

Electronically Filed
Nov 19 2020 10:41 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 **NOAS**
2 DANIEL L. SCHWARTZ, ESQ.
3 Nevada Bar No. 005125
4 JOEL P. REEVES, ESQ.
5 Nevada Bar No. 013231
6 LEWIS BRISBOIS BISGAARD & SMITH LLP
7 2300 W. Sahara Ave. Ste. 900
8 Las Vegas, Nevada 89102
9 Telephone: 702-893-3383
10 Facsimile: 702-366-9689
11 Email: daniel.schwartz@lewisbrisbois.com
12 *Attorneys for Respondents*
13 **REDDY ICE CORPORATION AND**
14 **GALLAGHER BASSETT SERVICES, INC**

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

12 FRED GILL,

13 Petitioner,

14 v.

15 NEVADA DEPARTMENT OF
16 ADMINISTRATION, an Agency of the State of
17 Nevada; REDDY ICE CORPORATION; and
18 GALLAGHER BASSETT SERVICES, INC.,

19 Respondents

CASE NO: A-19-806602-J

DEPT. NO.: XXIV

18 **NOTICE OF APPEAL**

19 TO: FRED GILL, Petitioner

20 TO: JP KEMP, ESQ., Petitioner's Attorney

21
22 NOTICE IS HEREBY GIVEN that Respondents REDDY ICE CORPORATION and
23 GALLAGHER BASSETT SERVICES, INC, (hereinafter referred to as "Respondents"), in the above-
24 entitled action, hereby appeal to the Supreme Court of the State of Nevada from the attached "Order"

25 ...

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28 ...

1 entered in this action on or about November 2, 2020 which denied Respondents' Motion for
2 Reconsideration, to Alter Judgment, and/or to Amend Findings, and the "Notice of Entry of Order"
3 filed on or about November 3, 2020.

4 DATED this 11th day of November 2020.

5 Respectfully submitted,

6 LEWIS BRISBOIS BISGAARD & SMITH LLP
7

8
9 By: /s/ JOEL P. REEVES, ESQ.
10 DANIEL L. SCHWARTZ, ESQ.
11 JOEL P. REEVES, ESQ.
12 LEWIS BRISBOIS BISGAARD & SMITH, LLP
13 2300 West Sahara Avenue, Suite 900, Box 28
14 Las Vegas, Nevada 89102
15 Attorneys for Petitioners
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1 **CERTIFICATE OF MAILING**

2 Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that, on the 11th day of
3 November, 2020 service of the foregoing **NOTICE OF APPEAL** was made this date by depositing a
4 true copy of the same for mailing, first class mail, as follows:

5 JAMES KEMP, ESQ.
6 KEMP & KEMP
7 7435 W. AZURE DRIVE, SUITE 110
8 LAS VEGAS, NV 89130

8 REDDY ICE CORPORATION
9 ATTN: LEE HATCH
10 5720 LYNDON B. JOHNSON FWY., STE. 200
11 DALLAS, TX 75240

10 GALLAGHER BASSETT SERVICES, INC.
11 ATTN: YVETTE D. PHILLIPS
12 P.O. BOX 2934
13 CLINTON, IA 52733

14
15 /s/ Stephanie Jensen
16 An employee of LEWIS BRISBOIS BISGAARD & SMITH LLP
17
18
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20
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DISTRICT COURT
CLARK COUNTY, NEVADA

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, _____

NOTICE OF APPEAL

filed in case number: A-19-806602-J

☐ Document does not contain the Social Security number of any person.

- OR -

☐ Document contains the Social Security number of a person as required by:

☐ A specific state or federal law, to wit:

- or -

☐ For the administration of a public program

- or -

☐ For an application for a federal or state grant

- or -

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: 11/11/20

/s/ JOEL P. REEVES, ESQ.
(Signature)

JOEL P. REEVES, ESQ.
(Print Name)

PETITIONERS
(Attorney for)

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EXHIBIT A

Steven D. Grierson

1 NEOJ
2 JAMES P. KEMP, ESQ.
3 Nevada Bar No. 6375
4 KEMP & KEMP
5 7435 W. Azure Drive, Suite 110
6 Las Vegas, Nevada 89130
7 (702) 258-1183
8 jp@kemp-attorneys.com

9 *Attorney for Petitioner,*
10 *Fred Gill*

11 DISTRICT COURT
12 CLARK COUNTY, NEVADA

13 ***

14 FRED GILL,

15 Petitioner,

16 vs.

17 NEVADA DEPARTMENT OF
18 ADMINISTRATION, an agency of the State
19 of Nevada; REDDY ICE CORPORATION;
20 and GALLAGHER BASSETT SERVICES,
21 INC.,

22 Respondents.

Case No.: A-19-806602-J

Dept. No. IV

23 **NOTICE OF ENTRY OF ORDER**
24 **DENYING RESPONDENT'S MOTION**
25 **FOR RECONSIDERATION, TO ALTER**
26 **JUDGMENT, AND/OR TO AMEND**
27 **FINDINGS**

28 TO: DANIEL L. SCHWARTZ, ESQ. and JOEL REEVES, ESQ., attorneys for Respondents

PLEASE TAKE NOTICE that on the 2nd day of November 2020 an ORDER was entered
in the above-entitled matter, a copy of which is attached hereto.

DATED THIS 3rd day of November 2020.

/s/James P. Kemp
JAMES P. KEMP, ESQ.
Nevada Bar No. 6375
KEMP & KEMP, Attorneys at Law
7435 W. Azure Drive, Suite 110
Las Vegas, Nevada 89130
(702) 258-1183
Attorney for Petitioner, Fred Gill

KEMP & KEMP
ATTORNEYS AT LAW
7435 W. Azure Drive, Suite 110
LAS VEGAS, NEVADA 89130
Tel. (702) 258-1183 • Fax (702) 258-6983

1 CERTIFICATE OF MAILING

2 I hereby certify that service of the NOTICE OF ENTRY OF ORDER DENYING
3 RESPONDENT'S MOTION FOR RECONSIDERATION, TO ALTER JUDGMENT,
4 AND/OR TO AMEND FINDINGS was made on the 3rd day of November 2020 by depositing
5 true and correct copies of same in the U.S. mail in Las Vegas, Nevada, addressed to the following
6 persons:
7

8 Karl Armstrong, Esq.
9 Appeals Officer
10 Department of Administration
11 2200 S. Rancho Dr., Ste. 220
Las Vegas, NV 89102

12 Mr. Fred Gill
13 344 Keating St.
Henderson, NV 89074

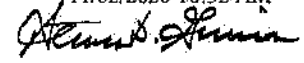
14 Daniel L. Schwartz, Esq.
15 Joel Reeves, Esq.
16 LEWIS BRISBOIS BISGAARD & SMITH LLP
17 2300 W. Sahara Ave., Suite 900 Box 28
Las Vegas, NV 89102-4375
Attorneys for Respondents

18 Gallagher Bassett
19 P.O. Box 2934
Clinton, IA 52733-2934

20
21 Service was also affected on all persons and parties registered through the court's Odyssey e-file
and serve system function when filed with the court on November 2, 2020.

22 /s/ James P. Kemp
23 An Employee of KEMP & KEMP, Attorneys at Law
24
25
26
27
28

KEMP & KEMP
ATTORNEYS AT LAW
7435 W. Azure Drive, Suite 110
LAS VEGAS, NEVADA 89130
Tel. (702) 258-1183 • Fax (702) 258-6983


 CLERK OF THE COURT

1 JAMES P. KEMP, ESQ.
 Nevada Bar No. 6375
 2 KEMP & KEMP
 7435 W. Azure Drive, Suite 110
 3 Las Vegas, Nevada 89130
 (702) 258-1183
 4 jp@kemp-attorneys.com
 Attorney for Petitioner

DISTRICT COURT
 CLARK COUNTY, NEVADA

6 FRED GILL,

Petitioner

8 vs.

9 NEVADA DEPARTMENT OF
 ADMINISTRATION, an agency of the State of
 10 Nevada; REDDY ICE CORPORATION; and
 GALLAGHER BASSETT SERVICES, INC.,
 11 Respondents.

Case No.: A-19-806602-J

Dept. No. 4

Hearing Date: October 16, 2020

Hearing Time: In Chambers

**ORDER DENYING RESPONDENT'S MOTION FOR RECONSIDERATION, TO
 ALTER JUDGMENT, AND/OR TO AMEND FINDINGS**

14 THIS MATTER came on for before the court in chambers on October 16, 2020 on
 15 Respondents REDDY ICE CORPORATION and GALLAGHER BASSETT SERVICES, INC.'s
 16 Motion for Reconsideration, to Alter Judgment, and/or to Amend Findings.
 17

18 The court has carefully considered the Record on Appeal, the papers and pleadings on
 19 file herein, the briefs filed by the parties and considered the arguments of counsel.

20 A district court may reconsider a previously decided issue if substantially different
 21 evidence is subsequently introduced or the decision is clearly erroneous. *Masonry & Tile*
 22 *Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486,
 23 489 (1997). Only in very rare instances in which new issues of fact or law are raised supporting
 24 a ruling contrary to the ruling already reached should a motion for rehearing be granted. *Moore*
 25 *v. City of Las Vegas*, 9 Nev. 402, 405, 551 P.2d 244, 246 (1976).
 26

27 THE COURT FINDS that Respondents have not raised any new issues of fact or law,
 28

J.P. Kemp

From: Reeves, Joel <Joel.Reeves@lewisbrisbois.com>
Sent: Wednesday, October 28, 2020 10:04 AM
To: J.P. Kemp
Cc: Schwartz, Daniel
Subject: RE: Fred Gill A-19-806602-J Order on Reconsideration

Hey JP,

This is fine. You can e-sign for me. Thanks.

 **Joel P. Reeves**
Attorney
Joel.Reeves@lewisbrisbois.com
T: 702.583.6006 F: 702.366.9563

2300 West Sahara Avenue
Suite 900, Box 28, Las Vegas, NV 89102 | LewisBrisbois.com

Representing clients from coast to coast. View our locations nationwide.

This e-mail may contain or attach privileged, confidential or protected information intended only for the use of the intended recipient. If you are not the intended recipient, any review or use of it is strictly prohibited. If you have received this e-mail in error, you are required to notify the sender, then delete this email and any attachment from your computer and any of your electronic devices where the message is stored.

From: J.P. Kemp <jp@kemp-attorneys.com>
Sent: Monday, October 26, 2020 9:14 PM
To: Reeves, Joel <Joel.Reeves@lewisbrisbois.com>
Cc: Schwartz, Daniel <Daniel.Schwartz@lewisbrisbois.com>
Subject: [EXT] Fred Gill A-19-806602-J Order on Reconsideration

External Email

Counsel:

Attached is the proposed order taken from the court's minute order. Please review and if acceptable please sign where indicated an return to me or authorize me to attach your electronic signature. If you have any questions or concerns contact me as soon as possible. If I have not heard back from you before Noon on Thursday I will note that I did not receive a response and submit the order. Friday is a holiday for state court so I want to submit it before close of business on Thursday. Thanks.

If you have any questions or concerns reply to this e-mail or contact me at (702) 258-1183.

Sincerely,

J.P. Kemp, Esq.
KEMP & KEMP, Attorneys at Law

1 CSERV

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Fred Gill, Petitioner(s)

CASE NO: A-19-806602-J

7 vs.

DEPT. NO. Department 4

8 Nevada Department of
9 Administration, Respondent(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/2/2020

15 James Kemp

jp@kemp-attorneys.com

16 Barbara Valdez

bvaldez@kemp-attorneys.com

17 Daniel Schwartz

daniel.schwartz@lewisbrisbois.com

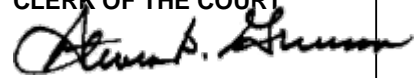
18 Joel Reeves

joel.reeves@lewisbrisbois.com

19 Stephanie Jensen

stephanie.jensen@lewisbrisbois.com

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1 **ASTA**
DANIEL L. SCHWARTZ, ESQ.
2 Nevada Bar No. 005125
JOEL P. REEVES, ESQ.
3 Nevada Bar No. 013231
LEWIS BRISBOIS BISGAARD & SMITH LLP
4 2300 W. Sahara Ave. Ste. 300
Las Vegas, Nevada 89102
5 Telephone: 702-893-3383
Facsimile: 702-366-9689
6 Email: daniel.schwartz@lewisbrisbois.com
Attorneys for Respondents
7 **REDDY ICE CORPORATION AND**
GALLAGHER BASSETT SERVICES, INC.

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

10 FRED GILL,

11 Petitioner,

12 v.

13 NEVADA DEPARTMENT OF
ADMINISTRATION, an Agency of the State of
14 Nevada; REDDY ICE CORPORATION; and
GALLAGHER BASSETT SERVICES, INC.,

15 Respondents.
16

CASE NO: A-19-806602-J

DEPT. NO.: XXIV

17 **CASE APPEAL STATEMENT**

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

19 **Reddy Ice Corporation and Gallagher Bassett Services, Inc.**

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

21 **Hon. Kerry Earley, District Court Judge**

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

24 **Reddy Ice Corporation, Gallagher Bassett Services, Inc., and Fred Gill**

25 4. Identify all parties involved in this appeal (the use of et al. to denote parties is
26 prohibited):
27

28 **Reddy Ice Corporation, Gallagher Bassett Services, Inc., and Fred Gill**

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

3 **DANIEL L. SCHWARTZ, ESQ.**
4 **JOEL P. REEVES, ESQ.**
5 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
6 **2300 W. Sahara Avenue, Suite 300, Box 28**
7 **Las Vegas, Nevada 89102-4375**
8 *Attorneys for Respondents*
9 *Reddy Ice Corporation and Gallagher Bassett Services, Inc*

10 **JAMES KEMP, ESQ.**
11 **KEMP & KEMP**
12 **7435 W. AZURE DRIVE, SUITE 110**
13 **LAS VEGAS, NV 89130**
14 *Attorney for Petitioner*
15 *Fred Gill*

16 6. Indicate whether Petitioner was represented by appointed or retained counsel in the
17 district court:

18 **Petitioner was represented by retained counsel in the District Court.**

19 7. Indicate whether Respondents were represented by appointed or retained counsel in
20 the district court:

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

22 8. Indicate whether Petitioner is represented by appointed or retained counsel on
23 appeal:

24 **Petitioner is represented by retained counsel on appeal.**

25 9. Indicate whether Respondents are represented by appointed or retained counsel on
26 appeal:

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

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

Petitioner was not granted leave to proceed in forma pauperis.

1 11. Indicate whether Respondents were granted leave to proceed in forma pauperis, and
2 the date of entry of the district court order granting such leave:

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

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

6 **The Petition for Judicial Review of the Appeals Officer's Decision of November 22,**
7 **2019, was filed on December 9, 2019.**

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

10 **This is a workers' compensation case. Claimant, FRED GILL (hereinafter referred to**
11 **as "claimant") completed the top half of a C-4 form, alleging a date of injury of April 29,**
12 **2018 for nerve damage of the left hand/wrist. Claimant alleged that he reported the same to**
13 **Employer on April 30, 2018 but Dr. Sorrelle did not provide a causation opinion until on**
14 **July 27, 2018 when he assessed claimant with left DeQuervains and left carpal tunnel with**
15 **diffuse hand swelling and possible infection which he opined were work related.**

16 **On August 22, 2018, Employer completed a C-3 form and doubted the validity of the**
17 **claim. Employer also noted that claimant did not report this claim until August 22, 2018.**

18 **On August 31, 2018, a claim denial determination was issued. Following Hearing No.**
19 **1904239-JK, the Hearing Officer issued a Decision and Order dated November 1, 2018,**
20 **which affirmed the August 31, 2018 determination to deny the claim. The claimant appealed.**

21 **On October 9, 2019, this matter came on for hearing before the Appeals Officer. No**
22 **testimony was had and claimant and his counsel agreed to submit this matter on the record**
23 **without argument.**

24 **Also on October 9, 2019, claimant's counsel submitted a written statement from**
25 **claimant that is signed and dated October 9, 2019 but is not notarized.**

1 On November 22, 2019, the Appeals Officer signed the subject order affirming claim
2 denial. First, the C-4 form was not executed until one hundred and twenty-four (124) days
3 after the alleged date of injury. Second, there was a delay of more than seven (7) days in
4 reporting the condition given that the industrial diagnosis was given on July 27, 2018 and
5 was not reported until August 22, 2018. Further, no mechanism of injury was ever alleged.

6 On December 9, 2019, claimant's new private counsel filed the subject Petition for
7 Judicial Review.

8 On August 8, 2020, the District Court issued an Order Granting in Part Petition for
9 Judicial Review and Remanding for Further Proceedings. On September 7, 2020, the Notice
10 of Entry of Order was filed.

11 On September 14, 2020, Respondents filed a Motion for Reconsideration, to Alter
12 Judgment and/or Amend Findings.

13 On November 2, 2020, the District Court denied Respondents' Motion for
14 Reconsideration, to Alter Judgment and/or Amend Findings. This appeal follows.

15 14. Indicate whether the case has previously been the subject of an appeal to or original
16 writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of
17 the prior proceeding:
18

19 No.

20 15. Indicate whether this appeal involves child custody or visitation:
21

22 No.

23 ...

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

3 Yes.

4 DATED this 11th day of November, 2020

5 Respectfully submitted,

6 LEWIS BRISBOIS BISGAARD & SMITH LLP

7
8
9 By: /s/ JOEL P. REEVES, ESQ.
10 DANIEL L. SCHWARTZ, ESQ.
11 JOEL P. REEVES, ESQ.
12 LEWIS BRISBOIS BISGAARD & SMITH, LLP
13 2300 West Sahara Avenue, Suite 900, Box 28
14 Las Vegas, Nevada 89102
15 Attorneys for Petitioners
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DISTRICT COURT
CLARK COUNTY, NEVADA

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, _____

CASE APPEAL STATEMENT

filed in case number: A-17-763871-J :

☐ Document does not contain the Social Security number of any person.

- OR -

☐ Document contains the Social Security number of a person as required by:

☐ A specific state or federal law, to wit:

- or -

☐ For the administration of a public program

- or -

☐ For an application for a federal or state grant

- or -

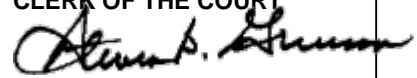
☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: 11/11/20

/s/ JOEL P. REEVES, ESQ.
(Signature)

DANIEL L. SCHWARTZ, ESQ.
(Print Name)

PETITIONERS
(Attorney for)



NOCB
DANIEL L. SCHWARTZ, ESQ.
Nevada Bar No. 005125
JOEL P. REEVES, ESQ.
Nevada Bar No. 013231
LEWIS BRISBOIS BISGAARD & SMITH LLP
2300 W. Sahara Ave. Ste. 300
Las Vegas, Nevada 89102
Telephone: 702-893-3383
Facsimile: 702-366-9689
Email: daniel.schwartz@lewisbrisbois.com
Attorneys for Respondents
REDDY ICE CORPORATION AND
GALLAGHER BASSETT SERVICES, INC.

DISTRICT COURT
CLARK COUNTY, NEVADA

FRED GILL,

Petitioner,

v.

NEVADA DEPARTMENT OF
ADMINISTRATION, an Agency of the State of
Nevada; REDDY ICE CORPORATION; and
GALLAGHER BASSETT SERVICES, INC.,

Respondents.

CASE NO: A-19-806602-J

DEPT. NO.: XXIV

NOTICE OF FILING BOND

NOTICE IS HEREBY GIVEN that Petitioners, REDDY ICE CORPORATION and
GALLAGHER BASSETT SERVICES, INC, by and through their attorneys, DANIEL L.
SCHWARTZ, ESQ. of LEWIS BRISBOIS BISGAARD & SMITH LLP, deposited with the Clerk

...

...

...

1 of this Court, incompliance with the NRAP Rule 7, a check in the amount of \$500.00 for security,
2 which was mailed to the Eight Judicial District Court.

3 DATED this 11th day of November 2020.

4 Respectfully submitted,

5 LEWIS BRISBOIS BISGAARD & SMITH LLP

6
7
8 By: /s/ JOEL P. REEVES, ESQ.
9 DANIEL L. SCHWARTZ, ESQ.
10 JOEL P. REEVES, ESQ.
11 LEWIS BRISBOIS BISGAARD & SMITH, LLP
12 2300 West Sahara Avenue, Suite 300, Box 28
13 Las Vegas, Nevada 89102
14 Attorneys for Respondents
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CERTIFICATE OF MAILING

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that, on the 11th day of November 2020, service of the foregoing **NOTICE OF FILING BOND** was made this date by depositing a true copy of the same for mailing, first class mail, as follows:

JAMES KEMP, ESQ.
KEMP & KEMP
7435 W. AZURE DRIVE, SUITE 110
LAS VEGAS, NV 89130

REDDY ICE CORPORATION
ATTN: LEE HATCH
5720 LYNDON B. JOHNSON FWY., STE. 200
DALLAS, TX 75240

GALLAGHER BASSETT SERVICES, INC.
ATTN: YVETTE D. PHILLIPS
P.O. BOX 2934
CLINTON, IA 52733

/s/ Stephanie Jensen
An employee of LEWIS BRISBOIS BISGAARD & SMITH LLP

CASE SUMMARY**CASE NO. A-19-806602-J****Fred Gill, Petitioner(s)****vs.****Nevada Department of Administration, Respondent(s)**§
§
§
§
§Location: **Department 4**Judicial Officer: **Earley, Kerry**Filed on: **12/09/2019**

Case Number History:

Cross-Reference Case Number: **A806602****CASE INFORMATION****Statistical Closures**

08/28/2020 Other Manner of Disposition

Case Type: **Worker's Compensation Appeal**Case Status: **08/28/2020 Closed****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number	A-19-806602-J
Court	Department 4
Date Assigned	12/13/2019
Judicial Officer	Earley, Kerry

PARTY INFORMATION**Petitioner****Gill, Fred***Lead Attorneys***Kemp, James P.***Retained*

7022581183(W)

Respondent**Gallagher Bassett Services, Inc.****Schwartz, Daniel L***Retained*

702-893-3383(W)

Nevada Department of Administration**Reddy Ice Corporation****Schwartz, Daniel L***Retained*

702-893-3383(W)

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

12/09/2019



Petition for Judicial Review

Filed by: Petitioner Gill, Fred

Petition for Judicial Review

12/12/2019



Initial Appearance Fee Disclosure

Filed By: Respondent Reddy Ice Corporation; Respondent Gallagher Bassett Services, Inc.

Initial Appearance Fee Disclosure (Pursuant to NRS Chapter 19)

12/12/2019



Notice of Intent to Participate

Filed By: Respondent Reddy Ice Corporation; Respondent Gallagher Bassett Services, Inc.

Notice of Intent to Participate

12/12/2019







Peremptory Challenge

Filed by: Respondent Reddy Ice Corporation; Respondent Gallagher Bassett Services, Inc.

Peremptory Challenge of Judge

CASE SUMMARY
CASE NO. A-19-806602-J

12/13/2019	 Notice of Department Reassignment <i>Peremptory Challenge</i>
12/13/2019	 Notice of Department Reassignment <i>Amended Notice of Department Reassignment</i>
03/02/2020	 Transmittal of Record on Appeal Party: Respondent Nevada Department of Administration <i>Transmittal of Record on Appeal</i>
03/02/2020	 Affidavit Filed By: Respondent Nevada Department of Administration <i>Affidavit & Certification</i>
03/02/2020	 Certification of Transmittal Party: Respondent Nevada Department of Administration <i>Certification of Transmittal</i>
04/10/2020	 Petitioners Opening Brief Filed by: Petitioner Gill, Fred <i>Petitioner's Opening Brief</i>
05/11/2020	 Respondent's Answering Brief Filed by: Respondent Reddy Ice Corporation; Respondent Gallagher Bassett Services, Inc. <i>Respondent's Answering Brief</i>
06/15/2020	 Petitioner's Reply Brief Filed by: Petitioner Gill, Fred <i>Petitioner's Reply Brief</i>
06/15/2020	 Notice of Hearing Filed By: Petitioner Gill, Fred <i>Notice Setting Oral Argument</i>
06/16/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
06/26/2020	 Notice of Rescheduling of Hearing <i>Petition of Judicial Review</i>
07/06/2020	 Notice of Rescheduling of Hearing <i>Judicial Review</i>
08/28/2020	 Order <i>ORDER GRANTING IN PART PETITION FOR JUDICIAL REVIEW AND REMANDING FOR FURTHER PROCEEDINGS</i>
09/07/2020	 Notice of Entry of Order Filed By: Petitioner Gill, Fred <i>Notice of Entry of Order Granting in Part Petition for Judicial Review and Remanding for Further Proceedings</i>


CASE SUMMARY
CASE NO. A-19-806602-J

09/14/2020	 Motion Filed By: Respondent Reddy Ice Corporation; Respondent Gallagher Bassett Services, Inc. <i>Respondents' Motion for Reconsideration, to Alter Judgment and/or Amend Findings</i>
09/14/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/21/2020	 Opposition to Motion Filed By: Petitioner Gill, Fred <i>Petitioner's Opposition to Respondents' Motion to Reconsider, to Alter Judgment and/or to Amend Findings</i>
11/02/2020	 Order Denying Motion Filed By: Petitioner Gill, Fred <i>Order Denying Respondent's Motion for Reconsideration, to Alter Judgment, And/ Or to Ammed Findings</i>
11/03/2020	 Notice of Entry of Order Filed By: Petitioner Gill, Fred <i>Notice of Entry of Order Denying Respondent's Motion for Reconsideration, to Alter Judgment, and/or to Amend Findings</i>
11/11/2020	 Notice of Appeal Filed By: Respondent Reddy Ice Corporation; Respondent Gallagher Bassett Services, Inc. <i>Notice of Appeal</i>
11/11/2020	 Case Appeal Statement Filed By: Respondent Reddy Ice Corporation; Respondent Gallagher Bassett Services, Inc. <i>Case Appeal Statement</i>
11/11/2020	 Notice of Filing Cost Bond <i>Notice of Filing Cost Bond</i>

DISPOSITIONS

08/28/2020	Order Granting Judicial Review (Judicial Officer: Earley, Kerry) Debtors: Nevada Department of Administration (Respondent), Reddy Ice Corporation (Respondent) Creditors: Fred Gill (Petitioner) Judgment: 08/28/2020, Docketed: 08/31/2020 Comment: In Part
08/28/2020	Appeal Reversed (Judicial Officer: Earley, Kerry) Debtors: Nevada Department of Administration (Respondent), Reddy Ice Corporation (Respondent), Gallagher Bassett Services, Inc. (Respondent) Creditors: Fred Gill (Petitioner) Judgment: 08/28/2020, Docketed: 08/31/2020


HEARINGS

07/23/2020	 Petition for Judicial Review (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiff's Petition for Judicial Review</i> Remanded; Journal Entry Details: <i>Court noted the petition was reviewed by the Court, however; clarification needed. Colloquy regarding petition. Statements by counsel. Court stated its findings and ORDERED, case REMANDED to Appeals Officer for further evidence of whether exceptions in NRS 617.346 apply. Counsel for petitioner to prepare the order.;</i>
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EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-19-806602-J

10/16/2020	 Minute Order (3:00 AM) (Judicial Officer: Earley, Kerry) Minute Order - No Hearing Held; Journal Entry Details: <i>THIS MATTER came before the Court on Respondent s Motion for Reconsideration, to Alter Judgment, and/or to Amend Findings, filed on September 14, 2020; and Petitioner s Opposition thereto, filed on September 21, 2020. 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 S. Nevada v. Jolley, Urga & Wirth, Ltd., 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). Only in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted. Moore v. City of Las Vegas, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976). THE COURT FINDS that Respondent has not raised any new issues of fact or law, has not introduced substantially different evidence, and this Court s prior decision is not clearly erroneous. Therefore, there is no legal basis to grant Respondent s Motion for Reconsideration and the motion is DENIED. The hearing set for November 10, 2020, is hereby VACATED. Counsel for Respondent shall prepare the Order in accordance with EDCR 7.21 and Administrative Order 20-17. CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (10-20-20 np);</i>
11/10/2020	CANCELED Motion For Reconsideration (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated Respondents' Motion for Reconsideration, to Alter Judgment and/or Amend Findings</i>

DATE

FINANCIAL INFORMATION

Respondent Gallagher Bassett Services, Inc.	
Total Charges	727.00
Total Payments and Credits	727.00
Balance Due as of 11/12/2020	0.00

DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada

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

CASE NO: A-19-806602-J
Department 24

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

Plaintiff(s) (name/address/phone): <p style="text-align: center;">Fred Gill</p> <p style="text-align: center;">% Kemp & Kemp, Attorneys at Law</p> <p style="text-align: center;">7435 W. Azure Drive, Suite 110</p> <p style="text-align: center;">Las Vegas, NV 89130</p>	Defendant(s) (name/address/phone): <p style="text-align: center;">Nevada Department of Administration</p> <p style="text-align: center;">Reddy Ice Corporation</p> <p style="text-align: center;">Gallagher Bassett Services, Inc.</p>
Attorney (name/address/phone): <p style="text-align: center;">James P. Kemp, Esq.</p> <p style="text-align: center;">7435 W. Azure Drive, Suite 110</p> <p style="text-align: center;">Las Vegas, NV 89130</p> <p style="text-align: center;">702-258-1183</p>	Attorney (name/address/phone):

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

Civil Case Filing Types

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

12/09/19

Date

/s/ James P. Kemp, Esq.

Signature of initiating party or representative

See other side for family-related case filings.

JAMES P. KEMP, ESQ.
Nevada Bar No. 6375
KEMP & KEMP
7435 W. Azure Drive, Suite 110
Las Vegas, Nevada 89130
(702) 258-1183
jp@kemp-attorneys.com
Attorney for Petitioner

**DISTRICT COURT
CLARK COUNTY, NEVADA**

FRED GILL,

Petitioner

vs.

NEVADA DEPARTMENT OF
ADMINISTRATION, an agency of the State of
Nevada; REDDY ICE CORPORATION; and
GALLAGHER BASSETT SERVICES, INC.,
Respondents.

Case No.: A-19-806602-J

Dept. No. 4

Hearing Date: October 16, 2020

Hearing Time: In Chambers

**ORDER DENYING RESPONDENT'S MOTION FOR RECONSIDERATION, TO
ALTER JUDGMENT, AND/OR TO AMEND FINDINGS**

THIS MATTER came on for before the court in chambers on October 16, 2020 on Respondents REDDY ICE CORPORATION and GALLAGHER BASSETT SERVICES, INC.'s Motion for Reconsideration, to Alter Judgment, and/or to Amend Findings.

The court has carefully considered the Record on Appeal, the papers and pleadings on file herein, the briefs filed by the parties and considered the arguments of counsel.

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 S. Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). Only in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted. *Moore v. City of Las Vegas*, 9 Nev. 402, 405, 551 P.2d 244, 246 (1976).

THE COURT FINDS that Respondents have not raised any new issues of fact or law,

1 have not introduced substantially different evidence, and this court's prior decision is not clearly
2 erroneous.

3 Therefore, with good cause appearing,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that there is no legal basis
5 to grant Respondents' Motion for Reconsideration and the motion should be and hereby is
6 DENIED.
7

8 The hearing set for November 10, 2020, is hereby VACATED.

9 IT IS SO ORDERED

10 DATED _____

Dated this 2nd day of November, 2020



DISTRICT COURT JUDGE
FE8 200 8411 A100
Kerry Earley
District Court Judge

13 Respectfully Submitted by:

14 _____
15 /s/ James P. Kemp
16 JAMES P. KEMP, ESQ.
17 Attorney for Petitioner

18 Approved as to Form and Content:

19 _____
20 /s/ Joel P. Reeves, Esq. (See email attached)
21 JOEL P. REEVES, ESQ.
22 Attorney for Petitioner
23
24
25
26
27
28

J.P. Kemp

From: Reeves, Joel <Joel.Reeves@lewisbrisbois.com>
Sent: Wednesday, October 28, 2020 10:04 AM
To: J.P. Kemp
Cc: Schwartz, Daniel
Subject: RE: Fred Gill A-19-806602-J Order on Reconsideration

Hey JP,

This is fine. You can e-sign for me. Thanks.



Joel P. Reeves
Attorney
Joel.Reeves@lewisbrisbois.com
T: 702.583.6006 F: 702.366.9563

2300 West Sahara Avenue
Suite 900, Box 28, Las Vegas, NV 89102 | LewisBrisbois.com

Representing clients from coast to coast. View our locations nationwide.

This e-mail may contain or attach privileged, confidential or protected information intended only for the use of the intended recipient. If you are not the intended recipient, any review or use of it is strictly prohibited. If you have received this e-mail in error, you are required to notify the sender, then delete this email and any attachment from your computer and any of your electronic devices where the message is stored.

From: J.P. Kemp <jp@kemp-attorneys.com>
Sent: Monday, October 26, 2020 9:14 PM
To: Reeves, Joel <Joel.Reeves@lewisbrisbois.com>
Cc: Schwartz, Daniel <Daniel.Schwartz@lewisbrisbois.com>
Subject: [EXT] Fred Gill A-19-806602-J Order on Reconsideration

External Email

Counsel:

Attached is the proposed order taken from the court's minute order. Please review and if acceptable please sign where indicated an return to me or authorize me to attach your electronic signature. If you have any questions or concerns contact me as soon as possible. If I have not heard back from you before Noon on Thursday I will note that I did not receive a response and submit the order. Friday is a holiday for state court so I want to submit it before close of business on Thursday. Thanks.

If you have any questions or concerns reply to this e-mail or contact me at (702) 258-1183.

Sincerely,

J.P. Kemp, Esq.
KEMP & KEMP, Attorneys at Law

7435 W. Azure Drive, Suite 110
Las Vegas, Nevada 89130
(702) 258-1183
(702) 258-6983 fax

The information contained in this e-mail and any accompanying documents is subject to the attorney-client privilege and/or the attorney work product rule and is confidential business information intended only for the use of the individual or entity named above. The information may also be protected by the Electronic Communications Privacy Act, 18 U.S.C. §§2510-2521. If the reader of this message is not the intended recipient or representative of the recipient, you are hereby notified that any dissemination of this communication is strictly prohibited.

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Fred Gill, Petitioner(s)

CASE NO: A-19-806602-J

7 vs.

DEPT. NO. Department 4

8 Nevada Department of
9 Administration, Respondent(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/2/2020

15 James Kemp

jp@kemp-attorneys.com

16 Barbara Valdez

bvaldez@kemp-attorneys.com

17 Daniel Schwartz

daniel.schwartz@lewisbrisbois.com

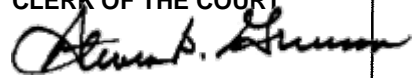
18 Joel Reeves

joel.reeves@lewisbrisbois.com

19 Stephanie Jensen

stephanie.jensen@lewisbrisbois.com

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1 **NEOJ**
2 JAMES P. KEMP, ESQ.
3 Nevada Bar No. 6375
4 KEMP & KEMP
5 7435 W. Azure Drive, Suite 110
6 Las Vegas, Nevada 89130
7 (702) 258-1183
8 jp@kemp-attorneys.com

9 *Attorney for Petitioner,*
10 *Fred Gill*

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

13 * * *

14 FRED GILL,

15 Petitioner,

16 vs.

Case No.: A-19-806602-J

Dept. No. IV

17 NEVADA DEPARTMENT OF
18 ADMINISTRATION, an agency of the State
19 of Nevada; REDDY ICE CORPORATION;
20 and GALLAGHER BASSETT SERVICES,
21 INC.,

22 Respondents.

23 **NOTICE OF ENTRY OF ORDER**
24 **DENYING RESPONDENT'S MOTION**
25 **FOR RECONSIDERATION, TO ALTER**
26 **JUDGMENT, AND/OR TO AMEND**
27 **FINDINGS**

28 TO: DANIEL L. SCHWARTZ, ESQ. and JOEL REEVES, ESQ., attorneys for Respondents

PLEASE TAKE NOTICE that on the 2nd day of November 2020 an ORDER was entered
in the above-entitled matter, a copy of which is attached hereto.

DATED THIS 3rd day of November 2020.

/s/James P. Kemp
JAMES P. KEMP, ESQ.
Nevada Bar No. 6375
KEMP & KEMP, Attorneys at Law
7435 W. Azure Drive, Suite 110
Las Vegas, Nevada 89130
(702) 258-1183
Attorney for Petitioner, Fred Gill

KEMP & KEMP
ATTORNEYS AT LAW
7435 W. Azure Drive, Suite 110
LAS VEGAS, NEVADA 89130
Tel. (702) 258-1183 • Fax (702) 258-6983

KEMP & KEMP
ATTORNEYS AT LAW
7435 W. Azure Drive, Suite 110
LAS VEGAS, NEVADA 89130
Tel. (702) 258-1183 • Fax (702) 258-6983

CERTIFICATE OF MAILING

I hereby certify that service of the NOTICE OF ENTRY OF ORDER DENYING
RESPONDENT'S MOTION FOR RECONSIDERATION, TO ALTER JUDGMENT,
AND/OR TO AMEND FINDINGS was made on the 3rd day of November 2020 by depositing
true and correct copies of same in the U.S. mail in Las Vegas, Nevada, addressed to the following
persons:

Karl Armstrong, Esq.
Appeals Officer
Department of Administration
2200 S. Rancho Dr., Ste. 220
Las Vegas, NV 89102

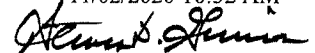
Mr. Fred Gill
344 Keating St.
Henderson, NV 89074

Daniel L. Schwartz, Esq.
Joel Reeves, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
2300 W. Sahara Ave., Suite 900 Box 28
Las Vegas, NV 89102-4375
Attorneys for Respondents

Gallagher Bassett
P.O. Box 2934
Clinton, IA 52733-2934

Service was also affected on all persons and parties registered through the court's Odyssey e-file
and serve system function when filed with the court on November 2, 2020.

/s/ James P. Kemp
An Employee of KEMP & KEMP, Attorneys at Law


 CLERK OF THE COURT

JAMES P. KEMP, ESQ.
 Nevada Bar No. 6375
 KEMP & KEMP
 7435 W. Azure Drive, Suite 110
 Las Vegas, Nevada 89130
 (702) 258-1183
 jp@kemp-attorneys.com
 Attorney for Petitioner

**DISTRICT COURT
 CLARK COUNTY, NEVADA**

FRED GILL,

Petitioner

vs.

NEVADA DEPARTMENT OF
 ADMINISTRATION, an agency of the State of
 Nevada; REDDY ICE CORPORATION; and
 GALLAGHER BASSETT SERVICES, INC.,
 Respondents.

Case No.: A-19-806602-J

Dept. No. 4

Hearing Date: October 16, 2020

Hearing Time: In Chambers

**ORDER DENYING RESPONDENT'S MOTION FOR RECONSIDERATION, TO
 ALTER JUDGMENT, AND/OR TO AMEND FINDINGS**

THIS MATTER came on for before the court in chambers on October 16, 2020 on Respondents REDDY ICE CORPORATION and GALLAGHER BASSETT SERVICES, INC.'s Motion for Reconsideration, to Alter Judgment, and/or to Amend Findings.

The court has carefully considered the Record on Appeal, the papers and pleadings on file herein, the briefs filed by the parties and considered the arguments of counsel.

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 S. Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). Only in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted. *Moore v. City of Las Vegas*, 9 Nev. 402, 405, 551 P.2d 244, 246 (1976).

THE COURT FINDS that Respondents have not raised any new issues of fact or law,

J.P. Kemp

From: Reeves, Joel <Joel.Reeves@lewisbrisbois.com>
Sent: Wednesday, October 28, 2020 10:04 AM
To: J.P. Kemp
Cc: Schwartz, Daniel
Subject: RE: Fred Gill A-19-806602-J Order on Reconsideration

Hey JP,

This is fine. You can e-sign for me. Thanks.



Joel P. Reeves
Attorney
Joel.Reeves@lewisbrisbois.com
T: 702.583.6006 F: 702.366.9563

2300 West Sahara Avenue
Suite 900, Box 28, Las Vegas, NV 89102 | LewisBrisbois.com

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From: J.P. Kemp <jp@kemp-attorneys.com>
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Subject: [EXT] Fred Gill A-19-806602-J Order on Reconsideration

External Email

Counsel:

Attached is the proposed order taken from the court's minute order. Please review and if acceptable please sign where indicated an return to me or authorize me to attach your electronic signature. If you have any questions or concerns contact me as soon as possible. If I have not heard back from you before Noon on Thursday I will note that I did not receive a response and submit the order. Friday is a holiday for state court so I want to submit it before close of business on Thursday. Thanks.

If you have any questions or concerns reply to this e-mail or contact me at (702) 258-1183.

Sincerely,

J.P. Kemp, Esq.
KEMP & KEMP, Attorneys at Law

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Fred Gill, Petitioner(s)

CASE NO: A-19-806602-J

7 vs.

DEPT. NO. Department 4

8 Nevada Department of
9 Administration, Respondent(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/2/2020

15 James Kemp

jp@kemp-attorneys.com

16 Barbara Valdez

bvaldez@kemp-attorneys.com

17 Daniel Schwartz

daniel.schwartz@lewisbrisbois.com

18 Joel Reeves

joel.reeves@lewisbrisbois.com

19 Stephanie Jensen

stephanie.jensen@lewisbrisbois.com

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Worker's Compensation
Appeal**

COURT MINUTES

July 23, 2020

A-19-806602-J Fred Gill, Petitioner(s)
vs.
Nevada Department of Administration, Respondent(s)

July 23, 2020 9:00 AM Petition for Judicial Review

HEARD BY: Earley, Kerry **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Nylasia Packer

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: Kemp, James P. Attorney
Reeves, Joel Attorney

JOURNAL ENTRIES

- Court noted the petition was reviewed by the Court, however; clarification needed. Colloquy regarding petition. Statements by counsel. Court stated its findings and ORDERED, case REMANDED to Appeals Officer for further evidence of whether exceptions in NRS 617.346 apply. Counsel for petitioner to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Worker's Compensation
Appeal**

COURT MINUTES

October 16, 2020

A-19-806602-J Fred Gill, Petitioner(s)
vs.
Nevada Department of Administration, Respondent(s)

October 16, 2020 3:00 AM Minute Order

HEARD BY: Earley, Kerry **COURTROOM:** Chambers

COURT CLERK: Nylasia Packer

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- THIS MATTER came before the Court on Respondent s Motion for Reconsideration, to Alter Judgment, and/or to Amend Findings, filed on September 14, 2020; and Petitioner s Opposition thereto, filed on September 21, 2020.

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 S. Nevada v. Jolley, Urga & Wirth, Ltd., 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). Only in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted. Moore v. City of Las Vegas, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976).

THE COURT FINDS that Respondent has not raised any new issues of fact or law, has not introduced substantially different evidence, and this Court s prior decision is not clearly erroneous. Therefore, there is no legal basis to grant Respondent s Motion for Reconsideration and the motion is DENIED.

The hearing set for November 10, 2020, is hereby VACATED.

Counsel for Respondent shall prepare the Order in accordance with EDCR 7.21 and Administrative Order 20-17.

CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (10-20-20 np)



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

DANIEL L. SCHWARTZ, ESQ.
2300 W. SAHARA AVE., STE 900
LAS VEGAS, NV 89102

DATE: November 12, 2020
CASE: A-19-806602-J

RE CASE: FRED GILL vs. NEVADA DEPARTMENT OF ADMINISTRATION; REDDY ICE CORPORATION;
GALLAGHER BASSETT SERVICES, INC.

NOTICE OF APPEAL FILED: November 11, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; NOTICE OF FILING BOND; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING RESPONDENT'S MOTION FOR RECONSIDERATION, TO ALTER JUDGMENT, AND/OR TO AMEND FINDINGS; NOTICE OF ENTRY OF ORDER DENYING RESPONDENT'S MOTION FOR RECONSIDERATION, TO ALTER JUDGMENT, AND/OR TO AMEND FINDINGS; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

FRED GILL,

Plaintiff(s),

vs.

NEVADA DEPARTMENT OF
ADMINISTRATION; REDDY ICE
CORPORATION; GALLAGHER BASSETT
SERVICES, INC.,

Defendant(s),

Case No: A-19-806602-J

Dept No: IV

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 12 day of November 2020.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk