

1 **CAS**

2 **MICHAEL J. MCAVOYAMAYA, ESQ.**

3 Nevada Bar No.: 014082

4 4539 Paseo Del Ray

5 Las Vegas, Nevada 89121

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8 *Attorney for Plaintiffs*

Electronically Filed  
Feb 27 2020 04:35 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 \* \* \* \*

12 DANA GENTRY, an individual; and  
13 ROBERT CLARKE, an individual,

14 Plaintiffs,

15 vs.

16 SERVICE EMPLOYEES INTERNATIONAL  
17 UNION, *et al.*

18 Defendants.

CASE NO.: A-17-764942-C

DEPT. NO.: 26

**CASE APPEAL STATEMENT**

19 1. Name of appellant filing this case appeal statement: ROBERT CLARKE

20 2. Identify the judge issuing the decision, judgment, or order appealed from: Judge  
21 Gloria Sturman.

22 3. Identify each appellant and the name and address of counsel for each appellant:  
23 Appellant Robert Clarke, represented by Michael J. Mcavoyamaya, 4539 Paseo Del Ray, Las  
24 Vegas Nevada, 89121.

25 4. Identify each respondent and the name and address of appellate counsel, if known,  
26 for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much  
27 and provide the name and address of that respondent's trial counsel): Respondent Service  
28 Employees International Union ("SEIU") represented by ROTHNER, SEGALL &  
GREENSTONE, GLENN ROTHER, JONATHAN COHEN, 510 South Marengo Avenue  
Pasadena, CA 91101-3115 Tel: (626) 796-7555; Respondent Clark County Public Employees  
Association ("SEIU Local 1107") represented by CHRISTENSEN JAMES & MARTIN EVAN

1 L. JAMES, ESQ. (7760) 7440 W. Sahara Avenue Las Vegas, Nevada 89117 Telephone: (702)  
2 255-1718.

3 5. Indicate whether any attorney identified above in response to question 3 or 4 is  
4 not licensed to practice law in Nevada and, if so, whether the district court granted that attorney  
5 permission to appear under SCR 42 (attach a copy of any district court order granting such  
6 permission): Glenn Rothner and Jonathan Cohen are not licensed in Nevada but were granted  
7 permission to practice pro hac vice.

8 6. Indicate whether appellant was represented by appointed or retained counsel in  
9 the district court: Represented.

10 7. Indicate whether appellant is represented by appointed or retained counsel on  
11 appeal: Represented.

12 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and  
13 the date of entry of the district court order granting such leave: N/A.

14 9. Indicate the date the proceedings commenced in the district court (e.g., date  
15 complaint, indictment, information, or petition was filed): November 20, 2017.

16 10. Provide a brief description of the nature of the action and result in the district  
17 court, including the type of judgment or order being appealed and the relief granted by the  
18 district court: Plaintiffs brought this action in the district court for breach of for-cause  
19 employment contracts and defamation. The district court dismissed the action on summary  
20 judgment creating new Nevada law preempting Plaintiffs' claims pursuant to a California  
21 Supreme Court case, *Screen Extras Guild, Inc. v. Superior Court*, 51 Ca1.3d 1017 (1990), which  
22 interpreted the Labor-Management Reporting and Disclosure Act ("LMRDA") and a United  
23 States Supreme Court case *Finnegan v. Leu*, 456 U.S. 431 (1982), as a basis for preempting  
24 Plaintiffs otherwise meritorious claims.

25 11. Indicate whether the case has previously been the subject of an appeal to or  
26 original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket  
27 number of the prior proceeding: N/A.

28 12. Indicate whether this appeal involves child custody or visitation: N/A.

1           13.     If this is a civil case, indicate whether this appeal involves the possibility of  
2 settlement: No.

3           DATED this 27th day of February, 2020.

4  
5                               /s/ Michael J. Mcavaoyamaya

6                               \_\_\_\_\_  
MICHAEL J. MCAVOYAMAYA, ESQ.

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*Attorney for Plaintiffs*

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 Attorneys for Local 1107 Defendants

Dated this 27th day of February, 2020.

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