

Electronically Filed  
Jun 25 2020 03:33 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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)  
 ) Case No.: A582746  
 ) Dept. No.: XI

VS.

ONECAP PARTNERS MM. INC. a Nevada  
corporation; VINCENT W. HESSER, an  
individual; DOE INDIVIDUALS I through X;  
and ROE CORPORATIONS I through X,

## Defendants

1 Defendant Vincent Hesser, by and through undersigned counsel of Law Offices of  
2  
3 Byron Thomas hereby gives notice of his appeal the to the Nevada Supreme Court of the Order of  
4 May 21, 2020 attached hereto as Exhibit "A"

5 Dated June 19\_\_\_\_, 2020  
6

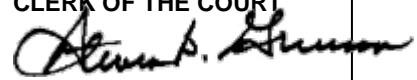
7 LAW OFFICES OF BYRON THOMAS

8 /s/ Byron E. Thomas

9 BYRON E. THOMAS, ESQ.  
10 Nevada Bar No. 8906  
11 3275 S. Jones Blvd., #104  
12 Las Vegas, Nevada 89146  
13 702 747-3103  
14 Attorney for Defendant Vincent Hesser  
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## EXHIBIT “A”



1 Michael F. Lynch  
Nevada Bar No. 8555  
2 Lynch Law Practice, PLLC  
3613 S. Eastern Ave.  
3 Las Vegas, NV 89169  
702.684.6000  
4 Michael@LynchLawPractice.com  
5 *Attorney for Kennedy Funding, Inc.*

6  
7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 \* \* \*

10 KENNEDY FUNDING, INC., a New Jersey  
corporation,

11 Plaintiff,

12 v.

13 ONECAP PARTNERS MM, INC, a Nevada  
corporation; VINCENT W. HESSER, an  
14 individual; DOE INDIVIDUALS I through X;  
15 and ROE CORPORATIONS I through X,

16 Defendants.

Case No.: 09A582746

Dept No.: XI

**NOTICE OF ENTRY OF ORDER**

17 **PLEASE TAKE NOTICE** that the Court has entered its Order Denying Defendant's Motion  
18 to Amend, Alter, Modify (And/Or Reconsider) Order, a true, correct, and complete copy of which is  
19 attached hereto.

20 DATED May 21, 2020.

21 LYNCH LAW PRACTICE, PLLC

22 /s/ Michael F. Lynch  
23 Nevada Bar No. 8555  
3613 S. Eastern Ave.  
24 Las Vegas, NV 89169  
702.684.6000  
25 *Attorney for Kennedy Funding, Inc.*

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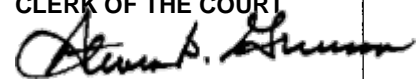
**CERTIFICATE OF SERVICE**

I hereby certify that on this day, the foregoing document was E-Filed and E-Served on all parties on the service list through the court’s electronic filing system.

I further certify that on this day, I mailed a copy of the foregoing document from Clark County, Nevada, via first class U.S. Mail postage fully prepaid, to the following party(ies) at the following address(es):

BYRON E. THOMAS. ESQ.  
Law Offices of Byron Thomas  
3275 S. Jones Blvd. Ste. 104  
Las Vegas, Nevada 89146  
  
ANTHONY M. SANTOS, ESQ.  
AMSLC  
3275 S. Jones Blvd. Ste. 104  
Las Vegas, Nevada 89146  
  
*Attorneys for Vincent W. Hesser*

Dated May 21, 2020.  
  
/s/ Michael F. Lynch



**ODM**  
RICHARD F. HOLLEY, ESQ.  
Nevada Bar No. 3077  
E-mail: rholley@nevadafirm.com  
F. THOMAS EDWARDS, ESQ.  
Nevada Bar No. 9549  
E-mail: tedwards@nevadafirm.com  
MARY LANGSNER, Ph.D.  
Nevada Bar No. 13707  
E-mail: mlangsner@nevadafirm.com  
HOLLEY DRIGGS WALCH  
FINE PUZEY STEIN & THOMPSON  
400 South Fourth Street, Third Floor  
Las Vegas, Nevada 89101  
Telephone: 702/791-0308  
Facsimile: 702/791-1912

*Attorneys for Kennedy Funding, Inc.*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

KENNEDY FUNDING, INC., a New Jersey  
corporation,

Plaintiff,

v.

ONECAP PARTNERS MM, INC, a Nevada  
corporation; VINCENT W. HESSER, an  
individual; DOE INDIVIDUALS I through X;  
and ROE CORPORATIONS I through X,

Defendants.

Case No.: 09A582746  
Dept. No.: XI

**Date of Hearing: December 27, 2019**  
**Time of Hearing: Chambers**

Judge: Hon. Elizabeth Gonzalez

**ORDER DENYING DEFENDANT'S MOTION TO AMEND, ALTER, MODIFY  
(AND/OR RECONSIDER) ORDER**

The Motion to Amend, Alter, Modify (and/or Reconsider) Order filed with the Court on November 22, 2019 ("Motion") by Defendant judgment debtor Vincent W. Hesser ("Defendant") came before the Court on December 27, 2019, in Chambers, and with Defendant having appeared in his moving papers through his counsel of record of the law firm A.M. Santos Law, Chtd., and Plaintiff Kennedy Funding, Inc. ("Kennedy")<sup>1</sup> having appeared in its moving papers through its

<sup>1</sup> Together with Defendant, the "Parties".

counsel of record, the law firm Holley Driggs Walch Fine Puze Stein & Thompson. The Motion had challenged the Court's ruling embodied in an Order Denying Defendant's Motion for a Court Order Declaring Judgment Expired entered on December 3, 2019 ("Order"). The Court, having reviewed and considered the papers and pleadings on file in this Action (Eighth Judicial District Court Case No. A-16-7362814-B) (the "Action"); and having read, reviewed, and considered the evidence and argument presented by counsel to the Parties; and with good cause appearing:

**THE COURT HEREBY FINDS** that no new law or facts were presented by the Defendant which would convince the Court that a different ruling is appropriate, and therefore amendment, alteration, modification, or reconsideration of the Order are not warranted.

**THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the Motion is **DENIED**.

**IT IS SO ORDERED.**


Dated this 21st day of May, 2020.

  
 \_\_\_\_\_  
 DISTRICT COURT JUDGE

Respectfully submitted by:  
**HOLLEY DRIGGS WALCH**  
**FINE PUZEY STEIN & THOMPSON**

Approved as to form and content by:  
**A.M. SANTOS LAW, CHTD.**

DID NOT RESPOND

  
 \_\_\_\_\_  
 RICHARD F. HOLLEY, ESQ.  
 Nevada Bar No. 3077  
 F. THOMAS EDWARDS, ESQ.  
 Nevada Bar No. 9549  
 MARY LANGSNER, Ph.D.  
 Nevada Bar No. 13707  
 400 South Fourth Street, Third Floor  
 Las Vegas, Nevada 89101  
*Attorneys for Plaintiff Kennedy Funding, Inc.*

\_\_\_\_\_  
 ANTONY M. SANTOS, ESQ.  
 Nevada Bar No. 11265  
 3275 S. Jones Blvd. Suite 104  
 Las Vegas, Nevada 89146  
*Attorneys for Defendant Vincent W. Hesser*

**CASE SUMMARY****CASE NO. 09A582746**

**Kennedy Funding Inc**  
**vs**  
**Onecap Partners MM Inc, Vincent Hesser**

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Location: **Department 11**  
 Judicial Officer: **Gonzalez, Elizabeth**  
 Filed on: **02/13/2009**  
 Cross-Reference Case Number: **A582746**  
 Supreme Court No.: **55654**

**CASE INFORMATION****Statistical Closures**

09/28/2011 Summary Judgment

Case Type: **Business Court**

Subtype: **Other Business Court Matters**

Case Status: **09/28/2011 Closed**




**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number 09A582746  
 Court Department 11  
 Date Assigned 02/13/2009  
 Judicial Officer Gonzalez, Elizabeth

**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>Kennedy Funding Inc</b>	<b>Lynch, Michael F.</b> <i>Retained</i> 702-413-8282(W)
<b>Defendant</b>	<b>Hesser, Vincent W</b> Removed: 03/15/2010 Change of Status	<b>Gewerter, Harold Phillip</b> <i>Retained</i> 702-476-5101(W)
	<b>Hesser, Vincent W</b>	<b>Santos, Antony M</b> <i>Retained</i> 702-560-2409(W)
	<b>Onecap Partners MM Inc</b> Removed: 03/15/2010 Change of Status	<b>Gewerter, Harold Phillip</b> <i>Retained</i> 702-476-5101(W)
<b>Conversion</b>	<b>No Convert Value @ 09A582746</b>	
<b>Extended</b>	Removed: 04/24/2009	
<b>Connection Type</b>	Converted From Blackstone	







**DATE****EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

02/13/2009	 Complaint <i>COMPLAINT FILED Fee \$151.00</i>	09A5827460001.tif pages
02/13/2009	 Initial Appearance Fee Disclosure Filed By: Plaintiff Kennedy Funding Inc <i>INITIAL APPEARANCE FEE DISCLOSURE</i>	09A5827460002.tif pages
03/11/2009	 Summons Filed by: Plaintiff Kennedy Funding Inc <i>SUMMONS - ONECAP PARTNERS MM INC</i>	09A5827460005.tif pages



# CASE SUMMARY

CASE NO. 09A582746

03/13/2009	 Answer Filed By: Defendant Onecap Partners MM Inc <i>DEFENDANTS ANSWER TO COMPLAINT AND AFFIRMATIVE DEFENSES</i>	09A5827460003.tif pages
03/13/2009	Answer Filed By: Defendant Hesser, Vincent W <i>DEFENDANTS ANSWER TO COMPLAINT AND AFFIRMATIVE DEFENSES</i>	09A5827460004.tif pages
03/13/2009	 Initial Appearance Fee Disclosure Filed By: Defendant Onecap Partners MM Inc; Defendant Hesser, Vincent W <i>INITIAL APPEARANCE FEE DISCLOSURE</i>	09A5827460006.tif pages
03/19/2009	 Summons Filed by: Plaintiff Kennedy Funding Inc <i>SUMMONS -VINCENT W HESSER</i>	09A5827460007.tif pages
04/17/2009	 Commissioner's Decision On Request For Exemption <i>COMMISSIONERS DECISION ON REQUEST FOR EXEMPTION</i>	09A5827460008.tif pages
04/29/2009	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Amended Decision on Request for Exemption</i>	
05/08/2009	 Notice of Change of Address Filed By: Defendant Onecap Partners MM Inc; Defendant Hesser, Vincent W <i>Notice of Change of Address of Harold P Gewerter Esq</i>	
07/14/2009	 Joint Case Conference Report Filed By: Plaintiff Kennedy Funding Inc	
09/03/2009	 Stipulation <i>Stipulation to Extend Expert Disclosure Deadlines</i>	
09/08/2009	 Scheduling Order	
09/22/2009	 Motion for Summary Judgment Filed By: Plaintiff Kennedy Funding Inc	
09/22/2009	 Declaration Filed By: Plaintiff Kennedy Funding Inc <i>Declaration of Kevin Wolfer</i>	
09/23/2009	 Certificate of Mailing Filed By: Plaintiff Kennedy Funding Inc	
10/07/2009	 Opposition to Motion For Summary Judgment Filed By: Defendant Onecap Partners MM Inc; Defendant Hesser, Vincent W <i>Defendants' Opposition to Plaintiff's Motion For Summary Judgment</i>	
10/12/2009	 Order Setting Civil Non-Jury Trial <i>Order Setting Civil Non-Jury Trial and Calendar Call</i>	
10/20/2009	 Reply in Support	

# CASE SUMMARY

CASE NO. 09A582746

Filed By: Plaintiff Kennedy Funding Inc  
*Reply in Support of Motion for Summary Judgment*

11/03/2009



Declaration

*Declaration of Kim Vaccarella*

11/03/2009



Affidavit

*Affidavit of Ogonna M. Atamoh, Esq.*

11/03/2009



Memorandum of Costs and Disbursements

*Memorandum of Costs and Disbursements*

11/04/2009



Order Granting

Filed By: Plaintiff Kennedy Funding Inc

*Order Granting Plaintiff's Motion for Summary Judgment*

11/05/2009



Receipt of Copy

*Receipt of Copy*

11/05/2009



Notice of Entry of Order

Filed By: Plaintiff Kennedy Funding Inc

11/19/2009



Declaration

Filed By: Plaintiff Kennedy Funding Inc

*Supplemental Declaration of Kevin Wolfer*

12/03/2009



Request

Filed by: Plaintiff Kennedy Funding Inc

*Request to Strike Defendants' Clarified Supplemental Samages Submission*

12/03/2009



Supplemental

Filed by: Defendant Onecap Partners MM Inc; Defendant Hesser, Vincent W

*Defendants' Clarified Supplemental Damages Submission*

12/22/2009



Order Denying

Filed By: Defendant Onecap Partners MM Inc; Defendant Hesser, Vincent W

*Order Denying Plaintiff's Request to Strike*

01/05/2010



Notice of Entry of Order

Filed By: Defendant Onecap Partners MM Inc; Defendant Hesser, Vincent W

*Notice of Entry of Order Denying Plaintiff's Request to Strike*

02/18/2010



Order

Filed By: Plaintiff Kennedy Funding Inc

*Order Awarding Damages Pursuant to Plaintiff's Motion for Summary Judgment*

02/18/2010



Judgment

Filed By: Plaintiff Kennedy Funding Inc

*Judgment against OneCap Partners MM, Inc. and Vincent W. Hesser*

02/23/2010

















Notice of Entry of Order

Filed By: Plaintiff Kennedy Funding Inc

*Notice of Entry of Order*











# CASE SUMMARY

CASE NO. 09A582746

02/23/2010	 Notice of Entry of Judgment Filed By: Plaintiff Kennedy Funding Inc <i>Notice of Entry of Judgment</i>
03/15/2010	 Case Appeal Statement Filed By: Defendant Hesser, Vincent W <i>Case Appeal Statement</i>
03/15/2010	 Notice of Appeal Filed By: Defendant Hesser, Vincent W <i>Onecap Partners MM Inc and Vincent Hesser's Notice of Appeal</i>
04/23/2010	 Memorandum of Costs and Disbursements <i>Post-Judgment Memorandum of Costs and Disbursements</i>
09/28/2011	 Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i>
03/16/2012	 NV Supreme Court Clerks Certificate/Judgment - Affirmed
03/09/2015	 Ex Parte Motion for Order Allowing Examination of Judgment Filed by: Plaintiff Kennedy Funding Inc <i>Ex Parte Motion for Order Allowing Examination of Judgment</i>
03/12/2015	 Order for Judgment Debtor Examination Filed By: Plaintiff Kennedy Funding Inc <i>Order for Judgment Debtor Examination of Judgment Debtor Vincent W. Hesser</i>
03/13/2015	 Notice of Entry of Order Filed By: Plaintiff Kennedy Funding Inc <i>Notice of Entry of Order for Examination of Judgment Debtor Vincent W. Hesser</i>
05/05/2015	 Notice of Change of Firm Name Filed By: Plaintiff Kennedy Funding Inc <i>Notice of Firm Name Change</i>
05/05/2015	 Affidavit of Due Diligence Filed By: Plaintiff Kennedy Funding Inc <i>Affidavits of Due Diligence and Attempted Service</i>
05/06/2015	 Ex Parte Motion Filed By: Plaintiff Kennedy Funding Inc <i>Ex Parte Motion to Serve Judgment Debtor Vincent W. Hesser via Certified Mail Pursuant to NRS 14.090(1)(b)</i>
05/13/2015	 Order Granting Motion Filed By: Plaintiff Kennedy Funding Inc <i>Order Granting Ex Parte Motion to Serve Judgment Debtor Vincent W. Hesser via certified Mail Pursuant to NRS 14.090(1)(b)</i>
05/14/2015	 Notice of Examination of Judgment Debtor File By: Plaintiff Kennedy Funding Inc <i>Notice of Continued Examination of Judgment Debtor Vincent W. Hesser</i>

# CASE SUMMARY

CASE NO. 09A582746

05/14/2015	 Notice of Entry of Order Filed By: Plaintiff Kennedy Funding Inc <i>Notice of Entry of Order Granting Ex Parte Motion to Serve Judgment Debtor Vincent W. Hesser via Certified Mail Pursuant to NRS 14.090(1)(b)</i>
05/15/2015	 Affidavit of Service Filed By: Plaintiff Kennedy Funding Inc <i>Affidavit of Service by Mail</i>
05/15/2015	 Affidavit of Service Filed By: Plaintiff Kennedy Funding Inc <i>Affidavit of Service by Hand Delivery</i>
05/18/2015	 Affidavit Filed By: Plaintiff Kennedy Funding Inc <i>Affidavits of Service by Posting and Mailing; of Certified Mailing</i>
06/15/2015	 Ex Parte Motion Filed By: Defendant Hesser, Vincent W <i>Ex-Parte Motion for Protective Order</i>
06/15/2015	 Motion Filed By: Defendant Hesser, Vincent W <i>Defendant Hesser's Motion Pursuant to NRCP 60(b) to Vacate Judgment</i>
06/30/2015	 Stipulation and Order Filed by: Plaintiff Kennedy Funding Inc <i>Stipulation and Order to Extend Time for Plaintiff to File an Opposition to Defendant Hesser's Motion Pursuant to NRCP 60(b) to Vacate Judgment</i>
07/01/2015	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Kennedy Funding Inc <i>Notice of Entry of Stipulation and Order to Extend Time for Plaintiff to File an Opposition to Defendant Hesser's Motion Pursuant to NRCP 60(b) to Vacate Judgment</i>
07/07/2015	 Notice of Withdrawal of Motion Filed By: Defendant Hesser, Vincent W <i>Notice of Withdrawal of Motion</i>
12/24/2015	 Affidavit for Renewal of Judgment Filed By: Plaintiff Kennedy Funding Inc <i>Affidavit for Renewal of Judgment Against Vincent W. Hesser</i>
08/14/2019	 Motion for Order Filed By: Defendant Hesser, Vincent W <i>Motion for a Court Order Declaring Judgment Expired</i>
08/27/2019	 Motion for Order Filed By: Defendant Hesser, Vincent W <i>Motion for Court Order Declaring Judgment Expunged</i>
09/06/2019	 Opposition to Motion Filed By: Plaintiff Kennedy Funding Inc

# CASE SUMMARY

CASE NO. 09A582746

*Opposition to Motion for a Court Order Declaring Judgment Expired*

10/08/2019	 Errata Filed By: Defendant Hesser, Vincent W <i>ERRATA Motion For A Court Order Declaring Judgment Expired</i>
10/09/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
10/18/2019	 Notice Filed By: Plaintiff Kennedy Funding Inc <i>Notice Regarding Plaintiff's Opposition</i>
11/22/2019	 Motion to Reconsider Filed By: Defendant Hesser, Vincent W <i>Motion to Amend, Alter, Modify and/or Reconsider Order</i>
11/25/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/02/2019	 Opposition to Motion Filed By: Plaintiff Kennedy Funding Inc <i>Plaintiff's Opposition to Hesser's Motion to Amend, Alter, Modify (and/or Reconsider) Order</i>
12/03/2019	 Order Denying Motion Filed By: Plaintiff Kennedy Funding Inc <i>Order Denying Defendant's Motion for a Court Order Declaring Judgment Expired</i>
12/03/2019	 Notice of Entry of Order Filed By: Plaintiff Kennedy Funding Inc <i>Notice of Entry of Order Denying Defendant's Motion for a Court Order Declaring Judgment Expired</i>
12/23/2019	 Motion to Withdraw As Counsel Filed By: Plaintiff Kennedy Funding Inc <i>Motion to Withdraw as Attorney of Record</i>
12/23/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
01/24/2020	 Substitution of Attorney Filed by: Plaintiff Kennedy Funding Inc <i>Substitution of Counsel for Plaintiff</i>
02/10/2020	 Order Granting Motion Filed By: Plaintiff Kennedy Funding Inc <i>Order Granting Motion to Withdraw as Counsel of Record</i>
05/21/2020	 Order Denying Motion Filed By: Plaintiff Kennedy Funding Inc <i>Order Denying Defendant's Motion to Amend, Alter, Modify, (And/Or Reconsider) Order</i>
05/21/2020	 Notice of Entry of Order

# CASE SUMMARY

CASE NO. 09A582746

Filed By: Plaintiff Kennedy Funding Inc  
Notice of Entry of Order

06/19/2020



Notice of Appeal  
Notice of Appeal

## **DISPOSITIONS**

11/04/2009

**Summary Judgment** (Judicial Officer: Gonzalez, Elizabeth)  
Debtors: Onecap Partners MM Inc (Defendant), Vincent W Hesser (Defendant)  
Creditors: Kennedy Funding Inc (Plaintiff)  
Judgment: 11/04/2009, Docketed: 11/06/2009  
Comment: certain claim

03/16/2012

**Clerk's Certificate** (Judicial Officer: Gonzalez, Elizabeth)  
Debtors: Onecap Partners MM Inc (Defendant), Vincent W Hesser (Defendant)  
Creditors: Kennedy Funding Inc (Plaintiff)  
Judgment: 03/16/2012, Docketed: 03/20/2012  
Comment: Judgment Affirmed

12/24/2015

**Amended Judgment Plus Interest** (Judicial Officer: Gonzalez, Elizabeth)  
Debtors: Onecap Partners MM Inc (Defendant), Vincent W Hesser (Defendant)  
Creditors: Kennedy Funding Inc (Plaintiff)  
Judgment: 12/24/2015, Docketed: 02/23/2010  
Total Judgment: 34,585,351.86  
Comment: Renewal of Judgment

## **HEARINGS**

10/27/2009



**Motion for Summary Judgment** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)  
Events: 09/22/2009 Motion for Summary Judgment  
*Pltf's Motion for Summary Judgment*  
Granted in Part; Pltf's Motion for Summary Judgment  
Journal Entry Details:  
*Colloquy regarding Bankruptcy Court delay. Arguments by Counsel. COURT stated its findings and ORDERED, Plaintiff's Motion for Summary Judgment, GRANTED IN PART as to the Liability and Court will set a hearing on the damages. Counsel to agree on a date certain.;*





11/05/2009



**Hearing** (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)  
**11/05/2009, 12/04/2009**  
*Summary Judgment hearing on Damages*  
Continued for Chambers Decision; Summary Judgment Hearing on Damages  
Denied; Summary Judgment hearing on Damages  
Journal Entry Details:  
*The Court having considered the Plaintiffs request to strike supplement and all related briefing DENIES the request. Mr. Gewerter to prepare and submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment. CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: H. Gewerter, Esq. ;*  
Continued for Chambers Decision; Summary Judgment Hearing on Damages  
Denied; Summary Judgment hearing on Damages  
Journal Entry Details:  
*Testimony and exhibits presented. (See worksheets). Court noted it heard sufficient testimony and reviewed paragraph 5 of the guarantee. Colloquy regarding exhibit one to the opposition containing the agreement of the settlement in the Bankruptcy Court. Court directed Ms. Atamoh to submit a supplemental declaration regarding the lenders, within two weeks. COURT ORDERED, matter CONTINUED to chambers for decision and Counsel to notify chambers if requesting arguments. 12/04/09 (CHAMBERS) SUMMARY JUDGMENT HEARING/DECISION ;*

# CASE SUMMARY

CASE NO. 09A582746




11/19/2009	 <b>Status Check</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Events: 10/12/2009 Order Setting Civil Non-Jury Trial Matter Heard; Journal Entry Details: <i>Colloquy regarding the future hearing date for decision on the summary judgment hearing on damages, and the supplemental affidavit to be provided. Court noted all dates stand.;</i>
02/04/2010	 <b>Calendar Call</b> (9:15 AM) (Judicial Officer: Gonzalez, Elizabeth) Events: 10/12/2009 Order Setting Civil Non-Jury Trial Matter Heard; Journal Entry Details: <i>Counsel advised there was already a hearing for Summary Judgment and damages. Further, court has not given a ruling as to authority issue. Colloquy regarding briefings filed. Ms. Atamoh advised they are awaiting money for damages. COURT ORDERED, as their is an issue for authority, matter SET for Status Check. 2/5/10 3:00 AM STATUS CHECK: DETERMINATION OF AUTHORITY (CHAMBERS) ;</i>
02/05/2010	 <b>Status Check</b> (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <b>MINUTE ORDER</b> Matter Heard; Journal Entry Details: <i>The court having reviewed the supplemental briefing on the authority to proceed finds that the Plaintiff has authority to proceed on behalf of the coLenders. The Court has previously determined that the action against the guarantors is not limited due to the inability of the lender to proceed with foreclosure as a result of the settlement in the Bankruptcy proceeding with the Debtor in bankruptcy. Further the Court having previously granted partial summary judgment on liability for the obligation and having heard evidence of the amount of the deficiency awards damages in the amount of \$16,802,025.64 including attorneys fees of \$39,755 00 and costs \$2,131.45 totaling \$16.843.912.09 pursuant to the guaranty. In the event the Debtor in bankruptcy satisfies the indebtedness owing to Plaintiff, then Plaintiff will cease its efforts to enforce the judgment against the Defendants. Additionally this order does not impede Defendants ability to make a claim against Debtor in bankruptcy as a result of the satisfaction of the obligation. Counsel for Plaintiff is directed to submit proposed findings of fact and conclusions of law and a proposed judgment consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing, the evidentiary hearing, and argument. This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment. All future dates are ordered vacated. CLERK'S NOTE: Clerk notified parties telephonically of vacated trial and the above minute order has been distributed to: Ognna Attamoh, Esq. (Santoro, Driggs et el) and Harold Phillip Gewerter, Esq. (Gewerter Law Offices);</i>
02/08/2010	<b>CANCELED Bench Trial</b> (1:30 PM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Judge</i>
06/16/2015	 <b>Telephonic Conference</b> (1:00 PM) (Judicial Officer: Gonzalez, Elizabeth) Matter Heard; Journal Entry Details: <i>Also participating telephonically: Attorney Timothy S. Cory and Attorney Anthony M. Santos for Defendant Vincent Hesser. Court NOTED the reason for this call is an ex parte application for protective order to preclude a judgment debtor examination from going forward today. Objection by Ms. Atamoh as to the request being untimely and lacking merit. Response by Mr. Santos regarding fair market determination of the property. Mr. Cory noted if the judgment has gone away or has been satisfied they are not entitled to a judgment debtor exam. Mr. Atamoh advised she has a court reporter waiting, she did write opposing counsel a letter, and they elected to wait until the eve of the examination. Court stated, it understands the issues that are being raised; however, that does not alleviate the judgment debtor examination; the motion for protective order is DENIED</i>



EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. 09A582746**

	<i>and the judgment debtor examination is PERMITTED to go forward.;</i>
07/17/2015	<b>CANCELED Motion to Vacate</b> (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i> <i>Defendant Hesser's Motion Pursuant to NRCP 60(b) to Vacate Judgment</i>
11/15/2019	 <b>Motion for Order</b> (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Motion for a Court Order Declaring Judgment Expired</i> Denied; Journal Entry Details: <i>The Court having reviewed Defendant/Judgment Debtor's Motion for Order Declaring Judgment Expired and the related briefing and being fully informed, DENIES the motion. Movant had actual notice of the filing and the filing, service and recording were all accomplished prior to the expiration of the judgment. Counsel for Plaintiff/Judgment Creditor is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and argument. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. CLERK'S NOTE: A copy of this minute order was distributed to the parties via electronic mail. / dr 11-18-19;</i>
12/27/2019	 <b>Motion to Reconsider</b> (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant's Motion to Amend, Alter, Modify and/or Reconsider Order</i> Denied; Journal Entry Details: <i>The Court having reviewed the motion to amend and / or reconsider and the related briefing and being fully informed, DENIES the motion. No new law or facts are presented which would convince the Court that a different ruling is appropriate. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. 1-24-20 CHAMBERS PLAINTIFF'S MOTION TO WITHDRAW AS ATTORNEY OF RECORD CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-27-19;</i>
01/24/2020	 <b>Motion to Withdraw as Counsel</b> (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiff's Motion to Withdraw as Attorney of Record</i> Granted; Journal Entry Details: <i>Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Withdraw is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order including the last known address, email address, and all upcoming dates within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-27-20;</i>

DATE

FINANCIAL INFORMATION

<b>Defendant</b> Hesser, Vincent W	
Total Charges	24.00
Total Payments and Credits	24.00
<b>Balance Due as of 6/22/2020</b>	<b>0.00</b>
<b>Conversion Extended Connection Type</b> No Convert Value @ 09A582746	
Total Charges	285.00
Total Payments and Credits	285.00
<b>Balance Due as of 6/22/2020</b>	<b>0.00</b>
<b>Defendant</b> Hesser, Vincent W	



**CASE SUMMARY**

**CASE NO. 09A582746**

Total Charges	24.00
Total Payments and Credits	24.00
<b>Balance Due as of 6/22/2020</b>	<b>0.00</b>

**Plaintiff** Kennedy Funding Inc

Total Charges	267.00
Total Payments and Credits	267.00
<b>Balance Due as of 6/22/2020</b>	<b>0.00</b>

ORIGINAL

# CIVIL COVER SHEET

County, Nevada  
Case No.

(Assigned by Clerk's Office)

AJ582746

X1

## I. Party Information

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

Kennedy Funding, Inc., a New Jersey corporation

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

Onecap Partners MM, Inc., a Nevada corporation  
Vincent W. Hesser, an individual

Attorney (name/address/phone):

Santoro, Driggs, Walch, Keamey, Holley & Thompson, 400 S. 4<sup>th</sup> St., 3<sup>rd</sup> Fl.  
Las Vegas, NV 89101; 702-791-0308

Attorney (name/address/phone):

Unknown

## II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ Arbitration Requested

### Civil Cases

Real Property	Negligence	Torts
<input type="checkbox"/> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> <b>Title to Property</b> <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> <b>Condemnation/Eminent Domain</b> <input type="checkbox"/> <b>Other Real Property</b> <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> <b>Negligence - Auto</b> <input type="checkbox"/> <b>Negligence - Medical/Dental</b> <input type="checkbox"/> <b>Negligence - Premises Liability</b> (Slip/Fall) <input type="checkbox"/> <b>Negligence - Other</b>	<input type="checkbox"/> <b>Product Liability</b> <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> <b>Intentional Misconduct</b> <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> <b>Employment Torts</b> (Wrongful termination) <input type="checkbox"/> <b>Other Torts</b> <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition

### Probate

### Other Civil Filing Types

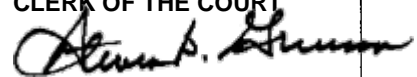
<input type="checkbox"/> <b>Summary Administration</b> <input type="checkbox"/> <b>General Administration</b> <input type="checkbox"/> <b>Special Administration</b> <input type="checkbox"/> <b>Set Aside Estates</b> <input type="checkbox"/> <b>Trust/Conservatorships</b> <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> <b>Other Probate</b>	<input type="checkbox"/> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> <b>Breach of Contract</b> <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> <b>Civil Petition for Judicial Review</b> <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> <b>Appeal from Lower Court</b> (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> <b>Civil Writ</b> <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment - Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters
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## III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

<input type="checkbox"/> NRS Chapters 78-88 <input type="checkbox"/> Commodities (NRS 90) <input type="checkbox"/> Securities (NRS 90)	<input type="checkbox"/> Investments (NRS 104 Art. 8) <input type="checkbox"/> Deceptive Trade Practices NRS 598 <input type="checkbox"/> Trademarks (NRS 600A)	<input type="checkbox"/> Enhanced Case Mgmt/Business <input checked="" type="checkbox"/> Other Business Court Matters
--	---	--

February 13, 2009  
Date

Signature of initiating party or representative



**ODM**  
RICHARD F. HOLLEY, ESQ.  
Nevada Bar No. 3077  
E-mail: rholley@nevadafirm.com  
F. THOMAS EDWARDS, ESQ.  
Nevada Bar No. 9549  
E-mail: tedwards@nevadafirm.com  
MARY LANGSNER, Ph.D.  
Nevada Bar No. 13707  
E-mail: mlangsner@nevadafirm.com  
HOLLEY DRIGGS WALCH  
FINE PUZEY STEIN & THOMPSON  
400 South Fourth Street, Third Floor  
Las Vegas, Nevada 89101  
Telephone: 702/791-0308  
Facsimile: 702/791-1912

*Attorneys for Kennedy Funding, Inc.*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

KENNEDY FUNDING, INC., a New Jersey  
corporation,

Plaintiff,

v.

ONECAP PARTNERS MM, INC, a Nevada  
corporation; VINCENT W. HESSER, an  
individual; DOE INDIVIDUALS I through X;  
and ROE CORPORATIONS I through X,

Defendants.

Case No.: 09A582746  
Dept. No.: XI

**Date of Hearing: December 27, 2019**  
**Time of Hearing: Chambers**

Judge: Hon. Elizabeth Gonzalez

**ORDER DENYING DEFENDANT'S MOTION TO AMEND, ALTER, MODIFY  
(AND/OR RECONSIDER) ORDER**

The Motion to Amend, Alter, Modify (and/or Reconsider) Order filed with the Court on November 22, 2019 ("Motion") by Defendant judgment debtor Vincent W. Hesser ("Defendant") came before the Court on December 27, 2019, in Chambers, and with Defendant having appeared in his moving papers through his counsel of record of the law firm A.M. Santos Law, Chtd., and Plaintiff Kennedy Funding, Inc. ("Kennedy")<sup>1</sup> having appeared in its moving papers through its

<sup>1</sup> Together with Defendant, the "Parties".

counsel of record, the law firm Holley Driggs Walch Fine Puzezy Stein & Thompson. The Motion had challenged the Court's ruling embodied in an Order Denying Defendant's Motion for a Court Order Declaring Judgment Expired entered on December 3, 2019 ("Order"). The Court, having reviewed and considered the papers and pleadings on file in this Action (Eighth Judicial District Court Case No. A-16-7362814-B) (the "Action"); and having read, reviewed, and considered the evidence and argument presented by counsel to the Parties; and with good cause appearing:

**THE COURT HEREBY FINDS** that no new law or facts were presented by the Defendant which would convince the Court that a different ruling is appropriate, and therefore amendment, alteration, modification, or reconsideration of the Order are not warranted.

**THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the Motion is **DENIED**.

**IT IS SO ORDERED.**


Dated this 21st day of May, 2020.

  
 \_\_\_\_\_  
 DISTRICT COURT JUDGE

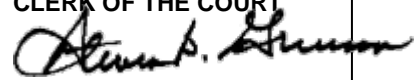
Respectfully submitted by:  
**HOLLEY DRIGGS WALCH**  
**FINE PUZEY STEIN & THOMPSON**

Approved as to form and content by:  
**A.M. SANTOS LAW, CHTD.**

DID NOT RESPOND

  
 \_\_\_\_\_  
 RICHARD F. HOLLEY, ESQ.  
 Nevada Bar No. 3077  
 F. THOMAS EDWARDS, ESQ.  
 Nevada Bar No. 9549  
 MARY LANGSNER, Ph.D.  
 Nevada Bar No. 13707  
 400 South Fourth Street, Third Floor  
 Las Vegas, Nevada 89101  
*Attorneys for Plaintiff Kennedy Funding, Inc.*

\_\_\_\_\_  
 ANTONY M. SANTOS, ESQ.  
 Nevada Bar No. 11265  
 3275 S. Jones Blvd. Suite 104  
 Las Vegas, Nevada 89146  
*Attorneys for Defendant Vincent W. Hesser*



1 Michael F. Lynch  
Nevada Bar No. 8555  
2 Lynch Law Practice, PLLC  
3613 S. Eastern Ave.  
3 Las Vegas, NV 89169  
702.684.6000  
4 Michael@LynchLawPractice.com  
5 *Attorney for Kennedy Funding, Inc.*

6  
7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 \* \* \*

10 KENNEDY FUNDING, INC., a New Jersey  
corporation,

11 Plaintiff,

12 v.

13 ONECAP PARTNERS MM, INC, a Nevada  
corporation; VINCENT W. HESSER, an  
14 individual; DOE INDIVIDUALS I through X;  
15 and ROE CORPORATIONS I through X,

16 Defendants.

Case No.: 09A582746

Dept No.: XI

**NOTICE OF ENTRY OF ORDER**

17 **PLEASE TAKE NOTICE** that the Court has entered its Order Denying Defendant's Motion  
18 to Amend, Alter, Modify (And/Or Reconsider) Order, a true, correct, and complete copy of which is  
19 attached hereto.

20 DATED May 21, 2020.

21 LYNCH LAW PRACTICE, PLLC

22 /s/ Michael F. Lynch  
Nevada Bar No. 8555  
3613 S. Eastern Ave.  
Las Vegas, NV 89169  
702.684.6000  
23 *Attorney for Kennedy Funding, Inc.*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this day, the foregoing document was E-Filed and E-Served on all parties on the service list through the court’s electronic filing system.

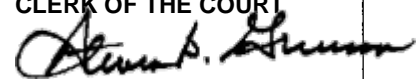
I further certify that on this day, I mailed a copy of the foregoing document from Clark County, Nevada, via first class U.S. Mail postage fully prepaid, to the following party(ies) at the following address(es):

BYRON E. THOMAS. ESQ.  
Law Offices of Byron Thomas  
3275 S. Jones Blvd. Ste. 104  
Las Vegas, Nevada 89146

ANTHONY M. SANTOS, ESQ.  
AMSLC  
3275 S. Jones Blvd. Ste. 104  
Las Vegas, Nevada 89146

*Attorneys for Vincent W. Hesser*

Dated May 21, 2020.  
  
/s/ Michael F. Lynch



**ODM**  
RICHARD F. HOLLEY, ESQ.  
Nevada Bar No. 3077  
E-mail: rholley@nevadafirm.com  
F. THOMAS EDWARDS, ESQ.  
Nevada Bar No. 9549  
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MARY LANGSNER, Ph.D.  
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E-mail: mlangsner@nevadafirm.com  
HOLLEY DRIGGS WALCH  
FINE PUZEY STEIN & THOMPSON  
400 South Fourth Street, Third Floor  
Las Vegas, Nevada 89101  
Telephone: 702/791-0308  
Facsimile: 702/791-1912

*Attorneys for Kennedy Funding, Inc.*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

KENNEDY FUNDING, INC., a New Jersey  
corporation,

Plaintiff,

v.

ONECAP PARTNERS MM, INC, a Nevada  
corporation; VINCENT W. HESSER, an  
individual; DOE INDIVIDUALS I through X;  
and ROE CORPORATIONS I through X,

Defendants.

Case No.: 09A582746  
Dept. No.: XI

**Date of Hearing: December 27, 2019**  
**Time of Hearing: Chambers**

Judge: Hon. Elizabeth Gonzalez

**ORDER DENYING DEFENDANT'S MOTION TO AMEND, ALTER, MODIFY  
(AND/OR RECONSIDER) ORDER**

The Motion to Amend, Alter, Modify (and/or Reconsider) Order filed with the Court on November 22, 2019 ("Motion") by Defendant judgment debtor Vincent W. Hesser ("Defendant") came before the Court on December 27, 2019, in Chambers, and with Defendant having appeared in his moving papers through his counsel of record of the law firm A.M. Santos Law, Chtd., and Plaintiff Kennedy Funding, Inc. ("Kennedy")<sup>1</sup> having appeared in its moving papers through its

<sup>1</sup> Together with Defendant, the "Parties".

counsel of record, the law firm Holley Driggs Walch Fine Puze Stein & Thompson. The Motion had challenged the Court's ruling embodied in an Order Denying Defendant's Motion for a Court Order Declaring Judgment Expired entered on December 3, 2019 ("Order"). The Court, having reviewed and considered the papers and pleadings on file in this Action (Eighth Judicial District Court Case No. A-16-7362814-B) (the "Action"); and having read, reviewed, and considered the evidence and argument presented by counsel to the Parties; and with good cause appearing:

**THE COURT HEREBY FINDS** that no new law or facts were presented by the Defendant which would convince the Court that a different ruling is appropriate, and therefore amendment, alteration, modification, or reconsideration of the Order are not warranted.

**THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the Motion is **DENIED**.

**IT IS SO ORDERED.**


Dated this 21st day of May, 2020.

  
 DISTRICT COURT JUDGE

Respectfully submitted by:  
**HOLLEY DRIGGS WALCH**  
**FINE PUZEY STEIN & THOMPSON**

Approved as to form and content by:  
**A.M. SANTOS LAW, CHTD.**

DID NOT RESPOND

  
 RICHARD F. HOLLEY, ESQ.  
 Nevada Bar No. 3077  
 F. THOMAS EDWARDS, ESQ.  
 Nevada Bar No. 9549  
 MARY LANGSNER, Ph.D.  
 Nevada Bar No. 13707  
 400 South Fourth Street, Third Floor  
 Las Vegas, Nevada 89101  
*Attorneys for Plaintiff Kennedy Funding, Inc.*

ANTONY M. SANTOS, ESQ.  
 Nevada Bar No. 11265  
 3275 S. Jones Blvd. Suite 104  
 Las Vegas, Nevada 89146  
*Attorneys for Defendant Vincent W. Hesser*



October 27, 2009

Onecap Partners MM Inc, Vincent Hesser

## Pltf's Motion for Summary Judgment

**COURTROOM:** RJC Courtroom 14C

**REPORTER:**

**PRESENT:** Atamoh, Ogonna M. Attorney  
Gewerter, Harold Phillip Attorney

- Colloquy regarding Bankruptcy Court delay. Arguments by Counsel. COURT stated its findings and ORDERED, Plaintiff's Motion for Summary Judgment, GRANTED IN PART as to the Liability and Court will set a hearing on the damages. Counsel to agree on a date certain.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Business Court****COURT MINUTES****November 05, 2009**

---

09A582746

Kennedy Funding Inc

vs

Onecap Partners MM Inc, Vincent Hesser

---

**November 05, 2009****9:30 AM****Hearing****Summary Judgment  
Hearing on Damages****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:**

Kathy Thomas

**RECORDER:**

Jill Hawkins

**REPORTER:****PARTIES****PRESENT:**

Atamoh, Ogonna M.

Attorney

Gewerter, Harold Phillip

Attorney

**JOURNAL ENTRIES**

- Testimony and exhibits presented. (See worksheets). Court noted it heard sufficient testimony and reviewed paragraph 5 of the guarantee. Colloquy regarding exhibit one to the opposition containing the agreement of the settlement in the Bankruptcy Court. Court directed Ms. Atamoh to submit a supplemental declaration regarding the lenders, within two weeks. COURT ORDERED, matter CONTINUED to chambers for decision and Counsel to notify chambers if requesting arguments.

12/04/09 (CHAMBERS) SUMMARY JUDGMENT HEARING/DECISION

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Business Court****COURT MINUTES****November 19, 2009**

---

09A582746

Kennedy Funding Inc

vs

Onecap Partners MM Inc, Vincent Hesser

---

**November 19, 2009****9:00 AM****Status Check****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Kathy Thomas**RECORDER:** Jill Hawkins**REPORTER:****PARTIES****PRESENT:**

Atamoh, Ogonna M.

Attorney

Gewerter, Harold Phillip

Attorney

**JOURNAL ENTRIES**

- Colloquy regarding the future hearing date for decision on the summary judgment hearing on damages, and the supplemental affidavit to be provided. Court noted all dates stand.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Business Court****COURT MINUTES****December 04, 2009**

---

09A582746

Kennedy Funding Inc

vs

Onecap Partners MM Inc, Vincent Hesser

---

**December 04, 2009****3:00 AM****Hearing****Summary Judgment  
hearing on Damages****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Kathy Thomas**RECORDER:****REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- The Court having considered the Plaintiffs request to strike supplement and all related briefing DENIES the request. Mr. Gewerter to prepare and submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: H. Gewerter, Esq.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Business Court****COURT MINUTES****February 05, 2010**

09A582746

Kennedy Funding Inc

vs

Onecap Partners MM Inc, Vincent Hesser

**February 05, 2010****3:00 AM****Status Check****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- The court having reviewed the supplemental briefing on the authority to proceed finds that the Plaintiff has authority to proceed on behalf of the coLenders. The Court has previously determined that the action against the guarantors is not limited due to the inability of the lender to proceed with foreclosure as a result of the settlement in the Bankruptcy proceeding with the Debtor in bankruptcy. Further the Court having previously granted partial summary judgment on liability for the obligation and having heard evidence of the amount of the deficiency awards damages in the amount of \$16,802,025.64 including attorneys fees of \$39,755 00 and costs \$2,131.45 totaling \$16.843.912.09 pursuant to the guaranty. In the event the Debtor in bankruptcy satisfies the indebtedness owing to Plaintiff, then Plaintiff will cease its efforts to enforce the judgment against the Defendants. Additionally this order does not impede Defendants ability to make a claim against Debtor in bankruptcy as a result of the satisfaction of the obligation. Counsel for Plaintiff is directed to submit proposed findings of fact and conclusions of law and a proposed judgment consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing, the evidentiary hearing, and argument. This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment. All future dates are ordered vacated.

CLERK'S NOTE: Clerk notified parties telephonically of vacated trial and the above minute order has been distributed to: Ognna Attamoh, Esq. (Santoro, Driggs et el) and Harold Phillip Gewerter, Esq. (Gewerter Law Offices)

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Business Court****COURT MINUTES****June 16, 2015**

---

09A582746

Kennedy Funding Inc

vs

Onecap Partners MM Inc, Vincent Hesser

---

**June 16, 2015****1:00 PM****Telephonic Conference****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Patti Slattery**REPORTER:****PARTIES****PRESENT:**

Atamoh, Ogonna M.

Attorney

**JOURNAL ENTRIES**

- Also participating telephonically: Attorney Timothy S. Cory and Attorney Anthony M. Santos for Defendant Vincent Hesser.

Court NOTED the reason for this call is an ex parte application for protective order to preclude a judgment debtor examination from going forward today. Objection by Ms. Atamoh as to the request being untimely and lacking merit. Response by Mr. Santos regarding fair market determination of the property. Mr. Cory noted if the judgment has gone away or has been satisfied they are not entitled to a judgment debtor exam. Mr. Atamoh advised she has a court reporter waiting, she did write opposing counsel a letter, and they elected to wait until the eve of the examination. Court stated, it understands the issues that are being raised; however, that does not alleviate the judgment debtor examination; the motion for protective order is DENIED and the judgment debtor examination is PERMITTED to go forward.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Business Court****COURT MINUTES****November 15, 2019**

---

09A582746

Kennedy Funding Inc

vs

Onecap Partners MM Inc, Vincent Hesser

---

**November 15, 2019****3:00 AM****Motion for Order****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** Chambers**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- The Court having reviewed Defendant/Judgment Debtor's Motion for Order Declaring Judgment Expired and the related briefing and being fully informed, DENIES the motion. Movant had actual notice of the filing and the filing, service and recording were all accomplished prior to the expiration of the judgment. Counsel for Plaintiff/Judgment Creditor is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and argument. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

CLERK'S NOTE: A copy of this minute order was distributed to the parties via electronic mail. / dr  
11-18-19

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Business Court****COURT MINUTES****December 27, 2019**

09A582746

Kennedy Funding Inc

vs

Onecap Partners MM Inc, Vincent Hesser

**December 27, 2019****3:00 AM****Motion to Reconsider****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** Chambers**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- The Court having reviewed the motion to amend and / or reconsider and the related briefing and being fully informed, DENIES the motion. No new law or facts are presented which would convince the Court that a different ruling is appropriate. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

1-24-20 CHAMBERS PLAINTIFF'S MOTION TO WITHDRAW AS ATTORNEY OF  
RECORD

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-27-19

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Business Court****COURT MINUTES****January 24, 2020**

---

09A582746

Kennedy Funding Inc

vs

Onecap Partners MM Inc, Vincent Hesser

---

**January 24, 2020****3:00 AM****Motion to Withdraw as  
Counsel****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** Chambers**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Withdraw is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order including the last known address, email address, and all upcoming dates within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-27-20

NOV 03 2029

Plaintiff's EXHIBITS

CASE NO. A582746

[illegible]

NOV 05 2009

Deft A EXHIBITS

CASE NO. A582746

[illegible]



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

**BYRON E. THOMAS, ESQ.**  
**3275 S. JONES BLVD., STE 104**  
**LAS VEGAS, NV 89146**

**DATE: June 22, 2020**  
**CASE: 09A582746**

**RE CASE:** KENNEDY FUNDINGS, INC. vs. VINCENT W. HESSER

NOTICE OF APPEAL FILED: June 19, 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

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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.*

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*\*\*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; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING DEFENDANT'S MOTION TO AMEND, ALTER, MODIFY (AND/OR RECONSIDER) ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

KENNEDY FUNDINGS, INC.,

Plaintiff(s),

vs.

VINCENT W. HESSER,

Defendant(s),


Case No: 09A582746

Dept No: XI

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 22 day of June 2020.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk