

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

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

4                   Appellant,

5                   vs.

6   SIG ROGICH aka SIGMUND  
7   ROGICH as Trustee of The Rogich  
8   Family Irrevocable Trust; ELDORADO  
9   HILLS, LLC, a Nevada limited liability  
10   company; TELD, LLC, a Nevada  
11   limited liability company, PETER  
12   ELIADES, individually and as Trustee  
13   of the Eliades Survivor Trust of  
14   10/20/08; and IMITATIONS, LLC, a  
15   Nevada limited liability company,

16                  Respondents.

17   ELDORADO HILLS, LLC, a Nevada  
18   limited liability company,

19                  Cross-Appellant,

20                  vs.

21   NANYAH VEGAS, LLC, a Nevada  
22   limited liability company,

23                  Cross-Respondent.

Case No. 79917

District Court Case No. A686303

Electronically Filed  
Dec 20 2019 05:04 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**RESPONDENTS/CROSS-  
APPELLANTS' SIGMUND  
ROGICH AND IMITATIONS  
DOCKETING STATEMENT**

SIGMUND ROGICH Individually and  
as Trustee of The Rogich Family  
Irrevocable Trust; and IMITATIONS,  
LLC, a Nevada limited liability  
company,

Cross-Appellants,

vs.

NANYAH VEGAS, LLC, a Nevada  
limited liability company; TELD, LLC,  
a Nevada limited liability company;  
and PETER ELIADES, individually  
and as Trustee of the Eliades Survivor  
Trust of 10/20/08,

Cross-Respondents.

**1. Judicial District:** Eighth      **Department:** 27  
**County:** Clark      **Judge:** Honorable Nancy Allf  
**District Court Case No.** A16-7462396-C / A13-686303C

**2. Attorney Filing this Docket Statement:**

**3.**  
Samuel S. Lionel, Esq. (Bar No. 1766)  
Thomas Fell, Esq. (Bar No. 3717)  
Brenoch Wirthlin, Esq. (Bar No. 10282)  
**FENNEMORE CRAIG, P.C.**  
300 S. Fourth Street, Suite 1400  
Las Vegas, Nevada 89101  
Telephone No.: 702.692.8000

**Clients:** Sigmund Rogich, Individually and as Trustee of the  
Rogich Family Irrevocable Trust and Imitations, LLC

1 **4. Attorney(s) Representing Cross-Respondents:**

2 Mark Simons, Esq.  
3 **SIMONS HALL JOHNSTON PC**  
4 6490 South McCarran Blvd., #F-46  
5 Reno, Nevada 89509  
6 Telephone No.: 775.785.0088

7 Client: Appellant/Cross-Respondent Nanyah Vegas, LLC

8 Dennis Kennedy, Esq.  
9 Joseph Liebman, Esq.  
10 **BAILEY ♦ KENNEDY**  
11 8984 Spanish Ridge Avenue  
12 Las Vegas, NV 89148  
13 Telephone No.: 702.562.8820

14 Clients: Respondents/Cross-Appellants Eldorado Hills,  
15 LLC, Teld, LLC, and Peter Eliades, individually  
16 and as Trustee of the Eliades Survivor Trust of  
17 10/30/08

18 **5. Nature of Disposition (check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> Judgment after bench trial         | <input checked="" type="checkbox"/> Dismissal:                          |
| <input type="checkbox"/> Judgment after jury verdict        | <input type="checkbox"/> Lack of jurisdiction                           |
| <input type="checkbox"/> Summary judgment                   | <input type="checkbox"/> Failure to state a claim                       |
| <input type="checkbox"/> Default judgment                   | <input checked="" type="checkbox"/> Failure to prosecute                |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief  | <input type="checkbox"/> Other (specify):                               |
| <input type="checkbox"/> Grant/Denial of injunction         | <input type="checkbox"/> Divorce Decree:                                |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of Agency determination     | <input type="checkbox"/> Other disposition (specify)                    |
- 

19 **6. Does this appeal raise issues concerning any of the following? No.**

- ☐ Child Custody ☐ Termination of parental rights  
☐ Venue

- 1 **7. Pending and prior proceedings in this court.** List the case name and  
2 docket number of all appeals or original proceedings presently or  
previously pending before this court which are related to this appeal:

Docket No.	Caption	Disposition
66832	Nanyah Vegas, LLC v. Rogich	Order of Reversal and Remand
67595	Huerta v. Rogich	Order of Affirmance
70492-COA	Huerta v. Rogich	Order of Affirmance
79072	Nanyah Vegas, LLC v. Dist. Ct. (Rogich)	Petition Dismissed

- 8 **8. Pending and prior proceedings in other courts:** List the case name,  
9 number and court of all pending and prior proceedings in other courts  
which are related to this appeal (*e.g.*, bankruptcy, consolidated or  
bifurcated proceedings) and their dates of disposition:

10 A13-686303C

- 11 **9. Nature of the action.** Briefly describe the nature of the action and the  
12 result below:

13 This is a contract action regarding Nanyah Vegas, LLC's investment  
14 of \$1.5 million in CanaMex Nevada, LLC. Although it made payment  
15 to CanaMex Nevada, LLC and received K1 and investment documents  
16 from CanaMex Nevada, LLC, Nanyah now alleges that its investment  
17 was actually for an ownership interest in Eldorado Hills, LLC. As part  
of a purchase agreement between the Rogich Trust, the Eliades  
Defendants, and other third-parties for the purchase of a percentage  
ownership of Eldorado Hills, LLC, the Rogich Trust agreed to  
negotiate with Nanyah regarding its potential claim to an ownership  
interest in Eldorado Hills, LLC.

18 The October 5, 2018, Order: (1) Granting Defendants Peter Eliades,  
19 Individually and as Trustee of the Eliades Survivor Trust of 10/30/08,  
and Teld, LLC's Motion for Summary Judgment; and (2) Denying

1 Nanyah Vegas, LLC's Countermotion for Summary Judgment, which  
2 was drafted by counsel for Nanyah, purports to make affirmative  
3 findings and conclusions regarding the Rogich Defendants' purported  
4 obligations to Nanyah which are internally incompatible and  
5 inconsistent with the record and what was argued in the briefs filed by  
6 the Eliades Defendants and Nanyah.

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8 The Rogich Defendants filed an NRCP 60(b) motion, seeking relief  
9 from the factually incorrect findings contained in the October 5, 2018,  
10 Order. The district court entered an order denying the NRCP 60(b)  
11 motion on March 26, 2019. The Rogich Defendants appeal from both  
12 of these orders.

13 The district court dismissed The Rogich Trust upon the  
14 commencement of trial in this matter. Upon stipulation by all parties  
15 the court suspended the trial and subsequently entered final judgment  
16 in this matter in favor of Sigmund Rogich and Imitations, LLC in its  
17 October 1, 2019, Order. In that order the Court also dismissed  
18 Nanyah's remaining claim against Eldorado with prejudice for failure  
19 to timely bring this matter to trial.

10. **Issues on appeal.** State concisely the principal issue(s) in this appeal  
(attach separate sheets as necessary):

1. Whether the District Court erred by making affirmative findings  
and conclusions regarding the Rogich Defendants' purported  
obligations to Nanyah which are internally incompatible and  
inconsistent with the record and what was argued in the briefs  
filed by the Eliades Defendants and Nanyah?
2. Whether the District Court erred denying the Rogich  
Defendants' NRCP 60(b) motion?

1 **11. Pending proceedings in this court raising the same or similar**  
2 **issues.** If you are aware of any proceeding presently pending before  
3 this court which raises the same or similar issues raised in this appeal,  
4 list the case name and docket number and identify the same or similar  
5 issues raised:

6 Respondents/Cross-Appellants are not aware of any proceedings  
7 presently pending before this court which raise similar issues.

8 **12. Constitutional issues:** If this appeal challenges the constitutionality  
9 of a statute, and the state, any state agency, or any officer or employee  
10 thereof is not a party to this appeal, have you notified the clerk of this  
11 court and the attorney general in accordance with NRAP 44 and NRS  
12 30.130?

13 ☒ N/A

14 ☐ Yes

15 ☐ No

16 If not, explain:

17 **13. Other issues.** Does this appeal involve any of the following issues?

18 ☐ Reversal of well-settled Nevada precedent (identify the case(s))

19 ☐ An issue arising under the United States and/or Nevada  
20 Constitutions

21 ☐ A substantial issue of first-impression

22 ☐ An issue of public policy

23 ☐ An issue where en banc consideration is necessary to maintain  
24 uniformity of this court's decisions

25 ☐ A ballot question

26 If so, explain:

27 **14. Assignment to the Court of Appeals or retention in the Supreme**  
28 **Court.** Briefly set forth whether the matter is presumptively retained  
29 by the Supreme Court or assigned to the Court of Appeals under  
30 NRAP 17 and cite the subparagraph(s) of the Rule under which the  
31 matter falls. If appellant believes that the Supreme **Court** should retain  
32 the case despite its presumptive assignment to the Court of Appeals,  
33 identify the specific issue(s) or circumstance(s) that warrant retaining

1 the case, and include an explanation of their importance or  
2 significance:

3 This case is not presumptively assigned to the Supreme  
4 Court under NRAP 17.

5 **15. Trial.** If this action proceeded to trial, how many days did the trial  
6 last?

7 N/A

8 **16. Judicial Disqualification.** Do you intend to file a motion to disqualify  
9 or have a justice **recuse** him/herself from participation in this appeal?  
10 If so, which Justice?

11 No.

#### 12 TIMELINESS OF NOTICE OF APPEAL

13 **17. Date of entry of written judgment or order appealed from**

14 October 4, 2019

15 **Attach a copy. If more than one judgment or order is appealed  
16 from, attach copies of each judgment or order from which appeal  
17 is taken.**

18 See Decision, attached to Nanyah Vegas, LLC's Docketing  
19 Statement as **Exhibit 24**.

(a) If no written judgment or order was filed in the district court,  
explain the basis for seeking appellate review:

N/A

**18. Date written notice of entry of judgment or order was served**

October 4, 2019

Was service by:

☐ Delivery ☐ Unknown ☒ Mail/Electronic/Fax

1 **19. If the time for filing the notice of appeal was tolled by a post-**  
2 **judgment motion (NRCP 50(b), 52(b), or 59)**

3 N/A

4 (a) Specify the type of motion, the date and method of service of  
5 the motion, and the date of filing.

6 ☐ NRCP 50(b) Date of  
7 filing\_\_\_\_\_

8 ☐ NRCP 52(b) Date of  
9 filing\_\_\_\_\_

10 ☐ NRCP 59 Date of  
11 filing\_\_\_\_\_

12 **NOTE: : Motions made pursuant to NRCP 60 or motions for**  
13 **rehearing or reconsideration may toll the time for filing a notice of**  
14 **appeal. See AA Primo Builders v. Washington, 126 Nev.\_\_\_\_\_,**  
15 **245 P.3d 1190 (2010).**

16 (b) Date of entry of written order resolving tolling motion \_  
17 N/A

18 (c) Date written notice of entry of order resolving tolling  
19 motion was \_\_\_\_\_ by:

☐ Delivery

☐ Mail

20 **20. Date notice of appeal was filed**

If more than one party has appealed from the judgment or order, list  
date each notice of appeal was filed and identify by name the party  
filing the notice of appeal:

Nanyah's Notice of Appeal:	October 24, 2019
Eldorado Hill's Notice of Cross-Appeal:	November 6, 2019
Rogich Defendants' Notice of Cross Appeal:	November 7, 2019

1 **21. Specify statute or rule governing the time limit for filing the notice**  
2 **of appeal, e.g., NRAP 4(a) or other**

3 NRAP 4(a)(2). This cross appeal was filed within 14 days after  
4 Nanyah's Notice of Appeal was filed on October 24, 2019.

5 **SUBSTANTIVE APPEALABILITY**

6 **22. Specify the statute or other authority granting this court**  
7 **jurisdiction to review the judgment or order appealed from:**

- 8 (a) ☒ NRAP 3A(b)(1) ☐ NRS 38.205  
9 ☐ NRAP 3A(b)(2) ☐ NRS 233B.150  
10 ☐ NRAP 3A(b)(3) ☐ NRS 703.376  
11 ☐ Other (specify)

- 12 (b) Explain how each authority provides a basis for appeal from the  
13 judgment or order:

14 The October 4, 2019 Decision resolved all remaining claims.

15 **23. List all parties involved in the action or consolidated actions in the**  
16 **district court:**

- 17 (a) Parties:

- 18
  - Carlos Huerta, individually and as Trustee of The Alexander Christopher Trust, a Trust established in Nevada as an assignee of interest of Go Global, Inc. a Nevada corporation;
  - Eldorado Hills, LLC
  - Imitations, LLC
  - Nanyah Vegas, LLC
  - Peter Eliades, individually and as Trustee of The Eliades Survivor Trust of 10/30/08
  - Sigmund Rogich, individual and as Trustee of the Rogich Family Irrevocable Trust
  - TELD, LLC

- 19 (b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this

1 appeal, *e.g.*, formally dismissed, not served, or other:

2 Carlos Huerta, individually and as Trustee of The Alexander  
3 Christopher Trust, already appealed the dismissal of their  
4 claims against the Rogich Defendants in Case No. 67595.

- 5 **24. Give a brief description (3 to 5 words) of each party's separate  
6 claims, counterclaims, cross-claims or third-party claims, and the  
7 date of formal disposition of each claim.**

8 **A13-686303-C**

9

<u>Plantiffs</u>	<u>Claims</u>	<u>Defendants</u>	<u>Date of Disposition</u>
Huerta/Go Global	Breach of Express Contract	Rogich Trust	11/5/15
	Breach of Covenant of Good Faith and Fair Dealing	Rogich Trust	11/5/15
	Negligent Misrepresentation	Rogich Trust	11/5/15
Nanyah	Unjust Enrichment	El Dorado	10/4/2019

10

11 **A16-7462396-C**

12

<u>Plantiffs</u>	<u>Claims</u>	<u>Defendants</u>	<u>Date of Disposition</u>
Nanyah	Breach of Contract	Rogich	10/4/2019
		Rogich Trust	4/30/2019
		TELD	10/5/2018
		Eliades	10/5/2018
	Breach of Covenant of Good Faith and Fair Dealing- Contract	Rogich	10/4/2019
		Rogich Trust	4/30/2019
		TELD	10/5/2018
		Eliades	10/5/2018
	Breach of Covenant of Good Faith and Fair Dealing- Tort	Rogich	10/4/2019
		Rogich Trust	4/30/2019
		TELD	10/5/2018

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		Eliades	10/5/2018
	Intentional Interference with Trust	Rogich	4/16/19
		Rogich Trust	4/16/19
		TELD	4/16/19
		Eliades	4/16/19
		Eliades Trust	4/16/19
		Imitations	4/16/19
	Constructive Trust	Eliades Trust	5/22/2018
	Conspiracy	Rogich	10/4/2019
		Rogich Trust	4/30/2019
		TELD	10/5/2018
		Eliades	10/5/2018
		Eliades Trust	10/5/2018
		Imitations	10/4/2019
	Fraudulent Transfer	Rogich Trust	5/22/2018
		Eliades Trust	5/22/2018
	Declaratory Relief	Rogich	4/16/2019
		Rogich Trust	4/16/2019
		TELD	10/5/2018
		Eliades	10/5/2018
		Eliades Trust	10/5/2018
		Imitations	4/16/2019
	Specific Performance	Rogich	4/16/2019
		Rogich Trust	4/16/2019
		TELD	10/5/2018
		Eliades	10/5/2018
		Eliades Trust	10/5/2018
		Imitations	4/16/2019

**25. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

- ☒ Yes  
☐ No

**26. If you answered “No” to question 24, complete the following:**

- (a) Specify the claims remaining pending below: None  
(b) Specify the parties remaining below: None

1 (c) Did the district court certify the judgment or order appealed  
2 from as a final judgment pursuant to NRCP 54(b)?

3 ☐ Yes

4 ☐ No

5 (d) Did the district court make an express determination, pursuant to  
6 NRCP 54(b), that there is no just reason for delay and an express  
7 direction for the entry of judgment? N/A

8 ☐ Yes

9 ☐ No

10 **27. If you answered “No” to any part of question 25, explain the basis  
11 for seeking appellate review (e.g., order is independently  
12 appealable under NRAP 3A(b)):**

13 N/A

14 **28. Attach copies of the last-filed version of all complaints,  
15 counterclaims, and/or cross claims filed in the district court, any  
16 tolling motion, the order challenged on appeal and written notice  
17 of entry for any attached orders.**

18 Cross-Respondents/Appellants hereby incorporate by reference the  
19 Exhibits attached to Nanyah Vegas’s Docketing Statement.

**Exhibit 1:** 3/26/19 Order Denying The Rogich Defendants’ NRCP  
60(b) Motion

**Exhibit 2:** 3/26/19 Notice of Entry of Order of Order Denying The  
Rogich Defendants’ NRCP 60(b) Motion

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I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

DATED: December 20, 2019.

**FENNEMORE CRAIG, P.C.**

By: /s/ Elizabeth J. Bassett  
 Samuel S. Lionel, Esq. (Bar No. 1766)  
 Thomas Fell, Esq. (Bar No. 3717)  
 Brenoch Wirthlin, Esq. (Bar No. 10282)  
 300 S. Fourth Street, Suite 1400  
 Las Vegas, Nevada 89101

Attorneys for Respondent/Cross-Appellants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC

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13

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

2       NANYAH VEGAS, LLC, a Nevada  
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8       Family Irrevocable Trust; ELDORADO  
9       HILLS, LLC, a Nevada limited liability  
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**ROGICH AND IMITATIONS**  
**DOCKETING STATEMENT**

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4 LLC, a Nevada limited liability  
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17 10/30/08

18 **5. Nature of Disposition (check all that apply):**

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|---|---|
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19 **6. Does this appeal raise issues concerning any of the following? No.**

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☐ Venue

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19 to timely bring this matter to trial.

**10. Issues on appeal.** State concisely the principal issue(s) in this appeal  
(attach separate sheets as necessary):

1. Whether the District Court erred by making affirmative findings  
and conclusions regarding the Rogich Defendants' purported  
obligations to Nanyah which are internally incompatible and  
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10 thereof is not a party to this appeal, have you notified the clerk of this  
11 court and the attorney general in accordance with NRAP 44 and NRS  
12 30.130?

13 ☒ N/A

14 ☐ Yes

15 ☐ No

16 If not, explain:

17 **13. Other issues.** Does this appeal involve any of the following issues?

18 ☐ Reversal of well-settled Nevada precedent (identify the case(s))

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24 uniformity of this court's decisions

25 ☐ A ballot question

26 If so, explain:

27 **14. Assignment to the Court of Appeals or retention in the Supreme**  
28 **Court.** Briefly set forth whether the matter is presumptively retained  
29 by the Supreme Court or assigned to the Court of Appeals under  
30 NRAP 17 and cite the subparagraph(s) of the Rule under which the  
31 matter falls. If appellant believes that the Supreme **Court** should retain  
32 the case despite its presumptive assignment to the Court of Appeals,  
33 identify the specific issue(s) or circumstance(s) that warrant retaining

1 the case, and include an explanation of their importance or  
2 significance:

3 This case is not presumptively assigned to the Supreme  
4 Court under NRAP 17.

5 **15. Trial.** If this action proceeded to trial, how many days did the trial  
6 last?

7 N/A

8 **16. Judicial Disqualification.** Do you intend to file a motion to disqualify  
9 or have a justice **recuse** him/herself from participation in this appeal?  
10 If so, which Justice?

11 No.

#### 12 TIMELINESS OF NOTICE OF APPEAL

13 **17. Date of entry of written judgment or order appealed from**

14 October 4, 2019

15 **Attach a copy. If more than one judgment or order is appealed  
16 from, attach copies of each judgment or order from which appeal  
17 is taken.**

18 See Decision, attached to Nanyah Vegas, LLC's Docketing  
19 Statement as **Exhibit 24**.

(a) If no written judgment or order was filed in the district court,  
explain the basis for seeking appellate review:

N/A

**18. Date written notice of entry of judgment or order was served**

October 4, 2019

Was service by:

☐ Delivery ☐ Unknown ☒ Mail/Electronic/Fax

1 **19. If the time for filing the notice of appeal was tolled by a post-**  
2 **judgment motion (NRCP 50(b), 52(b), or 59)**

3 N/A

4 (a) Specify the type of motion, the date and method of service of  
5 the motion, and the date of filing.

6 ☐ NRCP 50(b) Date of  
7 filing\_\_\_\_\_

8 ☐ NRCP 52(b) Date of  
9 filing\_\_\_\_\_

10 ☐ NRCP 59 Date of  
11 filing\_\_\_\_\_

12 **NOTE: : Motions made pursuant to NRCP 60 or motions for**  
13 **rehearing or reconsideration may toll the time for filing a notice of**  
14 **appeal. See AA Primo Builders v. Washington, 126 Nev.\_\_\_\_\_,**  
15 **245 P.3d 1190 (2010).**

16 (b) Date of entry of written order resolving tolling motion \_  
17 N/A

18 (c) Date written notice of entry of order resolving tolling  
19 motion was \_\_\_\_\_ by:

☐ Delivery

☐ Mail

20 **20. Date notice of appeal was filed**

If more than one party has appealed from the judgment or order, list  
date each notice of appeal was filed and identify by name the party  
filing the notice of appeal:

Nanyah's Notice of Appeal:	October 24, 2019
Eldorado Hill's Notice of Cross-Appeal:	November 6, 2019
Rogich Defendants' Notice of Cross Appeal:	November 7, 2019

1 **21. Specify statute or rule governing the time limit for filing the notice**  
2 **of appeal, e.g., NRAP 4(a) or other**

3 NRAP 4(a)(2). This cross appeal was filed within 14 days after  
4 Nanyah's Notice of Appeal was filed on October 24, 2019.

5 **SUBSTANTIVE APPEALABILITY**

6 **22. Specify the statute or other authority granting this court**  
7 **jurisdiction to review the judgment or order appealed from:**

- 8 (a) ☒ NRAP 3A(b)(1) ☐ NRS 38.205  
9 ☐ NRAP 3A(b)(2) ☐ NRS 233B.150  
10 ☐ NRAP 3A(b)(3) ☐ NRS 703.376  
11 ☐ Other (specify)

- 12 (b) Explain how each authority provides a basis for appeal from the  
13 judgment or order:

14 The October 4, 2019 Decision resolved all remaining claims.

15 **23. List all parties involved in the action or consolidated actions in the**  
16 **district court:**

- 17 (a) Parties:

- 18
  - Carlos Huerta, individually and as Trustee of The Alexander Christopher Trust, a Trust established in Nevada as an assignee of interest of Go Global, Inc. a Nevada corporation;
  - Eldorado Hills, LLC
  - Imitations, LLC
  - Nanyah Vegas, LLC
  - Peter Eliades, individually and as Trustee of The Eliades Survivor Trust of 10/30/08
  - Sigmund Rogich, individual and as Trustee of the Rogich Family Irrevocable Trust
  - TELD, LLC

- 19 (b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this

1 appeal, *e.g.*, formally dismissed, not served, or other:

2 Carlos Huerta, individually and as Trustee of The Alexander  
3 Christopher Trust, already appealed the dismissal of their  
4 claims against the Rogich Defendants in Case No. 67595.

- 5 **24. Give a brief description (3 to 5 words) of each party's separate  
6 claims, counterclaims, cross-claims or third-party claims, and the  
7 date of formal disposition of each claim.**

8 **A13-686303-C**

9

<u>Plantiffs</u>	<u>Claims</u>	<u>Defendants</u>	<u>Date of Disposition</u>
Huerta/Go Global	Breach of Express Contract	Rogich Trust	11/5/15
	Breach of Covenant of Good Faith and Fair Dealing	Rogich Trust	11/5/15
	Negligent Misrepresentation	Rogich Trust	11/5/15
Nanyah	Unjust Enrichment	El Dorado	10/4/2019

10

11 **A16-7462396-C**

12

<u>Plantiffs</u>	<u>Claims</u>	<u>Defendants</u>	<u>Date of Disposition</u>
Nanyah	Breach of Contract	Rogich	10/4/2019
		Rogich Trust	4/30/2019
		TELD	10/5/2018
		Eliades	10/5/2018
	Breach of Covenant of Good Faith and Fair Dealing- Contract	Rogich	10/4/2019
		Rogich Trust	4/30/2019
		TELD	10/5/2018
		Eliades	10/5/2018
	Breach of Covenant of Good Faith and Fair Dealing- Tort	Rogich	10/4/2019
		Rogich Trust	4/30/2019
		TELD	10/5/2018

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		Eliades	10/5/2018
	Intentional Interference with Trust	Rogich	4/16/19
		Rogich Trust	4/16/19
		TELD	4/16/19
		Eliades	4/16/19
		Eliades Trust	4/16/19
		Imitations	4/16/19
	Constructive Trust	Eliades Trust	5/22/2018
	Conspiracy	Rogich	10/4/2019
		Rogich Trust	4/30/2019
		TELD	10/5/2018
		Eliades	10/5/2018
		Eliades Trust	10/5/2018
		Imitations	10/4/2019
	Fraudulent Transfer	Rogich Trust	5/22/2018
		Eliades Trust	5/22/2018
	Declaratory Relief	Rogich	4/16/2019
		Rogich Trust	4/16/2019
		TELD	10/5/2018
		Eliades	10/5/2018
		Eliades Trust	10/5/2018
		Imitations	4/16/2019
	Specific Performance	Rogich	4/16/2019
		Rogich Trust	4/16/2019
		TELD	10/5/2018
		Eliades	10/5/2018
		Eliades Trust	10/5/2018
		Imitations	4/16/2019

**25. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

- ☒ Yes  
☐ No

**26. If you answered “No” to question 24, complete the following:**

- (a) Specify the claims remaining pending below: None  
(b) Specify the parties remaining below: None

1 (c) Did the district court certify the judgment or order appealed  
2 from as a final judgment pursuant to NRCP 54(b)?

3 ☐ Yes

4 ☐ No

5 (d) Did the district court make an express determination, pursuant to  
6 NRCP 54(b), that there is no just reason for delay and an express  
7 direction for the entry of judgment? N/A

8 ☐ Yes

9 ☐ No

10 **27. If you answered “No” to any part of question 25, explain the basis  
11 for seeking appellate review (e.g., order is independently  
12 appealable under NRAP 3A(b)):**

13 N/A

14 **28. Attach copies of the last-filed version of all complaints,  
15 counterclaims, and/or cross claims filed in the district court, any  
16 tolling motion, the order challenged on appeal and written notice  
17 of entry for any attached orders.**

18 Cross-Respondents/Appellants hereby incorporate by reference the  
19 Exhibits attached to Nanyah Vegas’s Docketing Statement.

**Exhibit 1:** 3/26/19 Order Denying The Rogich Defendants’ NRCP  
60(b) Motion

**Exhibit 2:** 3/26/19 Notice of Entry of Order of Order Denying The  
Rogich Defendants’ NRCP 60(b) Motion

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I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

DATED: December 20, 2019.

**FENNEMORE CRAIG, P.C.**

By: /s/ Elizabeth J. Bassett  
 Samuel S. Lionel, Esq. (Bar No. 1766)  
 Thomas Fell, Esq. (Bar No. 3717)  
 Brenoch Wirthlin, Esq. (Bar No. 10282)  
 300 S. Fourth Street, Suite 1400  
 Las Vegas, Nevada 89101

Attorneys for Respondent/Cross-Appellants Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC

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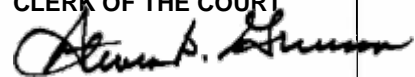
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Exhibit 1

Exhibit 1



**ORDR**

Samuel S. Lionel, Esq. (Bar No. 1766)  
Brenoch Wirthlin, Esq. (Bar No. 10282)

**FENNEMORE CRAIG, P.C.**

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

DISTRICT COURT  
CLARK COUNTY, NEVADA

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

Plaintiffs,

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

**ORDER DENYING**  
**THE ROGICH DEFENDANTS'**  
**NRCP 60(B) MOTION**

**CONSOLIDATED WITH:**

Case No. A-16-746239-C

THIS MATTER came before the Court on February 21, 2019 on the Motion for Relief from the October 5, 2018 Order Pursuant to NRCP 60(b) filed by Defendants Sigmund Rogich, individually and as trustee of the Sigmund Family Irrevocable Trust, and Imitations, LLC (collectively referred to as the "Rogich Defendants"). The Parties appeared as follows:

- For Eldorado Hills, LLC ("Eldorado"): Joseph Liebman, Esq. of Bailey❖Kennedy, LLP.
- For the Rogich Defendants: Samuel Lionel, Esq. of Fennemore Craig, P.C.
- For Nanyah: Mark G. Simons, Esq. of Simons Hall Johnson PC.

The Court, having heard oral argument, having reviewed the papers, exhibits, and pleadings on file, and having considered the same, and for the reasons stated herein finds as follows:

1. On July 26, 2018, the Court heard argument on the Motion for Summary Judgment filed by Peter Eliades, individually ("Eliades") and as Trustee of The Eliades Survivor Trust of 10/30/08 (the "Eliades Trust"), and Teld, LLC's ("Teld") (collectively, the "Eliades Defendants") and on Nanyah's Countermotion for Summary Judgment.

2. On August 7, 2018, the Court entered its Minute Order granting the Eliades Defendants' motion for summary judgment and denying Nanyah's countermotion (the "Minute Order").

3. On October 5, 2018, the Court rendered its Order granting summary judgment in favor of the Eliades Defendants and denying Nanyah's countermotion (the "Order").

4. On February 6, 2019, the Rogich Defendants filed the present motion for relief pursuant to NRCP 60(b)(1).

5. The Court finds that the Rogich Defendants' motion was timely filed.

6. The Court finds that no mistake, inadvertence, surprise or excusable neglect exists with respect to the Court's Order or the Court's Minute Order.

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For the reasons set forth above, **IT IS ORDERED** that the Rogich Defendants' Motion for  
NRCP 60(b) relief is **DENIED**.

DATED this 22 day of March, 2019.

Nancy L. A. F.  
DISTRICT COURT JUDGE



Submitted by:

FENNEMORE CRAIG, P.C.

By:

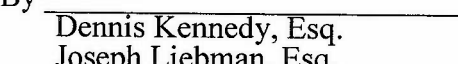
  
Samuel Lionel, Esq.  
Brenoch Wirthlin, Esq.  
300 S. Fourth Street, Suite 1400  
Las Vegas, NV 89101

*Attorneys for Defendants Sig Rogich,  
Individually and as Trustee of the Rogich  
Family Irrevocable Trust, and Imitations, LLC*

Approved as to Form and Content:

BAILEY ♦ KENNEDY

By

  
Dennis Kennedy, Esq.  
Joseph Liebman, Esq.  
8984 Spanish Ridge Avenue  
Las Vegas, NV 89148-1302  
*Attorneys for Defendants PETE ELIADES,  
THE ELIADES SURVIVOR TRUST OF  
10/30/08,  
TELD, LLC and ELDORADO HILLS, LLC*

Approved as to Form and Content:

SIMONS HALL JOHNSTON PC

By:

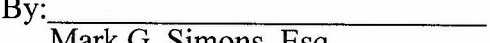
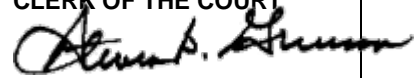
  
Mark G. Simons, Esq.  
6490 South McCarran Blvd., #F-46  
Reno, NV 89509  
*Attorneys for Plaintiff Nanyah Vegas,  
LLC*

Exhibit 2

Exhibit 2



Samuel S. Lionel, Esq. (Bar No. 1766)  
Brenoch Wirthlin, Esq. (Bar No. 10282)  
**FENNEMORE CRAIG, P.C.**  
300 S. Fourth Street, Suite 1400  
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Email: [slionel@fclaw.com](mailto:slionel@fclaw.com)  
*Attorneys for Defendants*

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 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**

**NOTICE OF ENTRY OF ORDER**

**CONSOLIDATED WITH:**

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

1 Please take notice that the above-entitled Court Entered the attached ORDER DENYING  
2 THE ROGICH DEFENDANTS' NRCP 60(B) MOTION on the 26<sup>th</sup> day of March, 2019. A copy  
3 is attached hereto.

4 DATED: March 26, 2019.

5 **FENNEMORE CRAIG, P.C.**

6  
7 By: /s/ Brenoch R. Wirthlin

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

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

10 **FENNEMORE CRAIG, P.C.**

11 300 S. Fourth Street, Suite 1400

12 Las Vegas, Nevada 89101

13 *Attorneys for Defendants*  
14  
15  
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1  
2 **CERTIFICATE OF SERVICE**

3 I certify that I am an employee of Fennemore Craig, P.C., and that on this date, the  
4 foregoing **ORDER DENYING THE ROGICH DEFENDANTS' NRCP 60(B) MOTION** was  
5 served upon the following person(s) by electronic transmission through the Court's e-filing/e-  
6 serving system, addressed as follows:

7 Mark Simons, Esq. *Via E-service*  
8 6490 South McCarran Blvd., #20  
9 Reno, Nevada 89509  
10 *Attorney for Plaintiff Nanyah Vegas, LLC*

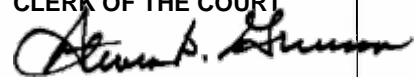
11 Charles E. ("CJ") Barnabi, Jr. *Via E-service*  
12 **COHEN JOHNSON PARKER EDWARDS**  
13 375 E. Warm Springs Road, Suite 104  
14 Las Vegas, NV 89119  
15 *Attorney for Plaintiffs Carlos Huerta*  
16 *and Go Global*

17 Dennis Kennedy *Via E-service*  
18 Joseph Liebman  
19 **BAILEY ♦ KENNEDY**  
20 8984 Spanish Ridge Avenue  
21 Las Vegas, NV 89148  
22 *Attorneys for Defendants Pete Eliades,*  
23 *Teld, LLC and Eldorado Hills, LLC*

24 Michael Cristalli *Via E-service*  
25 Janiece S. Marshall  
26 **GENTILE CRISTALLI MILLER ARMENTI**  
27 **SAVARESE**  
28 410 S. Rampart Blvd., Suite 420  
Las Vegas, NV 89145

DATED: March 26, 2019

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



**ORDR**

Samuel S. Lionel, Esq. (Bar No. 1766)  
Brenoch Wirthlin, Esq. (Bar No. 10282)

**FENNEMORE CRAIG, P.C.**

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Las Vegas, Nevada 89101  
Tel.: (702) 692-8000; Fax: (702) 692-8099  
Email: [slionel@fclaw.com](mailto:slionel@fclaw.com)

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

DISTRICT COURT  
CLARK COUNTY, NEVADA

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

Plaintiffs,

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

**ORDER DENYING**  
**THE ROGICH DEFENDANTS'**  
**NRCP 60(B) MOTION**

**CONSOLIDATED WITH:**

Case No. A-16-746239-C

THIS MATTER came before the Court on February 21, 2019 on the Motion for Relief from the October 5, 2018 Order Pursuant to NRCP 60(b) filed by Defendants Sigmund Rogich, individually and as trustee of the Sigmund Family Irrevocable Trust, and Imitations, LLC (collectively referred to as the “Rogich Defendants”). The Parties appeared as follows:

- For Eldorado Hills, LLC (“Eldorado”): Joseph Liebman, Esq. of Bailey❖Kennedy, LLP.
- For the Rogich Defendants: Samuel Lionel, Esq. of Fennemore Craig, P.C.
- For Nanyah: Mark G. Simons, Esq. of Simons Hall Johnson PC.

The Court, having heard oral argument, having reviewed the papers, exhibits, and pleadings on file, and having considered the same, and for the reasons stated herein finds as follows:

1. On July 26, 2018, the Court heard argument on the Motion for Summary Judgment filed by Peter Eliades, individually (“Eliades”) and as Trustee of The Eliades Survivor Trust of 10/30/08 (the “Eliades Trust”), and Teld, LLC’s (“Teld”) (collectively, the “Eliades Defendants”) and on Nanyah’s Countermotion for Summary Judgment.

2. On August 7, 2018, the Court entered its Minute Order granting the Eliades Defendants’ motion for summary judgment and denying Nanyah’s countermotion (the “Minute Order”).

3. On October 5, 2018, the Court rendered its Order granting summary judgment in favor of the Eliades Defendants and denying Nanyah’s countermotion (the “Order”).

4. On February 6, 2019, the Rogich Defendants filed the present motion for relief pursuant to NRCP 60(b)(1).

5. The Court finds that the Rogich Defendants’ motion was timely filed.

6. The Court finds that no mistake, inadvertence, surprise or excusable neglect exists with respect to the Court’s Order or the Court’s Minute Order.

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For the reasons set forth above, **IT IS ORDERED** that the Rogich Defendants' Motion for  
NRCP 60(b) relief is **DENIED**.

DATED this 22 day of March, 2019.

Nancy L. A. F.  
DISTRICT COURT JUDGE



Submitted by:

FENNEMORE CRAIG, P.C.

By:

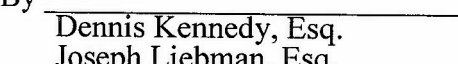
  
Samuel Lionel, Esq.  
Brenoch Wirthlin, Esq.  
300 S. Fourth Street, Suite 1400  
Las Vegas, NV 89101

*Attorneys for Defendants Sig Rogich,  
Individually and as Trustee of the Rogich  
Family Irrevocable Trust, and Imitations, LLC*

Approved as to Form and Content:

BAILEY ♦ KENNEDY

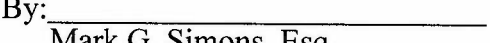
By

  
Dennis Kennedy, Esq.  
Joseph Liebman, Esq.  
8984 Spanish Ridge Avenue  
Las Vegas, NV 89148-1302  
*Attorneys for Defendants PETE ELIADES,  
THE ELIADES SURVIVOR TRUST OF  
10/30/08,  
TELD, LLC and ELDORADO HILLS, LLC*

Approved as to Form and Content:

SIMONS HALL JOHNSTON PC

By:

  
Mark G. Simons, Esq.  
6490 South McCarran Blvd., #F-46  
Reno, NV 89509  
*Attorneys for Plaintiff Nanyah Vegas,  
LLC*