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Elizabeth A. Brown
Clerk of Supreme Court

**NOAS
ROTHNER, SEGALL & GREENSTONE**

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Attorneys for Service Employees International Union
and Mary Kay Henry
*Also attorneys for Nevada Service Employees Union

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

SERVICE EMPLOYEES INTERNATIONAL
UNION, a nonprofit cooperative corporation;
LUISA BLUE, in her official capacity as
Trustee of Local 1107; MARTIN MANTECA,
in his official capacity as Deputy Trustee of
Local 1107; MARY K. HENRY, in her official
capacity as Union President; SHARON
KISLING, individually; CLARK COUNTY
PUBLIC EMPLOYEES ASSOCIATION
UNION aka SEIU 1107, a non-profit
cooperative corporation; DOES 1-20; and ROE
CORPORATIONS 1-20, inclusive,

Defendants.

Case No.: A-17-764942-C

Dept. 26

NOTICE OF APPEAL

1 Defendants Service Employees International Union (“SEIU”) and Nevada Service
2 Employees Union, Local 1107 (“Local 1107”) hereby jointly appeal to the Nevada Supreme
3 Court from the District Court’s order, entered on April 10, 2020, denying SEIU’s and Local
4 1107’s motions for attorneys’ fees.

5
6 DATED: May 11, 2020

ROTHNER, SEGALL & GREENSTONE

7 CHRISTENSEN JAMES & MARTIN

8
9 By /s/ Jonathan Cohen
JONATHAN COHEN

10 Attorneys for Service Employees International
11 Union and Mary Kay Henry

12 By /s/ Evan L. James
Evan L. James

13 Attorneys for Service Employees International
14 Union and Mary Kay Henry and Nevada Service
15 Employees Union
16
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CERTIFICATE OF SERVICE

I am an employee of Christensen James & Martin and caused a true and correct copy of the foregoing document to be served in the following manner on the date it was filed with the Court:

✓ ELECTRONIC SERVICE: Pursuant to Rule 8.05 of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada, the document was electronically served on all parties registered in the case through the E-Filing System.

Michael Macavoyamaya: mmcavoyamayalaw@gmail.com

Jonathan Cohen: jcohen@rsglabor.com

Glenn Rothner: grothner@rsglabor.com

Evan L. James elj@cjmlv.com

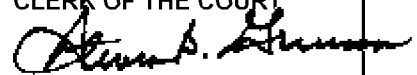
___ UNITED STATES MAIL: By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed as follows:

___ FACSIMILE: By sending the above-referenced document via facsimile as follows:

___ EMAIL: By sending the above-referenced document to the following:

CHRISTENSEN JAMES & MARTIN

By: /s/ Natalie Saville
Natalie Saville



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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

DANA GENTRY, an individual; and
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vs.

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UNION, a nonprofit cooperative corporation;
LUISA BLUE, in her official capacity as
Trustee of Local 1107; MARTIN MANTECA,
in his official capacity as Deputy Trustee of
Local 1107; MARY K. HENRY, in her official
capacity as Union President; SHARON
KISLING, individually; CLARK COUNTY
PUBLIC EMPLOYEES ASSOCIATION
UNION aka SEIU 1107, a non-profit
cooperative corporation; DOES 1-20; and ROE
CORPORATIONS 1-20, inclusive,

Defendants.

Case No.: A-17-764942-C

Dept. 26

**JOINT CASE APPEAL STATEMENT
OF SERVICE EMPLOYEES
INTERNATIONAL UNION AND THE
NEVADA SERVICE EMPLOYEES
UNION**

1 Service Employees International Union (“SEIU”) and the Nevada Service Employees
2 Union (“Local 1107”) hereby file a joint case appeal statement pursuant to Nevada Rule of
3 Appellate Procedure 3(f).

4
5 1. District Court case number and caption showing the names of all parties to the
6 proceedings below.

7
8 See above.

9
10 2. The name of the judge who entered the order or judgment being appealed.

11
12 The Honorable Judge Gloria J. Sturman, Eighth Judicial District Court, Clark County,
13 Department XXVI

14
15 3. The name of each appellant and the name and address of counsel for each appellant.

16
17 Appellant is Service Employees International Union. It is represented by:

18 Glenn Rothner (<i>Pro hac vice</i>)	Evan James (7760)
Jonathan Cohen (10551)	Christensen James & Martin
19 Maria Keegan Myers (12049)	7440 West Sahara Avenue
Rothner, Segall & Greenstone	Las Vegas, Nevada 89117
20 510 South Marengo Avenue	
21 Pasadena, California 91101-3115	

22 Appellant is Nevada Service Employees Union. It is represented by:

23 Evan James (7760)
24 Christensen James & Martin
25 7440 West Sahara Avenue
Las Vegas, Nevada 89117

26
27 4. The name of each respondent and the name and address of counsel for each respondent.

28 Respondents are Dana Gentry and Robert Clarke. They are represented by:

1 Michael J. Mcavoyamaya (14082)
2 4539 Paseo Del Ray
3 Las Vegas, NV 89121

- 4 5. Whether an attorney identified in response to subparagraph (D) is not licensed to practice
5 law in Nevada, and if so, whether the district court granted that attorney permission to
6 appear under SCR 42, including a copy of any order granting that permission.

7
8 The only attorney in this action who is permitted to practice pursuant to SCR 42 is Glenn
9 Rothner, counsel for appellant. A copy of the order granting him permission to practice
10 is attached hereto as Exhibit 1.

- 11
12 6. Whether the appellant was represented by appointed counsel in the district court, and
13 whether the appellant is represented by appointed counsel on appeal.

14
15 N/A.

- 16
17 7. Whether the district court granted the appellant leave to proceed in forma pauperis, and if
18 so, the date of the district court's order granting that leave.

19
20 N/A.

- 21
22 8. The date that the proceedings commenced in the district court.

23
24 November 20, 2017

- 25
26 9. A brief description of the nature of the action and result in the district court, including the
27 type of judgment or order being appealed and the relief granted by the district court.

1 Plaintiffs Dana Gentry and Robert Clarke were formerly employed by Local 1107.
2 Following their terminations, they filed a wrongful termination action against Local
3 1107, Luisa Blue, Martin Manteca, SEIU, and Mary Kay Henry, alleging causes of action
4 for breach of contract and related torts. The district court granted defendants summary
5 judgment, and that order was entered on January 3, 2020. Clarke has filed an appeal
6 from that order. *See* Supreme Court Case No. 80520. That appeal remains pending.

7
8 In this appeal, appellants SEIU and Local 1107 appeal from the district court's order
9 denying their motions for attorneys' fees, entered on April 10, 2020. SEIU and Local
10 1107 sought attorneys' fees pursuant to Nevada Rule of Civil Procedure 68, because they
11 made a settlement offer to Gentry and Clarke pursuant to Rule 68, but Gentry and Clarke
12 did not recover a more favorable judgment. The district court denied the motions for
13 attorneys' fees, finding that it was not grossly unreasonable for Gentry and Clarke to
14 reject the offer.

- 15
16 10. Whether the case has previously been the subject of an appeal to or original writ
17 proceeding in the Supreme Court or Court of Appeals and, if so, the caption and docket
18 number of the prior proceeding.

19
20 As noted above, Clarke appealed from the district court's order granting summary
21 judgment to defendants. That appeal is captioned *Robert Clarke, an individual,*
22 *Appellant vs. Service Employees International Union, an unincorporated association;*
23 *and Nevada Service Employees Union, a/k/a Clark County Public Employees*
24 *Association, SEIU 1107, a non-profit cooperative corporation, Respondents*, Case No.
25 80520.

- 26
27 11. Whether the appeal involves child custody or visitation.

1 N/A.

2
3 12. In civil cases, whether the appeal involves the possibility of settlement.

4
5 On February 13, 2020, the Court issued a Notice of Referral to Settlement Program in
6 Case Number 80520. On February 28, 2020, the Court issued a Notice of Assignment to
7 NRAP 16 Settlement Program. That matter is currently assigned to the Honorable Judge
8 Stephen E. Haberfeld. However, respondents in that case have informed Judge Haberfeld
9 that they do not believe that the appeal in Case Number 80520 will settle. On Friday,
10 May 8, 2020, the parties held a conference call with Judge Haberfeld in which he
11 informed the parties of an intent to file a report and recommendation with the Supreme
12 Court that continued participation in the settlement program appeared futile.

13
14 Likewise, neither SEIU nor Local 1107 believe that the instant appeal will settle. Thus,
15 they request that this appeal not be assigned to the Court's settlement program.
16

17 DATED: May 11, 2020

ROTHNER, SEGALL & GREENSTONE

18 CHRISTENSEN JAMES & MARTIN

19
20 By /s/ Jonathan Cohen
JONATHAN COHEN

21 Attorneys for Service Employees International
22 Union and Mary Kay Henry

23 By /s/ Evan L. James
Evan L. James

24 Attorneys for Service Employees International
25 Union and Mary Kay Henry and Nevada Service
26 Employees Union
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Michael Macavoyamaya: mmcavoyamayalaw@gmail.com

Jonathan Cohen: jcohen@rsglabor.com

Glenn Rothner: grothner@rsglabor.com

Evan L. James elj@cjmlv.com

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___ EMAIL: By sending the above-referenced document to the following:

CHRISTENSEN JAMES & MARTIN

By: /s/ Natalie Saville
Natalie Saville

EXHIBIT

1

Glenn Rothner
Pro Hac Vice



1 **ORAP**

2 **ROTHNER, SEGALL & GREENSTONE**

3 **GLENN ROTHNER** (*pro hac vice – to be filed*)

4 **JONATHAN COHEN** (NSB 10551)

5 510 South Marengo Avenue

6 Pasadena, California 91101-3115

7 Telephone: (626) 796-7555

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9 Email: grothner@rsglabor.com, jcohen@rsglabor.com

10 **CHRISTENSEN JAMES & MARTIN**

11 **EVAN L. JAMES, ESQ.** (7760)

12 7440 W. Sahara Avenue

13 Las Vegas, Nevada 89117

14 Telephone: (702) 255-1718

15 Facsimile: (702) 255-0871

16 Email: elj@cjmlv.com,

17 *Attorneys for Service Employees International Union*

18 *and Mary K. Henry*

19 **EIGHTH JUDICIAL DISTRICT COURT**

20 **CLARK COUNTY, NEVADA**

21 **DANA GENTRY**, an individual; and
22 **ROBERT CLARKE**, an individual,

23 **Plaintiffs,**

24 **vs.**

CASE NO.: A-17-764942-C

DEPT. No. XXVI

25 **SERVICE EMPLOYEES**

26 **INTERNATIONAL UNION**, a nonprofit
27 cooperative corporation; **LUISA BLUE**, in
28 her official capacity as Trustee of Local 1107;
MARTIN MANTECA, in his official capacity
as Deputy Trustee of Local 1107; **MARY K.**
HENRY, in her official capacity as Union
President; **SHARON KISLING**, individually;
CLARK COUNTY PUBLIC EMPLOYEES
ASSOCIATION UNION aka SEIU 1107, a
non-profit cooperative corporation; **DOES 1-**
20; and **ROE CORPORATIONS 1-20**,
inclusive,

Defendants.

ORDER ADMITTING TO PRACTICE

29 Having considered the Motion to Associate Counsel under Nevada Supreme Court Rule
30 42, the Verified Application for Association of Counsel, the Certificate of Good Standing for the
31 State of California, and the State Bar of Nevada Statement; said motion and application having
32 been noticed, and the Court being fully apprised in the premises, and good cause appearing, it is
33 hereby

ORDERED, that said application is granted, and Glenn Rothner, is hereby admitted to practice in the above-entitled Court for the purposes of the above-entitled matter only.

Dated this 25 day of July 2019.

Nancy L. Allen
DISTRICT COURT JUDGE

Submitted by:
CHRISTENSEN JAMES & MARTIN

By: /s/ Evan L. James
Evan L. James
Nevada bar No. 07760
7440 W. Sahara Avenue
Las Vegas, NV 89117

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-17-764942-C

Robert Clarke, Plaintiff(s)

vs.

Service Employees International Union, Defendant(s)

§
§
§
§
§
§

Location: **Department 26**

Judicial Officer: **Sturman, Gloria**

Filed on: **11/20/2017**

Cross-Reference Case **A764942**

Number:

Supreme Court No.: **80520**

CASE INFORMATION

Statistical Closures

01/03/2020 Motion to Dismiss by the Defendant(s)

Case Type: **Employment Tort**

Case Status: **01/03/2020 Dismissed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-17-764942-C
Court Department 26
Date Assigned 11/20/2017
Judicial Officer Sturman, Gloria

PARTY INFORMATION

Plaintiff	Clarke, Robert	<i>Lead Attorneys</i> Mcavoyamaya, Michael J. <i>Retained</i> 702-299-5083(W)
	Gentry, Dana	Mcavoyamaya, Michael J. <i>Retained</i> 702-299-5083(W)
Defendant	Blue, Luisa	James, Evan L. <i>Retained</i> 702-255-1718(W)
	Clark County Public Employees Association	James, Evan L. <i>Retained</i> 702-255-1718(W)
	Henry, Mary K	James, Evan L. <i>Retained</i> 702-255-1718(W)
	Kisling, Sharon	
	Manteca, Martin	James, Evan L. <i>Retained</i> 702-255-1718(W)
	Nevada Service Employees Union	James, Evan L. <i>Retained</i> 702-255-1718(W)
	Service Employees International Union	James, Evan L. <i>Retained</i> 702-255-1718(W)
Arbitrator	Buttell, Alan J.	
Trustee	Blue, Luisa	James, Evan L. <i>Retained</i>

CASE SUMMARY**CASE NO. A-17-764942-C**

702-255-1718(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
11/20/2017	 Complaint Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Complaint</i>	
11/20/2017	 Initial Appearance Fee Disclosure Filed By: Plaintiff Gentry, Dana <i>Initial Appearance Fee Disclosure</i>	
12/14/2017	 Summons Electronically Issued - Service Pending Party: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Summons - Civil</i>	
12/14/2017	 Summons Electronically Issued - Service Pending Party: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Summons - Civil</i>	
12/14/2017	 Summons Electronically Issued - Service Pending Party: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Summons - Civil</i>	
12/14/2017	 Summons Electronically Issued - Service Pending Party: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Summons</i>	
12/14/2017	 Summons Electronically Issued - Service Pending Party: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Summons - Civil</i>	
12/14/2017	 Summons Electronically Issued - Service Pending Party: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Summons</i>	
01/12/2018	 Summons Filed by: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Summons - SEIU Local 1107</i>	
01/12/2018	 Summons Filed by: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana Party served: Trustee Blue, Luisa <i>Summons - Luisa Blue</i>	
01/12/2018	 Summons Filed by: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana Party served: Defendant Manteca, Martin <i>Summons and Affidavit of Service - Martin Manteca</i>	
01/12/2018	 Summons Filed by: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana Party served: Defendant Henry, Mary K <i>Summons and Affidavit of Service- Mary K Henry</i>	

CASE SUMMARY

CASE NO. A-17-764942-C

01/12/2018



Summons

Filed by: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana
Party served: Defendant Service Employees International Union
Summons - Service Employees International Union

02/02/2018



Initial Appearance Fee Disclosure

Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union
Initial Appearance Fee Disclosure

02/02/2018



Answer

Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union
Answer

03/13/2018



Affidavit of Service

Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana
Summons and Affidavit of Service Sharon Kisling

03/13/2018



Summons

Filed by: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana
Summons - Service Employees International Union

03/13/2018



Summons

Filed by: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana
Party served: Defendant Henry, Mary K
Summons and Affidavit of Service - Mary K Henry

03/19/2018



Initial Appearance Fee Disclosure

Filed By: Defendant Henry, Mary K
Initial Appearance Fee Disclosure (NRS Chapter 19)

03/19/2018



Answer

Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K
Answer

03/20/2018



Certificate of Service

Filed by: Defendant Service Employees International Union; Defendant Henry, Mary K
Certificate of Service

06/18/2018



Request for Exemption From Arbitration

Filed by: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana
ABREA

07/03/2018



Commissioners Decision on Request for Exemption - Granted

Commissioner's Decision on Request For Exemption - GRANTED

08/27/2018



Joint Case Conference Report

JCCR

08/30/2018



Proof of Service

Filed by: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana
Proof of Service - Service Employees Internatoinal Union

CASE SUMMARY

CASE NO. A-17-764942-C

09/05/2018	 Three Day Notice of Intent to Default Filed By: Plaintiff Gentry, Dana <i>Notice of Intent to Default</i>
09/06/2018	 Motion Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Clark County Public Employees Association <i>Motion to Receive Service of Plaintiffs' Documents by United States Mail</i>
09/20/2018	 Opposition Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Plaintiffs' Opposition to Defendants Motion to Receive Service of Plaintiffs' Documents by Mail</i>
09/26/2018	 Motion for Partial Summary Judgment Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Motion for Partial Summary Judgment Liability</i>
10/05/2018	 Arbitration File <i>- Arbitration File</i>
10/08/2018	 Reply to Opposition Filed by: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Reply to Opposition for Service by Mail</i>
10/10/2018	 Scheduling Order <i>Scheduling Order</i>
10/11/2018	 Order Setting Civil Bench Trial <i>Order Setting Bench Trial</i>
10/15/2018	 Opposition and Countermotion Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Opposition to and Countermotion for Summary Judgment</i>
10/15/2018	 Opposition and Countermotion Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Defendants Service Employees International Union's and Mary Kay Henry's Brief in Opposition to Plaintiffs' Motion for Partial Summary Judgment; Counter Motion for Summary Judgment</i>
10/17/2018	 Declaration Filed By: Defendant Service Employees International Union; Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Declaration of Ken Ubani</i>
10/18/2018	 Order Filed By: Defendant Service Employees International Union; Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Clark County Public Employees Association <i>Order Continuing Hearing Dates</i>
10/23/2018	 Notice of Entry of Order

CASE SUMMARY

CASE NO. A-17-764942-C

	<p>Filed By: Defendant Service Employees International Union; Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Notice of Entry of Order Continuing Hearing Dates</i></p>
10/24/2018	<p> Certificate of Service</p> <p>Filed by: Defendant Service Employees International Union; Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Certificate of Service of Notice of Entry of Order Continuing Hearing Dates</i></p>
11/01/2018	<p> Reply to Motion</p> <p>Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Plaintiffs' Reply in Support of Motion for Partial Summary Judgment on Liability and Opposition to Defendants' Countermotion for Summary Judgment</i></p>
11/06/2018	<p> Reply in Support</p> <p>Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Service Employees International Union's and Mary Kay Henry's Reply in Support of Summary Judgment</i></p>
11/06/2018	<p> Reply</p> <p>Filed by: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Reply in Support of Local 1107's Summary Judgment Motion</i></p>
01/14/2019	<p> Motion to Amend Complaint</p> <p>Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Plaintiffs Motion for Leave to Amend Complaint</i></p>
01/30/2019	<p> Opposition to Motion</p> <p>Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Defendants Service Employee International Union's and Mary Kay Henry's Opposition to Plaintiffs' Motion to Amend Complaint</i></p>
01/30/2019	<p> Opposition</p> <p>Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Clark County Public Employees Association <i>Opposition to Motion to Amend</i></p>
02/12/2019	<p> Reply</p> <p>Filed by: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Reply in Support of Motion to Amend</i></p>
03/20/2019	<p> Order</p> <p>Filed By: Defendant Service Employees International Union; Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Order Granting in Part and Denying in Part Plaintiff Dana Gentry's Motion to Amend</i></p>
03/20/2019	<p> Notice of Entry</p> <p>Filed By: Defendant Service Employees International Union; Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Notice of Entry of Order</i></p>
03/25/2019	<p> Amended Complaint</p> <p>Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>First Amended Complaint</i></p>

CASE SUMMARY

CASE NO. A-17-764942-C

03/28/2019	 Stipulation and Order to Extend Discovery Deadlines Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Stipulation and Order Extending Discovery Deadlines</i>
03/28/2019	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Notice of Entry of Stipulation and Order</i>
04/08/2019	 Answer Filed By: Defendant Service Employees International Union; Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Answer to Amended Complaint</i>
04/11/2019	 Answer Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Defendants Service Employees International Union's and Mary Kay Henry's Answer to First Amended Complaint</i>
05/03/2019	 Stipulation to Extend Discovery Party: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Stipulation to Extend Deadlines for Expert Disclosures (Second Request)</i>
06/21/2019	 Application for Entry of Default Filed By: Plaintiff Gentry, Dana <i>Application for entry of default against Sharon Kisling</i>
06/25/2019	 Default Filed By: Plaintiff Gentry, Dana <i>Default Defendant Sharon Kisling</i>
06/26/2019	 Application for Default Judgment Party: Plaintiff Gentry, Dana <i>Application for Default Judgement against Sharon Kisling</i>
06/26/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
06/28/2019	 Order Setting Civil Bench Trial <i>Scheduling Order, Amended Order Setting Civil Non-Jury Trial and Calendar Call</i>
07/02/2019	 Stipulation and Order to Extend Discovery Deadlines Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>SAO Extending discovery deadlines</i>
07/08/2019	 Opposition Filed By: Defendant Service Employees International Union; Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Opposition to Application for Default Judgment Against Sharon Kisling</i>
07/12/2019	 Reply Filed by: Plaintiff Gentry, Dana <i>Reply to Local 1107 Defendants' Opposition to Default Against Kisling</i>
07/22/2019	 Request for Judicial Notice

CASE SUMMARY

CASE NO. A-17-764942-C

Plaintiffs Request for Judicial Notice of NLRB's Decision in Javier Cabrera v. SEIU Local 1107, Case 28-CA -209109

07/23/2019	 Order Shortening Time Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Order Shortening Time to Hear Motion to Associate COounsel</i>
07/23/2019	 Motion to Associate Counsel Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Motion to Associate Counsel on Order Shortening Time</i>
07/23/2019	 Notice of Entry Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Notice of Entry of Order Shortening Time and Certificate of Service of Order Shortening Time</i>
07/25/2019	 Order Admitting to Practice Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Order Admitting to Practice</i>
07/25/2019	 Notice of Entry Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Notice of Entry of Order</i>
08/01/2019	 Opposition Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Service Employees International Union's and Mary Kay Henry's Opposition to Plaintiffs' Request for Judicial Notice</i>
08/05/2019	 Joinder Filed By: Defendant Service Employees International Union; Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Local 1107, Luisa Blue and Martin Manteca's Joinder in SEIU and Mary K Henry's Opposition to Mo to Take Judicial Notice</i>
08/05/2019	 Opposition Filed By: Defendant Service Employees International Union; Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Local 1107, Lusia Blue and Martin Manteca's Opposition to Motion to Take Judicial Notice (Hearing Requested)</i>
08/05/2019	 Order Shortening Time Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Order Shortening Time to Hear Motion to Determine Attorney client Privilege</i>
08/05/2019	 Motion Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Motion to Determine Attorney-Client/Work Product Privilege</i>
08/05/2019	 Notice Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Notice of Entry of Order</i>
08/09/2019	 Request for Judicial Notice

CASE SUMMARY

CASE NO. A-17-764942-C

Filed By: Plaintiff Gentry, Dana

Plaintiffs' Request for Judicial Notice of the NLRB's Decision in Javier Cabrera v. SEIU Local 1107, Case 28-CA-209109

08/13/2019



Clerk's Notice of Hearing

Notice of Hearing

08/13/2019



Order

Filed By: Defendant Service Employees International Union; Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union
Order Denying Motion for Default Judgment

08/14/2019



Notice

Filed By: Defendant Service Employees International Union; Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union
Notice of Entry of Order

08/15/2019



Stipulated Protective Order

Filed By: Defendant Service Employees International Union; Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union
Stipulated Protective Order

08/21/2019



Notice

Filed By: Defendant Service Employees International Union; Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union
Notice of Entry of Order

08/23/2019



Stipulation and Order

Filed by: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana
Stipulation and Order Extending Discovery

08/26/2019



Stipulation and Order to Extend Discovery Deadlines

Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana
Stipulation and Order Extending Discovery

08/26/2019



Motion to Compel

Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana
Motion to Compel Documents, Unredacted Audio Recordings, the Deposition of Brenda Marzan and to Reject Defendants' Improper Attorney Client Privilege Objections on Order Shortening Time

08/26/2019



Clerk's Notice of Hearing

Notice of Hearing

09/20/2019



Stipulation

Filed by: Defendant Service Employees International Union
Stipulation Regarding Attorney-Client Privilege (2nd Order)

09/25/2019



Order

Filed By: Defendant Service Employees International Union
Order Denying Motion to Take Judicial Notice

09/25/2019



Notice of Entry

Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union

CASE SUMMARY

CASE No. A-17-764942-C

Notice of Entry of Order

09/30/2019



Notice of Change of Hearing
Notice of Change of Hearing

10/29/2019



Motion for Summary Judgment

Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K
DEFENDANTS SERVICE EMPLOYEES INTERNATIONAL UNION S AND MARY KAY HENRY S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT; MEMORANDUM OF POINTS AND AUTHORITIES;

10/29/2019



Declaration

Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K
DECLARATION OF MARTIN MANTECA IN SUPPORT OF SERVICE EMPLOYEES INTERNATIONAL UNION S AND MARY KAY HENRY S MOTION FOR SUMMARY JUDGMENT;

10/29/2019



Declaration

Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K
DECLARATION OF JONATHAN COHEN IN SUPPORT OF SERVICE EMPLOYEES INTERNATIONAL UNION S AND MARY KAY HENRY S MOTION FOR SUMMARY JUDGMENT

10/29/2019



Appendix

Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K
APPENDIX IN SUPPORT OF DECLARATION OF JONATHAN COHEN IN SUPPORT OF SERVICE EMPLOYEES INTERNATIONAL UNION S AND MARY KAY HENRY S MOTION FOR SUMMARY JUDGMENT

10/29/2019



Declaration

Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K
DECLARATION OF DEIRDRE FITZPATRICK IN SUPPORT OF SERVICE EMPLOYEES INTERNATIONAL UNION S AND MARY KAY HENRY S MOTION FOR SUMMARY JUDGMENT

10/29/2019



Appendix

Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K
APPENDIX IN SUPPORT OF DECLARATION OF DEIRDRE FITZPATRICK IN SUPPORT OF SERVICE EMPLOYEES INTERNATIONAL UNION S AND MARY KAY HENRY S MOTION FOR SUMMARY JUDGMENT

10/29/2019



Declaration

Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K
DECLARATION OF LUISA BLUE IN SUPPORT OF SERVICE EMPLOYEES INTERNATIONAL UNION S AND MARY KAY HENRY S MOTION FOR SUMMARY JUDGMENT

10/29/2019



Proof of Service

Filed by: Defendant Service Employees International Union; Defendant Henry, Mary K
PROOF OF SERVICE RE DEFENDANTS SERVICE EMPLOYEES INTERNATIONAL UNION S AND MARY KAY HENRY S MOTION FOR SUMMARY JUDGMENT

10/29/2019



Motion for Summary Judgment

Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Clark County Public Employees Association; Defendant Nevada Service Employees Union
Motion for Summary Judgment

CASE SUMMARY

CASE NO. A-17-764942-C

10/29/2019	 Appendix Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Clark County Public Employees Association; Defendant Nevada Service Employees Union <i>Appendix to Motion for Summary Judgment</i>
10/29/2019	 Notice of Change of Hearing <i>Notice of Hearing</i>
10/29/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
10/30/2019	 Motion for Partial Summary Judgment Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Plaintiffs' Motion for Partial Summary Judgment</i>
10/31/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
11/12/2019	 Opposition to Motion For Summary Judgment Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Opposition to Plaintiffs' Motion for Partial Summary Judgment</i>
11/12/2019	 Opposition to Motion For Summary Judgment Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Service Employees International Union's and Mary Kay Henry's Opposition to Plaintiffs' Motion for Partial Summary Judgment</i>
11/12/2019	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Plaintiffs Opposition to L1107 Defendants Motion for Summary Judgment</i>
11/12/2019	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Plaintiffs' Opposition to SEIU Defendants Motion for Summary Judgment</i>
11/13/2019	 Appendix <i>Appendix II - 1 to Plaintiffs' Opposition to Local 1107 Defendants' Motion for Summary Judgment</i>
11/13/2019	 Appendix Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Appendix I-2</i>
11/13/2019	 Appendix Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Appendix II - 3</i>
11/13/2019	 Appendix Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Appendix II - 4</i>
11/13/2019	 Appendix Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana

CASE SUMMARY

CASE NO. A-17-764942-C













Appendix II - 5

11/13/2019	 Stipulation Filed by: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Stipulation and Joint Motion to Continue Trial Date</i>
11/19/2019	 Motion Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Motion to Coordinate Cases</i>
11/20/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
11/22/2019	 Reply to Opposition Filed by: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Reply to Opposition to Motion for Summary Judgment</i>
11/22/2019	 Reply to Opposition Filed by: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Service Employees International Union's and Mary Kay Henry's Reply in Support of Motion for Summary Judgment</i>
11/22/2019	 Declaration Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Supplemental Declaration of Jonathan Cohen in Support of SEIU's & Mary Kay Henry's Motion for Summary Judgment</i>
11/26/2019	 Reply in Support Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Plaintiffs Reply in Support of Motion for Partial Summary Judgment</i>
11/26/2019	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Plaintiffs' Opposition to L1107 Defendants Motion for Summary Judgment</i>
01/03/2020	 Order Granting Motion Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Order Granting Summary Judgment in Favor of Defendants</i>
01/03/2020	 Memorandum of Costs and Disbursements Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>SERVICE EMPLOYEES INTERNATIONAL UNION S AND MARY KAY HENRY S MEMORANDUM OF COSTS; DECLARATION OF JONATHAN COHEN IN SUPPORT OF MEMORANDUM OF COSTS</i>
01/03/2020	 Notice of Entry of Order Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Notice of Entry of Order</i>
01/06/2020	 Memorandum of Costs and Disbursements Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union

CASE SUMMARY

CASE NO. A-17-764942-C

Verified Memorandum of Costs

01/09/2020	 Motion to Retax Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana <i>Motion to Retax Costs</i>
01/10/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
01/10/2020	 Errata Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Errata to Verified Memorandum of Costs</i>
01/13/2020	 Opposition Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Opposition to Motion to Retax Costs</i>
01/14/2020	 Motion for Attorney Fees and Costs Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union <i>Motion for Attorney Fees and Award of Costs - Hearing Requested</i>
01/14/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
01/14/2020	 Errata Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>ERRATA TO MEMORANDUM OF COSTS OF SERVICE EMPLOYEES INTERNATIONAL UNION AND MARY KAY HENRY</i>
01/14/2020	 Opposition to Motion Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Opposition to Motion to Retax Costs</i>
01/16/2020	 Motion for Attorney Fees Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>SEIU's and Mary Kay Henry's Motion for Attorneys' Fees</i>
01/16/2020	 Declaration Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K <i>Declaration of Jonathan Cohen in support of SEIU's & Mary Kay Henry's Motion for Attorneys Fees</i>
01/16/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
01/27/2020	 Stipulation and Order Filed by: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Clark County Public Employees Association <i>Stipulation and Order to Move Retax Motion Hearing Date</i>
01/28/2020	 Opposition to Motion

CASE SUMMARY

CASE NO. A-17-764942-C

Filed By: Plaintiff Clarke, Robert; Plaintiff Gentry, Dana
Plaintiffs' Opposition to the local 1107 Defendants Motion for Attorneys' Fees and Costs

01/29/2020



Notice of Appeal

Filed By: Plaintiff Clarke, Robert
Notice of Appeal

02/03/2020



Case Appeal Statement

Filed By: Plaintiff Clarke, Robert
Case Appeal Statement

02/04/2020



Notice of Entry of Stipulation and Order

Notice of Entry of Stipulation and Order to Move Retax Motion Hearing Date

02/05/2020



Reply in Support

Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K
Service Employees International Union s and Mary Kay Henry s Reply in Support of Motion for Attorneys Fees

02/05/2020



Reply

Filed by: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union
Reply to Plaintiffs' Opposition to Motion for Attorney Fees and Costs

02/19/2020



Case Appeal Statement

Filed By: Plaintiff Clarke, Robert
Revised Case Appeal Statement

04/06/2020



Order Granting

Filed By: Defendant Nevada Service Employees Union
In Part Motion to Retax Costs to SEIU and Henry and Award of Costs

04/07/2020



Clerk's Notice of Nonconforming Document

Clerk's Notice of Nonconforming Document

04/07/2020



Clerk's Notice of Nonconforming Document

Clerk's Notice of Nonconforming Document

04/07/2020



Order Denying

Filed By: Defendant Manteca, Martin
Order Denying Retax Costs Local1107, Blue and Manteca; Judgment Awayding Costs

04/09/2020



Notice of Entry of Judgment

Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union
Notice of Entry of Judgment

04/09/2020



Notice of Entry of Judgment

Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K
Notice of Entry of Judgment

04/10/2020



Order Denying

Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin
Attorney Fees

CASE SUMMARY

CASE NO. A-17-764942-C

04/14/2020



Notice of Entry of Order

Filed By: Trustee Blue, Luisa; Defendant Manteca, Martin; Defendant Nevada Service Employees Union

Notice of Entry of Judgment

05/11/2020



Notice of Appeal

Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K; Defendant Nevada Service Employees Union

Notice of Appeal

05/11/2020



Case Appeal Statement

Filed By: Defendant Service Employees International Union; Defendant Henry, Mary K; Defendant Nevada Service Employees Union

Joint Case Appeal Statement of Service Employees International Union and the Nevada Service Employees Union

DISPOSITIONS

01/03/2020

Summary Judgment (Judicial Officer: Sturman, Gloria)

Debtors: Robert Clarke (Plaintiff), Dana Gentry (Plaintiff)

Creditors: Service Employees International Union (Defendant), Luisa Blue (Defendant), Martin Manteca (Defendant), Mary K Henry (Defendant), Sharon Kisling (Defendant), Nevada Service Employees Union (Defendant)

Judgment: 01/03/2020, Docketed: 01/03/2020

Comment: 1st ACOM - All Claims

04/07/2020

Judgment Plus Interest (Judicial Officer: Sturman, Gloria)

Debtors: Robert Clarke (Plaintiff), Dana Gentry (Plaintiff)

Creditors: Luisa Blue (Defendant), Martin Manteca (Defendant), Nevada Service Employees Union (Defendant)

Judgment: 04/07/2020, Docketed: 04/08/2020

Total Judgment: 8,829.80

HEARINGS

10/16/2018



Motion (9:00 AM) (Judicial Officer: Sturman, Gloria)

10/16/2018, 11/13/2018

Motion to Receive Service of Plaintiffs' Documents by United States Mail

Matter Continued;

Denied;

Matter Continued;

Denied;

Journal Entry Details:

Court stated the Pltf. indicated he would be in a deposition today and not be appearing; however he did submit his opposition. Mr. Evan stated the motion may be moot as there was a Motion for Summary Judgment (MSJ) on November 6, 2018. Mr. Evan stated they had a briefing issue and therefore requested the hearing be continued, along with the MSJ to a later date. . COURT ORDERED, Motion CONTINUED. CONTINUED TO: 11/13/18 9:00 AM;

11/13/2018



All Pending Motions (9:00 AM) (Judicial Officer: Sturman, Gloria)

Matter Heard;

Journal Entry Details:

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT OPPOSITION TO AND COUNTERMOTION FOR SUMMARY JUDGMENT DEFENDANTS SERVICE EMPLOYEES INTERNATIONAL UNION'S AND MARY KAY HENRY'S BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT; COUNTERMOTION FOR SUMMARY JUDGMENT MOTION TO RECEIVE SERVICE OF PLAINTIFFS' DOCUMENTS BY UNITED STATES MAIL Mr. Mcavoyamay argued the Deft.'s did not dispute the existence of the for cause contracts rather they argue the evidence was not authentic so it could not be addressed at the time of trial. Mr. Mcavoyamay argued the contracts exist, that the Deft.'s breached the contracts, and that Deft.'s argued the trusteeship

CASE SUMMARY

CASE NO. A-17-764942-C

encompassed their employment. Mr. Mcavoyamay argued the trusteeship had nothing to do with the Pltf.'s and that the Deft.'s don't dispute they contracts were breached. Mr. Mcavoyamay argued Deft.'s argued regarding preemption and had attempted to bifurcate their argument to excuse the breach as that Deft.'s say the International Union terminated them. Mr. Mcavoyamay argued the preemption defense had disputable facts regarding whether the Pltf.'s were policy making employees. Mr. Cohen argued it was Pltf.'s burden to establish admissible evidence, that Pltf.'s didn't authenticate the contracts, and that one contract wasn't even executed. Mr. Cohen argued that Pltf.'s were subject to the trustee order, that Federal preemption does apply, and that the International Union can remove management pursuant to the international constitution. Mr. Cohen argued regarding the Screen Actor's Guild case and further argued that Federal law made it clear the employees were subject to the removal even with a for cause contract. Mr. James argued the Pltf.'s were the Director of Communications and Director of Finance and Human Resources and both reported to the president. Mr. James argued the Pltf. were not members of SEIU or the Local 1107, they were not bringing claims as union members, rather they were just trying to vindicate their continued employment. Mr. James argued in the Screen Actor's Guild case they were not protected as union employees. Mr. James argued the Pltf.'s say the International Union was liable because it placed the local union in trusteeship; however there was no evidence SEIU was a party to the contracts, they never adopted the contracts, and they never had anything to do with the contracts. Mr. James argued the Pltf.'s were trying to sue based on contracts they were never a part of. Mr. James further argued the new administration could not be saddled with the management of the prior administration. Mr. Mcavoyamay further argued regarding preemption and policy analysis, the Bloom case, the Lynn case, and that the LMRDA was not preempted. Mr. James argued regarding the National Labor Relations Act and that the trustee was a fiduciary of the local union and not liable for it's debts or local actions. Mr. Cohen argued regarding the distinction between an employee and a union employee, the hobbling of incoming administration with a union employee by force, congressional intent, that preemptions applied, the Bloom case, and that both employees make policy and therefore were management. COURT ORDERED, Pltf.'s Motion for Summary Judgment CONTINUED TO CHAMBERS; Deft.'s Opposition and Countermotion for Summary Judgment CONTINUED TO CHAMBERS. Mr. Mcavoyamay further argued Deft.'s were just trying to run up costs. Mr. Cohen argued they hadn't run up costs; however Pltf.'s argue nonsensical things that Deft.'s were forced to address. COURT ORDERED, Motion to Receive Service by Mail DENIED as there were admitted problems in the past; however counsel has been made aware of the differences in service between the District Court and the Federal Court and should there be a problem in the future counsel may address it. ;

11/13/2018 **CANCELED All Pending Motions (9:00 AM)** (Judicial Officer: Sturman, Gloria)
Vacated

11/13/2018 **Motion for Partial Summary Judgment (9:30 AM)** (Judicial Officer: Sturman, Gloria)
11/13/2018, 02/22/2019, 03/15/2019, 03/22/2019

Plaintiff's Motion for Partial Summary Judgment

at 10/16/18 hearing

Continued for Chambers Decision;

Matter Continued; 30 days for a decision

on Civil Calendar

Matter Continued; 30 days for a decision

decision made

Minute Order - No Hearing Held;

at 10/16/18 hearing

Continued for Chambers Decision;

Matter Continued; 30 days for a decision

on Civil Calendar

Matter Continued; 30 days for a decision

decision made

Minute Order - No Hearing Held;

at 10/16/18 hearing

Continued for Chambers Decision;

Matter Continued; 30 days for a decision

on Civil Calendar

Matter Continued; 30 days for a decision


decision made

Minute Order - No Hearing Held;

at 10/16/18 hearing

CASE SUMMARY

CASE NO. A-17-764942-C

	Continued for Chambers Decision; Matter Continued; 30 days for a decision on Civil Calendar Matter Continued; 30 days for a decision decision made Minute Order - No Hearing Held;
11/13/2018	<p>Opposition and Countermotion (9:30 AM) (Judicial Officer: Sturman, Gloria) 11/13/2018, 02/22/2019, 03/15/2019, 03/22/2019 <i>Opposition to and Countermotion for Summary Judgment</i> at 10/16/18 hearing Continued for Chambers Decision; Matter Continued; 30 days for decision on Civil Chambers Calendar Matter Continued; 30 days for a decision decision made in advance Minute Order - No Hearing Held; at 10/16/18 hearing Continued for Chambers Decision; Matter Continued; 30 days for decision on Civil Chambers Calendar Matter Continued; 30 days for a decision decision made in advance Minute Order - No Hearing Held; at 10/16/18 hearing Continued for Chambers Decision; Matter Continued; 30 days for decision on Civil Chambers Calendar Matter Continued; 30 days for a decision decision made in advance Minute Order - No Hearing Held; at 10/16/18 hearing Continued for Chambers Decision; Matter Continued; 30 days for decision on Civil Chambers Calendar Matter Continued; 30 days for a decision decision made in advance Minute Order - No Hearing Held;</p>
11/13/2018	<p>Opposition and Countermotion (9:30 AM) (Judicial Officer: Sturman, Gloria) 11/13/2018, 02/22/2019, 03/22/2019 <i>Defendants Service Employees International Union's and Mary Kay Henry's Brief in Opposition to Plaintiffs' Motion for Partial Summary Judgment; Countermotion for Summary Judgment</i> at 10/16/18 hearing Continued for Chambers Decision; Matter Continued; 30 days for a decision decision made in advance Minute Order - No Hearing Held; at 10/16/18 hearing Continued for Chambers Decision; Matter Continued; 30 days for a decision decision made in advance Minute Order - No Hearing Held; at 10/16/18 hearing Continued for Chambers Decision; Matter Continued; 30 days for a decision decision made in advance Minute Order - No Hearing Held;</p>
02/19/2019	<p> Motion to Amend Complaint (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Plaintiffs Motion for Leave to Amend Complaint</i></p>

CASE SUMMARY

CASE NO. A-17-764942-C

Granted in Part;

Journal Entry Details:

Court stated the second (duplicate) 14th cause of action was defamation which was not an independent cause of action, and therefore was unable to stand on its own. Mr. Mcavoyamaya argued it was public policy as it was just another factual basis. Court noted Deft.'s say this was untimely and that she knew about the defamation all along. Mr. Mcavoyamaya argued it was in the original action, that it didn't add any new parties, that there was new evidence, and that Deft.'s were on notice that it would be resolved. Mr. Mcavoyamaya further argued regarding the Mitchell v SEIU Local 721 case. Mr. Cohen argued there was no basis for waiting four months to file as that was undue delay. Mr. Cohen further argued regarding futility and that Pltf.'s allege Deft.'s failed to retract the statement of a third-party, and that SEIU didn't publish the false statement rather they just didn't retract it. Mr. Cohen argued the statement was someone else's defamatory statement, there was no cause of action for defamatory statement, and there was no relation back. Mr. Cohen argued SEIU didn't employ the Pltf.'s; however now they say alter ego, that it wasn't raised until their reply, and that the trustee was appointed by SEIU and they fired the Pltf.'s. Mr. James JOINED the arguments. COURT ORDERED, Motion GRANTED IN PART as Court understands the extension of the allegation if the allegation was that Ms. Kishing was acting within the course and scope of her duties to the Local; however the trustees knew of the defamation as they were trustees after the fact; NO RULING regarding the affirmative defenses; the 15th cause of action OUT as it was a duplicate and not allowed; matter to be amended to bring in the employer only. ;

03/22/2019



All Pending Motions (3:00 AM) (Judicial Officer: Sturman, Gloria)

Minute Order - No Hearing Held;

Journal Entry Details:

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT .. OPPOSITION TO AND COUNTERMOTION FOR SUMMARY JUDGMENT . DEFENDANTS SERVICE EMPLOYEES INTERNATIONAL UNION'S AND MARY KAY HENRY'S BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT; COUNTERMOTION FOR SUMMARY JUDGMENT Plaintiffs Motion for Partial Summary Judgment and Defendants Oppositions and Counter Motions for Summary Judgment came on for hearing on November 13, 2018. Having taken the matter under advisement, the COURT HEREBY FINDS as follows: Plaintiff's Motion for Partial Summary Judgment is based on employment contracts which were not part of the original pleading. Defendant's objected to the evidence as not having been properly authenticated, further Defendants argued that the Motion for Partial Summary Judgment was premature and they were entitled to discovery under NRCP 56(f) as the Nevada Rules of Civil Procedure read at the time. Subsequently the Rules were amended, the Advisory Committee Notes to NRCP 56 now state Rule 56(d) modernizes the text of former NRCP 56(f) consistent with FRCP 56(d). The changes are stylistic and do not affect Choy v. Ameristar Casinos, Inc., 127 Nev. 870, 265 P.3d 698 (2011), which requires an affidavit to justify a request for a continuance of the summary judgment proceeding to conduct further discovery. As the Defendants have raised questions of fact to the common law contract claims and no discovery having been done, they are entitled to relief under NRCP 56(f) as the Plaintiff's Motion for Partial Summary Judgment is Premature. COURT THEREFORE ORDERED, Plaintiff's Motion for Partial Summary Judgment Denied. Defendant's counter motions are based primarily on Federal Pre-emption. The Plaintiffs complaint states 16 causes of action (although improperly captioned with there being two causes of action labeled 14). It is clear that the standard for granting a Motion for Summary Judgment has not changed, see Advisory note to Subsection (a). Rule 56(a) retains the word shall consistent with the advisory committee notes to the 2010 amendments to FRCP 56 to preserve Wood v. Safeway, Inc., 121 Nev. 724, 121 P.3d 1026 (2005), and its progeny. The causes of action allege common law torts for breach of contract, breach of the covenant of good faith and fair dealing, intentional interference with contractual advantage, wrongful termination for each plaintiff as to the Local, and SEIU, as well as certain claims as to individual defendants, and finally defamation on behalf of Ms. Gentry. To the extent that any of these common law causes of action implicate issues that are preempted by federal law they may be appropriate for dismissal, however, at this point the facts have not been developed sufficiently for this court to determine as a matter of law that any cause of action is preempted. However, the cause of action for conspiracy appears deficient as a matter of law, as under Nevada law (a)gents and employees of a corporation cannot conspire with their corporate principal or employer where they act in their official capacities on behalf of the corporation and not as individuals for their individual advantage. See Collins v Union Federal Savings and Loan Assn. 99 Nev. 284, 662 P.2d 610 (1983). Therefore, COURT HEREBY ORDERED, Defendants Counter motions DENIED IN PART as to preemption WITHOUT PREJUDICE to be renewed; GRANTED as to the Seventh Cause of Action, Civil Conspiracy, WITHOUT PREJUDICE should facts develop which might meet the exception to the general rule. COURT ORDERED, Counsel for Defendants are

CASE SUMMARY

CASE NO. A-17-764942-C

DIRECTED to provide an Order for signature by the Court within 30 days. CLERK'S NOTE: A copy of this minute order was e-mailed, mailed, or faxed as follows: Michael Mcavoyamaya, Esq. (Michael.mcavoyamaya@gmail.com) and Evan James, Esq. (elj@cjmlv.com)./ls 03-22-19 ;

07/25/2019



Motion to Associate Counsel (10:30 AM) (Judicial Officer: Allf, Nancy)

Motion Granted;

Journal Entry Details:

Argument by Mr. Mcavoyamaya, noting it would be improper for Mr. James to represent S.E.I. as the parties' interests are adverse. Argument by Mr. James, stating he would have withdrawn if there was conflict. Further argument by Mr. Mcavoyamaya. COURT FINDS, petition meets all of the requirements of SCR 42; the issue of potential conflict is not appropriate for this Court to consider; if counsel believes there is an actual conflict they may take it up before the trial Judge. COURT ORDERED, motion GRANTED. Order signed and returned IN OPEN COURT.;

08/06/2019



Motion for Default Judgment (9:00 AM) (Judicial Officer: Sturman, Gloria)

Application for Default Judgment Against Sharon Kisling

Denied;

Journal Entry Details:

Court stated this was Nevada law that was decided in 1980 in Paul vs. Paul and that a party cannot enter judgment until the case was resolved. Mr. Mcavoyamaya stated Ms. Kisling just entered an appearance in the case and that he was agreeable with extending discovery to allow time for her deposition. COURT ORDERED, Application DENIED.;

08/07/2019



Motion (8:45 AM) (Judicial Officer: Sturman, Gloria)

Motion to Determine Attorney-Client/Work Product Privilege

Referred to Discovery Commissioner;

Journal Entry Details:

Court ADVISED these types of disputes were to be handled by the Discovery Commissioner. Mr. James stated they were cooperating in discovery; however they did not want to do anything inappropriate. Court stated they could either proceed with the deposition and speak with the Discovery Commissioner afterwards or they could cancel the deposition. Court further stated the parties could take portions of the deposition to the commissioner for ruling, preserve their record, and bring the matter to this court later. Mr. Mcavoyamaya stated he wanted to do that and noted the letters were complicated and that the at issue waiver wasn't the primary argument, rather it was that the local union waived privilege for all of this prior to litigation. Mr. Cohen stated if they decided to postpone the deposition and resolve those issues, it wouldn't be resolved until after discovery cut off and therefore requested the Court allow a late deposition. Court ADVISED the parties see what they can get done and preserve certain issues; however if the entire deposition appeared it was going to be objection after objection then they might just need to suspend it. The Court noted she didn't like to inconvenience a witness and counsel who have traveled for this deposition but this needs to be briefed. Mr. Mcavoyamaya stated the deposition should be postponed and further argued that since Ms. Blue now made an appearance they had an opportunity to do discovery which meant he needed to file a discovery schedule. ;

08/15/2019

CANCELED Calendar Call (9:00 AM) (Judicial Officer: Sturman, Gloria)

Vacated - per Stipulation and Order

08/28/2019



Minute Order (7:00 AM) (Judicial Officer: Sturman, Gloria)

Minute Order - No Hearing Held;

Journal Entry Details:

COURT FINDS on calendar for October 1, 2019 a Motion to Compel Documents, Unredacted Audio Recordings, The Deposition of Brenda Marzan and to Reject Defendants Improper Attorney Client Privilege Objections on Order Shortening Time. This motion should be noticed for a Discovery Commission hearing AND THEREFORE ORDERED, Hearing VACATED; Counsel must designate in the caption whether the hearing should be before District Court or the Discovery Commissioner. CLERK'S NOTE: A copy of this minute order has been electronically served to all registered parties for Odyssey File & Serve./ls;

09/09/2019

CANCELED Bench Trial (9:30 AM) (Judicial Officer: Sturman, Gloria)

CASE SUMMARY

CASE NO. A-17-764942-C

Vacated - per Stipulation and Order

09/10/2019



Motion (9:00 AM) (Judicial Officer: Sturman, Gloria)

Plaintiff's Request for Judicial Notice of the NLRB's Decision in Javier Cabrera v. SEIU Local 1107, Case 28-CA-209109

Denied;

Journal Entry Details:

Present telephonically was Jonathan Cohen, Esq. Court inquired why she should take judicial notice of the NLRB Decision. Mr. Mcavoyamaya stated he wanted the decision on the record as the rule in Nevada was flexible and if the case was similar and close in time. Mr. Mcavoyamaya stated all the parties in that case would testify in this case. Court stated they were union staff members. Mr. Mcavoyamaya argued they were members of the non-management staff, they were employees, that the trustees breached the contract, and that there was a breach in this case and therefore he requested the Court take judicial notice of the record. Mr. Mcavoyamaya argued it was proper for judicial notice and that Def't.'s acknowledge this proceeding should follow federal law. Mr. James argued the Pltf.'s were high ranking union members while his client was staff, that here they had employment contracts not union contracts, and that the issues in that case were different. Mr. Cohen argued that case had no bearing in this case, that testimony in this case could be impeached by documents without that decision, and that the Court cannot take judicial notice of disputed facts in another proceeding. COURT STATED FINDINGS AND ORDERED, Request DENIED.;

09/30/2019



Motion to Compel (9:00 AM) (Judicial Officer: Sturman, Gloria)

Motion to Compel Documents, Unredacted Audio Recordings, the Deposition of Brenda Marzan and to Reject Defendants' Improper Attorney Client Privilege Objections on Order Shortening Time

See Advance Decision

Referred to Discovery Commissioner;

Journal Entry Details:

COURT FINDS the Motion to Compel currently on calendar should be heard by the Discovery Commissioner AND THEREFORE ORDERED, Motion VACATED from the October 3, 2019 calendar and REFERRED to Discovery. CLERK'S NOTE: A copy of this minute order has been electronically served to all registered parties for Odyssey File & Serve./ls 09-30-19 ;

10/11/2019

CANCELED Motion to Compel (9:00 AM) (Judicial Officer: Truman, Erin)

Vacated

Plaintiff's - Motion to Compel Documents, Unredacted Audio Recordings, the Deposition of Brenda Marzan and to Reject Defendants' Improper Attorney Client Privilege Objections on Order Shortening Time

12/03/2019



All Pending Motions (9:00 AM) (Judicial Officer: Sturman, Gloria)

Matter Heard;

Journal Entry Details:

DEFENDANTS SERVICE EMPLOYEES INTERNATIONAL UNION'S AND MARY KAY HENRY'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT; MEMORANDUM OF POINTS AND AUTHORITIES DEFENDANT'S MOTION FOR SUMMARY JUDGMENT PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT As to Defendants Service Employees International Union's And Mary Kay Henry's Notice Of Motion And Motion For Summary Judgment; Memorandum Of Points And Authorities: Extensive arguments by counsel regarding the merits of the motions. COURT ORDERED, Defendant's Motion for Summary Judgment and Defendants Service Employees International Union's and Mary Kay Henry's Motion for Summary Judgment GRANTED. COURT FINDS this case was preempted and fell directly under the Screen Actors Guild case. Further, Nevada looks to California for guidance when there was not on point Nevada law. That was their analysis of Federal Preemption. Additionally, they may use different terminology; however, it was the exact same concept of preemption. Court noted it would not address the issue of whether or not there was a contract. Defense counsel to prepare the Order and circulate to opposing counsel. Mr. Mcavoyamaya advised he would file his Notice of Appeal immediately. COURT FURTHER ORDERED, the whole case was DISMISSED under the basis of Federal Preemption as a matter of law. Mr. Mcavoyamaya requested the Court to rule on the Motion to Relate the two cases first so the order on preemption applied to both, which would allow him to appeal both cases to the Nevada Supreme Court on the issue. COURT NOTED there was a Motion to Coordinate which was set for January 7, 2020, which the Court had not reviewed.

CASE SUMMARY

CASE NO. A-17-764942-C

Counsel indicated there was a stipulation. Court directed counsel to provide an Order coordinating the two cases. Colloquy regarding consolidating the cases. Mr. James suggested to stay the Nguyen case (A-19-794662-C) pending an appeal. Further, Plaintiff Gentry and Clarke were the first two directors and Plaintiff Nguyen was the third director, whom was terminated around the same time. Further colloquy regarding coordination and consolidation. Mr. Cohen noted an Order coordinating the cases with a stipulation to stay the Nguyen case pending the resolution of appeal in the Gentry case would be the most efficient way to handle the case.;

- | | |
|------------|---|
| 12/03/2019 | Motion for Summary Judgment (9:30 AM) (Judicial Officer: Sturman, Gloria)
<i>Defendants Service Employees International Union's and Mary Kay Henry's Notice of Motion and Motion for Summary Judgment; Memorandum of Points and Authorities</i> |
| 12/03/2019 | Motion for Summary Judgment (9:30 AM) (Judicial Officer: Sturman, Gloria)
<i>Defendant's Motion for Summary Judgment</i> |
| 12/03/2019 | Motion for Partial Summary Judgment (9:30 AM) (Judicial Officer: Sturman, Gloria)
<i>Plaintiffs' Motion for Partial Summary Judgment</i> |
| 12/12/2019 | CANCELED Calendar Call (9:00 AM) (Judicial Officer: Sturman, Gloria)
<i>Vacated - per Stipulation and Order</i> |
| 01/06/2020 | CANCELED Bench Trial (9:00 AM) (Judicial Officer: Sturman, Gloria)
<i>Vacated - per Stipulation and Order</i> |
| 01/07/2020 | CANCELED Motion to Coordinate (9:00 AM) (Judicial Officer: Sturman, Gloria)
<i>Vacated - per Stipulation and Order</i>
<i>Defendant's - Motion to Coordinate Cases</i> |
| 02/18/2020 | Motion to Retax (9:00 AM) (Judicial Officer: Sturman, Gloria)
NOE - Stip to Cont to 02/18/20
Granted in Part; |
| 02/18/2020 | Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Sturman, Gloria)
<i>Motion for Attorney Fees and Award of Costs - Hearing Requested</i>
Denied; |
| 02/18/2020 | Motion for Attorney Fees (9:00 AM) (Judicial Officer: Sturman, Gloria)
<i>Defendant Service Employees International Union's and Mary Kay Henry's Motion for Attorneys' Fees</i>
Denied; |
| 02/18/2020 |  All Pending Motions (9:00 AM) (Judicial Officer: Sturman, Gloria)
Matter Heard;
Journal Entry Details:
<i>Jonathan Cohen present telephonically. MOTION TO RETAX: Mr. Mcavoyamaya argued it was problematic that both Deft.'s were requesting costs, that there was no reason for travel costs to each hearing, that there was a duplication of work, and that there was no reason to request two copies of the transcript. Mr. Mcavoyamaya argued counsel did a cut and past into their motions, that they shared the same arguments in the case, and for them to double charge was just double dipping. Mr. Mcavoyamaya argued the Court had discretion to deny the charges, that the Deft.'s would receive a windfall, that they admitted the contracts exist, that both Deft.'s were represented by counsel, and that Nevada counsel could have appeared and represented both. Mr. James argued the necessity of local counsel was required under the Local Rule, that Mr. Cohen represented the international union, that the international was entitled to their own discovery, that the local and international had different issues, and that they'd coordinated between themselves; however they each had to look out for their client's best interests. Mr. James further argued the briefs were not identical, that there was no copy and paste in their briefing, and that not all motions were in regards to both Deft.'s Mr. Cohen argued he was licensed in Nevada; however he did not have an office here and therefore was required to have local counsel appear with him. Mr. Cohen argued the employment agreements were always in dispute, that his client never had a contract with the Pltf.'s, that costs must be allowed under NRS 18.020 as they were no discretionary, and that costs ran</i> |

CASE SUMMARY**CASE NO. A-17-764942-C**

from the beginning of the case not just following the Offer of Judgment. Mr. Cohen argued he did travel for depositions and court when appropriate and that there were some costs associated with the travel of a partner to Washington DC to take the deposition of Ms. Fitzpatrick, Chief of Staff of the Union. **COURT ORDERED, Motion to Retax Costs GRANTED IN PART and DENIED IN PART** as follows: Travel to Washington DC for deposition **GRANTED**, Travel and lodging fees for travel to Las Vegas **GRANTED**; Legal Research costs **GRANTED**; Travel by Mr. Cohen from the Las Vegas office to court or travel to Las Vegas depositions **DENIED**; Mr. Mcavoyamaya to prepare the Order. **MOTION FOR ATTORNEY FEES AND AWARD OF COSTS - HEARING REQUESTED and DEFENDANT SERVICE EMPLOYEES INTERNATIONAL UNION'S AND MARY KAY HENRY'S MOTION FOR ATTORNEYS' FEES**: Mr. Cohen argued pursuant to NRS 68(c)(1) the Offer of Judgment was appropriate; that the offer was jointly apportioned to each individual Pltf., that they offered about one third of what Pltf.'s experts valued the damages at, that the offer was timely, and that the offer set the terms and conditions. Mr. Cohen argued they were entitled to make the offer on behalf of all Deft.'s and that the Pltf.'s let the offer lapse with no counter offer made. Mr. James argued it was a global settlement, that NRS 68(b) always applied in these types of apportioned offers, and that the way the Pltf.'s prosecuted the lawsuit made it impossible for individuals to settle out separately. Mr. James argued the offer was reasonable, that the Deft.'s had no choice but to make an all or nothing offer, and that it was not appropriate to push aside Rule 68 due to the way Pltf.'s prosecuted the case. Mr. Mcavoyamaya argued regarding the Parodi case, that the offer was unapportioned, that when there were multiple parties the offer must be apportioned as to which Deft.'s were paying for which claims, and that there were multiple theory's of liability and two different defenses. **COURT FINDS** with the global offer, that it was to all claims as to all Deft.'s, that the Pltf.'s could only accept if both Pltf.'s accepted, that pursuant to the Beatty Factors it was not grossly unreasonable to reject the offer as it was not clear how they could have analyzed it and therefore, it was not unreasonable to reject it. **COURT THEREFORE ORDERED, Motion DENIED**; Mr. James to prepare the order and run it by opposing counsel before submitting. ;

04/30/2020 **CANCELED Calendar Call (9:00 AM)** (Judicial Officer: Sturman, Gloria)
Vacated - per Stipulation and Order

05/26/2020 **CANCELED Bench Trial (9:00 AM)** (Judicial Officer: Sturman, Gloria)
Vacated - per Stipulation and Order

DATE**FINANCIAL INFORMATION****Attorney** James, Evan L.

Total Charges 8.50

Total Payments and Credits 8.50

Balance Due as of 5/12/2020 0.00

Trustee Blue, Luisa

Total Charges 283.00

Total Payments and Credits 283.00

Balance Due as of 5/12/2020 0.00

Defendant Henry, Mary K

Total Charges 200.00

Total Payments and Credits 200.00

Balance Due as of 5/12/2020 0.00

Defendant Nevada Service Employees Union

Total Charges 200.00

Total Payments and Credits 200.00

Balance Due as of 5/12/2020 0.00

Defendant Service Employees International Union

Total Charges 677.00

Total Payments and Credits 677.00

Balance Due as of 5/12/2020 0.00

Plaintiff Clarke, Robert

Total Charges 324.00

Total Payments and Credits 324.00

Balance Due as of 5/12/2020 0.00

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-17-764942-C

Plaintiff Gentry, Dana

Total Charges

400.00

Total Payments and Credits

400.00

Balance Due as of 5/12/2020

0.00

Plaintiff Clarke, Robert

Appeal Bond Balance as of 5/12/2020

500.00

DISTRICT COURT CIVIL COVER SHEET

A-17-764942-C

County, Nevada

Case No. _____

Department 26

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Defendant(s) (name/address/phone):

Attorney (name/address/phone):

Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

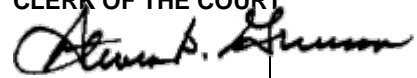
Real Property	Negligence	Torts
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate	Construction Defect & Contract	Judicial Review/Appeal
Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ		Other Civil Filing
Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

Date

Signature of initiating party or representative

See other side for family-related case filings.



ORDR
CHRISTENSEN JAMES & MARTIN
EVAN L. JAMES, ESQ. (7760)
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Telephone: (702) 255-1718
Facsimile: (702) 255-0871
Email: elj@cjmlv.com,
Attorneys for Local 1107, Luisa Blue and Martin Manteca

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

CASE NO.: A-17-764942-C

DEPT. No. XXVI

SERVICE EMPLOYEES
INTERNATIONAL UNION, a nonprofit
cooperative corporation; LUISA BLUE, in
her official capacity as Trustee of Local
1107; MARTIN MANTECA, in his
official capacity as Deputy Trustee of
Local 1107; MARY K. HENRY, in her
official capacity as Union President;
SHARON KISLING, individually;
CLARK COUNTY PUBLIC
EMPLOYEES ASSOCIATION UNION
aka SEIU 1107, a non-profit cooperative
corporation; DOES 1-20; and ROE
CORPORATIONS 1-20, inclusive,

Defendants.

**ORDER DENYING MOTIONS FOR
ATTORNEY FEES**

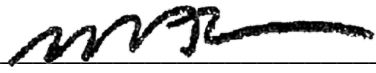
Defendants' Motions for Attorney Fees (collectively "Motion") having been
briefed and argued, the Court hereby enters the following findings and order.

The Court finds that the Offer of Judgment was properly apportioned in
accordance with NRCP 68(b) and that the Offer of Judgment is in compliance with the
provisions of NRCP 68.. The Court further finds that the Offer of Judgment was
reasonable in amount given that the claims were disputed legally and factually. The Court
further finds that the Offer of Judgment was reasonable in amount given the value offered
in comparison to the damages claimed. The Court further finds that the Plaintiffs hand

1 ample time to evaluate the merits of the respective positions, making the Offer of
2 Judgment's timing reasonable.

3 However, the Court finds that it was not grossly unreasonable for the Plaintiffs to
4 reject the Offer of Judgment because the Offer of Judgment required a global resolution
5 of all claims against all Defendants. Because the Offer of Judgment required a global
6 resolution, it is not clear to the Court how the Plaintiffs could have properly analyzed the
7 Offer of Judgment. The Court therefore denies the Motion and makes no finding on the
8 reasonableness of the fees incurred.

9 DATED this 9th day of April 2020.

10 
11 _____
Judge Gloria J. Sturman

12 Submitted By

13 CHRISTENSEN JAMES & MARTIN

14 By: /s/ Evan L. James

15 Evan L. James, Esq. (7760)

16 7440 W. Sahara Avenue

17 Las Vegas, NV 89117

18 Telephone: (702) 255-1718

19 Fax: (702) 255-0871

Attorneys for Local 1107, Luisa

Blue and Martin Manteca

20 Approved as to Form and Content

21 Rothner, Segall & Greenstone

22 By: /s/ Jonathan Cohen

23 Jonathan Cohen, Esq. (10551)

24 510 S. Marengo Ave.

25 Pasadena, CA 91101

26 Telephone: (626) 796-7555

27 Fax: (626) 577-0124

Attorneys for Service Employees International Union

and Mary Kay Henry

No Response Received

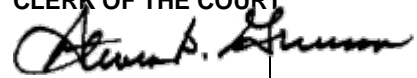
Michael J. Mcavoyamaya, Esq. (14082)

4539 Paseo Del Ray

Las Vegas, NV 89121

Telephone: (702) 299-5083

Attorney for Plaintiffs



NEOJ
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Facsimile: (702) 255-0871
Email: elj@cjmlv.com,
Attorneys for Local 1107, Luisa Blue and Martin Manteca

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

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

CASE NO.: A-17-764942-C

DEPT. No. XXVI

Plaintiffs,
vs.

NOTICE OF ENTRY OF JUDGMENT

SERVICE EMPLOYEES
INTERNATIONAL UNION, a nonprofit
cooperative corporation; LUISA BLUE, in
her official capacity as Trustee of Local
1107; MARTIN MANTECA, in his
official capacity as Deputy Trustee of
Local 1107; MARY K. HENRY, in her
official capacity as Union President;
SHARON KISLING, individually;
CLARK COUNTY PUBLIC
EMPLOYEES ASSOCIATION UNION
aka SEIU 1107, a non-profit cooperative
corporation; DOES 1-20; and ROE
CORPORATIONS 1-20, inclusive,

Defendants.

Please take notice that the attached order deny attorney fees was entered on April
10, 2020.

DATED April 14, 2020.

CHRISTENSEN JAMES & MARTIN

By: /s/ Evan L. James
Evan L. James, Esq. (7760)
*Attorneys for Local 1107, Luisa Blue
and Martin Manteca*

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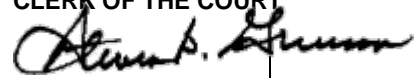
CERTIFICATE OF SERVICE

I am an employee of Christensen James & Martin and caused a true and correct copy of the foregoing document to be served on April 14, 2020 upon the following:

- Michael Macavoyamaya: mmcavoyamayalaw@gmail.com
- Jonathan Cohen: jcohen@rsglabor.com
- Glenn Rothner: grothner@rsglabor.com
- Maria Myers: mmyers@rsglabor.com
- Evan L. James: elj@cjmlv.com

CHRISTENSEN JAMES & MARTIN

By: /s/ Natalie Saville
Natalie Saville



ORDR
CHRISTENSEN JAMES & MARTIN
EVAN L. JAMES, ESQ. (7760)
7440 W. Sahara Avenue
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Telephone: (702) 255-1718
Facsimile: (702) 255-0871
Email: elj@cjmlv.com,
Attorneys for Local 1107, Luisa Blue and Martin Manteca

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

CASE NO.: A-17-764942-C

DEPT. No. XXVI

SERVICE EMPLOYEES
INTERNATIONAL UNION, a nonprofit
cooperative corporation; LUISA BLUE, in
her official capacity as Trustee of Local
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aka SEIU 1107, a non-profit cooperative
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CORPORATIONS 1-20, inclusive,

Defendants.

**ORDER DENYING MOTIONS FOR
ATTORNEY FEES**

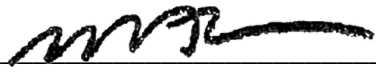
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provisions of NRCP 68.. The Court further finds that the Offer of Judgment was
reasonable in amount given that the claims were disputed legally and factually. The Court
further finds that the Offer of Judgment was reasonable in amount given the value offered
in comparison to the damages claimed. The Court further finds that the Plaintiffs hand

1 ample time to evaluate the merits of the respective positions, making the Offer of
2 Judgment's timing reasonable.

3 However, the Court finds that it was not grossly unreasonable for the Plaintiffs to
4 reject the Offer of Judgment because the Offer of Judgment required a global resolution
5 of all claims against all Defendants. Because the Offer of Judgment required a global
6 resolution, it is not clear to the Court how the Plaintiffs could have properly analyzed the
7 Offer of Judgment. The Court therefore denies the Motion and makes no finding on the
8 reasonableness of the fees incurred.

9 DATED this 9th day of April 2020.

10 
11 Judge Gloria J. Sturman

12 Submitted By

13 CHRISTENSEN JAMES & MARTIN

14 By: /s/ Evan L. James

15 Evan L. James, Esq. (7760)

16 7440 W. Sahara Avenue

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18 Telephone: (702) 255-1718

19 Fax: (702) 255-0871

20 *Attorneys for Local 1107, Luisa*

21 *Blue and Martin Manteca*

22 Approved as to Form and Content

23 Rothner, Segall & Greenstone

24 By: /s/ Jonathan Cohen

25 Jonathan Cohen, Esq. (10551)

26 510 S. Marengo Ave.

27 Pasadena, CA 91101

Telephone: (626) 796-7555

Fax: (626) 577-0124

Attorneys for Service Employees International Union

and Mary Kay Henry

No Response Received

Michael J. Mcavoyamaya, Esq. (14082)

4539 Paseo Del Ray

Las Vegas, NV 89121

Telephone: (702) 299-5083

Attorney for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

October 16, 2018

A-17-764942-C Robert Clarke, Plaintiff(s)
vs.
Service Employees International Union, Defendant(s)

October 16, 2018 9:00 AM Motion

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: James, Evan L. Attorney

JOURNAL ENTRIES

- Court stated the Pltf. indicated he would be in a deposition today and not be appearing; however he did submit his opposition.

Mr. Evan stated the motion may be moot as there was a Motion for Summary Judgment (MSJ) on November 6, 2018. Mr. Evan stated they had a briefing issue and therefore requested the hearing be continued, along with the MSJ to a later date. .

COURT ORDERED, Motion CONTINUED.

CONTINUED TO: 11/13/18 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

November 13, 2018

A-17-764942-C Robert Clarke, Plaintiff(s)
vs.
Service Employees International Union, Defendant(s)

November 13, 2018 9:00 AM All Pending Motions

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Cohen, Jonathan Attorney
James, Evan L. Attorney
Mcavoyamaya, Michael J. Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT OPPOSITION TO AND COUNTERMOTION FOR SUMMARY JUDGMENT DEFENDANTS SERVICE EMPLOYEES INTERNATIONAL UNION'S AND MARY KAY HENRY'S BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT; COUNTERMOTION FOR SUMMARY JUDGMENT MOTION TO RECEIVE SERVICE OF PLAINTIFFS' DOCUMENTS BY UNITED STATES MAIL

Mr. Mcavoyamay argued the Deft.'s did not dispute the existence of the for cause contracts rather they argue the evidence was not authentic so it could not be addressed at the time of trial. Mr. Mcavoyamay argued the contracts exist, that the Deft.'s breached the contracts, and that Deft.'s argued the trusteeship encompassed their employment. Mr. Mcavoyamay argued the trusteeship had nothing to do with the Pltf.'s and that the Deft.'s don't dispute they contracts were breached. Mr. Mcavoyamay argued Deft.'s argued regarding preemption and had attempted to bifurcate their argument to excuse the breach as that Deft.'s say the International Union terminated them. Mr. Mcavoyamay argued the preemption defense had disputable facts regarding whether the Pltf.'s were policy making employees.

Mr. Cohen argued it was Pltf.'s burden to establish admissible evidence, that Pltf.'s didn't authenticate the contracts, and that one contract wasn't even executed. Mr. Cohen argued that Pltf.'s were subject to the trustee order, that Federal preemption does apply, and that the International Union can remove management pursuant to the international constitution. Mr. Cohen argued regarding the Screen Actor's Guild case and further argued that Federal law made it clear the employees were subject to the removal even with a for cause contract.

Mr. James argued the Pltf.'s were the Director of Communications and Director of Finance and Human Resources and both reported to the president. Mr. James argued the Pltf. were not members of SEIU or the Local 1107, they were not bringing claims as union members, rather they were just trying to vindicate their continued employment. Mr. James argued in the Screen Actor's Guild case they were not protected as union employees. Mr. James argued the Pltf.'s say the International Union was liable because it placed the local union in trusteeship; however there was no evidence SEIU was a party to the contracts, they never adopted the contracts, and they never had anything to do with the contracts. Mr. James argued the Pltf.'s were trying to sue based on contracts they were never a part of. Mr. James further argued the new administration could not be saddled with the management of the prior administration.

Mr. Mcavoyamay further argued regarding preemption and policy analysis, the Bloom case, the Lynn case, and that the LMRDA was not preempted.

Mr. James argued regarding the National Labor Relations Act and that the trustee was a fiduciary of the local union and not liable for it's debts or local actions.

Mr. Cohen argued regarding the distinction between an employee and a union employee, the hobbling of incoming administration with a union employee by force, congressional intent, that preemptions applied, the Bloom case, and that both employees make policy and therefore were management.

COURT ORDERED, Pltf.'s Motion for Summary Judgment CONTINUED TO CHAMBERS; Deft.'s Opposition and Countermotion for Summary Judgment CONTINUED TO CHAMBERS.

Mr. Mcavoyamay further argued Deft.'s were just trying to run up costs.

Mr. Cohen argued they hadn't run up costs; however Pltf.'s argue nonsensical things that Deft.'s were forced to address.

COURT ORDERED, Motion to Receive Service by Mail DENIED as there were admitted problems in the past; however counsel has been made aware of the differences in service between the District Court and the Federal Court and should there be a problem in the future counsel may address it.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

February 19, 2019

A-17-764942-C Robert Clarke, Plaintiff(s)
vs.
Service Employees International Union, Defendant(s)

**February 19, 2019 9:00 AM Motion to Amend
Complaint**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Cohen, Jonathan Attorney
James, Evan L. Attorney
Mcavoyamaya, Michael J. Attorney

JOURNAL ENTRIES

- Court stated the second (duplicate) 14th cause of action was defamation which was not an independent cause of action, and therefore was unable to stand on its own.

Mr. Mcavoyamaya argued it was public policy as it was just another factual basis.

Court noted Deft.'s say this was untimely and that she knew about the defamation all along.

Mr. Mcavoyamaya argued it was in the original action, that it didn't add any new parties, that there was new evidence, and that Deft.'s were on notice that it would be resolved. Mr. Mcavoyamaya further argued regarding the Mitchell v SEIU Local 721 case.

Mr. Cohen argued there was no basis for waiting four months to file as that was undue delay. Mr. Cohen further argued regarding futility and that Pltf.'s allege Deft.'s failed to retract the statement of a third-party, and that SEIU didn't publish the false statement rather they just didn't retract it. Mr. Cohen argued the statement was someone else's defamatory statement, there was no cause of action

for defamatory statement, and there was no relation back. Mr. Cohen argued SEIU didn't employ the Pltf.'s; however now they say alter ego, that it wasn't raised until their reply, and that the trustee was appointed by SEIU and they fired the Pltf.'s.

Mr. James JOINED the arguments.

COURT ORDERED, Motion GRANTED IN PART as Court understands the extension of the allegation if the allegation was that Ms. Kishing was acting within the course and scope of her duties to the Local; however the trustees knew of the defamation as they were trustees after the fact; NO RULING regarding the affirmative defenses; the 15th cause of action OUT as it was a duplicate and not allowed; matter to be amended to bring in the employer only.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

March 22, 2019

A-17-764942-C Robert Clarke, Plaintiff(s)
vs.
Service Employees International Union, Defendant(s)

March 22, 2019 3:00 AM All Pending Motions

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT .. OPPOSITION TO AND COUNTERMOTION FOR SUMMARY JUDGMENT . DEFENDANTS SERVICE EMPLOYEES INTERNATIONAL UNION'S AND MARY KAY HENRY'S BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT; COUNTERMOTION FOR SUMMARY JUDGMENT

Plaintiffs Motion for Partial Summary Judgment and Defendants Oppositions and Counter Motions for Summary Judgment came on for hearing on November 13, 2018. Having taken the matter under advisement, the COURT HEREBY FINDS as follows:

Plaintiff s Motion for Partial Summary Judgment is based on employment contracts which were not part of the original pleading. Defendant's objected to the evidence as not having been properly authenticated, further Defendants argued that the Motion for Partial Summary Judgment was premature and they were entitled to discovery under NRCP 56(f) as the Nevada Rules of Civil Procedure read at the time. Subsequently the Rules were amended, the Advisory Committee Notes to NRCP 56 now state Rule 56(d) modernizes the text of former NRCP 56(f) consistent with FRCP 56(d). The changes are stylistic and do not affect Choy v. Ameristar Casinos, Inc., 127 Nev. 870, 265 P.3d 698 (2011), which requires an affidavit to justify a request for a continuance of the summary

judgment proceeding to conduct further discovery. As the Defendants have raised questions of fact to the common law contract claims and no discovery having been done, they are entitled to relief under NRCP 56(f) as the Plaintiff s Motion for Partial Summary Judgment is Premature. COURT THEREFORE ORDERED, Plaintiff s Motion for Partial Summary Judgment Denied.

Defendant's counter motions are based primarily on Federal Pre-emption. The Plaintiffs complaint states 16 causes of action (although improperly captioned with there being two causes of action labeled 14). It is clear that the standard for granting a Motion for Summary Judgment has not changed, see Advisory note to Subsection (a). Rule 56(a) retains the word shall consistent with the advisory committee notes to the 2010 amendments to FRCP 56 to preserve Wood v. Safeway, Inc., 121 Nev. 724, 121 P.3d 1026 (2005), and its progeny. The causes of action allege common law torts for breach of contract, breach of the covenant of good faith and fair dealing, intentional interference with contractual advantage, wrongful termination for each plaintiff as to the Local, and SEIU, as well as certain claims as to individual defendants, and finally defamation on behalf of Ms. Gentry.

To the extent that any of these common law causes of action implicate issues that are preempted by federal law they may be appropriate for dismissal, however, at this point the facts have not been developed sufficiently for this court to determine as a matter of law that any cause of action is preempted. However, the cause of action for conspiracy appears deficient as a matter of law, as under Nevada law (a)gents and employees of a corporation cannot conspire with their corporate principal or employer where they act in their official capacities on behalf of the corporation and not as individuals for their individual advantage. See Collins v Union Federal Savings and Loan Assn. 99 Nev. 284, 662 P.2d 610 (1983).

Therefore, COURT HEREBY ORDERED, Defendants Counter motions DENIED IN PART as to preemption WITHOUT PREJUDICE to be renewed; GRANTED as to the Seventh Cause of Action, Civil Conspiracy, WITHOUT PREJUDICE should facts develop which might meet the exception to the general rule.

COURT ORDERED, Counsel for Defendants are DIRECTED to provide an Order for signature by the Court within 30 days.

CLERK'S NOTE: A copy of this minute order was e-mailed, mailed, or faxed as follows: Michael Mcavoyamaya, Esq. (Michael.mcavoyamaya@gmail.com) and Evan James, Esq. (elj@cjmlv.com)./ls 03-22-19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

July 25, 2019

A-17-764942-C Robert Clarke, Plaintiff(s)
vs.
Service Employees International Union, Defendant(s)

**July 25, 2019 10:30 AM Motion to Associate
Counsel**

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Michaela Tapia

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT: James, Evan L. Attorney
 Mcavoyamaya, Michael J. Attorney

JOURNAL ENTRIES

- Argument by Mr. Mcavoyamaya, noting it would be improper for Mr. James to represent S.E.I. as the parties' interests are adverse. Argument by Mr. James, stating he would have withdrawn if there was conflict. Further argument by Mr. Mcavoyamaya. COURT FINDS, petition meets all of the requirements of SCR 42; the issue of potential conflict is not appropriate for this Court to consider; if counsel believes there is an actual conflict they may take it up before the trial Judge. COURT ORDERED, motion GRANTED. Order signed and returned IN OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

August 06, 2019

A-17-764942-C Robert Clarke, Plaintiff(s)
vs.
Service Employees International Union, Defendant(s)

**August 06, 2019 9:00 AM Motion for Default
Judgment**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Cohen, Jonathan Attorney
James, Evan L. Attorney
Mcavoyamaya, Michael J. Attorney

JOURNAL ENTRIES

- Court stated this was Nevada law that was decided in 1980 in Paul vs. Paul and that a party cannot enter judgment until the case was resolved.

Mr. Mcavoyamaya stated Ms. Kisling just entered an appearance in the case and that he was agreeable with extending discovery to allow time for her deposition.

COURT ORDERED, Application DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

August 07, 2019

A-17-764942-C Robert Clarke, Plaintiff(s)
vs.
Service Employees International Union, Defendant(s)

August 07, 2019 8:45 AM Motion

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Cohen, Jonathan Attorney
James, Evan L. Attorney
Mcavoyamaya, Michael J. Attorney

JOURNAL ENTRIES

- Court ADVISED these types of disputes were to be handled by the Discovery Commissioner.

Mr. James stated they were cooperating in discovery; however they did not want to do anything inappropriate.

Court stated they could either proceed with the deposition and speak with the Discovery Commissioner afterwards or they could cancel the deposition. Court further stated the parties could take portions of the deposition to the commissioner for ruling, preserve their record, and bring the matter to this court later.

Mr. Mcavoyamaya stated he wanted to do that and noted the letters were complicated and that the at issue waiver wasn't the primary argument, rather it was that the local union waived privilege for all of this prior to litigation.

Mr. Cohen stated if they decided to postpone the deposition and resolve those issues, it wouldn't be resolved until after discovery cut off and therefore requested the Court allow a late deposition.

Court ADVISED the parties see what they can get done and preserve certain issues; however if the entire deposition appeared it was going to be objection after objection then they might just need to suspend it. The Court noted she didn't like to inconvenience a witness and counsel who have traveled for this deposition but this needs to be briefed.

Mr. Mcavoyamaya stated the deposition should be postponed and further argued that since Ms. Blue now made an appearance they had an opportunity to do discovery which meant he needed to file a discovery schedule.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

August 28, 2019

A-17-764942-C Robert Clarke, Plaintiff(s)
vs.
Service Employees International Union, Defendant(s)

August 28, 2019 7:00 AM Minute Order

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS on calendar for October 1, 2019 a Motion to Compel Documents, Unredacted Audio Recordings, The Deposition of Brenda Marzan and to Reject Defendants Improper Attorney Client Privilege Objections on Order Shortening Time. This motion should be noticed for a Discovery Commission hearing AND THEREFORE ORDERED, Hearing VACATED; Counsel must designate in the caption whether the hearing should be before District Court or the Discovery Commissioner.

CLERK'S NOTE: A copy of this minute order has been electronically served to all registered parties for Odyssey File & Serve./ls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

September 10, 2019

A-17-764942-C Robert Clarke, Plaintiff(s)
vs.
Service Employees International Union, Defendant(s)

September 10, 2019 9:00 AM Motion

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Cohen, Jonathan Attorney
James, Evan L. Attorney
Mcavoyamaya, Michael J. Attorney

JOURNAL ENTRIES

- Present telephonically was Jonathan Cohen, Esq.

Court inquired why she should take judicial notice of the NLRB Decision.

Mr. Mcavoyamaya stated he wanted the decision on the record as the rule in Nevada was flexible and if the case was similar and close in time. Mr. Mcavoyamaya stated all the parties in that case would testify in this case.

Court stated they were union staff members.

Mr. Mcavoyamaya argued they were members of the non-management staff, they were employees, that the trustees breached the contract, and that there was a breach in this case and therefore he requested the Court take judicial notice of the record. Mr. Mcavoyamaya argued it was proper for judicial notice and that Deft.'s acknowledge this proceeding should follow federal law.

Mr. James argued the Pltf.'s were high ranking union members while his client was staff, that here

they had employment contracts not union contracts, and that the issues in that case were different.

Mr. Cohen argued that case had no bearing in this case, that testimony in this case could be impeached by documents without that decision, and that the Court cannot take judicial notice of disputed facts in another proceeding.

COURT STATED FINDINGS AND ORDERED, Request DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

September 30, 2019

A-17-764942-C Robert Clarke, Plaintiff(s)
vs.
Service Employees International Union, Defendant(s)

September 30, 2019 9:00 AM Motion to Compel

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS the Motion to Compel currently on calendar should be heard by the Discovery Commissioner AND THEREFORE ORDERED, Motion VACATED from the October 3, 2019 calendar and REFERRED to Discovery.

CLERK'S NOTE: A copy of this minute order has been electronically served to all registered parties for Odyssey File & Serve./ls 09-30-19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort**COURT MINUTES****December 03, 2019**

A-17-764942-C Robert Clarke, Plaintiff(s)
 vs.
 Service Employees International Union, Defendant(s)

December 03, 2019 9:00 AM All Pending Motions

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Natalie Ortega

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Cohen, Jonathan Attorney
 James, Evan L. Attorney
 Mcavoyamaya, Michael J. Attorney

JOURNAL ENTRIES

- DEFENDANTS SERVICE EMPLOYEES INTERNATIONAL UNION'S AND MARY KAY HENRY'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT; MEMORANDUM OF POINTS AND AUTHORITIES DEFENDANT'S MOTION FOR SUMMARY JUDGMENT PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

As to Defendants Service Employees International Union's And Mary Kay Henry's Notice Of Motion And Motion For Summary Judgment; Memorandum Of Points And Authorities: Extensive arguments by counsel regarding the merits of the motions. COURT ORDERED, Defendant's Motion for Summary Judgment and Defendants Service Employees International Union's and Mary Kay Henry's Motion for Summary Judgment GRANTED. COURT FINDS this case was preempted and fell directly under the Screen Actors Guild case. Further, Nevada looks to California for guidance when there was not on point Nevada law. That was their analysis of Federal Preemption. Additionally, they may use different terminology; however, it was the exact same concept of preemption. Court noted it would not address the issue of whether or not there was a contract. Defense counsel to prepare the Order and circulate to opposing counsel. Mr. Mcavoyamaya advised he would file his Notice of Appeal immediately. COURT FURTHER ORDERED, the whole case was DISMISSED under the basis

of Federal Preemption as a matter of law. Mr. Mcavoyamaya requested the Court to rule on the Motion to Relate the two cases first so the order on preemption applied to both, which would allow him to appeal both cases to the Nevada Supreme Court on the issue. COURT NOTED there was a Motion to Coordinate which was set for January 7, 2020, which the Court had not reviewed. Counsel indicated there was a stipulation. Court directed counsel to provide an Order coordinating the two cases. Colloquy regarding consolidating the cases. Mr. James suggested to stay the Nguyen case (A-19-794662-C) pending an appeal. Further, Plaintiff Gentry and Clarke were the first two directors and Plaintiff Nguyen was the third director, whom was terminated around the same time. Further colloquy regarding coordination and consolidation. Mr. Cohen noted an Order coordinating the cases with a stipulation to stay the Nguyen case pending the resolution of appeal in the Gentry case would be the most efficient way to handle the case.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

February 18, 2020

A-17-764942-C Robert Clarke, Plaintiff(s)
vs.
Service Employees International Union, Defendant(s)

February 18, 2020 9:00 AM All Pending Motions

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Cohen, Jonathan Attorney
James, Evan L. Attorney
Mcavoyamaya, Michael J. Attorney

JOURNAL ENTRIES

- Jonathan Cohen present telephonically.

MOTION TO RETAX:

Mr. Mcavoyamaya argued it was problematic that both Deft.'s were requesting costs, that there was no reason for travel costs to each hearing, that there was a duplication of work, and that there was no reason to request two copies of the transcript. Mr. Mcavoyamaya argued counsel did a cut and past into their motions, that they shared the same arguments in the case, and for them to double charge was just double dipping. Mr. Mcavoyamaya argued the Court had discretion to deny the charges, that the Deft.'s would receive a windfall, that they admitted the contracts exist, that both Deft.'s were represented by counsel, and that Nevada counsel could have appeared and represented both.

Mr. James argued the necessity of local counsel was required under the Local Rule, that Mr. Cohen represented the international union, that the international was entitled to their own discovery, that the local and international had different issues, and that they'd coordinated between themselves; however they each had to look out for their client's best interests. Mr. James further argued the briefs

were not identical, that there was no copy and paste in their briefing, and that not all motions were in regards to both Deft.'s

Mr. Cohen argued he was licensed in Nevada; however he did not have an office here and therefore was required to have local counsel appear with him. Mr. Cohen argued the employment agreements were always in dispute, that his client never had a contract with the Pltf.'s, that costs must be allowed under NRS 18.020 as they were no discretionary, and that costs ran from the beginning of the case not just following the Offer of Judgment. Mr. Cohen argued he did travel for depositions and court when appropriate and that there were some costs associated with the travel of a partner to Washington DC to take the deposition of Ms. Fitzpatrick, Chief of Staff of the Union.

COURT ORDERED, Motion to Retax Costs GRANTED IN PART and DENIED IN PART as follows: Travel to Washington DC for deposition GRANTED, Travel and lodging fees for travel to Las Vegas GRANTED; Legal Research costs GRANTED; Travel by Mr. Cohen from the Las Vegas office to court or travel to Las Vegas depositions DENIED; Mr. Mcavoyamaya to prepare the Order.

MOTION FOR ATTORNEY FEES AND AWARD OF COSTS - HEARING REQUESTED
and DEFENDANT SERVICE EMPLOYEES INTERNATIONAL UNION'S AND MARY KAY
HENRY'S MOTION FOR ATTORNEYS' FEES:

Mr. Cohen argued pursuant to NRS 68(c)(1) the Offer of Judgment was appropriate; that the offer was jointly apportioned to each individual Pltf., that they offered about one third of what Pltf.'s experts valued the damages at, that the offer was timely, and that the offer set the terms and conditions. Mr. Cohen argued they were entitled to make the offer on behalf of all Deft.'s and that the Pltf.'s let the offer lapse with no counter offer made.

Mr. James argued it was a global settlement, that NRS 68(b) always applied in these types of apportioned offers, and that the way the Pltf.'s prosecuted the lawsuit made it impossible for individuals to settle out separately. Mr. James argued the offer was reasonable, that the Deft.'s had no choice but to make an all or nothing offer, and that it was not appropriate to push aside Rule 68 due to the way Pltf.'s prosecuted the case.

Mr. Mcavoyamaya argued regarding the Parodi case, that the offer was unapportioned, that when there were multiple parties the offer must be apportioned as to which Deft.'s were paying for which claims, and that there were multiple theory's of liability and two different defenses.

COURT FINDS with the global offer, that it was to all claims as to all Deft.'s, that the Pltf.'s could only accept if both Pltf.'s accepted, that pursuant to the Beatty Factors it was not grossly unreasonable to reject the offer as it was not clear how they could have analyzed it and therefore, it was not unreasonable to reject it. COURT THEREFORE ORDERED, Motion DENIED; Mr. James to prepare the order and run it by opposing counsel before submitting.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

GLENN ROTHNER
510 S. MARENGO AVE.
PASADENA, CA 91101

DATE: May 12, 2020
CASE: A-17-764942-C

RE CASE: DANA GENTRY; ROBERT CLARKE vs. SERVICE EMPLOYEES INTERNATIONAL UNION; LUISA BLUE; MARTIN MANTECA; MARY K. HENRY; SHARON KISLING; CLARK COUNTY PUBLIC EMPLOYEES ASSOCIATION UNION AKA SEIU 1107

NOTICE OF APPEAL FILED: May 11, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; JOINT CASE APPEAL STATEMENT OF SERVICE
EMPLOYEES INTERNATIONAL UNION AND THE NEVADA SERVICE EMPLOYEES UNION;
DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING MOTIONS
FOR ATTORNEY FEES; NOTICE OF ENTRY OF JUDGMENT; DISTRICT COURT MINUTES;
NOTICE OF DEFICIENCY

DANA GENTRY; ROBERT CLARKE,

Plaintiff(s),

vs.

SERVICE EMPLOYEES INTERNATIONAL
UNION; LUISA BLUE; MARTIN MANTECA;
MARY K. HENRY; SHARON KISLING;
CLARK COUNTY PUBLIC EMPLOYEES
ASSOCIATION UNION AKA SEIU 1107,

Defendant(s),

Case No: A-17-764942-C

Dept No: XXVI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 12 day of May 2020.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

