

Electronically Filed  
Sep 27 2019 11:27 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

1 **NOTC**  
2 **CARRIE E. HURTIK, ESQ.**  
3 Nevada Bar No. 7028  
4 **JONATHON R. PATTERSON, ESQ.**  
5 Nevada Bar No. 9644  
6 **HURTIK LAW & ASSOCIATES**  
7 6767 West Tropicana Ave. Suite #200  
8 Las Vegas, NV 89103  
9 (702) 966-5200 Telephone  
10 (702) 966-5206 Facsimile  
11 churtik@hurtiklaw.com  
12 jpatterson@hurtiklaw.com  
13 Attorneys for Defendants  
14 **HILLSBORO ENTERPRISES INC,**  
15 **MOBILE BILLBOARDS, LLC;**  
16 **EBVB HOLDINGS, LLC,**  
17 **VINCE BARTELLO, and**  
18 **ERICA BARTELLO**

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

13 SEAN FITZGERALD,

14  
15 Plaintiff,

16 vs.

Case No.: A-15-716570-C

Dept. No.: IX

**NOTICE OF APPEAL**

17 HILLSBORO ENTERPRISES INC., A Nevada  
18 Corporation; and, MOBILE BILLBOARDS,  
19 LLC, a Nevada Limited Liability Company;  
20 EBVB HOLDINGS, LLC, a Nevada Limited  
21 Liability Company; VINCE BARTELLO, an  
22 individual; ERICA BARTELLO, an individual;  
23 and DOES I through X; and ROE BUSINESS  
24 ENTITIES I through X, inclusive,

25 Defendants.

23 **NOTICE OF APPEAL**

25 NOTICE IS HEREBY GIVEN that the above-named Defendants, HILLSBORO  
26 ENTERPRISES INC., MOBILE BILLBOARDS LLC, EBVB HOLDINGS LLC, VINCE  
27 BARTELLO, ERICA BARTELLO by and through their counsel or record, HURTIK LAW &  
28

1 ASSOCIATES, hereby appeals to the Supreme Court of Nevada from the Judgment entered  
2 against them on August 23, 2019, by the Eighth Judicial District Court in the above-captioned  
3 action.

4 DATED this 20 day of September, 2019.

6 ~~HURTIK LAW & ASSOCIATES~~

7   
8 **CARRIE E. HURTIK, ESQ.**

9 Nevada Bar No. 7028

**JONATHON R. PATTERSON, ESQ.**

Nevada Bar No. 9644

**HURTIK LAW & ASSOCIATES**

Attorneys for Defendants

HILLSBORO ENTERPRISES INC,

MOBILE BILLBOARDS, LLC;

EBVB HOLDINGS, LLC,

VINCE BARTELLO, and

ERICA BARTELLO

CERTIFICATE OF SERVICE

STATE OF NEVADA )
) ss.
COUNTY OF CLARK )

I, NANCY RAMIREZ, declare:

I am a resident of and employed in Clark County, Nevada. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6767 West Tropicana Ave. Suite #200, Las Vegas, NV 89103.

On the 20th day of September 2019, I served a true and correct copy of the foregoing document described as NOTICE OF APPEAL on the parties listed below:

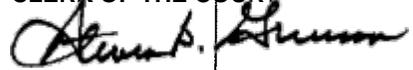
KEMP & KEMP
JAMES P. KEMP, ESQ.
VICTORIA L. NEAL, ESQ.
7435 W. Azure Drive, Suite 110
Las Vegas, NV 89130

VIA U.S. MAIL: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada. I am "readily familiar" with the firm's practice of collection and processing correspondence by mailing. Under that practice, it would be deposited with the U.S. postal service on that same day with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

VIA ELECTRONIC SERVICE: by transmitting via Wiznet, pursuant to EDCR 8.05, to the electronic mail address as last given by that person on any document which he/she has filed in the action and served on the party making the service. The copy of the document served by electronic service bears a notation of the date and time of transmission. A confirmation of the transmission containing the electronic mail address(es) to which the document(s) was/were transmitted will be maintained with the document(s) served.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Las Vegas, Nevada on the 20th day of September 2019

NANCY RAMIREZ, an employee of
HURTIK LAW & ASSOCIATES



1 **STAT**  
2 **CARRIE E. HURTIK, ESQ.**  
3 Nevada Bar No. 7028  
4 **JONATHON R. PATTERSON, ESQ.**  
5 Nevada Bar No. 9644  
6 **HURTIK LAW & ASSOCIATES**  
7 6767 West Tropicana Ave. Suite #200  
8 Las Vegas, NV 89103  
9 (702) 966-5200 Telephone  
10 (702) 966-5206 Facsimile  
11 churtik@hurtiklaw.com  
12 jpatterson@hurtiklaw.com  
13 Attorneys for Defendants  
14 **HILLSBORO ENTERPRISES INC,**  
15 **MOBILE BILLBOARDS, LLC;**  
16 **EBVB HOLDINGS, LLC,**  
17 **VINCE BARTELLO,**  
18 **ERICA BARTELLO**

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

13 SEAN FITZGERALD,

14 Plaintiff,

15 vs.

Case No.: A-15-716570-C  
Dept. No.: IX

**CASE APPEAL STATEMENT**

16 HILLSBORO ENTERPRISES INC., A Nevada  
17 Corporation; and, MOBILE BILLBOARDS,  
18 LLC, a Nevada Limited Liability Company;  
19 EBVB HOLDINGS, LLC, a Nevada Limited  
20 Liability Company; VINCE BARTELLO, an  
individual; ERICA BARTELLO, an individual;  
and DOES I through X; and ROE BUSINESS  
ENTITIES I through X, inclusive,

21 Defendants.

22 **CASE APPEAL STATEMENT**

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

24 HILLSBORO ENTERPRISES INC.,  
25 MOBILE BILLBOARDS, LLC,  
26 EBVB HOLDINGS, LLC,  
VINCE BARTELLO, and  
ERICA BARTELLO

27 ///

28 ///

1 **2. Identify the judge issuing the decision, judgement, or order appealed from:**

2 HON. Christina Silva

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

4 **Appellants:**

5  
6 HILLSBORO ENTERPRISES INC.,  
7 MOBILE BILLBOARDS, LLC,  
8 EBVB HOLDINGS, LLC,  
VINCE BARTELLO, and  
ERICA BARTELLO

9 **Counsel for Appellants:**

10 CARRIE E. HURTIK, ESQ.  
11 JONATHON R. PATTERSON, ESQ.  
12 HURTIK LAW & ASSOCIATES  
13 6767 West Tropicana Ave. Suite #200  
Las Vegas, NV 89103

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

17 **Respondent:**

18 SEAN FITZGERALD

19 **Counsel for Respondent SEAN FITZGERALD:**

20  
21 KEMP & KEMP  
22 JAMES P. KEMP, ESQ.  
23 VICTORIA L. NEAL, ESQ.  
24 7435 W. Azure Drive, Suite 110  
Las Vegas, NV 89130

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

1 Based upon information and belief, all attorneys listed in questions 3 and 4 are licensed to  
2 practice law in Nevada.

3 **6. Indicate whether appellant was represented by appointed or retained counsel in the**  
4 **district court:**  
5

6 Appellant was represented by retained counsel in District Court.

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

8 Appellant is represented by appointed or retained counsel on appeal.

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

12 NOT APPLICABLE

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

15 COMPLAINT FILED ON April 6, 2015.

16 **10. Provide a brief description of the nature of the action and result in the district court,**  
17 **including the type of judgement or order being appealed and the relief granted by the district**  
18 **court:**  
19

20 A. The subject matter of this case concerns issues surrounding wrongful termination.  
21 Plaintiff claims that he suffered an industrial injury while working for Defendant Hillsboro  
22 ENTERPRISES INC. Plaintiff further alleges that Defendant HILLSBOROR ENTERPRISES INC.  
23 did not possess the required workers compensation insurance so, he was paid by Defendant  
24 MOBILE BILLBOARDS LLC. in the interim. Plaintiff alleges that the Defendants terminated his  
25 employment because a variety of pain killers were found in Plaintiff's possession, which was false.  
26  
27  
28

1 B. On April 6, 2015, the Plaintiff's filed the instant action alleging Two (2) claims of  
2 action against the Defendants.

3 C. On August 23, 2019, the court entered final Judgement upon Jury Verdict in favor of  
4 Plaintiff and Plaintiff was awarded a total of Fifty-Nine Thousand, One Hundred Eleven Dollars  
5 and Sixteen Cents (\$59,111.16) in repairs.

7 D. This appeal is based on the lack of proof at trial regarding Plaintiff's damages, certain  
8 objection overruled by the court, and responses to questions presented to the Jury.

9  
10 **11. Indicate whether the case has previously been the subject of an appeal to or original**  
11 **writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket**  
12 **number of the prior proceeding:**

13 This case has not previously been the subject of an appeal to or original writ proceeding in  
14 the Supreme Court.

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

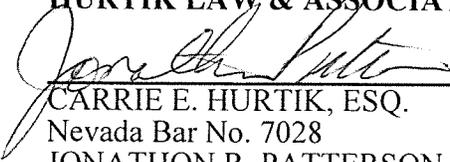
17 This case does not involve child custody or visitation.

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

19 This case involves the possibility of settlement.

20 DATED this 20 day of September, 2019.

22 **HURTIK LAW & ASSOCIATES**

23   
24 CARRIE E. HURTIK, ESQ.

25 Nevada Bar No. 7028  
26 JONATHON R. PATTERSON, ESQ.  
27 Nevada Bar No. 9644  
28 HURTIK LAW & ASSOCIATES  
Attorneys for Defendants  
HILLSBORO ENTERPRISES INC,  
MOBILE BILLBOARDS, LLC; EBVB  
HOLDINGS, LLC, VINCE BARTELLO,  
ERICA BARTELLO

CERTIFICATE OF SERVICE

STATE OF NEVADA )  
 ) ss.  
COUNTY OF CLARK )

I, NANCY RAMIREZ, declare:

I am a resident of and employed in Clark County, Nevada. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6767 West Tropicana Ave. Suite #200, Las Vegas, NV 89103.

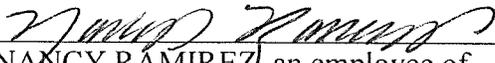
On the 20<sup>th</sup> day of September 2019, I served a true and correct copy of the foregoing document described as CASE APPEAL STATEMENT on the parties listed below:

KEMP & KEMP  
JAMES P. KEMP, ESQ.  
VICTORIA L. NEAL, ESQ.  
7435 W. Azure Drive, Suite 110  
Las Vegas, NV 89130

**VIA U.S. MAIL:** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada. I am "readily familiar" with the firm's practice of collection and processing correspondence by mailing. Under that practice, it would be deposited with the U.S. postal service on that same day with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

**VIA ELECTRONIC SERVICE:** by transmitting via Wiznet, pursuant to EDCR 8.05, to the electronic mail address as last given by that person on any document which he/she has filed in the action and served on the party making the service. The copy of the document served by electronic service bears a notation of the date and time of transmission. A confirmation of the transmission containing the electronic mail address(es) to which the document(s) was/were transmitted will be maintained with the document(s) served.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed at Las Vegas, Nevada on the 20<sup>th</sup> day of September, 2019

  
NANCY RAMIREZ, an employee of  
HURTIK LAW & ASSOCIATES

**CASE SUMMARY**

**CASE NO. A-15-716570-C**

**Sean Fitzgerald, Plaintiff(s)**  
**vs.**  
**Hillsboro Enterprises Inc, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 9**  
 Judicial Officer: **Silva, Cristina D.**  
 Filed on: **04/06/2015**  
 Case Number History:  
 Cross-Reference Case **A716570**  
 Number:

**CASE INFORMATION**

**Statistical Closures**  
 07/29/2019 Verdict Reached

Case Type: **Employment Tort**

Case Status: **07/29/2019 Closed**

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number	A-15-716570-C
Court	Department 9
Date Assigned	04/29/2019
Judicial Officer	Silva, Cristina D.

**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>Fitzgerald, Sean</b>	<b>Kemp, James P.</b> <i>Retained</i> 7022581183(W)
<b>Defendant</b>	<b>Bartello, Erica</b>	<b>Van, Michael C.</b> <i>Retained</i> 702-478-7770(W)
	<b>Bartello, Vince</b>	<b>Van, Michael C.</b> <i>Retained</i> 702-478-7770(W)
	<b>EBVB Holdings LLC</b>	<b>Van, Michael C.</b> <i>Retained</i> 702-478-7770(W)
	<b>Hillsboro Enterprises Inc</b>	<b>Van, Michael C.</b> <i>Retained</i> 702-478-7770(W)
	<b>Mobile Billboards LLC</b>	<b>Van, Michael C.</b> <i>Retained</i> 702-478-7770(W)
<b>Subpoena'd (Non) Party</b>	<b>Shelstand, Rachel L</b>	<b>Hurtik, Carrie E.</b> <i>Retained</i> 702-966-5200(W)

**DATE**

**EVENTS & ORDERS OF THE COURT**

**INDEX**

**EVENTS**

04/06/2015	 Complaint With Jury Demand Filed By: Plaintiff Fitzgerald, Sean <i>Complaint</i>
04/06/2015	Case Opened

**CASE SUMMARY**

**CASE NO. A-15-716570-C**

- 04/10/2015  Initial Appearance Fee Disclosure  
Filed By: Plaintiff Fitzgerald, Sean  
*Initial Fee Disclosure*
- 06/17/2015  Summons  
Filed by: Plaintiff Fitzgerald, Sean  
*Summons - Hillsboro Enterprises Inc*
- 06/17/2015  Summons  
Filed by: Plaintiff Fitzgerald, Sean  
*Summons - Erica Bartello*
- 06/17/2015  Summons  
Filed by: Plaintiff Fitzgerald, Sean  
*Summons - Vince Bartello*
- 06/17/2015  Summons  
Filed by: Plaintiff Fitzgerald, Sean  
*Summons - EBVB Holdings LLC*
- 06/17/2015  Summons  
Filed by: Plaintiff Fitzgerald, Sean  
*Summons - Mobile Billboards LLC*
- 07/07/2015  Default  
Filed By: Plaintiff Fitzgerald, Sean  
*Default - EBVB Holdings LLC*
- 07/07/2015  Default  
Filed By: Plaintiff Fitzgerald, Sean  
*Default - Erica Bartello*
- 07/07/2015  Default  
Filed By: Plaintiff Fitzgerald, Sean  
*Default - Hillsboro Enterprises Inc*
- 07/07/2015  Default  
Filed By: Plaintiff Fitzgerald, Sean  
*Default - Mobile Billboards LLC*
- 07/07/2015  Default  
Filed By: Plaintiff Fitzgerald, Sean  
*Default - Vince Bartello*
- 07/24/2015  Answer  
Filed By: Defendant Bartello, Erica  
*Answer*
- 07/24/2015  Initial Appearance Fee Disclosure  
Filed By: Defendant Hillsboro Enterprises Inc  
*Initial appearance fee disclosure*
- 07/27/2015

**CASE SUMMARY**

**CASE NO. A-15-716570-C**

-  Motion to Set Aside  
Filed By: Defendant Hillsboro Enterprises Inc  
*Motion to Set Aside Default*
- 08/06/2015  Motion to Strike  
Filed By: Plaintiff Fitzgerald, Sean  
*Plaintiff's Motion to Strike Defendant's Answer*
- 08/06/2015  Certificate of Electronic Service  
Filed By: Plaintiff Fitzgerald, Sean  
*Certificate of E-Service*
- 08/10/2015  Opposition to Motion  
Filed By: Plaintiff Fitzgerald, Sean  
*Plaintiff's Opposition to Defendants' Motion to Set Aside Default*
- 08/18/2015  Response  
Filed by: Defendant Hillsboro Enterprises Inc  
*Defendants' Response to Plaintiff's Motion to Strike Answer*
- 08/24/2015  Reply  
Filed by: Defendant Hillsboro Enterprises Inc  
*Defendants' Reply to Plaintiff's Response to Defendants' Motion to Set Aside Default*
- 11/17/2015  Case Conference Report  
Filed By: Plaintiff Fitzgerald, Sean  
*Plaintiff's Case Conference Report*
- 11/19/2015  Case Conference Report  
Filed By: Plaintiff Fitzgerald, Sean  
*Plaintiff's Amended Case Conference Report*
- 11/25/2015  Joinder to Case Conference Report  
Filed By: Defendant Hillsboro Enterprises Inc  
*Joinder to Plaintiff's November 19, 2015 Case Conference Report*
- 12/21/2015  Motion to Withdraw As Counsel  
Filed By: Defendant Hillsboro Enterprises Inc  
*Motion to Withdraw as Counsel of Record*
- 01/15/2016  Scheduling Order  
*Scheduling Order*
- 01/22/2016  Order Setting Civil Jury Trial  
*Order Setting Civil Jury Trial*
- 03/16/2016  Order to Withdraw as Attorney of Record  
*Order*
- 04/05/2016  Notice of Appearance  
Party: Defendant Hillsboro Enterprises Inc  
*Notice of Appearance*

**CASE SUMMARY**

**CASE NO. A-15-716570-C**

- 05/03/2016  Stipulation and Order to Extend Discovery Deadlines  
Filed By: Defendant Hillsboro Enterprises Inc  
*Stipulation and Order to Extend Discovery Deadlines (First Request)*
- 05/04/2016  Notice of Entry of Stipulation and Order  
Filed By: Defendant Hillsboro Enterprises Inc  
*Notice of Entry of Stipulation and Order*
- 05/16/2016  Offer of Judgment  
Filed By: Defendant Hillsboro Enterprises Inc  
*Offer of Judgment*
- 06/24/2016  Motion for Withdrawal  
Filed By: Defendant Hillsboro Enterprises Inc  
*Shumway Van's Motion To Withdraw As Attorney Of Record For: Hillsboro Enterprises, Inc.; Mobile Billboards, LLC; EBVB Holdings, LLC; Vince Bartello; And, Erica Bartello*
- 06/28/2016  Notice of Entry of Order  
Filed By: Plaintiff Fitzgerald, Sean  
*Notice of Entry of Order*
- 06/28/2016  Order  
Filed By: Defendant Hillsboro Enterprises Inc  
*ORDER*
- 07/01/2016  Motion to Quash  
Filed By: Subpoena'd (Non) Party Shelstand, Rachel L  
*Non-Party, Rachel L. Shelstad's Motion to Quash Deposition Subpoena On An Order Shortening Time Pursuant to EDCR 2.26*
- 07/01/2016  Certificate of Service  
Filed by: Subpoena'd (Non) Party Shelstand, Rachel L  
*Certificate of Service*
- 07/08/2016  Opposition to Motion  
Filed By: Plaintiff Fitzgerald, Sean  
*Opposition To Non-Party Rachel L. Shelstad's Motion To Quash Deposition Subpoena On An Order Shortening Time Pursuant to EDCR 2.26*
- 07/11/2016  Order Shortening Time  
Filed By: Subpoena'd (Non) Party Shelstand, Rachel L  
*Order Shortening Time*
- 07/18/2016  Notice of Entry  
Filed By: Subpoena'd (Non) Party Shelstand, Rachel L  
*Notice of Entry of Order*
- 08/16/2016  Notice of Appearance
- 10/13/2016  Pre-Trial Disclosure  
Party: Plaintiff Fitzgerald, Sean  
*Plaintiff Sean Fitzgerald's Pre-Trial Disclosure of Document and Witness Lists*
- 10/17/2016  Request

**CASE SUMMARY**

**CASE NO. A-15-716570-C**

Filed by: Defendant Hillsboro Enterprises Inc  
*Defendants Request for all Prior Pleadings and Discovery*

10/17/2016



Pre-Trial Disclosure

Party: Defendant Hillsboro Enterprises Inc  
*Defendants Pre-Trial Disclosures Pursuant to N.R.C.P 16.1 (a)(3)*

10/20/2016



Motion

Filed By: Defendant Hillsboro Enterprises Inc  
*Motion to Extend Discovery, Continue Trial and Extend Dispositive Motion Deadlines on an Order Shortening Time*

10/21/2016



Opposition to Motion

Filed By: Defendant Hillsboro Enterprises Inc  
*Plaintiff's Opposition in Part to Defendant's Motion to Extend Discovery Continue Trial and Extend Dispositive Motion Deadline on an Order Shortening Time*

11/01/2016



Amended Order Setting Jury Trial

*Amended Order Setting Civil Jury Trial*

01/30/2017



Order Setting Civil Jury Trial

*Amended Order Setting Civil Jury Trial*

02/07/2017



Order

*Order Setting Settlement Conference*

05/16/2017



Notice of Bankruptcy

*Notice of Bankruptcy Proceedings*

06/26/2017



Motion for Withdrawal

Filed By: Defendant Mobile Billboards LLC; Defendant Bartello, Vince  
*Motion to Withdraw as Attorney of Record*

07/05/2017



Errata

Filed By: Defendant Mobile Billboards LLC  
*Errata to Motion to Withdraw as Attorney of Record*

09/21/2017



Order Granting Motion

Filed By: Defendant Bartello, Vince  
*Order Granting Motion to Withdraw as Attorney of Record*

09/25/2017



Notice of Entry of Order

Filed By: Defendant Bartello, Vince  
*Notice of Entry of Order Granting Motion to Withdraw as Attorney of Record*

04/10/2018



Supplemental Disclosures

Filed By: Plaintiff Fitzgerald, Sean  
*Plaintiff's Second Supplemental Initial Disclosures [New or Amended Information in Bold]*

07/16/2018



Motion

Filed By: Plaintiff Fitzgerald, Sean  
*Plaintiff's Motion For Case Conference Re: Trial Setting*

08/14/2018



Notice of Hearing

**CASE SUMMARY**  
**CASE NO. A-15-716570-C**

*Notice of Hearing*

- 03/25/2019  Pre-trial Memorandum  
Filed by: Plaintiff Fitzgerald, Sean  
*PLAINTIFF S PRE-TRIAL MEMORANDUM*
  
- 04/03/2019  Notice of Rescheduling of Hearing  
*Notice of Rescheduling Hearing*
  
- 04/29/2019 Case Reassigned to Department 9  
*Judicial Reassignment to Department 9 - Judge Cristina Silva*
  
- 07/03/2019  Notice of Appearance  
Party: Defendant Hillsboro Enterprises Inc  
*Notice of Appearance*
  
- 07/08/2019  Proposed Voir Dire Questions  
Filed By: Plaintiff Fitzgerald, Sean  
*Proposed Voir Dire Questions*
  
- 07/08/2019  Jury Instructions  
Party: Plaintiff Fitzgerald, Sean  
*PLAINTIFF S PROPOSED JURY INSTRUCTIONS*
  
- 07/08/2019  Special Jury Verdict  
*Proposed Special Jury Verdict Form*
  
- 07/11/2019  Proposed Voir Dire Questions  
*Proposed Voir Dire Questions*
  
- 07/11/2019  Instructions to the Jury  
*Purposed Jury Instructions*
  
- 07/11/2019  Pre-trial Memorandum  
*Pre-Trial Memorandum*
  
- 07/14/2019  Jury Instructions  
*Amended Proposed Jury Instructions*
  
- 07/15/2019  Amended Jury List
  
- 07/18/2019  Instructions to the Jury
  
- 07/19/2019  Special Verdict Form
  
- 07/29/2019  Order to Statistically Close Case  
*Civil Order to Statistically Close Case*
  
- 08/23/2019  Judgment Upon Jury Verdict  
Filed By: Plaintiff Fitzgerald, Sean  
*Judgment Upon Jury Verdict*

**CASE SUMMARY**

**CASE NO. A-15-716570-C**

08/23/2019  Notice of Entry of Order  
 Filed By: Plaintiff Fitzgerald, Sean  
*Notice of Entry of Order and Final Judgment*

08/23/2019  Memorandum of Costs and Disbursements  
 Filed By: Plaintiff Fitzgerald, Sean  
*Verified Memorandum of Costs and Disbursements*

09/20/2019  Case Appeal Statement  
 Filed By: Defendant Hillsboro Enterprises Inc  
*Case Appeal Statement*

09/20/2019  Notice of Appeal  
 Filed By: Defendant Hillsboro Enterprises Inc  
*Notice of Appeal*

**DISPOSITIONS**

08/23/2019 **Judgment Upon the Verdict** (Judicial Officer: Silva, Cristina D.)  
 Debtors: Hillsboro Enterprises Inc (Defendant), Mobile Billboards LLC (Defendant), Vince Bartello (Defendant)  
 Creditors: Sean Fitzgerald (Plaintiff)  
 Judgment: 08/23/2019, Docketed: 08/23/2019  
 Total Judgment: 59,111.16

**HEARINGS**

09/01/2015  **Motion to Set Aside** (8:00 AM) (Judicial Officer: Smith, Douglas E.)  
*Defendants' Motion to Set Aside Default*  
 Motion Denied;  
 Journal Entry Details:  
*Following statements and arguments by counsel, COURT stated its findings and ORDERED, Answer to Strike DENIED.;*

09/14/2015 **CANCELED Motion to Strike** (3:00 AM) (Judicial Officer: Smith, Douglas E.)  
*Vacated*  
*Plaintiff's Motion to Strike Defendant's Answer*

01/25/2016  **Motion to Withdraw as Counsel** (3:00 AM) (Judicial Officer: Smith, Douglas E.)  
*Allen Lichtenstein ESQ's Motion to Withdraw as Counsel of Record*  
 Motion Granted;  
 Journal Entry Details:  
*After reviewing the record, the Court ordered counsel's motion to withdraw GRANTED without opposition. CLERK'S NOTE: The above Minute Order has been distributed via e-mail to: Allen Lichtenstein, Esq. (allaw@lvcoxmail.com) and Victoria L. Neal, Esq. (vneal@kemp-attorneys.com).;*

06/28/2016  **Motion to Withdraw as Counsel** (8:00 AM) (Judicial Officer: Smith, Douglas E.)  
*Shumway Van's Motion To Withdraw As Attorney Of Record For: Hillsboro Enterprises, Inc.; Mobile Billboards, LLC; EBVB Holdings, LLC; Vince Bartello; And, Erica Bartello*  
 Matter Resolved;  
 Setting slip to ADD a Motion to Quash Hearing was sent on 07/05/16  
 Journal Entry Details:  
*The Court noted Michael Van moved to withdraw his Motion; no opposition. Get with Michael Van's office and inform them they are representing themselves now. Order submitted and signed in open court. The Court directed Pltf to give Notice to Deft's to have new counsel here next date. 7-12-16 8:00 AM CONFIRMATION OF COUNSEL (DEPT. VIII);*

07/12/2016  **Motion to Quash** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

**CASE SUMMARY**

**CASE NO. A-15-716570-C**

*Non-Party Rachel L. Shelstad's Motion to Quash Deposition Subpoena on an Order Shortening Time Pursuant to EDCR 2.26*

**MINUTES**

Denied;

Journal Entry Details:

*Arguments regarding the merits of the motion by counsel. Ms. Hurtik argued the deposition would not result in any additional information not already in known. They had the inventory, the matter was related to an employee, the police and Mr. Bartello were present. Ms. Neal argued the deposition regarding what had occurred was a relevant material fact. The question was whether Mr. Fitzgerald was trespassed permanently off the property. If Mr. Fitzgerald was trespassed off the property, then he could not return to work, and was denied access to retrieve his tools. Additionally, the conversation between Mr. Bartello, Ms. Shelstad, and the police was not protected being there was a third party involved, therefore that did not fall under attorney-client privilege. Moreover, what Ms. Shelstad observed was acceptable, and important as to what Mr. Bartello told the police. Ms. Hurtik argued that the Plaintiff's had Mr. Bartello's testimony, and the police report, therefore, there was nothing additional to add. COURT stated FINDINGS and ORDERED motion DENIED IN PART; the deposition may proceed however it will be limited to what Rachel L. Shelstad saw and heard, and no communication, or attempted inquiry as to any advice or communication to the law firm about advice. Court further noted, if there was a problem during the deposition the Court may be contacted. COURT FURTHER ORDERED; Plaintiff to prepare the order. Ms. Hurtik advised Mr. Bartello did not have an attorney, therefore, until that time, the deposition should not go forward. Ms. Neal stated discovery had closed, and being Mr. Bartello did not have counsel, it was requested to strike the corporate defendant's answer. Court noted the matter today was only about the deposition. Mr. Ales advised Mr. Bartello could not be present, but had intention of retaining counsel. Moreover, there was a status check set regarding confirmation of counsel. COURT ADDITIONALLY ORDERED, hearing regarding Confirmation of Counsel SET. 7/26/16 8:00 AM CONFIRMATION OF COUNSEL (BARTELLO);*

07/26/2016

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

*Confirmation of Counsel for Vince Bartello*

Matter Heard;

Journal Entry Details:

*Colloquy regarding confirmation of counsel and trial date. Court VACATED trial date and SET matter for status check. 8/16/16 8:00 AM STATUS CHECK: TRIAL SETTING//CONFIRMATION OF COUNSEL;*

08/16/2016

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

*Status Check: Confirmation of Counsel/Trial Setting*

Counsel Confirmed;

Journal Entry Details:

*Rachel Sloane, Esq., appearing on behalf of Defendants. Notice of Appearance FILED IN OPEN COURT. Colloquy regarding the status of the case. Upon Court's inquiry, Ms. Neal advised depositions were scheduled for September 19th and requested trial date to be set. COURT ORDERED, matter SET for trial. 11/1/16 8:00 AM CALENDAR CALL 11/14/16 9:30 AM JURY TRIAL CLERK'S NOTE: Court Clerk gave out incorrect date for Calendar Call in court. The above minute order has been distributed to: Victoria Neal, Esq. (702-258-6983) and Rachel Sloane, Esq. (702-966-5200)ob/08/17/16. ;*

08/23/2016

**CANCELED Calendar Call** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

*Vacated*

09/06/2016

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

*Vacated*

10/24/2016

 **Motion to Extend Discovery** (3:00 AM) (Judicial Officer: Smith, Douglas E.)

*Motion to Extend Discovery, Continue Trial, and Extend Dispositive Motion Deadlines on an Order Shortening Time*

Granted in Part; Motion to Extend Discovery, Continue Trial, and Extend Dispositive Motion Deadlines on an Order Shortening Time

Journal Entry Details:

*The Defendants' Motion to Extend Discovery, Continue Trial, and Extend Dispositive Motion*

**CASE SUMMARY**

**CASE NO. A-15-716570-C**

*Deadlines on an Order Shortening Time came before this Court on the October 24, 2016, Chambers Calendar. Having reviewed the Motion and Opposition, COURT ORDERED, Motion GRANTED, in part, and DENIED, in part. The Court GRANTS the Motion to Continue Trial and Extend Dispositive Motion Deadlines but DENIES the Motion to Extend Discovery. This Court's Judicial Executive Assistant (JEA) shall set a new trial date. Carrie Hurtik, Esq., to prepare the Order. CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Carrie Hurtik, Esq., (Hurtik Law & Associates).;*

- 11/01/2016 **CANCELED Calendar Call** (8:00 AM) (Judicial Officer: Smith, Douglas E.)  
*Vacated - per Law Clerk  
Calendar Call*
  
- 11/14/2016 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer: Smith, Douglas E.)  
*Vacated - per Law Clerk*
  
- 01/24/2017  **Calendar Call** (8:00 AM) (Judicial Officer: Smith, Douglas E.)  
*Calendar Call  
Matter Heard;  
Journal Entry Details:  
This is the time set for Calendar Call. Colloquy regarding case status; Discovery is complete. Upon Court's inquiry as to whether or not counsel were ready for trial, Ms. Hurtik advised that counsel have conflicting trial schedules. Mr. Kemp advised that counsel just participated in their Rule 2.67 meeting and would request a mandatory settlement conference; he requested that the trial date be continued. COURT ORDERED, matter REFERRED for mandatory settlement conference. COURT FURTHER ORDERED, trial date VACATED and RESET. 08/22/17 8:00 AM CALENDAR CALL 09/05/17 9:30 AM JURY TRIAL ;*
  
- 02/06/2017 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer: Smith, Douglas E.)  
*Vacated - per Judge*
  
- 05/23/2017  **Settlement Conference** (1:30 PM)  
*Not Settled;  
Journal Entry Details:  
Matter not settled.;*
  
- 08/07/2017  **Motion to Withdraw as Counsel** (3:00 AM) (Judicial Officer: Smith, Douglas E.)  
*Carrie E. Hurtik Esq.'s Motion to Withdraw as Attorney of Record  
Granted; Carrie E. Hurtik, Esq.'s Motion to Withdraw as Attorney of Record  
Journal Entry Details:  
Carrie E. Hurtik, Esq.'s Motion to Withdraw as Attorney of Record came before the Court on the August 7, 2017, Chamber Calendar. Having reviewed the Motion and there being no Opposition thereto, COURT ORDERED, the Motion is GRANTED. CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Carrie E. Hurtik, Esq., (Hurtik Law & Associates).;*
  
- 08/22/2017  **Calendar Call** (8:00 AM) (Judicial Officer: Smith, Douglas E.)  
*Off Calendar;  
Journal Entry Details:  
This is the time set for Calendar Call; Mr. Neal advised that Carrie Hurtik, counsel for Defendants Vincent Bartello and Mobile Billboards, LLC, has moved to withdraw. Court noted the Motion was GRANTED. Colloquy regarding trial; Mr. Neal believes the trial will need to be continued; he is not sure who Defendants new counsel will be. Additionally, the parties were trying to do a Settlement Conference and would still like to do one but once the Defendants filed bankruptcy, everything was placed on hold. COURT ORDERED, trial date VACATED; matter OFF CALENDAR, counsel to place this matter back on calendar when they are ready to move forward. ;*
  
- 09/05/2017 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer: Smith, Douglas E.)  
*Vacated - per Judge*
  
- 08/28/2018

## CASE SUMMARY

### CASE NO. A-15-716570-C

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

*Status Check: Trial Setting*

Trial Date Set; Trial Setting

Journal Entry Details:

*This is the time set for the Status Check on a Trial Setting. Upon Court's inquiry, Ms. Neal advised that the trial will take approximately three (3) days; she requested a trial setting in April or May 2019. Defendant, Vince Bartello, who is present today without counsel, stated that he is in the process of hiring a new attorney. The Motion to Withdraw of Defendant's prior counsel was previously granted. COURT ORDERED, matter set for trial. Additionally, Ms. Neal advised that the parties had previously scheduled a settlement conference but the case stalled and the conference did not go forward; she inquired as to whether the Settlement Conference could be rescheduled, she believes the parties may be able to resolve this matter. COURT ORDERED, matter REFERRED for a settlement conference. 04/09/19 8:00 AM CALENDAR CALL 04/22/19 9:30 AM JURY TRIAL ;*

04/09/2019

 **Calendar Call** (9:00 AM) (Judicial Officer: Cherry, Michael A.)

Matter Heard;

Journal Entry Details:

*This the time set for the Calendar Call. Upon Court's inquiry, Mr. Kemp announced ready for Plaintiff. Mr. Patterson advised that Hurtik Law & Associates previously represented Defendants Bartello and Hillsboro Enterprises but withdrew. Subsequently, they were brought back into the case but cannot announce ready at this time because they have some major scheduling conflicts in April; he requested that the trial be CONTINUED to the next stack. Colloquy regarding scheduling issues; Court represented that it could give counsel a FIRM trial date in July if they so desired. Mr. Kemp requested a firm trial setting on July 15, 2019; Mr. Patterson CONCURRED. COURT ORDERED, trial date VACATED and RESET. The trial is expected to take three (3) days. 06/18/19 8:00 AM CALENDAR CALL 07/15/19 9:30 AM JURY TRIAL - FIRM ;*

04/22/2019

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

*Vacated - per Judge*

06/18/2019

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

Matter Heard;

Journal Entry Details:

*This is the time set for Calendar Call. Court noted that this matter is set for trial on July 15, 2019; it is a FIRM setting. Mr. Kemp announced ready for the Plaintiff. Mr. Patterson advised that he has had no contact with their client for several weeks; he had withdrawn once before and thought that issue was resolved. In any event, Mr. Patterson advised the he is going to Withdraw as Counsel on an Order Shortening Time as soon as possible; colloquy. COURT ORDERED, trial date VACATED; matter set for status check. The presence of counsel and the parties is MANDATORY as the Court would like to address any issues and see if there is a remedy so this case may move forward. 06/25/19 8:30 AM STATUS CHECK: RESET TRIAL DATE/PARTIES MUST APPEAR ;*

06/25/2019

 **Status Check** (8:30 AM) (Judicial Officer: Silva, Cristina D.)

*Status Check: Reset Trial Date/Parties Must be Present*

Matter Heard; Reset Trial Date/Parties Must be Present

Journal Entry Details:

*This is the time set for the Status Check: Reset Trial Date/Parties Must Be Present. Court noted that this matter was set as a result of the June 18, 2019, Calendar Call. At that time Mr. Kemp and Jonathan Patterson, Esq., were present but Mr. Patterson indicated that he was going to Withdraw as Counsel of Record so the Court requested that counsel and the parties be present this morning. Ms. Lay advised that Hurtik Law & Associates was recently retained on this matter and they are ready for trial. Although Carrie Hurtik, Esq., will be trying the matter, she is not available at the end of July and is inquiring as to whether opposing counsel would be willing to continue the trial to either August or September. Mr. Kemp advised that July 15, 2019, was a FIRM setting. At the Calendar Call, counsel advised that Ms. Hurtik was no longer representing the Defendants. This has been an ongoing repeated process where Ms. Hurtik represents the Defendant, then they withdraw. In addition to the individual Defendants, counsel also represents a corporation and some business entities. This matter was set by Justice Cherry on a firm setting back in April 2019 and Plaintiff is ready for trial. If Ms. Lay is*

**CASE SUMMARY**

**CASE NO. A-15-716570-C**

now representing the Defendants, he would request that a Notice of Appearance be filed as there has never been an official appearance filed with the court. Colloquy regarding scheduling issues; Ms. Hurtik has a potential conflict. Court noted that, under the circumstances, the Court is inclined to proceed with trial on July 15, 2019. Therefore, COURT ORDERED, the trial date STANDS; counsel should file a Notice of Appearance as soon as possible. ;

07/15/2019



**Jury Trial - FIRM (9:30 AM)** (Judicial Officer: Silva, Cristina D.)

**07/15/2019-07/19/2019**

Trial Continues;  
 Trial Continues;  
 Trial Continues;  
 Trial Continues;

Verdict;

Journal Entry Details:

9:00 a.m. Jury Trial resumed. The Jury returned from their recess and retired to deliberate. While deliberating, the Jury presented three (3) questions to the Court. The Court conferenced with counsel on the record to formulate answers to the Jury's questions. The Questions and Answers were marked for identification as Court's Exhibits 8, 9, and 10 and ADMITTED. At the hour of 1:50 p.m., the Jury returned with a verdict as recorded herein. Jury polled. Court thanked and excused the Jury. 1:55 p.m. Court ADJOURNED. ;

Trial Continues;  
 Trial Continues;  
 Trial Continues;  
 Trial Continues;

Verdict;

Journal Entry Details:

9:08 p.m. Jury Trial resumed. **OUTSIDE THE PRESENCE OF THE JURY:** the presence of both the Defendants is WAIVED. During the testimony of Mr. Bartello, he mentioned that there was a video of the conversation between him and the Plaintiff when the Plaintiff had come to the worksite to collect his tools; Mr. Bartello testified that the video had been given to his attorney but she does not have it, it was not given to Plaintiff's counsel, and it was not produced for trial. Court noted that there was no discovery motion pending before the Court or a motion to compel prior to trial and the Court believes there was testimony that the video was sent to his attorney. Mr. Kemp orally requested that an adverse inference instruction be given or that Defendants' Answer to the Complaint be stricken in its entirety for the reasons stated on the record; arguments by counsel. Court advised that it was not inclined to strike the Defendants' Answer but would take the request for an adverse inference under submission. Ms. Hurtik then orally requested an adverse inference with the regard to the trespass sign; additional argument. Court advised it would take this matter under submission as well. After hearing further argument by counsel on these issues, the COURT ORDERED, the Complaint will not be stricken and an adverse instruction shall be given with regard to the video issue. The parties are free to submit a proposed Jury Instruction on this issue to the Court for consideration. Jury Instructions and Verdict form settled on the record. **JURY PRESENT:** Exclusionary Rule INVOKED; Testimony and exhibits presented (see worksheets). Court instructed the Jury; Closing arguments by Mr. Kemp and Ms. Hurtik; rebuttal by Mr. Kemp. Court thanked and excused the alternates. 5:16 p.m. ADJOURNED: COURT ORDERED, Jury Trial CONTINUED. CONTINUED TO: 07/19/19 9:00 AM ;

Trial Continues;  
 Trial Continues;  
 Trial Continues;  
 Trial Continues;

Verdict;

Journal Entry Details:

12:45 p.m. Jury Trial resumed. Exclusionary Rule INVOKED. Testimony and exhibits presented (see worksheets). 5:36 p.m. Court ADJOURNED: COURT ORDERED, Jury Trial CONTINUED. CONTINUED TO: 07/18/19 9:30 AM ;

Trial Continues;  
 Trial Continues;  
 Trial Continues;  
 Trial Continues;

Verdict;

Journal Entry Details:

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-15-716570-C**

9:45 a.m. Jury Trial resumed. Exclusionary Rule INVOKED. Testimony and exhibits presented (see worksheets). Plaintiff's Exhibits 3 through 40, with the exception of Exhibit 33, were ADMITTED by stipulation of the parties. 5:03 p.m. Court ADJOURNED: COURT ORDERED, Jury Trial CONTINUED. CONTINUED TO: 07/17/19 9:30 AM ;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

10:37 a.m. Jury Trial commenced. Court and counsel begin Voir Dire examination of the prospective Jurors. Jury and two (2) alternates selected and sworn. Opening statements by Mr. Kemp and Ms. Hurtik. 4:03 p.m. Court ADJOURNED: COURT ORDERED, Jury Trial CONTINUED. CONTINUED TO: 07/16/19 9:30 AM ;

DATE

FINANCIAL INFORMATION

<b>Defendant</b> Bartello, Erica	
Total Charges	223.00
Total Payments and Credits	223.00
<b>Balance Due as of 9/24/2019</b>	<b>0.00</b>
<b>Defendant</b> Bartello, Vince	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 9/24/2019</b>	<b>0.00</b>
<b>Defendant</b> EBVB Holdings LLC	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 9/24/2019</b>	<b>0.00</b>
<b>Defendant</b> Hillsboro Enterprises Inc	
Total Charges	54.00
Total Payments and Credits	54.00
<b>Balance Due as of 9/24/2019</b>	<b>0.00</b>
<b>Defendant</b> Mobile Billboards LLC	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 9/24/2019</b>	<b>0.00</b>
<b>Plaintiff</b> Fitzgerald, Sean	
Total Charges	270.00
Total Payments and Credits	270.00
<b>Balance Due as of 9/24/2019</b>	<b>0.00</b>

# DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada

A-15-716570-C

Case No. \_\_\_\_\_

VIII

*(Assigned by Clerk's Office)*

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

Plaintiff(s) (name/address/phone): <p style="text-align: center;">Sean Fitzgerald % Kemp &amp; Kemp, Attorneys at Law 7435 W. Azure Drive, Suite 110 Las Vegas, NV 89130</p>	Defendant(s) (name/address/phone): <p style="text-align: center;">HILLSBORO ENTERPRISES INC., MOBILE BILLBOARDS, LLC, EBVB HOLDINGS, LLC, VINCE BARTELLO, ERICA BARTELLO,</p>
Attorney (name/address/phone): <p style="text-align: center;">James P. Kemp, Esq. 7435 W. Azure Drive, Suite 110 Las Vegas, NV 89130 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

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

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

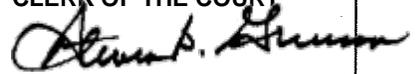
4/6/15

Date

/s/ James P. Kemp, Esq.

Signature of initiating party or representative

*See other side for family-related case filings.*



1 JAMES P. KEMP, ESQ.  
Nevada Bar No.: 6375  
2 VICTORIA L. NEAL, ESQ.  
Nevada Bar No.: 13382  
3 KEMP & KEMP  
4 7435 W. Azure Drive, Ste 110  
Las Vegas, NV 89130  
5 702-258-1183 ph./702-258-6983 fax  
jp@kemp-attorneys.com  
6 vneal@kemp-attorneys.com

7 *Attorneys for Plaintiff*  
8 *Sean Fitzgerald*

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*

10 SEAN FITZGERALD, )  
11 ) Case No.: A-15-716570-C  
12 Plaintiff, )  
13 vs. ) Dept. No. IX  
14 ) Trial Date: July 15, 2019  
15 HILLSBORO ENTERPRISES INC., a Nevada )  
16 Corporation; and, MOBILE BILLBOARDS, )  
17 LLC, a Nevada Limited Liability Company; )  
18 EBVB HOLDINGS, LLC, a Nevada Limited )  
19 Liability Company; VINCE BARTELLO, an )  
individual; ERICA BARTELLO, an )  
individual; and DOES I through X; and ROE )  
BUSINESS ENTITIES I through X, inclusive, )  
Defendants. )

**JUDGMENT UPON JURY VERDICT**

22 THIS MATTER came on for a trial by jury on July 15, 2019 – July 19, 2019. Plaintiff  
23 Sean Fitzgerald appeared in person, and by and through his counsel, James P. Kemp, Esq., and  
24 Victoria L. Neal, Esq., of the law firm Kemp & Kemp, and for All Defendants, Carrie E. Hurtik,  
25 Esq., and Jonathan R. Patterson, Esq., of the law firm Hurtik Law & Associates. Testimony was  
26 taken, evidence was offered, introduced and admitted. Counsel argued the merits of their cases.  
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

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Pursuant to the Special Verdict Form dated July 19, 2019, the jury rendered a verdict in favor of Plaintiff on his claim for Conversion of Property against Defendants Vince Bartello, Mobile Billboards, LLC, and Hillsboro Enterprises, Inc., in the amount of \$3,111.16 plus post-judgment interest. The jury further rendered a verdict for Plaintiff's claim for Wrongful Discharge In Violation of Public Policy against All Defendants, Vince Bartello, Mobile Billboards, LLC, and Hillsboro Enterprises, Inc., Erica Bartello, and EBVB HOLDINGS, LLC in the amount of \$56,000.00 plus post-judgment interest.

NOW THEREFORE, judgment upon the verdict is hereby entered in favor of Plaintiff Sean Fitzgerald and against Defendants as follows:

**\*\*\* REMAINDER OF PAGE INTENTIONALLY LEFT BLANK \*\*\***

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

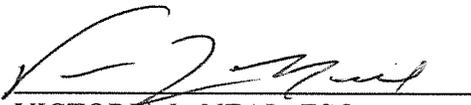
1 IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff Sean Fitzgerald shall  
2 have and recover against Defendants Vince Bartello, Mobile Billboards, LLC, and Hillsboro  
3 Enterprises, Inc., the sum of THREE THOUSAND ONE-HUNDRED ELEVEN DOLLARS  
4 AND 16/100 (\$3,111.16) plus post-judgment interest. Plaintiff Sean Fitzgerald shall further  
5 have and recover against All Defendants, Vince Bartello, Mobile Billboards, LLC, and Hillsboro  
6 Enterprises, Inc., Erica Bartello, and EBVB HOLDINGS, LLC, the sum of FIFTY SIX  
7 THOUSAND DOLLARS (\$56,000.00) plus post-judgment interest.

8  
9 **IT IS SO ORDERED:**

10 DATED this 21<sup>st</sup> day of August, 2019.

11  
12   
13 DISTRICT COURT JUDGE  
14 CRISTINA SILVA

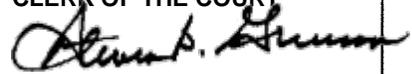
15 Respectfully Submitted By:

16   
17 VICTORIA L. NEAL, ESQ.  
18 Attorney for the Plaintiff

19 Defendants' attorney, Ms. Hurtik, was contacted via email and provided this Judgment  
20 Upon Jury Verdict on August 4, 2019. On August 5, 2019, via email, Ms. Hurtik disagreed with  
21 the Judgment Upon Jury Verdict.

22  
23 Approved as to form and content:

24  
25 Does Not Agree/Declined to Sign  
26 CARRIE E. HURTIK, ESQ.  
27 Attorney for Defendants  
28



1 NEO  
2 JAMES P. KEMP, ESQ.  
3 Nevada Bar No.: 6375  
4 VICTORIA L. NEAL, ESQ.  
5 Nevada Bar No.: 13382  
6 KEMP & KEMP  
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10 jp@kemp-attorneys.com  
11 vneal@kemp-attorneys.com

12 *Attorneys for Plaintiff*  
13 *Sean Fitzgerald*

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*

14 SEAN FITZGERALD, )  
15 ) Case No.: A-15-716570-C  
16 Plaintiff, )  
17 ) Dept. No. IX  
18 vs. )  
19 )  
20 HILLSBORO ENTERPRISES INC., a Nevada )  
21 Corporation; and, MOBILE BILLBOARDS, )  
22 LLC, a Nevada Limited Liability Company; )  
23 EBVB HOLDINGS, LLC, a Nevada Limited )  
24 Liability Company; VINCE BARTELLO, an )  
25 individual; ERICA BARTELLO, an )  
26 individual; and DOES I through X; and ROE )  
27 BUSINESS ENTITIES I through X, inclusive, )  
28 Defendants. )

**NOTICE OF ENTRY OF ORDER AND FINAL JUDGMENT**

PLEASE TAKE NOTICE that an Order and Final Judgment in the above referenced matter was entered in on August 23, 2019 a true and correct copy of which is attached hereto.

///

///

///

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

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DATED this 23rd day of August, 2019.

KEMP & KEMP

BY: 

VICTORIA L. NEAL, ESQ.  
Nevada Bar No. 13382  
7435 W. Azure Drive, Ste 110  
Las Vegas, NV 89130

*Attorneys for Plaintiff  
Sean Fitzgerald*

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

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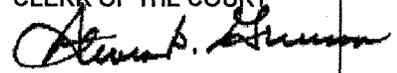
**CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, the undersigned certifies that on the 23rd day of August, 2019 the forgoing NOTICE OF ENTRY OF ORDER AND FINAL JUDGMENT was served by electronic transmission through the Odyssey system to the persons or parties below. The undersigned additionally certifies that on 23rd day of August, 2019, the undersigned deposited the within and foregoing Notice of Entry of Order and Final Judgment in the United States Mail at Las Vegas, Nevada, with postage fully paid thereon, address to the following persons or parties:

Carrie E. Hurtik, Esq.  
Jonathon R. Patterson, Esq.  
HURTIK LAW AND ASSOCIATES  
6767 West Tropicana Ave, Suite #200  
Las Vegas, NV 89103

  
An Employee of KEMP & KEMP

**KEMP & KEMP**  
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1 JAMES P. KEMP, ESQ.  
Nevada Bar No.: 6375  
2 VICTORIA L. NEAL, ESQ.  
Nevada Bar No.: 13382  
3 KEMP & KEMP  
4 7435 W. Azure Drive, Ste 110  
Las Vegas, NV 89130  
5 702-258-1183 ph./702-258-6983 fax  
6 jp@kemp-attorneys.com  
vneal@kemp-attorneys.com

7 *Attorneys for Plaintiff*  
8 *Sean Fitzgerald*

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*

10 SEAN FITZGERALD, )  
11 ) Case No.: A-15-716570-C  
12 Plaintiff, )  
13 vs. ) Dept. No. IX  
14 ) Trial Date: July 15, 2019  
15 HILLSBORO ENTERPRISES INC., a Nevada )  
16 Corporation; and, MOBILE BILLBOARDS, )  
17 LLC, a Nevada Limited Liability Company; )  
18 EBVB HOLDINGS, LLC, a Nevada Limited )  
19 Liability Company; VINCE BARTELLO, an )  
individual; ERICA BARTELLO, an )  
individual; and DOES I through X; and ROE )  
BUSINESS ENTITIES I through X, inclusive, )  
Defendants. )

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**JUDGMENT UPON JURY VERDICT**

20  
21  
22 THIS MATTER came on for a trial by jury on July 15, 2019 – July 19, 2019. Plaintiff  
23 Sean Fitzgerald appeared in person, and by and through his counsel, James P. Kemp, Esq., and  
24 Victoria L. Neal, Esq., of the law firm Kemp & Kemp, and for All Defendants, Carrie E. Hurtik,  
25 Esq., and Jonathan R. Patterson, Esq., of the law firm Hurtik Law & Associates. Testimony was  
26 taken, evidence was offered, introduced and admitted. Counsel argued the merits of their cases.  
27  
28

**KEMP & KEMP**  
ATTORNEYS AT LAW  
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1 Pursuant to the Special Verdict Form dated July 19, 2019, the jury rendered a verdict in  
2 favor of Plaintiff on his claim for Conversion of Property against Defendants Vince Bartello,  
3 Mobile Billboards, LLC, and Hillsboro Enterprises, Inc., in the amount of \$3,111.16 plus post-  
4 judgment interest. The jury further rendered a verdict for Plaintiff's claim for Wrongful  
5 Discharge In Violation of Public Policy against All Defendants, Vince Bartello, Mobile  
6 Billboards, LLC, and Hillsboro Enterprises, Inc., Erica Bartello, and EBVB HOLDINGS, LLC  
7 in the amount of \$56,000.00 plus post-judgment interest.  
8

9 NOW THEREFORE, judgment upon the verdict is hereby entered in favor of Plaintiff  
10 Sean Fitzgerald and against Defendants as follows:

11 **\*\*\* REMAINDER OF PAGE INTENTIONALLY LEFT BLANK \*\*\***  
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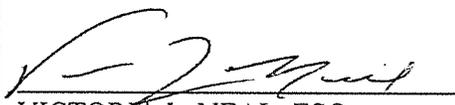
IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff Sean Fitzgerald shall have and recover against Defendants Vince Bartello, Mobile Billboards, LLC, and Hillsboro Enterprises, Inc., the sum of THREE THOUSAND ONE-HUNDRED ELEVEN DOLLARS AND 16/100 (\$3,111.16) plus post-judgment interest. Plaintiff Sean Fitzgerald shall further have and recover against All Defendants, Vince Bartello, Mobile Billboards, LLC, and Hillsboro Enterprises, Inc., Erica Bartello, and EBVB HOLDINGS, LLC, the sum of FIFTY SIX THOUSAND DOLLARS (\$56,000.00) plus post-judgment interest.

IT IS SO ORDERED:

DATED this 21<sup>st</sup> day of August, 2019.

  
DISTRICT COURT JUDGE  
CRISTINA SILVA

Respectfully Submitted By:

  
VICTORIA L. NEAL, ESQ.  
Attorney for the Plaintiff

Defendants' attorney, Ms. Hurtik, was contacted via email and provided this Judgment Upon Jury Verdict on August 4, 2019. On August 5, 2019, via email, Ms. Hurtik disagreed with the Judgment Upon Jury Verdict.

Approved as to form and content:

Does Not Agree/Declined to Sign  
CARRIE E. HURTIK, ESQ.  
Attorney for Defendants

KEMP & KEMP  
ATTORNEYS AT LAW  
7435 W. Azure Drive, Suite 110  
LAS VEGAS, NEVADA 89130  
Tel. (702) 258-1133 • Fax (702) 258-6983



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**January 25, 2016**

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A-15-716570-C

Sean Fitzgerald, Plaintiff(s)

vs.

Hillsboro Enterprises Inc, Defendant(s)

---

**January 25, 2016**

**3:00 AM**

**Motion to Withdraw as  
Counsel**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** Chambers

**COURT CLERK:** Tena Jolley

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- After reviewing the record, the Court ordered counsel's motion to withdraw GRANTED without opposition.

CLERK'S NOTE: The above Minute Order has been distributed via e-mail to: Allen Lichtenstein, Esq. (allaw@lvcoxmail.com) and Victoria L. Neal, Esq. (vneal@kemp-attorneys.com).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**June 28, 2016**

A-15-716570-C

Sean Fitzgerald, Plaintiff(s)

vs.

Hillsboro Enterprises Inc, Defendant(s)

**June 28, 2016**

**8:00 AM**

**Motion to Withdraw as  
Counsel**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Phyllis Irby

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

**PRESENT:**

Marshall, Samuel

Attorney

Neal, Victoria L.

Attorney

**JOURNAL ENTRIES**

- The Court noted Michael Van moved to withdraw his Motion; no opposition. Get with Michael Van's office and inform them they are representing themselves now. Order submitted and signed in open court. The Court directed Pltf to give Notice to Deft's to have new counsel here next date.

7-12-16 8:00 AM CONFIRMATION OF COUNSEL (DEPT. VIII)



Ms. Neal stated discovery had closed, and being Mr. Bartello did not have counsel, it was requested to strike the corporate defendant's answer. Court noted the matter today was only about the deposition. Mr. Ales advised Mr. Bartello could not be present, but had intention of retaining counsel. Moreover, there was a status check set regarding confirmation of counsel. COURT ADDITIONALLY ORDERED, hearing regarding Confirmation of Counsel SET.

7/26/16 8:00 AM CONFIRMATION OF COUNSEL (BARTELLO)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**July 26, 2016**

A-15-716570-C      Sean Fitzgerald, Plaintiff(s)  
vs.  
Hillsboro Enterprises Inc, Defendant(s)

**July 26, 2016      8:00 AM      Hearing**

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

**COURT CLERK:** Jill Chambers

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

**PRESENT:**      Hurtik, Carrie E.      Attorney  
                         Neal, Victoria L.      Attorney

**JOURNAL ENTRIES**

- Colloquy regarding confirmation of counsel and trial date. Court VACATED trial date and SET matter for status check.

8/16/16 8:00 AM STATUS CHECK: TRIAL SETTING//CONFIRMATION OF COUNSEL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**August 16, 2016**

A-15-716570-C      Sean Fitzgerald, Plaintiff(s)  
vs.  
Hillsboro Enterprises Inc, Defendant(s)

**August 16, 2016      8:00 AM      Status Check**

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

**COURT CLERK:** Keri Cromer  
Olivia Black

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

**PRESENT:** Neal, Victoria L.      Attorney

**JOURNAL ENTRIES**

- Rachel Sloane, Esq., appearing on behalf of Defendants.

Notice of Appearance FILED IN OPEN COURT.

Colloquy regarding the status of the case. Upon Court's inquiry, Ms. Neal advised depositions were scheduled for September 19th and requested trial date to be set. COURT ORDERED, matter SET for trial.

11/1/16 8:00 AM CALENDAR CALL

11/14/16 9:30 AM JURY TRIAL

CLERK'S NOTE: Court Clerk gave out incorrect date for Calendar Call in court. The above minute order has been distributed to: Victoria Neal, Esq. (702-258-6983) and Rachel Sloane, Esq. (702-966-5200)ob/08/17/16.

DISTRICT COURT  
CLARK COUNTY, NEVADA

Employment Tort

COURT MINUTES

October 24, 2016

A-15-716570-C

Sean Fitzgerald, Plaintiff(s)

vs.

Hillsboro Enterprises Inc, Defendant(s)

October 24, 2016

3:00 AM

Motion to Extend  
Discovery

Motion to Extend  
Discovery, Continue  
Trial, and Extend  
Dispositive Motion  
Deadlines on an  
Order Shortening  
Time

HEARD BY: Smith, Douglas E.

COURTROOM: Chambers

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The Defendants' Motion to Extend Discovery, Continue Trial, and Extend Dispositive Motion Deadlines on an Order Shortening Time came before this Court on the October 24, 2016, Chambers Calendar. Having reviewed the Motion and Opposition, COURT ORDERED, Motion GRANTED, in part, and DENIED, in part. The Court GRANTS the Motion to Continue Trial and Extend Dispositive Motion Deadlines but DENIES the Motion to Extend Discovery. This Court's Judicial Executive Assistant (JEA) shall set a new trial date.

Carrie Hurtik, Esq., to prepare the Order.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Carrie Hurtik, Esq., (Hurtik Law & Associates).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**January 24, 2017**

A-15-716570-C      Sean Fitzgerald, Plaintiff(s)  
vs.  
Hillsboro Enterprises Inc, Defendant(s)

**January 24, 2017      8:00 AM      Calendar Call**

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

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

**PRESENT:**      Hurtik, Carrie E.      Attorney  
                 Kemp, James P.      Attorney  
                 Neal, Victoria L.      Attorney

**JOURNAL ENTRIES**

- This is the time set for Calendar Call.

Colloquy regarding case status; Discovery is complete. Upon Court's inquiry as to whether or not counsel were ready for trial, Ms. Hurtik advised that counsel have conflicting trial schedules.

Mr. Kemp advised that counsel just participated in their Rule 2.67 meeting and would request a mandatory settlement conference; he requested that the trial date be continued. COURT ORDERED, matter REFERRED for mandatory settlement conference. COURT FURTHER ORDERED, trial date VACATED and RESET.

08/22/17 8:00 AM CALENDAR CALL

09/05/17 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**May 23, 2017**

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A-15-716570-C

Sean Fitzgerald, Plaintiff(s)

vs.

Hillsboro Enterprises Inc, Defendant(s)

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**May 23, 2017**

**1:30 PM**

**Settlement Conference**

**HEARD BY:**

**COURTROOM:** No Location

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Matter not settled.

DISTRICT COURT  
CLARK COUNTY, NEVADA

Employment Tort

COURT MINUTES

August 07, 2017

A-15-716570-C

Sean Fitzgerald, Plaintiff(s)

vs.

Hillsboro Enterprises Inc, Defendant(s)

August 07, 2017

3:00 AM

Motion to Withdraw as  
Counsel

Carrie E. Hurtik,  
Esq.'s Motion to  
Withdraw as  
Attorney of Record

HEARD BY: Smith, Douglas E.

COURTROOM: Chambers

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Carrie E. Hurtik, Esq.'s Motion to Withdraw as Attorney of Record came before the Court on the August 7, 2017, Chamber Calendar. Having reviewed the Motion and there being no Opposition thereto, COURT ORDERED, the Motion is GRANTED.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Carrie E. Hurtik, Esq., (Hurtik Law & Associates).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**August 22, 2017**

A-15-716570-C      Sean Fitzgerald, Plaintiff(s)  
vs.  
Hillsboro Enterprises Inc, Defendant(s)

**August 22, 2017      8:00 AM      Calendar Call**

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

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

**PRESENT:**      Kemp, James P.      Attorney  
                         Neal, Victoria L.      Attorney

**JOURNAL ENTRIES**

- This is the time set for Calendar Call; Mr. Neal advised that Carrie Hurtik, counsel for Defendants Vincent Bartello and Mobile Billboards, LLC, has moved to withdraw. Court noted the Motion was GRANTED.

Colloquy regarding trial; Mr. Neal believes the trial will need to be continued; he is not sure who Defendants new counsel will be. Additionally, the parties were trying to do a Settlement Conference and would still like to do one but once the Defendants filed bankruptcy, everything was placed on hold. COURT ORDERED, trial date VACATED; matter OFF CALENDAR, counsel to place this matter back on calendar when they are ready to move forward.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**August 28, 2018**

A-15-716570-C      Sean Fitzgerald, Plaintiff(s)  
vs.  
Hillsboro Enterprises Inc, Defendant(s)

**August 28, 2018      8:00 AM      Status Check      Trial Setting**

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

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

**PRESENT:**      Bartello, Vince      Defendant  
                         Neal, Victoria L.      Attorney

**JOURNAL ENTRIES**

- This is the time set for the Status Check on a Trial Setting. Upon Court's inquiry, Ms. Neal advised that the trial will take approximately three (3) days; she requested a trial setting in April or May 2019. Defendant, Vince Bartello, who is present today without counsel, stated that he is in the process of hiring a new attorney. The Motion to Withdraw of Defendant's prior counsel was previously granted. COURT ORDERED, matter set for trial.

Additionally, Ms. Neal advised that the parties had previously scheduled a settlement conference but the case stalled and the conference did not go forward; she inquired as to whether the Settlement Conference could be rescheduled, she believes the parties may be able to resolve this matter. COURT ORDERED, matter REFERRED for a settlement conference.

04/09/19 8:00 AM CALENDAR CALL

04/22/19 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**April 09, 2019**

A-15-716570-C      Sean Fitzgerald, Plaintiff(s)  
vs.  
Hillsboro Enterprises Inc, Defendant(s)

**April 09, 2019      9:00 AM      Calendar Call**

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

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

**PRESENT:**      Kemp, James P.      Attorney  
                    Neal, Victoria L.      Attorney  
                    Patterson, Jonathan R.      Attorney

**JOURNAL ENTRIES**

- This the time set for the Calendar Call. Upon Court's inquiry, Mr. Kemp announced ready for Plaintiff.

Mr. Patterson advised that Hurtik Law & Associates previously represented Defendants Bartello and Hillsboro Enterprises but withdrew. Subsequently, they were brought back into the case but cannot announce ready at this time because they have some major scheduling conflicts in April; he requested that the trial be CONTINUED to the next stack.

Colloquy regarding scheduling issues; Court represented that it could give counsel a FIRM trial date in July if they so desired. Mr. Kemp requested a firm trial setting on July 15, 2019; Mr. Patterson CONCURRED. COURT ORDERED, trial date VACATED and RESET. The trial is expected to take three (3) days.

06/18/19 8:00 AM CALENDAR CALL

07/15/19 9:30 AM JURY TRIAL - FIRM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**June 18, 2019**

A-15-716570-C      Sean Fitzgerald, Plaintiff(s)  
vs.  
Hillsboro Enterprises Inc, Defendant(s)

**June 18, 2019      8:30 AM      Calendar Call**

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

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

**PRESENT:**      Kemp, James P.      Attorney  
Patterson, Jonathan R.      Attorney

**JOURNAL ENTRIES**

- This is the time set for Calendar Call. Court noted that this matter is set for trial on July 15, 2019; it is a FIRM setting. Mr. Kemp announced ready for the Plaintiff.

Mr. Patterson advised that he has had no contact with their client for several weeks; he had withdrawn once before and thought that issue was resolved. In any event, Mr. Patterson advised the he is going to Withdraw as Counsel on an Order Shortening Time as soon as possible; colloquy. COURT ORDERED, trial date VACATED; matter set for status check. The presence of counsel and the parties is MANDATORY as the Court would like to address any issues and see if there is a remedy so this case may move forward.

06/25/19 8:30 AM STATUS CHECK: RESET TRIAL DATE/PARTIES MUST APPEAR

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**June 25, 2019**

A-15-716570-C

Sean Fitzgerald, Plaintiff(s)

vs.

Hillsboro Enterprises Inc, Defendant(s)

**June 25, 2019**

**8:30 AM**

**Status Check**

**Reset Trial  
Date/Parties Must be  
Present**

**HEARD BY:** Silva, Cristina D.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bartello, Vince	Defendant
	Kemp, James P.	Attorney
	Lay, Linda L	Attorney
	Neal, Victoria L.	Attorney

**JOURNAL ENTRIES**

- This is the time set for the Status Check: Reset Trial Date/Parties Must Be Present. Court noted that this matter was set as a result of the June 18, 2019, Calendar Call. At that time Mr. Kemp and Jonathan Patterson, Esq., were present but Mr. Patterson indicated that he was going to Withdraw as Counsel of Record so the Court requested that counsel and the parties be present this morning.

Ms. Lay advised that Hurtik Law & Associates was recently retained on this matter and they are ready for trial. Although Carrie Hurtik, Esq., will be trying the matter, she is not available at the end of July and is inquiring as to whether opposing counsel would be willing to continue the trial to either August or September.

Mr. Kemp advised that July 15, 2019, was a FIRM setting. At the Calendar Call, counsel advised that Ms. Hurtik was no longer representing the Defendants. This has been an ongoing repeated process where Ms. Hurtik represents the Defendant, then they withdraw. In addition to the individual

Defendants, counsel also represents a corporation and some business entities. This matter was set by Justice Cherry on a firm setting back in April 2019 and Plaintiff is ready for trial. If Ms. Lay is now representing the Defendants, he would request that a Notice of Appearance be filed as there has never been an official appearance filed with the court.

Colloquy regarding scheduling issues; Ms. Hurtik has a potential conflict. Court noted that, under the circumstances, the Court is inclined to proceed with trial on July 15, 2019. Therefore, COURT ORDERED, the trial date STANDS; counsel should file a Notice of Appearance as soon as possible.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**July 15, 2019**

A-15-716570-C      Sean Fitzgerald, Plaintiff(s)  
vs.  
Hillsboro Enterprises Inc, Defendant(s)

**July 15, 2019                      9:30 AM                      Jury Trial - FIRM**

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

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bartello, Erica	Defendant
	Bartello, Vince	Defendant
	Fitzgerald, Sean	Plaintiff
	Hurtik, Carrie E.	Attorney
	Kemp, James P.	Attorney
	Neal, Victoria L.	Attorney
	Patterson, Jonathan R.	Attorney

**JOURNAL ENTRIES**

- 10:37 a.m. Jury Trial commenced. Court and counsel begin Voir Dire examination of the prospective Jurors. Jury and two (2) alternates selected and sworn. Opening statements by Mr. Kemp and Ms. Hurtik.

4:03 p.m. Court ADJOURNED: COURT ORDERED, Jury Trial CONTINUED.

CONTINUED TO: 07/16/19 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**July 16, 2019**

A-15-716570-C      Sean Fitzgerald, Plaintiff(s)  
vs.  
Hillsboro Enterprises Inc, Defendant(s)

**July 16, 2019      9:30 AM      Jury Trial - FIRM**

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

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bartello, Erica	Defendant
	Bartello, Vince	Defendant
	Fitzgerald, Sean	Plaintiff
	Hurtik, Carrie E.	Attorney
	Kemp, James P.	Attorney
	Neal, Victoria L.	Attorney
	Patterson, Jonathan R.	Attorney

**JOURNAL ENTRIES**

- 9:45 a.m. Jury Trial resumed. Exclusionary Rule INVOKED. Testimony and exhibits presented (see worksheets). Plaintiff's Exhibits 3 through 40, with the exception of Exhibit 33, were ADMITTED by stipulation of the parties.

5:03 p.m. Court ADJOURNED: COURT ORDERED, Jury Trial CONTINUED.

CONTINUED TO: 07/17/19 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**July 17, 2019**

A-15-716570-C      Sean Fitzgerald, Plaintiff(s)  
vs.  
Hillsboro Enterprises Inc, Defendant(s)

**July 17, 2019      12:30 AM      Jury Trial - FIRM**

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

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bartello, Erica	Defendant
	Bartello, Vince	Defendant
	Fitzgerald, Sean	Plaintiff
	Hurtik, Carrie E.	Attorney
	Kemp, James P.	Attorney
	Neal, Victoria L.	Attorney
	Patterson, Jonathan R.	Attorney

**JOURNAL ENTRIES**

- 12:45 p.m. Jury Trial resumed. Exclusionary Rule INVOKED. Testimony and exhibits presented (see worksheets).

5:36 p.m. Court ADJOURNED: COURT ORDERED, Jury Trial CONTINUED.

CONTINUED TO: 07/18/19 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**July 18, 2019**

A-15-716570-C      Sean Fitzgerald, Plaintiff(s)  
vs.  
Hillsboro Enterprises Inc, Defendant(s)

**July 18, 2019      9:00 AM      Jury Trial - FIRM**

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

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bartello, Erica	Defendant
	Bartello, Vince	Defendant
	Fitzgerald, Sean	Plaintiff
	Hurtik, Carrie E.	Attorney
	Kemp, James P.	Attorney
	Neal, Victoria L.	Attorney
	Patterson, Jonathan R.	Attorney

**JOURNAL ENTRIES**

- 9:08 p.m. Jury Trial resumed. OUTSIDE THE PRESENCE OF THE JURY: the presence of both the Defendants is WAIVED. During the testimony of Mr. Bartello, he mentioned that there was a video of the conversation between him and the Plaintiff when the Plaintiff had come to the worksite to collect his tools; Mr. Bartello testified that the video had been given to his attorney but she does not have it, it was not given to Plaintiff's counsel, and it was not produced for trial. Court noted that there was no discovery motion pending before the Court or a motion to compel prior to trial and the Court believes there was testimony that the video was sent to his attorney. Mr. Kemp orally requested that an adverse inference instruction be given or that Defendants' Answer to the Complaint be stricken in its entirety for the reasons stated on the record; arguments by counsel. Court advised that it was not inclined to strike the Defendants' Answer but would take the request for an adverse inference under submission. Ms. Hurtik then orally requested an adverse inference with the regard to the trespass sign; additional argument. Court advised it would take this matter under submission as well. After

hearing further argument by counsel on these issues, the COURT ORDERED, the Complaint will not be stricken and an adverse instruction shall be given with regard to the video issue. The parties are free to submit a proposed Jury Instruction on this issue to the Court for consideration.

Jury Instructions and Verdict form settled on the record.

JURY PRESENT: Exclusionary Rule INVOKED; Testimony and exhibits presented (see worksheets).

Court instructed the Jury; Closing arguments by Mr. Kemp and Ms. Hurtik; rebuttal by Mr. Kemp. Court thanked and excused the alternates.

5:16 p.m. ADJOURNED: COURT ORDERED, Jury Trial CONTINUED.

CONTINUED TO: 07/19/19 9:00 AM





SEAN FITZGERALD

vs. HILLSBORO ENTERPRISES INC., et al

#	DESCRIPTION	DATE OFFERED	OBJECTION	DATE ADMITTED	
20	AmTrust Letter dated October 20, 2014 <b>Bates Stamped P10184-186</b>	7/16/19	stop	7/16/19	VB
21	AmTrust Letter dated November 20, 2014 <b>Bates Stamped P10187-193</b>				VB
22	State of Nevada, Department of Administration Hearings Division Decision and Order dated November 24, 2014 <b>Bates Stamped P10194-197</b>				VB
23	Certified Vocational Services Letter dated December 1, 2014 <b>Bates Stamped P10198-200</b>				VB
24	AmTrust Letter dated December 12, 2014 <b>Bates Stamped P10201-202</b>				VB
25	AmTrust Letter dated December 29, 2014 <b>Bates Stamped P10203-204</b>				VB
26	Decision and Order Before the Appeal Officer in the Matter of the Contest Industrial Insurance Claim of Sean Fitzgerald dated March 25, 2015 <b>Bates Stamped P10205-208</b>				VB
27	Hearing Memorandum filed date February 24, 2015 <b>Bates Stamped P10209-221</b>				VB
28	Petition for Judicial Review dated April 9, 2015 <b>Bates Stamped P10222-230</b>				VB
29	Notice of Entry of Order dated September 18, 2015 <b>Bates Stamped P10231-232</b>				VB
30	Order Denying Pertition for Judicial Review dated September 16, 2015 <b>Bates Stamped P10233-237</b>				VB
31	IRS Forms W-2 for 2014 from Hillsboro Enterprises and Mobile Billboards <b>Bates Stamped P10238-239</b>				VB
32	Email Between Vince Bartello and Michele Goodes dated May 21, 2014 <b>Bates Stamped Hillsboro et al 000001</b>	7/16/19	stop	7/16/19	VB
33	Fax dated June 17, 2004 From Sean Fitzgerald <b>Bates Stamped Hillsboro et al 000004-5</b>	7/16/19	obj.	7/16/19	VB
34	Emails Between Vince Bartello and Michele Goodes <b>Bates Stamped Hillsboro et al 000007-000110</b>	7/16/19	stop	7/16/19	VB
35	Emails Between Vince Bartello and Michele Goodes <b>Bates Stamped Hillsboro et al 000118-000120</b>				VB
36	Inventory List dated May 19, 2014 <b>Bates Stamped Hillsboro et al 000121-000126</b>				VB
37	Accident Report <b>Bates Stamped Hillsboro000128</b>	7/16/19	stop	7/16/19	VB

SEAN FITZGERALD

vs. HILLSBORO ENTERPRISES INC., et al

#	DESCRIPTION	DATE OFFERED	OBJECTION	DATE ADMITTED	
38	Notice of Injury or Occupational Disease <b>Bates Stamped Hillsboro000129</b>	7/16/19	stp	7/16/19	AB
39	Email Chain Between Vince Bartello and Kimberly Abdella <b>Bates Stamped Hillsboro 000130-147</b>				AB
40	Resume and Certifications of Sean Fitzgerald <b>Bates Stamped Hillsboro000148-155</b>	7/16/19	stp	7/16/19	AB
41	Defendant Hillsboro Enterprises, Inc., Responses to Plaintiff's First Set of Request for Admissions				AB
42	Defendant Hillsboro Enterprises, Inc., Responses to Plaintiff's First Set of Interrogatories				AB
43	Defendant Mobile Billboards, LLC's Responses to Plaintiff's First Set of Request for Admissions				AB
44	Defendant Mobile Billboards, LLC's Responses to Plaintiff's First Set of Interrogatories				AB
45	Defendant EBVB Holdings, LLC's Responses to Plaintiff's First Set of Interrogatories				AB





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

**CARRIE E. HURTIK, ESQ.**  
**6767 W. TROPICANA AVE., SUITE #200**  
**LAS VEGAS, NV 89103**

**DATE: September 24, 2019**  
**CASE: A-15-716570-C**

**RE CASE:** SEAN FITZGERALD vs. HILLSBORO ENTERPRISES INC.; MOBILE BILLBOARDS, LLC; EBVB HOLDINGS, LLC; VINCE BARTELLO; ERICA BARTELLO

NOTICE OF APPEAL FILED: September 20, 2019

**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
- Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- Order
- Notice of Entry of Order

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

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

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

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; JUDGMENT UPON JURY VERDICT; NOTICE OF ENTRY OF ORDER AND FINAL JUDGMENT; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

SEAN FITZGERALD,

Plaintiff(s),

vs.

HILLSBORO ENTERPRISES INC.; MOBILE BILLBOARDS, LLC; EBVB HOLDINGS, LLC; VINCE BARTELLO; ERICA BARTELLO,

Defendant(s),

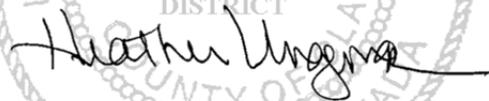
Case No: A-15-716570-C

Dept No: IX

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 24 day of September 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

