

Electronically Filed
Sep 10 2020 01:02 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 **NOAS**
2 CHAD A. BOWERS, ESQ.
3 Nevada Bar #: 007283
4 **CHAD A. BOWERS, LTD.**
5 3202 West Charleston Blvd.
6 Las Vegas, Nevada 89102
7 Telephone(702) 457-1001
8 Facsimile(702) 457-8006
9 Attorney for Plaintiffs

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

9 JOHN BORGER and SHERRI BORGER,)
10)
11 Plaintiffs,)
12 vs.)
13)
14 SANBAR POWERSPORTS, LLC., and)
15 DOES I through X; and ROE CORPORATIONS)
16 XI through XX, inclusive,)
17)
18 Defendants.)

Case No. : A-17-751896-C
Dept No. : XXV

NOTICE OF APPEAL

16 Notice is hereby given that John Borger and Sherri Borger, Plaintiffs above named, hereby appeal
17 to the Supreme Court of Nevada from final judgement Order Granting Polaris Industries, Inc.'s
18 Motion to Dismiss for Forum Non Conveniens entered in this action on August 9, 2020, the Notice
19 of Entry of Order filed August 10, 2020 attached hereto as Exhibit 1, as well as any and all orders,
20 decisions, judgments, findings, conclusions and or recommendations relating thereto.

21 Dated this 4th day of September, 2020.

22
23 **CHAD A. BOWERS, LTD.**

24
25 By: 

26 CHAD A. BOWERS, ESQ.
27 Nevada Bar #: 007283
28 3202 West Charleston Blvd.
Las Vegas, Nevada 89102

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 4th day of September, 2020, a true and correct copy of the foregoing **NOTICE OF APPEAL** through the electronic filing system of the Eight Judicial District Court of the State of Nevada, pursuant to Nevada Electronic Filing and Conversion Rules, (or, if necessary, by United States Mail at Las Vegas, Nevada, postage fully prepaid) upon the following:

Kyle W. Farrar, Esq.
CASTER, LYNCH, FARRAR & BALL
1010 Lamar, Suite 1600
Houston, TX 77002

Jennifer Willis Arledge, Esq.
Sgro & Roger



An Employee of CHAD A. BOWERS, ESQ.

EXHIBIT 1



1 **NEO**
2 JENNIFER WILLIS ARLEDGE, ESQ.
3 Nevada Bar No. 8729
4 ANTHONY P. SGRO, ESQ.
5 Nevada Bar No. 3811
6 SGRO & ROGER
7 720 S. Seventh Street, Third Floor
8 Las Vegas, Nevada 89101
9 Telephone: (702) 384-9800
10 Facsimile: (702) 665-4120
11 Attorneys for Plaintiffs
12 jarledge@sgroandroger.com
13 tsgro@sgroandroger.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

11 JOHN BORGER and SHERRI BORGER,

CASE NO.: A-17-751896-C

12
13 Plaintiffs,

DEPT. NO.: XXV

14 vs.

NOTICE OF ENTRY OF ORDER

15 SANDBAR POWERSPORTS LLC, DOES I
16 through X; ROE CORPORATIONS XI
17 through XX, inclusive, and POLARIS
18 INDUSTRIES, INC.,

19 Defendants.

20 And Related Claims.

21 PLEASE TAKE NOTICE that the above-entitled court entered an Order granting
22 Polaris Industries, Inc.'s motion to dismiss forum non conveniens on the 9th day August, 2020.

23 ///

24 ///

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26 ///

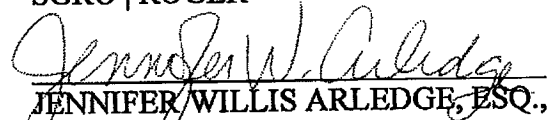
27 ///

28 ///

1 A copy of the court's order is attached hereto.

2 DATED this 10th day of August, 2020.

3 SGRO | ROGER

4 
JENNIFER WILLIS ARLEDGE, ESQ.,

6 Nevada State Bar No. 8729

7 ANTHONY P. SGRO, ESQ.

8 Nevada Bar No. 3811

9 720 South 7th Street, 3rd Floor

10 Las Vegas, NV 89101

CERTIFICATE OF SERVICE

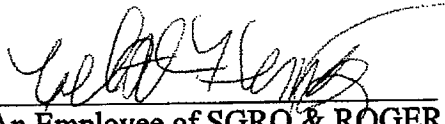
I HEREBY CERTIFY that on the 10th day of August, 2020, I served a true and correct copy of the foregoing ***NOTICE OF ENTRY OF ORDER*** as follows:

- _____ by first class mail, prepaid, addressed to the recipients below,
- _____ by facsimile transmission to the recipients' telephone numbers below,
- XX by electronic service via the Clark County District Court electronic filing system,
- _____ by hand delivery to the recipients below.

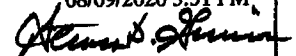
Griffith H. Hayes, Esq.
Litchfield Cavo LLP
3753 Howard Hughes Parkway, Suite 200
Las Vegas, NV 89169
hayes@litchfieldcavo.com

Kyle W. Farrar, Esq.
Castro, Lynch, Farrar & Ball
1010 Lamar, Suite 1600
Houston, TX 77002

Chad A. Bowers, Esq.
Chad A. Bowers, Ltd.
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Las Vegas, NV 89102
Tel.: (702) 457-1001
Fax: (702) 457-8006


An Employee of SGRO & ROGER

8/9/2020 3:31 PM

Electronically Filed
08/09/2020 3:31 PM
CLERK OF THE COURT

1 **OGM**
 2 **JENNIFER WILLIS ARLEDGE**
 3 Nevada Bar No.: 8729
 4 **WILSON, ELSE, MOSKOWITZ,**
 5 **EDELMAN & DICKER LLP**
 6 300 South 4th Street, 11th Floor
 7 Las Vegas, NV 89101
 8 (702) 727-1400; FAX (702) 727-1401
 9 Jennifer.Arledge@wilsonelser.com
 10 Attorneys for Defendant/Cross-Defendant
 11 **POLARIS INDUSTRIES, INC.**

DISTRICT COURT**CLARK COUNTY, NEVADA**10 **JOHN BORGER and SHERRI BORGER,**11 **Plaintiffs,**12 **vs.**

13 **SANDBAR POWERSPORTS, LLC, DOES I**
 14 **through X; ROE CORPORATIONS XI through**
 15 **XX, inclusive, and POLARIS INDUSTRIES, INC.,**

16 **Defendants,**17 **And Related Claims.**

CASE NO: A-17-751896-C
 DEPT NO: XXV

ORDER GRANTING POLARIS
INDUSTRIES, INC.'S MOTION TO
DISMISS FOR FORUM NON
CONVENIENS

18 The above-described action came before this Court for hearing on February 19, 2019 upon
 19 the motion by Defendant Polaris Industries, Inc. ("Polaris") to dismiss this case pursuant to NRCP
 20 7(b) on the grounds of *forum non conveniens* (the "Motion").

21 The Court, having considered the submissions of the parties, having considered all of the
 22 files, records, and proceedings in the action, having considered the arguments of counsel during the
 23 February 19, 2019 hearing on Defendant Polaris Industries, Inc.'s Motion to Dismiss for Forum
 24 Non Conveniens, and being otherwise fully advised,

25 **IT IS ORDERED** that Polaris Industries, Inc.'s Motion to Dismiss for Forum Non
 26 Conveniens is Granted. The above-described action is hereby dismissed under NRCP 7(b) on the
 27 grounds of *forum non conveniens* for the following reasons: (1) the Plaintiffs' choice of forum is
 28

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1 entitled to lesser deference because it is not the Plaintiffs' residence; (2) Arizona is an adequate
2 alternative forum because of the amount of evidence and the number of witnesses located in
3 Arizona; and (3) the public and private interest factors weigh in favor of dismissing this case.

4 **IT IS FURTHER ORDERED** that Plaintiffs may refile this action in the adequate alternative
5 forum of Arizona; that Polaris waives any statute of limitations defense, *forum non conveniens*
6 argument, or jurisdictional argument that may be available to it in Arizona; that interrogatories,
7 request for admission, and depositions taken and documents produced during the pendency of this
8 case in Nevada may be used by the parties in the re-filed case; and that Polaris waives formal service
9 of process requirements for the re-filed case—Polaris's counsel can and will accept service of the
10 new complaint, should Plaintiffs choose to refile.

11 **IT IS SO ORDERED.**

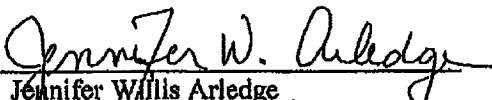
12
13 Dated this 9th day of August, 2020
14 Dated:; this ____ day of _____, 2019

15 
16 _____
DISTRICT COURT JUDGE

17 Respectfully Submitted By:

18 **WILSON, ELSE, MOSKOWITZ,**
19 **EDELMAN & DICKER LLP**

E79 7CC E946 E8DA
Kathleen E. Delaney
District Court Judge

20 By: 
21 Jennifer Willis Arledge
22 Nevada Bar No. 8729
23 300 South 4th Street, 11th Floor
24 Las Vegas, NV 89101
Attorneys for Defendant
POLARIS INDUSTRIES, INC.

25 ///

26 ///

27 ///

1
2 **FAEGRE BAKER DANIELS, LLP**
3

4 By: per authority - GWA
5 Matthew T. Albaugh - pro hac vice
6 Lexi C. Fuson - pro hac vice
7 300 N. Meridian St., Suite 2700
8 Indianapolis, IN 46204
9 Attorneys for Defendant
10 **POLARIS INDUSTRIES, INC.**

11 Approved as to form and content

12 **KASTER, LYNCH, FARRAR & BALL, LLP**

13 By: declined to sign - GWA
14 Kyle W. Farrar - pro hac vice
15 1010 Lamar, Suite 1600
16 Houston, TX 77002
17 Attorneys for **PLAINTIFFS**
18
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1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 John Borger, Plaintiff(s)

CASE NO: A-17-751896-C

7 vs.

DEPT. NO. Department 25

8 Sandbar Powersports LLC,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order Granting was served via the court's electronic eFile system to all
14 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/9/2020

15 "Chad A. Bowers, Esq." .

bowers@lawyer.com

16 Daniela .

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18 Kimberly Shonfeld

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19 Caleb Meyer

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20 Griffith Hayes

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21 Hilary Rainey

rainey@litchfieldcavo.com

22 Diarmuid Dillon

dillon@litchfieldcavo.com

23 Mary Ann Tuer

tuer@litchfieldcavo.com

24 Kyle Farrar

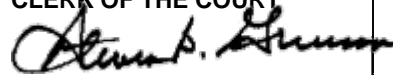
kyle@fbtrial.com

25 Skip Lynch

skip@thetirelawyers.com

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7 Telephone(702) 457-1001
8 Facsimile(702) 457-8006

9 Attorney for Plaintiffs

10
11 **DISTRICT COURT**
12
13 **CLARK COUNTY, NEVADA**

14 JOHN BORGER and SHERRI BORGER,

15 Plaintiffs,

16 vs.

17 SANBAR POWERSPORTS, LLC., and
18 DOES I through X; and ROE CORPORATIONS
19 XI through XX, inclusive,

20 Defendants.

Case No. : A-17-751896-C
Dept No. : XXV

21 **CASE APPEAL STATEMENT**

22 **CASE APPEAL STATEMENT**

23 **1. Name of appellant filing this case appeal statement:**

24 John Borger and Sherri Borger

25 **2. Identify the judge issuing the decision, judgment, or order appealed from:**

26 Judge Kathleen E. Delaney

27 **3. Identify each appellant and the name and address of counsel for each appellant:**

28 John Borger
Chad A. Bowers, LTD.
Chad Bowers, Esq.
3202 West Charleston Blvd.
Las Vegas, NV 89102

and

Kaster, Lynch, Farrar & Ball, LLP
Kyle Wayne Farrar
1117 Herkimer Street
Houston, TX 77008

1 Sherri Borger
Chad A. Bowers, LTD.
2 Chad Bowers, Esq.
3202 West Charleston Blvd.
3 Las Vegas, NV 89102

4 and

5 Kaster, Lynch, Farrar & Ball, LLP
Kyle Wayne Farrar
6 1117 Herkimer Street
Houston, TX 77008
7

8 **4. Identify each respondent and the name and address of appellate counsel, if known for each**
respondent (if name of a respondent's appellate counsel is unknown, indicate as much and
9 **provide name and address of that respondent's trial counsel):**

10 Polaris Industries, Inc.
Appellate Counsel Unknown

11 Trial Counsel
12 Jennifer Willis Arledge
Anthony P. Sgro
13 720 South 7th Street, 3rd Floor
Las Vegas, NV 89101

14 and

15 Faegre Drinker Biddle & Reath, LLP
16 Matthew T. Albaugh
300 N. Meridan St., Ste 2700
17 Indianapolis, IN 46204

18 **5. Indicate whether any attorney identified above in response to question 3 or 4 is not**
licensed to practice law in Nevada and, if so, whether the district court granted the attorney
19 **permission to appear under SCR 42:**

20 Kyle Wayne Farrar, Counsel for Appellants/Plaintiffs is not a licensed Nevada attorney. Mr. Farrar
was granted permission to appear Pro Hac Vice on May 31, 2017. A copy of the order is attached
21 as Exhibit 1.

22 Matthew T. Albaugh, Counsel for Respondent/Defendant Polaris is not a licensed Nevada attorney.
Mr. Albaugh was granted permission to appear Pro Hac Vice on February 7, 2019. A copy of the
23 order is attached as Exhibit 2.

24 **6. Indicate whether appellant was represented by appointed or retained counsel in the**
district court:

25 **Appellants were represented by retained counsel.**

26
27 **7. Indicate whether appellant is represented by appointed or retained counsel on appeal.**

28 Appellants are represented by retained counsel.

1 **8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date**
2 **of entry of the district court order granting such leave:**

3 Appellants were not given leave to proceed in forma pauperis.

4 **9. Indicate the date the proceedings commenced in the district court:**

5 The complaint was filed on March 3, 2017.

6 **10. Provide a brief description of the nature action and result in the district court, including**
7 **the type of judgement or order being appealed and the relief granted by the district court.**

8 Plaintiffs brought suit due to the crash of all-terrain vehicle near Lake Havasu, Arizona. Plaintiffs
9 sued Sandbar Powersports, LLC, a Nevada company that rented the vehicle to the Plaintiffs.
10 Plaintiffs also sued Polaris Industries, Inc., the Minnesota manufacturer of the vehicle. After the
parties had litigated for an extended period in Nevada and engaged in substantial merits discovery,
Nevada Defendant Sandbar agreed to settle with Plaintiffs. Following Sandbar's settlement,
Minnesota Defendant Polaris moved to dismiss the lawsuit for forum non conveniens. The district
court granted the motion, and Plaintiffs appeal from that order.

11 **11. Indicate whether the case has previously been the subject of an appeal to or original writ**
12 **proceedings in the Supreme Court and, if so, the caption and Supreme Court docket number**
13 **of the prior proceeding:**

14 The case has not previously been the subject of an appeal.

15 **12. Indicate whether this appeal involves child custody or visitation:**

16 This appeal does not involve child custody or visitation.

17 **13. If this a civil case, indicate whether this appeal involves the possibility of settlement:**

18 This appeal does not involves the possibility of settlement.

19 Dated this 4th day of September, 2020.

20 **CHAD A. BOWERS, LTD.**

21
22 By: 

23 CHAD A. BOWERS, ESQ.

24 Nevada Bar #: 007283

25 3202 West Charleston Blvd.

26 Las Vegas, Nevada 89102

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Kyle W. Farrar, Esq.
CASTER, LYNCH, FARRAR & BALL
1010 Lamar, Suite 1600
Houston, TX 77002

An Employee of CHAD A. BOWERS, ESQ.

EXHIBIT 1



ORD
CHAD A. BOWERS, ESQ.
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Telephone(702) 457-1001
Facsimile(702) 457-8006

Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

JOHN BORGER and SHERRI BORGER,

Plaintiffs,

vs.

Case No. : A-17-751896-C
Dept No. : XXV

SANBAR POWERSPORTS, LLC., and
DOES I through X; and ROE CORPORATIONS
XI through XX, inclusive,

Defendants.

ORDER ADMITTING TO PRACTICE

KYLE WAYNE FERRAR, ESQ., having filed his/her Motion to Association Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, a Certificate of Good Standing for the State of Texas, and the State Bar of Nevada Statement; said application having been notice, no objection having been made, and the Court being fully appraised in the

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1 premises, and good cause appearing, it is hereby

2 **ORDERED**, that said application is hereby granted, and KYLE WAYNE FARRAR, ESQ.,
3 is hereby admitted to practice in the above entitled Court for the purposes of the above entitle
4 matter only.

5 Dated this 31st day of May, 2017.

6
7 
8 **DISTRICT JUDGE**

9 **CHAD A. BOWERS, LTD.**


10
11 
12 **CHAD A. BOWERS, ESQ.**
13 Nevada Bar #: 007283
14 3202 West Charleston Blvd.
15 Las Vegas, Nevada 89102
16
17
18
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EXHIBIT 2

ORIGINAL

Steven D. Grierson

1 **ORDG**
2 **JENNIFER WILLIS ARLEDGE**
3 Nevada Bar No.: 8729
4 **WILSON, ELSE, MOSKOWITZ,**
5 **EDELMAN & DICKER LLP**
6 300 South 4th Street, 11th Floor
7 Las Vegas, NV 89101
8 (702) 727-1400; FAX (702) 727-1401
9 Jennifer.Arledge@wilsonelser.com
10 Attorneys for Defendant/Cross-Defendant
11 **POLARIS INDUSTRIES, INC.**

DISTRICT COURT
CLARK COUNTY, NEVADA

10 **JOHN BORGER and SHERRI BORGER,**
11 **Plaintiffs,**
12 **vs.**

CASE NO: A-17-751896-C
DEPT NO: XXV

13 **SANDBAR POWERSPORTS, LLC, DOES I**
14 **through X; ROE CORPORATIONS XI through**
15 **XX, inclusive, and POLARIS INDUSTRIES, INC.,**
16 **Defendants.**

ORDER ADMITTING TO PRACTICE

And Related Claims.

17 **Matthew T. Albaugh, Esq. having filed his Motion to Associate Counsel under Nevada**
18 **Supreme Court Rule 42, together with a Verified Application for Association of Counsel, a**
19 **Certificate of Good Standing for the State of Indiana, and the State Bar of Nevada Statement; said**
20 **application having been noticed, no objections having been made, and the Court being fully apprised**
21 **in the premises, and good cause appearing,**

22 **///**

23 **///**

24 **///**

25 **///**

26 **///**

27 **///**

28 **///**

1410278v.1

1 **IT IS HEREBY ORDERED** that said application is hereby granted, and Matthew T.
2 Albaugh, Esq. is hereby admitted to practice in the above entitled Court for the purposes of the
3 above matter only.

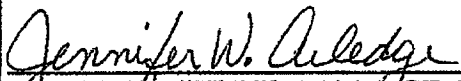
4 **IT IS SO ORDERED.**

5 Dated this 7th day of FEBRUARY, 2019.

6
7
8 
9 DISTRICT COURT JUDGE

10 Respectfully submitted by:

11 **WILSON, ELSER, MOSKOWITZ,**
12 **EDELMAN & DICKER, LLP**

13
14 
15 **JENNIFER WILLIS ARLEDGE, ESQ.**
16 Nevada Bar No.: 8729
17 300 South 4th Street, 11th Floor
18 Las Vegas, NV 89101
19 Attorneys for Defendant
20 **POLARIS INDUSTRIES, INC.**
21
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7 Telephone(702) 457-1001
8 Facsimile(702) 457-8006

9 Attorney for Plaintiffs

10
11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 JOHN BORGER and SHERRI BORGER,
14)
15)
16)
17 Plaintiffs,
18)
19 vs.)
20)
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23 SANBAR POWERSPORTS, LLC., and
24 DOES I through X; and ROE CORPORATIONS
25 XI through XX, inclusive,
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28 Defendants.)

Case No. : A-17-751896-C
Dept No. : XXV

NOTICE OF APPEAL

16 Notice is hereby given that John Borger and Sherri Borger, Plaintiffs above named, hereby appeal
17 to the Supreme Court of Nevada from final judgement Order Granting Polaris Industries, Inc.'s
18 Motion to Dismiss for Forum Non Conveniens entered in this action on August 9, 2020, the Notice
19 of Entry of Order filed August 10, 2020 attached hereto as Exhibit 1.

20 . Dated this 4th day of September, 2020.

21
22 **CHAD A. BOWERS, LTD.**

23
24 By: 

25 CHAD A. BOWERS, ESQ.
26 Nevada Bar #: 007283
27 3202 West Charleston Blvd.
28 Las Vegas, Nevada 89102

CASE SUMMARY**CASE NO. A-17-751896-C****John Borger, Plaintiff(s)****vs.****Sandbar Powersports LLC, Defendant(s)**§
§
§
§
§Location: **Department 25**Judicial Officer: **Delaney, Kathleen E.**Filed on: **03/03/2017**Cross-Reference Case **A751896**

Number:

CASE INFORMATION**Statistical Closures**

08/09/2020 Motion to Dismiss by the Defendant(s)

07/12/2019 Transferred (before trial)

Case Type: **Negligence - Auto**Case Flags: **Electronic Filing Case
Appealed to Supreme Court
Jury Demand Filed
Arbitration Exemption Granted****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number	A-17-751896-C
Court	Department 25
Date Assigned	03/03/2017
Judicial Officer	Delaney, Kathleen E.

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Borger, John	Bowers, Chad A. <i>Retained</i> 7028701100(W)
	Borger, Sherri	Bowers, Chad A. <i>Retained</i> 7028701100(W)
Defendant	Polaris Industries Inc	Arledge, Jennifer Willis <i>Retained</i> 702-384-9800(W)
	Sandbar Powersports LLC	Hayes, Griffith H. <i>Retained</i> 702-949-3100(W)
Counter Claimant	Sandbar Powersports LLC Removed: 04/16/2019 Dismissed	Hayes, Griffith H. <i>Retained</i> 702-949-3100(W)
Counter Defendant	Borger, John Removed: 04/16/2019 Dismissed	Bowers, Chad A. <i>Retained</i> 7028701100(W)
	Borger, Sherri Removed: 04/16/2019 Dismissed	Bowers, Chad A. <i>Retained</i> 7028701100(W)
Cross Claimant	Sandbar Powersports LLC Removed: 04/16/2019 Dismissed	Hayes, Griffith H. <i>Retained</i> 702-949-3100(W)
Cross Defendant	Polaris Industries Inc Removed: 04/16/2019 Dismissed	Arledge, Jennifer Willis <i>Retained</i> 702-384-9800(W)
Third Party	Borger, Foster	

CASE SUMMARY**CASE NO. A-17-751896-C****Defendant**Removed: 03/18/2019
Dismissed**Third Party
Plaintiff****Sandbar Powersports LLC**
Removed: 03/18/2019
Dismissed**Hayes, Griffith H.**
Retained
702-949-3100(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
03/03/2017	 Complaint Filed By: Plaintiff Borger, John <i>Complaint</i>	
03/03/2017	 Initial Appearance Fee Disclosure Filed By: Plaintiff Borger, John <i>Initial Appearance Fee Disclosure</i>	
03/16/2017	 Affidavit of Service Filed By: Plaintiff Borger, John <i>Affidavit Of Service</i>	
04/20/2017	 Motion Filed By: Plaintiff Borger, John <i>Motion To Associate Counsel</i>	
05/19/2017	 Demand for Jury Trial Filed By: Defendant Sandbar Powersports LLC <i>Demand for Jury Trial by Defendant/Counter-Claimant Sandbar Powersports, LLC</i>	
05/19/2017	 Answer and Counterclaim Filed By: Defendant Sandbar Powersports LLC <i>Answer of Sandbar Powersports, LLC to Complaint and Counterclaim</i>	
05/19/2017	 Initial Appearance Fee Disclosure Filed By: Defendant Sandbar Powersports LLC <i>Initial Appearance Fee Disclosure</i>	
05/23/2017	 Motion to Associate Counsel (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Plaintiffs' Motion to Associate Counsel (Kyle Wayne Farrar, Esq.)</i>	
06/02/2017	 Order Admitting to Practice Filed By: Plaintiff Borger, John <i>Order Admitting To Practice</i>	
06/05/2017	 Notice of Order Filed By: Plaintiff Borger, John <i>Notice Of Entry Of Order</i>	
07/07/2017	 Answer to Counterclaim Filed By: Plaintiff Borger, John; Plaintiff Borger, Sherri <i>Counter-Defendant's Answer To Claimant's Counterclaim</i>	
07/10/2017	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - Granted</i>	
07/10/2017		

CASE SUMMARY











CASE NO. A-17-751896-C

	 Arbitration File <i>Arbitration File</i>
07/10/2017	 Arbitration File <i>Arbitration File</i>
07/31/2017	 Notice of Change of Address Filed By: Defendant Sandbar Powersports LLC <i>Notice of Change of Address</i>
08/08/2017	 Joint Case Conference Report Filed By: Plaintiff Borger, John <i>Joint Case Conference Report</i>
08/23/2017	 Scheduling Order <i>Scheduling Order</i>
08/24/2017	 Order Setting Civil Jury Trial and Calendar Call <i>Order Setting Civil Jury Trial and Pretrial/Calendar Call</i>
09/06/2017	 Early Case Conference List of Witnesses & Production of Docs Filed By: Plaintiff Borger, Sherri <i>Plaintiff's Case Conference List Of Witnesses And Documents</i>
11/09/2017	 Stipulation and Order to Amend Filed By: Plaintiff Borger, Sherri <i>Stipulation and Order to Amend Complaint</i>
11/14/2017	 Amended Complaint Filed By: Plaintiff Borger, Sherri <i>Plaintiffs' Amended Complaint</i>
11/29/2017	 Affidavit of Service Filed By: Plaintiff Borger, John <i>Affidavit of Service of Polaris Industries Inc</i>
12/12/2017	 Answer to Amended Complaint Filed By: Defendant Polaris Industries Inc <i>Defendant Polaris Industries, Inc.'s Answer to Plaintiffs' Amended Complaint</i>
12/12/2017	 Demand for Jury Trial Filed By: Defendant Polaris Industries Inc <i>Defendant Polaris Industries, Inc.'s Demand for Jury Trial</i>
12/12/2017	 Initial Appearance Fee Disclosure Filed By: Defendant Polaris Industries Inc <i>Defendant Polaris Industries, Inc.'s Initial Appearance Fee Disclosure</i>
12/12/2017	 Disclosure Statement Party: Defendant Polaris Industries Inc <i>Defendant Polaris Industries, Inc.'s Notice of Required Disclosure Statement (NRCP 7.1)</i>
12/13/2017	 Application

CASE SUMMARY

CASE NO. A-17-751896-C

Filed By: Defendant Polaris Industries Inc
Verified Application for Association of Counsel Under Nevada Supreme Court Rule 42

12/18/2017	 Application <i>Verified Application for Association of Counsel Under Nevada Supreme Court Rule 42</i>
01/19/2018	 Supplement to List of Witnesses & Documents Party: Plaintiff Borger, Sherri <i>Plaintiff's First Supplement To Case Conference List of Witnesses and Documents</i>
02/02/2018	 Answer and Counterclaim Filed By: Defendant Sandbar Powersports LLC <i>Answer of Sandbar Powersports, LLC to Plaintiffs' Amended Complaint and Counterclaim and Crossclaim</i>
02/14/2018	 Answer and Counterclaim Filed By: Defendant Sandbar Powersports LLC <i>Answer, Counter-Claim and Amended Cross-Claim of Sandbar Powersports, LLC to Plaintiffs' Amended Complaint</i>
03/09/2018	 Answer to Crossclaim Filed By: Defendant Polaris Industries Inc <i>Cross-Defendant Polaris Industries, Inc.'s Answer to Sandbar Powersports, LLC's Amended Cross-Claim</i>
03/13/2018	 Motion to Associate Counsel Filed By: Defendant Polaris Industries Inc <i>Motion to Associate Counsel David J. Baluck, Esq. on Order Shortening Time</i>
03/13/2018	 Motion to Associate Counsel Filed By: Defendant Polaris Industries Inc <i>Motion to Associate Counsel Thomas Christopher Trent, Esq. on Order Shortening Time</i>
03/15/2018	 Amended Joint Case Conference Report Filed By: Plaintiff Borger, Sherri <i>Amended Joint Case Conference Report</i>
03/15/2018	 Motion to Associate Counsel Filed By: Plaintiff Borger, Sherri <i>Motion To Associate Counsel</i>
03/27/2018	Motion to Associate Counsel (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant Polaris Industries Inc's Motion to Associate Counsel David J. Baluck, Esq. on Order Shortening Time</i>
03/27/2018	Motion to Associate Counsel (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant Polaris Industries Inc's Motion to Associate Counsel Thomas Christopher Trent, Esq. on Order Shortening Time</i>
03/27/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
03/27/2018	 Order Admitting to Practice Filed By: Defendant Polaris Industries Inc <i>Order Admitting to Practice [David J. Baluk]</i>












CASE SUMMARY

CASE NO. A-17-751896-C

03/27/2018	 Order Admitting to Practice Filed By: Defendant Polaris Industries Inc <i>Order Admitting to Practice [Thomas Christopher Trent]</i>
03/27/2018	 Notice of Entry of Order Filed By: Defendant Polaris Industries Inc <i>Notice of Entry of Order Admitting to Practice [Thomas Christopher Trent, Esq.]</i>
03/27/2018	 Notice of Entry of Order Filed By: Defendant Polaris Industries Inc <i>Notice of Entry of Order Admitting to Practice [David J. Baluk, Esq.]</i>
04/17/2018	 Motion to Associate Counsel (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Plaintiffs' Motion to Associate Counsel - Skip Edward Lynch, Esq.</i>
04/26/2018	 Motion to Associate Counsel Filed By: Plaintiff Borger, John <i>Motion To Associate Counsel William Rey Ogden</i>
05/01/2018	 Order Admitting to Practice <i>Order Admitting To Practice</i>
05/02/2018	 Notice of Order Filed By: Plaintiff Borger, John <i>Notice of Entry Of Order</i>
05/29/2018	 Motion to Associate Counsel (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Plaintiffs' Motion to Associate Counsel Re: William Rey Ogden, Esq.</i>
06/14/2018	 Stipulation and Order Filed by: Defendant Polaris Industries Inc <i>Stipulation and Order to Extend Discovery Deadlines</i>
06/25/2018	 Notice of Entry of Stipulation and Order Filed By: Defendant Polaris Industries Inc <i>Notice of Entry of Stipulation and Order to Extend Discovery Deadlines</i>
07/13/2018	 Notice Filed By: Defendant Polaris Industries Inc <i>Notice of Disassociation of Counsel</i>
07/16/2018	 Order Setting Civil Jury Trial <i>Amended Order Setting Civil Jury Trial and Pretrial/Calendar Call</i>
07/19/2018	 Motion for Protective Order <i>Defendant Polaris Industries, Inc.'s Motion for Protective Order on Order Shortening Time</i>
07/20/2018	 Certificate of Service <i>Certificate of Service</i>
07/25/2018	 Motion to Associate Counsel Filed By: Defendant Polaris Industries Inc <i>Motion to Associate Counsel James F. Sanders, Esq. on Order Shortening Time</i>












CASE SUMMARY

CASE NO. A-17-751896-C

07/27/2018	CANCELED Motion (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated</i> <i>Defendant Polaris Industries, Inc's Motion for Protective Order on Order Shortening Time</i>
07/27/2018	 Motion to Associate Counsel Filed By: Defendant Polaris Industries Inc <i>Motion to Associate Counsel Andrew Scott Ross, Esq. on Order Shortening Time</i>
07/31/2018	Motion to Associate Counsel (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Motion to Associate Counsel James F. Sanders, Esq. On Order Shortening Time</i>
07/31/2018	Motion to Associate Counsel (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Motion to Associate Counsel Andrew Scott Ross, Esq. on Order Shortening Time</i>
07/31/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
07/31/2018	 Order Admitting to Practice Filed By: Defendant Polaris Industries Inc <i>Order Admitting to Practice (Andrew Scott Ross, Esq.)</i>
07/31/2018	 Order Admitting to Practice Filed By: Defendant Polaris Industries Inc <i>Order Admitting to Practice (James F. Sanders, Esq.)</i>
08/01/2018	 Notice of Entry Filed By: Defendant Polaris Industries Inc <i>Notice of Entry of Order Admitting to Practice (Andrew Scott Ross, Esq.)</i>
08/01/2018	 Notice of Entry Filed By: Defendant Polaris Industries Inc <i>Notice of Entry of Order Admitting to Practice (James F. Sanders, Esq.)</i>
08/07/2018	 Motion for Leave to File Party: Defendant Sandbar Powersports LLC <i>Motion for Leave to File Third-Party Complaint by Sandbar Powersports, LLC</i>
09/11/2018	 Motion for Leave (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant / Counter-Claimant / Cross-Claimant Sandbar Powersports, LLC's Motion for Leave to File Third-Party Complaint by Sandbar Powersports, LLC</i>
09/11/2018	 Order Filed By: Defendant Sandbar Powersports LLC <i>Order Granting Motion for Leave to File Third-Party Complaint by Sandbar Powersports, LLC</i>
09/12/2018	 Amended Notice of Entry of Order Filed By: Defendant Sandbar Powersports LLC <i>Notice of Entry of Order</i>
09/12/2018	 Third Party Complaint TPP: Defendant Sandbar Powersports LLC <i>Third-Party Complaint</i>
09/12/2018	

CASE SUMMARY

CASE NO. A-17-751896-C

	 Summons Electronically Issued - Service Pending Party: Defendant Sandbar Powersports LLC <i>Summons - Civil</i>
09/25/2018	 Affidavit of Due Diligence Filed By: Defendant Sandbar Powersports LLC <i>Affidavit of Due Diligence</i>
09/26/2018	 Affidavit of Due Diligence Filed By: Defendant Sandbar Powersports LLC <i>Affidavit of Due Diligence</i>
10/02/2018	CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Stipulation and Order</i>
10/05/2018	 Summons Filed by: Defendant Sandbar Powersports LLC <i>Summons - Civil</i>
10/08/2018	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Stipulation and Order</i>
10/23/2018	 Stipulation and Order Filed by: Defendant Sandbar Powersports LLC <i>Stipulation and Order to Extend Discovery Deadlines (Second Request)</i>
10/26/2018	 Amended Affidavit of Service Party: Defendant Sandbar Powersports LLC <i>Amended Affidavit of Service</i>
10/26/2018	 Amended Filed By: Defendant Sandbar Powersports LLC <i>Amended Affidavit of Due Diligence</i>
11/06/2018	 Order Setting Civil Jury Trial <i>Order Setting Civil Jury Trial and Pretrial/Calendar Call</i>
12/05/2018	 Motion for Protective Order Filed By: Defendant Polaris Industries Inc <i>Joint Motion for Entry of Protective Order on Order Shortening Time</i>
12/19/2018	 Motion for Protective Order (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>COURT CALL - Joint Motion for Entry of Protective Order on OST</i>
01/22/2019	 Discovery Commissioners Report and Recommendations Filed By: Defendant Polaris Industries Inc <i>Discovery Commissioner's Report and Recommendations</i>
01/22/2019	 Notice of Entry Filed By: Defendant Polaris Industries Inc <i>Notice of Entry of Discovery Commissioner's Report and Recommendations</i>
01/24/2019	 Stipulation and Order Filed by: Defendant Polaris Industries Inc

CASE SUMMARY

CASE NO. A-17-751896-C

Stipulation and Order to Extend Discovery Deadlines (Third Request)

01/24/2019



Motion to Associate Counsel

Filed By: Defendant Polaris Industries Inc

Motion to Associate Counsel Lexi C. Fuson, Esq. on Order Shortening Time

01/29/2019



Notice of Entry of Stipulation and Order

Filed By: Defendant Polaris Industries Inc

Notice of Entry of Stipulation and Order to Extend Discovery Deadlines

01/29/2019



Application for Issuance of Commission to Take Deposition

Party: Defendant Polaris Industries Inc

Application for Issuance of Commission to Take the Deposition of Jade Borger Out Of the State of Nevada

01/29/2019



Application for Issuance of Commission to Take Deposition

Party: Defendant Polaris Industries Inc

Application for Issuance of Commission to Take the Deposition of Foster Borger Out Of the State of Nevada

01/30/2019



Notice

Filed By: Defendant Polaris Industries Inc

Notice of Disassociation of Counsel

01/30/2019



Commission to Take Deposition Outside the State of Nevada

Filed By: Defendant Polaris Industries Inc

Commision to Take the Deposition of Foster Borger Outside the State of Nevada

01/30/2019



Commission to Take Deposition Outside the State of Nevada

Filed By: Defendant Polaris Industries Inc

Commision to Take the Deposition of Jade Borger Outside the State of Nevada

01/30/2019



Motion to Associate Counsel

Filed By: Defendant Polaris Industries Inc

Motion to Associate Counsel Matthew T. Albaugh, Esq. on OST

02/01/2019



Motion for Leave to File

Party: Defendant Polaris Industries Inc

Defendant Polaris Industries, Inc.'s Motion for Leave to File Third-Party Complaint

02/01/2019



Motion to Dismiss

Filed By: Defendant Polaris Industries Inc

Defendant Polaris Industries, Inc.'s Motion to Dismiss for Forum Non Conveniens on Order Shortening Time

02/05/2019

Motion to Associate Counsel (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)

Motion to Associate Counsel Lexi C. Fuson, Esq. on Order Shortening Time

02/05/2019

Motion to Associate Counsel (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)

Motion to Associate Counsel Matthew T. Albaugh, Esq. on OST

02/05/2019



All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)

02/07/2019

CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Truman, Erin)

Vacated - per Commissioner

CASE SUMMARY






CASE NO. A-17-751896-C

02/07/2019	 Motion to Seal/Redact Records Filed By: Defendant Sandbar Powersports LLC <i>Motion to File Motion for Determination of Good Faith Settlement Under Seal by Sandbar Powersports, LLC on Order Shortening Time</i>
02/08/2019	 Response <i>Plaintiffs' Response to Polaris' Motion to Dismiss for Forum Non Conveniens</i>
02/08/2019	 Order Setting Civil Jury Trial <i>Third Amended Order Setting Civil Jury Trial</i>
02/11/2019	 Response Filed by: Plaintiff Borger, John; Plaintiff Borger, Sherri <i>Plaintiffs' Response to Polaris' Motion for Leave to File Third Party Complaint</i>
02/11/2019	 Response Filed by: Defendant Polaris Industries Inc <i>Defendant Polaris Industries, Inc.'s Reponse to Defendant Sandbar Powersports, LLC's Motion to File Motion for Determination of Good Faith Settlement Under Seal</i>
02/12/2019	 Motion to Seal/Redact Records (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Motion to File Motion for Determination of Good Faith Settlement Under Seal by Sandbar Powersports, LLC on Order Shortening Time</i>
02/12/2019	 Response Filed by: Plaintiff Borger, John; Defendant Sandbar Powersports LLC <i>Plaintiffs' Response to Sanbar's Motion to Determine Good Faith Settlement</i>
02/12/2019	 Reply to Motion Filed By: Defendant Polaris Industries Inc <i>Defendant Polaris Industries, Inc.'s Response to Defendant Sandbar Powersports, LLC's Motion for Determination of Good Faith Settlement on Order Shortening Time</i>
02/12/2019	 Motion for Leave to File Party: Plaintiff Borger, John; Plaintiff Borger, Sherri <i>Plaintiffs' Motion for Leave to File Second Amended Complaint</i>
02/12/2019	 Motion for Determination of Good Faith Settlement Filed By: Defendant Sandbar Powersports LLC <i>Motion for Determination of Good Faith Settlement by Sandbar Powersports, LLC on Order Shortening Time</i>
02/13/2019	 Order Filed By: Defendant Polaris Industries Inc <i>Order Admitting to Practice - Matthew T. Albaugh, Esq.</i>
02/13/2019	 Order Filed By: Defendant Polaris Industries Inc <i>Order Admitting to Practice - Lexi C. Fuson, Esq.</i>
02/14/2019	 Reply in Support Filed By: Defendant Polaris Industries Inc <i>Defendant Polaris Industries, Inc.'s Reply in Support of Motion to Dismiss for Forum Non</i>

CASE SUMMARY

CASE NO. A-17-751896-C

Conveniens

02/15/2019	 Reply in Support Filed By: Defendant Sandbar Powersports LLC <i>Reply in Support of Motion for Determination of Good Faith Settlement of Sandbar Powersports, LLC on Order Shortening Time</i>
02/15/2019	 Notice of Entry of Order Filed By: Defendant Polaris Industries Inc <i>Notice of Entry of Order Admitting to Practice (Matthew T. Albaugh, Esq.)</i>
02/15/2019	 Notice of Entry of Order Filed By: Defendant Polaris Industries Inc <i>Notice of Entry of Order Admitting to Practice (Lexi C. Fuson, Esq.)</i>
02/19/2019	Motion to Dismiss (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant Polaris Industries, Inc.'s Motion to Dismiss of Forum Non Conveniens on Order Shortening Time</i>
02/19/2019	Motion for Determination of Good Faith Settlement (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Motion for Determination of Good Faith Settlement by Sandbar Powersports, LLC on Order Shortening Time</i>
02/19/2019	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
02/20/2019	 Order Filed By: Defendant Sandbar Powersports LLC <i>Order Granting in Part and Denying in Part the Motion to Seal Sandbar Powersports' Motion for Determination of Good Faith Settlement on Order Shortening Time</i>
03/08/2019	 Electronic Service and Filing Order Filed By: Plaintiff Borger, John; Plaintiff Borger, Sherri <i>Letter and Proposed Order on Polaris' Motion to Dismiss for FNC</i>
03/12/2019	 Motion for Leave (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant Polaris Industries Inc's Motion for Leave to File Third Party Complaint</i>
03/12/2019	 Order Filed By: Defendant Sandbar Powersports LLC <i>Order Granting Motion of Sandbar Powersports LLC for Determination of Good Faith Settlement</i>
03/13/2019	 Notice of Entry of Order Filed By: Defendant Sandbar Powersports LLC <i>Notice of Entry of Order</i>
03/18/2019	 Voluntary Dismissal Filed by: Defendant Sandbar Powersports LLC <i>Voluntary Dismissal with Prejudice of Third-Party Defendant Foster Borger</i>
03/18/2019	Voluntary Dismissal (Judicial Officer: Delaney, Kathleen E.) Debtors: Foster Borger (Third Party Defendant) Creditors: Sandbar Powersports LLC (Third Party Plaintiff) Judgment: 03/18/2019, Docketed: 03/25/2019

CASE SUMMARY

CASE NO. A-17-751896-C





03/19/2019	CANCELED Motion for Leave (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Judge</i> <i>Plaintiffs' Motion for Leave to File It's Second Amended Complaint</i>
04/09/2019	CANCELED Status Check (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated</i> <i>Status Check: 02/19/19 Hearing Order</i>
04/16/2019	 Stipulation and Order Filed by: Defendant Sandbar Powersports LLC <i>Stipulation and Order for Dismissal of Sandbar Powersports, LLC's Claims Only Against</i> <i>Polaris Industries, Inc.</i>
04/16/2019	 Stipulation and Order for Dismissal With Prejudice Filed By: Defendant Sandbar Powersports LLC <i>Stipulation and Order for Dismissal of Defendant/Counter-Claimant/Cross-Claimant and</i> <i>Third-Party Plaintiff Sandbar Powersports, LLC</i>
04/16/2019	Order of Dismissal With Prejudice (Judicial Officer: Delaney, Kathleen E.) Debtors: Polaris Industries Inc (Cross Defendant) Creditors: Sandbar Powersports LLC (Cross Claimant) Judgment: 04/16/2019, Docketed: 04/16/2019
04/16/2019	Order of Dismissal With Prejudice (Judicial Officer: Delaney, Kathleen E.) Debtors: John Borger (Counter Defendant), Sherri Borger (Counter Defendant) Creditors: Sandbar Powersports LLC (Counter Claimant) Judgment: 04/16/2019, Docketed: 04/16/2019 Debtors: John Borger (Plaintiff), Sherri Borger (Plaintiff) Creditors: Sandbar Powersports LLC (Defendant) Judgment: 04/16/2019, Docketed: 04/16/2019
04/17/2019	 Notice of Entry of Stipulation & Order for Dismissal Filed By: Defendant Sandbar Powersports LLC <i>Notice of Entry of Stipulation and Order for Dismissal of Sandbar Powersports, LLC's Claims</i> <i>Only Against Polaris Industries, Inc.</i>
04/17/2019	 Notice of Entry of Stipulation & Order for Dismissal Filed By: Defendant Sandbar Powersports LLC <i>Notice of Entry of Stipulation and Order for Dismissal of Sandbar Powersports, LLC</i>
05/14/2019	CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Stipulation and Order</i>
05/20/2019	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Stipulation and Order</i>
06/21/2019	 Notice of Association of Counsel Filed By: Defendant Polaris Industries Inc <i>Notice of Disassociation of Counsel and Notice of Association of Counsel</i>
06/27/2019	 Notice of Association of Counsel <i>Notice of Disassociation of Counsel and Notice of Association of Counsel</i>
07/12/2019	 Order to Statistically Close Case <i>Order to Close Case</i>
07/23/2019	CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Delaney, Kathleen E.)

CASE SUMMARY

CASE NO. A-17-751896-C

	<i>Vacated - per Stipulation and Order</i>
07/29/2019	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Stipulation and Order</i>
09/11/2019	 Substitution of Attorney Filed by: Defendant Polaris Industries Inc <i>Substitution of Attorney</i>
10/01/2019	CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Judge</i>
10/07/2019	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Judge</i>
12/10/2019	 Status Check: Status of Case (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
04/06/2020	 Motion Filed By: Plaintiff Borger, John; Plaintiff Borger, Sherri <i>Motion to Sign Order</i>
04/27/2020	 Withdrawal of Attorney Filed by: Defendant Polaris Industries Inc <i>Notice of Withdrawal of Attorney</i>
05/12/2020	 Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Plaintiff's Motion to Sign Order</i>
07/31/2020	 Notice of Withdrawal Filed by: Plaintiff Borger, John; Plaintiff Borger, Sherri <i>Notice of withdrawal/dissassociation of counsel</i>
08/03/2020	 Certificate of Mailing <i>Certificate of Mailing</i>
08/07/2020	 Motion for Order Filed By: Plaintiff Borger, John; Plaintiff Borger, Sherri <i>Plaintiff's Second Motion to Sign Order</i>
08/09/2020	 Order Granting Motion Filed By: Defendant Polaris Industries Inc <i>Order Granting Polaris Industries, Inc.'s Motion to Dismiss for Forum Non Conveniens</i>
08/09/2020	Order of Dismissal (Judicial Officer: Delaney, Kathleen E.) Debtors: John Borger (Plaintiff), Sherri Borger (Plaintiff) Creditors: Polaris Industries Inc (Defendant) Judgment: 08/09/2020, Docketed: 08/10/2020 Comment: Certain Claims
08/10/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
08/10/2020	 Notice of Entry Filed By: Defendant Polaris Industries Inc <i>Notice of Entry of Order</i>

CASE SUMMARY**CASE NO. A-17-751896-C**

09/04/2020	 Motion (3:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Plaintiff's Second Motion to Sign Order</i>
09/04/2020	 Notice of Withdrawal of Motion Filed By: Plaintiff Borger, John; Plaintiff Borger, Sherri <i>Withdrawal of Second Motion to Sign Order</i>
09/04/2020	 Notice of Appeal Filed By: Plaintiff Borger, John; Plaintiff Borger, Sherri <i>Notice of Appeal</i>
09/04/2020	 Case Appeal Statement Filed By: Plaintiff Borger, John; Plaintiff Borger, Sherri <i>case appeal statement</i>
09/08/2020	CANCELED Minute Order (3:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - On In Error</i> <i>Minute Order Vacating Hearing</i>

DATE**FINANCIAL INFORMATION**

Defendant Polaris Industries Inc	
Total Charges	229.00
Total Payments and Credits	229.00
Balance Due as of 9/8/2020	0.00
Defendant Sandbar Powersports LLC	
Total Charges	358.00
Total Payments and Credits	358.00
Balance Due as of 9/8/2020	0.00
Plaintiff Borger, John	
Total Charges	294.00
Total Payments and Credits	294.00
Balance Due as of 9/8/2020	0.00
Plaintiff Borger, Sherri	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 9/8/2020	0.00

CIVIL COVER SHEET

A- 17- 751896- C

Clark- County, Nevada

Case No.

(Assigned by Clerk's Office)

XXV

I. Party InformationPlaintiff(s) (name/address/phone): JOHN BORGER and
SHERRI BORGERDefendant(s) (name/address/phone): SANBAR POWERSPORTS,
LLC.

Attorney (name/address/phone): CHAD A. BOWERS, ESQ.

Attorney (name/address/phone): Unknown

3202 W. Charleston Blvd., Las Vegas, NV 89102

Telephone (702) 457-1001

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)☐ **Arbitration Requested****Civil Cases**

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input checked="" type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
<input type="checkbox"/> Probate Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	Other Civil Filing Types <input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <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"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	
	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <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	

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

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

3/5/17

Date

[Signature]

Signature of initiating party or representative

See other side for family-related case filings.

Heather S. Linn
CLERK OF THE COURT

1 OGM

2 JENNIFER WILLIS ARLEDGE

3 Nevada Bar No.: 8729

4 WILSON, ELSE, MOSKOWITZ,

5 EDELMAN & DICKER LLP

6 300 South 4th Street, 11th Floor

7 Las Vegas, NV 89101

8 (702) 727-1400; FAX (702) 727-1401

9 Jennifer.Arledge@wilsonelser.com

10 Attorneys for Defendant/Cross-Defendant

11 POLARIS INDUSTRIES, INC.

12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 JOHN BORGER and SHERRI BORGER,

15 Plaintiffs,

16 vs.

17 SANDBAR POWERSPORTS, LLC, DOES I
18 through X; ROE CORPORATIONS XI through
19 XX, inclusive, and POLARIS INDUSTRIES, INC.,

20 Defendants,

21 And Related Claims.

CASE NO: A-17-751896-C

DEPT NO: XXV

ORDER GRANTING POLARIS
INDUSTRIES, INC.'S MOTION TO
DISMISS FOR FORUM NON
CONVENIENS

22 The above-described action came before this Court for hearing on February 19, 2019 upon
23 the motion by Defendant Polaris Industries, Inc. ("Polaris") to dismiss this case pursuant to NRCP
24 7(b) on the grounds of *forum non conveniens* (the "Motion").

25 The Court, having considered the submissions of the parties, having considered all of the
26 files, records, and proceedings in the action, having considered the arguments of counsel during the
27 February 19, 2019 hearing on Defendant Polaris Industries, Inc.'s Motion to Dismiss for Forum
28 Non Conveniens, and being otherwise fully advised,

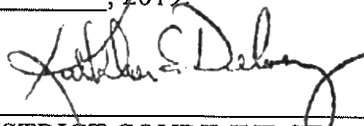
IT IS ORDERED that Polaris Industries, Inc.'s Motion to Dismiss for Forum Non
Conveniens is Granted. The above-described action is hereby dismissed under NRCP 7(b) on the
grounds of *forum non conveniens* for the following reasons: (1) the Plaintiffs' choice of forum is

1 entitled to lesser deference because it is not the Plaintiffs' residence; (2) Arizona is an adequate
2 alternative forum because of the amount of evidence and the number of witnesses located in
3 Arizona; and (3) the public and private interest factors weigh in favor of dismissing this case.

4 **IT IS FURTHER ORDERED** that Plaintiffs may refile this action in the adequate alternative
5 forum of Arizona; that Polaris waives any statute of limitations defense, *forum non conveniens*
6 argument, or jurisdictional argument that may be available to it in Arizona; that interrogatories,
7 request for admission, and depositions taken and documents produced during the pendency of this
8 case in Nevada may be used by the parties in the re-filed case; and that Polaris waives formal service
9 of process requirements for the re-filed case—Polaris's counsel can and will accept service of the
10 new complaint, should Plaintiffs choose to refile.
11

12 **IT IS SO ORDERED.**

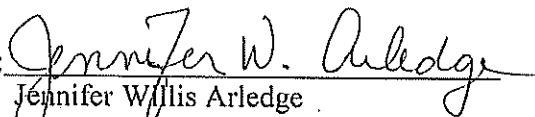
13 Dated:; this _____ day of _____, 2019. Dated this 9th day of August, 2020

14 
15
16 DISTRICT COURT JUDGE

17 Respectfully Submitted By:

18 **WILSON, ELSE, MOSKOWITZ,**
19 **EDELMAN & DICKER LLP**

E79 7CC E946 E8DA
Kathleen E. Delaney
District Court Judge

20 By: 
21 Jennifer Willis Arledge
22 Nevada Bar No. 8729
23 300 South 4th Street, 11th Floor
24 Las Vegas, NV 89101
Attorneys for Defendant
POLARIS INDUSTRIES, INC.

25 ///

26 ///

27 ///

FAEGRE BAKER DANIELS, LLP

By: per authority - GWA
Matthew T. Albaugh - *pro hac vice*
Lexi C. Fuson - *pro hac vice*
300 N. Meridian St., Suite 2700
Indianapolis, IN 46204
Attorneys for Defendant
POLARIS INDUSTRIES, INC.

Approved as to form and content

KASTER, LYNCH, FARRAR & BALL, LLP

By: declined to sign - GWA
Kyle W. Farrar - *pro hac vice*
1010 Lamar, Suite 1600
Houston, TX 77002
Attorneys for **PLAINTIFFS**

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 John Borger, Plaintiff(s)

CASE NO: A-17-751896-C

7 vs.

DEPT. NO. Department 25

8 Sandbar Powersports LLC,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order Granting was served via the court's electronic eFile system to all
14 recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 8/9/2020

16 "Chad A. Bowers, Esq." .

bowers@lawyer.com

17 Daniela .

daniela.cablaw@gmail.com

18 Renee Finch

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19 Kimberly Shonfeld

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20 Caleb Meyer

cmeyer@messner.com

21 Griffith Hayes

hayes@litchfieldcavo.com

22 Hilary Rainey

rainey@litchfieldcavo.com

23 Diarmuid Dillon

dillon@litchfieldcavo.com

24 Mary Ann Tuer

tuer@litchfieldcavo.com

25 Kyle Farrar

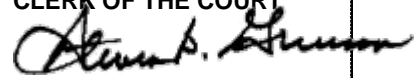
kyle@fbtrial.com

26 Skip Lynch

skip@thetirelawyers.com

27
28

1	William Ogden	bill@fbtrial.com
2	David Guillen	dguillen@fbtrial.com
3	Daneen Muscato	daneen@thetirelawyers.com
4	Marilyn Abel	mabel@messner.com
5	Anya Hovanesian	anya.cablaw@gmail.com
6	Lexi Fuson	lexi.fuson@FaegreBD.com
7	Matthew Albaugh	matthew.albaugh@FaegreBD.com
8	Cheryl Lewallen	Cheryl.Lewallen@FaegreBD.com
9	Molly Gulbrandson	molly.gulbrandson@FaegreBD.com
10	Scott Pettitt	spettitt@messner.com
11	Celeste Hernandez	chernandez@sgroandroger.com
12	Jennifer Arledge	jarledge@sgroandroger.com
13	Carmen Scott	carmen@fbtrial.com
14	E File	efile@sgroandroger.com
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1 **NEO**
2 JENNIFER WILLIS ARLEDGE, ESQ.
3 Nevada Bar No. 8729
4 ANTHONY P. SGRO, ESQ.
5 Nevada Bar No. 3811
6 SGRO & ROGER
7 720 S. Seventh Street, Third Floor
8 Las Vegas, Nevada 89101
9 Telephone: (702) 384-9800
10 Facsimile: (702) 665-4120
11 Attorneys for Plaintiffs
12 jarledge@sgroandroger.com
13 tsgro@sgroandroger.com

14 **DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 JOHN BORGER and SHERRI BORGER,

CASE NO.: A-17-751896-C

17 Plaintiffs,

DEPT. NO.: XXV

18 vs.

NOTICE OF ENTRY OF ORDER

19 SANDBAR POWERSPORTS LLC, DOES I
20 through X; ROE CORPORATIONS XI
21 through XX, inclusive, and POLARIS
22 INDUSTRIES, INC.,

23 Defendants.

24 And Related Claims.

25 PLEASE TAKE NOTICE that the above-entitled court entered an Order granting
26 Polaris Industries, Inc.'s motion to dismiss forum non conveniens on the 9th day August, 2020.

27 ///

28 ///

///

///

///

///

1 A copy of the court's order is attached hereto.

2 DATED this 10th day of August, 2020.

3 SGRO | ROGER

4 
5 JENNIFER WILLIS ARLEDGE, ESQ.,

6 Nevada State Bar No. 8729

7 ANTHONY P. SGRO, ESQ.

8 Nevada Bar No. 3811

9 720 South 7th Street, 3rd Floor

10 Las Vegas, NV 89101

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 10th day of August, 2020, I served a true and correct
3 copy of the foregoing ***NOTICE OF ENTRY OF ORDER*** as follows:
4

5 _____ by first class mail, prepaid, addressed to the recipients below,

6 _____ by facsimile transmission to the recipients' telephone numbers below,

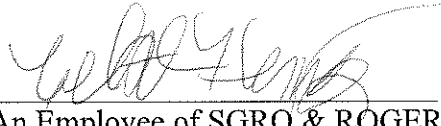
7 XX by electronic service via the Clark County District Court electronic filing
8 system,

9 _____ by hand delivery to the recipients below.
10

11 Griffith H. Hayes, Esq.
12 Litchfield Cavo LLP
13 3753 Howard Hughes Parkway, Suite 200
14 Las Vegas, NV 89169
15 hayes@litchfieldcavo.com

16 Kyle W. Farrar, Esq.
17 Castro, Lynch, Farrar & Ball
18 1010 Lamar, Suite 1600
19 Houston, TX 77002

20 Chad A. Bowers, Esq.
21 Chad A. Bowers, Ltd.
22 3202 W. Charleston Blvd.
23 Las Vegas, NV 89102
24 Tel.: (702) 457-1001
25 Fax: (702) 457-8006
26

27 
28 An Employee of SGRO & ROGER

1 OGM
2 JENNIFER WILLIS ARLEDGE
3 Nevada Bar No.: 8729
4 WILSON, ELSE, MOSKOWITZ,
5 EDELMAN & DICKER LLP
6 300 South 4th Street, 11th Floor
7 Las Vegas, NV 89101
8 (702) 727-1400; FAX (702) 727-1401
9 Jennifer.Arledge@wilsonelser.com
10 Attorneys for Defendant/Cross-Defendant
11 POLARIS INDUSTRIES, INC.

DISTRICT COURT

CLARK COUNTY, NEVADA

12 JOHN BORGER and SHERRI BORGER,

13 Plaintiffs,

14 vs.

15 SANDBAR POWERSPORTS, LLC, DOES I
16 through X; ROE CORPORATIONS XI through
17 XX, inclusive, and POLARIS INDUSTRIES, INC.,

18 Defendants,

19 And Related Claims.

CASE NO: A-17-751896-C
DEPT NO: XXV

ORDER GRANTING POLARIS
INDUSTRIES, INC.'S MOTION TO
DISMISS FOR FORUM NON
CONVENIENS

20 The above-described action came before this Court for hearing on February 19, 2019 upon
21 the motion by Defendant Polaris Industries, Inc. ("Polaris") to dismiss this case pursuant to NRCP
22 7(b) on the grounds of *forum non conveniens* (the "Motion").

23 The Court, having considered the submissions of the parties, having considered all of the
24 files, records, and proceedings in the action, having considered the arguments of counsel during the
25 February 19, 2019 hearing on Defendant Polaris Industries, Inc.'s Motion to Dismiss for Forum
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1 entitled to lesser deference because it is not the Plaintiffs' residence; (2) Arizona is an adequate
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3 Arizona; and (3) the public and private interest factors weigh in favor of dismissing this case.

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6 argument, or jurisdictional argument that may be available to it in Arizona; that interrogatories,
7 request for admission, and depositions taken and documents produced during the pendency of this
8 case in Nevada may be used by the parties in the re-filed case; and that Polaris waives formal service
9 of process requirements for the re-filed case—Polaris's counsel can and will accept service of the
10 new complaint, should Plaintiffs choose to refile.
11

12 **IT IS SO ORDERED.**

13 Dated:; this _____ day of _____, 2019

14 
15
16 DISTRICT COURT JUDGE

17 Respectfully Submitted By:

18 **WILSON, ELSE, MOSKOWITZ,**
19 **EDELMAN & DICKER LLP**

E79 7CC E946 E8DA
Kathleen E. Delaney
District Court Judge

20 By: 
21 Jennifer Willis Arledge
22 Nevada Bar No. 8729
23 300 South 4th Street, 11th Floor
24 Las Vegas, NV 89101
Attorneys for Defendant
POLARIS INDUSTRIES, INC.

25 ///

26 ///

27 ///

1
2 **FAEGRE BAKER DANIELS, LLP**

3
4 By: per authority - GWA
5 Matthew T. Albaugh - pro hac vice
6 Lexi C. Fuson - pro hac vice
7 300 N. Meridian St., Suite 2700
8 Indianapolis, IN 46204
Attorneys for Defendant
9 **POLARIS INDUSTRIES, INC.**

10 Approved as to form and content

11 **KASTER, LYNCH, FARRAR & BALL, LLP**

12 By: declined to sign - GWA
13 Kyle W. Farrar - pro hac vice
14 1010 Lamar, Suite 1600
Houston, TX 77002
Attorneys for **PLAINTIFFS**

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 John Borger, Plaintiff(s)

CASE NO: A-17-751896-C

7 vs.

DEPT. NO. Department 25

8 Sandbar Powersports LLC,
9 Defendant(s)

10
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15 Service Date: 8/9/2020

16 "Chad A. Bowers, Esq." .

bowers@lawyer.com

17 Daniela .

daniela.cablaw@gmail.com

18 Renee Finch

rfinch@messner.com

19 Kimberly Shonfeld

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20 Caleb Meyer

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hayes@litchfieldcavo.com

22 Hilary Rainey

rainey@litchfieldcavo.com

23 Diarmuid Dillon

dillon@litchfieldcavo.com

24 Mary Ann Tuer

tuer@litchfieldcavo.com

25 Kyle Farrar

kyle@fbtrial.com

26 Skip Lynch

skip@thetirelawyers.com

27
28

1	William Ogden	bill@fbtrial.com
2	David Guillen	dguillen@fbtrial.com
3	Daneen Muscato	daneen@thetirelawyers.com
4	Marilyn Abel	mabel@messner.com
5	Anya Hovanesian	anya.cablaw@gmail.com
6	Lexi Fuson	lexi.fuson@FaegreBD.com
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

May 23, 2017

A-17-751896-C John Borger, Plaintiff(s)
vs.
Sandbar Powersports LLC, Defendant(s)

**May 23, 2017 9:00 AM Motion to Associate
Counsel**

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Alice Jacobson

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Bowers, Chad A. Attorney

JOURNAL ENTRIES

- Pltf's Motion to associate Kyle Wayne

Matter submitted on the pleadings. COURT ORDERED, motion GRANTED. Mr. Bowers to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

March 27, 2018

A-17-751896-C John Borger, Plaintiff(s)
vs.
Sandbar Powersports LLC, Defendant(s)

March 27, 2018 9:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Laursen, Cara T. Attorney

JOURNAL ENTRIES

- DEFT'S. POLARIS INDUSTRIES INC'S MOTION TO ASSOCIATE COUNSEL DAVID J. BALUCK, ESQ. ON ORDER SHORTENING TIME...DEFT'S. POLARIS INDUSTRIES INC'S MOTION TO ASSOCIATE COUNSEL THOMAS CHRISTOPHER TRENT, ESQ. ON ORDER SHORTENING TIME

COURT NOTED, everything is pursuant to the Supreme Court Rule 42, and ORDERED, motions GRANTED. COURT SIGNED the Orders provided by Ms. Laursen in OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

April 17, 2018

A-17-751896-C John Borger, Plaintiff(s)
vs.
Sandbar Powersports LLC, Defendant(s)

**April 17, 2018 9:00 AM Motion to Associate
Counsel**

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Renee Silvaggio

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- No parties present.

COURT NOTED, it will sign the Order submitted by Counsel as all requirements of Nevada Supreme Court Rule 42 have been met, and ORDERED, Motion GRANTED.

CLERK'S NOTE: A copy of this minute order was electronically served on all registered parties. /sb
04/17/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

May 29, 2018

A-17-751896-C John Borger, Plaintiff(s)
vs.
Sandbar Powersports LLC, Defendant(s)

**May 29, 2018 9:00 AM Motion to Associate
Counsel**

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- No Parties Present.

COURT ORDERED, Motion to Associate Counsel GRANTED, and SIGNED the Order provided with the Motion IN OPEN COURT.

CLERK'S NOTE: A copy of this minute order was electronically served on counsel. /sb 05/29/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

July 31, 2018

A-17-751896-C John Borger, Plaintiff(s)
vs.
Sandbar Powersports LLC, Defendant(s)

July 31, 2018 9:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Laursen, Cara T. Attorney

JOURNAL ENTRIES

- DEFT'S. MOTION TO ASSOCIATE COUNSEL JAMES F. SANDERS, ESQ. ON ORDER
SHORTENING TIME... DEFT'S. MOTION TO ASSOCIATE COUNSEL ANDREW SCOTT ROSS,
ESQ. ON ORDER SHORTENING TIME

COURT NOTED, everything appears to be in order, ORDERED, both Motions GRANTED, and
SIGNED the Orders to Practice IN OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

September 11, 2018

A-17-751896-C John Borger, Plaintiff(s)
vs.
Sandbar Powersports LLC, Defendant(s)

September 11, 2018 9:00 AM Motion for Leave

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Laursen, Cara T. Attorney
 Roebuck, Keivan A. Attorney

JOURNAL ENTRIES

- COURT NOTED there is no written opposition, and ORDERED, Motion GRANTED, as long as the scope of the Third-Party Compliant is appropriate, and pursuant to EDCR 2.20. COURT SIGNED the Order provided by Mr. Roebuck IN OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto**COURT MINUTES****December 19, 2018**

A-17-751896-C John Borger, Plaintiff(s)
 vs.
 Sandbar Powersports LLC, Defendant(s)

December 19, 2018	9:30 AM	Motion for Protective Order	COURT CALL - Joint Motion for Entry of Protective Order on OST
--------------------------	----------------	------------------------------------	---

HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Arledge, Jennifer Willis	Attorney
	Bowers, Chad A.	Attorney

JOURNAL ENTRIES

- COMMISSIONER RECOMMENDED, motion is GRANTED; agreements must be extremely specific in the Findings. Counsel must be in agreement with the Stipulated Protected Order. If counsel have difficulties, return to see the Commissioner. Ms. Arledge to prepare the Report and Recommendations, and Mr. Bowers to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

February 05, 2019

A-17-751896-C John Borger, Plaintiff(s)
vs.
Sandbar Powersports LLC, Defendant(s)

February 05, 2019 9:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Smith, Rebecca A. Attorney

JOURNAL ENTRIES

- MOTION TO ASSOCIATE COUNSEL LEXI C. FUSON, ESQ. ON ORDER SHORTENING TIME...MOTION TO ASSOCIATE COUNSEL MATTHEW T. ALBAUGH, ESQ. ON O.S.T.

COURT ORDERED, Motion to Associate Counsel Matthew T. Albaugh SET 02/12/19 RESET to today. COURT NOTED, NOTED all the necessary requirements have been meet, and FURTHER ORDERED, Motion to Associate Lexi C. Fusion, Esq. and Motion to Associate Matthew T. Albaugh, Esq. GRANTED. Counsel is to prepare the Orders and provide a copy to the Court within 10 days of today's hearing.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

February 12, 2019

A-17-751896-C John Borger, Plaintiff(s)
vs.
Sandbar Powersports LLC, Defendant(s)

**February 12, 2019 9:00 AM Motion to Seal/Redact
Records**

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Renee Silvaggio

PARTIES

PRESENT: Arledge, Jennifer Willis Attorney
 Bowers, Chad A. Attorney
 Pocci, Marisa A Attorney

JOURNAL ENTRIES

- Mr. Bowers appeared telephonically.

Ms. Pocci stated the parties have agreed to file the Motion with redaction as appropriate including redacting the entire settlement agreement that will be attached an Exhibit to the Motion, and redacting any references within the Motion to terms such as the confidential amount of the settlement. A proposed Order will be submitted for Court's review. Ms. Arledge concurred. Mr. Bowers stated no objection; the agreement was not communicated to him. **COURT ORDERED, Motion GRANTED IN PART;** counsel is to submit an Order allowing the Motion to be filed with all sensitive information redacted. Colloquy regarding matters set to be heard 02/19/19.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

February 19, 2019

A-17-751896-C John Borger, Plaintiff(s)
vs.
Sandbar Powersports LLC, Defendant(s)

February 19, 2019 9:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Arledge, Jennifer Willis Attorney
 Bowers, Chad A. Attorney
 Farrar, Kyle W. Attorney
 Hayes, Griffith H. Attorney

JOURNAL ENTRIES

- DEFT. POLARIS INDUSTRIES, INC'S. MOTION TO DISMISS OF FORUM NON CONVENIENS ON ORDER SHORTENING TIME...MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT BY SANDBAR POWERSPORTS, LLC ON ORDER SHORTENING TIME

Mathew Albaugh, Esq. appeared on behalf of Polaris Industries, Pro Have Vice. Colloquy and argument regarding the order in which to hear the Motions.

DEFT. POLARIS INDUSTRIES, INC'S. MOTION TO DISMISS OF FORUM NON CONVENIENS ON ORDER SHORTENING TIME

Arguments by counsel regarding choice of law, the parties connections to Arizona, Nevada, Minnesota, and California, the contested facts on what lead up to the accident, statements provided to first responders, the availability of witnesses, and the signed contract. Mr. Albaugh argued Polaris has not provided any discovery, no Polaris employees have been deposed; there is no expert witness discovery. Sandbar has settled; Sandbar is out of the case. Everything here relates to Arizona, there is little connection to Nevada. Mr. Farrar argued he has requested discovery from Polaris for one year

and does not have anything yet. Sandbar is still involved in the case, he does not think they will waive jurisdiction. It would be more of an inconvenience for the witnesses to appear in Arizona. Adding, medical treatment was obtained in Nevada. Colloquy regarding finalization of the settlement Sandbar entered in to.

COURT STATED FINDINGS regarding the , and ORDERED, Motion GRANTED; the appropriate forum is Arizona. There are so few, if any factors, that weigh in favour of keeping the case here. All of the factors with only a few exceptions weigh in favor of dismissal. Mr. Albaugh is to prepare the Order; it is to include that there were acknowledgments that this could and would be conditioned on certain things, such as Arizona law regarding refilling, the statute of limitations and arguments regarding jurisdiction are being waived, and that discovery could be utilized in Arizona. The Order is to be provided to opposing counsel for review as to form and content, and returned back to the Court within 10 days.

MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT BY SANDBAR
POWERSPORTS, LLC ON ORDER SHORTENING TIME

Following colloquy regarding Mr. Bowers concerns Sandbar is not a party to the Motion to Dismiss for Forum Non Conveniens, Sandbar's standing in the matter, the settlement offered by Sandbar, Arizona and Nevada Good Faith statutes, and dismissing the case. COURT STATED ADDITIONAL FINDINGS, and FURTHER ORDERED, Motion GRANTED. Mr. Hayes is to prepare the Order under Nevada law, provide a copy to opposing counsel for review as to form and content, and return it back to the Court within 10 days.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

March 12, 2019

A-17-751896-C John Borger, Plaintiff(s)
vs.
Sandbar Powersports LLC, Defendant(s)

March 12, 2019 9:00 AM Motion for Leave

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- No parties present.

COURT ORDERED, today's matter OFF CALENDAR, as MOOT; the Motion for Leave to Amend SET 03/19/149, and the Jury Trial also VACATED as MOOT. Court DETERMINED the proper jurisdiction to hear this matter is Arizona. The Order from the 02/19/19 hearing is outstanding, therefore, COURT FURTHER ORDERS, a Status Check SET.

04/09/19 9:00 A.M. STATUS CHECK: ORDER 02/19/19 HEARING

CLERK'S NOTE: A copy of this minute order was electronically served on all registered parties. / sb
03/12/19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

December 10, 2019

A-17-751896-C John Borger, Plaintiff(s)
vs.
Sandbar Powersports LLC, Defendant(s)

**December 10, 2019 9:00 AM Status Check: Status of
Case**

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Natalie Ortega

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- No parties present. Court noted there were competing orders. The Court received and reviewed the orders. A prevailing order will issue. COURT ORDERED, matter MOOT and OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

May 12, 2020

A-17-751896-C John Borger, Plaintiff(s)
vs.
Sandbar Powersports LLC, Defendant(s)

May 12, 2020

9:00 AM

Motion

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Robert Cangemi

PARTIES

PRESENT: Arledge, Jennifer Willis Attorney
 Bowers, Chad A. Attorney
 Farrar, Kyle W. Attorney

JOURNAL ENTRIES

- All counsel appeared telephonically.

COURT APOLOGIZED to the parties for the delay in signing the Order; it was the Court's fault for misplacing it and not having it on the front burner and calling for replacements, and not doing Its job and getting the Order moving. Colloquy regarding the Joint Order for Protective Order on Order Shortening Time the Court also located.

Mr. Farrar stated the Order is all the parties need to figure out where to go from there. Ms. Arledge stated since the Motion for Forum Non-Convenience was granted regardless of which Order Court signs she believes the Protective Order is now moot and will be addressed in the future. COURT ADVISED, It will finish Its review and sign which of the competing Orders it feels is appropriate with any interlineation if needed. COURT ORDERED Motion GRANTED. The Order will be signed and provided through "File and Serve;" each party will be served a copy. Colloquy regarding parties receiving proper notice in the case. COURT ADVISED, It is still up to Ms. Arledge as the prevailing party to notice the matter before the clock starts clicking. Ms. Arledge said as soon as she sees the Order she will provide the Notice of Entry of Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

September 04, 2020

A-17-751896-C John Borger, Plaintiff(s)
vs.
Sandbar Powersports LLC, Defendant(s)

September 04, 2020 3:00 AM Motion

HEARD BY: Delaney, Kathleen E. **COURTROOM:** Chambers

COURT CLERK:
Alice Jacobson

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court s Order Granting Polaris Industries, Inc. s Motion to Dismiss for Forum Non Conveniens having finally been filed on August 9, 2020, COURT ORDERED Plaintiff s Second Motion to Sign Order is ordered OFF CALENDAR as MOOT. COURT FURTHER ORDERED the hearing on the Motion set for Tuesday, September 8, 2020 at 9:00 a.m. is VACATED.

CLERK S NOTE: Copy of this minute order served on all parties through the Court s electronic filing system.



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

CHAD A. BOWERS, ESQ.
3202 W. CHARLESTON BLVD.
LAS VEGAS, NV 89102

DATE: September 8, 2020
CASE: A-17-751896-C

RE CASE: JOHN BORGER; SHERRI BORGER vs. SANBAR POWERSPORTS, LLC; POLARIS INDUSTRIES, INC.

NOTICE OF APPEAL FILED: September 4, 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
 - *Previously paid Bonds are not transferable between appeals without an order of the court.*
- ☐ 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; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING POLARIS INDUSTRIES, INC.'S
MOTION TO DISMISS FOR FORUM NON CONVENTENS; NOTICE OF ENTRY OF ORDER;
DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

JOHN BORGER; SHERRI BORGER,

Plaintiff(s),

vs.

SANBAR POWERSPORTS, LLC; POLARIS
INDUSTRIES, INC.,

Defendant(s),

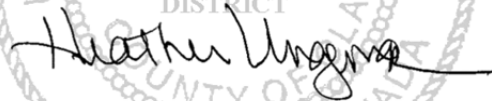
Case No: A-17-751896-C

Dept No: XXV

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 8 day of September 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk