

**DESERT RIDGE LEGAL GROUP**

Ryan M. Venci, Esq., (NSB 7547)

Email: [rvenci@keyinsco.com](mailto:rvenci@keyinsco.com)

Danielle A. Kolkoski, Esq. (NSB 8506)

Email: [dkolkoski@keyinsco.com](mailto:dkolkoski@keyinsco.com)

Robert L. Thompson, Esq. (NSB 9920)

Email: [rthompson@keyinsco.com](mailto:rthompson@keyinsco.com)

Israel P. Whitbeck, Esq. (NSB 12519)

Email: [iwhitbeck@keyinsco.com](mailto:iwhitbeck@keyinsco.com)

3037 East Warm Springs Road, Suite 300

Las Vegas, Nevada 89120

Telephone: (702) 765-0976

Facsimile: (702) 765-0981

*Attorneys for Appellant*

Electronically Filed  
Jul 30 2021 01:23 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

JUAN MILLAN ARCE, AN INDIVIDUAL,

Appellant,

vs.

PATRICIA SANCHEZ, AN INDIVIDUAL,

Respondent.

Supreme Court Case No. 81862

District Court Case No. A-19-796822-C

**MOTION TO: (1) FORGIVE LATE FILING OF REQUEST FOR TRANSCRIPT OF  
PROCEEDINGS AND OPENING BRIEF AND APPENDIX; or, alternatively (2)  
MOTION FOR EXTENSION OF TIME TO SUBMIT REQUEST FOR TRANSCRIPT  
OF PROCEEDINGS AND OPENING BRIEF AND APPENDIX**

COMES NOW Appellant JUAN MILLAN ARCE (hereinafter "Appellant"), by and through counsel of record, RYAN M. VENCI, ESQ., DANIELLE A. KOLKOSKI, ESQ., ROBERT L. THOMPSON, ESQ., and THOMAS A. LARMORE, ESQ. of DESERT RIDGE LEGAL GROUP, and hereby requests the Court: (1) forgive and allow the late filing of Appellant's

1 February 26, 2021 Request for Transcript of Proceedings and Opening Brief and Appendix; or,  
2 alternatively (2) Motion for Extension of Time to submit said request. Appellant hereby moves as  
3 follows:

4 1. Plaintiff/Respondent PATRICIA SANCHEZ’S (hereinafter “Respondent”) initial  
5 Complaint was filed on June 17, 2019.

6 2. Appellant, through counsel recently retained at that time, filed an Answer on July  
7 3, 2019.

8 3. Appellant filed a Notice of Appeal and Case Appeal Statement on September 28,  
9 2020. (see attached Exhibit “A”)

10 4. On or about October 6, 2020, a Notice of Referral to Settlement Program and  
11 Suspension of Rules was filed by the Clerk of Court. (see attached Exhibit “B”)

12 5. On October 27, 2020, Appellant filed a Docketing Statement of Civil Appeals. (see  
13 attached Exhibit “C”)

14 6. The case was assigned to the Settlement Program on October 6, 2020 with  
15 mediation session held on December 16, 2020 with the parties unable to agree to a settlement of  
16 this matter. Order dated December 22, 2020 reinstated deadlines for requesting Transcripts to  
17 fourteen (14) days later on February 26, 2021 and Filing Briefs date to ninety (90) days later on or  
18 about March 22, 2021. (see attached Exhibit “D”)

19 7. Following the entrance of said Order, Appellant was appointed new counsel.  
20 Appellant filed a Notice of Appearance with the Supreme Court of the State of Nevada reflecting  
21 their change of counsel from the prior attorney to their current counsel. Said Notice was filed on  
22 March 22, 2021. (see attached Exhibit “E.”)

23 8. Upon review of the newly-received file, Appellant’s newly retained counsel  
24 recognized a Request for Transcript of Proceedings had not been timely filed by prior counsel.

25 9. On June 9, 2021, this Court issued an Order to File Documents, ordering Appellant  
26 to file and serve the Request for Transcript of Proceedings and Opening Brief and Appendix within  
27 7 days. Appellant missed this 7-day deadline. (see attached Exhibit “F”).  
28

Regardless of which counsel was representing him, Appellant has throughout the appellate process displayed the utmost of good faith. A Notice of Appeal was timely filed. A Docketing Statement was timely filed. Participation (albeit unsuccessful) in the settlement program is acknowledged. Appellant is clearly attempting to make all efforts to appeal the case in good faith and meet all deadlines. He requests the Supreme Court forgive his failures to timely file the Request for Transcripts of Proceedings and Opening Brief and Appendix and allow an Extension of Time to submit the Request for Transcripts of Proceedings and Opening Brief and Appendix.

DATED this 30<sup>th</sup> day of July 2021.

**DESERT RIDGE LEGAL GROUP**

By: /s/ *Ryan M. Venci*

/s/ *Danielle A. Kolkoski*

/s/ Robert L. Thompson

/s/ Thomas A. Larmore

RYAN M. VENCI, ESQ.

Nevada Bar No.: 7547

DANIELLE A. KOLKOSKI, ESQ.

Nevada Bar No.: 8506

ROBERT L. THOMPSON, ESQ.

Nevada Bar No. 9920

THOMAS A. LARMORE, ESQ.

Nevada Bar No. 7415

3037 East Warm Springs Road, Suite 300

Las Vegas, Nevada 89120

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

☒ by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail, enclosed in a sealed envelope upon which first class postage was fully prepaid; and /or

☐ via facsimile; and or

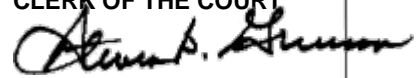
☐ by hand delivery to parties listed below; and or

☒ by electronic service via EFlex through the Supreme Court of the State of Nevada.

21  
22  
23  
24  
25  
26  
27  
28

**DESERT RIDGE LEGAL GROUP**

# EXHIBIT A



1 **NOAS**  
2 **STORM LEGAL GROUP**  
3 ERICH N. STORM, ESQ.  
4 Nevada State Bar No.:4480  
5 [estorm@keyinsco.com](mailto:estorm@keyinsco.com)  
6 3057 East Warm Springs Road, Suite 400  
7 Las Vegas, Nevada 89120  
8 Telephone: (702) 765-0976  
9 Facsimile: (702) 765-0981  
10 *Attorneys for Defendant*

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

13 PATRICIA SANCHEZ, an individual,

14 Plaintiff,

15 vs.

16 JUAN MILLAN ARCE, an Individual; DOES I-  
17 X, inclusive; and ROE CORORATIONS I-X,  
18 inclusive,

19 Defendants.

CASE NO.: A-19-796822-C

DEPT NO.: 27

**NOTICE OF APPEAL**

20 Notice is hereby given that JUAN MILLAN ARCE, defendant above-named, hereby  
21 appeals to the Supreme Court of Nevada from:

- 22 1. The Order entered in this action on the 15<sup>th</sup> day of September, 2020,  
23 granting Plaintiff's MOTION FOR RELIEF FROM JUDGMENT

24 ///

25 ///

26 ///

27 ///

28 ///

///

///

///

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

**STORM LEGAL GROUP**

ERICH N. STORM, ESQ.  
Nevada State Bar No.:4480  
3057 East Warm Springs Road, Suite 400  
Las Vegas, Nevada 89120  
Telephone: (702) 765-0976  
*Attorney for Defendant*

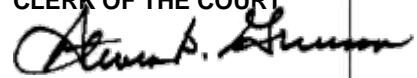
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**STORM LEGAL GROUP**





1 **ASTA**  
2 **STORM LEGAL GROUP**  
3 ERICH N. STORM, ESQ.  
4 Nevada State Bar No.:4480  
5 [estorm@keyinsco.com](mailto:estorm@keyinsco.com)  
6 3057 East Warm Springs Road, Suite 400  
7 Las Vegas, Nevada 89120  
8 Telephone: (702) 765-0976  
9 Facsimile: (702) 765-0981  
10 *Attorneys for Defendant*

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

13 PATRICIA SANCHEZ, an individual,

14 Plaintiff,

15 vs.

16 JUAN MILLAN ARCE, an Individual; DOES I-  
17 X, inclusive; and ROE CORORATIONS I-X,  
18 inclusive,

19 Defendants.

CASE NO.: A-19-796822-C

DEPT NO.: 27

**CASE APPEAL STATEMENT**

20 Defendant/appellant JUAN MILLAN ARCE, through his undersigned counsel, hereby  
21 submits the following Case Appeal Statement:

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

23 Juan Millan Arce.

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

25 The honorable Nancy L. Allf.

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

27 Appellant: Juan Millan Arce.

28 Counsel for Appellant: ERICH N. STORM, ESQ., 3057 East Warm Springs Road,  
Suite 400, Las Vegas, Nevada 89120.

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

5                     Respondent: Patricia Sanchez.

6                     Counsel for Respondent: Nathan S. Deaver, Esq., and Brice J. Crafton, Esq., 810  
7                     E. Charleston Blvd. Las Vegas, Nevada 89104.

8           **5. Indicate whether any attorney identified above in response to question 3 or 4 is**  
9           **not licensed to practice law in Nevada and, if so, whether the district court granted**  
10           **that attorney permission to appear under SCR 42 (attach a copy of any district court**  
11           **order granting such permission):**

12                     No attorney is not license to practice law in Nevada.

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

15                     Appellant was represented by retained counsel in the district court

16           **7. Indicate whether appellant is represented by appointed or retained counsel on**  
17           **appeal:**

18                     Appellant is represented by retained counsel on appeal.

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

21                     Appellant has not been granted leave to proceed in forma pauperis.

22           **9. Indicate the date the proceedings commenced in the district court (e.g., date**  
23           **complaint, indictment, information, or petition was filed):**

24                     June 17, 2019.

25           **10. Provide a brief description of the nature of the action and result in the district**  
26           **court, including the type of judgment or order being appealed and the relief granted**  
27           **by the district court:**

28                     This is a personal injury action between Plaintiff/Respondent and  
                          Defendant/Appellant. Defendant/Appellant was insured under an automobile

1 liability policy and his insurer provided a defense. The parties submitted the matter  
2 to the court-annexed arbitration program in Clark County, Nevada, and an award  
3 was rendered in favor of Defendant/Appellant and against Plaintiff/Respondent.  
4 Subsequently, counsel for Plaintiff/Respondent contacted the claims representative  
5 for Defendant's/Appellant's automobile liability insurer without the knowledge or  
6 consent of counsel for Defendant/Appellant and settled the matter.  
7 Defendant/Appellant denied that the parties entered into an enforceable settlement  
8 agreement and obtained entry of judgment in his favor and against  
9 Plaintiff/Respondent pursuant to NAR 19(A). Plaintiff/Respondent subsequently  
10 filed a MOTION FOR RELIEF FROM JUDGMENT AND TO ENFORCE  
11 SETTLEMENT. The district court granted said Motion.

12 Defendant/Appellant appeals from the district court's Order granting  
13 Plaintiff's/Respondent's MOTION FOR RELIEF FROM JUDGMENT AND TO  
14 ENFORCE SETTLEMENT.

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

18 The case has not previously been the subject of an appeal or original writ  
19 proceeding in the Supreme Court.

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

21 The appeal does not involve child custody or visitation.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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

This appeal involves the possibility of settlement.

DATED this 28<sup>th</sup> day of September, 2020

**STORM LEGAL GROUP**

By:

**ERICH N. STORM, ESQ.**  
Nevada State Bar No.:4480  
3057 East Warm Springs Road, Suite 400  
Las Vegas, Nevada 89120  
Telephone: (702) 765-0976  
*Attorney for Defendant*

1 **CERTIFICATE OF SERVICE**

2  
3 I **HEREBY CERTIFY** that on this 28<sup>th</sup> day of September, 2020, I served a true and  
4 complete copy of the foregoing CASE APPEAL STATEMENT addressed to the parties below as  
5 follows:

6 [ ] by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail,  
7 enclosed in a sealed envelope upon which first class postage was fully prepaid; and /or

8 [ ] via facsimile; and or

9 [ ] by hand delivery to parties listed below; and or

10 [x] by electronic service via ODYSSEY through the District Court.  
11

12 NATHAN S. DEAVER, ESQ.

Nevada Bar No. 11947

13 BRICE J. CRAFTON, ESQ.

Nevada Bar No. 10558

14 **DEAVER I CRAFTON**

15 810 E. Charleston Blvd.

Las Vegas, NV 89104

16 brice@deavercrafton.com

shannon@deavercrafton.com

17 Tel. (702)385-5969

18 Fax. (702)385-6939

19 *Attorneys for Plaintiff*

20  
21 /s/ Star Farrow

**STORM LEGAL GROUP**

# EXHIBIT B

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

JUAN MILLAN ARCE, AN INDIVIDUAL,  
Appellant,  
vs.  
PATRICIA SANCHEZ, AN INDIVIDUAL,  
Respondent.

**Supreme Court No. 81862**  
District Court Case No. A796822

**NOTICE OF REFERRAL TO SETTLEMENT PROGRAM AND SUSPENSION  
OF RULES**

TO: Deaver & Crafton \ Brice J. Crafton, Nathan S. Deaver  
Storm Legal Group \ Erich N. Storm

This notice is to inform you that this appeal may be assigned to the court's Settlement Program. See NRAP 16(a). The issuance of this notice automatically stays the time for filing a request for transcripts under NRAP 9, and for filing briefs under NRAP 31. See NRAP 16(a)(1).

The docketing statement must be filed and served within 21 days of the date of this notice. This timeline is not stayed by this notice.

DATE: October 06, 2020

Elizabeth A. Brown, Clerk of Court

By: Sally Williams  
Settlement Program Administrative Coordinator

Notification List

Electronic  
Storm Legal Group \ Erich N. Storm  
Deaver & Crafton \ Brice J. Crafton

Paper  
Deaver & Crafton \ Nathan S. Deaver

# EXHIBIT C



1 **STORM LEGAL GROUP**

2 ERICH N. STORM, ESQ.

3 Nevada State Bar No.:4480

4 estorm@keyinsco.com

5 3057 East Warm Springs Road, Suite 400

6 Las Vegas, Nevada 89120

Telephone: (702) 765-0976

Facsimile: (702) 765-0981

*Attorneys for Appellant*

Electronically Filed  
Oct 27 2020 01:39 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

7 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

8 JUAN MILLAN ARCE, an individual,

SUPREME COURT NO.: 81862

Appellant,

vs.

**DOCKETING STATEMENT**

PATRICIA SANCHEZ, an Individual,

**CIVIL APPEALS**

Respondent.

1. Judicial District: 8<sup>TH</sup> District of Nevada

Department: 27

County: Clark County

Judge: Hon. Judge Nancy L. Allf

District Ct. Case No.: A-19-796822-C

2. **Attorney filing this docketing statement:**

Attorney: Erich N. Storm

Telephone: (702) 765-0976

Firm: STORM LEGAL GROUP

Address: 3057 E. Warm Springs Rd., Suite 400, Las Vegas, NV 89120

Client(s): JUAN MILLAN ARCE

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. **Attorney(s) representing respondents(s):**

Attorney: Brice J. Craft

Telephone: (702) 385-5969

Firm: DEAVER CRAFTON

Address: 810 E. Charleston Blvd., Las Vegas, NV 89104

Client(s): PATRICIA SANCHEZ

///

///

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

- 2  
3  
4  
5  
6  
7

- 90

1

3  
4

5

6  
7

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

Order accordingly. That Order is the subject of this appeal.

**9. Issues on appeal.** State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

1. IS THE SETTLEMENT AGREEMENT VOID OR VOIDABLE AT THE OPTION OF APPELLANT FOR COUNSEL'S VIOLATION OF NRPC 4.2?
2. IS RESPONDENT ESTOPPED FROM ENFORCING THE SETTLEMENT AGREEMENT?
3. DID THE DISTRICT COURT PROPERLY SET ASIDE THE JUDGMENT IN FAVOR OF APPELLANT?
4. SHOULD THE JUDGMENT IN FAVOR OF APPELLANT BE RE-INSTATED?

**10. Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

NONE.

**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☐ NIA

☐ Yes

☐ No

If not, explain:

NOT APPLICABLE.

**12. Other issues.** Does this appeal involve any of the following issues?

- ☐ Reversal of well-settled Nevada precedent (identify the case(s))
- ☐ An issue arising under the United States and/or Nevada Constitutions
- ☒ A substantial issue of first impression
- ☒ An issue of public policy
- ☐ An issue where en banc consideration is necessary to maintain uniformity of this
  - ☐ court's decisions
- ☐ A ballot question

If so, explain:

1. Was Respondent's counsel's conduct in communicating with the Appellant's claims

representative *ex parte* and settling the case without the prior knowledge or approval of Appellant's counsel a violation of NRPC 4.2?

2. Does NRPC 4.2 enunciate relevant Nevada public policy?

3. Did Respondent's counsel violate a public policy enunciated in NRPC 4.2?

4. Is holding the settlement agreement at issue void or voidable as against public policy a proper remedy for the violation of public policy?

**13. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

Appellant submits that this appeal is presumptively retained by the Nevada Supreme Court. Appellant believes that this appeal raises matters of first impression under the common law (NRAP 17(a)(11)), and that the matters herein raised are of statewide public importance (NRAP 17(a)(11)).

**14. Trial.** If this action proceeded to trial, how many days did the trial last? Was it a bench or jury trial?

NOT APPLICABLE.

**15. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

Appellant does not intend to file such a motion.

#### **TIMELINESS OF NOTICE OF APPEAL**

**16. Date of entry of written judgment or order appealed from:**

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

September 15, 2010.

1 **17. Date written notice of entry of judgment or order was served:**  
2 September 17, 2020.

3 Was service by:

- 4 ☐ Delivery  
5 ☒ Mail/electronic/fax

6 **18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP**  
7 **50(b), 52(b), or 59)**

8 (a) Specify the type of motion, the date and method of service of the motion, and the date  
9 of filing.

- 10 ☐ NRCP 50(b) Date of filing:  
11 ☐ NRCP 52(b) Date of filing:  
12 ☐ NRCP 59 Date of filing:

13 **NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration**  
14 **may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126**  
15 **Nev. \_\_\_, 245 P.3d 1190 (2010).**

16 (b) Date of entry of written order resolving tolling motion:

17 (c) Date written notice of entry of order resolving tolling motion was served:

18 Was service by:

- 19 ☐ Delivery  
20 ☐ Mail

21 NOT APPLICABLE.

22 **9. Date notice of appeal filed:**

23 If more than one party has appealed from the judgment or order, list the date each notice  
24 of appeal was filed and identify by name the party filing the notice of appeal:

25 September 28, 2020.

26 **20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP**  
27 **4(a) or other.**

28 NRAP 4A(1).

///

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

**SUBSTANTIVE APPEALABILITY**

**21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

(a)

- |   |                                       |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205   |
| <input type="checkbox"/> NRAP 3A(b)(2)            | <input type="checkbox"/> NRS 233B.150 |
| <input checked="" type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376  |
| <input type="checkbox"/> Other (specify)          |                                       |

(b) Explain how each authority provides a basis for appeal from the judgment or order:

1. The order setting aside the judgment in favor of Appellant: NRAP 3A(b)(1).
2. The order granting motion to enforce settlement agreement: NRAP 3A(b)(1);  
NRAP 3A(b)(3).

**22. List all parties involved in the action or consolidated actions in the district court:**

(a) Parties:

Patricia Sanchez (Plaintiff/Respondent).

Juan Millan Arce (Defendant/Appellant)

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

Not Applicable.

**23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.**

Complaint: Negligence

Arbitration Award Served: February 11, 2020

///

1 24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the  
2 rights and liabilities of ALL the parties to the action or consolidated actions below?

3 ☒ Yes

4 ☐ No

5 **25. If you answered "No" to question 24, complete the following:**

6 (a) Specify the claims remaining pending below:

7 (b) Specify the parties remaining below:

8 NOT APPLICABLE

9 (c) Did the district court certify the judgment or order appealed from as a final judgment  
10 pursuant to NRCP 54(b)?

11 ☐ Yes

12 ☐ No

13 NOT APPLICABLE

14 (d) Did the district court make an express determination, pursuant to NRCP 54(b), that  
15 there is no just reason for delay and an express direction for the entry of judgment?

16 ☐ Yes

17 ☐ No

18 NOT APPLICABLE

19 **26. If you answered "No" to any part of question 25, explain the basis for seeking appellate  
20 review (e.g., order is independently appealable under NRAP 3A(b)):**

21 NOT APPLICABLE

22 **27. Attach file-stamped copies of the following documents:**

- 23 • The latest-filed complaint, counterclaims, cross-claims, and third-party claims  
24 • Any tolling motion(s) and order(s) resolving tolling motion(s)  
25 • Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims,  
26 crossclaims and/or third-party claims asserted in the action or consolidated action below,  
27 even if not at issue on appeal  
28 • Any other order challenged on appeal  
• Notices of entry for each attached order

///

1 SEE ATTACHED.  
2

3 **VERIFICATION**

4 I declare under penalty of perjury that I have read this docketing statement, that the  
5 information provided in this docketing statement is true and complete to the best of my  
6 knowledge, information and belief, and that I have attached all required documents to this  
7 docketing statement.

8 Juan Millan Arce  
9 Name of appellant

Erich N. Storm  
Name of counsel of record

10 October 27, 2020  
11 Date

  
Signature of counsel of record

12 Clark County, Nevada  
13 State and county where signed  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1 **CERTIFICATE OF SERVICE**

2 I **HEREBY CERTIFY** that on this 27<sup>th</sup> day of October, 2020, I served a true and  
3 Complete copy of the foregoing DOCKETING STATEMENT addressed to the parties below as  
4 follows:

5 ☐ by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail,  
6 enclosed in a sealed envelope upon which first class postage was fully prepaid; and /or

7 ☐ via facsimile; and or

8 ☐ by hand delivery to parties listed below; and or

9 ☒ by electronic service via ODYSSEY through the District Court.

10 NATHAN S. DEAVER, ESQ.

11 Nevada Bar No. 11947

12 BRICE J. CRAFTON, ESQ.

13 Nevada Bar No. 10558

14 **DEAVER I CRAFTON**

810 E. Charleston Blvd.

14 Las Vegas, NV 89104

15 brice@deavercrafton.com

shannon@deavercrafton.com

16 Tel. (702)385-5969

Fax. (702)385-6939

17 *Attorneys for Respondent*

19 /s/ Star Farrow

20 **STORM LEGAL GROUP**



CASE NO: A-19-796822-C  
Department 27

**COMP**  
NATHAN S. DEEVER, ESQ.  
Nevada Bar No. 11947  
BRICE J. CRAFTON, ESQ.  
Nevada Bar No. 10558  
**DEEVER | CRAFTON**  
810 E. Charleston Blvd.  
Las Vegas, NV 89104  
shannon@deevercrafton.com  
Tel. 702.385.5969  
Fax. 702.385.6939  
*Attorneys for Plaintiff*

**DISTRICT COURT**  
**COUNTY OF CLARK, NEVADA**

PATRICIA SANCHEZ, an individual;  
  
Plaintiff,

Case No.  
Dept. No.

**COMPLAINT**

vs.

JUAN MILLAN ARCE, an individual; DOES  
I-X, inclusive; and ROE CORPORATIONS I-  
X, inclusive;  
  
Defendants.

COME NOW, Plaintiff PATRICIA SANCHEZ, by and through her attorneys BRICE J. CRAFTON, ESQ., and NATHAN S. DEEVER, ESQ., of the law firm DEEVER | CRAFTON, and as for their causes of action against Defendants, allege as follows:

**FACTS COMMON TO ALL CLAIMS FOR RELIEF**

1. All the facts and circumstances that give rise to the subject lawsuit occurred in the County of Clark, State of Nevada.
2. At all times relevant hereto Plaintiff, PATRICIA SANCHEZ, is and at all times material hereto was, a resident of the County of Clark, State of Nevada.

1           3.    At all times relevant hereto Defendant, JUAN MILLAN ARCE, is and at all times  
2           material hereto was, a resident of the County of Clark, State of Nevada.

3           4.    Plaintiff, PATRICIA SANCHEZ, and DEFENDANT, JUAN MILLAN ARCE,  
4           were in the use and operation of a motor vehicle over the public roads, streets or  
5           highways, or in any other area open to the public and commonly used by motor  
6           vehicles, in the State of Nevada.

7           5.    The true names of DOES I through X, their citizenship and capacities, whether  
8           individual, corporate, associate, partnership or otherwise, are unknown to Plaintiff,  
9           who therefore alleges that each of the Defendants, designated as DOES I through X,  
10          are, or may be, legally responsible for the events referred to in this action, and caused  
11          damages to Plaintiff, as herein alleged, and Plaintiff will ask leave of this Court to  
12          amend the Complaint to insert the true names and capacities of such Defendant,  
13          when the same have been ascertained, and to join them in this action, together with  
14          the proper charges and allegations.

15          6.    DOES I through X and ROE CORPORATIONS I through X may be employers of  
16          Defendant, who may be liable for Defendant's negligence pursuant to NRS 41.130,  
17          which states:

18               Except as otherwise provided in NRS 411.745, whenever any person shall  
19               suffer personal injury by wrongful act, neglect or default of another, the  
20               person causing the injury is liable to the person injured for damages; and  
21               where the person causing the injury is employed by another person or  
22               corporation responsible for his conduct, that person or corporation so  
23               responsible is liable to the person or corporation responsible for his conduct,  
24               that person or corporation so responsible is liable to the person injured for  
              damages.

          7.    DOES I through X may be immediate family members of Defendant who may liable  
          for Defendant's negligence pursuant to NRS 41.440, which states:

          Any liability imposed upon a wife, husband, son, daughter, father, mother,

brother, sister or other immediate member of a family arising out of his or her driving and operating a motor vehicle upon a highway with the permission, express or implied, of such owner is hereby imposed upon the owner of the motor vehicle, and such owner shall be jointly and severally liable with his or her wife, husband, son, daughter, father, mother, brother, sister, or other immediate member of the family for any damages proximately resulting from such negligence or willful misconduct, and such negligent or willful misconduct shall be imputed to the owner of the motor vehicle for all purposes of civil damages.

8. At all times herein mentioned, Defendant, its agents, partners, servants, employees, contractors, and each of them were acting within the course and scope of their agency, employment, or contract.

**FACTS COMMON TO INCIDENT**

9. On August 3, 2018 Plaintiff, PATRICIA SANCHEZ, was involved in a motor vehicle collision with a vehicle owned and operated by JUAN MILLAN ARCE.
10. Plaintiff, PATRICIA SANCHEZ, was at the intersection of Desert Inn and Maryland Parkway when Defendant, JUAN MILLAN ARCE, failed to keep a safe distance and rear-ended Plaintiff's vehicle.
11. That Defendant, JUAN MILLAN ARCE, while operating said vehicle in Las Vegas, Nevada, failed to use due care and improperly rear-ended Plaintiff when he operated his vehicle in a negligent, reckless and unlawful manner, and caused a collision to Plaintiff's vehicle, causing injuries to Plaintiff and damages to Plaintiff's vehicle and person.
12. It has been necessary for Plaintiff to retain the services of the law firm DEAVER CRAFTON to represent her in the above-entitled matter, and Plaintiff is entitled to reasonable attorney's fees and costs incurred herein.

**FIRST CAUSE OF ACTION**  
**(Negligence as to all defendants)**

13. Plaintiff incorporates by this reference each and every allegation previously made in this Complaint, in paragraphs 1 to 12, as if here fully set forth.
14. Defendant, JUAN MILLAN ARCE, owed a duty of care to Plaintiff to operate his vehicle in a careful, responsible, and reasonably prudent manner.
15. Defendant, JUAN MILLAN ARCE, breached this duty when he negligently, recklessly, and/or carelessly maintained, controlled, and operated the vehicle by failing to use due care, failing to operate the vehicle in a safe manner under existing conditions, failing to keep a safe distance, and driving too fast for traffic conditions, all and each of which thereby directly and proximately caused the injuries and damages complained of herein as suffered by Plaintiff.
16. As a direct and proximate result of the aforementioned negligence, carelessness, and/or recklessness of Defendant, JUAN MILLAN ARCE, Plaintiff sustained severe bodily trauma, all or some of which may be permanent and disabling in nature all to their general and compensatory damage in an amount greater than \$15,000.
17. In addition, Plaintiff was required to incur expenses for medical care, treatment and expenses incidental thereto, all to her detriment, in an amount unknown at this time, and may be required in the future to incur expenses for medical care and treatment, including surgery, physicians, nurses, physical therapists, hospitalization, x-rays, medicine and general medical care in an amount not yet ascertained, and in this regard Plaintiff prays leave of the Court to insert all said damages herein when the same have been fully ascertained or proven at the time of trial herein.
18. As a direct and proximate result of Defendant's negligence, recklessness, and/or carelessness, Plaintiff has endured pain and suffering, worry, anxiety, emotional

1 distress, loss of enjoyment of life, and will continue to endure said losses for an  
2 indefinite period of time in the future, in an amount greater than \$15,000, and in this  
3 regard, Plaintiff prays leave of the Court to insert all said damages herein when the  
4 same have been fully ascertained or proven at the time of trial herein.

- 5 19. It has been necessary for Plaintiff to retain the services of the law firm DEAVER  
6 CRAFTON to represent her in the above-entitled matter, and Plaintiff is entitled to  
7 reasonable attorney's fees and costs incurred herein.

8 **SECOND CAUSE OF ACTION**  
9 **(Negligence Per Se as to all Defendants)**

- 10 20. Plaintiff incorporates by this reference each and every allegation previously made in  
11 this Complaint, in paragraphs 1 to 19, as if here fully set forth.
- 12 21. Plaintiff is informed, believes, and thereupon alleges, that Defendant operated his  
13 vehicle in a manner that violates State of Nevada, County of Clark and City of Las  
14 Vegas statutes, laws and ordinances, including, but not limited to, failing to keep a  
15 safe distance, failure to use due care in the operation of a vehicle, driving at  
16 excessive speed, and improper driving.
- 17 22. Plaintiff is within the class of persons intended to be protected by the statutes, laws  
18 and ordinances of the State of Nevada, County of Clark and City of Las Vegas.
- 19 23. The injuries suffered by Plaintiff were of the type against which the statutes, laws  
20 and ordinances of the State of Nevada, County of Clark and City of Las Vegas were  
21 intended to protect.
- 22 24. That, as a direct and proximate result of the aforementioned negligence,  
23 carelessness and/or recklessness of Defendant, JUAN MILLAN ARCE, Plaintiff  
24 suffered physical injuries, pain and suffering damages, and loss of enjoyment of  
life, some of which conditions are permanent and disabling.

25. As a direct and proximate result of Defendant, JUAN MILLAN ARCE'S, negligence, recklessness, and/or carelessness, Plaintiff, PATRICIA SANCHEZ, incurred and continues to incur, medical expenses, and special damages which does not include future medical treatment recommended by his treating physicians. Plaintiff has also suffered general damages in additional amounts to be proven at trial.

25. It has been necessary for Plaintiff to retain the services of the law firm DEAVER | CRAFTON to represent her in the above-entitled matter, and Plaintiff is entitled to reasonable attorneys' fees and costs incurred herein.


**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for relief judgment against Defendants, and each of them, as follows:

1. Special damages in the amount of greater than \$15,000 according to proof at trial;
2. General damages to be determined at time of trial;
3. Interest from the time of service of this Complaint as allowed by NRS17.130;
4. Costs of suit and attorneys' fees; and
5. For such other and further relief as the Court may deem appropriate.

DATED this 30 day of May, 2019.

**DEAVER | CRAFTON**

  
NATHAN S. DEAVER, ESQ.  
Nevada Bar No. 11947  
BRICE J. CRAFTON, ESQ.  
NEVADA Bar No. 10558  
810 E. Charleston Blvd.  
Las Vegas, NV 89104  
*Attorneys for Plaintiff*

1 **ORDR**  
NATHAN S. DEAVER, ESQ.  
2 Nevada Bar No. 11947  
BRICE J. CRAFTON, ESQ.  
3 Nevada Bar No. 10558  
**DEAVER | CRAFTON**  
4 810 E. Charleston Blvd.  
Las Vegas, NV 89104  
5 brice@deavercrafton.com  
shannon@deavercrafton.com  
6 Tel. (702)385-5969  
Fax. (702)385-6939  
7 *Attorneys for Plaintiff*

8 **DISTRICT COURT**

9 **COUNTY OF CLARK, NEVADA**

10 PATRICIA SANCHEZ, an individual;

11 Plaintiff,

Case No. A- 19-796822-C

12 vs.

Dept. No. XXVII

13 JUAN MILLAN ARCE, an individual; DOES  
14 I-X, inclusive; and ROE CORPORATIONS I-  
X, inclusive;

15 Defendants.

16 **ORDER GRANTING PLAINTIFF'S MOTION FOR RELIEF FROM**  
17 **JUDGMENT AND TO ENFORCE SETTLEMENT**

18 The Motion for Relief from Judgment and to Enforce Settlement, having come before the  
19 Court on June 11, 2020 at 3:30pm, and the Court, having reviewed the papers submitted by the  
20 parties and heard the arguments of counsel, finds, concludes, and orders the Motion **GRANTED**,  
21 as set forth below, which is based upon Plaintiff's factual summary as outlined in Plaintiff's  
22 moving papers, which the court adopts, and the moving papers, including the citations to legal  
23 authorities, which the court finds persuasive:



1 **THE COURT FINDS** that Defendant was an insured of Key Insurance Company, Inc., at all  
2 relevant times, and provided a defense to Defendant with respect to this matter. Erika Cervantes  
3 was an employee of Key Insurance Company, Inc. and was the claims adjuster assigned to this  
4 matter.

5 **THE COURT FURTHER FINDS** that a settlement was reached in this matter on February 20,  
6 2020 during a telephone conversation between Plaintiff's counsel, Mr. Nathan Deaver and Erika  
7 Cervantes. During that conversation, Ms. Cervantes agreed to pay the sum of \$10,000.00 and  
8 was to send Mr. Deaver a release regarding the same. This settlement was reached specifically  
9 to avoid the need for Plaintiff to file a request for short trial after an arbitration award was  
10 submitted on February 11, 2020.

11 **THE COURT FURTHER FINDS** that pursuant to the settlement discussions had, and  
12 agreements reached, between Mr. Deaver and Ms. Cervantes on February 20, 2020, a valid,  
13 binding, and enforceable contract for settlement was entered, which included: an offer to settle  
14 for \$10,000.00; an acceptance of said offer; and, consideration in the form of an agreement to a  
15 release of all claims, as well as the waiver of Plaintiff's right to request that this matter proceed  
16 to a short trial. Moreover, Plaintiff relied upon the settlement by not seeking a short trial.

17 **THE COURT FURTHER FINDS** that on March 25, 2020, Mr. Erich Storm, an employee of  
18 Key Insurance and assigned counsel for Defendant Arce, filed a Judgment on Arbitration Award  
19 despite having knowledge that this case had previously settled on February 20, 2020.

20 **THE COURT FURTHER FINDS** that the negotiations and settlement agreement of February  
21 20, 2020 between Mr. Deaver and Ms. Cervantes were not violative of any rule (legal, ethical, or  
22 otherwise), including but not limited to Nevada Rule of Professional Conduct 4.2 as the  
23 communication with Ms. Cervantes was not a communication with a person represented by  
24

1 counsel as there is a distinction between in-house counsel and other counsel hired by an insurance  
2 company to represent it insureds. Moreover, the communications were not against public policy  
3 and therefore the contract for settlement entered on said date is not void.

4 **THE COURT THEREFORE CONCLUDES** that a lawful, binding and enforceable contract  
5 was entered into on February 20, 2020, the terms of which include that Plaintiff Patricia Sanchez  
6 accepts the amount of \$10,000.00 in exchange for her full and final release of claims against  
7 Defendant Arce, thereby waiving her right to a short trial, and concludes that this contract is to  
8 be enforced and that Key Insurance must pay the sum of \$10,000.00 to Plaintiff Sanchez, on  
9 behalf of its insured, Defendant Arce, in exchange for the release of all claims per the terms of  
10 the agreement.

11 **THE COURT FURTHER CONCLUDES** that the Judgment filed by Mr. Erich Storm on March  
12 25, 2020 should be vacated considering the settlement of this matter on February 20, 2020.

13 **THEREFORE, IT IS HEREBY ORDERED** that Plaintiff's Motion for Relief from Judgment  
14 and to Enforce Settlement is **GRANTED**, and that the Judgment filed on March 25, 2020 is  
15 vacated.

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24

DEAVER | CRAFTON  
ATTORNEYS AT LAW

1 Defendant Arce is ordered to pay \$10,000.00 to Ms. Sanchez, through his insurer Key  
2 Insurance, in exchange for Plaintiff Sanchez's full and final release of all claims against him.

3  
4 DATED this 15<sup>th</sup> day of September, 2020.

DATED this 15<sup>th</sup> day of September, 2020.

5 **DEAVER | CRAFTON**

**STORM LEGAL GROUP**

*Approved as to Form and Content*

6  
7 /s/ BRICE J. CRAFTON, ESQ.

/s/ ERICH N. STORM, ESQ.

8 BRICE J. CRAFTON, ESQ.

ERICH N. STORM, ESQ.

9 NEVADA Bar No. 10558

Nevada Bar No. 4480

810 E. Charleston Blvd.

3057 E. Warm Springs Road, Suite 400

Las Vegas, NV 89104

Las Vegas, NV 89120

10 *Attorneys for Plaintiff*

*Attorney for Defendant*

11 **ORDER**

12  
13 **IT IS SO ORDERED**, that Plaintiff's Motion for Relief From Judgment and to Enforce  
14 Settlement is **GRANTED**.

15 DATED this \_\_\_\_ day of \_\_\_\_\_, 2020.

Dated this 15th day of September, 2020

16 *Nancy L Alf*

DISTRICT COURT JUDGE

17  
18 Respectfully Submitted by:

8AB 16D 75BF 1DDC

Nancy Alf

District Court Judge

19 **DEAVER | CRAFTON**

20 /s/ BRICE J. CRAFTON, ESQ.

21 BRICE J. CRAFTON, ESQ.

22 NEVADA Bar No. 10558

810 E. Charleston Blvd.

Las Vegas, NV 89104

23 *Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I certify that I am an employee of DEAVER | CRAFTON, and that on the 15<sup>th</sup> day of September, 2020, pursuant to NRCP 5(b), I am serving the attached copy of **ORDER GRANTING PLAINTIFF'S MOTION FOR RELIEF FROM JUDGMENT AND TO ENFORCE SETTLEMENT** on the party(s) set forth below by:

☐ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Las Vegas, Nevada, postage prepaid, following ordinary business practices.

☐ Via Facsimile (Fax)

☒ Electronically served through the Eighth Judicial District Court's Electronic filing system:

Erich N. Storm, Esq.  
STORM LEGAL GROUP  
3057 E. Warm Springs Road  
Suite 400  
Las Vegas, NV 89120  
*Attorney for Defendant*

*/s/ Shannon Shaffer*

\_\_\_\_\_  
An employee of DEAVER | CRAFTON

Compose


Inbox 3

Starred

Snoozed

Sent

Drafts 65

 Cynthia Missed

More

Meet

Start a meeting

Join a meeting

Hangouts

 Shannon +

Begin forwarded message:

From: Erich Storm <[EStorm@keyinsco.com](mailto:EStorm@keyinsco.com)>  
Date: September 15, 2020 at 2:34:39 PM PDT  
To: Brice Crafton <[brice@deavercrafton.com](mailto:brice@deavercrafton.com)>  
Subject: RE: Sanchez

All right, go ahead and put my e-signature on it

Thanks,

Erich N. Storm  
STORM LEGAL GROUP  
3057 East Warm Springs Road  
#400  
Las Vegas NV 89120  
702-765-0976

From: Brice Crafton <[brice@deavercrafton.com](mailto:brice@deavercrafton.com)>  
Sent: Tuesday, September 15, 2020 11:39 AM  
To: Erich Storm <[EStorm@keyinsco.com](mailto:EStorm@keyinsco.com)>  
Subject: Re: Sanchez

Erich, please find the revised order. Review and let me know if you have any further modifications. If not, I

No recent chats  
Start a new one

Best Regards,

1 **CSERV**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 Patricia Sanchez, Plaintiff(s)

CASE NO: A-19-796822-C

7 vs.

DEPT. NO. Department 27

8 Juan Arce, 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: 9/15/2020

|                       |                              |
|-----------------------|------------------------------|
| 15 Brice Crafton      | brice@deavercrafton.com      |
| 16 Lisa McMillan      | lmcmillan@cooperlevenson.com |
| 17 Cynthia Villanueva | cynthia@deavercrafton.com    |
| 18 Shannon Shafffer   | shannon@deavercrafton.com    |
| 19 Valeria Guerra     | valeria@deavercrafton.com    |
| 20 Kristin Orque      | korque@purdyandanderson.com  |
| 21 Erich Storm        | estorm@keyinsco.com          |
| 22 Star Farrow        | Sfarrow@keyinsco.com         |

23  
24  
25  
26  
27  
28



1 NEO  
NATHAN S. DEAVER, ESQ.  
2 Nevada Bar No. 11947  
BRICE J. CRAFTON, ESQ.  
3 Nevada Bar No. 10558  
**DEAVER | CRAFTON**  
4 810 E. Charleston Blvd.  
Las Vegas, NV 89104  
5 Tel. (702)385-5969  
Fax. (702)385-6939  
6 *Attorneys for Plaintiff*

7 **DISTRICT COURT**

8 **COUNTY OF CLARK, NEVADA**

9 PATRICIA SANCHEZ, an individual;

10 Plaintiff,

Case No. A- 19-796822-C

11 vs.

Dept. No. XXVII

12 JUAN MILLAN ARCE, an individual; DOES  
I-X, inclusive; and ROE CORPORATIONS I-  
13 X, inclusive;

14 Defendants.

15 PLEASE TAKE NOTICE that an Order was entered in the above entitled matter on  
16 September 15, 2020. A copy is attached hereto.

17 DATED this 17<sup>th</sup> day of September, 2020.

18 **DEAVER | CRAFTON**

19 */s/ BRICE J. CRAFTON, ESQ.*

20 **BRICE J. CRAFTON, ESQ.**  
21 NEVADA Bar No. 10558  
22 810 E. Charleston Blvd.  
Las Vegas, NV 89104  
23 *Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I certify that I am an employee of DEAVER | CRAFTON, and that on the 17<sup>th</sup> day of September, 2020, pursuant to NRCP 5(b), I am serving the attached copy of **NOTICE OF ENTRY OF ORDER** on the party(s) set forth below by:

\_\_\_\_ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Las Vegas, Nevada, postage prepaid, following ordinary business practices.

\_\_\_\_ Via Facsimile (Fax)

  X   Electronically served through the Eighth Judicial District Court's Electronic filing system:

ERICH N. STORM, ESQ.  
STORM LEGAL GROUP  
3057 East Warm Springs Road, Suite 400  
Las Vegas, NV 89120  
*Attorney for Defendant*

/s/ SHANNON SHAFFER

\_\_\_\_\_  
An employee of DEAVER | CRAFTON



*Shannon L. Linn*  
CLERK OF THE COURT

**ORDR**  
NATHAN S. DEAVER, ESQ.  
Nevada Bar No. 11947  
BRICE J. CRAFTON, ESQ.  
Nevada Bar No. 10558  
**DEAVER | CRAFTON**  
810 E. Charleston Blvd.  
Las Vegas, NV 89104  
brice@deavercrafton.com  
shannon@deavercrafton.com  
Tel. (702)385-5969  
Fax. (702)385-6939  
*Attorneys for Plaintiff*

**DISTRICT COURT**

**COUNTY OF CLARK, NEVADA**

PATRICIA SANCHEZ, an individual;

Plaintiff,

vs.

JUAN MILLAN ARCE, an individual; DOES  
I-X, inclusive; and ROE CORPORATIONS I-  
X, inclusive;

Defendants.

Case No. A- 19-796822-C

Dept. No. XXVII

**ORDER GRANTING PLAINTIFF'S MOTION FOR RELIEF FROM  
JUDGMENT AND TO ENFORCE SETTLEMENT**

The Motion for Relief from Judgment and to Enforce Settlement, having come before the Court on June 11, 2020 at 3:30pm, and the Court, having reviewed the papers submitted by the parties and heard the arguments of counsel, finds, concludes, and orders the Motion **GRANTED**, as set forth below, which is based upon Plaintiff's factual summary as outlined in Plaintiff's moving papers, which the court adopts, and the moving papers, including the citations to legal authorities, which the court finds persuasive:

1 **THE COURT FINDS** that Defendant was an insured of Key Insurance Company, Inc., at all  
2 relevant times, and provided a defense to Defendant with respect to this matter. Erika Cervantes  
3 was an employee of Key Insurance Company, Inc. and was the claims adjuster assigned to this  
4 matter.

5 **THE COURT FURTHER FINDS** that a settlement was reached in this matter on February 20,  
6 2020 during a telephone conversation between Plaintiff's counsel, Mr. Nathan Deaver and Erika  
7 Cervantes. During that conversation, Ms. Cervantes agreed to pay the sum of \$10,000.00 and  
8 was to send Mr. Deaver a release regarding the same. This settlement was reached specifically  
9 to avoid the need for Plaintiff to file a request for short trial after an arbitration award was  
10 submitted on February 11, 2020.

11 **THE COURT FURTHER FINDS** that pursuant to the settlement discussions had, and  
12 agreements reached, between Mr. Deaver and Ms. Cervantes on February 20, 2020, a valid,  
13 binding, and enforceable contract for settlement was entered, which included: an offer to settle  
14 for \$10,000.00; an acceptance of said offer; and, consideration in the form of an agreement to a  
15 release of all claims, as well as the waiver of Plaintiff's right to request that this matter proceed  
16 to a short trial. Moreover, Plaintiff relied upon the settlement by not seeking a short trial.

17 **THE COURT FURTHER FINDS** that on March 25, 2020, Mr. Erich Storm, an employee of  
18 Key Insurance and assigned counsel for Defendant Arce, filed a Judgment on Arbitration Award  
19 despite having knowledge that this case had previously settled on February 20, 2020.

20 **THE COURT FURTHER FINDS** that the negotiations and settlement agreement of February  
21 20, 2020 between Mr. Deaver and Ms. Cervantes were not violative of any rule (legal, ethical, or  
22 otherwise), including but not limited to Nevada Rule of Professional Conduct 4.2 as the  
23 communication with Ms. Cervantes was not a communication with a person represented by  
24

1 counsel as there is a distinction between in-house counsel and other counsel hired by an insurance  
2 company to represent it insureds. Moreover, the communications were not against public policy  
3 and therefore the contract for settlement entered on said date is not void.

4 **THE COURT THEREFORE CONCLUDES** that a lawful, binding and enforceable contract  
5 was entered into on February 20, 2020, the terms of which include that Plaintiff Patricia Sanchez  
6 accepts the amount of \$10,000.00 in exchange for her full and final release of claims against  
7 Defendant Arce, thereby waiving her right to a short trial, and concludes that this contract is to  
8 be enforced and that Key Insurance must pay the sum of \$10,000.00 to Plaintiff Sanchez, on  
9 behalf of its insured, Defendant Arce, in exchange for the release of all claims per the terms of  
10 the agreement.

11 **THE COURT FURTHER CONCLUDES** that the Judgment filed by Mr. Erich Storm on March  
12 25, 2020 should be vacated considering the settlement of this matter on February 20, 2020.

13 **THEREFORE, IT IS HEREBY ORDERED** that Plaintiff's Motion for Relief from Judgment  
14 and to Enforce Settlement is **GRANTED**, and that the Judgment filed on March 25, 2020 is  
15 vacated.

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24

Defendant Arce is ordered to pay \$10,000.00 to Ms. Sanchez, through his insurer Key Insurance, in exchange for Plaintiff Sanchez's full and final release of all claims against him.

DATED this 15<sup>th</sup> day of September, 2020.

DATED this 15<sup>th</sup> day of September, 2020.

DEAVER | CRAFTON

STORM LEGAL GROUP

*Approved as to Form and Content*

/s/ BRICE J. CRAFTON, ESQ.

/s/ ERICH N. STORM, ESQ.

BRICE J. CRAFTON, ESQ.  
NEVADA Bar No. 10558  
810 E. Charleston Blvd.  
Las Vegas, NV 89104  
*Attorneys for Plaintiff*

ERICH N. STORM, ESQ.  
Nevada Bar No. 4480  
3057 E. Warm Springs Road, Suite 400  
Las Vegas, NV 89120  
*Attorney for Defendant*

**ORDER**

**IT IS SO ORDERED**, that Plaintiff's Motion for Relief From Judgment and to Enforce Settlement is **GRANTED**.

DATED this \_\_\_\_ day of \_\_\_\_, 2020.

Dated this 15th day of September, 2020

*Nancy L Alf*

DISTRICT COURT JUDGE

8AB 16D 75BF 1DDC  
Nancy Alf  
District Court Judge

Respectfully Submitted by:

DEAVER | CRAFTON

/s/ BRICE J. CRAFTON, ESQ.

BRICE J. CRAFTON, ESQ.  
NEVADA Bar No. 10558  
810 E. Charleston Blvd.  
Las Vegas, NV 89104  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I certify that I am an employee of DEAYER | CRAFTON, and that on the 15<sup>th</sup> day of September, 2020, pursuant to NRCP 5(b), I am serving the attached copy of **ORDER GRANTING PLAINTIFF'S MOTION FOR RELIEF FROM JUDGMENT AND TO ENFORCE SETTLEMENT** on the party(s) set forth below by:

☐ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Las Vegas, Nevada, postage prepaid, following ordinary business practices.

☐ Via Facsimile (Fax)

☒ Electronically served through the Eighth Judicial District Court's Electronic filing system:

Erich N. Storm, Esq.  
STORM LEGAL GROUP  
3057 E. Warm Springs Road  
Suite 400  
Las Vegas, NV 89120  
*Attorney for Defendant*

*/s/ Shannon Shaffer*

An employee of DEAYER | CRAFTON



Search mail

Compose

Inbox 3

Starred

Snoozed

Sent

Drafts 65

Cynthia Missed

More

Meet

Start a meeting

Join a meeting

Hangouts



Shannon



No recent chats  
Start a new one

Begin forwarded message:

From: Erich Storm <[EStorm@keyinsco.com](mailto:EStorm@keyinsco.com)>  
Date: September 15, 2020 at 2:34:39 PM PDT  
To: Brice Crafton <[brice@deavercrafton.com](mailto:brice@deavercrafton.com)>  
Subject: RE: Sanchez

All right, go ahead and put my e-signature on it

Thanks,

Erich N. Storm  
STORM LEGAL GROUP  
3057 East Warm Springs Road  
#400  
Las Vegas NV 89120  
702-765-0976

From: Brice Crafton <[brice@deavercrafton.com](mailto:brice@deavercrafton.com)>  
Sent: Tuesday, September 15, 2020 11:39 AM  
To: Erich Storm <[EStorm@keyinsco.com](mailto:EStorm@keyinsco.com)>  
Subject: Re: Sanchez

Erich, please find the revised order. Review and let me know if you have any further modifications. If not, I

Best Regards,

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 Patricia Sanchez, Plaintiff(s)

CASE NO: A-19-796822-C

7 vs.

DEPT. NO. Department 27

8 Juan Arce, 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: 9/15/2020

15 Brice Crafton

brice@deavercrafton.com

16 Lisa McMillan

lmcmillan@cooperlevenson.com

17 Cynthia Villanueva

cynthia@deavercrafton.com

18 Shannon Shaffer

shannon@deavercrafton.com

19 Valeria Guerra

valeria@deavercrafton.com

20 Kristin Orque

korque@purdyandanderson.com

21 Erich Storm

estorm@keyinsco.com

22 Star Farrow

Sfarrow@keyinsco.com  
23  
24  
25  
26  
27  
28

# EXHIBIT D



IN THE SUPREME COURT OF THE STATE OF NEVADA

JUAN MILLAN ARCE, AN  
INDIVIDUAL,

Appellant,

vs.

PATRICIA SANCHEZ, AN  
INDIVIDUAL,

Respondent.

No. 81862

**FILED**

**DEC 22 2020**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER REINSTATING BRIEFING*

Pursuant to NRAP 16, the settlement judge has filed a report with this court indicating that the parties were unable to agree to a settlement. Accordingly, we reinstate the deadlines for requesting transcripts and filing briefs. *See* NRAP 16.

Appellant shall have 14 days from the date of this order to file and serve a transcript request form. If no transcript is to be requested, appellant shall file and serve a certificate to that effect within the same time period. *See* NRAP 9(a). Further, appellant shall have 90 days from the date of this order to file and serve the opening brief and appendix. In preparing and assembling the appendix, counsel shall strictly comply with the provisions of NRAP 30. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.

Pickering, C.J.

cc: Persi J. Mishel, Settlement Judge  
Storm Legal Group  
Deaver & Crafton

# **EXHIBIT E**

**NOTA**

**DESERT RIDGE LEGAL GROUP**

Ryan M. Venci, Esq., (NSB 7547)

Email: [rvenci@keyinsco.com](mailto:rvenci@keyinsco.com)

Danielle A. Kolkoski, Esq. (NSB 8506)

Email: [dkolkoski@keyinsco.com](mailto:dkolkoski@keyinsco.com)

Robert L. Thompson, Esq. (NSB 9920)

Email: [rthompson@keyinsco.com](mailto:rthompson@keyinsco.com)

Israel P. Whitbeck, Esq. (NSB 12519)

Email: [iwhitbeck@keyinsco.com](mailto:iwhitbeck@keyinsco.com)

3037 East Warm Springs Road, Suite 300

Las Vegas, Nevada 89120

Telephone: (702) 765-0976

Facsimile: (702) 765-0981

*Attorneys for Appellant*

Electronically Filed  
Mar 22 2021 10:19 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

JUAN MILLAN ARCE, AN INDIVIDUAL,

Supreme Court Case No. 81862

Appellant,

vs.

PATRICIA SANCHEZ, AN INDIVIDUAL,

**NOTICE OF APPEARANCE**

Respondent.

TO ALL INTERESTED PARTIES:

**PLEASE TAKE NOTICE** that Erich N. Storm, Esq. is no longer with Storm Legal Group, now known as DESERT RIDGE LEGAL GROUP, and will therefore no longer be counsel on this case or for the Appellant, JUAN MILLAN ARCE.

**PLEASE TAKE NOTICE** that Ryan M. Venci, Esq., Danielle A. Kolkoski, Esq., Robert L. Thompson, Esq., and Israel P. Whitbeck, Esq. of DESERT RIDGE LEGAL GROUP (formerly

...

...

...

1 known as STORM LEGAL GROUP) have joined representation of Appellant, JUAN MILLAN  
2 ARCE, in this action.

3 Please forward copies of all future correspondence and pleadings regarding this case to the  
4 attention of the undersigned.

5  
6 DATED this 22nd day of March, 2021.

7 **DESERT RIDGE LEGAL GROUP**

8 By: */s/ Ryan M. Venci*

9 */s/ Danielle A. Kolkoski*

10 */s/ Robert L. Thompson*

11 */s/ Israel P. Whitbeck*

---

12 RYAN M. VENCI, ESQ.

13 Nevada Bar No.: 7547

14 DANIELLE A. KOLKOSKI, ESQ.

15 Nevada Bar No.: 8506

16 ROBERT L. THOMPSON, ESQ.

17 Nevada Bar No. 9920

18 ISRAEL P. WHITBECK, ESQ.

19 Nevada Bar No. 12519

20 3037 East Warm Springs Road, Suite 300

21 Las Vegas, Nevada 89120  
22  
23  
24  
25  
26  
27  
28

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

☒ by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail, enclosed in a sealed envelope upon which first class postage was fully prepaid; and /or

☐ via facsimile; and or

☐ by hand delivery to parties listed below; and or

☒ by electronic service via EFlex through the Supreme Court of the State of Nevada.

*/s/ Jeri L. Roth*

---

**DESERT RIDGE LEGAL GROUP**

EXHIBIT “F”

EXHIBIT “F”

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUAN MILLAN ARCE, AN  
INDIVIDUAL,

Appellant,

vs.


PATRICIA SANCHEZ, AN  
INDIVIDUAL,

Respondent.

No. 81862

**FILED**


JUN 09 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER TO FILE DOCUMENTS*

On March 26, 2021, this court entered an order granting appellant's motion for an extension of time to file the transcript request form and opening brief and appendix. Pursuant to that order, the transcript request form was due by April 2, 2021, and the opening brief and appendix were due to be filed by May 13, 2021. To date, appellant has not filed either document. Appellant shall have 7 days from the date of this order to file and serve the transcript request form and opening brief and appendix. Failure to comply timely with this order may result in the imposition of sanctions, including the dismissal of this appeal. *See* NRAP 9(a)(7); NRAP 31(d).

It is so ORDERED.

 , C.J.

cc: Desert Ridge Legal Group  
Deaver & Crafton