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9 *Attorneys for Nanyah Vegas, LLC*

Electronically Filed  
May 14 2020 04:00 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

10  
11  
12 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

13 NANYAH VEGAS, LLC, A Nevada  
14 limited liability company,

15 Appellant,

16 v.

17 SIG ROGICH aka SIGMUND  
18 ROGICH as Trustee of The Rogich  
19 Family Irrevocable Trust; ELDORADO  
20 HILLS, LLC, a Nevada limited liability  
21 company; TELD, LLC, a Nevada  
22 limited liability company; PETER  
23 ELIADES, individually and as Trustee  
24 of the The Eliades Survivor Trust of  
25 10/30/08; and IMITATIONS, LLC, a  
26 Nevada limited liability company,

Respondents.

**Supreme Court No.: 81038**  
(District Court Case No. A686303)

**APPELLANT NANYAH VEGAS,  
LLC'S DOCKETING STATEMENT**

1     **1.     Judicial District:**

2             Eighth Judicial District Court; Department: XXVII; County: Clark; Judge:  
3  
4     Honorable District Judge Nancy Allf; District Court Case No. A16-746239-C  
5     consolidated with A-13-686303-C.

6     **2.     Attorney filing this docketing statement:**

7  
8             Nanyah Vegas, LLC (“Nanyah”) is represented by Mark G. Simons  
9     (Nevada Bar No. 5132) of Simons Hall Johnston PC, 6490 S. McCarran Blvd.,  
10    Ste. F46, Reno, Nevada 89509.

11  
12    **3.     Attorney(s) representing respondent(s):**

13            Eldorado Hills, LLC (“Eldorado Hills”); Teld, LLC (“Teld”); and Peter  
14    Eliades individually (“Eliades”), and as Trustee of The Eliades Survivor Trust of  
15    10/30/08 (“Eliades Trust”) are represented by Dennis L. Kennedy (Nevada Bar  
16    No. 1462) and Joseph A. Liebman (Nevada Bar No. 10125) of Bailey Kennedy  
17    LLP, 8984 Spanish Ridge Avenue, Las Vegas, Nevada 89148.

18  
19            Sigmund Rogich (“Rogich”), individually and as Trustee of the Rogich  
20    Family Irrevocable Trust (“Rogich Trust”) and Imitations, LLC (“Imitations”) are  
21    represented by Brenoch Wirthlin (Nevada Bar No. 10282), of Hutchison &  
22    Steffen, 10080 W. Alta Dr., Suite 200, Las Vegas, Nevada 89145.  
23  
24  
25  
26

1     **4. Nature of disposition:**

2             Award of attorney's fees and costs in favor of Defendants Teld and Eliades.

3  
4     **5. Does this appeal raise issues concerning Child Custody, Venue or**  
5     **Termination of parental rights?**

6             No.

7  
8     **6. Pending and prior proceedings in this court:**

- 9             • Case No. 66823, Nanyah v. Eldorado. Resulted in an Order of Reversal  
10             and Remand issued by this Court to correct the district court's erroneous  
11             application of a statute of limitations.
- 12  
13             • Case No. 67595, Huerta v. Rogich
- 14  
15             • Case No. 70492, Huerta v. Rogich
- 16  
17             • Case No. 70492-COA, Huerta v. Rogich
- 18  
19             • Case No. 79072, Nanyah v. 8<sup>th</sup> Jud. Dist. Ct. (Rogich Trust): Writ  
20             Petition granted by this Court, with the Writ proceedings subsequently  
21             mooted by final orders being entered by the district court necessitating  
22             this appeal.
- 23             • Case No. 79917, Nanyah v. Rogich, et al.: appeal currently pending  
24             before this Court.
- 25  
26

1     **7. Pending and prior proceedings in other courts:**

2             In Case No. 66823, Nanyah v. Eldorado, this Court entered its Order of  
3     Reversal and Remand correcting the district court's erroneous application of a  
4     statute of limitations. Subsequently, Case No. A16-746239-C was initiated and  
5     proceeded before the Honorable Judge Ronald Isreal until consolidation with the  
6     original action.  
7

8  
9     **8. Nature of the action:**

10            Nanyah invested \$1.5 million into Eldorado. In 2007, Eldorado received  
11     Nanyah's investment and failed to issue it a formal membership interest. In  
12     2008, the various Defendants executed a number of interrelated contracts  
13     transferring membership interests in Eldorado with all contracts expressly  
14     recognized and confirming Nanyah's \$1.5 million investment into Eldorado.  
15     Eldorado even amended its Operating Agreement to incorporate and confirm  
16     Nanyah's \$1.5 million investment and Nanyah's right to receive repayment of its  
17     investment and/or to receive a commensurate membership interest. Pursuant to  
18     the various agreements, the Rogich Trust agreed to act as Eldorado's surety to  
19     repay Nanyah its investment and/or to issue it a membership interest from the  
20     Rogich Trust's interest in Eldorado. In 2012, the Eliades Trust acquired the  
21     Rogich Trust's interest in Eldorado and agreed that it was taking ownership of  
22     the Rogich Trust's interest "subject to" Nanyah's membership interest rights.  
23  
24  
25  
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1 The district court embarked on a convoluted journey to dismiss all of  
2 Nanyah's claims employing a variety of erroneous legal decisions. The district  
3 court also refused to apply the clear and unambiguous terms of the various  
4 agreements. The district court eventually dismissed all of Nanyah's claims  
5 necessitating an appeal to correct and remedy the numerous deficiencies and  
6 errors committed by the district court (See Docket No. 79917).  
7

8  
9 The district court subsequently entered its erroneous order granting  
10 attorney's fees and costs in favor of Eliades and Teld and against Nanyah  
11 necessitating this appeal.  
12

13 **9. Issues on appeal:**

14 Did the district court err in awarding attorney's fees in favor of Eliades and  
15 Teld?  
16

17 **10. Pending proceedings in this court raising the same or similar issues:**

18 N/A.  
19

20 **11. Constitutional issues:**

21 N/A.  
22

23 **12. Other issues:**

24 N/A.  
25

26 **13. Assignment to the Court of Appeals or retention in the Supreme Court:**

This case does not fall within any of the categories of cases presumptively

1 assigned to the Supreme Court or Court of Appeals under NRAP 17. In addition,  
2 this appeal raises a number of issues of first impression for this Court to address  
3 and resolve regarding an award of attorney's fees in the third-party beneficiary  
4 context.  
5

6 **14. Trial:**

7  
8 N/A.

9 **15. Judicial Disqualification:**

10  
11 N/A.

12 **16. Date of entry of written judgment or order appealed from:**

13 1. 3/16/2020 Order Granting Defendants Peter Eliades and Teld, LLC's  
14 Motion for Attorney's Fees and Setting Supplemental Briefing on  
15 Apportionment.  
16

17 **17. Date written notice of entry of judgment or order was served:**

18 Notice of Entry of Order Granting Defendants Peter Eliades and Teld,  
19 LLC's Motion for Attorney's Fees and Setting Supplemental Briefing on  
20 Apportionment was entered March 16, 2020.  
21

22 **18. If the time for filing the notice of appeal was tolled by a post-judgment**  
23 **motion (NRCP 50(b), 52(b), or 59):**  
24

25 N/A.

26 ///

1     **19. Date notice of appeal filed:**

2             Nanyah's Notice of Appeal was timely filed on April 14, 2020.

3  
4     **20. Specify statute or rule governing the time limit for filing the notice of**  
5     **appeal, e.g., NRAP 4(a) or other:**

6             NRAP 4(a)(1).

7  
8     **21. Specify the statute or other authority granting this court jurisdiction to**  
9     **review the judgment or order appealed from:**

10            NRAP 3(A)(b)(8); Campos-Garcia v. Johnston, 130 Nev. 610, 612, 331  
11     P.2d 890, 891 (2014) ("order awarding attorney fees and costs was independently  
12     appealable as a special order after final judgment. . .").

13  
14     **22. List all parties involved in the action or consolidated actions in the**  
15     **district court:**

16  
17            **(a) Parties:**

18                1. Case No. A-13-686303-C

- 19  
20                    ▪ Plaintiffs: Carlos Huerta, individually and as Trustee of  
21                    The Alexander Christopher Trust, a Trust established in  
22                    Nevada as assignee of interest of Go Global, Inc., a Nevada  
23                    corporation; Nanyah Vegas, LLC, a Nevada limited liability  
24                    company.  
25  
26

- Defendants: Sig Rogich aka Sigmund Rogich as Trustee of the Rogich Family Irrevocable Trust; Eldorado Hills, LLC, a Nevada limited liability company.

2. Case No. A-16-746239-C

- Plaintiffs: Nanyah Vegas, LLC, a Nevada limited liability company.
- Defendants: 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.

**(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal:** Carlos Huerta and the Alexander Christopher Trust (“Huerta”) already appealed the dismissal of all their claims against Rogich and the Rogich Trust in Case No. 67595.<sup>1</sup> It was a final judgment because the District Court had also dismissed Nanyah’s unjust enrichment claim against Eldorado Hills at that time (which was

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<sup>1</sup> Case No. 70492-COA also addressed (and affirmed) the dismissal of Huerta’s claims against Rogich and the Rogich Trust.



1 later reversed and remanded in Case No. 66823). Huerta's appeal was ultimately  
2 dismissed due to an untimely notice of appeal.  
3

4 All parties in the district court are subject to the primary underlying appeal  
5 in Docket No. 79917. This appeal only addresses a post-judgment award of  
6 attorney's fees in favor of Eliades and Teld.  
7

8 **23. Give a brief description (3 to 5 words) of each party's separate claims,**  
9 **counterclaims, cross-claims, or third-party claims and the date of formal**  
10 **disposition of each claim.**  
11

12 A. Case No. A-13-686303-C

- 13 ○ Fourth Claim for Relief – Unjust Enrichment; and additional  
14 claims for implied in fact contract and third-party beneficiary  
15 status – Nanyah against Eldorado Hills – October 4, 2019,  
16 Decision.  
17

18 B. Case No. A-16-746239-C

- 19 ○ First Claim for Relief – Breach of Contract – Nanyah against the  
20 Rogich Trust, Rogich, Teld and Eliades.  
21
  - 22 ■ Dismissed against Teld and Eliades via the October 5,  
23 2018, summary judgment order;  
24
  - 25 ■ Dismissed against the Rogich Trust via the April 30,  
26 2018, Order;

- 1                   ▪ Dismissed against Rogich via the October 4, 2019,  
2                   Decision.  
3
- 4           ○ Second Claim for Relief – Contractual Breach of the Implied  
5           Covenant of Good Faith and Fair Dealing – Nanyah against the  
6           Rogich Trust, Rogich, Teld and Eliades.  
7
- 8                   ▪ Dismissed against Teld and Eliades via the October 5,  
9                   2018, summary judgment Order;  
10
- 11                   ▪ Dismissed against the Rogich Trust via the April 30,  
12                   2019, Order;  
13
- 14                   ▪ Dismissed against Rogich via the October 4, 2019  
15                   Decision.  
16
- 17           ○ Third Claim for Relief – Tortious Breach of the Implied  
18           Covenant of Good Faith and Fair Dealing – Nanyah against  
19           Rogich Trust, Rogich, Teld, and Eliades.  
20
- 21                   ▪ Dismissed against Teld and Eliades via the October 5,  
22                   2018, summary judgment order;  
23
- 24                   ▪ Dismissed against the Rogich Trust via the April 30,  
25                   2019, Order;  
26
- Dismissed against Rogich via the October 4, 2019,  
                  Decision.

- Fourth Claim for relief – withdrawn.
- Fifth Claim for Relief – Constructive Trust - Nanyah against the Eliades Trust.
  - Dismissed via the May 22, 2018, Order.
- Sixth Claim for Relief – Conspiracy – Nanyah against the Rogich Trust, Rogich, Imitations, Teld, Eliades and the Eliades Trust.
  - Dismissed against Teld, Eliades and the Eliades Trust via the October 5, 2018 Order;
  - Dismissed against the Rogich Trust via the April 30, 2019 Order;
  - Dismissed against Rogich and Imitations via the October 4, 2019, Decision.
- Seventh Claim for Relief – Fraudulent Transfer – Nanyah against the Rogich Trust and the Eliades Trust.
  - Dismissed via the May 22, 2018, Order Granting Partial Summary Judgment.
- Eighth Claim for Relief – Declaratory Relief – Nanyah against Rogich, the Rogich Trust, Imitations, Teld, Eliades and the Eliades Trust.

- Dismissed against Teld, Eliades and the Eliades Trust via the October 5, 2018, summary judgment Order;
- Dismissed, effective as of April 16, 2019, against Rogich, Rogich Trust and Imitations via Order dated April 22, 2020.

○ Ninth Claim for Relief – Specific Performance – Nanyah against Rogich, the Rogich Trust, Imitations, Teld, Eliades and the Eliades Trust.

- Dismissed against Teld, Eliades and the Eliades Trust via the October 5, 2018, summary judgment order;
- Dismissed, effective as of April 16, 2019, against Rogich, Rogich Trust and Imitations via Order dated April 22, 2020.

**24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

Yes, in appeal Docket No. 79917. This appeal addresses only the post-judgment award of attorney's fees in favor of Eliades and Teld.

**25. If you answered "No" to question 24, complete the following:**

N/A.

1 26. If you answered “no” to any part of question 25, explain the basis for  
2 seeking appellate review (e.g., order is independently appealable under  
3 NRAP 3A(b)):  
4

5 N/A.

6 27. File-stamped copies of the following documents are included in the  
7 primary appeal Docket No. 79917:  
8

9 Exhibit 1: Amended Complaint in Case No. A-13-686303-C;

10 Exhibit 2: Complaint in Case No. A-16-746239-C;

11 Exhibit 3: 5/22/18 Order Partially Granting Summary Judgment;

12 Exhibit 4: 5/22/18 Order Denying Countermotion for Summary Judgment  
13 and Denying NRCP 56(F) Relief;  
14

15 Exhibit 5: 5/22/18 Notice of Entry of Orders;

16 Exhibit 6: 8/10/18 Order Denying Nanyah Vegas, LLC’s Motion for  
17 Reconsideration (of 5/22/18 Order);  
18

19 Exhibit 7: 8/13/18 Notice of Entry of Order;

20 Exhibit 8: 10/5/18 Order: (1) Granting Defendants Peter Eliades,  
21 Individually and as Trustee of The Eliades Survivor Trust of 10/30/08, and Teld,  
22 LLC’s Motion for Summary Judgment; and (2) Denying Nanyah Vegas, LLC’s  
23 Counter-motion for Summary Judgment;  
24  
25

26 Exhibit 9: 10/8/18 Notice of Entry of Order;

1       **Exhibit 10:** 4/10/19 Order Denying Nanyah Vegas, LLC's Motion in  
2       Limine #5: Parol Evidence Rule;

3  
4       **Exhibit 11:** 4/10/19 Notice of Entry of Order;

5       **Exhibit 12:** 5/1/19 Order Denying Nanyah Vegas, LLC's Motion to  
6       Reconsider Order on Motion in Limine #5 re: Parol Evidence Rule;

7  
8       **Exhibit 13:** 5/1/19 Notice of Entry of Order;

9       **Exhibit 14:** 4/17/19 Order Denying Nanyah Vegas, LLC's Motion in  
10       Limine #6 re: Date of Discovery;

11  
12       **Exhibit 15:** 4/17/19 Notice of Entry of Order;

13       **Exhibit 16:** 5/1/19 Order Denying Plaintiff Nanyah Vegas, LLC's Motion  
14       to Settle Jury Instructions;

15  
16       **Exhibit 17:** 5/1/19 Notice of Entry of Order;

17       **Exhibit 18:** 5/29/19 Order Denying Nanyah Vegas, LLC's Motion for  
18       NRCF 15 Relief;

19  
20       **Exhibit 19:** 6/24/19 Notice of Entry of Order;

21       **Exhibit 20:** 5/29/19 Order Regarding Plaintiff's Emergency Motion to  
22       Address Defendant The Rogich Family Irrevocable Trust's NRS 163.120 Notice  
23       and/or Motion to Continue Trial for Purposes of NRS 163.120;

24  
25       **Exhibit 21:** 6/24/19 Notice of Entry of Order;

26       **Exhibit 22:** 4/30/19 Order (Dismissal of Rogich Trust);

1       **Exhibit 23:** 4/30/19 Notice of Entry of Order;

2       **Exhibit 24:** 10/4/19 Decision and Order; and

3       **Exhibit 25:** 10/4/19 Notice of Entry of Order.

4  
5   28.   **File-stamped copies of the following documents relating to this appeal**  
6   **are attached hereto:**

7  
8       **Exhibit 26:** 3/16/2020 Order Granting Defendants Peter Eliades and Teld,  
9   LLC's Motion for Attorney's Fees and Setting Supplemental Briefing on  
10   Apportionment;

11  
12       **Exhibit 27:** 3/16/2020 Notice of Entry of Order.

13                                   **VERIFICATION**

14       I declare under penalty of perjury that I have read this docketing statement,  
15   that the information provided in this docketing statement is true and complete to  
16   the best of my knowledge, information and belief, and that I have attached all  
17   required documents to this docketing statement.

18  
19       Dated this 14<sup>th</sup> day of May, 2020.

20  
21                                   SIMONS HALL JOHNSTON PC  
22                                   6490 S. McCarran Blvd., #F-46  
23                                   Reno, Nevada, 89509

24  
25                                     
26                                   MARK G. SIMONS

                                  Attorney for Appellant Nanyah Vegas, LLC

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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 **APPELLANT NANYAH VEGAS, LLC'S DOCKETING STATEMENT** on all parties to this action by the method(s) indicated below:

☒ 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 14 day of May, 2020.

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



**EXHIBIT 1**

<b>NO.</b>	<b>DESCRIPTION</b>	<b>PAGES</b>
26	3/16/2020 Order Granting Defendants Peter Eliades and Teld, LLC's Motion for Attorney's Fees and Setting Supplemental Briefing on Apportionment	4
27	3/16/2020 Notice of Entry of Order	7

**EXHIBIT 26**

**EXHIBIT 26**



1 **ORDR (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 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

**ORDER GRANTING DEFENDANTS  
PETER ELIADES AND TELD, LLC'S  
MOTION FOR ATTORNEY'S FEES  
AND SETTING SUPPLEMENTAL  
BRIEFING ON APPORTIONMENT**

**CONSOLIDATED WITH:**

Case No. A-16-746239-C

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

Defendants Peter Eliades and Teld, LLC's Motion for Attorney's Fees (the "Motion for Attorney's Fees") came before the Court on January 30, 2020.

### APPEARANCES

The Parties appeared as follows:

- For Peter Eliades, individually ("Eliades") and as Trustee of The Eliades Survivor Trust of 10/30/08 (the "Eliades Trust"), Teld, LLC ("Teld") and Eldorado Hills, LLC ("Eldorado Hills"); Joseph Liebman, Esq. of Bailey ♦ Kennedy, LLP.
- For Sig Rogich, individually ("Rogich") and as Trustee of the Rogich Family Irrevocable Trust (the "Rogich Trust"), and Imitations, LLC (collectively, the "Rogich Defendants"); Brenoch Wirthlin, Esq. of Kolesar & Leatham.
- For Nanyah Vegas, LLC ("Nanyah"); Mark G. Simons, Esq. of Simons Hall Johnson PC.

### ORDER

The Court, having heard oral argument, having reviewed the papers, exhibits, and pleadings on file, and having considered the same, and for the reasons stated upon the record, GRANTS the Motion for Attorney's Fees for the following reasons.

- Section 9(d) of the Membership Interest Purchase Agreement (the "MIPA") contains the following prevailing party attorney's fees provision.

In the event that any action or proceeding is instituted to interpret or enforce the terms and provisions of this Agreement, however, the prevailing party shall be entitled to its costs and attorney's fees, in addition to any other relief it may obtain or be entitled to.

- Eliades and Teld are both parties to the MIPA.
- Nanyah sued both Eliades and Teld for alleged breaches of the MIPA. In doing so, Nanyah alleged that it was an intended third-party beneficiary under the MIPA.
- The Court finds that Nanyah was an intended third-party beneficiary under the MIPA. Thus, Nanyah is bound by Section 9(d) of the MIPA. *Canfora v. Coast Hotels and Casinos, Inc.* 121 Nev. 771, 779, 121 P.3d 599, 604 (2005).
- The Court also finds that Eliades and Teld are the prevailing parties against Nanyah under Section 9(d) of the MIPA, as this Court previously entered summary judgment in their favor

1 and dismissed all of Nanyah's claims against them. Thus, Eliades and Teld are entitled to  
2 reimbursement of their reasonable attorney's fees from Nanyah.

- 3 ➤ "Generally, in calculating attorney's fees, the court should consider the qualities of the  
4 advocate, the character of the work to be done, the work actually performed by the lawyer,  
5 and the result." *Hornwood v. Smith's Food King No. 1*, 107 Nev. 80, 87, 807 P.2d 208, 213  
6 (1991) (citing to *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33  
7 (1969)).
- 8 ➤ The Court further finds that Eliades and Teld have fulfilled the *Brunzell* factors above.  
9 Specifically, the Court finds that Eliades and Teld's counsel are qualified advocates, that the  
10 character of their work and the work performed were reasonable and justified, and that the  
11 result they obtained for Eliades and Teld—entry of summary judgment—was successful.
- 12 ➤ The Court also finds that Eliades and Teld's counsel's hourly rates are reasonable in this  
13 community for complex commercial litigation and allowed by courts in Nevada for  
14 professional services rendered in complex commercial litigation.
- 15 ➤ If the Court ultimately determines that apportionment is impracticable because the claims and  
16 parties are interrelated, the Court has the discretion to decline apportionment. *Mayfield v.*  
17 *Koroghli*, 124 Nev. 343, 353-54, 184 P.3d 362, 369, (2008). However, the Court is first  
18 required to make a good faith effort to apportion attorney's fees, considering that  
19 Bailey ♦ Kennedy also represented Eldorado Hills and the Eliades Trust (two non-parties to  
20 the MIPA) in this consolidated action.
- 21 ➤ Accordingly, the Court orders that Eliades and Teld submit supplemental briefing in the form  
22 of an affidavit or declaration from their counsel, showing how their request for \$216,236.25  
23 was apportioned between Eliades, Teld, the Eliades Trust, and Eldorado Hills, and to what  
24 extent Eliades and Teld claim that apportionment is impracticable due to the interrelationship  
25 between the claims and parties. Eliades and Teld's supplemental affidavit/declaration is due  
26 on February 21, 2020.
- 27 ➤ Nanyah will have an opportunity to respond to Eliades and Teld's supplemental  
28 affidavit/declaration, and its response shall be due on March 20, 2020.

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

1 > The Court will thereafter issue a final decision on the amount of attorney's fees to which  
2 Eliades and Teld are entitled under Section 9(d) of the MIPA.  
3

4 DATED this 10 day of March, 2020.  
5

6 Nancy L. Ayres  
7 DISTRICT COURT JUDGE  
FD

8 Submitted by:

9 BAILEY ♦ KENNEDY

10 By [Signature]  
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12 Joseph Liebman, Esq.  
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16 *THE ELIADES SURVIVOR TRUST OF*  
17 *10/30/08, TELD, LLC and ELDORADO*  
18 *HILLS, LLC*  
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**EXHIBIT 27**

**EXHIBIT 27**



1 **NEOJ (CIV)**

2 DENNIS L. KENNEDY  
3 Nevada Bar No. 1462

4 JOSEPH A. LIEBMAN  
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14 PETE ELIADES, THE ELIADES SURVIVOR  
15 TRUST OF 10/30/08, TELD, LLC and  
16 ELDORADO HILLS, LLC

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

**NOTICE OF ENTRY OF ORDER  
GRANTING DEFENDANTS PETER  
ELIADES AND TELD, LLC'S MOTION  
FOR ATTORNEY'S FEES AND  
SETTING SUPPLEMENTAL BRIEFING  
ON APPORTIONMENT**

**CONSOLIDATED WITH:**

Case No. A-16-746239-C



1 PLEASE TAKE NOTICE that an Order Granting Defendants Peter Eliades and Teld, LLC's  
2 Motion for Attorney's Fees and Setting Supplemental Briefing on Apportionment was entered in the  
3 above-captioned action on March 16, 2020; a true and correct copy of which is attached hereto.

4 DATED this 16th day of March, 2020.

5 BAILEY ♦ KENNEDY

6  
7 By: /s/ Joseph A. Liebman

8 DENNIS L. KENNEDY

9 JOSEPH A. LIEBMAN

10 *Attorneys for Defendant*

11 PETE ELIADES, THE ELIADES

12 SURVIVOR TRUST OF 10/30/08, TELD,  
13 LLC and ELDORADO HILLS, LLC  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 16th day of March, 2020, service of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS PETER ELIADES AND TELD, LLC'S MOTION FOR ATTORNEY'S FEES AND SETTING SUPPLEMENTAL BRIEFING ON APPORTIONMENT** 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:

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IMITATIONS, LLC**

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/s/ Stephanie M. Kishi  
Employee of BAILEY ♦ KENNEDY



1 **ORDR (CIV)**

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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

**ORDER GRANTING DEFENDANTS  
PETER ELIADES AND TELD, LLC'S  
MOTION FOR ATTORNEY'S FEES  
AND SETTING SUPPLEMENTAL  
BRIEFING ON APPORTIONMENT**

**CONSOLIDATED WITH:**

Case No. A-16-746239-C

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

1 Defendants Peter Eliades and Teld, LLC's Motion for Attorney's Fees (the "Motion for  
2 Attorney's Fees") came before the Court on January 30, 2020.

3 APPEARANCES

4 The Parties appeared as follows:

- 5 ➤ For Peter Eliades, individually ("Eliades") and as Trustee of The Eliades Survivor Trust of  
6 10/30/08 (the "Eliades Trust"), Teld, LLC ("Teld") and Eldorado Hills, LLC ("Eldorado  
7 Hills"): Joseph Liebman, Esq. of Bailey ♦ Kennedy, LLP.  
8 ➤ For Sig Rogich, individually ("Rogich") and as Trustee of the Rogich Family Irrevocable  
9 Trust (the "Rogich Trust"), and Imitations, LLC (collectively, the "Rogich Defendants"):  
10 Brenoch Wirthlin, Esq. of Kolesar & Leatham.  
11 ➤ For Nanyah Vegas, LLC ("Nanyah"): Mark G. Simons, Esq. of Simons Hall Johnson PC.

12 ORDER

13 The Court, having heard oral argument, having reviewed the papers, exhibits, and pleadings  
14 on file, and having considered the same, and for the reasons stated upon the record, GRANTS the  
15 Motion for Attorney's Fees for the following reasons.

- 16 ➤ Section 9(d) of the Membership Interest Purchase Agreement (the "MIPA") contains the  
17 following prevailing party attorney's fees provision.

18 In the event that any action or proceeding is instituted to interpret or  
19 enforce the terms and provisions of this Agreement, however, the  
20 prevailing party shall be entitled to its costs and attorney's fees, in  
addition to any other relief it may obtain or be entitled to.

- 21 ➤ Eliades and Teld are both parties to the MIPA.  
22 ➤ Nanyah sued both Eliades and Teld for alleged breaches of the MIPA. In doing so, Nanyah  
23 alleged that it was an intended third-party beneficiary under the MIPA.  
24 ➤ The Court finds that Nanyah was an intended third-party beneficiary under the MIPA. Thus,  
25 Nanyah is bound by Section 9(d) of the MIPA. *Canfora v. Coast Hotels and Casinos, Inc.*  
26 121 Nev. 771, 779, 121 P.3d 599, 604 (2005).  
27 ➤ The Court also finds that Eliades and Teld are the prevailing parties against Nanyah under  
28 Section 9(d) of the MIPA, as this Court previously entered summary judgment in their favor

1 and dismissed all of Nanyah's claims against them. Thus, Eliades and Teld are entitled to  
2 reimbursement of their reasonable attorney's fees from Nanyah.

3 ➤ "Generally, in calculating attorney's fees, the court should consider the qualities of the  
4 advocate, the character of the work to be done, the work actually performed by the lawyer,  
5 and the result." *Hornwood v. Smith's Food King No. 1*, 107 Nev. 80, 87, 807 P.2d 208, 213  
6 (1991) (citing to *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33  
7 (1969)).

8 ➤ The Court further finds that Eliades and Teld have fulfilled the *Brunzell* factors above.  
9 Specifically, the Court finds that Eliades and Teld's counsel are qualified advocates, that the  
10 character of their work and the work performed were reasonable and justified, and that the  
11 result they obtained for Eliades and Teld—entry of summary judgment—was successful.

12 ➤ The Court also finds that Eliades and Teld's counsel's hourly rates are reasonable in this  
13 community for complex commercial litigation and allowed by courts in Nevada for  
14 professional services rendered in complex commercial litigation.

15 ➤ If the Court ultimately determines that apportionment is impracticable because the claims and  
16 parties are interrelated, the Court has the discretion to decline apportionment. *Mayfield v.*  
17 *Koroghli*, 124 Nev. 343, 353-54, 184 P.3d 362, 369, (2008). However, the Court is first  
18 required to make a good faith effort to apportion attorney's fees, considering that  
19 Bailey ♦ Kennedy also represented Eldorado Hills and the Eliades Trust (two non-parties to  
20 the MIPA) in this consolidated action.

21 ➤ Accordingly, the Court orders that Eliades and Teld submit supplemental briefing in the form  
22 of an affidavit or declaration from their counsel, showing how their request for \$216,236.25  
23 was apportioned between Eliades, Teld, the Eliades Trust, and Eldorado Hills, and to what  
24 extent Eliades and Teld claim that apportionment is impracticable due to the interrelationship  
25 between the claims and parties. Eliades and Teld's supplemental affidavit/declaration is due  
26 on February 21, 2020.

27 ➤ Nanyah will have an opportunity to respond to Eliades and Teld's supplemental  
28 affidavit/declaration, and its response shall be due on March 20, 2020.

