

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID J. MITCHELL; BARNET
LIBERMAN; LAS VEGAS LAND
PARTNERS, LLC; MEYER PROPERTY
LTD.; ZOE PROPERTY, LLC; LEAH
PROPERTY, LLC; WINK ONE, LLC;
AQUARIUS OWNER, LLC; LVLP
HOLDINGS, LLC; LIBERMAN
HOLDINGS, LLC; LIVE WORKS TIC
SUCCESSOR, LLC; AND CASINO
COOLIDGE, LLC,

Appellants,

vs.

RUSSELL L. NYPE; REVENUE PLUS,
LLC; AND SHELLEY D. KROHN,

Respondents.

No. 80693
Electronically Filed
Jan 29 2021 11:33 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOTICE OF CLARIFICATION

WHEREAS, the Supreme Court requested guidance from Appellants as to
who was representing Liberman Holdings, LLC on the 7th day of January, 2021;

WHEREAS, the Mitchell Appellants responded thereto on the 14th day of
January, 2021 indicating they were not representing Liberman Holdings, LLC;

WHEREAS, this Court issued its Order on or about January 22, 2021
directing Liberman Holdings, LLC to retain counsel and to enter an appearance upon
paying of potential dismissal;

NOW THEREFORE based upon the above and foregoing, counsel for Respondents would like to point out to the Court that the inclusion of Liberman Holdings, LLC in the original Notice of Appeal filed by the Mitchell Defendants would appear to have been a clerical error or oversight;

Attached hereto as Exhibit "A" and by this reference incorporated herein is a Stipulation and Order for Dismissal as to Liberman Holdings previously entered in the District Court approximately one year prior to the trial hereof, insofar as discovery had disclosed that the Nevada registered entity known as Liberman Holdings, LLC apparently had no actual business or factual relationship with the other co-defendants in this case, despite the fact that one named co-defendant was Barnet Liberman, an individual.

Accordingly, Respondent hopes to alert the Court as to this **SNAFU** and suggests that Liberman Holdings should either be dismissed with prejudice from this appeal, or that its name as a putative Appellant should be stricken.

DATED this 29th day of January, 2021

JOHN W. MUIJE & ASSOCIATES

By: 

JOHN W. MUIJE, ESQ.

Nevada Bar No. 2419

1840 E. Sahara Avenue, Suite 206

Las Vegas, Nevada 89104

Telephone: (702) 386-7002


Attorneys for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing **NOTICE OF CLARIFICATION** with the Nevada Supreme Court on the 29th day of January, 2021. Electronic service of the foregoing document shall be made in accordance with the Master Service list as follows:

H. Stan Johnson, Esq.
Nevada Bar No. 00265
COHEN JOHNSON
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Elliot S. Blut, Esq.
BLUT LAW GROUP, LLC
300 So. Fourth Street, Ste 701
Las Vegas, Nevada 89101
E-Mail: eblut@blutlaw.com
Attorneys for Appellants BARNET LIBERMAN and CASINO COOLIDGE, LLC

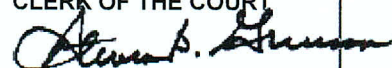


An employee of John W. Muije & Associates

EXHIBIT “A”

ORIGINAL

Electronically Filed
11/29/2018 10:14 AM
Steven D. Grierson
CLERK OF THE COURT



SODWOP

JOHN W. MUIJE & ASSOCIATES

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Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

RUSSELL L. NYPE; REVENUE PLUS, LLC, DOES
I through X; DOES I through X; DOE
CORPORATIONS I through X; and DOES
PARTNERSHIPS I through X,

Plaintiffs,

CASE NO: A-16-740689-B

vs.

DEPT NO: XI

DAVID J. MITCHELL; BARNET LIBERMAN;
LAS VEGAS LAND PARTNERS, LLC; MEYER
PROPERTY, LTD.; ZOE PROPERTY, LLC;
LEAH PROPERTY, LLC; WINK ONE, LLC; LIVE
WORK, LLC; LIVE WORK MANAGER, LLC;
AQUARIUS OWNER, LLC; LVLP HOLDINGS,
LLC; MITCHELL HOLDINGS, LLC; LIBERMAN
HOLDINGS, LLC; 305 LAS VEGAS, LLC; LIVE
WORKS TIC SUCCESSOR, LLC; CASINO
COOLIDGE LLC; DOES I through III, and ROE
CORPORATIONS I through III, inclusive,

Entity Defendants.

**STIPULATION AND ORDER FOR PARTIAL DISMISSAL WITHOUT
PREJUDICE AGAINST LIBERMAN HOLDINGS, LLC, ONLY**

IT IS HEREBY STIPULATED by and between JOHN W. MUIJE, ESQ., of the Law Firm
of JOHN W. MUIJE & ASSOCIATES, Attorney for Plaintiffs, and MEGAN K. MAYRY
McHENRY, ESQ., of the Law Firm of HAYES & WELSH, Attorneys for the Mitchell Defendants,
and HARRY PAUL MARQUIS, ESQ., of the Law Offices of HARRY PAUL MARQUIS, CHTD.,
Attorneys for the Liberman Defendants, that **LIBERMAN HOLDINGS, LLC** be dismissed without

1 prejudice, each of the parties to pay its own costs and attorneys' fees herein incurred.

2 Scheduling Orders have been issued and trial is set to commence in August 2019, or at a date
3 convenient to the Court thereafter.

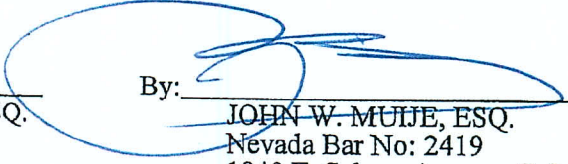
4 DATED this ____ day of November, 2018.

DATED this 26th day of November, 2018

5 LAW OFFICES OF HAYES & WELSH

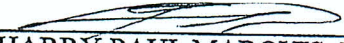
JOHN W. MUIJE & ASSOCIATES

6
7 By: _____
8 MEGAN K. MAYRY McHENRY, ESQ.
9 Nevada Bar No: 9119
10 199 N. Arroyo Grande Blvd. #200
Henderson, NV 89074
Attorney for Mitchell Defendants

By:  _____
JOHN W. MUIJE, ESQ.
Nevada Bar No: 2419
1840 E. Sahara Avenue, Suite 106
Las Vegas, Nevada 89104
Attorney for Plaintiffs

11 DATED this 26th day of November, 2018

12 HARRY PAUL MARQUIS, CHTD

13
14 By:  _____
15 HARRY PAUL MARQUIS, ESQ.
16 Nevada Bar No: 1252
400 South Fourth Street, Suite 300
Las Vegas, Nevada 89101
17 Attorneys for Barnet Liberman, 305
Las Vegas, LLC and Casino Coolidge, LLC

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prejudice, each of the parties to pay its own costs and attorneys' fees herein incurred.

Scheduling Orders have been issued and trial is set to commence in August 2019, or at a date convenient to the Court thereafter.

DATED this 26th day of November, 2018.

DATED this 26th day of November, 2018

LAW OFFICES OF HAYES & WELSH

JOHN W. MUIJE & ASSOCIATES

By: Mitchell L. Welsh #5720
MEGAN K. MAYRY McHENRY, ESQ.
Nevada Bar No: 9119
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Attorney for Mitchell Defendants

By: John W. Muje
JOHN W. MUIJE, ESQ.
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1840 E. Sahara Avenue, Suite 106
Las Vegas, Nevada 89104
Attorney for Plaintiffs

DATED this ____ day of November, 2018

HARRY PAUL MARQUIS, CHTD

By: HARRY PAUL MARQUIS
HARRY PAUL MARQUIS, ESQ.
Nevada Bar No: 1252
400 South Fourth Street, Suite 300
Las Vegas, Nevada 89101
*Attorneys for Barnet Liberman, 305
Las Vegas, LLC and Casino Coolidge, LLC*

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ORDER

Pursuant to the above Stipulation for Dismissal without prejudice, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that **LIBERMAN HOLDINGS, LLC, ONLY** be and the same is hereby dismissed without prejudice, each of the parties to pay its own costs and attorneys' fees herein incurred.

DATED this 28 day of November, 2018.



DISTRICT COURT JUDGE

Submitted by:

JOHN W. MUIJE & ASSOCIATES

By: 

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Attorneys for Plaintiffs

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