

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Apr 15 2020 11:48 a.m.
Elizabeth A. Brown
CASE NO. 80074
Clerk of Supreme Court

JAQUELINE FAUSTO,

Appellant,

vs.

RICARDO SANCHEZ-FLORES, an
individual; VERENICE RUTH
FLORES, an individual,

Respondents.

SUPREME COURT

(Appeal from 8th Judicial District
Court Case No.: A-19-797890-C)

RESPONDENTS' APPENDIX

VOLUME I (RA 001-RA 002)

JOHN HENRY WRIGHT, ESQ.

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Minute Order	9-17-2019	I	RA 002

CERTIFICATE OF SERVICE

I the undersigned , declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On April 15, 2020, I caused to be served a true and correct copy of the foregoing RESPONDENTS' APPENDIX VOLUME I upon the following:

BY ELECTRONIC SUBMISSION: submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.

/s/ Candi Ashdown
An Employee of **The Wright Law Group, P.C.**

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REGISTER OF ACTIONS

CASE No. A-19-797890-C

Jaqueline Fausto, Plaintiff(s) vs. Ricardo Sanchez-Flores, Defendant(s) §

Case Type: **Other Tort**

Date Filed: **07/03/2019**

Location: **Department 23**

Cross-Reference Case Number: **A797890**

Supreme Court No.: **80074**

PARTY INFORMATION

Lead Attorneys

Defendant Sanchez-Flores, Ricardo

John H. Wright
Retained
702-405-0001(W)

Plaintiff Fausto, Jaqueline

Jason D Guinasso
Retained
775-853-8746(W)

EVENTS & ORDERS OF THE COURT

09/17/2019 **Motion to Dismiss** (9:30 AM) (Judicial Officer Miley, Stefany)
Defendant's Motion to Dismiss or in the Alternative Motion to Stay

Minutes

08/27/2019 9:30 AM

09/17/2019 9:30 AM

- Alexander Velto Esq., present on behalf of Plaintiff. Argument by Mr. Wright regarding Statute of Limitations. Argument by Mr. Velto. Court noted Plaintiff knew sexual assault had occurred when SANE exam had been completed as there was DNA on her clothes. Mr. Velto advised they did not have evidence at the time the claim was filed. Court reiterated Plaintiff knew. Further argument by Mr. Velto regarding equitable tolling and clear and binding laws. Objection by Mr. Wright. Additional argument by Mr. Velto noting 1998 case. Court pointed out it was not in the brief. Continued argument by Mr. Velto. Court pointed out the unlawful act is the rape itself. Mr. Vieto argued the Defendant helped get the Plaintiff intoxicated, driving her home and helped the rape occur. Statement by the Court regarding civil conspiracy. Mr. Vieto then argued the back log of rape kits. Argument by Mr. Wright regarding underlying tort. Additional argument by Mr. Vieto noting discovery is not completed, noted Plaintiff had trusted the process and stated she was waiting on the Attorney General's Office. Further argument by Mr. Wright regarding he said, she said case. COURT ORDERED, motion is GRANTED IN PART as to the Statute of Limitations and DEFERRED IN PART as to the civil conspiracy and concerted action. Mr. Wright to prepare the Order on the Statute of Limitations and is to wait to complete the order on the two pending issues. 10-18-3:00 AM DEFENDANT'S MOTION TO DISMISS AS TO CIVIL CONSPIRACY AND CONCERTED ACTION

[Parties Present](#)

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PARTY INFORMATION

Lead Attorneys

Defendant **Sanchez-Flores, Ricardo**

John H. Wright
Retained
702-405-0001(W)

Plaintiff **Fausto, Jaqueline**

Jason D Guinasso
Retained
775-853-8746(W)

EVENTS & ORDERS OF THE COURT

09/17/2019 | **Motion to Dismiss** (2:42 PM) (Judicial Officer Miley, Stefany)
Defendant's Motion to Dismiss as to Civil Conspiracy and Concerted Action

Minutes

09/17/2019 2:42 PM

- The COURT GRANTS Defendant s Motion to Dismiss as to Plaintiff s fifth cause of action, Concerted Action. The dismissal of the other tortious causes of action found in Plaintiff s Complaint render the pleadings insufficient to satisfy the element that two or more persons act together while committing a tort pursuant to a common design or plan. Furthermore, this cause of action would also be barred by the two-year statute of limitations imposed on the other dismissed causes of action. Plaintiff s attorney presented the COURT with Nevada Supreme Court case Dow Chem. Co. v. Mahlum 114 Nev. 1468 (1998), abrogated by GES, Inc. v. Corbitt, 117 Nev. 265, 21 P.3d 11 (2001) in support for Plaintiff s Opposition to dismissal of the fourth cause of action: Civil Conspiracy. The COURT FINDS that there are no remaining causes of action to satisfy the unlawful objective element presented in Dow. Id. at 1488. The United States District Court, District of Nevada more recently stated that under Nevada law, a plaintiff must show the commission of an underlying tort to establish a civil conspiracy claim. Boorman v. Nevada Mem l Cremation Soc y, Inc., 772 F. Supp. 2d 1309, 1315 (D. Nev. 2011). Any underlying torts have been dismissed in this action and the COURT grants Defendant s Motion to Dismiss in full. IT IS SO ORDERED CLERK'S NOTE: The above minute order has been distributed via e-mail to: John H. Wright Esq. and Joseph R. Ganley Esq. 09/17/19 kls The above minute order has been removed from the incorrect Motion to Dismiss and attached to the proper motion. 10/21/19 kls

10/18/2019 3:00 AM

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