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Electronically Filed  
Feb 17 2022 02:39 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

NANYAH VEGAS, LLC, A Nevada limited  
liability company,

Appellant,

v.

SIG ROGICH aka SIGMUND ROGICH as  
Trustee of The Rogich Family Irrevocable  
Trust; ELDORADO HILLS, LLC, a Nevada  
limited liability company; TELD, LLC, a  
Nevada limited liability company; PETER  
ELIADES, individually and as Trustee of The  
Eliades Survivor Trust of 10/30/08; and  
IMITATIONS, LLC, a Nevada limited liability  
company,

Respondents.

**Supreme Court No.: 79917**

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

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

**AND RELATED MATTERS.**

**MOTION TO STAY ENFORCEMENT DURING PENDENCY OF APPEAL**

Pursuant to NRAP 8(a)(2), appellant Nanyah Vegas, LLC, ("Nanyah"), by  
and through its undersigned counsel, hereby moves this Court for an order staying  
any execution of any judgment until this Court has decided the currently pending  
appeal in the above referenced case number.

1       **I.       THIS COURT SHOULD STAY THE EXECUTION OF**  
2       **JUDGMENTS PENDING THE OUTCOME OF THIS APPEAL.**

3               NRAP 8(a)(2)(A)(ii) provides that a motion for stay pending appeal may be  
4 made to this Court if “a motion having been made, the district court denied the  
5 motion or failed to afford the relief requested and state any reasons given by the  
6 district court for its action.” Such is the case here.

7  
8               Respondents/Counter appellants Eldorado Hills, LLC, Teld, LLC, Peter  
9 Eliades, individually and as Trustee of The Eliades Survivor Trust of 10/30/08  
10 (hereinafter collectively the “Eliades Parties”) and Respondents/Counter appellants  
11 Sigmund Rogich, individually and as Trustee of the Rogich Family Irrevocable  
12 Trust and Imitations, LLC (hereinafter the “Rogich Parties”) have each served  
13 writs of execution against Nanyah. *See* Eliades Writ of Execution attached hereto  
14 as **Exhibit 1**; Rogich Writ of Execution attached hereto as **Exhibit 2**. A Sheriff’s  
15 Sale has been scheduled for April 13, 2022.

16  
17               Nanyah’s only assets are the claims that are currently pending before this  
18 Court in this appeal. *See* Voluntary Petition for Non-Individuals Filing for  
19 Bankruptcy at 11:§74 (stating (“[c]laim in appeal pending before the Nevada  
20 Supreme Court . . . \$7,200,000.00.”) attached hereto as **Exhibit 3**.

21  
22               In accordance with NRAP 8(a)(1), Nanyah initially filed its Motion for Stay  
23 of Enforcement During Pending Appeal before the district court. A true and  
24 correct copy of the parties briefing of the motion is attached hereto as **Exhibit 4**.  
25  
26

1 The Parties came before the district court on February 3, 2022, for a hearing on the  
2 Motion for Stay of Enforcement During Pending Appeal. The district court denied  
3 the motion on the grounds that posting the rights under Nanyah's appeal as  
4 "alternative collateral" did not provide sufficient security to the Respondents.<sup>1</sup> Of  
5 note, this reasoning by the district court is nonsensical given that the security  
6 offered by Nanyah (the rights and claims subject to this appeal) are the identical  
7 rights upon which the Respondents are attempting to execute upon.

8  
9 Simply stated, Nanyah offered the identical asset as "other collateral" for the  
10 issuance of the stay that the district court held was insufficient, yet the district  
11 court is permitting the Respondents to proceed on execution of the exact same  
12 asset being offered as alternative security.

13  
14  
15  
16 **A. THE NRAP 8(c) FACTORS WEIGH IN FAVOR OF A STAY.**

17 NRAP 8(c) further provides the considerations this Court will examine when  
18 deciding whether to issue a stay or injunction:

- 19  
20 (1) whether the object of the appeal or writ petition will be  
21 defeated if the stay or injunction is denied;  
22 (2) whether appellant/petitioner will suffer irreparable or serious  
23 injury if the stay or injunction is denied;  
24 (3) whether respondent/real party in interest will suffer  
25 irreparable or serious injury if the stay or injunction is granted;  
26 and  
(4) whether appellant/petitioner is likely to prevail on the merits  
in the appeal or writ petition.

---

<sup>1</sup> See NRCP 62(d)(1) allowing for a stay upon the posting of "other security".

1       The first factor weighs decisively in Nanyah's favor. The Eliades and  
2 Rogich Parties are seeking to execute judgments against Nanyah's claims on  
3 appeal and then dismiss this appeal and the valuable claims against them. This  
4 case presents a rare circumstance in which Nanyah's only remaining assets are its  
5 claims on appeal in this case. *See* Ex. 3 at 11:§74. As a result, The Eliades and  
6 Rogich Parties' intentions in executing a judgment against Nanyah's appeals are  
7 transparent. The Eliades and Rogich Parties are not ordinary creditors deserving of  
8 protection in executing a judgment. Instead, the Eliades and Rogich Parties are  
9 seeking to take advantage of Nanyah's vulnerable financial position to undermine  
10 Nanyah's *fully-briefed appeal*. Absent a stay, the object of the appeal currently  
11 pending before this Court will be destroyed.

12       Again of note, as detailed in Nanyah's briefing, the Respondents already  
13 received Nanyah's \$1.5 million investment and agreed to repay the investment. To  
14 require Nanyah to post another bond when the Respondents have already received  
15 and enjoyed the benefits of Nanyah's \$1.5 million is unjust. Merely because the  
16 Respondents obtained a dismissal of Nanyah's claims via a myriad of legally and  
17 factually erroneous rulings by the district court judge should not compound the  
18 prejudice being perpetrated upon Nanyah.

19       This factor should be decisive in this Court's review of this Motion because  
20 it is strongly supported by the policy of this Court. Specifically, "[i]t is a firmly  
21 established policy of this Court that controversies preferably be resolved on their  
22



1 merits whenever possible.” *Gutenberger v. Cont'l Thrift & Loan Co.*, 94 Nev. 173,  
2 175, 576 P.2d 745, 745 (1978) (citing *Hotel Last Frontier Corp. v. Frontier*  
3 *Properties, Inc.*, 79 Nev. 150, 155, 380 P.2d 293, 295 (1963)). If this policy  
4 should mean anything, surely it should mean that a fully-briefed appeal should not  
5 be procedurally discarded prior to being reviewed on the merits.  
6  
7

8 Nanyah will suffer irreparable injury if the stay is denied. As this Court is  
9 aware, Nanyah has completed the briefing on its appeal in Case No. 79917. The  
10 Eliades and Rogich Parties have failed to provide any compelling justification as to  
11 why a stay should not issue while this Court considers the merits of Nanyah’s  
12 appeal.  
13

14 In the absence of a stay, Nanyah’s appeal will be dismissed by the Eliades  
15 and Rogich Parties and the merits of the appeal will be simply ignored. As  
16 outlined extensively in Nanyah’s briefing before this Court, Nanyah believes the  
17 district court erred in several respects. If this stay is denied, Nanyah will  
18 permanently lose the opportunity to have those claims reviewed and justice served.  
19  
20

21 The Eliades and Rogich Parties face virtually no prejudice by this stay being  
22 granted. The appeal has been fully briefed. The only thing for the parties to do at  
23 this stage is await a determination from this Court. No assets are being depleted or  
24 at risk of loss should this Court grant the stay. If the stay is granted, the parties  
25 will have the benefit of a decision from this Court. If the appeal is granted,  
26 Nanyah will have the opportunity to proceed on its claims at issue in the appeal

1 and the “judgments” rendered against Nanyah upon which the Respondents are  
2 seeking to execute upon will be reversed and rendered \$0 in value.

3  
4 If the appeal is denied, the Eliades and Rogich Parties *will be in the exact*  
5 *same position they would have been in if this Court denies the stay.* As a result,  
6 the only result that creates any prejudice to a party is if this Court denies the stay  
7 and Nanyah is denied the opportunity to have its appeal heard on the merits.  
8  
9 Importantly, the Eliades and Rogich Parties are not disinterested creditors. They  
10 are parties to the appeal in this case that are seeking to utilize a chose in action to  
11 deprive Nanyah of the opportunity to further pursue its claims.  
12

13 Nanyah is likely to prevail on the merits of its appeal. As referenced above,  
14 the undisputed facts are Nanyah invested \$1.5 million into Eldorado Hills, which  
15 the Rogich Trust agreed to repay as Eldorado’s surety. The Eliades Trust agreed to  
16 hold a portion of its membership interest in Eldorado in trust for issuance to  
17 Nanyah in the event the Rogich Trust did not repay the \$1.5 million investment  
18 into Eldorado. The district court dismissed all claims on technicalities rather than  
19 on the merits. The district court’s rulings were based on erroneous and illogical  
20 application of statutory provisions and facially contrary rulings of law.  
21  
22  
23

24 ///

25 ///

26 ///

1           **B.     THIS COURT SHOULD WAIVE THE BOND OR PERMIT**  
2           **ALTERNATIVE SECURITY.**

3           A primary issue of contention between the parties is whether a waiver of the  
4           bond or a substitution of alternative security is permissible. This Court has the  
5           authority to either waive the bond or approve the posting of other security.  
6

7           In *Nelson*, this Court stated “a full supersedeas bond may be **waived** and/or  
8           alternate security substituted. . . .” *Nelson v. Heer*, 121 Nev. 832, 836, 122 P.3d  
9           1252, 1254 (2005), *as modified* (Jan. 25, 2006) (citing *Dillon v. City of Chicago*,  
10          866 F.2d 902 (7th Cir.1988) (emphasis added)). This Court also expressly  
11          recognized a district court’s “inherent power to grant a stay in the absence of a full  
12          bond.” *Id.* at 834. This sentence was followed by a footnote to a D.C. Circuit  
13          Court case which held FRCP 62(d) “does not prohibit the district court from  
14          exercising a sound discretion to authorize unsecured stays in cases it considers  
15          appropriate.” *Fed. Prescription Serv., Inc. v. Am. Pharm. Ass'n*, 636 F.2d 755, 758  
16          (D.C. Cir. 1980).  
17  
18  
19

20          This Court indicated it was following this precedent of permitting unsecured  
21          stays not only by footnoting to the D.C. Circuit Court decision explicitly, but also  
22          by having the very next line of the opinion state that “federal decisions involving  
23          the Federal Rules of Civil Procedure provide persuasive authority when this court  
24          examines its rules.” *Nelson*, 121 Nev. at 834. Accordingly, when read in its  
25  
26

1 entirety, this Court's decision in *Nelson* acknowledged that this Court has the  
2 authority to waive a supersedes bond, and it should do so here.

3  
4 This case presents a unique scenario where the appellant has no assets other  
5 than the claims at issue on the fully-briefed appeal. *See* Ex. 3 at 11:§74. This is  
6 the exact type of case that should cause this Court to waive the bond requirement  
7 and issue an unsecured stay. Given the situation that if any portion of the appeal is  
8 reversed, the judgments will become moot and/or set aside upon reversal, *i.e.*, no  
9 right of recovery against Nanyah.

10  
11 In the alternative, Nanyah would request this Court permit Nanyah to offer  
12 its only asset, the claims pending on appeal, as the alternative security pursuant to  
13 NRAP 8(a)(2)(E).  
14

15 Dated this 17<sup>th</sup> day of February, 2022.

16  
17 SIMONS HALL JOHNSTON PC  
18 690 Sierra Rose Drive  
19 Reno, Nevada, 89511

20   
21 \_\_\_\_\_  
22 MARK G. SIMONS  
23 *Attorney for Appellant Nanyah Vegas, LLC*  
24  
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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 **MOTION TO STAY ENFORCEMENT DURING PENDENCY OF APPEAL** on all parties to this action by the method(s) indicated below:

  X   by using the Supreme Court Electronic Filing System:

Brenoch Wirthlin  
HUTCHISON & STEFFEN  
10080 W. Alta Dr., Suite 200  
Las Vegas, Nevada 89145

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

Joseph Liebman  
Dennis Kennedy  
Bailey Kennedy  
8984 Spanish Ridge Avenue  
Las Vegas, NV 89148-1302

*Attorneys for Eldorado Hills, LLC, Teld, LLC, a Nevada limited liability company; Peter Eliades, individually and as Trustee of the The Eliades Survivor Trust of 10/30/08*

DATED: This 17<sup>th</sup> day of February, 2022.

  
\_\_\_\_\_  
JODI ALHASAN

## EXHIBIT LIST

NO.	DESCRIPTION	PAGES
1	Eliades Writ of Execution	6
2	Rogich Writ of Execution	10
3	Voluntary Petition for Non-Individuals Filing for Bankruptcy	31
4	Record of Briefing by all Parties on Motion to Stay Enforcement During Pendency of Appeal	144

**EXHIBIT 1**

**EXHIBIT 1**

**BAILEY ♦ KENNEDY**  
8984 SPANISH RIDGE AVENUE  
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**WTEX (CIV)**

DENNIS L. KENNEDY  
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*Attorneys for Defendants* PETE ELIADES, THE  
ELIADES SURVIVOR TRUST OF 10/30/08,  
TELD, LLC and 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

**WRIT OF EXECUTION**

**CONSOLIDATED WITH:**

Case No. A-16-746239-C



**WRIT OF EXECUTION**

☐ **Earnings** ☒ **Other Property**

☐ **Earnings, Order of Support**

THE STATE OF NEVADA TO THE SHERIFF OF CLARK COUNTY, GREETINGS:

On May 4, 2020, a Judgment, upon which there is due in United States Currency the following amounts, was entered in this action in favor of Peter Eliades and Teld, LLC as judgment creditors and against Nanyah Vegas, LLC as judgment debtor in the amount of \$216,236.25 and Peter Eliades, The Eliades Survivor Trust of 10/30/08, Teld, LLC and Eldorado Hills, LLC as judgment creditors and against Nanyah Vegas, LLC as judgment debtor in the amount of \$31,010.98. Interest and costs have accrued in the amounts shown. Any satisfaction has been credited first against total accrued interest and costs, leaving the following net balance, which sum bears interest at 6.75 % per annum, \$45.72 per day from issuance of this writ to date of levy and to which sum must be added all commissions and costs of executing this Writ.

**JUDGMENT BALANCE**

**AMOUNTS TO BE COLLECTED BY LEVY**

Principal	\$ 247,247.23	NET BALANCE	\$
Pre-judgment Interest	\$ 0.00	Fee this Writ	\$ _____
Attorney's Fee	\$ 0.00	Garnishment Fee	\$ _____
Costs	\$ 0.00	Mileage	\$ _____
JUDGMENT TOTAL	\$ 247,247.23	Levy Fee	\$ _____
Accrued Costs	\$ 0.00	Advertising	\$ _____
Accrued Interest <sup>1</sup>	\$ 27,861.03	Storage	\$ _____
Less Satisfaction	\$ 0.00	Interest from	_____
		Date of Issuance	_____
NET BALANCE	\$ 275,108.26	SUB-TOTAL	\$ _____
		Commission	\$ _____
	<b>TOTAL LEVY</b>	<b>\$</b>	_____

<sup>1</sup> Interest accrued through January 5, 2022.

1 NOW, THEREFORE, you are commanded to satisfy the Judgment for the total amount due out of  
2 the following described personal property:

3 ➤ Levy on all rights of action, things in action, choses in action, causes of action, claims for  
4 relief, and/or appellate claims and interests belonging to NANYAH VEGAS, LLC and  
5 against Eldorado Hills, LLC, including, but not limited to, those which were asserted or  
6 could have been asserted against Eldorado Hills, LLC in the action styled *Carlos A. Huerta,*  
7 *et al. v. Sig Rogich, et. al.*, Case No. A-13-686303-C, currently pending in the Eighth Judicial  
8 District Court, Clark County, Nevada, and currently pending in the Nevada Supreme Court as  
9 Case No. 79917, and sell all such property and apply the proceeds toward satisfaction of  
10 judgment. Those rights of action, things in action, choses in action, causes of action, claims  
11 for relief, and/or appellate claims and interests against Eldorado Hills, LLC include, but are  
12 not limited to, the following:

- 13 ○ Unjust Enrichment;
- 14 ○ Breach of Contract; and
- 15 ○ Breach of Implied Contract.

16 ➤ Levy on all rights of action, things in action, choses in action, causes of action, claims for  
17 relief, and/or appellate claims and interests belonging to NANYAH VEGAS, LLC and  
18 against Peter Eliades, The Eliades Survivor Trust of 10/30/08, and Teld, LLC, including, but  
19 not limited to, those which were asserted or could have been asserted against Peter Eliades,  
20 The Eliades Survivor Trust of 10/30/08, and Teld, LLC in the action styled *Nanyah Vegas,*  
21 *LLC v. Teld, LLC, et. al.*, Case No. A-16-746239-C, currently pending in the Eighth Judicial  
22 District Court, Clark County, Nevada, and currently pending in the Nevada Supreme Court as  
23 Case No. 79917, and sell all such property and apply the proceeds toward satisfaction of  
24 judgment. Those rights of action, things in action, choses in action, causes of action, claims  
25 for relief, and/or appellate claims and interests against Peter Eliades, The Eliades Survivor  
26 Trust of 10/30/08, and Teld, LLC include, but are not limited to, the following:

- 27 ○ Breach of Contract;
- 28 ○ Breach of Implied Covenant of Good Faith and Fair Dealing;

- Tortious Breach of Implied Covenant of Good Faith and Fair Dealing;
- Intentional Interference with Contractual Relations;
- Constructive Trust;
- Civil Conspiracy;
- Fraudulent Transfer;
- Declaratory Relief; and
- Specific Performance.

(See next page for exemptions which may apply)

**EXEMPTIONS WHICH APPLY TO THIS LEVY**

**(Check appropriate paragraph and complete as necessary)**

☒ Property other than wages. The exemption set forth in NRS 21.090 or in other applicable Federal Statutes may apply, consult an attorney.

☐ Earnings. The amount subject to garnishment and this writ shall not exceed for any one pay period the less of:

A. 25% of the disposable earnings due the judgment debtor for the pay period, or

B. The difference between the disposable earnings for the period and \$100.50 per week for each week of the pay period.

☐ Earnings (Judgment or Order of Support)

A Judgment was entered for amounts due under a decree or order entered on \_\_\_\_, 20\_\_, by the \_\_\_\_ for support of \_\_\_\_, for the period from \_\_\_\_, 20\_\_, through \_\_\_\_, 20\_\_, in \_\_\_\_ installments of \$ \_\_\_\_.

The amount of disposable earnings subject to garnishment and this writ shall not exceed for any one pay period:

☐ A maximum of 50 percent of the disposable earnings of such judgment debtor who is supporting a spouse or dependent child other than the dependent named above;

☐ A maximum of 60 percent of the disposable earnings of such judgment debtor who is not supporting a spouse or dependent child other than the dependent named above;

☐ Plus an additional 5 percent of the disposable earnings of such judgment debtor if and to the extent that the judgment is for support due for a period of time more than 12 weeks prior to the beginning of the work period of the judgment debtor during which the levy is made upon the disposable earnings.

NOTE: Disposable earnings are defined as gross earnings less deductions for Federal Income Tax Withholding, Federal Social Security Tax and Withholding for any State, County or City Taxes.

You are required to return this Writ from the date of issuance not less than 10 days or more than 60 days with the results of your levy endorsed thereon.

BAILEY ♦ KENNEDY  
8984 SPANISH RIDGE AVENUE  
LAS VEGAS, NEVADA 89148-1302  
702.562.8820

1 Submitted By:

2 BAILEY ♦ KENNEDY

3  
4 By: /s/ Joseph A. Liebman

JOSEPH A. LIEBMAN

Nevada Bar No. 10125

8984 Spanish Ridge Avenue

Las Vegas, Nevada 89148-1302

7 *Attorneys for Defendants*

PETE ELIADES, THE ELIADES

8 SURVIVOR TRUST OF 10/30/08,

9 TELD, LLC and ELDORADO HILLS,

LLC

10

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18 JOE LOMBARDO, SHERIFF

CLARK COUNTY

19

20

21 By: \_\_\_\_\_

Deputy

Date

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STEVEN. D. GRIERSON  
CLERK OF COURT

By: Robyh Rodriguez 1/10/2022

Deputy Clerk District Date  
Robyn Rodriguez

RETURN

☐ Not Satisfied \$ \_\_\_\_\_

☐ Satisfied in Sum of \$ \_\_\_\_\_

☐ Costs retained \$ \_\_\_\_\_

☐ Commission retained \$ \_\_\_\_\_

☐ Costs incurred \$ \_\_\_\_\_

☐ Commission incurred \$ \_\_\_\_\_

☐ Costs Received \$ \_\_\_\_\_

REMITTED TO  
JUDGMENT CREDITOR \$ \_\_\_\_\_

**EXHIBIT 2**

**EXHIBIT 2**

# 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 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

### WRIT OF EXECUTION

☐ Earnings ☒ Other Property  
☐ Earnings, Order of Support

### THE STATE OF NEVADA TO THE SHERIFF OF CLARK COUNTY, GREETINGS:

Clerk of the Nevada Supreme Court  
408 E. Clark Ave.  
Las Vegas, NV 89101

On May 5, 2020, the Eighth Judicial District Court for the State of Nevada entered a Judgment in favor of Defendants, SIGMUND ROGICH, individually and as Trustee of The Rogich Family Irrevocable Trust and IMITATIONS, LLC, as the judgment creditors, and against the Plaintiff, NANYAH VEGAS, LLC, as the judgment debtor. Interest and costs have accrued in the amounts shown. Any satisfaction has been credited first against total accrued interest and costs leaving the following net balance which sum bears interest at Nevada statutory rate, currently at 5.25 percent per annum, or \$ 83.54 per day, from issuance of this writ to date of levy and to which sum must be added all commissions and costs of executing this Writ.

#### JUDGMENT BALANCE

Attorneys' Fees	\$ 541,021.50
Costs	\$ 39,748.55

<b>JUDGMENT TOTAL</b>	<b>\$ 580,770.05</b>
Accrued Costs	\$ 0.00
*Accrued Interest	\$ 52,149.97
Less Satisfaction	\$ 0.00

<b>NET BALANCE</b>	<b>\$ 632,920.02</b>
--------------------	----------------------

#### AMOUNTS TO BE COLLECTED BY LEVY

<b>NET BALANCE</b>	<b>\$ 632,920.02</b>
Fee this Writ	
Garnishment fee	
Mileage	
Levy Fee	
Advertising	
Storage	
Interest from	
Date of Issuance	
<b>SUB-TOTAL</b>	
Commission	
<b>TOTAL LEVY</b>	

\* Said amount calculated from 05/05/20 through 1/03/22.

NOW, THEREFORE, you are commanded to satisfy the judgment for the total amount due out of the following described personal property and if sufficient personal property cannot be found, then out of the following described real property:  
Please execute on Plaintiff/Judgment Debtor Nanyah Vegas, LLC's Personal Property described as Nanyah Vegas, LLC's choses in action, causes in action, things in action, appellate claims and interests in the following Nevada Supreme Court Cases: Consolidated Case Nos. 79917, 81038 and 81238 and entitled Nanyah Vegas, LLC v. Rogich, et al. Plaintiff/Judgment Debtor Nanyah Vegas, LLC's last known address is: (1) Nanyah Vegas, LLC, c/o Mark G. Simons, 6490 S. McCarran Blvd., Ste. F-46, Reno, NV, 89509.

**EXEMPTIONS WHICH APPLY TO THIS LEVY**  
(Check appropriate paragraph and complete as necessary)

☒ Property Other Than Wages. The exemption set forth in NRS 21.090 or in other applicable Federal Statutes may apply. Consult an attorney.

☐ Earnings

The amount subject to garnishment and this writ shall not exceed for any one pay period the lessor of:

A. 25% of the disposable earnings due the judgment debtor for the pay period, or

B. The difference between the disposable earnings for the period and \$100.50 per week for each week of the pay period.

☐ Earnings (Judgment or Order for Support)

A Judgment was entered for amounts due under a decree or order entered on \_\_\_\_\_  
20\_\_\_\_, by the \_\_\_\_\_ for the support of \_\_\_\_\_  
\_\_\_\_\_ for the period from \_\_\_\_\_, 20\_\_\_\_, through \_\_\_\_\_, 20\_\_\_\_, in \_\_\_\_\_  
installments of \$\_\_\_\_\_.

The amount of disposable earnings subject to garnishment and this writ shall not exceed for any one pay period:  
(check appropriate box)

☐ A maximum of 50 percent of the disposable earnings of such judgment debtor who is supporting a spouse or dependent child other than the dependent named above;

☐ A maximum of 60 percent of the disposable earnings of such judgment debtor who is not supporting a spouse or dependent child other than the dependent named above;

☐ Plus an additional 5 percent of the disposable earnings of such judgment debtor if and to extent that the judgment is for support due for a period of time more than 12 weeks prior to the beginning of the work period of the judgment debtor during which the levy is made upon the disposable earnings.

**NOTE:** Disposable earnings are defined as gross earnings less deductions for Federal Income Tax Withholding, Federal Social Security Tax and Withholding for any State, County or City Taxes.

You are required to return this Writ from date of issuance not less than 10 days or more than 60 days with the results of your levy endorsed thereon.

Issued at direction of:  
**HUTCHISON & STEFFEN, PLLC**

By: /s/ Brenoch Wirthlin, Esq.  
Brenoch Wirthlin, Esq., Nevada Bar #10282  
10080 W. Alta Dr., #200  
Las Vegas, Nevada 89101

*Attorneys for Judgment Creditors, Rogich Defendants*

I hereby certify that I have this date returned the foregoing Writ of Execution with the results of the levy endorsed thereon.

**SHERIFF OF CLARK COUNTY**

By: \_\_\_\_\_  
DEPUTY Date

STEVEN D. GRIERSON  
CLERK OF COURT

By: Robyn Rodriguez 1/5/2022  
DEPUTY CLERK Date

RETURN

_____ not satisfied	
_____ satisfied in sum of	\$ _____
_____ costs retained	\$ _____
_____ commission retained	\$ _____
_____ costs incurred	\$ _____
_____ commission incurred	\$ _____
_____ costs received	\$ _____

REMITTED TO  
JUDGMENT CREDITOR \$ \_\_\_\_\_



**DISTRICT COURT  
CLARK COUNTY, NEVADA  
NOTICE OF EXECUTION**

**YOUR PROPERTY IS BEING ATTACHED OR  
YOUR WAGES ARE BEING GARNISHED**

A court has determined that you owe money to **SIGMUND ROGICH, as Trustee of The Rogich Family Irrevocable Trust, Sigmund Rogich individually and Imitations, LLC**, the judgment creditors. The judgment creditors have begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, including, subject to the provisions of NRS 115.055, the proceeds from the sale of such property, not to exceed \$605,000, unless:
  - (a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.
  - (b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.
10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.
11. A vehicle, if your equity in the vehicle is less than \$15,000.
12. Eighty-two percent of the take-home pay for any workweek if your gross weekly salary or wage was \$770 or less on the date the most recent writ of garnishment was issued, or seventy-five percent of the take-home pay for

any workweek if your gross weekly salary or wage exceeded \$770 on the date the most recent writ of garnishment was issued, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed \$1,000,000 in present value, held in:

(a) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without limitation, an inherited individual retirement arrangement;

(b) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;

(c) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a contingent interest, if the contingency has not been satisfied or removed;

(b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(d) Certain powers held by a trust protector or certain other persons; and

(e) Any power held by the person who created the trust.

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(a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; and

(b) A present or future interest in the income or principal of a trust that is a support interest in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed \$10,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure of a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through:

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Las Vegas, NV 89101  
(702) 229-6596  
<http://www.snsplp.org>

*Nevada Legal Services*  
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Las Vegas, NV 89101  
(702) 386-0404  
<http://www.nlslaw.net>

If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court or through *Civil Law Self-Help Center*, 200 Lewis Avenue, on the first floor of the Regional Justice Center, downtown Las Vegas, Nevada, or its website at <http://www.civillawselfhelpcenter.org>.

### **PROCEDURE FOR CLAIMING EXEMPT PROPERTY**

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditors within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditors, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditors by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days after the objection to the claim of exemption and notice for the hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditors or the attorney of the judgment creditors written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

**IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITORS, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.**

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10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.
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<http://www.lacsn.org>

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<http://www.snslp.org>

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**EXHIBIT 3**

**EXHIBIT 3**

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:

DISTRICT OF NEVADA

Case number (if known)

Chapter **11**☐ Check if this an amended filing**Official Form 201****Voluntary Petition for Non-Individuals Filing for Bankruptcy**

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name **NANYAH VEGAS, LLC**

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) **86-2723225**

4. Debtor's address Principal place of business

**6490 S. McCarran Blvd., Ste. F-46**  
**Reno, NV 89509**

Number, Street, City, State &amp; ZIP Code

**Washoe**

County

Mailing address, if different from principal place of business

P.O. Box, Number, Street, City, State &amp; ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State &amp; ZIP Code

5. Debtor's website (URL)

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))☐ Partnership (excluding LLP)☐ Other. Specify:

Debtor **NANYAH VEGAS, LLC**  
Name

Case number (if known) \_\_\_\_\_

**7. Describe debtor's business** A. *Check one:*

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

B. *Check all that apply*

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.  
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

**8. Under which chapter of the Bankruptcy Code is the debtor filing?***Check one:*

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. *Check all that apply:*

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11.** If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

- ☒ No.
- ☐ Yes.

If more than 2 cases, attach a separate list.

District _____	When _____	Case number _____
District _____	When _____	Case number _____

Debtor **NANYAH VEGAS, LLC**  
Name

Case number (if known)

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?
- ☒ No  
☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor Relationship  
District When Case number, if known

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No☐ Yes.

Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard?

- ☐ It needs to be physically secured or protected from the weather.

- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

- ☐ Other

Where is the property?

Number, Street, City, State &amp; ZIP Code

Is the property insured?

☐ No☐ Yes. Insurance agency

Contact name

Phone

## Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☒ 1-49☐ 50-99☐ 100-199☐ 200-999☐ 1,000-5,000☐ 5001-10,000☐ 10,001-25,000☐ 25,001-50,000☐ 50,001-100,000☐ More than 100,000

15. Estimated Assets

☒ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☐ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion

16. Estimated liabilities

☐ \$0 - \$50,000☒ \$1,000,001 - \$10 million☐ \$500,000,001 - \$1 billion

Debtor	<b>NANYAH VEGAS, LLC</b>	Case number (if known)	
	Name		
	<input type="checkbox"/> \$50,001 - \$100,000	<input type="checkbox"/> \$10,000,001 - \$50 million	<input type="checkbox"/> \$1,000,000,001 - \$10 billion
	<input type="checkbox"/> \$100,001 - \$500,000	<input type="checkbox"/> \$50,000,001 - \$100 million	<input type="checkbox"/> \$10,000,000,001 - \$50 billion
	<input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> More than \$50 billion

Debtor **NANYAH VEGAS, LLC**  
Name

Case number (if known)

**Request for Relief, Declaration, and Signatures****WARNING --** Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**17. Declaration and signature  
of authorized  
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **March 29, 2021**  
MM / DD / YYYY**X /s/ YOAV HARLAP**

Signature of authorized representative of debtor

**YOAV HARLAP**

Printed name

Title **MANAGING MEMBER****18. Signature of attorney****X /s/ KEVIN A DARBY**

Signature of attorney for debtor

Date **March 29, 2021**

MM / DD / YYYY

**KEVIN A DARBY 7670**

Printed name

**DARBY LAW PRACTICE**

Firm name

**4777 CAUGHLIN PARKWAY  
RENO, NV 89519**

Number, Street, City, State &amp; ZIP Code

Contact phone **775.322.1237**Email address **kevin@darbylawpractice.com****7670 NV**

Bar number and State

**Fill in this information to identify the case:**Debtor name NANYAH VEGAS, LLCUnited States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing**Official Form 202****Declaration Under Penalty of Perjury for Non-Individual Debtors**

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

**WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**

**Declaration and signature**

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ *Amended Schedule*
- ☐ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 29, 2021**X /s/ YOAV HARLAP**

Signature of individual signing on behalf of debtor

**YOAV HARLAP**

Printed name

**MANAGING MEMBER**

Position or relationship to debtor

Fill in this information to identify the case:

Debtor name **NANYAH VEGAS, LLC**United States Bankruptcy Court for the: **DISTRICT OF NEVADA**

Case number (if known): \_\_\_\_\_

☐ Check if this is an  
amended filing**Official Form 204****Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
ELDORADO HILLS, LLC c/o BAILEY KENNEDY 8984 SPANISH RIDGE AVE Las Vegas, NV 89148		ATTORNEYS' FEE AWARD	Contingent Disputed			\$251,510.97
GO GLOBAL, INC. C/O CARLOS HUERTA 3203 E. WARM SPRINGS ROAD #400 Las Vegas, NV 89120		CONSULTING FEES				\$0.00
IMITATIONS, LLC C/O HUTCHINSON & STEFFEN, PLLC BRENOCH WIRTHLIN 10080 W. ALTA DR. #200 Las Vegas, NV 89101		ATTORNEYS' FEE AWARD	Contingent Disputed			\$598,586.96
INTERNAL REVENUE SERVICE P.O. Box 21126 DPN 781 Philadelphia, PA 19114						Unknown



Debtor **NANYAH VEGAS, LLC**  
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
YOAV HARLAP C/O ANDREW HEYMANN, CPA SOLOMON BLUM HEYMANN LLP 40 WALL STREET 35TH FLOOR NY 10005		LOANS TO DEBTOR				\$641,733.39

**Fill in this information to identify the case:**Debtor name NANYAH VEGAS, LLCUnited States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing**Official Form 206Sum  
Summary of Assets and Liabilities for Non-Individuals**

12/15

**Part 1: Summary of Assets****1. Schedule A/B: Assets-Real and Personal Property** (Official Form 206A/B)**1a. Real property:**Copy line 88 from *Schedule A/B*..... \$ 0.00**1b. Total personal property:**Copy line 91A from *Schedule A/B*..... \$ 0.00**1c. Total of all property:**Copy line 92 from *Schedule A/B*..... \$ 0.00**Part 2: Summary of Liabilities****2. Schedule D: Creditors Who Have Claims Secured by Property** (Official Form 206D)Copy the total dollar amount listed in Column A, *Amount of claim*, from line 3 of *Schedule D*..... \$ 0.00**3. Schedule E/F: Creditors Who Have Unsecured Claims** (Official Form 206E/F)**3a. Total claim amounts of priority unsecured claims:**Copy the total claims from Part 1 from line 5a of *Schedule E/F*..... \$ 0.00**3b. Total amount of claims of nonpriority amount of unsecured claims:**Copy the total of the amount of claims from Part 2 from line 5b of *Schedule E/F*..... +\$ 1,491,831.32**4. Total liabilities** .....

Lines 2 + 3a + 3b

\$ 1,491,831.32

**Fill in this information to identify the case:**Debtor name NANYAH VEGAS, LLCUnited States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing**Official Form 206A/B****Schedule A/B: Assets - Real and Personal Property**

12/15

Disclose all property, real and personal, which the debtor owns or in which the debtor has any other legal, equitable, or future interest. Include all property in which the debtor holds rights and powers exercisable for the debtor's own benefit. Also include assets and properties which have no book value, such as fully depreciated assets or assets that were not capitalized. In Schedule A/B, list any executory contracts or unexpired leases. Also list them on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G).

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. At the top of any pages added, write the debtor's name and case number (if known). Also identify the form and line number to which the additional information applies. If an additional sheet is attached, include the amounts from the attachment in the total for the pertinent part.

For Part 1 through Part 11, list each asset under the appropriate category or attach separate supporting schedules, such as a fixed asset schedule or depreciation schedule, that gives the details for each asset in a particular category. List each asset only once. In valuing the debtor's interest, do not deduct the value of secured claims. See the instructions to understand the terms used in this form.

**Part 1: Cash and cash equivalents****1. Does the debtor have any cash or cash equivalents?**☒ No. Go to Part 2.☐ Yes Fill in the information below.

All cash or cash equivalents owned or controlled by the debtor

Current value of debtor's interest

**Part 2: Deposits and Prepayments****6. Does the debtor have any deposits or prepayments?**☒ No. Go to Part 3.☐ Yes Fill in the information below.**Part 3: Accounts receivable****10. Does the debtor have any accounts receivable?**☒ No. Go to Part 4.☐ Yes Fill in the information below.**Part 4: Investments****13. Does the debtor own any investments?**☒ No. Go to Part 5.☐ Yes Fill in the information below.**Part 5: Inventory, excluding agriculture assets****18. Does the debtor own any inventory (excluding agriculture assets)?**☒ No. Go to Part 6.☐ Yes Fill in the information below.**Part 6: Farming and fishing-related assets (other than titled motor vehicles and land)****27. Does the debtor own or lease any farming and fishing-related assets (other than titled motor vehicles and land)?**☒ No. Go to Part 7.

Debtor NANYAH VEGAS, LLC  
Name

Case number (if known) \_\_\_\_\_

☐ Yes Fill in the information below.**Part 7: Office furniture, fixtures, and equipment; and collectibles****38. Does the debtor own or lease any office furniture, fixtures, equipment, or collectibles?**☒ No. Go to Part 8.  
☐ Yes Fill in the information below.**Part 8: Machinery, equipment, and vehicles****46. Does the debtor own or lease any machinery, equipment, or vehicles?**☒ No. Go to Part 9.  
☐ Yes Fill in the information below.**Part 9: Real property****54. Does the debtor own or lease any real property?**☒ No. Go to Part 10.  
☐ Yes Fill in the information below.**Part 10: Intangibles and intellectual property****59. Does the debtor have any interests in intangibles or intellectual property?**☒ No. Go to Part 11.  
☐ Yes Fill in the information below.**Part 11: All other assets****70. Does the debtor own any other assets that have not yet been reported on this form?**

Include all interests in executory contracts and unexpired leases not previously reported on this form.

☐ No. Go to Part 12.  
☒ Yes Fill in the information below.**Current value of  
debtor's interest**

71. **Notes receivable**  
Description (include name of obligor)

72. **Tax refunds and unused net operating losses (NOLs)**  
Description (for example, federal, state, local)

73. **Interests in insurance policies or annuities**

74. **Causes of action against third parties (whether or not a lawsuit has been filed)**  
CLAIM IN APPEAL PENDING BEFORE THE NEVADA  
SUPREME COURT AGAINST SIG ROGICH, AKA  
SIGMUND ROGICH AS TRUSTEE OF THE ROGICH  
FAMILY IRREVOCABLE TRUST; ELDORADO HILLS,  
LLC;  
Nature of claim  
Amount requested \$7,200,000.00

Unknown

Debtor NANYAH VEGAS, LLC

Name

Case number (if known) \_\_\_\_\_

**CLAIM IN APPEAL PENDING IN NEVADA SUPREME COURT AGAINST TELD, LLC; PETER ELIADES, INDIVIDUALLY AND AS TRUSTEE OF THE ESLIADES SURVIVOR TRUST OF 10/30/08; AIGMUND ROGICH, INDIVIDUALLY AND AS TRUSTEE OF THE ROGICH FAMILY IRREVOCABLE TRUST AND IMITATIONS, LLC**

Unknown

Nature of claim

Amount requested

\$7,200,000.00

75. **Other contingent and unliquidated claims or causes of action of every nature, including counterclaims of the debtor and rights to set off claims**
76. **Trusts, equitable or future interests in property**
77. **Other property of any kind not already listed** *Examples: Season tickets, country club membership*

78. **Total of Part 11.**

Add lines 71 through 77. Copy the total to line 90.

\$0.00

- 79.
- Has any of the property listed in Part 11 been appraised by a professional within the last year?**

☒ No☐ Yes

Debtor **NANYAH VEGAS, LLC**  
Name

Case number (if known)

**Part 12: Summary****In Part 12 copy all of the totals from the earlier parts of the form**  
**Type of property****Current value of  
personal property****Current value of real  
property**80. **Cash, cash equivalents, and financial assets.**  
*Copy line 5, Part 1*\$0.0081. **Deposits and prepayments.** *Copy line 9, Part 2.*\$0.0082. **Accounts receivable.** *Copy line 12, Part 3.*\$0.0083. **Investments.** *Copy line 17, Part 4.*\$0.0084. **Inventory.** *Copy line 23, Part 5.*\$0.0085. **Farming and fishing-related assets.** *Copy line 33, Part 6.*\$0.0086. **Office furniture, fixtures, and equipment; and collectibles.**  
*Copy line 43, Part 7.*\$0.0087. **Machinery, equipment, and vehicles.** *Copy line 51, Part 8.*\$0.0088. **Real property.** *Copy line 56, Part 9.....>*\$0.0089. **Intangibles and intellectual property.** *Copy line 66, Part 10.*\$0.0090. **All other assets.** *Copy line 78, Part 11.*+ \$0.0091. **Total.** Add lines 80 through 90 for each column\$0.00

+ 91b.

\$0.0092. **Total of all property on Schedule A/B.** Add lines 91a+91b=92\$0.00

**Fill in this information to identify the case:**

Debtor name NANYAH VEGAS, LLC

United States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing

**Official Form 206D**

**Schedule D: Creditors Who Have Claims Secured by Property**

12/15

Be as complete and accurate as possible.

**1. Do any creditors have claims secured by debtor's property?**

☒ No. Check this box and submit page 1 of this form to the court with debtor's other schedules. Debtor has nothing else to report on this form.

☐ Yes. Fill in all of the information below.

**Fill in this information to identify the case:**Debtor name **NANYAH VEGAS, LLC**United States Bankruptcy Court for the: **DISTRICT OF NEVADA**

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing**Official Form 206E/F****Schedule E/F: Creditors Who Have Unsecured Claims**

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with **PRIORITY** unsecured claims and Part 2 for creditors with **NONPRIORITY** unsecured claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on *Schedule A/B: Assets - Real and Personal Property* (Official Form 206A/B) and on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G). Number the entries in Parts 1 and 2 in the boxes on the left. If more space is needed for Part 1 or Part 2, fill out and attach the Additional Page of that Part included in this form.

**Part 1: List All Creditors with PRIORITY Unsecured Claims**

1. Do any creditors have priority unsecured claims? (See 11 U.S.C. § 507).

☐ No. Go to Part 2.☒ Yes. Go to line 2.

2. List in alphabetical order all creditors who have unsecured claims that are entitled to priority in whole or in part. If the debtor has more than 3 creditors with priority unsecured claims, fill out and attach the Additional Page of Part 1.

Total claim      Priority amount

Unknown      Unknown

2.1 Priority creditor's name and mailing address  
**INTERNAL REVENUE SERVICE**  
**P.O. Box 21126**  
**DPN 781**  
**Philadelphia, PA 19114**

As of the petition filing date, the claim is:

*Check all that apply.*

☐ Contingent  
☐ Unliquidated  
☐ Disputed

Date or dates debt was incurred \_\_\_\_\_

Basis for the claim: \_\_\_\_\_

Last 4 digits of account number \_\_\_\_\_

Is the claim subject to offset?

Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (8)

☒ No  
☐ Yes

**Part 2: List All Creditors with NONPRIORITY Unsecured Claims**

3. List in alphabetical order all of the creditors with nonpriority unsecured claims. If the debtor has more than 6 creditors with nonpriority unsecured claims, fill out and attach the Additional Page of Part 2.

Amount of claim

3.1 Nonpriority creditor's name and mailing address  
**ELDORADO HILLS, LLC**  
**c/o BAILEY KENNEDY**  
**8984 SPANISH RIDGE AVE**  
**Las Vegas, NV 89148**

As of the petition filing date, the claim is: *Check all that apply.*\$251,510.97

☒ Contingent  
☐ Unliquidated  
☒ Disputed

Date(s) debt was incurred \_\_\_\_\_

Basis for the claim: ATTORNEYS' FEE AWARD

Last 4 digits of account number \_\_\_\_\_

Is the claim subject to offset? ☒ No ☐ Yes

3.2 Nonpriority creditor's name and mailing address  
**GO GLOBAL, INC.**  
**C/O CARLOS HUERTA**  
**3203 E. WARM SPRINGS ROAD #400**  
**Las Vegas, NV 89120**

As of the petition filing date, the claim is: *Check all that apply.*Unknown

☐ Contingent  
☐ Unliquidated  
☐ Disputed

Date(s) debt was incurred \_\_\_\_\_

Basis for the claim: CONSULTING FEES

Last 4 digits of account number \_\_\_\_\_

Is the claim subject to offset? ☒ No ☐ Yes



Debtor **NANYAH VEGAS, LLC**

Case number (if known) \_\_\_\_\_

3.3	Nonpriority creditor's name and mailing address <b>IMITATIONS, LLC C/O HUTCHINSON &amp; STEFFEN, PLLC BRENOCH WIRTHLIN 10080 W. ALTA DR. #200 Las Vegas, NV 89101</b> Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: Check all that apply. <input checked="" type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed Basis for the claim: <u>ATTORNEYS' FEE AWARD</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$598,586.96</b>
3.4	Nonpriority creditor's name and mailing address <b>PETER ELIADES c/o BAILEY KENNEDY 8984 SPANISH RIDGE AVENUE Las Vegas, NV 89148-1302</b> Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: Check all that apply. <input checked="" type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed Basis for the claim: <u>ATTORNEYS' FEE AWARD</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>Same as 3.1 above</b>
3.5	Nonpriority creditor's name and mailing address <b>PETER ELIADES AS TRUSTEE OF ELIADES SURV C/O BAILEY KENNEDY 8984 SPANISH RIDGE AVENUE Las Vegas, NV 89148-1302</b> Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: Check all that apply. <input checked="" type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed Basis for the claim: <u>ATTORNEYS' FEE AWARD</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>Same as 3.1 above</b>
3.6	Nonpriority creditor's name and mailing address <b>SIG ROGICH, A/K/A/ SIGMUND ROGICH HUTCHINSON &amp; STEFFEN, PLLC 10080 W. ALTA DR., #200 Las Vegas, NV 89101</b> Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: Check all that apply. <input checked="" type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed Basis for the claim: <u>ATTORNEYS' FEE AWARD</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>Same as 3.3 above</b>
3.7	Nonpriority creditor's name and mailing address <b>SIG ROGICH, AS TRUSTEE OF THE ROGICH HUTCHISON &amp; STEFFIN, PLLC 10080 W. ALTA DR. #200 Las Vegas, NV 89101</b> Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: Check all that apply. <input checked="" type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed Basis for the claim: <u>ATTORNEYS' FEE AWARD</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>Same as 3.3 above</b>
3.8	Nonpriority creditor's name and mailing address <b>TELD, LLC c/o BAILEY KENNEDY 8984 SPANISH RIDGE AVENUE Las Vegas, NV 89148</b> Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: Check all that apply. <input checked="" type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed Basis for the claim: <u>ATTORNEYS' FEE AWARD</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>Same as 3.1 above</b>
3.9	Nonpriority creditor's name and mailing address <b>YOAV HARLAP C/O ANDREW HEYMANN, CPA SOLOMON BLUM HEYMANN LLP 40 WALL STREET 35TH FLOOR NY 10005</b> Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>LOANS TO DEBTOR</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$641,733.39</b>

Debtor **NANYAH VEGAS, LLC**  
Name

Case number (if known)

**Part 3: List Others to Be Notified About Unsecured Claims**

4. List in alphabetical order any others who must be notified for claims listed in Parts 1 and 2. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for unsecured creditors.

If no others need to be notified for the debts listed in Parts 1 and 2, do not fill out or submit this page. If additional pages are needed, copy the next page.

Name and mailing address

On which line in Part 1 or Part 2 is the  
related creditor (if any) listed?Last 4 digits of  
account number, if  
any**Part 4: Total Amounts of the Priority and Nonpriority Unsecured Claims**

5. Add the amounts of priority and nonpriority unsecured claims.

5a. Total claims from Part 1

5b. Total claims from Part 2

5c. Total of Parts 1 and 2  
Lines 5a + 5b = 5c.

		Total of claim amounts
5a.	\$	0.00
5b.	+	\$ 1,491,831.32
5c.	\$	1,491,831.32

**Fill in this information to identify the case:**Debtor name NANYAH VEGAS, LLCUnited States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing**Official Form 206G****Schedule G: Executory Contracts and Unexpired Leases**

12/15

**Be as complete and accurate as possible. If more space is needed, copy and attach the additional page, number the entries consecutively.****1. Does the debtor have any executory contracts or unexpired leases?**☒ No. Check this box and file this form with the debtor's other schedules. There is nothing else to report on this form.☐ Yes. Fill in all of the information below even if the contacts of leases are listed on *Schedule A/B: Assets - Real and Personal* (Official Form 206A/B).*Property***2. List all contracts and unexpired leases****State the name and mailing address for all other parties with whom the debtor has an executory contract or unexpired lease**

2.1 State what the contract or lease is for and the nature of the debtor's interest

State the term remaining

List the contract number of any government contract \_\_\_\_\_

2.2 State what the contract or lease is for and the nature of the debtor's interest

State the term remaining

List the contract number of any government contract \_\_\_\_\_

2.3 State what the contract or lease is for and the nature of the debtor's interest

State the term remaining

List the contract number of any government contract \_\_\_\_\_

2.4 State what the contract or lease is for and the nature of the debtor's interest

State the term remaining

List the contract number of any government contract \_\_\_\_\_

**Fill in this information to identify the case:**Debtor name NANYAH VEGAS, LLCUnited States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing**Official Form 206H  
Schedule H: Your Codebtors**

12/15

Be as complete and accurate as possible. If more space is needed, copy the Additional Page, numbering the entries consecutively. Attach the Additional Page to this page.

**1. Do you have any codebtors?**

- ☒ No. Check this box and submit this form to the court with the debtor's other schedules. Nothing else needs to be reported on this form.  
☐ Yes

**2. In Column 1, list as codebtors all of the people or entities who are also liable for any debts listed by the debtor in the schedules of creditors, Schedules D-G. Include all guarantors and co-obligors. In Column 2, identify the creditor to whom the debt is owed and each schedule on which the creditor is listed. If the codebtor is liable on a debt to more than one creditor, list each creditor separately in Column 2.**

*Column 1: Codebtor**Column 2: Creditor*

Name	Mailing Address	Name	Check all schedules that apply:
2.1	Street City State Zip Code		<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.2	Street City State Zip Code		<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.3	Street City State Zip Code		<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.4	Street City State Zip Code		<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G

**Fill in this information to identify the case:**Debtor name NANYAH VEGAS, LLCUnited States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing**Official Form 207****Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy**

04/19

The debtor must answer every question. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known).

**Part 1: Income****1. Gross revenue from business**☐ None.

Identify the beginning and ending dates of the debtor's fiscal year, which may be a calendar year

Sources of revenue  
Check all that applyGross revenue  
(before deductions and exclusions)**2. Non-business revenue**

Include revenue regardless of whether that revenue is taxable. *Non-business income* may include interest, dividends, money collected from lawsuits, and royalties. List each source and the gross revenue for each separately. Do not include revenue listed in line 1.

☐ None.

Description of sources of revenue

Gross revenue from each source  
(before deductions and exclusions)**Part 2: List Certain Transfers Made Before Filing for Bankruptcy****3. Certain payments or transfers to creditors within 90 days before filing this case**

List payments or transfers—including expense reimbursements—to any creditor, other than regular employee compensation, within 90 days before filing this case unless the aggregate value of all property transferred to that creditor is less than \$6,825. (This amount may be adjusted on 4/01/22 and every 3 years after that with respect to cases filed on or after the date of adjustment.)

☐ None.

Creditor's Name and Address

Dates

Total amount of value

Reasons for payment or transfer  
Check all that apply**4. Payments or other transfers of property made within 1 year before filing this case that benefited any insider**

List payments or transfers, including expense reimbursements, made within 1 year before filing this case on debts owed to an insider or guaranteed or cosigned by an insider unless the aggregate value of all property transferred to or for the benefit of the insider is less than \$6,825. (This amount may be adjusted on 4/01/22 and every 3 years after that with respect to cases filed on or after the date of adjustment.) Do not include any payments listed in line 3. *Insiders* include officers, directors, and anyone in control of a corporate debtor and their relatives; general partners of a partnership debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(31).

☐ None.Insider's name and address  
Relationship to debtor

Dates

Total amount of value

Reasons for payment or transfer

**5. Repossessions, foreclosures, and returns**

List all property of the debtor that was obtained by a creditor within 1 year before filing this case, including property repossessed by a creditor, sold at a foreclosure sale, transferred by a deed in lieu of foreclosure, or returned to the seller. Do not include property listed in line 6.

Debtor **NANYAH VEGAS, LLC**

Case number (if known)

☐ None

Creditor's name and address	Describe of the Property	Date	Value of property
-----------------------------	--------------------------	------	-------------------

**6. Setoffs**

List any creditor, including a bank or financial institution, that within 90 days before filing this case set off or otherwise took anything from an account of the debtor without permission or refused to make a payment at the debtor's direction from an account of the debtor because the debtor owed a debt.

☐ None

Creditor's name and address	Description of the action creditor took	Date action was taken	Amount
-----------------------------	---	-----------------------	--------

**Part 3: Legal Actions or Assignments****7. Legal actions, administrative proceedings, court actions, executions, attachments, or governmental audits**

List the legal actions, proceedings, investigations, arbitrations, mediations, and audits by federal or state agencies in which the debtor was involved in any capacity—within 1 year before filing this case.

☐ None.

Case title Case number	Nature of case	Court or agency's name and address	Status of case
7.1. NANYAH VEGAS, LLC v. SIG ROGICH, aka SIGMUND ROGICH as Trustee of The Rogich Family Irrevocable Trust; ELDORADO HILLS, LLC, TELD, LLC; et al. Supreme Court No.: 79917	APPEAL PENDING BEFORE NEVADA SUPREME COURT	NEVADA SUPREME COURT	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded
7.2. CARLOS A. HUERTA, CARLOS A. HUERTA AS TRUSTEE OF THE ALEXANDER CHRISTOPHER TRUST, NANYAH VEGAS, LLC v.s. SIG ROGICH, aka SIGMUND ROGICH as Trustee of The Rogich Family Irrevocable Trust; ELDORADO HILLS, LLC, TELD, LLC A-13-686303-C	APPEAL PENDING BEFORE NEVADA SUPREME COURT	NEVADA SUPREME COURT	<input type="checkbox"/> Pending <input checked="" type="checkbox"/> On appeal <input type="checkbox"/> Concluded

**8. Assignments and receivership**

List any property in the hands of an assignee for the benefit of creditors during the 120 days before filing this case and any property in the hands of a receiver, custodian, or other court-appointed officer within 1 year before filing this case.

☐ None**Part 4: Certain Gifts and Charitable Contributions****9. List all gifts or charitable contributions the debtor gave to a recipient within 2 years before filing this case unless the aggregate value of the gifts to that recipient is less than \$1,000**☐ None

Recipient's name and address	Description of the gifts or contributions	Dates given	Value
------------------------------	---	-------------	-------

**Part 5: Certain Losses****10. All losses from fire, theft, or other casualty within 1 year before filing this case.**

Official Form 207

Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy

page 2

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Best Case Bankruptcy

Debtor **NANYAH VEGAS, LLC**

Case number (if known) \_\_\_\_\_

☒ None**Description of the property lost and how the loss occurred****Amount of payments received for the loss****Dates of loss****Value of property lost**

If you have received payments to cover the loss, for example, from insurance, government compensation, or tort liability, list the total received.

List unpaid claims on Official Form 106A/B (Schedule A/B: Assets – Real and Personal Property).

**Part 6: Certain Payments or Transfers****11. Payments related to bankruptcy**

List any payments of money or other transfers of property made by the debtor or person acting on behalf of the debtor within 1 year before the filing of this case to another person or entity, including attorneys, that the debtor consulted about debt consolidation or restructuring, seeking bankruptcy relief, or filing a bankruptcy case.

☐ None.

	<b>Who was paid or who received the transfer? Address</b>	<b>If not money, describe any property transferred</b>	<b>Dates</b>	<b>Total amount or value</b>
11.1.	<b>DARBY LAW PRACTICE 4777 CAUGHLIN PARKWAY Reno, NV 89519</b>			<b>\$15,000.00</b>
	<b>Email or website address</b>			
	<b>Who made the payment, if not debtor?</b>			

**12. Self-settled trusts of which the debtor is a beneficiary**

List any payments or transfers of property made by the debtor or a person acting on behalf of the debtor within 10 years before the filing of this case to a self-settled trust or similar device. Do not include transfers already listed on this statement.

☒ None.

<b>Name of trust or device</b>	<b>Describe any property transferred</b>	<b>Dates transfers were made</b>	<b>Total amount or value</b>
--------------------------------	--	----------------------------------	------------------------------

**13. Transfers not already listed on this statement**

List any transfers of money or other property by sale, trade, or any other means made by the debtor or a person acting on behalf of the debtor within 2 years before the filing of this case to another person, other than property transferred in the ordinary course of business or financial affairs. Include both outright transfers and transfers made as security. Do not include gifts or transfers previously listed on this statement.

☒ None.

<b>Who received transfer? Address</b>	<b>Description of property transferred or payments received or debts paid in exchange</b>	<b>Date transfer was made</b>	<b>Total amount or value</b>
---	---	-------------------------------	------------------------------

**Part 7: Previous Locations****14. Previous addresses**

List all previous addresses used by the debtor within 3 years before filing this case and the dates the addresses were used.

☒ Does not apply**Address****Dates of occupancy  
From-To****Part 8: Health Care Bankruptcies**

Debtor **NANYAH VEGAS, LLC**

Case number (if known) \_\_\_\_\_

**15. Health Care bankruptcies**

Is the debtor primarily engaged in offering services and facilities for:

- diagnosing or treating injury, deformity, or disease, or
- providing any surgical, psychiatric, drug treatment, or obstetric care?

- ☐ No. Go to Part 9.
- ☐ Yes. Fill in the information below.

**Facility name and address****Nature of the business operation, including type of services the debtor provides****If debtor provides meals and housing, number of patients in debtor's care****Part 9: Personally Identifiable Information****16. Does the debtor collect and retain personally identifiable information of customers?**

- ☐ No.
- ☐ Yes. State the nature of the information collected and retained.

**17. Within 6 years before filing this case, have any employees of the debtor been participants in any ERISA, 401(k), 403(b), or other pension or profit-sharing plan made available by the debtor as an employee benefit?**

- ☐ No. Go to Part 10.
- ☐ Yes. Does the debtor serve as plan administrator?

**Part 10: Certain Financial Accounts, Safe Deposit Boxes, and Storage Units****18. Closed financial accounts**

Within 1 year before filing this case, were any financial accounts or instruments held in the debtor's name, or for the debtor's benefit, closed, sold, moved, or transferred?

Include checking, savings, money market, or other financial accounts; certificates of deposit; and shares in banks, credit unions, brokerage houses, cooperatives, associations, and other financial institutions.

- ☐ None

**Financial Institution name and Address****Last 4 digits of account number****Type of account or instrument****Date account was closed, sold, moved, or transferred****Last balance before closing or transfer****19. Safe deposit boxes**

List any safe deposit box or other depository for securities, cash, or other valuables the debtor now has or did have within 1 year before filing this case.

- ☐ None

**Depository institution name and address****Names of anyone with access to it Address****Description of the contents****Do you still have it?****20. Off-premises storage**

List any property kept in storage units or warehouses within 1 year before filing this case. Do not include facilities that are in a part of a building in which the debtor does business.

- ☐ None

**Facility name and address****Names of anyone with access to it****Description of the contents****Do you still have it?****Part 11: Property the Debtor Holds or Controls That the Debtor Does Not Own**



Debtor **NANYAH VEGAS, LLC**

Case number (if known)

**21. Property held for another**

List any property that the debtor holds or controls that another entity owns. Include any property borrowed from, being stored for, or held in trust. Do not list leased or rented property.

☐ None

**Part 12: Details About Environment Information**

For the purpose of Part 12, the following definitions apply:

*Environmental law* means any statute or governmental regulation that concerns pollution, contamination, or hazardous material, regardless of the medium affected (air, land, water, or any other medium).

*Site* means any location, facility, or property, including disposal sites, that the debtor now owns, operates, or utilizes or that the debtor formerly owned, operated, or utilized.

*Hazardous material* means anything that an environmental law defines as hazardous or toxic, or describes as a pollutant, contaminant, or a similarly harmful substance.

Report all notices, releases, and proceedings known, regardless of when they occurred.

**22. Has the debtor been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.**

- ☐ No.  
☐ Yes. Provide details below.

Case title Case number	Court or agency name and address	Nature of the case	Status of case
---------------------------	-------------------------------------	--------------------	----------------

**23. Has any governmental unit otherwise notified the debtor that the debtor may be liable or potentially liable under or in violation of an environmental law?**

- ☐ No.  
☐ Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
-----------------------	---------------------------------------	-----------------------------	----------------

**24. Has the debtor notified any governmental unit of any release of hazardous material?**

- ☐ No.  
☐ Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
-----------------------	---------------------------------------	-----------------------------	----------------

**Part 13: Details About the Debtor's Business or Connections to Any Business****25. Other businesses in which the debtor has or has had an interest**

List any business for which the debtor was an owner, partner, member, or otherwise a person in control within 6 years before filing this case. Include this information even if already listed in the Schedules.

☐ None

Business name address	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.	Dates business existed
-----------------------	-------------------------------------	--	------------------------

**26. Books, records, and financial statements**

26a. List all accountants and bookkeepers who maintained the debtor's books and records within 2 years before filing this case.

☐ None

Name and address	Date of service From-To
------------------	----------------------------

26b. List all firms or individuals who have audited, compiled, or reviewed debtor's books of account and records or prepared a financial statement

Debtor NANYAH VEGAS, LLC

Case number (if known) \_\_\_\_\_

within 2 years before filing this case.

☒ None

26c. List all firms or individuals who were in possession of the debtor's books of account and records when this case is filed.

☒ None

Name and address

If any books of account and records are  
unavailable, explain why

26d. List all financial institutions, creditors, and other parties, including mercantile and trade agencies, to whom the debtor issued a financial statement within 2 years before filing this case.

☒ None

Name and address

**27. Inventories**

Have any inventories of the debtor's property been taken within 2 years before filing this case?

☒ No☐ Yes. Give the details about the two most recent inventories.Name of the person who supervised the taking of the  
inventory

Date of inventory

The dollar amount and basis (cost, market,  
or other basis) of each inventory

28. List the debtor's officers, directors, managing members, general partners, members in control, controlling shareholders, or other people in control of the debtor at the time of the filing of this case.

Name

Address

Position and nature of any  
interest  
MEMBER% of interest, if  
any  
100%

YOAV HARLAP

29. Within 1 year before the filing of this case, did the debtor have officers, directors, managing members, general partners, members in control of the debtor, or shareholders in control of the debtor who no longer hold these positions?

☒ No☐ Yes. Identify below.**30. Payments, distributions, or withdrawals credited or given to insiders**

Within 1 year before filing this case, did the debtor provide an insider with value in any form, including salary, other compensation, draws, bonuses, loans, credits on loans, stock redemptions, and options exercised?

☒ No☐ Yes. Identify below.

Name and address of recipient

Amount of money or description and value of  
property

Dates

Reason for  
providing the value

31. Within 6 years before filing this case, has the debtor been a member of any consolidated group for tax purposes?

☒ No☐ Yes. Identify below.

Name of the parent corporation

Employer identification number of the parent  
corporation

Debtor **NANYAH VEGAS, LLC**

Case number (if known)

32. Within 6 years before filing this case, has the debtor as an employer been responsible for contributing to a pension fund?

- ☒ No  
☐ Yes. Identify below.

Name of the pension fund

Employer Identification number of the parent corporation

**Part 14: Signature and Declaration**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

I have examined the information in this *Statement of Financial Affairs* and any attachments and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **March 29, 2021**

**/s/ YOAV HARLAP**

Signature of individual signing on behalf of the debtor

**YOAV HARLAP**

Printed name

Position or relationship to debtor **MANAGING MEMBER**

Are additional pages to *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy* (Official Form 207) attached?

- ☒ No  
☐ Yes

**United States Bankruptcy Court  
District of Nevada**

In re NANYAH VEGAS, LLC

Debtor(s)

Case No.  
Chapter

11

**LIST OF EQUITY SECURITY HOLDERS**

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
---	----------------	----------------------	------------------

**-NONE-**

**DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP**

I, the **MANAGING MEMBER** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date March 29, 2021

Signature /s/ YOAV HARLAP  
YOAV HARLAP

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.  
18 U.S.C. §§ 152 and 3571.*

**United States Bankruptcy Court  
District of Nevada**

In re **NANYAH VEGAS, LLC**

Debtor(s)

Case No.  
Chapter

**11**

**VERIFICATION OF CREDITOR MATRIX**

I, the MANAGING MEMBER of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **March 29, 2021**

**/s/ YOAV HARLAP**

**YOAV HARLAP/MANAGING MEMBER**

Signer/Title

NANYAH VEGAS, LLC  
6490 S. McCarran Blvd., Ste. F-46  
Reno, NV 89509

KEVIN A DARBY  
DARBY LAW PRACTICE  
4777 CAUGHLIN PARKWAY  
RENO, NV 89519

ELDORADO HILLS, LLC  
c/o BAILEY KENNEDY  
8984 SPANISH RIDGE AVE  
Las Vegas, NV 89148

GO GLOBAL, INC.  
C/O CARLOS HUERTA  
3203 E. WARM SPRINGS ROAD #400  
Las Vegas, NV 89120

IMITATIONS, LLC  
C/O HUTCHINSON & STEFFEN, PLLC  
BRENOCH WIRTHLIN  
10080 W. ALTA DR. #200  
Las Vegas, NV 89101

INTERNAL REVENUE SERVICE  
P.O. Box 21126  
DPN 781  
Philadelphia, PA 19114

PETER ELIADES  
c/o BAILEY KENNEDY  
8984 SPANISH RIDGE AVENUE  
Las Vegas, NV 89148-1302

PETER ELIADES AS TRUSTEE OF ELIADES SURV  
C/O BAILEY KENNEDY  
8984 SPANISH RIDGE AVENUE  
Las Vegas, NV 89148-1302

SIG ROGICH, A/K/A/ SIGMUND ROGICH  
HUTCHINSON & STEFFEN, PLLC  
10080 W. ALTA DR., #200  
Las Vegas, NV 89101

SIG ROGICH, AS TRUSTEE OF THE ROGICH  
HUTCHISON & STEFFIN, PLLC  
10080 W. ALTA DR. #200  
Las Vegas, NV 89101

TELD, LLC  
c/o BAILEY KENNEDY  
8984 SPANISH RIDGE AVENUE  
Las Vegas, NV 89148

YOAV HARLAP  
C/O ANDREW HEYMANN, CPA  
SOLOMON BLUM HEYMANN LLP  
40 WALL STREET 35TH FLOOR  
NY 10005

**United States Bankruptcy Court  
District of Nevada**

In re NANYAH VEGAS, LLC

Debtor(s)

Case No.

Chapter

11

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for NANYAH VEGAS, LLC in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

March 29, 2021

Date

/s/ KEVIN A DARBY

KEVIN A DARBY 7670

Signature of Attorney or Litigant

Counsel for NANYAH VEGAS, LLC

DARBY LAW PRACTICE

4777 CAUGHLIN PARKWAY

RENO, NV 89519

775.322.1237 Fax: 775.996.7290

kevin@darbylawpractice.com



**EXHIBIT 4**

**EXHIBIT 4**

SIMONS HALL JOHNSTON PC  
690 Sierra Rose Drive  
Reno, NV 89511  
Phone: (775) 785-0088

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CLERK OF THE COURT



1 **MSTY**  
2 MARK G. SIMONS, ESQ.  
3 Nevada Bar No. 5132  
4 MSimons@SHJNevada.com  
5 SIMONS HALL JOHNSTON PC  
6 690 Sierra Rose Drive  
7 Reno, Nevada 89511  
8 Telephone: (775) 785-0088  
9 Facsimile: (775) 785-0087  
10  
11 Attorneys for Nanyah Vegas, LLC

DISTRICT COURT  
CLARK COUNTY, NEVADA

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

Plaintiffs,

v.

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

Defendants.

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

Plaintiff,

v.

23 TELD, LLC, a Nevada limited liability company;  
24 PETER ELIADAS, individually and as Trustee of  
25 the The Eliades Survivor Trust of 10/30/08;  
26 SIGMUND ROGICH, individually and as Trustee  
27 of The Rogich Family Irrevocable Trust;  
28 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

\*Hearing Requested \*

MOTION TO STAY  
ENFORCEMENT DURING  
PENDENCY OF APPEAL

**MOTION TO STAY ENFORCEMENT DURING PENDENCY OF APPEAL**

Nanyah Vegas, LLC ("Nanyah") submits the Motion to Stay Enforcement During Pendency of Appeal ("Motion").

DATED this 21<sup>st</sup> day of January, 2022.

SIMONS HALL JOHNSTON PC  
690 Sierra Rose Drive  
Reno, NV 89511

/s/ Mark G. Simons  
MARK G. SIMONS  
*Attorneys for Nanyah Vegas, LLC*

**I. INTRODUCTION.**

This Court should stay these proceedings because a failure to do so will deprive Nanyah of its rights to appeal a final judgment of this Court. Put simply, Nanyah has completed its briefing of the appeal and rather than have the appeal decided on the merits, Defendants are attempting to procedurally dismiss the appeal by executing on the chose in action of the claims being appealed against Defendants. The Nevada Rules of Appellate Procedure provide that Nanyah's last remaining remedy to avoid this result is to seek a stay of the proceedings from this Court so that Nanyah can pursue its appeal.

**II. A MOTION FOR STAY IS PROPER.**

NRAP 8(a)(1) provides that a party "must ordinarily move first in the district court for the following relief . . . a stay of the judgment or order of, or proceedings in, a district court pending appeal . . . ." In most cases, a court will grant or deny a stay based on whether the particular facts involved warrant a stay. *State v. Robles-Nieves*, 129 Nev. 537, 541, 306 P.3d 399, 402-03 (2013).

1 Furthermore, "[i]t is a firmly established policy of this Court that controversies  
2 preferably be resolved on their merits whenever possible." *Gutenberger v. Cont'l Thrift &*  
3 *Loan Co.*, 94 Nev. 173, 175, 576 P.2d 745, 745 (1978) (citing *Hotel Last Frontier Corp. v.*  
4 *Frontier Properties, Inc.*, 79 Nev. 150, 155, 380 P.2d 293, 295 (1963)).

5  
6 In this case, Defendants Sig Rogich aka Sigmund Rogich, individually and as  
7 Trustee of The Rogich Family Irrevocable Trust and Imitations, LLC (hereinafter  
8 collectively referred to as the "Rogich Defendants") had electronically issued a Writ of  
9 Execution on January 3, 2022, and served the same upon Nanyah on January 188, 2022  
10 ("Rogich Writ"). In addition, Defendants Peter Eliades, The Eliades Survivor Trust of  
11 10/30/08, Teld, LLC and Eldorado Hills, LLC ("hereinafter collectively referred to as the  
12 "Eliades Defendants") had electronically issued a Writ of Execution on January 5, 2022,  
13 and served the same upon Nanyah on January 11, 2022 ("Eliades Writ"). Failure of this  
14 Court to grant a stay of the execution of the judgment during the pendency of the appeal  
15 is warranted given the circumstances. Nanyah has completed all of its briefing before the  
16 Nevada Supreme Court, and the only remaining brief to be filed is the Rogich Defendants'  
17 optional reply brief on cross appeal pursuant to NRAP 28.1(c)(4). Nanyah has exhausted  
18 all other remedies available to it to prevent Respondents from purchasing the claims that  
19 are presently on appeal as an asset of Nanyah and dismissing the appeal. Defendants'  
20 strategy throughout the appeal in this case has been to delay and seek extensions to  
21 permit Defendants to execute on the rights to the appeal in this matter without having to  
22 litigate the merits of the appeal. Defendants have gone so far as to file a cross-appeal to  
23 extend the briefing schedule even further to obtain this strategic advantage. Consistent  
24 with the policy of the courts of the State of Nevada to permit disputes to be heard on their  
25 merits, Nanyah is seeking an order of this Court staying the execution of the judgment  
26  
27  
28

1 until the merits of the appeal can be decided by the Nevada Supreme Court. Absent a  
2 stay in this matter, Defendants will be able to execute on the rights to the claims against  
3 Defendants that are presently at issue on appeal and dismiss those very same claims  
4 against themselves. This would be manifest injustice and this Court should enter a stay  
5 so that Nanyah is not deprived of its right to file an appeal in this action.  
6

7 **II. ABSENT A STAY, THIS COURT WILL EXCEED ITS JURISDICTION.**

8 An independent justification for granting the stay is that this Court lacks jurisdiction  
9 to permit Defendants to execute their judgment against Nanyah as it would affect the  
10 merits of the appeal. The general rule is that "a timely notice of appeal divests the district  
11 court of jurisdiction to act and vests jurisdiction in this court." *Rust v. Clark Cty. School*  
12 *District*, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987). The Nevada Supreme Court  
13 has clarified that an exception to this rule exists as long as "the issue is 'entirely collateral  
14 to and independent from that part of the case taken up by appeal, and **in no way**  
15 **affected the merits of the appeal. . . .**" *Kantor v. Kantor*, 116 Nev. 886, 895, 8 P.3d 825,  
16 830 (2000) (citing *Bongiovi v. Bongiovi*, 94 Nev. 321, 322, 579 P.2d 1246, 1247 (1978))  
17 (emphasis added).  
18

19 In other words, without staying the execution of the judgment, this Court will  
20 inevitably exceed its jurisdiction by permitting Defendants to affect the merits of the  
21 appeal. It is difficult to imagine any action that would exceed a district court's jurisdiction  
22 more than permitting Defendants to execute a Writ of Execution in order to take actions  
23 that would cause the appellant to lose its rights to an appeal. For this reason, this Court  
24 should grant the Motion and stay these proceedings until a decision can be rendered on  
25 the appeal.  
26  
27  
28

1     **III.     THIS COURT SHOULD WAIVE THE REQUIREMENT OF A BOND.**

2             NRCP 62(d)(2) provides in relevant part, “[i]f an appeal is taken, a party is entitled  
3     to a stay by providing a bond or other security.” This codifies the long-established  
4     principle that a “district court, in its discretion, may provide for a bond in a lesser amount,  
5     or may permit security other than a bond, *when unusual circumstances exist and so*  
6     *warrant.*” *Nelson v. Heer*, 121 Nev. 832, 834–35, 122 P.3d 1252, 1253 (2005), as  
7     *modified* (Jan. 25, 2006) (quoting *McCulloch v. Jeakins*, 99 Nev. 122, 123, 659 P.2d 302,  
8     303 (1983)).

9  
10            The Nevada Supreme Court has elaborated that such unusual circumstances  
11    could include: (1) “when the judgment debtor’s financial condition is such that the posting  
12    of a full bond would impose an undue financial burden[;]” (2) “when execution on the  
13    judgment would render the debtor insolvent and eliminate the debtor as the creditor’s  
14    competitor, and alternate security could be provided[;]” (3) “when a stay will do the  
15    judgment creditor ‘no material damage’ or no likelihood of harm from a stay has been  
16    shown.” *Id.* at n.7 (citations omitted).

17  
18            In this case, we have a rare and unique circumstance in which three of these  
19    circumstances apply. Outside of the claims that form the subject of the appeal, Nanyah  
20    has no assets or financial resources to speak of. Nanyah’s bankruptcy petition was  
21    recently dismissed. See Order re Motion to Dismiss filed December 27, 2021, attached  
22    hereto as **Exhibit 1**. Accordingly, Nanyah’s financial condition is such that posting any  
23    bond would impose an undue financial burden because Nanyah has no assets that could  
24    be used to satisfy such a bond. For the same reasons, requiring a bond for this stay  
25    would also render Nanyah insolvent and not only prevent Nanyah from continuing to exist  
26    as an entity but also prevent it from pursuing its rights to appeal in this case. Furthermore,  
27  
28

1 a stay of the execution in this case without a bond will not damage Defendants in any way  
2 except for requiring them to defend the merits of the appeal Nanyah has filed.

3 Defendants will be unable to show any likelihood of harm because the only difference  
4 between this Motion being granted and the Motion being denied is that the Supreme  
5 Court of Nevada will be able to review the appeal on the merits, or the appeal will be  
6 procedurally dismissed by Defendants without the merits being decided.  
7

8 The Nevada Supreme Court has also observed that "[t]he purpose of security for a  
9 stay pending appeal is to protect the judgment creditor's ability to collect the judgment if it  
10 is affirmed by preserving the status quo and preventing prejudice to the creditor arising  
11 from the stay." *Nelson v. Heer*, 121 Nev. 832, 835, 122 P.3d 1252, 1254 (2005). In this  
12 case, in the absence of a stay, there is zero risk that the judgment will be affirmed on  
13 appeal. Instead, it will be dismissed by Respondents without ever being heard on the  
14 merits. Requiring Nanyah to post a bond for the stay of the execution of judgment when  
15 Nanyah has completed all of the required briefing for the appeal and it plainly lacks any  
16 assets or financial resources with which posting a bond does nothing to protect  
17 Defendants' ability to collect the judgment. The only way to preserve the status quo is to  
18 grant the Motion and stay the execution of judgment in this case.  
19  
20

21 From a policy perspective, granting this Motion without requiring a bond furthers a  
22 litigant's right to appeal. See *Taylor Constr. Co. v. Hilton Hotels*, 100 Nev. 207, 678 P.2d  
23 1152 (1984) (reasoning that where a statutory authority to appeal is granted, a right to  
24 appeal exists). The alternative is an incredibly bleak scenario. Any litigant without  
25 substantial financial resources sufficient to withstand years of protracted litigation and  
26 appeals will have their rights to appeal any judgment dispensed because the litigant lacks  
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1 the financial resources to post a bond to avoid execution of the chose in action against  
2 their claims at issue on appeal.

3 **IV. CONCLUSION.**

4 Nanyah respectfully requests that this Court grant this Motion and stay the  
5 execution of judgment pending appeal. Nanyah also requests this Court waive the  
6 requirement of Nanyah to post a bond due to the circumstances of this case.  
7

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

10 DATED this 21<sup>st</sup> day of January, 2022.

12 SIMONS HALL JOHNSTON PC  
13 690 Sierra Rose Drive  
14 Reno, NV 89511

15 /s/ Mark G. Simons  
16 MARK G. SIMONS  
17 Attorneys for Nanyah Vegas, LLC  
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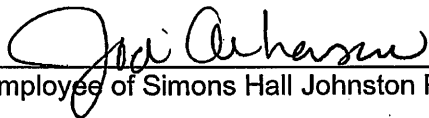
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**CERTIFICATE OF SERVICE**

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 **MOTION TO STAY ENFORCEMENT DURING PENDENCY OF APPEAL** on the  
following by Electronic Service to:

**ALL PARTIES ON THE E-SERVICE LIST**

DATED this 21<sup>st</sup> day of January, 2022.

  
Employee of Simons Hall Johnston PC

SIMONS HALL JOHNSTON PC  
690 Sierra Rose Drive  
Reno, NV 89511  
Phone: (775) 785-0088

SIMONS HALL JOHNSTON PC  
690 Sierra Rose Drive  
Reno, NV 89511  
Phone: (775) 785-0088

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EXHIBIT LIST

NO.	DESCRIPTION	PAGES
1	Order re: Motion to Dismiss in Bankruptcy Proceedings	1

**EXHIBIT 1**

**EXHIBIT 1**

*Gary Spraker*

Honorable Gary Spraker  
United States Bankruptcy Judge



Entered on Docket  
December 27, 2021

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

In re: ) Case No.: 21-50226-gs  
NANYAH VEGAS, LLC, ) Chapter 11  
Debtor. ) Hearing Date and Time  
Date: October 14, 2021  
Time: 10:30 a.m.

**ORDER RE: MOTION TO DISMISS**

On October 14, 2021, the court held its hearing on the motion to dismiss the above-captioned bankruptcy case (ECF No. 28) (Motion) filed by creditors Peter Eliades, Peter Eliades as Trustee of the Eliades Survivor Trust of 10/30/08, Eldorado Hills, LLC, and Teld, LLC. Appearances were as noted on the record. For the reasons stated in the court's oral tentative ruling at the hearing and in its written Memorandum Decision re: Motion to Dismiss (ECF No. 64),<sup>1</sup>

IT IS HEREBY ORDERED that the Motion to Dismiss Bankruptcy Petition for Bad Faith; or, in the Alternative, to Terminate the Automatic Stay to Enforce State Court's Judgment (ECF No. 28) is GRANTED. The above-captioned bankruptcy case is dismissed.

\* \* \* \*

**Copies sent to all registered parties via CM/ECF ELECTRONIC NOTICE.**

###

<sup>1</sup> To the extent the tentative ruling differs from the Memorandum Decision, the Memorandum Decision controls.





**MOT**  
MARK G. SIMONS, ESQ.  
Nevada Bar No. 5132  
[MSimons@SHJNevada.com](mailto:MSimons@SHJNevada.com)  
SIMONS HALL JOHNSTON PC  
690 Sierra Rose Drive  
Reno, Nevada 89511  
Telephone: (775) 785-0088  
Facsimile: (775) 785-0087  
  
*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**

**\*Hearing Not Requested \***

**NANYAH VEGAS, LLC'S EX PARTE MOTION FOR ORDER SHORTENING TIME**

**NANYAH VEGAS, LLC'S EX PARTE MOTION FOR ORDER SHORTENING TIME**

Nanyah Vegas, LLC ("Nanyah"), by and through its undersigned counsel, hereby moves this Court for an ex parte order shortening time to respond to Nanyah's Motion to Stay Enforcement During Pendency of Appeal that was filed with this Court on January 20, 2022. This motion is made pursuant to EDCR 2.26, the Declaration of Mark G. Simons and the attached memorandum of points and authorities.

DATED this 21<sup>st</sup> day of January, 2022.

SIMONS HALL JOHNSTON PC  
690 Sierra Rose Drive  
Reno, NV 89511

/s/ Mark G. Simons  
MARK G. SIMONS  
Attorneys for Nanyah Vegas, LLC

**ORDER SHORTENING TIME**

Good cause appearing, it is hereby ordered that Nanyah's Motion to Stay Enforcement During Pendency of Appeal ("Motion to Stay") shall be heard before the above-entitled Court located at the Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89155, in Department XXVII, on shortened time on the \_\_\_\_ day of \_\_\_\_\_, 2022, at the hour of \_\_\_\_\_. The time for any party to oppose the

///

///

1 Motion to Stay no later than \_\_\_\_\_, 2022, by 5:00 p.m. Nanyah shall  
2 respond and file its reply no later than \_\_\_\_\_, 2022, by 5:00 p.m.

3 DATED this \_\_\_\_\_ day of January, 2022.

4  
5 \_\_\_\_\_  
6 DISTRICT COURT JUDGE

7 Respectfully submitted:

8 SIMONS HALL JOHNSTON PC

9 BY: /s/ Mark G. Simons

10 MARK G. SIMONS

11 690 Sierra Rose Dr.

12 Reno, NV 89511

13 Attorneys for Nanyah Vegas, LLC

14 **DECLARATION OF MARK G. SIMONS, IN SUPPORT OF EX PARTE MOTION FOR**  
15 **ORDER SHORTENING TIME**

16 I, MARK G. SIMONS, hereby declare and state as follows:

17 1. I am an attorney licensed to practice law in Nevada, and am a partner at  
18 Simons Hall Johnston PC and am counsel for Nanyah Las Vegas, LLC ("Nanyah") in this  
19 matter.

20 2. I submit this declaration pursuant to EDCR 2.26, and in support of Nanyah's  
21 Ex Parte Motion for Order Shortening Time.

22 3. I have personal knowledge of the facts set forth in this declaration, and if  
23 needed, can and will testify thereto.

24 4. As outlined in the Motion to Stay, this Court should stay these proceedings  
25 because a failure to do so will deprive Nanyah of its rights to appeal a final judgment of  
26 this Court. Put simply, Nanyah has completed its briefing of the appeal and rather than  
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1 have the appeal decided on the merits, Defendants are attempting to procedurally dismiss  
2 the appeal by executing on the chose in action of the claims being appealed against  
3 Defendants. The Nevada Rules of Appellate Procedure provide that Nanyah's last  
4 remaining remedy to avoid this result is to seek a stay of the proceedings from this Court  
5 so that Nanyah can pursue its appeal.

6  
7 5. The defendants will sustain no harm or prejudice if the stay is granted since  
8 Nanyah is insolvent, except for the value of the pending appeal, which value cannot be  
9 monetized at this time.

10 6. The Defendants know Nanyah has no funds to post a bond and, as such, in  
11 these circumstances, a bond should not be required to obtain a stay of the Defendants'  
12 collection activities.

13  
14 7. It is clear Nevada public policy to decide cases on their merits, and this  
15 Court dismissed Nanyah's claims on procedural technicalities, which rulings, and their  
16 legal and factual basis are the subject matter of Nanyah's appeal.

17 8. As stated by the Nevada Supreme Court in *Franklin v. Bartsas Realty, Inc.*,  
18 95 Nev. 559, 563, 598 P.2d 1147, 1149 (1979): "One of the proper guides to the exercise  
19 of discretion is: The basic underlying policy to have each case decided upon its merits.  
20 In the normal course of events, justice is best served by such a policy." *Id.*; *Christy v.*  
21 *Carlisle*, 94 Nev. 651, 654, 584 P.2d 697 (1978) ("It is our underlying policy to have each  
22 case decided upon its merits."). By dismissing the claims against the Defendants  
23 without addressing the merits of Nanyah's claims totally subverted this overriding public  
24 policy. Allowing the appeal to proceed while staying enforcement activities by the  
25 Defendants is appropriate and fair given the circumstances of this case. It is the district  
26 court's duty to see that justice is served, and allowing for the merits of the appeal to be  
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1 considered by the Nevada Supreme Court now that Nanyah's appeal is fully briefed  
2 serves the interests of justice, and does not promote the interest of individual Defendants.

3 9. This motion is made in good faith and is not intended to vex or harass the  
4 opposing party or its counsel, or to unreasonably delay these proceedings.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 DATED this 21<sup>st</sup> day of January, 2022.

7  
8 /s/ Mark G. Simons  
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MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to EDCR 2.26, this Court may grant a motion for an order shortening time upon a showing of good cause, provided the motion is accompanied by "an unsworn declaration . . . of counsel describing the circumstances claimed to constitute good cause." Counsel's declaration is set forth above.

Good cause for an order shortening time exists because, as outlined in the Motion Stay, absent a stay in this matter, Defendants will be able to execute on the rights to the claims against Defendants that are presently at issue on appeal and dismiss those very same claims against themselves. This would be manifest injustice and this Court should enter a stay so that Nanyah is not deprived of its right to file an appeal in this action.

Pursuant to EDCR 2.20(e) and (h), any party in opposition to Nanyah's Motion to Stay will have ten (10) days to oppose the motion, and Nanyah will have five (5) days to file a reply. Without staying the execution of the judgment, this Court will inevitably exceed its jurisdiction by permitting Defendants to affect the merits of the appeal. It is difficult to imagine any action that would exceed a district court's jurisdiction more than permitting Defendants to execute a Writ of Execution in order to take actions that would cause the appellant to lose its rights to an appeal. For this reason, this Court should grant the Motion and stay these proceedings until a decision can be rendered on the appeal. Accordingly, good cause exists for an order shortening time.

As stated by the Nevada Supreme Court in *Franklin v. Bartsas Realty, Inc.*, 95 Nev. 559, 563, 598 P.2d 1147, 1149 (1979): "One of the proper guides to the exercise of discretion is: The basic underlying policy to have each case decided upon its merits. In the normal course of events, justice is best served by such a policy." *Id.*; *Christy v. Carlisle*, 94 Nev. 651, 654, 584 P.2d 697 (1978) ("It is our underlying policy to have each

1 case decided upon its merits." ). By dismissing the claims against the Defendants without  
2 addressing the merits of Nanyah's claims totally subverted this overriding public policy.  
3 Allowing the appeal to proceed while staying enforcement activities by the Defendants is  
4 appropriate and fair given the circumstances of this case. It is the district court's duty to  
5 see that justice is served, and allowing for the merits of the appeal to be considered by  
6 the Nevada Supreme Court now that Nanyah's appeal is fully briefed serves the interests  
7 of justice, and does not promote the interest of individual Defendants.  
8

9 Nanyah respectfully requests that this Court enter an order shortening the time for  
10 any party to oppose the Motion to Stay no later than Wednesday, January 26, 2022, by  
11 5:00 p.m. Nanyah shall respond and file its reply no later than Friday, January 28, 2022  
12 by 5:00 p.m.  
13

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

17 DATED this 21<sup>th</sup> day of January, 2022.  
18

19 SIMONS HALL JOHNSTON PC  
690 Sierra Rose Drive  
Reno, NV 89511

20 /s/ Mark G. Simons  
21 MARK G. SIMONS  
22 Attorneys for Nanyah Vegas, LLC  
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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 **NANYAH VEGAS, LLC'S EX PARTE MOTION FOR ORDER SHORTENING TIME**  
on the following by Electronic Service to:

**ALL PARTIES ON THE E-SERVICE LIST**

DATED this 21<sup>st</sup> day of January, 2022.

  
\_\_\_\_\_  
Employee of Simons Hall Johnston PC

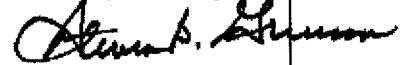
SIMONS HALL JOHNSTON PC  
690 Sierra Rose Drive  
Reno, NV 89511  
Phone: (775) 785-0088



DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
1/24/2022 9:00 AM  
Steven D. Grierson  
CLERK OF THE COURT



Carlos Huerta, Plaintiff(s)

vs.

Eldorado Hills LLC, Defendant(s)

Case No.: A-13-686303-C

A-16-746239-C

Department 27

**NOTICE OF HEARING**

Please be advised that the [470] Plaintiff's Motion to Stay Enforcement During Pendency of Appeal in the above-entitled matter is set for hearing as follows:

**Date:** February 24, 2022

**Time:** 9:30 AM

**Location:** RJC Courtroom 16A  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE:** Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Kadira Beckom  
Deputy Clerk of the Court

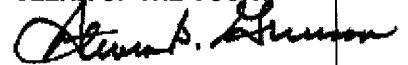
**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Kadira Beckom  
Deputy Clerk of the Court







**OPPM (CIV)**

DENNIS L. KENNEDY

Nevada Bar No. 1462

JOSEPH A. LIEBMAN

Nevada Bar No. 10125

**BAILEY ♦ KENNEDY**

8984 Spanish Ridge Avenue

Las Vegas, Nevada 89148-1302

Telephone: 702.562.8820

Facsimile: 702.562.8821

DKennedy@BaileyKennedy.com

JLiebman@BaileyKennedy.com

*Attorneys for Judgment Creditors*

*Eldorado Hills, LLC, Teld, LLC, The Eliades*

*Survivor Trust of 10/30/08, and Peter Eliades*

**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

**DEFENDANTS ELDORADO HILLS,  
LLC, TELD, LLC, THE ELIADES  
SURVIVOR TRUST OF 10/30/08, AND  
PETER ELIADES' OPPOSITION TO  
NANYAH VEGAS, LLC'S MOTION TO  
STAY ENFORCEMENT DURING  
PENDENCY OF APPEAL**

Hearing Date: Feb. 3, 2022

Hearing Time: 10:30 a.m.

**CONSOLIDATED WITH:**

Case No. A-16-746239-C

**DEFENDANTS ELDORADO HILLS, LLC, TELD, LLC, THE ELIADES SURVIVOR TRUST OF 10/30/08, AND PETER ELIADES' OPPOSITION TO NANYAH VEGAS, LLC'S MOTION TO STAY ENFORCEMENT DURING PENDENCY OF APPEAL**

Defendants Eldorado Hills, LLC, Teld, LLC, The Eliades Survivor Trust of 10/30/08, and Peter Eliades (collectively, the "Eliades Judgment Creditors") oppose Nanyah Vegas, LLC's ("Nanyah") Motion to Stay Enforcement During Pendency of Appeal (the "Stay Motion"). This Opposition is based on the following Memorandum of Points of Authorities, the exhibits attached thereto, and any oral argument heard by the Court.

DATED this 28<sup>th</sup> day of January, 2022.

BAILEY ♦ KENNEDY

By: /s/ Joseph A. Liebman

DENNIS L. KENNEDY

JOSEPH A. LIEBMAN

*Attorneys for Judgment Creditors  
Eldorado Hills, LLC, Teld, LLC, The  
Eliades Survivor Trust of 10/30/08, and  
Peter Eliades*

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Nanyah has one and only member/owner—Yoav Harlap ("Yoav").<sup>1</sup> Yoav, along with his brother Schmuel Harlap ("Schmuel"), are the owners of Colmobil Corp., an Israeli company that imports and distributes Mercedes Benz, Smart, Mitsubishi, Hyundai, and King Long Vehicles.<sup>2</sup> Colmobil is described as "Israel's leading vehicle importer" with a "22.7% market share."<sup>3</sup> Approximately four years ago, it was reported that Schmuel's "controlling interest in Israel's largest car importer, Colmobil, put him 21st on the list of Israel's wealthiest people *with an estimated*

<sup>1</sup> Nanyah Vegas, LLC's Mot. in Limine # 4 Re. Yoav Harlap's Personal Financials, 3:21-23, filed May 10, 2018.

<sup>2</sup> [https://www.duns100.co.il/en/Colmobil\\_Corp](https://www.duns100.co.il/en/Colmobil_Corp) ("Colmobil is a private company under the full ownership of the Harlap family.").

<sup>3</sup> *Id.*

1 *fortune of \$1.4 billion.”*<sup>4</sup>

2 Although Yoav’s net worth does not appear to be publicly available, it is clear that he owns a  
3 substantial portion of the same company that amounts to Schmucl’s ***\$1.4 billion dollar ownership***  
4 ***interest***. Interestingly enough, it appears that Yoav’s ownership interest in Colmobil actually shares  
5 the same name as Plaintiff—Nanyah.<sup>5</sup> To be sure, Yoav was financially capable of acquiring a  
6 multi-million dollar art collection, and then eventually selling a portion for over ***\$18 million***  
7 ***dollars***.<sup>6</sup> Nanyah is well aware of Yoav’s substantial net worth. In fact, Nanyah was so concerned  
8 that the jury would learn of Yoav’s fortune, it filed a Motion *in Limine* with this Court, seeking to  
9 preclude any evidence regarding Yoav’s personal financials.<sup>7</sup>

10 Why is this important? Nanyah—in order to avoid the universal requirement of posting a  
11 supersedeas bond in exchange for a stay during the pendency of an appeal—has the heavy burden of  
12 showing that it should not be required to comply with NRCP 62(d). In its attempt to do so, it offers  
13 ***zero evidence*** and mere *ipse dixit* statements that Nanyah has no assets and therefore cannot afford  
14 to post a supersedeas bond. Nanyah is not being honest with this Court. Nanyah is well aware that  
15 its sole owner has more than the financial wherewithal to provide capital to Nanyah (just as he has  
16 been doing to pay Nanyah’s attorneys fees for the past eight years) to post the required bond—he  
17 just doesn’t want to. Instead, Yoav prefers a free roll of the dice on Nanyah’s appeal, because if  
18 Nanyah loses, it can remain judgment-proof and the Eliades Judgment Creditors will never receive a  
19 penny of their outstanding judgment.

20 The entire purpose of the supersedeas bond requirement is to ensure that there is adequate  
21 security in place to pay any outstanding judgment if the appeal is unsuccessful. Nanyah and Yoav  
22 are not the type of litigants that should be absolved of this well-established rule. If Nanyah and  
23 Yoav lose the appeal, they should be forced to pay these outstanding judgments. That is the  
24

25 <sup>4</sup> <https://www.haaretz.com/israel-news/business/meet-the-israeli-who-added-1b-to-his-bank-account-overnight-1.5453795> (emphasis added).

26 <sup>5</sup> <https://www.whoprofits.org/company/colmobil-corporation/> (“The company is privately owned by the Harlap family, through their holdings in Tovanot Investments (2011) Ltd and Nanyah Cars Ltd.”).

27 <sup>6</sup> <https://www.haaretz.com/1.4874359> and <https://www.christies.com/en/auction/auction-7364-cks>

28 <sup>7</sup> Nanyah Vegas, LLC’s Mot. in Limine # 4 Re. Yoav Harlap’s Personal Financials, filed May 10, 2018.

1 necessary cost of continuing to litigate the appeal. And that is why Nanyah must be required to post  
2 a supersedeas bond to receive a stay.

## 3 II. RELEVANT BACKGROUND

### 4 A. The Judgment.

5 Through a series of various rulings and summary judgment orders, the Eliades Judgment  
6 Creditors were dismissed from this consolidated action with prejudice. Following their dismissal,  
7 two of the Eliades Judgment Creditors (Teld and Eliades) prevailed on a Motion for Attorney's Fees,  
8 thereby obtaining a monetary judgment against Nanyah in the amount of \$216,236.25. All four  
9 Eliades Judgment Creditors obtained a judgment for reimbursement of their costs in the amount of  
10 31,010.98.<sup>8</sup>

### 11 B. The First Writ of Execution and Sheriff's Sale.

12 As Nanyah makes clear in its Motion, Yoav has ensured that it currently has no assets aside  
13 from its dismissed litigation claims. Accordingly, once Nanyah made its decision not to post a  
14 supersedeas bond for the above-referenced judgment, the only so-called assets that the Eliades  
15 Judgment Creditors could pursue were Nanyah's "things in action," *i.e.*, its dismissed claims for  
16 relief. The Nevada Supreme Court has explicitly confirmed that any such collection efforts are  
17 entirely appropriate, even if it results in the outright dismissal of those claims before the Nevada  
18 Supreme Court can address the merits of their dismissal on appeal. *See generally Reynolds v.*  
19 *Tufenkjian*, 136 Nev. 145, 461 P.3d 147 (2020).

20 Accordingly, on August 6, 2020, the District Court issued a writ of execution for Nanyah's  
21 "things in action."<sup>9</sup> Due to various COVID-related delays in the Sheriff's office, the process to  
22 schedule the Sheriff's sale was delayed. Ultimately, it was scheduled for April 28, 2021.<sup>10</sup> Nanyah  
23 was served with all the appropriate documents on February 12, 2021.<sup>11</sup>

24  
25  
26 <sup>8</sup> Judgment, filed May 4, 2020.

27 <sup>9</sup> Writ of Execution, attached as Exhibit 1.

28 <sup>10</sup> Notice of Sheriff's Sale, attached as Exhibit 2.

<sup>11</sup> Receipt of Counsel, attached as Exhibit 3.

1 **C. The Bad Faith Bankruptcy.**

2 Once Nanyah received notice of the Sheriff's sale, it did not attempt to file a supersedeas  
3 bond. It did not come to this Court to seek any sort of stay. Instead, Nanyah—a shell entity owning  
4 only dismissed claims for relief—filed a Chapter 11 bankruptcy petition for reorganization.

5 Following Nanyah's chapter 341 meetings, in which Nanyah confirmed that the sole purpose  
6 of its bankruptcy was to stay execution of its claims during the pendency of the appeal, the Eliades  
7 Judgment Creditors filed a Motion to Dismiss. On December 22, 2021, the Bankruptcy Court  
8 granted the Motion and dismissed Nanyah's bankruptcy, finding that "Nanyah is not using the  
9 bankruptcy to reorganize, only to stay collection."<sup>12</sup> The Bankruptcy Court ultimately determined  
10 that Nanyah's bankruptcy filing *was a bad faith petition* for the following reasons:

11 In this instance, the bankruptcy filing is merely a litigation tactic. The  
12 sole reason for filing this case was to continue Nanyah's appeal at the  
13 expense of its judgment creditors without posting a bond. Nanyah's  
14 lack of funds or assets would ordinarily weigh heavily in favor of a good  
15 faith filing to permit it to proceed with its appeal. But the total absence  
16 of any business or other assets only confirms that this is simply a  
17 discrete litigation dispute rather than a reorganization. Nanyah  
continues its existence solely on Mr. Harlap's discretion. He is willing  
to fund Nanyah's appeal and chapter 11 fees. This is some evidence of  
the availability of nonbusiness assets to post a bond pending the appeal.  
This is what should be done to continue the appeal, not invoke the  
automatic stay by filing a chapter 11 bankruptcy.<sup>13</sup>

18 **D. The Second Writ of Execution and Sheriff's Sale.**

19 On January 5, 2022, following dismissal of Nanyah's bankruptcy and the associated  
20 extinguishment of the automatic stay, the District Court issued another writ of execution.<sup>14</sup> The  
21 appropriate documents were served on Nanyah on January 11, 2022.<sup>15</sup> The Sheriff's sale has been  
22 scheduled for April 13, 2022.

26 <sup>12</sup> Mem. Dec, 7:11-13, attached as Exhibit 4.

27 <sup>13</sup> *Id.*, 7:14-25.

28 <sup>14</sup> Writ of Execution, attached as Exhibit 5.

<sup>15</sup> Receipt of Counsel, attached as Exhibit 6.

1 Rather than post the necessary bond as discussed by the Bankruptcy Court in its dismissal,  
2 Nanyah has now come to this Court and requested a stay without offering any type of security or  
3 collateral in exchange for this relief.

### 4 III. ARGUMENT

#### 5 A. The Eliades Judgment Creditors' Collection Efforts Are Appropriate and Should Only 6 Be Suspended by the Posting of a Supersedeas Bond for the Judgment Amount.

7 Nanyah presents its Motion in such a manner as to make it appear that the Eliades Judgment  
8 Creditors are doing something improper by executing on its valid judgment. Of course, Nanyah  
9 does not cite any legal authority in support of this theory. Even worse, Nanyah fails to mention that  
10 the Nevada Supreme Court has squarely addressed this type of collection activity and held that  
11 Nevada's relevant statutes absolutely permit it (as long as the claims are assignable). *See generally*  
12 *Reynolds*, 136 Nev. 145, 461 P.3d 147.<sup>16</sup>

13 In *Reynolds*, much like in this matter, the defendants obtained summary judgment against the  
14 plaintiff, and likewise obtained a judgment for reimbursement of their attorney's fees. The plaintiff  
15 appealed the summary judgment order, but did not post a supersedeas bond, claiming—just like  
16 Nanyah—that they could not afford to do so. While the appeal was pending, the defendants  
17 executed on the plaintiff's pending claims for relief that were the subject of the appeal, and  
18 ultimately moved to dismiss the appeal following the Sheriff's sale. *Id.* at 146-47, 461 P.3d at 149.  
19 With respect to the claims that were assignable (*e.g.*, tort claims seeking pecuniary harm and  
20 contract claims), the Nevada Supreme Court ultimately held that it was entirely proper for a  
21 defendant/judgment creditor to execute on those claims during the pendency of the appeal, and then  
22 move to dismiss that aspect of the appeal before the Nevada Supreme Court rules on the merits. *Id.*  
23 at 154, 461 P.3d at 154 ("Having further concluded that appellants' claims for negligent  
24 misrepresentation and breach of contract are assignable and subject to execution, we grant  
25

---

26 <sup>16</sup> Nanyah has not argued that any of the claims for relief which are the subject of execution are unassignable.  
27 *Reynolds* addressed the vast majority of the claims that Nanyah asserted against the Eliades Judgment Creditors and  
28 confirmed they are assignable. Additionally, the Nevada Supreme Court has recently confirmed that a fraudulent  
conveyance claim, unlike a fraud claim, is also assignable. *Superpumper, Inc. v. Leonard, Trustee for Bankruptcy*  
*Estate*, 137 Nev. Adv. Op. 43, 495 P.3d 101, n. 1 (2021).

1 respondents' motion to substitute themselves for appellants as to those claims and to voluntarily  
2 dismiss this appeal as to those claims."); *see also Applied Medical Technologies, Inc. v. Eames*, 44  
3 P.3d 699, 704 (Utah 2002) ("We hold that Dr. Hill legally purchased claims pending against himself  
4 and then moved to dismiss those claims.").

5 Nanyah has now attempted to stymie the Eliades Judgment Creditors' rightful collection  
6 efforts in every manner except the correct one—posting a supersedeas bond. Nanyah filed a bad  
7 faith bankruptcy that has since been dismissed. Now Nanyah seeks a stay from this Court without  
8 providing any sort of security to secure the judgment. As this Court is well aware, that is the precise  
9 purpose of the bond—to ensure payment of the judgment if the appeal is unsuccessful. *Nelson v.*  
10 *Heer*, 121 Nev. 832, 835, 122 P.3d 1252, 1254 (2005). But Nanyah and Yoav would rather have the  
11 best of both worlds by obtaining a stay for the pendency of their appeal while at the same time  
12 keeping Nanyah judgment-proof if the appeal is unsuccessful. This approach certainly does not  
13 justify the waiver of the bond or even alternative security under NRCP 62(d). To the contrary,  
14 considering the fact that Nanyah's sole owner is more than capable of capitalizing Nanyah in order  
15 to pay the necessary supersedeas bond for the judgment amount, it would be a miscarriage of justice  
16 to absolve Nanyah of this necessary requirement for the requested stay.

17 **B. Nanyah Fails to Adequately Address the Relevant Factors Under NRCP 62(d) and**  
18 **Nelson v. Heer.**

19 NRCP 62(d) governs a stay of judgment pending appeal. According to the plain language of  
20 the statute, an appellant must either post a supersedeas bond for the full judgment amount or provide  
21 an alternative bond or other form of security approved by the Court in order to receive a stay of a  
22 judgment pending appeal. The Nevada Supreme Court has further expounded on this requirement,  
23 holding that an appellant has an automatic right to a stay "upon the posting of a supersedeas bond for  
24 the full judgment amount, but that courts retain the inherent power to grant a stay in the absence of a  
25 full bond." *Nelson*, 121 Nev. at 834, 122 P.3d at 1253. Notably, *there is nothing in Nelson or in*  
26 *Rule 62(d) which states it is appropriate to grant a stay in the absence of any security whatsoever,*  
27 *as Nanyah is now attempting to do.*  
28

1 The Nevada Supreme Court ultimately adopted five factors to determine whether it is  
2 appropriate to allow for security other than a supersedeas bond for the full judgment amount:

3 (1) the complexity of the collection process; (2) the amount of time  
4 required to obtain a judgment after it is affirmed on appeal; (3) the  
5 degree of confidence that the district court has in the availability of  
6 funds to pay the judgment; (4) whether the defendant's ability to pay the  
7 judgment is so plain that the cost of a bond would be a waste of money;  
8 and (5) whether the defendant is in such a precarious financial situation  
9 that the requirement to post a bond would place other creditors of the  
10 defendant in an insecure position.

11 *Id.* Notably, Nanyah fails to address any of these factors. Instead, Nanyah points to some other  
12 instances outlined in footnote 7 which originate from authority cited in *McCulloch v. Jeakins*, a prior  
13 outdated opinion which the Nevada Supreme Court chose to overrule in *Nelson*. *Id.* at 833, 122 P.3d  
14 at 1252.

15 Accordingly, Nanyah has failed to carry its heavy burden of waiving the requirements of  
16 NRCP 62(d). *See Abouramadan v. Mandalay Resort Group, Inc.*, 2018 WL 11216422, at \*3 (Nev.  
17 Dist. Ct. 2018). While Nanyah claims it cannot afford to post the appropriate bond, it offers no  
18 evidence in support of this naked, self-serving conclusion. Nanyah does not even offer any  
19 alternative security, thereby raising the question as to whether the Court even has the discretion to  
20 impose a stay under this unprecedented scenario. Regardless, considering the fact that Nanyah's  
21 sole owner can more than afford to comply with NRCP 62(d) and ensure that there is adequate  
22 security in place to pay the judgment if Nanyah's appeal is unsuccessful, there is no logical analysis  
23 of the factors above that would weigh in favor of Nanyah's requested relief.

24 **C. Nanyah's Jurisdictional Argument is Contrary to Nevada Authority.**

25 Nanyah argues that there is an "independent justification" for the stay because this Court  
26 supposedly does not have jurisdiction to issue a writ of execution that could affect a pending appeal.  
27 Nanyah's novel argument is not supported by any relevant legal authority. In fact, the Nevada  
28 Supreme Court's recent decision in *Reynolds*, which permitted a defendant/judgment creditor to do  
just that, proves otherwise. Nevertheless, the Nevada Supreme Court has previously confirmed that  
the District Court's jurisdiction remains in this precise situation.



Despite the fact that the appeal to this court has removed from the district court's jurisdiction the determination of any matters involved in the appeal, it is nonetheless clear that the appeal to this court, without supersedeas, cannot of itself deprive the respondent judgment creditor of the right to execute upon its judgment or of its right to invoke the aid, in the district court, of the provisions of Rule 69 with reference to execution and proceedings supplementary to and in aid of the judgment and under the provisions of Rule 37(a) and (b) with reference to discovery. *For such purposes the district court, under the circumstances recited, retains jurisdiction to make such orders as may be necessary and proper under the rules.*

*Fishman v. Las Vegas Sun*, 75 Nev. 13, 14, 333 P.3d 988, 989 (1951) (emphasis added).

**D. Nevada's Policy of Resolving Cases on Their Merits Does Not Preclude Appropriate Collection Activity.**

As a last ditch argument, Nanyah claims that it should obtain a free stay in order to fulfill Nevada's policy of resolving claims on their merits. Nanyah, of course, ignores the undisputed fact that this Court already decided all of its claims on their merits, and now Nanyah is asking the Nevada Supreme Court for appellate review. However, Nanyah does not have any sort of constitutional right to have the Nevada Supreme Court decide its appeal on its merits. *Lindsey v. Normet*, 405 U.S. 56, 77 (1972). And even if it did, under NRCP 62, it must post a supersedeas bond or other approved security in order to ensure that occurs. Finally, once again, the Nevada Supreme Court in *Reynolds v. Tufenkjian* has confirmed that execution on Nanyah's claims for relief during the pendency of Nanyah's appeal is perfectly appropriate collection activity.

**IV. CONCLUSION**

Nanyah's sole member and principal is one of the wealthiest people in Israel. He and his brother own an Israeli company that is reportedly worth billions of dollars. Yet Nanyah has the temerity to claim it cannot afford to post a supersedeas bond, even after its owner has funded Nanyah with hundreds of thousands of dollars to litigate this case for the past eight years. Needless to say, Nanyah and its owner are not the type of litigants that are entitled to any relief from the necessary supersedeas bond requirements. The Motion should be denied.

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DATED this 28<sup>th</sup> day January, 2022.

BAILEY ♦ KENNEDY

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

*Attorneys for Judgment Creditors  
Eldorado Hills, LLC, Teld, LLC, The  
Eliades Survivor Trust of 10/30/08, and  
Peter Eliades*

**CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY❖KENNEDY and that on the 28<sup>th</sup> day of January, 2022, service of the foregoing **DEFENDANTS ELDORADO HILLS, LLC, TELD, LLC, THE ELIADES SURVIVOR TRUST OF 10/30/08, AND PETER ELIADES' OPPOSITION TO NANYAH VEGAS, LLC'S MOTION TO STAY ENFORCEMENT DURING PENDENCY OF APPEAL** was made by mandatory electronic service through the Eighth Judicial District Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

MARK G. SIMONS, ESQ. <b>SIMONS HALL JOHNSTON PC</b> 690 Sierra Rose Drive Reno, NV 89511	Email: msimons@shjnevada.com  <i>Attorneys for Plaintiff</i> NANYAH VEGAS, LLC
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BRENOCH WIRTHLIN, ESQ. <b>HUTCHISON &amp; STEFFEN, PLLC</b> 10080 West Alta Drive, Suite 200 Las Vegas, NV 89145	bwirthlin@hutchlegal.com  <i>Attorneys for Defendants</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 <b>GENTILE CRISTALLI MILLER</b> <b>ARMENI SAVARESE</b> 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

# Exhibit 1

# Exhibit 1

BAILEY ♦ KENNEDY  
8984 SPANISH RIDGE AVENUE  
LAS VEGAS, NEVADA 89148-1302  
702.562.8820

**WTEX (CIV)**

DENNIS L. KENNEDY

Nevada Bar No. 1462

JOSEPH A. LIEBMAN

Nevada Bar No. 10125

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*Attorneys for Defendants* PETE ELIADES, THE

ELIADES SURVIVOR TRUST OF 10/30/08,

TELD, LLC and 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

**WRIT OF EXECUTION**

**CONSOLIDATED WITH:**

Case No. A-16-746239-C

**WRIT OF EXECUTION**

☐ **Earnings** ☒ **Other Property**

☐ **Earnings, Order of Support**

THE STATE OF NEVADA TO THE SHERIFF OF CLARK COUNTY, GREETINGS:

On May 4, 2020, a Judgment, upon which there is due in United States Currency the following amounts, was entered in this action in favor of Peter Eliades and Teld, LLC as judgment creditors and against Nanyah Vegas, LLC as judgment debtor in the amount of \$216,236.25 and Peter Eliades, The Eliades Survivor Trust of 10/30/08, Teld, LLC and Eldorado Hills, LLC as judgment creditors and against Nanyah Vegas, LLC as judgment debtor in the amount of \$31,010.98. Interest and costs have accrued in the amounts shown. Any satisfaction has been credited first against total accrued interest and costs, leaving the following net balance, which sum bears interest at the legal rate of 6.75 % per annum, \$45.72 per day from issuance of this writ to date of levy and to which sum must be added all commissions and costs of executing this Writ.

**JUDGMENT BALANCE**

**AMOUNTS TO BE COLLECTED BY LEVY**

Principal	\$ 247,247.23	NET BALANCE	\$
Pre-judgment Interest	\$ 0.00	Fee this Writ	\$ _____
Attorney's Fee	\$ 0.00	Garnishment Fee	\$ _____
Costs	\$ 0.00	Mileage	\$ _____
JUDGMENT TOTAL	\$ 247,247.23	Levy Fee	\$ _____
Accrued Costs	\$ 0.00	Advertising	\$ _____
Accrued Interest <sup>1</sup>	\$ 4,263.74	Storage	\$ _____
Less Satisfaction	\$ 0.00	Interest from	_____
		Date of Issuance	_____
NET BALANCE	\$ 251,510.97	SUB-TOTAL	\$ _____
		Commission	\$ _____
		TOTAL LEVY	\$ _____

<sup>1</sup> Interest accrued through August 6, 2020.

1 NOW, THEREFORE, you are commanded to satisfy the Judgment for the total amount due  
2 out of the following described personal property:

- 3 ➤ Levy on all rights of action, things in action, choses in action, causes of action, and/or claims  
4 for relief belonging to NANYAH VEGAS, LLC and against Eldorado Hills, LLC, including,  
5 but not limited to, those which were asserted or could have been asserted against Eldorado  
6 Hills, LLC in the action styled *Carlos A. Huerta, et al. v. Sig Rogich, et. al.*, Case No. A-13-  
7 686303-C, currently pending in the Eighth Judicial District Court, Clark County, Nevada,  
8 and sell all such property and apply the proceeds toward satisfaction of judgment. Those  
9 rights of action, things in action, choses in action, causes of action, and/or claims for relief  
10 against Eldorado Hills, LLC include, but are not limited to, the following:

- 11 ○ Unjust Enrichment;  
12 ○ Breach of Contract; and  
13 ○ Breach of Implied Contract.

- 14 ➤ Levy on all rights of action, things in action, choses in action, causes of action, and/or claims  
15 for relief belonging to NANYAH VEGAS, LLC and against Peter Eliades, The Eliades  
16 Survivor Trust of 10/30/08, and Teld, LLC, including, but not limited to, those which were  
17 asserted or could have been asserted against Peter Eliades, The Eliades Survivor Trust of  
18 10/30/08, and Teld, LLC in the action styled *Nanyah Vegas, LLC v. Teld, LLC, et. al.*, Case  
19 No. A-16-746239-C, currently pending in the Eighth Judicial District Court, Clark County,  
20 Nevada, and sell all such property and apply the proceeds toward satisfaction of judgment.  
21 Those rights of action, things in action, choses in action, causes of action, and/or claims for  
22 relief against Peter Eliades, The Eliades Survivor Trust of 10/30/08, and Teld, LLC include,  
23 but are not limited to, the following:

- 24 ○ Breach of Contract;  
25 ○ Breach of Implied Covenant of Good Faith and Fair Dealing;  
26 ○ Tortious Breach of Implied Covenant of Good Faith and Fair Dealing;  
27 ○ Intentional Interference with Contractual Relations;  
28 ○ Constructive Trust;

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- Civil Conspiracy;
- Fraudulent Transfer;
- Declaratory Relief; and
- Specific Performance.

(See next page for exemptions which may apply)



**EXEMPTIONS WHICH APPLY TO THIS LEVY**

**(Check appropriate paragraph and complete as necessary)**

☒ Property other than wages. The exemption set forth in NRS 21.090 or in other applicable Federal Statutes may apply, consult an attorney.

☐ Earnings. The amount subject to garnishment and this writ shall not exceed for any one pay period the less of:

A. 25% of the disposable earnings due the judgment debtor for the pay period, or

B. The difference between the disposable earnings for the period and \$100.50 per week for each week of the pay period.

☐ Earnings (Judgment or Order of Support)

A Judgment was entered for amounts due under a decree or order entered on \_\_\_, 20\_\_\_, by the \_\_\_ for support of \_\_\_, for the period from \_\_\_, 20\_\_\_, through \_\_\_, 20\_\_\_, in \_\_\_ installments of \$\_\_\_\_\_.

The amount of disposable earnings subject to garnishment and this writ shall not exceed for any one pay period:

☐ A maximum of 50 percent of the disposable earnings of such judgment debtor who is supporting a spouse or dependent child other than the dependent named above;

☐ A maximum of 60 percent of the disposable earnings of such judgment debtor who is not supporting a spouse or dependent child other than the dependent named above;

☐ Plus an additional 5 percent of the disposable earnings of such judgment debtor if and to the extent that the judgment is for support due for a period of time more than 12 weeks prior to the beginning of the work period of the judgment debtor during which the levy is made upon the disposable earnings.

NOTE: Disposable earnings are defined as gross earnings less deductions for Federal Income Tax Withholding, Federal Social Security Tax and Withholding for any State, County or City Taxes.

You are required to return this Writ from the date of issuance not less than 10 days or more than 60 days with the results of your levy endorsed thereon.

1 Submitted By:

2 BAILEY ♦ KENNEDY

3

4 By: /s/ Joseph A. Liebman  
5 JOSEPH A. LIEBMAN  
6 Nevada Bar No. 101251  
8984 Spanish Ridge Avenue  
Las Vegas, Nevada 89148-1302

7 *Attorneys for Defendants*  
8 PETE ELIADES, THE ELIADES  
9 SURVIVOR TRUST OF 10/30/08,  
10 TELD, LLC and ELDORADO HILLS,  
11 LLC

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18 JOE LOMBARDO, SHERIFF  
19 CLARK COUNTY

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21 By: \_\_\_\_\_  
22 Deputy Date

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STEVEN. D. GRIERSON  
CLERK OF COURT

By: Robyn Rodriguez 8/7/2020  
Deputy Clerk Date  
Robyn Rodriguez

RETURN

☐ Not Satisfied \$ \_\_\_\_\_

☐ Satisfied in Sum of \$ \_\_\_\_\_

☐ Costs retained \$ \_\_\_\_\_

☐ Commission retained \$ \_\_\_\_\_

☐ Costs incurred \$ \_\_\_\_\_

☐ Commission incurred \$ \_\_\_\_\_

☐ Costs Received \$ \_\_\_\_\_

REMITTED TO \$ \_\_\_\_\_  
JUDGMENT CREDITOR

1 **NE (CIV)**

2 DENNIS L. KENNEDY

3 Nevada Bar No. 1462

4 JOSEPH A. LIEBMAN

5 Nevada Bar No. 10125

6 **BAILEY ♦ KENNEDY**

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11 DKennedy@BaileyKennedy.com

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13 *Attorneys for Defendants* PETE ELIADES, THE  
14 ELIADES SURVIVOR TRUST OF 10/30/08,  
15 TELD, LLC and ELDORADO HILLS, LLC

16 DISTRICT COURT  
17 CLARK COUNTY, NEVADA

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

25 Plaintiffs,

26 vs.

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

Defendants.

NANYAH VEGAS, LLC, a Nevada limited  
liability company,

Plaintiff,

vs.

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

Defendants.

Case No. A-13-686303-C

Dept. No. XXVII

**NOTICE OF EXECUTION**

**CONSOLIDATED WITH:**

Case No. A-16-746239-C

**BAILEY ♦ KENNEDY**  
 8984 SPANISH RIDGE AVENUE  
 LAS VEGAS, NEVADA 89148-1302  
 702.562.8820

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9 Certain benefits and property owned by you may be exempt from execution and may  
10 not be taken from you. The following is a partial list of exemptions:

- Page 2 of 7

- (b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.
10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.
11. A vehicle, if your equity in the vehicle is less than \$15,000.
12. Eighty-two percent of the take-home pay for any workweek if your gross weekly salary or wage was \$770 or less on the date the most recent writ of garnishment was issued, or seventy-five percent of the take-home pay for any workweek if your gross weekly salary or wage exceeded \$770 on the date the most recent writ of garnishment was issued, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.
13. Money, not to exceed \$1,000,000 in present value, held in:
- (a) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without limitation, an inherited individual retirement arrangement;
- (b) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;
- (c) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;
- (d) A trust forming part of a stock bonus, pension or profit-sharing plan that is

qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

- (a) A present or future interest in the income or principal of a trust that is a contingent interest, if the contingency has not been satisfied or removed;
- (b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;
- (c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;
- (d) Certain powers held by a trust protector or certain other persons; and
- (e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

- (a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning

- 1                   whether to make the distribution from the trust, if the interest has not been  
2                   distributed from the trust; and
- 3           (b)    A present or future interest in the income or principal of a trust that is a support  
4                   interest in which the standard for distribution may be interpreted by the trustee  
5                   or a court, if the interest has not been distributed from the trust.
- 6   18.   A vehicle for use by you or your dependent which is specially equipped or modified to  
7           provide mobility for a person with a permanent disability.
- 8   19.   A prosthesis or any equipment prescribed by a physician or dentist for you or your  
9           dependent.
- 10   20.   Payments, in an amount not to exceed \$16,150, received as compensation for personal  
11           injury, not including compensation for pain and suffering or actual pecuniary loss, by  
12           the judgment debtor or by a person upon whom the judgment debtor is dependent at the  
13           time the payment is received.
- 14   21.   Payments received as compensation for the wrongful death of a person upon whom the  
15           judgment debtor was dependent at the time of the wrongful death, to the extent  
16           reasonably necessary for the support of the judgment debtor and any dependent of the  
17           judgment debtor.
- 18   22.   Payments received as compensation for the loss of future earnings of the judgment  
19           debtor or of a person upon whom the judgment debtor is dependent at the time the  
20           payment is received, to the extent reasonably necessary for the support of the judgment  
21           debtor and any dependent of the judgment debtor.
- 22   23.   Payments received as restitution for a criminal act.
- 23   24.   Personal property, not to exceed \$10,000 in total value, if the property is not otherwise  
24           exempt from execution.
- 25   25.   A tax refund received from the earned income credit provided by federal law or a  
26           similar state law.
- 27   26.   Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in  
28           that section.

1 These exemptions may not apply in certain cases such as a proceeding to enforce a judgment  
2 for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult  
3 an attorney immediately to assist you in determining whether your property or money is  
4 exempt from execution. If you cannot afford an attorney, you may be eligible for assistance  
5 through Legal Aid Center of Southern Nevada or Southern Nevada Senior Law Program. If  
6 you do not wish to consult an attorney or receive legal services from an organization that  
7 provides assistance to persons who qualify, you may obtain the form to be used to claim an  
8 exemption from the clerk of the court.

9 **PROCEDURE FOR CLAIMING EXEMPT PROPERTY**

10 If you believe that the money or property taken from you is exempt, you must complete and  
11 file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption  
12 must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the  
13 notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which  
14 identifies the specific property that is being levied on. The property must be released by the  
15 garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the  
16 sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an  
17 objection to the claim of exemption and a notice for a hearing to determine the issue of exemption.  
18 If this happens, a hearing will be held to determine whether the property or money is exempt. The  
19 objection to the claim of exemption and notice for the hearing to determine the issue of exemption  
20 must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor  
21 by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than  
22 5 judicial days before the date set for the hearing. The hearing to determine whether the property  
23 or money is exempt must be held within 7 judicial days after the objection to the claim of  
24 exemption and notice for the hearing is filed. You may be able to have your property released  
25 more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written  
26 proof that the property is exempt. Such proof may include, without limitation, a letter from the  
27 government, an annual statement from a pension fund, receipts for payment, copies of checks,  
28 records from financial institutions or any other document which demonstrates that the money in



1 your account is exempt.

2 IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE  
3 TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE  
4 JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

5 **NOTICE TO BE SENT TO NANYAH VEGAS, LLC AT THE ADDRESS BELOW**

6 **PURSUANT TO N.R.S. 21.076:**

7 **NANYAH VEGAS, LLC**  
8 **c/o its Registered Agent and Counsel of Record**  
9 **Mark G. Simons, Esq.**  
10 **Simons Hall Johnston PC**  
11 **6490 S. McCarran Blvd., Suite F-46, Reno, NV 89509**

# Exhibit 2

# Exhibit 2

BAILEY ♦ KENNEDY  
8984 SPANISH RIDGE AVENUE  
LAS VEGAS, NEVADA 89148-1302  
702.562.8820

1 **NOTC (CIV)**  
DENNIS L. KENNEDY  
2 Nevada Bar No. 1462  
JOSEPH A. LIEBMAN  
3 Nevada Bar No. 10125  
**BAILEY ♦ KENNEDY**  
4 8984 Spanish Ridge Avenue  
Las Vegas, Nevada 89148-1302  
5 Telephone: 702.562.8820  
Facsimile: 702.562.8821  
6 DKennedy@BaileyKennedy.com  
JLiebman@BaileyKennedy.com  
7  
8 *Attorneys for Defendants* PETE ELIADES, THE  
ELIADES SURVIVOR TRUST OF 10/30/08,  
TELD, LLC and ELDORADO HILLS, LLC  
9

10 DISTRICT COURT  
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  
25 10/30/08; SIGMUND ROGICH, individually  
and as Trustee of The Rogich Family  
26 Irrevocable Trust; IMITATIONS, LLC, a  
Nevada limited liability company; DOES I-X;  
27 and/or ROE CORPORATIONS I-X, inclusive,

28 Defendants.

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

**NOTICE OF SHERIFF'S SALE OF  
PERSONAL PROPERTY**

**CONSOLIDATED WITH:**

Case No. A-16-746239-C

RECEIVED  
CLARK COUNTY SHERIFF  
2021 FEB 26 P 1:27

**NOTICE OF SHERIFF'S SALE OF PERSONAL PROPERTY**

By virtue of an execution directed from the Eighth Judicial District Court, Clark County, Nevada, in favor of Peter Eliades, The Eliades Survivor Trust of 10/30/08, Teld, LLC, and Eldorado Hills, LLC and against Nanyah Vegas, LLC to satisfy a Judgment in the principal amount of \$247,247.23, with interest thereon accruing at the legal rate of 6.75% per annum from May 4, 2020, until the Judgment is paid in full and to which sum must be added all commissions and costs, I have levied upon the following personal property located in the City of Las Vegas, County of Clark, State of Nevada as described below:

- Levy on all rights of action, things in action, choses in action, causes of action, and/or claims for relief belonging to NANYAH VEGAS, LLC and against Eldorado Hills, LLC, including, but not limited to, those which were asserted or could have been asserted against Eldorado Hills, LLC in the action styled *Carlos A. Huerta, et al. v. Sig Rogich, et. al.*, Case No. A-13-686303-C, currently pending in the Eighth Judicial District Court, Clark County, Nevada, and sell all such property and apply the proceeds toward satisfaction of judgment. Those rights of action, things in action, choses in action, causes of action, and/or claims for relief against Eldorado Hills, LLC include, but are not limited to, the following:
  - Unjust Enrichment;
  - Breach of Contract; and
  - Breach of Implied Contract.
- Levy on all rights of action, things in action, choses in action, causes of action, and/or claims for relief belonging to NANYAH VEGAS, LLC and against Peter Eliades, The Eliades Survivor Trust of 10/30/08, and Teld, LLC, including, but not limited to, those which were asserted or could have been asserted against Peter Eliades, The Eliades Survivor Trust of 10/30/08, and Teld, LLC in the action styled *Nanyah Vegas, LLC v. Teld, LLC, et. al.*, Case No. A-16-746239-C, currently pending in the Eighth Judicial District Court, Clark County, Nevada, and sell all such property and apply the proceeds toward satisfaction of judgment. Those rights of action, things in action, choses in action, causes of action, and/or claims for relief against Peter Eliades, The Eliades Survivor Trust of 10/30/08, and Teld, LLC include,

1 but are not limited to, the following:

- 2 o Breach of Contract;
- 3 o Breach of Implied Covenant of Good Faith and Fair Dealing;
- 4 o Tortious Breach of Implied Covenant of Good Faith and Fair Dealing;
- 5 o Intentional Interference with Contractual Relations;
- 6 o Constructive Trust;
- 7 o Civil Conspiracy;
- 8 o Fraudulent Transfer;
- 9 o Declaratory Relief; and
- 10 o Specific Performance.

11 NOTICE IS HEREBY GIVEN that on the 28<sup>th</sup> day of April, 2021, at the hour of 9:00 a.m. at  
12 the front steps of the north entrance of the Regional Justice Center, 200 Lewis Avenue, Las Vegas,  
13 Nevada 89155, I will sell all rights, title and interest of Nanyah Vegas, LLC, in and to the personal  
14 property described herein at Public Auction for cash, in current lawful money of the United States of  
15 America to the highest and best bidder to satisfy said Execution and all interest and costs accruing

16 ///

17 ///

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LAS VEGAS, NEVADA 89148-1302  
702.562.8820

therefrom. All interested parties may bid on the property at the execution sale and the property will be sold to the highest bidder. Upon sale of the personal property, the purchaser shall be substituted to and acquire all the rights, title, and interest, and claim of the Judgment Debtor thereto.

DATED this 9<sup>TH</sup> day of March, 2021.

JOE LOMBARDO, SHERIFF  
CLARK COUNTY

By: J. Lombardo 3/9/2021  
Deputy Date

J. Lombardo  
Sr. Deputy Sheriff  
Sheriff Civil Bureau

Submitted By:

BAILEY ♦ KENNEDY

D.L.K.  
DENNIS L. KENNEDY  
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JLiebman@BaileyKennedy.com

# Exhibit 3

# Exhibit 3

BAILEY ♦ KENNEDY  
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LAS VEGAS, NEVADA 89148-1302  
702.562.8829

1 **ROC**

2 DENNIS L. KENNEDY

3 Nevada Bar No. 1462

4 JOSEPH A. LIEBMAN

5 Nevada Bar No. 10125

6 **BAILEY ♦ KENNEDY**

7 8984 Spanish Ridge Avenue

8 Las Vegas, Nevada 89148-1302

9 Telephone: 702.562.8820

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11 DKennedy@BaileyKennedy.com

12 JLiebman@BaileyKennedy.com

13 *Attorneys for Defendants* PETE ELIADES, THE  
14 ELIADES SURVIVOR TRUST OF 10/30/08,  
15 TELD, LLC and ELDORADO HILLS, LLC  
16

17 DISTRICT COURT  
18 CLARK COUNTY, NEVADA

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

26 Plaintiffs,

27 vs.

28 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

**RECEIPT OF COPY**

**CONSOLIDATED WITH:**

Case No. A-16-746239-C



BAILEY ♦ KENNEDY  
8984 SPANISH RIDGE AVENUE  
LAS VEGAS, NEVADA 89148-1502  
702.562.8820

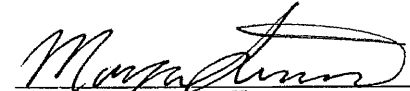
RECEIPT OF COPY

RECEIPT OF COPY of the following is hereby acknowledged on this 12<sup>th</sup> day of  
February, 2021:

- Writ of Execution; and
- Notice of Execution.

SIMONS HALL JOHNSTON PC

By:



MARK G. SIMONS, ESQ.  
6490 S. MCCARRAN BLVD., SUITE F-46  
RENO, NEVADA 89509

*Attorneys and Registered Agent for Plaintiff*  
NANYAH VEGAS, LLC

# Exhibit 4

# Exhibit 4

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:	) Case No.: 21-50226-gs
	) Chapter 11
NANYAH VEGAS, LLC,	)
	) <u>Hearing Date and Time</u>
Debtor.	) Date: October 14, 2021
	) Time: 10:30 a.m.

On October 14, 2021, the court held its hearing on the motion to dismiss the above-captioned bankruptcy case (ECF No. 28) (Motion) filed by creditors Peter Eliades, Peter Eliades as Trustee of the Eliades Survivor Trust of 10/30/08, Eldorado Hills, LLC, and Teld, LLC (collectively, the Movants). After hearing argument from the parties and delivering an oral tentative ruling, the court took this matter under advisement. For the reasons stated below and on the record at the October 14, 2021 hearing, the court will grant the Motion.

Debtor Nanyah Vegas, LLC (“Nanyah”) was formed in 2007 to effectuate a \$1.5 million investment in Eldorado Hills, LLC (“Eldorado”).<sup>1</sup> In turn, Eldorado invested the funds in real property located near Boulder City, Nevada.<sup>2</sup> Nanyah has no employees,<sup>3</sup> no day-to-day business operations,<sup>4</sup> and no income.<sup>5</sup>

<sup>1</sup> ECF No. 35, Exhibit 1, p. 16, Transcript p. 11:21-24  
<sup>2</sup> *Id.* at Exhibit 3, p. 59:14-15.  
<sup>3</sup> *Id.* at Exhibit 1, p. 17, Transcript p. 12:14-15.  
<sup>4</sup> *Id.* at p. 19, Transcript p. 14:9-12.  
<sup>5</sup> *Id.* at Transcript p. 14:15-17.

Eldorado had two original members when formed in 2005: Go Global, Inc., owned by Carlos Huerta, and The Rogich Family Irrevocable Trust (“Rogich Trust”).<sup>6</sup> In 2008, Teld, LLC acquired a 60% interest in Eldorado, resulting in Go Global, Inc. no longer holding an interest in Eldorado and the Rogich Trust owning 40% of Eldorado.<sup>7</sup> Nanyah maintains that the documents memorializing these transactions included provisions pursuant to which the Rogich Trust agreed to assume Eldorado’s obligation to repay Nanyah’s \$1.5 million investment, or pay Nanyah its percentage interest in Eldorado.<sup>8</sup> In 2012, the Rogich Trust purportedly assigned its membership interest in Eldorado to The Eliades Survivor Trust of 10/30/08 (“Eliades Trust”).<sup>9</sup> Nanyah maintains this assignment was subject to its claims.

On July 31, 2013, having neither received distributions from Eldorado nor repayment of its investment, Huerta, Go Global, Inc. and Nanyah sued Eldorado and the Rogich Trust in state court.<sup>10</sup> In 2016, Nanyah commenced a second lawsuit against Teld, Peter Eliades, the Eliades Trust (together, the Eliades Defendants) and Sigmund Rogich, the Rogich Trust and Imitations, LLC (together, the Rogich Defendants).<sup>11</sup> The two lawsuits were subsequently consolidated in 2017.<sup>12</sup> In May of 2018, the Rogich Defendants and the Eliades Defendants were awarded partial summary judgment as to two of Nanyah’s claim(s).<sup>13</sup> On October 5, 2018, the state court granted summary judgment in favor of the Eliades Defendants.<sup>14</sup> In September 2019, the state court granted summary judgment in favor of the Rogich Defendants, and granted Eldorado’s motion to dismiss.<sup>15</sup> The defendants were awarded judgment in the amount of their attorneys’ fees and costs.<sup>16</sup>

<sup>6</sup> *Id.* at Exhibit 3, p. 59:15-16.

<sup>7</sup> *Id.* at p. 59:20-27.

<sup>8</sup> *Id.* at pp. 59:28-60:3.

<sup>9</sup> *Id.* at p. 63, ¶ d.

<sup>10</sup> *Id.* at Exhibit 4.

<sup>11</sup> *Id.* at Exhibit 6, p. 102. Although based on the record presented it is unclear to the court what role defendant Imitations, LLC played in this dispute, that fact is not relevant to the court’s decision.

<sup>12</sup> *Id.* at Exhibit 6.

<sup>13</sup> *Id.* at Exhibit 7.

<sup>14</sup> *Id.* at Exhibit 3.

<sup>15</sup> *Id.* at Exhibit 8.

<sup>16</sup> *Id.* at Exhibit 9.

1 Nanyah appealed the judgment and the order granting summary judgment without  
 2 posting a bond.<sup>17</sup> With no bond having been posted, the defendants commenced the process of  
 3 executing on Nanyah's litigation claims against Eldorado and the Eliades Defendants.<sup>18</sup> Nanyah  
 4 filed this bankruptcy proceeding approximately one month prior to the scheduled sale of those  
 5 claims. At the debtor's § 341(a) meeting of creditors held on April 26, 2021, the debtor's  
 6 representative, Andrew Heyman, testified that the Chapter 11 was filed to "protect and preserve  
 7 the assets of the debtor, such as they are."<sup>19</sup>

8 Nanyah's bankruptcy schedules reflect that the company's only asset is its appeal.<sup>20</sup> This  
 9 was confirmed by Yoav Harlap, Nanyah's sole member, during the continued § 341(a) meeting of  
 10 creditors.<sup>21</sup> When asked how Nanyah is paying its attorney fees with no assets and no income,  
 11 Mr. Harlap confirmed that he personally is providing the funding.<sup>22</sup> At the initial § 341(a)  
 12 meeting of creditors, Mr. Harlap testified that if Nanyah did not prevail on its appeal the only  
 13 source of funding for a chapter 11 plan would be a loan from him.<sup>23</sup>

14 Nanyah's schedules list liabilities of approximately \$1.5 million.<sup>24</sup> Scheduled creditors  
 15 are the prevailing defendants in the state court litigation, Mr. Harlap for personal loans to the  
 16 debtor, and the Internal Revenue Service with a priority unsecured claim scheduled in an  
 17 unknown amount.<sup>25</sup> Though initially filed as a standard chapter 11, Nanyah later amended its  
 18 petition to reflect that it qualifies as a small business debtor under 11 U.S.C. § 101(51D).<sup>26</sup>

19 The deadline for filing proofs of claim in Nanyah's case expired on July 26, 2021.  
 20 Although nine proofs of claim were filed, all but one were filed by prevailing defendants in the  
 21 state court litigation. That claim was filed by the Internal Revenue Service, asserting a  
 22

---

23  
 24 <sup>17</sup> *Id.* at Exhibit 12.

25 <sup>18</sup> *Id.* at Exhibit 10.

26 <sup>19</sup> *Id.* at Exhibit 1, p. 17, Transcript p. 12:10-13.

27 <sup>20</sup> ECF No. 1, pp. 10-13.

28 <sup>21</sup> ECF No. 35, Exhibit 2, p. 47, Transcript p. 9:3-5.

<sup>22</sup> *Id.*, Transcript p. 9:11-17.

<sup>23</sup> *Id.* at pp. 26-27, Transcript pp. 21:22-22:7.

<sup>24</sup> ECF No. 1, pp. 15-17.

<sup>25</sup> *Id.*

<sup>26</sup> ECF No. 17, p. 2.

1 \$7,000.00 claim for estimated taxes owing for 2018-2020 (\$3,000.00 priority) and 2014-2017  
 2 (\$4,000.00 general unsecured).<sup>27</sup>

### 3 Analysis

4 Under 11 U.S.C. § 1112(b), a bankruptcy court may dismiss a Chapter 11 case “for  
 5 cause.” “Although section 1112(b) does not explicitly require that cases be filed in ‘good faith,’  
 6 courts have overwhelmingly held that a lack of good faith in filing a Chapter 11 petition  
 7 establishes cause for dismissal.”<sup>28</sup> Courts measure a debtor’s good faith by examining “‘an  
 8 amalgam of factors and not...a specific fact.’”<sup>29</sup> Those factors may include “any factors which  
 9 evidence ‘an intent to abuse the judicial process and the purposes of the reorganization  
 10 provisions.’”<sup>30</sup> The ultimate question is whether a debtor filed its chapter 11 petition to “effect a  
 11 speedy, efficient reorganization” or “to unreasonably deter and harass creditors.”<sup>31</sup> Towards this  
 12 end, “if it appears at the outset there is no reasonable expectation that the financial situation of  
 13 the debtor can be successfully repaired through the reorganization process, it is clear that such  
 14 case is ripe for dismissal for ‘cause,’ ....”<sup>32</sup>

15 Movants maintain that Nanyah filed this case merely to avoid posting a bond during its  
 16 appeal of the state court judgment. They argue that this constitutes bad faith warranting  
 17 dismissal. But as the Ninth Circuit Bankruptcy Appellate Panel has noted, “neither the Ninth  
 18 Circuit Court of Appeals nor [the Ninth Circuit Bankruptcy Appellate Panel] has held that filing  
 19 a bankruptcy petition in lieu of posting an appeal bond is ipso facto bad faith for purposes of  
 20 dismissal under § 1112(b).”<sup>33</sup> “Indeed, to make such a finding would be at odds with the  
 21

22  
 23 <sup>27</sup> Additionally, the court notes that, based on its review of the case docket, it appears Nanyah is  
 24 several months behind in its monthly operating reports, the most recent having been filed for July  
 25 2021.

26 <sup>28</sup> *Marsch v. Marsch (In re Marsch)*, 36 F.3d 825, 828 (9th Cir. 1994) [citing cases].

27 <sup>29</sup> *Id.* (quoting *In re Arnold*, 806 F.2d 937, 939 (9th Cir.1986)).

28 <sup>30</sup> *In re Marshall*, 721 F.3d 1032, 1048 (9th Cir. 2013) (quoting *Phoenix Piccadilly, Ltd. v. Life*  
 29 *Ins. Co. of Va. (In re Phoenix Piccadilly, Ltd.)*, 849 F.2d 1393, 1394 (11th Cir.1988)).

30 <sup>31</sup> *Marsch*, 36 F.3d at 828.

31 <sup>32</sup> *In re Mense*, 509 B.R. 269, 284 n.35 (Bankr. C.D. Cal. 2014) (quoting *Matter of Bock*, 58 B.R.  
 32 374, 378–79 (Bankr.M.D.Fla.1986)).

33 <sup>33</sup> *In re Hanna*, 2018 WL 1770960, at \*5 (B.A.P. 9th Cir. Apr. 13, 2018).

1 directive that courts look at the totality of circumstances in determining bad faith.”<sup>34</sup> Instead, the  
2 Ninth Circuit has observed that “[s]everal bankruptcy courts have held that a debtor may use a  
3 Chapter 11 petition to avoid posting an appeal bond if satisfaction of the judgment would  
4 severely disrupt the debtor’s business.”<sup>35</sup>

5 However, the Ninth Circuit has also recognized that a petition filed to avoid posting an  
6 appeal bond is improper if the judgment against the debtor can be paid with nonbusiness assets.<sup>36</sup>  
7 At least one court in the Ninth Circuit has reviewed the following factors “[w]hen a debtor files  
8 chapter 11 to dodge the requirement for an appeal bond”:

- 9 (1) Whether the debtor is a viable business which would suffer severe  
10 disruption if enforcement of the judgment was not stayed; and the  
11 chapter 11 petition was filed to preserve its status as an ongoing  
12 concern and to protect its employees and creditors;
- 13 (2) Whether the debtor had financial problems on the petition date,  
14 other than the adverse judgment;
- 15 (3) Whether the debtor has relatively few unsecured creditors, other  
16 than the holder of the adverse judgment;
- 17 (4) Whether the debtor has sufficient assets to post a bond to stay the  
18 judgment pending appeal;
- 19 (5) Whether the debtor acted in good faith to exhaust all efforts to  
20 obtain a bond to stay the judgment pending appeal;
- 21 (6) Whether the debtor intends to pursue an effective reorganization  
22 within a reasonable period of time, or whether the debtor is  
23 unwilling or unable to propose a meaningful plan until the  
24 conclusion of the litigation; and
- 25 (7) Whether assets of the estate are being diminished by the combined  
ongoing expenses of the debtor, the chapter 11 proceedings, and  
prosecution of the appeal.<sup>37</sup>

26 <sup>34</sup> *In re Bowers Inv. Co., LLC*, 553 B.R. 762, 770 (Bankr. D. Alaska 2016).

27 <sup>35</sup> *Marsch*, 36 F.3d at 828; *see also Windscheffel v. Montebello Unified School District (In re*  
28 *Windscheffel)*, 2017 WL 1371294 (B.A.P. 9th Cir. Apr. 3, 2017); *Rocco v. King (In re King)*,  
2008 WL 8444814 (B.A.P. 9th Cir. Mar. 12, 2008); *In re Zaruba*, 2007 WL 4589746 (Bankr. D.  
Alaska Dec. 28, 2007).

<sup>36</sup> *Marsch*, 36 F.3d at 828-29 [citing cases].

<sup>37</sup> *Mense*, 509 B.R. at 279–81 [citations omitted].

1 In this case, the court need not examine these factors in detail. "At its core,  
2 reorganization through Chapter 11 is intended by Congress to permit a debtor to pay its creditors,  
3 retain its employees, and preserve the equity of its investors."<sup>38</sup> Nanyah has no employees. It  
4 has no day-to-day operations and no income. By its sole member's own admission, Nanyah is  
5 simply an investment vehicle.<sup>39</sup> The only other non-insider creditor is the IRS for an estimated  
6 \$7,000 in taxes. Nanyah's only asset is the appeal of the Movants' judgment and it has no  
7 money of its own to fund either the appeal or this bankruptcy.

8 This is simply a dispute between two groups of parties stuck in litigation. Nanyah wants  
9 to continue the litigation despite entry of an adverse judgment. Again, the mere fact that this is  
10 really a two-party dispute does not condemn the filing as bad faith.<sup>40</sup> "Courts that find bad faith  
11 based on two-party disputes do so where 'it is an apparent two-party dispute that can be resolved  
12 outside of the Bankruptcy Court's jurisdiction.'"<sup>41</sup>

13 The court is aware of the decision in *In re Sullivan*, in which the BAP reversed dismissal  
14 of an individual's bankruptcy as a bad faith filing early in the case. The bankruptcy court  
15 concluded in *Sullivan* that there was no possibility of a confirmable plan based on the judgment  
16 creditor's statement that it would never vote for confirmation. The BAP held that the limited  
17 record before the bankruptcy court at that stage did not support a finding of bad faith despite the  
18 judgment creditor's argument that it was a two-party dispute.<sup>42</sup> In sharp contrast to Nanyah, Mr.  
19 Sullivan had considerable assets, had been using exempt assets to fund a litigation that was  
20 continuing, and had an annual salary of \$200,000. The BAP recognized the debtor's valid  
21 bankruptcy interest in protecting his assets and providing for an orderly liquidation.<sup>43</sup> Moreover,  
22 the debtor stated an intent to file a plan within the exclusivity period but was met with the motion  
23 to dismiss before he could file his plan. The BAP was not persuaded by the creditor's  
24

25 <sup>38</sup> *In re Mohave Agrarian Grp., LLC*, 588 B.R. 903, 915 (Bankr. D. Nev. 2018) (citing *United*  
26 *States v. Whiting Pools, Inc. (In re Whiting Pools, Inc.)*, 462 U.S. 198, 203 (1983)).

27 <sup>39</sup> ECF No. 35, Exhibit 2, p. 46, Transcript p. 8:22-23.

28 <sup>40</sup> *Sullivan v. Harnisch (In re Sullivan)*, 522 B.R. 604, 616 (B.A.P. 9th Cir. 2014).

<sup>41</sup> *Id.* (quoting *Oasis at Wild Horse Ranch, LLC v. Sholes (In re Oasis at Wild Horse Ranch, LLC)*, 2011 WL 4502102 at \*10 (9th Cir. BAP Aug. 26, 2011)).

<sup>42</sup> *Id.* at 615.

<sup>43</sup> *Id.* at 616.



1 declaration that it would never support a plan, particularly when faced with the possibility of  
2 conversion to chapter 7.<sup>44</sup> Finally, the BAP also noted that Mr. Sullivan had a number of other  
3 creditors, including family members, whose debts were not challenged at that time, negating the  
4 argument that there was only a two-party dispute.<sup>45</sup>

5 In this instance, there is no business to reorganize, no other assets to protect or  
6 administer, and nothing shall take place in this bankruptcy apart from the appeal. Unlike the  
7 situation in *Sullivan* where the record suggested the possibility of some reorganization based on  
8 the debtor's assets and income, Nanyah has nothing of its own with which to effectuate a  
9 resolution in bankruptcy. If Nanyah wins the appeal, the judgment creditors disappear and there  
10 is no reason to proceed in chapter 11 given the limited (and estimated) amount owed to the IRS.  
11 If the appeal is unsuccessful, the likely outcome is dismissal or conversion, not confirmation of a  
12 plan as there will be no asset and there is no income or ongoing business. In short, Nanyah is not  
13 using the bankruptcy to reorganize, only to stay collection.

14 Preserving an asset such as Nanyah's litigation claims by filing bankruptcy is not per se  
15 bad faith. But it must be part of an actual attempt to reorganize (or liquidate). In this instance,  
16 the bankruptcy filing is merely a litigation tactic. The sole reason for filing this case was to  
17 continue Nanyah's appeal at the expense of its judgment creditors without posting a bond.  
18 Nanyah's lack of funds or assets would ordinarily weigh heavily in favor of a good faith filing to  
19 permit it to proceed with its appeal. But the total absence of any business or other assets only  
20 confirms that this is simply a discrete litigation dispute rather than a reorganization. Nanyah  
21 continues its existence solely on Mr. Harlap's discretion. He is willing to fund Nanyah's appeal  
22 and chapter 11 fees. This is some evidence of the availability of nonbusiness assets to post a  
23 bond pending the appeal. This is what should be done to continue the appeal, not invoke the  
24 automatic stay by filing a chapter 11 bankruptcy.  
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<sup>44</sup> *Id.* at 617-18.

<sup>45</sup> *Id.*

1 The court concludes that Nanyah did not file this bankruptcy to “effect a speedy, efficient  
2 reorganization,” but rather to unreasonably deter its judgment creditors.<sup>46</sup> Accordingly, the court  
3 finds that the bankruptcy was filed in bad faith and that cause exists under § 1112(b). The court  
4 has considered whether conversion or dismissal is in the best interests as required under  
5 § 1112(b). As the matter is truly a two-party dispute, there is no benefit to conversion to chapter  
6 7. The court will, therefore, dismiss the case. An order granting the Motion and dismissing this  
7 case will be entered separately.

8 \* \* \* \*

9 **Copies sent to all registered parties via CM/ECF ELECTRONIC NOTICE.**

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26 <sup>46</sup> Courts have held that dismissal for bad faith is appropriate where the bankruptcy case was  
27 filed solely as a litigation tactic. *See Prometheus Health Imaging, Inc. v. United States Trustee*  
28 *(In re Prometheus Health Imaging, Inc.)*, 705 Fed.Appx. 626 (9th Cir. 2017); *Greenberg v.*  
*United States Trustee (In re Greenberg)*, 2017 WL 3816042 (B.A.P. 9th Cir. Aug. 31, 2017); *St.*  
*Paul Self Storage Ltd. Partnership v. The Port Authority of the City of St. Paul (In re St. Paul*  
*Self Storage Ltd. Partnership)*, 185 B.R. 580, 582–83 (B.A.P. 9th Cir. 1995); *In re Silberkraus*,  
253 B.R. 890, 902–03 (Bankr. C.D. Cal. 2000).

# Exhibit 5

# Exhibit 5

BAILEY ♦ KENNEDY  
8984 SPANISH RIDGE AVENUE  
LAS VEGAS, NEVADA 89148-1302  
702.562.8820

**WTEX (CIV)**

DENNIS L. KENNEDY

Nevada Bar No. 1462

JOSEPH A. LIEBMAN

Nevada Bar No. 10125

**BAILEY ♦ KENNEDY**

8984 Spanish Ridge Avenue

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DKennedy@BaileyKennedy.com

JLiebman@BaileyKennedy.com

*Attorneys for Defendants* PETE ELIADES, THE  
ELIADES SURVIVOR TRUST OF 10/30/08,  
TELD, LLC and 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

**WRIT OF EXECUTION**

**CONSOLIDATED WITH:**

Case No. A-16-746239-C

**WRIT OF EXECUTION**

☐ **Earnings** ☒ **Other Property**

☐ **Earnings, Order of Support**

THE STATE OF NEVADA TO THE SHERIFF OF CLARK COUNTY, GREETINGS:

On May 4, 2020, a Judgment, upon which there is due in United States Currency the following amounts, was entered in this action in favor of Peter Eliades and Teld, LLC as judgment creditors and against Nanyah Vegas, LLC as judgment debtor in the amount of \$216,236.25 and Peter Eliades, The Eliades Survivor Trust of 10/30/08, Teld, LLC and Eldorado Hills, LLC as judgment creditors and against Nanyah Vegas, LLC as judgment debtor in the amount of \$31,010.98. Interest and costs have accrued in the amounts shown. Any satisfaction has been credited first against total accrued interest and costs, leaving the following net balance, which sum bears interest at 6.75 % per annum, \$45.72 per day from issuance of this writ to date of levy and to which sum must be added all commissions and costs of executing this Writ.

**JUDGMENT BALANCE**

**AMOUNTS TO BE COLLECTED BY LEVY**

Principal	\$ 247,247.23	NET BALANCE	\$
Pre-judgment Interest	\$ 0.00	Fee this Writ	\$ _____
Attorney's Fee	\$ 0.00	Garnishment Fee	\$ _____
Costs	\$ 0.00	Mileage	\$ _____
JUDGMENT TOTAL	\$ 247,247.23	Levy Fee	\$ _____
Accrued Costs	\$ 0.00	Advertising	\$ _____
Accrued Interest <sup>1</sup>	\$ 27,861.03	Storage	\$ _____
Less Satisfaction	\$ 0.00	Interest from	_____
		Date of Issuance	_____
NET BALANCE	\$ 275,108.26	SUB-TOTAL	\$ _____
		Commission	\$ _____
<b>TOTAL LEVY</b>		<b>\$</b>	

<sup>1</sup> Interest accrued through January 5, 2022.

1 NOW, THEREFORE, you are commanded to satisfy the Judgment for the total amount due out of  
2 the following described personal property:

3 ➤ Levy on all rights of action, things in action, choses in action, causes of action, claims for  
4 relief, and/or appellate claims and interests belonging to NANYAH VEGAS, LLC and  
5 against Eldorado Hills, LLC, including, but not limited to, those which were asserted or  
6 could have been asserted against Eldorado Hills, LLC in the action styled *Carlos A. Huerta,*  
7 *et al. v. Sig Rogich, et. al.*, Case No. A-13-686303-C, currently pending in the Eighth Judicial  
8 District Court, Clark County, Nevada, and currently pending in the Nevada Supreme Court as  
9 Case No. 79917, and sell all such property and apply the proceeds toward satisfaction of  
10 judgment. Those rights of action, things in action, choses in action, causes of action, claims  
11 for relief, and/or appellate claims and interests against Eldorado Hills, LLC include, but are  
12 not limited to, the following:

- 13 ○ Unjust Enrichment;
- 14 ○ Breach of Contract; and
- 15 ○ Breach of Implied Contract.

16 ➤ Levy on all rights of action, things in action, choses in action, causes of action, claims for  
17 relief, and/or appellate claims and interests belonging to NANYAH VEGAS, LLC and  
18 against Peter Eliades, The Eliades Survivor Trust of 10/30/08, and Teld, LLC, including, but  
19 not limited to, those which were asserted or could have been asserted against Peter Eliades,  
20 The Eliades Survivor Trust of 10/30/08, and Teld, LLC in the action styled *Nanyah Vegas,*  
21 *LLC v. Teld, LLC, et. al.*, Case No. A-16-746239-C, currently pending in the Eighth Judicial  
22 District Court, Clark County, Nevada, and currently pending in the Nevada Supreme Court as  
23 Case No. 79917, and sell all such property and apply the proceeds toward satisfaction of  
24 judgment. Those rights of action, things in action, choses in action, causes of action, claims  
25 for relief, and/or appellate claims and interests against Peter Eliades, The Eliades Survivor  
26 Trust of 10/30/08, and Teld, LLC include, but are not limited to, the following:

- 27 ○ Breach of Contract;
- 28 ○ Breach of Implied Covenant of Good Faith and Fair Dealing;

- Tortious Breach of Implied Covenant of Good Faith and Fair Dealing;
- Intentional Interference with Contractual Relations;
- Constructive Trust;
- Civil Conspiracy;
- Fraudulent Transfer;
- Declaratory Relief; and
- Specific Performance.

(See next page for exemptions which may apply)

**EXEMPTIONS WHICH APPLY TO THIS LEVY**

**(Check appropriate paragraph and complete as necessary)**

☒ Property other than wages. The exemption set forth in NRS 21.090 or in other applicable Federal Statutes may apply, consult an attorney.

☐ Earnings. The amount subject to garnishment and this writ shall not exceed for any one pay period the less of:

A. 25% of the disposable earnings due the judgment debtor for the pay period, or

B. The difference between the disposable earnings for the period and \$100.50 per week for each week of the pay period.

☐ Earnings (Judgment or Order of Support)

A Judgment was entered for amounts due under a decree or order entered on \_\_\_\_, 20\_\_, by the \_\_\_\_ for support of \_\_\_\_, for the period from \_\_\_\_, 20\_\_, through \_\_\_\_, 20\_\_, in \_\_\_\_ installments of \$\_\_\_\_\_.

The amount of disposable earnings subject to garnishment and this writ shall not exceed for any one pay period:

☐ A maximum of 50 percent of the disposable earnings of such judgment debtor who is supporting a spouse or dependent child other than the dependent named above;

☐ A maximum of 60 percent of the disposable earnings of such judgment debtor who is not supporting a spouse or dependent child other than the dependent named above;

☐ Plus an additional 5 percent of the disposable earnings of such judgment debtor if and to the extent that the judgment is for support due for a period of time more than 12 weeks prior to the beginning of the work period of the judgment debtor during which the levy is made upon the disposable earnings.

NOTE: Disposable earnings are defined as gross earnings less deductions for Federal Income Tax Withholding, Federal Social Security Tax and Withholding for any State, County or City Taxes.

You are required to return this Writ from the date of issuance not less than 10 days or more than 60 days with the results of your levy endorsed thereon.



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Submitted By:

BAILEY ♦ KENNEDY

By: /s/ Joseph A. Liebman  
JOSEPH A. LIEBMAN  
Nevada Bar No. 10125  
8984 Spanish Ridge Avenue  
Las Vegas, Nevada 89148-1302

*Attorneys for Defendants*  
PETE ELIADES, THE ELIADES  
SURVIVOR TRUST OF 10/30/08,  
TELD, LLC and ELDORADO HILLS,  
LLC

JOE LOMBARDO, SHERIFF  
CLARK COUNTY

By: \_\_\_\_\_  
Deputy Date

STEVEN. D. GRIERSON  
CLERK OF COURT

By: Robyh Rodriguez 1/10/2022  
Deputy Clerk Date  
Robyn Rodriguez

RETURN

- ☐ Not Satisfied \$ \_\_\_\_\_
- ☐ Satisfied in Sum of \$ \_\_\_\_\_
- ☐ Costs retained \$ \_\_\_\_\_
- ☐ Commission retained \$ \_\_\_\_\_
- ☐ Costs incurred \$ \_\_\_\_\_
- ☐ Commission incurred \$ \_\_\_\_\_
- ☐ Costs Received \$ \_\_\_\_\_

REMITTED TO \$ \_\_\_\_\_  
JUDGMENT CREDITOR

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

13 *Attorneys for Defendant*  
14 ELDORADO HILLS, LLC

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DISTRICT COURT  
CLARK COUNTY, NEVADA

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

18 Plaintiffs,

19 vs.

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

25 Defendants.

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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

NOTICE OF EXECUTION

CONSOLIDATED WITH:

Case No. A-16-746239-C

**BAILEY ♦ KENNEDY**  
8984 SPANISH RIDGE AVENUE  
LAS VEGAS, NEVADA 89148-1302  
702.562.8820

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9 Certain benefits and property owned by you may be exempt from execution and may  
10 not be taken from you. The following is a partial list of exemptions:

- Page 2 of 7

- (b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.
10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.
11. A vehicle, if your equity in the vehicle is less than \$15,000.
12. Eighty-two percent of the take-home pay for any workweek if your gross weekly salary or wage was \$770 or less on the date the most recent writ of garnishment was issued, or seventy-five percent of the take-home pay for any workweek if your gross weekly salary or wage exceeded \$770 on the date the most recent writ of garnishment was issued, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.
13. Money, not to exceed \$1,000,000 in present value, held in:
- (a) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without limitation, an inherited individual retirement arrangement;
- (b) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;
- (c) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;
- (d) A trust forming part of a stock bonus, pension or profit-sharing plan that is

qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

- (a) A present or future interest in the income or principal of a trust that is a contingent interest, if the contingency has not been satisfied or removed;
- (b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;
- (c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;
- (d) Certain powers held by a trust protector or certain other persons; and
- (e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

- (a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning

- 1 whether to make the distribution from the trust, if the interest has not been  
2 distributed from the trust; and
- 3 (b) A present or future interest in the income or principal of a trust that is a support  
4 interest in which the standard for distribution may be interpreted by the trustee  
5 or a court, if the interest has not been distributed from the trust.
- 6 18. A vehicle for use by you or your dependent which is specially equipped or modified to  
7 provide mobility for a person with a permanent disability.
- 8 19. A prosthesis or any equipment prescribed by a physician or dentist for you or your  
9 dependent.
- 10 20. Payments, in an amount not to exceed \$16,150, received as compensation for personal  
11 injury, not including compensation for pain and suffering or actual pecuniary loss, by  
12 the judgment debtor or by a person upon whom the judgment debtor is dependent at the  
13 time the payment is received.
- 14 21. Payments received as compensation for the wrongful death of a person upon whom the  
15 judgment debtor was dependent at the time of the wrongful death, to the extent  
16 reasonably necessary for the support of the judgment debtor and any dependent of the  
17 judgment debtor.
- 18 22. Payments received as compensation for the loss of future earnings of the judgment  
19 debtor or of a person upon whom the judgment debtor is dependent at the time the  
20 payment is received, to the extent reasonably necessary for the support of the judgment  
21 debtor and any dependent of the judgment debtor.
- 22 23. Payments received as restitution for a criminal act.
- 23 24. Personal property, not to exceed \$10,000 in total value, if the property is not otherwise  
24 exempt from execution.
- 25 25. A tax refund received from the earned income credit provided by federal law or a  
26 similar state law.
- 27 26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in  
28 that section.

1 These exemptions may not apply in certain cases such as a proceeding to enforce a judgment  
2 for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult  
3 an attorney immediately to assist you in determining whether your property or money is  
4 exempt from execution. If you cannot afford an attorney, you may be eligible for assistance  
5 through Legal Aid Center of Southern Nevada or Southern Nevada Senior Law Program. If  
6 you do not wish to consult an attorney or receive legal services from an organization that  
7 provides assistance to persons who qualify, you may obtain the form to be used to claim an  
8 exemption from the clerk of the court.

9 **PROCEDURE FOR CLAIMING EXEMPT PROPERTY**

10 If you believe that the money or property taken from you is exempt, you must complete  
11 and file with the clerk of the court an executed claim of exemption. A copy of the claim of  
12 exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days  
13 after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076  
14 which identifies the specific property that is being levied on. The property must be released by the  
15 garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the  
16 sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an  
17 objection to the claim of exemption and a notice for a hearing to determine the issue of exemption.  
18 If this happens, a hearing will be held to determine whether the property or money is exempt. The  
19 objection to the claim of exemption and notice for the hearing to determine the issue of exemption  
20 must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor  
21 by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than  
22 5 judicial days before the date set for the hearing. The hearing to determine whether the property  
23 or money is exempt must be held within 7 judicial days after the objection to the claim of  
24 exemption and notice for the hearing is filed. You may be able to have your property released  
25 more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written  
26 proof that the property is exempt. Such proof may include, without limitation, a letter from the  
27 government, an annual statement from a pension fund, receipts for payment, copies of checks,  
28 records from financial institutions or any other document which demonstrates that the money in

1 your account is exempt.

2 IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE  
3 TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE  
4 JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

5 NOTICE TO BE SENT TO NANYAH VEGAS, LLC AT THE ADDRESS BELOW

6 PURSUANT TO N.R.S. 21.076:

7 NANYAH VEGAS, LLC  
8 c/o its Registered Agent and Counsel of Record  
9 Mark G. Simons, Esq.  
10 Simons Hall Johnston PC  
11 690 Sierra Rose Drive, Reno, NV 89511  
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# Exhibit 6

# Exhibit 6

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

13 *Attorneys for Defendants* PETE ELIADES, THE  
14 ELIADES SURVIVOR TRUST OF 10/30/08,  
15 TELD, LLC and ELDORADO HILLS, LLC

16 DISTRICT COURT  
17 CLARK COUNTY, NEVADA

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

25 Plaintiffs,

26 vs.

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

Defendants.

NANYAH VEGAS, LLC, a Nevada limited  
liability company,

Plaintiff,

vs.

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

Defendants.

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

RECEIPT OF COPY

CONSOLIDATED WITH:

Case No. A-16-746239-C

RECEIPT OF COPY

RECEIPT OF COPY of the following is hereby acknowledged on this 11<sup>th</sup> day of  
January, 2022:

- Writ of Execution; and
- Notice of Execution.

SIMONS HALL JOHNSTON PC



By: \_\_\_\_\_  
MARK G. SIMONS, ESQ.  
690 SIERRA ROSE DRIVE  
RENO, NEVADA 89511

*Attorneys and Registered Agent for Plaintiff*  
NANYAH VEGAS, LLC





1 Brenoch Wirthlin, Esq. (10282)  
2 **HUTCHISON & STEFFEN, PLLC**

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3 Telephone: (702) 385-2500

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4 [bwirthlin@hutchlegal.com](mailto:bwirthlin@hutchlegal.com)

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

7 **IN THE EIGHTH JUDICIAL DISTRICT OF**

8 **THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK**

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

12 Plaintiffs,

13 v.

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

17 Defendants.

19 NANYAH VEGAS, LLC, a Nevada limited  
20 liability company,

21 Plaintiff,

22 v.

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

26 Defendants.

**Case No.: A-13-686303-C**

**Dept. No.: XXVII**

**Consolidated With:**

**Case No.: A-16-746239-C**

**JOINDER TO DEFENDANTS**  
**ELDORADO HILLS, LLC, TELD LLC,**  
**THE ELIADES SURVIVOR TRUST**  
**OF 10/30/08, AND PETER ELIADES'**  
**OPPOSITION TO NANYAH VEGAS,**  
**LLC'S MOTION TO STAY**  
**ENFORCEMENT DURING**  
**PENDENCY OF APPEAL**

1 Defendants, Sigmund Rogich, Individually and as Trustee of the Rogich Family  
2 Irrevocable Trust, and Imitations, LLC ("Rogich Defendants"), by and through their attorneys,  
3 Hutchison & Steffen, PLLC, hereby join Defendants Eldorado Hills, LLC, Teld LLC, The  
4 Eliades Survivor Trust of 10/30/08, and Peter Eliades' Opposition to Nanyah Vegas, LLC's  
5 Motion to Stay Enforcement During Pendency of Appeal, as if fully set forth herein.

6 Dated this 28<sup>th</sup> day of January, 2022.

7  
8 **HUTCHISON & STEFFEN, PLLC**

9 /s/Brenoch Wirthlin

10 Brenoch Wirthlin, Esq. (10282)

11 10080 W. Alta Dr., Suite 200

12 Las Vegas, Nevada 89145

13 [bwirthlin@hutchlegal.com](mailto:bwirthlin@hutchlegal.com)

14 *Attorneys for Sigmund Rogich, Individually and*  
15 *as Trustee of the Rogich Family Irrevocable Trust,*  
16 *and Imitations, LLC*  
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**CERTIFICATE OF SERVICE**


Pursuant to NRCP 5(b), I certify that on this 28th day of January, 2022, I caused the document entitled **JOINDER TO DEFENDANTS ELDORADO HILLS, LLC, TELD LLC, THE ELIADES SURVIVOR TRUST OF 10/30/08, AND PETER ELIADES' OPPOSITION TO NANYAH VEGAS, LLC'S MOTION TO STAY ENFORCEMENT DURING PENDENCY OF APPEAL** to be served on the following by Electronic Service to:

**ALL PARTIES ON THE E-SERVICE LIST**

/s/Danielle Kelley  
An Employee of Hutchison & Steffen, PLLC







1 **OPP**

2 Brenoch Wirthlin, Esq. (10282)  
3 **HUTCHISON & STEFFEN, PLLC**  
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8 [bwirthlin@hutchlegal.com](mailto:bwirthlin@hutchlegal.com)

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

12 **IN THE EIGHTH JUDICIAL DISTRICT OF**

13 **THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK**

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

20 Plaintiffs,

21 v.

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

27 Defendants.

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

Consolidated With:

Case No.: A-16-746239-C

**ROGICH DEFENDANTS'**  
**OPPOSITION TO MOTION TO**  
**STAY ENFORCEMENT DURING**  
**PENDENCY OF APPEAL**

Defendants, Sigmund Rogich, Individually and as Trustee of the Rogich Family  
Irrevocable Trust, and Imitations, LLC ("Rogich Defendants"), by and through their attorneys,

1 Hutchison & Steffen, PLLC, hereby submit this Opposition to Plaintiff Nanyah Vegas, LLC's  
2 ("Nanyah") Motion to Stay Enforcement During Pendency of Appeal. This Opposition is based  
3 on the following Memorandum of Points and Authorities, any argument the Court entertains at a  
4 hearing on this matter, and all papers and pleadings on file herein.

## 5 **MEMORANDUM OF POINTS AND AUTHORITIES**

### 6 **I. INTRODUCTION AND STATEMENT OF FACTS**

7 The Rogich Defendants have a judgment against Nanyah in excess of \$500,000 for  
8 attorney fees and costs. *See* Exhibit 1. Nanyah offers no valid reason why it should not have to  
9 post a supersedeas bond like every other judgment debtor on appeal. Its claims of insolvency are  
10 disingenuous at best. It filed a bad faith bankruptcy to stave off the Rogich Parties' collection  
11 efforts improperly, needlessly increasing expense and time for everyone. Nanyah went so far as  
12 to claim in its bad faith bankruptcy that it had assets estimated at \$7,200,000. *See* Exhibit 2,  
13 Nanyah's bankruptcy petition, at p. 11 of 31. Now Nanyah complains if the Rogich Parties are  
14 permitted to pursue legitimate collection activities this Court will be "exceeding its jurisdiction"  
15 and that the merits (if any) of its appeal will be impacted. Nanyah's claims are false. Its motion  
16 should be denied.

### 17 **II. LAW AND ARGUMENT**

#### 18 **A. Nanyah offers no basis to grant a stay or waive its bond requirement.**

19 Nevada's general policy is that a statute specifying property that is liable to execution  
20 "must be liberally construed for the benefit of creditors." *Reynolds v. Tufenkjian*, 136 Nev. 145,  
21 147, 461 P.3d 147, 150 (2020) (*Sportsco Enters. v. Morris*, 112 Nev. 625, 630, 917 P.2d 934,  
22 937 (1996) (citing 33 C.J.S. Executions § 18 (1942))). The Nevada Supreme Court has expressly  
23 held that executing on a chose in action is permissible under Nevada law. *Id.* Nanyah claimed to  
24 have over \$7,000,000 in its bad faith bankruptcy filing. *See* Exhibit 3, Bankruptcy Court order  
25 dismissing Nanyah's filing as being made in bad faith. Now Nanyah wants to continue its  
26 pattern and practice of disingenuous dilatory behavior in an attempt to avoid posting a  
27 supersedeas bond. Nanyah's clear attempt to say whatever it thinks will get it what it wants  
28 should not be rewarded.

1 With respect to the bond issue, the Nevada Supreme Court emphasized “unusual  
2 circumstances” in *Nelson v. Heer*.<sup>1</sup> In *Nelson*, the Nevada Supreme Court adopted the Seventh  
3 Circuit’s five factor test from *Dillon v City of Chicago*:<sup>2</sup>

4 In reflecting on the purposes of security for a stay, the Seventh Circuit, in *Dillon v.*  
5 *City of Chicago*, set forth five factors to consider in determining when a full  
supersedeas bond may be waived and/or alternate security substituted:

6 (1) the complexity of the collection process; (2) the amount of time required to  
7 obtain a judgment after it is affirmed on appeal; (3) the degree of confidence that the  
8 district court has in the availability of funds to pay the judgment; (4) whether the  
9 defendant's ability to pay the judgment is so plain that the cost of a bond would be a  
10 waste of money; and (5) whether the defendant is in such a precarious financial  
situation that the requirement to post a bond would place other creditors of the  
defendant in an insecure position.<sup>3</sup>

11 Nanyah fails to address these factors, and the reason is obvious: Nanyah is simply continuing its  
12 attempts to game the system and push through its meritless appeal without posting a supersedeas  
13 bond, so its creditors are sure to get nothing. Its continued bad faith attempts to do so should be  
14 denied.

### 15 III. CONCLUSION

16 For all these reasons, the Rogich Defendants respectfully request this Court deny  
17 Nanyah’s motion in its entirety, and grant such other and further relief as the Court deems  
18 appropriate.

19 HUTCHISON & STEFFEN, PLLC

20  
21 /s/ Brenoch Wirthlin  
22 Brenoch Wirthlin, Esq. (10282)  
23 10080 W. Alta Dr., Suite 200  
24 Las Vegas, Nevada 89145  
25 [bwirthlin@hutchlegal.com](mailto:bwirthlin@hutchlegal.com)  
*Attorneys for the Rogich Defendants LLC*

---

26 <sup>1</sup> Nelson v. Heer, 121 Nev. 832, 122 P.3d 1252 (2006).

27 <sup>2</sup> Dillon v. City of Chicago, 866 F.2d 902 (7th Cir. 1988).

28 <sup>3</sup> Nelson v. Heer, 121 Nev. 832, 836, 122 P.3d 1252, 1254 (2006).

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that on this 28<sup>TH</sup> day of January, 2022, I caused the document entitled **ROGICH DEFENDANTS' OPPOSITION TO MOTION TO STAY ENFORCEMENT DURING PENDENCY OF APPEAL** to be served on the following by Electronic Service to:

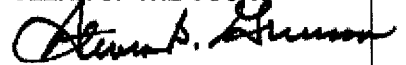
**ALL PARTIES ON THE E-SERVICE LIST**

/s/ Jon Linder  
An Employee of Hutchison & Steffen, PLLC

EXHIBIT 1

## EXHIBIT 1

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC



**JUDG (CIV)**  
Brenoch Wirthlin, Esq. (NV Bar No. 10282)  
**HUTCHISON & STEFFEN**  
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*Attorneys for Sigmund Rogich, Individually and  
as Trustee of the Rogich Family Irrevocable Trust,  
and Imitations, LLC*

**IN THE EIGHTH JUDICIAL DISTRICT OF**

**THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK**

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**

**Consolidated With:**

**Case No.: A-16-746239-C**

**JUDGMENT REGARDING AWARD  
OF ATTORNEYS' FEES AND COSTS  
IN FAVOR OF  
THE ROGICH DEFENDANTS**

Nanyah Vegas, LLC v. Teld, LLC et al.

Case No.: A-13-686303-C

Consolidated With:

Case No.: A-16-746239-C

**JUDGMENT REGARDING AWARD OF ATTORNEYS' FEES AND COSTS IN  
FAVOR OF THE ROGICH DEFENDANTS**

Judgment is hereby entered in favor of SIGMUND ROGICH, as Trustee of The Rogich Family Irrevocable Trust ("The Rogich Trust"), Sigmund Rogich individually ("Rogich") and Imitations, LLC ("Imitations" and collectively with the Rogich Trust and Rogich referred to herein as the "Rogich Defendants") and against Nanyah Vegas, LLC, in the amount of \$541,021.50 for reasonable attorneys' fees, and additionally in the amount of \$39,748.55 for reasonable costs, for a judgment against Nanyah Vegas, LLC in the total principal amount of **\$580,770.05**. Said amount shall bear post judgment interest at the Nevada statutory interest rate per annum from the date of award until fully satisfied, for all of which let execution and garnishment issue forthwith.

DATED: May 5, 2020.

  
DISTRICT COURT JUDGE

Submitted by:

**HUTCHISON & STEFFEN**

By: /s/Brenoch Wirthlin  
Brenoch Wirthlin, Esq. (NV Bar No. 10282)  
10080 W. Alta Dr., Suite 200  
Las Vegas, Nevada 89145  
Email: [bwirthlin@hutchlegal.com](mailto:bwirthlin@hutchlegal.com)  
*Attorneys for the Rogich Defendants*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 07-11-2011 BY 60322

## EXHIBIT 2

HUTCHISON & STEFFEN  

---

A PROFESSIONAL LLC



**Fill in this information to identify your case:**

United States Bankruptcy Court for the:

DISTRICT OF NEVADA

Case number (if known)

Chapter 11☐ Check if this an amended filing**Official Form 201****Voluntary Petition for Non-Individuals Filing for Bankruptcy**

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name NANYAH VEGAS, LLC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 86-2723225

4. Debtor's address Principal place of business

6490 S. McCarran Blvd., Ste. F-46  
Reno, NV 89509

Number, Street, City, State &amp; ZIP Code

Washoe  
 County

Mailing address, if different from principal place of business

P.O. Box, Number, Street, City, State &amp; ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State &amp; ZIP Code

5. Debtor's website (URL) \_\_\_\_\_

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))☐ Partnership (excluding LLP)☐ Other. Specify: \_\_\_\_\_

Debtor **NANYAH VEGAS, LLC**  
Name

Case number (if known)

**7. Describe debtor's business** A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

## B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.  
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

## Check one:

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. Check all that apply:

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11**. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

- ☒ No.
- ☐ Yes.

If more than 2 cases, attach a separate list.

District \_\_\_\_\_  
District \_\_\_\_\_

When \_\_\_\_\_  
When \_\_\_\_\_

Case number \_\_\_\_\_  
Case number \_\_\_\_\_

Debtor **NANYAH VEGAS, LLC**  
Name

Case number (if known)

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?
- ☒ No  
☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor  
District

When

Relationship

Case number, if known

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

- ☒ No  
☐ Yes.

Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard?

- ☐ It needs to be physically secured or protected from the weather.

- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

- ☐ Other

Where is the property?

Number, Street, City, State &amp; ZIP Code

Is the property insured?

- ☐ No

- ☐ Yes. Insurance agency

Contact name

Phone

## Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

- ☒ 1-49  
☐ 50-99  
☐ 100-199  
☐ 200-999

- ☐ 1,000-5,000  
☐ 5001-10,000  
☐ 10,001-25,000

- ☐ 25,001-50,000  
☐ 50,001-100,000  
☐ More than 100,000

15. Estimated Assets

- ☒ \$0 - \$50,000  
☐ \$50,001 - \$100,000  
☐ \$100,001 - \$500,000  
☐ \$500,001 - \$1 million

- ☐ \$1,000,001 - \$10 million  
☐ \$10,000,001 - \$50 million  
☐ \$50,000,001 - \$100 million  
☐ \$100,000,001 - \$500 million

- ☐ \$500,000,001 - \$1 billion  
☐ \$1,000,000,001 - \$10 billion  
☐ \$10,000,000,001 - \$50 billion  
☐ More than \$50 billion

16. Estimated liabilities

- ☐ \$0 - \$50,000

- ☒ \$1,000,001 - \$10 million

- ☐ \$500,000,001 - \$1 billion

Debtor	<b>NANYAH VEGAS, LLC</b>	Case number (if known)	
	Name		
	<input type="checkbox"/> \$50,001 - \$100,000	<input type="checkbox"/> \$10,000,001 - \$50 million	<input type="checkbox"/> \$1,000,000,001 - \$10 billion
	<input type="checkbox"/> \$100,001 - \$500,000	<input type="checkbox"/> \$50,000,001 - \$100 million	<input type="checkbox"/> \$10,000,000,001 - \$50 billion
	<input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> More than \$50 billion

Debtor **NANYAH VEGAS, LLC**  
Name

Case number (if known)

**Request for Relief, Declaration, and Signatures****WARNING --** Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**17. Declaration and signature  
of authorized  
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **March 29, 2021**  
MM / DD / YYYY**X /s/ YOAV HARLAP**

Signature of authorized representative of debtor

**YOAV HARLAP**

Printed name

Title **MANAGING MEMBER****18. Signature of attorney****X /s/ KEVIN A DARBY**

Signature of attorney for debtor

Date **March 29, 2021**

MM / DD / YYYY

**KEVIN A DARBY 7670**

Printed name

**DARBY LAW PRACTICE**

Firm name

**4777 CAUGHLIN PARKWAY  
RENO, NV 89519**

Number, Street, City, State &amp; ZIP Code

Contact phone **775.322.1237**Email address **kevin@darbylawpractice.com****7670 NV**

Bar number and State

**Fill in this information to identify the case:**Debtor name NANYAH VEGAS, LLCUnited States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing**Official Form 202****Declaration Under Penalty of Perjury for Non-Individual Debtors**

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

**WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**

**Declaration and signature**

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ *Amended Schedule* \_\_\_\_\_
- ☐ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 29, 2021**X /s/ YOAV HARLAP**

Signature of individual signing on behalf of debtor

**YOAV HARLAP**

Printed name

**MANAGING MEMBER**

Position or relationship to debtor

## Fill in this information to identify the case:

Debtor name **NANYAH VEGAS, LLC**  
 United States Bankruptcy Court for the: **DISTRICT OF NEVADA**

Case number (if known): \_\_\_\_\_

☐ Check if this is an  
 amended filing

**Official Form 204**
**Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
ELDORADO HILLS, LLC c/o BAILEY KENNEDY 8984 SPANISH RIDGE AVE Las Vegas, NV 89148		ATTORNEYS' FEE AWARD	Contingent Disputed			\$251,510.97
GO GLOBAL, INC. C/O CARLOS HUERTA 3203 E. WARM SPRINGS ROAD #400 Las Vegas, NV 89120		CONSULTING FEES				\$0.00
IMITATIONS, LLC C/O HUTCHINSON & STEFFEN, PLLC BRENOCH WIRTHLIN 10080 W. ALTA DR. #200 Las Vegas, NV 89101		ATTORNEYS' FEE AWARD	Contingent Disputed			\$598,586.96
INTERNAL REVENUE SERVICE P.O. Box 21126 DPN 781 Philadelphia, PA 19114						Unknown

Debtor **NANYAH VEGAS, LLC**  
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
YOAV HARLAP C/O ANDREW HEYMANN, CPA SOLOMON BLUM HEYMANN LLP 40 WALL STREET 35TH FLOOR NY 10005		LOANS TO DEBTOR				\$641,733.39



**Fill in this information to identify the case:**Debtor name NANYAH VEGAS, LLCUnited States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing**Official Form 206Sum  
Summary of Assets and Liabilities for Non-Individuals**

12/15

**Part 1: Summary of Assets****1. Schedule A/B: Assets-Real and Personal Property** (Official Form 206A/B)**1a. Real property:**Copy line 88 from *Schedule A/B*..... \$ 0.00**1b. Total personal property:**Copy line 91A from *Schedule A/B*..... \$ 0.00**1c. Total of all property:**Copy line 92 from *Schedule A/B*..... \$ 0.00**Part 2: Summary of Liabilities****2. Schedule D: Creditors Who Have Claims Secured by Property** (Official Form 206D)Copy the total dollar amount listed in Column A, *Amount of claim*, from line 3 of *Schedule D*..... \$ 0.00**3. Schedule E/F: Creditors Who Have Unsecured Claims** (Official Form 206E/F)**3a. Total claim amounts of priority unsecured claims:**Copy the total claims from Part 1 from line 5a of *Schedule E/F*..... \$ 0.00**3b. Total amount of claims of nonpriority amount of unsecured claims:**Copy the total of the amount of claims from Part 2 from line 5b of *Schedule E/F*..... +\$ 1,491,831.32**4. Total liabilities** .....  
Lines 2 + 3a + 3b\$ 1,491,831.32

**Fill in this information to identify the case:**Debtor name NANYAH VEGAS, LLCUnited States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing**Official Form 206A/B****Schedule A/B: Assets - Real and Personal Property**

12/15

Disclose all property, real and personal, which the debtor owns or in which the debtor has any other legal, equitable, or future interest. Include all property in which the debtor holds rights and powers exercisable for the debtor's own benefit. Also include assets and properties which have no book value, such as fully depreciated assets or assets that were not capitalized. In Schedule A/B, list any executory contracts or unexpired leases. Also list them on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G).

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. At the top of any pages added, write the debtor's name and case number (if known). Also identify the form and line number to which the additional information applies. If an additional sheet is attached, include the amounts from the attachment in the total for the pertinent part.

For Part 1 through Part 11, list each asset under the appropriate category or attach separate supporting schedules, such as a fixed asset schedule or depreciation schedule, that gives the details for each asset in a particular category. List each asset only once. In valuing the debtor's interest, do not deduct the value of secured claims. See the instructions to understand the terms used in this form.

**Part 1: Cash and cash equivalents****1. Does the debtor have any cash or cash equivalents?**☒ No. Go to Part 2.☐ Yes Fill in the information below.**All cash or cash equivalents owned or controlled by the debtor****Current value of debtor's interest****Part 2: Deposits and Prepayments****6. Does the debtor have any deposits or prepayments?**☒ No. Go to Part 3.☐ Yes Fill in the information below.**Part 3: Accounts receivable****10. Does the debtor have any accounts receivable?**☒ No. Go to Part 4.☐ Yes Fill in the information below.**Part 4: Investments****13. Does the debtor own any investments?**☒ No. Go to Part 5.☐ Yes Fill in the information below.**Part 5: Inventory, excluding agriculture assets****18. Does the debtor own any inventory (excluding agriculture assets)?**☒ No. Go to Part 6.☐ Yes Fill in the information below.**Part 6: Farming and fishing-related assets (other than titled motor vehicles and land)****27. Does the debtor own or lease any farming and fishing-related assets (other than titled motor vehicles and land)?**☒ No. Go to Part 7.

Debtor **NANYAH VEGAS, LLC**  
Name

Case number (If known)

☐ Yes Fill in the information below.**Part 7: Office furniture, fixtures, and equipment; and collectibles****38. Does the debtor own or lease any office furniture, fixtures, equipment, or collectibles?**☒ No. Go to Part 8.☐ Yes Fill in the information below.**Part 8: Machinery, equipment, and vehicles****46. Does the debtor own or lease any machinery, equipment, or vehicles?**☒ No. Go to Part 9.☐ Yes Fill in the information below.**Part 9: Real property****54. Does the debtor own or lease any real property?**☒ No. Go to Part 10.☐ Yes Fill in the information below.**Part 10: Intangibles and intellectual property****59. Does the debtor have any interests in intangibles or intellectual property?**☒ No. Go to Part 11.☐ Yes Fill in the information below.**Part 11: All other assets****70. Does the debtor own any other assets that have not yet been reported on this form?**

Include all interests in executory contracts and unexpired leases not previously reported on this form.

☐ No. Go to Part 12.☒ Yes Fill in the information below.**Current value of  
debtor's interest**

71. **Notes receivable**  
Description (include name of obligor)
72. **Tax refunds and unused net operating losses (NOLs)**  
Description (for example, federal, state, local)
73. **Interests in insurance policies or annuities**
74. **Causes of action against third parties (whether or not a lawsuit has been filed)**  
**CLAIM IN APPEAL PENDING BEFORE THE NEVADA SUPREME COURT AGAINST SIG ROGICH, AKA SIGMUND ROGICH AS TRUSTEE OF THE ROGICH FAMILY IRREVOCABLE TRUST; ELDORADO HILLS, LLC;**
- |                  |                       |
|------------------|-----------------------|
| Nature of claim  |                       |
| Amount requested | <b>\$7,200,000.00</b> |

**Unknown**

Debtor NANYAH VEGAS, LLC

Name

Case number (if known) \_\_\_\_\_

**CLAIM IN APPEAL PENDING IN NEVADA SUPREME COURT AGAINST TELD, LLC; PETER ELIADES, INDIVIDUALLY AND AS TRUSTEE OF THE ESLIADES SURVIVOR TRUST OF 10/30/08; AIGMUND ROGICH, INDIVIDUALLY AND AS TRUSTEE OF THE ROGICH FAMILY IRREVOCABLE TRUST AND IMITATIONS, LLC**

Unknown

Nature of claim

Amount requested

\$7,200,000.00

75. **Other contingent and unliquidated claims or causes of action of every nature, including counterclaims of the debtor and rights to set off claims**
76. **Trusts, equitable or future interests in property**
77. **Other property of any kind not already listed** *Examples: Season tickets, country club membership*

78. **Total of Part 11.**

Add lines 71 through 77. Copy the total to line 90.

\$0.0079. **Has any of the property listed in Part 11 been appraised by a professional within the last year?**☒ No☐ Yes

Debtor **NANYAH VEGAS, LLC**  
Name

Case number (if known)

**Part 12: Summary**

In Part 12 copy all of the totals from the earlier parts of the form

Type of property	Current value of personal property	Current value of real property
80. Cash, cash equivalents, and financial assets. Copy line 5, Part 1	\$0.00	
81. Deposits and prepayments. Copy line 9, Part 2.	\$0.00	
82. Accounts receivable. Copy line 12, Part 3.	\$0.00	
83. Investments. Copy line 17, Part 4.	\$0.00	
84. Inventory. Copy line 23, Part 5.	\$0.00	
85. Farming and fishing-related assets. Copy line 33, Part 6.	\$0.00	
86. Office furniture, fixtures, and equipment; and collectibles. Copy line 43, Part 7.	\$0.00	
87. Machinery, equipment, and vehicles. Copy line 51, Part 8.	\$0.00	
88. Real property. Copy line 56, Part 9.....>		\$0.00
89. Intangibles and intellectual property. Copy line 66, Part 10.	\$0.00	
90. All other assets. Copy line 78, Part 11.	+ \$0.00	
91. Total. Add lines 80 through 90 for each column	\$0.00	+ 91b. \$0.00
92. Total of all property on Schedule A/B. Add lines 91a+91b=92		\$0.00

Fill in this information to identify the case:

Debtor name NANYAH VEGAS, LLC

United States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing

Official Form 206D

**Schedule D: Creditors Who Have Claims Secured by Property**

12/15

Be as complete and accurate as possible.

1. Do any creditors have claims secured by debtor's property?

- ☒ No. Check this box and submit page 1 of this form to the court with debtor's other schedules. Debtor has nothing else to report on this form.
- ☐ Yes. Fill in all of the information below.

**Fill in this information to identify the case:**Debtor name NANYAH VEGAS, LLCUnited States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing**Official Form 206E/F****Schedule E/F: Creditors Who Have Unsecured Claims**

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY unsecured claims and Part 2 for creditors with NONPRIORITY unsecured claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on *Schedule A/B: Assets - Real and Personal Property* (Official Form 206A/B) and on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G). Number the entries in Parts 1 and 2 in the boxes on the left. If more space is needed for Part 1 or Part 2, fill out and attach the Additional Page of that Part included in this form.

**Part 1: List All Creditors with PRIORITY Unsecured Claims**

1. Do any creditors have priority unsecured claims? (See 11 U.S.C. § 507).

☐ No. Go to Part 2.☒ Yes. Go to line 2.

2. List in alphabetical order all creditors who have unsecured claims that are entitled to priority in whole or in part. If the debtor has more than 3 creditors with priority unsecured claims, fill out and attach the Additional Page of Part 1.

Total claim      Priority amount

2.1 Priority creditor's name and mailing address  
**INTERNAL REVENUE SERVICE**  
**P.O. Box 21126**  
**DPN 781**  
**Philadelphia, PA 19114**

As of the petition filing date, the claim is:

*Check all that apply.*☐ Contingent☐ Unliquidated☐ DisputedUnknownUnknown

Date or dates debt was incurred \_\_\_\_\_

Basis for the claim: \_\_\_\_\_

Last 4 digits of account number \_\_\_\_\_

Is the claim subject to offset?

Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (8)

☒ No☐ Yes**Part 2: List All Creditors with NONPRIORITY Unsecured Claims**

3. List in alphabetical order all of the creditors with nonpriority unsecured claims. If the debtor has more than 6 creditors with nonpriority unsecured claims, fill out and attach the Additional Page of Part 2.

Amount of claim

3.1 Nonpriority creditor's name and mailing address  
**ELDORADO HILLS, LLC**  
**c/o BAILEY KENNEDY**  
**8984 SPANISH RIDGE AVE**  
**Las Vegas, NV 89148**

As of the petition filing date, the claim is: *Check all that apply.*\$251,510.97☒ Contingent☐ Unliquidated☒ Disputed

Date(s) debt was incurred \_\_\_\_\_

Basis for the claim: ATTORNEYS' FEE AWARD

Last 4 digits of account number \_\_\_\_\_

Is the claim subject to offset? ☒ No ☐ Yes

3.2 Nonpriority creditor's name and mailing address  
**GO GLOBAL, INC.**  
**C/O CARLOS HUERTA**  
**3203 E. WARM SPRINGS ROAD #400**  
**Las Vegas, NV 89120**

As of the petition filing date, the claim is: *Check all that apply.*Unknown☐ Contingent☐ Unliquidated☐ Disputed

Date(s) debt was incurred \_\_\_\_\_

Basis for the claim: CONSULTING FEES

Last 4 digits of account number \_\_\_\_\_

Is the claim subject to offset? ☒ No ☐ Yes

Debtor **NANYAH VEGAS, LLC**

Case number (if known) \_\_\_\_\_

Name

3.3	<b>Nonpriority creditor's name and mailing address</b> <b>IMITATIONS, LLC</b> <b>C/O HUTCHINSON &amp; STEFFEN, PLLC</b> <b>BRENOCH WIRTHLIN</b> <b>10080 W. ALTA DR. #200</b> <b>Las Vegas, NV 89101</b> Date(s) debt was incurred ____ Last 4 digits of account number ____	<b>As of the petition filing date, the claim is: Check all that apply.</b> <input checked="" type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed <b>Basis for the claim: <u>ATTORNEYS' FEE AWARD</u></b> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$598,586.96</b>
3.4	<b>Nonpriority creditor's name and mailing address</b> <b>PETER ELIADES</b> <b>c/o BAILEY KENNEDY</b> <b>8984 SPANISH RIDGE AVENUE</b> <b>Las Vegas, NV 89148-1302</b> Date(s) debt was incurred ____ Last 4 digits of account number ____	<b>As of the petition filing date, the claim is: Check all that apply.</b> <input checked="" type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed <b>Basis for the claim: <u>ATTORNEYS' FEE AWARD</u></b> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>Same as 3.1 above</b>
3.5	<b>Nonpriority creditor's name and mailing address</b> <b>PETER ELIADES AS TRUSTEE OF ELIADES SURV</b> <b>C/O BAILEY KENNEDY</b> <b>8984 SPANISH RIDGE AVENUE</b> <b>Las Vegas, NV 89148-1302</b> Date(s) debt was incurred ____ Last 4 digits of account number ____	<b>As of the petition filing date, the claim is: Check all that apply.</b> <input checked="" type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed <b>Basis for the claim: <u>ATTORNEYS' FEE AWARD</u></b> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>Same as 3.1 above</b>
3.6	<b>Nonpriority creditor's name and mailing address</b> <b>SIG ROGICH, A/K/A/ SIGMUND ROGICH</b> <b>HUTCHINSON &amp; STEFFEN, PLLC</b> <b>10080 W. ALTA DR., #200</b> <b>Las Vegas, NV 89101</b> Date(s) debt was incurred ____ Last 4 digits of account number ____	<b>As of the petition filing date, the claim is: Check all that apply.</b> <input checked="" type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed <b>Basis for the claim: <u>ATTORNEYS' FEE AWARD</u></b> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>Same as 3.3 above</b>
3.7	<b>Nonpriority creditor's name and mailing address</b> <b>SIG ROGICH, AS TRUSTEE OF THE ROGICH</b> <b>HUTCHISON &amp; STEFFIN, PLLC</b> <b>10080 W. ALTA DR. #200</b> <b>Las Vegas, NV 89101</b> Date(s) debt was incurred ____ Last 4 digits of account number ____	<b>As of the petition filing date, the claim is: Check all that apply.</b> <input checked="" type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed <b>Basis for the claim: <u>ATTORNEYS' FEE AWARD</u></b> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>Same as 3.3 above</b>
3.8	<b>Nonpriority creditor's name and mailing address</b> <b>TELD, LLC</b> <b>c/o BAILEY KENNEDY</b> <b>8984 SPANISH RIDGE AVENUE</b> <b>Las Vegas, NV 89148</b> Date(s) debt was incurred ____ Last 4 digits of account number ____	<b>As of the petition filing date, the claim is: Check all that apply.</b> <input checked="" type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed <b>Basis for the claim: <u>ATTORNEYS' FEE AWARD</u></b> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>Same as 3.1 above</b>
3.9	<b>Nonpriority creditor's name and mailing address</b> <b>YOAV HARLAP</b> <b>C/O ANDREW HEYMANN, CPA</b> <b>SOLOMON BLUM HEYMANN LLP</b> <b>40 WALL STREET 35TH FLOOR</b> <b>NY 10005</b> Date(s) debt was incurred ____ Last 4 digits of account number ____	<b>As of the petition filing date, the claim is: Check all that apply.</b> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Basis for the claim: <u>LOANS TO DEBTOR</u></b> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$641,733.39</b>



Debtor **NANYAH VEGAS, LLC**  
Name

Case number (if known)

**Part 3: List Others to Be Notified About Unsecured Claims**

4. List in alphabetical order any others who must be notified for claims listed in Parts 1 and 2. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for unsecured creditors.

If no others need to be notified for the debts listed in Parts 1 and 2, do not fill out or submit this page. If additional pages are needed, copy the next page.

Name and mailing address

On which line in Part 1 or Part 2 is the related creditor (if any) listed?

Last 4 digits of account number, if any

**Part 4: Total Amounts of the Priority and Nonpriority Unsecured Claims**

5. Add the amounts of priority and nonpriority unsecured claims.

5a. Total claims from Part 1

5b. Total claims from Part 2

5c. Total of Parts 1 and 2  
Lines 5a + 5b = 5c.

Total of claim amounts	
5a.	\$ 0.00
5b. +	\$ 1,491,831.32
5c.	\$ 1,491,831.32

**Fill in this information to identify the case:**Debtor name NANYAH VEGAS, LLCUnited States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing**Official Form 206G****Schedule G: Executory Contracts and Unexpired Leases**

12/15

**Be as complete and accurate as possible. If more space is needed, copy and attach the additional page, number the entries consecutively.****1. Does the debtor have any executory contracts or unexpired leases?**☒ No. Check this box and file this form with the debtor's other schedules. There is nothing else to report on this form.☐ Yes. Fill in all of the information below even if the contacts of leases are listed on *Schedule A/B: Assets - Real and Personal Property* (Official Form 206A/B).**2. List all contracts and unexpired leases****State the name and mailing address for all other parties with whom the debtor has an executory contract or unexpired lease**

2.1 State what the contract or lease is for and the nature of the debtor's interest

State the term remaining

List the contract number of any government contract \_\_\_\_\_

2.2 State what the contract or lease is for and the nature of the debtor's interest

State the term remaining

List the contract number of any government contract \_\_\_\_\_

2.3 State what the contract or lease is for and the nature of the debtor's interest

State the term remaining

List the contract number of any government contract \_\_\_\_\_

2.4 State what the contract or lease is for and the nature of the debtor's interest

State the term remaining

List the contract number of any government contract \_\_\_\_\_

**Fill in this information to identify the case:**Debtor name NANYAH VEGAS, LLCUnited States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing**Official Form 206H  
Schedule H: Your Codebtors**

12/15

Be as complete and accurate as possible. If more space is needed, copy the Additional Page, numbering the entries consecutively. Attach the Additional Page to this page.

**1. Do you have any codebtors?**

- ☒ No. Check this box and submit this form to the court with the debtor's other schedules. Nothing else needs to be reported on this form.  
☐ Yes

**2. In Column 1, list as codebtors all of the people or entities who are also liable for any debts listed by the debtor in the schedules of creditors, Schedules D-G. Include all guarantors and co-obligors. In Column 2, identify the creditor to whom the debt is owed and each schedule on which the creditor is listed. If the codebtor is liable on a debt to more than one creditor, list each creditor separately in Column 2.**

*Column 1: Codebtor**Column 2: Creditor*

Name	Mailing Address	Name	Check all schedules that apply:
2.1	Street City State Zip Code		<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.2	Street City State Zip Code		<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.3	Street City State Zip Code		<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.4	Street City State Zip Code		<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G

**Fill in this information to identify the case:**Debtor name NANYAH VEGAS, LLCUnited States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing**Official Form 207****Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy**

04/19

The debtor must answer every question. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known).

**Part 1: Income****1. Gross revenue from business**☐ None.

Identify the beginning and ending dates of the debtor's fiscal year, which may be a calendar year

Sources of revenue  
Check all that applyGross revenue  
(before deductions and exclusions)**2. Non-business revenue**

Include revenue regardless of whether that revenue is taxable. *Non-business income* may include interest, dividends, money collected from lawsuits, and royalties. List each source and the gross revenue for each separately. Do not include revenue listed in line 1.

☐ None.

Description of sources of revenue

Gross revenue from each source  
(before deductions and exclusions)**Part 2: List Certain Transfers Made Before Filing for Bankruptcy****3. Certain payments or transfers to creditors within 90 days before filing this case**

List payments or transfers—including expense reimbursements—to any creditor, other than regular employee compensation, within 90 days before filing this case unless the aggregate value of all property transferred to that creditor is less than \$6,825. (This amount may be adjusted on 4/01/22 and every 3 years after that with respect to cases filed on or after the date of adjustment.)

☐ None.

Creditor's Name and Address

Dates

Total amount of value

Reasons for payment or transfer  
Check all that apply**4. Payments or other transfers of property made within 1 year before filing this case that benefited any insider**

List payments or transfers, including expense reimbursements, made within 1 year before filing this case on debts owed to an insider or guaranteed or cosigned by an insider unless the aggregate value of all property transferred to or for the benefit of the insider is less than \$6,825. (This amount may be adjusted on 4/01/22 and every 3 years after that with respect to cases filed on or after the date of adjustment.) Do not include any payments listed in line 3. *Insiders* include officers, directors, and anyone in control of a corporate debtor and their relatives; general partners of a partnership debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(31).

☐ None.Insider's name and address  
Relationship to debtor

Dates

Total amount of value

Reasons for payment or transfer

**5. Repossessions, foreclosures, and returns**

List all property of the debtor that was obtained by a creditor within 1 year before filing this case, including property repossessed by a creditor, sold at a foreclosure sale, transferred by a deed in lieu of foreclosure, or returned to the seller. Do not include property listed in line 6.

Debtor **NANYAH VEGAS, LLC**

Case number (if known)

☐ None

Creditor's name and address	Describe of the Property	Date	Value of property
-----------------------------	--------------------------	------	-------------------

**6. Setoffs**

List any creditor, including a bank or financial institution, that within 90 days before filing this case set off or otherwise took anything from an account of the debtor without permission or refused to make a payment at the debtor's direction from an account of the debtor because the debtor owed a debt.

☐ None

Creditor's name and address	Description of the action creditor took	Date action was taken	Amount
-----------------------------	---	-----------------------	--------

**Part 3: Legal Actions or Assignments****7. Legal actions, administrative proceedings, court actions, executions, attachments, or governmental audits**

List the legal actions, proceedings, investigations, arbitrations, mediations, and audits by federal or state agencies in which the debtor was involved in any capacity—within 1 year before filing this case.

☐ None.

Case title Case number	Nature of case	Court or agency's name and address	Status of case
7.1. NANYAH VEGAS, LLC v. SIG ROGICH, aka SIGMUND ROGICH as Trustee of The Rogich Family Irrevocable Trust; ELDORADO HILLS, LLC, TELD, LLC; et al. Supreme Court No.: 79917	APPEAL PENDING BEFORE NEVADA SUPREME COURT	NEVADA SUPREME COURT	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded
7.2. CARLOS A. HUERTA, CARLOS A. HUERTA AS TRUSTEE OF THE ALEXANDER CHRISTOPHER TRUST, NANYAH VEGAS, LLC v.s. SIG ROGICH, aka SIGMUND ROGICH as Trustee of The Rogich Family Irrevocable Trust; ELDORADO HILLS, LLC, TELD, LLC A-13-686303-C	APPEAL PENDING BEFORE NEVADA SUPREME COURT	NEVADA SUPREME COURT	<input type="checkbox"/> Pending <input checked="" type="checkbox"/> On appeal <input type="checkbox"/> Concluded

**8. Assignments and receivership**

List any property in the hands of an assignee for the benefit of creditors during the 120 days before filing this case and any property in the hands of a receiver, custodian, or other court-appointed officer within 1 year before filing this case.

☐ None**Part 4: Certain Gifts and Charitable Contributions****9. List all gifts or charitable contributions the debtor gave to a recipient within 2 years before filing this case unless the aggregate value of the gifts to that recipient is less than \$1,000**☐ None

Recipient's name and address	Description of the gifts or contributions	Dates given	Value
------------------------------	---	-------------	-------

**Part 5: Certain Losses****10. All losses from fire, theft, or other casualty within 1 year before filing this case.**

Official Form 207

Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy

page 2

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Best Case Bankruptcy

Debtor **NANYAH VEGAS, LLC**

Case number (if known)

☒ None**Description of the property lost and how the loss occurred****Amount of payments received for the loss****Dates of loss****Value of property lost**

If you have received payments to cover the loss, for example, from insurance, government compensation, or tort liability, list the total received.

List unpaid claims on Official Form 106A/B (Schedule A/B: Assets – Real and Personal Property).

**Part 6: Certain Payments or Transfers****11. Payments related to bankruptcy**

List any payments of money or other transfers of property made by the debtor or person acting on behalf of the debtor within 1 year before the filing of this case to another person or entity, including attorneys, that the debtor consulted about debt consolidation or restructuring, seeking bankruptcy relief, or filing a bankruptcy case.

☐ None.

	<b>Who was paid or who received the transfer? Address</b>	<b>If not money, describe any property transferred</b>	<b>Dates</b>	<b>Total amount or value</b>
11.1.	<b>DARBY LAW PRACTICE 4777 CAUGHLIN PARKWAY Reno, NV 89519</b>			<b>\$15,000.00</b>
	<b>Email or website address</b>			
	<b>Who made the payment, if not debtor?</b>			

**12. Self-settled trusts of which the debtor is a beneficiary**

List any payments or transfers of property made by the debtor or a person acting on behalf of the debtor within 10 years before the filing of this case to a self-settled trust or similar device. Do not include transfers already listed on this statement.

☒ None.

<b>Name of trust or device</b>	<b>Describe any property transferred</b>	<b>Dates transfers were made</b>	<b>Total amount or value</b>
--------------------------------	--	----------------------------------	------------------------------

**13. Transfers not already listed on this statement**

List any transfers of money or other property by sale, trade, or any other means made by the debtor or a person acting on behalf of the debtor within 2 years before the filing of this case to another person, other than property transferred in the ordinary course of business or financial affairs. Include both outright transfers and transfers made as security. Do not include gifts or transfers previously listed on this statement.

☒ None.

<b>Who received transfer? Address</b>	<b>Description of property transferred or payments received or debts paid in exchange</b>	<b>Date transfer was made</b>	<b>Total amount or value</b>
---	---	-------------------------------	------------------------------

**Part 7: Previous Locations****14. Previous addresses**

List all previous addresses used by the debtor within 3 years before filing this case and the dates the addresses were used.

☒ Does not apply**Address****Dates of occupancy  
From-To****Part 8: Health Care Bankruptcies**

Debtor NANYAH VEGAS, LLC

Case number (if known) \_\_\_\_\_

**15. Health Care bankruptcies**

Is the debtor primarily engaged in offering services and facilities for:

- diagnosing or treating injury, deformity, or disease, or
- providing any surgical, psychiatric, drug treatment, or obstetric care?

- ☐ No. Go to Part 9.
- ☐ Yes. Fill in the information below.

Facility name and address

Nature of the business operation, including type of services the debtor provides

If debtor provides meals and housing, number of patients in debtor's care

**Part 9: Personally Identifiable Information****16. Does the debtor collect and retain personally identifiable information of customers?**

- ☐ No.
- ☐ Yes. State the nature of the information collected and retained.

**17. Within 6 years before filing this case, have any employees of the debtor been participants in any ERISA, 401(k), 403(b), or other pension or profit-sharing plan made available by the debtor as an employee benefit?**

- ☐ No. Go to Part 10.
- ☐ Yes. Does the debtor serve as plan administrator?

**Part 10: Certain Financial Accounts, Safe Deposit Boxes, and Storage Units****18. Closed financial accounts**

Within 1 year before filing this case, were any financial accounts or instruments held in the debtor's name, or for the debtor's benefit, closed, sold, moved, or transferred?

Include checking, savings, money market, or other financial accounts; certificates of deposit; and shares in banks, credit unions, brokerage houses, cooperatives, associations, and other financial institutions.

- ☐ None

Financial Institution name and Address

Last 4 digits of account number

Type of account or instrument

Date account was closed, sold, moved, or transferred

Last balance before closing or transfer

**19. Safe deposit boxes**

List any safe deposit box or other depository for securities, cash, or other valuables the debtor now has or did have within 1 year before filing this case.

- ☐ None

Depository institution name and address

Names of anyone with access to it  
Address

Description of the contents

Do you still have it?

**20. Off-premises storage**

List any property kept in storage units or warehouses within 1 year before filing this case. Do not include facilities that are in a part of a building in which the debtor does business.

- ☐ None

Facility name and address

Names of anyone with access to it

Description of the contents

Do you still have it?

**Part 11: Property the Debtor Holds or Controls That the Debtor Does Not Own**

Debtor **NANYAH VEGAS, LLC**

Case number (if known)

**21. Property held for another**

List any property that the debtor holds or controls that another entity owns. Include any property borrowed from, being stored for, or held in trust. Do not list leased or rented property.

☐ None

**Part 12: Details About Environment Information**

For the purpose of Part 12, the following definitions apply:

*Environmental law* means any statute or governmental regulation that concerns pollution, contamination, or hazardous material, regardless of the medium affected (air, land, water, or any other medium).

*Site* means any location, facility, or property, including disposal sites, that the debtor now owns, operates, or utilizes or that the debtor formerly owned, operated, or utilized.

*Hazardous material* means anything that an environmental law defines as hazardous or toxic, or describes as a pollutant, contaminant, or a similarly harmful substance.

Report all notices, releases, and proceedings known, regardless of when they occurred.

**22. Has the debtor been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.**

- ☐ No.  
☐ Yes. Provide details below.

Case title Case number	Court or agency name and address	Nature of the case	Status of case
---------------------------	-------------------------------------	--------------------	----------------

**23. Has any governmental unit otherwise notified the debtor that the debtor may be liable or potentially liable under or in violation of an environmental law?**

- ☐ No.  
☐ Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
-----------------------	---------------------------------------	-----------------------------	----------------

**24. Has the debtor notified any governmental unit of any release of hazardous material?**

- ☐ No.  
☐ Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
-----------------------	---------------------------------------	-----------------------------	----------------

**Part 13: Details About the Debtor's Business or Connections to Any Business****25. Other businesses in which the debtor has or has had an interest**

List any business for which the debtor was an owner, partner, member, or otherwise a person in control within 6 years before filing this case. Include this information even if already listed in the Schedules.

☐ None

Business name address	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.	Dates business existed
-----------------------	-------------------------------------	--	------------------------

**26. Books, records, and financial statements**

26a. List all accountants and bookkeepers who maintained the debtor's books and records within 2 years before filing this case.

☐ None

Name and address	Date of service From-To
------------------	----------------------------

26b. List all firms or individuals who have audited, compiled, or reviewed debtor's books of account and records or prepared a financial statement



Debtor NANYAH VEGAS, LLC

Case number (if known) \_\_\_\_\_

within 2 years before filing this case.

☐ None

26c. List all firms or individuals who were in possession of the debtor's books of account and records when this case is filed.

☐ None**Name and address****If any books of account and records are unavailable, explain why**

26d. List all financial institutions, creditors, and other parties, including mercantile and trade agencies, to whom the debtor issued a financial statement within 2 years before filing this case.

☐ None**Name and address****27. Inventories**

Have any inventories of the debtor's property been taken within 2 years before filing this case?

☐ No☐ Yes. Give the details about the two most recent inventories.**Name of the person who supervised the taking of the inventory****Date of inventory****The dollar amount and basis (cost, market, or other basis) of each inventory**

28. List the debtor's officers, directors, managing members, general partners, members in control, controlling shareholders, or other people in control of the debtor at the time of the filing of this case.

**Name****Address****Position and nature of any interest****% of interest, if any**

YOAV HARLAP

MEMBER

100%

29. Within 1 year before the filing of this case, did the debtor have officers, directors, managing members, general partners, members in control of the debtor, or shareholders in control of the debtor who no longer hold these positions?

☐ No☐ Yes. Identify below.**30. Payments, distributions, or withdrawals credited or given to insiders**

Within 1 year before filing this case, did the debtor provide an insider with value in any form, including salary, other compensation, draws, bonuses, loans, credits on loans, stock redemptions, and options exercised?

☐ No☐ Yes. Identify below.**Name and address of recipient****Amount of money or description and value of property****Dates****Reason for providing the value**

31. Within 6 years before filing this case, has the debtor been a member of any consolidated group for tax purposes?

☐ No☐ Yes. Identify below.**Name of the parent corporation****Employer Identification number of the parent corporation**

Debtor NANYAH VEGAS, LLC

Case number (if known) \_\_\_\_\_

32. Within 6 years before filing this case, has the debtor as an employer been responsible for contributing to a pension fund?

- ☒ No  
☐ Yes. Identify below.

Name of the pension fund \_\_\_\_\_

Employer Identification number of the parent corporation \_\_\_\_\_

**Part 14: Signature and Declaration**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

I have examined the information in this *Statement of Financial Affairs* and any attachments and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 29, 2021

/s/ YOAV HARLAP

Signature of individual signing on behalf of the debtor

YOAV HARLAP

Printed name

Position or relationship to debtor MANAGING MEMBER

Are additional pages to *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy* (Official Form 207) attached?

- ☒ No  
☐ Yes

**United States Bankruptcy Court  
District of Nevada**

In re **NANYAH VEGAS, LLC**

Debtor(s)

Case No.

Chapter

**11**

**LIST OF EQUITY SECURITY HOLDERS**

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
---	----------------	----------------------	------------------

**-NONE-**

**DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP**

I, the **MANAGING MEMBER** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date **March 29, 2021**

Signature **/s/ YOAV HARLAP**  
**YOAV HARLAP**

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.  
18 U.S.C. §§ 152 and 3571.*

**United States Bankruptcy Court  
District of Nevada**

In re **NANYAH VEGAS, LLC**

Debtor(s)

Case No.  
Chapter

**11**

**VERIFICATION OF CREDITOR MATRIX**

I, the MANAGING MEMBER of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **March 29, 2021**

**/s/ YOAV HARLAP**

**YOAV HARLAP/MANAGING MEMBER**

Signer/Title

NANYAH VEGAS, LLC  
6490 S. McCarran Blvd., Ste. F-46  
Reno, NV 89509

KEVIN A DARBY  
DARBY LAW PRACTICE  
4777 CAUGHLIN PARKWAY  
RENO, NV 89519

ELDORADO HILLS, LLC  
c/o BAILEY KENNEDY  
8984 SPANISH RIDGE AVE  
Las Vegas, NV 89148

GO GLOBAL, INC.  
C/O CARLOS HUERTA  
3203 E. WARM SPRINGS ROAD #400  
Las Vegas, NV 89120

IMITATIONS, LLC  
C/O HUTCHINSON & STEFFEN, PLLC  
BRENOCH WIRTHLIN  
10080 W. ALTA DR. #200  
Las Vegas, NV 89101

INTERNAL REVENUE SERVICE  
P.O. Box 21126  
DPN 781  
Philadelphia, PA 19114

PETER ELIADES  
c/o BAILEY KENNEDY  
8984 SPANISH RIDGE AVENUE  
Las Vegas, NV 89148-1302

PETER ELIADES AS TRUSTEE OF ELIADES SURV  
C/O BAILEY KENNEDY  
8984 SPANISH RIDGE AVENUE  
Las Vegas, NV 89148-1302

SIG ROGICH, A/K/A/ SIGMUND ROGICH  
HUTCHINSON & STEFFEN, PLLC  
10080 W. ALTA DR., #200  
Las Vegas, NV 89101

SIG ROGICH, AS TRUSTEE OF THE ROGICH  
HUTCHISON & STEFFIN, PLLC  
10080 W. ALTA DR. #200  
Las Vegas, NV 89101

TELD, LLC  
c/o BAILEY KENNEDY  
8984 SPANISH RIDGE AVENUE  
Las Vegas, NV 89148

YOAV HARLAP  
C/O ANDREW HEYMANN, CPA  
SOLOMON BLUM HEYMANN LLP  
40 WALL STREET 35TH FLOOR  
NY 10005

**United States Bankruptcy Court  
District of Nevada**

In re **NANYAH VEGAS, LLC**

Debtor(s)

Case No.

Chapter

**11**

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **NANYAH VEGAS, LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

**March 29, 2021**

Date

**/s/ KEVIN A DARBY**

**KEVIN A DARBY 7670**

Signature of Attorney or Litigant  
Counsel for **NANYAH VEGAS, LLC**

**DARBY LAW PRACTICE**

**4777 CAUGHLIN PARKWAY**

**RENO, NV 89519**

**775.322.1237 Fax: 775.996.7290**

**kevin@darbylawpractice.com**

## EXHIBIT 3

HUTCHISON & STEFFEN  
A PROFESSIONAL L.L.C.



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re: ) Case No.: 21-50226-gs  
NANYAH VEGAS, LLC, ) Chapter 11  
Debtor. ) Hearing Date and Time  
 ) Date: October 14, 2021  
 ) Time: 10:30 a.m.

On October 14, 2021, the court held its hearing on the motion to dismiss the above-captioned bankruptcy case (ECF No. 28) (Motion) filed by creditors Peter Eliades, Peter Eliades as Trustee of the Eliades Survivor Trust of 10/30/08, Eldorado Hills, LLC, and Teld, LLC (collectively, the Movants). After hearing argument from the parties and delivering an oral tentative ruling, the court took this matter under advisement. For the reasons stated below and on the record at the October 14, 2021 hearing, the court will grant the Motion.

Debtor Nanyah Vegas, LLC (“Nanyah”) was formed in 2007 to effectuate a \$1.5 million investment in Eldorado Hills, LLC (“Eldorado”).<sup>1</sup> In turn, Eldorado invested the funds in real property located near Boulder City, Nevada.<sup>2</sup> Nanyah has no employees,<sup>3</sup> no day-to-day business operations,<sup>4</sup> and no income.<sup>5</sup>

<sup>5</sup> *Id.* at Transcript p. 14:15-17.

Eldorado had two original members when formed in 2005: Go Global, Inc., owned by Carlos Huerta, and The Rogich Family Irrevocable Trust (“Rogich Trust”).<sup>6</sup> In 2008, Teld, LLC acquired a 60% interest in Eldorado, resulting in Go Global, Inc. no longer holding an interest in Eldorado and the Rogich Trust owning 40% of Eldorado.<sup>7</sup> Nanyah maintains that the documents memorializing these transactions included provisions pursuant to which the Rogich Trust agreed to assume Eldorado’s obligation to repay Nanyah’s \$1.5 million investment, or pay Nanyah its percentage interest in Eldorado.<sup>8</sup> In 2012, the Rogich Trust purportedly assigned its membership interest in Eldorado to The Eliades Survivor Trust of 10/30/08 (“Eliades Trust”).<sup>9</sup> Nanyah maintains this assignment was subject to its claims.

On July 31, 2013, having neither received distributions from Eldorado nor repayment of its investment, Huerta, Go Global, Inc. and Nanyah sued Eldorado and the Rogich Trust in state court.<sup>10</sup> In 2016, Nanyah commenced a second lawsuit against Teld, Peter Eliades, the Eliades Trust (together, the Eliades Defendants) and Sigmund Rogich, the Rogich Trust and Imitations, LLC (together, the Rogich Defendants).<sup>11</sup> The two lawsuits were subsequently consolidated in 2017.<sup>12</sup> In May of 2018, the Rogich Defendants and the Eliades Defendants were awarded partial summary judgment as to two of Nanyah’s claim(s).<sup>13</sup> On October 5, 2018, the state court granted summary judgment in favor of the Eliades Defendants.<sup>14</sup> In September 2019, the state court granted summary judgment in favor of the Rogich Defendants, and granted Eldorado’s motion to dismiss.<sup>15</sup> The defendants were awarded judgment in the amount of their attorneys’ fees and costs.<sup>16</sup>

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<sup>6</sup> *Id.* at Exhibit 3, p. 59:15-16.

<sup>7</sup> *Id.* at p. 59:20-27.

<sup>8</sup> *Id.* at pp. 59:28-60:3.

<sup>9</sup> *Id.* at p. 63, ¶ d.

<sup>10</sup> *Id.* at Exhibit 4.

<sup>11</sup> *Id.* at Exhibit 6, p. 102. Although based on the record presented it is unclear to the court what role defendant Imitations, LLC played in this dispute, that fact is not relevant to the court’s decision.

<sup>12</sup> *Id.* at Exhibit 6.

<sup>13</sup> *Id.* at Exhibit 7.

<sup>14</sup> *Id.* at Exhibit 3.

<sup>15</sup> *Id.* at Exhibit 8.

<sup>16</sup> *Id.* at Exhibit 9.

1 Nanyah appealed the judgment and the order granting summary judgment without  
 2 posting a bond.<sup>17</sup> With no bond having been posted, the defendants commenced the process of  
 3 executing on Nanyah's litigation claims against Eldorado and the Eliades Defendants.<sup>18</sup> Nanyah  
 4 filed this bankruptcy proceeding approximately one month prior to the scheduled sale of those  
 5 claims. At the debtor's § 341(a) meeting of creditors held on April 26, 2021, the debtor's  
 6 representative, Andrew Heyman, testified that the Chapter 11 was filed to "protect and preserve  
 7 the assets of the debtor, such as they are."<sup>19</sup>

8 Nanyah's bankruptcy schedules reflect that the company's only asset is its appeal.<sup>20</sup> This  
 9 was confirmed by Yoav Harlap, Nanyah's sole member, during the continued § 341(a) meeting of  
 10 creditors.<sup>21</sup> When asked how Nanyah is paying its attorney fees with no assets and no income,  
 11 Mr. Harlap confirmed that he personally is providing the funding.<sup>22</sup> At the initial § 341(a)  
 12 meeting of creditors, Mr. Harlap testified that if Nanyah did not prevail on its appeal the only  
 13 source of funding for a chapter 11 plan would be a loan from him.<sup>23</sup>

14 Nanyah's schedules list liabilities of approximately \$1.5 million.<sup>24</sup> Scheduled creditors  
 15 are the prevailing defendants in the state court litigation, Mr. Harlap for personal loans to the  
 16 debtor, and the Internal Revenue Service with a priority unsecured claim scheduled in an  
 17 unknown amount.<sup>25</sup> Though initially filed as a standard chapter 11, Nanyah later amended its  
 18 petition to reflect that it qualifies as a small business debtor under 11 U.S.C. § 101(51D).<sup>26</sup>

19 The deadline for filing proofs of claim in Nanyah's case expired on July 26, 2021.  
 20 Although nine proofs of claim were filed, all but one were filed by prevailing defendants in the  
 21 state court litigation. That claim was filed by the Internal Revenue Service, asserting a  
 22

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23  
 24 <sup>17</sup> *Id.* at Exhibit 12.

25 <sup>18</sup> *Id.* at Exhibit 10.

26 <sup>19</sup> *Id.* at Exhibit 1, p. 17, Transcript p. 12:10-13.

27 <sup>20</sup> ECF No. 1, pp. 10-13.

28 <sup>21</sup> ECF No. 35, Exhibit 2, p. 47, Transcript p. 9:3-5.

<sup>22</sup> *Id.*, Transcript p. 9:11-17.

<sup>23</sup> *Id.* at pp. 26-27, Transcript pp. 21:22-22:7.

<sup>24</sup> ECF No. 1, pp. 15-17.

<sup>25</sup> *Id.*

<sup>26</sup> ECF No. 17, p. 2.

1 \$7,000.00 claim for estimated taxes owing for 2018-2020 (\$3,000.00 priority) and 2014-2017  
2 (\$4,000.00 general unsecured).<sup>27</sup>

### 3 Analysis

4 Under 11 U.S.C. § 1112(b), a bankruptcy court may dismiss a Chapter 11 case “for  
5 cause.” “Although section 1112(b) does not explicitly require that cases be filed in ‘good faith,’  
6 courts have overwhelmingly held that a lack of good faith in filing a Chapter 11 petition  
7 establishes cause for dismissal.”<sup>28</sup> Courts measure a debtor’s good faith by examining “‘an  
8 amalgam of factors and not...a specific fact.’”<sup>29</sup> Those factors may include “any factors which  
9 evidence ‘an intent to abuse the judicial process and the purposes of the reorganization  
10 provisions.’”<sup>30</sup> The ultimate question is whether a debtor filed its chapter 11 petition to “effect a  
11 speedy, efficient reorganization” or “to unreasonably deter and harass creditors.”<sup>31</sup> Towards this  
12 end, “if it appears at the outset there is no reasonable expectation that the financial situation of  
13 the debtor can be successfully repaired through the reorganization process, it is clear that such  
14 case is ripe for dismissal for ‘cause,’ ....”<sup>32</sup>

15 Movants maintain that Nanyah filed this case merely to avoid posting a bond during its  
16 appeal of the state court judgment. They argue that this constitutes bad faith warranting  
17 dismissal. But as the Ninth Circuit Bankruptcy Appellate Panel has noted, “neither the Ninth  
18 Circuit Court of Appeals nor [the Ninth Circuit Bankruptcy Appellate Panel] has held that filing  
19 a bankruptcy petition in lieu of posting an appeal bond is ipso facto bad faith for purposes of  
20 dismissal under § 1112(b).”<sup>33</sup> “Indeed, to make such a finding would be at odds with the  
21

22  
23  
24 <sup>27</sup> Additionally, the court notes that, based on its review of the case docket, it appears Nanyah is  
several months behind in its monthly operating reports, the most recent having been filed for July  
2021.

25 <sup>28</sup> *Marsch v. Marsch (In re Marsch)*, 36 F.3d 825, 828 (9th Cir. 1994) [citing cases].

26 <sup>29</sup> *Id.* (quoting *In re Arnold*, 806 F.2d 937, 939 (9th Cir.1986)).

27 <sup>30</sup> *In re Marshall*, 721 F.3d 1032, 1048 (9th Cir. 2013) (quoting *Phoenix Piccadilly, Ltd. v. Life*  
*Ins. Co. of Va. (In re Phoenix Piccadilly, Ltd.)*, 849 F.2d 1393, 1394 (11th Cir.1988)).

28 <sup>31</sup> *Marsch*, 36 F.3d at 828.

<sup>32</sup> *In re Mense*, 509 B.R. 269, 284 n.35 (Bankr. C.D. Cal. 2014) (quoting *Matter of Bock*, 58 B.R.  
374, 378–79 (Bankr.M.D.Fla.1986)).

<sup>33</sup> *In re Hanna*, 2018 WL 1770960, at \*5 (B.A.P. 9th Cir. Apr. 13, 2018).

directive that courts look at the totality of circumstances in determining bad faith.”<sup>34</sup> Instead, the Ninth Circuit has observed that “[s]everal bankruptcy courts have held that a debtor may use a Chapter 11 petition to avoid posting an appeal bond if satisfaction of the judgment would severely disrupt the debtor’s business.”<sup>35</sup>

However, the Ninth Circuit has also recognized that a petition filed to avoid posting an appeal bond is improper if the judgment against the debtor can be paid with nonbusiness assets.<sup>36</sup> At least one court in the Ninth Circuit has reviewed the following factors “[w]hen a debtor files chapter 11 to dodge the requirement for an appeal bond”:

- (1) Whether the debtor is a viable business which would suffer severe disruption if enforcement of the judgment was not stayed; and the chapter 11 petition was filed to preserve its status as an ongoing concern and to protect its employees and creditors;
- (2) Whether the debtor had financial problems on the petition date, other than the adverse judgment;
- (3) Whether the debtor has relatively few unsecured creditors, other than the holder of the adverse judgment;
- (4) Whether the debtor has sufficient assets to post a bond to stay the judgment pending appeal;
- (5) Whether the debtor acted in good faith to exhaust all efforts to obtain a bond to stay the judgment pending appeal;
- (6) Whether the debtor intends to pursue an effective reorganization within a reasonable period of time, or whether the debtor is unwilling or unable to propose a meaningful plan until the conclusion of the litigation; and
- (7) Whether assets of the estate are being diminished by the combined ongoing expenses of the debtor, the chapter 11 proceedings, and prosecution of the appeal.<sup>37</sup>

<sup>34</sup> *In re Bowers Inv. Co., LLC*, 553 B.R. 762, 770 (Bankr. D. Alaska 2016).

<sup>35</sup> *Marsch*, 36 F.3d at 828; *see also Windscheffel v. Montebello Unified School District (In re Windscheffel)*, 2017 WL 1371294 (B.A.P. 9th Cir. Apr. 3, 2017); *Rocco v. King (In re King)*, 2008 WL 8444814 (B.A.P. 9th Cir. Mar. 12, 2008); *In re Zaruba*, 2007 WL 4589746 (Bankr. D. Alaska Dec. 28, 2007).

<sup>36</sup> *Marsch*, 36 F.3d at 828-29 [citing cases].

<sup>37</sup> *Mense*, 509 B.R. at 279–81 [citations omitted].

In this case, the court need not examine these factors in detail. “At its core, reorganization through Chapter 11 is intended by Congress to permit a debtor to pay its creditors, retain its employees, and preserve the equity of its investors.”<sup>38</sup> Nanyah has no employees. It has no day-to-day operations and no income. By its sole member’s own admission, Nanyah is simply an investment vehicle.<sup>39</sup> The only other non-insider creditor is the IRS for an estimated \$7,000 in taxes. Nanyah’s only asset is the appeal of the Movants’ judgment and it has no money of its own to fund either the appeal or this bankruptcy.

This is simply a dispute between two groups of parties stuck in litigation. Nanyah wants to continue the litigation despite entry of an adverse judgment. Again, the mere fact that this is really a two-party dispute does not condemn the filing as bad faith.<sup>40</sup> “Courts that find bad faith based on two-party disputes do so where ‘it is an apparent two-party dispute that can be resolved outside of the Bankruptcy Court’s jurisdiction.’”<sup>41</sup>

The court is aware of the decision in *In re Sullivan*, in which the BAP reversed dismissal of an individual’s bankruptcy as a bad faith filing early in the case. The bankruptcy court concluded in *Sullivan* that there was no possibility of a confirmable plan based on the judgment creditor’s statement that it would never vote for confirmation. The BAP held that the limited record before the bankruptcy court at that stage did not support a finding of bad faith despite the judgment creditor’s argument that it was a two-party dispute.<sup>42</sup> In sharp contrast to Nanyah, Mr. Sullivan had considerable assets, had been using exempt assets to fund a litigation that was continuing, and had an annual salary of \$200,000. The BAP recognized the debtor’s valid bankruptcy interest in protecting his assets and providing for an orderly liquidation.<sup>43</sup> Moreover, the debtor stated an intent to file a plan within the exclusivity period but was met with the motion to dismiss before he could file his plan. The BAP was not persuaded by the creditor’s

<sup>38</sup> *In re Mohave Agrarian Grp., LLC*, 588 B.R. 903, 915 (Bankr. D. Nev. 2018) (citing *United States v. Whiting Pools, Inc. (In re Whiting Pools, Inc.)*, 462 U.S. 198, 203 (1983)).

<sup>39</sup> ECF No. 35, Exhibit 2, p. 46, Transcript p. 8:22-23.

<sup>40</sup> *Sullivan v. Harnisch (In re Sullivan)*, 522 B.R. 604, 616 (B.A.P. 9th Cir. 2014).

<sup>41</sup> *Id.* (quoting *Oasis at Wild Horse Ranch, LLC v. Sholes (In re Oasis at Wild Horse Ranch, LLC)*, 2011 WL 4502102 at \*10 (9th Cir. BAP Aug. 26, 2011)).

<sup>42</sup> *Id.* at 615.

<sup>43</sup> *Id.* at 616.

1 declaration that it would never support a plan, particularly when faced with the possibility of  
2 conversion to chapter 7.<sup>44</sup> Finally, the BAP also noted that Mr. Sullivan had a number of other  
3 creditors, including family members, whose debts were not challenged at that time, negating the  
4 argument that there was only a two-party dispute.<sup>45</sup>

5 In this instance, there is no business to reorganize, no other assets to protect or  
6 administer, and nothing shall take place in this bankruptcy apart from the appeal. Unlike the  
7 situation in *Sullivan* where the record suggested the possibility of some reorganization based on  
8 the debtor's assets and income, Nanyah has nothing of its own with which to effectuate a  
9 resolution in bankruptcy. If Nanyah wins the appeal, the judgment creditors disappear and there  
10 is no reason to proceed in chapter 11 given the limited (and estimated) amount owed to the IRS.  
11 If the appeal is unsuccessful, the likely outcome is dismissal or conversion, not confirmation of a  
12 plan as there will be no asset and there is no income or ongoing business. In short, Nanyah is not  
13 using the bankruptcy to reorganize, only to stay collection.

14 Preserving an asset such as Nanyah's litigation claims by filing bankruptcy is not per se  
15 bad faith. But it must be part of an actual attempt to reorganize (or liquidate). In this instance,  
16 the bankruptcy filing is merely a litigation tactic. The sole reason for filing this case was to  
17 continue Nanyah's appeal at the expense of its judgment creditors without posting a bond.  
18 Nanyah's lack of funds or assets would ordinarily weigh heavily in favor of a good faith filing to  
19 permit it to proceed with its appeal. But the total absence of any business or other assets only  
20 confirms that this is simply a discrete litigation dispute rather than a reorganization. Nanyah  
21 continues its existence solely on Mr. Harlap's discretion. He is willing to fund Nanyah's appeal  
22 and chapter 11 fees. This is some evidence of the availability of nonbusiness assets to post a  
23 bond pending the appeal. This is what should be done to continue the appeal, not invoke the  
24 automatic stay by filing a chapter 11 bankruptcy.  
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<sup>44</sup> *Id.* at 617-18.

<sup>45</sup> *Id.*

1 The court concludes that Nanyah did not file this bankruptcy to “effect a speedy, efficient  
2 reorganization,” but rather to unreasonably deter its judgment creditors.<sup>46</sup> Accordingly, the court  
3 finds that the bankruptcy was filed in bad faith and that cause exists under § 1112(b). The court  
4 has considered whether conversion or dismissal is in the best interests as required under  
5 § 1112(b). As the matter is truly a two-party dispute, there is no benefit to conversion to chapter  
6 7. The court will, therefore, dismiss the case. An order granting the Motion and dismissing this  
7 case will be entered separately.

8 \* \* \* \*

9 **Copies sent to all registered parties via CM/ECF ELECTRONIC NOTICE.**

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26 <sup>46</sup> Courts have held that dismissal for bad faith is appropriate where the bankruptcy case was  
27 filed solely as a litigation tactic. See *Prometheus Health Imaging, Inc. v. United States Trustee*  
28 (*In re Prometheus Health Imaging, Inc.*), 705 Fed.Appx. 626 (9th Cir. 2017); *Greenberg v.*  
*United States Trustee (In re Greenberg)*, 2017 WL 3816042 (B.A.P. 9th Cir. Aug. 31, 2017); *St.*  
*Paul Self Storage Ltd. Partnership v. The Port Authority of the City of St. Paul (In re St. Paul*  
*Self Storage Ltd. Partnership)*, 185 B.R. 580, 582–83 (B.A.P. 9th Cir. 1995); *In re Silberkraus*,  
253 B.R. 890, 902–03 (Bankr. C.D. Cal. 2000).







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**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

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

17 Plaintiffs,

18 v.

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

24 Defendants.

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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**

**REPLY IN SUPPORT OF**  
**MOTION TO STAY**  
**ENFORCEMENT DURING**  
**PENDENCY OF APPEAL**

**Hearing Date: 2/2/2022**  
**Hearing Time: 10:30 a.m.**

SIMONS HALL JOHNSTON PC  
690 Sierra Rose Drive  
Reno, NV 89511  
Phone: (775) 785-0088

REPLY IN SUPPORT OF MOTION TO STAY ENFORCEMENT DURING  
PENDENCY OF APPEAL

I. The Opposition Fails to Present a Reason Not to Grant the Stay.

The Eliades Judgment Creditors Opposition<sup>1</sup> is rooted in a fundamental misunderstanding of the proper analysis. Rather than respond to the arguments in favor of a stay, the Eliades Judgment Creditors have chosen to focus almost exclusively on whether the supersedes bond should be waived. This is likely because the Eliades Judgment Creditors know that they face no prejudice from a stay pending the resolution of the appeal.

Nanyah has an interest in appealing the merits of this Court's decisions to the Nevada Supreme Court. If Nevada's policy in favor of resolving cases on their merits rather than permitting procedural dismissals means anything, surely it means that an appeal should be decided on its merits, especially when the respondents face no prejudice in permitting the stay. *Gutenberger v. Cont'l Thrift & Loan Co.*, 94 Nev. 173, 175, 576 P.2d 745, 745 (1978) (citing *Hotel Last Frontier Corp. v. Frontier Properties, Inc.*, 79 Nev. 150, 155, 380 P.2d 293, 295 (1963)).

The Eliades Judgment Creditors seek shelter for their litigation tactics by directing this Court's attention to *Reynolds v. Tufenkjian*. 136 Nev. 145, 146, 461 P.3d 147, 149 (2020). Notably in *Reynolds*, the appellants "failed to obtain a stay of execution on the award of attorney fees and costs. . . ." *Id.* By contrast, in this case, Nanyah is explicitly

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<sup>1</sup> The Opposition submitted by the Rogich Defendants was almost entirely duplicative of the Opposition by the Eliades Judgment Creditors except for one disingenuous observation made from Nanyah's bankruptcy petition which will be addressed below.

1 seeking a stay of the execution with this Motion. Furthermore, the appellants in *Reynolds*  
2 were seeking a decision of the Nevada Supreme Court that would "void the execution  
3 sale" that had already occurred for \$100. *Id.* at 146–47. Nanyah is seeking this Court's  
4 assistance in staying this matter and preventing the execution sale from occurring in the  
5 first place. In *Reynolds*, the respondents filed a motion to substitute themselves in the  
6 place of appellants pursuant to NRAP 43. In this case, Nanyah is seeking to have this  
7 Court exercise its stay powers pursuant to NRAP 8(a)(1).

9 **II. This Court's Jurisdiction to Deprive Nanyah of its Appeal is Unclear.**

10 Contrary to the Eliades Judgment Creditors' suggestion, there is legal authority in  
11 support of Nanyah's jurisdiction argument. The Nevada Supreme Court has clarified an  
12 appeal does not divest the district court of jurisdiction where "the issue is 'entirely  
13 collateral to and **independent from that part of the case taken up by appeal**, and in no  
14 **way affected the merits of the appeal. . . .**" *Kantor v. Kantor*, 116 Nev. 886, 895, 8 P.3d  
15 825, 830 (2000) (citing *Bongiovi v. Bongiovi*, 94 Nev. 321, 322, 579 P.2d 1246, 1247  
16 (1978)) (emphasis added).

17 Absent a stay, this Court would be exercising its jurisdiction contrary to the  
18 principles discussed in *Kantor*. *Id.* The writs of execution at issue in the Motion are not at  
19 all "independent from that part of the case taken up by appeal. . . ." *Id.* The writs of  
20 execution expressly include the part of the case taken up on appeal as it is Nanyah's only  
21 remaining asset. Similarly, the writs of execution directly affect the merits of the appeal  
22 because unless this Court stays the execution of those writs, the merits of the appeal will  
23 be dismissed without being decided.

24 The Eliades Judgment Creditors reliance on *Reynolds* is misplaced. *Reynolds v.*  
25 136 Nev. at 146; 461 P.3d at 149. The Nevada Supreme Court in *Reynolds* did not  
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1 address the issue of whether the district court had the jurisdiction to enter the writ of  
2 execution while the appeal was pending. *Id.* The *Reynolds* decision does not mention  
3 *Kantor* or any discussion of a district court's jurisdiction during the pendency of an appeal.  
4 Accordingly, while the facts of *Reynolds* may be similar, it cannot fairly be said that the  
5 Nevada Supreme Court considered and rejected this novel argument. Similarly, *Fishman*  
6 *v. Las Vegas Sun, Inc.* was written over forty years before *Kantor* and does not reflect the  
7 current state of Nevada's jurisprudence. 75 Nev. 13, 15, 333 P.2d 988, 989 (1959).  
8

9 **III. This Court Should Waive the Requirement of a Bond.**

10 Mr. Yoav Harlap ("Mr. Harlap") is not a party to this litigation. His personal  
11 finances have been and remain irrelevant to this Court's consideration of this dispute. It  
12 is curious that the Eliades Judgment Creditors call this Court's attention to Nanyah's  
13 Motion in Limine regarding Mr. Harlap's finances because this Court granted that motion  
14 in part, acknowledging Defendants were precluded from inquiring into Mr. Harlap's  
15 personal finances except for a narrow exception if it was appropriate. See Order  
16 Regarding Mots. In Limine dated Nov. 6, 2018, at 3:25–28.  
17

18 It is undisputed that Nanyah does not have the resources to post the supersedes  
19 bond. Rather than acknowledge this fact, the Eliades Judgment Creditors' Opposition  
20 reads like a tirade against the protections afforded to members of an LLC. They are  
21 transparent with their sentiment when they state, "Nanyah is well aware that its sole  
22 owner has more than the financial wherewithal. . . ." Eliades Opp. at 3:14–15.  
23 Unfortunately for the Eliades Judgment Creditors it has long been established that, "no  
24 member or manager of any limited-liability company formed under the laws of this State is  
25 individually liable for the debts or liabilities of the company." NRS 86.371. The Eliades  
26 Judgment Creditors fail to cite any authority that would support the proposition that a  
27  
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1 member of an LLC is under an obligation to provide the funds for a supersedes bond on  
2 behalf of an LLC. Nanyah was similarly unable to locate such authority. Indeed, any  
3 such authority would be largely inconsistent with the concept of limited liability for a  
4 company's members.  
5

6 Regardless of which list of factors this Court examines, the fact remains the same  
7 that Nanyah cannot afford to post a bond. *Nelson v. Heer*, 121 Nev. 832, 836, 122 P.3d  
8 1252, 1254 (2005), *as modified* (Jan. 25, 2006) (citing *Dillon v. City of Chicago*, 866 F.2d  
9 902 (7th Cir.1988)). Nanyah's only asset is the claims that are on appeal. The existence  
10 of Nanyah's bankruptcy petition is enough to evidence this claim and any suggestion to  
11 the contrary is disingenuous. Nanyah's bankruptcy petition is unequivocal when it states  
12 its only asset is its claims that are on appeal in this case. See Rogich Opp. at Ex. 2 at 11.  
13

14 Nanyah's arguments advanced in the Motion apply with equal weight to the other  
15 factors cited by the Eliades Judgment Creditors. The reason the collection process will  
16 be complex is because it will require the Eliades Judgment Creditors and the Rogich  
17 Defendants to substitute themselves as proper parties in the appeal and dismiss the  
18 claims on appeal. The amount of time to obtain a judgment is irrelevant because there  
19 will be no judgment in the absence of a stay. This Court's degree of confidence in  
20 Nanyah's inability to pay the judgment amount is the same regardless of whether a stay is  
21 granted or not. Nanyah is in a perilous financial situation, and the bankruptcy petition is  
22 clear evidence of that fact. See Rogich Opp. at Ex. 2 at 11.  
23

24 Nanyah has presented a unique situation in which an entity has a fully-briefed  
25 appeal pending before the Nevada Supreme Court, but has no assets outside of the  
26 claims that the Eliades Judgment Creditors are seeking to execute a judgment against. If  
27 there ever was a case where the requirement of a bond should be waived, this is it. If this  
28

1 Court requires a bond, it will be preventing Nanyah from receiving a decision on the  
2 merits of its appeal.

3 The Nevada Supreme Court has recognized this Court has the discretion to waive  
4 the requirement of a bond. In *Nelson*, the court stated "a full supersedeas bond may be  
5 **waived** and/or alternate security substituted. . . ." *Nelson*, 121 Nev. at 836 (emphasis  
6 added). The Court also expressly recognized a district court's "inherent power to grant a  
7 stay in the absence of a full bond." *Id.* at 834. This sentence was followed by a footnote  
8 to a D.C. Circuit Court case which held FRCP 62(d) "does not prohibit the district court  
9 from exercising a sound discretion to authorize unsecured stays in cases it considers  
10 appropriate." *Fed. Prescription Serv., Inc. v. Am. Pharm. Ass'n*, 636 F.2d 755, 758 (D.C.  
11 Cir. 1980). The Nevada Supreme Court recognized it was following this precedent not  
12 only by footnoting to the D.C. Circuit Court decision, but also by stating that "federal  
13 decisions involving the Federal Rules of Civil Procedure provide persuasive authority  
14 when this court examines its rules." *Nelson*, 121 Nev. at 834. Accordingly, when read in  
15 its entirety, the Nevada Supreme Court's decision in *Nelson* acknowledged that a district  
16 court has the authority to waive a supersedes bond, as it should do here.

17  
18  
19 This approach is also consistent with the purpose of the rule requiring supersedes  
20 bonds. "The purpose of security for a stay pending appeal is to protect the judgment  
21 creditor's ability to collect the judgment if it is affirmed by preserving the status quo and  
22 preventing prejudice to the creditor arising from the stay." *Nelson v. Heer*, 121 Nev. 832,  
23 835, 122 P.3d 1252, 1254 (2005).

24  
25 There are only three possible outcomes: First, if this Court grants this Motion, and  
26 Nanyah's appeal is granted, then the case is remanded to district court and the parties  
27 will rightfully continue to litigate the case. Second, if this Court grants this and Nanyah's  
28

1 appeal is denied, then the Eliades Judgment Creditors will be in the same position they  
2 are in now. However, if this Court denies this Motion, the Eliades Judgment Creditors will  
3 prevent the merits of Nanyah's appeal from being heard on the merits. The only result  
4 that prejudices any party is the final result.

5  
6 This is not a case where the Eliades Judgment Creditors will continue to incur  
7 substantial attorney fees and costs during the pendency of the appeal. The appeal has  
8 been fully briefed and there will be nothing for the parties to do except wait for a decision  
9 from the Nevada Supreme Court on their briefing. There is similarly no risk to the Eliades  
10 Judgment Creditors because Nanyah has no assets to execute a judgment against now.  
11 Put simply, while a stay does nothing to change the Eliades Judgment Creditors' position  
12 in this litigation, the failure to grant a stay would rob Nanyah of the ability to pursue its  
13 appeal on the merits. Nanyah's primary reason for seeking a stay from this Court is so it  
14 can litigate the merits of its claims on appeal.

15  
16 **IV. Conclusion.**

17 Accordingly, this Court should grant Nanyah's Motion and stay the enforcement of  
18 the judgment pending the result of the appeal.

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

21  
22 DATED this 1<sup>st</sup> day of February, 2022.

23 SIMONS HALL JOHNSTON PC  
24 690 Sierra Rose Drive  
25 Reno, NV 89511

26   
27 MARK G. SIMONS  
28 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 **REPLY IN SUPPORT OF MOTION TO STAY ENFORCEMENT DURING**  
**PENDENCY OF APPEAL** on the following by Electronic Service to:

**ALL PARTIES ON THE E-SERVICE LIST**

DATED this 1<sup>st</sup> day of February, 2022.

  
Employee of Simons Hall Johnston PC

SIMONS HALL JOHNSTON PC  
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