

1 **NOTA**
2 HAROLD P. GEWERTER, ESQ.
3 Nevada Bar No. 499
4 1212 S. Casino Center Blvd.
5 Las Vegas, Nevada 89101
6 Tel: (702) 382-1714
7 Fax: (702) 382-1759
8 Email: harold@gewerterlaw.com
9 Attorney for Defendant, Ronald J. Robinson,

Electronically Filed
Sep 24 2020 11:54 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

12 Steven A. Hotchkiss,

CASE NO.: A-17-762264-C

DEPT NO.: IX

14 PLAINTIFF,

15 vs.

CONSOLIDATED WITH

16 RONALD J. ROBINSON, VERN
17 RODRIGUEZ, VIRTUAL
18 COMMUNICATIONS CORPORATION,
19 WINTECH, LLC, RETIRE HAPPY,
20 LLC, JOSH STOLL, FRANK YODER,
ALISA DAVIS, and DOES 1-10 and
ROES 1-10, inclusive,

Case No. A-17-763003-C

NOTICE OF APPEAL

21 Defendants.

22 _____
23 AND ALL CONSOLIDATED ACTIONS
24 _____

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NOTICE OF APPEAL

Notice is hereby given that Defendant RONALD J. ROBINSON, in the above-captioned action hereby appeals to the Supreme Court of Nevada from the Judgment entered in this action on August 21, 2020. A copy of the Notice of Entry of Judgment is attached as **Exhibit 1.**

DATED this 21st day of September, 2020.

Respectfully submitted,

HAROLD P. GEWERTER, ESQ., LTD.

/s/: Harold P. Gewerter
HAROLD P. GEWERTER, ESQ.
Nevada Bar No. 499
1212 S. Casino Center Blvd.
Las Vegas, Nevada 89101
Tel: (702) 382-1714
Fax: (702) 382-1759
Email: harold@gewerterlaw.com
Attorneys for Defendant

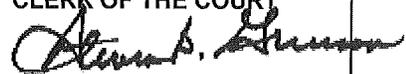
CERTIFICATE OF SERVICE

Certification is hereby made that a true and correct copy of **NOTICE OF APPEAL** was served this 21st day of September, 2020, by electronic service via the court's electronic filing and electronic service and/or via U.S. Mail to the counsel set forth on the service list, and listed below, pursuant to Administrative Order 14-2, NEFCR 9 (a), and EDCR Rule 7.26.

David Liebrader, Esq.
The Law Offices of David Liebrader, APC
601 S. Rancho Dr., Ste. D-29
Las Vegas, NV 89106
Attorney for Plaintiff,
Reva Waldo

/s/: Sonja K. Howard
An Employee of Harold P. Gewerter, Esq., Ltd.

EXHIBIT "1"



1 DAVID LIEBRADER, ESQ.
STATE BAR NO. 5048
2 THE LAW OFFICES OF DAVID LIEBRADER, APC
3960 HOWARD HUGHES PARKWAY STE 500
3 LAS VEGAS, NV 89169
PH: (702) 380-3131
4 Attorney for Plaintiffs

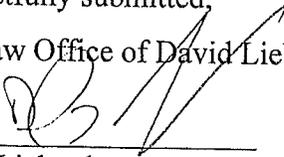
5 DISTRICT COURT
CLARK COUNTY, NEVADA

7	IN THE MATTER BETWEEN	)	Case No. A-17-762264-C
)	
8	Steven A. Hotchkiss,	)	Dept.: 9
)	
9	PLAINTIFF,	)	NOTICE OF ENTRY OF
		)	JUDGMENT
10	v.)	
)	
11	Ronald J. Robinson, Vernon Rodriguez, Frank)	
	Yoder, Alisa Davis and DOES 1-10 and ROES 1-)	
12	10, inclusively)	
)	
13	DEFENDANTS	)	CONSOLIDATED WITH
		)	Case No. A-17-763003-C
14	Anthony White, Robin Suntheimer, Troy)	
	Suntheimer, Stephens Ghesquiere, Jackie Stone,)	
15	Gayle Chany, Kendall Smith, Gabriele)	
	Lavermicocca and Robert Kaiser)	
16)	
	PLAINTIFFS)	
17)	
	v.)	
18)	
	Ronald J. Robinson, Vernon Rodriguez, Virtual)	
19	Communications Corporation, Frank Yoder, Alisa)	
	Davis and DOES 1-10 and ROES 1-10, inclusively)	
20)	
)	
21)	

22 TO THE COURT, ALL PARTIES AND INTERESTED PERSONS: Please take notice that
23 the Court's **Judgment** was filed with the Clerk on August 21, 2020. See attached.
24
25

1 Dated: August 21, 2020

2 Respectfully submitted,
3 The Law Office of David Liebrader, Inc.

4 By: 
5 David Liebrader
6 Attorney for Plaintiff

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CERTIFICATE OF MAILING

I hereby certify that on the 21st day of August, 2020, I mailed a copy of the foregoing

NOTICE OF ENTRY OF ORDER

to the following

Harold Gewerter, Esq.
Gewerter Law Firm
1212 Casino Center Boulevard
Las Vegas, NV 89104

Scott Fleming, Esq.
Fleming Law
9525 Hillwood Dr. Ste. 140
Las Vegas, NV 89134

/s/: Dianne Bresnahan

An Employee of The Law Office of David Liebrader

EXHIBIT "A"

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DAVID LIEBRADER, ESQ.
STATE BAR NO. 5048
THE LAW OFFICES OF DAVID LIEBRADER, APC
3960 HOWARD HUGHES PARKWAY STE 500
LAS VEGAS, NV 89169
PH: (702) 380-3131
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

IN THE MATTER BETWEEN) Case No. A-17-762264-C
)
Steven A. Hotchkiss,) Dept.: ~~8~~ IX
)
PLAINTIFF,)
v.) CONSOLIDATED WITH
)
Ronald J. Robinson, Vernon Rodriguez, Frank) Case No. A-17-763003-C
Yoder, Alisa Davis and DOES 1-10 and ROES 1-)
10, inclusively)

JUDGMENT

DEFENDANTS)
_____)
Anthony White, Robin Suntheimer, Troy)
Suntheimer, Stephens Ghesquiere, Jackie Stone,)
Gayle Chany, Kendall Smith, Gabriele)
Lavermicocca and Robert Kaiser)
PLAINTIFFS,)
v.)
Ronald J. Robinson, Vernon Rodriguez, Virtual)
Communications Corporation, Frank Yoder, Alisa)
Davis and DOES 1-10 and ROES 1-10, inclusively)
DEFENDANTS)
_____)

JUDGMENT

This matter was submitted for a bench trial before the Hon. Cristina Silva on
February June 24-25, 2020.

The Court found Defendant Ronald J. Robinson liable as a guarantor of the

1 Virtual Communications Corporation promissory note, and also found Mr. Robinson
2 and Defendant Vernon Rodriguez liable for violations of NRS §90.660 (civil liability
3 under the Nevada Securities Laws) as control persons for Virtual Communications
4 Corporation.

5 The Court finds that Plaintiffs are entitled to compensatory damages against
6 Mr. Robinson for breach of contract, as well as under NRS §90.660. Plaintiffs are
7 also entitled to damages under NRS §90.660 against Mr. Rodriguez.

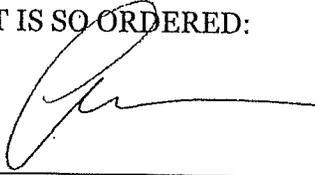
8 Wherefore, it is hereby ordered that Plaintiffs shall have judgment against
9 Defendant Robinson in the amount of \$1,098,782 comprised of principal in the
10 amount of \$574,000, interest in the amount of \$258,300, "late fees" of \$12,917 and
11 attorney's fees of \$253,565, as set forth in Plaintiffs' Statement of Damages filed
12 February 3, 2020.

13 Plaintiffs shall also have judgment against Defendant Rodriguez, in the
14 amount of \$960,401, comprised of principal in the amount of \$574,000, interest in
15 the amount of \$164,770 and attorney's fees in the amount of \$221,631 as set forth in
16 Plaintiffs' filed February 22, 2020 Statement of Damages.

17 Dated this 21st day of August, 2020

18 IT IS SO ORDERED:

19 Dated this _____th day of August, 2020

20 
21 Hon. Cristina Silva
22 District Court Judge
23 Cristina D. Silva
24 District Court Judge

25 Submitted by: /s/ David Liebrader
26 David Liebrader, Esq.
Attorney for Plaintiff

EC

1 CSERV

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Steven Hotchkiss, Plaintiff(s)

CASE NO: A-17-762264-C

7 vs.

DEPT. NO. Department 9

8 Ronald Robinson, 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 Judgment 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: 8/21/2020

15 Harold Gewerter

harold@gewerterlaw.com

16 T. Louis Palazzo, Esq.

louis@palazzolawfirm.com

17 Celina Moore

celina@palazzolawfirm.com

18 Miriam Roberts

miriam@palazzolawfirm.com

19 David Liebrader, Esq.

dliebrader@gmail.com

20 David Liebrader

DaveL@investmentloss.com

21 Vernon Rodriquez

harold@gewerterlaw.com

22 Scott Fleming

scott@fleminglawlv.com

23
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EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-17-762264-C

Steven Hotchkiss, Plaintiff(s)
vs.
Ronald Robinson, Defendant(s)

§
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 §
 §
 §

Location: **Department 9**
 Judicial Officer: **Silva, Cristina D.**
 Filed on: **09/28/2017**
 Case Number History:
 Cross-Reference Case **A762264**
 Number:

CASE INFORMATION

Related Cases

A-17-763003-C (Consolidated)

Case Type: **Commercial Instrument**

Statistical Closures

08/21/2020 Judgment Reached (bench trial)

Case Status: **08/21/2020 Closed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-17-762264-C
Court	Department 9
Date Assigned	04/29/2019
Judicial Officer	Silva, Cristina D.

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Hotchkiss, Steven A	Liebrader, David <i>Retained</i> 7023803131(W)
Defendant	Davis, Alisa	Gewerter, Harold P. <i>Retained</i> 702-476-5101(W)
	Retire Happy LLC Removed: 05/20/2019 Dismissed	Palazzo, T. Louis <i>Retained</i> 702-384-5563(W)
	Robinson, Ronald J	Gewerter, Harold P. <i>Retained</i> 702-476-5101(W)
	Rodriguez, Vernon	Pro Se
	Stoll, Josh Removed: 05/20/2019 Dismissed	Palazzo, T. Louis <i>Retained</i> 702-384-5563(W)
	Virtual Communications Corporation	Gewerter, Harold P. <i>Retained</i> 702-476-5101(W)
	Wintech LLC	Gewerter, Harold P. <i>Retained</i> 702-476-5101(W)
	Yoder, Frank	
Cross Claimant	Retire Happy LLC	Palazzo, T. Louis <i>Retained</i> 702-384-5563(W)

CASE SUMMARY

CASE NO. A-17-762264-C

Stoll, Josh

Palazzo, T. Louis

Retained

702-384-5563(W)

Cross Defendant Robinson, Ronald J

Gewerter, Harold P.

Retained

702-476-5101(W)

Virtual Communications Corporation

Gewerter, Harold P.

Retained

702-476-5101(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
<u>EVENTS</u>		
09/28/2017	 Complaint Filed By: Plaintiff Hotchkiss, Steven A <i>Complaint for Damages</i>	
09/28/2017	 Initial Appearance Fee Disclosure Filed By: Plaintiff Hotchkiss, Steven A <i>Initial Appearance Fee Disclosure</i>	
10/25/2017	 Initial Appearance Fee Disclosure Filed By: Defendant Rodriquez, Vernon <i>Initial Appearance Fee Disclosure</i>	
10/25/2017	 Answer to Complaint Filed by: Defendant Rodriquez, Vernon <i>Defendant Vernon Rodriguez's Answer to Plaintiff's Complaint</i>	
10/25/2017	 Initial Appearance Fee Disclosure Filed By: Defendant Rodriquez, Vernon <i>Initial Appearance Fee Disclosure</i>	
11/03/2017	 Certificate of Service <i>Certificate of Service</i>	
11/03/2017	 Motion to Withdraw As Counsel <i>Motion to Withdraw as Counsel for Vernon Rodriguez on Order Shortening Time</i>	
11/04/2017	 Amended Certificate of Service <i>Amended Certificate of Service</i>	
11/15/2017	 Order to Withdraw as Attorney of Record <i>Order Granting Motion to Withdraw as Counsel of Record</i>	
11/15/2017	 Change of Address <i>Change of Address for Vernon Rodriguez</i>	
11/16/2017	 Notice of Entry of Order <i>Notice of Entry of Order</i>	
11/17/2017	 Certificate of Service <i>Certificate of Service</i>	

CASE SUMMARY
CASE NO. A-17-762264-C

- 11/30/2017  Ex Parte Motion
Filed By: Plaintiff Hotchkiss, Steven A
Ex Parte Motion to Allow Service by Publication of Summons and Complaint on Defendants
- 11/30/2017  Declaration
Filed By: Plaintiff Hotchkiss, Steven A
Declaration of David Liebrader
- 12/15/2017  Order
Filed By: Plaintiff Hotchkiss, Steven A
Order on Motion for Leave to File Summons and Complaint by Publication
- 12/18/2017  Notice of Entry of Order
Filed By: Plaintiff Hotchkiss, Steven A
Notice of Entry of Order
- 01/04/2018  Commissioners Decision on Request for Exemption - Granted
Commissioner's Decision on Request for Exemption - Granted
- 01/07/2018  List of Witnesses
Filed By: Plaintiff Hotchkiss, Steven A
Plaintiff's Intial List of Witnesses
- 01/16/2018  Affidavit of Publication of Summons
Filed By: Plaintiff Hotchkiss, Steven A; Cross Defendant Robinson, Ronald J; Defendant Rodriquez, Vernon; Cross Defendant Virtual Communications Corporation; Defendant Wintech LLC; Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh; Defendant Yoder, Frank; Defendant Davis, Alisa
Affidavit of Publicaton of Summons
- 01/22/2018  Ex Parte Motion
Filed By: Plaintiff Hotchkiss, Steven A
Ex Parte Motion for Leave to Serve Summons and Complaint by Publication and for an Enlargement of Time
- 01/22/2018  Declaration
Filed By: Plaintiff Hotchkiss, Steven A
Declaration of David Liebrader in Support of Ex Parte Motion for Leave to Serve Summons and Complaint by Publication and for an Enlargement of Time
- 01/24/2018  Arbitration File
Arbitration File
- 02/05/2018  Answer to Complaint
Filed by: Cross Defendant Robinson, Ronald J; Cross Defendant Virtual Communications Corporation; Defendant Wintech LLC; Defendant Davis, Alisa
Defendants Ronald J Robinson, Alisa Davis, Virtual Communication Corporation and Wintech LLC's Answer to Complaint and Affirmative Defenses
- 02/05/2018  Initial Appearance Fee Disclosure
Filed By: Cross Defendant Robinson, Ronald J; Cross Defendant Virtual Communications Corporation; Defendant Wintech LLC; Defendant Davis, Alisa
Initial Appearance Fee Disclosure

CASE SUMMARY

CASE NO. A-17-762264-C

- 02/05/2018  Answer and Crossclaim
Filed By: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh
Answer, Affirmative Defenses, And Cross Claim
- 02/05/2018  Initial Appearance Fee Disclosure
Filed By: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh
Initial Appearance Fee Disclosure
- 02/12/2018  Joint Case Conference Report
Filed By: Plaintiff Hotchkiss, Steven A
Joint Case Conference Report
- 03/29/2018  Notice to Appear for Discovery Conference
Notice to Appear for Discovery Conference
- 04/05/2018  Notice of Intent to Take Default
Party: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh
Three Day Notice Of Intent To Enter Default
- 04/10/2018  Initial Appearance Fee Disclosure
Filed By: Cross Defendant Robinson, Ronald J; Cross Defendant Virtual Communications Corporation
Initial Appearance Fee Disclosure
- 04/10/2018  Initial Appearance Fee Disclosure
Filed By: Cross Defendant Robinson, Ronald J; Cross Defendant Virtual Communications Corporation
(Duplicate Same Date) Initial Appearance Fee Disclosure
- 04/11/2018  Demand for Prior Discovery
Filed By: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh
Demand For Prior Pleadings and Discovery
- 04/17/2018  Answer to Crossclaim
Filed By: Cross Defendant Robinson, Ronald J
Defendants Ronald J Robinson's and Virtual Communication Corporations Answer to Retire Happy LLC and Josh Stolls Crossclaim
- 04/30/2018  Joint Case Conference Report
Filed By: Plaintiff Hotchkiss, Steven A
Joint Case Conference Report (Supplemental)
- 05/25/2018  Scheduling Order
Scheduling Order
- 06/01/2018  Order Setting Civil Jury Trial
Order Setting Civil Jury Trial
- 06/04/2018  Suggestion of Bankruptcy
Filed By: Cross Defendant Robinson, Ronald J; Defendant Rodriquez, Vernon; Cross Defendant Virtual Communications Corporation; Defendant Davis, Alisa
Suggestion of Bankruptcy
- 09/21/2018  Notice of Deposition

CASE SUMMARY

CASE NO. A-17-762264-C

	Filed By: Plaintiff Hotchkiss, Steven A <i>Notice of Deposition</i>
09/21/2018	 Notice of Deposition <i>Notice of Deposition</i>
10/20/2018	 Notice of Deposition Filed By: Plaintiff Hotchkiss, Steven A <i>Notice of Deposition of Ronald Robinson</i>
11/01/2018	 Motion Filed By: Plaintiff Hotchkiss, Steven A <i>Motion for Summary Adjudication of Issues</i>
11/01/2018	 Declaration Filed By: Plaintiff Hotchkiss, Steven A <i>Declaration of David Liebrader</i>
11/01/2018	 Errata Filed By: Plaintiff Hotchkiss, Steven A <i>Notice of Errata</i>
11/16/2018	 Opposition to Motion For Summary Judgment Filed By: Cross Defendant Robinson, Ronald J; Defendant Rodriquez, Vernon; Defendant Wintech LLC; Defendant Davis, Alisa <i>Defendants Ronald J. Robinson, Vern Rodriguez, Wintech, LLC and Alisa Davis' Opposition to Motion for Summary Adjudication of Issues</i>
11/19/2018	 Opposition to Motion For Summary Judgment Filed By: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh <i>Defendants Retire Happy, LLC and Josh Stoll's Opposition to Plaintiff's Motion For Summary Adjudication</i>
11/27/2018	 Reply to Opposition Filed by: Plaintiff Hotchkiss, Steven A <i>Reply to Oppositions</i>
11/27/2018	 Declaration Filed By: Plaintiff Hotchkiss, Steven A <i>Supplemental Declaration</i>
12/07/2018	 Stipulation Filed by: Plaintiff Hotchkiss, Steven A <i>Stipulation</i>
12/21/2018	 Supplement to Early Case Conference List Filed By: Plaintiff Hotchkiss, Steven A <i>Plaintiff's Supplemental List of Documents</i>
02/07/2019	 Notice Filed By: Plaintiff Hotchkiss, Steven A <i>Notice of Delegation of Rights</i>
02/11/2019	 List of Witnesses

CASE SUMMARY

CASE NO. A-17-762264-C

Filed By: Plaintiff Hotchkiss, Steven A
Supplemental List of Witnesses and Documents

02/25/2019



Order

Order Denying Plaintiff's Motion for Summary Adjudication of Issues

03/16/2019



Pre-Trial Disclosure

Party: Plaintiff Hotchkiss, Steven A
Rule 16.1(a)(3) Disclosures

03/20/2019



Motion to Dismiss

Filed By: Cross Defendant Robinson, Ronald J; Defendant Rodriquez, Vernon; Defendant Davis, Alisa
Partial Motion to Dismiss

03/26/2019



Clerk's Notice of Hearing

Notice of Hearing

04/01/2019



Opposition to Motion to Dismiss

Filed By: Plaintiff Hotchkiss, Steven A
Opposition to Motion to Dismiss

04/01/2019



Declaration

Filed By: Plaintiff Hotchkiss, Steven A
Declaration of David Liebrader in Support of Opposition to Motion to Dismiss

04/01/2019



Pre-trial Memorandum

Filed by: Plaintiff Hotchkiss, Steven A
Pre Trial Memorandum

04/03/2019



Notice of Rescheduling of Hearing

Notice of Rescheduling Hearing

04/03/2019



Notice of Rescheduling of Hearing

Notice of Rescheduling Hearing

04/03/2019



Motion

Filed By: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh
Motion For Determination of Good Faith Settlement on Order Shortening Time

04/04/2019



Notice of Entry of Order

Filed By: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh
Notice of Entry of Order

04/08/2019



Statement

Filed by: Plaintiff Hotchkiss, Steven A
Statement of Damages

04/10/2019



Order Setting Settlement Conference

Order Setting Settlement Conference

04/17/2019



Reply

Filed by: Cross Defendant Robinson, Ronald J; Defendant Rodriquez, Vernon; Defendant Davis, Alisa

CASE SUMMARY

CASE NO. A-17-762264-C

Reply to Opposition to Partial Motion to Dismiss

- 04/29/2019 Case Reassigned to Department 9
Judicial Reassignment to Department 9 - Judge Cristina Silva
- 05/20/2019  Order Granting
Filed By: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh
Order Granting Defendants Retire Happy, LLC., and Josh Stoll's Unopposed Good Faith Settlement Pursuant to NRS 17.245 and Dismissing all Claims Against Said Defendants with Prejudice
- 05/20/2019  Notice of Entry of Order for Dismissal With Prejudice
Filed By: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh
Notice of Entry of Order
- 07/01/2019  Stipulation and Order
Stipulation and Order Consolidating Cases
- 07/31/2019  Order Setting Settlement Conference
Amended Order Setting Settlement Conference
- 09/30/2019  Amended Order Setting Civil Non-Jury Trial
Amended Order Setting Civil Non-Jury Trial
- 01/15/2020  Plaintiffs List of Documents and Witnesses
Filed by: Plaintiff Hotchkiss, Steven A
List of Witnesses and Documents for Trial
- 01/21/2020  Joint Pre-Trial Memorandum
Filed By: Plaintiff Hotchkiss, Steven A
Pre Trial Memorandum
- 01/27/2020  Pre Trial Information
Filed by: Plaintiff Hotchkiss, Steven A
List of Witnesses, Depositions and AV Equipment Needed for Trial
- 01/27/2020  Pre Trial Information
Filed by: Cross Defendant Robinson, Ronald J; Defendant Rodriguez, Vernon; Defendant Davis, Alisa
Defendants' Pretrial Memorandum
- 01/27/2020  Trial Brief
Filed By: Plaintiff Hotchkiss, Steven A
Trial Brief
- 02/03/2020  Statement
Filed by: Plaintiff Hotchkiss, Steven A
Statement of Damages
- 02/03/2020  Stipulation
Filed by: Plaintiff Hotchkiss, Steven A
Trial Stipulation
- 02/06/2020  Notice

CASE SUMMARY

CASE NO. A-17-762264-C

Filed By: Plaintiff Hotchkiss, Steven A
Notice of Delegation of Rights

02/10/2020



Opposition

Filed By: Plaintiff Hotchkiss, Steven A
Opposition to Defendants' Pre Trial Memo

02/10/2020



Opposition

Filed By: Plaintiff Hotchkiss, Steven A
Opposition to Defendants Pre Trial Brief

02/22/2020



Statement

Filed by: Plaintiff Hotchkiss, Steven A
Statement of Damages (NRS 90.660)

03/23/2020



Memorandum

Filed By: Cross Defendant Robinson, Ronald J
DEFENDANTS POST-TRIAL MEMORANDUM

03/23/2020



Trial Brief

Filed By: Plaintiff Hotchkiss, Steven A
Trial Brief (Closing Argument)

04/27/2020



Decision and Order

Decision and Order

05/08/2020



Findings of Fact, Conclusions of Law and Order

Findings of Fact, Conclusions of Law, and Order on Defendants Liability

05/11/2020



Motion for Attorney Fees

Filed By: Plaintiff Hotchkiss, Steven A
Motion for Damages and Attorney's Fees

05/11/2020



Declaration

Filed By: Plaintiff Hotchkiss, Steven A
Declaration of David Liebrader

05/12/2020



Clerk's Notice of Nonconforming Document

Clerk's Notice of Nonconforming Document

05/13/2020



Clerk's Notice of Nonconforming Document and Curative Action

Clerk's Notice of Curative Action

05/14/2020



Clerk's Notice of Hearing

Notice of Hearing

05/21/2020



Substitution of Attorney

Filed by: Defendant Rodriguez, Vernon
Substitution of Counsel for Defendant Vernon Rodriguez

05/21/2020



Opposition to Motion

Filed By: Defendant Rodriguez, Vernon
Opposition by Defendant Vernon Rodriguez to Plaintiff's Motion for Damages and Attorneys'

CASE SUMMARY

CASE NO. A-17-762264-C

Fees

- 05/27/2020  Opposition
Filed By: Cross Defendant Robinson, Ronald J
Defendants' Opposition to Plaintiff's Motion for Damages and Attorney's Fees and Partial Joinder to Defendant Vernon Rodriguez's Opposition to Plaintiff's Motion for Attorney's Fees
- 05/28/2020  Reply to Opposition
Filed by: Plaintiff Hotchkiss, Steven A
Reply to Defendant Vernon Rodriguez' Opposition to Motion for Attorney's Fees and Damages
- 05/29/2020  Errata
Filed By: Cross Defendant Robinson, Ronald J
Errata to Defendants' Opposition to Plaintiff's Motion for Damages and Attorney's Fees and Partial Joinder to Defendant Vernon Rodriguez's Opposition to Plaintiff's Motion for Attorney's Fees
- 06/01/2020  Reply to Opposition
Filed by: Plaintiff Hotchkiss, Steven A
Reply to Defendant Ron Robinson's Opposition to Motion for Attorney's Fees and Damanges
- 06/22/2020  Motion to Reconsider
Filed By: Defendant Rodriquez, Vernon
Motion by Defendant Vernon Rodriguez for Reconsideration of June 8, 2020 Minute Order Regarding Plaintiffs' Motion for Damages and Attorneys' Fees
- 06/23/2020  Clerk's Notice of Hearing
Notice of Hearing
- 06/30/2020  Opposition to Motion
Filed By: Plaintiff Hotchkiss, Steven A
Opposition to Motion to Reconsider
- 08/20/2020  Findings of Fact, Conclusions of Law and Order
Findings of Fact, Conclusions of Law, and Order on Motion for Damages and Attorney's Fees
- 08/20/2020  Judgment
Filed By: Plaintiff Hotchkiss, Steven A
Judgment
- 08/21/2020  Judgment
Filed By: Plaintiff Hotchkiss, Steven A
(Duplicate see 8/20/2020) Judgment
- 08/21/2020  Notice of Entry of Judgment
Filed By: Plaintiff Hotchkiss, Steven A
Notice of Entry of Judgment
- 08/21/2020  Notice of Entry of Order
Filed By: Plaintiff Hotchkiss, Steven A
Notice of Entry of Order
- 09/16/2020  Motion to Amend Judgment
Filed By: Defendant Rodriquez, Vernon

CASE SUMMARY
CASE NO. A-17-762264-C

First Post-Judgment Motion by Defendant Vernon Rodriguez for Additional Findings of Fact and Conclusions of Law and to Amend Judgment Pursuant to Nev. R. Civ. P. 52(b), Or In the Alternative, for Further Action After a Nonjury Trial Pursuant to Nev. R. Civ. P. 59(b)

09/16/2020



Motion for New Trial

Filed By: Defendant Rodriguez, Vernon

Second Post-Judgment Motion by Defendant Vernon Rodriguez for a New Trial, Or in the Alternative, Further Action After a Nonjury Trial Pursuant to Nev. R. Civ. P. 59(a)

09/16/2020



Motion for Stay of Execution

Third Post-Judgment Motion by Defendant Vernon Rodriguez for Stays Pending Disposition of Post-Judgment Motions and Appeal

09/16/2020



Declaration

Omnibus Declaration of Vernon Rodriguez in Support of Post-Judgment Motions

09/16/2020



Request for Judicial Notice

Filed By: Defendant Rodriguez, Vernon

Request by Defendant Vernon Rodriguez for Judicial Notice In Support of Post-Judgment Motions

09/17/2020



Clerk's Notice of Hearing

Notice of Hearing

09/17/2020



Clerk's Notice of Hearing

Notice of Hearing

09/21/2020



Notice of Appeal

Filed By: Cross Defendant Robinson, Ronald J

Notice of Appeal

DISPOSITIONS

05/20/2019

Order of Dismissal With Prejudice (Judicial Officer: Silva, Cristina D.)

Debtors: Steven A Hotchkiss (Plaintiff)

Creditors: Retire Happy LLC (Defendant), Josh Stoll (Defendant)

Judgment: 05/20/2019, Docketed: 05/20/2019

04/27/2020

Judgment (Judicial Officer: Silva, Cristina D.)

Debtors: Ronald J Robinson (Defendant), Vernon Rodriguez (Defendant), Wintech LLC

(Defendant), Frank Yoder (Defendant), Alisa Davis (Defendant)

Creditors: Steven A Hotchkiss (Plaintiff)

Judgment: 04/27/2020, Docketed: 04/28/2020

05/08/2020

Judgment (Judicial Officer: Silva, Cristina D.)

Debtors: Ronald J Robinson (Defendant), Vernon Rodriguez (Defendant), Alisa Davis (Defendant)

Creditors: Steven A Hotchkiss (Plaintiff)

Judgment: 05/08/2020, Docketed: 05/08/2020

08/20/2020

Judgment Plus Interest (Judicial Officer: Silva, Cristina D.)

Debtors: Ronald J Robinson (Defendant)

Creditors: Steven A Hotchkiss (Plaintiff)

Judgment: 08/20/2020, Docketed: 08/21/2020

Total Judgment: 1,098,782.00

Debtors: Vernon Rodriguez (Defendant)

Creditors: Steven A Hotchkiss (Plaintiff)

Judgment: 08/20/2020, Docketed: 08/21/2020

Total Judgment: 960,401.00

CASE SUMMARY

CASE NO. A-17-762264-C

HEARINGS

11/13/2017

 **Motion to Withdraw as Counsel** (3:00 AM) (Judicial Officer: Smith, Douglas E.)
Motion to Withdraw as Counsel for Vernon Rodriguez on Order Shortening Time
 Granted; Motion to Withdraw as Counsel for Vernon Rodriguez on Order Shortening Time
 Journal Entry Details:
The Motion to Withdraw as Counsel for Vernon Rodriguez on Order Shortening Time came before the Court on the November 13, 2017, Chambers Calendar. Having reviewed the Motion and there being No Opposition thereto, COURT ORDERED, the Motion is GRANTED.
CLERK'S NOTE: the Order Granting Motion to Withdraw as Counsel of Record was filed on November 15, 2017.;

05/01/2018

 **Discovery Conference** (9:30 AM) (Judicial Officer: Bulla, Bonnie)
COURT CALL - Discovery Conference
 Scheduling Order Will Issue;
 Journal Entry Details:
Not all parties were participatory in the JCCR filed. A supplemental JCCR was filed 4-30-18. No courtesy copy provided to Commissioner. Discovery cutoff is 1-10-19; adding parties, amended pleadings, and initial expert disclosures due 10-23-18; rebuttal expert disclosures due 11-10-18; dates do not work with the Rule. Colloquy. Counsel anticipate 5 days for trial re: Fraud; no Settlement Conference requested. COMMISSIONER RECOMMENDED, discovery cutoff is 2-11-19; adding parties and amended pleadings DUE 10-23-18; initial expert disclosures DUE 11-9-18; rebuttal expert disclosures DUE 12-10-18; file dispositive motions by 3-8-19. Scheduling Order will issue. MATTER RECALLED: Louis Palazzo, Esquire, present. Commissioner provided the outcome to Mr. Palazzo. ;

12/03/2018

 **Motion** (3:00 AM) (Judicial Officer: Smith, Douglas E.)
12/03/2018, 01/22/2019, 01/29/2019
Plaintiff's Motion for Summary Adjudication of Issues
 Matter Continued; Plaintiff's Motion for Summary Adjudication of Issues
 Matter Continued; Plaintiff's Motion for Summary Adjudication of Issues
 Deferred Ruling; Plaintiff's Motion for Summary Adjudication of Issues
 Journal Entry Details:
Mr. Liebrader is appearing telephonically. This is the time set for hearing on Plaintiff's Motion for Summary Adjudication of Issues. Plaintiff is an investor in a promissory note issued by Defendant, Virtual Communication Corporation (VCC); he invested \$75,000 into the note and in exchange for his investment, he was to receive 9 percent interest until the note was paid off. Mr. Liebrader advised that the investment purchased by the Plaintiff is a security; VCC themselves referred to the investment as a security. A security is simply defined as a "note" and this was a promissory note. Judge Williams recently tried a case on the same promissory note and Plaintiff was given summary adjudication on this same issue; that the promissory note is a security and was not exempt from registration. Additionally, the security was neither registered nor exempt from registration. VCC needed to register the note prior to offering it for sale or file a request for exemption, they did neither. Under NRS 90.690, Defendants have the burden of claiming which exemptions apply and to prove that they apply; they have not done that. Since there are no genuine issues of material fact, the Motion should be granted. Mr. Gewerter advised that the VCC's promissory note was not a security and since it was not a security, it was exempt from registration for the reasons stated on the record. Mr. Gewerter discussed Exhibit 1 to his Opposition. The holder of the Promissory Note is Provident Trust Group, LLC, not the Plaintiff. This is a trust account and under a trust account you must have the trustee bring the action; therefore, the Plaintiff has no standing to allege anything in this case. Mr. Palazzo advised that last time the parties were present, the Court indicated its inclination; i.e., the Court did not find this to be a security and Mr. Palazzo believes that is an appropriate impression for the reasons stated on the record. COURT ORDERED, decision DEFERRED; the Court would like to review this matter further before making a decision. ;
 Matter Continued; Plaintiff's Motion for Summary Adjudication of Issues
 Matter Continued; Plaintiff's Motion for Summary Adjudication of Issues
 Deferred Ruling; Plaintiff's Motion for Summary Adjudication of Issues
 Journal Entry Details:
This is the time set for hearing on Plaintiff's Motion for Summary Adjudication of Issues. Court called case; Mr. Liebrader is present telephonically and Mr. Palazzo is present in person; counsel is waiting on Harold Gewerter, Esq., to appear. Court trailed matter.

CASE SUMMARY

CASE NO. A-17-762264-C

MATTER RECALLED: All present as before. Court noted that since Mr. Gewerter is still not present, the Court can do one of two things, it can rule from the pleadings or pass it a week. Neither the Court nor Mr. Palazzo know anything about Mr. Gewerter's whereabouts. Mr. Liebrader advised that he does not have anything to add, there are only two issues and they are appropriately discussed in this Motion and Reply; he submitted on the pleadings. Mr. Palazzo CONCURRED and submitted the matter also. Court advised that if it were to rule on the pleadings, it appears that the security note in question is not subject to NRS 90.295; Mr. Gewerter would need to prepare the Order. Colloquy as to whether the Court's ruling was tentative; Mr. Liebrader would like to argue this matter. COURT ORDERED, matter CONTINUED; Mr. Liebrader requested to appear telephonically again. CONTINUED TO: 01/29/19 8:00 AM ;

Matter Continued; Plaintiff's Motion for Summary Adjudication of Issues
 Matter Continued; Plaintiff's Motion for Summary Adjudication of Issues
 Deferred Ruling; Plaintiff's Motion for Summary Adjudication of Issues
 Journal Entry Details:

Plaintiff's Motion for Summary Adjudication of Issues came before the Court on its December 3, 2018, Chamber Calendar. The Court reviewed the Motion, the Oppositions, and the Reply thereto, and has determined that oral argument on the matter would assist the Court in its decision, Therefore, COURT ORDERED, matter CONTINUED to this Court's Oral Calendar. CONTINUED TO: 01/22/19 8:00 AM CLERK'S NOTE: A copy of this minute order was placed in the attorney folders of David Liebrader, Esq., (The Law Offices of David Liebrader, APC) and T. Louis Palazzo, Esq., (Palazzo Law Firm).;

02/25/2019

 **Decision** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

*Decision: Plaintiff's Motion for Summary Adjudication of Issues
 Decision Made; Plaintiff's Motion for Summary Adjudication of Issues
 Journal Entry Details:*

The Court heard oral argument on Plaintiff's Motion for Summary Adjudication of Issues on January 29, 2019, but DEFERRED its ruling. The Court's ruling is as set forth in the Order Denying Plaintiff's Motion for Summary Adjudication of Issues filed on February 25, 2019. ;

04/09/2019

Calendar Call (9:00 AM) (Judicial Officer: Cherry, Michael A.)
 Matter Heard;

04/09/2019

Motion for Determination of Good Faith Settlement (9:00 AM) (Judicial Officer: Cherry, Michael A.)

*Defendants Retire Happy, LLC, and Josh Stoll's Motion for Determination of Good Faith Settlement on Order Shortening Time
 Granted;*

04/09/2019

 **All Pending Motions** (9:00 AM) (Judicial Officer: Cherry, Michael A.)

Calendar Call . . . Defendants Retire Happy, LLC, and Josh Stoll's Motion for Determination of Good Faith Settlement on Order Shortening Time

Matter Heard;
 Journal Entry Details:

CALENDAR CALL . . . DEFENDANTS RETIRE HAPPY, LLC, AND JOSH STOLL'S MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT ON ORDER SHORTENING TIME This is the time set for Calendar Call; Mr. Palazzo has filed a Motion for Determination of Good Faith Settlement on Order Shortening Time. Court noted there is no opposition to the Motion and, therefore, ORDERED, the Motion is GRANTED. Mr. Palazzo to submit an Order. Colloquy as to what parties remain in the case; Mr. Gewerter advised that Viral Communication went into bankruptcy; Wintech was their subsidiary so they are not part of this case anymore. Mr. Gewerter represents, Defendants Ronald J. Robinson, Vern Rodriguez, and Alisa Davis and Mr. Liebrader represents the Plaintiff, Steven Hotchkiss. Upon Court's inquiry as to whether counsel were ready for trial; Mr. Liebrader advised there are two issues in the case; one is the action to recover money under a promissory note and the other has to do with securities' law issues. Mr. Gewerter advised that there is a pending motion; he filed a Partial Motion to Dismiss but Master Calendar calendared it after the trial start date. Both counsel requested that this matter be placed on the September stack. COURT ORDERED, trial date VACATED and RESET. 08/27/19 8:00 AM CALENDAR CALL 09/09/19 9:30 AM JURY TRIAL ;

04/22/2019

CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.)

CASE SUMMARY

CASE NO. A-17-762264-C

Vacated - per Judge

04/23/2019

 **Motion to Dismiss** (9:00 AM) (Judicial Officer: Cherry, Michael A.)

Defendants' Partial Motion to Dismiss
 Denied; Defendants' Partial Motion to Dismiss
 Journal Entry Details:

This is the time set for hearing on Defendants Motion to Dismiss. Mr. Gewerter advised that Defendants are seeking to dismiss all of Plaintiff's security related claims. This Court previously ruled that the notes or the investments in this particular case were not a security so the securities remedies pursuant to NRS 90.460 cannot be pursued. Therefore, Mr. Gewerter would request that Causes of Action Nos. 1, 2, and 3 be dismissed. Mr. Liebrader believes that Mr. Gewerter has misstated Judge Smith's ruling. Plaintiff filed a Motion for Partial Summary Judgment on the issue of whether or not the note was a security and Judge Smith found that a reasonable trier of fact could make the determination as to whether it was a security or not so Summary Judgment was not granted. Mr. Gewerter advised the Court of the Order Denying Plaintiff's Motion for Summary Adjudicated which was heard on January 29, 2019; the Order says, "The remaining issue upon which Plaintiff seeks summary adjudication (whether the VCC note was sold in violation of NRS 90.460) is moot, as it relies on this Court's granting of summary adjudication on the issue of whether the VCC note was a security." Therefore, Mr. Gewerter believes that the Court found that the note was not a security so there can be no securities remedy. The other Causes of Action may go forward but the securities actions are gone. COURT ORDERED, the Motion is DENIED. ;

07/30/2019

CANCELED Settlement Conference (1:30 PM)

Vacated

08/27/2019

 **Calendar Call** (8:30 AM) (Judicial Officer: Silva, Cristina D.)

Matter Heard;
 Journal Entry Details:

This is the time set for Calendar Call. Court noted that it received a Pretrial Memorandum; colloquy as to whether counsel were ready for trial. Mr. Liebrader advised that a Settlement Conference has been scheduled for tomorrow (August 28) before Judge Wiese. Mr. Gewerter advised that he is not ready; this case was recently consolidated and he needs to file some motions. Counsel spoke this morning and Mr. Gewerter does not believe Mr. Liebradar has any objection to continuing the trial. Colloquy regarding scheduling issues. COURT ORDERED, trial date VACATED and RESET. 01/28/20 8:30 AM CALENDAR CALL 02/10/20 9:30 AM JURY TRIAL ;

08/28/2019

 **Settlement Conference** (1:30 PM) (Judicial Officer: Wiese, Jerry A.)

Not Settled;
 Journal Entry Details:

The above-referenced matter came on for a settlement conference with Judge Jerry Wiese on Wednesday, August 28, 2019. The Plaintiffs participated by telephone, and were represented by David Liebrader, Esq., who has settlement authority for his clients. The Defendants, Ronald Robinson, Vernon Rodriguez, and Alisa Davis, were present with their attorney, Harold Gewerter, Esq. It appeared that the case would settle, but at the last minute Mr. Robinson indicated that he wanted to think about the settlement for a while. The Plaintiffs agreed to leave their last offer open for a week. The Court believes that there is a likelihood that the case will settle, but for now, the case is not settled, and will be referred back to the originating department for further handling. CLERK'S NOTE: A copy of the above Minute Order was distributed to the following: David Liebrader, Esq.(via facsimile: 702-583-4227) and Harold Gewerter, Esq. (via facsimile:702-382-1759)./8/30/19lk;

09/09/2019

CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.)

Vacated - per Judge

01/28/2020

 **Calendar Call** (8:30 AM) (Judicial Officer: Silva, Cristina D.)

Matter Heard;
 Journal Entry Details:

This is the time set for Calendar Call. Counsel noted that they are ready for trial. Colloquy regarding scheduling issues; the trial is expected to take two (2) to three (3) days. Mr. Gerwerter advised that a companion case was tried last year; there will only be a couple of

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-17-762264-C

witnesses and argument. COURT ORDERED, matter set for trial. 02/24/20 9:30 AM JURY TRIAL ;

02/24/2020

 **Bench Trial** (9:30 AM) (Judicial Officer: Silva, Cristina D.)

02/24/2020-02/25/2020

Trial Continues;
Supplemental Briefing Due;
Journal Entry Details:

11:05 a.m. Bench Trial resumed. Testimony and exhibits presented (see worksheets). Following the testimony of Mr. Yoder, Mr. Liebrader orally moved to DISMISS the action against him, with prejudice. There being no opposition by Mr. Gewerter, COURT ORDERED, the Motion is GRANTED. Both the Plaintiff and the Defendant rest. Court advised that there were a few issues raised in the Defendant's Pretrial Memorandum which the Court would like to address. First is the Motion to Dismiss for Failure to Name Indispensable Party. COURT ORDERED, the Motion is DENIED. Second, is the Discharge of Mr. Robinson from his Personal Guarantee, which was extinguished by the bankruptcy discharge. Arguments by counsel. The Court discussed Donnell vs. Perpetual Investment, Inc., and Ronald Rippe, Individually, it is an unpublished decision but the Court believes it is persuasive. The Court directed counsel to submit their closing arguments in writing; the closing briefs are to be submitted simultaneously, with no more than ten (10) pages, and shall be submitted within the next thirty (30) days (March 22). Additionally, counsel should address the aforementioned case in their closing briefs. COURT ORDERED, decision DEFERRED; the matter will be placed on this Court's Chamber Calendar for decision. 12:53 p.m. Court ADJOURNED. COURT ORDERED, decision DEFERRED 04/20/20 CHAMBER CALENDAR DECISION;

Trial Continues;
Supplemental Briefing Due;
Journal Entry Details:

Also present: Alisa Davis. 11:05 a.m. Bench Trial commenced. Mr. Gewerter advised that the parties have stipulated to some evidence coming in, several documents have already been stipulated to; they were named for the record. Colloquy as to whether the Court would be hearing live testimony; Mr. Liebrader advised that the stipulation was that they may call witnesses it did not say that they could not; Mr. Rodriguez is present this morning and would like to testify. Mr. Gewerter believes the documents speak for themselves, there is no need for live testimony. Court advised that it would allow limited testimony. Opening statements by Mr. Liebrader and Mr. Gewerter. Testimony and exhibits presented (see worksheets). Following the testimony of Ms. Davis, Mr. Liebrader orally moved to DISMISS the action against her, with prejudice. There being no opposition by Mr. Gewerter, COURT ORDERED, the Motion is GRANTED. 4:40 p.m. Court ADJOURNED, COURT ORDERED, Bench Trial CONTINUED. CONTINUED TO: 02/25/20 11:00 AM ;

04/20/2020

 **Decision** (3:00 AM) (Judicial Officer: Silva, Cristina D.)

Decision: Bench Trial
Decision Made; Bench Trial
Journal Entry Details:

The Bench Trial in this matter came before this Court on February 24, and 25, 2020. At the conclusion of the trial, the Court directed counsel to submit supplemental briefing and their written closing arguments. The Court's ruling is as set forth in the Decision filed on April 27, 2020. ;

06/08/2020

 **Motion for Attorney Fees** (3:00 AM) (Judicial Officer: Silva, Cristina D.)

Plaintiff's Motion for Damages and Attorney's Fees
Granted; Plaintiff's Motion for Damages and Attorney's Fees
Journal Entry Details:

Plaintiff's Motion for Damages and Attorney's Fees came before the Court on its June 8, 2020, Chamber Calendar. Having considered the moving papers, and for the reasons set forth in Plaintiff's Motion, the Court hereby GRANTS the Motion. In its opposition to the motion, Defendants argue that they intend to raise the issue of the affirmative defense for failure to join a necessary party on appeal. While Defendants did elicit some testimony about Provident Trust and its role in this litigation, Defendants did not argue this affirmative defense during the trial, nor did they move for a directed verdict. The Court notes that a party that has not moved for a directed verdict below generally may not later challenge the sufficiency of the evidence on appeal, but an appellate court may review for plain error or manifest injustice. Price v. Sinnott, 85 Nev. 600, 607, 460 P.2d 837, 841 (1969). In reaching its decision on Attorney's

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-17-762264-C

Fees, the Court evaluated the factors set forth in Brunzell v. Golden Gate Nat l Bank, 85 Nev. 345, 455 P.2d 31 (1969), including:(1) the qualities of the attorney, the attorney's ability, his training, education, experience, professional standing and skill; (2) the difficulty and character of the work to be done, including the time necessary to complete the task; (3) the work actually performed by the lawyer; and (4) the result of the work performed. The Plaintiff's Motion sets forth how these factors are met, and therefore Attorney's Fees are appropriate. The parties shall meet and confer and submit for review a draft of Findings of Facts and Conclusions of Law to DC9Inbox@clarkcountycourts.us, which includes electronic signatures and is consistent with this Order. CLERK'S NOTE: Counsel is to ensure a copy of the foregoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the listed Service Recipients in the Odyssey eFileNV system.;

07/23/2020



Motion For Reconsideration (3:00 AM) (Judicial Officer: Silva, Cristina D.)

Motion by Defendant Vernon Rodriguez for Reconsideration of June 8, 2020 Minute Order Regarding Plaintiffs' Motion for Damages and Attorneys' Fees

Denied;

Journal Entry Details:

Pending before the Court is Defendant Vernon Rodriguez s Motion for Reconsideration. A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. Masonry & Tile Contractors Ass'n. of Southern Nevada v. Jolley, Urga & Wirth, Ltd., 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). Reconsiderations are reserved for very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached. Moore v. City of Las Vegas, 92 Nev. 402, 405 (1976). Having reviewed the motion and the opposition thereto, the Court finds Defendant Rodriguez has not met the standard for reconsideration. As a result, the Motion is DENIED.;

10/20/2020

Motion (9:00 AM) (Judicial Officer: Silva, Cristina D.)

Second Post-Judgment Motion by Defendant Vernon Rodriguez for a New Trial, Or in the Alternative, Further Action After a Nonjury Trial Pursuant to Nev. R. Civ. P. 59(a)

10/22/2020

Motion to Stay (3:00 AM) (Judicial Officer: Silva, Cristina D.)

Third Post-Judgment Motion by Defendant Vernon Rodriguez for Stays Pending Disposition of Post-Judgment Motions and Appeal

DATE

FINANCIAL INFORMATION

Cross Claimant Retire Happy LLC

Total Charges 253.00

Total Payments and Credits 253.00

Balance Due as of 9/22/2020 0.00

Cross Defendant Robinson, Ronald J

Total Charges 337.00

Total Payments and Credits 337.00

Balance Due as of 9/22/2020 0.00

Defendant Rodriquez, Vernon

Total Charges 223.00

Total Payments and Credits 223.00

Balance Due as of 9/22/2020 0.00

Plaintiff Hotchkiss, Steven A

Total Charges 270.00

Total Payments and Credits 270.00

Balance Due as of 9/22/2020 0.00

DISTRICT COURT CIVIL COVER SHEET

A-17-762264-C

CLARK County, Nevada

Case No. _____
(Assigned by Clerk's Office)

Department 8

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

Plaintiff(s) (name/address/phone): Steven A. HATCHKISS c/o counsel (Below)	Defendant(s) (name/address/phone): RONALD J. ROBINSON
Attorney (name/address/phone): David Liebrada 601 S. Rancho Dr. Sk. D-29 Las Vegas, NV 89106 702 390-3131	Attorney (name/address/phone): UNKNOWN

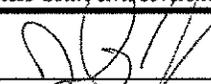
II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

<p>Real Property</p> <p>Landlord/Tenant</p> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <p>Title to Property</p> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <p>Other Real Property</p> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<p>Negligence</p> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <p>Malpractice</p> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<p>Torts</p> <p>Other Torts</p> <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
<p>Probate</p> <p>Probate (select case type and estate value)</p> <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 <p>Estate Value</p> <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	<p>Construction Defect & Contract</p> <p>Construction Defect</p> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <p>Contract Case</p> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input checked="" type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<p>Judicial Review/Appeal</p> <p>Judicial Review</p> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <p>Nevada State Agency Appeal</p> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <p>Appeal Other</p> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<p>Civil Writ</p> <p>Civil Writ</p> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum	<p>Other Civil Filing</p> <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	<p>Other Civil Filing</p> <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.

9.27.17
Date


Signature of initiating party or representative

See other side for family-related case filings.

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DAVID LIEBRADER, ESQ.
STATE BAR NO. 5048
THE LAW OFFICES OF DAVID LIEBRADER, APC
3960 HOWARD HUGHES PARKWAY STE 500
LAS VEGAS, NV 89169
PH: (702) 380-3131
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

IN THE MATTER BETWEEN) Case No. A-17-762264-C
)
Steven A. Hotchkiss,) Dept.: ~~8~~ IX
)
PLAINTIFF,)
v.) CONSOLIDATED WITH
)
Ronald J. Robinson, Vernon Rodriguez, Frank) Case No. A-17-763003-C
Yoder, Alisa Davis and DOES 1-10 and ROES 1-)
10, inclusively)

JUDGMENT

DEFENDANTS)
_____)
Anthony White, Robin Suntheimer, Troy)
Suntheimer, Stephens Ghesquiere, Jackie Stone,)
Gayle Chany, Kendall Smith, Gabriele)
Lavermicocca and Robert Kaiser)
PLAINTIFFS,)
v.)
Ronald J. Robinson, Vernon Rodriguez, Virtual)
Communications Corporation, Frank Yoder, Alisa)
Davis and DOES 1-10 and ROES 1-10, inclusively)
DEFENDANTS)
_____)

JUDGMENT

This matter was submitted for a bench trial before the Hon. Cristina Silva on
February June 24-25, 2020.

The Court found Defendant Ronald J. Robinson liable as a guarantor of the

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Virtual Communications Corporation promissory note, and also found Mr. Robinson and Defendant Vernon Rodriguez liable for violations of NRS §90.660 (civil liability under the Nevada Securities Laws) as control persons for Virtual Communications Corporation.

The Court finds that Plaintiffs are entitled to compensatory damages against Mr. Robinson for breach of contract, as well as under NRS §90.660. Plaintiffs are also entitled to damages under NRS §90.660 against Mr. Rodriguez.

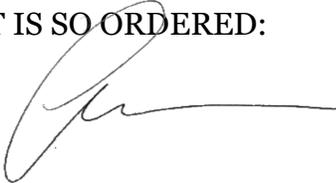
Wherefore, it is hereby ordered that Plaintiffs shall have judgment against Defendant Robinson in the amount of \$1,098,782 comprised of principal in the amount of \$574,000, interest in the amount of \$258,300, "late fees" of \$12,917 and attorney's fees of \$253,565, as set forth in Plaintiffs' Statement of Damages filed February 3, 2020.

Plaintiffs shall also have judgment against Defendant Rodriguez, in the amount of \$960,401, comprised of principal in the amount of \$574,000, interest in the amount of \$164,770 and attorney's fees in the amount of \$221,631 as set forth in Plaintiffs' filed February 22, 2020 Statement of Damages.

Dated this 21st day of August, 2020

IT IS SO ORDERED:

Dated this _____th day of August, 2020



Hon. Cristina Silva
District Court Judge
Cristina D. Silva
District Court Judge

Submitted by: /s/ David Liebrader
David Liebrader, Esq.
Attorney for Plaintiff

EC

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Steven Hotchkiss, Plaintiff(s)

CASE NO: A-17-762264-C

7 vs.

DEPT. NO. Department 9

8 Ronald Robinson, 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 Judgment 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: 8/21/2020

15 Harold Gewerter

harold@gewerterlaw.com

16 T. Louis Palazzo, Esq.

louis@palazzolawfirm.com

17 Celina Moore

celina@palazzolawfirm.com

18 Miriam Roberts

miriam@palazzolawfirm.com

19 David Liebrader, Esq.

dliebrader@gmail.com

20 David Liebrader

DaveL@investmentloss.com

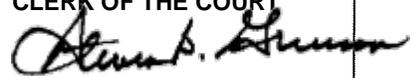
21 Vernon Rodriquez

harold@gewerterlaw.com

22 Scott Fleming

scott@fleminglawlv.com

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DAVID LIEBRADER, ESQ.
STATE BAR NO. 5048
THE LAW OFFICES OF DAVID LIEBRADER, APC
3960 HOWARD HUGHES PARKWAY STE 500
LAS VEGAS, NV 89169
PH: (702) 380-3131
Attorney for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

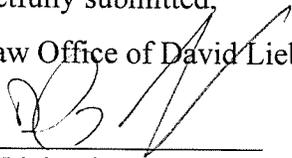
IN THE MATTER BETWEEN	)	Case No. A-17-762264-C
)	
Steven A. Hotchkiss,	)	Dept.: 9
)	
PLAINTIFF,	)	NOTICE OF ENTRY OF
	)	JUDGMENT
v.)	
)	
Ronald J. Robinson, Vernon Rodriguez, Frank)	
Yoder, Alisa Davis and DOES 1-10 and ROES 1-)	
10, inclusively)	
	)	CONSOLIDATED WITH
DEFENDANTS)	
_____	)	Case No. A-17-763003-C
Anthony White, Robin Suntheimer, Troy)	
Suntheimer, Stephens Ghesquiere, Jackie Stone,)	
Gayle Chany, Kendall Smith, Gabriele)	
Lavermicocca and Robert Kaiser)	
)	
PLAINTIFFS)	
)	
v.)	
)	
Ronald J. Robinson, Vernon Rodriguez, Virtual)	
Communications Corporation, Frank Yoder, Alisa)	
Davis and DOES 1-10 and ROES 1-10, inclusively)	
)	
_____)	

TO THE COURT, ALL PARTIES AND INTERESTED PERSONS: Please take notice that
the Court's **Judgment** was filed with the Clerk on August 21, 2020. See attached.

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Dated: August 21, 2020

Respectfully submitted,
The Law Office of David Liebrader, Inc.

By: 
David Liebrader
Attorney for Plaintiff

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of August, 2020, I mailed a copy of the foregoing

NOTICE OF ENTRY OF ORDER

to the following

Harold Gewerter, Esq.
Gewerter Law Firm
1212 Casino Center Boulevard
Las Vegas, NV 89104

Scott Fleming, Esq.
Fleming Law
9525 Hillwood Dr. Ste. 140
Las Vegas, NV 89134

/s/: Dianne Bresnahan

An Employee of The Law Office of David Liebrader

EXHIBIT “A”

Electronically Filed
08/21/2020 9:10 AM
Alanna B. Shuman
CLERK OF THE COURT

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DAVID LIEBRADER, ESQ.
STATE BAR NO. 5048
THE LAW OFFICES OF DAVID LIEBRADER, APC
3960 HOWARD HUGHES PARKWAY STE 500
LAS VEGAS, NV 89169
PH: (702) 380-3131
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

IN THE MATTER BETWEEN) Case No. A-17-762264-C
)
Steven A. Hotchkiss,) Dept.: ~~8~~ IX
)
PLAINTIFF,)
v.) CONSOLIDATED WITH
)
Ronald J. Robinson, Vernon Rodriguez, Frank) Case No. A-17-763003-C
Yoder, Alisa Davis and DOES 1-10 and ROES 1-)
10, inclusively)

JUDGMENT

DEFENDANTS)
_____)
Anthony White, Robin Suntheimer, Troy)
Suntheimer, Stephens Ghesquiere, Jackie Stone,)
Gayle Chany, Kendall Smith, Gabriele)
Lavermicocca and Robert Kaiser)
PLAINTIFFS,)
v.)
Ronald J. Robinson, Vernon Rodriguez, Virtual)
Communications Corporation, Frank Yoder, Alisa)
Davis and DOES 1-10 and ROES 1-10, inclusively)
DEFENDANTS)
_____)

JUDGMENT

This matter was submitted for a bench trial before the Hon. Cristina Silva on
February June 24-25, 2020.

The Court found Defendant Ronald J. Robinson liable as a guarantor of the

1 Virtual Communications Corporation promissory note, and also found Mr. Robinson
2 and Defendant Vernon Rodriguez liable for violations of NRS §90.660 (civil liability
3 under the Nevada Securities Laws) as control persons for Virtual Communications
4 Corporation.

5 The Court finds that Plaintiffs are entitled to compensatory damages against
6 Mr. Robinson for breach of contract, as well as under NRS §90.660. Plaintiffs are
7 also entitled to damages under NRS §90.660 against Mr. Rodriguez.

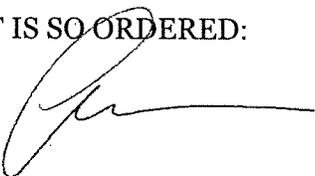
8 Wherefore, it is hereby ordered that Plaintiffs shall have judgment against
9 Defendant Robinson in the amount of \$1,098,782 comprised of principal in the
10 amount of \$574,000, interest in the amount of \$258,300, "late fees" of \$12,917 and
11 attorney's fees of \$253,565, as set forth in Plaintiffs' Statement of Damages filed
12 February 3, 2020.

13 Plaintiffs shall also have judgment against Defendant Rodriguez, in the
14 amount of \$960,401, comprised of principal in the amount of \$574,000, interest in
15 the amount of \$164,770 and attorney's fees in the amount of \$221,631 as set forth in
16 Plaintiffs' filed February 22, 2020 Statement of Damages.

17 Dated this 21st day of August, 2020

18 IT IS SO ORDERED:

19 Dated this _____th day of August, 2020



20 Hon. Cristina Silva
21 District Court Judge
22 Cristina D. Silva
District Court Judge

22 Submitted by: /s/ David Liebrader
23 David Liebrader, Esq.
24 Attorney for Plaintiff

EC

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Steven Hotchkiss, Plaintiff(s) | CASE NO: A-17-762264-C
7 vs. | DEPT. NO. Department 9
8 Ronald Robinson, 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 Judgment 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: 8/21/2020

15 Harold Gewerter	harold@gewerterlaw.com
16 T. Louis Palazzo, Esq.	louis@palazzolawfirm.com
17 Celina Moore	celina@palazzolawfirm.com
18 Miriam Roberts	miriam@palazzolawfirm.com
19 David Liebrader, Esq.	dliebrader@gmail.com
20 David Liebrader	DaveL@investmentloss.com
21 Vernon Rodriquez	harold@gewerterlaw.com
22 Scott Fleming	scott@fleminglawlv.com

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Commercial Instrument

COURT MINUTES

May 01, 2018

A-17-762264-C Steven Hotchkiss, Plaintiff(s)
vs.
Ronald Robinson, Defendant(s)

May 01, 2018 9:30 AM Discovery Conference

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Gewerter, Harold P. Attorney
Liebrader, David Attorney

JOURNAL ENTRIES

- Not all parties were participatory in the JCCR filed. A supplemental JCCR was filed 4-30-18. No courtesy copy provided to Commissioner. Discovery cutoff is 1-10-19; adding parties, amended pleadings, and initial expert disclosures due 10-23-18; rebuttal expert disclosures due 11-10-18; dates do not work with the Rule. Colloquy. Counsel anticipate 5 days for trial re: Fraud; no Settlement Conference requested. COMMISSIONER RECOMMENDED, discovery cutoff is 2-11-19; adding parties and amended pleadings DUE 10-23-18; initial expert disclosures DUE 11-9-18; rebuttal expert disclosures DUE 12-10-18; file dispositive motions by 3-8-19. Scheduling Order will issue.

MATTER RECALLED: Louis Palazzo, Esquire, present. Commissioner provided the outcome to Mr. Palazzo.

DISTRICT COURT
CLARK COUNTY, NEVADA

Commercial Instrument

COURT MINUTES

December 03, 2018

A-17-762264-C Steven Hotchkiss, Plaintiff(s)
vs.
Ronald Robinson, Defendant(s)

December 03, 2018 3:00 AM Motion Plaintiff's Motion for
Summary
Adjudication of
Issues

HEARD BY: Smith, Douglas E. COURTROOM: Chambers

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- Plaintiff s Motion for Summary Adjudication of Issues came before the Court on its December 3, 2018, Chamber Calendar. The Court reviewed the Motion, the Oppositions, and the Reply thereto, and has determined that oral argument on the matter would assist the Court in its decision, Therefore, COURT ORDERED, matter CONTINUED to this Court's Oral Calendar.

CONTINUED TO: 01/22/19 8:00 AM

CLERK'S NOTE: A copy of this minute order was placed in the attorney folders of David Liebrader, Esq., (The Law Offices of David Liebrader, APC) and T. Louis Palazzo, Esq., (Palazzo Law Firm).

DISTRICT COURT
CLARK COUNTY, NEVADA

Commercial Instrument

COURT MINUTES

January 22, 2019

A-17-762264-C Steven Hotchkiss, Plaintiff(s)
vs.
Ronald Robinson, Defendant(s)

January 22, 2019 8:00 AM Motion Plaintiff's Motion for
Summary
Adjudication of
Issues

HEARD BY: Smith, Douglas E. COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT: Liebrader, David Attorney
Palazzo, T. Louis Attorney

JOURNAL ENTRIES

- This is the time set for hearing on Plaintiff s Motion for Summary Adjudication of Issues. Court called case; Mr. Liebrader is present telephonically and Mr. Palazzo is present in person; counsel is waiting on Harold Gewerter, Esq., to appear. Court trailed matter.

MATTER RECALLED: All present as before. Court noted that since Mr. Gewerter is still not present, the Court can do one of two things, it can rule from the pleadings or pass it a week. Neither the Court nor Mr. Palazzo know anything about Mr. Gewerter's whereabouts.

Mr. Liebrader advised that he does not have anything to add, there are only two issues and they are appropriately discussed in this Motion and Reply; he submitted on the pleadings. Mr. Palazzo CONCURRED and submitted the matter also. Court advised that if it were to rule on the pleadings, it appears that the security note in question is not subject to NRS 90.295; Mr. Gewerter would need to prepare the Order. Colloquy as to whether the Court's ruling was tentative; Mr. Liebrader would like to argue this matter. COURT ORDERED, matter CONTINUED; Mr. Liebrader requested to appear

A-17-762264-C

telephonically again.

CONTINUED TO: 01/29/19 8:00 AM

exemption, they did neither. Under NRS 90.690, Defendants have the burden of claiming which exemptions apply and to prove that they apply; they have not done that. Since there are no genuine issues of material fact, the Motion should be granted.

Mr. Gewerter advised that the VCC s promissory note was not a security and since it was not a security, it was exempt from registration for the reasons stated on the record. Mr. Gewerter discussed Exhibit 1 to his Opposition. The holder of the Promissory Note is Provident Trust Group, LLC, not the Plaintiff. This is a trust account and under a trust account you must have the trustee bring the action; therefore, the Plaintiff has no standing to allege anything in this case.

Mr. Palazzo advised that last time the parties were present, the Court indicated its inclination; i.e., the Court did not find this to be a security and Mr. Palazzo believes that is an appropriate impression for the reasons stated on the record. COURT ORDERED, decision DEFERRED; the Court would like to review this matter further before making a decision.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Commercial Instrument

COURT MINUTES

April 09, 2019

A-17-762264-C Steven Hotchkiss, Plaintiff(s)
vs.
Ronald Robinson, Defendant(s)

April 09, 2019 9:00 AM All Pending Motions

HEARD BY: Cherry, Michael A. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT: Gewerter, Harold P. Attorney
Liebrader, David Attorney
Palazzo, T. Louis Attorney

JOURNAL ENTRIES

- CALENDAR CALL . . . DEFENDANTS RETIRE HAPPY, LLC, AND JOSH STOLL'S MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT ON ORDER SHORTENING TIME

This is the time set for Calendar Call; Mr. Palazzo has filed a Motion for Determination of Good Faith Settlement on Order Shortening Time. Court noted there is no opposition to the Motion and, therefore, ORDERED, the Motion is GRANTED. Mr. Palazzo to submit an Order.

Colloquy as to what parties remain in the case; Mr. Gewerter advised that Viral Communication went into bankruptcy; Wintech was their subsidiary so they are not part of this case anymore. Mr. Gewerter represents, Defendants Ronald J. Robinson, Vern Rodriguez, and Alisa Davis and Mr. Liebrader represents the Plaintiff, Steven Hotchkiss.

Upon Court's inquiry as to whether counsel were ready for trial; Mr. Liebrader advised there are two issues in the case; one is the action to recover money under a promissory note and the other has to do with securities' law issues. Mr. Gewerter advised that there is a pending motion; he filed a Partial Motion to Dismiss but Master Calendar calendared it after the trial start date. Both counsel requested

A-17-762264-C

that this matter be placed on the September stack. COURT ORDERED, trial date VACATED and RESET.

08/27/19 8:00 AM CALENDAR CALL

09/09/19 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Commercial Instrument

COURT MINUTES

April 23, 2019

A-17-762264-C Steven Hotchkiss, Plaintiff(s)
vs.
Ronald Robinson, Defendant(s)

April 23, 2019 9:00 AM Motion to Dismiss Defendants' Partial Motion to Dismiss

HEARD BY: Cherry, Michael A. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT: Gewerter, Harold P. Attorney
Liebrader, David Attorney
Palazzo, T. Louis Attorney

JOURNAL ENTRIES

- This is the time set for hearing on Defendants Motion to Dismiss. Mr. Gewerter advised that Defendants are seeking to dismiss all of Plaintiff's security related claims. This Court previously ruled that the notes or the investments in this particular case were not a security so the securities remedies pursuant to NRS 90.460 cannot be pursued. Therefore, Mr. Gewerter would request that Causes of Action Nos. 1, 2, and 3 be dismissed.

Mr. Liebrader believes that Mr. Gewerter has misstated Judge Smith's ruling. Plaintiff filed a Motion for Partial Summary Judgment on the issue of whether or not the note was a security and Judge Smith found that a reasonable trier of fact could make the determination as to whether it was a security or not so Summary Judgment was not granted.

Mr. Gewerter advised the Court of the Order Denying Plaintiff's Motion for Summary Adjudicated which was heard on January 29, 2019; the Order says, "The remaining issue upon which Plaintiff seeks summary adjudication (whether the VCC note was sold in violation of NRS 90.460) is moot, as it relies on this Court's granting of summary adjudication on the issue of whether the VCC note was a

security." Therefore, Mr. Gewerter believes that the Court found that the note was not a security so there can be no securities remedy. The other Causes of Action may go forward but the securities actions are gone. COURT ORDERED, the Motion is DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Commercial Instrument

COURT MINUTES

August 27, 2019

A-17-762264-C Steven Hotchkiss, Plaintiff(s)
vs.
Ronald Robinson, Defendant(s)

August 27, 2019 8:30 AM Calendar Call

HEARD BY: Silva, Cristina D. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT: Gewerter, Harold P. Attorney
Liebrader, David Attorney

JOURNAL ENTRIES

- This is the time set for Calendar Call. Court noted that it received a Pretrial Memorandum; colloquy as to whether counsel were ready for trial. Mr. Liebrader advised that a Settlement Conference has been scheduled for tomorrow (August 28) before Judge Wiese.

Mr. Gewerter advised that he is not ready; this case was recently consolidated and he needs to file some motions. Counsel spoke this morning and Mr. Gewerter does not believe Mr. Liebradar has any objection to continuing the trial. Colloquy regarding scheduling issues. COURT ORDERED, trial date VACATED and RESET.

01/28/20 8:30 AM CALENDAR CALL

02/10/20 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Commercial Instrument

COURT MINUTES

August 28, 2019

A-17-762264-C Steven Hotchkiss, Plaintiff(s)
vs.
Ronald Robinson, Defendant(s)

August 28, 2019 1:30 PM Settlement Conference

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Lauren Kidd

RECORDER:

REPORTER:

PARTIES

PRESENT:	Davis, Alisa	Defendant
	Gewerter, Harold P.	Attorney
	Liebrader, David	Attorney
	Robinson, Ronald J	Defendant
		Cross Defendant
	Rodriguez, Vernon	Defendant

JOURNAL ENTRIES

- The above-referenced matter came on for a settlement conference with Judge Jerry Wiese on Wednesday, August 28, 2019. The Plaintiffs participated by telephone, and were represented by David Liebrader, Esq., who has settlement authority for his clients. The Defendants, Ronald Robinson, Vernon Rodriguez, and Alisa Davis, were present with their attorney, Harold Gewerter, Esq. It appeared that the case would settle, but at the last minute Mr. Robinson indicated that he wanted to think about the settlement for a while. The Plaintiffs agreed to leave their last offer open for a week. The Court believes that there is a likelihood that the case will settle, but for now, the case is not settled, and will be referred back to the originating department for further handling.

CLERK'S NOTE: A copy of the above Minute Order was distributed to the following: David Liebrader, Esq.(via facsimile: 702-583-4227) and Harold Gewerter, Esq. (via facsimile:702-382-1759).//8/30/19lk

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Commercial Instrument

COURT MINUTES

January 28, 2020

A-17-762264-C Steven Hotchkiss, Plaintiff(s)
vs.
Ronald Robinson, Defendant(s)

January 28, 2020 8:30 AM Calendar Call

HEARD BY: Silva, Cristina D. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT: Gewerter, Harold P. Attorney
Liebrader, David Attorney

JOURNAL ENTRIES

- This is the time set for Calendar Call. Counsel noted that they are ready for trial. Colloquy regarding scheduling issues; the trial is expected to take two (2) to three (3) days.

Mr. Gerwerter advised that a companion case was tried last year; there will only be a couple of witnesses and argument. COURT ORDERED, matter set for trial.

02/24/20 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Commercial Instrument

COURT MINUTES

February 24, 2020

A-17-762264-C Steven Hotchkiss, Plaintiff(s)
vs.
Ronald Robinson, Defendant(s)

February 24, 2020 9:30 AM Bench Trial

HEARD BY: Silva, Cristina D. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT:	Gewerter, Harold P.	Attorney
	Hotchkiss, Steven A	Plaintiff
	Liebrader, David	Attorney
	Robinson, Ronald J	Defendant
		Cross Defendant
	Rodriguez, Vernon	Defendant

JOURNAL ENTRIES

- Also present: Alisa Davis.

11:05 a.m. Bench Trial commenced. Mr. Gewerter advised that the parties have stipulated to some evidence coming in, several documents have already been stipulated to; they were named for the record. Colloquy as to whether the Court would be hearing live testimony; Mr. Liebrader advised that the stipulation was that they may call witnesses it did not say that they could not; Mr. Rodriguez is present this morning and would like to testify. Mr. Gewerter believes the documents speak for themselves, there is no need for live testimony. Court advised that it would allow limited testimony.

Opening statements by Mr. Liebrader and Mr. Gewerter.

Testimony and exhibits presented (see worksheets). Following the testimony of Ms. Davis, Mr. Liebrader orally moved to DISMISS the action against her, with prejudice. There being no opposition

A-17-762264-C

by Mr. Gewerter, COURT ORDERED, the Motion is GRANTED.

4:40 p.m. Court ADJOURNED, COURT ORDERED, Bench Trial CONTINUED.

CONTINUED TO: 02/25/20 11:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Commercial Instrument

COURT MINUTES

February 25, 2020

A-17-762264-C Steven Hotchkiss, Plaintiff(s)
vs.
Ronald Robinson, Defendant(s)

February 25, 2020 11:00 AM Bench Trial

HEARD BY: Silva, Cristina D. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT:	Gewerter, Harold P.	Attorney
	Liebrader, David	Attorney
	Robinson, Ronald J	Defendant
		Cross Defendant

JOURNAL ENTRIES

- 11:05 a.m. Bench Trial resumed. Testimony and exhibits presented (see worksheets). Following the testimony of Mr. Yoder, Mr. Liebrader orally moved to DISMISS the action against him, with prejudice. There being no opposition by Mr. Gewerter, COURT ORDERED, the Motion is GRANTED. Both the Plaintiff and the Defendant rest.

Court advised that there were a few issues raised in the Defendant's Pretrial Memorandum which the Court would like to address. First is the Motion to Dismiss for Failure to Name Indispensable Party. COURT ORDERED, the Motion is DENIED. Second, is the Discharge of Mr. Robinson from his Personal Guarantee, which was extinguished by the bankruptcy discharge. Arguments by counsel. The Court discussed Donnell vs. Perpetual Investment, Inc., and Ronald Rippe, Individually, it is an unpublished decision but the Court believes it is persuasive. The Court directed counsel to submit their closing arguments in writing; the closing briefs are to be submitted simultaneously, with no more than ten (10) pages, and shall be submitted within the next thirty (30) days (March 22). Additionally, counsel should address the aforementioned case in their closing briefs. COURT ORDERED, decision DEFERRED; the matter will be placed on this Court's Chamber Calendar for

A-17-762264-C

decision.

12:53 p.m. Court ADJOURNED.

COURT ORDERED, decision DEFERRED

04/20/20 CHAMBER CALENDAR DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Commercial Instrument

COURT MINUTES

April 20, 2020

A-17-762264-C Steven Hotchkiss, Plaintiff(s)
vs.
Ronald Robinson, Defendant(s)

April 20, 2020

3:00 AM

Decision

Bench Trial

HEARD BY: Silva, Cristina D.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The Bench Trial in this matter came before this Court on February 24, and 25, 2020. At the conclusion of the trial, the Court directed counsel to submit supplemental briefing and their written closing arguments.

The Court's ruling is as set forth in the Decision filed on April 27, 2020.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Commercial Instrument

COURT MINUTES

June 08, 2020

A-17-762264-C Steven Hotchkiss, Plaintiff(s)
vs.
Ronald Robinson, Defendant(s)

June 08, 2020	3:00 AM	Motion for Attorney Fees	Plaintiff's Motion for Damages and Attorney's Fees
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HEARD BY: Silva, Cristina D.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Plaintiff's Motion for Damages and Attorney s Fees came before the Court on its June 8, 2020, Chamber Calendar. Having considered the moving papers, and for the reasons set forth in Plaintiff's Motion, the Court hereby GRANTS the Motion.

In its opposition to the motion, Defendants argue that they intend to raise the issue of the affirmative defense for failure to join a necessary party on appeal. While Defendants did elicit some testimony about Provident Trust and its role in this litigation, Defendants did not argue this affirmative defense during the trial, nor did they move for a directed verdict. The Court notes that a party that has not moved for a directed verdict below generally may not later challenge the sufficiency of the evidence on appeal, but an appellate court may review for plain error or manifest injustice. Price v. Sinnott, 85 Nev. 600, 607, 460 P.2d 837, 841 (1969).

In reaching its decision on Attorney's Fees, the Court evaluated the factors set forth in Brunzell v. Golden Gate Nat l Bank, 85 Nev. 345, 455 P.2d 31 (1969), including:(1) the qualities of the attorney, the attorney's ability, his training, education, experience, professional standing and skill; (2) the difficulty and character of the work to be done, including the time necessary to complete the task; (3) the work

actually performed by the lawyer; and (4) the result of the work performed. The Plaintiff's Motion sets forth how these factors are met, and therefore Attorney's Fees are appropriate.

The parties shall meet and confer and submit for review a draft of Findings of Facts and Conclusions of Law to DC9Inbox@clarkcountycourts.us, which includes electronic signatures and is consistent with this Order.

CLERK'S NOTE: Counsel is to ensure a copy of the foregoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the listed Service Recipients in the Odyssey eFileNV system.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Commercial Instrument

COURT MINUTES

July 23, 2020

A-17-762264-C Steven Hotchkiss, Plaintiff(s)
vs.
Ronald Robinson, Defendant(s)

**July 23, 2020 3:00 AM Motion For
Reconsideration**

HEARD BY: Silva, Cristina D. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Kathryn Hansen-McDowell

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Pending before the Court is Defendant Vernon Rodriguez s Motion for Reconsideration. A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. Masonry & Tile Contractors Ass'n. of Southern Nevada v. Jolley, Urga & Wirth, Ltd., 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). Reconsiderations are reserved for very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached. Moore v. City of Las Vegas, 92 Nev. 402, 405 (1976). Having reviewed the motion and the opposition thereto, the Court finds Defendant Rodriguez has not met the standard for reconsideration. As a result, the Motion is DENIED.

1 DAVID LIEBRADER, ESQ.
 2 STATE BAR NO. 5048
 3 THE LAW OFFICES OF DAVID LIEBRADER, APC
 4 601 S. RANCHO DR. STE. D-29
 5 LAS VEGAS, NV 89106
 6 PH: (702) 380-3131
 7 Attorney for Plaintiffs

8 DISTRICT COURT
 9 CLARK COUNTY, NEVADA

10 IN THE MATTER BETWEEN) Case No. A-17-762264-C
 11 Steven A. Hotchkiss,) Dept.: 8
 12 PLAINTIFF,) TRIAL EXHIBITS

13 v.)
 14 Ronald J. Robinson, Vernon Rodriguez, Frank)
 15 Yoder, Alisa Davis and DOES 1-10 and ROES 1-)
 16 10, inclusively) CONSOLIDATED WITH

17 DEFENDANTS) Case No. A-17-763003-C
 18 Anthony White, Robin Suntheimer, Troy)
 19 Suntheimer, Stephens Ghesquiere, Jackie Stone,)
 20 Gayle Chany, Kendall Smith, Gabriele)
 21 Lavermicocca and Robert Kaiser)

22 PLAINTIFFS)
 23 v.)
 24 Ronald J. Robinson, Vernon Rodriguez, Virtual)
 25 Communications Corporation, Frank Yoder, Alisa)
 26 Davis and DOES 1-10 and ROES 1-10, inclusively)

EXHIBIT LIST

Number	Description	Date	Objection	Date
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JT, P, D		Offered		Admitted		
1	1	Plaintiffs' promissory notes and demand letters; Hotchkiss Trial Exhibits 001-040.	2/24/20	no	2/24/20	WA
2	2	Email communications between Julie Minuskin and Ronald Robinson/Net worth Statement, VCC Retire Happy contract VCC RJ Robinson Agreement; Hotchkiss Trial Exhibits 041- 048	2/24/20	Stip	2/24/20	WA
3	3	Email communications Hotchkiss and VCC . Hotchkiss Trial Exhibits 049-056.	2/24/20	no	2/24/20	WA
4	4	Emails and Power Point Presentation 1.3 between Frank Yoder, Julie Minuskin and Ronald Robinson; Hotchkiss Trial Exhibits 057-075.	2/24/20	Stip	2/24/20	WA
5	5	Email communications between Alisa Davis and Julie Minuskin re: Robinson's initials and signature; Hotchkiss Trial Exhibits 076-083.	2/24/20	Stip	2/24/20	WA
6	6	Email communications between Alisa Davis and Julie Minuskin re: updated power point presentation and prom note; Hotchkiss Trial Exhibits 086-106.	2/24/20	Stip	2/24/20	WA
7	7	Updated VCC PowerPoint presentation; Hotchkiss Trial Exhibits 084-085; 107-122	2/24/20	Stip	2/24/20	WA
8	8	VCC Investor List with interest payment information Hotchkiss Trial Exhibits 0123-132.	2/25/20	no	2/25/20	WA
9	9	Frank Yoder VCC/Wintech Board Information Hotchkiss Trial Exhibits 0350-0356	2/25/20	Stip	2/25/20	WA
10	10	Alisa Davis Affidavit; Hotchkiss Trial Exhibits 133-134.	2/24/20	Stip	2/24/20	WA
11	11	Nevada Secretary of State certificate of absence of record/ list of officers filed with NV SOS; Hotchkiss Trial Exhibits 135-152.	2/24/20	Stip	2/24/20	WA

12	VCC financial statements dated September 30, 2014; Hotchkiss Trial Exhibits 153-164.	2/24/20	STIP	2/24/20	WA
13	VCC Private Placement Memorandum dated February 22, 2016; Hotchkiss Trial Exhibits 165-207.	2/24/20	STIP	2/24/20	WA
14	VCC Preliminary Offering Circular dated August 17, 2015; Hotchkiss Trial Exhibits 208-316	2/24/20	STIP	2/24/20	WA
15	Judgment, Waldo v. Robinson; Complaint for forfeiture, stipulation and order in case A-09-596643-C/ Pleadings from <u>Minuskin adv. Robinson</u> filed in EJDC; Hotchkiss Trial Exhibits 317-349	2/25/20	STIP	2/25/20	WA
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Dated: February 23, 2020

Respectfully submitted,

The Law Office of David Liebrader, Inc.

By:/s/ David Liebrader

David Liebrader

Attorney for Plaintiffs



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

HAROLD P. GEWERTER, ESQ.
1212 S. CASINO CENTER BLVD.
LAS VEGAS, NV 89101

DATE: September 22, 2020
CASE: A-17-762264-C
C/W A-17-763003-C

RE CASE: STEVEN A. HOTCHKISS vs. RONALD J. ROBINSON; VERNON RODRIGUEZ; VIRTUAL COMMUNICATIONS CORPORATION; WINTECH, LLC; FRANK YODER; ALISA DAVIS

NOTICE OF APPEAL FILED: September 21, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

- \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the court.*
- Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- Order
- Notice of Entry of Order

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; JUDGMENT; NOTICE OF ENTRY OF JUDGMENT; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STEVEN A. HOTCHKISS,

Plaintiff(s),

vs.

RONALD J. ROBINSON; VERNON RODRIGUEZ; VIRTUAL COMMUNICATIONS CORPORATION; WINTECH, LLC; FRANK YODER; ALISA DAVIS,

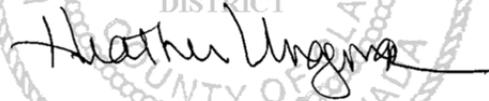
Defendant(s),

Case No: A-17-762264-C
Consolidated with A-17-763003-C
Dept No: IX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 22 day of September 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

