

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

Attorney for Nanyah Vegas, LLC

Electronically Filed
Apr 05 2022 03:10 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.

EMERGENCY MOTION UNDER NRAP 27(E)

Pursuant to NRAP 27(e)(2), Nanyah Vegas, LLC, ("Nanyah"), is requesting
this Court to rule on this Motion prior to the currently scheduled Sheriff's Sale of
Nanyah's claims scheduled for April 13, 2022. Specifically, Nanyah is requesting
this Court stay the enforcement of the judgment until such time as this Court can

1 decide the currently pending Motion to Stay Enforcement During Pendency of
2 Appeal (“Motion to Stay”). If this Court fails to grant this Motion, Nanyah will
3
4 lose its sole remaining asset, its claims on appeal, without the opportunity to have a
5 decision rendered on the fully-briefed appeal in this case.

6 **I. PROCEDURAL HISTORY**

7
8 In accordance with NRAP 8(a)(1), Nanyah initially filed its Motion for Stay
9 of Enforcement During Pending Appeal before the district court. *See* NRAP
10 27(e)(4). The district court denied the motion, and Nanyah then brought it before
11 this Court, consistent with the requirements of NRAP 8(a).

12
13 As this Court is aware, Nanyah filed its Motion to Stay in this Court on
14 February 17, 2022. The Motion to Stay explained that a Sheriff’s sale of Nanyah’s
15 claims, which formed the basis of the Motion to Stay, was to take place on April
16 13, 2022. Mot. Stay at 2:16–18.

17
18 Three weeks later, Respondents/Counter appellants Eldorado Hills, LLC,
19 Teld, LLC, Peter Eliades, individually and as Trustee of The Eliades Survivor
20 Trust of 10/30/08 (hereinafter collectively the “Eliades Parties”) and
21 Respondents/Counter appellants Sigmund Rogich, individually and as Trustee of
22 the Rogich Family Irrevocable Trust and Imitations, LLC (hereinafter the “Rogich
23 Parties”) each filed their responses on March 10, 2022.

24
25 Nanyah filed its reply to the responses on March 16, 2022. However, the
26 Parties have not received a ruling on the Motion to Stay from this Court. As

1 discussed more thoroughly in the Motion to Stay, absent an order from this Court
2 staying the enforcement of the judgment, respondents will purchase Nanyah's only
3 remaining asset, its claims on appeal, at the Sheriff's Sale on April 13, 2022 and
4 dismiss the fully-briefed appeal against themselves. *See* Exhibits 1 and 2 to this
5 Motion, the writs of execution.
6

7 **II. THIS COURT SHOULD STAY ENFORCEMENT**

8
9 If this Court denies this Motion, Respondents will be able to purchase
10 Nanyah's claims on appeal at the April 13, 2022 Sheriff's Sale and dismiss the
11 fully-briefed appeal against themselves. As this is Nanyah's only remaining asset,
12 Respondents are virtually certain to be able to purchase the claims on appeal and
13 dismiss them against themselves. Nanyah would be irreparably harmed by losing
14 its sole remaining asset and losing the ability to have the fully-briefed appeal
15 decided by this Court on the merits.¹
16
17

18 ///

19 ///

20 ///

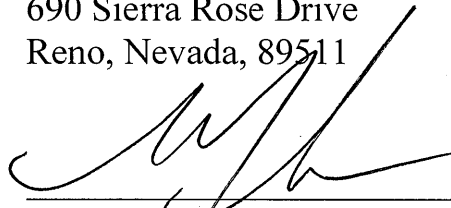
21 ///

22
23
24
25 ¹ Of significant note, this Court previously granted Nanyah's Writ Petition to
26 consider the issue of first impression regarding the application of NRS 163.120
(which Writ proceeding became moot during subsequent events). It is believed
that the Court's desire to address issues of first impression presented in this appeal
(and recognized in Nanyah's prior Writ proceedings) provides additional support
for the issuance of the stay as requested.

1 Nanyah was forced to bring this Emergency Motion to seek a stay of the
2 Sheriff's Sale scheduled for April 13, 2022, until such time as this Court could
3
4 render a decision on the currently pending Motion to Stay.

5 Dated this 5th day of April, 2022.

6 SIMONS HALL JOHNSTON PC
7 690 Sierra Rose Drive
8 Reno, Nevada, 89511

9
10 

11 MARK G. SIMONS
12 *Attorney for Appellant Nanyah Vegas, LLC*
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

NRAP 27(e) CERTIFICATE

Pursuant to NRAP 27(e)(3), I am including this NRAP 27(e) Certificate with this Emergency Motion Under NRAP 27(e).

Pursuant to NRAP 27(e)(3)(A) the following are the phone numbers and addresses of the attorneys representing the parties in this case:

Brenoch Wirthlin
HUTCHISON & STEFFEN
10080 W. Alta Dr., Suite 200
Las Vegas, Nevada 89145
(702) 385-2500

*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
(702) 562-8820

*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*

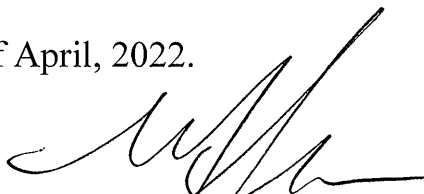
I certify that I am unaware of any pro se parties to this appeal. See NRAP 27(e)(3)(A).

Pursuant to NRAP 27(e)(3)(B), the emergency basis for this Motion involves a Sheriff's Sale that is scheduled for April 13, 2022, or eight (8) days from today. The parties have extensively briefed a Motion to Stay regarding this Sheriff's Sale, and Nanyah is requesting this Court stay the Sheriff's Sale, until this Court's calendar permits it to render a decision on the pending Motion to Stay.

The respondents attorneys will be notified of and served with this Motion pursuant to the Supreme Court's electronic filing system. Additionally, once we

1 receive a file stamped copy of this Motion, a member of my office will call both
2 of the respondents' attorneys and notify them that this Motion has been filed.
3

4 DATED: This 5th day of April, 2022.

A handwritten signature in black ink, appearing to read 'Mark G. Simons', written over a horizontal line.

5
6 MARK G. SIMONS

7 *Attorney for Appellant Nanyah Vegas, LLC*
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

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 **EMERGENCY MOTION UNDER NRAP 27(E)** 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 5th day of April, 2022.



ALISHA THEOFANIDES

EXHIBIT LIST

NO.	DESCRIPTION	PAGES
1	Eliades Writ of Execution	6
2	Rogich Writ of Execution	10

EXHIBIT 1

EXHIBIT 1

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

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

DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

24 SIG ROGICH aka SIGMUND ROGICH as
25 Trustee of The Rogich Family Irrevocable
26 Trust; ELDORADO HILLS, LLC, a Nevada
27 limited liability company; DOES I-X; and/or
28 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 ¹	\$ 27,861.03	Storage	\$ _____
Less Satisfaction	\$ 0.00	Interest from	_____
		Date of Issuance	_____
NET BALANCE	\$ 275,108.26	SUB-TOTAL	\$ _____
		Commission	\$ _____
TOTAL LEVY		\$	

¹ 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;

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

- 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
SURVIVOR TRUST OF 10/30/08,
TELD, LLC and ELDORADO HILLS,
LLC

10

11

12

13

14

15

16

17

18 JOE LOMBARDO, SHERIFF
CLARK COUNTY

19

20

21 By: _____
Deputy Date

22

23

24

25

26

27

28

STEVEN D. GRIERSON
CLERK OF COURT

By: Robyn 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

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

NET BALANCE	\$ 632,920.02
--------------------	----------------------

AMOUNTS TO BE COLLECTED BY LEVY

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

* 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 lesser 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
Robyn Rodriguez

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.

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 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:

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 on 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:

Legal Aid Center of Southern Nevada
725 E. Charleston Blvd.
Las Vegas, NV 89104
(702) 386-1070
<http://www.lacsn.org>

Senior Law Project
(60 years or older only)
530 Las Vegas Blvd. S. #310
Las Vegas, NV 89101
(702) 229-6596
<http://www.snsplp.org>

Nevada Legal Services
530 S. 6th Street
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.

**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.

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 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:

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 on 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:

Legal Aid Center of Southern Nevada
725 E. Charleston Blvd.
Las Vegas, NV 89104
(702) 386-1070

Senior Law Project
(60 years or older only)
530 Las Vegas Blvd. S. #310
Las Vegas, NV 89101

Nevada Legal Services
530 S. 6th Street
Las Vegas, NV 89101
(702) 386-0404

<http://www.lacsn.org>

(702) 229-6596
<http://www.snslp.org>

<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.