

Electronically Filed  
Sep 17 2020 02:21 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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6385 S. Rainbow Boulevard, Suite 600  
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Tel.: 702.893.3383  
6 Fax: 702.893.3789

7 *Attorneys for Defendants*

8 *Maide, LLC d/b/a Gentle Spring Care Home,*  
9 *Sokhena K. Huch, and Miki N. Ton*

10 DISTRICT COURT

11 CLARK COUNTY, NEVADA

12 CORINNE R. DILEO as Special  
13 Administrator for the ESTATE OF THOMAS  
DILEO; THOMAS DILEO, JR., as Statutory  
14 Heir to THOMAS DILEO; and CINDY  
DILEO, as Statutory Heir to THOMAS  
15 DILEO,

16 Plaintiffs,

17 vs.

18 MAIDE, L.L.C, a Nevada limited-liability  
company d/b/a GENTLE SPRING CARE  
19 HOME; SOKHENA K. HUCH, an individual;  
MIKI N. TON, an individual; DOE  
20 INDIVIDUALS 1-10, inclusive; ROE  
ENTITIES 11-20, inclusive,

21 Defendants.  
22

CASE NO. A-19-797533-C

DEPT. NO. 14

**DEFENDANTS' NOTICE OF APPEAL**

23  
24 Notice is hereby given that Defendants MAIDE LLC dba GENTLE SPRING CARE  
25 HOME, SOKHENA HUCH, and MIKI TON through their counsel, Lewis Brisbois Bisgaard &  
26 Smith LLP, hereby appeal to the Supreme Court of Nevada from the following District Court,  
27 Clark County, Nevada orders in this matter:  
28

1           1.       The District Court's Order Granting Plaintiffs' Motion for Rehearing and denying  
2 Defendants' Application for Judicial Relief-Motion to Compel Arbitration, entered August 14,  
3 2020, attached hereto as Exhibit A;

4  
5           DATED this 14<sup>th</sup> day of September, 2020

6                                   LEWIS BRISBOIS BISGAARD & SMITH LLP

7  
8  
9                                   By           /s/ John M. Orr          

10                               S. BRENT VOGEL

11                               Nevada Bar No. 6858

12                               JOHN M. ORR

13                               Nevada Bar No. 14251

14                               6385 S. Rainbow Boulevard, Suite 600

15                               Las Vegas, Nevada 89118

16                               Tel. 702.893.3383

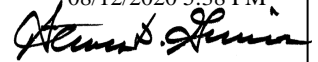
17                               Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of September, 2020, a true and correct copy of **DEFENDANTS' NOTICE OF APPEAL** was served by electronically filing with the Clerk of the Court using the Wiznet Electronic Service system and serving all parties with an email-address on record, who have agreed to receive Electronic Service in this action.

By /s/ Roya Rokni  
An Employee of  
LEWIS BRISBOIS BISGAARD & SMITH LLP

# EXHIBIT ‘A’

  
CLERK OF THE COURT

**COGBURN LAW**  
Jamie S. Cogburn, Esq.  
Nevada Bar No. 8409  
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Hunter S. Davidson, Esq.  
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Henderson, Nevada 89074  
Telephone: (702) 748-7777  
Facsimile: (702) 966-3880  
*Attorneys for Plaintiffs*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

CORINNE R. DILEO as Special  
Administrator for the ESTATE OF THOMAS  
DILEO; THOMAS DILEO, JR. as Statutory  
Heir to THOMAS DILEO; and CINDY  
DILEO, as Statutory Heir to THOMAS  
DILEO

Plaintiffs,

vs.

MAIDE, L.L.C, a Nevada limited-liability  
company d/b/a GENTLE SPRING CARE  
HOME; SOKHENA K. HUCH, an individual;  
MIKI N. TON, an individual; DOE  
INDIVIDUALS 1–10, inclusive; ROE  
ENTITIES 11–20, inclusive;

Defendants.

Case No.: A-19-797533-C  
Dept. No.: 14

**ORDER REGARDING PLAINTIFFS'  
MOTION FOR REHEARING ON  
DEFENDANTS' MOTION TO  
COMPEL ARBITRATION**

*Order re: Motion for Rehearing  
DiLeo, et al. v. Maide, L.L.C  
Case No. A-19-797533-C*

Plaintiffs’ Motion for Rehearing on Defendants’ Motion to Compel Arbitration (“Motion to Reconsider”) was heard by the Honorable Adriana Escobar on May 26, 2020 at 9:00 a.m. Hunter S. Davidson, Esq., of Cogburn Law, appeared on behalf of Plaintiffs Corinne R. DiLeo, as Special Administrator for the Estate of Thomas DiLeo (“the Estate”); Thomas DiLeo, Jr., as Statutory Heir to Thomas DiLeo (“Plaintiff Thomas”); and Cindy DiLeo, as Statutory Heir to Thomas DiLeo (“Plaintiff Cindy” and, collectively with the Estate and Plaintiff Thomas, “Plaintiffs”). John M. Orr, Esq., of Lewis Brisbois Bisgaard & Smith, appeared on behalf of Defendants Maide, L.L.C d/b/a Gentle Spring Care Home (“Maide”), Sokhena K. Huch (“Defendant Huch”), and Miki N. Ton (“Defendant Ton” and, collectively with Maide and Defendant Huch, “Defendants”).

After review and consideration of the points and authorities on file herein, and having heard oral arguments of counsel on this matter, the Court hereby finds and concludes as follows:

**I. BACKGROUND**

This case arises from the alleged neglect of Decedent Thomas DiLeo (“Decedent”) while he was a resident of Defendants’ residential facility for groups, Gentle Spring Care Home, located at 6418 Spring Meadow Drive, Las Vegas, Nevada (“Care Home”). On August 10, 2017, Decedent passed away, allegedly from Defendants’ neglect and inadequate care.

On June 27, 2019, Plaintiffs filed their Complaint, asserting the following causes of action against each of the Defendants: (1) Abuse/Neglect of an Older Person; (2) Negligence; (3) Wrongful Death; and (4) Survival Action. On August 14, 2019, Defendants filed their Answer to Plaintiffs’ Complaint.

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*Order re: Motion for Rehearing  
DiLeo, et al. v. Maide, L.L.C  
Case No. A-19-797533-C*

On September 13, 2019, Defendants filed a Motion to Compel Arbitration (“Motion to Compel Arbitration”), arguing the instant matter should be removed into binding arbitration pursuant to NRS 38.221 and an arbitration agreement purportedly entered between Decedent and Defendants on January 30, 2015 (“Arbitration Agreement”).

On September 24, 2019, Plaintiffs filed their Opposition to Defendants’ Motion to Compel Arbitration wherein they argued, among other things: (1) that the Arbitration Agreement was void and unenforceable because it lacked NRS 597.995’s specific authorization requirement; and (2) that Plaintiffs could not be bound to the Arbitration Agreement because they were not signatories to the Arbitration Agreement.

On January 28, 2020, Defendants’ Motion to Compel Arbitration came before Senior Judge Charles Thompson, who held the Arbitration Agreement was binding and enforceable between the Estate and Defendants but not between Plaintiffs Thomas and Cindy and Defendants. As such, the Estate’s claims against Defendants for Elder Abuse, Wrongful Death, and Survival Action were subject to binding arbitration, while Plaintiff Thomas’s and Plaintiff Cindy’s claims against Defendants for Wrongful Death remained stayed in District Court during the pendency of the binding arbitration.

On April 7, 2020, Judge Thompson’s Order was entered. Defendants filed their Notice of Entry of Order on April 22, 2020.

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***Order re: Motion for Rehearing  
DiLeo, et al. v. Maide, L.L.C  
Case No. A-19-797533-C***

On April 21, 2020, Plaintiffs filed the underlying Motion to Reconsider. In their Motion to Reconsider and Reply in Support of Motion to Reconsider, Plaintiffs argued that Judge Thompson's decision was clearly erroneous because the Arbitration Agreement lacked the specific authorization required under NRS 597.995. In support of their position, Plaintiffs pointed to the various arbitration agreements reviewed in *Fat Hat, LLC v. DiTerlizzi*, 385 P.3d 580 (Nev. 2016), wherein the Nevada Supreme Court interpreted NRS 597.995's specific authorization requirement.

On May 5, 2020, Defendants filed their Opposition to Plaintiffs' Motion to Reconsider wherein they argued, *inter alia*, that the Arbitration Agreement complied with NRS 597.995's specific authorization requirement as interpreted in *Fat Hat, LLC v. DiTerlizzi*, 385 P.3d 580 (Nev. 2016).

On May 26, 2020, Plaintiffs' Motion to Reconsider came on for hearing before Department 14 of the Eighth Judicial District Court, with the Honorable Adriana Escobar presiding.

**II. FINDINGS**

After review and consideration of the points and authorities on file herein, and having heard oral arguments of counsel on this matter, the Court hereby finds as follows:

1. Leave for reconsideration of motions is within the Court's discretion. EDCR 2.24. The Court may reconsider its order when one of the following apply: (1) the prior ruling was clearly erroneous; (2) there is an intervening change in controlling law; (3) substantially different evidence is subsequently introduced; (4) there are other changed circumstances; or (5) manifest injustice would result were the prior ruling permitted to stand. *See Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Uрга, & Wirth, Ltd.*, 113 Nev. 737, 941 P.2d 489 (1997); NRCP 60.

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2. NRS 597.995(1) provides the clear and unambiguous requirement for an agreement that includes an arbitration clause:

[A]n agreement which includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement must include specific authorization for the provision which indicates that the person has affirmatively agreed to the provision.

3. Here, Judge Thompson's decision to grant, in part, Defendants' Motion to Compel Arbitration was clearly erroneous because the binding arbitration provision within the Arbitration Agreement lacks NRS 597.995(1)'s specific authorization requirement. Specifically, the subject provision within the Arbitration Agreement did not have a separate signature block or initial section for Plaintiffs to affirmatively agree to said provision. As such, the Arbitration Agreement is void and unenforceable pursuant to NRS 597.995(2)

### III. CONCLUSION

Based upon the foregoing, it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. Plaintiffs' Motion to Reconsider is GRANTED.

2. The Court's prior Order regarding Defendants' Motion to Compel Arbitration, entered on April 7, 2020, is VACATED.

3. Defendants' Motion to Compel Arbitration is DENIED IN ITS ENTIRETY.

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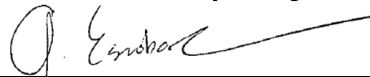
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4. Each of Plaintiffs' causes of action, Abuse/Neglect of an Older Person, Negligence, Wrongful Death, and Survival Action, may proceed before the Eighth Judicial District Court.

**IT IS SO ORDERED.**

DATED: August 12, 2020.

Dated this 12th day of August, 2020



DISTRICT COURT JUDGE

**718 AE3 448B 394F  
Adriana Escobar  
District Court Judge**

*Respectfully Submitted by:*

**COGBURN LAW**

By: /s/ Hunter S. Davidson

Jamie S. Cogburn, Esq.  
Nevada Bar No. 8409  
Hunter S. Davidson, Esq.  
Nevada Bar No. 14860  
2580 St. Rose Parkway, Suite 330  
Henderson, Nevada 89074  
*Attorneys for Plaintiffs*

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Corinne DiLeo, Plaintiff(s)

CASE NO: A-19-797533-C

7 vs.

DEPT. NO. Department 14

8 Maide, LLC, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/12/2020

15 S. Vogel brent.vogel@lewisbrisbois.com

16 Johana Whitbeck johana.whitbeck@lewisbrisbois.com

17 John Orr john.orr@lewisbrisbois.com

18 Hunter Davidson hsd@cogburncares.com

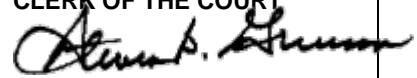
19 File Clerk efile@cogburncares.com

20 Roya Rokni roya.rokni@lewisbrisbois.com

21 Elia Barrientos enb@cogburncares.com

22 Arielle Atkinson arielle.atkinson@lewisbrisbois.com

23  
24  
25  
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JOHN M. ORR  
3 Nevada Bar No. 14251  
[John.Orr@lewisbrisbois.com](mailto:John.Orr@lewisbrisbois.com)  
4 LEWIS BRISBOIS BISGAARD & SMITH LLP  
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5 Las Vegas, NV 89118  
Tel.: 702.893.3383  
6 Fax: 702.893.3789

7 *Attorneys for Defendants*

8 *Maide, LLC d/b/a Gentle Spring Care Home,*  
9 *Sokhena K. Huch, and Miki N. Ton*

10 DISTRICT COURT

11 CLARK COUNTY, NEVADA

12 CORINNE R. DILEO as Special  
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DILEO; THOMAS DILEO, JR., as Statutory  
14 Heir to THOMAS DILEO; and CINDY  
DILEO, as Statutory Heir to THOMAS  
15 DILEO,

16 Plaintiffs,

17 vs.

18 MAIDE, L.L.C, a Nevada limited-liability  
company d/b/a GENTLE SPRING CARE  
19 HOME; SOKHENA K. HUCH, an individual;  
MIKI N. TON, an individual; DOE  
20 INDIVIDUALS 1-10, inclusive; ROE  
ENTITIES 11-20, inclusive,

21 Defendants.  
22

CASE NO. A-19-797533-C

DEPT. NO. 14

**DEFENDANTS' CASE APPEAL  
STATEMENT**

23  
24 **CASE APPEAL STATEMENT**

25 1. Name of Petitioners filing this case appeal statement:

26 **Maide, LLC dba Gentle Spring Care Home, Sokhena Huch, Miki Ton**

27 2. Identify the Judge issuing the decision, judgment, or order appealed from:  
28

1           **Hon. Adriana Escobar, District Court Judge**

2           3.       Identify all parties to the proceedings in the district court (the use of et al. to denote  
3 parties is prohibited):

4           **Maide, LLC dba Gentle Spring Care Home, Sokhena Huch, Miki Ton, Corrine Dileo,**  
5 **as Special Administrator of the Estate of Thomas Dileo, Cindy Dileo, Thomas Dileo, Jr.**

6           4.       Identify all parties involved in this appeal (the use of et al. to denote parties is  
7 prohibited):

8           **Maide, LLC dba Gentle Spring Care Home, Sokhena Huch, Miki Ton, Corrine Dileo,**  
9 **as Special Administrator of the Estate of Thomas Dileo, Cindy Dileo, Thomas Dileo, Jr.**

10          5.       Set forth the name, law firm, address, and telephone number of all counsel on  
11 appeal and identify the party or parties whom they represent:

12           **S. Brent Vogel, Esq.**  
13           **John m. Orr, Esq.**  
14           **Lewis Brisbois Bisgaard & Smith LLP**  
15           **6385 S. Rainbow Blvd.**  
16           **Las Vegas, NV 89118**  
17           **Attorneys for Petitioners**  
18           **Maide, LLC dba Gentle Spring Care Home, Sokhena Huch, and Miki Ton**

17           **Jamie Cogburn, Esq.**  
18           **Hunter Davidson, Esq.**  
19           **COGBURN LAW**  
20           **2580 St Rose Pkwy Suite 330**  
21           **Henderson, NV 89074**  
22           **Tel: 702.748.7777**  
23           **Attorneys for Respondents**

24          6.       Indicate whether Petitioners were represented by appointed or retained counsel in  
25 the district court:

26           **Petitioners were represented by retained counsel in the District Court.**

27          7.       Indicate whether Respondent was represented by appointed or retained counsel in  
28 the district court:

**Respondents were represented by retained counsel in the District Court.**

            8.       Indicate whether Petitioners are represented by appointed or retained counsel on

1 appeal:

2 **Petitioners are represented by retained counsel on appeal.**

3 9. Indicate whether Respondent is represented by appointed or retained counsel on  
4 appeal:

5 **Respondents are represented by retained counsel on appeal.**

6 10. Indicate whether Petitioners were granted leave to proceed in forma pauperis, and  
7 the date of entry of the district court order granting such leave:

8 **Petitioners were not granted leave to proceed in forma pauperis.**

9 11. Indicate whether Respondent was granted leave to proceed in forma pauperis, and  
10 the date of entry of the district court order granting such leave:

11 **Respondents were not granted leave to proceed in forma pauperis.**

12 12. Indicate the date the proceedings commenced in the district court (e.g., date  
13 complaint, indictment, information, or petition was filed):

14 **The Complaint was filed on June 27, 2020. Petitioners' Application for Judicial**  
15 **Review was filed on September 13, 2019.**

16 13. Provide a brief description of the nature of the action and result in the district court,  
17 including the type of judgment or order being appealed and the relief granted by the district court:

18 **This is a Wrongful Death case that stems from Thomas Dileo's residency at Gentle**  
19 **Spring Care Home ("Gentle Spring"). Gentle Spring is a licensed "residential home for**  
20 **groups" under NRS 449 et seq. Corrine Dileo, Mr. Dileo's ex-wife and power of attorney,**  
21 **executed an arbitration agreement on Mr. Dileo's behalf at the outset of his residency at**  
22 **Gentle Spring.**

23 **On or around June 24, 2017, Mr. Dileo developed a wound on his leg that became**  
24 **gangrenous and eventually had to be amputated. Mr. Dileo died on August 13, 2017, while**  
25 **admitted at Spring Valley Hospital. Plaintiffs Corrine Dileo, as Special Administrator of the**  
26 **Estate of Thomas Dileo, Cindy Dileo, and Thomas Dileo, Jr. allege that Gentle Spring**  
27 **negligently cared for and supervised Mr. Dileo, which purportedly caused him to develop**

28

1 gangrene and his subsequent need for a leg amputation. Plaintiffs further allege this  
2 amputation caused or contributed to Mr. Dileo's death.

3 Defendants filed an Application for Judicial Relief -Motion to Compel Arbitration  
4 (the "Motion") on September 13, 2019. The Court heard this Motion on January 28, 2020.  
5 Senior Judge Hon. Charles Thompson heard Petitioners' Motion. The Court granted  
6 Petitioner's Motion with regard to the Estate's claims on January 28, 2020. The Order  
7 granting in part and denying in part Petitioners' Motion was entered on April 22, 2020. In  
8 their Opposition to Petitioners' Motion, Respondents argued that the subject arbitration  
9 agreement (the "Agreement") did not Comply with NRS 597.995, which requires arbitration  
10 agreements to contain a specific authorization. The Court found the Agreement complied  
11 with NRS 597.995. The Court, however, found that because Thomas Dileo, Jr. and Cindy  
12 Dileo (collectively the "Heirs") were not signatories to the Agreement, they could not be  
13 compelled to arbitrate their claims against Petitioners. The Court, therefore, granted  
14 Petitioners' Motion with regard to the Estate and denied it with regard to the Heirs.

15 Respondents' filed a Motion for Rehearing of Defendants' Motion to Compel  
16 Arbitration on April 21, 2020. Respondents argued in this motion that the Court incorrectly  
17 ruled the Agreement complied with NRS 597.995. Respondents' Motion for Rehearing was  
18 heard by Hon. Adriana Escobar on May 26, 2020. The Court reversed its prior Order and  
19 ruled that the Agreement did not comply with NRS 597.995 and was, therefore,  
20 unenforceable. The Court's Order granting Respondents' Motion for Rehearing and  
21 Denying Petitioners' Motion to Compel Arbitration was entered on August 14, 2020.

22 Petitioners now seek review of the Court's Order granting Respondents' Motion for  
23 Rehearing and denying Petitioners' Motion to Compel Arbitration.

24 14. Indicate whether the case has previously been the subject of an appeal to or original  
25 writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of  
26 the prior proceeding:

27 No.

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

**No.**

16. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

**Yes.**

DATED this 14<sup>th</sup> day of September, 2020

LEWIS BRISBOIS BISGAARD & SMITH LLP

By           /s/ John M. Orr            
S. BRENT VOGEL  
Nevada Bar No. 6858  
JOHN M. ORR  
Nevada Bar No. 14251  
6385 S. Rainbow Boulevard, Suite 600  
Las Vegas, Nevada 89118  
Tel. 702.893.3383  
Attorneys for Petitioners



**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of September, 2020, a true and correct copy of **PETITIONERS' CASE APPEAL STATEMENT** was served by electronically filing with the Clerk of the Court using the Wiznet Electronic Service system and serving all parties with an email-address on record, who have agreed to receive Electronic Service in this action.

By /s/ Roya Rokni  
An Employee of  
LEWIS BRISBOIS BISGAARD & SMITH LLP

**CASE SUMMARY****CASE NO. A-19-797533-C**

**Corinne DiLeo, Plaintiff(s)**  
**vs.**  
**Maide, LLC, Defendant(s)**

§  
 §  
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 §

Location: **Department 14**  
 Judicial Officer: **Escobar, Adriana**  
 Filed on: **06/27/2019**  
 Case Number History:  
 Cross-Reference Case Number: **A797533**

**CASE INFORMATION**Case Type: **Negligence - Other Negligence**

Case  
 Status: **06/27/2019 Open**

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

Case Number A-19-797533-C  
 Court Department 14  
 Date Assigned 11/12/2019  
 Judicial Officer Escobar, Adriana

**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>DiLeo, Cindy</b>	<b>Cogburn, Jamie S.</b> <i>Retained</i> 702-748-7777(W)
	<b>DiLeo, Corinne R</b>	<b>Cogburn, Jamie S.</b> <i>Retained</i> 702-748-7777(W)
	<b>DiLeo, Thomas, Jr.</b>	<b>Cogburn, Jamie S.</b> <i>Retained</i> 702-748-7777(W)
	<b>Estate of Thomas DiLeo</b>	<b>Cogburn, Jamie S.</b> <i>Retained</i> 702-748-7777(W)
<b>Defendant</b>	<b>Huch, Sokhena K</b>	<b>Vogel, Stephen B.</b> <i>Retained</i> 702-893-3383(W)
	<b>Maide, LLC</b>	<b>Vogel, Stephen B.</b> <i>Retained</i> 702-893-3383(W)
	<b>Ton, Miki N</b>	<b>Vogel, Stephen B.</b> <i>Retained</i> 702-893-3383(W)

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

06/27/2019










**EVENTS**

Complaint

Filed By: Special Administrator DiLeo, Corinne R; Plaintiff DiLeo, Thomas, Jr.; Plaintiff  
 DiLeo, Cindy  
*Complaint*















# CASE SUMMARY

CASE NO. A-19-797533-C

06/27/2019	 Initial Appearance Fee Disclosure Filed By: Special Administrator DiLeo, Corinne R; Plaintiff DiLeo, Thomas, Jr.; Plaintiff DiLeo, Cindy <i>Initial Appearance Fee Disclosure</i>
06/28/2019	 Summons Electronically Issued - Service Pending Party: Special Administrator DiLeo, Corinne R <i>Summons to Miki N Ton</i>
06/28/2019	 Summons Electronically Issued - Service Pending Party: Special Administrator DiLeo, Corinne R <i>Summons - Sokhena Huch</i>
06/28/2019	 Summons Electronically Issued - Service Pending Party: Special Administrator DiLeo, Corinne R <i>Summons - MAIDE LLC d/b/a Gentle Spring Care Home</i>
07/29/2019	 Affidavit of Service Filed By: Special Administrator DiLeo, Corinne R <i>Affidavit of Service - MAIDE LLC</i>
07/29/2019	 Affidavit of Service Filed By: Special Administrator DiLeo, Corinne R <i>Affidavit of Service- Miki N. Ton</i>
07/29/2019	 Affidavit of Service Filed By: Special Administrator DiLeo, Corinne R <i>Affidavit of Service - Sokhena Huch</i>
08/14/2019	 Initial Appearance Fee Disclosure Filed By: Defendant Maide, LLC; Defendant Huch, Sokhena K; Defendant Ton, Miki N <i>Initial Appearance Fee Disclosure</i>
08/14/2019	 Answer to Complaint Filed by: Defendant Maide, LLC; Defendant Huch, Sokhena K; Defendant Ton, Miki N <i>Defendants Maide, LLC D/B/A Gentle Spring Care Home, Sokhena K. Huch, And Miki N. Ton s Answer To Plaintiffs Complaint</i>
08/14/2019	 Demand for Jury Trial Filed By: Defendant Maide, LLC; Defendant Huch, Sokhena K; Defendant Ton, Miki N <i>Demand for Jury Trial</i>
09/05/2019	 Request for Exemption From Arbitration Filed by: Special Administrator DiLeo, Corinne R <i>Petition for Exemption from Arbitration</i>
09/13/2019	 Motion to Compel Filed By: Defendant Maide, LLC <i>Maide, L.L.C, a Nevada Limited-Liability Company d/b/a Gentle Spring Care Home; Sokhena K. Huch, an Individual; Miki N. Ton's Motion to Compel Arbitration</i>
09/13/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>










# CASE SUMMARY

CASE NO. A-19-797533-C

09/19/2019	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request For Exemption - GRANTED</i>
09/24/2019	 Opposition to Motion to Compel Filed By: Special Administrator DiLeo, Corinne R <i>Plaintiff's Opposition to Defendants Maide, L.L.C. d/b/a Gentle Springs Care Home's Sokhena K. Huch's, and Miki N. Ton's Motion to Compel Arbitration</i>
09/27/2019	 Notice of Early Case Conference Filed By: Special Administrator DiLeo, Corinne R <i>Notice of Early Case Conference</i>
10/10/2019	 Reply in Support Filed By: Defendant Maide, LLC <i>Maide LLC d/b/a Gentle Spring Care Home; Sokhena K Huch, Miki N. Ton's Reply in Support of Defendants' Motion to Compel Arbitration</i>
11/12/2019	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
12/19/2019	 Joint Case Conference Report <i>Joint Case Conference Report</i>
04/07/2020	 Order Filed By: Defendant Maide, LLC <i>Order on Defendants' Motion to Compel Arbitration</i>
04/21/2020	 Motion to Rehear Filed By: Plaintiff DiLeo, Thomas, Jr.; Plaintiff DiLeo, Cindy <i>Plaintiffs' Motion for Rehearing on Defendants' Motion to Compel Arbitration</i>
04/22/2020	 Notice of Entry of Order Filed By: Defendant Maide, LLC <i>Notice of Entry of Order</i>
04/22/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
05/05/2020	 Opposition Filed By: Defendant Maide, LLC <i>MAIDE, LLC dba Gentle Spring Care Home and Sokhena K. Huch, and Miki N. Ton's Opposition to Plaintiffs' Motion for Rehearing</i>
05/12/2020	 Filing Fee Remittance Filed By: Defendant Maide, LLC <i>Filing Fee Remittance</i>
05/19/2020	 Reply in Support <i>Plaintiff's Reply in Support of Motion for Rehearing on Defendant's Motion To Compel Arbitration</i>
06/12/2020	 Mandatory Rule 16 Conference Order <i>Mandatory Rule 16 Pre-trial Scheduling Conference Order</i>

# CASE SUMMARY

CASE NO. A-19-797533-C

06/25/2020	 Mandatory Rule 16 Conference Order <i>AMENDED MANDATORY RULE 16 PRE-TRIAL SCHEDULING CONFERENCE ORDER</i>
07/10/2020	 Filing Fee Remittance Filed By: Plaintiff DiLeo, Thomas, Jr. <i>Filing Fee Remittance</i>
08/12/2020	 Order Filed By: Special Administrator DiLeo, Corinne R; Plaintiff DiLeo, Thomas, Jr.; Plaintiff DiLeo, Cindy; Plaintiff Estate of Thomas DiLeo <i>Order re Plaintiffs' Motion for Rehearing Defendants' Motion to Compel Arbitration</i>
08/14/2020	 Notice of Entry of Order Filed By: Defendant Maide, LLC <i>Notice of Entry of Order</i>
09/14/2020	 Notice of Appeal Filed By: Defendant Maide, LLC <i>Defendants' Notice of Appeal</i>
09/14/2020	 Case Appeal Statement Filed By: Defendant Maide, LLC <i>Defendants' Case Appeal Statement</i>
<b><u>HEARINGS</u></b>	
10/17/2019	 <b>Motion to Compel</b> (3:00 AM) (Judicial Officer: Cory, Kenneth) <b>10/17/2019, 10/30/2019</b> <i>Maide, L.L.C, a Nevada Limited-Liability Company d/b/a Gentle Spring Care Home; Sokhena K. Huch, an Individual; Miki N. Ton's Motion to Compel Arbitration</i> Continued; Continued; COURT RECUSED Journal Entry Details: <i>Mr. Davidson advised he had no representations as to where defense counsel is. Court disclosed Cogburn's Law Firm had represented him approximately 10 years ago for several months. The Court STATED it does not see there is any bias. The Court will allow the parties to consider the Court's disclosure and ORDER the parties to contact the department within 10 days if they would like the Court to recuse. COURT ORDERED, Matter CONTINUED. CONTINUED TO: 11/12/19 9:00 AM CLERK'S NOTE: The above minute order has been distributed to: John Orr, Esq. (john.orr@lewisbrisbois.com). /mlt ;</i> Continued; Continued; COURT RECUSED Journal Entry Details: <i>COURT ORDERED, Maide, L.L.C, a Nevada Limited-Liability Company d/b/a Gentle Spring Care Home; Sokhena K. Huch, an Individual; Miki N. Ton's Motion to Compel Arbitration CONTINUED to this Court's oral calendar for argument. CONTINUED TO: 10/30/19 9:00 AM CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt;</i>
11/12/2019	 <b>Minute Order</b> (9:00 AM) (Judicial Officer: Cory, Kenneth) Minute Order - No Hearing Held; Journal Entry Details: <i>Court advised plaintiff's counsel has previously represent the him and to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, this case be REASSIGNED at random.;</i>
01/28/2020	 <b>Motion to Compel</b> (9:30 AM) (Judicial Officer: Thompson, Charles) <i>Maide, L.L.C, a Nevada Limited-Liability Company d/b/a Gentle Spring Care Home; Sokhena</i>

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-19-797533-C**

	<p><i>K. Huch, an Individual; Miki N. Ton's Motion to Compel Arbitration</i>  Should be heard by Discovery  Should be heard by Discovery  Granted in Part;  Journal Entry Details:  <i>Arguments by counsel regarding whether or not the heirs of the estate should be bound to binding arbitrations. COURT ORDERED, motion is GRANTED as to the estate only, and STAYED as to the heirs.;</i></p>
05/26/2020	<p> <b>Motion to Compel</b> (9:30 AM) (Judicial Officer: Escobar, Adriana)  <i>Plaintiffs' Motion for Rehearing on Defendants' Motion to Compel Arbitration</i>  Decision Made;  Journal Entry Details:  <i>COURT ORDERED, a minute order will be issued.;</i></p>
07/28/2020	<p> <b>Minute Order</b> (4:33 PM) (Judicial Officer: Escobar, Adriana)  Minute Order - No Hearing Held;  Journal Entry Details:  <i>Plaintiff's Motion for Rehearing on Defendant's Motion to Compel Arbitration (Motion), which Defendant opposed, came on for hearing before Department XIV of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on May 26, 2020. After considering the moving papers and arguments of counsel, the Court enters the following order: Leave for reconsideration of motions is within the Court's discretion. EDCR 2.24. The Court may reconsider its order when one of the following apply: 1) A clearly erroneous prior ruling; 2) an intervening change in controlling law; 3) Substantially different evidence; 4) other changed circumstances; and 5) that manifest injustice would result were the prior ruling permitted to stand. NRCp 60. Further, it is well-settled that rehearings are appropriate where substantially different evidence is subsequently introduced. Masonry &amp; Tile Contractors v. Jolley, Urga &amp; Wirth, 113 Nev. 737 (1997). Here, the Court finds that Judge Thompson's January 28, 2020 decision to grant in part Defendant's Motion to Compel Arbitration which was entered on April 7, 2020 was clearly erroneous. NRS 597.995(1) provides clear and unambiguous requirements for an agreement that includes an arbitration clause: [A]n agreement which includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement must include specific authorization for the provision which indicates that the person has affirmatively agreed to the provision. Here, the subject Arbitration Provision lacks the statutorily-mandated specific authorization. Rather, the agreement houses the clause in a document that did not have a separate signature block or initial section for Plaintiff to affirmatively agree to said provision. Based on the foregoing, the Court GRANTS Plaintiff's Motion, VACATES its April 7, 2020 order, and DENIES Defendant's Motion to Compel Arbitration in its entirety. Counsel for Plaintiff is directed to prepare a proposed order and must submit electronically, in both PDF version and Word version, by emailing DC14Inbox@clarkcountycourts.us. All orders must have original signatures from all parties or an email appended as the last page(s) of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File &amp; Serve. clm 7/28/2020;</i></p>
07/29/2020	<p> <b>Mandatory Rule 16 Conference</b> (10:30 AM) (Judicial Officer: Escobar, Adriana)  Trial Date Set;  Journal Entry Details:  <i>Upon Court's inquiry, counsel requested that discovery deadlines be extended. Discussion regarding settlement. COURT ORDERED, deadlines as follows: Discovery Cut Off, 8/26/21; Amend Pleadings &amp; Add Parties, 5/28/21; Initial Disclosure, 5/28/21; Rebuttal Disclosure, 6/25/21; Dispositive Motions, 9/24/21; Trial Ready Date, 10/18/21. COURT FURTHER ORDERED, trial and status check dates SET. 8/4/21 IN CHAMBERS STATUS CHECK: SETTLEMENT PROGRESS 10/28/21 9:30 AM CALENDAR CALL 11/15/21 9:30 AM JURY TRIAL;</i></p>
08/04/2021	<p><b>Status Check</b> (3:00 AM) (Judicial Officer: Escobar, Adriana)  <i>Settlement Progress</i></p>
10/28/2021	<p><b>Calendar Call</b> (9:31 AM) (Judicial Officer: Escobar, Adriana)</p>

**CASE SUMMARY****CASE NO. A-19-797533-C**

11/15/2021	<b>Jury Trial (9:30 AM)</b> (Judicial Officer: Escobar, Adriana)	
DATE	FINANCIAL INFORMATION	

**Defendant** Maide, LLC

Total Charges 307.00

Total Payments and Credits 307.00

**Balance Due as of 9/15/2020 0.00****Special Administrator** DiLeo, Corinne R

Total Charges 270.00

Total Payments and Credits 270.00

**Balance Due as of 9/15/2020 0.00****Plaintiff** DiLeo, Thomas, Jr.

Total Charges 30.00

Total Payments and Credits 30.00

**Balance Due as of 9/15/2020 0.00**

# DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada

Case No. \_\_\_\_\_  
(Assigned by Clerk's Office)

**CASE NO: A-19-797533-C**  
**Department 1**

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

Plaintiff(s) (name/address/phone):  
Corinne DiLeo; Thomas DiLeo Jr., Cindy DiLeo

Attorney (name/address/phone):  
Hunter S. Davidson, Esq. (NV Bar No. 14860) Cogburn Law  
2580 St. Rose Parkway  
Suite 330  
Henderson, NV 89074  
(702) 748-7777

Defendant(s) (name/address/phone):  
Maide, LLC d/ba Gentle Spring Care Home  
Sokhena K. Huch  
Miki N. Ton

Attorney (name/address/phone):

## II. Nature of Controversy (Please select the one most applicable filing type below)

### Civil Case Filing Types

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

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

6/27/2019

Date

/s/Hunter S. Davidson, Esq.

Signature of initiating party or representative



**COGBURN LAW**  
Jamie S. Cogburn, Esq.  
Nevada Bar No. 8409  
jsc@cogburncares.com  
Hunter S. Davidson, Esq.  
Nevada Bar No. 14860  
hsd@cogburncares.com  
2580 St. Rose Parkway, Suite 330  
Henderson, Nevada 89074  
Telephone: (702) 748-7777  
Facsimile: (702) 966-3880  
*Attorneys for Plaintiffs*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

CORINNE R. DILEO as Special  
Administrator for the ESTATE OF THOMAS  
DILEO; THOMAS DILEO, JR. as Statutory  
Heir to THOMAS DILEO; and CINDY  
DILEO, as Statutory Heir to THOMAS  
DILEO

Plaintiffs,

vs.

MAIDE, L.L.C, a Nevada limited-liability  
company d/b/a GENTLE SPRING CARE  
HOME; SOKHENA K. HUCH, an individual;  
MIKI N. TON, an individual; DOE  
INDIVIDUALS 1–10, inclusive; ROE  
ENTITIES 11–20, inclusive;

Defendants.

Case No.: A-19-797533-C  
Dept. No.: 14

**ORDER REGARDING PLAINTIFFS'  
MOTION FOR REHEARING ON  
DEFENDANTS' MOTION TO  
COMPEL ARBITRATION**

**COGBURN LAW**  
2580 St. Rose Parkway, Suite 330, Henderson, Nevada 89074  
Telephone: (702) 748-7777 | Facsimile: (702) 966-3880

*Order re: Motion for Rehearing  
DiLeo, et al. v. Maide, L.L.C  
Case No. A-19-797533-C*

Plaintiffs’ Motion for Rehearing on Defendants’ Motion to Compel Arbitration (“Motion to Reconsider”) was heard by the Honorable Adriana Escobar on May 26, 2020 at 9:00 a.m. Hunter S. Davidson, Esq., of Cogburn Law, appeared on behalf of Plaintiffs Corinne R. DiLeo, as Special Administrator for the Estate of Thomas DiLeo (“the Estate”); Thomas DiLeo, Jr., as Statutory Heir to Thomas DiLeo (“Plaintiff Thomas”); and Cindy DiLeo, as Statutory Heir to Thomas DiLeo (“Plaintiff Cindy” and, collectively with the Estate and Plaintiff Thomas, “Plaintiffs”). John M. Orr, Esq., of Lewis Brisbois Bisgaard & Smith, appeared on behalf of Defendants Maide, L.L.C d/b/a Gentle Spring Care Home (“Maide”), Sokhena K. Huch (“Defendant Huch”), and Miki N. Ton (“Defendant Ton” and, collectively with Maide and Defendant Huch, “Defendants”).

After review and consideration of the points and authorities on file herein, and having heard oral arguments of counsel on this matter, the Court hereby finds and concludes as follows:

**I. BACKGROUND**

This case arises from the alleged neglect of Decedent Thomas DiLeo (“Decedent”) while he was a resident of Defendants’ residential facility for groups, Gentle Spring Care Home, located at 6418 Spring Meadow Drive, Las Vegas, Nevada (“Care Home”). On August 10, 2017, Decedent passed away, allegedly from Defendants’ neglect and inadequate care.

On June 27, 2019, Plaintiffs filed their Complaint, asserting the following causes of action against each of the Defendants: (1) Abuse/Neglect of an Older Person; (2) Negligence; (3) Wrongful Death; and (4) Survival Action. On August 14, 2019, Defendants filed their Answer to Plaintiffs’ Complaint.

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***Order re: Motion for Rehearing  
DiLeo, et al. v. Maide, L.L.C  
Case No. A-19-797533-C***

On September 13, 2019, Defendants filed a Motion to Compel Arbitration (“Motion to Compel Arbitration”), arguing the instant matter should be removed into binding arbitration pursuant to NRS 38.221 and an arbitration agreement purportedly entered between Decedent and Defendants on January 30, 2015 (“Arbitration Agreement”).

On September 24, 2019, Plaintiffs filed their Opposition to Defendants’ Motion to Compel Arbitration wherein they argued, among other things: (1) that the Arbitration Agreement was void and unenforceable because it lacked NRS 597.995’s specific authorization requirement; and (2) that Plaintiffs could not be bound to the Arbitration Agreement because they were not signatories to the Arbitration Agreement.

On January 28, 2020, Defendants’ Motion to Compel Arbitration came before Senior Judge Charles Thompson, who held the Arbitration Agreement was binding and enforceable between the Estate and Defendants but not between Plaintiffs Thomas and Cindy and Defendants. As such, the Estate’s claims against Defendants for Elder Abuse, Wrongful Death, and Survival Action were subject to binding arbitration, while Plaintiff Thomas’s and Plaintiff Cindy’s claims against Defendants for Wrongful Death remained stayed in District Court during the pendency of the binding arbitration.

On April 7, 2020, Judge Thompson’s Order was entered. Defendants filed their Notice of Entry of Order on April 22, 2020.

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***Order re: Motion for Rehearing  
DiLeo, et al. v. Maide, L.L.C  
Case No. A-19-797533-C***

On April 21, 2020, Plaintiffs filed the underlying Motion to Reconsider. In their Motion to Reconsider and Reply in Support of Motion to Reconsider, Plaintiffs argued that Judge Thompson's decision was clearly erroneous because the Arbitration Agreement lacked the specific authorization required under NRS 597.995. In support of their position, Plaintiffs pointed to the various arbitration agreements reviewed in *Fat Hat, LLC v. DiTerlizzi*, 385 P.3d 580 (Nev. 2016), wherein the Nevada Supreme Court interpreted NRS 597.995's specific authorization requirement.

On May 5, 2020, Defendants filed their Opposition to Plaintiffs' Motion to Reconsider wherein they argued, *inter alia*, that the Arbitration Agreement complied with NRS 597.995's specific authorization requirement as interpreted in *Fat Hat, LLC v. DiTerlizzi*, 385 P.3d 580 (Nev. 2016).

On May 26, 2020, Plaintiffs' Motion to Reconsider came on for hearing before Department 14 of the Eighth Judicial District Court, with the Honorable Adriana Escobar presiding.

**II. FINDINGS**

After review and consideration of the points and authorities on file herein, and having heard oral arguments of counsel on this matter, the Court hereby finds as follows:

1. Leave for reconsideration of motions is within the Court's discretion. EDCR 2.24. The Court may reconsider its order when one of the following apply: (1) the prior ruling was clearly erroneous; (2) there is an intervening change in controlling law; (3) substantially different evidence is subsequently introduced; (4) there are other changed circumstances; or (5) manifest injustice would result were the prior ruling permitted to stand. *See Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Uрга, & Wirth, Ltd.*, 113 Nev. 737, 941 P.2d 489 (1997); NRCP 60.

///

///

2. NRS 597.995(1) provides the clear and unambiguous requirement for an agreement that includes an arbitration clause:

[A]n agreement which includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement must include specific authorization for the provision which indicates that the person has affirmatively agreed to the provision.

3. Here, Judge Thompson's decision to grant, in part, Defendants' Motion to Compel Arbitration was clearly erroneous because the binding arbitration provision within the Arbitration Agreement lacks NRS 597.995(1)'s specific authorization requirement. Specifically, the subject provision within the Arbitration Agreement did not have a separate signature block or initial section for Plaintiffs to affirmatively agree to said provision. As such, the Arbitration Agreement is void and unenforceable pursuant to NRS 597.995(2)

### III. CONCLUSION

Based upon the foregoing, it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. Plaintiffs' Motion to Reconsider is GRANTED.

2. The Court's prior Order regarding Defendants' Motion to Compel Arbitration, entered on April 7, 2020, is VACATED.

3. Defendants' Motion to Compel Arbitration is DENIED IN ITS ENTIRETY.

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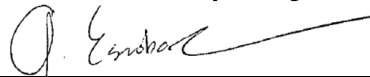
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4. Each of Plaintiffs' causes of action, Abuse/Neglect of an Older Person, Negligence, Wrongful Death, and Survival Action, may proceed before the Eighth Judicial District Court.

**IT IS SO ORDERED.**

DATED: August 12, 2020.

Dated this 12th day of August, 2020



DISTRICT COURT JUDGE

**718 AE3 448B 394F  
Adriana Escobar  
District Court Judge**

*Respectfully Submitted by:*

**COGBURN LAW**

By: /s/ Hunter S. Davidson

Jamie S. Cogburn, Esq.  
Nevada Bar No. 8409  
Hunter S. Davidson, Esq.  
Nevada Bar No. 14860  
2580 St. Rose Parkway, Suite 330  
Henderson, Nevada 89074  
*Attorneys for Plaintiffs*

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Corinne DiLeo, Plaintiff(s)

CASE NO: A-19-797533-C

7 vs.

DEPT. NO. Department 14

8 Maide, LLC, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/12/2020

15 S. Vogel brent.vogel@lewisbrisbois.com

16 Johana Whitbeck johana.whitbeck@lewisbrisbois.com

17 John Orr john.orr@lewisbrisbois.com

18 Hunter Davidson hsd@cogburncares.com

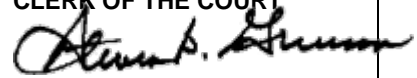
19 File Clerk efile@cogburncares.com

20 Roya Rokni roya.rokni@lewisbrisbois.com

21 Elia Barrientos enb@cogburncares.com

22 Arielle Atkinson arielle.atkinson@lewisbrisbois.com

23  
24  
25  
26  
27  
28



1 S. BRENT VOGEL  
Nevada Bar No. 6858  
2 [Brent.Vogel@lewisbrisbois.com](mailto:Brent.Vogel@lewisbrisbois.com)  
JOHN M. ORR  
3 Nevada Bar No. 14251  
[John.Orr@lewisbrisbois.com](mailto:John.Orr@lewisbrisbois.com)  
4 LEWIS BRISBOIS BISGAARD & SMITH LLP  
6385 S. Rainbow Boulevard, Suite 600  
5 Las Vegas, NV 89118  
Tel.: 702.893.3383  
6 Fax: 702.893.3789

7 *Attorneys for Defendants*

8 *Maide, LLC d/b/a Gentle Spring Care Home,*  
9 *Sokhena K. Huch, and Miki N. Ton*

10 DISTRICT COURT

11 CLARK COUNTY, NEVADA

12 CORINNE R. DILEO as Special  
13 Administrator for the ESTATE OF THOMAS  
DILEO; THOMAS DILEO, JR., as Statutory  
14 Heir to THOMAS DILEO; and CINDY  
DILEO, as Statutory Heir to THOMAS  
15 DILEO,

16 Plaintiffs,

17 vs.

18 MAIDE, L.L.C, a Nevada limited-liability  
company d/b/a GENTLE SPRING CARE  
19 HOME; SOKHENA K. HUCH, an individual;  
MIKI N. TON, an individual; DOE  
20 INDIVIDUALS 1-10, inclusive; ROE  
ENTITIES 11-20, inclusive,

21 Defendants.  
22

CASE NO. A-19-797533-C

DEPT. NO. 14

**NOTICE OF ENTRY OF ORDER**

23 ...

24 ...

25 ...

26 ...

27 ...



1 PLEASE TAKE NOTICE that an ORDER REGARDING PLAINTIFFS' MOTION FOR  
2 REHEARING ON DEFENDANTS' MOTION TO COMPEL ARBITRATION was entered with  
3 the Court in the above-captioned matter on the 12<sup>th</sup> day of August, 2020, a copy of which is  
4 attached hereto.

5  
6 DATED this 14<sup>th</sup> day of August, 2020

7 LEWIS BRISBOIS BISGAARD & SMITH LLP  
8  
9

10 By /s/ John M. Orr

11 S. BRENT VOGEL

12 Nevada Bar No. 6858

13 JOHN M. ORR

14 Nevada Bar No. 14251

15 6385 S. Rainbow Boulevard, Suite 600

16 Las Vegas, Nevada 89118

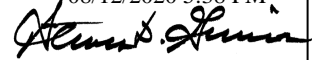
17 Tel. 702.893.3383

18  
19 Attorneys for Defendants  
20  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of August, 2020, a true and correct copy of **NOTICE OF ENTRY OF ORDER** was served by electronically filing with the Clerk of the Court using the Wiznet Electronic Service system and serving all parties with an email-address on record, who have agreed to receive Electronic Service in this action.

By /s/ Roya Rokni  
An Employee of  
LEWIS BRISBOIS BISGAARD & SMITH LLP

  
CLERK OF THE COURT

**COGBURN LAW**  
Jamie S. Cogburn, Esq.  
Nevada Bar No. 8409  
jsc@cogburncares.com  
Hunter S. Davidson, Esq.  
Nevada Bar No. 14860  
hsd@cogburncares.com  
2580 St. Rose Parkway, Suite 330  
Henderson, Nevada 89074  
Telephone: (702) 748-7777  
Facsimile: (702) 966-3880  
*Attorneys for Plaintiffs*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

CORINNE R. DILEO as Special  
Administrator for the ESTATE OF THOMAS  
DILEO; THOMAS DILEO, JR. as Statutory  
Heir to THOMAS DILEO; and CINDY  
DILEO, as Statutory Heir to THOMAS  
DILEO

Plaintiffs,

vs.

MAIDE, L.L.C, a Nevada limited-liability  
company d/b/a GENTLE SPRING CARE  
HOME; SOKHENA K. HUCH, an individual;  
MIKI N. TON, an individual; DOE  
INDIVIDUALS 1–10, inclusive; ROE  
ENTITIES 11–20, inclusive;

Defendants.

Case No.: A-19-797533-C  
Dept. No.: 14

**ORDER REGARDING PLAINTIFFS'  
MOTION FOR REHEARING ON  
DEFENDANTS' MOTION TO  
COMPEL ARBITRATION**

*Order re: Motion for Rehearing  
DiLeo, et al. v. Maide, L.L.C  
Case No. A-19-797533-C*

Plaintiffs’ Motion for Rehearing on Defendants’ Motion to Compel Arbitration (“Motion to Reconsider”) was heard by the Honorable Adriana Escobar on May 26, 2020 at 9:00 a.m. Hunter S. Davidson, Esq., of Cogburn Law, appeared on behalf of Plaintiffs Corinne R. DiLeo, as Special Administrator for the Estate of Thomas DiLeo (“the Estate”); Thomas DiLeo, Jr., as Statutory Heir to Thomas DiLeo (“Plaintiff Thomas”); and Cindy DiLeo, as Statutory Heir to Thomas DiLeo (“Plaintiff Cindy” and, collectively with the Estate and Plaintiff Thomas, “Plaintiffs”). John M. Orr, Esq., of Lewis Brisbois Bisgaard & Smith, appeared on behalf of Defendants Maide, L.L.C d/b/a Gentle Spring Care Home (“Maide”), Sokhena K. Huch (“Defendant Huch”), and Miki N. Ton (“Defendant Ton” and, collectively with Maide and Defendant Huch, “Defendants”).

After review and consideration of the points and authorities on file herein, and having heard oral arguments of counsel on this matter, the Court hereby finds and concludes as follows:

**I. BACKGROUND**

This case arises from the alleged neglect of Decedent Thomas DiLeo (“Decedent”) while he was a resident of Defendants’ residential facility for groups, Gentle Spring Care Home, located at 6418 Spring Meadow Drive, Las Vegas, Nevada (“Care Home”). On August 10, 2017, Decedent passed away, allegedly from Defendants’ neglect and inadequate care.

On June 27, 2019, Plaintiffs filed their Complaint, asserting the following causes of action against each of the Defendants: (1) Abuse/Neglect of an Older Person; (2) Negligence; (3) Wrongful Death; and (4) Survival Action. On August 14, 2019, Defendants filed their Answer to Plaintiffs’ Complaint.

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***Order re: Motion for Rehearing  
DiLeo, et al. v. Maide, L.L.C  
Case No. A-19-797533-C***

On September 13, 2019, Defendants filed a Motion to Compel Arbitration (“Motion to Compel Arbitration”), arguing the instant matter should be removed into binding arbitration pursuant to NRS 38.221 and an arbitration agreement purportedly entered between Decedent and Defendants on January 30, 2015 (“Arbitration Agreement”).

On September 24, 2019, Plaintiffs filed their Opposition to Defendants’ Motion to Compel Arbitration wherein they argued, among other things: (1) that the Arbitration Agreement was void and unenforceable because it lacked NRS 597.995’s specific authorization requirement; and (2) that Plaintiffs could not be bound to the Arbitration Agreement because they were not signatories to the Arbitration Agreement.

On January 28, 2020, Defendants’ Motion to Compel Arbitration came before Senior Judge Charles Thompson, who held the Arbitration Agreement was binding and enforceable between the Estate and Defendants but not between Plaintiffs Thomas and Cindy and Defendants. As such, the Estate’s claims against Defendants for Elder Abuse, Wrongful Death, and Survival Action were subject to binding arbitration, while Plaintiff Thomas’s and Plaintiff Cindy’s claims against Defendants for Wrongful Death remained stayed in District Court during the pendency of the binding arbitration.

On April 7, 2020, Judge Thompson’s Order was entered. Defendants filed their Notice of Entry of Order on April 22, 2020.

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***Order re: Motion for Rehearing  
DiLeo, et al. v. Maide, L.L.C  
Case No. A-19-797533-C***

On April 21, 2020, Plaintiffs filed the underlying Motion to Reconsider. In their Motion to Reconsider and Reply in Support of Motion to Reconsider, Plaintiffs argued that Judge Thompson's decision was clearly erroneous because the Arbitration Agreement lacked the specific authorization required under NRS 597.995. In support of their position, Plaintiffs pointed to the various arbitration agreements reviewed in *Fat Hat, LLC v. DiTerlizzi*, 385 P.3d 580 (Nev. 2016), wherein the Nevada Supreme Court interpreted NRS 597.995's specific authorization requirement.

On May 5, 2020, Defendants filed their Opposition to Plaintiffs' Motion to Reconsider wherein they argued, *inter alia*, that the Arbitration Agreement complied with NRS 597.995's specific authorization requirement as interpreted in *Fat Hat, LLC v. DiTerlizzi*, 385 P.3d 580 (Nev. 2016).

On May 26, 2020, Plaintiffs' Motion to Reconsider came on for hearing before Department 14 of the Eighth Judicial District Court, with the Honorable Adriana Escobar presiding.

**II. FINDINGS**

After review and consideration of the points and authorities on file herein, and having heard oral arguments of counsel on this matter, the Court hereby finds as follows:

1. Leave for reconsideration of motions is within the Court's discretion. EDCR 2.24. The Court may reconsider its order when one of the following apply: (1) the prior ruling was clearly erroneous; (2) there is an intervening change in controlling law; (3) substantially different evidence is subsequently introduced; (4) there are other changed circumstances; or (5) manifest injustice would result were the prior ruling permitted to stand. *See Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Uрга, & Wirth, Ltd.*, 113 Nev. 737, 941 P.2d 489 (1997); NRCP 60.

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2. NRS 597.995(1) provides the clear and unambiguous requirement for an agreement that includes an arbitration clause:

[A]n agreement which includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement must include specific authorization for the provision which indicates that the person has affirmatively agreed to the provision.

3. Here, Judge Thompson's decision to grant, in part, Defendants' Motion to Compel Arbitration was clearly erroneous because the binding arbitration provision within the Arbitration Agreement lacks NRS 597.995(1)'s specific authorization requirement. Specifically, the subject provision within the Arbitration Agreement did not have a separate signature block or initial section for Plaintiffs to affirmatively agree to said provision. As such, the Arbitration Agreement is void and unenforceable pursuant to NRS 597.995(2)

### III. CONCLUSION

Based upon the foregoing, it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. Plaintiffs' Motion to Reconsider is GRANTED.

2. The Court's prior Order regarding Defendants' Motion to Compel Arbitration, entered on April 7, 2020, is VACATED.

3. Defendants' Motion to Compel Arbitration is DENIED IN ITS ENTIRETY.

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**COGBURN LAW**  
2580 St. Rose Parkway, Suite 330, Henderson, Nevada 89074  
Telephone: (702) 748-7777 | Facsimile: (702) 966-3880

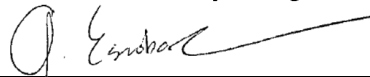
***Order re: Motion for Rehearing  
DiLeo, et al. v. Maide, L.L.C  
Case No. A-19-797533-C***

4. Each of Plaintiffs' causes of action, Abuse/Neglect of an Older Person, Negligence, Wrongful Death, and Survival Action, may proceed before the Eighth Judicial District Court.

**IT IS SO ORDERED.**

DATED: August 12, 2020.

Dated this 12th day of August, 2020



DISTRICT COURT JUDGE

**718 AE3 448B 394F  
Adriana Escobar  
District Court Judge**

*Respectfully Submitted by:*

**COGBURN LAW**

By: /s/ Hunter S. Davidson

Jamie S. Cogburn, Esq.  
Nevada Bar No. 8409  
Hunter S. Davidson, Esq.  
Nevada Bar No. 14860  
2580 St. Rose Parkway, Suite 330  
Henderson, Nevada 89074  
*Attorneys for Plaintiffs*



1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Corinne DiLeo, Plaintiff(s)

CASE NO: A-19-797533-C

7 vs.

DEPT. NO. Department 14

8 Maide, LLC, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/12/2020

15 S. Vogel brent.vogel@lewisbrisbois.com

16 Johana Whitbeck johana.whitbeck@lewisbrisbois.com

17 John Orr john.orr@lewisbrisbois.com

18 Hunter Davidson hsd@cogburncares.com

19 File Clerk efile@cogburncares.com

20 Roya Rokni roya.rokni@lewisbrisbois.com

21 Elia Barrientos enb@cogburncares.com

22 Arielle Atkinson arielle.atkinson@lewisbrisbois.com

23  
24  
25  
26  
27  
28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 17, 2019**

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A-19-797533-C      Corinne DiLeo, Plaintiff(s)  
vs.  
Maide, LLC, Defendant(s)

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**October 17, 2019      3:00 AM      Motion to Compel**

**HEARD BY:** Cory, Kenneth      **COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Michele Tucker

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, Maide, L.L.C, a Nevada Limited-Liability Company d/b/a Gentle Spring Care Home; Sokhena K. Huch, an Individual; Miki N. Ton's Motion to Compel Arbitration CONTINUED to this Court's oral calendar for argument.

CONTINUED TO: 10/30/19 9:00 AM

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 30, 2019**

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A-19-797533-C      Corinne DiLeo, Plaintiff(s)  
vs.  
Maide, LLC, Defendant(s)

---

**October 30, 2019      9:00 AM      Motion to Compel**

**HEARD BY:** Cory, Kenneth      **COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Michele Tucker

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

**PRESENT:**      Davidson, Hunter Shaw      Attorney

**JOURNAL ENTRIES**

- Mr. Davidson advised he had no representations as to where defense counsel is. Court disclosed Cogburn's Law Firm had represented him approximately 10 years ago for several months. The Court STATED it does not see there is any bias. The Court will allow the parties to consider the Court's disclosure and ORDER the parties to contact the department within 10 days if they would like the Court to recuse. COURT ORDERED, Matter CONTINUED.

CONTINUED TO: 11/12/19 9:00 AM

CLERK'S NOTE: The above minute order has been distributed to: John Orr, Esq.  
(john.orr@lewisbrisbois.com). /mlt

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**November 12, 2019**

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A-19-797533-C      Corinne DiLeo, Plaintiff(s)  
vs.  
Maide, LLC, Defendant(s)

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**November 12, 2019      9:00 AM      Minute Order**

**HEARD BY:** Cory, Kenneth

**COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Michele Tucker

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Court advised plaintiff's counsel has previously represent the him and to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, this case be REASSIGNED at random.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**January 28, 2020**

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A-19-797533-C      Corinne DiLeo, Plaintiff(s)  
vs.  
Maide, LLC, Defendant(s)

---

**January 28, 2020      9:30 AM      Motion to Compel**

**HEARD BY:** Thompson, Charles      **COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Denise Husted

**RECORDER:** Sandra Anderson

**REPORTER:**

**PARTIES**

**PRESENT:**      Davidson, Hunter Shaw      Attorney  
Orr, John M.      Attorney

**JOURNAL ENTRIES**

- Arguments by counsel regarding whether or not the heirs of the estate should be bound to binding arbitrations. COURT ORDERED, motion is GRANTED as to the estate only, and STAYED as to the heirs.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**May 26, 2020**

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A-19-797533-C      Corinne DiLeo, Plaintiff(s)  
vs.  
Maide, LLC, Defendant(s)

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**May 26, 2020      9:30 AM      Motion to Compel**

**HEARD BY:** Escobar, Adriana      **COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Denise Husted

**RECORDER:** Sandra Anderson

**REPORTER:**

**PARTIES**

**PRESENT:**      Davidson, Hunter Shaw      Attorney  
Orr, John M.      Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, a minute order will be issued.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**July 28, 2020**

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A-19-797533-C	Corinne DiLeo, Plaintiff(s) vs. Maide, LLC, Defendant(s)
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**July 28, 2020**

**4:33 PM**

**Minute Order**

**HEARD BY:** Escobar, Adriana

**COURTROOM:** No Location

**COURT CLERK:** Cynthia Moleres

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Plaintiff's Motion for Rehearing on Defendant's Motion to Compel Arbitration (Motion), which Defendant opposed, came on for hearing before Department XIV of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on May 26, 2020. After considering the moving papers and arguments of counsel, the Court enters the following order:

Leave for reconsideration of motions is within the Court's discretion. EDCR 2.24. The Court may reconsider its order when one of the following apply: 1) A clearly erroneous prior ruling; 2) an intervening change in controlling law; 3) Substantially different evidence; 4) other changed circumstances; and 5) that manifest injustice would result were the prior ruling permitted to stand. NRC 60. Further, it is well-settled that rehearings are appropriate where substantially different evidence is subsequently introduced. *Masonry & Tile Contractors v. Jolley, Urga & Wirth*, 113 Nev. 737 (1997).

Here, the Court finds that Judge Thompson's January 28, 2020 decision to grant in part Defendant's Motion to Compel Arbitration which was entered on April 7, 2020 was clearly erroneous. NRS 597.995(1) provides clear and unambiguous requirements for an agreement that includes an arbitration clause:

[A]n agreement which includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement must include specific authorization for the provision which indicates that the person has affirmatively agreed to the provision.

Here, the subject Arbitration Provision lacks the statutorily-mandated specific authorization. Rather, the agreement houses the clause in a document that did not have a separate signature block or initial section for Plaintiff to affirmatively agree to said provision.

Based on the foregoing, the Court GRANTS Plaintiff's Motion, VACATES its April 7, 2020 order, and DENIES Defendant's Motion to Compel Arbitration in its entirety.

Counsel for Plaintiff is directed to prepare a proposed order and must submit electronically, in both PDF version and Word version, by emailing [DC14Inbox@clarkcountycourts.us](mailto:DC14Inbox@clarkcountycourts.us).

All orders must have original signatures from all parties or an email appended as the last page(s) of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. clm 7/28/2020



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**July 29, 2020**

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A-19-797533-C      Corinne DiLeo, Plaintiff(s)  
vs.  
Maide, LLC, Defendant(s)

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**July 29, 2020      10:30 AM      Mandatory Rule 16  
Conference**

**HEARD BY:** Escobar, Adriana

**COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Denise Husted

**RECORDER:** Sandra Anderson

**REPORTER:**

**PARTIES**

**PRESENT:**      Davidson, Hunter Shaw      Attorney  
                         Orr, John M.      Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, counsel requested that discovery deadlines be extended. Discussion regarding settlement. COURT ORDERED, deadlines as follows: Discovery Cut Off, 8/26/21; Amend Pleadings & Add Parties, 5/28/21; Initial Disclosure, 5/28/21; Rebuttal Disclosure, 6/25/21; Dispositive Motions, 9/24/21; Trial Ready Date, 10/18/21. COURT FURTHER ORDERED, trial and status check dates SET.

8/4/21 IN CHAMBERS STATUS CHECK: SETTLEMENT PROGRESS

10/28/21 9:30 AM CALENDAR CALL

11/15/21 9:30 AM JURY TRIAL



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

**S. BRENT VOGEL**  
**6385 S. RAINBOW BLVD., SUITE 600**  
**LAS VEGAS, NV 89118**

**DATE: September 15, 2020**  
**CASE: A-19-797533-C**

**RE CASE:** CORINNE R. DILEO as Special Administrator for the ESTATE OF THOMAS DILEO; THOMAS DILEO, JR., as Statutory Heir to THOMAS DILEO; CINDY DILEO, as Statutory Heir to THOMAS DILEO vs. MAIDE, L.L.C. dba GENTLE SPRING CARE HOME; SOKHENA K. HUCH; MIKI N. TON

NOTICE OF APPEAL FILED: September 14, 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

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

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

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

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

DEFENDANTS' NOTICE OF APPEAL; DEFENDANTS' CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER REGARDING PLAINTIFFS' MOTION FOR REHEARING ON DEFENDANTS' MOTION TO COMPEL ARBITRATION; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

CORINNE R. DILEO as Special Administrator  
for the ESTATE OF THOMAS DILEO;  
THOMAS DILEO, JR., as Statutory Heir to  
THOMAS DILEO; CINDY DILEO, as Statutory  
Heir to THOMAS DILEO,

Plaintiff(s),

vs.

MAIDE, L.L.C. dba GENTLE SPRING CARE  
HOME; SOKHENA K. HUCH; MIKI N. TON,

Defendant(s),

Case No: A-19-797533-C

Dept No: XIV

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 15 day of September 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk