

Electronically Filed  
Sep 11 2020 08:27 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

1 **ANOAS**  
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

**AMENDED NOTICE OF APPEAL**

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

22 . Dated this 8<sup>th</sup> day of September, 2020.

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

24  
25  
26 By: 

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on this 8th day of September, 2020, a true and correct copy of the foregoing **AMENDED 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**

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

16 **JOHN BORGER and SHERRI BORGER,**

17 **Plaintiffs,**

18 **vs.**

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

26 **DEPT. NO.: XXV**

27 **NOTICE OF ENTRY OF ORDER**

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

30 **///**

31 **///**

32 **///**

33 **///**


34 **///**

35 **///**

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

2 DATED this 10<sup>th</sup> 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

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

**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](mailto: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.  
3202 W. Charleston Blvd.  
Las Vegas, NV 89102  
Tel.: (702) 457-1001  
Fax: (702) 457-8006

  
An Employee of SGRO & ROGER

*Alvin B. Shinn*  
CLERK OF THE COURT

1 OGM  
2 JENNIFER WILLIS ARLEDGE  
3 Nevada Bar No.: 8729  
4 WILSON, ELSER, MOSKOWITZ,  
5 EDELMAN & DICKER LLP  
6 300 South 4th Street, 11<sup>th</sup> 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  
26 Non Conveniens, and being otherwise fully advised,

27 IT IS ORDERED that Polaris Industries, Inc.'s Motion to Dismiss for Forum Non  
28 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

1431841v.1

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 9th day of August, 2020  
14 Dated:; this \_\_\_\_\_ day of \_\_\_\_\_, 2019

15   
16 DISTRICT COURT JUDGE

17 Respectfully Submitted By:

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

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

20 By:   
21 Jennifer Willis Arledge  
22 Nevada Bar No. 8729  
23 300 South 4th Street, 11<sup>th</sup> 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 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  
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 .

daniela.cablaw@gmail.com

17 Renee Finch

rfinch@messner.com

18 Kimberly Shonfeld

kshonfeld@messner.com

19 Caleb Meyer

cmeyer@messner.com

20 Griffith Hayes

hayes@litchfieldcavo.com

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

26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

William Ogden

bill@fbtrial.com

David Guillen

dguillen@fbtrial.com

Daneen Muscato

daneen@thetirelawyers.com

Marilyn Abel

mabel@messner.com

Anya Hovanesian

anya.cablau@gmail.com

Lexi Fuson

lexi.fuson@FaegreBD.com

Matthew Albaugh

matthew.albaugh@FaegreBD.com

Cheryl Lewallen

Cheryl.Lewallen@FaegreBD.com

Molly Gulbrandson

molly.gulbrandson@FaegreBD.com

Scott Pettitt

spettitt@messner.com

Celeste Hernandez

chernandez@sgroandroger.com

Jennifer Arledge

jarledge@sgroandroger.com

Carmen Scott

carmen@fbtrial.com

E File

efile@sgroandroger.com

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

**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	 <b>Motion to Associate Counsel</b> (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

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

# 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	 <b>Motion to Associate Counsel</b> (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	 <b>Motion to Associate Counsel</b> (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	<b>CANCELED Motion</b> (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	 <b>Motion to Associate Counsel</b> Filed By: Defendant Polaris Industries Inc <i>Motion to Associate Counsel Andrew Scott Ross, Esq. on Order Shortening Time</i>
07/31/2018	<b>Motion to Associate Counsel</b> (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	<b>Motion to Associate Counsel</b> (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	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
07/31/2018	 <b>Order Admitting to Practice</b> Filed By: Defendant Polaris Industries Inc <i>Order Admitting to Practice (Andrew Scott Ross, Esq.)</i>
07/31/2018	 <b>Order Admitting to Practice</b> Filed By: Defendant Polaris Industries Inc <i>Order Admitting to Practice (James F. Sanders, Esq.)</i>
08/01/2018	 <b>Notice of Entry</b> Filed By: Defendant Polaris Industries Inc <i>Notice of Entry of Order Admitting to Practice (Andrew Scott Ross, Esq.)</i>
08/01/2018	 <b>Notice of Entry</b> Filed By: Defendant Polaris Industries Inc <i>Notice of Entry of Order Admitting to Practice (James F. Sanders, Esq.)</i>
08/07/2018	 <b>Motion for Leave to File</b> Party: Defendant Sandbar Powersports LLC <i>Motion for Leave to File Third-Party Complaint by Sandbar Powersports, LLC</i>
09/11/2018	 <b>Motion for Leave</b> (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	 <b>Order</b> 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	 <b>Amended Notice of Entry of Order</b> Filed By: Defendant Sandbar Powersports LLC <i>Notice of Entry of Order</i>
09/12/2018	 <b>Third Party Complaint</b> 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	<b>CANCELED Pretrial/Calendar Call</b> (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	<b>CANCELED Jury Trial</b> (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	 <b>Motion for Protective Order</b> (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	 <b>Motion to Seal/Redact Records (9:00 AM)</b> (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	<b>Motion to Dismiss</b> (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	<b>Motion for Determination of Good Faith Settlement</b> (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	 <b>All Pending Motions</b> (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	 <b>Motion for Leave</b> (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	<b>Voluntary Dismissal</b> (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	<b>CANCELED Motion for Leave</b> (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	<b>CANCELED Status Check</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated</i> <i>Status Check: 02/19/19 Hearing Order</i>
04/16/2019	 <b>Stipulation and Order</b> 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	 <b>Stipulation and Order for Dismissal With Prejudice</b> 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	<b>Order of Dismissal With Prejudice</b> (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	<b>Order of Dismissal With Prejudice</b> (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	 <b>Notice of Entry of Stipulation &amp; Order for Dismissal</b> 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	 <b>Notice of Entry of Stipulation &amp; Order for Dismissal</b> Filed By: Defendant Sandbar Powersports LLC <i>Notice of Entry of Stipulation and Order for Dismissal of Sandbar Powersports, LLC</i>
05/14/2019	<b>CANCELED Pretrial/Calendar Call</b> (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Stipulation and Order</i>
05/20/2019	<b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Stipulation and Order</i>
06/21/2019	 <b>Notice of Association of Counsel</b> Filed By: Defendant Polaris Industries Inc <i>Notice of Disassociation of Counsel and Notice of Association of Counsel</i>
06/27/2019	 <b>Notice of Association of Counsel</b> <i>Notice of Disassociation of Counsel and Notice of Association of Counsel</i>
07/12/2019	 <b>Order to Statistically Close Case</b> <i>Order to Close Case</i>
07/23/2019	<b>CANCELED Pretrial/Calendar Call</b> (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	<b>CANCELED Jury Trial</b> (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	<b>CANCELED Pretrial/Calendar Call</b> (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Judge</i>
10/07/2019	<b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Judge</i>
12/10/2019	 <b>Status Check: Status of Case</b> (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	 <b>Motion</b> (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	<b>Order of Dismissal</b> (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	 <b>Motion</b> (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	<b>CANCELED Minute Order</b> (3:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - On In Error</i> <i>Minute Order Vacating Hearing</i>
09/08/2020	 Amended Notice of Appeal Party: Plaintiff Borger, John; Plaintiff Borger, Sherri <i>first amended notice of appeal</i>

**DATE****FINANCIAL INFORMATION**

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



## CIVIL COVER SHEET

A- 17- 751896- C

Clark- County, Nevada

Case No.

(Assigned by Clerk's Office)

XXV

**I. Party Information**Plaintiff(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"/> <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</b> <input checked="" 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**

Estimated Estate Value: \_\_\_\_\_

☐ **Summary Administration**☐ **General Administration**☐ **Special Administration**☐ **Set Aside Estates**☐ **Trust/Conservatorships**☐ Individual Trustee☐ Corporate Trustee☐ **Other Probate**☐ **Construction Defect**☐ Chapter 40☐ General☐ **Breach of Contract**☐ Building & Construction☐ Insurance Carrier☐ Commercial Instrument☐ Other Contracts/Acct/Judgment☐ Collection of Actions☐ Employment Contract☐ Guarantee☐ Sale Contract☐ Uniform Commercial Code☐ **Civil Petition for Judicial Review**☐ Foreclosure Mediation☐ Other Administrative Law☐ Department of Motor Vehicles☐ Worker's Compensation Appeal☐ **Appeal from Lower Court** (also check applicable civil case box)☐ Transfer from Justice Court☐ Justice Court Civil Appeal☐ **Civil Writ**☐ Other Special Proceeding☐ **Other Civil Filing**☐ Compromise of Minor's Claim☐ Conversion of Property☐ Damage to Property☐ Employment Security☐ Enforcement of Judgment☐ Foreign Judgment – Civil☐ Other Personal Property☐ Recovery of Property☐ Stockholder Suit☐ Other Civil Matters**III. Business Court Requested** (Please check applicable category; for Clark or Washoe Counties only.)☐ NRS Chapters 78-88☐ Commodities (NRS 90)☐ Securities (NRS 90)☐ Investments (NRS 104 Art. 8)☐ Deceptive Trade Practices (NRS 598)☐ Trademarks (NRS 600A)☐ Enhanced Case Mgmt/Business☐ Other Business Court Matters

Date

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, 11<sup>th</sup> 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,

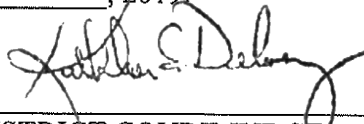
IT IS ORDERED that Polaris Industries, Inc.'s Motion to Dismiss for Forum Non  
Conveniens is Granted. The above-described action is hereby dismissed under NRCP 7(b) on the  
grounds of *forum non conveniens* for the following reasons: (1) the Plaintiffs' choice of forum is

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.**

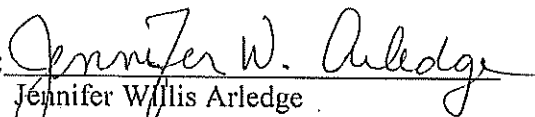
13 Dated:; this \_\_\_\_\_ day of \_\_\_\_\_, 2019. Dated this 9th day of August, 2020

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, 11<sup>th</sup> 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  
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 .

daniela.cablaw@gmail.com

17 Renee Finch

rfinch@messner.com

18 Kimberly Shonfeld

kshonfeld@messner.com

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

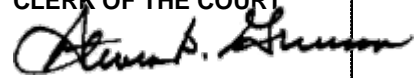
kyle@fbtrial.com

27 Skip Lynch

skip@thetirelawyers.com

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
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		



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](mailto:jarledge@sgroandroger.com)

13 [tsgro@sgroandroger.com](mailto: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 10<sup>th</sup> 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,

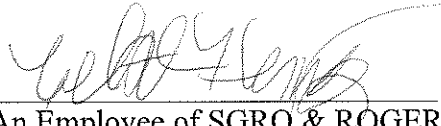
7 XX by electronic service via the Clark County District Court electronic filing  
8 system,

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](mailto: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, 11<sup>th</sup> 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  
26 Non Conveniens, and being otherwise fully advised,

27 IT IS ORDERED that Polaris Industries, Inc.'s Motion to Dismiss for Forum Non  
28 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

1431841v.1

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.**

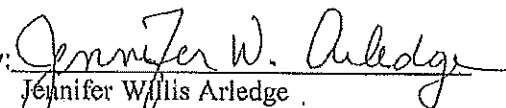
13 Dated:; this \_\_\_\_\_ day of \_\_\_\_\_, 2019

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, 11<sup>th</sup> 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  
**POLARIS INDUSTRIES, INC.**

9  
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  
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	rfinch@messner.com
19 Kimberly Shonfeld	kshonfeld@messner.com
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
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

**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)

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

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

<b>PRESENT:</b>	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.

# 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):

AMENDED NOTICE OF APPEAL; 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

JOHN BORGER; SHERRI BORGER,

Plaintiff(s),

vs.

SANBAR POWERSPORTS, LLC; POLARIS  
INDUSTRIES, INC.,

Defendant(s),

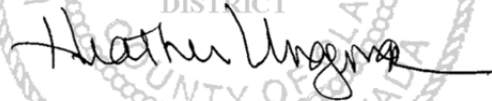
Case No: A-17-751896-C

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 9 day of September 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk