

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

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4
5 NANYAH VEGAS, LLC, A Nevada limited
6 liability company,

7 Appellant,

8 v.

9 SIG ROGICH aka SIGMUND ROGICH as
10 Trustee of The Rogich Family Irrevocable
11 Trust; ELDORADO HILLS, LLC, a Nevada
12 limited liability company; TELD, LLC, a
13 Nevada limited liability company; PETER
14 ELIADES, individually and as Trustee of the
15 The Eliades Survivor Trust of 10/30/08; and
16 IMITATIONS, LLC, a Nevada limited liability
17 company,

18 Respondents.

19 **AND RELATED MATTERS.**

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Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court No. 79917

Eighth Judicial District Court
Case No. A-13-686303-C

Eighth Judicial District Court
Case No. A-16-746239-C

20 **JOINT APPENDIX VOL. 29**

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<u>ALPHABETICAL</u>			
<u>DOCUMENT</u>	<u>DATE</u>	<u>VOL.</u>	<u>BATES</u>
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Declaration of Joseph A. Liebman in Further Support of Defendants Peter Eliades and Teld, LLC's Motion for Attorneys' Fees	2/21/2020	38	JA_009098-9103

1	Defendant Eldorado Hills,	9/7/18	14	JA_003358-3364
2	LLC's Motion in Limine to			
3	Preclude Any Evidence or			
4	Argument Regarding an			
5	Alleged Implied-In-Fact			
6	Contract Between Eldorado			
	Hills, LLC and Nanyah			
	Vegas, LLC			
7	Defendant Eldorado Hills,	7/22/19	33	JA_007868-7942
8	LLC's Motion for Dismissal			
9	with Prejudice Under Rule			
	41(e)			
10	Defendant Eldorado Hills,	6/1/18	8	JA_001850-1861
11	LLC's Motion for Summary			
	Judgment			
12	Defendant Eldorado Hills,	5/22/19	32	JA_007644-7772
13	LLC's Motion for Summary			
	Judgment			
14	Defendant Eldorado Hills,	1/25/19	14-15	JA_003473-3602
15	LLC's Motion to Extend the			
16	Dispositive Motion Deadline			
17	and Motion for Summary			
	Judgment			
18	Defendant Eldorado Hills,	4/9/19	27	JA_006460-6471
19	LLC's Objections to Nanyah			
20	Vegas, LLC's 2 nd			
	Supplemental Pre-trial			
21	Disclosures			
22	Defendant Eldorado Hills,	4/9/19	27	JA_006441-6453
23	LLC's Opposition to Nanyah			
24	Vegas, LLC's			
	Counter-motion for NRCP 15			
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Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Motion in Limine #3: Defendants Bound by their Answers to Complaint	9/19/18	14	JA_003365-3368
Defendant Eldorado Hills, LLC's Opposition to Motion to Reconsider Order on Nanyah's Motion in Limine #5: Parol Evidence Rule	4/4/19	26	JA_006168-6188
Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Motion for Summary Judgment	2/15/19	17	JA_004170-4182
Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Motion in Limine #5 re: Parol Evidence Rule	3/8/19	23	JA_005618-5623
Defendant Eldorado Hills, LLC's Opposition to Nanyah Vegas, LLC's Motion in Limine #6 re: Date of Discovery	3/8/19	23	JA_005624-5630
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	3/20/19	24	JA_005793-5818

1	Defendant Eldorado Hills,	7/19/18	13	JA_003083-3114
2	LLC's Reply in Support of			
3	its Motion for Summary			
4	Judgment and Opposition to			
5	Countermotion for Summary			
6	Judgment			
7	Defendant Eldorado Hills,	4/19/19	29	JA_007114-7118
8	LLC's Response to Nanyah			
9	Vegas, LLC's Request for			
10	Judicial Notice and			
11	Application of Law of the			
12	Case Doctrine			
13	Defendant Peter Eliades and	10/17/19	35	JA_008458-8470
14	Teld, LLC's Motion for			
15	Attorneys' Fees			
16	Defendant Sig Rogich,	8/11/14	1-3	JA_000084-517
17	Trustee of the Rogich			
18	Family Irrevocable Trust's			
19	Motion for Partial Summary			
20	Judgment			
21	Defendant the Rogich	5/6/19	30	JA_007219-7228
22	Family Irrevocable Trust's			
23	Memorandum of Costs and			
24	Disbursements Pursuant to			
25	NRS 18.005 and NRS			
26	18.110			
	Defendant The Rogich	5/21/19	31-32	JA_007610-7643
	Family Irrevocable Trust's			
	Motion for Attorneys' Fees			
	and Costs			
	Defendant's Reply in	12/30/14	4	JA_000759-764
	Support of Motion for			
	Award of Attorneys' Fees			
	Defendants' Answer to	4/24/17	4	JA_000831-841
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1	Defendants' First Amended	1/23/18	4	JA_000871-880
2	Answer to Complaint			
3	Defendants' Motion in	2/25/19	21	JA_005024-5137
4	Limine to Preclude Plaintiff			
5	Carlos Huerta From			
6	Presenting at Trial any			
7	Contrary Evidence as to Mr.			
8	Huerta's Taking of \$1.42			
9	million from Eldorado Hills,			
10	LLC as Go Global, Inc.'s			
11	Consulting Fee Income to			
12	Attempt to Refinance			
13	Defendants' Motion in	2/25/19	20-21	JA_004792-5023
14	Limine to Preclude the			
15	Altered Eldorado Hills'			
16	General Ledger and Related			
17	Testimony at Trial			
18	Defendants Peter Eliades,	4/11/18	7	JA_001502-1688
19	Individually and as Trustee			
20	of The Eliades Survivor			
21	Trust of 10/30/08, Eldorado			
22	Hills, LLC, and Teld,			
23	LLC's: (1) Reply in Support			
24	of their Joinder to Motion			
25	for Summary Judgment; and			
26	(2) Opposition to Nanyah			
	Vegas, LLC's			
	Countermotion for Summary			
	Judgment and for N.R.C.P.			
	56(f) Relief			
	Defendants Peter Eliades,	3/5/18	6	JA_001246-1261
	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			

1 2 3 4 5 6 7 8 9	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	6/14/18	11	JA_002570-2572
10 11 12 13 14 15 16	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	5/11/18	8	JA_001822-1825
17 18 19 20 21 22 23 24 25 26	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	6/21/18	12-13	JA_002952-3017

1	Defendants Eldorado Hills,	10/7/19	34	JA_008107-8120
2	LLC, Peter Eliades,			
3	Individually and as Trustee			
4	of the Eliades Survivor Trust			
5	of 10/30/08, and Teld,			
6	LLC's Memorandum of			
7	Costs and Disbursements			
8	Defendants Peter Eliades,	6/1/18	9	JA_002197-2211
9	Individually and as Trustee			
10	of The Eliades Survivor			
11	Trust of 10/30/08, and Teld,			
12	LLC's Motion for Summary			
13	Judgment			
14	Defendants Peter Eliades,	7/19/18	13	JA_003115-3189
15	Individually and as Trustee			
16	of the Eliades Survivor Trust			
17	of 10/30/08, and Teld,			
18	LLC's Reply in Support of			
19	Their Motion for Summary			
20	Judgment and Opposition to			
21	Countermotion for Summary			
22	Judgment			
23	Defendants Peter Eliades,	10/28/19	36-37	JA_008820-8902
24	Individually and as Trustee			
25	of The Eliades Survivor			
26	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			

1	Defendants Sigmund	10/7/19	33	JA_008073-8106
2	Rogich, Individually and as			
3	Trustee of the Rogich			
4	Family Irrevocable Trust,			
5	and Imitations, LLC's			
6	Amended Memorandum of			
7	Costs and Disbursements			
8	Pursuant to NRS 18.005 and			
9	NRS 18.110			
10	Defendants Sigmund	10/8/19	35	JA_008407-8422
11	Rogich, Individually and as			
12	Trustee of the Rogich			
13	Family Irrevocable Trust,			
14	and Imitations, LLC's Errata			
15	to Amended Memorandum			
16	of Costs and disbursements			
17	Pursuant to NRS 18.005 and			
18	NRS 18.110			
19	Defendants Sigmund	6/5/18	11	JA_002535-2550
20	Rogich, Individually and As			
21	Trustee of the Rogich			
22	Family Irrevocable Trust and			
23	Imitations, LLC' Motion for			
24	Reconsideration			
25	Defendants Sigmund Rogich	2/18/19	17-19	JA_004183-4582
26	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			

1 2 3 4 5 6 7	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	6/14/18	11	JA_002553-2569
8 9 10 11 12 13	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	9/28/18	14	JA_003387-3390
14 15 16 17 18 19	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	5/10/18	8	JA_001783-1790

1	Defendants Sigmund	4/11/18	6-7	JA_001479-1501
2	Rogich, Individually and as			
3	Trustee of the Rogich			
4	Family Irrevocable Trust and			
5	Imitations LLC's Reply in			
6	Support of Motion for			
7	Summary Judgment and			
8	Opposition to Nanyah			
9	Vegas, LLC's			
10	Countermotion for Summary			
11	Judgment and for NRCP			
12	56(f) Relief			
13	Defendants Sigmund	9/20/18	14	JA_003369-3379
14	Rogich, Individually and as			
15	Trustee of the Rogich			
16	Family Irrevocable Trust and			
17	Imitations, LLC's Reply in			
18	Support of Their Motion for			
19	Rehearing			
20	Defendants Sigmund	3/22/19	25	JA_006040-6078
21	Rogich, Individually and as			
22	Trustee of the Rogich			
23	Family Irrevocable Trust and			
24	Imitations, LLC's 2 nd			
25	Supplemental Pre-Trial			
26	disclosures			
	Eldorado Hills, LLC's	4/9/19	27	JA_006454-6456
	Notice of Non-Consent to			
	Nanyah Vegas, LLC's			
	Unpleaded Implied-in-fact			
	Contract Theory			
	Eldorado Hills, LLC's	11/6/19	37	JA_008903-8920
	Notice of Cross-Appeal			
	Eldorado Hills, LLC's	4/16/19	29	JA_006893-7051
	Pretrial Memorandum			

1	Errata to Nanyah Vegas, LLC's Opposition to Motion for Rehearing and	9/5/18	14	JA_003352-3357
2	Counter-motion for Award of Fees and Costs			
3	Errata to Pretrial Memorandum	4/16/19	29	JA_007062-7068
4	Ex Parte Motion for an Order Shortening Time on Motion for Relief From the October 5, 2018 Order Pursuant to NRCP 60(b)	2/8/19	17	JA_004036-4039
5	First Amended Complaint	10/21/13	1	JA_000027-47
6	Joint Case Conference Report	5/25/17	4	JA_000842-861
7	Judgment	5/4/2020	38	JA_009247-9248
8	Judgment Regarding Award of Attorneys' Fees and Costs in Favor of the Rogich Defendants	5/5/2020	38	JA_009255-9256
9	Minutes	4/18/18	7	JA_001710-1711
10	Minutes	2/21/19	20	JA_004790-4791
11	Minutes	3/5/19	22	JA_005261-5262
12	Minutes	3/20/19	25	JA_006038-6039
13	Minutes	4/18/19	29	JA_007104-7105
14	Minutes	4/22/19	30	JA_007146-7147
15	Minutes	9/5/19	33	JA_008025-8026
16	Minutes	1/30/2020	37	JA_009059-9060
17	Minutes	3/31/2020	38	JA_009227-9228
18	Minutes – Calendar Call	11/1/18	14	JA_003454-3455
19	Minutes – Telephonic Conference	11/5/18	14	JA_003456-3457

1	Motion for Award of	11/19/14	3	JA_000699-744
2	Attorneys' Fees			
3	Motion for Leave to File an	4/30/14	1	JA_000064-83
4	Amended Answer on an			
5	Order Shortening Time			
6	Motion for Rehearing	8/17/18	13-14	JA_003205-3316
7	Motion for Relief from the	2/6/19	15-17	JA_003650-4035
8	October 5, 2018, Order			
9	Pursuant to NRCP 60(b)			
10	Motion for Summary	2/23/18	4-6	JA_000894-1245
11	Judgment			
12	Motion for Summary	5/10/19	30-31	JA_007237-7598
13	Judgment or Alternatively			
14	for Judgment as a Matter of			
15	Law Pursuant to NRCP			
16	50(a)			
17	Motion to Compel	2/27/19	21-22	JA_005175-5260
18	Production of Plaintiff's Tax			
19	Returns and for Attorneys'			
20	Fees on Order Shortening			
21	Time			
22	Motion to Reconsider Order	3/25/19	25	JA_006079-6104
23	on Nanyah's Motion in			
24	Limine #5: Parol Evidence			
25	Rule on Order Shortening			
26	Time			
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	Partially Granting Summary			
	Judgment			
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	Supplemental Pretrial			
	Disclosures			
	Nanyah Vegas, LLC's 3 rd	4/12/19	27	JA_006484-6496
	Supplemental Pretrial			
	Disclosures			

1	Nanyah Vegas, LLC's	4/16/19	28	JA_006718-6762
2	Emergency Motion to			
3	Address Defendant The			
4	Rogich Family Irrevocable			
5	Trust's NRS 163.120 Notice			
6	and/or Motion to Continue			
	Trial for Purposes of NRS			
	163.120			
7	Nanyah Vegas, LLC's	5/10/18	8	JA_001791-1821
8	Motion in Limine #3 re:			
9	Defendants Bound by Their			
	Answers to Complaint			
10	Nanyah Vegas, LLC's	2/15/19	17	JA_004115-4135
11	Motion in Limine #5 re:			
	Parol Evidence Rule			
12	Nanyah Vegas, LLC's	2/15/19	17	JA_004136-4169
13	Motion in Limine #6 re:			
	Date of Discovery			
14	Nanyah Vegas, LLC's	5/3/18	8	JA_001759-1782
15	Motion to Continue Trial			
16	and to Set Firm Trial Date			
	on Order Shortening Time			
17	Nanyah Vegas, LLC's	1/30/19	15	JA_003603-3649
18	Motion to Extend the			
19	Dispositive Motion Deadline			
20	and Motion for Summary			
	Judgment			
21	Nanyah Vegas, LLC's	10/16/19	35	JA_008423-8448
22	Motion to Retax Costs			
23	Submitted by Eldorado			
24	Hills, LLC, Peter Eliades,			
25	Individually and as Trustee			
	of The Eliades Survivor			
	Trust of 10/30/08, and Teld,			
26	LLC's Memorandum of			
	Costs and Disbursements			

1	Nanyah Vegas, LLC's	10/16/19	35	JA_008449-8457
2	Motion to Retax Costs			
3	Submitted by Sigmund			
4	Rogich, Individually and as			
5	Trustee of the Rogich			
6	Family Revocable Trust, and			
7	Imitations, LLC's			
8	Memorandum of Costs and			
	Disbursements Pursuant to			
	NRS 18.005 and NRS			
	18.110			
9	Nanyah Vegas, LLC's	2/26/19	21	JA_005138-5174
10	Motion to Settle Jury			
11	Instructions Base Upon the			
12	Court's October 5, 2018			
	Order Granting Summary			
	Judgment			
13	Nanyah Vegas, LLC's	4/16/19	29	JA_007052-7061
14	Notice of Compliance with			
	4-9-2019 Order			
15	Nanyah Vegas, LLC's	6/25/18	13	JA_003053-3076
16	Opposition to Defendants			
17	Sigmund Rogich,			
18	Individually and as Trustee			
19	of the Rogich Family			
20	Irrevocable Trust and			
21	Imitations, LLC's Motion			
	for Reconsideration and			
	Joinder			
22	Nanyah Vegas, LLC's	8/6/19	33	JA_007959-8006
23	Opposition to Eldorado			
24	Hills, LLC's Motion for			
	Dismissal with Prejudice			
	Under Rule 41(e)			

Nanyah Vegas, LLC's Opposition to Eldorado Hills, LLC's Motion for Summary Judgment	7/11/19	32	JA_007840-7867
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	2/15/19	17	JA_004040-4070
Nanyah Vegas, LLC's Opposition to Motion for Rehearing and Countermotion for Award of Fees and Costs	9/4/18	14	JA_003317-3351
Nanyah Vegas LLC's Opposition to Motion for Relief From the October 5, 2018 Order Pursuant to NRCP 60(b)	2/15/19	17	JA_004071-4114
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	9/24/18	14	JA_003380-3386
Nanyah Vegas, LLC's Opposition to Peter Eliades and Teld, LLC's Motion for Attorneys' Fees and Costs	1/8/2020	37	JA_009001-9008

Nanyah Vegas, LLC's Opposition to Rogich Defendants' Motion for Attorneys' Fees and Costs	1/8/2020	37	JA_009009-9018
Nanyah Vegas, LLC's Opposition to Rogich Defendant's Motion for Summary Judgment	3/20/19	25	JA_005992-6037
Nanyah Vegas, LLC's Opposition to Rogich Defendants' Motion in Limine re: Carlos Huerta	3/20/19	24	JA_005836-5907
Nanyah Vegas, LLC's Opposition to Rogich Defendants' Motion in Limine to Preclude the Altered Eldorado Hill's Ledger and Related Testimony at Trial	3/20/19	25	JA_005908-5991
Nanyah Vegas, LLC's Opposition to Rogich Defendant's Motion to Compel	3/14/19	23	JA_005631-5651
Nanyah Vegas, LLC's Pretrial Disclosures	10/12/18	14	JA_003428-3439
Nanyah Vegas, LLC's Pretrial Memorandum	4/16/19	28	JA_006763-6892
Nanyah Vegas, LLC's Reply in Support of Motion in Limine #5 re: Parol Evidence Rule	3/14/19	23	JA_005652-5671
Nanyah Vegas, LLC's Reply in Support of Motion in Limine #6 re: Date of Discovery	3/14/19	23	JA_005672-5684

Nanyah Vegas, LLC's Reply in Support of Motion to Continue Trial and to set Firm Trial Date	5/15/18	8	JA_001826-1829
Nanyah Vegas, LLC's Reply in Support of 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	1/23/2020	37	JA_009033-9040
Nanyah Vegas, LLC's Reply in Support of its 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	1/23/2020	37	JA_009041-9045
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	3/27/19	25	JA_006114-6134

1	Nanyah Vegas, LLC's Reply	10/3/18	14	JA_003397-3402
2	to Oppositions to Motion in			
3	Limine #3 re: Defendants			
4	Bound by Their Answers to			
	Complaint			
5	Nanyah Vegas, LLC's	4/21/19	29	JA_007119-7133
6	Supplement to Its			
7	Emergency Motion to			
8	Address Defendant the			
9	Rogich Trust's NRS 163.120			
10	Notice and/or Motion to			
	Continue Trial for Purposes			
	of NRS 163.120			
11	Nanyah Vegas, LLC's	3/19/2020	38	JA_009120-9127
12	Supplement to its Opposition			
13	to Peter Eliades and Teld,			
	LLC's Motion for			
	Attorneys' Fees and Costs			
14	Nanyah Vegas, LLC's	3/19/2020	38	JA_009128-9226
15	Supplement to Its			
16	Opposition to Rogich			
17	Defendants' Motion for			
	Attorneys' Fees and Costs			
18	Nanyah Vegas, LLC's	10/31/18	14	JA_003440-3453
19	Supplemental Pretrial			
	Disclosures			
20	Nevada Supreme Court	4/29/16	4	JA_000768-776
21	Clerks Certificate/Judgment			
22	– Reversed and Remand;			
	Rehearing Denied			
23	Nevada Supreme Court	7/31/17	4	JA_000862-870
24	Clerk's Certificate Judgment			
	– Affirmed			
25	Notice of Appeal	10/24/19	36	JA_008750-8819
26	Notice of Appeal	4/14/2020	38	JA_009229-9231

1	Notice of Appeal	5/21/2020	38	JA_009283-9304
2	Notice of Consolidation	4/5/17	4	JA_000822-830
3	Notice of Cross-Appeal	11/7/19	37	JA_008921-8937
4	Notice of Entry of Decision and Order	10/4/19	33	JA_008063-8072
5	Notice of Entry of Judgment	5/6/2020	38	JA_009264-9268
6	Notice of Entry of Order	10/8/18	14	JA_003413-3427
7	Notice of Entry of Order	3/26/19	25	JA_006108-6113
8	Notice of Entry of Order	4/17/19	29	JA_007073-7079
9	Notice of Entry of Order	4/30/19	30	JA_007169-7173
10	Notice of Entry of Order	5/1/19	30	JA_007202-7208
11	Notice of Entry of Order	5/1/19	30	JA_007209-7215
12	Notice of Entry of Order	6/24/19	32	JA_007828-7833
13	Notice of Entry of Order	6/24/19	32	JA_007834-7839
14	Notice of Entry of Order	2/3/2020	37	JA_009061-9068
15	Notice of Entry of Order	4/28/2020	38	JA_009235-9242
16	Notice of Entry of Order	5/7/2020	38	JA_009269-9277
17	Notice of Entry of Order (sic)	5/7/2020	38	JA_009278-9282
18	Notice of Entry of Order	7/26/18	13	JA_003192-3197
19	Denying Motion for Reconsideration			
20				
21	Notice of Entry of Order Denying Nanyah Vegas, LLC's Motion for Reconsideration	8/13/18	13	JA_003200-3204
22				
23				
24	Notice of Entry of Order Denying Nanyah Vegas, LLC's Motion in Limine #5: Parol Evidence Rule	4/10/19	27	JA_006478-6483
25				
26				

1	Notice of Entry of Order	5/7/19	30	JA_007229-7236
2	Denying the Rogich			
3	Defendants' Motions in			
4	Limine			
5	Notice of Entry of Order	3/16/2020	38	JA_009113-9119
6	Granting Defendants Peter			
7	Eliades and Teld, LLC's			
8	Motion for Attorneys' Fees			
9	and Setting Supplemental			
10	Briefing on Apportionment			
11	Notice of Entry of Order	5/6/2020	38	JA_009257-9263
12	Granting Defendants Peter			
13	Eliades and Teld, LLC's			
14	Motion for Attorney's Fees			
15	Notice of Entry of Order	11/6/18	14	JA_003462-3468
16	Regarding Motions in			
17	Limine			
18	Notice of Entry of	5/16/19	31	JA_007603-7609
19	Stipulation and Order			
20	Suspending Jury Trial			
21	Notice of Entry of Orders	5/22/18	8	JA_001837-1849
22	Objection to Nanyah's	4/19/19	29	JA_007106-7113
23	Request for Judicial Notice			
24	and Application of the Law			
25	of the Case Doctrine			
26	Objections to Eldorado	4/5/19	27	JA_006434-6440
	Hills, LLC's Pre-Trial			
	Disclosures			
	Objections to Nanyah	4/5/19	27	JA_006423-6433
	Vegas, LLC's Pre-trial			
	Disclosures			

1	Opposition to Eldorado	6/19/18	12	JA_002917-2951
2	Hill's Motion for Summary			
3	Judgment and			
4	Countermotion for Summary			
5	Judgment			
6	Opposition to Eliades	6/19/18	11-12	JA_002573-2916
7	Defendants' Motion for			
8	Summary Judgment and			
9	Countermotion for Summary			
10	Judgment			
11	Opposition to Motion for	3/19/18	6	JA_001265-1478
12	Summary Judgment;			
13	Countermotion for Summary			
14	Judgment; and			
15	Countermotion for NRCP			
16	56(f) Relief			
17	Opposition to Motion for	5/24/19	32	JA_007773-7817
18	Summary Judgment or			
19	Alternatively for Judgment			
20	as a Matter of Law Pursuant			
21	to NRCP 50(a)			
22	Opposition to Nanyah	3/8/19	22-23	JA_005444-5617
23	Vegas, LLC's Motion in			
24	Limine #5 re: Parol			
25	Evidence Rule			
26	Opposition to Nanyah	3/8/19	22	JA_005263-5443
	Vegas, LLC's Motion in			
	Limine #6 re: Date of			
	Discovery			
	Opposition to Nanyah	1/9/2020	37	JA_009019-9022
	Vegas, LLC's Motion to			
	Retax Costs Submitted by			
	Rogich Defendants			

1	Opposition to Plaintiff's	4/18/19	29	JA_007093-7103
2	Emergency Motion to			
3	Address Defendant The			
4	Rogich Family Irrevocable			
5	Trust's NRS 163.120 Notice			
6	and/or Motion to Continue			
	Trial for Purposes of NRS			
	163.120			
7	Opposition to Plaintiff's	4/5/19	26	JA_006189-6402
8	Motion to Reconsider Order			
9	on Motion in Limine #5 re			
	Parol Evidence Rule on OST			
10	Order	4/30/19	30	JA_007165-7168
11	Order: (1) Granting	10/5/18	14	JA_003403-3412
12	Defendants Peter Eliades,			
13	Individually and as Trustee			
14	of the Eliades Survivor Trust			
15	of 10/30/08, and Teld,			
16	LLC's Motion for Summary			
17	Judgment; and (2) Denying			
	Nanyah Vegas, LLC's			
	Counter-motion for Summary			
	Judgment			
18	Order: (1) Granting Rogich	5/5/2020	38	JA_009249-9254
19	Defendants' Renewed			
20	Motion for Attorneys' Fees			
21	and Costs; and (2) Denying			
22	Nanyah's Motion to Retax			
	Costs Submitted by Rogich			
	Defendants			
23	Order Denying	5/22/18	8	JA_001830-1832
24	Counter-motion for Summary			
25	Judgment and Denying			
26	NRCP 56(f) Relief			

Order Denying Motion to Continue Trial Date and Granting Firm Trial Date Setting	6/4/18	11	JA_002508-2511
Order Denying Motion to Reconsider	7/24/18	13	JA_003190-3191
Order Denying Nanyah Vegas, LLC's Motion for NRCP 15 Relief	5/29/19	32	JA_007818-7820
Order Denying Nanyah Vegas, LLC's Motion for Reconsideration	8/10/18	13	JA_003198-3199
Order Denying Nanyah Vegas, LLC's Motion in Limine #5: Parol Evidence Rule	4/10/19	27	JA_006475-6477
Order Denying Nanyah Vegas, LLC's Motion in Limine #6 re: Date of Discovery	4/17/19	29	JA_007069-7072
Order Denying Plaintiff Nanyah Vegas, LLC's Motion to Settle Jury Instructions	5/1/19	30	JA_007174-7177
Order Denying Nanyah Vegas, LLC's Motion to Reconsider Order on Motion in Limine #5 re: Parol Evidence Rule	5/1/19	30	JA_007178-7181
Order Denying the Rogich Defendants' Motions in Limine	5/6/19	30	JA_007216-7218
Order Denying The Rogich Defendants' NRCP 60(b) Motion	3/26/19	25	JA_006105-6107

1	Order Granting Defendants	5/4/2020	38	JA_009243-9246
2	Peter Eliades and Teld,			
3	LLC's Motion for			
4	Attorney's Fees			
5	Order Granting Defendants	3/16/2020	38	JA_009109-9112
6	Peter Eliades and Teld,			
7	LLC's Motion for			
8	Attorney's Fees and Setting			
9	Supplemental Briefing on			
10	Apportionment			
11	Order Granting Motion for	2/10/15	4	JA_000765-767
12	Award of Attorneys Fees			
13	Order Granting Motion for	1/29/18	4	JA_000884-885
14	Leave to Amend Answer to			
15	Complaint			
16	Order Granting Partial	10/1/14	3	JA_000691-693
17	Summary Judgment			
18	Order Granting Partial	11/5/14	3	JA_000694-698
19	Summary Judgment			
20	Order Partially Granting	5/22/18	8	JA_001833-1836
21	Summary Judgment			
22	Order Regarding Motions in	11/6/18	14	JA_003458-3461
23	Limine			
24	Order Regarding Plaintiff's	5/29/19	32	JA_007821-7823
25	Emergency Motion to			
26	Address Defendant The			
	Rogich Family Irrevocable			
	Trust's NRS 163.120 Notice			
	and/or Motion to Continue			
	Trial for Purposes of NRS			
	163.120			
	Order Re-Setting Civil Jury	12/7/18	14	JA_003469-3470
	Trial and Calendar Call			
	Order Re-Setting Civil Jury	12/19/18	14	JA_003471-3472
	Trial and Calendar Call			

Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call	6/6/18	11	JA_002551-2552
Partial Transcript of Proceedings, All Pending Motions (Excludes Ruling), Heard on April 18, 2018	4/23/18	7-8	JA_001718-1758
Partial Transcript of Proceedings, All Pending Motions (Ruling Only), Hearing on April 18, 2018	4/19/18	7	JA_001712-1717
Plaintiffs' Opposition to Defendant's Motion for Award of Attorneys' Fees	12/5/14	4	JA_000745-758
Plaintiff's Opposition to Defendant's Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment	8/25/14	3	JA_000518-664
Pretrial Memorandum	4/16/19	27-28	JA_006501-6717
Proof of Service (Eldorado Hills)	8/30/13	1	JA_000022-24
Proof of Service (Sig Rogich aka Sigmund Rogich)	9/18/13	1	JA_000025-26
Recorders Transcript of Hearing – Calendar Call, Heard on November 1, 2018	12/9/19	37	JA_008938-8947
Recorders Transcript of Hearing – Recorder's Transcript of Proceedings re: Motions, Heard on September 5, 2019	9/9/19	33	JA_008027-8053

1	Recorders Transcript of	12/9/19	37	JA_008948-8955
2	Hearing – Telephonic			
3	Conference, Heard on			
4	November 5, 2018			
5	Recorders Transcript of	5/1/19	30	JA_007182-7201
6	Hearing – Transcript of			
7	Proceedings, Telephonic			
8	Conference, Heard on April			
9	18, 2019			
10	Recorders Transcript of	12/9/19	37	JA_008956-9000
11	Proceedings – All Pending			
12	Motions, Heard on April 8,			
13	2019			
14	Reply in Support of	8/29/19	33	JA_008015-8024
15	Defendant Eldorado Hills,			
16	LLC’s Motion for Dismissal			
17	With Prejudice Under Rule			
18	41(e)			
19	Reply in Support of	8/29/19	33	JA_008007-8014
20	Defendant Eldorado Hills,			
21	LLC’s Motion for Summary			
22	Judgment			
23	Reply in Support of	10/3/18	14	JA_003391-3396
24	Defendant Eldorado Hills,			
25	LLC’s Motion in Limine to			
26	Preclude Any Evidence or			
	Argument Regarding an			
	Alleged Implied-In-Fact			
	Contract Between Eldorado			
	Hills, LLC and Nanyah			
	Vegas, LLC			
	Reply in Support of Motion	7/24/19	33	JA_007943-7958
	for Summary Judgment or			
	Alternatively for Judgment			
	as a Matter of Law Pursuant			
	to NRCP 50(a)			

1	Reply in Support of	3/28/19	25	JA_006135-6154
2	Defendants' Motion in			
3	Limine to Preclude the			
4	Altered Eldorado Hills'			
5	General Ledger and Related			
6	Testimony at Trial			
7	Reply in Support of	1/23/2020	37	JA_009023-9032
8	Defendants Peter Eliades			
9	and Teld, LLC's Motion for			
10	Attorneys' Fees			
11	Reply in Support of	7/2/18	13	JA_003077-3082
12	Defendants Sigmund			
13	Rogich, Individually and as			
14	Trustee of the Rogich			
15	Family Irrevocable Trust and			
16	Imitations LLC's Motion for			
17	Reconsideration			
18	Reply in Support of Motion	2/19/19	19-20	JA_004583-4789
19	for Relief From the October			
20	5, 2018 Order Pursuant to			
21	NRFP 60(b)			
22	Reply in Support of Motion	3/18/19	23-24	JA_005685-5792
23	to Compel Production of			
24	Plaintiff's Tax Returns			
25	Reply in Support of Motion	4/5/19	27	JA_006403-6409
26	to Reconsider Order on			
	Nanyah's Motion in Limine			
	#5; Parol Evidence Rule on			
	Order Shortening Time			
	Reply in Support of Motion	6/25/18	13	JA_003018-3052
	to Reconsider Order			
	Partially Granting Summary			
	Judgment			

1	Reply to Opposition to	4/16/18	7	JA_001689-1706
2	Counter-motion for Summary			
3	Judgment; and			
4	Counter-motion for NRC			
5	56(f) Relief			
6	Reply to Opposition to	9/18/14	3	JA_000676-690
7	Motion for Partial Summary			
8	Judgment			
9	Request for Judicial Notice	4/15/19	27	JA_006497-6500
10	Request for Judicial Notice	4/17/19	29	JA_007080-7092
11	and Application of the Law			
12	of the Case Doctrine			
13	Rogich Defendants'	3/20/19	24	JA_005819-5835
14	Opposition to Plaintiff's			
15	Motion to Settle Jury			
16	Instructions			
17	Rogich Defendants'	10/22/19	36	JA_008628-8749
18	Renewed Motion for			
19	Attorneys' Fees and Costs			
20	Rogich Defendants' Reply in	3/28/19	26	JA_006155-6167
21	Support of Motion in Limine			
22	to Preclude Contrary			
23	Evidence as to Mr. Huerta's			
24	Taking of \$1.42 Million			
25	from Eldorado Hills, LLC as			
26	Consulting Fee Income			
	Rogich Defendants' Reply in	1/23/2020	37	JA_009046-9055
	Support of Their Renewed			
	Motion for Attorneys' Fees			
	and Costs			

1 2 3 4 5 6 7	Sigmund Rogich, Individually and as a Trustee of the Rogich Family Irrevocable Trust and Imitations, LLC's Joinder to Eldorado Hills, LLC's Notice of Non-Consent to Nanyah Vegas, LLC's Unpleaded Implied-in-fact Contract Theory	4/9/19	27	JA_006457-6459
8 9 10 11 12 13 14	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 2 nd Supplemental Pre-Trial Disclosures	4/10/19	27	JA_006472-6474
15 16 17 18 19 20 21 22 23	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	3/8/18	6	JA_001262-1264

1	Sigmund Rogich,	4/17/18	7	JA_001707-1709
2	Individually and as Trustee			
3	of the Rogich Family			
4	Irrevocable Trust and			
5	Imitations LLC's Joinder to			
6	Defendants Peter Eliades,			
7	Individually and as Trustee			
8	of The Eliades Survivor			
9	Trust of 10/30/08, Eldorado			
10	Hills, LLC and Teld's Reply			
11	in Support of Their Joinder			
12	to motion for Summary			
	Judgment and Opposition to			
	Nanyah Vegas, LLC's			
	Countermotion for Summary			
	Judgment and NRCP 56(f)			
	Relief			
13	Stipulation and Order	4/22/2020	38	JA_009232-9234
14	Stipulation and Order	5/16/19	31	JA_007599-7602
15	Suspending Jury Trial			
16	Stipulation and Order re:	1/30/2020	37	JA_009056-9058
17	October 4, 2019 Decision			
18	Stipulation and Order	6/13/19	32	JA_007824-7827
19	Regarding Rogich Family			
20	Irrevocable Trust's			
21	Memorandum of Costs and			
22	Motion for Attorneys' Fees			
23	Stipulation for Consolidation	3/31/17	4	JA_000818-821
24	Substitution of Attorneys	1/24/18	4	JA_000881-883
25	Substitution of Attorneys	1/31/18	4	JA_000886-889
26	Substitution of Counsel	2/21/18	4	JA_000890-893
	Summons – Civil	12/16/16	4	JA_000803-805
	(Imitations, LLC)			
	Summons – Civil (Peter	12/16/16	4	JA_000806-809
	Eliades)			

Summons – Civil (The Eliades Survivor Trust of 10/30/08)	12/16/16	4	JA_000810-813
Summons – Civil (The Rogich Family Irrevocable Trust)	12/16/16	4	JA_000799-802
Summons – Sigmund Rogich	12/22/16	4	JA_000814-817
Summons – Teld, LLC	12/16/16	4	JA_000796-798
The Rogich Defendants' Memorandum of Points and Authorities Regarding Limits of Judicial Discretion Regarding Notice Requirements Provided to Trust Beneficiaries Under NRS Chapter 163	4/21/19	30	JA_007134-7145
Transcript of Proceedings, Jury Trial, Hearing on April 22, 2019	4/23/19	30	JA_007148-7164
Transcript of Proceedings, Motions, Hearing January 30, 2020	2/12/2020	37	JA_009069-9097

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CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I certify that I am an employee of SIMONS HALL JOHNSTON PC, and that on this date I caused to be served a true copy of the **JOINT APPENDIX VOL. 29** on all parties to this action by the method(s) indicated below:

✓ by using the Supreme Court Electronic Filing System:

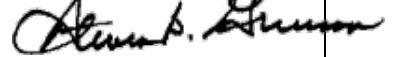
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DATED: This 9 day of July, 2021.



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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 PRE-TRIAL
MEMORANDUM**

CONSOLIDATED WITH:

Case No. A-16-746239-C

ELDORADO HILLS, LLC'S PRE-TRIAL MEMORANDUM

Pursuant to EDCR 2.67, Eldorado Hills, LLC ("Eldorado Hills") submits its individual Pre-Trial Memorandum.¹ Counsel for Eldorado Hills (Joseph Liebman), Nanyah Vegas, LLC (Mark Simons) ("Nanyah"), and the Rogich Defendants² (Brenoch Wirthlin) will meet and confer in accordance with EDCR 2.67 on April 17, 2019.

1. Brief Statement of the Facts of the Case.

Eldorado Hills was formed in 2005 for the purpose of owning and developing approximately 161 acres of land near Boulder City, Nevada. Eldorado Hills was originally comprised of Go Global, Inc. (100% owned by Carlos Huerta) and the Rogich Trust. In June of 2007, Huerta contacted an Israeli gentleman named Yoav Harlap ("Harlap") regarding a potential investment. All of the correspondence between Huerta and Harlap discussed an investment in Canamex Nevada, Inc. ("Canamex"). According to Nanyah and Huerta, Canamex was intended to be the vehicle that ultimately combined the Eldorado Hills property with a neighboring parcel owned by other individuals. Harlap ultimately decided to invest \$1,500,000.00 into Canamex.

In early December of 2007, Huerta formed Canamex, opened a bank account in its name, and directed Harlap to wire \$1,500,000.00 into Canamex's account. On December 6, 2007, Harlap wired \$1,500,000.00 to Canamex's account. On the next day—Friday, December 7, 2007, Huerta transferred \$1,500,000.00 from Canamex's account to Eldorado Hills' general account. On the next business day—Monday, December 10, 2007, Huerta transferred \$1,450,000.00 from Eldorado Hills' general account to Eldorado Hills' money market account. On December 14, 2007, Huerta transferred \$1,420,000.00 from Eldorado Hills' money market account to Go Global's account. Huerta initially labeled this payment as a "consulting fee." According to Nanyah and Huerta, this payment was reimbursement to Go Global for the additional capital contributions it provided to Eldorado Hills to make up for the Rogich Trust's shortfall.

In October of 2008, Teld, LLC ("Teld") purchased a 1/3 interest in Eldorado Hills for

¹ The Parties were unable to agree on the language of a Joint Pre-Trial Memorandum.

² The "Rogich Defendants" includes Sig Rogich ("Rogich"), the Rogich Family Irrevocable Trust (the "Rogich Trust"), and Imitations, LLC.

1 \$3,000,000.00. The Flangas Trust also purchased a 1/3 interest in Eldorado Hills for \$3,000,000.00,
2 which was quickly transferred to Teld when the Flangas Trust backed out of the deal. Because Teld
3 ended up with a larger percentage of Eldorado Hills than originally contemplated, it was later agreed
4 that the Rogich Trust would re-acquire 6.67% of Eldorado Hills from Teld. As a result, Go Global
5 (*i.e.*, Huerta) no longer owned an Eldorado Hills membership interest. These transactions were
6 memorialized in various written agreements, ***none of which included Nanyah or Eldorado Hills as***
7 ***parties.***

8 Most of Nanyah’s claims for relief are based on these agreements, *i.e.*, “the Purchase
9 Agreement, the Membership Interest Purchase Agreements, and the Amended and Restated
10 Operating Agreement” (collectively, the “Purchase Agreements”). Nanyah claims to be a third-party
11 beneficiary of the Purchase Agreements. ***As this Court has already determined, Eldorado Hills was***
12 ***not a party to any of these agreements.***³ Further, none of the Purchase Agreements state that
13 Eldorado Hills agreed to pay Nanyah \$1,500,000.00 or ensure that it received an Eldorado Hills
14 membership interest. On the contrary, the Purchase Agreements state that the Rogich Trust agreed
15 to negotiate with Nanyah (amongst others) to attempt to resolve its “potential claim.” Notably, the
16 Rogich Trust—not Eldorado Hills—agreed to be “solely responsible” for Nanyah’s potential claim.
17 In fact, the Purchase Agreements require the Rogich Trust to fully defend and indemnify Eldorado
18 Hills with respect to any such claim.

19 On July 31, 2013, Huerta, Go Global, and Nanyah initiated a lawsuit against Rogich, the
20 Rogich Trust, and Eldorado Hills. Huerta and Go Global’s claims have since been dismissed.
21 Nanyah initially filed claims against Eldorado Hills for unjust enrichment and breach of implied
22 agreement. After Eldorado Hills filed a Motion to Dismiss addressing both claims, Nanyah filed an
23 Amended Complaint, repleading its unjust enrichment claim (alleging that Eldorado was responsible
24 for returning its \$1,500,000.00 investment) ***and omitting the breach of implied agreement claim.***
25 Although Nanyah’s unjust enrichment claim was later dismissed due to expiration of the statute of
26 limitations, the Nevada Supreme Court reversed and remanded, and that claim remains pending to

27 ³ Order Denying Nanyah Vegas, LLC’s Motion in Limine # 5: Parol Evidence Rule, 2:15-20, filed April 10,
28 2019.

1 this day.⁴

2 **2. A list of all claims for relief designated by reference to each claim or paragraph of a**
3 **pleading and a description of the claimant's theory of recovery with each category of**
4 **damage requested.**

5 ➤ Case No. A-13-686303-C

- 6 ○ Unjust Enrichment – Nanyah vs. Eldorado Hills (asserted in the October 21, 2013
7 First Amended Complaint). Nanyah's categories of damages are unknown to
8 Eldorado Hills.

9 ➤ Case No. A-16-746239-C does not include any claims against Eldorado Hills. It does,
10 however, include the following claims against the Rogich Defendants.

- 11 ○ Breach of Contract – Nanyah vs. the Rogich Trust and Rogich. Nanyah's categories
12 of damages are unknown to Eldorado Hills.
- 13 ○ Breach of Implied Covenant of Good Faith and Fair Dealing – Nanyah vs. the Rogich
14 Trust and Rogich. Nanyah's categories of damages are unknown to Eldorado Hills.
- 15 ○ Tortious Breach of Implied Covenant of Good Faith and Fair Dealing – Nanyah vs.
16 the Rogich Trust and Rogich. Nanyah's categories of damages are unknown to
17 Eldorado Hills.
- 18 ○ Conspiracy – Nanyah vs. the Rogich Defendants. Nanyah's categories of damages
19 are unknown to Eldorado Hills.
- 20 ○ Declaratory Relief – Nanyah vs. the Rogich Trust and Rogich.
- 21 ○ Specific Performance – Nanyah vs. the Rogich Trust and Rogich.

22 **3. A list of affirmative defenses.**

23 ➤ Case No. A-13-686303-C. Numerous affirmative defenses were asserted in Case No.
24 A-13-686303-C; however, many of them did not apply to the unjust enrichment claim against
25 Eldorado Hills. Accordingly, only the following affirmative defenses apply to the unjust
26 enrichment claim against Eldorado Hills. The remainder should not be at issue at trial.⁵

- 27 ○ The First Amended Complaint fails to state a claim against Eldorado Hills upon
28 which relief can be granted.
- Release – Nanyah has released Eldorado Hills from any and all liability to Nanyah.
- Statute of Limitations – Nanyah's purported claims are barred by the applicable
statutes of limitations.

⁴ A separate lawsuit (Case No. A-16-746239-C) was filed by Nanyah on November 4, 2016 against Rogich, the Rogich Trust, Imitations, Pete Eliades ("Eliades"), Teld, and the Eliades Survivor Trust of 10/30/08 (the "Eliades Trust"). That matter was consolidated with Case No. A-13-686303-C. All of Nanyah's claims against Eliades, Teld, and the Eliades Trust have since been dismissed via summary judgment.

⁵ By listing these various defenses, Eldorado Hills does not concede that it bears the burden of proof. Many of these "defenses" actually involve elements of Nanyah's claim, but are listed here in an abundance of caution.

- Waiver – Nanyah’s purported claims are barred by the doctrine of waiver.
- Estoppel – Nanyah’s purported claims are barred by the doctrine of estoppel.
- Good Faith – Nanyah’s purported claims are barred as Eldorado Hills at all times acted in good faith and did not, directly or indirectly, induce any acts or acts constituting a cause of action arising under any law.
- Speculative – Nanyah’s damage claims are barred because they are speculative in nature and/or not otherwise recoverable under the law.
- Fair Dealing – Eldorado Hills at all relevant times dealt fairly.
- Statute of Frauds – Nanyah’s claims are barred by the Statute of Frauds.
- Innocent Recipient – To the extent Eldorado Hills is found to have received Nanyah’s funds, it was an innocent recipient of those funds.
- Adequate remedy at law – To the extent Nanyah prevails on its legal claims against the Rogich Defendants, Nanyah cannot prevail on its equitable unjust enrichment claim because it has an adequate remedy at law.

- Eldorado Hills has not listed any and all affirmative defenses the Rogich Defendants have asserted against Nanyah in Case No. A-16-746239-C.

4. **A list of all claims or defenses to be abandoned.**

See Section 3.

5. **A list of all exhibits, including exhibits which may be used for impeachment, and a specification of any objections each party may have to the admissibility of the exhibits of an opposing party. If no objection is stated, it will be presumed that counsel has no objection to the introduction into evidence of these exhibits.**

Eldorado Hills’ Pre-Trial Disclosures, and all supplements thereto, are attached as Exhibit 1.

Eldorado Hills’ objections to Nanyah’s Pre-Trial Disclosures, and all supplements thereto, are attached as Exhibit 2. Eldorado Hills’ objections to the Rogich Defendants’ Pre-Trial Disclosures, and all supplements thereto, are attached as Exhibit 3.

Additionally, Eldorado Hills objects to the disclosure of Joseph A. Liebman as a witness. Nanyah has never disclosed Mr. Liebman as a potential witness during the pendency of this case. Further, Nanyah has never disclosed the subject matter of Mr. Liebman’s anticipated testimony. Finally, considering that Mr. Liebman is counsel of record for Eldorado Hills, Nanyah must meet the burden set forth by the Nevada Supreme Court in *Club Vista Financial Servs. v. Dist. Ct.*, 128 Nev. 224, 276 P.3d 246 (2012), and has not done so.

6. **Any agreements as to the limitation or exclusion of evidence.**

None at this time.

7. **A list of the witnesses (including experts), and the address of each witness which each party intends to call. Failure to list a witness, including impeachment witnesses, may result in the court's precluding the party from calling that witness.**

Peter Eliades
c/o Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, NV 89148

Eldorado Hills does not currently intend to call any other witnesses at trial. However, it may call the witnesses listed in Exhibit 1 if the need arises.

8. **A brief statement of each principal issue of law which may be contested at the time of trial. This statement shall include with respect to each principal issue of law the position of each party.**

A. **Nanyah's Unjust Enrichment Claim**

An unjust enrichment claim only exists when the plaintiff confers a benefit on the defendant, the defendant appreciates such benefit, and there is acceptance and retention by the defendant of such benefit under circumstances such that it would be inequitable for him to retain the benefit without payment of the value thereof. *Unionamerica Mortg. and Equity Trust v. McDonald*, 97 Nev. 210, 212, 626 P.2d 1272, 1273 (1981) (citation omitted). The plaintiff "must establish each element of unjust enrichment." *Certified Fire Prot., Inc. v. Precision Constr. Inc.*, 128 Nev. 371, 381, 283 P.3d 250, 257 (2012). The "principles of unjust enrichment will not support the imposition of liability that leaves an innocent recipient worse off than if the transaction with the claimant had never taken place." *Id.* at 382, 283 P.3d at 257 (citing Restatement (Third) of Restitution and Unjust Enrichment § 1, cmt. d (2011)).

Based on the legal principles above, Nanyah's unjust enrichment claim cannot succeed at trial for the following reasons.

- Nanyah actually invested its funds into Canamex, and received a membership interest in that particular entity. Eldorado Hills only temporarily received the funds from Canamex after Huerta decided to funnel it through Eldorado Hills' various bank accounts.
- Eldorado Hills only had access to the full amount of Nanyah's investment funds for a few

days, after which Huerta unilaterally transferred most of the funds to his separate entity, Go Global.

➤ Temporary possession of this \$1,420,000.00 “consulting fee” did not provide any benefit to Eldorado Hills—and once paid it benefitted Go Global, which received the money, and the Rogich Trust, which had supposedly failed to comply with its obligation to provide capital contributions to Eldorado Hills.

➤ Because Go Global and the Rogich Trust—not Eldorado Hills—received the benefit of Nanyah’s investment, the various written agreements memorialized by the parties explicitly state that the Rogich Trust—not Eldorado Hills—is “solely responsible” for Nanyah’s potential claim.

B. Nanyah Cannot Prevail Against Eldorado Hills if it Prevails Against the Rogich Defendants.

Unjust enrichment is an equitable claim. *Wynn Las Vegas LLC v. Tofani*, No. 69936, 2017 WL 6541827, at *6 n. 7 (Nev. Ct. App. Dec. 14, 2017) (“An equitable claim like unjust enrichment requires no proof whatsoever of intent or state of mind; it’s a strict liability claim based solely on notions of equity.”); *see also generally Las Vegas Fetish & Fantasy Halloween Ball, Inc. v. Ahern Rentals, Inc.*, 124 Nev. 272, 274, 182 P.3d 764, 766 (2008) (referring to unjust enrichment as an “equitable claim.”) “Nevada recognizes the general rule that an equitable claim, like unjust enrichment, is not available where the plaintiff has a full and adequate remedy at law.” *Small v. Univ. Med. Center of Southern Nev.*, 2016 WL 4157309, at *3 (D. Nev. Aug. 3, 2016) (citing *In re Wal-Mart Wage & Hour Emp’t Prac. Litig.*, 490 F. Supp. 2d 1091, 1125 (D. Nev. 2007) (citing *State v. Second Judicial Dist. Court in & for Washoe Cty.*, 241 P. 317, 322 (Nev. 1925))).

Other jurisdictions are in accord:

➤ *United States v. Bame*, 721 F.3d 1025, 1031 (8th Cir. 2013) (“[I]t is the existence of an adequate legal remedy that precludes unjust enrichment recovery.”) (interpreting Minnesota law);

➤ *Buckner v. Kennard*, 99 P.3d 842, 857 (Utah 2004) (“[T]he general rule is that equitable jurisdiction is precluded if the plaintiff has an adequate remedy at law and will not suffer

substantial irreparable injury.”);

➤ *Delahunt v. Cytodyne Tech.*, 241 F.Supp.2d 827, 841 (S.D. Ohio 2003) (“The equitable claim of unjust enrichment fails when a legal remedy is available.”);

➤ *In re Managed Care Litig.*, 185 F.Supp.2d 1310, 1337 (S.D. Fla. 2002) (“It is blackletter law that ‘the theory of unjust enrichment is equitable in nature and is, therefore, not available where there is an adequate legal remedy.’”) (citation omitted).

To the extent that Nanyah prevails on any of its legal claims against the Rogich Defendants, it has an adequate remedy at law. As such, this Court cannot permit Nanyah to prevail on an equitable claim against Eldorado Hills which governs the same alleged debt (*i.e.*, \$1,500,000.00). *See Maintenance Enterprises, LLC v. Orascom E&C USA*, Case No. 3:16-cv-00014-SMR-CFB, 2017 WL 6997892, at *3 (S.D. Iowa Nov. 13, 2017) (“MEI’s claim for unjust enrichment against Iowa Fertilizer is indeed precluded because MEI has an adequate remedy at law against OEC for breach of contract.”).

C. Statute of Limitations

As recognized by the Nevada Supreme Court in its prior order reversing the dismissal of the unjust enrichment claim against Eldorado Hills, NRS 11.190(2)(c) is the relevant statute of limitations for an unjust enrichment claim— “[a]n action upon a contract, obligation or liability not founded upon an instrument in writing.” Unlike numerous other claims for relief contained within the same chapter, the Nevada Legislature omitted a discovery rule from that particular statute of limitations. *Compare with* NRS 11.190(2)(d) (“...but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice”); NRS 11.190(3)(d) (“...but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.”).⁶

Assuming Nanyah’s allegations are true, Eldorado Hills’ retention of the \$1,500,000.00 was

⁶ *See Dreyer-Lefevre v. Morissette*, 127 Nev. 1131, 373 P.3d 910, at *2 (July 1, 2011) (“[W]e note that while the Legislature has seen fit to expressly apply the discovery rule to other of causes of action, it is notably absent from NRS 11.190(4)(e). Therefore, we conclude that the discovery rule does not apply to a cause of action that NRS 11.190(4)(e) controls.”) (internal citations omitted).

1 wrongful when it (*i.e.*, Huerta) did not concurrently (or soon thereafter) issue a membership interest
2 to Nanyah in exchange for payment. In December of 2007 and early 2008, Nanyah could have sued
3 regarding Eldorado Hills’ alleged failure to issue its membership interest. At a minimum, the claim
4 accrued by the time Nanyah was listed as “potential claimant” in October of 2008. If Nanyah did
5 not have a claim at that time, why would it be listed as a “potential claimant?” Either way, the claim
6 is barred by NRS 11.190(2)(c).

7 D. Effect of the Court’s October 5, 2018 Summary Judgment Order

8 In many of its recent legal briefs, Nanyah has advanced an erroneous interpretation of this
9 Court’s October 5, 2018 Order: (1) Granting Defendants Peter Eliades, Individually and as Trustee
10 of the Eliades Survivor Trust of 10/30/08, and Teld, LLC’s Motion for Summary Judgment; and (2)
11 Denying Nanyah Vegas, LLC’s Countermotion for Summary Judgment (the “Summary Judgment
12 Order”). The Summary Judgment Order says what it says, and the Court is in the best position to
13 interpret its own Order. That being said, the Summary Judgment Order does not contain any
14 findings which are relevant to the required elements of Nanyah’s unjust enrichment claim against
15 Eldorado Hills. Specifically, although it states that Nanyah’s funds were ultimately invested into
16 Eldorado Hills, there are absolutely no findings regarding use of the funds, acceptance of the funds,
17 retention of the funds, or whether or not Eldorado Hills (as opposed to the Rogich Trust and Go
18 Global) actually benefitted from the funds. Further, and most importantly, there are no findings that
19 Eldorado Hills agreed to pay back Nanyah’s investment, or that Eldorado Hills was liable for
20 Nanyah’s investment.

21 However, the Summary Judgment Order is meaningful, because it cites language from the
22 Purchase Agreements stating that the Rogich Trust is “solely responsible” for Nanyah’s potential
23 claim.⁷ Although Nanyah is not a party to the Purchase Agreements, to the extent Nanyah is deemed
24 to be a third-party beneficiary of those Purchase Agreements, ***it is bound by that language as a***
25 ***matter of law***. As stated by the Nevada Supreme Court, “an intended third-party beneficiary is
26 bound by the terms of a contract even if she is not a signatory.” *Canfora v. Coast Hotels and*
27

28 ⁷ Summary Judgment Order, 5:4-15

Casinos, Inc. 121 Nev. 771, 779, 121 P.3d 599, 604 (2005).

Other jurisdictions are in accord.

- *Camp Ne'er Too Late, LP v. Swept, LP*, 185 F.Supp.3d 517, 542 (M.D. Pa. 2016) (“‘Implicit adoption occurs when a party accepts benefits intended for third party beneficiary.’ ‘Courts will often find implicit adoption when a party who has received benefits of a contract then tries to avoid burdens imposed by the same contract.’”) (internal citations omitted).
- *Clearwater REI, LLC v. Boling*, 318 P.3d 944, 951 (Idaho 2014) (“‘[A] third-party beneficiary must comply with all the terms and provisions of an agreement to the same extent as they apply to the beneficiary.’”) (citation omitted);
- *NAMA Holdings, LLC v. Related World Market Center, LLC*, 922 A.2d 417, 431 (Del. Ch. Ct. 2007) (“Indeed, a court will not allow a third-party beneficiary to cherry-pick certain provisions of a contract which it finds advantageous in making its claim, while simultaneously discarding corresponding contractual obligations which it finds distasteful.”);
- *Benton v. Vanderbilt Univ.*, 137 S.W.3d 614, 618 (Tenn. 2004) (“‘Before the beneficiary may accept the benefits of the contract, he must accept all of its implied, as well as express, obligations.’ As we have explained, ‘if the beneficiary accepts, he adopts the bad as well as the good, the burden as well as the benefit.’”) (internal citations omitted);
- *Lankford v. Orkin Exterminating Co.*, 597 S.E.2d 470, 473 (Ga. Ct. App. 2004) (“Third-party beneficiaries under the contract ‘are bound by any valid and enforceable provisions of the contract in seeking to enforce their claims.’”) (citation omitted).

Bottom line: if Nanyah is bound by the Purchase Agreements as an intended third-beneficiary, *it has agreed that the Rogich Trust is “solely responsible.”* Clearly, if the Rogich Trust is “solely responsible,” Eldorado Hills is not.

9. An estimate of the time required for trial.

5 days.

10. Any other matter which counsel desires to bring to the attention of the court prior to trial.

A. Nanyah is Not Entitled to a Jury Trial on its Equitable Unjust Enrichment Claim.

The Nevada Supreme Court has made it clear that “the right to a jury trial does not extend to equitable matters” *Awada v. Shuffle Master, Inc.*, 123 Nev. 613, 618, 173 P.3d 707, 710 (2007). Thus, even if a jury is demanded by one or more of the parties, equitable claims must be conducted via bench trial. *CSA Service Center, LLC v. Air Design Systems, LLC*, No. 57674, 2013 WL 3272479, at *6 n. 2 (Nev. May 31, 2013).

An unjust enrichment claim is an equitable claim. *See Las Vegas Fetish & Fantasy Halloween Ball, Inc. v. Ahern Rentals, Inc.*, 124 Nev. 272, 274-75, 182 P.3d 764, 765-66 (2008); *Park v. Park*, 126 Nev. 745, 367 P.3d 808, at *3 (2010) (“Unjust enrichment is an equitable remedy....”). “Equitable claims, such as unjust enrichment, are heard and decided by the trial court, not the jury.” *Superior Steel, Inc. v. Ascent at Roebling’s Bridge, LLC*, 540 S.W.3d 770, 782 (Ky. 2017). Nanyah’s only claim against Eldorado Hills, and thus the only claim at issue in Case No. A-13-686303-C, is the equitable claim of unjust enrichment. Accordingly, the jury cannot issue a verdict with respect to this specific claim. Although Nanyah’s unjust enrichment claim will be tried concurrently with the legal claims in Case No. A-16-746239-C due to the Court’s prior consolidation order, the Court—and not the jury—must decide the unjust enrichment claim and all defenses thereto (*e.g.*, statute of limitations).

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1 To the extent there are common factual issues between Nanyah's legal claims against the
2 Rogich Defendants and Nanyah's equitable claim against Eldorado Hills, the Court may have the
3 jury determine those particular factual issues before issuing a decision on the equitable claim. *See,*
4 *e.g., Williams v. Boeing Co.,* 225 F.R.D. 626, 640 (W.D. Wash. 2005). That being said, as explained
5 above, the Court cannot permit Nanyah to prevail against Eldorado Hills if it prevails against the
6 Rogich Defendants.

7 DATED this 16th day of April, 2019.

8 BAILEY ♦ KENNEDY

9
10 By: /s/ Joseph A. Liebman

11 DENNIS L. KENNEDY

12 JOSEPH A. LIEBMAN

13 *Attorneys for Defendant*

14 ELDORADO HILLS, LLC
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CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 16th day of April, 2019, service of the foregoing **ELDORADO HILLS, LLC'S PRE-TRIAL MEMORANDUM** 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:

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Las Vegas, NV 89101 **SIG ROGICH aka SIGMUND**
ROGICH, Individually and as
Trustee of THE ROGICH FAMILY
IRREVOCABLE TRUST, and
IMITATIONS, LLC

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410 South Rampart Blvd., Suite 420 **SIG ROGICH aka SIGMUND**
Las Vegas, NV 89145 **ROGICH as Trustee of THE**
ROGICH FAMILY
IRREVOCABLE TRUST

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

EXHIBIT 1

EXHIBIT 1

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Attorneys for Defendant 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

**DEFENDANT ELDORADO HILLS,
LLC'S N.R.C.P. 16.1(a)(3) PRE-TRIAL
DISCLOSURES**

CONSOLIDATED WITH:

Case No. A-16-746239-C

Pursuant to Nevada Rule of Civil Procedure 16.1(a)(3), Defendant Eldorado Hills, LLC
("Eldorado Hills") makes the following pre-trial disclosures:

A. Witnesses:

1. Witnesses whom Eldorado Hills may call if the need arises:

- a. Peter Eliades
c/o Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, NV 89148
- b. Yoav Harlap
c/o Mark Simons
Robison, Belaustegui, Sharp & Low
71 Washington Street
Reno, Nevada 89503
- c. Carlos Huerta
c/o Charles E. Barnabi, Jr.
Cohen, Johnson, et al.
375 East Warm Springs Road, Ste. 104
Las Vegas, NV 89119
- d. Sig Rogich
c/o Samuel Lionel
Fennemore Craig, P.C.
300 South Fourth Street, Suite 1400
Las Vegas, NV 89135
- e. Melissa Olivas
c/o Samuel Lionel, Esq.
Fennemore Craig, P.C.
300 South Fourth Street, Suite 1400
Las Vegas, NV 89135
- f. Summer Rellamas
1182 Claire Rose Avenue
Las Vegas, NV 89183
(702) 335-2018

B. Designation of Witnesses Expected to be Presented by Means of Deposition:

1. Nanyah's 30(b)(6) Deposition (Huerta)

- a. Deposition Excerpts:
 - 6:1-8.
 - 10:22-23.
 - 11:8-20.
 - 12:8-18.
 - 43:10-46:13.
 - 52:19-24.

- 61:4-62:15.
- 62:16-63:2.

It is unknown at this time whether the following witnesses will be available at trial. Therefore, Eldorado Hills designates the following witnesses whose testimony may be presented by means of deposition, and Eldorado Hills will supplement these disclosures to include page and line numbers upon notice that the respective witness will not be present at trial.

1. Yoav Harlap;
2. Carlos Huerta;
3. Sig Rogich; and
4. Melissa Olivas.

In addition, Eldorado Hills reserve the right to rely on any witness's deposition testimony for impeachment purposes.

C. Documents:

1. Documents or other exhibits that Eldorado Hills expects to offer at trial:

<u>BATES NUMBERS (IF APPLICABLE)</u>	<u>DESCRIPTION</u>
PLTF1089- PLTF1122	May 2006 Eldorado Hills, LLC Operating Agreement
NAN_000248 - NAN_000249	Dec. 8, 2007 e-mail between Rellamas and Harlap
EH000045- EH000055	Oct. 30, 2008 Purchase Agreement
NAN_000012 – NAN_000101	Oct. 30, 2008 Membership Interest Purchase Agreement between Rogich Trust, Teld, and Go Global
NAN_000102 – NAN_000192	Oct. 30, 2008 Membership Interest Purchase Agreement between Rogich Trust, Flangas Trust, and Go Global
NAN_000207 – NAN_000213	Oct. 30, 2008 Membership Interest Assignment Agreement
EH000062-EH000064	June 25, 2009 Revolving Credit Note Eldorado Hills, LLC
EH000067	June 25, 2009 Unanimous Written Consent of the Managers of Eldorado Hills, LLC
EH000082	June 25, 2009 Unanimous Written Consent of the Managers of Eldorado Hills, LLC
EH000090-EH000102	Oct. 2008 Amended and Restated Operating Agreement of Eldorado Hills, LLC
NAN_000193 – NAN_000204	Oct. 2008 Amended and Restated Operating Agreement of Eldorado Hills, LLC
PLTF881	Oct. 25, 2008 e-mail involving Woloson, Huerta, Olivas
PLTF0577 - PLTF582	Oct. 25, 2008 e-mail string involving Woloson, Huerta, Olivas

SR100 - SR105	Oct. 25, 2008 e-mail string involving Woloson, Huerta, Olivas
PLTF1177	Oct. 30, 2008 e-mail involving Huerta, Woloson, Olivas
SR002203 – SR002211	Oct. 30, 2008 Promissory Note and Pledge Agreement
EH000105 – EH000107	June 25, 2009 First Amendment to Amended and Restated Operating Agreement of Eldorado Hills, LLC
EH000014 – EH000015	Jan. 1, 2012 Unanimous Written Consent of the Managers of Eldorado Hills, LLC
EH000008 – EH000013	Jan. 1, 2012 Membership Interest Assignment Agreement
EH000016	Jan. 1, 2012 Satisfaction of Promissory Note and Release of Security
SR002679 – SR002680	Nov. 7, 2012 Letter from Brandon McDonald to Sig Rogich

2. Documents which Eldorado Hills may offer if the need arises:

<u>BATES NUMBERS (IF APPLICABLE)</u>	<u>DESCRIPTION</u>
EH000056 – EH000058	June 25, 2009 Revolving Credit Note Eldorado Hills, LLC
SR002348 – SR002350	June 25, 2009 Revolving Credit Note Upshot Entertainment, LLC
EH000060	June 25, 2009 Unanimous Written Consent of the Managers of Eldorado Hills, LLC
SR002351	June 25, 2009 Unanimous Written Consent of the Managers of Upshot Entertainment, LLC
EH000084 – EH000089	June 25, 2009 Short Form Deed of Trust
PLTF904 - PLTF1081	March 21, 2007 Appraisal
PLTF603 - PLTF819	Sep. 7, 2006 Appraisal
PLTF00244 – PLTF00245	CanaMex Nevada, LLC Articles of Organization
PLTF1086 - PLTF1087	Eldorado Hills, LLC Articles of Organization
NAN_000234 – NAN_000236	June 8, 2007 e-mail string between Huerta and Harlap
NAN_000237 – NAN_000240	July 13, 2007 e-mail between Huerta and Harlap
PLTF281-298	Nov. 18, 2007 Nanyah Vegas, LLC Operating Agreement
PLTF00247	Dec. 3, 2007 CanaMex Nevada, LLC Initial List of Managers
NAN_000241 – NAN_000245	Dec. 4, 2007 e-mail string involving Huerta and Harlap
NAN_000247	Dec. 7, 2007 e-mail string involving Huerta and Harlap
NAN_000250 – NAN_000251	Jan. 3, 2008 e-mail involving Huerta and Harlap
NAN_000253 – NAN_000255	Jan. 3, 2008 e-mail string involving Huerta and Harlap
NAN_000256 – NAN_000264	Jan. 30, 2008 e-mail involving Rellamas and Harlap
PLTF1184	Oct. 29, 2008 Eldorado Hills, LLC Account QuickReport
SR002028-SR002046	Eldorado Hills, LLC General Ledger

1	PLTF547 - PLTF574	Eldorado Hills, LLC General Ledger
2	PLTF417 - PLTF418	Nov. 8, 2007 Eldorado Hills, LLC Update
3	PLTF436	Jan. 2, 2008 CanaMex Nevada, LLC Update
4	PLTF437 - PLTF439	March 13, 2008 CanaMex Nevada, LLC Update
5	NAN_000265 – NAN_000268	March 13, 2008 e-mail involving Carlos Huerta and Yoav Harlap
6	NAN_000269 – NAN_000272	April 12, 2008 e-mail between Summer Rellamas and Yoav Harlap (CanaMex Nevada 2007 K-1)
7	PLTF1123	July 30, 2008 Annual List of Managers
8	PLTFS0026 - PLTFS0029	Oct. 23, 2008 e-mail between Summer Rellamas and Carlos Huerta
9	PLTF887	Oct. 24, 2008 e-mail between Carlos Huerta and Melissa Olivas
10	NAN_000276 – NAN_000277	Oct. 27, 2008 e-mail string between Carlos Huerta and Yoav Harlap (Las Vegas Update)
11	PLTF857	Dec. 10, 2008 e-mail involving Huerta, Woloson, Olivas
12	PLTF882	Oct. 25, 2008 e-mail involving Huerta, Woloson, Olivas
13	PLTF883 - PLTF885	Oct. 25, 2008 e-mail involving Huerta, Woloson
14	PLTF1179	Oct. 30, 2008 e-mail involving Woloson, Huerta, Olivas
15	PLTF1170	May 29, 2009 e-mail from Woloson
16	PLTF00253 - PLTF00256	March 31, 2010 Escrow Settlement Statement
17	PLTF575	Go Global Capital Contributions
18	PLTF0032 - PLTF0033	Dec. 31, 2007 Eldorado Hills, LLC Nevada State Bank statement
19	PLTF442 - PLTF443	December 31, 2007 Go Global, Inc. Nevada State Bank statement
20	PLTF00119 - PLTF00120	December 31, 2007 Canamex Nevada, LLC Nevada State Bank statement
21	PLTF00192	Dec. 31, 2007 Eldorado Hills, LLC Nevada State Bank money market account statement
22	PLTF0057	April 24, 2008 Agreement to Lend Capital
23	PLTF0873 - PLTF876	Oct. 31, 2008 Purchase Agreement
24	PLTF0851 - PLTF 854	Oct. 30, 2008 Redline Purchase Agreement
25	PLTF0877 - PLTF880	Oct. 31, 2008 Purchase Agreement
26	PLTF0030	Oct. 23, 2008 Call Notes
27	SR002404 – SR002407	Sep. 12, 2006 Private Offering
28	SR002356	Aug. 10, 2012 Check from Eliades to Rogich
	SR020357	Aug. 15, 2012 Check from Rogich to Eliades
	SR002215 – SR002219	Rogich Trust 2008 K-1 Final
	SR002220 - SR002225	Rogich Trust 2008 K-1
	SR002226 – SR002233	Rogich Trust 2009 K-1
	SR002235 – SR002240	Rogich Trust 2010 K-1
	SR002241 – SR002245	Rogich Trust 2011 K-1

SR002246 - SR002248	Rogich Trust 2012 K-1
SR012 – SR016	Antonio Nevada 2007 K-1
SR002047 – SR002048	Oct. 24, 2008 e-mail from Huerta to Olivas and Rogich
NAN_000278 – NAN_000279	July 24, 2011 e-mail between Carlos Huerta and Yoav Harlap
SR002361 – SR002365	Aug. 6, 2012 e-mail string involving Woloson, Olivas, Spilotro
SR002495 - SR002539	Huerta/Go Global First Amended Joint Disclosure Statement
SR002334 – SR002339	Aug. 9, 2012 Membership Interest Assignment Agreement
SR002353	Upshot Entertainment Account QuickReport
NAN_000280 – NAN_000281	March 28, 2014 e-mail between Carlos Huerta, Yoav Harlap, and Jacob Feingold (Update from Las Vegas)
NAN_000303 – NAN_000306	February 13, 2016 e-mail between Carlos Huerta and Yoav Harlap

Eldorado Hills also reserves the right to use any documents at trial which are disclosed by any party in their N.R.C.P. 16.1(a)(3) pre-trial disclosures.

Further, Eldorado Hills reserves the right to supplement their list of documents in response to any party's N.R.C.P. 16.1(a)(3) pre-trial disclosures.

DATED this 12th day of October, 2018.

BAILEY ♦ KENNEDY

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

Attorneys for Defendant ELDORADO
HILLS, LLC

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 12th day of October, 2018, service of the foregoing **DEFENDANT ELDORADO HILLS, LLC'S N.R.C.P. 16.1(a)(3) PRE-TRIAL DISCLOSURES** 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.
SIMONS LAW, PC
6490 So. McCarran Blvd., #20
Reno, NV 89509

Email: mark@mgsimonslaw.com

Attorneys for Plaintiff
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Attorneys for Defendant
SIG ROGICH aka SIGMUND
ROGICH, Individually and as
Trustee of THE ROGICH FAMILY
IRREVOCABLE TRUST, and
IMITATIONS, LLC

MICHAEL V. CRISTALLI
JANIECE S. MARSHALL
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ARMENI SAVARESE
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Attorneys for Defendants
SIG ROGICH aka SIGMUND
ROGICH as Trustee of THE
ROGICH FAMILY
IRREVOCABLE TRUST

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

Reception

From: efilingmail@tylerhost.net
Sent: Friday, October 12, 2018 4:13 PM
To: BKfederaldownloads
Subject: Notification of Service for Case: A-13-686303-C, Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s) for filing Service Only, Envelope Number: 3292683

Notification of Service

Case Number: A-13-686303-C

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

Envelope Number: 3292683



This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	A-13-686303-C
Case Style	Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s)
Date/Time Submitted	10/12/2018 4:12 PM PST
Filing Type	Service Only
Filing Description	Defendant Eldorado Hills, LLC's N.R.C.P. 16.1(a)(3) Pre-Trial Disclosures
Filed By	Sharon Murnane
Service Contacts	<p>Nanyah Vegas LLC:</p> <p>Mark Simons (mark@mgsimonslaw.com)</p> <p>Jodi Alhasan (jodi@mgsimonslaw.com)</p> <p>Monica Nealon (monica@mgsimonslaw.com)</p> <p>Sigmund Rogich:</p> <p>Denise Farnham (dfarnham@fclaw.com)</p> <p>Other Service Contacts not associated with a party on the case:</p> <p>Mark G. Simons . (msimons@rbsllaw.com)</p>

	Samuel Lionel . (slionel@fclaw.com) Joseph Liebman (jliebman@baileykennedy.com) Dennis Kennedy (dkennedy@baileykennedy.com) Bailey Kennedy, LLP (bkfederaldownloads@baileykennedy.com) Erica Rosenberry (erosenberry@fclaw.com) Mark Simons (mark@mgsimonslaw.com)
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Document Details	
Served Document	Download Document
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JLiebman@BaileyKennedy.com

Attorneys for Defendant 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

**DEFENDANT ELDORADO HILLS,
LLC'S N.R.C.P. 16.1(a)(3) FIRST
SUPPLEMENT TO PRE-TRIAL
DISCLOSURES**

CONSOLIDATED WITH:

Case No. A-16-746239-C

Pursuant to Nevada Rule of Civil Procedure 16.1(a)(3), Defendant Eldorado Hills, LLC (“Eldorado Hills”) makes the following first supplement to its pre-trial disclosures. Any supplemental or modified information appears in **bold text**:

A. Witnesses:

1. Witnesses whom Eldorado Hills may call if the need arises:

- a. Peter Eliades
c/o Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, NV 89148
- b. Yoav Harlap
c/o Mark Simons
Robison, Belaustegui, Sharp & Low
71 Washington Street
Reno, Nevada 89503
- c. Carlos Huerta
c/o Charles E. Barnabi, Jr.
Cohen, Johnson, et al.
375 East Warm Springs Road, Ste. 104
Las Vegas, NV 89119
- d. Sig Rogich
c/o Samuel Lionel
Fennemore Craig, P.C.
300 South Fourth Street, Suite 1400
Las Vegas, NV 89135
- e. Melissa Olivas
c/o Samuel Lionel, Esq.
Fennemore Craig, P.C.
300 South Fourth Street, Suite 1400
Las Vegas, NV 89135
- f. Summer Rellamas
1182 Claire Rose Avenue
Las Vegas, NV 89183
(702) 335-2018

B. Designation of Witnesses Expected to be Presented by Means of Deposition:

1. Nanyah’s 30(b)(6) Deposition (Huerta)

- a. Deposition Excerpts:
 - 6:1-8.
 - 10:22-23.
 - 11:8-20.
 - 12:8-18.
 - 43:10-46:13.

- 52:19-24.
- 61:4-62:15.
- 62:16-63:2.

It is unknown at this time whether the following witnesses will be available at trial.

Therefore, Eldorado Hills designates the following witnesses whose testimony may be presented by means of deposition, and Eldorado Hills will supplement these disclosures to include page and line numbers upon notice that the respective witness will not be present at trial.

1. Yoav Harlap;
2. Carlos Huerta;
3. Sig Rogich; and
4. Melissa Olivas.

In addition, Eldorado Hills reserve the right to rely on any witness's deposition testimony for impeachment purposes.

C. Documents:

1. Documents or other exhibits that Eldorado Hills expects to offer at trial:

<u>BATES NUMBERS (IF APPLICABLE)</u>	<u>DESCRIPTION</u>
PLTF1089- PLTF1122	May 2006 Eldorado Hills, LLC Operating Agreement
NAN_000248 - NAN_000249	Dec. 8, 2007 e-mail between Rellamas and Harlap
EH000045- EH000055	Oct. 30, 2008 Purchase Agreement
NAN_000012 – NAN_000101	Oct. 30, 2008 Membership Interest Purchase Agreement between Rogich Trust, Teld, and Go Global
NAN_000102 – NAN_000192	Oct. 30, 2008 Membership Interest Purchase Agreement between Rogich Trust, Flangas Trust, and Go Global
NAN_000207 – NAN_000213	Oct. 30, 2008 Membership Interest Assignment Agreement
EH000062-EH000064	June 25, 2009 Revolving Credit Note Eldorado Hills, LLC
EH000067	June 25, 2009 Unanimous Written Consent of the Managers of Eldorado Hills, LLC
EH000082	June 25, 2009 Unanimous Written Consent of the Managers of Eldorado Hills, LLC
EH000090-EH000102	Oct. 2008 Amended and Restated Operating Agreement of Eldorado Hills, LLC
NAN_000193 – NAN_000204	Oct. 2008 Amended and Restated Operating Agreement of Eldorado Hills, LLC

PLTF881	Oct. 25, 2008 e-mail involving Woloson, Huerta, Olivas
PLTF0577 - PLTF582	Oct. 25, 2008 e-mail string involving Woloson, Huerta, Olivas
SR100 - SR105	Oct. 25, 2008 e-mail string involving Woloson, Huerta, Olivas
PLTF1177	Oct. 30, 2008 e-mail involving Huerta, Woloson, Olivas
SR002203 – SR002211	Oct. 30, 2008 Promissory Note and Pledge Agreement
EH000105 – EH000107	June 25, 2009 First Amendment to Amended and Restated Operating Agreement of Eldorado Hills, LLC
EH000014 – EH000015	Jan. 1, 2012 Unanimous Written Consent of the Managers of Eldorado Hills, LLC
EH000008 – EH000013	Jan. 1, 2012 Membership Interest Assignment Agreement
EH000016	Jan. 1, 2012 Satisfaction of Promissory Note and Release of Security
SR002679 – SR002680	Nov. 7, 2012 Letter from Brandon McDonald to Sig Rogich

2. Documents which Eldorado Hills may offer if the need arises:

<u>BATES NUMBERS (IF APPLICABLE)</u>	<u>DESCRIPTION</u>
EH000056 – EH000058	June 25, 2009 Revolving Credit Note Eldorado Hills, LLC
SR002348 – SR002350	June 25, 2009 Revolving Credit Note Upshot Entertainment, LLC
EH000060	June 25, 2009 Unanimous Written Consent of the Managers of Eldorado Hills, LLC
SR002351	June 25, 2009 Unanimous Written Consent of the Managers of Upshot Entertainment, LLC
EH000084 – EH000089	June 25, 2009 Short Form Deed of Trust
PLTF904 - PLTF1081	March 21, 2007 Appraisal
PLTF603 - PLTF819	Sep. 7, 2006 Appraisal
PLTF00244 – PLTF00245	CanaMex Nevada, LLC Articles of Organization
PLTF1086 - PLTF1087	Eldorado Hills, LLC Articles of Organization
NAN_000234 – NAN_000236	June 8, 2007 e-mail string between Huerta and Harlap
NAN_000237 – NAN_000240	July 13, 2007 e-mail between Huerta and Harlap
PLTF281-298	Nov. 18, 2007 Nanyah Vegas, LLC Operating Agreement
PLTF00247	Dec. 3, 2007 CanaMex Nevada, LLC Initial List of Managers
NAN_000241 – NAN_000245	Dec. 4, 2007 e-mail string involving Huerta and Harlap
NAN_000247	Dec. 7, 2007 e-mail string involving Huerta and Harlap
NAN_000250 –	Jan. 3, 2008 e-mail involving Huerta and Harlap

NAN_000251	
NAN_000253 – NAN_000255	Jan. 3, 2008 e-mail string involving Huerta and Harlap
NAN_000256 – NAN_000264	Jan. 30, 2008 e-mail involving Rellamas and Harlap
PLTF1184	Oct. 29, 2008 Eldorado Hills, LLC Account QuickReport
SR002028-SR002046	Eldorado Hills, LLC General Ledger
PLTF547 - PLTF574	Eldorado Hills, LLC General Ledger
PLTF417 - PLTF418	Nov. 8, 2007 Eldorado Hills, LLC Update
PLTF436	Jan. 2, 2008 CanaMex Nevada, LLC Update
PLTF437 - PLTF439	March 13, 2008 CanaMex Nevada, LLC Update
NAN_000265 – NAN_000268	March 13, 2008 e-mail involving Carlos Huerta and Yoav Harlap
NAN_000269 – NAN_000272	April 12, 2008 e-mail between Summer Rellamas and Yoav Harlap (CanaMex Nevada 2007 K-1)
PLTF1123	July 30, 2008 Annual List of Managers
PLTFS0026 - PLTFS0029	Oct. 23, 2008 e-mail between Summer Rellamas and Carlos Huerta
PLTF887	Oct. 24, 2008 e-mail between Carlos Huerta and Melissa Olivas
NAN_000276 – NAN_000277	Oct. 27, 2008 e-mail string between Carlos Huerta and Yoav Harlap (Las Vegas Update)
PLTF857	Dec. 10, 2008 e-mail involving Huerta, Woloson, Olivas
PLTF882	Oct. 25, 2008 e-mail involving Huerta, Woloson, Olivas
PLTF883 - PLTF885	Oct. 25, 2008 e-mail involving Huerta, Woloson
PLTF1179	Oct. 30, 2008 e-mail involving Woloson, Huerta, Olivas
PLTF1170	May 29, 2009 e-mail from Woloson
PLTF00253 - PLTF00256	March 31, 2010 Escrow Settlement Statement
PLTF575	Go Global Capital Contributions
PLTF0032 - PLTF0033	Dec. 31, 2007 Eldorado Hills, LLC Nevada State Bank statement
PLTF442 - PLTF443	December 31, 2007 Go Global, Inc. Nevada State Bank statement
PLTF00119 - PLTF00120	December 31, 2007 Canamex Nevada, LLC Nevada State Bank statement
PLTF00192	Dec. 31, 2007 Eldorado Hills, LLC Nevada State Bank money market account statement
PLTF0250	April 24, 2008 Agreement to Lend Capital
PLTF0873 - PLTF876	Oct. 31, 2008 Purchase Agreement
PLTF0851 - PLTF 854	Oct. 30, 2008 Redline Purchase Agreement
PLTF0877 - PLTF880	Oct. 31, 2008 Purchase Agreement
PLTF0030	Oct. 23, 2008 Call Notes

1	SR002404 – SR002407	Sep. 12, 2006 Private Offering
2	SR002356	Aug. 10, 2012 Check from Eliades to Rogich
3	SR020357	Aug. 15, 2012 Check from Rogich to Eliades
4	SR002215 – SR002219	Rogich Trust 2008 K-1 Final
5	SR002220 - SR002225	Rogich Trust 2008 K-1
6	SR002226 – SR002233	Rogich Trust 2009 K-1
7	SR002235 – SR002240	Rogich Trust 2010 K-1
8	SR002241 – SR002245	Rogich Trust 2011 K-1
9	SR002246 - SR002248	Rogich Trust 2012 K-1
10	SR012 – SR016	Antonio Nevada 2007 K-1
11	SR002047 – SR002048	Oct. 24, 2008 e-mail from Huerta to Olivas and Rogich
12	NAN_000278 – NAN_000279	July 24, 2011 e-mail between Carlos Huerta and Yoav Harlap
13	SR002361 – SR002365	Aug. 6, 2012 e-mail string involving Woloson, Olivas, Spilotro
14	SR002495 - SR002539	Huerta/Go Global First Amended Joint Disclosure Statement
15	SR002334 – SR002339	Aug. 9, 2012 Membership Interest Assignment Agreement
16	SR002353	Upshot Entertainment Account QuickReport
17	NAN_000280 – NAN_000281	March 28, 2014 e-mail between Carlos Huerta, Yoav Harlap, and Jacob Feingold (Update from Las Vegas)
18	NAN_000303 – NAN_000306	February 13, 2016 e-mail between Carlos Huerta and Yoav Harlap
19	NAN_000312- NAN_000314	October 21, 2016 e-mail string between Yoav Harlap and Stephen Odzer
20	NAN_000353- NAN_000355	November 1, 2016 e-mail string between Yoav Harlap and Stephen Odzer
21	NAN_000362- NAN_000364	Nov. 2, 2016 e-mail from Carlos Huerta to Yoav Harlap with Eldorado Hills balance sheet
22	Gerety_0014 – Gerety_0033	Eldorado Hills LLC General Ledger
23	BRADSHAW_0033 – BRADSHAW_0036	Eldorado Hills LLC General Ledger
24	NV Title_0236 – NV Title_0238	Oct. 24, 2008 Memorandum
25	NV Title_0407 – NV Title_0409	General Continuing Guaranty
26	NV Title_0414	Amendment to General Continuing Guaranty
27	NV Title_0410 – NV Title_0413	Eldorado Hills LLC Private Offering
28	NAN_000447	October 23, 2008 Note
	NAN_000453	Go Global Capital Contributions into Eldorado Hills

NAN_000752 – NAN_000755	Craig Dunlap Purchase Agreement
RT 0349 – RT 0362	Canamex Nevada, LLC Subscription Booklet
RT 0363 – RT 0407	Canamex Nevada, LLC Operating Agreement
RT 0604-0605	Oct. 17, 2008 e-mail string between Chris Cole and Melissa Olivas
RT 0697-0700	Oct. 28, 2008 e-mail string involving Summer Rellamas, Sig Rogich, and Melissa Olivas
RT 0999-1010	Oct. 30, 2008 e-mail between Carlos Huerta, Kenneth Woloson, and Melissa Olivas, and attachment
RT 1578 – RT 2192	Eldorado Hills QuickBooks Reports
RT 2198 – RT 2207	June 25, 2009 Eldorado Hills Promissory Note
RT 2208 – RT 2247	Eldorado Hills, LLC Tax Return – January 1, 2008 - October 29, 2008
RT 2248 – RT 2287	Eldorado Hills, LLC Tax Return – October 30, 2008 – December 31, 2008 (Extension Granted to 9/15/2009)
RT 2288 – RT 2330	Eldorado Hills, LLC Tax Return – January 1, 2008 - October 29, 2008 (Extension Granted to 7/15/2009)
RT 2331 – RT 2373	Eldorado Hills, LLC Tax Return – 2009
RT 2374 – RT 2421	Eldorado Hills, LLC Tax Return – Amended 2009
RT 2422 – RT 2453	Eldorado Hills, LLC Tax Return – 2010
RT 2454 – RT 2494	Eldorado Hills, LLC Tax Return – 2011
RT 2495 – RT 2530	Eldorado Hills, LLC Tax Return – 2012
RT 2791 – RT 2801	Accord and Satisfaction and Escrow Instructions
HUERTA 000635 – HUERTA 000636	Nov. 1, 2016 e-mail between Yoav Harlap and Carlos Huerta
ELIADES000003 - ELIADES000016	Oct. 30, 2008 Secured Promissory Note
ELIADES000017 - ELIADES000027	Nov. 2008 Membership Interest Purchase Agreement

Eldorado Hills also reserves the right to use any documents at trial which are disclosed by any party in their N.R.C.P. 16.1(a)(3) pre-trial disclosures.

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1 Further, Eldorado Hills reserves the right to supplement their list of documents in response to
2 any party's N.R.C.P. 16.1(a)(3) pre-trial disclosures.

3 DATED this 23rd day of October, 2018.

4 BAILEY ❖ KENNEDY

5
6 By: /s/ Joseph A. Liebman

7 DENNIS L. KENNEDY

8 JOSEPH A. LIEBMAN

9 *Attorneys for Defendant* ELDORADO
10 HILLS, LLC
11
12
13
14
15
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21
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CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 23rd day of October, 2018, service of the foregoing **DEFENDANT ELDORADO HILLS, LLC'S N.R.C.P. 16.1(a)(3) FIRST SUPPLEMENT TO PRE-TRIAL DISCLOSURES** 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.
SIMONS LAW, PC
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Email: mark@mgsimonslaw.com

Attorneys for Plaintiff
NANYAH VEGAS, LLC

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Email: slionel@fclaw.com

Attorneys for Defendant
SIG ROGICH aka SIGMUND
ROGICH, Individually and as
Trustee of THE ROGICH FAMILY
IRREVOCABLE TRUST, and
IMITATIONS, LLC

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JANIECE S. MARSHALL
GENTILE CRISTALLI MILLER
ARMENI SAVARESE
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Las Vegas, NV 89145

Email: mcristalli@gcmaslaw.com
jmarshall@gcmaslaw.com

Attorneys for Defendants
SIG ROGICH aka SIGMUND
ROGICH as Trustee of THE
ROGICH FAMILY
IRREVOCABLE TRUST

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

Reception

From: efilingmail@tylerhost.net
Sent: Tuesday, October 23, 2018 11:10 AM
To: BKfederaldownloads
Subject: Notification of Service for Case: A-13-686303-C, Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s) for filing Service Only, Envelope Number: 3338803

Notification of Service

Case Number: A-13-686303-C

Case Style: Carlos Huerta, Plaintiff(s)vs.Eldorado

Hills LLC, Defendant(s)

Envelope Number: 3338803



This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	A-13-686303-C
Case Style	Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s)
Date/Time Submitted	10/23/2018 11:08 AM PST
Filing Type	Service Only
Filing Description	Defendant Eldorado Hills, LLC's N.R.C.P. 16.1(a)(3) First Supplement to Pre-Trial Disclosures
Filed By	Sharon Murnane
Service Contacts	<p>Nanyah Vegas LLC:</p> <p>Mark Simons (mark@mgsimonslaw.com)</p> <p>Jodi Alhasan (jodi@mgsimonslaw.com)</p> <p>Monica Nealon (monica@mgsimonslaw.com)</p> <p>Sigmund Rogich:</p> <p>Denise Farnham (dfarnham@fclaw.com)</p> <p>Brenoch Wirthlin (bwirthlin@fclaw.com)</p> <p>Daniel Maul (dmaul@fclaw.com)</p>

	<p>Other Service Contacts not associated with a party on the case:</p> <p>Samuel Lionel . (slionel@fclaw.com)</p> <p>Joseph Liebman (jliebman@baileykennedy.com)</p> <p>Dennis Kennedy (dkennedy@baileykennedy.com)</p> <p>Bailey Kennedy, LLP (bkfederaldownloads@baileykennedy.com)</p> <p>Erica Rosenberry (erosenberry@fclaw.com)</p> <p>Mark Simons (mark@mgsimonslaw.com)</p>
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1 DENNIS L. KENNEDY
Nevada Bar No. 1462
2 JOSEPH A. LIEBMAN
Nevada Bar No. 10125
3 **BAILEY ♦ KENNEDY**
8984 Spanish Ridge Avenue
4 Las Vegas, Nevada 89148-1302
Telephone: 702.562.8820
5 Facsimile: 702.562.8821
DKennedy@BaileyKennedy.com
6 JLiebman@BaileyKennedy.com

7 *Attorneys for Defendant* ELDORADO HILLS,
8 LLC

9 DISTRICT COURT
10 CLARK COUNTY, NEVADA

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

15 Plaintiffs,

16 vs.

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

20 Defendants.

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

22 Plaintiff,

23 vs.

24 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
25 and as Trustee of The Rogich Family
Irrevocable Trust; IMITATIONS, LLC, a
26 Nevada limited liability company; DOES I-X;
and/or ROE CORPORATIONS I-X, inclusive,

27 Defendants.
28

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

**DEFENDANT ELDORADO HILLS,
LLC'S N.R.C.P. 16.1(a)(3) SECOND
SUPPLEMENT TO PRE-TRIAL
DISCLOSURES**

CONSOLIDATED WITH:

Case No. A-16-746239-C

Pursuant to Nevada Rule of Civil Procedure 16.1(a)(3), Defendant Eldorado Hills, LLC (“Eldorado Hills”) makes the following second supplement to its pre-trial disclosures. Any supplemental or modified information appears in **bold text**:

A. Witnesses:

1. Witnesses whom Eldorado Hills may call if the need arises:

- a. Peter Eliades
c/o Bailey Kennedy, LLP
8984 Spanish Ridge Avenue
Las Vegas, NV 89148
- b. Yoav Harlap
c/o Mark Simons
Robison, Belaustegui, Sharp & Low
71 Washington Street
Reno, Nevada 89503
- c. Carlos Huerta
c/o Charles E. Barnabi, Jr.
Cohen, Johnson, et al.
375 East Warm Springs Road, Ste. 104
Las Vegas, NV 89119
- d. Sig Rogich
c/o Samuel Lionel
Fennemore Craig, P.C.
300 South Fourth Street, Suite 1400
Las Vegas, NV 89135
- e. Melissa Olivas
c/o Samuel Lionel, Esq.
Fennemore Craig, P.C.
300 South Fourth Street, Suite 1400
Las Vegas, NV 89135
- f. Summer Rellamas
1182 Claire Rose Avenue
Las Vegas, NV 89183
(702) 335-2018

B. Designation of Witnesses Expected to be Presented by Means of Deposition:

1. Nanyah’s 30(b)(6) Deposition (Huerta)

- a. Deposition Excerpts:
 - 6:1-8.
 - 10:22-23.
 - 11:8-20.
 - 12:8-18.
 - 43:10-46:13.

- 52:19-24.
- 61:4-62:15.
- 62:16-63:2.

It is unknown at this time whether the following witnesses will be available at trial.

Therefore, Eldorado Hills designates the following witnesses whose testimony may be presented by means of deposition, and Eldorado Hills will supplement these disclosures to include page and line numbers upon notice that the respective witness will not be present at trial.

1. Yoav Harlap;
2. Carlos Huerta;
3. Sig Rogich; and
4. Melissa Olivas.

In addition, Eldorado Hills reserve the right to rely on any witness's deposition testimony for impeachment purposes.

C. Documents:

1. Documents or other exhibits that Eldorado Hills expects to offer at trial:

<u>BATES NUMBERS (IF APPLICABLE)</u>	<u>DESCRIPTION</u>
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NAN_000250 –	Jan. 3, 2008 e-mail involving Huerta and Harlap

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NAN_000251	
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NAN_000256 – NAN_000264	Jan. 30, 2008 e-mail involving Rellamas and Harlap
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RT 0363 – RT 0407	Canamex Nevada, LLC Operating Agreement
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RT 0697-0700	Oct. 28, 2008 e-mail string involving Summer Rellamas, Sig Rogich, and Melissa Olivas
RT 0999-1010	Oct. 30, 2008 e-mail between Carlos Huerta, Kenneth Woloson, and Melissa Olivas, and attachment
RT 1578 – RT 2192	Eldorado Hills QuickBooks Reports
RT 2198 – RT 2207	June 25, 2009 Eldorado Hills Promissory Note
RT 2208 – RT 2247	Eldorado Hills, LLC Tax Return – January 1, 2008 - October 29, 2008
RT 2248 – RT 2287	Eldorado Hills, LLC Tax Return – October 30, 2008 – December 31, 2008 (Extension Granted to 9/15/2009)
RT 2288 – RT 2330	Eldorado Hills, LLC Tax Return – January 1, 2008 - October 29, 2008 (Extension Granted to 7/15/2009)
RT 2331 – RT 2373	Eldorado Hills, LLC Tax Return – 2009
RT 2374 – RT 2421	Eldorado Hills, LLC Tax Return – Amended 2009
RT 2422 – RT 2453	Eldorado Hills, LLC Tax Return – 2010
RT 2454 – RT 2494	Eldorado Hills, LLC Tax Return – 2011
RT 2495 – RT 2530	Eldorado Hills, LLC Tax Return – 2012
RT 2791 – RT 2801	Accord and Satisfaction and Escrow Instructions
HUERTA 000635 – HUERTA 000636	Nov. 1, 2016 e-mail between Yoav Harlap and Carlos Huerta
ELIADES000003 - ELIADES000016	Oct. 30, 2008 Secured Promissory Note
ELIADES000017 - ELIADES000027	Nov. 2008 Membership Interest Purchase Agreement
	August 13, 2014 Declaration of Carlos A. Huerta in Support of Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment

Eldorado Hills also reserves the right to use any documents at trial which are disclosed by any party in their N.R.C.P. 16.1(a)(3) pre-trial disclosures.

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Further, Eldorado Hills reserves the right to supplement its list of documents in response to any party's N.R.C.P. 16.1(a)(3) pre-trial disclosures.

DATED this 30th day of October, 2018.

BAILEY ♦ KENNEDY

By: /s/ Joseph A. Liebman

DENNIS L. KENNEDY

JOSEPH A. LIEBMAN

Attorneys for Defendant ELDORADO
HILLS, LLC

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 30th day of October, 2018, service of the foregoing **DEFENDANT ELDORADO HILLS, LLC'S N.R.C.P. 16.1(a)(3) SECOND SUPPLEMENT TO PRE-TRIAL DISCLOSURES** 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:

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Reno, NV 89509

Email: mark@mgsimonslaw.com

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Email: slionel@fclaw.com

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Trustee of THE ROGICH FAMILY
IRREVOCABLE TRUST, and
IMITATIONS, LLC

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JANIECE S. MARSHALL
GENTILE CRISTALLI MILLER
ARMENI SAVARESE
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Las Vegas, NV 89145

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jmarshall@gcmaslaw.com

Attorneys for Defendants
SIG ROGICH aka SIGMUND
ROGICH as Trustee of THE
ROGICH FAMILY
IRREVOCABLE TRUST

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

Reception

From: efilingmail@tylerhost.net
Sent: Tuesday, October 30, 2018 1:36 PM
To: BKfederaldownloads
Subject: Notification of Service for Case: A-13-686303-C, Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s) for filing Service Only, Envelope Number: 3370026

Notification of Service

Case Number: A-13-686303-C

Case Style: Carlos Huerta, Plaintiff(s)vs.Eldorado

Hills LLC, Defendant(s)

Envelope Number: 3370026



This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	A-13-686303-C
Case Style	Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s)
Date/Time Submitted	10/30/2018 1:34 PM PST
Filing Type	Service Only
Filing Description	Defendant Eldorado Hills, LLC's N.R.C.P. 16.1(a)(3) Second Supplement to Pre-Trial Disclosures
Filed By	Sharon Murnane
Service Contacts	<p>Nanyah Vegas LLC:</p> <p>Mark Simons (mark@mgsimonslaw.com)</p> <p>Jodi Alhasan (jodi@mgsimonslaw.com)</p> <p>Monica Nealon (monica@mgsimonslaw.com)</p> <p>Sigmund Rogich:</p> <p>Denise Farnham (dfarnham@fclaw.com)</p> <p>Brenoch Wirthlin (bwirthlin@fclaw.com)</p> <p>Daniel Maul (dmaul@fclaw.com)</p>

	<p>Other Service Contacts not associated with a party on the case:</p> <p>Samuel Lionel . (slionel@fclaw.com)</p> <p>Joseph Liebman (jliebman@baileykennedy.com)</p> <p>Dennis Kennedy (dkennedy@baileykennedy.com)</p> <p>Bailey Kennedy, LLP (bkfederaldownloads@baileykennedy.com)</p> <p>Erica Rosenberry (erosenberry@fclaw.com)</p> <p>Mark Simons (mark@mgsimonslaw.com)</p>
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8984 SPANISH RIDGE AVENUE
LAS VEGAS, NEVADA 89148-1302
702.562.8820

DENNIS L. KENNEDY
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JOSEPH A. LIEBMAN
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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 Defendant 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

**DEFENDANT ELDORADO HILLS,
LLC'S N.R.C.P. 16.1(a)(3) PRE-TRIAL
DISCLOSURES**

CONSOLIDATED WITH:

Case No. A-16-746239-C

Pursuant to Nevada Rule of Civil Procedure 16.1(a)(3), Defendant Eldorado Hills, LLC

1 (“Eldorado Hills”) makes the following pre-trial disclosures:

2 **A. Witnesses:**

3 **1. Witnesses whom Eldorado Hills may call if the need arises:**

- 4 a. Peter Eliades
5 c/o Bailey Kennedy, LLP
6 8984 Spanish Ridge Avenue
7 Las Vegas, NV 89148
- 8 b. Yoav Harlap
9 c/o Mark Simons
10 Robison, Belaustegui, Sharp & Low
11 71 Washington Street
12 Reno, Nevada 89503
- 13 c. Carlos Huerta
14 c/o Charles E. Barnabi, Jr.
15 Cohen, Johnson, et al.
16 375 East Warm Springs Road, Ste. 104
17 Las Vegas, NV 89119
- 18 d. Sig Rogich
19 c/o Samuel Lionel
20 Fennemore Craig, P.C.
21 300 South Fourth Street, Suite 1400
22 Las Vegas, NV 89135
- 23 e. Melissa Olivas
24 c/o Samuel Lionel, Esq.
25 Fennemore Craig, P.C.
26 300 South Fourth Street, Suite 1400
27 Las Vegas, NV 89135
- 28 f. Summer Rellamas
1182 Claire Rose Avenue
Las Vegas, NV 89183
(702) 335-2018

21 **B. Designation of Witnesses Expected to be Presented by Means of Deposition:**

22 **1. Nanyah’s 30(b)(6) Deposition (Huerta)**

- 23 a. Deposition Excerpts:
- 24 • 6:1-8.
 - 25 • 10:22-23.
 - 26 • 11:8-20.
 - 27 • 12:8-18.
 - 28 • 43:10-46:13.
 - 52:19-24.
 - 61:4-62:15.
 - 62:16-63:2.

It is unknown at this time whether the following witnesses will be available at trial. Therefore, Eldorado Hills designates the following witnesses whose testimony may be presented by means of deposition, and Eldorado Hills will supplement these disclosures to include page and line numbers upon notice that the respective witness will not be present at trial.

1. Yoav Harlap;
2. Carlos Huerta;
3. Sig Rogich; and
4. Melissa Olivas.

In addition, Eldorado Hills reserve the right to rely on any witness's deposition testimony for impeachment purposes.

C. Documents:

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RT 0697-0700	Oct. 28, 2008 e-mail string involving Summer Rellamas, Sig Rogich, and Melissa Olivas
RT 0999-1010	Oct. 30, 2008 e-mail between Carlos Huerta, Kenneth Woloson, and Melissa Olivas, and attachment
RT 1578 – RT 2192	Eldorado Hills QuickBooks Reports
RT 2198 – RT 2207	June 25, 2009 Eldorado Hills Promissory Note
RT 2208 – RT 2247	Eldorado Hills, LLC Tax Return – January 1, 2008 - October 29, 2008
RT 2248 – RT 2287	Eldorado Hills, LLC Tax Return – October 30, 2008 – December 31, 2008 (Extension Granted to 9/15/2009)
RT 2288 – RT 2330	Eldorado Hills, LLC Tax Return – January 1, 2008 - October 29, 2008 (Extension Granted to 7/15/2009)
RT 2331 – RT 2373	Eldorado Hills, LLC Tax Return – 2009
RT 2374 – RT 2421	Eldorado Hills, LLC Tax Return – Amended 2009
RT 2422 – RT 2453	Eldorado Hills, LLC Tax Return – 2010
RT 2454 – RT 2494	Eldorado Hills, LLC Tax Return – 2011
RT 2495 – RT 2530	Eldorado Hills, LLC Tax Return – 2012
RT 2791 – RT 2801	Accord and Satisfaction and Escrow Instructions
HUERTA 000635 – HUERTA 000636	Nov. 1, 2016 e-mail between Yoav Harlap and Carlos Huerta
ELIADES000003 - ELIADES000016	Oct. 30, 2008 Secured Promissory Note
ELIADES000017 - ELIADES000027	Nov. 2008 Membership Interest Purchase Agreement
	August 13, 2014 Declaration of Carlos A. Huerta in Support of Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment and Counter-Motion for Partial Summary Judgment

Eldorado Hills also reserves the right to use any documents at trial which are disclosed by any party in their N.R.C.P. 16.1(a)(3) pre-trial disclosures.

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Further, Eldorado Hills reserves the right to supplement its list of documents in response to any party's N.R.C.P. 16.1(a)(3) pre-trial disclosures.

DATED this 22nd day of March, 2019.

BAILEY ♦ KENNEDY

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

*Attorneys for Defendant ELDORADO
HILLS, LLC*

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 22nd day of March, 2019, service of the foregoing DEFENDANT ELDORADO HILLS, LLC'S N.R.C.P. 16.1(a)(3) PRE-TRIAL DISCLOSURES 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. Email: msimons@shjnevada.com
SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Suite F-46 *Attorneys for Plaintiff*
Reno, NV 89509 **NANYAH VEGAS, LLC**

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

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

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

Reception

From: efilimgmail@tylerhost.net
Sent: Friday, March 22, 2019 11:46 AM
To: BKfederaldownloads
Subject: Notification of Service for Case: A-13-686303-C, Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s) for filing Service Only, Envelope Number: 4031051

Notification of Service

Case Number: A-13-686303-C

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

Envelope Number: 4031051



This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	A-13-686303-C
Case Style	Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s)
Date/Time Submitted	3/22/2019 11:45 AM PST
Filing Type	Service Only
Filing Description	Defendant Eldorado Hills, LLC's N.R.C.P. 16.1(a)(3) Pre-Trial Disclosures
Filed By	Sharon Murnane
Service Contacts	Nanyah Vegas LLC: Mark Simons (mark@mgsimonslaw.com) Jodi Alhasan (jodi@mgsimonslaw.com) Monica Nealon (monica@mgsimonslaw.com) Sigmund Rogich: Thomas Fell (tfell@fclaw.com) Denise Farnham (dfarnham@fclaw.com) Morganne Westover (mwestover@fclaw.com) Brenoch Wirthlin (bwirthlin@fclaw.com)

Daniel Maul (dmaul@fclaw.com)

Other Service Contacts not associated with a party on the case:

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Mark Simons (mark@mgsimonslaw.com)

ShaLinda Creer (screer@gcmaslaw.com)

Michael Cristalli (mcristalli@gcmaslaw.com)

Mark Simons (msimons@shjnevada.com)

Document Details

Served Document

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EXHIBIT 2

EXHIBIT 2

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DKennedy@BaileyKennedy.com
JLiebman@BaileyKennedy.com

Attorneys for Defendant 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

**DEFENDANT ELDORADO HILLS,
LLC'S OBJECTIONS TO NANYAH
VEGAS, LLC'S PRE-TRIAL
DISCLOSURES**

CONSOLIDATED WITH:

Case No. A-16-746239-C

Pursuant to Nevada Rule of Civil Procedure 16.1(a)(3), Defendant Eldorado Hills, LLC (“Eldorado Hills”) hereby asserts the following objections to Nanyah Vegas, LLC’s (“Nanyah”) Pre-Trial Disclosures:

A. Objections to the Use of Depositions Under Rule 32(a):

As Nanyah has not disclosed any witnesses whose testimony is expected to be presented by deposition, Eldorado Hills has no objections at this time.

B. Objection to the Admissibility of Potential Exhibits:

See Exhibit 1.

Eldorado Hills also reserves any and all objections under NRS 48.025 and NRS 48.035. Eldorado Hills reserves the right to supplement its objections.

DATED this 31st day of October, 2018.

BAILEY ♦ KENNEDY

By: /s/ Joseph A. Liebman

DENNIS L. KENNEDY
JOSEPH A. LIEBMAN

Attorneys for Defendant ELDORADO
HILLS, LLC

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 31st day of October, 2018, service of the foregoing **DEFENDANT ELDORADO HILLS, LLC'S OBJECTIONS TO NANYAH VEGAS, LLC'S PRE-TRIAL DISCLOSURES** 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.
SIMONS LAW, PC
6490 So. McCarran Blvd., #20
Reno, NV 89509

Email: mark@mgsimonslaw.com

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NANYAH VEGAS, LLC

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Attorneys for Defendant
SIG ROGICH aka SIGMUND
ROGICH, Individually and as
Trustee of THE ROGICH FAMILY
IRREVOCABLE TRUST, and
IMITATIONS, LLC

MICHAEL V. CRISTALLI
JANIECE S. MARSHALL
GENTILE CRISTALLI MILLER
ARMENI SAVARESE
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jmarshall@gcmaslaw.com

Attorneys for Defendants
SIG ROGICH aka SIGMUND
ROGICH as Trustee of THE
ROGICH FAMILY
IRREVOCABLE TRUST

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

Exhibit 1

Exhibit 1

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
1	N/A	10/5/18 Order	Hearsay, Relevancy, Undisclosed document
2	RT0616-623	Project Information	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035
3	PLTF0032	12/31/07 Nevada State Bank Statement for Eldorado Hills	Hearsay, Authenticity, Foundation, Incomplete Document
4	PLTF547-574; RT 306-324	Eldorado Hills, LLC's General Ledger	Authenticity, Foundation, NRS 48.035, two separate documents
5	SR0002334-2360	Eldorado Hills General Ledger - All Transactions	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035
6	RT 0583	5125107 Business Purpose Affidavit of Carlos Huerta, Manager	Hearsay, Relevancy, Authenticity, Foundation
7	RT 0438-442	6/12/08 Carlos Huerta email to Melissa Olivas	Authenticity, Foundation, two separate documents

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
8	RT 0449	6/13/08 Carlos Huerta letter to Terri at Pulaski Bank	Hearsay, Relevancy, Authenticity, Foundation
9	RT 0463	6/24/08 Carlos Huerta letter to FDIC as receiver for ANB Financial	Hearsay, Relevancy, Authenticity, Foundation
10	RT 0513	10/14/08 Sigmund Rogich letter to Leroy Land at Qfinancial	Hearsay, Relevancy, Authenticity, Foundation
11	RT 0624-625	10/17-23/08 Email string between Robin Greco, Melissa Olivas, and Valerie Bussey	Hearsay, Relevancy, Authenticity, Foundation, Incomplete Document
12	RT0156-157	10/24/08 Email from Carlos Huerta to Melissa Olivas and Sig Rogich	Hearsay, Relevancy, Authenticity, Foundation
13	PLTF575	Go Global Capital Contributions into Eldorado Hills	No objections.
14	RT0694-696	10/27-28/08 Email string between Summer Rellamas, Melissa Olivas, Carlos Huerta, Pat Sanchez	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035
15	PLTF577-582 (can't find document)	10/24-25/08 Email string between Kenneth Woloson, Melissa Olivas, Carlos Huerta, Summer Rellamas	Hearsay, Relevancy, Authenticity, Foundation
16	NAN_00234-236	6/3-8/07 Email string between Carlos Huerta and Yoav Harlap	Hearsay, Authenticity, Foundation

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
17	Depo Ex. 53 (not a privilege log)	Rogich Defendants' Privilege Log	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
18	NAN_000001-11	10/30/08 Purchase Agreement	No objections.
19	NAN_000545-648	10/30/08 Teld Membership Interest Purchase Agreement	No objections.
20	NAN_000649-751	10/30/08 Flangas Membership Interest Purchase Agreement	Hearsay, Relevancy, Authenticity, Foundation
21	NAN-000752-755	10/31/08 Purchase Agreement	Hearsay, Relevancy, Authenticity, Foundation
22	No bates number?	10/30/08 Nevada Title Company, TELD, LLC \$6 million deposit	Hearsay, Relevancy, Authenticity, Foundation
23	ELIADES000028-59	10/31/08 Nevada Title Company final document package	Hearsay, Relevancy, Authenticity, Foundation
24	ELIADES000003-8	10/30/08 Secured Promissory Note - \$3 million from Flangas/Teld	Hearsay, Relevancy, Authenticity, Foundation
25	ELIADES000009-16	10/30/08 Security Agreement - Flangas/Teld	Hearsay, Relevancy, Authenticity, Foundation
26	ELIADES0000017-27	11/2008 Membership Interest Purchase Agreement - Flangas out	Hearsay, Relevancy, Authenticity, Foundation

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
27	EH000001-7	10/30/08 Membership Interest Assignment Agreement - Teld/Rogich	Hearsay, Relevancy, Authenticity, Foundation
28	ELIADES000067-75	10/30/08 \$600,000 Promissory Note - Rogich/Teld	Hearsay, Relevancy, Authenticity, Foundation
29	ELIADES000060-66	10/30/08 Membership Interest Assignment Agreement - Teld/Rogich	Hearsay, Relevancy, Authenticity, Foundation
30	RT2207	6/25/09 Unanimous Written Consent of the Managers of Eldorado Hills LLC	No objections.
31	RT2198-2206	6125109 \$10,300,035 Promissory Note - Eldorado Hills/Eliades	No objections.
32	NAN_000511-544	Operating Agreement for Eldorado Hills LLC	No objections.
33	NAN_000193-205	Amended and Restate Operating Agreement of Eldorado Hills, LLC	No objections.
34	EH000105-107	First Amendment to Amended and Restated Operating Agreement of Eldorado Hills, LLC	No objections.
35	NAN_000348-352; SR 002361-2365	8/3-6/12 Email string between John Spilotro, Melissa Olivas, Kenneth Woloson	Hearsay, Relevancy, Authenticity, Foundation
36	EH000008-13; RT092-97	1/1/12 Membership Interest Assignment Agreement	Hearsay, Relevancy, Authenticity, Foundation
37	SR002356	8/10/12 Peter Eliades Check No. 7316 for \$682,080 payable to the Rogich 2004 Family Irrevocable Trust	Hearsay, Relevancy, Authenticity, Foundation
38	SR002357	8/15/12 The Rogich 2004 Family Irrevocable Trust Check No. 2565 for \$682,080 payable to Peter Eliades	Hearsay, Relevancy, Authenticity, Foundation

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
39	ELIADES0000001	1/1/12 Satisfaction of Promissory Note and Release of Security - Teld/Rogich	Hearsay, Relevancy, Authenticity, Foundation
40		2/22/18 Declaration of Sigmund Rogich	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
41		11/4/16 Complaint	Hearsay, Authenticity, Foundation, Undisclosed document
42		1/23/18 Defendants' First Amended Answer to Complaint	Hearsay, Authenticity, Foundation, Undisclosed document
43		1/24/18 Substitution of Attorneys	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
44		8/21/14 Deposition of Sig Rogich	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
45		5/24/2018 Deposition of Sigmund Rogich	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
46		8/27/14 Deposition of Melissa Olivas	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
47		5/2/18 Deposition Transcript of Melissa Olivas	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
48		5/17/18 Deposition Transcript of Kenneth A. Woloson, Esq.	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
49		5/25/18 Deposition Transcript of Peter Eliades	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
50		6/15/18 Deposition Transcript of Dolores Eliades	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document

Reception

From: efilingmail@tylerhost.net
Sent: Wednesday, October 31, 2018 11:30 AM
To: BKfederaldownloads
Subject: Notification of Service for Case: A-13-686303-C, Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s) for filing Service Only, Envelope Number: 3375787

Notification of Service

Case Number: A-13-686303-C

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

Envelope Number: 3375787



This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	A-13-686303-C
Case Style	Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s)
Date/Time Submitted	10/31/2018 11:29 AM PST
Filing Type	Service Only
Filing Description	Defendant Eldorado Hills, LLC's Objections to Nanyah Vegas, LLC's Pre-Trial Disclosures
Filed By	Sharon Murnane
Service Contacts	<p>Nanyah Vegas LLC:</p> <p>Mark Simons (mark@mgsimonslaw.com)</p> <p>Jodi Alhasan (jodi@mgsimonslaw.com)</p> <p>Monica Nealon (monica@mgsimonslaw.com)</p> <p>Sigmund Rogich:</p> <p>Denise Farnham (dfarnham@fclaw.com)</p> <p>Brenoch Wirthlin (bwirthlin@fclaw.com)</p> <p>Daniel Maul (dmaul@fclaw.com)</p>

	<p>Other Service Contacts not associated with a party on the case:</p> <p>Samuel Lionel . (slionel@fclaw.com)</p> <p>Joseph Liebman (jliebman@baileykennedy.com)</p> <p>Dennis Kennedy (dkennedy@baileykennedy.com)</p> <p>Bailey Kennedy, LLP (bkfederaldownloads@baileykennedy.com)</p> <p>Erica Rosenberry (erosenberry@fclaw.com)</p> <p>Mark Simons (mark@mgsimonslaw.com)</p>
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Attorneys for Defendant 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

**DEFENDANT ELDORADO HILLS,
LLC'S SUPPLEMENT TO
OBJECTIONS TO NANYAH VEGAS,
LLC'S PRE-TRIAL DISCLOSURES**

CONSOLIDATED WITH:

Case No. A-16-746239-C

Pursuant to Nevada Rule of Civil Procedure 16.1(a)(3), and due to the disclosure of additional trial exhibits, Defendant Eldorado Hills, LLC (“Eldorado Hills”) hereby supplements (in bold) its prior objections to Nanyah Vegas, LLC’s (“Nanyah”) Pre-Trial Disclosures:

A. Objections to the Use of Depositions Under Rule 32(a):

As Nanyah has not disclosed any witnesses whose testimony is expected to be presented by deposition, Eldorado Hills has no objections at this time.

B. Objection to the Admissibility of Potential Exhibits:

See Exhibit 1.

Eldorado Hills also reserves any and all objections under NRS 48.025 and NRS 48.035. Eldorado Hills reserves the right to supplement its objections.

DATED this 2nd day of November, 2018.

BAILEY ♦ KENNEDY

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

Attorneys for Defendant ELDORADO
HILLS, LLC

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 2nd day of November, 2018, service of the foregoing **DEFENDANT ELDORADO HILLS, LLC'S SUPPLEMENT TO OBJECTIONS TO NANYAH VEGAS, LLC'S PRE-TRIAL DISCLOSURES** 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.
SIMONS LAW, PC
6490 So. McCarran Blvd., #20
Reno, NV 89509

Email: mark@mgsimonslaw.com

Attorneys for Plaintiff
NANYAH VEGAS, LLC

SAMUEL S. LIONEL, ESQ.
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Las Vegas, NV 89101

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Attorneys for Defendant
SIG ROGICH aka SIGMUND
ROGICH, Individually and as
Trustee of THE ROGICH FAMILY
IRREVOCABLE TRUST, and
IMITATIONS, LLC

MICHAEL V. CRISTALLI
JANIECE S. MARSHALL
GENTILE CRISTALLI MILLER
ARMENI SAVARESE
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jmarshall@gcmaslaw.com

Attorneys for Defendants
SIG ROGICH aka SIGMUND
ROGICH as Trustee of THE
ROGICH FAMILY
IRREVOCABLE TRUST

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

Exhibit 1

Exhibit 1

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

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4	PLTF547-574; RT 306-324	Eldorado Hills, LLC's General Ledger	Authenticity, Foundation, NRS 48.035, two separate documents
5	SR0002334-2360	Eldorado Hills General Ledger - All Transactions	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035
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Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
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18	NAN_000001-11	10/30/08 Purchase Agreement	No objections.
19	NAN_000545-648	10/30/08 Teld Membership Interest Purchase Agreement	No objections.
20	NAN_000649-751	10/30/08 Flangas Membership Interest Purchase Agreement	Hearsay, Relevancy, Authenticity, Foundation
21	NAN-000752-755	10/31/08 Purchase Agreement	Hearsay, Relevancy, Authenticity, Foundation
22	No bates number?	10/30/08 Nevada Title Company, TELD, LLC \$6 million deposit	Hearsay, Relevancy, Authenticity, Foundation
23	ELIADES000028-59	10/31/08 Nevada Title Company final document package	Hearsay, Relevancy, Authenticity, Foundation
24	ELIADES000003-8	10/30/08 Secured Promissory Note - \$3 million from Flangas/Teld	Hearsay, Relevancy, Authenticity, Foundation
25	ELIADES000009-16	10/30/08 Security Agreement - Flangas/Teld	Hearsay, Relevancy, Authenticity, Foundation
26	ELIADES0000017-27	11/2008 Membership Interest Purchase Agreement - Flangas out	Hearsay, Relevancy, Authenticity, Foundation

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
27	EH000001-7	10/30/08 Membership Interest Assignment Agreement - Teld/Rogich	Hearsay, Relevancy, Authenticity, Foundation
28	ELIADES000067-75	10/30/08 \$600,000 Promissory Note - Rogich/Teld	Hearsay, Relevancy, Authenticity, Foundation
29	ELIADES000060-66	10/30/08 Membership Interest Assignment Agreement - Teld/Rogich	Hearsay, Relevancy, Authenticity, Foundation
30	RT2207	6/25/09 Unanimous Written Consent of the Managers of Eldorado Hills LLC	No objections.
31	RT2198-2206	6125109 \$10,300,035 Promissory Note - Eldorado Hills/Eliades	No objections.
32	NAN_000511-544	Operating Agreement for Eldorado Hills LLC	No objections.
33	NAN_000193-205	Amended and Restate Operating Agreement of Eldorado Hills, LLC	No objections.
34	EH000105-107	First Amendment to Amended and Restated Operating Agreement of Eldorado Hills, LLC	No objections.
35	NAN_000348-352; SR 002361-2365	8/3-6/12 Email string between John Spilotro, Melissa Olivas, Kenneth Woloson	Hearsay, Relevancy, Authenticity, Foundation
36	EH000008-13; RT092-97	1/1/12 Membership Interest Assignment Agreement	Hearsay, Relevancy, Authenticity, Foundation
37	SR002356	8/10/12 Peter Eliades Check No. 7316 for \$682,080 payable to the Rogich 2004 Family Irrevocable Trust	Hearsay, Relevancy, Authenticity, Foundation
38	SR002357	8/15/12 The Rogich 2004 Family Irrevocable Trust Check No. 2565 for \$682,080 payable to Peter Eliades	Hearsay, Relevancy, Authenticity, Foundation

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
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40		2/22/18 Declaration of Sigmund Rogich	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
41		11/4/16 Complaint	Hearsay, Authenticity, Foundation, Undisclosed document
42		1/23/18 Defendants' First Amended Answer to Complaint	Hearsay, Authenticity, Foundation, Undisclosed document
43		1/24/18 Substitution of Attorneys	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
44		8/21/14 Deposition of Sig Rogich	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
45		5/24/2018 Deposition of Sigmund Rogich	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
46		8/27/14 Deposition of Melissa Olivas	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
47		5/2/18 Deposition Transcript of Melissa Olivas	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
48		5/17/18 Deposition Transcript of Kenneth A. Woloson, Esq.	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
49		5/25/18 Deposition Transcript of Peter Eliades	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
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51		4/9/18 Nanyah Vegas, LLC's Supplement to Second Amended Answers to Defendants' First Set of Interrogatories	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035, No Verification
52		5/1/18 Discovery Commissioner's Report and Recommendation and Order approving	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035
53		9/15/05 Email chain between Carlos Huerta, Sig Rogich, Melissa Olivas, Chris Cole re: Helen Ryu (RT0300-305)	Hearsay, Relevancy, Authenticity, Foundation
54		1/23/18 Defendants First Supplemental Disclosure of Documents Pursuant to NRCP 16.1	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035, Multiple documents
55		Eldorado Hills, LLC General Ledger as of October 29, 2008 (RT0306-324)	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
56		NRS 86.286	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document, NRS 48.035

Reception

From: efilingmail@tylerhost.net
Sent: Friday, November 2, 2018 3:07 PM
To: BKfederaldownloads
Subject: Notification of Service for Case: A-13-686303-C, Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s) for filing Service Only, Envelope Number: 3391247

Notification of Service

Case Number: A-13-686303-C

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

Envelope Number: 3391247



This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	A-13-686303-C
Case Style	Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s)
Date/Time Submitted	11/2/2018 3:05 PM PST
Filing Type	Service Only
Filing Description	Defendant Eldorado Hills, LLC's Supplement to Objections to Nanyah Vegas, LLC's Pre-Trial Disclosures
Filed By	Sharon Murnane
Service Contacts	<p>Nanyah Vegas LLC:</p> <p>Mark Simons (mark@mgsimonslaw.com)</p> <p>Jodi Alhasan (jodi@mgsimonslaw.com)</p> <p>Monica Nealon (monica@mgsimonslaw.com)</p> <p>Sigmund Rogich:</p> <p>Denise Farnham (dfarnham@fclaw.com)</p> <p>Brenoch Wirthlin (bwirthlin@fclaw.com)</p> <p>Daniel Maul (dmaul@fclaw.com)</p>

	<p>Other Service Contacts not associated with a party on the case:</p> <p>Samuel Lionel . (slionel@fclaw.com)</p> <p>Joseph Liebman (jliebman@baileykennedy.com)</p> <p>Dennis Kennedy (dkennedy@baileykennedy.com)</p> <p>Bailey Kennedy, LLP (bkfederaldownloads@baileykennedy.com)</p> <p>Erica Rosenberry (erosenberry@fclaw.com)</p> <p>Mark Simons (mark@mgsimonslaw.com)</p>
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Attorneys for Defendant 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

**DEFENDANT ELDORADO HILLS,
LLC'S OBJECTIONS TO NANYAH
VEGAS, LLC'S 2nd SUPPLEMENTAL
PRE-TRIAL DISCLOSURES**

CONSOLIDATED WITH:

Case No. A-16-746239-C

Pursuant to Nevada Rule of Civil Procedure 16.1(a)(3), and due to the disclosure of additional trial exhibits and witnesses, Defendant Eldorado Hills, LLC (“Eldorado Hills”) hereby supplements (in bold) its prior objections to Nanyah Vegas, LLC’s (“Nanyah”) Pre-Trial Disclosures:

A. Objections to the Use of Depositions Under Rule 32(a):

As Nanyah has not disclosed any witnesses whose testimony is expected to be presented by deposition, Eldorado Hills has no objections at this time.

B. Objection to the Admissibility of Potential Exhibits:

See Exhibit 1.

Eldorado Hills also reserves any and all objections under NRS 48.025 and NRS 48.035. Eldorado Hills reserves the right to supplement its objections.

Additionally, Eldorado Hills objects to the disclosure of Joseph A. Liebman as a witness. Nanyah has never disclosed Mr. Liebman as a potential witness during the pendency of this case. Further, Nanyah has never disclosed the subject matter of Mr. Liebman’s anticipated testimony. Finally, considering that Mr. Liebman is counsel of record for Eldorado Hills, Nanyah must meet the burden set forth by the Nevada Supreme Court in *Club Vista Financial Servs. v. Dist. Ct.*, 128 Nev. 224, 276 P.3d 246 (2012).

DATED this 9th day of April, 2019.

BAILEY ♦ KENNEDY

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

Attorneys for Defendant ELDORADO
HILLS, LLC

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 9th day of April, 2019, service of the foregoing **DEFENDANT ELDORADO HILLS, LLC's OBJECTIONS TO NANYAH VEGAS, LLC'S 2nd SUPPLEMENTAL PRE-TRIAL DISCLOSURES** 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:

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Attorneys for Defendant
**SIG ROGICH aka SIGMUND
ROGICH, Individually and as
Trustee of THE ROGICH FAMILY
IRREVOCABLE TRUST, and
IMITATIONS, LLC**

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JANIECE S. MARSHALL
**GENTILE CRISTALLI MILLER
ARMENI SAVARESE**
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Attorneys for Defendants
**SIG ROGICH aka SIGMUND
ROGICH as Trustee of THE
ROGICH FAMILY
IRREVOCABLE TRUST**

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

EXHIBIT 1

EXHIBIT 1

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
1	N/A	10/5/18 Order	Hearsay, Relevancy, Undisclosed document
2	RT0616-623	Project Information	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035
3	PLTF0032	12/31/07 Nevada State Bank Statement for Eldorado Hills	Hearsay, Authenticity, Foundation, Incomplete Document
4	PLTF547-574; RT 306-324	Eldorado Hills, LLC's General Ledger	Authenticity, Foundation, NRS 48.035, two separate documents
5	SR0002334-2360	Eldorado Hills General Ledger - All Transactions	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035
6	RT 0583	5125107 Business Purpose Affidavit of Carlos Huerta, Manager	Hearsay, Relevancy, Authenticity, Foundation
7	RT 0438-442	6/12/08 Carlos Huerta email to Melissa Olivas	Authenticity, Foundation, two separate documents

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
8	RT 0449	6/13/08 Carlos Huerta letter to Terri at Pulaski Bank	Hearsay, Relevancy, Authenticity, Foundation
9	RT 0463	6/24/08 Carlos Huerta letter to FDIC as receiver for ANB Financial	Hearsay, Relevancy, Authenticity, Foundation
10	RT 0513	10/14/08 Sigmund Rogich letter to Leroy Land at Qfinancial	Hearsay, Relevancy, Authenticity, Foundation
11	RT 0624-625	10/17-23/08 Email string between Robin Greco, Melissa Olivas, and Valerie Bussey	Hearsay, Relevancy, Authenticity, Foundation, Incomplete Document
12	RT0156-157	10/24/08 Email from Carlos Huerta to Melissa Olivas and Sig Rogich	Hearsay, Relevancy, Authenticity, Foundation
13	PLTF575	Go Global Capital Contributions into Eldorado Hills	No objections.
14	RT0694-696	10/27-28/08 Email string between Summer Rellamas, Melissa Olivas, Carlos Huerta, Pat Sanchez	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035
15	PLTF577-582 (can't find document)	10/24-25/08 Email string between Kenneth Woloson, Melissa Olivas, Carlos Huerta, Summer Rellamas	Hearsay, Relevancy, Authenticity, Foundation
16	NAN_00234-236	6/3-8/07 Email string between Carlos Huerta and Yoav Harlap	Hearsay, Authenticity, Foundation

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
17	Depo Ex. 53 (not a privilege log)	Rogich Defendants' Privilege Log	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
18	NAN_000001-11	10/30/08 Purchase Agreement	No objections.
19	NAN_000545-648	10/30/08 Teld Membership Interest Purchase Agreement	No objections.
20	NAN_000649-751	10/30/08 Flangas Membership Interest Purchase Agreement	Hearsay, Relevancy, Authenticity, Foundation
21	NAN-000752-755	10/31/08 Purchase Agreement	Hearsay, Relevancy, Authenticity, Foundation
22	No bates number?	10/30/08 Nevada Title Company, TELD, LLC \$6 million deposit	Hearsay, Relevancy, Authenticity, Foundation
23	ELIADES000028-59	10/31/08 Nevada Title Company final document package	Hearsay, Relevancy, Authenticity, Foundation
24	ELIADES000003-8	10/30/08 Secured Promissory Note - \$3 million from Flangas/Teld	Hearsay, Relevancy, Authenticity, Foundation
25	ELIADES000009-16	10/30/08 Security Agreement - Flangas/Teld	Hearsay, Relevancy, Authenticity, Foundation
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Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

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37	SR002356	8/10/12 Peter Eliades Check No. 7316 for \$682,080 payable to the Rogich 2004 Family Irrevocable Trust	Hearsay, Relevancy, Authenticity, Foundation
38	SR002357	8/15/12 The Rogich 2004 Family Irrevocable Trust Check No. 2565 for \$682,080 payable to Peter Eliades	Hearsay, Relevancy, Authenticity, Foundation

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
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40		2/22/18 Declaration of Sigmund Rogich	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
41		11/4/16 Complaint	Hearsay, Authenticity, Foundation, Undisclosed document
42		1/23/18 Defendants' First Amended Answer to Complaint	Hearsay, Authenticity, Foundation, Undisclosed document
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Exhibit No.	Bates No.	Description	Objections
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47		5/2/18 Deposition Transcript of Melissa Olivas	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
48		5/17/18 Deposition Transcript of Kenneth A. Woloson, Esq.	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
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Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
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55		Eldorado Hills, LLC General Ledger as of October 29, 2008 (RT0306-324)	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
56		NRS 86.286	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document, NRS 48.035
57		Rogich Declaration dated February 25, 2019	Hearsay, Relevancy, Authenticity, Foundation
58	SR2679-2680	November 7, 2012 Letter to Sig Rogich	Hearsay, Relevancy, Authenticity, Foundation

Reception

From: efilingmail@tylerhost.net
Sent: Tuesday, April 9, 2019 4:29 PM
To: BKfederaldownloads
Subject: Notification of Service for Case: A-13-686303-C, Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s) for filing Service Only, Envelope Number: 4119638

Notification of Service

Case Number: A-13-686303-C

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

Envelope Number: 4119638



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Filing Details	
Case Number	A-13-686303-C
Case Style	Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s)
Date/Time Submitted	4/9/2019 4:28 PM PST
Filing Type	Service Only
Filing Description	Defendant Eldorado Hills, LLC's Objections to Nanyah Vegas, LLC's 2nd Supplemental Pre-Trial Disclosures
Filed By	Sharon Murnane
Service Contacts	<p>Nanyah Vegas LLC:</p> <p>Mark Simons (mark@mgsimonslaw.com)</p> <p>Jodi Alhasan (jodi@mgsimonslaw.com)</p> <p>Monica Nealon (monica@mgsimonslaw.com)</p> <p>Sigmund Rogich:</p> <p>Thomas Fell (tfell@fclaw.com)</p> <p>Denise Farnham (dfarnham@fclaw.com)</p> <p>Morganne Westover (mwestover@fclaw.com)</p> <p>Brenoch Wirthlin (bwirthlin@fclaw.com)</p>

Daniel Maul (dmaul@fclaw.com)

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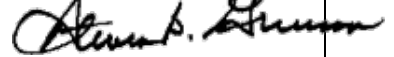
Mark Simons (msimons@shjnevada.com)

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OBJ (CIV)

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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

**DEFENDANT ELDORADO HILLS,
LLC'S OBJECTIONS TO NANYAH
VEGAS, LLC'S 3rd SUPPLEMENTAL
PRE-TRIAL DISCLOSURES**

CONSOLIDATED WITH:

Case No. A-16-746239-C

Pursuant to Nevada Rule of Civil Procedure 16.1(a)(3), and due to the disclosure of additional trial exhibits and witnesses, Defendant Eldorado Hills, LLC (“Eldorado Hills”) hereby supplements (in bold) its prior objections to Nanyah Vegas, LLC’s (“Nanyah”) Pre-Trial Disclosures:

A. Objections to the Use of Depositions Under Rule 32(a):

As Nanyah has not disclosed any witnesses whose testimony is expected to be presented by deposition, Eldorado Hills has no objections at this time.

B. Objection to the Admissibility of Potential Exhibits:

See Exhibit 1.

Eldorado Hills also reserves any and all objections under NRS 48.025 and NRS 48.035. Eldorado Hills reserves the right to supplement its objections.

Additionally, Eldorado Hills objects to the disclosure of Joseph A. Liebman as a witness. Nanyah has never disclosed Mr. Liebman as a potential witness during the pendency of this case. Further, Nanyah has never disclosed the subject matter of Mr. Liebman’s anticipated testimony. Finally, considering that Mr. Liebman is counsel of record for Eldorado Hills, Nanyah must meet the burden set forth by the Nevada Supreme Court in *Club Vista Financial Servs. v. Dist. Ct.*, 128 Nev. 224, 276 P.3d 246 (2012).

DATED this 15th day of April, 2019.

BAILEY ♦ KENNEDY

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

Attorneys for Defendant ELDORADO
HILLS, LLC

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 15th day of November, 2019, service of the foregoing **DEFENDANT ELDORADO HILLS, LLC'S OBJECTIONS TO NANYAH VEGAS, LLC'S 3RD SUPPLEMENTAL PRE-TRIAL DISCLOSURES** 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:

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

EXHIBIT 1

EXHIBIT 1

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
1	N/A	10/5/18 Order	Hearsay, Relevancy, Undisclosed document
2	RT0616-623	Project Information	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035
3	PLTF0032	12/31/07 Nevada State Bank Statement for Eldorado Hills	Hearsay, Authenticity, Foundation, Incomplete Document
4	PLTF547-574; RT 306-324	Eldorado Hills, LLC's General Ledger	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035, two separate documents
5	SR0002334-2360	Eldorado Hills General Ledger - All Transactions	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
6	RT 0583	5125107 Business Purpose Affidavit of Carlos Huerta, Manager	Hearsay, Relevancy, Authenticity, Foundation
7	RT 0438-442	6/12/08 Carlos Huerta email to Melissa Olivas	Hearsay, Relevancy, Authenticity, Foundation, two separate documents
8	RT 0449	6/13/08 Carlos Huerta letter to Terri at Pulaski Bank	Hearsay, Relevancy, Authenticity, Foundation
9	RT 0463	6/24/08 Carlos Huerta letter to FDIC as receiver for ANB Financial	Hearsay, Relevancy, Authenticity, Foundation
10	RT 0513	10/14/08 Sigmund Rogich letter to Leroy Land at Qfinancial	Hearsay, Relevancy, Authenticity, Foundation
11	RT 0624-625	10/17-23/08 Email string between Robin Greco, Melissa Olivas, and Valerie Bussey	Hearsay, Relevancy, Authenticity, Foundation, Incomplete Document

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
12	RT0156-157	10/24/08 Email from Carlos Huerta to Melissa Olivas and Sig Rogich	Hearsay, Relevancy, Authenticity, Foundation
13	PLTF575	Go Global Capital Contributions into Eldorado Hills	No objections.
14	RT0694-696	10/27-28/08 Email string between Summer Rellamas, Melissa Olivas, Carlos Huerta, Pat Sanchez	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035
15	PLTF577-582 (can't find document)	10/24-25/08 Email string between Kenneth Woloson, Melissa Olivas, Carlos Huerta, Summer Rellamas	Hearsay, Relevancy, Authenticity, Foundation
16	NAN_00234-236	6/3-8/07 Email string between Carlos Huerta and Yoav Harlap	Hearsay, Authenticity, Foundation
17	Depo Ex. 53 (not a privilege log)	Rogich Defendants' Privilege Log	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
18	NAN_000001-11	10/30/08 Purchase Agreement	No objections.
19	NAN_000545-648	10/30/08 Teld Membership Interest Purchase Agreement	No objections.
20	NAN_000649-751	10/30/08 Flangas Membership Interest Purchase Agreement	Hearsay, Relevancy, Authenticity, Foundation

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
21	NAN-000752-755	10/31108 Purchase Agreement	Hearsay, Relevancy, Authenticity, Foundation
22	No bates number?	10/30/08 Nevada Title Company, TELD, LLC \$6 million deposit	Hearsay, Relevancy, Authenticity, Foundation
23	ELIADES000028-59	10/31108 Nevada Title Company final document package	Hearsay, Relevancy, Authenticity, Foundation
24	ELIADES000003-8	10/30/08 Secured Promissory Note - \$3 million from Flangas/Teld	Hearsay, Relevancy, Authenticity, Foundation
25	ELIADES000009-16	10/30/08 Security Agreement - Flangas/Teld	Hearsay, Relevancy, Authenticity, Foundation
26	ELIADES0000017-27	11/2008 Membership Interest Purchase Agreement - Flangas out	Hearsay, Relevancy, Authenticity, Foundation
27	EH000001-7	10/30/08 Membership Interest Assignment Agreement - Teld/Rogich	Hearsay, Relevancy, Authenticity, Foundation

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
28	ELIADES000067-75	10/30/08 \$600,000 Promissory Note - Rogich/Teld	Hearsay, Relevancy, Authenticity, Foundation
29	ELIADES000060-66	10/30/08 Membership Interest Assignment Agreement - Teld/Rogich	Hearsay, Relevancy, Authenticity, Foundation
30	RT2207	6/25/09 Unanimous Written Consent of the Managers of Eldorado Hills LLC	No objections.
31	RT2198-2206	6125109 \$10,300,035 Promissory Note - Eldorado Hills/Eliades	No objections.
32	NAN_000511-544	Operating Agreement for Eldorado Hills LLC	No objections.
33	NAN_000193-205	Amended and Restate Operating Agreement of Eldorado Hills, LLC	No objections.
34	EH000105-107	First Amendment to Amended and Restated Operating Agreement of Eldorado Hills, LLC	No objections.
35	NAN_000348-352; SR 002361-2365	8/3-6/12 Email string between John Spilotro, Melissa Olivas, Kenneth Woloson	Hearsay, Relevancy, Authenticity, Foundation
36	EH000008-13; RT092-97	1/1/12 Membership Interest Assignment Agreement	Hearsay, Relevancy, Authenticity, Foundation
37	SR002356	8/10/12 Peter Eliades Check No. 7316 for \$682,080 payable to the Rogich 2004 Family Irrevocable Trust	Hearsay, Relevancy, Authenticity, Foundation
38	SR002357	8/15/12 The Rogich 2004 Family Irrevocable Trust Check No. 2565 for \$682,080 payable to Peter Eliades	Hearsay, Relevancy, Authenticity, Foundation

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
39	ELIADES0000001	1/1/12 Satisfaction of Promissory Note and Release of Security - Teld/Rogich	Hearsay, Relevancy, Authenticity, Foundation
40		2/22/18 Declaration of Sigmund Rogich	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
41		11/4/16 Complaint	Hearsay, Authenticity, Foundation, Undisclosed document
42		1/23/18 Defendants' First Amended Answer to Complaint	Hearsay, Authenticity, Foundation, Undisclosed document
43		1/24/18 Substitution of Attorneys	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
44		8/21/14 Deposition of Sig Rogich	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
45		5/24/2018 Deposition of Sigmund Rogich	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
46		8/27/14 Deposition of Melissa Olivas	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
47		5/2/18 Deposition Transcript of Melissa Olivas	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
48		5/17/18 Deposition Transcript of Kenneth A. Woloson, Esq.	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
49		5/25/18 Deposition Transcript of Peter Eliades	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
50		6/15/18 Deposition Transcript of Dolores Eliades	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document
51		4/9/18 Nanyah Vegas, LLC's Supplement to Second Amended Answers to Defendants' First Set of Interrogatories	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035, No Verification
52		5/1/18 Discovery Commissioner's Report and Recommendation and Order approving	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
53		9/15/05 Email chain between Carlos Huerta, Sig Rogich, Melissa Olivas, Chris Cole re: Helen Ryu (RT0300-305)	Hearsay, Relevancy, Authenticity, Foundation
54		1/23/18 Defendants First Supplemental Disclosure of Documents Pursuant to NRCP 16.1	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035, Multiple documents
55		Eldorado Hills, LLC General Ledger as of October 29, 2008 (RT0306-324)	Hearsay, Relevancy, Authenticity, Foundation, NRS 48.035
56		NRS 86.286	Hearsay, Relevancy, Authenticity, Foundation, Undisclosed document, NRS 48.035
57		Rogich Declaration dated February 25, 2019	Hearsay, Relevancy, Authenticity, Foundation

Exhibit 1 - Objections to Nanyah Vegas, LLC's Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
58	SR2679-2680	November 7, 2012 Letter to Sig Rogich	Hearsay, Relevancy, Authenticity, Foundation
59		March 26, 2019 Order Denying the Rogich Defendants' NRCP 60(B) Motion	Relevancy, Foundation
60		February 12, 2016 Order of Reversal and Remand (Supreme Court Case No. 66823)	Relevancy, Foundation

Reception

From: efilingmail@tylerhost.net
Sent: Monday, April 15, 2019 4:36 PM
To: BKfederaldownloads
Subject: Notification of Service for Case: A-13-686303-C, Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s) for filing Objection - OBJ (CIV), Envelope Number: 4147838

Notification of Service

Case Number: A-13-686303-C

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

Envelope Number: 4147838



This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	A-13-686303-C
Case Style	Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s)
Date/Time Submitted	4/15/2019 4:34 PM PST
Filing Type	Objection - OBJ (CIV)
Filing Description	Defendant Eldorado Hills, LLC's Objections to Nanyah Vegas, LLC's 3rd Supplemental Pre-Trial Disclosures
Filed By	Sharon Murnane
Service Contacts	<p>Nanyah Vegas LLC:</p> <p>Mark Simons (mark@mgsimonslaw.com)</p> <p>Jodi Alhasan (jodi@mgsimonslaw.com)</p> <p>Monica Nealon (monica@mgsimonslaw.com)</p> <p>Sigmund Rogich:</p> <p>Thomas Fell (tfell@fclaw.com)</p> <p>Denise Farnham (dfarnham@fclaw.com)</p> <p>Morganne Westover (mwestover@fclaw.com)</p> <p>Brenoch Wirthlin (bwirthlin@fclaw.com)</p>

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EXHIBIT 3

EXHIBIT 3

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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

**DEFENDANT ELDORADO HILLS,
LLC'S OBJECTIONS TO SIGMUND
ROGICH, INDIVIDUALLY AND AS
TRUSTEE OF THE ROGICH FAMILY
IRREVOCABLE TRUST, AND
IMITATIONS, LLC'S PRE-TRIAL
DISCLOSURES**

CONSOLIDATED WITH:

Case No. A-16-746239-C

Pursuant to Nevada Rule of Civil Procedure 16.1(a)(3), Defendant Eldorado Hills, LLC (“Eldorado Hills”) hereby asserts the following objections to Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust, and Imitations, LLC’s (“Rogich”) Pre-Trial Disclosures:

A. Objections to the Use of Depositions Under Rule 32(a):

As Rogich has not disclosed page/line numbers of any testimony expected to be presented by deposition, Eldorado Hills is unable to provide specific objections at this time. Eldorado Hills reserves all objections to the extent Rogich discloses page/line numbers in the future.

B. Objection to the Admissibility of Potential Exhibits:

See Exhibit 1.

Eldorado Hills also reserves any and all objections under NRS 48.025 and NRS 48.035. Eldorado Hills reserves the right to supplement its objections.

DATED this 31st day of October, 2018.

BAILEY ♦ KENNEDY

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

*Attorneys for Defendant ELDORADO
HILLS, LLC*

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 31st day of October, 2018, service of the foregoing **DEFENDANT ELDORADO HILLS, LLC'S OBJECTIONS TO SIGMUND ROGICH, INDIVIDUALLY AND AS TRUSTEE OF THE ROGICH FAMILY IRREVOCABLE TRUST, AND IMITATIONS, LLC'S PRE-TRIAL DISCLOSURES** 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:

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Trustee of THE ROGICH FAMILY
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IMITATIONS, LLC

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ROGICH FAMILY
IRREVOCABLE TRUST

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

Exhibit 1

Exhibit 1

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
500	NAN_000362-364	E-mail (dated November 2, 2016) from Carlos Huerta to Yoav Harlap regarding Eldorado Hills Balance Sheet 11/2/16 (Attachment: Eldorado Hills, LLC Balance Sheets as of October 25, 2008)	Hearsay, Relevancy, Authenticity, Foundation
501	NAN_000234-236	E-mail (dated June 8, 2007) from Carlos Huerta to Yoav Harlap regarding formation of Nevada company	Hearsay, Authenticity, Foundation
502	NAN_000237-240	E-mail (dated July 13, 2007) from Carlos Huerta to Yoav Harlap regarding Nanyah Vegas setup (Attachment: Eldorado Project Update)	Hearsay, Authenticity, Foundation
503	PLTF00244-245; RT0203-204	Articles of Organization & Resident Agent Acceptance re: CanaMex Nevada, LLC (December 3, 2007)	No objections
504	PLTF00247; RT0205	Initial List of Managers or Managing Members and Resident Agent of CanaMex Nevada, LLC (December 3, 2007)	No objections
505	NAN_000241-245	Email (dated December 4, 2007) from Yoav Harlap to Carlos Huerta regarding \$1.5M transfer	Hearsay, Authenticity, Foundation
506	NAN_000246	E-mail (dated December 7, 2007) from Carlos Huerta to Yoav Harlap regarding CanaMex deposit	Hearsay, Authenticity, Foundation
507	NAN_000247	E-mail (dated December 7, 2007) from Yoav Harlap to Carlos Huerta regarding request for articles of organization & corporate documents	Hearsay, Authenticity, Foundation
508	NAN_000248-249	E-mail (dated December 8, 2007) from Summer Rellamas to Yoav Harlap regarding investment confirmation and organizational docs for Nanyah Vegas (attachment: Investment Confirmation Letter)	Hearsay, Authenticity, Foundation
509	NAN_000387-388; NAN000451-452; RT0149-0150	CanaMex Nevada LLC's Nevada State Bank statement (dated December 31, 2007)	Hearsay, Authenticity, Foundation

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
510	NAN000449-450; NAN000454-455; RT0151-0154	Eldorado Hills, LLC's Nevada State Bank statements (dated December 31, 2007)	Hearsay, Authenticity, Foundation, Incomplete Documents, Different Documents
511	RT0155	Go Global, Inc.'s Nevada State Bank statement (dated December 31, 2007)	Hearsay, Authenticity, Foundation
512	RT0219	Go Global, Inc.'s 2007 Profit & Loss Statement	Hearsay, Authenticity, Foundation
513	RT0158-202	Eldorado Hills, LLC - 2007 Tax Return	Hearsay, Authenticity, Foundation
514	NAN_000270-271	CanaMex Nevada's 2007 Schedule K-1 to Nanyah Vegas, LLC	Incomplete document
515	NAN_000250-251	E-mail (dated January 3, 2008) from Carlos Huerta to Yoav Harlap regarding CanaMex Nevada update (Attachment: Letter with NZC-1289-07 BCC approval update)	Hearsay, Authenticity, Foundation
516	NAN_000252	E-mail (dated January 3, 2008) from Yoav Harlap to Carlos Huerta re additional lot	Hearsay, Authenticity, Foundation
517	NAN_000253-255	E-mail (dated January 3, 2008) from Carlos Huerta to Yoav Harlap regarding CanaMex Nevada Update	Hearsay, Authenticity, Foundation

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
518	NAN_000256-264	Email (dated January 30, 2008) from Summer Rellamas to Yoav Harlap regarding investor portfolio (Attachment: Go Global Properties Annual Investor Update)	Hearsay, Authenticity, Foundation
519	RT0220-0238	E-mail (dated February 2, 2008) from Carlos Huerta to Jennifer Koelin regarding CanaMex Investment Summary (Attachment: CanaMex Investment Summary)	Hearsay, Authenticity, Foundation
520	NAN_000265-268	E-mail (dated March 13, 2008) from Carlos Huerta to Yoav Harlap regarding update (Attachment: Letter from Huerta to Harlap re CanaMex Nevada project update)	Hearsay, Authenticity, Foundation
521	NAN_000269-272	Email (dated April 25, 2008) from Summer Rellamas to Yoav Harlap re 2007 IRS Form K-1 for CanaMex Nevada investment	Hearsay, Authenticity, Foundation
522	NAN_000363-364	Eldorado Hills, LLC - Balance Sheet (As of October 25, 2008)	Hearsay, Relevancy, Authenticity, Foundation, Duplicative (500)
523	RT0211-217	E-mail (dated October 25, 2008) from Carlos Huerta to Kenneth Wolson regarding Ken's agreement	Hearsay, Authenticity, Foundation
524	NAN_000276-277	E-mail (dated October 27, 2008) from Yoav Harlap to Carlos Huerta regarding Las Vegas Update	Hearsay, Authenticity, Foundation
525	RT0207-210	E-mail (dated October 28, 2008) from Sig Rogich to Melissa Olivas regarding Eldorado Hills Financials	No objections
526	RT0115-132	Eldorado Hills, LLC - General Ledger (As of October 29, 2008)	Hearsay, Authenticity, Foundation

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
527	NAN_000001-11; RT0023-33	Purchase Agreement between Go Global, Inc., Carlos Huerta and The Rogich Family Irrevocable Trust (dated Rogich Family Irrevocable Trust (dated October 30, 2008)	No objections
528	RT0206	Annual List of Managers or Managing Members and Resident Agent of CanaMex Nevada, LLC (December 31, 2008)	No objections
529	RT2208-2330	Eldorado Hills, LLC - 2008 Tax Return	Hearsay, Authenticity, Foundation
530	RT0145	Unanimous Written Consent of the Managers of Eldorado Hills, LLC (dated June 25, 2009)	Hearsay, Relevancy, Authenticity, Foundation
531	RT2331-2422	Eldorado Hills, LLC - 2009 Tax Return	Hearsay, Authenticity, Foundation
532	RT2423-2479	Eldorado Hills, LLC - 2010 Tax Return	Hearsay, Authenticity, Foundation
533	NAN-000389-391	CanaMex Nevada's 2010 Schedule K-1 to Nanyah Vegas, LLC	No objections
534	NAN_000278-279	E-mail (dated July 24, 2011) from Carlos Huerta to Yoav Harlap regarding project update, freeway improvements and Eliades investor	No objections
535	NAN_000223-224; RT0133-0136	Unanimous Written Consent of the Managers of Eldorado Hills, LLC (dated January 1, 2012)	Hearsay, Authenticity, Foundation
536	RT0001-0022	Imitations Transaction Documents	Hearsay, Relevancy, Authenticity, Foundation, Bates Numbers Do Not Match Description

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
537	RT0218	E-mail (dated October 22, 2013) from Sig Rogich to Melissa Olivas	Hearsay, Authenticity, Foundation
538	NAN_000280-281	E-mail (dated March 28, 2014) from Carlos Huerta to Yoav Harlap, cc: Jacob Feingold, regarding project update, in escrow with D.R. Horton, litigation with Rogich and request to be Nanyah's PMK	No objections
539	NAN_00356-357	E-mail (dated November 1, 2016) from Carlos Huerta to Yoav Harlap re Eldorado Hills deal	Hearsay, Authenticity, Foundation
540	PLTF00547-574; NAN_000483-510	Eldorado Hills, LLC - General Ledger	Hearsay, Authenticity, Foundation
541		Plaintiffs Responses to Second Set of Interrogatories to Carlos A. Huerta (dated September 16, 2014; Case No.: A-13-686303-C)	Hearsay, Authenticity, Foundation
542		Order Granting Partial Summary Judgment (dated November 5, 2014; Case No.: A-13-686303-C)	No objections
543		Complaint dated November 4, 2016 (Case No.: A-16-746239-C)	Hearsay, Authenticity, Foundation
544		First Amended Answer dated January 23, 2018 (Case No.: A-16-746239-C)	Hearsay, Authenticity, Foundation
545		Nanyah Vegas, LLC's Answers to Defendants' First Set of Interrogatories (dated June 28, 2017)	Hearsay, Authenticity, Foundation

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
546		Nanyah Vegas, LLC's First Amended Answers to Defendants' First Set of Interrogatories (dated August 14, 2017)	Hearsay, Authenticity, Foundation
547		Nanyah Vegas, LLC's Response to Defendants' Request for Production of Documents (dated November 14, 2017)	Hearsay, Authenticity, Foundation
548		Nanyah Vegas, LLC's Second Amended Answers to Defendants' First Set of Interrogatories (dated December 1, 2017)	Hearsay, Authenticity, Foundation
549		Nanyah Vegas, LLC's Response to Defendants' First Set of Requests for Admission (dated December 1, 2017)	Hearsay, Authenticity, Foundation

Reception

From: efilingmail@tylerhost.net
Sent: Wednesday, October 31, 2018 11:31 AM
To: BKfederaldownloads
Subject: Notification of Service for Case: A-13-686303-C, Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s) for filing Service Only, Envelope Number: 3375787

Notification of Service

Case Number: A-13-686303-C

Case Style: Carlos Huerta, Plaintiff(s)vs.Eldorado

Hills LLC, Defendant(s)

Envelope Number: 3375787



This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	A-13-686303-C
Case Style	Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s)
Date/Time Submitted	10/31/2018 11:29 AM PST
Filing Type	Service Only
Filing Description	Defendant Eldorado Hills, LLC's Objections to Sigmund Rogich, Individually and as Trustee of The Rogich Family Irrevocable Trust, and Imitations, LLC's Pre-Trial Disclosures
Filed By	Sharon Murnane
Service Contacts	Nanyah Vegas LLC: Mark Simons (mark@mgsimonslaw.com) Jodi Alhasan (jodi@mgsimonslaw.com) Monica Nealon (monica@mgsimonslaw.com) Sigmund Rogich: Denise Farnham (dfarnham@fclaw.com) Brenoch Wirthlin (bwirthlin@fclaw.com) Daniel Maul (dmaul@fclaw.com)

	<p>Other Service Contacts not associated with a party on the case:</p> <p>Samuel Lionel . (slionel@fclaw.com)</p> <p>Joseph Liebman (jliebman@baileykennedy.com)</p> <p>Dennis Kennedy (dkennedy@baileykennedy.com)</p> <p>Bailey Kennedy, LLP (bkfederaldownloads@baileykennedy.com)</p> <p>Erica Rosenberry (erosenberry@fclaw.com)</p> <p>Mark Simons (mark@mgsimonslaw.com)</p>
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Attorneys for Defendant 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

**DEFENDANT ELDORADO HILLS,
LLC'S SUPPLEMENT TO
OBJECTIONS TO SIGMUND ROGICH,
INDIVIDUALLY AND AS TRUSTEE OF
THE ROGICH FAMILY
IRREVOCABLE TRUST, AND
IMITATIONS, LLC'S PRE-TRIAL
DISCLOSURES**

CONSOLIDATED WITH:

Case No. A-16-746239-C

Pursuant to Nevada Rule of Civil Procedure 16.1(a)(3), and due to the disclosure of additional trial exhibits, Defendant Eldorado Hills, LLC (“Eldorado Hills”) hereby supplements (in bold) its prior objections to Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust, and Imitations, LLC’s (“Rogich”) Pre-Trial Disclosures:

A. Objections to the Use of Depositions Under Rule 32(a):

As Rogich has not disclosed page/line numbers of any testimony expected to be presented by deposition, Eldorado Hills is unable to provide specific objections at this time. Eldorado Hills reserves all objections to the extent Rogich discloses page/line numbers in the future.

B. Objection to the Admissibility of Potential Exhibits:

See Exhibit 1.

Eldorado Hills also reserves any and all objections under NRS 48.025 and NRS 48.035. Eldorado Hills reserves the right to supplement its objections.

DATED this 2nd day of November, 2018.

BAILEY ♦ KENNEDY

By: /s/ Joseph A. Liebman

DENNIS L. KENNEDY
JOSEPH A. LIEBMAN

*Attorneys for Defendant ELDORADO
HILLS, LLC*

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 2nd day of November, 2018, service of the foregoing **DEFENDANT ELDORADO HILLS, LLC'S SUPPLEMENT TO OBJECTIONS TO SIGMUND ROGICH, INDIVIDUALLY AND AS TRUSTEE OF THE ROGICH FAMILY IRREVOCABLE TRUST, AND IMITATIONS, LLC'S PRE-TRIAL DISCLOSURES** 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:

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IRREVOCABLE TRUST

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

Exhibit 1

Exhibit 1

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
500	NAN_000362-364	E-mail (dated November 2, 2016) from Carlos Huerta to Yoav Harlap regarding Eldorado Hills Balance Sheet 11/2/16 (Attachment: Eldorado Hills, LLC Balance Sheets as of October 25, 2008)	Hearsay, Relevancy, Authenticity, Foundation
501	NAN_000234-236	E-mail (dated June 8, 2007) from Carlos Huerta to Yoav Harlap regarding formation of Nevada company	Hearsay, Authenticity, Foundation
502	NAN_000237-240	E-mail (dated July 13, 2007) from Carlos Huerta to Yoav Harlap regarding Nanyah Vegas setup (Attachment: Eldorado Project Update)	Hearsay, Authenticity, Foundation
503	PLTF00244-245; RT0203-204	Articles of Organization & Resident Agent Acceptance re: CanaMex Nevada, LLC (December 3, 2007)	No objections
504	PLTF00247; RT0205	Initial List of Managers or Managing Members and Resident Agent of CanaMex Nevada, LLC (December 3, 2007)	No objections
505	NAN_000241-245	Email (dated December 4, 2007) from Yoav Harlap to Carlos Huerta regarding \$1.5M transfer	Hearsay, Authenticity, Foundation
506	NAN_000246	E-mail (dated December 7, 2007) from Carlos Huerta to Yoav Harlap regarding CanaMex deposit	Hearsay, Authenticity, Foundation
507	NAN_000247	E-mail (dated December 7, 2007) from Yoav Harlap to Carlos Huerta regarding request for articles of organization & corporate documents	Hearsay, Authenticity, Foundation
508	NAN_000248-249	E-mail (dated December 8, 2007) from Summer Rellamas to Yoav Harlap regarding investment confirmation and organizational docs for Nanyah Vegas (attachment: Investment Confirmation Letter)	Hearsay, Authenticity, Foundation
509	NAN_000387-388; NAN000451-452; RT0149-0150	CanaMex Nevada LLC's Nevada State Bank statement (dated December 31, 2007)	Hearsay, Authenticity, Foundation

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
510	NAN000449-450; NAN000454-455; RT0151-0154	Eldorado Hills, LLC's Nevada State Bank statements (dated December 31, 2007)	Hearsay, Authenticity, Foundation, Incomplete Documents, Different Documents
511	RT0155	Go Global, Inc.'s Nevada State Bank statement (dated December 31, 2007)	Hearsay, Authenticity, Foundation
512	RT0219	Go Global, Inc.'s 2007 Profit & Loss Statement	Hearsay, Authenticity, Foundation
513	RT0158-202	Eldorado Hills, LLC - 2007 Tax Return	Hearsay, Authenticity, Foundation
514	NAN_000270-271	CanaMex Nevada's 2007 Schedule K-1 to Nanyah Vegas, LLC	Incomplete document
515	NAN_000250-251	E-mail (dated January 3, 2008) from Carlos Huerta to Yoav Harlap regarding CanaMex Nevada update (Attachment: Letter with NZC-1289-07 BCC approval update)	Hearsay, Authenticity, Foundation
516	NAN_000252	E-mail (dated January 3, 2008) from Yoav Harlap to Carlos Huerta re additional lot	Hearsay, Authenticity, Foundation
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Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

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519	RT0220-0238	E-mail (dated February 2, 2008) from Carlos Huerta to Jennifer Koelin regarding CanaMex Investment Summary (Attachment: CanaMex Investment Summary)	Hearsay, Authenticity, Foundation
520	NAN_000265-268	E-mail (dated March 13, 2008) from Carlos Huerta to Yoav Harlap regarding update (Attachment: Letter from Huerta to Harlap re CanaMex Nevada project update)	Hearsay, Authenticity, Foundation
521	NAN_000269-272	Email (dated April 25, 2008) from Summer Rellamas to Yoav Harlap re 2007 IRS Form K-1 for CanaMex Nevada investment	Hearsay, Authenticity, Foundation
522	NAN_000363-364	Eldorado Hills, LLC - Balance Sheet (As of October 25, 2008)	Hearsay, Relevancy, Authenticity, Foundation, Duplicative (500)
523	RT0211-217	E-mail (dated October 25, 2008) from Carlos Huerta to Kenneth Wolson regarding Ken's agreement	Hearsay, Authenticity, Foundation
524	NAN_000276-277	E-mail (dated October 27, 2008) from Yoav Harlap to Carlos Huerta regarding Las Vegas Update	Hearsay, Authenticity, Foundation
525	RT0207-210	E-mail (dated October 28, 2008) from Sig Rogich to Melissa Olivas regarding Eldorado Hills Financials	No objections
526	RT0115-132	Eldorado Hills, LLC - General Ledger (As of October 29, 2008)	Hearsay, Authenticity, Foundation

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
527	NAN_000001-11; RT0023-33	Purchase Agreement between Go Global, Inc., Carlos Huerta and The Rogich Family Irrevocable Trust (dated Rogich Family Irrevocable Trust (dated October 30, 2008)	No objections
528	RT0206	Annual List of Managers or Managing Members and Resident Agent of CanaMex Nevada, LLC (December 31, 2008)	No objections
529	RT2208-2330	Eldorado Hills, LLC - 2008 Tax Return	Hearsay, Authenticity, Foundation
530	RT0145	Unanimous Written Consent of the Managers of Eldorado Hills, LLC (dated June 25, 2009)	Hearsay, Relevancy, Authenticity, Foundation
531	RT2331-2422	Eldorado Hills, LLC - 2009 Tax Return	Hearsay, Authenticity, Foundation
532	RT2423-2479	Eldorado Hills, LLC - 2010 Tax Return	Hearsay, Authenticity, Foundation
533	NAN-000389-391	CanaMex Nevada's 2010 Schedule K-1 to Nanyah Vegas, LLC	No objections
534	NAN_000278-279	E-mail (dated July 24, 2011) from Carlos Huerta to Yoav Harlap regarding project update, freeway improvements and Eliades investor	No objections
535	NAN_000223-224; RT0133-0136	Unanimous Written Consent of the Managers of Eldorado Hills, LLC (dated January 1, 2012)	Hearsay, Authenticity, Foundation
536	RT0001-0022	Imitations Transaction Documents	Hearsay, Relevancy, Authenticity, Foundation, Bates Numbers Do Not Match Description

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
537	RT0218	E-mail (dated October 22, 2013) from Sig Rogich to Melissa Olivas	Hearsay, Authenticity, Foundation
538	NAN_000280-281	E-mail (dated March 28, 2014) from Carlos Huerta to Yoav Harlap, cc: Jacob Feingold, regarding project update, in escrow with D.R. Horton, litigation with Rogich and request to be Nanyah's PMK	No objections
539	NAN_00356-357	E-mail (dated November 1, 2016) from Carlos Huerta to Yoav Harlap re Eldorado Hills deal	Hearsay, Authenticity, Foundation
540	PLTF00547-574; NAN_000483-510	Eldorado Hills, LLC - General Ledger	Hearsay, Authenticity, Foundation
541		Plaintiffs Responses to Second Set of Interrogatories to Carlos A. Huerta (dated September 16, 2014; Case No.: A-13-686303-C)	Hearsay, Authenticity, Foundation
542		Order Granting Partial Summary Judgment (dated November 5, 2014; Case No.: A-13-686303-C)	No objections
543		Complaint dated November 4, 2016 (Case No.: A-16-746239-C)	Hearsay, Authenticity, Foundation
544		First Amended Answer dated January 23, 2018 (Case No.: A-16-746239-C)	Hearsay, Authenticity, Foundation
545		Nanyah Vegas, LLC's Answers to Defendants' First Set of Interrogatories (dated June 28, 2017)	Hearsay, Authenticity, Foundation

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
546		Nanyah Vegas, LLC's First Amended Answers to Defendants' First Set of Interrogatories (dated August 14, 2017)	Hearsay, Authenticity, Foundation
547		Nanyah Vegas, LLC's Response to Defendants' Request for Production of Documents (dated November 14, 2017)	Hearsay, Authenticity, Foundation
548		Nanyah Vegas, LLC's Second Amended Answers to Defendants' First Set of Interrogatories (dated December 1, 2017)	Hearsay, Authenticity, Foundation
549		Nanyah Vegas, LLC's Response to Defendants' First Set of Requests for Admission (dated December 1, 2017)	Hearsay, Authenticity, Foundation
550		Go Global, Inc.'s Nevada State Bank statement (dated December 31, 2007) with checking account credit slip	Hearsay, Authenticity, Foundation

Reception

From: efilimgmail@tylerhost.net
Sent: Friday, November 2, 2018 3:07 PM
To: BKfederaldownloads
Subject: Notification of Service for Case: A-13-686303-C, Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s) for filing Service Only, Envelope Number: 3391247

Notification of Service

Case Number: A-13-686303-C

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

Hills LLC, Defendant(s)

Envelope Number: 3391247



This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	A-13-686303-C
Case Style	Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s)
Date/Time Submitted	11/2/2018 3:05 PM PST
Filing Type	Service Only
Filing Description	Defendant Eldorado Hills, LLC's Supplement to Objections to Sigmund Rogich, Individually and as Trustee of The Rogich Family Irrevocable Trust, and Imitations, LLC's Pre-Trial Disclosures
Filed By	Sharon Murnane
Service Contacts	Nanyah Vegas LLC: Mark Simons (mark@mgsimonslaw.com) Jodi Alhasan (jodi@mgsimonslaw.com) Monica Nealon (monica@mgsimonslaw.com) Sigmund Rogich: Denise Farnham (dfarnham@fclaw.com) Brenoch Wirthlin (bwirthlin@fclaw.com) Daniel Maul (dmaul@fclaw.com)

	<p>Other Service Contacts not associated with a party on the case:</p> <p>Samuel Lionel . (slionel@fclaw.com)</p> <p>Joseph Liebman (jliebman@baileykennedy.com)</p> <p>Dennis Kennedy (dkennedy@baileykennedy.com)</p> <p>Bailey Kennedy, LLP (bkfederaldownloads@baileykennedy.com)</p> <p>Erica Rosenberry (erosenberry@fclaw.com)</p> <p>Mark Simons (mark@mgsimonslaw.com)</p>
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Attorneys for 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

**DEFENDANT ELDORADO HILLS,
LLC'S OBJECTIONS TO
DEFENDANTS SIGMUND ROGICH,
INDIVIDUALLY AND AS TRUSTEE OF
THE ROGICH FAMILY
IRREVOCABLE TRUST, AND
IMITATIONS, LLC'S SECOND
SUPPLEMENTAL PRE-TRIAL
DISCLOSURES**

CONSOLIDATED WITH:

Case No. A-16-746239-C

Pursuant to Nevada Rule of Civil Procedure 16.1(a)(3), Defendant Eldorado Hills, LLC (“Eldorado Hills”) hereby supplements (**in bold**) its prior objections to Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust, and Imitations, LLC’s (“Rogich”) Pre-Trial Disclosures:

A. Objections to the Use of Depositions Under Rule 32(a):

As Rogich has not disclosed page/line numbers of any testimony expected to be presented by deposition, Eldorado Hills is unable to provide specific objections at this time. Eldorado Hills reserves all objections to the extent Rogich discloses page/line numbers in the future.

B. Objection to the Admissibility of Potential Exhibits:

See Exhibit 1.

Eldorado Hills also reserves any and all objections under NRS 48.025 and NRS 48.035. Eldorado Hills reserves the right to supplement its objections.

DATED this 5th day of April, 2019.

BAILEY ♦ KENNEDY

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

Attorneys for Defendant
ELDORADO HILLS, LLC

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 5th day of April, 2019, service of the foregoing **DEFENDANT ELDORADO HILLS, LLC'S OBJECTIONS TO DEFENDANTS SIGMUND ROGICH, INDIVIDUALLY AND AS TRUSTEE OF THE ROGICH FAMILY IRREVOCABLE TRUST, AND IMITATIONS, LLC'S SECOND SUPPLEMENTAL PRE-TRIAL DISCLOSURES** 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:

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300 S. Fourth Street, Suite 1400 *Attorneys for Defendant*
Las Vegas, NV 89101 **SIG ROGICH aka SIGMUND**
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IMITATIONS, LLC

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ARMENI SAVARESE *Attorneys for Defendants*
410 South Rampart Blvd., Suite 420 **SIG ROGICH aka SIGMUND**
Las Vegas, NV 89145 **ROGICH as Trustee of THE**
ROGICH FAMILY
IRREVOCABLE TRUST

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

EXHIBIT 1

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Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

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534	NAN_000278-279	E-mail (dated July 24, 2011) from Carlos Huerta to Yoav Harlap regarding project update, freeway improvements and Eliades investor	No objections
535	NAN_000223-224; RT0133-0136	Unanimous Written Consent of the Managers of Eldorado Hills, LLC (dated January 1, 2012)	Hearsay, Authenticity, Foundation

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
536	RT0001-0022	Imitations Transaction Documents	Hearsay, Relevancy, Authenticity, Foundation, Bates Numbers Do Not Match Description
537	RT0218	E-mail (dated October 22, 2013) from Sig Rogich to Melissa Olivas	Hearsay, Authenticity, Foundation
538	NAN_000280-281	E-mail (dated March 28, 2014) from Carlos Huerta to Yoav Harlap, cc: Jacob Feingold, regarding project update, in escrow with D.R. Horton, litigation with Rogich and request to be Nanyah's PMK	No objections
539	NAN_00356-357	E-mail (dated November 1, 2016) from Carlos Huerta to Yoav Harlap re Eldorado Hills deal	Hearsay, Authenticity, Foundation
540	PLTF00547-574; NAN_000483-510	Eldorado Hills, LLC - General Ledger	Hearsay, Authenticity, Foundation
541		Plaintiffs Responses to Second Set of Interrogatories to Carlos A. Huerta (dated September 16, 2014; Case No.: A-13-686303-C)	Hearsay, Authenticity, Foundation
542		Order Granting Partial Summary Judgment (dated November 5, 2014; Case No.: A-13-686303-C)	No objections
543		Complaint dated November 4, 2016 (Case No.: A-16-746239-C)	Hearsay, Authenticity, Foundation
544		First Amended Answer dated January 23, 2018 (Case No.: A-16-746239-C)	Hearsay, Authenticity, Foundation
545		Nanyah Vegas, LLC's Answers to Defendants' First Set of Interrogatories (dated June 28, 2017)	Hearsay, Authenticity, Foundation
546		Nanyah Vegas, LLC's First Amended Answers to Defendants' First Set of Interrogatories (dated August 14, 2017)	Hearsay, Authenticity, Foundation
547		Nanyah Vegas, LLC's Response to Defendants' Request for Production of Documents (dated November 14, 2017)	Hearsay, Authenticity, Foundation
548		Nanyah Vegas, LLC's Second Amended Answers to Defendants' First Set of Interrogatories (dated December 1, 2017)	Hearsay, Authenticity, Foundation
549		Nanyah Vegas, LLC's Response to Defendants' First Set of Requests for Admission (dated December 1, 2017)	Hearsay, Authenticity, Foundation
550		Go Global, Inc.'s Nevada State Bank statement (dated December 31, 2007) with checking account credit slip	Hearsay, Authenticity, Foundation
551		Nanyah's Tax Returns (years: 2007 through 2016)	Hearsay, Foundation
552	HUERTA606-642	Correspondence from Huerta to Harlap re Nanyah Appeal	Relevance, Hearsay, Authenticity, Foundation, Multiple documents

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
553	NAN_00303	Email from Huerta to Harlap re Nanyah Appeal	Hearsay, Authenticity, Foundation
554	RT0098-111	Amended and Restated Operating Agreement of Eldorado Hills (dated October 200*	No objections
555	RD000001PTD- RD000030PTD	Letter from Mr. Simons to Judge Allf dated 9/15/18 re Eliades Summary Judgment Order	Relevance, Hearsay, Authenticity, Foundation

Reception

From: efilimgmail@tylerhost.net
Sent: Friday, April 5, 2019 12:16 PM
To: BKfederaldownloads
Subject: Notification of Service for Case: A-13-686303-C, Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s) for filing Service Only, Envelope Number: 4102044

Notification of Service

Case Number: A-13-686303-C

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

Envelope Number: 4102044

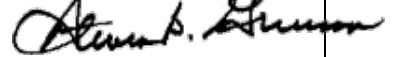


This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	A-13-686303-C
Case Style	Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s)
Date/Time Submitted	4/5/2019 12:14 PM PST
Filing Type	Service Only
Filing Description	Defendant Eldorado Hills, LLC's Objections to Defendants Sigmund Rogich, Individually and as Trustee of The Rogich Family Irrevocable Trust, and Imitations, LLC's Second Supplemental Pre-Trial Disclosures
Filed By	Sharon Murnane
Service Contacts	Nanyah Vegas LLC: Mark Simons (mark@mgsimonslaw.com) Jodi Alhasan (jodi@mgsimonslaw.com) Monica Nealon (monica@mgsimonslaw.com) Sigmund Rogich: Thomas Fell (tfell@fclaw.com) Denise Farnham (dfarnham@fclaw.com) Morganne Westover (mwestover@fclaw.com)

	<p>Brenoch Wirthlin (bwirthlin@fclaw.com)</p> <p>Daniel Maul (dmaul@fclaw.com)</p> <p>Other Service Contacts not associated with a party on the case:</p> <p>Samuel Lionel . (slionel@fclaw.com)</p> <p>Joseph Liebman (jliebman@baileykennedy.com)</p> <p>Dennis Kennedy (dkennedy@baileykennedy.com)</p> <p>Bailey Kennedy, LLP (bkfederaldownloads@baileykennedy.com)</p> <p>Erica Rosenberry (erosenberry@fclaw.com)</p> <p>Mark Simons (mark@mgsimonslaw.com)</p> <p>ShaLinda Creer (screer@gcmaslaw.com)</p> <p>Michael Cristalli (mcristalli@gcmaslaw.com)</p> <p>Mark Simons (msimons@shjnevada.com)</p>
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OBJ (CIV)

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Nevada Bar No. 1462

JOSEPH A. LIEBMAN

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Attorneys for 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

**DEFENDANT ELDORADO HILLS,
LLC'S OBJECTIONS TO
DEFENDANTS SIGMUND ROGICH,
INDIVIDUALLY AND AS TRUSTEE OF
THE ROGICH FAMILY
IRREVOCABLE TRUST, AND
IMITATIONS, LLC'S THIRD AND
FOURTH SUPPLEMENTAL PRE-
TRIAL DISCLOSURE STATEMENT
PURSUANT TO NRCP 16.1(a)(3)**

CONSOLIDATED WITH:

Case No. A-16-746239-C

Pursuant to Nevada Rule of Civil Procedure 16.1(a)(3), Defendant Eldorado Hills, LLC (“Eldorado Hills”) hereby supplements (**in bold**) its prior objections to Sigmund Rogich, Individually and as Trustee of the Rogich Family Irrevocable Trust, and Imitations, LLC’s (“Rogich”) Pre-Trial Disclosures:

A. Objections to the Use of Depositions Under Rule 32(a):

As Rogich has not disclosed page/line numbers of any testimony expected to be presented by deposition, Eldorado Hills is unable to provide specific objections at this time. Eldorado Hills reserves all objections to the extent Rogich discloses page/line numbers in the future.

B. Objection to the Admissibility of Potential Exhibits:

See Exhibit 1.

Eldorado Hills also reserves any and all objections under NRS 48.025 and NRS 48.035. Eldorado Hills reserves the right to supplement its objections.

DATED this 15th day of April, 2019.

BAILEY ♦ KENNEDY

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

Attorneys for Defendant
ELDORADO HILLS, LLC

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 15th day of April, 2019, service of the foregoing **DEFENDANT ELDORADO HILLS, LLC'S OBJECTIONS TO DEFENDANTS SIGMUND ROGICH, INDIVIDUALLY AND AS TRUSTEE OF THE ROGICH FAMILY IRREVOCABLE TRUST, AND IMITATIONS, LLC'S THIRD AND FOURTH SUPPLEMENTAL PRE-TRIAL DISCLOSURE STATEMENT PURSUANT TO NRCP 16.1(a)(3)** 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:

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ROGICH, Individually and as
Trustee of THE ROGICH FAMILY
IRREVOCABLE TRUST, and
IMITATIONS, LLC

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JANIECE S. MARSHALL
GENTILE CRISTALLI MILLER
ARMENI SAVARESE
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Email: mcristalli@gcmaslaw.com
jmarshall@gcmaslaw.com

Attorneys for Defendants
SIG ROGICH aka SIGMUND
ROGICH as Trustee of THE
ROGICH FAMILY
IRREVOCABLE TRUST

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

EXHIBIT 1

EXHIBIT 1

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
500	NAN_000362-364	E-mail (dated November 2, 2016) from Carlos Huerta to Yoav Harlap regarding Eldorado Hills Balance Sheet 11/2/16 (Attachment: Eldorado Hills, LLC Balance Sheets as of October 25, 2008)	Hearsay, Relevancy, Authenticity, Foundation
501	NAN_000234-236	E-mail (dated June 8, 2007) from Carlos Huerta to Yoav Harlap regarding formation of Nevada company	Hearsay, Authenticity, Foundation
502	NAN_000237-240	E-mail (dated July 13, 2007) from Carlos Huerta to Yoav Harlap regarding Nanyah Vegas setup (Attachment: Eldorado Project Update)	Hearsay, Authenticity, Foundation
503	PLTF00244-245; RT0203204	Articles of Organization & Resident Agent Acceptance re: CanaMex Nevada, LLC (December 3, 2007)	No objections
504	PLTF00247; RT0205	Initial List of Managers or Managing Members and Resident Agent of CanaMex Nevada, LLC (December 3, 2007)	No objections
505	NAN_000241-245	Email (dated December 4, 2007) from Yoav Harlap to Carlos Huerta regarding \$1.5M transfer	Hearsay, Authenticity, Foundation
506	NAN_000246	E-mail (dated December 7, 2007) from Carlos Huerta to Yoav Harlap regarding CanaMex deposit	Hearsay, Authenticity, Foundation
507	NAN_000247	E-mail (dated December 7, 2007) from Yoav Harlap to Carlos Huerta regarding request for articles of organization & corporate documents	Hearsay, Authenticity, Foundation
508	NAN_000248-249	E-mail (dated December 8, 2007) from Summer Rellamas to Yoav Harlap regarding investment confirmation and organizational docs for Nanyah Vegas (attachment: Investment Confirmation Letter)	Hearsay, Authenticity, Foundation
509	NAN_000387-388; NAN000451-452; RT0149-0150	CanaMex Nevada LLC's Nevada State Bank statement (dated December 31, 2007)	Hearsay, Authenticity, Foundation
510	NAN000449-450; NAN000454-455; RT0151-0154	Eldorado Hills, LLC's Nevada State Bank statements (dated December 31, 2007)	Hearsay, Authenticity, Foundation, Incomplete Documents, Different Documents
511	RT0155	Go Global, Inc.'s Nevada State Bank statement (dated December 31, 2007)	Hearsay, Authenticity, Foundation
512	RT0219	Go Global, Inc.'s 2007 Profit & Loss Statement	Hearsay, Authenticity, Foundation
513	RT0158-202	Eldorado Hills, LLC - 2007 Tax Return	Hearsay, Authenticity, Foundation
514	NAN_000270-271	CanaMex Nevada's 2007 Schedule K-1 to Nanyah Vegas, LLC	Incomplete document
515	NAN_000250-251	E-mail (dated January 3, 2008) from Carlos Huerta to Yoav Harlap regarding CanaMex Nevada update (Attachment: Letter with NZC-1289-07 BCC approval update)	Hearsay, Authenticity, Foundation
516	NAN_000252	E-mail (dated January 3, 2008) from Yoav Harlap to Carlos Huerta re additional lot	Hearsay, Authenticity, Foundation
517	NAN_000253-255	E-mail (dated January 3, 2008) from Carlos Huerta to Yoav Harlap regarding CanaMex Nevada Update	Hearsay, Authenticity, Foundation

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
518	NAN_000256-264	Email (dated January 30, 2008) from Summer Rellamas to Yoav Harlap regarding investor portfolio (Attachment: Go Global Properties Annual Investor Update)	Hearsay, Authenticity, Foundation
519	RT0220-0238	E-mail (dated February 2, 2008) from Carlos Huerta to Jennifer Koelin regarding CanaMex Investment Summary (Attachment: CanaMex Investment Summary)	Hearsay, Authenticity, Foundation
520	NAN_000265-268	E-mail (dated March 13, 2008) from Carlos Huerta to Yoav Harlap regarding update (Attachment: Letter from Huerta to Harlap re CanaMex Nevada project update)	Hearsay, Authenticity, Foundation
521	NAN_000269-272	Email (dated April 25, 2008) from Summer Rellamas to Yoav Harlap re 2007 IRS Form K-1 for CanaMex Nevada investment	Hearsay, Authenticity, Foundation
522	NAN_000363-364	Eldorado Hills, LLC - Balance Sheet (As of October 25, 2008)	Hearsay, Relevancy, Authenticity, Foundation, Duplicative (500)
523	RT0211-217	E-mail (dated October 25, 2008) from Carlos Huerta to Kenneth Wolson regarding Ken's agreement	Hearsay, Authenticity, Foundation
524	NAN_000276-277	E-mail (dated October 27, 2008) from Yoav Harlap to Carlos Huerta regarding Las Vegas Update	Hearsay, Authenticity, Foundation
525	RT0207-210	E-mail (dated October 28, 2008) from Sig Rogich to Melissa Olivas regarding Eldorado Hills Financials	No objections
526	RT0115-132	Eldorado Hills, LLC - General Ledger (As of October 29, 2008)	Hearsay, Authenticity, Foundation
527	NAN_000001-11; RT0023-33	Purchase Agreement between Go Global, Inc., Carlos Huerta and The Rogich Family Irrevocable Trust (dated Rogich Family Irrevocable Trust (dated October 30, 2008)	No objections
528	RT0206	Annual List of Managers or Managing Members and Resident Agent of CanaMex Nevada, LLC (December 31, 2008)	No objections
529	RT2208-2330	Eldorado Hills, LLC - 2008 Tax Return	Hearsay, Authenticity, Foundation
530	RT0145	Unanimous Written Consent of the Managers of Eldorado Hills, LLC (dated June 25, 2009)	Hearsay, Relevancy, Authenticity, Foundation
531	RT2331-2422	Eldorado Hills, LLC - 2009 Tax Return	Hearsay, Authenticity, Foundation
532	RT2423-2479	Eldorado Hills, LLC - 2010 Tax Return	Hearsay, Authenticity, Foundation
533	NAN-000389-391	CanaMex Nevada's 2010 Schedule K-1 to Nanyah Vegas, LLC	No objections
534	NAN_000278-279	E-mail (dated July 24, 2011) from Carlos Huerta to Yoav Harlap regarding project update, freeway improvements and Eliades investor	No objections
535	NAN_000223-224; RT0133-0136	Unanimous Written Consent of the Managers of Eldorado Hills, LLC (dated January 1, 2012)	Hearsay, Authenticity, Foundation

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
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538	NAN_000280-281	E-mail (dated March 28, 2014) from Carlos Huerta to Yoav Harlap, cc: Jacob Feingold, regarding project update, in escrow with D.R. Horton, litigation with Rogich and request to be Nanyah's PMK	No objections
539	NAN_00356-357	E-mail (dated November 1, 2016) from Carlos Huerta to Yoav Harlap re Eldorado Hills deal	Hearsay, Authenticity, Foundation
540	PLTF00547-574; NAN_000483-510	Eldorado Hills, LLC - General Ledger	Hearsay, Authenticity, Foundation
541		Plaintiffs Responses to Second Set of Interrogatories to Carlos A. Huerta (dated September 16, 2014; Case No.: A-13-686303-C)	Hearsay, Authenticity, Foundation
542		Order Granting Partial Summary Judgment (dated November 5, 2014; Case No.: A-13-686303-C)	No objections
543		Complaint dated November 4, 2016 (Case No.: A-16-746239-C)	Hearsay, Authenticity, Foundation
544		First Amended Answer dated January 23, 2018 (Case No.: A-16-746239-C)	Hearsay, Authenticity, Foundation
545		Nanyah Vegas, LLC's Answers to Defendants' First Set of Interrogatories (dated June 28, 2017)	Hearsay, Authenticity, Foundation
546		Nanyah Vegas, LLC's First Amended Answers to Defendants' First Set of Interrogatories (dated August 14, 2017)	Hearsay, Authenticity, Foundation
547		Nanyah Vegas, LLC's Response to Defendants' Request for Production of Documents (dated November 14, 2017)	Hearsay, Authenticity, Foundation
548		Nanyah Vegas, LLC's Second Amended Answers to Defendants' First Set of Interrogatories (dated December 1, 2017)	Hearsay, Authenticity, Foundation
549		Nanyah Vegas, LLC's Response to Defendants' First Set of Requests for Admission (dated December 1, 2017)	Hearsay, Authenticity, Foundation
550		Go Global, Inc.'s Nevada State Bank statement (dated December 31, 2007) with checking account credit slip	Hearsay, Authenticity, Foundation
551		Nanyah's Tax Returns (years: 2007 through 2016)	Hearsay, Foundation
552	HUERTA606-642	Correspondence from Huerta to Harlap re Nanyah Appeal	Relevance, Hearsay, Authenticity, Foundation, Multiple documents

Exhibit 1 - Objections to the Rogich Defendants' Trial Exhibits

Exhibit No.	Bates No.	Description	Objections
553	NAN_00303	Email from Huerta to Harlap re Nanyah Appeal	Hearsay, Authenticity, Foundation
554	RT0098-111	Amended and Restated Operating Agreement of Eldorado Hills (dated October 200*	No objections
555	RD000001PTD- RD000030PTD	Letter from Mr. Simons to Judge Alif dated 9/15/18 re Eliades Summary Judgment Order	Relevance, Hearsay, Authenticity, Foundation
556	HUERTA643-904	Nevada State Bank statements for Canamex and GoGlobal	Relevance, Hearsay, Authenticity, Foundation, Multiple documents
557		Response of Carlos Huerta to Subpoena Duces Tecum	Relevance, Hearsay, Authenticity, Foundation

Reception

From: efilimgmail@tylerhost.net
Sent: Monday, April 15, 2019 4:36 PM
To: BKfederaldownloads
Subject: Notification of Service for Case: A-13-686303-C, Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s) for filing Objection - OBJ (CIV), Envelope Number: 4147838

Notification of Service

Case Number: A-13-686303-C

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

Envelope Number: 4147838

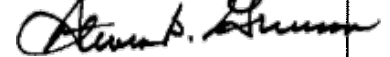


This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	A-13-686303-C
Case Style	Carlos Huerta, Plaintiff(s)vs.Eldorado Hills LLC, Defendant(s)
Date/Time Submitted	4/15/2019 4:34 PM PST
Filing Type	Objection - OBJ (CIV)
Filing Description	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)
Filed By	Sharon Murnane
Service Contacts	Nanyah Vegas LLC: Mark Simons (mark@mgsimonslaw.com) Jodi Alhasan (jodi@mgsimonslaw.com) Monica Nealon (monica@mgsimonslaw.com) Sigmund Rogich: Thomas Fell (tfell@fclaw.com) Denise Farnham (dfarnham@fclaw.com) Morganne Westover (mwestover@fclaw.com)

	<p>Brenoch Wirthlin (bwirthlin@fclaw.com)</p> <p>Daniel Maul (dmaul@fclaw.com)</p> <p>Other Service Contacts not associated with a party on the case:</p> <p>Samuel Lionel . (slionel@fclaw.com)</p> <p>Joseph Liebman (jliebman@baileykennedy.com)</p> <p>Dennis Kennedy (dkennedy@baileykennedy.com)</p> <p>Bailey Kennedy, LLP (bkfederaldownloads@baileykennedy.com)</p> <p>Erica Rosenberry (erosenberry@fclaw.com)</p> <p>Mark Simons (mark@mgsimonslaw.com)</p> <p>ShaLinda Creer (screer@gcmaslaw.com)</p> <p>Michael Cristalli (mcristalli@gcmaslaw.com)</p> <p>Mark Simons (msimons@shjnevada.com)</p>
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NOC
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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

NANYAH VEGAS, LLC'S
NOTICE OF COMPLIANCE
WITH 4-9-2019 ORDER

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

SIMONS HALL JOHNSTON PC
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Reno, NV 89509
Phone: (775) 785-0088

**NANYAH VEGAS, LLC'S
NOTICE OF COMPLIANCE WITH 4-9-2019 ORDER**

Nanyah Vegas, LLC ("Nanyah") submits the following Notice of Compliance with the Court's April 9, 2019 Order.

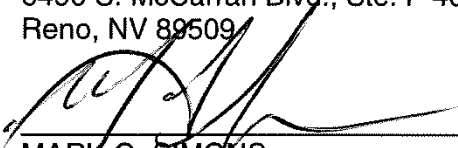
The Court's April 9, 2019 Order, a copy of which is attached hereto as **Exhibit 1**, provides that Nanyah "shall produce its federal tax returns for the years through and including" 2007 through 2016. The Order provides that this information must be produced within ten (10) days of the entry of the Court's Order. Further, the Order provides that page one of the tax return and schedule L of each tax return may be redacted.

NOTICE OF COMPLIANCE: No such documents governed by the Court's Order exist. Nanyah did not file any federal tax returns. Under the IRS Tax Code, Nanyah is treated as a disregarded entity. As a disregarded entity, Nanyah is exempt from filing any federal tax returns. See **Exhibit 2**.

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

DATED this 16th day of April, 2019.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509



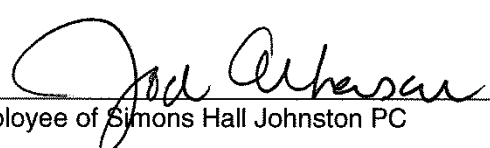
MARK G. SIMONS
Attorneys for Nanyah Vegas, LLC

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and EDCR 8.05, I certify that I am an employee of
SIMONS HALL JOHNSTON PC and that on this date I caused to be served a true copy of
the **NANYAH VEGAS, LLC'S NOTICE OF COMPLIANCE WITH 4-9-2019 ORDER** on all
parties to this action via the Odyssey E-Filing System:

Dennis L. Kennedy	dkennedy@baileykennedy.com
Bailey Kennedy, LLP	bkfederaldownloads@baileykennedy.com
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Lettie Herrera	lettie.herrera@andrewleavittlaw.com
Rob Hernquist	rhernquist@lionelsawyer.com
Samuel A. Schwartz	sam@nvfirm.com
Samuel Lionel	slionel@fclaw.com
CJ Barnabi	cj@cohenjohnson.com
H S Johnson	calendar@cohenjohnson.com
Erica Rosenberry	erosenberry@fclaw.com

DATED this 16 day of April, 2019.


Employee of Simons Hall Johnston PC

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

EXHIBIT LIST

NO.	DESCRIPTION	PAGES
1	Court's April 9, 2019 Order	3
2	Letter dated April 11, 2019	1

EXHIBIT 1

EXHIBIT 1



1 **ORDR**

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

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

4 **FENNEMORE CRAIG, P.C.**

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6 Las Vegas, Nevada 89101

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

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**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 GRANTING IN PART AND
DENYING IN PART MOTION TO
COMPEL PRODUCTION OF
PLAINTIFF'S TAX RETURNS AND FOR
ATTORNEYS' FEES**

CONSOLIDATED WITH:

CASE NO.: A-16-746239-C

FENNEMORE CRAIG

LAS VEGAS

DFARNHAM/14708760.1/038537.0004

1 **ORDER GRANTING IN PART AND DENYING IN PART MOTION TO COMPEL**
2 **PRODUCTION OF PLAINTIFF'S TAX RETURNS AND FOR ATTORNEYS' FEES**

3 The Motion to Compel Production of Plaintiff's Tax Returns and for Attorneys' Fees
4 ("Motion to Compel") filed on February 27, 2019, by Defendants, Sigmund Rogich, individually
5 and as Trustee of the Rogich Family Irrevocable Trust, and Imitations, LLC ("Rogich
6 Defendants"), having come on regularly to be heard on March 20, 2019 at 9:00 a.m., Samuel S.
7 Lionel and Brenoch Wirthlin of Fennemore Craig, P.C., representing the Rogich Defendants,
8 Joseph A. Liebman of Bailey Kennedy, representing Eldorado Hills, LLC, and Mark Simons of
9 Simons Law, P.C., representing the Plaintiff Nanyah Vegas, LLC ("Plaintiff"), the Court, having
10 heard arguments of counsel, good cause appearing,

11 THE COURT HEREBY FINDS that the Defendants are entitled to see how Plaintiff
12 treated its alleged \$1,500,000 investment at issue when filing its tax returns.

13 Based upon this finding, good cause appearing,

14 IT IS HEREBY ORDERED that the Rogich Defendants' Motion to Compel is hereby
15 GRANTED IN PART AND DENIED IN PART;

16 IT IS HEREBY FURTHER ORDERED that the Rogich Defendants' Motion to Compel is
17 hereby granted and that Plaintiff shall produce its federal tax returns for the years through and
18 including 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 (the "Tax Returns").

19 IT IS HEREBY FURTHER ORDERED that Plaintiff shall produce all said Tax Returns
20 to Defendants' counsel within 10 (ten) days from entry of this Order.

21 IT IS HEREBY FURTHER ORDERED that with respect to each Tax Return, Plaintiff
22 shall produce the first page and schedule L of each of said Tax Returns and may redact
23 information unrelated to the Plaintiff's treatment of its alleged \$1,500,000 investment at issue.

24 ///

25 ///

26 ///

27 ////

1 IT IS HEREBY FURTHER ORDERED that the Rogich Defendants' Request for
2 Attorneys' Fees is hereby DENIED.

3 Dated: 4/8/19.

4
5 Nancy L. ADF
DISTRICT COURT JUDGE

6 Respectfully submitted by:

7 FENNEMORE CRAIG, P.C.

8 [Signature]
9 Samuel S. Lionel, Esq. NV Bar No. 1766
10 Brenoch Wirthlin, Esq. NV Bar No. 10282
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12 *Attorneys for Sigmund Rogich, Individually and as Trustee of*
13 *The Rogich Family Irrevocable Trust and Imitations, LLC*

14 Approved As to Form and Content:

15 BAILEY KENNEDY

16 By:

17 [Signature]
Joseph Liebman, Esq., Nevada Bar No. 10125
18 Dennis Kennedy, Esq., Nevada Bar No. 1462
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19 DKennedy@BaileyKennedy.com
JLiebman@BaileyKennedy.com
20 *Attorneys for Defendants Pete Eliades, individually, and as*
Trustee of The Eliades Survivor Trust of 10/30/08
21 *Teld, LLC and Eldorado Hills, LLC*

22 Approved As to Form and Content:

23 SIMONS LAW, PC

24 BY:

25 Mark Simons, Esq., Nevada Bar No. 5132
26 6490 South McCarran Blvd., #20
Reno, Nevada 89509
mark@mgsimonslaw.com
27 *Attorney for Plaintiff Nanyah Vegas, LLC*

EXHIBIT 2

EXHIBIT 2



April 11, 2019

Re: Nanyah Vegas, LLC Tax Returns Request

Mr. Simons,

I received your request this morning for copies of tax returns that I might have for the entity Nanyah Vegas, LLC. Please be advised that this request cannot be fulfilled as Nanyah Vegas, LLC was treated as a disregarded entity for federal tax purposes at the time that our firm was engaged to assist Nanyah Vegas, LLC with federal tax filings. There is no Form 1120, Form 1120S, or Form 1065 that was filed. As a 100% owned LLC, Nanyah Vegas, LLC filed as a disregarded entity of the 100% owner. There is no first page and there is no Schedule L.

Respectfully,

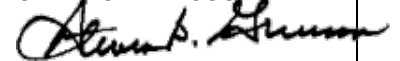
A handwritten signature in black ink, appearing to read "Brent Barlow CPA".

Brent Barlow, CPA
Partner

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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,

CASE NO.: A-13-686303-C

DEPT. NO.: XXVII

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,

CONSOLIDATED WITH:

CASE NO.: A-16-746239-C

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.

**ERRATA TO PRETRIAL
MEMORANDUM**

1 Defendants Sigmund Rogich (“Rogich”), individually and as Trustee of the Rogich Family
2 Irrevocable Trust (“Rogich Trust”), and Imitations, LLC (“Imitations” and collectively with Rogich
3 and the Rogich Trust referred to herein as the “Rogich Defendants”), hereby submit their errata to
4 their pretrial memorandum pursuant to EDCR 2.67, including the following additions to section VIII
5 of the pretrial statement, which was inadvertently omitted in the prior filing of the pretrial
6 memorandum earlier today:
7

8 **VIII. STATEMENT OF PRINCIPAL ISSUES OF LAW.**

9 ...
10

11 **C. The Rogich Defendants¹ are entitled to judgment on all claims in the 2016**
12 **Action based on Plaintiff’s impermissible claim splitting.**

13 Plaintiff Nanyah Vegas, LLC’s (“Plaintiff” or “Nanyah”) instant action, filed in 2016 (“2016
14 Action”) is barred by Nevada’s claim-splitting doctrine. Under that binding legal doctrine, Nanyah
15 not only could have, but did actually assert, a claim against the Rogich Trust in the action filed by
16 Plaintiff in 2013 (“2013 Action”).² All claims Nanyah asserts in the 2016 Action could have been
17 asserted in the 2013 Action as both actions are based on the exact same factual assertions. Thus,
18 under binding Nevada Supreme Court case authority, the Rogich Defendants are entitled to judgment
19 on all claims brought in the 2016 Action, as they could have been brought in the 2013 Action.

20 In *Smith v. Hutchins*, 93 Nev. 431, 432, 566 P.2d 1136, 1137 (1977), the Court recognized
21 the following:

22 **As a general proposition, a single cause of action may not be split and separate**
23 **actions maintained.** *Reno Club v. Harrah et al.*, 70 Nev. 125, 260 P.2d 304 (1953).
24 **The wrongful act of the defendant creates the plaintiff’s cause of action. Policy**
25 **demand that all forms of injury or damage sustained by the plaintiff as a**
26 **consequence of the defendant’s wrongful act be recovered in one action rather**
27 **than in multiple actions.**

28 *Smith v. Hutchins*, 93 Nev. 431, 432, 566 P.2d 1136, 1137 (1977) (emphasis added); *see also Albert*

¹ All defined terms are given the same meaning ascribed to them in the pretrial memorandum.

² Defendants request the Court take judicial notice of the pleadings in the 2013 and 2016 Actions.

1 *Winemiller, Inc. v. Keilly*, 281 P.3d 1232 (Nev. 2009) (“**Dismissal of a second action is also proper,**
2 **generally, when a plaintiff's cause of action is indivisible**, meaning a plaintiff cannot file suit for
3 one part of the defendant's wrong and a second action for a second part of the defendant's wrong that
4 arises from the same incident.”); *Brewer v. State*, 125 Nev. 1021, 281 P.3d 1157 (2009) (same).

5 Federal courts in Nevada, as well as courts throughout the country, are in accord with
6 Nevada’s holding. In *Montgomery v. Am. Family Mut. Ins. Co.*, the federal district of Nevada held as
7 follows:

8
9 There is a general policy that “a single cause of action may not be split and separate
10 actions maintained.” *Smith v. Hutchins*, 93 Nev. 431, 432 (1977). This is consistent
11 with the aim of res judicata to “prevent multiple litigation causing vexation and
12 expense to the parties and wasted judicial resources by precluding parties from
13 relitigating issues they could have raised in a prior action concerning the same
14 controversy.” *University of Nevada v. Tarkanian*, 110 Nev. 581, 589 (1994).
15 Generally, res judicata is a bar to relitigation of matters which were, or could have
16 been, resolved by a prior judgment. *York v. York*, 99 Nev. 491, 493 (1983) (“**a**
17 **judgment is conclusive not only on the questions actually contested and**
18 **determined, but on all matters which might have been litigated and decided in a**
19 **suit.**” (quoting 50 C.J.S. Judgments ¶ 716 (1947)).

20 *Montgomery v. Am. Family Mut. Ins. Co.*, 2009 WL 10708896, at *3 (D. Nev. Oct. 26, 2009). *See*
21 *also Cole v. CRST, Inc.*, 317 F.R.D. 141, 146 (C.D. Cal. 2016) (citing *United States v. Haitian*
22 *Republic*, 154 U.S. 118, 123–24, 14 S.Ct. 992, 38 L.Ed. 930 (1894) (emphasis added) (“**A plaintiff**
23 **must bring all related claims in a single action and cannot get around this requirement by filing**
24 **a second lawsuit.**”)) (emphasis added); *S. California Stroke Rehab. Assocs., Inc., v. Nautilus, Inc.*, 782
25 F. Supp. 2d 1096, 1106 (S.D. Cal. 2011) (citation omitted) (“**A party must bring all claims arising**
26 **out of the same cause of action in a single suit; ‘if not brought initially, they may not be raised**
27 **at a later date.**’ ”); *Meritage Homes Corp. v. Hancock*, 522 F. Supp. 2d 1203, 1214 (D. Ariz. 2007)
28 (citation omitted) (“The rule against splitting a cause of action generally requires “ ‘that **all claims**
between the same parties arising out of or relating to the same transactional circumstances or
core set of facts, or arising from a single wrong, or involving the same subject matter be joined
in a single action.’ ”).

1 Further, unlike the defense of claim preclusion, for a defense of claim splitting to be
2 necessarily applicable, the first action need not have been resolved by a final judgment. *See Adobe*
3 *Sys. Inc. v. Wowza Media Sys., LLC*, 72 F. Supp. 3d 989, 994 (N.D. Cal. 2014) (citing *Single Chip*
4 *Sys. Corp. v. Intermec IP Corp.*, 495 F.Supp.2d 1052, 1058–59 (S.D.Cal.2007) (collecting cases))
5 (“[I]n the context of the claim splitting analysis, courts will ‘assume that the first suit was final, and
6 then determine if the second suit could be precluded,’ **even if the first litigation remains pending.**”).

7 Thus, application of the doctrine of claim splitting does not require a final judgment in either action;
8 rather, in order to determine whether or not a plaintiff's claims “are barred in the present suit, **the**
9 **Court must determine if Plaintiff's claims could have been asserted in the earlier suit.**”
10 *Montgomery, supra*, 2009 WL 10708896, at *3.

11 Here there is no question Nanyah not only could have asserted its claims against the Rogich
12 Defendants (with the exception of Imitations) in the 2013 Action – ***it actually did assert those claims***
13 ***and then voluntarily dismissed them.*** The Rogich Defendants request this Court take judicial notice
14 of its docket in the 2013 and 2016 Actions, which demonstrate that the Plaintiff in the 2013 Action
15 originally asserted a claim for Nanyah’s purported investment allegedly made into Eldorado, and then
16 Nanyah’s later withdrawal of that claim. Nanyah missed its deadline to amend its complaint in the
17 2013 Action. Therefore, because all claims asserted in the 2016 Action – including those against Mr.
18 Rogich individually and those against Imitations, are based on the same allegations that formed the
19 basis of the 2013 Action, the Rogich Defendants are entitled to judgment on all claims set forth in the
20 2016 Action.

21 **D. The Rogich Defendants are entitled to judgment on all Nanyah’s claims on the**
22 **additional ground that all defenses available against a promisee (Go Global) are**
23 **available against a third-party beneficiary.**

24 Nanyah’s only remaining claims against the Rogich Defendants, or any of them, are as
25 follows:

- 26 1. **First Claim for Relief. Breach of Contract-Rogich Trust,**
Sigmund Rogich.
- 27 2. **Second Claim for Relief. Breach of the Implied Covenant of**
28 **Good Faith and Fair Dealing, Contractual – Rogich Trust,**
Sigmund Rogich.

3. **Third Claim for Relief. Breach of the Implied Covenant of Good Faith and Fair Dealing, Tortious-Rogich Trust, Sigmund Rogich.**
6. **Sixth Claim for Relief. Conspiracy – All Defendants.**
8. **Eighth Claim for Relief. Declaratory Relief: Pending election.**
9. **Ninth Claim for Relief. Specific Performance: Pending election.**

It is undisputed that Nanyah was not a party to any of the relevant agreements at issue (“Agreements”). Nanyah only asserts that it is a “third-party beneficiary” of the Purchase Agreement, Flangas and Teld Agreements, and the Operating Agreement. *See* 2016 Complaint at ¶ 88 (first claim for relief), ¶ 95 (second claim for relief), and ¶ 101 (fourth claim for relief). Nanyah’s sixth claim for relief alleging conspiracy also claims a breach of its purported rights flowing from the its alleged status as a third-party beneficiary under the Purchase Agreement, and Teld and Flangas Agreements, as Nanyah asserts that it was deprived of its “expectations and financial benefits in being a member of Eldorado.” *Id.* at ¶ 121.

Moreover, while the Rogich Defendants deny Nanyah’s assertion that it is a third party beneficiary of any agreement involving the Rogich Defendants, Nanyah’s eighth claim for relief – declaratory relief – is based entirely on the Agreements. Paragraph 135 of specifically asks for “a declaration from this Court setting forth Nanyah’s rights *as contained in the various agreements referenced herein.*” *See* 2016 Complaint at 135 (emphasis added). Further, Nanyah’s ninth claim for relief – specific performance – is also based on the Agreements at issue. Paragraph 140 of the ninth claim for relief specifically asserts that “Nanyah is entitled to specific performance of the Purchase Agreement, Membership Agreements [Teld and Flangas Agreements], and the Amended and Restated Operating Agreement vesting Nanyah with a membership interest in Eldorado as detailed herein.” *Id.* at 140.

Binding Nevada case authority is very clear that “[a] third party beneficiary who seeks to enforce a contract does so subject to the defenses that would be valid as between the parties.”

1 *Morelli v. Morelli*, 102 Nev. 326, 329–30, 720 P.2d 704, 706 (1986) (citing *Britton v. Groom*, 373
2 P.2d 1012 (Okla. 1962)); *Gibbs v. Giles*, 96 Nev. 243, 246–47, 607 P.2d 118, 120 (1980)³ (holding that
3 **“[a]s a general rule, a third-party beneficiary takes subject to any defense arising from the**
4 **contract that is assertible against the promisee, including the statute of limitations.”**) (citing
5 *Skylawn v. Superior Court*, 88 Cal.App.3d 316, 151 Cal.Rptr. 793 (1979); *Bogart v. George K. Porter*
6 *Co.*, 193 Cal. 197, 223 P. 959 (1924); 4 Corbin on Contracts s 820 (1951); 2 Williston on Contracts s
7 394 (3d ed. 1959); see also *Stratosphere Litig. L.L.C. v. Grand Casinos, Inc.*, 298 F.3d 1137, 1146
8 (9th Cir. 2002) (**“A third-party beneficiary who seeks to enforce a contract does so subject to the**
9 **defenses that would be valid as between the contracting parties.”**).⁴

10 On November 5, 2014, an order was entered granting the Rogich Trust’s motion for summary
11 judgment as to the first, second and third claims for relief in the 2013 Action (“2014 Summary
12 Judgment Order”). The 2014 Summary Judgment Order was based on the fact that Carlos Huerta and
13 his entity, Go Global, Inc. (“Go Global”) had filed for bankruptcy protection, and had failed to list the
14 purported claims against the Rogich Trust which were later allegedly assigned to the Alexander
15 Christopher Trust (“Christopher Trust”) and asserted in the 2013 Action, thus barring such claims
16 under the doctrine of judicial estoppel. *Id.* The 2014 Summary Judgment order was not appealed.

17 Thus, there is no dispute, based on this Court’s 2014 Summary Judgment Order, that all
18 claims brought by Mr. Carlos Huerta and the Christopher Trust (assigned from Go Global) are barred
19 by the November 2014 Summary Judgment Order. In other words, if Mr. Huerta and Go Global had
20 brought claims under the relevant Agreements in the 2016 Action seeking to enforce the terms of
21 those Agreements, there is no question that under the 2014 Summary Judgment Order, the claims
22 asserted by Mr. Huerta and Go Global would be barred, as set forth above. Accordingly, because the
23 promisees to the Agreements would be barred from enforcing them, and because Nanyah’s claims are
24

25
26 ³ Superseded by statute on other grounds as stated in *State of Washington v. Bagley*, 114 Nev. 788, 791, 963 P.2d 498,
500 (1998).

27 ⁴ As the Ninth Circuit in *Stratosphere* noted, some courts have recognized an exception to this rule involving the parties
28 to the contract discharging or modifying the rights of the third party beneficiary, but such an exception is inapplicable
here. *Id.*

1 based on its alleged status as a third party beneficiary under those same Agreements, the Rogich
2 Defendants are entitled to judgment on all claims asserted against them in the 2016 Action.

3 DATED this 16th day of April, 2019.

4
5 **FENNEMORE CRAIG, P.C.**

6
7 By: /s/ Brenoch Wirthlin

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

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

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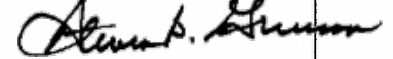
11 Las Vegas, Nevada 89101

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14 E-mail: slionel@fclaw.com

15 *Attorneys for the Rogich Defendants*
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1 **ORDR**

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

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

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**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 DENYING NANYAH VEGAS,
LLC'S MOTION IN LIMINE #6 RE:
DATE OF DISCOVERY**

CONSOLIDATED WITH:

CASE NO.: A-16-746239-C

1 **ORDER DENYING NANYAH VEGAS, LLC'S MOTION IN LIMINE #6**
2 **RE: DATE OF DISCOVERY**

3 Nanyah Vegas, LLC's ("Nanyah") Motion *in Limine* # 6 Re: Date of Discovery (the "Date
4 of Discovery MIL") came before the Court on March 20, 2019.

5 **APPEARANCES**

6 The Parties appeared as follows:

- 7 ➤ For Eldorado Hills, LLC ("Eldorado Hills"): Joseph Liebman, Esq. of Bailey❖Kennedy,
8 LLP.
- 9 ➤ For Sig Rogich, individually ("Rogich") and as Trustee of the Rogich Family Irrevocable
10 Trust (the "Rogich Trust"), and Imitations, LLC (collectively, the "Rogich Defendants"):
11 Samuel Lionel, Esq. and Brenoch Wirthlin, Esq. of Fennemore Craig, P.C.
- 12 ➤ For Plaintiff Nanyah: Mark G. Simons, Esq. of Simons Law, PC.

13 **ORDER**

14 The Court, having heard oral argument, having reviewed the papers, exhibits, and
15 pleadings on file, and having considered the same, and for the reasons stated upon the record,
16 DENIES the Date of Discovery MIL for the following reasons:

- 17 1. The Rogich Defendants have denied paragraph 83 of the plaintiff's complaint in their
18 answer. They should be permitted to present evidence in support of their defense.
- 19 2. Also with regard to the date of discovery, that is a factual determination for the jury. The
20 defendants have claimed that plaintiff should have known about its alleged claims in in
21 2007 or 2008 and the Court will not preclude them from raising that defense. Questions

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1 of fact exist with regard to the statute of limitations defense.

2 DATED this ____ day of _____, 2019.

3
4
5
6 DISTRICT COURT JUDGE

7 Respectfully submitted by:

8 FENNEMORE CRAIG, P.C.

9 
10 Samuel S. Lionel, Esq. NV Bar No. 1766
11 Brenoch Wirthlin, Esq. NV Bar No. 10282
12 300 S. Fourth Street, Suite 1400
13 Las Vegas, NV 89101
14 Attorneys for Sigmund Rogich, Individually and as Trustee of
15 The Rogich Family Irrevocable Trust and Imitations, LLC

16 Approved As to Form and Content:

17 BAILEY KENNEDY

18 By:

19 Joseph Liebman, Esq., Nevada Bar No. 10125
20 Dennis Kennedy, Esq., Nevada Bar No. 1462
21 8984 Spanish Ridge Avenue
22 Las Vegas, NV 89148
23 Attorneys for Defendants Pete Eliades, individually, and as
24 Trustee of The Eliades Survivor Trust of 10/30/08
25 Teld, LLC and Eldorado Hills, LLC

26 Approved As to Form and Content:

27 SIMONS HALL JOHNSTON PC

28 BY:

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6490 South McCarran Blvd., #20
Reno, Nevada 89509
msimons@shjneveda.com
Attorney for Plaintiff Nanyah Vegas, LLC

1 of fact exist with regard to the statute of limitations defense.

2 DATED this 12 day of April, 2019.

3
4
5 Nancy Alf
6 DISTRICT COURT JUDGE

7 **Respectfully submitted by:**

8 **FENNEMORE CRAIG, P.C.**

9
10 Samuel S. Lionel, Esq. NV Bar No. 1766
11 Brenoch Wirthlin, Esq. NV Bar No. 10282
12 300 S. Fourth Street, Suite 1400
13 Las Vegas, NV 89101
14 *Attorneys for Sigmund Rogich, Individually and as Trustee of*
15 *The Rogich Family Irrevocable Trust and Imitations, LLC*

16 **Approved As to Form and Content:**

17 BAILEY KENNEDY

18 By:

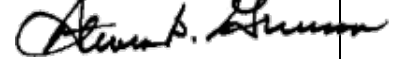
19 Joseph Liebman, Esq., Nevada Bar No. 10125
20 Dennis Kennedy, Esq., Nevada Bar No. 1462
21 8984 Spanish Ridge Avenue
22 Las Vegas, NV 89148
23 *Attorneys for Defendants Pete Eliades, individually, and as*
24 *Trustee of The Eliades Survivor Trust of 10/30/08*
25 *Teld, LLC and Eldorado Hills, LLC*

26 **Approved As to Form and Content:**

27 SIMONS HALL JOHNSTON PC

28 BY:

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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 NANYAH'S MOTION IN LIMINE #6 re DATE OF DISCOVERY on the 17th day of April,
3 2019. A copy is attached hereto.

4 DATED: April 17, 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*
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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 **NOTICE OF ENTRY OF ORDER** was served upon the following person(s) by
5 electronic transmission through the Court's e-filing/e-serving system, addressed as follows:

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

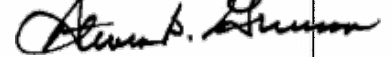
9 Charles E. ("CJ") Barnabi, Jr. *Via E-service*
10 **COHEN JOHNSON PARKER EDWARDS**
11 375 E. Warm Springs Road, Suite 104
12 Las Vegas, NV 89119
Attorney for Plaintiffs Carlos Huerta
and Go Global

13 Dennis Kennedy *Via E-service*
14 Joseph Liebman
15 **BAILEY ♦ KENNEDY**
16 8984 Spanish Ridge Avenue
17 Las Vegas, NV 89148
Attorneys for Defendants Pete Eliades,
Teld, LLC and Eldorado Hills, LLC

18 Michael Cristalli *Via E-service*
19 Janiece S. Marshall
20 **GENTILE CRISTALLI MILLER ARMENTI**
21 **SAVARESE**
22 410 S. Rampart Blvd., Suite 420
23 Las Vegas, NV 89145

24 DATED: April 17, 2019

25 */s/ Morganne Westover*
26 _____
27 An employee of Fennemore Craig, P.C.
28



1 **ORDR**

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

4 **FENNEMORE CRAIG, P.C.**

5 300 S. Fourth Street, Suite 1400
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9 *Attorneys for Sigmund Rogich, Individually and as Trustee of*
10 *The Rogich Family Irrevocable Trust and Imitations, LLC*

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**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.

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Trust; ELDORADO HILLS, LLC, a Nevada
limited liability company; DOES I-X; and/or
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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 DENYING NANYAH VEGAS,
LLC'S MOTION IN LIMINE #6 RE:
DATE OF DISCOVERY**

CONSOLIDATED WITH:

CASE NO.: A-16-746239-C

1 **ORDER DENYING NANYAH VEGAS, LLC'S MOTION IN LIMINE #6**
2 **RE: DATE OF DISCOVERY**

3 Nanyah Vegas, LLC's ("Nanyah") Motion *in Limine* # 6 Re: Date of Discovery (the "Date
4 of Discovery MIL") came before the Court on March 20, 2019.

5 **APPEARANCES**

6 The Parties appeared as follows:

- 7 ➤ For Eldorado Hills, LLC ("Eldorado Hills"): Joseph Liebman, Esq. of Bailey❖Kennedy,
8 LLP.
- 9 ➤ For Sig Rogich, individually ("Rogich") and as Trustee of the Rogich Family Irrevocable
10 Trust (the "Rogich Trust"), and Imitations, LLC (collectively, the "Rogich Defendants"):
11 Samuel Lionel, Esq. and Brenoch Wirthlin, Esq. of Fennemore Craig, P.C.
- 12 ➤ For Plaintiff Nanyah: Mark G. Simons, Esq. of Simons Law, PC.

13 **ORDER**

14 The Court, having heard oral argument, having reviewed the papers, exhibits, and
15 pleadings on file, and having considered the same, and for the reasons stated upon the record,
16 DENIES the Date of Discovery MIL for the following reasons:

- 17 1. The Rogich Defendants have denied paragraph 83 of the plaintiff's complaint in their
18 answer. They should be permitted to present evidence in support of their defense.
- 19 2. Also with regard to the date of discovery, that is a factual determination for the jury. The
20 defendants have claimed that plaintiff should have known about its alleged claims in in
21 2007 or 2008 and the Court will not preclude them from raising that defense. Questions

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1 of fact exist with regard to the statute of limitations defense.

2 DATED this ____ day of _____, 2019.

3
4
5
6 DISTRICT COURT JUDGE

7 Respectfully submitted by:

8 FENNEMORE CRAIG, P.C.

9 
10 Samuel S. Lionel, Esq. NV Bar No. 1766
11 Brenoch Wirthlin, Esq. NV Bar No. 10282
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15 The Rogich Family Irrevocable Trust and Imitations, LLC

16 Approved As to Form and Content:

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18 By:

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24 Trustee of The Eliades Survivor Trust of 10/30/08
25 Teld, LLC and Eldorado Hills, LLC

26 Approved As to Form and Content:

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Attorney for Plaintiff Nanyah Vegas, LLC

1 of fact exist with regard to the statute of limitations defense.

2 DATED this 12 day of April, 2019.

3
4
5 Nancy Alf
6 DISTRICT COURT JUDGE

7 **Respectfully submitted by:**

8 **FENNEMORE CRAIG, P.C.**

9
10 Samuel S. Lionel, Esq. NV Bar No. 1766
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24 *Trustee of The Eliades Survivor Trust of 10/30/08*
25 *Teld, LLC and Eldorado Hills, LLC*

26 **Approved As to Form and Content:**

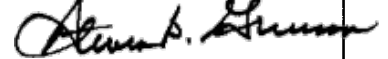
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Steven D. Grierson
CLERK OF THE COURT



1 **RFJN**

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10 *Attorneys for Nanyah Vegas, LLC*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

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

19 Plaintiffs,

20 v.

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

26 Defendants.

27 NANYAH VEGAS, LLC, a Nevada limited liability
28 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

**REQUEST FOR JUDICIAL
NOTICE AND APPLICATION
OF THE LAW OF THE CASE
DOCTRINE**

**REQUEST FOR JUDICIAL NOTICE
AND
APPLICATION OF THE LAW OF THE CASE DOCTRINE**

Plaintiff Nanyah Vegas, LLC ("Nanyah"), by and through its undersigned counsel, hereby submit its Request for Judicial Notice and Application of the Law of the Case Doctrine.

I. THE PRIOR APPEAL AND DECISION BY THE NEVADA SUPREME COURT IN THIS ACTION.

As the Court is aware, on October 21, 2014, the Court previously entered summary judgment in the lead case A-13-686303-C on Nanyah's claim against Eldorado for unjust enrichment. The Court's prior order addressed Eldorado's contention that the statute of limitations commenced to run at the time Nanyah invested its \$1.5 million into Eldorado. This Court then concluded that Nanyah's unjust enrichment claim for its investment into Eldorado in the lead case "cannot be maintained and is barred by the statutes of limitations."

Nanyah appealed this Court's October 21, 2014, Order contending that the Court's analysis of when the statute of limitations commenced to run was incorrect because: (1) the statute of limitations does not commence to run at the time Eldorado received Nanyah's \$1.5 million investment but rather when Nanyah discovered that the defendant either breached or repudiated its obligations to repay Nanyah its investment, and (2) the facts showed that it was not until "late 2012" when Nanyah discovered the defendant's breach and that is when the statute of limitations commenced to run.

On February 12, 2016, the Nevada Supreme Court agreed with Nanyah and reversed this Court's prior grant of summary judgment and entered its Order of Reversal and Remand ("Decision"). See **Exhibit 1**, Decision. The Nevada Supreme Court held that the statute of limitations on Nanyah's claim did not begin to run at the time of

1 Nanyah's date of investment. Instead, the Nevada Supreme Court confirmed that the
2 proper analysis of when the statute commenced to run was when Nanyah became aware
3 of circumstances that demonstrated Eldorado breached and/or intended to breach its
4 obligation to repay Nanyah's \$1.5 million investment and/or to issue Nanyah a
5 membership interest. Id., p. 2.
6

7 Specifically, the Nevada Supreme Court addressed the issue on appeal relating to
8 when Nanyah's claim against Eldorado for Eldorado's receipt and retention of Nanyah's
9 investment as follow.

10 As Eldorado Hills failed to demonstrate that no genuine issues of
11 material fact remain regarding whether the limitations period on appellant's unjust
12 enrichment claim commenced **when Eldorado Hills received the \$1.5 million or**
13 **at a later date when Eldorado Hills allegedly failed** to issue a membership
14 interest to appellant or **to repay the money as a loan**, the district court erred in
15 granting summary judgment based on the expiration of the statute of limitations.

16 ORDER the judgment of the district court REVERSED AND
17 REMAND this matter to the district court **for proceedings consistent with this**
18 **order.**

19 Exh. 1 (emphasis added). The Court is mandated to take judicial noticed of the Decision
20 and to apply the doctrine of the law of the case.

21 **II. REQUEST FOR JUDICIAL NOTICE OF THE DECISION.**

22 NRS 47.150(2) provides: "A judge or court shall take judicial notice if requested by
23 a party and supplied with the necessary information." The Nevada Supreme Court has
24 previously determined that the Decision of the Nevada Supreme Court is subject to
25 judicial notice. Andolino v. State, 99 Nev. 346, 351, 662 P.2d 631, 633 (1983) ("the law of
26 Nevada as found in reported court opinions is similarly subject to judicial notice.
27 The law of the case is necessarily included within the ambit of this law."). Accordingly,
28 the Court is mandated by controlling precedent to take judicial notice of Decision.

1 **III. THE COURT IS MANDATED TO APPLY THE LAW OF THE CASE.**

2 As stated in Andolino v. State, when the Court takes judicial notice of the Decision,
3 the Court must also apply the law of the case as dictated by the Decision. If the Court
4 fails to take judicial notice of the Decision and/or fails to apply the law of the case as
5 dictated by the Decision, the Court commits reversible error. Andolino v. State, 99 Nev.
6 346, 351, 662 P.2d 631, 634 (1983) ("Under ordinary circumstances, establishment of the
7 law of the case either through proof or through judicial notice is unnecessary. Here, the
8 district court's threshold error in failing to recognize the law of the case could have been
9 remedied by judicial notice of that law upon counsel's request. Failure to do so
10 remedied by judicial notice of that law upon counsel's request. Failure to do so
11 compounded the error.").

12 **A. THE COURT IS LIMITED TO COMPLIANCE WITH THE ORDER OF**
13 **REMAND.**

14 The Court can only take those actions as allowed by the Decision relating to the
15 claim against Eldorado. Geissel v. Galbraith, 105 Nev. 101, 103-04, 769 P.2d 1294,
16 1296 (1989) ("if a judgment is reversed on appeal, **the court to which the cause is**
17 **remanded can only take such proceedings as conform to the appellate court's**
18 **judgment.**" (emphasis added)). In the present case, **Nanyah's \$1.5 million invested**
19 **into Eldorado was established by the Decision** and cannot be subsequently contested
20 at trial. Stated another way, the law of the case mandates that Nanyah's \$1.5 million
21 investment into Eldorado cannot be contested or challenged at trial because that issue is
22 resolved by the law of the case.
23

24 In LoBue v. State ex rel. Dep't of Highways, 92 Nev. 529, 532, 554 P.2d 258, 260
25 (1976) the Nevada Supreme Court addressed the application of the law of the case in
26 subsequent proceedings after remand as follows:
27
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1 'Where a judgment is reversed by an appellate court, **the judgment of that**
2 **court is final upon all questions decided and those questions are no longer**
3 **open to consideration.** The Court to which the cause is remanded can take only
such proceedings as conform to the judgment of the appellate tribunal.'

4 Id. (emphasis added). Again, Nanyah's \$1.5 million investment into Eldorado was at the
5 heart of the Nevada Supreme Court's Decision. That investment does not get to be
6 challenged or contested at the trial in this case.

7 The LoBue Court cited to the "legion" of cases that prohibit a trial court from
8 relitigating issues decided on appeal. Specifically, the **LoBue** Court held:

9 **Cases are legion** in the various jurisdictions holding that **where an**
10 **appellate court deciding an appeal states a principle or rule of law**, necessary
11 **to the decision, the principle or rule becomes the law of the case and must be**
12 **adhered to throughout its subsequent progress both in the lower court and**
upon subsequent appeal.

13 Id. (emphasis added). The issue of law in this case is when Nanyah's claim commenced
14 to run for its unjust enrichment claim based upon Nanyah's undisputed investment of \$1.5
15 million into Eldorado.

16 More recently in Estate of Adams By & Through Adams v. Fallini, 132 Nev. Adv.
17 Op. 81, 386 P.3d 621, 624 (2016) the Nevada Supreme Court reiterated the application of
18 the law of the case doctrine and the prohibition on relitigation issues addressed by the
19 Nevada Supreme Court as follows:

20 The mandate rule generally requires lower courts to effectuate a higher
21 court's ruling on remand. . . . "The law-of-the-case doctrine refers to a family of
22 rules embodying the general concept that a court involved in later phases of a
23 lawsuit should not re-open questions decided (i.e., established as law of the case)
24 by that court or a higher one in earlier phases." . . . However, both doctrines
25 require that "the appellate court . . . actually address and decide the issue [raised]
explicitly or by necessary implication."

26 Id. (citations omitted). In the present case, the Nevada Supreme Court expressly decided
27 that the rule governing Nanyah's unjust enrichment claim relating expressly to Nanyah's
28

1 \$1.5 million investment into Eldorado. Consequently, this issue was expressly addressed
2 and included in the Decision and cannot be challenged post-appeal at trial.

3 **B. THE JURY CANNOT CONSIDER ANY EVIDENCE CHALLENGING OR**
4 **CONTESTING NANYAH'S \$1.5 MILLION INVESTED INTO ELDORADO.**
5 **THE DECISION CONCLUSIVELY ESTABLISHES THIS FACT.**

6 The LoBue Court also made it abundantly clear that this Court is not at liberty to
7 allow the jury to consider whether or not Nanyah invested \$1.5 million into Eldorado. In
8 LoBue, the Nevada Supreme Court reversed a motion for summary judgment and
9 "remanded for a trial on the question of damages, if any, for breach of contract." The
10 district court ignored the Nevada Supreme Court's remand order and allowed the jury to
11 consider "the question of the existence of a contract and whether it had been breached . .
12 . ." The Nevada Supreme Court severely criticized the district court's conduct and held:

13 **[I]t is abundantly clear that the only question to be decided on remand**
14 **was the amount of damages, if any, owed to LoBue by the State. The cause**
15 **was remanded for but a single purpose. Under the doctrine of the law of the**
16 **case the district court erred in permitting the jury to decide whether a**
17 **contract had been entered into between LoBue and Clark County and**
18 **whether it had been breached.**

19 Id. (emphasis added).

20 Again, the district court cannot allow the jury to consider whether or not
21 Nanyah invested \$1.5 million into Eldorado since that determination was already
22 conclusively determined in the Decision. Further, subsequent claims of new facts
23 or new arguments fail in the fact of the law of the case doctrine and cannot be
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1 employed to circumvent the law of the case doctrine.¹ Hall v. State, 91 Nev. 314,
2 316, 535 P.2d 797, 799 (1975) ("The doctrine of the law of the case cannot be
3 avoided by a more detailed and precisely focused argument subsequently made
4 after reflection upon the previous proceedings."); Lader v. Warden, 121 Nev. 682,
5 690–91, 120 P.3d 1164, 1169 (2005) ("prior determinations are the law of the case
6 and bar relitigation of these issues" (emphasis added)).

8 **IV. CONCLUSION.**

9 The Court must take Judicial Notice of the Decision. The Court must apply the law
10 of the case doctrine. The Court must preclude any attempt by any party to challenge or
11 contest Nanyah's \$1.5 million investment into Eldorado. The Court cannot ignore the
12 Decision and is bound to conduct the trial in conformance with the directive of the Nevada
13 Supreme Court in its Decision and is not free to allow the jury to consider this issue
14 already decided by the Nevada Supreme Court.

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

18 DATED this 17th day of April, 2019.

20 SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
21 Reno, NV 89509

22 
23 MARK G. SIMONS
Attorneys for Nanyah Vegas, LLC

26 _____
27 ¹ The law of the case doctrine "ensures judicial efficiency and prevents endless
28 litigation. Its elementary logic is matched by elementary fairness – a litigant given
one good bite at the apple should not have a second." Perkin-Elmer Corp. v.
Computervision Corp., 732 F.2d 888, 890 (Fed. Cir. 1984).

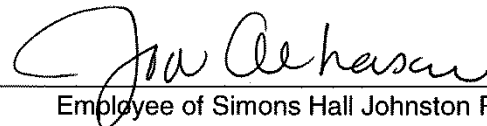
SIMONS HALL JOHNSTON PC
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and EDCR 8.05, I certify that I am an employee of
SIMONS HALL JOHNSTON PC and that on this date I caused to be served a true copy of
the **REQUEST FOR JUDICIAL NOTICE AND APPLICATION OF THE LAW OF THE**
CASE DOCTRINE on all parties to this action via the Odyssey E-Filing System:

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DATED this 17th day of April, 2019.


Employee of Simons Hall Johnston PC

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EXHIBIT LIST

NO.	DESCRIPTION	PAGES
1	Order of Reversal and Remand	3

EXHIBIT 1

EXHIBIT 1

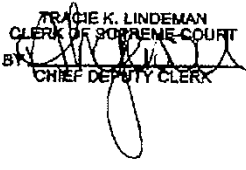
IN THE SUPREME COURT OF THE STATE OF NEVADA

NANYAH VEGAS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Appellant,
vs.
SIG ROGICH A/K/A SIGMUND
ROGICH AS TRUSTEE OF THE
ROGICH FAMILY IRREVOCABLE
TRUST; AND ELDORADO HILLS, LLC,
A NEVADA LIMITED LIABILITY
COMPANY,
Respondents.

No. 66823

FILED

FEB 12 2016

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from a district court final judgment in a contract action. Eighth Judicial District Court, Clark County; Nancy L. Allf, Judge.

Appellant argues that the district court erred by granting summary judgment in favor of respondent Eldorado Hills, LLC, based on a finding that appellant's unjust enrichment claim was time-barred under the four-year statute of limitations. According to appellant, the statute of limitations did not begin to run until appellant became aware that it would not be repaid and that it owned no interest in Eldorado Hills. Having considered the parties' arguments and appendices, we conclude that the district court erred in granting summary judgment on statute-of-limitations grounds. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005) (holding that this court reviews summary judgments de novo and that summary judgment is only appropriate if the pleadings and

SUPREME COURT
OF
NEVADA

(O) 1947A 

16-04685

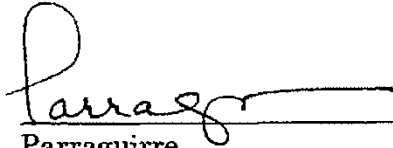
JA_007090


other evidence on file, viewed in the light most favorable to the nonmoving party, demonstrate that no genuine issue of material fact remains in dispute and that the moving party is entitled to judgment as a matter of law); *Oak Grove Inv'rs v. Bell & Gossett Co.*, 99 Nev. 616, 623, 668 P.2d 1075, 1079 (1983) (placing the burden of demonstrating the absence of a genuine issue of material fact as to when a party discovered or should have discovered the facts underlying a claim on the party seeking summary judgment on statute-of-limitations grounds), *disapproved on other grounds by Calloway v. City of Reno*, 116 Nev. 250, 993 P.2d 1259 (2000).

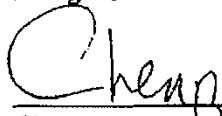
Appellant's claim for unjust enrichment did not accrue until Eldorado Hills retained \$1.5 million under circumstances where it was inequitable for Eldorado Hills to do so. *See Certified Fire Prot. Inc. v. Precision Constr.*, 128 Nev., Adv. Op. 35, 283 P.3d 250, 257 (2012) ("Unjust enrichment exists when the plaintiff confers a benefit on the defendant, the defendant appreciates such benefit, and there is acceptance and retention by the defendant of such benefit under circumstances such that it would be inequitable for him to retain the benefit without payment of the value thereof"). As Eldorado Hills failed to demonstrate that no genuine issues of material fact remain regarding whether the limitations period on appellant's unjust enrichment claim commenced when Eldorado Hills received the \$1.5 million or at a later date when Eldorado Hills allegedly failed to issue a membership interest to appellant or to repay the money as a loan, the district court erred in granting summary judgment based on the expiration of the statute of limitation. *Oak Grove Inv'rs*, 99 Nev. at 623, 668 P.2d at 1079; *see* NRS 11.190(2)(c) (setting a four year

statute of limitation for "[a]n action upon a contract, obligation or liability not founded upon an instrument in writing"). Accordingly, we

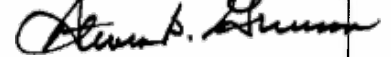
ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

 C.J.
Parraguirre

 J.
Douglas

 J.
Cherry

cc: Hon. Nancy L. Alf, District Judge
Ara H. Shirinian, Settlement Judge
McDonald Law Offices, PLLC
Fennemore Craig Jones Vargas/Las Vegas
Eighth District Court Clerk



1 **OPPM**

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

3 Thomas H. Fell, Esq. (Bar No. 3717)

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

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

6 300 S. Fourth Street, Suite 1400

7 Las Vegas, Nevada 89101

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

9 Email: slionel@fclaw.com

10 *Attorneys for Sigmund Rogich, Individually and as Trustee of*

11 *The Rogich Family Irrevocable Trust and Imitations, LLC*

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

17 Plaintiffs,

18 v.

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

24 Defendants.

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28
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

**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**

Date of Hearing: April 18, 2019

Time of Hearing: 4:00 p.m. (Telephonic)

CONSOLIDATED WITH:

CASE NO.: A-16-746239-C

FENNEMORE CRAIG

LAS VEGAS

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**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**

Defendants Sigmund Rogich, individually (“Mr. Rogich”), and as Trustee of the Rogich Family Irrevocable Trust (the “Rogich Trust”), and Imitations, LLC (“Imitations” and collectively with Mr. Rogich and the Rogich Trust referred to as the “Rogich Defendants”), by and through their counsel of record, Fennemore Craig, P.C., and hereby submit their Opposition to Plaintiff Nanyah Vegas, LLC’s (“Nanyah” or “Plaintiff”) 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 (“Motion”).

This Opposition is made and based upon the following Memorandum of Points and Authorities, Declaration of Sigmund Rogich, attached hereto as **Exhibit 1**, any argument of counsel at the time of the hearing on this matter, and all papers and pleadings on file herein.

DATED: April 18, 2019.

FENNEMORE CRAIG, P.C.

By: /s/ Brenoch Wirthlin, Esq.
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 the Rogich Defendants

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4 Plaintiff Motion filed by Plaintiff and just six (6) days before a firm trial date is a last
5 minute attempt to improperly delay trial in this matter. Trial in this matter is to begin in a matter
6 of days on April 22, 2019. Defendants are prepared to proceed to trial, and for the reasons set
7 forth below, Plaintiff's Motion should be denied, including Plaintiff's request to continue the
8 trial.

9 Further, Plaintiff requests two alternative forms of relief. Plaintiff states the Court
10 "must" determine either that (1) NRS 163.120's provisions are not "implicated" in this matter or
11 (2) that the case may be tried to verdict and, thereafter, suspend entry of judgment pending notice
12 to any designated beneficiary. *See* Motion at p. 8. However, the Court does not need to make
13 either of these determinations, as both are improper and can be dealt with only at trial.

14 Regarding the applicability of NRS 163.120 to this matter, Plaintiff's argument that this
15 provision does not apply is based on a misstatement of fact by Plaintiff that the Rogich Trust has
16 only one beneficiary – Mr. Rogich – and that because Mr. Rogich is a named party in this matter
17 and therefore has notice of it, the provisions of NRS 163.120(2) are inapplicable. However, as set
18 forth below, this statement by Plaintiff is incorrect and in fact, there are multiple beneficiaries of
19 the Rogich Trust. Importantly, the Court is not required at this point to make a determination as
20 to the applicability of NRS 163.120, and Plaintiff's request is unnecessary and improper.

21 Finally, Plaintiff's other request is also unnecessary and improper. In fact, Plaintiff itself
22 asserts that the applicable statute does not prevent the trial from going forward. The parties are
23 free to take whatever positions they choose and reserve and retain the arguments they feel are
24 appropriate for trial. The Court can then address any required issues pertaining to NRS 163.120
25 at trial. Accordingly, Plaintiff's Motion must be denied.

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II.

STATEMENT OF FACTS

The lead case in this matter (A-13-686303-C) was filed on July 31, 2013. The consolidated case was originally set to a June 2018 trial stack. On May 3, 2018, Nanyah filed a motion to continue trial and to set a firm trial date on order shortening time citing the unavailability of the client's principal, Yoav Harlap, which resulted in a trial date being set for November 13, 2018. Due to a death in the family of Defendants' counsel, the trial was then moved to a firm trial date of April 22, 2019.

On Monday, April 15, 2019, Defendants filed a request for judicial notice of NRS 163.120. Subsequently, counsel for Nanyah submitted a request to Defendants to provide the names of the beneficiaries of the Sig Rogich Irrevocable Trust. The next day, Nanyah filed the instant *ex parte* motion on order shortening time.

III.

ARGUMENT

A. Plaintiff's Motion must be denied. A trial continuance would cause substantial harm to the Rogich Defendants.

Despite the fact that Plaintiff describes the Motion as an "emergency motion," Plaintiff's Motion sets forth no events which prevent – or warrant any delay of – this matter proceeding to trial as scheduled by this Court on a firm setting to begin April 22, 2019. The fact that Defendants requested the Court take judicial notice of NRS 163.120 (*See* paragraph 4 of Declaration of Mark G. Simons in Support of Motion) in no way justifies a continuance of the trial, and further does not require the Court to "address how to proceed" prior to trial. Rather, the Court can and must allow the trial to go forward as continuing the trial (which has been continued multiple times before at Plaintiff's request and at the request of the Rogich Defendants after the passing of counsel's family member) would cause substantial harm to the Rogich Defendants, who have been involved involuntarily in this litigation for over 5 ½ years and have been planning to go to trial on the Court's firm setting now for several months. Continuation of trial at this

1 point would also be severely detrimental and may not be possible for several months due to Mr.
2 Rogich's extremely busy travel schedule over that time period, taking him out of state and out of
3 the country on long-planned business and other engagements. *See* Rogich Declaration at ¶ 5.
4 Plaintiff's improper Motion, which provides no basis to continue the trial and is not in
5 compliance with the applicable local rules or other applicable law, must be denied. The Court
6 can address any issues that arise during trial at that time.

7 **B. Plaintiff's Motion is based on a misstatement of material fact and therefore fails to**
8 **provide any basis for the Court to determine NRS 163.120 is not applicable, or to**
9 **make any other improper or advisory determination as requested by Plaintiff.**

10 Plaintiff attaches exhibits to its Motion purporting to show that the true identity of The
11 Rogich Trust sued in this action is a mystery. However, it is indisputable that The Rogich Trust
12 was sued twice in this consolidated action – in 2013 and 2016. The trust referenced in the gaming
13 control board records attached as Exhibit 3 to the Motion is not the proper trust. Accordingly,
14 Plaintiff's assertion that Mr. Rogich is the only beneficiary of the Rogich Trust – a defendant
15 herein – is inaccurate. In fact, there are multiple beneficiaries of the Rogich Trust. *See* Rogich
16 Declaration, Exhibit 1 hereto, at ¶¶ 3-4. Thus, while Nanyah attempts to thwart the intent of NRS
17 163.120(2) by claiming or suggesting Mr. Rogich is the only beneficiary of The Rogich Trust,
18 this claim is inaccurate. The cited testimony from Ms. Olivas' August 2014 deposition only
19 indicates that Mr. Rogich was a beneficiary, not the sole beneficiary. There was no testimony
20 sought or provided that indicated that Mr. Rogich was the sole beneficiary of The Rogich Trust.
21 Even if the testimony said what Nanyah wanted it to say, the testimony would be almost 5 years
22 out of date. At this time, Mr. Rogich (as the Trustee) is working to gather the information
23 required by NRS 163.120, requested by Plaintiff on April 15, 2019, and will provide this
24 information as set forth in the statute. Further, while the Court cannot and need not decide this
25 issue prematurely, as a beneficiary, Mr. Rogich has standing to assert application of NRS
26 163.120(2). It is disingenuous for Nanyah to claim Mr. Rogich to be a beneficiary and then assert
27 he lacks standing.

28 Further, it should be noted that Plaintiff asserts on page 5 of its Motion that the purpose of

1 NRS 163.120 “is to provide notice to the beneficiaries of a trust of a pending action so that the
2 beneficiaries may intervene, should they so desire, and attempt to make the trustee liable for the
3 trust’s debt.” That is incorrect. Rather, the express purpose of the statute is to give a defendant
4 trust’s beneficiaries proper notice of the existence and nature of a suit against the trust to allow
5 the beneficiaries to “contest the right of the plaintiff to recover.” *See* NRS 163.120(2).

6 Moreover, the fact – among other things – that Mr. Rogich is not the only beneficiary of
7 the Rogich Trust also renders the only case law cited by Plaintiff distinguishable. In fact,
8 Plaintiff introduces its citation to the Texas case referenced therein by stating incorrectly that
9 “[b]ecause Rogich is both the Trustee of the Rogich Trust and **the** beneficiary of the trust, NRS
10 163.120 notice of the proceedings is not mandated as Rogich has received actual notice of all
11 activity in this case and NRS 163.120’s provisions are fully satisfied.” Plaintiff then relies on
12 *Transamerican Leasing Co. v. Three Bears, Inc.*, 586 S.W.2d 472, 473 (Tex. 1979), as support
13 for its position, asserting that the “exact issue” Plaintiff purports to raise was addressed in
14 *Transamerican. Id.* However, as noted above, Plaintiff’s assertion and arguments are based on
15 the inaccurate assertion that Mr. Rogich is the only beneficiary of the Rogich Trust, and improper
16 citation to unrelated documents from a separate trust. In truth, the *Transamerican* decision is
17 entirely distinguishable from the instant case and Nevada courts have addressed the importance of
18 Nevada’s statutory requirements. *See, e.g., Branch Banking & Tr. Co. v. Smoke Ranch Dev.,*
19 *LLC*, No. 2:12-CV-00453-APG-NJ, 2014 WL 4796939, at *15 (D. Nev. Sept. 26, 2014), *aff’d sub*
20 *nom. Branch Banking & Tr. Co. v. D.M.S.I., LLC*, 871 F.3d 751 (9th Cir. 2017). Moreover, the
21 Texas court impermissibly attempted to shift the burden after the fact to the beneficiaries to
22 establish prejudice, which Nevada law does not permit. Shifting the burden improperly and
23 unlawfully requires the beneficiaries to guess in hindsight what they could have discovered and
24 asserted without the benefit of actually participating. Accordingly, the Motion must be denied.

25 **C. Plaintiff’s remaining request is improper.**

26 Finally, Plaintiff alternatively requests that this Court make an improper determination
27 “that the case may be tried to verdict and, thereafter, suspend entry of judgment pending notice to
28 any designated beneficiary.” *See* Motion at p. 8. This is improper. At this point the parties are

1 free to reserve all rights and arguments, etc., regarding this issue for trial and, in fact, Plaintiff
2 itself asserts that 163.120 “does not preclude a case from being tried to a jury and does not
3 prevent a jury from rendering a verdict.” See Motion at 5. Plaintiff and the Rogich Defendants
4 can both reserve the right to make whatever arguments regarding this issue they believe are
5 appropriate at trial, which the Court can then properly address at that time. Any other
6 determination requested by Plaintiff at this time is unnecessary and improper.

7 **IV.**

8 **CONCLUSION**

9 For all these reasons, the Rogich Defendants respectfully requests that this Court deny
10 Nanyah’s Motion in its entirety, and grant such other and further relief as the Court deems
11 appropriate.

12 DATED: April 18, 2019.

13 **FENNEMORE CRAIG, P.C.**

14
15 By: /s/ Brenoch Wirthlin, Esq.
16 Samuel S. Lionel, Esq. (Bar No. 1766)
17 Thomas Fell, Esq. (Bar No. 3717)
18 Brenoch Wirthlin, Esq. (Bar No. 10282)
19 300 S. Fourth Street, Suite 1400
20 Las Vegas, Nevada 89101
21 *Attorneys for the Rogich Defendants*
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of Fennemore Craig, P.C.,
3 and that on April 18, 2019, I caused to be electronically served through the Court's e-service/e-
4 filing system, true and correct copies of the foregoing **OPPOSITION TO PLAINTIFF'S**
5 **EMERGENCY MOTION TO ADDRESS DEFENDANT THE ROGICH FAMILY**
6 **IRREVOCABLE TRUST'S NRS 163.120 NOTICE AND/OR MOTION TO CONTINUE**
7 **TRIAL FOR PURPOSES OF NRS 163.120** properly addressed to the following:

8 Mark Simons, Esq.
9 **SIMONS HALL JOHNSTON PC**
6490 South McCarran Blvd., #F-46
10 Reno, Nevada 89509
11 *Attorney for Plaintiff Nanyah Vegas, LLC*

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

16 Dennis Kennedy
17 Joseph Liebman
18 **BAILEY ♦ KENNEDY**
8984 Spanish Ridge Avenue
Las Vegas, NV 89148
19 *Attorneys for Defendants Pete Eliades,*
20 *Teld, LLC and Eldorado Hills, LLC*

21 Michael Cristalli
22 Janiece S. Marshall
23 **GENTILE CRISTALLI MILLER ARMENTI SAVARESE**
410 S. Rampart Blvd., Suite 420
Las Vegas, NV 89145

24 DATED: April 18, 2019

25 /s/ Morganne Westover
26 An employee of Fennemore Craig, P.C.
27
28

EXHIBIT 1

1 **OPPM**

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

3 Thomas H. Fell, Esq. (Bar No. 3717)

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

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

6 300 S. Fourth Street, Suite 1400

7 Las Vegas, Nevada 89101

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

9 Email: slionel@fclaw.com

10 *Attorneys for Sigmund Rogich, Individually and as Trustee of*

11 *The Rogich Family Irrevocable Trust and Imitations, LLC*

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DISTRICT COURT
CLARK COUNTY, NEVADA

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

17 Plaintiffs,

18 v.

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

24 Defendants.

25 NANYAH VEGAS, LLC, a Nevada limited
26 liability company,

27 Plaintiff,

28 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

DECLARATION OF SIGMUND ROGICH
IN 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

Date of Hearing: April 18, 2019

Time of Hearing: 4:00 p.m. (Telephonic)

CONSOLIDATED WITH:

CASE NO.: A-16-746239-C

1
2 **DECLARATION OF SIGMUND ROGICH IN OPPOSITION TO PLAINTIFF'S**
3 **EMERGENCY MOTION TO ADDRESS DEFENDANT THE ROGICH FAMILY**
4 **IRREVOCABLE TRUST'S NRS 163.120 NOTICE AND/OR MOTION TO CONTINUE**
5 **TRIAL FOR PURPOSES OF NRS 163.120**

6 I, Sigmund Rogich, hereby declare under the penalty of perjury the following:

7 1. I make this declaration in support of the opposition to Plaintiff's Emergency
8 Motion to Address Defendant The Rogich Family Irrevocable Trust's NRS 163.120 Notice and/or
9 Motion to Continue Trial for Purposes of NRS 163.120.

10 2. I have personal knowledge of the facts stated herein, except as to those stated on
11 my understanding and belief, which I believe to be true and accurate.

12 3. I am a defendant in this consolidated action. The Rogich Family Irrevocable Trust
13 ("Trust") has also been named as a defendant in this matter.

14 4. The Trust has multiple beneficiaries. I am only one of many beneficiaries of the
15 Trust.

16 5. Continuation of trial at this point would be severely detrimental to the interests of
17 Mr. Rogich and may not be possible for several months due to my extremely busy travel schedule
18 over the next few months, which will take me out of state and out of the country on long-planned
19 business and other engagements.

20 The above Declaration is true and correct to the best of my knowledge and belief under
21 penalty of perjury of the laws of the State of Nevada.

22 DATED: April 18, 2019.

23 /s/ Sigmund Rogich
24 SIGMUND ROGICH
25
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REGISTER OF ACTIONS

CASE NO. A-13-686303-C

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

Case Type: **Breach of Contract**
 Subtype: **Other**
 Date Filed: **07/31/2013**
 Location: **Department 27**
 Cross-Reference Case Number: **A686303**
 Supreme Court No.: **66823**
67595
70492
79917
81038
81238

RELATED CASE INFORMATION

Related Cases

A-16-746239-C (Consolidated)

PARTY INFORMATION

		Lead Attorneys
Consolidated Case Party	Eliades Survivor Trust of 10-30-03	
Consolidated Case Party	Eliades, Peter	Dennis L. Kennedy <i>Retained</i> 7025628820(W)
Consolidated Case Party	Sigmund Rogich	Brenoch Wirthlin <i>Retained</i> 702-385-2500(W)
Consolidated Case Party	TELD, LLC	Dennis L. Kennedy <i>Retained</i> 7025628820(W)
Counter Claimant	Eldorado Hills LLC	Dennis L. Kennedy <i>Retained</i> 7025628820(W)
Counter Defendant	Alexander Christopher Trust	Charles E. Barnabi <i>Retained</i> 702-475-8903(W)
Counter Defendant	Go Global Inc	Brandon B McDonald <i>Retained</i> 702-385-7411(W)
Counter Defendant	Huerta, Carlos A	
Defendant	Eldorado Hills LLC	Dennis L. Kennedy <i>Retained</i> 7025628820(W)
Other Plaintiff	Go Global Inc	Brandon B McDonald <i>Retained</i> 702-385-7411(W)

Plaintiff	Huerta, Carlos A	Charles E. Barnabi <i>Retained</i> 702-475-8903(W)
Plaintiff	Nanyah Vegas LLC	Mark G Simons <i>Retained</i> 775-785-0088(W)
Trustee	Huerta, Carlos A	Charles E. Barnabi <i>Retained</i> 702-475-8903(W)
Trustee	Rogich, Sig <i>Also Known As</i> Rogich, Sigmund	Brenoch Wirthlin <i>Retained</i> 702-385-2500(W)

EVENTS & ORDERS OF THE COURT

04/18/2019 **Telephonic Conference** (4:00 PM) (Judicial Officer Allf, Nancy)

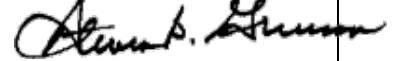
Minutes

04/18/2019 4:00 PM

- 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.

Parties Present

[Return to Register of Actions](#)



1 **OBJ**

2 Samuel S. Lionel, Esq. (Bar No. 1766)
3 Thomas H. Fell, Esq. (Bar No. 3717)
4 Brenoch Wirthlin, Esq. (Bar No. 10282)
5 **FENNEMORE CRAIG, P.C.**
6 300 S. Fourth Street, Suite 1400
7 Las Vegas, Nevada 89101
8 Tel.: (702) 692-8000; Fax: (702) 692-8099
9 Email: slionel@fclaw.com
10 bwirthlin@fclaw.com

11 *Attorneys for Sigmund Rogich, Individually and as*
12 *Trustee of the Rogich Family Irrevocable Trust and*
13 *Imitations, LLC*

14 **DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

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

23 Plaintiffs,

24 v.

25 SIG ROGICH aka SIGMUND ROGICH as
26 Trustee of The Rogich Family Irrevocable
27 Trust; ELDORADO HILLS, LLC, a Nevada
28 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

OBJECTION TO NANYAH'S
REQUEST FOR JUDICIAL NOTICE
AND APPLICATION OF LAW OF THE
CASE DOCTRINE

CONSOLIDATED WITH:

CASE NO.: A-16-746239-C

1 **OPPOSITION TO NANYAH’S REQUEST FOR JUDICIAL NOTICE AND**
2 **APPLICATION OF LAW OF THE CASE DOCTRINE**

3 Defendants Sigmund Rogich, individually (“Mr. Rogich”), and as Trustee of the Rogich
4 Family Irrevocable Trust (the “Rogich Trust”), and Imitations, LLC (“Imitations” and collectively
5 with Mr. Rogich and the Rogich Trust referred to as the “Rogich Defendants”), by and through
6 their counsel of record, Fennemore Craig, P.C., hereby submit their Opposition to Plaintiff
7 Nanyah Vegas, LLC’s (“Nanyah”) Request for Judicial Notice and Application of the Law of the
8 Case Doctrine (“Request”) as follows:

9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 **I. INTRODUCTION AND SUMMARY OF ARGUMENT**

11 Under the guise of a request for judicial notice, the Request argues Nanyah’s own,
12 inaccurate interpretation of the Decision in a manner more akin to a brief than the request for
13 judicial notice it purports to be, and, in doing so, the Request disregards the requirements laid
14 out in NRS 47.150(2). Astoundingly, Nanyah asserts that the Decision, of which it asks the
15 Court to take judicial notice, makes certain “findings,” which the Decision unequivocally does
16 not make. Nanyah may not speak for the Court – particularly the Nevada Supreme Court in an
17 appellate decision where no findings of fact were made – by asserting inaccurate findings and
18 calling it the law of the case.

19 **II. LEGAL ARGUMENT**

20 ***A. Nanyah’s Request Inappropriately Argues Assertions Rather Than Simply***
21 ***Providing the Necessary Information as NRS § 47.150 Requires.***

22 N.R.S. § 47.150(2), which reads, “A judge or court shall take judicial notice if requested
23 by a party and **supplied with the necessary information.**” N.R.S. § 47.150(2) (emphasis
24 added). A party may request judicial notice of a prior appeal. N.R.S. § 47.150. In doing so, the
25 requesting party may only provide the court with the reasoning and the holding of the court in
26 the prior appeal. *See Andolino v. State*, 99 Nev. 346, 351, 662 P.2d 631, 633 (1983). The
27 statute clearly defines the requirement for requesting judicial notice—supplying the court with
28 necessary information. Anything more, such as arguments in favor of a party’s interpretation of

1 an issue, is inapposite to the statute's requirements and is tantamount to a brief on the issue
2 rather than a mere request for judicial notice. In Nanyah's seven-page Request, it repeatedly
3 argues that the Decision made findings that Nanyah invested \$1.5 million into Eldorado.
4 Request at 2:19–21, 25; 3:7–9; 4:19–20; 4:21–23; 5:4–5; 5:14–15; 5:26–27; 6:7; 6:19–21; 7:10–
5 12. Nanyah likely felt compelled to reassert this argument ten times because the alleged
6 findings are conspicuously absent from the Decision. Accordingly, Nanyah's "Request" is an
7 inappropriate means by which to argue this issue.

8 ***B. Nanyah Asserts the Decision Makes Findings that the Decision Did Not Make.***

9 Even if the Request was appropriate in form, which it is not, the arguments Nanyah
10 makes are false, misguided and misstate the findings of that court. Nanyah contends that the
11 issues—whether Nanyah invested or loaned the money and to whom Nanyah invested or loaned
12 the money—were matters contemplated and decided by the Nevada Supreme Court in the
13 Decision. Throughout the seven-page Request, Nanyah asserts ten times that the Decision
14 established that (a) Nanyah made an investment and (b) Nanyah invested directly in Eldorado.
15 See Request at 2:19–21, 25 (stating Nanyah's contention that the statute of limitations did not
16 "run at the time Eldorado received Nanyah's \$1.5 million investment . . ." and later stating that
17 "the Nevada Supreme court agreed with Nanyah"); 3:7–9 ("Specifically, the Nevada Supreme
18 Court addressed the issue on appeal relating to when Nanyah's claim against Eldorado for
19 Eldorado's receipt and retention of Nanyah's investment as follow[s]."); 4:19–20 ("In the
20 present case, **Nanyah's \$1.5 million invested into Eldorado was established by the**
21 **Decision**"); 4:21–23 ("[t]he law of the case mandates that Nanyah's \$1.5 million investment
22 into Eldorado cannot be contested or challenged at trial because that issue is resolved by the law
23 of the case."); 5:4–5 ("Again, Nanyah's \$1.5 million investment into Eldorado was at the heart
24 of the Nevada Supreme Court's Decision."); 5:14–15 (" . . . based on Nanyah's undisputed
25 investment of \$1.5 million into Eldorado.") (emphasis added); 5:26–6:1 ("In the present case,
26 the Nevada Supreme Court expressly decided that the rule governing Nanyah's unjust
27 enrichment claim relat[ed] expressly to Nanyah's \$1.5 million investment into Eldorado.")
28 (emphasis added); 6:6–7 ("this Court is not at liberty to allow the jury to consider whether or not

1 Nanyah invested \$1.5 million into Eldorado.”); 6:19–21 (“Again, the district court cannot allow
2 the jury to consider whether or not Nanyah invested \$1.5 million into Eldorado since that
3 determination was already conclusively determined in the Decision.”); 7:10–12 (“The Court
4 must preclude any attempt by any party to challenge or contest Nanyah’s \$1.5 million
5 investment into Eldorado.”).

6 The Decision, however, contemplated only the issue of whether summary judgment was
7 appropriate at the time it was granted. The Decision made no findings of fact at all—it simply
8 identified the allegations made by the parties, which indicated that a dispute as to a material fact
9 existed and that summary judgment was therefore improper. The relevant portion of the
10 Decision, as cited by Nanyah in the Request, states as follows:

11 As Eldorado Hills failed to demonstrate that no genuine issues of material fact
12 remain regarding whether the limitations period on appellant’s unjust enrichment
13 claim commenced when Eldorado Hills received the \$1.5 million or at a later date
14 when Eldorado Hills allegedly failed to issue a membership interest in appellant
or to repay the money as a loan, the district court erred in granting summary
judgment based on the expiration of the statute of limitations.

15 Request at 3:10–14 citing Request at Exhibit 1. Note that nowhere in that language does the
16 court state that Eldorado received money *from Nanyah*, or that *Nanyah invested the money*. In
17 fact, the court expressly states that “Eldorado Hills *allegedly* failed to issue a membership
18 interest in appellant or to repay the money *as a loan*.” *Id.* The language—cited by Nanyah—
19 does not use the word “investment” or its derivative at all, nor does it indicate that Eldorado
20 received funds directly from Nanyah. The Decision merely states “when Eldorado received the
21 \$1.5 million . . .” rather than stating “when Nanyah invested the \$1.5 million into Eldorado.”
22 The latter is the language Nanyah repeatedly argues is found within the Decision. At one point,
23 Nanyah even claimed the Decision *expressly decided* those issues—such a blatant falsity
24 arguably amounts to fraud on the court. Plaintiff’s attempt to put words in the Court’s mouth is
25 inappropriate and injudicious. Furthermore, Nanyah’s multiple attempts to argue this point at
26 the eleventh hour are futile—the Decision simply does not make the findings Nanyah alleges.

27 ///

28 ///

1 **C. *Relevant Facts.***

2 The Decision undoubtedly failed to establish that Nanyah invested \$1.5 million into
3 Eldorado. Instead, the Decision merely held that a dispute of material fact precluded summary
4 judgment at that point in the proceedings. As a brief reminder to the Court, the relevant
5 disputed facts are as follows:

6 **The Alleged Investment**

7 ***a. The set-up of Nanyah Vegas, LLC and CanaMex Nevada, LLC***

8 • In June of 2007, Mr. Harlap and Mr. Huerta were communicating with one
9 another, where they were discussing Mr. Harlap's potential investment of \$1.5 Million into
10 CanaMex Nevada, LLC ("CanaMex"). Mr. Huerta directed Mr. Harlap to CanaMex's website of
11 CanaMexNevada.com and Mr. Harlap confirmed he was interested in investing \$1.5 Million.
12 Mr. Harlap requested Mr. Huerta to set-up the Nevada company (which would become Nanyah).
Mr. Huerta suggested he be the Registered Agent for Nanyah. *See* NAN234-235, attached as
Exhibit 1 to the Rogich Defendant's Rule 60(b) Motion.

13 • CanaMex registered as a Nevada limited liability company on December
14 3, 2007, just 4 days prior to Nanyah being registered. Mr. Harlap is the sole manager of Nanyah.
Go Global Inc. was sole the Manager/Managing Member of CanaMex. *See* RT203 and
15 PLTF247, attached as Exhibit 2 to the Rogich Defendant's Rule 60(b) Motion.

16 • Mr. Huerta was the sole officer of Go Global, Inc. *See* Harlap Depo
(attached as Exhibit 3 to the Rogich Defendant's Rule 60(b) Motion), p. 10, ll: 17-21.

17 ***b. Nanyah's \$1.5 Million Wire***

18 • Mr. Huerta testified (as Nanyah's PMK) that he instructed Mr. Harlap to
19 wire the money to the account of Eldorado Hills. *See* Nanyah PMK Depo (attached as Exhibit 4
20 to the Rogich Defendant's Rule 60(b) Motion), p. 31, ll. 4-11.

21 • Contrary to this deposition testimony, on December 4, 2007, Mr. Huerta e-
22 mailed Mr. Harlap instructing him to **wire the \$1.5 Million into CanaMex Nevada, LLC's**
bank account. *See* NAN241, attached as Exhibit 5 to the Rogich Defendant's Rule 60(b)
23 Motion.

24 • *Nowhere in the e-mailed instructions from Mr. Huerta to Mr. Harlap is*
there any indication of, or reference to, Eldorado Hills, LLC ("Eldorado Hills").

25 • Mr. Huerta further testified (as Nanyah's PMK) that Nanyah wired the
26 funds into Eldorado Hills' bank account and that the money **never** went into the CanaMex's
27 account. *See* Nanyah PMK Depo/Exhibit 4, p. 29, l. 21 to p. 30, l. 14 and p. 60, ll. 5-14. Further,
28 Mr. Harlap testified that he "transferred the money to Eldorado Hills as per Carlos Huerta's
wiring instructions" and that this is the basis of Nanyah's claims. *See* Harlap Depo/Exhibit 3, p.
20, l. 20 to p. 21, l. 11.

1 • Contrary to these deposition testimonies, the bank records show that **Mr.**
2 **Harlap actually wired the \$1.5 Million into CanaMex's Nevada State Bank account** on
3 December 6, 2007 in compliance with Mr. Huerta's emailed instructions (not Eldorado Hills'
4 bank account). *See* NAN387-388, attached as Exhibit 6 to the Rogich Defendant's Rule 60(b)
5 Motion.

6 *c. The Bank Transfers*

7 • After the alleged investment funds were wired by Mr. Harlap into
8 CanaMex's bank account, Mr. Huerta proceeded with the following series of bank transfers,
9 where a majority of \$1.5 Million ended up in the bank account of CanaMex's sole
10 manager/managing member (Go Global, Inc., which is a business solely operated by Mr.
11 Huerta):

- 12 ○ **CanaMex:** The December 2007 bank statement for CanaMex shows a
13 \$1.5 Million check (#92) written to Eldorado Hills, signed by Mr. Huerta
14 and processed on December 10, 2007. *See* NAN387-388, attached as
15 Exhibit 6.
- 16 ○ **Eldorado Hills:** The December 2007 bank statement for Eldorado Hills
17 checking account shows a \$1.5 Million deposit on December 7, 2007
18 (which is the \$1.5 Million check from CanaMex) and a \$1.45 Million
19 internet transfer to its money market account on December 10, 2007. The
20 December 2007 bank statement for Eldorado Hills money market account
21 shows a \$1.45 Million internet transfer deposit from the Eldorado Hills
22 checking account on December 10, 2007 and a \$1.42 Million transfer out
23 processed on December 14, 2007. *See* NAN449-450, attached as Exhibit 7
24 to the Rogich Defendant's Rule 60(b) Motion.
- 25 ○ **Go Global:** The December 2007 bank statement for Go Global checking
26 account shows the Eldorado Hills transfer for \$1.42 Million was deposited
27 into Go Global Inc.'s account on December 14, 2007. This \$1.42 Million
28 transfer was per "an e-mail request from Carlos Huerta". *See* RT155 and
PLTF443, attached as Exhibit 8 to the Rogich Defendant's Rule 60(b)
Motion.

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1 **III. CONCLUSION**

2 Based on the foregoing, the Rogich Defendants respectfully request that this Court deny
3 Nanyah's Request for Judicial Notice and Application of the Law of the Case.

4 DATED: April 19, 2019.

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

6 /s/ Brenoch R. Wirthlin

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

8 Thomas H. Fell, Esq. (Bar No. 3717)

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

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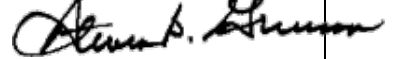
13 *Attorneys for the Rogich Defendants*

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



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Attorneys for Defendant

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

**DEFENDANT ELDORADO HILLS,
LLC'S RESPONSE TO NANYAH
VEGAS, LLC'S REQUEST FOR
JUDICIAL NOTICE AND
APPLICATION OF LAW OF THE CASE
DOCTRINE**

Hearing Date: April 22, 2019

Hearing Time: 10:00 a.m.

CONSOLIDATED WITH:

Case No. A-16-746239-C

**DEFENDANT ELDORADO HILLS, LLC'S RESPONSE TO NANYAH VEGAS, LLC'S
REQUEST FOR JUDICIAL NOTICE AND APPLICATION OF LAW OF THE CASE
DOCTRINE**

Defendant Eldorado Hills, LLC ("Eldorado Hills") responds to Nanyah Vegas, LLC's ("Nanyah") Petition for Judicial Notice and Application of the Law of the Case Doctrine (the "Petition"). This Response is based on the following Memorandum of Points of Authorities and any oral argument heard by the Court.

DATED this 19th day of April, 2019.

BAILEY ♦ KENNEDY

By: /s/ Joseph A. Liebman

DENNIS L. KENNEDY

JOSEPH A. LIEBMAN

Attorneys for Defendant
ELDORADO HILLS, LLC

MEMORANDUM OF POINTS AND AUTHORITIES

Eldorado Hills does not dispute that this Court should take judicial notice and apply the law of the case doctrine to the Nevada Supreme Court's Reversal Order.¹ Yet Nanyah's Petition goes well past that and fabricates the substance of the Reversal Order. The Nevada Supreme Court *never determined* that the statute of limitations did not accrue at the time of Nanyah's alleged investment. The Nevada Supreme Court *never determined* that the statute of limitations did not begin to accrue until Nanyah became aware of circumstances that Eldorado Hills breached some non-existent obligation to repay Nanyah's \$1,500,000 payment. The Nevada Supreme Court instead determined that accrual of the statute of limitations on Nanyah's unjust enrichment claim was a disputed issue of material fact to be determined at a later time, and that the accrual of an unjust enrichment claim is based on the date it became inequitable to retain the alleged benefit.

¹ See February 12, 2016 Order of Reversal and Remand (the "Reversal Order"), attached as Exhibit 1 to the Petition.

Specifically, the Court held the following:

Appellant’s claim for unjust enrichment did not accrue *until Eldorado Hills retained \$1.5 million under circumstances where it was inequitable for Eldorado Hills to do so*. As Eldorado Hills failed to demonstrate that no genuine issues of material fact remain regarding whether the limitations period on appellant’s unjust enrichment claim *commenced when Eldorado Hills received the \$1.5 million or at a later date when Eldorado Hills allegedly failed to issue a membership interest to appellant or repay the money as a loan*, the district court erred in granting summary judgment based on the expiration of the statute of limitation.²

The law of the case “‘doctrine only applies to issues previously determined, not to matters left open by the appellate court.’” *D.R. Horton v. Betsinger*, 130 Nev. Adv. Op. 84, 335 P.3d 1230, 1232 n. 4 (2014) (citation omitted). The Nevada Supreme Court *never determined* the accrual date of Nanyah’s unjust enrichment claim, instead remanding those factual issues to the Court. Thus, the Court will ultimately need to determine the date of accrual for Nanyah’s unjust enrichment claim pursuant to the rule set forth in the Reversal Order (*i.e.*, when it became inequitable for Eldorado Hills to retain the benefit).³

Nanyah then proceeds to wildly claim that “Nanyah’s \$1.5 million invested into Eldorado was established by the Decision and cannot be subsequently contested at trial.”⁴ In other words, Nanyah is arguing to this Court that the Nevada Supreme Court made a *factual* determination that Nanyah invested \$1,500,000 into Eldorado Hills, and that *factual* determination is controlled by the law of the case. Nonsense. The Nevada Supreme Court does not decide factual issues *de novo*. See *Anderson v. City of Bessemer City, N.C.*, 470 U.S. 564, 574 (1985) (“‘[A]ppellate courts must constantly have in mind that their function is not to decide factual issues *de novo*.’”) (citation omitted). In any event, the Reversal Order includes no such finding. Instead, the Nevada Supreme Court remanded this case to determine these factual issues, such as whether Nanyah actually invested \$1,500,000 into Eldorado Hills in exchange for a membership interest or provided a

² Ex. 1 to Pet., p. 2 (citations omitted) (emphasis added).

³ As set forth in Eldorado Hills’ Pre-Trial Memorandum, this is an issue for the Court—as opposed to the jury—to decide, because unjust enrichment is an equitable claim. *Awada v. Shuffle Master, Inc.*, 123 Nev. 613, 618, 173 P.3d 707, 710 (2007).

⁴ Pet., 4:19-20.

1 \$1,500,000 loan to Eldorado Hills (it actually did neither, instead providing funds to a separate
2 company called Canamex Nevada, LLC). These factual determinations will not only dictate the
3 resolution of Nanyah's unjust enrichment claim, they will also dictate the accrual date for the statute
4 of limitations.

5 While this Court should take judicial notice of the Reversal Order and apply the law of the
6 case doctrine, Nanyah's description of the Reversal Order and its requested relief are
7 incomprehensible and must be rejected by this Court.

8 DATED this 19th day of April, 2019.

9 BAILEY ♦ KENNEDY

10
11 By: /s/ Joseph A. Liebman
12 DENNIS L. KENNEDY
13 JOSEPH A. LIEBMAN

14 *Attorneys for Defendant*
15 ELDORADO HILLS, LLC
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CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 19th day of April, 2019, service of the foregoing **DEFENDANT ELDORADO HILLS, LLC'S RESPONSE TO NANYAH VEGAS, LLC'S REQUEST FOR JUDICIAL NOTICE AND APPLICATION OF LAW OF THE CASE DOCTRINE** 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. SIMONS HALL JOHNSTON PC 6490 S. McCarran Blvd., Suite F-46 Reno, NV 89509	Email: msimons@shjnevada.com <i>Attorneys for Plaintiff</i> NANYAH VEGAS, LLC
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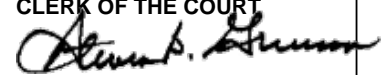
SAMUEL S. LIONEL, ESQ. BRENOCH WIRTHLIN, ESQ. FENNEMORE CRAIG, P.C. 300 S. Fourth Street, Suite 1400 Las Vegas, NV 89101	Email: slionel@fclaw.com bwirthlin@fclaw.com <i>Attorneys for Defendant</i> SIG ROGICH aka SIGMUND ROGICH, Individually and as Trustee of THE ROGICH FAMILY IRREVOCABLE TRUST, and IMITATIONS, LLC
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MICHAEL V. CRISTALLI JANIECE S. MARSHALL GENTILE CRISTALLI MILLER ARMENI SAVARESE 410 South Rampart Blvd., Suite 420 Las Vegas, NV 89145	Email: mcristalli@gcmaslaw.com jmarshall@gcmaslaw.com <i>Attorneys for Defendants</i> SIG ROGICH aka SIGMUND ROGICH as Trustee of THE ROGICH FAMILY IRREVOCABLE TRUST
---	---

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

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Steven D. Grierson
CLERK OF THE COURT



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8 Telephone: (775) 785-0088
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10 *Attorneys for Nanyah Vegas, LLC*

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

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

19 Plaintiffs,

20 v.

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

26 Defendants.

27 NANYAH VEGAS, LLC, a Nevada limited liability
28 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

**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 PURPOSES OF NRS
163.120**

1
2 **SUPPLEMENT TO NANYAH VEGAS, LLC'S EMERGENCY MOTION TO**
3 **ADDRESS DEFENDANT THE ROGICH FAMILY IRREVOCABLE TRUST'S**
4 **NRS 163.120 NOTICE**
5 **AND/OR MOTION TO CONTINUE TRIAL FOR PURPOSES OF NRS 163.120**

6 Nanyah Vegas, LLC ("Nanyah") submits the following Supplement to its
7 Emergency Motion to Address the Rogich Family Irrevocable Trust's NRS 163.120 notice
8 ("Notice").

9 **I. BASIS OF SUPPLEMENT.**

10 At the conclusion of oral argument on the Motion, the Court requested additional
11 briefing on the issue of the Court's discretion under NRS 163.120 detailing, among other
12 things, written notice to any beneficiaries of a trust prior to entry of judgment in a case.

13 Section 163.120 requires a trustee to provide a plaintiff a list of current
14 beneficiaries upon request. This is to afford current beneficiaries of a trust's exposure by
15 virtue of the trustee's activities.

16 **II. "OR WITHIN SUCH OTHER TIME AS THE COURT MAY FIX."**

17 The Court indicated that it believed its "hands were tied" with regard to allowing
18 Nanyah to proceed with providing notice to any alleged "other" beneficiaries of the Rogich
19 Trust. Contrary to the Court's perception, the Court's hands are not "tied".

20 The clear and unambiguous language of the statute provides three (3) separate
21 times when notice can be provided to beneficiaries: (1) "within 30 days after filing the
22 action", (2) "or within 30 days after the filing of a report of an early case conference if one
23 is required, (3) "or within such other time as the Court may fix." 163.129(2) (emphasis
24 added). The Court addressed the first two situations but requested briefing on its
25 discretion under (3), the circumstances before the Court.
26
27
28

1 **A. “OR” IS DISJUNCTIVE.**

2 “‘When construing a statute, this court looks to the words in the statute to
3 determine the plain meaning of the statute’” Nevada v. Daniel, 129 Nev. 692, 309
4 P.3d 1041, 1043 (2013) (citation omitted). **“The plain and ordinary meaning of the**
5 **word ‘or’ is well established. When used in a statute, the word ‘or’ indicates an**
6 **intention to designate separate, disjunctive categories.”** Eddie E. v. Superior Court,
7 234 Cal. App. 4th 319, 327, 183 Cal. Rptr. 3d 773, 779 (Cal. Ct. App. 2015) (emphasis
8 added). NRS 163.120 plainly states that there are 3 separate timing situations to provide
9 notice to beneficiaries—**1 or 2 or 3**. The Court’s hands are not “tied” solely to considering
10 situation 1 or 2.
11

12 Statutory construction of the use of the term “or” in NRS 163.120(b) clearly means
13 that Nanyah’s motion seeking to proceed with notice to the beneficiaries after the jury
14 verdict and before entry of judgment is entirely appropriate and warranted in this case.
15 To artificially claim that the Court’s hands are “tied” and that the Court can only consider
16 situation 1 or 2 as a basis to deny Nanyah’s requested relief is clear error and is a total
17 disregard for the legislature’s use of the term “or” repeatedly in the statute to define
18 disjunctive and separate events. See e.g., State v. Catanio, 120 Nev. 1030, 1033, 102
19 P.3d 588, 591 (2004) (“By using the disjunctive ‘or, the statute clearly indicates”
20 alternative activities); Jensen v. Sheriff, White Pine Cty., 89 Nev. 123, 125, 508 P.2d 4, 5
21 (1973) (use of word “or” in the statute “spells out the several specific acts in
22 the disjunctive, and any one of them is sufficient”); Shell Petroleum Corp. v. Royal
23 Petroleum Corp., 135 Tex. 12, 21, 137 S.W.2d 753, 758 (Comm’n App. 1940) (“In its
24 ordinary use the term ‘or’ is disjunctive, and alternative in its effect.”); 154 ALR 866 (“The
25 word ‘or’ when used in a statute, is almost always disjunctive”).
26
27
28

1
2 **B. NOTICE DOES NOT HAVE TO OCCUR PRIOR TO TRIAL.**

3 As Nanyah's Motion pointed out, the NRS 163 notice does not have to occur prior
4 to trial and, therefore, appropriate relief was "the case may be tried to verdict and,
5 thereafter, suspend entry of judgment pending notice to any designated beneficiary"
6 Mot., p. 8:17-19. Given the Court's denial of Nanyah's request to continue the trial to
7 comply with NRS 163.120's provisions, the Court must allow the case to be tried and
8 NRS 163's provisions addressed after verdict and prior to entry of judgment. The statute
9 does not preclude Nanyah's claims against the Rogich Trust from tried to the jury and
10 does not prevent a jury from rendering a verdict either for or against the Rogich Trust.
11

12 Again, **this exact issue was addressed by the Texas court** Transamerican
13 Leasing Co. v. Three Bears, Inc., 586 S.W.2d 472, 476–77 (Tex. 1979)¹, the Court
14 addressed the notice to beneficiaries requirement **after judgment had already been**
15 **entered**. The court vacated the judgment and then allowed the prevailing party to
16 proceed with 163's notice requirements. In doing so, the Court stated:
17

18 **The requirement for a notice does not always require notice in time for trial,**
19 **since the statute places some discretion with the court to require the notice "within**
20 **such other time as the court may fix" so long as it is thirty days before judgment.**
21
22
23
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26 _____
27 ¹ Authority from others states is compelling and persuasive because NRS 163.120 is a part
28 of the Uniform Trust Act. Like Nevada, other states have adopted the Uniform Trust Act.

...(cont'd)

1 Id. (emphasis added). Allowing a plaintiff to notice beneficiaries of a trust after a trial has
2 been completed against a trustee has been repeatedly held to be a proper exercise of the
3 Court's discretion.²

4 Clearly the Texas Supreme Court did not consider the trial court's hands to be
5 "tied". And clearly the Texas Supreme Court did not seek to prejudice the plaintiff in that
6 action by refusing to grant appropriate and warranted relief—even after judgment had
7 already been rendered against the trust in that case. In fact, the Texas Supreme Court
8 held that the district court's exercise of discretion in vacating the judgment and
9 proceeding with NRS 163's notice requirements was proper and appropriate.
10

11 **C. THE COURT MUST EXERCISE ITS DISCRETION TO DECIDE**
12 **NANYAH'S CLAIMS AND RIGHT TO RECOVERY ON "THE**
13 **MERITS".**

14 The Nevada Supreme Court has stated that it is clear public policy for district
15 courts to exercise their discretion to decide disputes on the merits. As stated by the
16 Nevada Supreme Court in Franklin v. Bartsas Realty, Inc., 95 Nev. 559, 563, 598 P.2d
17 1147, 1149 (1979):

18 **One of the proper guides to the exercise of discretion is: The basic**
19 **underlying policy to have each case decided upon its merits. In the normal**
20 **course of events, justice is best served by such a policy.**
21
22
23

24 ² In re Pfizer's Estate, 33 N.J. Super. 242, 265, 110 A.2d 40, 53 (Ch. Div.), aff'd, 17 N.J.
25 40, 110 A.2d 54 (N.J. 1954) ("inasmuch as the cause has been fully heard and argued
26 without the Attorney-General having been joined as a party, an order may be entered
27 joining the Attorney-General of the State as a party, process should be served upon him,
28 and if he shall be satisfied that a correct conclusion has been reached, he may file a
formal answer and submit to the judgment of the court without further hearing or
proceedings. However, no judgment will be entered until the Attorney-General has been
made a party and has been afforded an opportunity to be heard.").

1 Id. (emphasis added); Christy v. Carlisle, 94 Nev. 651, 654, 584 P.2d 697 (1978) ("It is
2 our underlying policy to have each case decided upon its merits.").

3
4 Consequently, the Court must exercise its discretion as requested by Nanyah to
5 allow Nanyah to give NRS 163.120 notice to Rogich Trust beneficiaries after jury verdict
6 and prior to entry of judgment. Only in such fashion is this Court complying with Nevada
7 public policy. Id; see also United States v. Hosteen Tse-Kesj, 191 F.2d 518, 520 (10th
8 Cir. 1951) ("[court] is under a duty to decide cases upon their merits and may not
9 arbitrarily refuse to exercise its jurisdiction when invoked by appropriate proceedings.").

10 **D. RULES OF STATUTORY CONSTRUCTION SUPPORT NANYAH'S**
11 **REQUEST.**

12 Nevada law is clear that the Court should construe a statute to avoid absurd
13 results. Las Vegas Sun v. District Court, 104 Nev. 508, 511, 761 P.2d 849, 851 (1988)
14 ("statutes should be interpreted so as to effect the intent of the legislature in enacting
15 them; the interpretation should be reasonable and avoid absurd results."); Moody v.
16 Manny's Auto Repair, 110 Nev. 320, 325, 871 P.2d 935, 938 (1994) (a statute should
17 always be construed so as to avoid absurd results). To the extent the Court is under the
18 impression that its "hands are tied" to only allowing notice under situation 1 or 2, the
19 Court's impression is incorrect and would constitute an absurd result. The statute plainly
20 and clearly identifies alternative time periods to conduct notice to beneficiaries, i.e.
21 situation 3. To deem situation number 3, the very situation Nanyah requested in its
22 Motion, would constitutes an absurd interpretation of the statute given that this provision
23 would be entirely ignored.
24
25

26 ///

27 ///

1 **E. DENIAL OF NANYAH'S CREATES INCONSISTENT TREATMENT OF**
2 **PARTIES IN THIS CASE.**

3 The Court is clearly aware that it previously granted summary judgment in favor of
4 the Rogich Trust and against Carlos Huerta and the Alexander Christopher Trust (jointly
5 "Huerta") on February 23, 2015. See **Exhibit 7**. In addition, the Court awarded the
6 Rogich Trust \$237,954.50 in attorneys fees and costs in the amount of \$5,016,77. Id.
7 The Court did not require any NRS 163 notice by the plaintiffs there.

8 The Court entered judgment in favor of the Rogich Trust in these proceedings and
9 awarded it almost \$240,000. It is suggested that if the Court is going to award the Rogich
10 Trust almost \$240,000 then the Court should also exercise its discretion as requested and
11 allow Nanyah to proceed with post-verdict NRS 163 notice if the jury finds in favor of
12 Nanyah and against the Rogich Trust.

13 **AFFIRMATION**: This document does not contain the social security number of any
14 person.
15

16 DATED this 21st day of April, 2019.
17

18 SIMONS HALL JOHNSTON PC
19 6490 S. McCarran Blvd., Ste. F-46
20 Reno, NV 89509

21 /s/ Mark G. Simons
22 MARK G. SIMONS
23 *Attorneys for Nanyah Vegas, LLC*
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 HALL JOHNSTON PC and that on this date I caused to be served a true copy of
the **NANYAH VEGAS, LLC'S SUPPLEMENT TO 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** on all
parties to this action via the Odyssey E-Filing System:

Dennis L. Kennedy	dkennedy@baileykennedy.com
Bailey Kennedy, LLP	bkfederaldownloads@baileykennedy.com
Joseph A. Liebman	jlienbman@baileykennedy.com
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H S Johnson	calendar@cohenjohnson.com
Erica Rosenberry	erosenberry@fclaw.com

DATED this 21st day of April, 2019.

/s/ Jodi Alhasan
Employee of Simons Hall Johnston PC

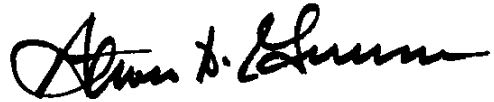
EXHIBIT LIST

NO.	DESCRIPTION	PAGES
7	Notice of Entry of Order	

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EXHIBIT 7

EXHIBIT 7



CLERK OF THE COURT

1 NOTC
2 Samuel S. Lionel, NV Bar No. 1766
3 slionel@fclaw.com
4 FENNERMORE CRAIG, P.C.
5 300 South Fourth Street, 14th Floor
6 Las Vegas, Nevada 89101
7 Telephone: (702) 791-8251
8 Fax: (702) 791-8252
9 Attorneys for Sig Rogich aka
10 Sigmund Rogich as Trustee of
11 The Rogich Family Irrevocable Trust

DISTRICT COURT

CLARK COUNTY, NEVADA

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

17 Plaintiffs,

18 v.

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

24 Defendants.

Case No. A-13-686303-C

Dept. XXVII

NOTICE OF ENTRY OF FINAL
JUDGMENT

NOTICE OF ENTRY OF FINAL JUDGMENT

22 //

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24 //

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28

1 Notice is hereby given that on February 23, 2015 an Order Granting Final Judgment was
2 duly entered herein, a copy of which is attached as Exhibit A.

3 Dated: February 24, 2015.

4 FENNEMORE CRAIG, P.C.

5 By: /s/ Samuel S. Lionel

6 Samuel S. Lionel, NV Bar #1766
7 300 South Fourth Street, 14TH Floor
8 Las Vegas, NV 89101
9 *Attorneys for Sig Rogich aka*
10 *Sigmund Rogich as Trustee of*
11 *The Rogich Family Irrevocable Trust*

12 **CERTIFICATE OF SERVICE**

13 Pursuant to Administrative Order 14-2, the undersigned hereby certifies that a true and
14 correct copy of the **Notice of Final Judgment** was served through the Wiznet mandatory
15 electronic service on this 24th day of February, 2015 on the following counsel of record:
16

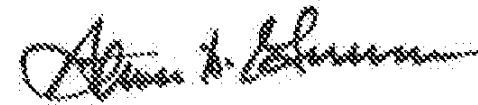
17
18 Brandon McDonald
19 McDonald Law Offices, PLLC
20 2505 Anthem Village Drive, Ste. E-474
21 Henderson, NV 89052
22 brandon@mcdonaldlawyers.com

23 Attorney for Plaintiff

24
25
26
27
28

An employee of Fennemore Craig, P.C.

EXHIBIT A



CLERK OF THE COURT

JUDGE

Samuel S. Lionel, NV Bar No. 1766

slionel@fclaw.com

FENNERMORE CRAIG, P.C.

300 South Fourth Street, 14th Floor

Las Vegas, Nevada 89101

Telephone: (702) 791-8251

Fax: (702) 791-8252

Attorneys for Sig Rogich aka

Sigmund Rogich as Trustee of

The Rogich Family Irrevocable Trust

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.

Case No. A-13-686303-C

Dept. XXVII

FINAL JUDGMENT

FINAL JUDGMENT

WHEREAS, an Order Granting Summary Judgment was duly entered on November 5,
2015 dismissing the Amended Complaint of Plaintiffs Carlos A. Huerta, individually, and as
Trustee of The Alexander Christopher Trust; and

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Def(s)	<input type="checkbox"/> Judgment of Arbitration


1 WHEREAS, an Order Granting Motion for Award of Attorneys' Fees was duly entered
2 on February 11, 2015 in favor of Defendant, The Rogich Family Irrevocable Trust, in the amount
3 of \$237,954.50 against said Plaintiffs; and

4 WHEREAS, on November 7, 2014, The Rogich Family Irrevocable Trust duly filed a
5 Memorandum of Costs and Disbursements in the amount of \$5,016.77; and

6 WHEREAS, the Plaintiffs did not file a Motion to Retax.


7
8 NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED THAT the
9 Defendant, The Rogich Family Irrevocable Trust, be and is hereby awarded Final Judgment
10 against Plaintiffs Carlos A. Huerta, individually, and as Trustee of The Alexander Christopher
11 Trust, dismissing the Amended Complaint, with prejudice, together with the award of
12 \$237,954.50, for attorneys' fees, plus costs taxed in the amount of \$5,016.77.

13 Dated this 20 day of February, 2015.

14
15 
16 DISTRICT COURT JUDGE
17

18 SUBMITTED by:
19 FENNEMORE CRAIG, P.C.

20 17 day of February, 2015

21 By: 
22 Samuel S. Lionel
23 300 S. Fourth Street, #1400
24 Las Vegas, NV 89101
25 Attorneys for Defendant
26
27
28