada as assignee of  
22 interests of GO GLOBAL, INC., a Nevada  
23 Corporation; NANYAH VEGAS, LLC, A  
24 Nevada limited liability company,

25 Plaintiffs,

26 vs.

27 SIG ROGICH aka SIGMUND ROGICH as  
28 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,

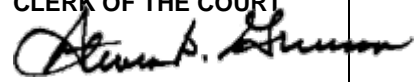
Plaintiff,

vs.

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.

Electronically Filed  
11/6/2019 3:48 PM  
Steven D. Grierson  
CLERK OF THE COURT



Electronically Filed  
Nov 15 2019 11:53 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. A-13-686303-C  
Dept. No. XXVII

**ELDORADO HILLS, LLC'S NOTICE  
OF CROSS-APPEAL**

**CONSOLIDATED WITH:**

Case No. A-16-746239-C

**ELDORADO HILLS, LLC'S NOTICE OF CROSS-APPEAL**

Please take notice that Defendant Eldorado Hills, LLC (“Eldorado Hills”) hereby appeals to the Supreme Court of Nevada from the following Orders of the District Court:

- October 4, 2019 Decision, specifically, the portion of the Court’s Order Denying Eldorado Hills, LLC’s Motion for Summary Judgment (Exhibit 1); and
- May 22, 2018 Order Granting Partial Summary Judgment, specifically, the portion of the Court’s Order Denying Eldorado Hills, LLC’s Joinder to Motion for Summary Judgment (Exhibit 2).

DATED this 6<sup>th</sup> day of November, 2019.

BAILEY ♦ KENNEDY

By: /s/ Joseph A. Liebman  
DENNIS L. KENNEDY  
JOSEPH A. LIEBMAN

*Attorneys for Respondent/Cross-Appellant*  
ELDORADO HILLS, LLC

**CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY❖KENNEDY and that on the 6th day of November, 2019, service of the foregoing **ELDORADO HILLS, LLC’S NOTICE OF CROSS-APPEAL** was made by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

|  |  |
|--|--|
| MARK G. SIMONS, ESQ.<br><b>SIMONS HALL JOHNSTON PC</b><br>6490 S. McCarran Blvd., Suite F-46<br>Reno, NV 89509 | Email: msimons@shjneveda.com<br><br><i>Attorneys for Plaintiff</i><br><b>NANYAH VEGAS, LLC</b> |
|--|--|

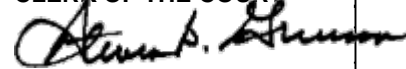
|   |  |
|---|--|
| SAMUEL S. LIONEL, ESQ.<br>BRENOCH WIRTHLIN, ESQ.<br><b>FENNEMORE CRAIG, P.C.</b><br>300 S. Fourth Street, Suite 1400<br>Las Vegas, NV 89101 | Email: slionel@fclaw.com<br>bwirthlin@fclaw.com<br><br><i>Attorneys for Defendant</i><br><b>SIG ROGICH aka SIGMUND<br/>ROGICH, Individually and as<br/>Trustee of THE ROGICH FAMILY<br/>IRREVOCABLE TRUST, and<br/>IMITATIONS, LLC</b> |
|---|--|

|   |   |
|---|---|
| MICHAEL V. CRISTALLI<br>JANIECE S. MARSHALL<br><b>GENTILE CRISTALLI MILLER<br/>ARMENI SAVARESE</b><br>410 South Rampart Blvd., Suite 420<br>Las Vegas, NV 89145 | Email: mcristalli@gcmaslaw.com<br>jmarshall@gcmaslaw.com<br><br><i>Attorneys for Defendants</i><br><b>SIG ROGICH aka SIGMUND<br/>ROGICH as Trustee of THE<br/>ROGICH FAMILY<br/>IRREVOCABLE TRUST</b> |
|---|---|

/s/ Sharon L. Murnane  
Employee of BAILEY❖KENNEDY

**EXHIBIT 1**

**EXHIBIT 1**



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.

///

RECEIVED

OCT - 4 2019

CLERK OF THE COURT

HONORABLE NANCY L. ALLF

DISTRICT COURT JUDGE

DEPT XXVII

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

### 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.<sup>1</sup> 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.  
22

23 Accordingly, mandatory dismissal is warranted under N.R.C.P. 41(e)(4)(B).  
24  
25 ///  
26  
27 ///

28  
\_\_\_\_\_  
<sup>1</sup> In its Order, the Court dismissed the Rogich Trust defendants with prejudice.

1                   **II.     Eldorado Hills, LLC's Motion for Summary Judgment**

2                   In addition to its Motion to Dismiss discussed *supra*, Eldorado filed a Motion for  
3                   Summary Judgment on May 22, 2019.<sup>2</sup> Eldorado argues that Nanyah's only remaining claim  
4                   against it for unjust enrichment should be dismissed because Nanyah once had an adequate  
5                   remedy at law against the Rogich Trust. This Court disagrees.  
6

7                                   **Applicable Standard**

8                   Summary judgment is proper if the pleadings and all other evidence on file demonstrate  
9                   that no genuine issue of material fact exists and that the moving party is entitled to judgment as  
10                  a matter of law. *See*, N.R.C.P. 56 et seq. When deciding a summary judgment motion, this  
11                  Court views the evidence in a light most favorable to the nonmoving party. *Id.*  
12

13                                  **Discussion**

14                  "Unjust enrichment exists when the plaintiff confers a benefit on the defendant, the  
15                  defendant appreciates such benefit, and there is acceptance and retention by the defendant of  
16                  such benefit under circumstances such that it would be inequitable for him to retain the benefit  
17                  without payment of the value thereof." *Certified Fire Prot. Inc. v. Precision Constr.*, 128 Nev.  
18                  371, 381 (2012). "An action based on a theory of unjust enrichment is not available when there  
19                  is an express, written contract, because no agreement can be implied when there is an express  
20                  agreement." *Leasepartners Corp. v. Robert L. Brooks Trust Dated November 12, 1975*, 113  
21                  Nev. 747, 755 (1997).  
22

23                  Here, it is undisputed that Nanyah wired Eldorado \$1,500,000 as memorialized in the  
24                  October 30, 2008 Membership Interest Purchase Agreement (the "MIPA"). In this MIPA, the  
25                  Rogich Trust agreed to solely assume the obligation to pay Nanyah's debt. However, this Court  
26

27  
28                  

---

<sup>2</sup> In light of this Court's ruling on Eldorado's Motion for Dismissal Pursuant to N.R.C.P. 41(e), Eldorado's Motion  
for Summary Judgment is moot. Nevertheless, this Court will analyze the motion on the merits.



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.

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.

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.

21         For these reasons, summary judgment on Nanyah's unjust enrichment claim is  
22 premature.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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.<sup>3</sup>

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 <sup>3</sup> 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**.

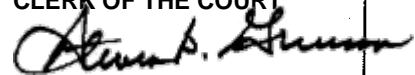
13 **COURT FURTHER ORDERS** for good cause appearing and after review that  
14 Defendants Sigmund Rogich and Imitations, LLC's Motion for Summary Judgment, or  
15 Alternatively for Judgment as a Matter of Law Pursuant to NRCP 50(e) is hereby **GRANTED**.  
16

17  
18 DATED this 30 day of September, 2019.  
19

20 Nancy L Allf  
21 NANCY ALLF  
22 DISTRICT COURT JUDGE  
23  
24  
25  
26  
27  
28

**EXHIBIT 2**

**EXHIBIT 2**



**ORDR**

Mark G. Simons, Esq., NSB No. 5132  
SIMONS LAW, PC  
6490 S. McCarran Blvd., #20  
Reno, Nevada, 89509  
Telephone: (775) 785-0088  
Facsimile: (775) 785-0087  
Email: [mark@mgsimonslaw.com](mailto:mark@mgsimonslaw.com)

*Attorneys for Nanyah Vegas, 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

**ORDER PARTIALLY GRANTING  
SUMMARY JUDGMENT**

**CONSOLIDATED WITH:**

CASE NO.: A-16-746239-C

1 The Motion for Summary Judgment by Defendant Sigmund Rogich, individually and as  
2 Trustee of the Rogich Family Irrevocable Trust, and Imitations, LLC ("Rogich Defendants"),  
3 joined by Peter Eliades, individually and as Trustee of the Eliades Survivor Trust of 10/30/08,  
4 Eldorado Hills, LLC, and Teld, LLC ("Eliades Defendants") having come on regularly to be  
5 heard on April 18, 2018, Samuel S. Lionel of Fennemore Craig, P.C. representing The Rogich  
6 Defendants and Joseph A. Liebman of Bailey Kennedy representing the Eliades Defendants and  
7 the Court having hearing argument and good cause appearing, does hereby set forth the  
8 undisputed material facts and the Court's legal determinations.

9  
10 **RELEVANT FACTS**

11 1. Plaintiff's Complaint against the Rogich Defendants and the Eliades Defendants  
12 was filed on November 4, 2016.

13 2. The alleged transfer of the Eldorado Membership interest from the Rogich Trust to  
14 the Eliades Trust occurred no later than September 2012.

15 3. Plaintiff's Fifth and Seventh Claims for Fraudulent Transfer and Constructive  
16 Trust against the Rogich Defendants and the Eliades Defendants accrued no later than September  
17 2012.

18 4. Plaintiff's Fifth and Seventh Claims for Fraudulent Transfer and Constructive  
19 Trust were filed more than four years after they accrued.

20 **LEGAL DETERMINATION**

21 1. Plaintiff's Fifth and Seventh Claims for Fraudulent Transfer and Constructive  
22 Trust were filed more than 4 years after the alleged membership interest transfer.

23 2. NRS 112.230(1) provides that a claim for fraudulent transfer is extinguished if not  
24 brought within four years after the date of the transfer.

25 ~~3. The membership interest transfer is not a transfer that is permitted to be perfected~~  
26 ~~and therefore, NRS 112.200(1)(b)'s and NRS 112.200(2)'s provisions do not apply.~~ AK FOR  
NLA

27 3. The Rogich Defendants and the Eliades Defendants are awarded Partial Summary  
28 Judgment dismissing the Fifth and Seventh Claims, with prejudice.

4. Plaintiff's Fourth Claim for Intentional Interference with Contract has been



1 withdrawn by Plaintiff and should be dismissed.

2 5. The Motion of the Rogich Defendants' for Summary Judgment and the Joinder of  
3 the Eliades Defendants in said Motion for Summary Judgment with respect to Plaintiffs' First,  
4 Second, Third, Sixth, Eighth and Ninth Claims is denied.

5 Dated this 17 day of May, 2018.

6  
7 Nancy L. AEF  
8 DISTRICT COURT JUDGE  
9 AE

9 Respectfully submitted by:

10 SIMONS LAW, PC

11 BY: 

12 Mark Simons, Esq., Nevada Bar No. 5132  
13 6490 South McCarran Blvd., #20  
14 Reno, Nevada 89509  
mark@mgsimonslaw.com  
Attorney for Plaintiff Nanyah Vegas, LLC

15 Approved:

16 This \_\_\_\_ day of \_\_\_\_, 2018

17 FENNEMORE CRAIG, P.C.

18  
19 Samuel S. Lionel, Esq. NV Bar No. 1766  
20 Brenoch Wirthlin, Esq. NV Bar No. 10282  
21 300 S. Fourth Street, Suite 1400  
22 Las Vegas, NV 89101  
23 Tel: 702-692-8000  
24 Fax: 702-692-8099

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

27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

1 BAILEY KENNEDY

2

3 By:

4 Joseph Liebman, Esq., Nevada Bar No. 10125

5 Dennis Kennedy, Esq., Nevada Bar No. 1462

6 8984 Spanish Ridge Avenue

7 Las Vegas, NV 89148

8 DKennedy@BaileyKennedy.com

9 JLiebman@BaileyKennedy.com

10 *Attorneys for Defendants Pete Eliades, individually, and as*

11 *Trustee of The Eliades Survivor Trust of 10/30/08*

12 *Teld, LLC and Eldorado Hills, LLC*

13

14

15

16

17

18

19

20

21

22

23

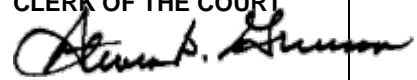
24

25

26

27

28



**ASTA (CIV)**

DENNIS L. KENNEDY  
Nevada Bar No. 1462

JOSEPH A. LIEBMAN  
Nevada Bar No. 10125

**BAILEY ♦ KENNEDY**

8984 Spanish Ridge Avenue  
Las Vegas, Nevada 89148-1302  
Telephone: 702.562.8820  
Facsimile: 702.562.8821  
DKennedy@BaileyKennedy.com  
JLiebman@BaileyKennedy.com

*Attorneys for Respondent/Cross-Appellant*  
**ELDORADO HILLS, 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,

vs.

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,

vs.

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

**ELDORADO HILLS, LLC'S  
CASE APPEAL STATEMENT**

**CONSOLIDATED WITH:**

Case No. A-16-746239-C

**ELDORADO HILLS, LLC'S CASE APPEAL STATEMENT**

1. Names of appellants filing this case appeal statement:

Eldorado Hills, LLC ("Eldorado Hills"), Defendant in Case No. A-13-686303-C.

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

District Judge Nancy Allf.

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

Eldorado Hills is represented by Dennis L. Kennedy, Esq. (Nevada Bar No. 1462) and Joseph A. Liebman (Nevada Bar No. 10125) of BAILEY ♦ KENNEDY LLP, 8984 Spanish Ridge Avenue, Las Vegas, Nevada 89148.

4. Identify each respondent and the name and address of appellate counsel.

Nanyah Vegas, LLC ("Nanyah") is represented by Mark G. Simons, Esq. (Nevada Bar No. 5132) of Simons Hall Johnston PC, 6490 S. McCarran Blvd., Ste. F-46, Reno, Nevada 89509.

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada.

No.

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

Retained.

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

Retained.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and if so, the date of entry of the district court order granting such leave:

No.

9. Indicate the date the proceedings commenced in the district court:

The Complaint against Eldorado Hills was filed on July 31, 2013.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court.

Nanyah sued Eldorado Hills, amongst numerous other parties, based on an alleged \$1,500,000.00 investment in Eldorado Hills.<sup>1</sup> Nanyah claimed that it was entitled to a membership

<sup>1</sup> Many other Defendants were sued by Nanyah (Case No. A-16-746239-C) on November 4, 2016. Nanyah's

1 interest in Eldorado Hills which it never received, and therefore, it was now entitled to  
2 reimbursement of its \$1,500,000.00 payment. Nanyah sued numerous other parties for breach of  
3 contract, amongst other claims. Because Nanyah did not have any sort of contract with Eldorado  
4 Hills, Nanyah's sole claim against Eldorado Hills was for equitable unjust enrichment. However,  
5 Nanyah's unjust enrichment claim against Eldorado Hills does not have merit because: (1) Nanyah  
6 agreed that the Rogich Family Irrevocable Trust (the "Rogich Trust") was "solely responsible" for  
7 any claim Nanyah may assert for its \$1,500,000.00 payment; (2) Nanyah had an adequate remedy at  
8 law against the Rogich Trust; and (3) Nanyah's unjust enrichment claim was barred by the four year  
9 statute of limitations set forth in NRS 11.190(2)(c).

10 The District Court ultimately dismissed Nanyah's unjust enrichment claim against Eldorado  
11 Hills due to Nanyah's failure to bring the case to trial within the three year period required under  
12 N.R.C.P. 41(e)(4)(B). That particular Decision and Order is one of the many subjects of Nanyah's  
13 appeal. However, Eldorado Hills has filed this cross-appeal based on the District Court's October 4,  
14 2019 Order Denying Eldorado Hills, LLC's Motion for Summary Judgment (which denied summary  
15 judgment with respect to the first two issues above) and District Court's May 22, 2018 Order  
16 Denying Eldorado Hills, LLC's Joinder to Motion for Summary Judgment (which denied summary  
17 judgment with respect to the third issue above).

18 11. Indicate whether the case has previously been the subject of an appeal to or original writ  
19 proceeding in the Supreme Court.

20 Yes.

- 21 ➤ Case No. 66832, *Nanyah Vegas, LLC v. Rogich*, Order of Reversal and Remand.
- 22 ➤ Case No. 67595, *Huerta v. Rogich*, Order of Affirmance.
- 23 ➤ Case No. 70492-COA, *Huerta v. Rogich*, Order of Affirmance.
- 24 ➤ Case No. 79072, *Nanyah Vegas, LLC v. Dist. Ct. (Rogich)*, Petition Dismissed.

25 12. Indicate whether this appeal involved child custody or visitation.

26 No.

27  
28 case against Eldorado Hills (Case No. A-13-686303-C) was later consolidated with that matter.

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

Unknown at this time.

DATED this 7<sup>th</sup> day of November, 2019.

BAILEY ♦ KENNEDY

By: /s/ Joseph A. Liebman

DENNIS L. KENNEDY

JOSEPH A. LIEBMAN

*Attorneys for Respondent/Cross-Appellant*  
ELDORADO HILLS, LLC

**CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY❖KENNEDY and that on the 7th day of November, 2019, service of the foregoing **ELDORADO HILLS, LLC’s CASE APPEAL STATEMENT** was made by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

|  |  |
|--|--|
| MARK G. SIMONS, ESQ.<br><b>SIMONS HALL JOHNSTON PC</b><br>6490 S. McCarran Blvd., Suite F-46<br>Reno, NV 89509 | Email: msimons@shjneveda.com<br><br><i>Attorneys for Plaintiff</i><br><b>NANYAH VEGAS, LLC</b> |
|--|--|

|   |  |
|---|--|
| SAMUEL S. LIONEL, ESQ.<br>BRENOCH WIRTHLIN, ESQ.<br><b>FENNEMORE CRAIG, P.C.</b><br>300 S. Fourth Street, Suite 1400<br>Las Vegas, NV 89101 | Email: slionel@fclaw.com<br>bwirthlin@fclaw.com<br><br><i>Attorneys for Defendant</i><br><b>SIG ROGICH aka SIGMUND<br/>ROGICH, Individually and as<br/>Trustee of THE ROGICH FAMILY<br/>IRREVOCABLE TRUST, and<br/>IMITATIONS, LLC</b> |
|---|--|

|   |   |
|---|---|
| MICHAEL V. CRISTALLI<br>JANIECE S. MARSHALL<br><b>GENTILE CRISTALLI MILLER<br/>ARMENI SAVARESE</b><br>410 South Rampart Blvd., Suite 420<br>Las Vegas, NV 89145 | Email: mcristalli@gcmaslaw.com<br>jmarshall@gcmaslaw.com<br><br><i>Attorneys for Defendants</i><br><b>SIG ROGICH aka SIGMUND<br/>ROGICH as Trustee of THE<br/>ROGICH FAMILY<br/>IRREVOCABLE TRUST</b> |
|---|---|

/s/ Sharon L. Murnane  
Employee of BAILEY❖KENNEDY

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. A-13-686303-C**

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

§  
§  
§  
§  
§  
§  
§  
§  
§

Location: **Department 27**  
 Judicial Officer: **Allf, Nancy**  
 Filed on: **07/31/2013**  
 Cross-Reference Case Number: **A686303**  
 Supreme Court No.: **66823**  
**67595**  
**70492**  
**79917**

**CASE INFORMATION****Related Cases**

A-16-746239-C (Consolidated)

Case Type: **Breach of Contract**Subtype: **Other Contracts/Acc/Judgment****Statistical Closures**

03/22/2017 Summary Judgment

02/23/2015 Summary Judgment

Case Status: **03/27/2017 Reopened****DATE****CASE ASSIGNMENT****Current Case Assignment**







Case Number A-13-686303-C  
 Court Department 27  
 Date Assigned 07/31/2013  
 Judicial Officer Allf, Nancy

**PARTY INFORMATION**

|                                |   | <i>Lead Attorneys</i>      |
|--------------------------------|---|----------------------------|
| <b>Plaintiff</b>               | <b>Alexander Christopher Trust</b>        | <b>Barnabi, Charles E.</b> |
|                                | Removed: 10/04/2019                       | <i>Retained</i>            |
|                                | Dismissed                                 | 702-475-8903(W)            |
|                                | <b>Huerta, Carlos A</b>                   | <b>Barnabi, Charles E.</b> |
|                                |   | <i>Retained</i>            |
|                                |   | 702-475-8903(W)            |
|                                | <b>Nanyah Vegas LLC</b>                   | <b>Simons, Mark G</b>      |
|                                |   | <i>Retained</i>            |
|                                |   | 775-785-0088(W)            |
|                                | <b>Ray, Robert</b>                        |                            |
|                                | Removed: 10/21/2013                       |                            |
|                                | Inactive                                  |                            |
| <b>Defendant</b>               | <b>Eldorado Hills LLC</b>                 | <b>Kennedy, Dennis L.</b>  |
|                                |   | <i>Retained</i>            |
|                                |   | 7025628820(W)              |
|                                | <b>Rogich, Sig</b>                        | <b>Lionel, Samuel S.</b>   |
|                                | Removed: 11/05/2014                       | <i>Retained</i>            |
|                                | Dismissed                                 | 7023838888(W)              |
| <b>Consolidated Case Party</b> | <b>Eliades Survivor Trust of 10-30-03</b> |                            |
|                                | <b>Eliades, Peter</b>                     |                            |
|                                | <b>Peter Eliades</b>                      | <b>Kennedy, Dennis L.</b>  |
|                                | Removed: 04/26/2017                       | <i>Retained</i>            |
|                                | Data Entry Error                          | 7025628820(W)              |



**CASE SUMMARY****CASE NO. A-13-686303-C****Sigmund Rogich****Lionel, Samuel S.**  
*Retained*  
7023838888(W)**TELD, LLC****Counter Claimant Eldorado Hills LLC****Kennedy, Dennis L.**  
*Retained*  
7025628820(W)**Counter Defendant Alexander Christopher Trust****Barnabi, Charles E.**  
*Retained*  
702-475-8903(W)**Go Global Inc****McDonald, Brandon B**  
*Retained*  
702-385-7411(W)**Huerta, Carlos A****Other Plaintiff Go Global Inc****McDonald, Brandon B**  
*Retained*  
702-385-7411(W)**Trustee Eliades, Peter**  
Removed: 10/05/2018  
Dismissed**Huerta, Carlos A****Barnabi, Charles E.**  
*Retained*  
702-475-8903(W)**Rogich, Sig****Lionel, Samuel S.**  
*Retained*  
7023838888(W)

| DATE       | EVENTS & ORDERS OF THE COURT  | INDEX |
|------------|---|-------|
|            | <b><u>EVENTS</u></b>  |       |
| 07/31/2013 |  Complaint<br>Filed By: Trustee Huerta, Carlos A<br><i>Complaint</i>   |       |
| 07/31/2013 | Case Opened   |       |
| 08/01/2013 |  Initial Appearance Fee Disclosure<br>Filed By: Trustee Huerta, Carlos A<br><i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>                |       |
| 08/30/2013 |  Proof of Service<br>Filed by: Trustee Huerta, Carlos A<br><i>Proof of Service - Eldorado Hills LLC</i>  |       |
| 09/12/2013 |  Initial Appearance Fee Disclosure<br>Filed By: Trustee Rogich, Sig<br><i>Initial Appearance Fee Disclosure</i>                                      |       |
| 09/12/2013 |  Motion to Dismiss<br>Filed By: Counter Claimant Eldorado Hills LLC<br><i>(Vacated 10/30/2013) Defendant Eldorado Hills, LLC's Motion to Dismiss</i> |       |
| 09/18/2013 |  Proof of Service  |       |

# CASE SUMMARY

CASE NO. A-13-686303-C

Filed by: Trustee Huerta, Carlos A  
*Proof of Service - Sig Rogich aka Sigmund Rogich*

10/11/2013



Stipulation and Order

Filed by: Trustee Huerta, Carlos A  
*Stipulation and Order to Continue Hearing on Motion Hearings*

10/21/2013



Amended Complaint

Filed By: Trustee Huerta, Carlos A  
*First Amended Complaint*

10/30/2013



Notice

Filed By: Trustee Rogich, Sig  
*Defendant Eldorado Hills, LLC's Notice Vacating Its Motion to Dismiss*

10/30/2013



Notice

Filed By: Trustee Rogich, Sig  
*Defendant Eldorado Hills LLC's Notice Vacating Its Motion to Dismiss*

11/08/2013



Answer and Counterclaim

Filed By: Trustee Rogich, Sig  
*Answer to First Amended Complaint and Counterclaim*

01/09/2014



Joint Case Conference Report

Filed By: Trustee Huerta, Carlos A  
*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



Answer to Counterclaim

Filed By: Trustee Huerta, Carlos A  
*Answer to Counterclaim*

02/20/2014



Scheduling Order

*Scheduling Order*

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

Party: Trustee Rogich, Sig  
*Defendants' Motion for Leave to File an Amended Answer on an Order Shortening Time*

07/25/2014



Notice of Hearing

Filed By: Counter Claimant Eldorado Hills LLC  
*Notice of Hearing*

07/25/2014



Motion for Partial Summary Judgment

Filed By: Counter Claimant Eldorado Hills LLC

# CASE SUMMARY











CASE NO. A-13-686303-C

## *Motion for Partial Summary Judgment*

|            |  |
|------------|--|
| 08/11/2014 |  Motion for Partial Summary Judgment<br>Filed By: Trustee Rogich, Sig<br><i>Defendant Sig Rogich, Trustee of The Rogich Family Irrevocable Trust's Motion for Partial Summary Judgment</i>                            |
| 08/13/2014 |  Opposition and Countermotion<br>Filed By: Trustee Huerta, Carlos A<br><i>Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment</i>               |
| 08/14/2014 |  Initial Appearance Fee Disclosure<br>Filed By: Trustee Huerta, Carlos A<br><i>Initial Appearance and Fee Disclosure</i>  |
| 08/25/2014 |  Countermotion For Partial Summary Judgment<br>Filed by: Trustee Huerta, Carlos A<br><i>Plaintiff's Opposition to Defendant's Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment</i> |
| 09/02/2014 |  Reply to Opposition<br>Filed by: Trustee Rogich, Sig<br><i>Reply to Opposition to Motion for Partial Summary Judgment</i>  |
| 09/08/2014 |  Reply to Opposition<br>Filed by: Trustee Huerta, Carlos A<br><i>Plaintiffs' Reply to Defendants' Opposition to Counter-Motion for Partial Summary Judgment</i>  |
| 09/09/2014 |  Certificate of Service<br>Filed by: Trustee Huerta, Carlos A<br><i>Certificate of Service</i>  |
| 09/10/2014 |  Errata<br>Filed By: Counter Claimant Eldorado Hills LLC<br><i>Errata</i>   |
| 09/12/2014 |  Motion to Compel<br>Filed By: Counter Claimant Eldorado Hills LLC<br><i>Defendants' Motion to Compel Discovery Responses on Order Shortening Time</i>  |
| 09/16/2014 |  Amended Answer<br>Filed By: Trustee Rogich, Sig<br><i>Amended Answer to First Amended Complaint; and Counterclaim Jury Demand</i>  |
| 09/18/2014 |  Reply to Opposition<br>Filed by: Trustee Rogich, Sig<br><i>Reply to Opposition to Motion for Partial Summary Judgment</i>  |
| 09/19/2014 |  Opposition to Motion to Compel<br>Filed By: Trustee Huerta, Carlos A<br><i>Plaintiffs' Opposition to Motion to Compel Discovery Responses on an Order Shortening Time</i>  |
| 09/19/2014 |  Notice of Withdrawal of Motion   |









**CASE SUMMARY**

**CASE NO. A-13-686303-C**

|            |  |
|------------|--|
|            | Filed By: Trustee Huerta, Carlos A<br><i>Notice of Withdrawal of Plaintiffs' Counter-Motion for Partial Summary Judgment</i>   |
| 09/22/2014 |  Motion to Continue<br>Filed By: Trustee Huerta, Carlos A<br><i>Motion to Continue Trial and Discovery on an Order Shortening Time</i>                      |
| 09/22/2014 |  Certificate of Service<br><i>Certificate of Service</i>  |
| 09/25/2014 |  Amended Certificate of Service<br>Party: Trustee Huerta, Carlos A<br><i>Amended Certificate of Service</i>   |
| 09/25/2014 |  Opposition to Motion<br>Filed By: Trustee Rogich, Sig<br><i>Defendants Opposition to Motion to Continue Trial and Discovery</i>                            |
| 09/30/2014 |  Motion to Continue Trial<br>Filed By: Trustee Huerta, Carlos A<br><i>Motion to Continue Trial on an Order Shortening Time (First Request)</i>              |
| 09/30/2014 |  Certificate of Service<br>Filed by: Trustee Huerta, Carlos A<br><i>Certificate of Service</i>  |
| 10/01/2014 |  Notice of Entry of Order<br>Filed By: Trustee Rogich, Sig<br><i>Notice of Entry of Order</i>   |
| 10/01/2014 |  Order Granting<br>Filed By: Counter Claimant Eldorado Hills LLC<br><i>Order Granting Partial Summary Judgment</i>  |
| 10/02/2014 |  Opposition to Motion<br>Filed By: Trustee Rogich, Sig<br><i>Opposition to Motion to Continue Trial</i>   |
| 10/06/2014 |  Reply to Opposition<br>Filed by: Trustee Huerta, Carlos A<br><i>Reply to Defendants' Opposition to Motion to Continue Trial on Order Shortening Time</i> |
| 10/30/2014 |  Notice of Appeal<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Notice of Appeal</i>  |
| 10/30/2014 |  Case Appeal Statement<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Case Appeal Statement</i>  |
| 11/05/2014 |  Order Granting Summary Judgment<br>Filed By: Trustee Rogich, Sig<br><i>Order Granting Partial Summary Judgment</i>                                       |

# CASE SUMMARY

CASE NO. A-13-686303-C

|            |   |
|------------|---|
| 11/06/2014 |  Notice of Entry of Order<br>Filed By: Trustee Huerta, Carlos A<br><i>Notice of Entry of Order Granting Partial Summary Judgment</i>   |
| 11/07/2014 |  Memorandum of Costs and Disbursements<br>Filed By: Trustee Rogich, Sig<br><i>Memorandum of Costs and Disbursements</i>  |
| 11/19/2014 |  Motion for Attorney Fees<br>Filed By: Trustee Rogich, Sig<br><i>Motion for Award of Attorneys' Fees</i>   |
| 12/05/2014 |  Opposition to Motion<br>Filed By: Trustee Huerta, Carlos A<br><i>Plaintiffs' Opposition to Defendant's Motion for Award of Attorneys' Fees</i>  |
| 12/11/2014 |  Stipulation and Order<br>Filed by: Trustee Huerta, Carlos A<br><i>Stipulation and Order to Continue Hearing on Motion Hearing</i>   |
| 12/15/2014 |  Notice of Entry of Order<br>Filed By: Trustee Huerta, Carlos A<br><i>Notice of Entry of Order</i>   |
| 12/30/2014 |  Reply in Support<br>Filed By: Trustee Rogich, Sig<br><i>Defendant's Reply In Support of Motion for Award of Attorneys' Fees</i>   |
| 01/16/2015 |  Recorders Transcript of Hearing<br><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<br>Filed By: Trustee Huerta, Carlos A<br><i>Notice of Transcript Request</i>   |
| 02/10/2015 |  Order Granting Motion<br>Filed By: Trustee Rogich, Sig<br><i>Order Granting Motion For Award of Attorneys Fees</i>  |
| 02/11/2015 |  Notice of Entry of Order<br>Filed By: Trustee Rogich, Sig<br><i>Notice of Entry of Order Granting Award of Attorneys Fees</i>   |
| 02/23/2015 |  Judgment<br>Filed By: Trustee Rogich, Sig<br><i>FINAL JUDGMENT</i>  |
| 02/24/2015 |  Notice of Entry of Judgment<br>Filed By: Trustee Rogich, Sig<br><i>Notice of Entry of Final Judgment</i>  |

# CASE SUMMARY

CASE NO. A-13-686303-C

|            |  |
|------------|--|
| 03/13/2015 |  <b>Recorders Transcript of Hearing</b><br><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 |  <b>Case Appeal Statement</b><br>Filed By: Trustee Huerta, Carlos A<br><i>Case Appeal Statement</i>   |
| 03/13/2015 |  <b>Notice of Appeal</b><br>Filed By: Trustee Huerta, Carlos A<br><i>Notice of Appeal</i>   |
| 03/17/2015 |  <b>Recorders Transcript of Hearing</b><br><i>Recorder's 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>   |
| 04/25/2015 |  <b>Request</b><br>Filed by: Trustee Huerta, Carlos A<br><i>Notice of Transcript Request</i>  |
| 06/15/2015 |  <b>Recorders Transcript of Hearing</b><br><i>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</i> |
| 11/20/2015 |  <b>Recorders Transcript of Hearing</b><br><i>Recorder's Transcript of Proceedings: Defendant's Motion for Attorneys Fees and Costs - January 15, 2015</i>  |
| 02/22/2016 |  <b>Motion to Reconsider</b><br>Filed By: Trustee Huerta, Carlos A<br><i>Plaintiffs' Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment</i>   |
| 02/22/2016 |  <b>Order</b><br><i>Order Setting Status Check</i>  |
| 03/07/2016 |  <b>Opposition</b><br>Filed By: Trustee Rogich, Sig<br><i>Opposition to Plaintiffs' Motion for Reconsideration for Relief from Order Granting Motion for Partial Summary Judgment</i>   |
| 03/14/2016 |  <b>Supplement to Opposition</b><br>Filed By: Trustee Rogich, Sig<br><i>Supplement to Opposition to Plaintiffs' Motion for Reconsideration for Relief from Order Granting Motion for Partial Summary Judgment</i>   |
| 03/22/2016 |  <b>Reply to Opposition</b><br>Filed by: Trustee Huerta, Carlos A<br><i>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</i>  |

# CASE SUMMARY

CASE NO. A-13-686303-C

03/22/2016



Application

Filed By: Trustee Huerta, Carlos A

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

04/04/2016



Substitution of Attorney

Filed by: Trustee Huerta, Carlos A

*Substitution of Attorneys*

04/04/2016



Supplement

Filed by: Trustee Huerta, Carlos A

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

04/28/2016



Order Denying Motion

Filed By: Counter Defendant Alexander Christopher Trust

*Order Denying Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment*

04/29/2016



Notice of Entry of Order

Filed By: Counter Claimant Eldorado Hills LLC

*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*

05/16/2016



Substitution of Attorney

Filed by: Plaintiff Nanyah Vegas LLC

*Substitution of Counsel*

05/25/2016



Notice of Appeal

Filed By: Trustee Huerta, Carlos A

*Notice of Appeal*

05/25/2016



Case Appeal Statement

Filed By: Trustee Huerta, Carlos A

*Case Appeal Statement*

05/27/2016



Notice of Posting Bond

Filed By: Trustee Huerta, Carlos A

*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



Declaration

Filed By: Trustee Rogich, Sig

*Declaration of Samuel S. Lionel in Support of Motion for Award of Attorneys' Fees*

07/28/2016



Motion for Attorney Fees

Filed By: Trustee Rogich, Sig

# CASE SUMMARY

CASE NO. A-13-686303-C

(Withdrawn 8/30/16) Motion for Award of Attorneys' Fees

07/29/2016



Amended Certificate of Service

Party: Trustee Rogich, Sig

*Amended Certificate of Service*

08/12/2016



Opposition to Motion

Filed By: Trustee Huerta, Carlos A

*Plaintiffs' Opposition to Motion for Award of Attorneys' Fees*

08/24/2016



Reply in Support

Filed By: Counter Claimant Eldorado Hills LLC

*Reply in Support of Motion for Award of Attorneys' Fees*

08/30/2016



Stipulation and Order

Filed by: Trustee Rogich, Sig

*Stipulation and Order to Withdraw Motion for Award of Attorneys' Fees Without Prejudice*

10/19/2016



Notice

Filed By: Trustee Huerta, Carlos A

*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

Filed By: Trustee Rogich, Sig

*Affidavit of Judgment*

03/22/2017



Order to Statistically Close Case

*Civil Order to Statistically Close Case*

03/31/2017



Stipulation and Order

Filed by: Plaintiff Nanyah Vegas LLC

*Stipulation for Consolidation*

04/05/2017



Notice of Consolidation

Filed By: Plaintiff Nanyah Vegas LLC

*Notice of Consolidation*

04/24/2017



Answer

Filed By: Consolidated Case Party TELD, LLC

*Defendants' Answer to Complaint*

05/25/2017



Joint Case Conference Report

Filed By: Plaintiff Nanyah Vegas LLC

*Joint Case Conference Report*

06/14/2017



Motion to Quash

Filed By: Plaintiff Nanyah Vegas LLC

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




# CASE SUMMARY

CASE NO. A-13-686303-C

|            |  |
|------------|--|
| 06/20/2017 |  Motion to Quash<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Motion for Temporary Protective Order to Quash Deposition Notice and Extend Time to Respond to Interrogatories</i>   |
| 06/26/2017 |  Opposition and Countermotion<br>Filed By: Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades; Consolidated Case Party Sigmund Rogich<br><i>ntermotion for 2 Days to Complete Mr.Harlap's Deposition and Leave to Serve 25 Additional Interrogatories</i> |
| 07/26/2017 |  Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call<br><i>Order Setting Civil Jury Trial, Pre-Trial/Calendar Call</i>   |
| 07/31/2017 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>   |
| 08/18/2017 |  Affidavit<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Corrected Affidavit of Judgment</i>  |
| 08/31/2017 |  Notice of Firm Name Change<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Notice of Firm Name Change</i>  |
| 09/12/2017 |  Notice of Deposition<br>Filed By: Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades; Consolidated Case Party Sigmund Rogich<br><i>NOTICE OF TAKING DEPOSITION AND REQUEST FOR PRODUCTION OF DOCUMENTS</i>  |
| 09/21/2017 |  Stipulation<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Stipulation re: Re-Open Deadlines</i>  |
| 10/17/2017 |  Objection<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Objection to Notice of Taking Deposition and Request for Production of Documents</i>   |
| 10/24/2017 |  Discovery Commissioners Report and Recommendations<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Discovery Commissioner's Report and Recommendation</i>  |
| 10/25/2017 |  Notice<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Notice of Issuance of Subpoenas Duces Tecum</i>   |
| 11/13/2017 |  Motion to Compel<br>Filed By: Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades; Consolidated Case Party Sigmund Rogich<br><i>Defendants' Motion to Compel</i>  |
| 11/16/2017 |  Subpoena Duces Tecum<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Subpoena Duces Tecum to Nevada Title Company</i>  |

# CASE SUMMARY

CASE NO. A-13-686303-C

|            |   |
|------------|---|
| 11/16/2017 |  Subpoena Duces Tecum<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Subpoena Duces Tecum to Kenneth Woloson, Esq.</i>  |
| 11/16/2017 |  Subpoena Duces Tecum<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Subpoena Duces Tecum to Holley, Driggs, Walch, Fine, Wray, Puzey &amp; Thompson</i>  |
| 11/16/2017 |  Subpoena Duces Tecum<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Subpoena Duces Tecum to Bradshaw, Smith &amp; Co, LLP</i>  |
| 11/16/2017 |  Subpoena Duces Tecum<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Subpoena Duces Tecum to Gerety &amp; Associates</i>  |
| 11/16/2017 |  Subpoena Duces Tecum<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Subpoena Duces Tecum to Bank of Nevada</i>   |
| 11/21/2017 |  Subpoena Duces Tecum<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Subpoena Duces Tecum to Mutual of Omaha Bank</i>   |
| 11/29/2017 |  Subpoena Duces Tecum<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Subpoena Duces Tecum to City National Bank</i>   |
| 11/30/2017 |  Notice of Change of Hearing<br><i>Notice of Change of Hearing</i>   |
| 12/04/2017 |  Opposition<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Opposition to Motion to Compel</i>   |
| 12/08/2017 |  Reply in Support<br>Filed By: Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades; Consolidated Case Party Sigmund Rogich<br><i>Defendants' Reply in Support of Motion to Compel</i> |
| 12/12/2017 |  Notice<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Notice of Issuance of Subpoena Duces Tecum</i>   |
| 12/12/2017 |  Subpoena Duces Tecum<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Subpoena Duces Tecum to Blakely Island Holdings, LLC</i>   |
| 12/13/2017 |  Notice<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Notice of Issuance of Subpoenas Duces Tecum</i>  |













# CASE SUMMARY

CASE NO. A-13-686303-C

|            |   |
|------------|---|
| 12/15/2017 |  Motion for Leave to File<br>Party: Consolidated Case Party TELD, LLC; Consolidated Case Party Sigmund Rogich<br><i>Motion for Leave to Amend Answer to Complaint</i>  |
| 12/15/2017 |  Certificate of Service<br><i>Certificate of Service</i>   |
| 12/18/2017 |  Stipulation and Order to Extend Discovery Deadlines<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Stipulation and Order to Extend Discovery Deadlines</i>   |
| 12/18/2017 |  Acceptance of Service<br>Filed By: Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades; Consolidated Case Party Sigmund Rogich<br><i>Acceptance of Service Regarding Subpoena Duces Tecum to Carlos Huerta</i> |
| 12/18/2017 |  Non Opposition<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Non-Opposition to Motion for Leave to Amend Answer to Complaint</i>  |
| 12/22/2017 |  Motion to Strike<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Motion to Strike Defendants' Motion to Compel</i>  |
| 01/02/2018 |  Stipulation and Order<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Stipulation and Order to Vacate Hearing on Defendants' Motion for leave to Amend Answer</i>  |
| 01/04/2018 |  Order Shortening Time<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Order Shortening Time to Motion to Strike Defendants' Motion to Compel</i>  |
| 01/05/2018 |  Motion to Compel<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Motion to Compel Defendants Responses to Request for Production and Interrogatories</i>  |
| 01/05/2018 |  Opposition<br>Filed By: Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades; Consolidated Case Party Sigmund Rogich<br><i>Opposition to Nanyah Vegas, LLC's Motion to Strke Defendants' Motion to Compel</i> |
| 01/09/2018 |  Motion to Strike<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Reply in Support of Motion to Strike Defendants' Motion to Compel</i>  |
| 01/23/2018 |  Amended Answer<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>(A746239) Defendants' First Amended Answer to Complaint</i>  |
| 01/23/2018 |  Certificate of Service<br>Filed by: Consolidated Case Party Sigmund Rogich<br><i>Certificate of Service</i>   |











# CASE SUMMARY

CASE NO. A-13-686303-C

|            |  |
|------------|--|
| 01/23/2018 |  Opposition to Motion to Compel<br>Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades; Consolidated Case Party Sigmund Rogich<br><i>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</i> |
| 01/24/2018 |  Substitution of Attorney<br>Filed by: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades (A746239) <i>Substitution of Attorneys</i>   |
| 01/26/2018 |  Reply to Opposition<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Reply in Support of Motion to Compel</i>   |
| 01/26/2018 |  Opposition to Motion<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>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</i>  |
| 01/29/2018 |  Order Granting Motion<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Order Granting Motion for Leave to Amend Answer to Complaint</i>   |
| 01/31/2018 |  Substitution of Attorney<br><i>Substitution of Attorneys</i>   |
| 02/21/2018 |  Substitution of Attorney<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Substitution of Counsel</i>   |
| 02/23/2018 |  Motion for Summary Judgment<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Motion for Summary Judgment</i>  |
| 02/27/2018 |  Reply in Support<br>Filed By: Consolidated Case Party Sigmund Rogich<br><b>REPLY IN SUPPORT OF COUNTERMOTION FOR AN ORDER THAT THE ANSWERS TO REQUESTS FOR ADMISSIONS SHOULD BE CONSIDERED AS HAVING BEEN TIMELY FIELD</b>   |
| 02/28/2018 |  Supplement to Opposition<br>Filed By: Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades<br><i>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</i>  |
| 03/05/2018 |  Joinder to Motion For Summary Judgment<br>Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades<br><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>             |
| 03/08/2018 |  Joinder to Motion For Summary Judgment   |

# CASE SUMMARY

CASE NO. A-13-686303-C

|            |  |
|------------|--|
|            | <p>Filed By: Consolidated Case Party Sigmund Rogich<br/> <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></p>  |
| 03/14/2018 | <p> Discovery Commissioners Report and Recommendations<br/>           Filed By: Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades; Consolidated Case Party Sigmund Rogich<br/> <i>Discovery Commissioners Report and Recommendation</i></p>  |
| 03/19/2018 | <p> Opposition and Countermotion<br/>           Filed By: Plaintiff Nanyah Vegas LLC<br/> <i>Opposition to Motion for Summary Judgment; Countermotion for Summary Judgment; and Countermotion for NRCP 56(f) Relief</i></p>   |
| 03/20/2018 | <p> Initial Appearance Fee Disclosure<br/>           Filed By: Plaintiff Nanyah Vegas LLC<br/> <i>Fee Disclosure</i></p>  |
| 03/21/2018 | <p> Notice of Entry<br/>           Filed By: Consolidated Case Party Sigmund Rogich<br/> <i>NOTICE OF ENTRY</i></p>   |
| 04/11/2018 | <p> Reply in Support<br/>           Filed By: Consolidated Case Party Sigmund Rogich<br/> <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></p>   |
| 04/11/2018 | <p> Reply in Support<br/>           Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades<br/> <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></p> |
| 04/16/2018 | <p> Reply to Opposition<br/>           Filed by: Plaintiff Nanyah Vegas LLC<br/> <i>Reply to Opposition to Countermotion for Summary Judgment; and Countermotion for NRCP 56(f) Relief</i></p>  |
| 04/17/2018 | <p> Joinder<br/>           Filed By: Consolidated Case Party Sigmund Rogich<br/> <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></p>                             |
| 04/17/2018 | <p> Notice of Taking Deposition<br/>           Filed By: Plaintiff Nanyah Vegas LLC<br/> <i>Notice of Taking Deposition of Sigmund Rogich</i></p>   |
| 04/17/2018 | <p> Notice of Taking Deposition</p>   |

# CASE SUMMARY

CASE NO. A-13-686303-C

|            |  |
|------------|--|
|            | <p>Filed By: Plaintiff Nanyah Vegas LLC<br/> <i>Notice of Taking Deposition of Peter Eliades</i></p>   |
| 04/17/2018 | <p> Notice of Taking Deposition<br/>           Filed By: Plaintiff Nanyah Vegas LLC<br/> <i>Notice of Taking Depositions</i></p>  |
| 04/19/2018 | <p> Recorders Transcript of Hearing<br/> <i>Partial Transcript of Proceedings, All Pending Motions (Ruling Only), Heard on April 18, 2018</i></p>   |
| 04/23/2018 | <p> Recorders Transcript of Hearing<br/> <i>Partial Transcript of Proceedings, All Pending Motions (Excludes Ruling), Heard on April 18, 2018</i></p>   |
| 04/27/2018 | <p> Amended Notice of Taking Deposition<br/>           Filed By: Plaintiff Nanyah Vegas LLC<br/> <i>Amended Notice of Taking Deposition of Sigmund Rogich</i></p>   |
| 04/27/2018 | <p> Notice of Taking Deposition<br/>           Filed By: Plaintiff Nanyah Vegas LLC<br/> <i>Notice of Taking Deposition of Kenneth Woloson, Esq.</i></p>  |
| 04/27/2018 | <p> Amended Notice of Taking Deposition<br/>           Filed By: Plaintiff Nanyah Vegas LLC<br/> <i>Amended Notice of Taking Deposition of Melissa Olivas</i></p>   |
| 05/01/2018 | <p> Discovery Commissioners Report and Recommendations<br/>           Filed By: Consolidated Case Party Sigmund Rogich<br/> <i>Discovery Commissioners Report and Recommendations</i></p>   |
| 05/02/2018 | <p> Notice of Entry<br/>           Filed By: Consolidated Case Party Sigmund Rogich<br/> <i>Notice of Entry</i></p>   |
| 05/03/2018 | <p> Motion to Continue Trial<br/>           Filed By: Plaintiff Nanyah Vegas LLC<br/> <i>Nanyah Vegas, LLC's Motion to Continue Trial and to Set Firm Trial Date on Order Shortening Time</i></p>   |
| 05/09/2018 | <p> Notice of Taking Deposition<br/>           Filed By: Plaintiff Nanyah Vegas LLC<br/> <i>Amended Notice of Taking Depositions</i></p>  |
| 05/10/2018 | <p> Opposition to Motion<br/>           Filed By: Consolidated Case Party Sigmund Rogich<br/> <i>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</i></p> |
| 05/10/2018 | <p> Notice of Taking Deposition<br/>           Filed By: Plaintiff Nanyah Vegas LLC<br/> <i>Amended Notice of Taking Deposition of Kenneth Woloson, Esq.</i></p>  |
| 05/10/2018 |  |

# CASE SUMMARY



CASE NO. A-13-686303-C

|            |  |
|------------|--|
|            |  Motion in Limine<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Motion in Limine #1 re: Eldorado Hills, LLC Bound by Admissions and Statements of Its Managing Member</i>   |
| 05/10/2018 |  Motion in Limine<br>Filed By: Plaintiff Nanyah Vegas LLC<br><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>   |
| 05/10/2018 |  Motion in Limine<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Motion in Limine #3 re: Defendants Bound by Their Answers to Complaint</i>  |
| 05/10/2018 |  Motion in Limine<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Motion in Limine #4 Yoav Harlap's Personal Financials</i>   |
| 05/11/2018 |  Notice of Non Opposition<br>Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades<br><i>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</i> |
| 05/11/2018 |  Motion in Limine<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Defendants' Motion in Limine to Limit Trial Testimony of Yoav Harlap at Trial</i>  |
| 05/15/2018 |  Reply to Opposition<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Reply in Support of Motion to Continue Trial and to Set Firm Trial Date</i>  |
| 05/21/2018 |  Joinder to Motion in Limine<br>Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades<br><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>  |
| 05/22/2018 |  Order Denying Motion<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Order Denying Countermotion for Summary Judgment and Denying NRCP 56(f) Relief</i>  |
| 05/22/2018 |  Order<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>(A686303) Order Partially Granting Summary Judgment</i>  |
| 05/22/2018 |  Notice of Entry of Order<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Notice of Entry of Orders</i>   |
| 06/01/2018 |  Motion for Summary Judgment<br>Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD,  |



# CASE SUMMARY

CASE NO. A-13-686303-C

|            |  |
|------------|--|
|            | LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades<br><i>Defendant Eldorado Hills, LLC's Motion for Summary Judgment</i>   |
| 06/01/2018 |  Appendix<br>Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades<br><i>Appendix of Exhibits to Defendant Eldorado Hills, LLC's Motion for Summary Judgment Volume 1 of 2</i>  |
| 06/01/2018 |  Appendix<br>Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades<br><i>Appendix of Exhibits to Defendant Eldorado Hills, LLC's Motion for Summary Judgment Volume 2 of 2</i>  |
| 06/01/2018 |  Motion for Summary Judgment<br>Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades<br><i>Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, and Teld, LLC's Motion for Summary Judgment</i>                      |
| 06/01/2018 |  Appendix<br>Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades<br><i>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</i>   |
| 06/01/2018 |  Appendix<br>Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades<br><i>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</i> |
| 06/04/2018 |  Order Denying Motion<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Order Denying Motion to Continue Trial Date and Granting Firm Trial Date Setting</i>  |
| 06/04/2018 |  Motion to Reconsider<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Motion to Reconsider Order Partially Granting Summary Judgment</i>  |
| 06/05/2018 |  Motion<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Defendants Sigmund Rogich, Individually And As Trustee Of The Rogich Family Irrevocable Trust And Imitations, Llc's Motion For Reconsideration</i>  |
| 06/06/2018 |  Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call<br>Filed By: Trustee Huerta, Carlos A<br><i>Order Setting Civil Jury Trial,Pre-Trial/Calendar Call</i>  |
| 06/12/2018 |  Notice of Taking Deposition<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Amended Notice of Taking Deposition of Dolores Eliades</i>   |
| 06/14/2018 |  Opposition<br>Filed By: Consolidated Case Party Sigmund Rogich   |



# CASE SUMMARY

CASE NO. A-13-686303-C

*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

Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades  
*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

Party: Plaintiff Nanyah Vegas LLC  
*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

Filed By: Plaintiff Nanyah Vegas LLC  
*Opposition to Eliades Defendants' Motion for Summary Judgment and Countermotion for Summary Judgment*

06/19/2018



Opposition and Countermotion

Filed By: Plaintiff Nanyah Vegas LLC  
*Opposition to Eldorado Hill's Motion for Summary Judgment and Countermotion for Summary Judgment*

06/21/2018



Opposition to Motion

Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades  
*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



Initial Appearance Fee Disclosure

Filed By: Plaintiff Nanyah Vegas LLC  
*Fee Disclosure*

06/25/2018



Initial Appearance Fee Disclosure

Filed By: Plaintiff Nanyah Vegas LLC  
*Fee Disclosure*

06/25/2018



Reply to Opposition

Filed by: Plaintiff Nanyah Vegas LLC  
*Reply in Support of Motion to Reconsider Order Partially Granting Summary Judgment*

06/25/2018



Opposition to Motion

Filed By: Plaintiff Nanyah Vegas LLC  
*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

Filed By: Consolidated Case Party Sigmund Rogich  
*Reply in Support of Defendants' Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations LL"C Motion for Reconsideration*

# CASE SUMMARY

CASE NO. A-13-686303-C

07/13/2018



## Motion to Strike

Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades  
*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 Counter motions for Summary Judgment*

07/16/2018



## Receipt of Copy

Filed by: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades  
*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 Counter motions for Summary Judgment*

07/16/2018



## Receipt of Copy

Filed by: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades  
*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 Counter motions for Summary Judgment*

07/16/2018



## Motion

Filed By: Consolidated Case Party Sigmund Rogich  
*Defendants' Motion for Expedited Hearing on Pending Motions in Limine on Order Shortening Time*

07/19/2018



## Reply in Support

Filed By: Counter Claimant Eldorado Hills LLC  
*Defendant Eldorado Hills, LLC's Reply in Support of Its Motion for Summary Judgment and Opposition to Counter motion for Summary Judgment*

07/19/2018



## Reply in Support

Filed By: Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades  
*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 Counter motion for Summary Judgment*

07/23/2018



## Opposition to Motion

Filed By: Plaintiff Nanyah Vegas LLC  
*Nanyah Vegas, LLC's Opposition to Motion to Strike Untimely Counter motions for Summary Judgment*

07/24/2018



## Order

Filed By: Consolidated Case Party Sigmund Rogich  
*Order Denying Motion to Reconsider*

07/24/2018



## Errata

*Errata to Nanyah Vegas, LLC's Opposition to Motion to Strike Untimely Counter motions for Summary Judgment*

07/24/2018



## Reply in Support

Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades  
*Reply in Support of Defendants Peter Eliades, Individually and as Trustee of The Eliades*

# CASE SUMMARY

CASE NO. A-13-686303-C

*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

Filed By: Plaintiff Nanyah Vegas LLC

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

07/25/2018



Reply in Support

Filed By: Consolidated Case Party Sigmund Rogich

*Reply in Support of Defendants' Motion for Expedited Hearing on Pending Motions in Limine*

07/26/2018



Notice of Entry of Order

Filed By: Consolidated Case Party Sigmund Rogich

*Notice of Entry of Order Denying Motion for Reconsideration*

08/02/2018



Recorders Transcript of Hearing

*Transcript of Proceedings, Motions, Heard on July 26, 2018*

08/10/2018



Order

Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades

*Order Denying Nanyah Vegas, LLC's Motion for Reconsideration*

08/13/2018



Notice of Entry of Order

Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Peter Eliades

*Notice of Entry of Order Denying Nanyah Vegas, LLC's Motion for Reconsideration*

08/13/2018



Order Granting Motion

Filed By: Plaintiff Nanyah Vegas LLC

*Order*

08/17/2018



Motion

Filed By: Consolidated Case Party Sigmund Rogich

*Motion for Rehearing*

09/04/2018



Opposition to Motion

Filed By: Plaintiff Nanyah Vegas LLC

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

09/05/2018



Errata

Filed By: Plaintiff Nanyah Vegas LLC

*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

Filed By: Counter Claimant Eldorado Hills LLC

*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











# CASE SUMMARY

CASE NO. A-13-686303-C

|            |  |
|------------|--|
|            | <p>Filed By: Counter Claimant Eldorado Hills LLC<br/> <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></p>  |
| 09/07/2018 | <p> Motion in Limine<br/>           Filed By: Counter Claimant Eldorado Hills LLC<br/> <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></p>                                       |
| 09/19/2018 | <p> Opposition to Motion<br/>           Filed By: Counter Claimant Eldorado Hills LLC<br/> <i>Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Motion in Limine # 3: Defendants Bound by their Answers to Complaint</i></p>  |
| 09/19/2018 | <p> Opposition to Motion<br/>           Filed By: Counter Claimant Eldorado Hills LLC<br/> <i>Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Motion in Limine # 4: Yoav Harlap's Personal Financials</i></p>   |
| 09/19/2018 | <p> Opposition to Motion<br/>           Filed By: Counter Claimant Eldorado Hills LLC<br/> <i>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</i></p>   |
| 09/19/2018 | <p> Opposition to Motion<br/>           Filed By: Counter Claimant Eldorado Hills LLC<br/> <i>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</i></p>                           |
| 09/20/2018 | <p> Reply in Support<br/>           Filed By: Consolidated Case Party Sigmund Rogich<br/> <i>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</i></p>   |
| 09/24/2018 | <p> Opposition to Motion in Limine<br/>           Filed By: Plaintiff Nanyah Vegas LLC<br/> <i>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</i></p>                              |
| 09/24/2018 | <p> Opposition to Motion in Limine<br/>           Filed By: Plaintiff Nanyah Vegas LLC<br/> <i>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</i></p> |
| 09/24/2018 | <p> Opposition to Motion in Limine<br/>           Filed By: Plaintiff Nanyah Vegas LLC<br/> <i>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</i></p>   |
| 09/26/2018 | <p> Notice of Association of Counsel<br/>           Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party Sigmund Rogich<br/> <i>Notice of Association of Counsel</i></p>  |

# CASE SUMMARY

CASE NO. A-13-686303-C

|            |   |
|------------|---|
| 09/27/2018 |  Amended Notice<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Amended Notice of Association of Counsel</i>   |
| 09/28/2018 |  Opposition<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>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</i> |
| 09/28/2018 |  Opposition<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>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</i>   |
| 09/28/2018 |  Non Opposition<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>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</i>   |
| 09/28/2018 |  Opposition<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>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</i>                    |
| 10/02/2018 |  Recorders Transcript of Hearing<br><i>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</i>  |
| 10/03/2018 |  Reply in Support<br>Filed By: Counter Claimant Eldorado Hills LLC<br><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<br>Filed By: Counter Claimant Eldorado Hills LLC<br><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<br>Filed By: Counter Claimant Eldorado Hills LLC<br><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<br>Filed by: Plaintiff Nanyah Vegas LLC<br><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>   |

# CASE SUMMARY

CASE NO. A-13-686303-C

|            |  |
|------------|--|
| 10/03/2018 |  Reply to Opposition<br>Filed by: Plaintiff Nanyah Vegas LLC<br><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<br>Filed by: Plaintiff Nanyah Vegas LLC<br><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<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Reply to Oppositions to Motion in Limine #4 re: Yoav Harlap's Personal Financials</i>  |
| 10/05/2018 |  Order<br>Filed By: Plaintiff Nanyah Vegas LLC<br><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<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Notice of Entry of Order</i>  |
| 10/11/2018 |  Memorandum of Costs and Disbursements<br>Filed By: Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Eliades Survivor Trust of 10-30-03<br><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<br>Party: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Pretrial Disclosures</i>   |
| 10/15/2018 |  Motion to Retax<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Motion to Retax and Alternatively Motion to Strike</i>   |
| 10/16/2018 |  Recorders Transcript of Hearing<br><i>Transcript of Proceedings, All Pending Motions in Limine, Heard on October 10, 2018</i>  |
| 10/25/2018 |  Motion for Attorney Fees and Costs<br>Filed By: Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter<br><i>Defendants Peter Eliades and Teld, LLC's Motion for Attorneys' Fees and Costs</i>  |
| 10/25/2018 |  Appendix<br>Filed By: Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter<br><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<br><i>Notice of Department Reassignment</i>  |
| 10/29/2018 |  Notice   |

# CASE SUMMARY

CASE NO. A-13-686303-C

Filed By: Counter Claimant Eldorado Hills LLC  
*Eldorado Hills, LLC's Notice of Non-Consent to Nanyah Vegas, LLC's Unpleaded Implied-In-Fact Contract Theory*

10/31/2018



Supplement

Filed by: Plaintiff Nanyah Vegas LLC  
*Nanyah Vegas, LLC's Supplemental Pretrial Disclosures*

10/31/2018



Objection

Filed By: Plaintiff Nanyah Vegas LLC  
*Nanyah Vegas, LLC's Objections to Defendants' Pretrial Disclosures*

11/02/2018



Opposition to Motion

Filed By: Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Eliades Survivor Trust of 10-30-03  
*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*

11/06/2018



Stipulation and Order

Filed by: Counter Claimant Eldorado Hills LLC  
*Stipulation and Order to Extend Pre-Trial Memorandum Deadline*

11/06/2018



Order

Filed By: Counter Claimant Eldorado Hills LLC  
*Order Regarding Motions in Limine*

11/06/2018



Notice of Entry of Stipulation and Order

Filed By: Counter Claimant Eldorado Hills LLC  
*Notice of Entry of Stipulation and Order to Extend Pre-Trial Memorandum Deadline*

11/06/2018



Notice of Entry of Order

Filed By: Counter Claimant Eldorado Hills LLC  
*Notice of Entry of Order Regarding Motions in Limine*

11/16/2018



Stipulation and Order

Filed by: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Eliades Survivor Trust of 10-30-03  
*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*

11/20/2018



Notice of Entry of Stipulation and Order

Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Eliades Survivor Trust of 10-30-03  
*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 Attonreys' Fees and Costs Until After the Trial Date*

12/07/2018



Order Setting Civil Jury Trial and Calendar Call

*Order Re-Setting Civil Jury Trial and Calendar Call*

12/19/2018



Order Setting Civil Jury Trial and Calendar Call

*Order Re-Setting Civil Jury Trial and Calendar Call*



# CASE SUMMARY

CASE NO. A-13-686303-C

12/20/2018



## Stipulation and Order

Filed by: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Eliades Survivor Trust of 10-30-03

*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*

12/21/2018



## Notice of Entry of Stipulation and Order

Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Eliades Survivor Trust of 10-30-03

*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*

01/25/2019



## Motion for Summary Judgment

Filed By: Counter Claimant Eldorado Hills LLC

*Defendant Eldorado Hills, LLC's Motion to Extend the Dispositive Motion Deadline and Motion for Summary Judgment*

01/29/2019



## Satisfaction of Judgment

Filed by: Trustee Huerta, Carlos A; Counter Defendant Alexander Christopher Trust

*Satisfaction of Judgment*

01/30/2019



## Motion for Summary Judgment

Filed By: Plaintiff Nanyah Vegas LLC

*Nanyah Vegas, LLC's Motion to Extend the Dispositive Motion Deadline and Motion for Summary Judgment*

01/30/2019



## Initial Appearance Fee Disclosure

Filed By: Plaintiff Nanyah Vegas LLC

*Fee Disclosure*

02/06/2019



## Motion for Relief

Filed By: Consolidated Case Party Sigmund Rogich

*Motion for Relief From the October 5, 2018 Order Pursuant to NRCP 60(b)*

02/07/2019



## Order Shortening Time

Filed By: Consolidated Case Party Sigmund Rogich

*Order Shortening Time*

02/08/2019



## Ex Parte Motion

Filed By: Consolidated Case Party Sigmund Rogich

*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

Filed By: Consolidated Case Party Sigmund Rogich

*Notice of Entry of Order*

02/12/2019



## Receipt of Copy













Filed by: Consolidated Case Party Sigmund Rogich

*Receipt of Copy*



# CASE SUMMARY

CASE NO. A-13-686303-C

|            |   |
|------------|---|
| 02/15/2019 |  Opposition to Motion For Summary Judgment<br>Filed By: Counter Claimant Eldorado Hills LLC<br><i>Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Motion for Summary Judgment</i>  |
| 02/15/2019 |  Opposition to Motion For Summary Judgment<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas LLC's Opposition to Eldorado Hills LLC's Motion to Extend the Dispositive Motion Deadline and Motion for Summary Judgment and Countermotion for NRCP 15 Relief</i>   |
| 02/15/2019 |  Opposition to Motion<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas LLC's Opposition to Motion for Relief From the October 5, 2018 Order Pursuant to NRCP 60(b)</i>   |
| 02/15/2019 |  Motion in Limine<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas LLC's Motion in Limine #5 re: Parol Evidence Rule</i>   |
| 02/15/2019 |  Motion in Limine<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas LLC's Motion in Limine #6 re: Date of Discovery</i>   |
| 02/18/2019 |  Opposition<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>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</i> |
| 02/19/2019 |  Certificate of Service<br>Filed by: Consolidated Case Party Sigmund Rogich<br><i>Certificate of Service</i>   |
| 02/19/2019 |  Reply in Support<br>Filed By: Trustee Rogich, Sig<br><i>Reply in Support of Motion for Relief From the October 5, 2018 Order Pursuant to NRCP 60 (b)</i>  |
| 02/25/2019 |  Notice of Change of Firm Name<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Notice of Firm Name Change</i>  |
| 02/25/2019 |  Motion in Limine<br>Filed By: Trustee Rogich, Sig; Consolidated Case Party Sigmund Rogich<br><i>Defendants' Motion in Limine to Preclude the Altered Eldorado Hills' General Ledger and Related Testimony at Trial</i>  |
| 02/25/2019 |  Motion in Limine<br>Filed By: Trustee Rogich, Sig; Consolidated Case Party Sigmund Rogich<br><i>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</i> |
| 02/26/2019 |  Motion  |

# CASE SUMMARY

CASE NO. A-13-686303-C

Filed By: Plaintiff Nanyah Vegas LLC

*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

Filed By: Trustee Rogich, Sig

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

03/08/2019



Opposition

Filed By: Consolidated Case Party Sigmund Rogich

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

03/08/2019



Opposition

Filed By: Consolidated Case Party Sigmund Rogich

*OPPOSITION TO NANAY VEGAS, LLC'S MOTION IN LIMINE #5 RE; PAROL EVIDENCE RULE*

03/08/2019



Opposition to Motion in Limine

Filed By: Counter Claimant Eldorado Hills LLC

*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

Filed By: Counter Claimant Eldorado Hills LLC

*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

Filed by: Plaintiff Nanyah Vegas LLC

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

03/14/2019



Reply

Filed by: Plaintiff Nanyah Vegas LLC

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

03/14/2019



Opposition to Motion to Compel

Filed By: Plaintiff Nanyah Vegas LLC

*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

Filed By: Consolidated Case Party Sigmund Rogich

*Reply in Support of Motion to Compel Production of Plaintiff's Tax Returns*

03/20/2019



Opposition to Motion in Limine

Filed By: Plaintiff Nanyah Vegas LLC

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

03/20/2019

# CASE SUMMARY

CASE NO. A-13-686303-C

|            |   |
|------------|---|
|            |  Opposition to Motion in Limine<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>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</i>      |
| 03/20/2019 |  Opposition to Motion<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Opposition to Rogich Defendants' Motion for Summary Judgment</i>   |
| 03/20/2019 |  Opposition<br>Filed By: Counter Claimant Eldorado Hills LLC<br><i>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</i> |
| 03/20/2019 |  Opposition to Motion<br>Filed By: Trustee Rogich, Sig<br><i>Rogich Defendants' Opposition to Plaintiff's Motion to Settle Jury Instructions</i>   |
| 03/21/2019 |  Errata<br>Filed By: Trustee Rogich, Sig<br><i>Errata to Rogich Defednatns' Opposition to Plaintiff's Motion to Settle Jury Instructions</i>   |
| 03/21/2019 |  Recorders Transcript of Hearing<br><i>Transcript of Proceedings, Motions, Heard on March 20, 2019</i>   |
| 03/22/2019 |  Order<br><i>Order Striking Filings</i>   |
| 03/22/2019 |  Pre-Trial Disclosure<br><i>Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC's 2nd Supplemental Pre-Trial Disclosures</i>   |
| 03/25/2019 |  Motion to Reconsider<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Motion to Reconsider Order on Nanyah's Motion in Limine #5: Parol Evidence Rule on Order Shortening Time</i>   |
| 03/26/2019 |  Order Denying Motion<br>Filed By: Trustee Rogich, Sig<br><i>Order Denying The Rogich Defendants' NRCP 60(b) Motion</i>  |
| 03/26/2019 |  Notice of Entry of Order<br>Filed By: Trustee Rogich, Sig<br><i>Notice of Entry of Order</i>  |
| 03/27/2019 |  Reply<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>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</i>                                       |
| 03/28/2019 |  Reply in Support<br>Filed By: Trustee Rogich, Sig<br><i>Reply in Support of Defendants' Motion in Limine to Preclude the Altered Eldorado Hills' General Ledger and Related Testimony at Trial</i>  |













# CASE SUMMARY

CASE NO. A-13-686303-C

|            |  |
|------------|--|
| 03/28/2019 |  Reply<br>Filed by: Consolidated Case Party Sigmund Rogich<br><i>Rogich Defendants' Reply in Support of Motion in Limine Regarding Consulting Fee Admission</i>   |
| 04/04/2019 |  Opposition to Motion<br>Filed By: Counter Claimant Eldorado Hills LLC<br><i>Defendant Eldorado Hills, LLC's Opposition to Motion to Reconsider Order on Nanyah's Motion in Limine # 5: Parol Evidence Rule</i> |
| 04/05/2019 |  Opposition<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Opposition to Plaintiff's Motion to Reconsider Order on Motion in Limine #5 Re Parol Evidence Rule on OST</i>                             |
| 04/05/2019 |  Reply to Opposition<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Reply in Support of Motion to Reconsider Order on Nanyah's Motion in Limine #5: Parol Evidence Rule on Order Shortening Time</i>             |
| 04/05/2019 |  Objection<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Objections to Defendants' Pretrial Disclosures</i>   |
| 04/05/2019 |  Pre-Trial Disclosure<br>Party: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's 2nd Supplemental Pretrial Disclosures</i>   |
| 04/05/2019 |  Objection<br>Filed By: Trustee Rogich, Sig<br><i>Objections to Nanyah Vegas, LLC's Pre-Trial Disclosures</i>   |
| 04/05/2019 |  Objection<br>Filed By: Trustee Rogich, Sig<br><i>Objections to Eldorado Hills, LLC's Pre-Trial Disclosures</i>   |
| 04/09/2019 |  Order<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Order Granting in Part and Denying in Part Motion to Compel Production of Plaintiff's Tax Returns and for Attorneys' Fees</i>                |
| 04/09/2019 |  Notice of Entry of Order<br>Filed By: Trustee Rogich, Sig<br><i>Notice of Entry of Order</i>   |
| 04/09/2019 |  Notice<br>Filed By: Counter Claimant Eldorado Hills LLC<br><i>Eldorado Hills, LLC's Notice of Non-Consent to Nanyah Vegas, LLC's Unpleaded Implied-In-Fact Contract Theory</i>                               |
| 04/09/2019 |  Pre-Trial Disclosure<br>Party: Consolidated Case Party Sigmund Rogich<br><i>Defendants 3rd Supplemental Pre-Trial Disclosure Statement</i>   |

# CASE SUMMARY

CASE NO. A-13-686303-C

|            |  |
|------------|--|
| 04/09/2019 |  Joinder<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>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</i>                           |
| 04/09/2019 |  Opposition<br>Filed By: Counter Claimant Eldorado Hills LLC<br><i>Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Countermotion for NRCP 15 Relief</i>   |
| 04/10/2019 |  Order Denying<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Order Denying Nanyah Vegas, LLC's Motion in Limine #5: Parol Evidence Rule</i>   |
| 04/10/2019 |  Joinder<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>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</i>   |
| 04/10/2019 |  Notice of Entry of Order<br>Filed By: Counter Claimant Eldorado Hills LLC<br><i>Notice of Entry of Order Denying Nanyah Vegas, LLC's Motion in Limine # 5: Parol Evidence Rule</i>   |
| 04/10/2019 |  Pre-Trial Disclosure<br>Party: Trustee Rogich, Sig; Consolidated Case Party Sigmund Rogich<br><i>Defendants Fourth Supplemental Pre-Trial Disclosure Statement</i>  |
| 04/12/2019 |  Pre-Trial Disclosure<br>Party: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's 3rd Supplemental Pretrial Disclosures</i>  |
| 04/15/2019 |  Request for Judicial Notice<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Request for Judicial Notice</i>  |
| 04/15/2019 |  Objection<br>Filed By: Counter Claimant Eldorado Hills LLC<br><i>Defendant Eldorado Hills, LLC's Objections to Nanyah Vegas, LLC's 3rd Supplemental Pre-Trial Disclosures</i>  |
| 04/15/2019 |  Objection<br>Filed By: Counter Claimant Eldorado Hills LLC<br><i>Defendant Eldorado Hills, LLC's Objections to Defendants Sigmund Rogich, Individually and as Trustee of The Rogich Family Irrevocable Trust, and Imitaitons, LLC's Third and Fourth Supplemental Pre-Trial Disclosure Statement Pursuant to NRCP 16.1(a)(3)</i> |
| 04/16/2019 |  Notice of Compliance<br>Party: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Notice of Compliance With 4-9-19 Order</i>   |
| 04/16/2019 |  Objection<br>Filed By: Plaintiff Nanyah Vegas LLC  |

# CASE SUMMARY

CASE NO. A-13-686303-C

*Nanyah Vegas, LLC's Supplement to Objections to Defendants' Pretrial Disclosures*

04/16/2019



Pre-trial Memorandum

Filed by: Consolidated Case Party Sigmund Rogich  
*Pre-Trial Memorandum*

04/16/2019



Ex Parte Motion

Filed By: Plaintiff Nanyah Vegas LLC  
*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

Filed by: Plaintiff Nanyah Vegas LLC  
*Nanyah Vegas, LLC's Pretrial Memorandum*

04/16/2019



Pre-trial Memorandum

Filed by: Counter Claimant Eldorado Hills LLC  
*Eldorado Hills, LLC's Pre-Trial Memorandum*

04/16/2019



Errata

Filed By: Consolidated Case Party Sigmund Rogich  
*Rogich Defendants' Errata to Pretrial Memorandum*

04/17/2019



Certificate of Service

Filed by: Consolidated Case Party Sigmund Rogich  
*Certificate of Service*

04/17/2019



Order Denying Motion

Filed By: Trustee Rogich, Sig  
*Order Denying Nanyah Vegas, LLC's Motion in Limine #6 re: Date of Discovery*

04/17/2019



Notice of Entry of Order

Filed By: Consolidated Case Party Sigmund Rogich  
*Notice of Entry of Order*

04/17/2019



Request for Judicial Notice

Filed By: Plaintiff Nanyah Vegas LLC  
*Request for Judicial Notice and Application of the Law of the Case Doctrine*

04/17/2019



Trial Subpoena

Filed by: Plaintiff Nanyah Vegas LLC  
*Trial Subpoena - Civil (Carlos Huerta)*

04/17/2019



Trial Subpoena

Filed by: Plaintiff Nanyah Vegas LLC  
*Trial Subpoena - Civil (Dolores Eliades)*

04/17/2019



Trial Subpoena

Filed by: Plaintiff Nanyah Vegas LLC  
*Trial Subpoena - Civil (Craig Dunlap)*

04/17/2019



Trial Subpoena

Filed by: Plaintiff Nanyah Vegas LLC

# CASE SUMMARY

CASE NO. A-13-686303-C

*Trial Subpoena - Civil (Peter Eliades)*

|            |  |
|------------|--|
| 04/18/2019 |  Opposition to Motion<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>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</i>  |
| 04/19/2019 |  Objection<br><i>Objection to Nanyah's Request for Judicial Notice and Application of Law of the Case Doctrine</i>  |
| 04/19/2019 |  Response<br>Filed by: Counter Claimant Eldorado Hills LLC<br><i>Defendant Eldorado Hills, LLC's Response to Nanyah Vegas, LLC's Request for Judicial Notice and Application of Law of the Case Doctrine</i>  |
| 04/21/2019 |  Supplemental Brief<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>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</i>                                      |
| 04/21/2019 |  Memorandum of Points and Authorities<br>Filed By: Trustee Rogich, Sig; Consolidated Case Party Sigmund Rogich<br><i>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</i> |
| 04/23/2019 |  Recorders Transcript of Hearing<br><i>Transcript of Proceedings, Jury Trial, Heard on April 22, 2019</i>   |
| 04/30/2019 |  Order<br><i>(A746239) Order</i>  |
| 04/30/2019 |  Notice of Entry of Order<br><i>Notice of Entry of Order</i>  |
| 05/01/2019 |  Order Denying<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Order Denying Plaintiff Nanyah Vegas, LLC's Motion to Settle Jury Instructions</i>   |
| 05/01/2019 |  Order Denying<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Order Denying Nanyah Vegas, LLC's Motion to Reconsider Order on Motion in Limine #5 re: Parol Evidence Rule</i>  |
| 05/01/2019 |  Recorders Transcript of Hearing<br><i>Transcript of Proceedings, Telephonic Conference, Heard on April 18, 2019</i>  |
| 05/01/2019 |  Notice of Entry of Order<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Notice of Entry of Order</i>  |
| 05/01/2019 |  Notice of Entry of Order   |

**CASE SUMMARY**

**CASE NO. A-13-686303-C**

Filed By: Consolidated Case Party Sigmund Rogich  
*Notice of Entry of Order*

05/06/2019



Order

Filed By: Plaintiff Nanyah Vegas LLC  
*Order Denying the Rogich Defendants' Motions in Limine*

05/06/2019



Memorandum of Costs and Disbursements

Filed By: Trustee Rogich, Sig  
*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

Filed By: Plaintiff Nanyah Vegas LLC  
*Notice of Entry of Order Denying The Rogich Defendants' Motions in Limine*

05/10/2019



Motion for Summary Judgment

Filed By: Consolidated Case Party Sigmund Rogich  
*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

Filed by: Consolidated Case Party Sigmund Rogich  
*STIPULATION AND ORDER SUSPENDING JURY TRIAL*

05/16/2019



Notice of Entry

Filed By: Trustee Rogich, Sig  
*NOTICE OF ENTRY OF STIPULATION AND ORDER SUSPENDING JURY TRIAL*

05/21/2019



Motion for Attorney Fees and Costs

Filed By: Consolidated Case Party Sigmund Rogich  
*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

Filed by: Trustee Rogich, Sig  
*Certificate of Service*

05/22/2019



Motion for Summary Judgment

Filed By: Counter Claimant Eldorado Hills LLC  
*Defendant Eldorado Hills, LLC's Motion for Summary Judgment*

05/23/2019



Clerk's Notice of Hearing

*Notice of Hearing*

05/24/2019















Opposition to Motion For Summary Judgment

Filed By: Plaintiff Nanyah Vegas LLC  
*Opposition to Motion for Summary Judgment or Alternatively for Judgment as a Matter of Law Pursuant to NRCP 50(a)*



# CASE SUMMARY

CASE NO. A-13-686303-C

|            |   |
|------------|---|
| 05/29/2019 |  Order<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Order Denying Nanyah Vegas, LLC's Motion for NRCP 15 Relief</i>   |
| 05/29/2019 |  Order<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>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</i>                                    |
| 06/13/2019 |  Stipulation and Order<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Stipulation and Order Regarding Rogich Family Irrevocable Trust's Memorandum of Costs and Motion for Attorneys' Fees</i>  |
| 06/13/2019 |  Stipulation and Order<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Stipulation and Order Regarding Motions for Summary Judgment</i>  |
| 06/13/2019 |  Stipulation and Order<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Stipulation and Order Regarding The Eliades Defendants' Memorandum of Costs and Motion for Attorneys' Fees</i>  |
| 06/24/2019 |  Notice of Entry of Order<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Notice of Entry of Order</i>  |
| 06/24/2019 |  Notice of Entry of Order<br>Filed By: Trustee Rogich, Sig<br><i>Notice of Entry of Order</i>  |
| 07/11/2019 |  Opposition to Motion<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Opposition to Eldorado Hills, LLC's Motion for Summary Judgment</i>  |
| 07/22/2019 |  Motion to Dismiss<br>Filed By: Counter Claimant Eldorado Hills LLC<br><i>Defendant Eldorado Hills, LLC's Motion for Dismissal with Prejudice Under Rule 41(e)</i>   |
| 07/22/2019 |  Clerk's Notice of Hearing<br><i>Notice of Hearing</i>   |
| 07/24/2019 |  Reply in Support<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Reply in Support of Motion for Summary Judgment or Alternatively for Judgment as a Matter of Law Pursuant to NRCP 50(a)</i>  |
| 07/30/2019 |  Stipulation and Order<br>Filed by: Counter Claimant Eldorado Hills LLC<br><i>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)</i> |

# CASE SUMMARY

CASE NO. A-13-686303-C

|            |  |
|------------|--|
| 07/30/2019 |  Notice of Entry of Stipulation and Order<br>Filed By: Counter Claimant Eldorado Hills LLC<br><i>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)</i>  |
| 08/06/2019 |  Opposition to Motion to Dismiss<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Opposition to Eldorado Hills, LLC's Motion for Dismissal with Prejudice Under Rule 41(e)</i>   |
| 08/29/2019 |  Reply in Support<br>Filed By: Counter Claimant Eldorado Hills LLC<br><i>Reply in Support of Defendant Eldorado Hills, LLC's Motion for Summary Judgment</i>  |
| 08/29/2019 |  Reply in Support<br>Filed By: Counter Claimant Eldorado Hills LLC<br><i>Reply in Support of Defendant Eldorado Hills, LLC's Motion for Dismissal with Prejudice Under Rule 41(e)</i>   |
| 09/09/2019 |  Recorders Transcript of Hearing<br><i>Recorder's Transcript of Proceedings Re: Motions, Heard on September 5, 2019</i>   |
| 10/04/2019 |  Notice of Entry of Decision and Order<br><i>Notice of Entry of Decision and Order</i>  |
| 10/04/2019 |  Decision and Order<br><i>(A686303,A746239) Decision</i>  |
| 10/07/2019 |  Memorandum of Costs and Disbursements<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust, and Imitations, LLC's Amended Memorandum of Costs and Disbursements Pursuant to NRS 18.005 and NRS 18.110</i>   |
| 10/07/2019 |  Memorandum of Costs and Disbursements<br>Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Eliades Survivor Trust of 10-30-03<br><i>Defendants Eldorado Hills, LLC, 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>            |
| 10/07/2019 |  Appendix<br>Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Eliades Survivor Trust of 10-30-03<br><i>Appendix of Exhibits to Defendants Eldorado Hills, LLC, Peter Eliades, Individually and as Trustee of the Eliades Survivor Trust of 10/30/08, and Teld, LLC's Memorandum of Costs and Disbursements - Volume 1 of 2</i> |
| 10/07/2019 |  Appendix<br>Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Eliades Survivor Trust of 10-30-03<br><i>Appendix of Exhibits to Defendants Eldorado Hills, LLC, Peter Eliades, Individually and as Trustee of the Eliades Survivor Trust of 10/30/08, and Teld, LLC's Memorandum of Costs and Disbursements - Volume 2 of 2</i> |

# CASE SUMMARY

CASE NO. A-13-686303-C

|            |   |
|------------|---|
| 10/08/2019 |  Errata<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust, and Imitations, LLC's Errata to Amended Memorandum of Costs and Disbursements Pursuant to NRS 18.005 and NRS 18.110</i>   |
| 10/14/2019 |  Stipulation and Order<br>Filed by: Plaintiff Nanyah Vegas LLC<br><i>Stipulation and Order to Extend Deadline to File Motions to Retax Costs</i>   |
| 10/16/2019 |  Motion to Retax<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Motion to Retax Costs Submitted by Eldorado Hills, LLC, 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>   |
| 10/16/2019 |  Motion to Retax<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Nanyah Vegas, LLC's Motion to Retax Costs Submitted by Sigmund Rogich, Individually and as Trustee of The Rogich Family Revocable Trust, and Imitations, LLC's Memorandum of Costs and Disbursements Pursuant to NRS 18.005 and NRS 18.110</i>  |
| 10/17/2019 |  Motion for Attorney Fees<br>Filed By: Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter<br><i>Defendants Peter Eliades and Teld, LLC's Motion for Attorneys' Fees</i>   |
| 10/17/2019 |  Appendix<br>Filed By: Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter<br><i>Appendix of Exhibits to Defendants Peter Eliades and Teld, LLC's Motion for Attorneys' Fees</i>   |
| 10/17/2019 |  Clerk's Notice of Hearing<br><i>Notice of Hearing</i>   |
| 10/22/2019 |  Motion for Attorney Fees and Costs<br>Filed By: Consolidated Case Party Sigmund Rogich<br><i>Rogich Defendants' Renewed Motion for Attorneys' Fees and Costs</i>  |
| 10/23/2019 |  Clerk's Notice of Hearing<br><i>Notice of Hearing</i>   |
| 10/24/2019 |  Notice of Appeal<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Notice of Appeal</i>   |
| 10/24/2019 |  Case Appeal Statement<br>Filed By: Plaintiff Nanyah Vegas LLC<br><i>Case Appeal Statement</i>   |
| 10/28/2019 |  Opposition to Motion<br>Filed By: Counter Claimant Eldorado Hills LLC; Consolidated Case Party TELD, LLC; Consolidated Case Party Eliades, Peter; Consolidated Case Party Eliades Survivor Trust of 10-30-03<br><i>Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, Teld, LLC, and Eldorado Hills, LLC's: (1) Opposition to Nanyah Vegas, LLC's</i> |

# CASE SUMMARY

CASE NO. A-13-686303-C

*Motion to Retax Costs; and (2) Countermotion to Award Costs*

10/30/2019



Clerk's Notice of Hearing  
*Notice of Hearing*

11/06/2019



Notice of Appeal  
Filed By: Counter Claimant Eldorado Hills LLC  
*Eldorado Hills, LLC's Notice of Cross-Appeal*

11/07/2019



Notice of Appeal  
Filed By: Consolidated Case Party Sigmund Rogich  
*Notice of Cross-Appeal*

11/07/2019



Case Appeal Statement  
Filed By: Trustee Rogich, Sig  
*Case Appeal Statement*

11/07/2019



Case Appeal Statement  
Filed By: Counter Claimant Eldorado Hills LLC  
*Eldorado Hills, LLC's Case Appeal Statement*

## **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:

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)

# CASE SUMMARY



CASE NO. A-13-686303-C

|            |  |
|------------|--|
|            | <p>Debtors: Go Global Inc (Other Plaintiff), Carlos A Huerta (Plaintiff), Alexander Christopher Trust (Plaintiff), Nanyah Vegas LLC (Plaintiff)<br/> Creditors: Sig Rogich (Defendant)<br/> Judgment: 07/21/2016, Docketed: 07/28/2016<br/> Comment: Supreme Court No 67595 - "APPEAL AFFIRMED"</p>  |
| 07/31/2017 | <p><b>Clerk's Certificate</b> (Judicial Officer: Allf, Nancy)<br/> Debtors: Go Global Inc (Other Plaintiff), Carlos A Huerta (Plaintiff)<br/> Creditors: Sig Rogich (Defendant), Eldorado Hills LLC (Defendant)<br/> Judgment: 07/31/2017, Docketed: 08/07/2017<br/> Comment: Supreme Court No. 70492 APPEAL AFFIRMED</p>  |
| 10/05/2018 | <p><b>Order of Dismissal With Prejudice</b> (Judicial Officer: Allf, Nancy)<br/> Debtors: Nanyah Vegas LLC (Plaintiff)<br/> Creditors: TELD, LLC (Consolidated Case Party), Peter Eliades (Consolidated Case Party)<br/> Judgment: 10/05/2018, Docketed: 10/08/2018<br/> Comment: Consoliated Case Parties Dismissed</p>   |
| 10/04/2019 | <p><b>Order of Dismissal With Prejudice</b> (Judicial Officer: Allf, Nancy)<br/> Debtors: Carlos A Huerta (Plaintiff), Alexander Christopher Trust (Plaintiff), Nanyah Vegas LLC (Plaintiff)<br/> Creditors: Eldorado Hills LLC (Defendant)<br/> Judgment: 10/04/2019, Docketed: 10/04/2019</p>  |
|            | <p><b>HEARINGS</b></p>   |
| 10/31/2013 | <p><b>CANCELED Motion to Dismiss</b> (9:00 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Vacated - On In Error</i><br/> <i>Defendant Eldorado Hills, LLC's Motion to Dismiss</i></p>   |
| 10/31/2013 | <p><b>CANCELED Motion to Dismiss</b> (9:00 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Vacated</i><br/> <i>parties stipulated to this continuance</i></p>  |
| 05/14/2014 | <p> <b>Motion for Leave</b> (9:30 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Defendants' Motion for Leave to File an Amended Answer on an Order Shortening Time</i><br/> Granted;<br/> Journal Entry Details:<br/> <i>Mr. Anderson advised he has exchanged emails with opposing counsel he is not opposed to the motion. There being good grounds and no opposition, COURT ORDERED, Defendants' Motion for Leave to File an Amended Answer on an Order Shortening time GRANTED. Order provided to the Court.;</i></p> |
| 09/11/2014 | <p><b>Motion for Summary Judgment</b> (10:30 AM) (Judicial Officer: Allf, Nancy)<br/> Events: 07/25/2014 Notice of Hearing<br/> <i>Defendant Eldorado Hills LLC's Motion for Partial Summary Judgment</i><br/> Granted;</p>  |
| 09/11/2014 | <p><b>Opposition and Countermotion</b> (10:30 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment</i><br/> Denied Without Prejudice;</p>   |
| 09/11/2014 | <p> <b>All Pending Motions</b> (10:30 AM) (Judicial Officer: Allf, Nancy)<br/> Matter Heard;<br/> Journal Entry Details:<br/> <i>DEFENDANT ELDORADO HILLS LLC'S MOTION FOR PARTIAL SUMMARY JUDGMENT...PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND COUNTER-MOTION FOR PARTIAL SUMMARY JUDGMENT Arguments by counsel regarding motion for partial summary judgment and counter-motion for partial summary judgment. Court noted it rarely considers counter-</i></p>                    |

# CASE SUMMARY

CASE NO. A-13-686303-C

*motions. Court stated its findings and ORDERED, Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment DENIED WITHOUT PREJUDICE as Court declined to hear the counter-motion; Defendant Eldorado Hills LLC's Motion for Partial Summary Judgment GRANTED. Mr. Lionel to prepare the order and submit it to opposing counsel for approval as to form and content. ;*

|            |   |
|------------|---|
| 09/26/2014 | <p><b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>Defts' Motion to Compel Discovery Responses on OST</i><br/>Off Calendar;</p>   |
| 09/26/2014 | <p><b>Motion to Continue Trial</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>Pltfs' Motion to Continue Trial and Discovery on an OST</i><br/>Denied Without Prejudice;</p>  |
| 09/26/2014 | <p> <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>Defts' Motion to Compel Discovery Responses on OST ..... Pltfs' Motion to Continue Trial and Discovery on an OST</i><br/>Matter Heard;<br/>Journal Entry Details:<br/><i>Pltfs' Motion to Continue Trial and Discovery on an OST ..... Defts' Motion to Compel Discovery Responses on OST Mr. Lionel stated Summary Judgment was Granted September 11, 2014 on the issue in Motion to Compel. COMMISSIONER RECOMMENDED, Defts' Motion to Compel Discovery Responses is OFF CALENDAR. Argument by Mr. McDonald; for walking away from his interest in the Company, Deft received approximately \$680,000 and a Company transferred to him with a valuable piece of property. Mr. McDonald requested to conduct discovery and depositions. Argument by Mr. Lionel. Mr. McDonald has not reviewed documents recently provided (one month after discovery closed). Commissioner advised counsel anyone who engages in discovery outside the deadline does so at their own peril. Colloquy re: the Mosley factors. COMMISSIONER RECOMMENDED, Pltfs' Motion to Continue Trial and Discovery is DENIED WITHOUT PREJUDICE; 11/3/14 Trial date STANDS; if the Trial does not move forward, Commissioner will look at the issue again. Mr. Lionel to prepare the Report and Recommendations, and Mr. McDonald to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Lionel to appear at status check hearing to report on the Report and Recommendations. 10/24/14 11:00 a.m. Status Check: Compliance ;</i></p> |
| 10/08/2014 | <p><b>Motion for Partial Summary Judgment</b> (10:30 AM) (Judicial Officer: Allf, Nancy)</p> <p>Events: 08/11/2014 Motion for Partial Summary Judgment<br/><i>Defendant Sig Rogich, Trustee of The Rogich Family Irrevocable Trust's Motion for Partial Summary Judgment</i><br/>Granted;</p>   |
| 10/08/2014 | <p><b>Opposition and Countermotion</b> (10:30 AM) (Judicial Officer: Allf, Nancy)</p> <p><i>Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment</i><br/>Matter Heard;</p>   |
| 10/08/2014 | <p><b>Motion to Continue Trial</b> (10:30 AM) (Judicial Officer: Allf, Nancy)</p> <p><i>Plaintiffs' Motion to Continue Trial on an Order Shortening Time</i><br/>No Ruling;</p>   |
| 10/08/2014 | <p> <b>All Pending Motions</b> (10:30 AM) (Judicial Officer: Allf, Nancy)</p> <p>Matter Heard;<br/>Journal Entry Details:<br/><i>DEFENDANT SIG ROGICH, TRUSTEE OF THE ROGICH FAMILY IRREVOCABLE TRUST'S MOTIONFOR PARTIAL SUMMARY JUDGMENT...PLAINTIFF'S OPPOSITION TO DEFENDANTS MOTION FOR PARTIAL SUMMARY JUDGMENT AND COUNTER-MOTION FOR PARTIAL SUMMARYJUDGMENT...PLAINTIFF'S MOTIONTO CONTINUE TRIAL ON AN ORDER SHORTENING TIME Mr. noted Mr. McDonald was bankruptcy approved and had been retained in this matter. Court so noted. Mr. Lionel argued in support of his motion stating Defendant had made misrepresentations before the bankruptcy court that they had no claim and now they are before this Court saying there is a claim, and that calls for judicial estoppel. Mr. Lionel argued regarding what judicial estoppel is intended for. Mr.</i></p>  |



# CASE SUMMARY

CASE NO. A-13-686303-C

Lionel further argued case law and cited several cases in open court. Lastly, Mr. Lionel argued regarding the requirement of a debtor to file a schedule of assets under oath, and stated the filed document omitted any claim against Rogich Trust. Upon Court's inquiry, Mr. Lionel argued Sig Rogich is not a party; the trust is a different entity and stated there was an original plan and three amendments but no claim or potential claim against Rogich Trust. The affidavit filed by Mr. Huerta was not true and accurate. Colloquy regarding the assignment of this claim and whether the Rogich Trust is bound by anything in the plan. Mr. Schwartz argued the claim against Mr. Rogich is disclosed as an asset; and there are amendments to those schedules that came out throughout the course of the case; however, there is nothing that takes Mr. Rogich out. Court inquired regarding disclosure statements and that no claim was made that Defendant would try and collect receivables, and the creditors were not on notice of that. Mr. Schwartz argued that is not what is required from a disclosure statement, you don't have to disclose to the Courts about a receivable that may have to be litigated to collect. Mr. Schwartz further argued regarding the difference between the case referenced by Mr. Lionel and the facts in this case. Lastly, Mr. Schwartz stated there is an asset that is clearly disclosed in the schedules and no one has stated they weren't aware of the bankruptcy or didn't know they were listed as an asset. Upon Court's inquiry regarding what it believed to be bankruptcy law with respect to the necessity of a disclosure statement, Mr. Schwartz stated there was a creditors plan drafted in which Mr. Huerta was a creditor and the law says you have a right to pursue it as a cause of action. Court stated there is no reference to this lawsuit, no mention of this receivable. Mr. Schwartz responded there was a reference to some collection activities that had to occur and there was a proposed plan that was 100% to the creditors based on the collection of those assets and they were aware Mr. Huerta had to collect on assets to pay his creditors. Further, there was no concealment, there is no fraud, and Mr. Rogich can't say he was not on notice. Defense admitted they were aware of the bankruptcy and admitted they received land. Court inquired as to why Go Global assigned the right to collect to someone else and noted it was not disclosed in any the bankruptcy court filings. Following further arguments by Mr. Lionel, COURT ORDERED, motion GRANTED. Mr. Lionel to prepare the order. ;

10/24/2014



**Status Check: Compliance** (11:00 AM) (Judicial Officer: Bulla, Bonnie)

Off Calendar;

Journal Entry Details:

COMMISSIONER RECOMMENDED, Defense counsel is relieved from preparing the Report and Recommendation based on settlement of case (letter dated Oct. 15, 2014); matter is OFF CALENDAR. CLERK'S NOTE: A copy of this minute order was placed in the attorney folder (s) of: Mr. Lionel - Lionel, S, C ;

10/30/2014

**CANCELED Pretrial/Calendar Call** (10:30 AM) (Judicial Officer: Allf, Nancy)

Vacated

11/03/2014

**CANCELED Bench Trial** (10:30 AM) (Judicial Officer: Allf, Nancy)

Vacated

01/15/2015



**Motion for Attorney Fees and Costs** (9:30 AM) (Judicial Officer: Allf, Nancy)

Defendant's Motion for Award of Attorney's Fees and Costs

Granted;

Journal Entry Details:

Arguments by counsel regarding the merits of the motion and opposition. Court stated its findings and ORDERED, Motion for Attorney Fees and Costs GRANTED in the amount of \$237,954.50. Ms. Shaine to prepare the order and submit it to opposing counsel for approval. Upon inquiry, Court stated the judgment would be jointly and severally against all of the named Plaintiffs.;

03/22/2016



**Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: Status Check: Status of Case set 3/24/2016 VACATED

Minute Order - No Hearing Held; Minute Order: Status Check: Status of Case set 3/24/2016 VACATED

Journal Entry Details:

COURT FINDS after review that on February 22, 2016 set a Status Check for March 24, 2016 at 9:30 a.m. to ascertain the status of the case following the Nevada Supreme Court's Order of Reversal and Remand. COURT FURTHER FINDS after review that on February 22, 2016 Plaintiffs filed a Motion for Reconsideration or Relief from Order Granting Motion for Partial

# CASE SUMMARY

CASE NO. A-13-686303-C

*Summary Judgment ( Motion ). COURT ORDERS for good cause appearing and after review that the STATUS CHECK set on MOTIONS CALENDAR on March 24, 2016 at 9:30 a.m. is VACATED; as the Motion has been filed, the Status Check is unnecessary. CLERK'S NOTE: A copy of this minute order was faxed to: Brandon B. McDonald, Esq. (702-385-2741) and Samuel S. Lionel, Esq. (702-692-8099). ;*

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.*

*Minute Order - No Hearing Held; Minute Order: Matters set on 3/29/2016 chambers calendar and 5/10/2016 chambers calendar.*

*Journal Entry Details:*

*COURT FINDS after review that on February 22, 2016 Plaintiffs filed a Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment ( Motion ) and the matter was set for Chambers Calendar on March 29, 2016. COURT FURTHER FINDS after review that on March 22, 2016 Plaintiffs filed an Application to Set Oral Argument on Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment ( Application ) and the matter was set for Chambers Calendar on May 10, 2016. COURT FURTHER FINDS after review that oral argument is appropriate, so the Court will set Oral Argument on Plaintiffs Motion. COURT FURTHER FINDS after review that the Motion is fully briefed. COURT ORDERS for good cause appearing and after review Plaintiffs Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment set for CHAMBERS CALENDAR on March 29, 2016 in CONTINUED to MOTIONS CALENDAR on April 20, 2016 at 10:30 a.m. for Oral Argument. COURT FURTHER ORDERS for good cause appearing and after review the Hearing on CHAMBERS CALENDAR set for May 10, 2016 is VACATED. CLERK'S NOTE: A copy of this minute order was faxed to: Brandon B. McDonald, Esq. (702-385-2741) and Samuel S. Lionel, Esq. (702-692-8099). ;*

03/24/2016

**CANCELED Status Check: Status of Case** (9:30 AM) (Judicial Officer: Allf, Nancy)

*Vacated*

*Status Check: Status of Case*

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*

*Denied;*

*Journal Entry Details:*

*Arguments by counsel regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Plaintiffs' Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment DENIED. Mr. Lionel to prepare the order and submit it to opposing counsel for approval ;*

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*

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*

07/19/2017

**CANCELED Motion for Protective Order** (9:00 AM) (Judicial Officer: Allf, Nancy)

*Vacated*

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

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*

*Granted in Part;*





# CASE SUMMARY

CASE NO. A-13-686303-C

|            |  |
|------------|--|
| 07/21/2017 | <p><b>Opposition and Countermotion (9:00 AM)</b> (Judicial Officer: Bulla, Bonnie)</p> <p><i>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</i></p> <p>Granted in Part;</p>   |
| 07/21/2017 | <p> <b>All Pending Motions (9:00 AM)</b> (Judicial Officer: Bulla, Bonnie)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Nanyah Vegas, LLC's Motion for Temporary Protective Order to Quash Deposition Notice and Extend Time to Respond to Interrogatories ..... Defendant's Opposition / Countermotion for 2 Days to Complete Mr. Harlap's Deposition and Leave to Serve 25 Additional Interrogatories</i></p> <p><i>Commissioner discussed procedural problem in the case; a Scheduling Order was issued years ago, but the only way to re-open deadlines is by 2.35 Stipulation; written discovery is closed. An updated Case Conference Report does not extend deadlines. Mr. Simons stated counsel Stipulated to continue discovery in the consolidated case, but counsel did not recognize the Scheduling Order in the lead case controls. Counsel will file a 2.35 Stipulation. Commissioner will give deadlines today to move the case forward, but technically, all discovery in the last few months should not have been done. Mr. Simons Stipulated to extend deadlines; counsel stated dates offered on an emergency basis are no longer available, and Mr. Simons has a schedule conflict with an upcoming Trial. Colloquy re: calculating the Five Year Rule (7-31-2018); Remand Three Year Rule discussed (7-21-2019). Commissioner must ensure counsel are conducting the case within discovery deadlines. Counsel need to discuss the Five Year Rule, and counsel could submit a Stipulation signed by the Judge. Colloquy re: service of Opposition/Countermotion. Mr. Simons requested a continuance for counsel to discuss deadlines. COMMISSIONER RECOMMENDED, within two weeks, Mr. Simons must provide dates for deposition. Commissioner will not grant a two day, 14 hour deposition without more information; take deposition for one day, 7 hours and try to reach an agreement on the record. Colloquy re: 25 additional Interrogatories for each side. Opposition by Mr. Simons. Commissioner requested Mr. Simons check his office email service. COMMISSIONER RECOMMENDED, Nanyah Vegas, LLC's Motion for Temporary Protective Order to Quash Deposition Notice and Extend Time to Respond to Interrogatories is GRANTED IN PART; Protective Order is GRANTED; deposition of Mr. Harlap must be completed before by 9-29-17. Mr. Simons has 10-9-17 through 10-13-17 open for deposition. Mr. Lionel would like to get the deposition taken. COMMISSIONER RECOMMENDED, Countermotion for 2 Days to Complete Mr. Harlap's Deposition and Leave to Serve 25 Additional Interrogatories is GRANTED IN PART; complete deposition in two days, 14 hours on or before 10-13-17 (efficient use of time); Interrogatories are limited to 40 at this time, therefore, Leave to Serve 25 Additional Interrogatories is DENIED; Extend Time to Respond to Interrogatories is DENIED WITHOUT PREJUDICE. COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 3-15-18; adding parties, amended pleadings, and initial expert disclosures due 12-15-17; rebuttal expert disclosures due 1-17-18; file dispositive motions by 4-16-18; Trial ready 5-29-18. Commissioner gave deadlines counsel agreed to in the JCCR; as of today discovery is open. Commissioner is available by conference call or file a Motion. Mr. Simons to prepare the Report and Recommendations, and Mr. Lionel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.;</i></p> |
| 09/21/2017 | <p><b>Status Check: Compliance (3:00 AM)</b> (Judicial Officer: Bulla, Bonnie)</p> <p>DCRR 7-21-17</p> <p>Matter Continued;</p> <p>complied</p>  |
| 12/15/2017 | <p> <b>Motion to Compel (9:30 AM)</b> (Judicial Officer: Bulla, Bonnie)</p> <p><b>12/15/2017, 01/23/2018, 03/07/2018</b></p> <p><i>COURT CALL - Defendants' Motion to Compel</i></p> <p>Continued;</p> <p>wrong date</p> <p>correct entry deleted in error</p> <p>Matter Continued;</p> <p>Off Calendar;</p> <p>Continued;</p> <p>wrong date</p>  |


# CASE SUMMARY

CASE NO. A-13-686303-C

|            |   |
|------------|---|
|            | <p>correct entry deleted in error<br/> Matter Continued;<br/> Off Calendar;<br/> Continued;<br/> wrong date<br/> correct entry deleted in error<br/> Matter Continued;<br/> Off Calendar;<br/> Journal Entry Details:<br/> <i>COMMISSIONER stated it received a faxed copy of the deposition transcript of Yoav Harlap; noted review of the Motion and stated that the responses are not appropriate. Arguments by counsel. COMMISSIONER directed counsel to have a meet and confer to discuss the supplemental interrogatories and provide the Commissioner with a complete full set of the initial and supplemental answers to those interrogatories, which will be Pltf's responsibility to do so. COMMISSIONER RECOMMENDED Motion CONTINUED for IN CHAMBERS CONFERENCE to Thursday, January 11, 2018 at 10:00 a.m. to review the answers to the interrogatories to ascertain whether each answer is sufficient. Counsel to work together to develop a list of discovery that was not properly answered to provide to the Commissioner. COMMISSIONER directed Mr. Lionel to bring a Court Reporter to have a record of the in chamber proceedings. CONTINUED TO: 01/11/2018 10:00 AM (IN CHAMBERS CONFERENCE);</i></p>   |
| 01/17/2018 | <p><b>CANCELED Motion for Leave</b> (9:00 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Vacated - per Stipulation and Order<br/> Motion for Leave to Amend Answer to Complaint</i></p>  |
| 01/23/2018 | <p><b>Motion to Strike</b> (10:30 AM) (Judicial Officer: Bulla, Bonnie)<br/> <i>Nanyah Vegas, LLC's Motion to Strike Defendants' Motion to Compel<br/> Denied;</i></p>  |
| 01/23/2018 | <p> <b>All Pending Motions</b> (10:30 AM) (Judicial Officer: Bulla, Bonnie)<br/> Matter Heard;<br/> Journal Entry Details:<br/> <i>Nanyah Vegas, LLC's Motion to Strike Defendants' Motion to Compel ..... Defendants' Motion to Compel Colloquy re: Rule 26(d). Commissioner advised Pltf's counsel it was not proper to file the Motion. COMMISSIONER RECOMMENDED, Nanyah Vegas, LLC's Motion to Strike Defendants' Motion to Compel is DENIED as Commissioner already ruled in part on the validity of the Motion when counsel appeared last time. Commissioner gave time for counsel to have a 2.34 meet and confer, resolve what they could, and bring a list of outstanding discovery chambers conference. Argument by Ms. Shanks. Commissioner needs a list of outstanding discovery, and a record with Javs is needed in this case. Mr. Lionel stated 95 percent of Defts' discovery has been done. COMMISSIONER RECOMMENDED, a 2.34 conference is REQUIRED unless counsel already conducted one; file a supplemental brief by 2-5-18; Defendants' Motion to Compel is CONTINUED; Nanyah Vegas, LLC's Motion to Compel on 2-7-18 is CONTINUED to 1:00 p.m. Mr. Lionel to prepare the Report and Recommendations, and Ms. Shanks to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. 2-7-18 1:00 a.m. Defendants' Motion to Compel 2-7-18 1:00 a.m. Nanyah Vegas, LLC's Motion to Compel Defts Responses to Request for Production and Interrogatories ;</i></p> |
| 03/07/2018 | <p><b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie)<br/> <i>COURT CALL - Nanyah Vegas, LLC's Motion to Compel Defendants Responses to Request for Production and Interrogatories<br/> see fax dated 1/31/18<br/> Withdrawn;</i></p>  |
| 03/07/2018 | <p><b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie)<br/> <i>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<br/> Granted;</i></p>  |
| 03/07/2018 | <p> <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie)</p>   |

# CASE SUMMARY

CASE NO. A-13-686303-C


|            |  |
|------------|--|
|            | <p>Matter Heard;<br/>Journal Entry Details:<br/><i>COURT CALL - Nanyah Vegas, LLC's Motion to Compel Defendants Responses to Request for Production and Interrogatories 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 Defendants' Motion to Compel Mr. Lionel stated counsel met and conferred on 3-6-18, and Plaintiff agreed to provide meaningful answers to Interrogatories within 30 days. Mr. Simons stated extensive responses were received, and Plaintiff agreed to Withdraw the Motion to Compel. Upon agreement by counsel, COMMISSIONER RECOMMENDED, supplements due and exchanged by 4-9-18; Nanyah Vegas, LLC's Motion to Compel Defendants Responses to Request for Production and Interrogatories is WITHDRAWN by Mr. Simons. Colloquy re: modifying discovery deadlines. 6-25-18 Trial date. Motion for Summary Judgment on Statute of Limitations set 4-18-18. COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 6-1-18; adding parties and amended pleadings are CLOSED; initial expert disclosures DUE 4-2-18; rebuttal expert disclosures DUE 4-30-18; file dispositive motions by 6-1-18 on OST. COMMISSIONER RECOMMENDED, Countermotion for an Order That the Answers to Requests for Admissions Should be Considered as Having Been Timely Filed is GRANTED; Commissioner ALLOWED Admissions served five days late DEEMED TIMELY; both sets of Admissions are DEEMED TIMELY (Rogich and Eliades); Defendants Motion to Compel is OFF CALENDAR based on additional 30 days as agreed to by counsel. Mr. Lionel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.;</i></p> |
| 03/22/2018 | <p><b>CANCELED Status Check: Compliance</b> (3:00 AM) (Judicial Officer: Bulla, Bonnie)<br/><i>Vacated - per Commissioner</i></p>  |
| 04/18/2018 | <p><b>Motion for Summary Judgment</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br/><i>Granted in Part;</i></p>   |
| 04/18/2018 | <p><b>Joinder</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br/><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><br/>Matter Heard;</p>   |
| 04/18/2018 | <p><b>Joinder</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br/><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><br/>Matter Heard;</p>  |
| 04/18/2018 | <p><b>Opposition and Countermotion</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br/><i>Opposition to Motion for Summary Judgment; Countermotion for Summary Judgment; and Countermotion for NRCP 56(f) Relief</i><br/>Denied;</p>  |
| 04/18/2018 | <p> <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br/>Matter Heard;<br/>Journal Entry Details:<br/><i>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...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...OPPOSITION TO MOTION FOR SUMMARY JUDGMENT; COUNTERMOTION FOR SUMMARY JUDGMENT; AND COUNTERMOTION FOR NRCP 56(F) RELIEF Arguments by counsel regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Defendant's Motion for Summary Judgment GRANTED IN PART as to fraudulent conveyance and constructive trust; DENIED IN PART in all other respects. COURT FURTHER ORDERED, Plaintiff's Opposition to Motion for Summary Judgment; Countermotion for Summary Judgment; and Countermotion for NRCP 56</i></p>   |

# CASE SUMMARY

CASE NO. A-13-686303-C

(f) Relief DENIED. Mr. Lionel to prepare the order. Colloquy regarding the Court's trial calendar. Court directed parties to see if they can agree to the length of the trial, whether or not it will be a jury trial, and provide their availability for trial through the end of the year and Court will set a firm trial setting.;


04/26/2018 **CANCELED Status Check: Compliance** (3:00 AM) (Judicial Officer: Bulla, Bonnie)  
Vacated - per Commissioner

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  
Denied;  
Journal Entry Details:  
Nanyah Vegas LLC's Motion to Continue Trial and to Set Firm Trial Date on Order Shortening Time DENIED, however Court will set trial date certain, counsel to provide their availability to Court by May 25, 2018, Motions in limine set in June VACATED and to be RESET about two weeks before trial, based on availability. Colloquy regarding competing orders from last hearing. Court directed parties to send competing orders and it would sign one if it can, it not then Court will convene a telephonic so they can discuss the terms in dispute. ;

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

07/10/2018 **Motion to Reconsider** (3:00 AM) (Judicial Officer: Allf, Nancy)  
Events: 06/04/2018 Motion to Reconsider  
Motion to Reconsider Order Partially Granting Summary Judgment  
Denied;

07/10/2018 **Motion For Reconsideration** (3:00 AM) (Judicial Officer: Allf, Nancy)  
Events: 06/05/2018 Motion  
Defendants Sigmund Rogich, Individually And As Trustee Of The Rogich Family Irrevocable Trust And Imitations, Llc's Motion For Reconsideration  
Denied;

07/10/2018  **All Pending Motions** (3:00 AM) (Judicial Officer: Allf, Nancy)  
Minute Order - No Hearing Held;  
Journal Entry Details:  
**MOTION TO RECONSIDER ORDER PARTIALLY GRANTING SUMMARY JUDGMENT DEFENDANTS SIGMUND ROGICH, INDIVIDUALLY AND AS TRUSTEE OF THE ROGICH FAMILY IRREVOCABLE TRUST AND IMITATIONS, LLC'S MOTION FOR RECONSIDERATION COURT FINDS** after review on June 4, 2018 Nanyah Vegas, LLC ( Nanyah ) filed a Motion to Reconsider Order Partially Granting Summary Judgment ( Nanyah Motion to Reconsider ). On June 14, 2018, Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Trust, and Imitations, LLC ( Rogich Defendants ) filed an Opposition, to which Defendants Peter Eliades, the Eliades Survivor Trust of 10/30/08, Teld LLC, and Eldorado Hills, LLC ( Eliades Defendants ) joined on June 21, 2018. Nanyah filed a Reply on June 25, 2018. The matter being fully briefed, and based on the papers and pleadings on file, the matter is deemed submitted. COURT FURTHER FINDS after review on June 5, 2018 the Rogich Defendants filed Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC s Motion for Reconsideration ( Rogich Motion for Reconsideration ), to which the Eliades Defendants joined on June 14, 2018. Nanyah filed an Opposition on June 25, 2018, and the Rogich Defendants filed a Reply on July 2, 2018. The matter being fully briefed, and based on the papers and pleadings on file, the matter is deemed submitted. COURT FURTHER FINDS after review The Court may only reconsider a previous decision if the moving party introduces substantially different evidence . . . or the decision is clearly erroneous. Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd., 113 Nev. 737, 741 (1997). Further, [o]nly in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted. Moore v. City of Las Vegas, 92 Nev. 402, 405 (1976). COURT FURTHER FINDS after review in relation to the Nanyah Motion to Reconsider, the internal accounting ledger submitted does not support a ruling contrary to the Court s previous decision. COURT FURTHER FINDS after review in relation to the Rogich

# CASE SUMMARY

CASE NO. A-13-686303-C

*Motion for Reconsideration, the Court already considered the evidence submitted, including the exhibits and deposition testimony of Mr. Harlap, and thus it does not support a ruling contrary to the Court's previous decision. THEREFORE, COURT ORDERS for good cause appearing and after review, both the Nanyah Motion to Reconsider, and the Rogich Motion for Reconsideration are hereby DENIED. Movants to submit the orders in compliance with EDCR 7.21. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 7/16/2018 ;*

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*

*Minute Order - No Hearing Held; 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*

Journal Entry Details:

*COURT FINDS after review on June 19, 2018 Plaintiff Nanyah Vegas, LLC filed a 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 ( Motion ), and hearing was set for July 25, 2018 at 9:00 a.m. on Motions Calendar. COURT FURTHER FINDS after review the Certificate of Service indicates the Motion was electronically served on all parties on June 19, 2018. COURT FURTHER FINDS after review no oppositions to the Motion have been filed. COURT FURTHER FINDS after review EDCR 2.20(e) provides in relevant part: Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same. COURT FURTHER FINDS after review the Court regularly grants similar motions so long as the page extension is reasonable. COURT FURTHER FINDS after review the proposed pleading is 39 pages, which the Court finds reasonable for the type of motion and case. COURT ORDERS for good cause appearing and after review pursuant to EDCR 2.20(e) and the merits of the Motion, Plaintiff Nanyah Vegas, LLC's 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 is GRANTED. Hearing set for July 25, 2018 at 9:00 a.m. on Motions Calendar is VACATED. Movant to submit the order in compliance with EDCR 7.21. ;*

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*

07/26/2018

**Motion for Summary Judgment** (10:30 AM) (Judicial Officer: Allf, Nancy)

Events: 06/01/2018 Motion for Summary Judgment

*Defendant Eldorado Hills, LLC's Motion for Summary Judgment*

Denied;

07/26/2018

**Motion for Summary Judgment** (10:30 AM) (Judicial Officer: Allf, Nancy)

Events: 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*

Granted;

07/26/2018

**Opposition and Countermotion** (10:30 AM) (Judicial Officer: Allf, Nancy)

Events: 06/19/2018 Opposition and Countermotion

*Opposition to Eliades Defendants Motion for Summary Judgment and Countermotion for Summary Judgment*

Denied;

07/26/2018

**Opposition and Countermotion** (10:30 AM) (Judicial Officer: Allf, Nancy)

Events: 06/19/2018 Opposition and Countermotion



*Opposition to Eldorado Hills Motion for Summary Judgment and Countermotion for Summary Judgment.*

Denied;



# CASE SUMMARY

CASE NO. A-13-686303-C

|            |   |
|------------|---|
| 07/26/2018 | <p><b>Motion to Strike</b> (10:30 AM) (Judicial Officer: Allf, Nancy)</p> <p>Events: 07/13/2018 Motion to Strike</p> <p><i>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</i></p> <p>Denied;</p>  |
| 07/26/2018 | <p><b>Motion</b> (10:30 AM) (Judicial Officer: Allf, Nancy)</p> <p>Events: 07/16/2018 Motion</p> <p><i>Defendant's Motion for Expedited Hearing on Pending Motion In Limine on order Shortening Time</i></p> <p>Granted;</p>  |
| 07/26/2018 | <p> <b>All Pending Motions</b> (10:30 AM) (Judicial Officer: Allf, Nancy)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>DEFENDANT ELDORADO HILLS, LLC'S 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...OPPOSITION TO ELIADES DEFENDANTS MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT...OPPOSITION TO ELDORADO HILLS MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT...DEFENDANT'S MOTION FOR EXPEDITED HEARING ON PENDING MOTION IN LIMINE ON ORDER SHORTENING TIME...MOTION TO STRIKE COUNTERMOTION</i> Arguments by Mr. Liebman and Mr. Simon regarding the merits of and opposition to the Motion for Summary Judgment and the Countermotion for Summary Judgment. Court stated its findings and ORDERED, Defendant Eldorado Hills, LLC's Motion for Summary Judgment DENIED; Opposition to Eldorado Hills Motion for Summary Judgment and Countermotion for Summary Judgment DENIED. Arguments by Mr. Liebman and Mr. Simons regarding the merits of and opposition to the Motion for Summary Judgment and the Countermotion for Summary Judgment. COURT ORDERED, Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, and Teld, LLC's Motion for Summary Judgment UNDER ADVISEMENT; Opposition to Eliades Defendants Motion for Summary Judgment and Countermotion for Summary Judgment UNDER ADVISEMENT; matter SET on chambers calendar for decision. Arguments by Mr. Lionel regarding expediting the hearing. COURT ORDERED, Defendant's Motion for Expedited Hearing on Pending Motion In Limine on order Shortening Time GRANTED, parties to provide availability for dates in October for a two hour hearing; Motion to Strike Countermotion DENIED. Court stated they will confer to set deadlines on the motions in limine. Court directed counsel to confer with Court's Judicial Executive Assistant. 8/7/2018 (CHAMBERS) 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 ;</p> |
| 08/07/2018 | <p> <b>Decision</b> (3:00 AM) (Judicial Officer: Allf, Nancy)</p> <p><i>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</i></p> <p>Decision Made;</p> <p>Journal Entry Details:</p> <p><i>COURT FINDS after review on July 26, 2018 the Court heard argument on Defendant Peter Eliades, Individually and as Trustee of the Eliades Survivor Trust of 10/30/08, and Teld, LLC's Motion for Summary Judgment ( Motion ), as well as on Plaintiff Nanyah Vegas, LLC's Countermotion for Summary Judgment ( Countermotion ) and the Court took both matters under advisement. The Court set a Status Check on August 7, 2018 on Chambers Calendar to issue a decision or otherwise inform the parties of when they could expect one. COURT FURTHER FINDS after review based on the pleadings and papers on file, as well as arguments of counsel, the matter is deemed submitted, and COURT ORDERS the Motion is GRANTED and the Countermotion is DENIED. COURT FURTHER FINDS after review The fact that a contract or agreement contains a provision, as in the case at bar, binding the successors, heirs, and assigns of the parties hereto, is not of itself, as a general rule, sufficient</i></p>  |

**CASE SUMMARY****CASE NO. A-13-686303-C**

to impose personal liability upon the assignee, unless by specific agreement to that effect or by an agreed substitution of the assignee for the vendee. *S. Pac. Co. v. Butterfield*, 39 Nev. 177 (1916). **COURT FURTHER FINDS** after review An assignment cannot shift the assignor's liability to the assignee, because it is a well established rule that a party to a contract cannot relieve himself of his obligations by assigning the contract. Neither does it have the effect of creating a new liability on the part of the assignee, to the other party to the contract assigned, because the assignment does not bring them together, and consequently there cannot be a meeting of the minds essential to the formation of a contract. *S. Pac. Co. v. Butterfield*, 39 Nev. 177 (1916). **COURT FURTHER FINDS** after review on October 30, 2008 The Rogich Family Irrevocable Trust, as Buyer, obtained an interest in Eldorado Hills via a Purchase Agreement. Section 4 of the Purchase Agreement reads in part: Seller, however, will not be responsible to pay the Exhibit A Claimants their percentage or debt. This will be Buyer's obligation. . . . The Exhibit A Claimants includes Nanyah Vegas, LLC, and its \$1,500,000.00 investment. **COURT FURTHER FINDS** after review, though The Rogich Family Irrevocable Trust specifically agreed to assume the obligation to pay Nanyah Vegas, LLC its percentage or debt, there is nothing indicating that Teld, LLC, Peter Eliades, or the Eliades Survivor Trust of 10/30/08 specifically agreed to assume those obligations from The Rogich Family Irrevocable Trust. The language indicating the Agreement shall be binding and inure to the benefit of the heirs, personal representatives, successors, and permitted assigns of the parties hereto, absent any specific agreement, is not itself sufficient to impose liability on Teld, LLC, Peter Eliades, or the Eliades Survivor Trust of 10/30/08. And deposition testimony to the contrary does not impose a duty that the law or contractual relations do not otherwise impose. Accordingly, these Defendants are entitled to summary judgment on the contract-related claims and remedies, as well as for Tortious Breach of the Implied Covenant of Good Faith and Fair Dealing. **COURT FURTHER FINDS** after review [C]ivil conspiracy liability may attach where two or more persons undertake some concerted action with the intent to commit an unlawful objective, not necessarily a tort. *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. Adv. Op. 15 (2015). **COURT FURTHER FINDS** after review Agents and employees of a corporation cannot conspire with their corporate principal or employer where they act in their official capacities on behalf of the corporation and not as individuals for their individual advantage. *Collins v. Union Fed. Sav. & Loan Ass'n*, 99 Nev. 284, 303 (1983). **COURT FURTHER FINDS** after review the intracorporate conspiracy doctrine does not apply to this case because the claim does not involve the Defendants conspiring with Eldorado Hills. **COURT FURTHER FINDS** after review Plaintiff's theory of Conspiracy is that it arises relating to the transactions whereby these defendants obtained membership interests in Eldorado subject to repayment obligations owed to Nanyah and these defendants pursuing their own individual advantages seeking to interfere with the return of Nanyah's investment in Eldorado. See Opposition p. 29. **COURT FURTHER FINDS** after review as discussed above, because there is no evidence these Defendants assumed the liability to repay Nanyah Vegas, LLC's investment, there is no unlawful objective necessary to support a claim for Conspiracy. Accordingly, these Defendants are entitled to summary judgment on Conspiracy. **THEREFORE COURT ORDERS** for good cause appearing and after review for the reasons discussed above Defendant Peter Eliades, Individually and as Trustee of the Eliades Survivor Trust of 10/30/08, and Teld, LLC's Motion for Summary Judgment is **GRANTED**, and Plaintiff Nanyah Vegas, LLC's Countermotion for Summary Judgment is **DENIED**. Movant to prepare and submit detailed findings of fact and conclusions of law. **CLERK'S NOTE:** This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/8/2018;

09/27/2018

**Motion** (10:00 AM) (Judicial Officer: Allf, Nancy)

Events: 08/17/2018 Motion

Motion for Rehearing

**MINUTES**

Motion

Filed By: Consolidated Case Party Sigmund Rogich

Motion for Rehearing

Under Advisement;

Decision Made;

Under Advisement;

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

# CASE SUMMARY

CASE NO. A-13-686303-C

Decision Made;

09/27/2018



**All Pending Motions** (10:00 AM) (Judicial Officer: Allf, Nancy)

## MINUTES

Matter Heard;

Journal Entry Details:

*MOTION FOR REHEARING...NANYAH VEGAS LLC'S OPPOSITION TO MOTION FOR REHEARING AND COUNTERMOTION FOR AWARD OF FEES AND COSTS* Arguments by Mr. Lionel and Mr. Simons regarding the merits of and opposition to the motion and countermotion. COURT ORDERED, Motion for Rehearing and Nanyah Vegas LLC's Opposition to Motion for Rehearing and Countermotion for Award of Fees and Costs TAKEN UNDER ADVISEMENT and set on chambers calendar for decision. Court stated it was its intent to deny the motion however, Court will take another look at the timeline. Further arguments by Mr. Lionel. Court stated it will review the matter and if it grants the motion to rehear then it will give parties a chance to argue. 10/9/2018 (CHAMBERS) DECISION: MOTION FOR REHEARING; NANYAH VEGAS LLC'S OPPOSITION TO MOTION FOR REHEARING AND COUNTERMOTION FOR AWARD OF FEES AND COSTS;

## SCHEDULED HEARINGS



**Decision** (10/05/2018 at 3:00 AM) (Judicial Officer: Allf, Nancy)

*DECISION: MOTION FOR REHEARING; NANYAH VEGAS LLC'S OPPOSITION TO MOTION FOR REHEARING AND COUNTERMOTION FOR AWARD OF FEES AND COSTS*

10/05/2018



**Decision** (3:00 AM) (Judicial Officer: Allf, Nancy)

*DECISION: MOTION FOR REHEARING; NANYAH VEGAS LLC'S OPPOSITION TO MOTION FOR REHEARING AND COUNTERMOTION FOR AWARD OF FEES AND COSTS*

Minute Order - No Hearing Held;


Journal Entry Details:

*COURT FINDS after review that on June 5, 2018 the Rogich Defendants filed Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC s Motion for Reconsideration seeking reconsideration of the Court s May 22, 2018 Order Partially Granting Summary Judgment. COURT FURTHER FINDS after review that the Notice of Entry of the Court s Order Denying Motion for Reconsideration was filed on July 26, 2018. COURT FURTHER FINDS after review that on August 17, 2018 the Rogich Defendants filed the Motion for Rehearing seeking reconsideration of the Court s May 22, 2018 Order Partially Granting Summary Judgment and July 24, 2018 Order Denying Motion for Reconsideration. COURT FURTHER FINDS after review that on September 4, 2018, Nanyah Vegas, LLC s Opposition to Motion for Rehearing and Countermotion for Award of Fees and Costs ( Countermotion ) was filed with the Court seeking attorney s fees and costs pursuant to NRS 7.085. COURT FURTHER FINDS after review that the Court heard oral arguments on the Motion for Rehearing on September 27, 2018. The Court took the matter under submission and set a Status Check for October 9, 2018 on Chambers Calendar for the Court to release a Decision on the Motion for Rehearing. COURT FURTHER FINDS after review [t]he Court may only reconsider a previous decision if the moving party introduces substantially different evidence . . . or the decision is clearly erroneous. Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd., 113 Nev. 737, 741 (1997). Further, [o]nly in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted. Moore v. City of Las Vegas, 92 Nev. 402, 405 (1976). COURT FURTHER FINDS after review that the Court already considered the evidence submitted with the Motion for Rehearing, including the exhibits and deposition testimony of Mr. Harlap, and thus it does not support a ruling contrary to the Court s previous decision. COURT FURTHER FINDS after review that EDCR 5.512(a) states in pertinent part that a party seeking reconsideration and/or rehearing of a ruling (other than an order that may be addressed by motion pursuant to NRCP 50(b), 52 (b), 59, or 60), must file a motion for such relief within 14 calendar days after service of notice of entry of the order unless the time is shortened or enlarged by order. COURT FURTHER FINDS after review that EDCR 2.24(b) states in pertinent part that a party seeking reconsideration of a ruling of the court, other than any order which may be addressed by motion pursuant to N.R.C.P. 50(b), 52(b), 59 or 60, must file a motion for such relief within 10 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order. COURT FURTHER FINDS after review that pursuant to both EDCR 2.24 and EDCR 5.512, the Motion for Rehearing is also untimely. THEREFORE, COURT ORDERS*



# CASE SUMMARY

CASE NO. A-13-686303-C

|            |   |
|------------|---|
|            | <p>for good cause appearing and after review, that because it has failed to introduce substantially different evidence or establish that the Court's previous decision is clearly erroneous, and because the Motion for Rehearing is untimely pursuant to EDCR 2.24 and EDCR 5.512, the Rogich Defendants Motion for Rehearing is hereby <b>DENIED</b>. <b>COURT FURTHER ORDERS</b> for good cause appearing and after review that Plaintiff's Countermotion seeking an award of fees and costs pursuant to NRS 7.085 is hereby <b>DENIED</b>. <b>CLERK'S NOTE:</b> This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File &amp; Serve. /nm;</p> |
| 10/10/2018 | <p><b>Motion in Limine</b> (10:30 AM) (Judicial Officer: Allf, Nancy)<br/> Events: 05/10/2018 Motion in Limine<br/> <i>Nanyah Vegas, LLC's Motion in Limine #1 re: Eldorado Hills, LLC Bound by Admissions and Statements of Its Managing Member</i><br/> Denied;</p>   |
| 10/10/2018 | <p><b>Motion in Limine</b> (10:30 AM) (Judicial Officer: Allf, Nancy)<br/> Events: 05/10/2018 Motion in Limine<br/> <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><br/> Denied;</p>   |
| 10/10/2018 | <p><b>Motion in Limine</b> (10:30 AM) (Judicial Officer: Allf, Nancy)<br/> Events: 05/10/2018 Motion in Limine<br/> <i>Nanyah Vegas, LLC's Motion in Limine #3 re: Defendants Bound by Their Answers to Complaint</i><br/> Granted;</p>   |
| 10/10/2018 | <p><b>Motion in Limine</b> (10:30 AM) (Judicial Officer: Allf, Nancy)<br/> Events: 05/10/2018 Motion in Limine<br/> <i>Nanyah Vegas, LLC's Motion in Limine #4 Yoav Harlap's Personal Financials</i><br/> Granted in Part;</p>  |
| 10/10/2018 | <p><b>Joinder</b> (10:30 AM) (Judicial Officer: Allf, Nancy)<br/> Events: 05/21/2018 Joinder to Motion in Limine<br/> <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><br/> Matter Heard;</p>  |
| 10/10/2018 | <p><b>Motion in Limine</b> (10:30 AM) (Judicial Officer: Allf, Nancy)<br/> <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><br/> Granted;</p>   |
| 10/10/2018 | <p><b>Motion in Limine</b> (10:30 AM) (Judicial Officer: Allf, Nancy)<br/> <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><br/> Granted;</p>  |
| 10/10/2018 | <p><b>Motion in Limine</b> (10:30 AM) (Judicial Officer: Allf, Nancy)<br/> <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><br/> Deferred Ruling;</p>   |
| 10/10/2018 | <p> <b>All Pending Motions</b> (10:30 AM) (Judicial Officer: Allf, Nancy)<br/> Matter Heard;<br/> Journal Entry Details:<br/> <b>NANYAH VEGAS, LLC'S MOTION IN LIMINE #1 RE: ELDORADO HILLS, LLC BOUND BY ADMISSIONS AND STATEMENTS OF ITS MANAGING MEMBER...NANYAH VEGAS, LLC'S</b></p>   |

# CASE SUMMARY

CASE No. A-13-686303-C

*MOTION IN LIMINE #2 RE: NRS 47.240(2) MANDATES FINDING THAT NANYAH VEGAS, LLC INVESTED \$1.5 MILLION INTO ELDORADO HILLS, LLC...NANYAH VEGAS, LLC'S MOTION IN LIMINE #3 RE: DEFENDANTS BOUND BY THEIR ANSWERS TO COMPLAINT...NANYAH VEGAS, LLC'S MOTION IN LIMINE #4 YOAV HARLAP'S PERSONAL FINANCIALS...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...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...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...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*

*Following arguments by counsel, Court stated findings and ruled as follows. As to Nanyah Vegas, LLC's Motion in Limine #1 re: Eldorado Hills, LLC Bound by Admissions and Statements of Its Managing Member, COURT ORDERED, motion DENIED. As to 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, COURT ORDERED, motion DENIED. As to Nanyah Vegas, LLC's Motion in Limine #3 re: Defendants Bound by Their Answers to Complaint COURT ORDERED, motion GRANTED, however, to the extent that the parties obtained additional information after the answer was filed they will not be precluded from bringing that forward at the time of trial. As to Nanyah Vegas, LLC's Motion in Limine #4 Yoav Harlap's Personal Financials, COURT ORDERED, motion GRANTED with regard to personal finances, there may be latitude at the time of trial based on foundation and if the door is opened. As to 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, COURT ORDERED, motion DEFERRED UNTIL TIME OF TRIAL to see how the evidence comes in. As to 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, COURT ORDERED, motion GRANTED, relief is that the presumption of the binding effect of the recitals is at issue As to 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 COURT ORDERED, motion GRANTED, scope of testimony will be relevant at the time of trial and subject to resolution by objection.;*

11/01/2018



**Calendar Call** (11:00 AM) (Judicial Officer: Allf, Nancy)

Matter Heard;

Journal Entry Details:

*Mr. Sawyer requested to continue matter and advised his sister passed away Friday night in Florida. Further, funeral was yesterday, counsel returned last night and stated the past couple of weeks have been difficult for counsel. Court stated matter can be continued if everyone consents today. Mr. Kennedy stated he has no objection to request. Mr. Simons stated he does not have authorization to consent to continuance and noted the Rule 41(e) issue. Mr. Wirthlin stated counsel is talking a 60 day continuance and no objection to firm setting. Mr. Simons stated that he has not had time to communicate with his client, can reach out to him but instructions that he has today is to move forward with trial. Further, counsel advised he will reach out to client and to get response back. Colloquy regarding telephonic conference. Court stated counsel to let parties know if there is consent if not telephonic conference will go forward. Counsel to have availability for alternate trial dates when telephonic conference is held. COURT ORDERED, matter SET for telephonic conference. Further, the Court does not have the 2.47 or bench briefs the Court requested. Mr. Simons stated parties have communicated with regards to seeing if there can be some middle ground and does not seem to have any traction. Further, parties have exchanged exhibits. Parties have agreed to file pre-trial memorandums on Monday. Matter is moving along and all parties are ready except for this little event that has occurred. 11/518 2:30 PM TELEPHONIC CONFERENCE;*

11/01/2018

**CANCELED Motion in Limine** (11:00 AM) (Judicial Officer: Allf, Nancy)

*Vacated - per Attorney or Pro Per*

*Defendants' Motion in Limine to Limit Trial Testimony of Yoav Harlap at Trial*



11/05/2018



**Telephonic Conference** (2:30 PM) (Judicial Officer: Allf, Nancy)

# CASE SUMMARY


CASE NO. A-13-686303-C

|            |   |
|------------|---|
|            | <p>Matter Heard;<br/>Journal Entry Details:<br/><i>All counsel present telephonically. Colloquy regarding oral motion at last hearing to continue trial. Mr. Simons stated his client did not consent to the continuance however, he did obtain the availability of his client. COURT ORDERED, continuance GRANTED. Colloquy regarding availability. Court directed counsel to confer and let Court's Judicial Executive Assistant know by the close of business November 7, 2018.;</i></p>   |
| 11/13/2018 | <p><b>CANCELED Jury Trial - FIRM</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br/><i>Vacated</i></p>  |
| 11/15/2018 | <p><b>CANCELED Motion to Retax</b> (9:30 AM) (Judicial Officer: Allf, Nancy)<br/><i>Vacated - per Order<br/>Nanyah Vegas, LLC's Motion to Retax and Alternatively Motion to Strike</i></p>  |
| 12/05/2018 | <p><b>CANCELED Motion for Attorney Fees and Costs</b> (9:00 AM) (Judicial Officer: Allf, Nancy)<br/><i>Vacated - per Order<br/>Defendants Peter Eliades and Teld LLC's Motion for Attorney's Fees and Costs</i></p>   |
| 02/21/2019 | <p><b>Motion for Relief</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br/><i>Motion for Relief From the October 5, 2018 Order Pursuant to NRCP 60(b)<br/>Denied;</i></p>   |
| 02/21/2019 | <p><b>Opposition</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br/><i>Nanyah Vegas LLC's Opposition to Motion for Relief from the October 5, 2018 Order Pursuant to NRCP 60(b)<br/>Matter Heard;</i></p>   |
| 02/21/2019 | <p> <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br/>Matter Heard;<br/>Journal Entry Details:<br/><i>MOTION FOR RELIEF FROM THE October 5, 2018 ORDER PURSUANT TO NRCP 60 (B)..NANYAH VEGAS LLC'S OPPOSITION TO MOTION FOR RELIEF FROM THE October 5, 2018 ORDER PURSUANT TO NRCP 60(B) Arguments by Mr. Wirthlin and Mr. Simons regarding the merits of and opposition to the motion. COURT ORDERED, 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) TAKEN UNDER ADVISEMENT for Court to revisit the pleadings and enter a decision. COURT FURTHER ORDERED, matter SET on chambers calendar. Colloquy regarding if decision affects the future upcoming hearings. Court directed counsel provide availability to Court's Judicial Executive for a special setting. Mr. Wirthlin stated the deadline to file Motions in Limine is February 25, 2019. COURT ORDERED, matters on March 6, 2019 VACATED pending special setting. 3/5/2019 (CHAMBERS)DECISION: MOTION FOR RELIEF FROM THE October 5, 2018 ORDER PURSUANT TO NRCP 60(B)..NANYAH VEGAS LLC'S OPPOSITION TO MOTION FOR RELIEF FROM THE October 5, 2018 ORDER PURSUANT TO NRCP 60(B);</i></p> |
| 03/05/2019 | <p><b>CANCELED Decision</b> (3:00 AM) (Judicial Officer: Allf, Nancy)<br/><i>Vacated - Duplicate Entry</i></p>  |
| 03/05/2019 | <p> <b>Decision</b> (3:00 AM) (Judicial Officer: Allf, Nancy)<br/><i>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)<br/>Minute Order - No Hearing Held;<br/>Journal Entry Details:<br/>COURT FINDS after review that on February 6, 2019 the Motion for Relief from the October 5, 2018 Order Pursuant to NRCP 60(b) ( Motion for Relief ) was filed with the Court seeking relief from the October 5, 2018 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 ( Order ). The Matter was set for hearing on February 21, 2019 at 10:00 a.m. on Motions</i></p>  |

# CASE SUMMARY

CASE No. A-13-686303-C

*Calendar. COURT FURTHER FINDS after review that the Court heard oral arguments on the Motion for Relief on February 21, 2019. The Court took the matter under submission and set a Status Check for March 5, 2019 on Chambers Calendar for the Court to issue a minute order with its decision. COURT FURTHER FINDS after review that a motion made under NRCP 60 (b) shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than 6 months after the proceeding was taken or the date that written notice of entry of the judgment or order was served. COURT FURTHER FINDS after review that the Motion for Relief was timely made under NRCP 60(b). COURT FURTHER FINDS after review that NRCP 60(b), in pertinent part, permits the Court, [o]n motion and upon such terms as are just, to relieve a party from a final judgment, order or proceeding for the following reasons: (1) mistake, inadvertence, surprise or excusable neglect . COURT FURTHER FINDS after review that no mistake, inadvertence, surprise or excusable neglect exists with respect to the Courts Order or the Court s August 8, 2018 Minute Order. THEREFORE, COURT ORDERS for good cause appearing and after review that the Motion for Relief from the October 5, 2018 Order Pursuant to NRCP 60(b) is hereby DENIED and the Status Check set for March 5, 2019 on Chambers Calendar is hereby VACATED. Plaintiff to prepare the Order in compliance with EDCR 7.21. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 3/5/2019;*

- |            |  |
|------------|--|
| 03/06/2019 | <p><b>CANCELED Motion for Summary Judgment</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Vacated</i><br/> <i>Defendant Eldorado Hills, LLC's Motion to Extend the Dispositive Motion Deadline and Motion for Summary Judgment</i></p>   |
| 03/06/2019 | <p><b>CANCELED Motion for Summary Judgment</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Vacated</i><br/> <i>Nanyah Vegas, LLC's Motion to Extend the Dispositive Motion Deadline and Motion for Summary Judgment</i></p>   |
| 03/06/2019 | <p><b>CANCELED Opposition and Countermotion</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Vacated</i><br/> <i>Nanyah Vegas LLC's Opposition to Eldorado Hills LLC's Motion to Extend the Dispositive Motion Deadline and Motion for Summary Judgment and Countermotion for NRCP 15 Relief</i></p>   |
| 03/20/2019 | <p><b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Nanyah Vegas LLC's Motion in Limine #5 Re: Parole Evidence Rule</i><br/> <i>Denied;</i></p>   |
| 03/20/2019 | <p><b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Nanyah Vegas LLC's Motion in Limine #6 Re: Date of Discovery</i><br/> <i>Denied;</i></p>  |
| 03/20/2019 | <p><b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Motion for Compel Production of Plaintiffs' Tax Return and for Attorney's Fees and Order Shortening Time</i><br/> <i>Granted in Part;</i></p>   |
| 03/20/2019 | <p> <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Matter Heard;</i><br/> <i>Journal Entry Details:</i></p> <p><i>NANYAH VEGAS LLC'S MOTION IN LIMINE #5 RE: PAROLE EVIDENCE RULE...NANYAH VEGAS LLC'S MOTION IN LIMINE #6 RE: DATE OF DISCOVERY...MOTION FOR COMPEL PRODUCTION OF pLAINTIFFS' TAX RETURN AND FOR ATTORNEY'S FEES AND ORDER SHORTENING TIME Arguments by Mr. Simons, Mr. Liebman, and Mr. Wirthlin regarding the merits and opposition to the Motion in Limine #5. Court stated its findings and ORDERED, Nanyah Vegas LLC's Motion in Limine #5 Re: Parole Evidence Rule DENIED. Mr. Liebman to prepare the order and submit it to opposing counsel for approval. Arguments by Mr. Simons, Mr. Liebman, and Mr. Wirthlin regarding the merits and opposition to the Motion in Limine #6. Court stated its findings and ORDERED, Nanyah Vegas LLC's Motion in Limine #6 Re :Date of Discovery DENIED. Arguments by Mr. Wirthlin and Mr. Simons regarding the Motion to Compel. COURT ORDERED, Motion for Compel Production of Plaintiffs' Tax Return and for Attorney's Fees and Order Shortening Time GRANTED IN PART as to Motion to Compel, DENIED IN PART</i></p> |

**CASE SUMMARY****CASE NO. A-13-686303-C**

|            |   |
|------------|---|
|            | as to Motion for Attorney's Fees; the part of the tax return showing treatment will be discoverable and the schedule L and front page of the tax return should be provided within ten days of entry of the order, if parties can agree to a protective order then it can be produced pursuant to a protective order, and if parties can not come to terms on a protective order then they may request a telephonic for the Court to resolve the matter with letters sent to Court so it can prepare for the telephonic. Court stated it is entering an order today striking the motions for summary judgment as they are past the dispositive deadline. Copy of order provided to counsel.; |
| 04/04/2019 | <b>CANCELED Motion for Summary Judgment</b> (9:30 AM) (Judicial Officer: Allf, Nancy)<br><i>Vacated</i><br><i>Motion for Leave to File Motion for Summary Judgment and Motion for Summary Judgment</i>  |
| 04/04/2019 | <b>CANCELED Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Bell, Linda Marie)<br><i>Vacated - Duplicate Entry</i><br><i>Motion to Reconsider Order on Nanyah's Motion in Limine #5: Parol Evidence Rule on Order Shortening Time</i>   |
| 04/08/2019 | <b>Motion to Reconsider</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br><i>Motion to Reconsider Order on Nanyah's Motion in Limine #5: Parol Evidence Rule on Order Shortening Time</i><br>Denied;  |
| 04/08/2019 | <b>Motion in Limine</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br><i>Defendants Motion in Limine to Preclude the Altered Eldorado Hills General Ledger and Related Testimony at Trial</i><br>Denied Without Prejudice;  |
| 04/08/2019 | <b>Motion in Limine</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br><i>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</i><br>Denied Without Prejudice;  |
| 04/08/2019 | <b>Motion</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br><i>Nanyah Vegas, LLC's Motion to Settle Jury Instructions Based Upon the Court's October 5, 2018, Order Granting Summary Judgment</i><br>Denied;  |
| 04/08/2019 | <b>CANCELED Motion</b> (10:00 AM) (Judicial Officer: Bell, Linda Marie)<br><i>Vacated</i><br><i>Defendant Eldorado Hills, LLC's Motion to Extend the Disposition Motion Deadline and Motion for Summary Judgment</i>  |
| 04/08/2019 | <b>CANCELED Motion for Summary Judgment</b> (10:00 AM) (Judicial Officer: Bell, Linda Marie)<br><i>Vacated</i><br><i>Nanyah Vegas LLC's Motion to Extend the Dispositive Motion Deadline and Motion for Summary Judgment</i>  |
| 04/08/2019 | <b>CANCELED Motion to Reconsider</b> (10:00 AM) (Judicial Officer: Bell, Linda Marie)<br><i>Vacated - Duplicate Entry</i><br><i>Motion to Reconsider Order on Nanyah's Motion in Limine #5: Parol Evidence Rule on Order Shortening Time</i>  |
| 04/08/2019 |  <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br>Matter Heard;<br>Journal Entry Details:<br><i>NANYAH VEGAS, LLC'S MOTION TO SETTLE JURY INSTRUCTIONS BASED UPON THE COURT'S October 5, 2018, ORDER GRANTING SUMMARY JUDGMENT...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 GOBAL INC'S CONSULTING FEE</i>   |



# CASE SUMMARY

CASE NO. A-13-686303-C

*INCOME O ATTEMPT TO REFINANCE...DEFENDANTS MOTION IN LIMINE TO PRECLUDE THE ALTERED ELDORADO HILLS GENERAL LEDGER AND RELATED TESTIMONY AT TRIAL...MOTION TO RECONSIDER ORDER ON NANYAH'S MOTION IN LIMINE #5: PAROL EVIDENCE RULE ON ORDER SHORTENING TIME* Arguments by Mr. Wirthlin and Mr. Simons. Mr. Liebman objected to the statements in the opposition claiming he authenticated the ledger. Further argument by Mr. Simons. COURT ORDERED, Defendants Motion in Limine to Preclude the Altered Eldorado Hills General Ledger and Related Testimony at Trial DENIED WITHOUT PREJUDICE and DEFERRED for determination at the time of trial as the authenticity is in dispute. Arguments by Mr. Wirthlin and Mr. Simons. COURT ORDERED, 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 DENIED WITHOUT PREJUDICE. Arguments by Mr. Simons, Mr. Wirthlin, and Mr. Liebman. COURT ORDERED, Nanyah Vegas, LLC's Motion to Settle Jury Instructions Based Upon the Court's October 5, 2018, Order Granting Summary Judgment DENIED as Court needs to hear the evidence, however Court's intention is that the jury instructions should be consistent with the October 5, 2018 order with regard to the conclusions of law. Arguments by Mr. Simons, Mr. Liebman, and Mr. Wirthlin. Court stated its findings and ORDERED, Motion to Reconsider Order on Nanyah's Motion in Limine #5: Parol Evidence Rule on Order Shortening Time DENIED. Mr. Wirthlin to prepare the order. Colloquy regarding whether a calendar call is set or needed. Court stated there is not a pretrial conference set at this time. Mr. Simons stated the Court's order striking the motions did not address the NRCP 15 motion to amend the pleadings to conform to the evidence established to the order. Mr. Liebman stated Mr. Simons motion was filed as a counter-motion and if Mr. Simons wants to re-file the motion then they will file an opposition, or the matter can be addressed at trial. Mr. Wirthlin agreed with statements by Mr. Liebman. Mr. Simons stated the matter was already filed and did not need to be filed again. Court stated if Mr. Simons wants to have the motion heard before trial then he will need to file an ex-parte order shortening time and make sure it is served on all the parties. Mr. Liebman inquired if a briefing schedule would be sent. Court directed parties to address at the matter on how they want to proceed at the last pre-trial conference. Colloquy regarding jury selection process. Mr. Wirthlin stated the order regarding the tax return being provided has been submitted to the Court. Court stated it will review it and sign it today.;

04/18/2019



**Telephonic Conference (4:00 PM)** (Judicial Officer: Allf, Nancy)

Matter Heard;

Journal Entry Details:

*All counsel present telephonically. Colloquy 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. Upon inquiry of Court if Mr. Simons is certain that Mr. Rogich is the only beneficiary, Mr. Simons stated it is unclear if Mr. Rogich is the sole beneficiary due to statements in the opposition. Upon inquiry of if there has been implied notification to the beneficiaries, Mr. Simons stated he believed Mr. Rogich was the only beneficiary however, counsel for Rogich Trust would not disclose who the beneficiaries were, and any beneficiary should have been fully cognizant of the action and notice. Mr. Wirthlin stated they will provide the information pursuant to the statute. Mr. Wirthlin also requested that the trial not be continued on that issue and they will provide briefing on it. Colloquy regarding NRS 163.120 and Court's discretion. COURT ORDERED, 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, DENIED IN PART as to the motion to continue trial, Court will take judicial notice of NRS 163.120, and on April 22, 2019 counsel can argue the legal aspect with regard to the scope of Court's discretion. Court stated any briefs need to be filed by midnight on April 21, 2019. Colloquy regarding hearing the counter-motion made by Mr. Simons at the last hearing before the trial. Court noted there was never on order shortening time presented to the Court and if both parties consent to argue the motion then they can do it in writing. Court further stated it would sign an order shortening time tomorrow if one is presented. Colloquy regarding request of judicial notice of supreme court order. Mr. Liebman and Mr. Wirthlin stated they would file oppositions to the request to take judicial notice of the supreme court order. Court directed counsel to provide an agenda of the things that will be argued and the order they will argued in before the start of trial on Monday. Colloquy regarding jury selection procedure and jury schedule.;*

04/22/2019

**Jury Trial - FIRM (10:00 AM)** (Judicial Officer: Allf, Nancy)  
Off Calendar;

# CASE SUMMARY

CASE NO. A-13-686303-C

|            |  |
|------------|--|
| 04/22/2019 | <b>Motion</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br><i>Emergency Motion to Continue Trial</i><br>Matter Heard;   |
| 04/22/2019 | <b>Motion</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br><i>Plaintiff's Rule under NRCP 15 to Amend Complaint</i><br>Denied;  |
| 04/22/2019 |  <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Allf, Nancy)<br>Matter Heard;<br>Journal Entry Details:<br>JURY TRIAL...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...PLAINTIFF'S RULE TO AMEND COMPLAINT UNDER NRCP 15 Court stated it received the order shortening time with regard to the NCRP 15 and Court is granting it so it can be argued. Arguments by Mr. Simons and Mr. Liebman in support of and opposition to Plaintiff's NCRP 15 and amending the complaint. COURT ORDERED, Plaintiff's Rule Under NRCP 15 to Amend Complaint DENIED as being untimely and the claims being abandoned. Further arguments by Mr. Simons. Arguments by Mr. Simons and Mr. Wirthlin in support of and opposition to the Emergency Motion to Continue Trial for Purposes of NRS 163.120. Court stated its findings and ORDERED, as to Emergency Motion to Continue Trial for Purposes of NRS 163.120, Trust DISMISSED. Mr. Simmons stated he would like to file an emergency motion writ the Supreme Court to take this up on a writ. Matter trailed for counsel to confer. RECALLED. Same parties present. Mr. Wirthlin stated counsel have conferred and are in agreement to suspend the trial with a few qualifications if the Court approves them. Colloquy regarding conditions and agreement to conditions. Upon inquiry of Court, all counsel stipulated to the suspension of the trial. Court noted there has not been a witness on the stand and it may or may not affect the five year rule. Mr. Simons stated it has been satisfied since they have commenced the trial. Matter concluded.; |
| 06/13/2019 | <b>CANCELED Motion to Retax</b> (9:30 AM) (Judicial Officer: Cherry, Michael A.)<br><i>Vacated - per Stipulation and Order</i><br><i>Motion to Retax and Alternatively Motion to Strike</i>  |
| 06/13/2019 | <b>CANCELED Motion for Attorney Fees and Costs</b> (9:30 AM) (Judicial Officer: Cherry, Michael A.)<br><i>Vacated - per Stipulation and Order</i>  |
| 06/26/2019 | <b>CANCELED Motion for Attorney Fees and Costs</b> (9:00 AM) (Judicial Officer: Cherry, Michael A.)<br><i>Vacated - per Stipulation and Order</i><br><i>Defendant the Rogich Family Irrevocable Trust's Motion for Attorneys' Fees and Costs</i>   |
| 09/05/2019 | <b>Motion for Summary Judgment</b> (10:30 AM) (Judicial Officer: Allf, Nancy)<br>Events: 05/10/2019 Motion for Summary Judgment<br><i>Motion for Summary Judgment or Alternatively for Judgment as a Matter of Law Pursuant to NRCP 50(a)</i><br>Granted;  |
| 09/05/2019 | <b>Motion for Summary Judgment</b> (10:30 AM) (Judicial Officer: Allf, Nancy)<br><i>Defendant Eldorado Hills, LLC's Motion for Summary Judgment</i><br>Denied;   |
| 09/05/2019 | <b>Motion to Dismiss</b> (10:30 AM) (Judicial Officer: Allf, Nancy)<br><i>Defendant Eldorado Hills, LLC's Motion for Dismissal with Prejudice Under Rule 41(e)</i><br>Granted;   |
| 09/05/2019 |  <b>All Pending Motions</b> (10:30 AM) (Judicial Officer: Allf, Nancy)<br><b>MINUTES</b><br>Matter Heard;   |

**CASE SUMMARY****CASE NO. A-13-686303-C**

|            | <p>Journal Entry Details:</p> <p><i>MOTION FOR SUMMARY JUDGMENT OR ALTERNATIVELY FOR JUDGMENT AS A MATTER OF LAW PURSUANT TO NRCP 50(A)...DEFENDANT ELDORADO HILLS, LLC'S MOTION FOR SUMMARY JUDGMENT...DEFENDANT ELDORADO HILLS, LLC'S MOTION FOR DISMISSAL WITH PREJUDICE UNDER RULE 41(E) Arguments by Mr. Liebman and Mr. Simons regarding the merits of and opposition to the motion. COURT ORDERED, Motion for Summary Judgment or Alternatively for Judgment as a Matter of Law Pursuant to NRCP 50(a); Defendant Eldorado Hills, LLC's Motion for Summary Judgment; and Defendant Eldorado Hills, LLC's Motion for Dismissal with Prejudice Under Rule 41(e) TAKEN UNDER ADVISEMENT. Court stated it is going to write a decision, and would like to go back to the deposition and the documents to take a second look. Court stated a decision could be expected on or about September 27, 2019. 9/24/2019 (CHAMBERS) STATUS CHECK: DECISION;</i></p> <p><b>SCHEDULED HEARINGS</b></p> <p><b>CANCELED Status Check</b> (09/24/2019 at 3:00 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Vacated</i><br/> <i>Status Check: Decision</i></p> |
|------------|--|
| 09/24/2019 | <p><b>CANCELED Status Check</b> (3:00 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Vacated</i><br/> <i>Status Check: Decision</i></p>   |
| 11/21/2019 | <p><b>Motion for Attorney Fees</b> (9:30 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Defendants Peter Eliades and Teld LLC's Motion for Attorney Fees</i></p>  |
| 12/05/2019 | <p><b>Motion for Attorney Fees and Costs</b> (9:30 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Rogich Defendants' Renewed Motion for Attorneys' Fees and Costs</i></p>   |
| 12/05/2019 | <p><b>Opposition and Countermotion</b> (9:30 AM) (Judicial Officer: Allf, Nancy)<br/> <i>Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, Teld, LLC, and Eldorado Hills, LLC's: (1) Opposition to Nanyah Vegas, LLC's Motion to Retax Costs; and (2) Countermotion to Award Costs</i></p>  |
| DATE       | FINANCIAL INFORMATION  |

|  |             |
|--|-------------|
| <b>Plaintiff</b> Ray, Robert                         |             |
| Total Charges  | 30.00       |
| Total Payments and Credits                           | 30.00       |
| <b>Balance Due as of 11/8/2019</b>                   | <b>0.00</b> |
| <b>Consolidated Case Party</b> Eliades, Peter        |             |
| Total Charges  | 400.00      |
| Total Payments and Credits                           | 400.00      |
| <b>Balance Due as of 11/8/2019</b>                   | <b>0.00</b> |
| <b>Consolidated Case Party</b> Sigmund Rogich        |             |
| Total Charges  | 600.00      |
| Total Payments and Credits                           | 600.00      |
| <b>Balance Due as of 11/8/2019</b>                   | <b>0.00</b> |
| <b>Consolidated Case Party</b> TELD, LLC             |             |
| Total Charges  | 3.50        |
| Total Payments and Credits                           | 3.50        |
| <b>Balance Due as of 11/8/2019</b>                   | <b>0.00</b> |
| <b>Counter Claimant</b> Eldorado Hills LLC           |             |
| Total Charges  | 1,254.00    |
| Total Payments and Credits                           | 1,254.00    |
| <b>Balance Due as of 11/8/2019</b>                   | <b>0.00</b> |
| <b>Counter Defendant</b> Alexander Christopher Trust |             |
| Total Charges  | 33.50       |
| Total Payments and Credits                           | 33.50       |
| <b>Balance Due as of 11/8/2019</b>                   | <b>0.00</b> |



# CASE SUMMARY

CASE NO. A-13-686303-C

|                                     |                 |
|-------------------------------------|-----------------|
| <b>Plaintiff</b> Nanyah Vegas LLC   |                 |
| Total Charges                       | 1,078.00        |
| Total Payments and Credits          | 1,078.00        |
| <b>Balance Due as of 11/8/2019</b>  | <b>0.00</b>     |
| <br><b>Trustee</b> Huerta, Carlos A |                 |
| Total Charges                       | 718.00          |
| Total Payments and Credits          | 718.00          |
| <b>Balance Due as of 11/8/2019</b>  | <b>0.00</b>     |
| <br><b>Trustee</b> Rogich, Sig      |                 |
| Total Charges                       | 500.00          |
| Total Payments and Credits          | 500.00          |
| <b>Balance Due as of 11/8/2019</b>  | <b>0.00</b>     |
| <br><b>Trustee</b> Huerta, Carlos A |                 |
| Appeal Bond Balance as of 11/8/2019 | <b>1,000.00</b> |
| <br><b>Trustee</b> Huerta, Carlos A |                 |
| Appeal Bond Balance as of 11/8/2019 | <b>0.00</b>     |
| <br><b>Trustee</b> Huerta, Carlos A |                 |
| Appeal Bond Balance as of 11/8/2019 | <b>500.00</b>   |

## CIVIL COVER SHEET A - 13 - 686303 - C

Clark County, Nevada

XXVII

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

**I. Party Information**

Plaintiff(s) (name/address/phone): Carlos Huerta, Robert Ray and Nanyah Vegas, LLC c/o Brandon B. McDonald, Esq.

Defendant(s) (name/address/phone): Sig Rogich and Eldorado Hills

Attorney (name/address/phone):

Brandon B. McDonald, Esq., 2505 Anthem Village Dr., Ste. E-474, Henderson, NV 89052, (702) 385-7411

Attorney (name/address/phone):

unknown

**II. Nature of Controversy** (Please check applicable bold category and applicable subcategory, if appropriate)☐ **Arbitration Requested****Civil Cases**

| Real Property   | Torts   |   |
|---|---|---|
| <input type="checkbox"/> <b>Landlord/Tenant</b><br><input type="checkbox"/> Unlawful Detainer<br><input type="checkbox"/> <b>Title to Property</b><br><input type="checkbox"/> Foreclosure<br><input type="checkbox"/> Liens<br><input type="checkbox"/> Quiet Title<br><input type="checkbox"/> Specific Performance<br><input type="checkbox"/> <b>Condemnation/Eminent Domain</b><br><input type="checkbox"/> <b>Other Real Property</b><br><input type="checkbox"/> Partition<br><input type="checkbox"/> Planning/Zoning | <input type="checkbox"/> <b>Negligence</b><br><input type="checkbox"/> <b>Negligence – Auto</b><br><input type="checkbox"/> <b>Negligence – Medical/Dental</b><br><input type="checkbox"/> <b>Negligence – Premises Liability</b><br>(Slip/Fall)<br><input type="checkbox"/> <b>Negligence – Other</b>  | <input type="checkbox"/> <b>Product Liability</b><br><input type="checkbox"/> Product Liability/Motor Vehicle<br><input type="checkbox"/> Other Torts/Product Liability<br><input type="checkbox"/> <b>Intentional Misconduct</b><br><input type="checkbox"/> Torts/Defamation (Libel/Slander)<br><input type="checkbox"/> Interfere with Contract Rights<br><input type="checkbox"/> <b>Employment Torts</b> (Wrongful termination)<br><input type="checkbox"/> <b>Other Torts</b><br><input type="checkbox"/> Anti-trust<br><input type="checkbox"/> Fraud/Misrepresentation<br><input type="checkbox"/> Insurance<br><input type="checkbox"/> Legal Tort<br><input type="checkbox"/> Unfair Competition  |
| Probate   | Other Civil Filing Types  |   |
| <input type="checkbox"/> <b>Summary Administration</b><br><input type="checkbox"/> <b>General Administration</b><br><input type="checkbox"/> <b>Special Administration</b><br><input type="checkbox"/> <b>Set Aside Estates</b><br><input type="checkbox"/> <b>Trust/Conservatorships</b><br><input type="checkbox"/> Individual Trustee<br><input type="checkbox"/> Corporate Trustee<br><input type="checkbox"/> <b>Other Probate</b>   | <input type="checkbox"/> <b>Construction Defect</b><br><input type="checkbox"/> Chapter 40<br><input type="checkbox"/> General<br><input checked="" type="checkbox"/> <b>Breach of Contract</b><br><input type="checkbox"/> Building & Construction<br><input type="checkbox"/> Insurance Carrier<br><input type="checkbox"/> Commercial Instrument<br><input checked="" type="checkbox"/> Other Contracts/Acct/Judgment<br><input type="checkbox"/> Collection of Actions<br><input type="checkbox"/> Employment Contract<br><input type="checkbox"/> Guarantee<br><input type="checkbox"/> Sale Contract<br><input type="checkbox"/> Uniform Commercial Code<br><input type="checkbox"/> <b>Civil Petition for Judicial Review</b><br><input type="checkbox"/> Other Administrative Law<br><input type="checkbox"/> Department of Motor Vehicles<br><input type="checkbox"/> Worker's Compensation Appeal | <input type="checkbox"/> <b>Appeal from Lower Court</b> (also check applicable civil case box)<br><input type="checkbox"/> Transfer from Justice Court<br><input type="checkbox"/> Justice Court Civil Appeal<br><input type="checkbox"/> <b>Civil Writ</b><br><input type="checkbox"/> Other Special Proceeding<br><input type="checkbox"/> <b>Other Civil Filing</b><br><input type="checkbox"/> Compromise of Minor's Claim<br><input type="checkbox"/> Conversion of Property<br><input type="checkbox"/> Damage to Property<br><input type="checkbox"/> Employment Security<br><input type="checkbox"/> Enforcement of Judgment<br><input type="checkbox"/> Foreign Judgment – Civil<br><input type="checkbox"/> Other Personal Property<br><input type="checkbox"/> Recovery of Property<br><input type="checkbox"/> Stockholder Suit<br><input type="checkbox"/> Other Civil Matters |

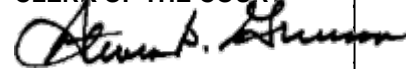
**III. Business Court Requested** (Please check applicable category; for Clark or Washoe Counties only.)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88   | <input type="checkbox"/> Investments (NRS 104 Art. 8)        | <input type="checkbox"/> Enhanced Case Mgmt/Business  |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90)  | <input type="checkbox"/> Trademarks (NRS 600A)               |   |

7/30/13

Date

Signature of initiating party or representative



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.

///

RECEIVED

OCT - 4 2019

CLERK OF THE COURT

HONORABLE NANCY L. ALLF

DISTRICT COURT JUDGE

DEPT XXVII

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

### 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.<sup>1</sup> 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.  
22

23 Accordingly, mandatory dismissal is warranted under N.R.C.P. 41(e)(4)(B).  
24

25 ///

26 ///

27

28 <sup>1</sup> In its Order, the Court dismissed the Rogich Trust defendants with prejudice.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

3  
4  
5  
6

7

8  
9  
0  
1  
2

## 3

4  
5  
6  
7  
8  
9  
20  
21  
22

23  
24  
25  
26

28

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.

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.

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.

21         For these reasons, summary judgment on Nanyah's unjust enrichment claim is  
22 premature.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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.<sup>3</sup>

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 <sup>3</sup> 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  
23  
24  
25  
26  
27  
28

*Steven D. Grierson*

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

RECEIVED  
OCT - 4 2019  
CLERK OF THE COURT

HONORABLE NANCY L. ALLF  
DISTRICT COURT JUDGE  
DEPT XXVII

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.

///

HONORABLE NANCY L. ALLF

DISTRICT COURT JUDGE

DEPT XXVII

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

### 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)).

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.<sup>1</sup> 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.

22 Accordingly, mandatory dismissal is warranted under N.R.C.P. 41(e)(4)(B).  
23  
24  
25  
26  
27

28

///

<sup>1</sup> In its Order, the Court dismissed the Rogich Trust defendants with prejudice.

1                   **II.     Eldorado Hills, LLC's Motion for Summary Judgment**

2                   In addition to its Motion to Dismiss discussed *supra*, Eldorado filed a Motion for  
3                   Summary Judgment on May 22, 2019.<sup>2</sup> Eldorado argues that Nanyah's only remaining claim  
4                   against it for unjust enrichment should be dismissed because Nanyah once had an adequate  
5                   remedy at law against the Rogich Trust. This Court disagrees.  
6

7                                   **Applicable Standard**

8                   Summary judgment is proper if the pleadings and all other evidence on file demonstrate  
9                   that no genuine issue of material fact exists and that the moving party is entitled to judgment as  
10                  a matter of law. *See*, N.R.C.P. 56 et seq. When deciding a summary judgment motion, this  
11                  Court views the evidence in a light most favorable to the nonmoving party. *Id.*  
12

13                                  **Discussion**

14                  "Unjust enrichment exists when the plaintiff confers a benefit on the defendant, the  
15                  defendant appreciates such benefit, and there is acceptance and retention by the defendant of  
16                  such benefit under circumstances such that it would be inequitable for him to retain the benefit  
17                  without payment of the value thereof." *Certified Fire Prot. Inc. v. Precision Constr.*, 128 Nev.  
18                  371, 381 (2012). "An action based on a theory of unjust enrichment is not available when there  
19                  is an express, written contract, because no agreement can be implied when there is an express  
20                  agreement." *Leasepartners Corp. v. Robert L. Brooks Trust Dated November 12, 1975*, 113  
21                  Nev. 747, 755 (1997).  
22

23                  Here, it is undisputed that Nanyah wired Eldorado \$1,500,000 as memorialized in the  
24                  October 30, 2008 Membership Interest Purchase Agreement (the "MIPA"). In this MIPA, the  
25                  Rogich Trust agreed to solely assume the obligation to pay Nanyah's debt. However, this Court  
26

27  
28                  

---

<sup>2</sup> In light of this Court's ruling on Eldorado's Motion for Dismissal Pursuant to N.R.C.P. 41(e), Eldorado's Motion  
for Summary Judgment is moot. Nevertheless, this Court will analyze the motion on the merits.



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.  
20

21         For these reasons, summary judgment on Nanyah's unjust enrichment claim is  
22 premature.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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.

11  
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.

16  
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.<sup>3</sup>

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 <sup>3</sup> 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

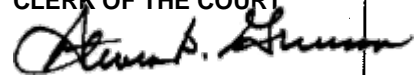
18 DATED this 30 day of September, 2019.  
19

20 Nancy L Allf  
21 NANCY ALLF  
22 DISTRICT COURT JUDGE  
23  
24  
25  
26  
27  
28

HONORABLE NANCY L. ALLF

DISTRICT COURT JUDGE

DEPT XXVII



**ORDR**

Mark G. Simons, Esq., NSB No. 5132  
SIMONS LAW, PC  
6490 S. McCarran Blvd., #20  
Reno, Nevada, 89509  
Telephone: (775) 785-0088  
Facsimile: (775) 785-0087  
Email: [mark@mgsimonslaw.com](mailto:mark@mgsimonslaw.com)

*Attorneys for Nanyah Vegas, 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

**ORDER PARTIALLY GRANTING  
SUMMARY JUDGMENT**

**CONSOLIDATED WITH:**

CASE NO.: A-16-746239-C

1 The Motion for Summary Judgment by Defendant Sigmund Rogich, individually and as  
2 Trustee of the Rogich Family Irrevocable Trust, and Imitations, LLC ("Rogich Defendants"),  
3 joined by Peter Eliades, individually and as Trustee of the Eliades Survivor Trust of 10/30/08,  
4 Eldorado Hills, LLC, and Teld, LLC ("Eliades Defendants") having come on regularly to be  
5 heard on April 18, 2018, Samuel S. Lionel of Fennemore Craig, P.C. representing The Rogich  
6 Defendants and Joseph A. Liebman of Bailey Kennedy representing the Eliades Defendants and  
7 the Court having hearing argument and good cause appearing, does hereby set forth the  
8 undisputed material facts and the Court's legal determinations.

9  
10 **RELEVANT FACTS**

11 1. Plaintiff's Complaint against the Rogich Defendants and the Eliades Defendants  
12 was filed on November 4, 2016.

13 2. The alleged transfer of the Eldorado Membership interest from the Rogich Trust to  
14 the Eliades Trust occurred no later than September 2012.

15 3. Plaintiff's Fifth and Seventh Claims for Fraudulent Transfer and Constructive  
16 Trust against the Rogich Defendants and the Eliades Defendants accrued no later than September  
17 2012.

18 4. Plaintiff's Fifth and Seventh Claims for Fraudulent Transfer and Constructive  
19 Trust were filed more than four years after they accrued.

20 **LEGAL DETERMINATION**

21 1. Plaintiff's Fifth and Seventh Claims for Fraudulent Transfer and Constructive  
22 Trust were filed more than 4 years after the alleged membership interest transfer.

23 2. NRS 112.230(1) provides that a claim for fraudulent transfer is extinguished if not  
24 brought within four years after the date of the transfer.

25 ~~3. The membership interest transfer is not a transfer that is permitted to be perfected~~  
26 ~~and therefore, NRS 112.200(1)(b)'s and NRS 112.200(2)'s provisions do not apply.~~ AK FOR  
NLA

27 3. The Rogich Defendants and the Eliades Defendants are awarded Partial Summary  
28 Judgment dismissing the Fifth and Seventh Claims, with prejudice.

4. Plaintiff's Fourth Claim for Intentional Interference with Contract has been

1 withdrawn by Plaintiff and should be dismissed.


2 5. The Motion of the Rogich Defendants' for Summary Judgment and the Joinder of  
3 the Eliades Defendants in said Motion for Summary Judgment with respect to Plaintiffs' First,  
4 Second, Third, Sixth, Eighth and Ninth Claims is denied.

5 Dated this 17 day of May, 2018.

6  
7 Nancy L. AEF  
8 DISTRICT COURT JUDGE  
9 AE

9 Respectfully submitted by:

10 SIMONS LAW, PC

11 BY: 

12 Mark Simons, Esq., Nevada Bar No. 5132  
13 6490 South McCarran Blvd., #20  
14 Reno, Nevada 89509  
mark@mgsimonslaw.com  
Attorney for Plaintiff Nanyah Vegas, LLC

15 Approved:

16 This \_\_\_\_ day of \_\_\_\_, 2018

17 FENNEMORE CRAIG, P.C.

18  
19 Samuel S. Lionel, Esq. NV Bar No. 1766  
20 Brenoch Wirthlin, Esq. NV Bar No. 10282  
21 300 S. Fourth Street, Suite 1400  
22 Las Vegas, NV 89101  
23 Tel: 702-692-8000  
24 Fax: 702-692-8099

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

27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000



1 BAILEY KENNEDY

2

3 By:

4 Joseph Liebman, Esq., Nevada Bar No. 10125

5 Dennis Kennedy, Esq., Nevada Bar No. 1462

6 8984 Spanish Ridge Avenue

7 Las Vegas, NV 89148

8 DKennedy@BaileyKennedy.com

9 JLiebman@BaileyKennedy.com

10 *Attorneys for Defendants Pete Eliades, individually, and as*

11 *Trustee of The Eliades Survivor Trust of 10/30/08*

12 *Teld, LLC and Eldorado Hills, LLC*

13

14

15

16

17

18

19

20

21

22

23

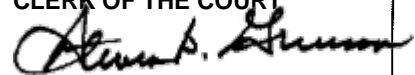
24

25

26

27

28



**NEOJ**

Mark G. Simons, Esq., NSB No. 5132  
SIMONS LAW, PC  
6490 S. McCarran Blvd., #20  
Reno, Nevada, 89509  
Telephone: (775) 785-0088  
Facsimile: (775) 785-0087  
Email: [mark@mgsimonslaw.com](mailto:mark@mgsimonslaw.com)

*Attorneys for Nanyah Vegas, 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 ELIADAS, individually  
and as Trustee of the 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**

**CONSOLIDATED WITH:**

**CASE NO.: A-16-746239-C**

**NOTICE OF ENTRY OF ORDERS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**NOTICE OF ENTRY OF ORDERS**


PLEASE TAKE NOTICE THAT on May 17, 2018, an Order Denying  
Counter-motion for Summary Judgment and Denying NRCP 56(f) Relief was entered by  
the Honorable Nancy L. Alf and filed with this Court on May 22, 2018 in this matter. A  
true and correct copy of the Order is attached hereto as **Exhibit 1**.

PLEASE TAKE FURTHER NOTICE THAT on May 17, 2018, an Order Partially  
Granting Summary Judgment was entered by the Honorable Nancy L. Alf and filed with  
this Court on May 22, 2018 in this matter. A true and correct copy of the Order is  
attached hereto as **Exhibit 2**.

**AFFIRMATION**: This document does not contain the social security number of  
any person.

DATED this 22<sup>nd</sup> day of May, 2018.

SIMONS LAW, PC  
6490 S. McCarran Blvd., #20  
Reno, Nevada, 89509

  
\_\_\_\_\_  
MARK G. SIMONS  
Attorney for Nanyah Vegas, LLC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

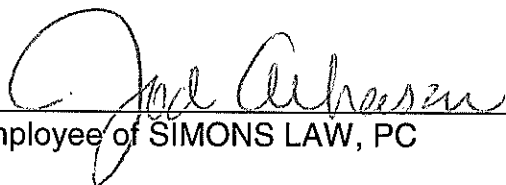
## CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and EDCR 8.05, I certify that I am an employee of  
SIMONS LAW, PC and that on this date I caused to be served a true copy of the  
**NOTICE OF ENTRY OF ORDERS** on all parties to this action via the Odyssey E-

Filing System:

|                     |  |
|---------------------|--|
| Dennis L. Kennedy   | <a href="mailto:dkennedy@baileykennedy.com">dkennedy@baileykennedy.com</a>                     |
| Bailey Kennedy, LLP | <a href="mailto:bkfederaldownloads@baileykennedy.com">bkfederaldownloads@baileykennedy.com</a> |
| Joseph A. Liebman   | <a href="mailto:jlienbman@baileykennedy.com">jlienbman@baileykennedy.com</a>                   |
| Andrew Leavitt      | <a href="mailto:andrewleavitt@gmail.com">andrewleavitt@gmail.com</a>                           |
| Angela Westlake     | <a href="mailto:awestlake@lionelsawyer.com">awestlake@lionelsawyer.com</a>                     |
| Brandon McDonald    | <a href="mailto:brandon@mcdonaldlayers.com">brandon@mcdonaldlayers.com</a>                     |
| Bryan A. Lindsey    | <a href="mailto:bryan@nvfirm.com">bryan@nvfirm.com</a>   |
| Charles Barnabi     | <a href="mailto:cj@mcdonaldlawyers.com">cj@mcdonaldlawyers.com</a>                             |
| Christy Cahall      | <a href="mailto:christy@nvfirm.com">christy@nvfirm.com</a>                                     |
| Lettie Herrera      | <a href="mailto:lettie.herrera@andrewleavittlaw.com">lettie.herrera@andrewleavittlaw.com</a>   |
| Rob Hernquist       | <a href="mailto:rhernquist@lionelsawyer.com">rhernquist@lionelsawyer.com</a>                   |
| Samuel A. Schwartz  | <a href="mailto:sam@nvfirm.com">sam@nvfirm.com</a>   |
| Samuel Lionel       | <a href="mailto:slionel@fclaw.com">slionel@fclaw.com</a>                                       |
| CJ Barnabi          | <a href="mailto:cj@cohenjohnson.com">cj@cohenjohnson.com</a>                                   |
| H S Johnson         | <a href="mailto:calendar@cohenjohnson.com">calendar@cohenjohnson.com</a>                       |
| Erica Rosenberry    | <a href="mailto:erosenberry@fclaw.com">erosenberry@fclaw.com</a>                               |

DATED this 22 day of May, 2018.

  
\_\_\_\_\_  
Employee of SIMONS LAW, PC

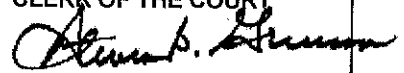
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT LIST**

| <b>NO.</b> | <b>DESCRIPTION</b>                        | <b>PAGES</b> |
|------------|---|--------------|
| 1          | Order Denying Countermotion               | 3            |
| 2          | Order Partially Granting Summary Judgment | 4            |

# EXHIBIT 1

# EXHIBIT 1



1 **ORDR**

2 Mark G. Simons, Esq., NSB No. 5132  
3 SIMONS LAW, PC  
4 6490 S. McCarran Blvd., #20  
5 Reno, Nevada, 89509  
6 Telephone: (775) 785-0088  
7 Facsimile: (775) 785-0087  
8 Email: [mark@mgsimonslaw.com](mailto:mark@mgsimonslaw.com)

9 *Attorneys for Nanyah Vegas, LLC*

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

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

19 Plaintiffs,

20 v.

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

26 Defendants.

27 **NANYAH VEGAS, LLC**, a Nevada limited  
28 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**

**ORDER DENYING COUNTERMOTION  
FOR SUMMARY JUDGMENT AND  
DENYING NRCP 56(F) RELIEF**

**CONSOLIDATED WITH:**

**CASE NO.: A-16-746239-C**

1 The Countermotion for Summary Judgment and Motion for NRCP 56(f) Relief filed by  
2 Plaintiff Nanyah Vegas, LLC ("Nanyah") having come on regularly to be heard on April 18,  
3 2018, Mark G. Simons of SIMONS LAW, PC, representing Nanyah and Samuel S. Lionel of  
4 Fennemore Craig, P.C. representing The Rogich Defendants and Joseph A. Liebman of Bailey  
5 Kennedy representing the Eliades Defendants and the Court having hearing argument and good  
6 cause appearing, does hereby find as follows:

7 1. Nanyah's Countermotion for Summary Judgment is denied.

8 2. Nanyah's Motion for NRCP 56(f) relief is denied.

9 Dated this 17 day of May, 2018.

10  
11 Nancy L. Alf  
12 DISTRICT COURT JUDGE

13 Respectfully submitted by:

14 SIMONS LAW, PC

15 BY: Mark Simons

16 Mark Simons, Esq., Nevada Bar No. 5132  
17 6490 South McCarran Blvd., #20  
18 Reno, Nevada 89509  
19 mark@mgsimonslaw.com  
20 Attorney for Plaintiff Nanyah Vegas, LLC

21 Approved:

22 This \_\_\_\_\_ day of \_\_\_\_\_, 2018

23 FENNEMORE CRAIG, P.C.

24 Samuel S. Lionel, Esq. NV Bar No. 1766  
25 Brenoch Wirthlin, Esq. NV Bar No. 10282  
26 300 S. Fourth Street, Suite 1400  
27 Las Vegas, NV 89101  
28 Tel: 702-692-8000  
Fax: 702-692-8099

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

///  
///



1  
2 BAILEY KENNEDY

3 By:

4 Joseph Liebman, Esq., Nevada Bar No. 10125  
5 Dennis Kennedy, Esq., Nevada Bar No. 1462  
6 8984 Spanish Ridge Avenue  
7 Las Vegas, NV 89148  
8 DKennedy@BaileyKennedy.com  
9 JLiebman@BaileyKennedy.com  
10 Attorneys for Defendants Pete Eliades, individually, and as  
11 Trustee of The Eliades Survivor Trust of 10/30/08  
12 Teld, LLC and Eldorado Hills, LLC  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT 2**

**EXHIBIT 2**



1 **ORDR**

2 Mark G. Simons, Esq., NSB No. 5132  
3 SIMONS LAW, PC  
4 6490 S. McCarran Blvd., #20  
5 Reno, Nevada, 89509  
6 Telephone: (775) 785-0088  
7 Facsimile: (775) 785-0087  
8 Email: [mark@mgsimonslaw.com](mailto:mark@mgsimonslaw.com)

9 *Attorneys for Nanyah Vegas, LLC*

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

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

19 Plaintiffs,

20 v.

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

26 Defendants.

27 NANYAH VEGAS, LLC, a Nevada limited  
28 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**

**ORDER PARTIALLY GRANTING  
SUMMARY JUDGMENT**

**CONSOLIDATED WITH:**

**CASE NO.: A-16-746239-C**

1 The Motion for Summary Judgment by Defendant Sigmund Rogich, individually and as  
2 Trustee of the Rogich Family Irrevocable Trust, and Imitations, LLC ("Rogich Defendants"),  
3 joined by Peter Eliades, individually and as Trustee of the Eliades Survivor Trust of 10/30/08,  
4 Eldorado Hills, LLC, and Teld, LLC ("Eliades Defendants") having come on regularly to be  
5 heard on April 18, 2018, Samuel S. Lionel of Fennemore Craig, P.C. representing The Rogich  
6 Defendants and Joseph A. Liebman of Bailey Kennedy representing the Eliades Defendants and  
7 the Court having hearing argument and good cause appearing, does hereby set forth the  
8 undisputed material facts and the Court's legal determinations.

### 9 RELEVANT FACTS

10 1. Plaintiff's Complaint against the Rogich Defendants and the Eliades Defendants  
11 was filed on November 4, 2016.

12 2. The alleged transfer of the Eldorado Membership interest from the Rogich Trust to  
13 the Eliades Trust occurred no later than September 2012.

14 3. Plaintiff's Fifth and Seventh Claims for Fraudulent Transfer and Constructive  
15 Trust against the Rogich Defendants and the Eliades Defendants accrued no later than September  
16 2012.

17 4. Plaintiff's Fifth and Seventh Claims for Fraudulent Transfer and Constructive  
18 Trust were filed more than four years after they accrued.

### 19 LEGAL DETERMINATION

20 1. Plaintiff's Fifth and Seventh Claims for Fraudulent Transfer and Constructive  
21 Trust were filed more than 4 years after the alleged membership interest transfer.

22 2. NRS 112.230(1) provides that a claim for fraudulent transfer is extinguished if not  
23 brought within four years after the date of the transfer.

24 ~~3. The membership interest transfer is not a transfer that is permitted to be perfected~~  
25 ~~and therefore, NRS 112.200(1)(b)'s and NRS 112.200(2)'s provisions do not apply.~~ *AV for N/A*

26 3. The Rogich Defendants and the Eliades Defendants are awarded Partial Summary  
27 Judgment dismissing the Fifth and Seventh Claims, with prejudice.

28 4. Plaintiff's Fourth Claim for Intentional Interference with Contract has been

1 withdrawn by Plaintiff and should be dismissed.

2 5. The Motion of the Rogich Defendants' for Summary Judgment and the Joinder of  
3 the Eliades Defendants in said Motion for Summary Judgment with respect to Plaintiffs' First,  
4 Second, Third, Sixth, Eighth and Ninth Claims is denied.

5 Dated this 17 day of May, 2018.

6  
7 Nancy L. AEF  
8 DISTRICT COURT JUDGE  
9 AEF

9 Respectfully submitted by:

10 SIMONS LAW, PC

11 BY: 

12 Mark Simons, Esq., Nevada Bar No. 5132  
13 6490 South McCarran Blvd., #20  
14 Reno, Nevada 89509  
mark@mgsimonslaw.com  
Attorney for Plaintiff Nanyah Vegas, LLC

15 Approved:

16 This \_\_\_\_\_ day of \_\_\_\_\_, 2018

17 FENNEMORE CRAIG, P.C.

18 Samuel S. Lionel, Esq. NV Bar No. 1766  
19 Brenoch Wirthlin, Esq. NV Bar No. 10282  
20 300 S. Fourth Street, Suite 1400  
21 Las Vegas, NV 89101  
22 Tel: 702-692-8000  
23 Fax: 702-692-8099  
24 Attorneys for Sigmund Rogich, Individually and as Trustee of  
25 The Rogich Family Irrevocable Trust and Imitations, LLC  
26  
27  
28

///  
///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

BAILEY KENNEDY

By:

Joseph Liebman, Esq., Nevada Bar No. 10125  
Dennis Kennedy, Esq., Nevada Bar No. 1462  
8984 Spanish Ridge Avenue  
Las Vegas, NV 89148  
DKennedy@BaileyKennedy.com  
JLiebman@BaileyKennedy.com  
*Attorneys for Defendants Pete Eliades, individually, and as  
Trustee of The Eliades Survivor Trust of 10/30/08  
Teld, LLC and Eldorado Hills, LLC*

PHINEMORI CRAIG

LAS VEGAS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**May 14, 2014**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**May 14, 2014      9:30 AM      Motion for Leave**

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

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Traci Rawlinson

**REPORTER:**

**PARTIES**

**PRESENT:** Anderson, Steven C      Attorney

**JOURNAL ENTRIES**

- Mr. Anderson advised he has exchanged emails with opposing counsel he is not opposed to the motion. There being good grounds and no opposition, COURT ORDERED, Defendants' Motion for Leave to File an Amended Answer on an Order Shortening time GRANTED. Order provided to the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**September 11, 2014**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**September 11, 2014    10:30 AM      All Pending Motions**

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

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Traci Rawlinson

**REPORTER:**

**PARTIES**

**PRESENT:**      Lionel, Samuel S.      Attorney  
                 McDonald, Brandon B      Attorney

**JOURNAL ENTRIES**

- DEFENDANT ELDORADO HILLS LLC'S MOTION FOR PARTIAL SUMMARY JUDGMENT...PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND COUNTER-MOTION FOR PARTIAL SUMMARY JUDGMENT

Arguments by counsel regarding motion for partial summary judgment and counter-motion for partial summary judgment. Court noted it rarely considers counter-motions. Court stated its findings and ORDERED, Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment DENIED WITHOUT PREJUDICE as Court declined to hear the counter-motion; Defendant Eldorado Hills LLC's Motion for Partial Summary Judgment GRANTED. Mr. Lionel to prepare the order and submit it to opposing counsel for approval as to form and content.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**September 26, 2014**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**September 26, 2014    9:00 AM**

**All Pending Motions**

**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

**PRESENT:**      Lionel, Samuel S.      Attorney  
                 McDonald, Brandon B      Attorney

**JOURNAL ENTRIES**

- Pltfs' Motion to Continue Trial and Discovery on an OST ..... Defts' Motion to Compel Discovery Responses on OST

Mr. Lionel stated Summary Judgment was Granted September 11, 2014 on the issue in Motion to Compel. COMMISSIONER RECOMMENDED, Defts' Motion to Compel Discovery Responses is OFF CALENDAR. Argument by Mr. McDonald; for walking away from his interest in the Company, Deft received approximately \$680,000 and a Company transferred to him with a valuable piece of property. Mr. McDonald requested to conduct discovery and depositions. Argument by Mr. Lionel.

Mr. McDonald has not reviewed documents recently provided (one month after discovery closed). Commissioner advised counsel anyone who engages in discovery outside the deadline does so at their own peril. Colloquy re: the Mosley factors.

COMMISSIONER RECOMMENDED, Pltfs' Motion to Continue Trial and Discovery is DENIED WITHOUT PREJUDICE; 11/3/14 Trial date STANDS; if the Trial does not move forward, Commissioner will look at the issue again.

Mr. Lionel to prepare the Report and Recommendations, and Mr. McDonald to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Lionel to appear at status check hearing to report on the Report and Recommendations.

10/24/14 11:00 a.m. Status Check: Compliance

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**October 08, 2014**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**October 08, 2014      10:30 AM      All Pending Motions**

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

**COURT CLERK:** Shelly Landwehr

**RECORDER:** Sandra Pruchnic

**REPORTER:**

**PARTIES**

**PRESENT:**      Huerta, Carlos      Plaintiff  
Lionel, Samuel S.      Attorney  
McDonald, Brandon B      Attorney  
Schwartz, Samuel A.      Attorney

**JOURNAL ENTRIES**

- DEFENDANT SIG ROGICH, TRUSTEE OF THE ROGICH FAMILY IRREVOCABLE TREUST'S MOTIONFOR PARTIAL SUMMARY JUDGMENT...PLAINTIFF'S OPPOSITION TO DEFENDANTS MOTION FOR PARTIAL SUMMARY JUDGMENT AND COUNTER-MOTION FOR PARTIAL SUMMARYJUDGMENT...PLAINTIFF'S MOTIONTO CONTINUE TRIAL ON AN ORDER SHORTENING TIME

Mr. noted Mr. McDonald was bankruptcy approved and had been retained in this matter. Court so noted.

Mr. Lionel argued in support of his motion stating Defendant had made misrepresentations before the bankruptcy court that they had no claim and now they are before this Court saying there is a claim, and that calls for judicial estoppel. Mr. Lionel argued regarding what judicial estoppel is intended for. Mr. Lionel further argued case law and cited several cases in open court. Lastly, Mr. Lionel argued regarding the requirement of a debtor to file a schedule of assets under oath, and stated the filed document omitted any claim against Rogich Trust.

Upon Court's inquiry, Mr. Lionel argued Sig Rogich is not a party; the trust is a different entity and stated there was an original plan and three amendments but no claim or potential claim against Rogich Trust. The affidavit filed by Mr. Huerta was not true and accurate. Colloquy regarding the assignment of this claim and whether the Rogich Trust is bound by anything in the plan.

Mr. Schwartz argued the claim against Mr. Rogich is disclosed as an asset; and there are amendments to those schedules that came out throughout the course of the case; however, there is nothing that takes Mr. Rogich out. Court inquired regarding disclosure statements and that no claim was made that Defendant would try and collect receivables, and the creditors were not on notice of that. Mr. Schwartz argued that is not what is required from a disclosure statement, you don't have to disclose to the Courts about a receivable that may have to be litigated to collect. Mr. Schwartz further argued regarding the difference between the case referenced by Mr. Lionel and the facts in this case. Lastly, Mr. Schwartz stated there is an asset that is clearly disclosed in the schedules and no one has stated they weren't aware of the bankruptcy or didn't know they were listed as an asset.

Upon Court's inquiry regarding what it believed to be bankruptcy law with respect to the necessity of a disclosure statement, Mr. Schwartz stated there was a creditors plan drafted in which Mr. Huerta was a creditor and the law says you have a right to pursue it as a cause of action. Court stated there is no reference to this lawsuit, no mention of this receivable.

Mr. Schwartz responded there was a reference to some collection activities that had to occur and there was a proposed plan that was 100% to the creditors based on the collection of those assets and they were aware Mr. Huerta had to collect on assets to pay his creditors. Further, there was no concealment, there is no fraud, and Mr. Rogich can't say he was not on notice. Defense admitted they were aware of the bankruptcy and admitted they received land. Court inquired as to why Go Global assigned the right to collect to someone else and noted it was not disclosed in any the bankruptcy court filings.

Following further arguments by Mr. Lionel, COURT ORDERED, motion GRANTED. Mr. Lionel to prepare the order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**October 24, 2014**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**October 24, 2014      11:00 AM      Status Check: Compliance**

**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Richard Kangas

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COMMISSIONER RECOMMENDED, Defense counsel is relieved from preparing the Report and Recommendation based on settlement of case (letter dated Oct. 15, 2014); matter is OFF CALENDAR.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of:

Mr. Lionel - Lionel, S, C



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract****COURT MINUTES****March 22, 2016**

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
                                  vs.  
                                  Eldorado Hills LLC, Defendant(s)

|                       |                |                     |   |
|-----------------------|----------------|---------------------|---|
| <b>March 22, 2016</b> | <b>3:00 AM</b> | <b>Minute Order</b> | <b>Minute Order: Status<br/>Check: Status of Case<br/>set 3/24/2016<br/>VACATED</b> |
|-----------------------|----------------|---------------------|---|

**HEARD BY:** Allf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that on February 22, 2016 set a Status Check for March 24, 2016 at 9:30 a.m. to ascertain the status of the case following the Nevada Supreme Court s Order of Reversal and Remand.

COURT FURTHER FINDS after review that on February 22, 2016 Plaintiffs filed a Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment ( Motion ).

COURT ORDERS for good cause appearing and after review that the STATUS CHECK set on MOTIONS CALENDAR on March 24, 2016 at 9:30 a.m. is VACATED; as the Motion has been filed, the Status Check is unnecessary.

CLERK'S NOTE: A copy of this minute order was faxed to: Brandon B. McDonald, Esq. (702-385-2741) and Samuel S. Lionel, Esq. (702-692-8099).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**March 23, 2016**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**March 23, 2016**

**3:00 AM**

**Minute Order**

**Minute Order:  
Matters set on  
3/29/2016 chambers  
calendar and  
5/10/2016 chambers  
calendar.**

**HEARD BY:** Alf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that on February 22, 2016 Plaintiffs filed a Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment ( Motion ) and the matter was set for Chambers Calendar on March 29, 2016.

COURT FURTHER FINDS after review that on March 22, 2016 Plaintiffs filed an Application to Set Oral Argument on Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment ( Application ) and the matter was set for Chambers Calendar on May 10, 2016.

COURT FURTHER FINDS after review that oral argument is appropriate, so the Court will set Oral Argument on Plaintiffs Motion. COURT FURTHER FINDS after review that the Motion is fully briefed.

COURT ORDERS for good cause appearing and after review Plaintiffs Motion for Reconsideration or



Relief from Order Granting Motion for Partial Summary Judgment set for CHAMBERS CALENDAR on March 29, 2016 in CONTINUED to MOTIONS CALENDAR on April 20, 2016 at 10:30 a.m. for Oral Argument. COURT FURTHER ORDERS for good cause appearing and after review the Hearing on CHAMBERS CALENDAR set for May 10, 2016 is VACATED.

CLERK'S NOTE: A copy of this minute order was faxed to: Brandon B. McDonald, Esq. (702-385-2741) and Samuel S. Lionel, Esq. (702-692-8099).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**April 20, 2016**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**April 20, 2016      10:30 AM      Motion For  
Reconsideration**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Traci Rawlinson

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Arguments by counsel regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Plaintiffs' Motion for Reconsideration or Relief from Order Granting Motion for Partial Summary Judgment DENIED. Mr. Lionel to prepare the order and submit it to opposing counsel for approval

**July 21, 2017**

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

Minutes Date: May 14, 2014

to discuss deadlines.

COMMISSIONER RECOMMENDED, within two weeks, Mr. Simons must provide dates for deposition. Commissioner will not grant a two day, 14 hour deposition without more information; take deposition for one day, 7 hours and try to reach an agreement on the record. Colloquy re: 25 additional Interrogatories for each side. Opposition by Mr. Simons. Commissioner requested Mr. Simons check his office email service. COMMISSIONER RECOMMENDED, Nanyah Vegas, LLC's Motion for Temporary Protective Order to Quash Deposition Notice and Extend Time to Respond to Interrogatories is GRANTED IN PART; Protective Order is GRANTED; deposition of Mr. Harlap must be completed before by 9-29-17. Mr. Simons has 10-9-17 through 10-13-17 open for deposition. Mr. Lionel would like to get the deposition taken. COMMISSIONER RECOMMENDED, Countermotion for 2 Days to Complete Mr. Harlap's Deposition and Leave to Serve 25 Additional Interrogatories is GRANTED IN PART; complete deposition in two days, 14 hours on or before 10-13-17 (efficient use of time); Interrogatories are limited to 40 at this time, therefore, Leave to Serve 25 Additional Interrogatories is DENIED; Extend Time to Respond to Interrogatories is DENIED WITHOUT PREJUDICE.

COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 3-15-18; adding parties, amended pleadings, and initial expert disclosures due 12-15-17; rebuttal expert disclosures due 1-17-18; file dispositive motions by 4-16-18; Trial ready 5-29-18. Commissioner gave deadlines counsel agreed to in the JCCR; as of today discovery is open. Commissioner is available by conference call or file a Motion. Mr. Simons to prepare the Report and Recommendations, and Mr. Lionel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**December 15, 2017**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**December 15, 2017      9:30 AM      Motion to Compel**

**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Marwanda Knight

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COMMISSIONER stated it received a faxed copy of the deposition transcript of Yoav Harlap; noted review of the Motion and stated that the responses are not appropriate. Arguments by counsel. COMMISSIONER directed counsel to have a meet and confer to discuss the supplemental interrogatories and provide the Commissioner with a complete full set of the initial and supplemental answers to those interrogatories, which will be Pltf's responsibility to do so.

COMMISSIONER RECOMMENDED Motion CONTINUED for IN CHAMBERS CONFERENCE to Thursday, January 11, 2018 at 10:00 a.m. to review the answers to the interrogatories to ascertain whether each answer is sufficient. Counsel to work together to develop a list of discovery that was not properly answered to provide to the Commissioner.

COMMISSIONER directed Mr. Lionel to bring a Court Reporter to have a record of the in chamber proceedings.

CONTINUED TO: 01/11/2018 10:00 AM (IN CHAMBERS CONFERENCE)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**January 23, 2018**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**January 23, 2018      10:30 AM      All Pending Motions**

**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

**PRESENT:**      Lionel, Samuel S.      Attorney  
                         Shanks, Therese M.      Attorney

**JOURNAL ENTRIES**

- Nanyah Vegas, LLC's Motion to Strike Defendants' Motion to Compel ..... Defendants' Motion to Compel

Colloquy re: Rule 26(d). Commissioner advised Pltf's counsel it was not proper to file the Motion. COMMISSIONER RECOMMENDED, Nanyah Vegas, LLC's Motion to Strike Defendants' Motion to Compel is DENIED as Commissioner already ruled in part on the validity of the Motion when counsel appeared last time. Commissioner gave time for counsel to have a 2.34 meet and confer, resolve what they could, and bring a list of outstanding discovery chambers conference. Argument by Ms. Shanks. Commissioner needs a list of outstanding discovery, and a record with Javs is needed in this case.

Mr. Lionel stated 95 percent of Defts' discovery has been done. COMMISSIONER RECOMMENDED, a 2.34 conference is REQUIRED unless counsel already conducted one; file a supplemental brief by 2-5-18; Defendants' Motion to Compel is CONTINUED; Nanyah Vegas, LLC's Motion to Compel on 2-7-18 is CONTINUED to 1:00 p.m. Mr. Lionel to prepare the Report and Recommendations, and Ms.

Shanks to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

2-7-18 1:00 a.m. Defendants' Motion to Compel

2-7-18 1:00 a.m.

Nanyah Vegas, LLC's Motion to Compel Defts Responses to Request for Production and Interrogatories

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**March 07, 2018**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**March 07, 2018      9:00 AM      All Pending Motions**

**HEARD BY:** Bulla, Bonnie      **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

**PRESENT:**      Liebman, Joseph A.      Attorney  
                         Lionel, Samuel S.      Attorney  
                         Simons, Mark G      Attorney

**JOURNAL ENTRIES**

- COURT CALL - Nanyah Vegas, LLC's Motion to Compel Defendants Responses to Request for Production and Interrogatories

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

Defendants' Motion to Compel

Mr. Lionel stated counsel met and conferred on 3-6-18, and Plaintiff agreed to provide meaningful answers to Interrogatories within 30 days. Mr. Simons stated extensive responses were received, and Plaintiff agreed to Withdraw the Motion to Compel. Upon agreement by counsel, COMMISSIONER RECOMMENDED, supplements due and exchanged by 4-9-18; Nanyah Vegas, LLC's Motion to Compel Defendants Responses to Request for Production and Interrogatories is WITHDRAWN by Mr. Simons. Colloquy re: modifying discovery deadlines. 6-25-18 Trial date. Motion for Summary Judgment on Statute of Limitations set 4-18-18.



COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 6-1-18; adding parties and amended pleadings are CLOSED; initial expert disclosures DUE 4-2-18; rebuttal expert disclosures DUE 4-30-18; file dispositive motions by 6-1-18 on OST. COMMISSIONER RECOMMENDED, Countermotion for an Order That the Answers to Requests for Admissions Should be Considered as Having Been Timely Filed is GRANTED; Commissioner ALLOWED Admissions served five days late DEEMED TIMELY; both sets of Admissions are DEEMED TIMELY (Rogich and Eliades); Defendants Motion to Compel is OFF CALENDAR based on additional 30 days as agreed to by counsel. Mr. Lionel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**April 18, 2018**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**April 18, 2018      10:00 AM      All Pending Motions**

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

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Liebman, Joseph A.      Attorney  
                         Lionel, Samuel S.      Attorney  
                         Simons, Mark G      Attorney

**JOURNAL ENTRIES**

- 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...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...OPPOSITION TO MOTION FOR SUMMARY JUDGMENT; COUNTERMOTION FOR SUMMARY JUDGMENT; AND COUNTERMOTION FOR NRCP 56(F) RELIEF

Arguments by counsel regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Defendant's Motion for Summary Judgment GRANTED IN PART as to fraudulent conveyance and constructive trust; DENIED IN PART in all other respects. COURT FURTHER ORDERED, Plaintiff's Opposition to Motion for Summary Judgment; Countermotion for Summary Judgment; and Countermotion for NRCP 56(f) Relief DENIED. Mr. Lionel to prepare the order. Colloquy regarding the Court's trial calendar. Court directed parties to see if they can agree to

the length of the trial, whether or not it will be a jury trial, and provide their availability for trial through the end of the year and Court will set a firm trial setting.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**May 17, 2018**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**May 17, 2018      9:30 AM      Motion to Continue Trial**

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

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Liebman, Joseph A.      Attorney  
                         Lionel, Samuel S.      Attorney  
                         Simons, Mark G      Attorney

**JOURNAL ENTRIES**

- Nanyah Vegas LLC's Motion to Continue Trial and to Set Firm Trial Date on Order Shortening Time DENIED, however Court will set trial date certain, counsel to provide their availability to Court by May 25, 2018, Motions in limine set in June VACATED and to be RESET about two weeks before trial, based on availability. Colloquy regarding competing orders from last hearing. Court directed parties to send competing orders and it would sign one if it can, it not then Court will convene a telephonic so they can discuss the terms in dispute.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**July 10, 2018**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**July 10, 2018**

**3:00 AM**

**All Pending Motions**

**HEARD BY:** Alf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- MOTION TO RECONSIDER ORDER PARTIALLY GRANTING SUMMARY JUDGMENT  
DEFENDANTS SIGMUND ROGICH, INDIVIDUALLY AND AS TRUSTEE OF THE ROGICH  
FAMILY IRREVOCABLE TRUST AND IMITATIONS, LLC'S MOTION FOR RECONSIDERATION

COURT FINDS after review on June 4, 2018 Nanyah Vegas, LLC ( Nanyah ) filed a Motion to Reconsider Order Partially Granting Summary Judgment ( Nanyah Motion to Reconsider ). On June 14, 2018, Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Trust, and Imitations, LLC ( Rogich Defendants ) filed an Opposition, to which Defendants Peter Eliades, the Eliades Survivor Trust of 10/30/08, Teld LLC, and Eldorado Hills, LLC ( Eliades Defendants ) joined on June 21, 2018. Nanyah filed a Reply on June 25, 2018. The matter being fully briefed, and based on the papers and pleadings on file, the matter is deemed submitted.

COURT FURTHER FINDS after review on June 5, 2018 the Rogich Defendants filed Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC s Motion for Reconsideration ( Rogich Motion for Reconsideration ), to which the Eliades Defendants joined on June 14, 2018. Nanyah filed an Opposition on June 25, 2018, and the Rogich Defendants filed a Reply on July 2, 2018. The matter being fully briefed, and based on the papers and pleadings on file, the matter is deemed submitted.

COURT FURTHER FINDS after review The Court may only reconsider a previous decision if the moving party introduces substantially different evidence . . . or the decision is clearly erroneous. *Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741 (1997). Further, [o]nly in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted. *Moore v. City of Las Vegas*, 92 Nev. 402, 405 (1976).

COURT FURTHER FINDS after review in relation to the Nanyah Motion to Reconsider, the internal accounting ledger submitted does not support a ruling contrary to the Court s previous decision.

COURT FURTHER FINDS after review in relation to the Rogich Motion for Reconsideration, the Court already considered the evidence submitted, including the exhibits and deposition testimony of Mr. Harlap, and thus it does not support a ruling contrary to the Court s previous decision.

THEREFORE, COURT ORDERS for good cause appearing and after review, both the Nanyah Motion to Reconsider, and the Rogich Motion for Reconsideration are hereby DENIED. Movants to submit the orders in compliance with EDCR 7.21.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 7/16/2018

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**July 20, 2018**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**July 20, 2018**

**3:00 AM**

**Minute Order**

**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**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review on June 19, 2018 Plaintiff Nanyah Vegas, LLC filed a 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 ( Motion ), and hearing was set for July 25, 2018 at 9:00 a.m. on Motions Calendar.

COURT FURTHER FINDS after review the Certificate of Service indicates the Motion was electronically served on all parties on June 19, 2018.

PRINT DATE: 11/08/2019

Page 25 of 53

Minutes Date:

May 14, 2014

COURT FURTHER FINDS after review no oppositions to the Motion have been filed.

COURT FURTHER FINDS after review EDCR 2.20(e) provides in relevant part: Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.

COURT FURTHER FINDS after review the Court regularly grants similar motions so long as the page extension is reasonable. COURT FURTHER FINDS after review the proposed pleading is 39 pages, which the Court finds reasonable for the type of motion and case.

COURT ORDERS for good cause appearing and after review pursuant to EDCR 2.20(e) and the merits of the Motion, Plaintiff Nanyah Vegas, LLC s 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 is GRANTED. Hearing set for July 25, 2018 at 9:00 a.m. on Motions Calendar is VACATED. Movant to submit the order in compliance with EDCR 7.21.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**July 26, 2018**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**July 26, 2018      10:30 AM      All Pending Motions**

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

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Liebman, Joseph A.      Attorney  
                         Lionel, Samuel S.      Attorney  
                         Simons, Mark G      Attorney

**JOURNAL ENTRIES**

- DEFENDANT ELDORADO HILLS, LLC'S 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...OPPOSITION TO ELIADES DEFENDANTS MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT...OPPOSITION TO ELDORADO HILLS MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT...DEFENDANT'S MOTION FOR EXPEDITED HEARING ON PENDING MOTION IN LIMINE ON ORDER SHORTENING TIME...MOTION TO STRIKE COUNTERMOTION

Arguments by Mr. Liebman and Mr. Simon regarding the merits of and opposition to the Motion for Summary Judgment and the Countermotion for Summary Judgment. Court stated its findings and ORDERED, Defendant Eldorado Hills, LLC's Motion for Summary Judgment DENIED; Opposition to Eldorado Hills Motion for Summary Judgment and Countermotion for Summary Judgment DENIED.

Arguments by Mr. Liebman and Mr. Simons regarding the merits of and opposition to the Motion for Summary Judgment and the Countermotion for Summary Judgment. COURT ORDERED,

Defendants Peter Eliades, Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, and Teld, LLC's Motion for Summary Judgment UNDER ADVISEMENT; Opposition to Eliades Defendants Motion for Summary Judgment and Countermotion for Summary Judgment UNDER ADVISEMENT; matter SET on chambers calendar for decision.

Arguments by Mr. Lionel regarding expediting the hearing. COURT ORDERED, Defendant's Motion for Expedited Hearing on Pending Motion In Limine on order Shortening Time GRANTED, parties to provide availability for dates in October for a two hour hearing; Motion to Strike Countermotion DENIED. Court stated they will confer to set deadlines on the motions in limine. Court directed counsel to confer with Court's Judicial Executive Assistant.

8/7/2018 (CHAMBERS) 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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**August 07, 2018**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**August 07, 2018      3:00 AM      Decision**

**HEARD BY:** Alf, Nancy      **COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review on July 26, 2018 the Court heard argument on Defendant Peter Eliades, Individually and as Trustee of the Eliades Survivor Trust of 10/30/08, and Teld, LLC s Motion for Summary Judgment ( Motion ), as well as on Plaintiff Nanyah Vegas, LLC s Countermotion for Summary Judgment ( Countermotion ) and the Court took both matters under advisement. The Court set a Status Check on August 7, 2018 on Chambers Calendar to issue a decision or otherwise inform the parties of when they could expect one.

COURT FURTHER FINDS after review based on the pleadings and papers on file, as well as arguments of counsel, the matter is deemed submitted, and COURT ORDERS the Motion is GRANTED and the Countermotion is DENIED.

COURT FURTHER FINDS after review The fact that a contract or agreement contains a provision, as in the case at bar, binding the successors, heirs, and assigns of the parties hereto, is not of itself, as a general rule, sufficient to impose personal liability upon the assignee, unless by specific agreement to that effect or by an agreed substitution of the assignee for the vendee. S. Pac. Co. v. Butterfield, 39 Nev. 177 (1916).

COURT FURTHER FINDS after review An assignment cannot shift the assignor's liability to the

assignee, because it is a well established rule that a party to a contract cannot relieve himself of his obligations by assigning the contract. Neither does it have the effect of creating a new liability on the part of the assignee, to the other party to the contract assigned, because the assignment does not bring them together, and consequently there cannot be a meeting of the minds essential to the formation of a contract. S. Pac. Co. v. Butterfield, 39 Nev. 177 (1916).

COURT FURTHER FINDS after review on October 30, 2008 The Rogich Family Irrevocable Trust, as Buyer, obtained an interest in Eldorado Hills via a Purchase Agreement. Section 4 of the Purchase Agreement reads in part: Seller, however, will not be responsible to pay the Exhibit A Claimants their percentage or debt. This will be Buyer s obligation. . . . The Exhibit A Claimants includes Nanyah Vegas, LLC, and its \$1,500,000.00 investment.

COURT FURTHER FINDS after review, though The Rogich Family Irrevocable Trust specifically agreed to assume the obligation to pay Nanyah Vegas, LLC its percentage or debt, there is nothing indicating that Teld, LLC, Peter Eliades, or the Eliades Survivor Trust of 10/30/08 specifically agreed to assume those obligations from The Rogich Family Irrevocable Trust. The language indicating the Agreement shall be binding and inure to the benefit of the heirs, personal representatives, successors, and permitted assigns of the parties hereto, absent any specific agreement, is not itself sufficient to impose liability on Teld, LLC, Peter Eliades, or the Eliades Survivor Trust of 10/30/08. And deposition testimony to the contrary does not impose a duty that the law or contractual relations do not otherwise impose. Accordingly, these Defendants are entitled to summary judgment on the contract-related claims and remedies, as well as for Tortious Breach of the Implied Covenant of Good Faith and Fair Dealing.

COURT FURTHER FINDS after review [C]ivil conspiracy liability may attach where two or more persons undertake some concerted action with the intent to commit an unlawful objective, not necessarily a tort. Cadle Co. v. Woods & Erickson, LLP, 131 Nev. Adv. Op. 15 (2015).

COURT FURTHER FINDS after review Agents and employees of a corporation cannot conspire with their corporate principal or employer where they act in their official capacities on behalf of the corporation and not as individuals for their individual advantage. Collins v. Union Fed. Sav. & Loan Ass'n, 99 Nev. 284, 303 (1983).

COURT FURTHER FINDS after review the intracorporate conspiracy doctrine does not apply to this case because the claim does not involve the Defendants conspiring with Eldorado Hills.

COURT FURTHER FINDS after review Plaintiff s theory of Conspiracy is that it arises relating to the transactions whereby these defendants obtained membership interests in Eldorado subject to repayment obligations owed to Nanyah and these defendants pursuing their own individual advantages seeking to interfere with the return of Nanyah s investment in Eldorado. See Opposition p. 29.

COURT FURTHER FINDS after review as discussed above, because there is no evidence these

Defendants assumed the liability to repay Nanyah Vegas, LLC's investment, there is no unlawful objective necessary to support a claim for Conspiracy. Accordingly, these Defendants are entitled to summary judgment on Conspiracy.

THEREFORE COURT ORDERS for good cause appearing and after review for the reasons discussed above Defendant Peter Eliades, Individually and as Trustee of the Eliades Survivor Trust of 10/30/08, and Teld, LLC's Motion for Summary Judgment is GRANTED, and Plaintiff Nanyah Vegas, LLC's Countermotion for Summary Judgment is DENIED. Movant to prepare and submit detailed findings of fact and conclusions of law.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/8/2018

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**September 27, 2018**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**September 27, 2018      10:00 AM      All Pending Motions**

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

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Liebman, Joseph A.      Attorney  
                         Lionel, Samuel S.      Attorney  
                         Marshall, Janiece S      Attorney  
                         Simons, Mark G      Attorney

**JOURNAL ENTRIES**

- MOTION FOR REHEARING...NANYAH VEGAS LLC'S OPPOSITION TO MOTION FOR REHEARING AND COUNTERMOTION FOR AWARD OF FEES AND COSTS

Arguments by Mr. Lionel and Mr. Simons regarding the merits of and opposition to the motion and countermotion. COURT ORDERED, Motion for Rehearing and Nanyah Vegas LLC's Opposition to Motion for Rehearing and Countermotion for Award of Fees and Costs TAKEN UNDER ADVISEMENT and set on chambers calendar for decision. Court stated it was its intent to deny the motion however, Court will take another look at the timeline. Further arguments by Mr. Lionel. Court stated it will review the matter and if it grants the motion to rehear then it will give parties a chance to argue.

10/9/2018 (CHAMBERS) DECISION: MOTION FOR REHEARING; NANYAH VEGAS LLC'S OPPOSITION TO MOTION FOR REHEARING AND COUNTERMOTION FOR AWARD OF FEES AND COSTS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**October 05, 2018**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**October 05, 2018      3:00 AM      Decision**

**HEARD BY:** Alf, Nancy      **COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that on June 5, 2018 the Rogich Defendants filed Defendants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC s Motion for Reconsideration seeking reconsideration of the Court s May 22, 2018 Order Partially Granting Summary Judgment.

COURT FURTHER FINDS after review that the Notice of Entry of the Court s Order Denying Motion for Reconsideration was filed on July 26, 2018.

COURT FURTHER FINDS after review that on August 17, 2018 the Rogich Defendants filed the Motion for Rehearing seeking reconsideration of the Court s May 22, 2018 Order Partially Granting Summary Judgment and July 24, 2018 Order Denying Motion for Reconsideration.

COURT FURTHER FINDS after review that on September 4, 2018, Nanyah Vegas, LLC s Opposition to Motion for Rehearing and Countermotion for Award of Fees and Costs ( Countermotion ) was filed with the Court seeking attorney s fees and costs pursuant to NRS 7.085.

COURT FURTHER FINDS after review that the Court heard oral arguments on the Motion for Rehearing on September 27, 2018. The Court took the matter under submission and set a Status Check

for October 9, 2018 on Chambers Calendar for the Court to release a Decision on the Motion for Rehearing.

COURT FURTHER FINDS after review [t]he Court may only reconsider a previous decision if the moving party introduces substantially different evidence . . . or the decision is clearly erroneous. *Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741 (1997). Further, [o]nly in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted. *Moore v. City of Las Vegas*, 92 Nev. 402, 405 (1976).

COURT FURTHER FINDS after review that the Court already considered the evidence submitted with the Motion for Rehearing, including the exhibits and deposition testimony of Mr. Harlap, and thus it does not support a ruling contrary to the Court s previous decision.

COURT FURTHER FINDS after review that EDCR 5.512(a) states in pertinent part that a party seeking reconsideration and/or rehearing of a ruling (other than an order that may be addressed by motion pursuant to NRCP 50(b), 52(b), 59, or 60), must file a motion for such relief within 14 calendar days after service of notice of entry of the order unless the time is shortened or enlarged by order.

COURT FURTHER FINDS after review that EDCR 2.24(b) states in pertinent part that a party seeking reconsideration of a ruling of the court, other than any order which may be addressed by motion pursuant to N.R.C.P. 50(b), 52(b), 59 or 60, must file a motion for such relief within 10 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order.

COURT FURTHER FINDS after review that pursuant to both EDCR 2.24 and EDCR 5.512, the Motion for Rehearing is also untimely.

THEREFORE, COURT ORDERS for good cause appearing and after review, that because it has failed to introduce substantially different evidence or establish that the Court s previous decision is clearly erroneous, and because the Motion for Rehearing is untimely pursuant to EDCR 2.24 and EDCR 5.512, the Rogich Defendants Motion for Rehearing is hereby DENIED. COURT FURTHER ORDERS for good cause appearing and after review that Plaintiff s Countermotion seeking an award of fees and costs pursuant to NRS 7.085 is hereby DENIED.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**October 10, 2018**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**October 10, 2018      10:30 AM      All Pending Motions**

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

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Liebman, Joseph A.      Attorney  
                         Lionel, Samuel S.      Attorney  
                         Simons, Mark G      Attorney  
                         Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- NANYAH VEGAS, LLC'S MOTION IN LIMINE #1 RE: ELDORADO HILLS, LLC BOUND BY ADMISSIONS AND STATEMENTS OF ITS MANAGING MEMBER...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...NANYAH VEGAS, LLC'S MOTION IN LIMINE #3 RE: DEFENDANTS BOUND BY THEIR ANSWERS TO COMPLAINT...NANYAH VEGAS, LLC'S MOTION IN LIMINE #4 YOAV HARLAP'S PERSONAL FINANCIALS...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...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...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...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

Following arguments by counsel, Court stated findings and ruled as follows.

As to Nanyah Vegas, LLC's Motion in Limine #1 re: Eldorado Hills, LLC Bound by Admissions and Statements of Its Managing Member, COURT ORDERED, motion DENIED.

As to 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, COURT ORDERED, motion DENIED.

As to Nanyah Vegas, LLC's Motion in Limine #3 re: Defendants Bound by Their Answers to Complaint COURT ORDERED, motion GRANTED, however, to the extent that the parties obtained additional information after the answer was filed they will not be precluded from bring that forward at the time of trial.

As to Nanyah Vegas, LLC's Motion in Limine #4 Yoav Harlap's Personal Financials, COURT ORDERED, motion GRANTED with regard to personal finances, there may be latitude at the time of trial based on foundation and if the door is opened.

As to 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, COURT ORDERED, motion DEFERRED UNTIL TIME OF TRIAL to see how the evidence comes in.

As to 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, COURT ORDERED, motion GRANTED, relief is that the presumption of the binding effect of the recitals is at issue

As to 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 COURT ORDERED, motion GRANTED, scope of testimony will be relevant at the time of trial and subject to resolution by objection.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract****COURT MINUTES****November 01, 2018**

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
                                  vs.  
                                  Eldorado Hills LLC, Defendant(s)

**November 01, 2018      11:00 AM      Calendar Call**

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

**COURT CLERK:** April Watkins

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

|                 |                    |          |
|-----------------|--------------------|----------|
| <b>PRESENT:</b> | Kennedy, Dennis L. | Attorney |
|                 | Liebman, Joseph A. | Attorney |
|                 | Lionel, Samuel S.  | Attorney |
|                 | Simons, Mark G     | Attorney |
|                 | Wirthlin, Brenoch  | Attorney |

**JOURNAL ENTRIES**

- Mr. Sawyer requested to continue matter and advised his sister passed away Friday night in Florida. Further, funeral was yesterday, counsel returned last night and stated the past couple of weeks have been difficult for counsel. Court stated matter can be continued if everyone consents today. Mr. Kennedy stated he has no objection to request. Mr. Simons stated he does not have authorization to consent to continuance and noted the Rule 41(e) issue. Mr. Wirthlin stated counsel is talking a 60 day continuance and no objection to firm setting. Mr. Simons stated that he has not had time to communicate with his client, can reach out to him but instructions that he has today is to move forward with trial. Further, counsel advised he will reach out to client and to get response back. Colloquy regarding telephonic conference. Court stated counsel to let parties know if there is consent if not telephonic conference will go forward. Counsel to have availability for alternate trial dates when telephonic conference is held. COURT ORDERED, matter SET for telephonic conference. Further, the Court does not have the 2.47 or bench briefs the Court requested. Mr. Simons stated parties have communicated with regards to seeing if there can be some middle ground and does not seem to have any traction. Further, parties have exchanged exhibits. Parties have agreed to file pre-

trial memorandums on Monday. Matter is moving along and all parties are ready except for this little event that has occurred.

11/518 2:30 PM TELEPHONIC CONFERENCE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**November 05, 2018**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**November 05, 2018      2:30 PM      Telephonic Conference**

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

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Liebman, Joseph A.      Attorney  
                         Lionel, Samuel S.      Attorney  
                         Simons, Mark G      Attorney

**JOURNAL ENTRIES**

- All counsel present telephonically.

Colloquy regarding oral motion at last hearing to continue trial. Mr. Simons stated his client did not consent to the continuance however, he did obtain the availability of his client. COURT ORDERED, continuance GRANTED. Colloquy regarding availability. Court directed counsel to confer and let Court's Judicial Executive Assistant know by the close of business November 7, 2018.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**February 21, 2019**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**February 21, 2019      10:00 AM      All Pending Motions**

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

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Liebman, Joseph A.      Attorney  
                         Lionel, Samuel S.      Attorney  
                         Rogich, Sig      Trustee  
                         Simons, Mark G      Attorney  
                         Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- MOTION FOR RELIEF FROM THE October 5, 2018 ORDER PURSUANT TO NRCP 60(B)..NANYAH VEGAS LLC'S OPPOSITION TO MOTION FOR RELIEF FROM THE October 5, 2018 ORDER PURSUANT TO NRCP 60(B)

Arguments by Mr. Wirthlin and Mr. Simons regarding the merits of and opposition to the motion. COURT ORDERED, 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) TAKEN UNDER ADVISEMENT for Court to revisit the pleadings and enter a decision. COURT FURTHER ORDERED, matter SET on chambers calendar. Colloquy regarding if decision affects the future upcoming hearings. Court directed counsel provide availability to Court's Judicial Executive for a special setting. Mr. Wirthlin stated the deadline to file Motions in Limine is February 25, 2019. COURT ORDERED, matters on March 6, 2019 VACATED pending special setting.

3/5/2019 (CHAMBERS)DECISION: MOTION FOR RELIEF FROM THE October 5, 2018 ORDER

PURSUANT TO NRCP 60(B)..NANYAH VEGAS LLC'S OPPOSITION TO MOTION FOR RELIEF  
FROM THE October 5, 2018 ORDER PURSUANT TO NRCP 60(B)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**March 05, 2019**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**March 05, 2019      3:00 AM      Decision**

**HEARD BY:** Allf, Nancy      **COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that on February 6, 2019 the Motion for Relief from the October 5, 2018 Order Pursuant to NRCP 60(b) ( Motion for Relief ) was filed with the Court seeking relief from the October 5, 2018 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 ( Order ). The Matter was set for hearing on February 21, 2019 at 10:00 a.m. on Motions Calendar.

COURT FURTHER FINDS after review that the Court heard oral arguments on the Motion for Relief on February 21, 2019. The Court took the matter under submission and set a Status Check for March 5, 2019 on Chambers Calendar for the Court to issue a minute order with its decision.

COURT FURTHER FINDS after review that a motion made under NRCP 60(b) shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than 6 months after the proceeding was taken or the date that written notice of entry of the judgment or order was served.

COURT FURTHER FINDS after review that the Motion for Relief was timely made under NRCP 60(b).



COURT FURTHER FINDS after review that NRCP 60(b), in pertinent part, permits the Court, [o]n motion and upon such terms as are just, to relieve a party from a final judgment, order or proceeding for the following reasons: (1) mistake, inadvertence, surprise or excusable neglect .

COURT FURTHER FINDS after review that no mistake, inadvertence, surprise or excusable neglect exists with respect to the Courts Order or the Court s August 8, 2018 Minute Order.

THEREFORE, COURT ORDERS for good cause appearing and after review that the Motion for Relief from the October 5, 2018 Order Pursuant to NRCP 60(b) is hereby DENIED and the Status Check set for March 5, 2019 on Chambers Calendar is hereby VACATED. Plaintiff to prepare the Order in compliance with EDCR 7.21.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 3/5/2019

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**March 20, 2019**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**March 20, 2019      9:00 AM      All Pending Motions**

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

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Liebman, Joseph A.      Attorney  
                         Lionel, Samuel S.      Attorney  
                         Simons, Mark G      Attorney  
                         Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- NANYAH VEGAS LLC'S MOTION IN LIMINE #5 RE: PAROLE EVIDENCE RULE...NANYAH VEGAS LLC'S MOTION IN LIMINE #6 RE: DATE OF DISCOVERY...MOTION FOR COMPEL PRODUCTION OF pLAINTIFFS' TAX RETURN AND FOR ATTORNEY'S FEES AND ORDER SHORTENING TIME

Arguments by Mr. Simons, Mr. Liebman, and Mr. Wirthlin regarding the merits and opposition to the Motion in Limine #5. Court stated its findings and ORDERED, Nanyah Vegas LLC's Motion in Limine #5 Re: Parole Evidence Rule DENIED. Mr. Liebman to prepare the order and submit it to opposing counsel for approval.

Arguments by Mr. Simons, Mr. Liebman, and Mr. Wirthlin regarding the merits and opposition to the Motion in Limine #6. Court stated its findings and ORDERED, Nanyah Vegas LLC's Motion in Limine #6 Re :Date of Discovery DENIED.

Arguments by Mr. Wirthlin and Mr. Simons regarding the Motion to Compel. COURT ORDERED,

Motion for Compel Production of Plaintiffs' Tax Return and for Attorney's Fees and Order Shortening Time GRANTED IN PART as to Motion to Compel, DENIED IN PART as to Motion for Attorney's Fees; the part of the tax return showing treatment will be discoverable and the schedule L and front page of the tax return should be provided within ten days of entry of the order, if parties can agree to a protective order then it can be produced pursuant to a protective order, and if parties can not come to terms on a protective order then they may request a telephonic for the Court to resolve the matter with letters sent to Court so it can prepare for the telephonic. Court stated it is entering an order today striking the motions for summary judgment as they are past the dispositive deadline. Copy of order provided to counsel.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**April 08, 2019**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**April 08, 2019      10:00 AM      All Pending Motions**

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

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Liebman, Joseph A.      Attorney  
                         Lionel, Samuel S.      Attorney  
                         Simons, Mark G      Attorney  
                         Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- NANYAH VEGAS, LLC'S MOTION TO SETTLE JURY INSTRUCTIONS BASED UPON THE COURT'S October 5, 2018, ORDER GRANTING SUMMARY JUDGMENT...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 GOBAL INC'S CONSULTING FEE INCOME O ATTEMPT TO REFINANCE...DEFENDANTS MOTION IN LIMINE TO PRECLUDE THE ALTERED ELDORADO HILLS GENERAL LEDGER AND RELATED TESTIMONY AT TRIAL...MOTION TO RECONSIDER ORDER ON NANYAH'S MOTION IN LIMINE #5: PAROL EVIDENCE RULE ON ORDER SHORTENING TIME

Arguments by Mr. Wirthlin and Mr. Simons. Mr. Liebman objected to the statements in the opposition claiming he authenticated the ledger. Further argument by Mr. Simons. COURT ORDERED, Defendants Motion in Limine to Preclude the Altered Eldorado Hills General Ledger and Related Testimony at Trial DENIED WITHOUT PREJUDICE and DEFERRED for determination at the time of trial as the authenticity is in dispute.

Arguments by Mr. Wirthlin and Mr. Simons. COURT ORDERED, 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 or Attempt to Refinance DENIED WITHOUT PREJUDICE.

Arguments by Mr. Simons, Mr. Wirthlin, and Mr. Liebman. COURT ORDERED, Nanyah Vegas, LLC's Motion to Settle Jury Instructions Based Upon the Court's October 5, 2018, Order Granting Summary Judgment DENIED as Court needs to hear the evidence, however Court's intention is that the jury instructions should be consistent with the October 5, 2018 order with regard to the conclusions of law.

Arguments by Mr. Simons, Mr. Liebman, and Mr. Wirthlin. Court stated its findings and ORDERED, Motion to Reconsider Order on Nanyah's Motion in Limine #5: Parol Evidence Rule on Order Shortening Time DENIED. Mr. Wirthlin to prepare the order.

Colloquy regarding whether a calendar call is set or needed. Court stated there is not a pretrial conference set at this time. Mr. Simons stated the Court's order striking the motions did not address the NRCP 15 motion to amend the pleadings to conform to the evidence established to the order. Mr. Liebman stated Mr. Simons motion was filed as a counter-motion and if Mr. Simons wants to re-file the motion then they will file an opposition, or the matter can be addressed at trial. Mr. Wirthlin agreed with statements by Mr. Liebman. Mr. Simons stated the matter was already filed and did not need to be filed again. Court stated if Mr. Simons wants to have the motion heard before trial then he will need to file an ex-parte order shortening time and make sure it is served on all the parties. Mr. Liebman inquired if a briefing schedule would be sent. Court directed parties to address at the matter on how they want to proceed at the last pre-trial conference. Colloquy regarding jury selection process. Mr. Wirthlin stated the order regarding the tax return being provided has been submitted to the Court. Court stated it will review it and sign it today.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**April 18, 2019**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**April 18, 2019      4:00 PM      Telephonic Conference**

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

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:** Kennedy, Dennis L.      Attorney  
Liebman, Joseph A.      Attorney  
Lionel, Samuel S.      Attorney  
Simons, Mark G      Attorney  
Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- All counsel present telephonically.

Colloquy 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. Upon inquiry of Court if Mr. Simons is certain that Mr. Rogich is the only beneficiary, Mr. Simons stated it is unclear if Mr. Rogich is the sole beneficiary due to statements in the opposition. Upon inquiry of if there has been implied notification to the beneficiaries, Mr. Simons stated he believed Mr. Rogich was the only beneficiary however, counsel for Rogich Trust would not disclose who the beneficiaries were, and any beneficiary should have been fully cognizant of the action and notice. Mr. Wirthlin stated they will provide the information pursuant to the statute. Mr. Wirthlin also requested that the trial not be continued on that issue and they will provide briefing on it. Colloquy regarding NRS 163.120 and Court's discretion. COURT ORDERED, 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, DENIED IN PART as to the motion to continue trial, Court will

take judicial notice of NRS 163.120, and on April 22, 2019 counsel can argue the legal aspect with regard to the scope of Court's discretion. Court stated any briefs need to be filed by midnight on April 21, 2019. Colloquy regarding hearing the counter-motion made by Mr. Simons at the last hearing before the trial. Court noted there was never an order shortening time presented to the Court and if both parties consent to argue the motion then they can do it in writing. Court further stated it would sign an order shortening time tomorrow if one is presented. Colloquy regarding request of judicial notice of supreme court order. Mr. Liebman and Mr. Wirthlin stated they would file oppositions to the request to take judicial notice of the supreme court order. Court directed counsel to provide an agenda of the things that will be argued and the order they will argue in before the start of trial on Monday. Colloquy regarding jury selection procedure and jury schedule.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**April 22, 2019**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**April 22, 2019      10:00 AM      All Pending Motions**

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

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Fell, Thomas    H      Attorney  
                 Kennedy, Dennis   L.      Attorney  
                 Liebman, Joseph A.      Attorney  
                 Lionel, Samuel    S.      Attorney  
                 Simons, Mark    G      Attorney  
                 Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- JURY TRIAL...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...PLAINTIFF'S RULE TO AMEND COMPLAINT UNDER NRCP 15

Court stated it received the order shortening time with regard to the NCRP 15 and Court is granting it so it can be argued. Arguments by Mr. Simons and Mr. Liebman in support of and opposition to Plaintiff's NCRP 15 and amending the complaint. COURT ORDERED, Plaintiff's Rule Under NRCP 15 to Amend Complaint DENIED as being untimely and the claims being abandoned. Further arguments by Mr. Simons.

Arguments by Mr. Simons and Mr. Wirthlin in support of and opposition to the Emergency Motion to Continue Trial for Purposes of NRS 163.120. Court stated its findings and ORDERED, as to



Emergency Motion to Continue Trial for Purposes of NRS 163.120, Trust DISMISSED. Mr. Simmons stated he would like to file an emergency motion writ the Supreme Court to take this up on a writ. Matter trailed for counsel to confer.

RECALLED. Same parties present.

Mr. Wirthlin stated counsel have conferred and are in agreement to suspend the trial with a few qualifications if the Court approves them. Colloquy regarding conditions and agreement to conditions. Upon inquiry of Court, all counsel stipulated to the suspension of the trial. Court noted there has not been a witness on the stand and it may or may not affect the five year rule. Mr. Simons stated it has been satisfied since they have commenced the trial. Matter concluded.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**September 05, 2019**

---

A-13-686303-C      Carlos Huerta, Plaintiff(s)  
vs.  
Eldorado Hills LLC, Defendant(s)

---

**September 05, 2019    10:30 AM      All Pending Motions**

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

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Fell, Thomas    H      Attorney  
Liebman, Joseph A.      Attorney  
Lionel, Samuel    S.      Attorney  
Simons, Mark    G      Attorney  
Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- MOTION FOR SUMMARY JUDGMENT OR ALTERNATIVELY FOR JUDGMENT AS A MATTER OF LAW PURSUANT TO NRCP 50(A)...DEFENDANT ELDORADO HILLS, LLC'S MOTION FOR SUMMARY JUDGMENT...DEFENDANT ELDORADO HILLS, LLC'S MOTION FOR DISMISSAL WITH PREJUDICE UNDER RULE 41(E)

Arguments by Mr. Liebman and Mr. Simons regarding the merits of and opposition to the motion. COURT ORDERED, Motion for Summary Judgment or Alternatively for Judgment as a Matter of Law Pursuant to NRCP 50(a); Defendant Eldorado Hills, LLC's Motion for Summary Judgment; and Defendant Eldorado Hills, LLC's Motion for Dismissal with Prejudice Under Rule 41(e) TAKEN UNDER ADVISEMENT. Court stated it is going to write a decision, and would like to go back to the deposition and the documents to take a second look. Court stated a decision could be expected on or about September 27, 2019.

9/24/2019 (CHAMBERS) STATUS CHECK: DECISION

PRINT DATE:      11/08/2019      Page 52 of 53      Minutes Date:      May 14, 2014





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

**DENNIS L. KENNEDY, ESQ.**  
**8984 SPANISH RIDGE AVE.**  
**LAS VEGAS, NV 89148**

**DATE: November 8, 2019**  
**CASE: A-13-686303-C**  
**c/w A-16-746239-C**

**RE CASE:** 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.; NANYAH VEGAS LLC vs. ELDORADO HILLS, LLC

NOTICE OF APPEAL FILED: November 6, 2019

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

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

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

---

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

*Please refer to Rule 3 for an explanation of any possible deficiencies.*

---

**\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

ELDORADO HILLS, LLC'S NOTICE OF CROSS-APPEAL; ELDORADO HILLS, LLC'S CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; DECISION AND ORDER; NOTICE OF ENTRY OF DECISION AND ORDER; ORDER PARTIALLY GRANTING SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDERS; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

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.; NANYAH VEGAS LLC,

Plaintiff(s),

vs.

ELDORADO HILLS, LLC,

Defendant(s),

Case No: A-13-686303-C  
*Consolidated with A-16-746239-C*  
Dept No: XXVII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 8 day of November 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk  
A-13-686303-C