

CLERK OF THE COURT  
*Alvin B. Linn*

**NOAS**  
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 Nevada Bar No. 9807  
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 Counter-Defendants*

Electronically Filed  
Dec 14 2020 10:27 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

BETTY CHAN and ASIAN  
AMERICAN REALTY &  
PROPERTY MANAGEMENT,

Plaintiffs,

VS.

WAYNE WU; JUDITH SULLIVAN;  
NEVADA REAL ESTATE CORP.;  
JERRIN CHIU; and KB HOME  
SALES-NEVADA INC.;

Defendants.

CASE NO: A-16-744109-C

DEPT NO: 20

## And All Related Claims

**PLAINTIFFS' AMENDED NOTICE OF APPEAL**

Pursuant to NRS 38.247(1)(f), NRAP 3A(b)(1), NRAP 4(a)(1), and all applicable authority, Plaintiffs BETTY CHAN and ASIAN AMERICAN REALTY & PROPERTY MANAGEMENT (each a “Plaintiff” and collectively the “Plaintiffs”) hereby file this, *Plaintiffs’ Amended Notice of Appeal*. In this connection, Plaintiffs would respectfully show the Court and all parties, as follows:

Notice is hereby given that Plaintiffs are appealing to the Nevada Supreme Court the following orders entered in this action:

1. The District Court's *Order Denying Motion to Vacate or Modify Arbitration Award* (filed Sep. 18, 2018, notice of entry filed Sep. 18, 2018);

- 1           2.     The District Court's *Order Granting Defendants Countermotion for Summary*  
2                     *Judgment and Attorney Fees and Costs* (filed Mar. 22, 2019, notice of entry filed  
3                     Mar. 22, 2019);
- 4           3.     The District Court's *Order on Plaintiffs' Motion to Formally Resolve Motion for*  
5                     *Reconsideration and to Certify Judgment as Final* (filed Mar. 10, 2020, notice of  
6                     entry filed Mar. 10, 2019);
- 7           4.     The District Court's *Order Granting in Part Defendants' Motion for Summary*  
8                     *Judgment, or in the Alternative, for Contractual Award of Attorney's Fees, for*  
9                     *Writ of Execution on Plaintiff's Commissions Awarded by GLVAR Arbitration*  
10                    *Panel, and Release of Bond Deposited on Appeal and Order Granting Plaintiffs'*  
11                    *Countermotion for Summary Judgment* (filed Nov. 23, 2020; notice of entry filed  
12                    Nov. 23, 2020); and
- 13           5.     All prior court judgments, orders, rulings, and decisions which the District Court  
14                    has already entered in this action and as to which Defendants are aggrieved  
15                    parties as of the date indicated below.

16  
17  
18     DATED:     December 8, 2020.

19                     Respectfully submitted,

20                     **FRIZELL LAW FIRM**  
21                     400 N. Stephanie St., Suite 265  
22                     Henderson, Nevada 89014

23                     By:     /s/ R. Duane Frizell  
24                             **R. DUANE FRIZELL, ESQ.**  
25                             Nevada Bar No. 9807  
26                             Attorney for Plaintiffs/  
27                             Counter-Defendants  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on December 8, 2020, I caused the foregoing ***PLAINTIFFS'***  
***AMENDED NOTICE OF APPEAL***, to be served upon the following parties:

MICHAEL A. OLSEN, ESQ.  
Nevada State Bar No. 6076  
THOMAS R. GROVER, ESQ.  
Nevada State Bar No. 12387  
KEITH D. ROUTSONG, ESQ.  
Nevada State Bar No. 14944  
BLACKROCK LEGAL, LLC  
10155 W. Twain Ave., Suite 100  
Las Vegas, Nevada 89147  
*Attorneys for Defendants/Counterclaimants*  
*Wayne Wu, Judith Sullivan, Nevada Real*  
*Estate Corp., and Jerrin Chiu*

JANICE M. MICHAELS, ESQ.  
Nevada State Bar No. 6062  
WOOD SMITH HENNING & BERMAN, LLP  
2881 Business Park Court, Suite 200  
Las Vegas, Nevada 89128  
*Attorney for Defendant*  
*KB Home Sales-Nevada Inc.*

By causing a full, true and correct copy thereof to be sent, together with any and all exhibits and  
other attachments, by the following indicated method(s):

by mailing in a sealed, first-class postage-prepaid envelope, addressed to the above  
listed individuals, and deposited with the United State Postal Service;

X by electronic service through the Eighth Judicial District e-file/e-serve service;

by hand delivery;

by faxing to the attorney at his/her last known fax number;

by electronic mail to the last known e-mail address of the attorney/the party.

/s/ Ai Qin Ni

AIQIN NIU

An employee of FRIZELL LAW FIRM

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. A-16-744109-C**

**Betty Chan, Plaintiff(s)**  
**vs.**  
**Wayne Wu, Defendant(s)**

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Location: **Department 20**  
 Judicial Officer: **Johnson, Eric**  
 Filed on: **09/27/2016**  
 Case Number History:  
 Cross-Reference Case **A744109**  
 Number:  
 Supreme Court No.: **78666**

**CASE INFORMATION**Case Type: **Other Contract**

Case  
 Status: **09/27/2016 Open**

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

Case Number A-16-744109-C  
 Court Department 20  
 Date Assigned 07/02/2018  
 Judicial Officer Johnson, Eric

**PARTY INFORMATION**

<b>Plaintiff</b>	<b>Asian American Realty &amp; Property Management</b>	<b>Frizell, R Duane</b> <i>Retained</i> 702-657-6000(W)
	<b>Chan, Betty</b>	<b>Frizell, R Duane</b> <i>Retained</i> 702-657-6000(W)
<b>Defendant</b>	<b>Chiu, Jerrin</b>	<b>Olsen, Michael A.</b> <i>Retained</i> 702-855-5658(W)
	<b>KB Home Sales-Nevada Inc</b>	
	<b>Nevada Real Estate Corp</b>	<b>Olsen, Michael A.</b> <i>Retained</i> 702-855-5658(W)
	<b>Sullivan, Judith</b>	<b>Olsen, Michael A.</b> <i>Retained</i> 702-855-5658(W)
	<b>Wu, Wayne</b>	<b>Olsen, Michael A.</b> <i>Retained</i> 702-855-5658(W)
<b>Counter Claimant</b>	<b>Chiu, Jerrin</b>	<b>Olsen, Michael A.</b> <i>Retained</i> 702-855-5658(W)
	<b>Nevada Real Estate Corp</b>	<b>Olsen, Michael A.</b> <i>Retained</i> 702-855-5658(W)
	<b>Sullivan, Judith</b>	<b>Olsen, Michael A.</b> <i>Retained</i> 702-855-5658(W)

**CASE SUMMARY****CASE NO. A-16-744109-C****Wu, Wayne****Olsen, Michael A.***Retained*

702-855-5658(W)

**Counter  
Defendant****Chan, Betty****Frizell, R Duane***Retained*

702-657-6000(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<b><u>EVENTS</u></b>	
09/27/2016	 Complaint Filed By: Counter Defendant Chan, Betty <i>Complaint</i>	
11/15/2016	 Amended Complaint Filed By: Counter Defendant Chan, Betty <i>Amended Complaint</i>	
11/21/2016	 Affidavit of Service Filed By: Counter Defendant Chan, Betty <i>Affidavit of Service</i>	
11/21/2016	 Affidavit of Service Filed By: Counter Defendant Chan, Betty <i>Affidavit of Service</i>	
11/21/2016	 Affidavit of Service Filed By: Counter Defendant Chan, Betty <i>Affidavit of Service</i>	
11/21/2016	 Affidavit of Service Filed By: Counter Defendant Chan, Betty <i>Affidavit of Service</i>	
12/01/2016	 Affidavit of Service Filed By: Counter Defendant Chan, Betty <i>Affidavit of Service</i>	
12/06/2016	 Answer and Counterclaim Filed By: Counter Claimant Wu, Wayne <i>Answer and Counterclaim</i>	
12/06/2016	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Wu, Wayne <i>Initial Appearance Fee Disclosure</i>	
12/07/2016	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>Certificate of Service</i>	
12/19/2016	 Reply to Counterclaim Filed by: Counter Defendant Chan, Betty <i>Reply to Counterclaim</i>	

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CASE NO. A-16-744109-C

01/06/2017	 Motion to Amend Filed By: Counter Defendant Chan, Betty <i>Counterdefendant's Motion to Amend Reply to Counterclaim and to Strike Initial Reply to Counterclaim from the Record</i>
01/10/2017	 Stipulation Filed by: Counter Defendant Chan, Betty <i>Stipulation to Continue Early Case Conference</i>
01/10/2017	 Notice of Non Opposition Filed By: Counter Claimant Wu, Wayne <i>Notice of Non-Opposition to Counterdefendant's Motion to Amend Reply to Counterclaim and to Strike Initial Reply to Counterclaim From the Record</i>
01/11/2017	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>Certificate of Service</i>
01/13/2017	 Motion to Stay Filed By: Counter Defendant Chan, Betty <i>Motion for Stay Pending Arbitration</i>
01/23/2017	 Motion to Withdraw As Counsel Filed By: Counter Defendant Chan, Betty <i>Motion to Withdraw as Counsel of Record for Plaintiffs Betty Chan and Asian American Realty and Property Management</i>
02/02/2017	 Opposition Filed By: Counter Claimant Wu, Wayne <i>Opposition to Motion to Stay Pending Arbitration and Countermotion to Dismiss with Prejudice or in the Alternative for Summary Judgment</i>
02/03/2017	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Wu, Wayne <i>Initial Appearance Fee Disclosure</i>
02/06/2017	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>Certificate of Service</i>
02/07/2017	 Supplemental Filed by: Counter Claimant Wu, Wayne <i>Supplement to Opposition to Motion to Stay Pending Arbitration and Countermotion to Dismiss with Prejudice or in the Alternative for Summary Judgment</i>
02/07/2017	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>Certificate of Service</i>
02/09/2017	 Order Filed By: Counter Defendant Chan, Betty <i>Order to Amend Reply to Counterclaim and to Strike Initial Reply to Counterclaim from the Record.</i>
02/10/2017	 Amended

# CASE SUMMARY

CASE NO. A-16-744109-C

	<p>Filed By: Counter Defendant Chan, Betty <i>Amended Reply to Counterclaim</i></p>
02/14/2017	<p> Reply to Opposition            Filed by: Counter Defendant Chan, Betty  <i>Plaintiffs Reply to Opposition to Motion to Stay Pending Arbitration and Opposition to Defendants Coutermotion to Dismiss with Prejudice or in the Alternative for Summary Judgment</i></p>
02/16/2017	<p> Stipulation and Order            Filed by: Counter Defendant Chan, Betty  <i>Stipulation and Order to Continue Hearing</i></p>
02/28/2017	<p> Notice of Hearing            Filed By: Counter Defendant Chan, Betty  <i>Notice of Hearing on Motion to Withdraw as Counsel of Record for Plaintiffs Betty Chan and Asian American Realty and Property Management</i></p>
03/30/2017	<p> Order            Filed By: Counter Defendant Chan, Betty  <i>Order Granting Motion to Stay and Denying Motion to Dismiss and Motion for Summary Judgment</i></p>
04/03/2017	<p> Notice of Entry of Order            Filed By: Counter Defendant Chan, Betty  <i>Notice of Entry of Order Granting Motion to Stay and Denying Motion for Summary Judgment</i></p>
04/17/2017	<p> Order Granting Motion            Filed By: Counter Defendant Chan, Betty  <i>Order Granting Motion to Withdraw as Counsel of Record for Plaintiffs Betty Chan and Asian American Realty &amp; Property Management</i></p>
05/04/2017	<p> Notice of Appearance            Party: Counter Defendant Chan, Betty  <i>Notice of Appearance</i></p>
05/09/2017	<p> Notice of Entry of Order            Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty &amp; Property Management  <i>Notice of Entry of Order Granting Motion to Withdraw as Counsel of Record for Plaintiffs</i></p>
07/02/2018	<p>Case Reassigned to Department 20  <i>Reassigned From Judge Leavitt - Dept 12</i></p>
07/18/2018	<p> Motion to Vacate            Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty &amp; Property Management  <i>MOTION TO VACATE OR MODIFY ARBITRATION AWARD</i></p>
08/06/2018	<p> Opposition and Countermotion            Filed By: Counter Claimant Wu, Wayne  <i>Opposition to Motion to Vacate or Modify Arbitration Award and Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorney Fees</i></p>
08/07/2018	<p> Initial Appearance Fee Disclosure  <i>Initial Appearance Fee Disclosure</i></p>

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CASE NO. A-16-744109-C

08/15/2018	 Reply in Support Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>Reply In Support Of Motion to Vacate or Modify Arbitration Award and Opposition to Countermotions</i>
08/21/2018	 Change of Address Filed By: Defendant KB Home Sales-Nevada Inc <i>Change of Address of Attorneys for Defendant KB Home Sales - Nevada, Inc.</i>
09/05/2018	 Supplement Filed by: Counter Claimant Wu, Wayne <i>First Supplement to Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorney Fees</i>
09/12/2018	 Supplement Filed by: Counter Claimant Wu, Wayne <i>Supplement to First Supplement to Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorney Fees</i>
09/18/2018	 Order Filed By: Counter Claimant Wu, Wayne <i>Order Denying Motion to Vacate or Modify Arbitration Award</i>
09/18/2018	 Notice of Entry of Order Filed By: Counter Claimant Wu, Wayne <i>Notice of Entry of Order</i>
09/20/2018	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>Certificate of Service</i>
09/21/2018	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>Certificate of Service</i>
09/25/2018	 Declaration Filed By: Counter Claimant Wu, Wayne <i>Declaration of Service</i>
10/04/2018	 Stipulation and Order Filed by: Counter Defendant Chan, Betty <i>Stipulation and Order Extending Briefing and Continuing Hearing</i>
10/09/2018	 Substitution of Attorney Filed by: Counter Defendant Chan, Betty <i>Substitution of Attorneys</i>
10/12/2018	 Motion to Extend Party: Counter Defendant Chan, Betty <i>Motion to Extend Briefing on Order Shortening Time and Continue Hearing Date</i>
10/15/2018	 Notice of Entry



**CASE SUMMARY**

**CASE NO. A-16-744109-C**

Filed By: Counter Defendant Chan, Betty  
*Notice of Entry of Order on Shortening Time*

10/15/2018



Opposition

*Opposition to Motion to Extend Briefing on Order Shortening Time and Continue Hearing*

10/25/2018



Supplement

Filed by: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management  
*Plaintiffs/Counterdefendants Betty Chan and Asia American Realty & Property Management's Supplement to Plaintiffs Opposition Defendants/Counterclaimants Wayne Wu, Judicity Sullivan, Nevada Real Estate Corp., Jerrin Chiu, KB Home Sales-Nevada, Inc.'s: (1) First Supplement to Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorney Fees (filed 09/15/18); and (2) Supplement to First Supplement to Countermotion to Recognize Wu as the Procuring Cause for Summary Judgment, and for Attorneys Fees (filed )9/12/18)*

10/29/2018



Reply

*Reply to Plaintiffs Supplement*

10/30/2018



Certificate of Service

Filed by: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management  
*Certificate of Service*

10/31/2018



Memorandum of Costs and Disbursements

Filed By: Counter Claimant Wu, Wayne  
*Memorandum of Costs and Disbursements*

11/14/2018



Transcript of Proceedings

*Defendants and Counterclaimants Wayne Wu, Judith Sullivan, Nevada Real Estate Corp. and Jerrin Chiu's Opposition to Motion to Vacate or Modify Arbitration Award and Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment and for Attorney Fees, October 31, 2018*

12/31/2018



Transcript of Proceedings

*All Pending Motions, August 22, 2018*

01/03/2019



Motion to Withdraw As Counsel

Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management  
*Motion to Withdraw As Counsel of Record*

01/25/2019



Recorders Transcript of Hearing

*Plaintiffs' Motion to Extend Briefing on Order Shortening Time and Continue Hearing Date, October 17, 2018*

01/29/2019



Notice of Change of Firm Name

Filed By: Counter Claimant Wu, Wayne  
*Notice of Change and Firm Name*

02/19/2019



Motion

*Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw and New Motion to Get a New Court Hearing Date*

03/08/2019



Opposition to Motion

# CASE SUMMARY

CASE NO. A-16-744109-C

*Gentile Cristalli Miller Armeni & Savarese's Opposition to Betty Chan and Asian American Realty and Property Management's Motion to Reconsider Order Granting Motion to Withdraw and Late Filed Opposition to Motion to Withdraw*

03/21/2019



Order Granting Motion

*Order Granting Motion to Withdraw As Counsel of Record*

03/21/2019



Notice of Entry of Order

*Notice of Entry of Order Granting Motion to Withdraw as Counsel of Record*

03/22/2019



Order

Filed By: Counter Claimant Wu, Wayne

*Order Granting Defendants Countermotion for Summary Judgment and Attorneys Fees and Costs*

03/22/2019



Notice of Entry of Order

Filed By: Counter Claimant Wu, Wayne

*Notice of Entry of Order*

03/25/2019



Certificate of Service

Filed by: Counter Claimant Wu, Wayne

*Certificate of Service*

03/27/2019



Ex Parte Order

Filed By: Counter Claimant Wu, Wayne

*Ex Parte Motion for an Order Shortening Time*

03/27/2019



Motion for Writ of Attachment

Filed By: Counter Claimant Wu, Wayne

*Motion for Writ of Execution on Plaintiffs Commissions Awarded by GLVAR Arbitration Panel*

03/28/2019



Motion for Writ of Attachment

Filed By: Counter Claimant Wu, Wayne

*Motion for Writ of Execution on Plaintiffs Commissions Awarded by GLVAR Arbitration Panel*

04/01/2019



Response

Filed by: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management

*Response to Attorney Janiece Marshall's opposition and request additional time to locate another attorney replacement*

04/01/2019



Motion

Filed By: Counter Defendant Chan, Betty

*Motion to vacate entry of order or Motion for extension of time to file reconsideration to the entry of order granting Defendant countermotion*

04/04/2019



Ex Parte Motion

Filed By: Counter Claimant Wu, Wayne

*Ex Parte Motion for an Order Shortening Time*

04/04/2019



Notice of Entry of Order

Filed By: Counter Claimant Wu, Wayne

*Notice of Entry of Order*

04/05/2019

# CASE SUMMARY



CASE NO. A-16-744109-C

	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>Certificate of Service</i>
04/07/2019	 Opposition Filed By: Counter Defendant Chan, Betty <i>motion to oppose Motion for writ of execution on Plaintiff's Commission awarded by GLVAR Arbitration Panel</i>
04/08/2019	 Motion Filed By: Counter Defendant Chan, Betty <i>Motion to Vacate notice of Entry of Order Granting Shortening Time</i>
04/14/2019	 Supplement Filed by: Counter Defendant Chan, Betty <i>Supplemental to Plaintiffs' Opposition to Writ of Execution Filed on 4/7/2019</i>
04/15/2019	 Supplement Filed by: Counter Defendant Chan, Betty <i>Supplemental Attachment to plaintiffs's motion filed on 4/1/2019 for reconsideration</i>
04/22/2019	 Notice of Appeal Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>Notice of Appeal</i>
04/22/2019	 Case Appeal Statement Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>Case Appeal Statement</i>
04/24/2019	 Notice of Appearance Party: Counter Defendant Chan, Betty <i>Notice of Appearance</i>
04/24/2019	 Motion for Stay of Execution Filed By: Counter Defendant Chan, Betty <i>Plaintiffs Motion to Stay Execution Pending Appeal (on an Ex Parte Application for an Order Shortening Time)</i>
04/25/2019	 Case Appeal Statement Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>Case Appeal Statement</i>
04/25/2019	 Writ Electronically Issued <i>Writ of Execution</i>
04/26/2019	 Notice of Motion <i>Notice of Motion; Order Shortening Time; Stay of Execution</i>
04/26/2019	 Notice of Entry of Order Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>NOTICE OF ENTRY OF NOTICE OF MOTION; ORDER SHORTENING TIME; STAY OF</i>

# CASE SUMMARY

CASE NO. A-16-744109-C

## EXECUTION

04/26/2019	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>Certificate of Service</i>
04/29/2019	 Opposition <i>Partial Opposition to Plaintiff's Motion to Stay Execution</i>
04/29/2019	 Notice <i>Notice of Production of Documents in camera</i>
05/01/2019	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>Certificate of Service</i>
05/01/2019	 Transcript of Proceedings <i>Defendant's Motion For Writ of Execution, April 17, 2019</i>
05/01/2019	 Order Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>ORDER ON PLAINTIFFS MOTION TO STAY EXECUTION PENDING APPEAL</i>
05/01/2019	 Notice of Entry of Order Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>NOTICE OF ENTRY OF ORDER ON PLAINTIFFS MOTION TO STAY EXECUTION PENDING APPEAL</i>
05/03/2019	 Order <i>Order Denying Plaintiffs' Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw</i>
05/03/2019	 Miscellaneous Filing Filed by: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>Transcript Request Statement</i>
05/06/2019	 Notice of Entry of Order <i>Notice of Entry of Order Denying Plaintiffs' Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw</i>
05/07/2019	 Notice of Posting Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>PLAINTIFFS NOTICE OF POSTING SUPERSEDEAS BOND</i>
12/11/2019	 Notice of Hearing <i>Notice of Hearing</i>
01/07/2020	 Motion Filed By: Counter Defendant Chan, Betty <i>Plaintiffs' Motion to Formally Resolve Motion for Reconsideration and to Certify Judgment as Final (on an Application for an Order Shortening Time)</i>








# CASE SUMMARY

CASE NO. A-16-744109-C

01/08/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
01/10/2020	 Order Shortening Time Filed By: Counter Defendant Chan, Betty <i>Notice of Motion; Order Shortening Time</i>
01/16/2020	 Opposition and Countermotion Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin; Defendant KB Home Sales-Nevada Inc <i>Opposition to Plaintiff's Motion to Formally Resolve Motion for Reconsideration and to Certify Judgment as Final (on an Application for an Order Shortening Time) and Countermotion for Summary Judgment on Abuse of Process Claim</i>
01/16/2020	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>Certificate of Service</i>
01/22/2020	 Reply in Support Filed By: Counter Defendant Chan, Betty <i>Plaintiffs Reply in Support of Their Motion to Formally Resolve Motion for Reconsideration and to Certify Judgment as Final and Opposition to Countermotion for Summary Judgment on Abuse of Process Claim</i>
03/10/2020	 Order Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>Order on Plaintiff's Motion to Formally Resolve Motion for Reconsideration and to Certify Judgment as Final and Countermotion for Summary Judgment on Abuse or Process Claim</i>
03/10/2020	 Notice of Entry of Order Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>NOTICE OF ENTRY OF ORDER ON PLAINTIFFS MOTION TO FORMALLY RESOLVE MOTION FOR RECONSIDERATION AND TO CERTIFY JUDGMENT AS FINAL AND COUNTERMOTION FOR SUMMARY JUDGMENT ON ABUSE OF PROCESS CLAIM</i>
04/06/2020	 Amended Notice of Appeal Party: Counter Defendant Chan, Betty <i>Plaintiffs Amended Notice of Appeal</i>
05/29/2020	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
06/04/2020	 Motion for Summary Judgment Filed By: Counter Claimant Wu, Wayne <i>Motion for Summary Judgment, or in the alternative, for Award of Attorney s Fees, for Writ of Execution for on Plaintiff s Commissions Awarded by GLVAR Arbitration Pane land Release of Bond Deposited on Appeal</i>
06/04/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>

# CASE SUMMARY

CASE NO. A-16-744109-C

06/05/2020	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>Certificate of Service</i>
06/09/2020	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
06/25/2020	 Motion to Strike Filed By: Counter Defendant Chan, Betty <i>Plaintiffs' Motion to Strike or in the Alternative to Extend Briefing and Continue the Hearing on Defendants' Motion for Summary Judgment (First Request) (On an Ex Parte Application for an Order Shortening Time)</i>
06/26/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
06/26/2020	 Order Shortening Time Filed By: Counter Defendant Chan, Betty <i>NOTICE OF MOTION; ORDER SHORTENING TIME</i>
06/29/2020	 Opposition <i>Opposition to Motion to Strike</i>
07/08/2020	 Opposition and Countermotion Filed By: Counter Defendant Chan, Betty <i>Plaintiffs' Opposition to Defendants' Motion for Summary Judgment, or in the Alternative, for Contractual Award of Attorney's Fees, for Writ of Execution on Plaintiff's Commissions Awarded by GLVAR Arbitration Panel and Release of Bond Deposited on Appeal and Countermotion for Summary Judgment on Defendants' Abuse-Of-Process Counterclaim</i>
07/13/2020	 Reply in Support Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>Reply in support of Motion for Summary Judgment or in the Alternative, for Contractual Award of Attorney's Fees, for Writ of Execution on Plaintiff's Commissions Awarded by GLVAR Arbitration Panel and Release of Bond Deposited on Appeal and Opposition to Countermotion for Summary Judgment on Defendant's Abuse of Process Counterclaim</i>
07/15/2020	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>Certificate of Service</i>
07/17/2020	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
08/11/2020	 Memorandum <i>Memorandum for Production of Invoices</i>
08/12/2020	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>Certificate of Service</i>
08/12/2020	 Notice Filed By: Counter Claimant Wu, Wayne <i>Notice of Production of Document for In Camera Review</i>


# CASE SUMMARY

CASE NO. A-16-744109-C

08/13/2020	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>Certificate of Service</i>
09/02/2020	 Transcript of Proceedings <i>Transcript of Hearing: Motion to Stay Execution on Order Shortening Time Partial Opposition to Plaintiff's Motion to Stay Execution Pending Appeal (on an Ex Parte Application for an Order Shortening Time) and Demand for Supersedeas Bond and Countermotion to Amend Order, May 1, 2019</i>
09/02/2020	 Transcript of Proceedings <i>Transcript of Hearing: All Pending Motions, January 22, 2020</i>
09/02/2020	 Transcript of Proceedings <i>Transcript of Hearing: Plaintiff's Motion to Strike or in the Alternative to Extend Briefing and Continue the Hearing on Defendant's Motion for Summary Judgment, June 30, 2020</i>
09/02/2020	 Transcript of Proceedings <i>Transcript of Hearing: All Pending Motions, July 21, 2020</i>
09/09/2020	 Opposition and Countermotion Filed By: Counter Defendant Chan, Betty <i>Plaintiffs Opposition to Defendants Memorandum for Production of Invoices for Attorney s Fees and Costs And Countermotion to Have Defendants Invoices Filed and Made Part of the Public Record</i>
09/10/2020	 Reply in Support Filed By: Counter Claimant Wu, Wayne <i>Reply in support of Memorandum for Fees</i>
09/11/2020	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>Certificate of Service</i>
10/09/2020	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing: Plaintiff's Opposition to Defendant's Memorandum for Production of Invoices for Attorney's Fees and Costs and Countermotion to have Defendant's invoices Filed and Made Part of the Public Record; Status Check: Attorney's Fees and Costs, September 30, 2020</i>
11/23/2020	 Order <i>Order Granting in Part Defendants' Motion for Summary Judgment, or in the Alternative, for Contractual Award of Attorney's Fees, for Writ of Execution on Plaintiff's Commissions Awarded by GLVAR Arbitration Panel, and Release of Bond Deposited on Appeal and Order Granting Plaintiffs' Countermotion for Summary Judgment</i>
11/23/2020	 Notice of Entry of Order Filed By: Counter Claimant Wu, Wayne <i>Notice of Entry of Order</i>
11/24/2020	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>Certificate of Service</i>

# CASE SUMMARY

CASE NO. A-16-744109-C

11/24/2020	 Motion for Stay of Execution Filed By: Counter Defendant Chan, Betty <i>Plaintiff's Motion to Stay Execution Pending Appeal (on an Ex Parte Application for an Order Shortening Time)</i>
11/30/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/04/2020	 Order <i>Notice of Motion; Order Shortening Time; Stay of Execution</i>
12/04/2020	 Notice of Entry of Order Filed By: Counter Defendant Chan, Betty <i>NOTICE OF ENTRY OF NOTICE OF MOTION; ORDER SHORTENING TIME; STAY OF EXECUTION</i>
12/08/2020	 Objection <i>Objection to Plaintiffs' Motion to Stay Execution Pending Appeal</i>
12/08/2020	 Notice of Appeal Filed By: Counter Defendant Chan, Betty <i>PLAINTIFFS NOTICE OF APPEAL</i>
12/08/2020	 Case Appeal Statement Filed By: Counter Defendant Chan, Betty <i>PLAINTIFFS CASE APPEAL STATEMENT</i>
12/08/2020	 Amended Notice of Appeal Party: Counter Defendant Chan, Betty <i>PLAINTIFFS AMENDED NOTICE OF APPEAL</i>

## **DISPOSITIONS**

03/22/2019	<b>Summary Judgment</b> (Judicial Officer: Johnson, Eric) Debtors: Betty Chan (Plaintiff), Asian American Realty & Property Management (Plaintiff) Creditors: Wayne Wu (Defendant), Judith Sullivan (Defendant), Nevada Real Estate Corp (Defendant), Jerrin Chiu (Defendant) Judgment: 03/22/2019, Docketed: 03/22/2019
03/22/2019	<b>Order</b> (Judicial Officer: Johnson, Eric) Debtors: Betty Chan (Plaintiff), Asian American Realty & Property Management (Plaintiff) Creditors: Wayne Wu (Defendant), Judith Sullivan (Defendant), Nevada Real Estate Corp (Defendant), Jerrin Chiu (Defendant) Judgment: 03/22/2019, Docketed: 03/22/2019 Total Judgment: 22,355.83
06/09/2020	<b>Clerk's Certificate</b> (Judicial Officer: Johnson, Eric) Debtors: Betty Chan (Plaintiff), Asian American Realty & Property Management (Plaintiff) Creditors: Wayne Wu (Defendant), Judith Sullivan (Defendant), Nevada Real Estate Corp (Defendant), Jerrin Chiu (Defendant), KB Home Sales-Nevada Inc (Defendant) Judgment: 06/09/2020, Docketed: 06/16/2020 Comment: Supreme Court No 78666 - Appeal Dismissed
11/23/2020	<b>Summary Judgment</b> (Judicial Officer: Johnson, Eric) Debtors: Wayne Wu (Defendant), Judith Sullivan (Defendant), Nevada Real Estate Corp (Defendant), Jerrin Chiu (Defendant) Creditors: Betty Chan (Plaintiff), Asian American Realty & Property Management (Plaintiff)



# CASE SUMMARY

CASE NO. A-16-744109-C

Judgment: 11/23/2020, Docketed: 11/24/2020

11/23/2020

**Order** (Judicial Officer: Johnson, Eric)

Debtors: Betty Chan (Plaintiff), Asian American Realty & Property Management (Plaintiff)  
Creditors: Wayne Wu (Defendant), Judith Sullivan (Defendant), Nevada Real Estate Corp (Defendant), Jerrin Chiu (Defendant)

Judgment: 11/23/2020, Docketed: 11/24/2020

Total Judgment: 35,630.00

## HEARINGS

02/06/2017



**Motion to Amend** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Counterdefendant's Motion to Amend Reply to Counterclaim and to Strike Initial Reply to Counterclaim from the Record*

Granted;

Journal Entry Details:

*Ms. Higbee not present. COURT ORDERED, Motion GRANTED. Prevailing party to prepare the order. CLERK'S NOTE: Ms. Higbee arrived late and was notified by Clerk regarding Court's ruling. Ms. Higbee provided a proposed order for Chambers. /// sj;*

02/27/2017

**Motion For Stay** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Plaintiffs' Motion for Stay Pending Arbitration*

Granted;

02/27/2017

**Opposition and Countermotion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Defendants' and Counterclaimants' Opposition to Motion to Stay Pending Arbitration and Countermotion to Dismiss with Prejudice or in the Alternative for Summary Judgment*

Denied;

02/27/2017



**All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

*PLAINTIFFS' MOTION FOR STAY PENDING ARBITRATION...DEFENDANTS' AND COUNTERCLAIMANTS' OPPOSITION TO MOTION TO STAY PENDING ARBITRATION AND COUNTERMOTION TO DISMISS WITH PREJUDICE OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT Discussions regarding additional claims to be filed, and additional parties. Ms. Higbee argued the matter should not be dismissed, pending arbitration. Court noted there are parties and claims not addressing arbitration. Discussions as to commission dispute. Mr. Olsen argued as to direct violation of ethical rules, amount having exceeded and approaching \$15,000.00, GLVAR rules, and there having been no contact between buyer and Defendant. Further arguments were made regarding arbitration proceedings, KB Home Sales-Nevada Inc., having been seller of property, and the matter needing to be dismissed with prejudice, or summary judgment needing to be granted. Discussions as to Court having enough evidence for dismissal or to grant summary judgment, opposing counsel not having alleged otherwise, and Jerin Chiu not having had a contractual relationship with Plaintiff. Further arguments by Ms. Higbee as to alleged contact, violation of agreement, reduction of commission having been sought, there being no basis for summary judgment or a dismissal, and determination to be made at time of trial. COURT ORDERED, Motion for stay pending arbitration GRANTED. Ms. Higbee to prepare the order. ;*

04/03/2017



**Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

*The Law Firm of Marquis Aurbach Coffing's Notice of Hearing on Motion to Withdraw as Counsel of Record for Plaintiffs Betty Chan and Asian American Realty and Property Management*

## MINUTES

Granted;

Journal Entry Details:

*COURT ORDERED, Motion GRANTED; counsel for Plaintiffs WITHDRAWN. FURTHER, matter SET for status check. Mr. Sansone to prepare the order, and to also include the status check hearing in the written order. 5/01/17 8:30 A.M. STATUS CHECK: NEW COUNSEL FOR PLAINTIFFS;*

# CASE SUMMARY

CASE NO. A-16-744109-C

## SCHEDULED HEARINGS



**Status Check** (05/01/2017 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Status Check: New Counsel For Plaintiffs*

05/01/2017



**Status Check** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Status Check: New Counsel For Plaintiffs*

Off Calendar;

Journal Entry Details:

*Mr. Kennedy advised he did not file a notice yet, however, he is confirming as counsel for Plaintiffs today. Mr. Olsen advised this case was stayed, however, arbitration proceedings have not happened yet. Court stated that is up to Plaintiff. Court advised defense counsel if Plaintiff does not proceed, a motion to stay may be filed. COURT ORDERED, matter OFF CALENDAR. ;*

08/22/2018

**Motion** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Plaintiffs' Motion to Vacate or Modify Arbitration Award*

Denied;

08/22/2018



**Opposition and Countermotion** (8:30 AM) (Judicial Officer: Johnson, Eric)

**08/22/2018, 10/31/2018**

*Defendants and Counterclaimants Wayne Wu, Judith Sullivan, Nevada Real Estate Corp., and Jerrin Chiu's Opposition to Motion to Vacate or Modify Arbitration Award and Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorney Fees*

Matter Continued;

Decision Made;

Journal Entry Details:

*Court advised it was not inclined to modify the Arbitration Order. Arguments by Ms. Marshall and Mr. Olsen in support of their respective positions. Following lengthy arguments, COURT ORDERED, Motion for Summary Judgment is GRANTED, however, the request for Attorney Fees is UNDER ADVISEMENT. Mr. Olsen to prepare the Order.;*

Matter Continued;

Decision Made;

08/22/2018

**Response and Countermotion** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Plaintiffs' Reply in Support of Motion to Vacate or Modify Arbitration Award and Opposition / Motion to Strike Improper Countermotion*

Denied;

08/22/2018



**All Pending Motions** (8:30 AM) (Judicial Officer: Johnson, Eric)

Matter Heard;

Journal Entry Details:

**AS TO: PLAINTIFF'S REPLY IN SUPPORT OF MOTION TO VACATE OR MODIFY ARBITRATION AND OPPOSITION/MOTION TO STRIKE IMPROPER COUNTERMOTION:** Arguments by Mr. Kennedy and Mr. Olsen in support of their respective positions. Following, Court stated its FINDINGS and ORDERED, Motion DENIED. Mr. Olsen to prepare the Order. **DEFENDANTS AND COUNTERCLAIMANTS WAYNE WU, JUDITH SULLIVAN, NEVADA REAL ESTATE CORP., AND JERRIN CHIU'S OPPOSITION TO MOTION TO VACATE OR MODIFY ARBITRATION AWARD AND COUNTERMOTION TO RECOGNIZE WU AS THE PROCURING CAUSE, FOR SUMMARY JUDGMENT AND FOR ATTORNEY FEES:**

Arguments by Mr. Olsen and Mr. Kennedy in support of their respective positions. Mr. Olsen to supplement the billing records. Following, COURT ORDERED, the following briefing schedule: Mr. Olsen to file supplement as to the Motion for Summary Judgment and attorney fees by 9/5; Mr. Kennedy to reply by 9/19 and matter CONTINUED for argument.

**PLAINTIFF'S MOTION TO VACATE OR MODIFY ARBITRATION AWARD:** Arguments by Mr. Kennedy and Mr. Olsen in support of their respective positions. Following, Court stated its FINDINGS and ORDERED, Motion DENIED. Mr. Olsen to prepare the Order. Mr. Olsen stated in regards to his Motion for Summary Judgment, there is still a claim against KB Homes for Breach of Contract. Court directed counsel to talk about this issue. 10/10/18 8:30 AM **DEFENDANTS AND COUNTERCLAIMANTS WAYNE WU, JUDITH SULLIVAN, NEVADA REAL ESTATE CORP., AND JERRIN CHIU'S OPPOSITION TO MOTION TO VACATE OR MODIFY ARBITRATION AWARD AND COUNTERMOTION TO RECOGNIZE WU AS THE**

# CASE SUMMARY

CASE NO. A-16-744109-C

PROCURING CAUSE, FOR SUMMARY JUDGMENT AND FOR ATTORNEY FEES;

10/17/2018



**Motion** (10:30 AM) (Judicial Officer: Johnson, Eric)

*Plaintiffs' Motion to Extend Briefing on Order Shortening Time and Continue Hearing Date Denied;*

Journal Entry Details:

*Upon Court's inquiry, Mr. Cristalli advised he needs a continuance pursuant to the Motion. Objections by Mr. Olsen. Following colloquy, COURT ORDERED, Motion DENIED and ORDERED the following briefing schedule: Mr. Cristalli to file his response by 10/24; Mr. Olsen to file reply by 10/26. Further, future date of 10/31 STANDS.;*

11/30/2018



**Minute Order** (11:30 AM) (Judicial Officer: Johnson, Eric)

Minute Order - No Hearing Held;

Journal Entry Details:

*Plaintiffs' Motion to Vacate or Modify Arbitration Award was filed on July, 18, 2018. Defendants' Opposition and Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorney's Fees was filed on August 6, 2018. Both matters came on for a hearing before Department XX of the Eighth Judicial District Court, the Honorable Eric Johnson presiding, on August 22, 2018. At that time, Plaintiffs' Motion to Vacate or Modify Arbitration Award was DENIED and Defendant Wu was determined to be the procuring cause. Defendants' Countermotions for Summary Judgment and Attorney's Fees and Costs were continued to October 31, 2018. Defendants' Countermotions for Summary Judgment and for Attorney's Fees came on for hearing on October 31, 2018. At that time, Defendants' Countermotion for Summary Judgment was GRANTED. The Countermotion for Attorney's Fees and Costs was taken UNDER ADVISEMENT. After considering the pleadings and argument of counsel, the Court GRANTS Defendants' Motion for Attorney's Fees and Costs. The Court finds that the contractual provision contained in the Arbitration Agreement signed by both Plaintiff and Defendant provided that "In the event [a party does] not comply with the award and it is necessary for any party to obtain judicial confirmation and enforcement of the award against me, [the party] agree[s] to pay that party costs and reasonable attorney's fees incurred in obtaining such confirmation and enforcement." The Court further finds that provision was reasonable and enforceable. As costs were never challenged, the Court hereby ORDERS costs in the amount of \$920.83 pursuant to Defendants' Memorandum of Costs and Disbursements. The Court hereby ORDERS attorney's fees in the amount of \$21,435.00. The Court finds this amount is reasonable and actually incurred by Defendants in enforcing the arbitration award. The Court is awarding attorney fees after the entry of the arbitration award and Plaintiffs' filing of motion to vacate award, starting on July 25, 2018, 2018. The Court declines to award fees requested on the invoices dated December 31, 2016, January 31, 2017, and February 28, 2017, as the redactions made to Plaintiffs' counsel's billing records prevent the Court from determining if those fees were reasonable and necessary. The Court has reviewed the remaining fees and finds they were reasonable and appropriate for litigating the matter and in keeping with attorney fees for such work in Southern Nevada. The Court further finds that the Brunzell factors have been met for the reasons stated in Defendant's motion for attorney fees and exhibits. Counsel for Defendants is directed to prepare a proposed order including finding of facts and conclusions of law, in particular outlining the Brunzell factors and supporting facts included in their motion, and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature. Law Clerk to notify the parties.;*

02/11/2019



**Minute Order** (8:30 AM) (Judicial Officer: Johnson, Eric)

Minute Order - No Hearing Held;

Journal Entry Details:

*A Motion to Withdraw as Attorney of Record was filed by Michael V. Cristalli, Esq., & Janiece S. Marshall, Esq., of Gentile Cristalli Miller Armeni Savarese, counsel for the Plaintiff, on January 3, 2019. The matter was subsequently placed on the Calendar of Department XX on February 20, 2019. No opposition having been filed and good cause showing, pursuant to EDCR 2.20 and EDCR 2.23(c) the Court hereby GRANTS the Motion to Withdraw. The Court hereby VACATES the February 20, 2019 hearing. Withdrawing Attorneys are to prepare a proposed order listing all future deadlines and hearings and submit to chambers for signature. Withdrawing attorneys are also ordered to inform Plaintiff of the withdrawal as well as any future hearing dates. Law Clerk to notify the parties. ;*

02/20/2019

**CANCELED Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Johnson, Eric)

# CASE SUMMARY

CASE NO. A-16-744109-C

Vacated

04/01/2019



**Minute Order** (7:15 AM) (Judicial Officer: Johnson, Eric)

*Minute Order Re: Plaintiff's Motion for Reconsideration*

Minute Order - No Hearing Held;

Journal Entry Details:

*Plaintiffs Betty Chan and Asian American Realty & Property Management filed a Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw on February 19, 2019. The matter was subsequently scheduled for hearing on April 3, 2019. After considering the pleadings and argument of counsel, the Court DENIES Plaintiffs' Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw. The Court finds that Plaintiffs have not provided "substantially different evidence" or demonstrated that the Court's decision was "clearly erroneous" as required for a motion for reconsideration. Further, the Court finds that there is nothing pending in this litigation. The Court has granted Summary Judgment in favor of Defendants and dealt with all claims pending in this litigation. Therefore, allowing counsel to withdraw at this time does not place Plaintiffs in a materially adverse position. The Court further finds that counsel had good cause for withdrawing from this matter. The Court finds that there was a significant breakdown in both communication and in the attorney-client relationship such that the representation could not continue. Therefore, withdrawal was appropriate in this instance and the Court declines to reconsider its ruling. The Court hereby VACATES the April 3, 2019 hearing. Janiece Marshall, Esq., is directed to prepare a proposed order and submit it to chambers for signature. Law Clerk to notify the parties.;*

04/03/2019

**CANCELED Motion For Reconsideration** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Vacated - per Law Clerk*

*Plaintiff's Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw and New Motion to Get a New Court Hearing Date*

04/17/2019



**Motion** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Defendant's Motion for Writ of Execution*

Granted;

Journal Entry Details:

*Ms. Chan stated she would like to hire an attorney. Court concurred, however, noted she has already had 4 attorneys and she knew this hearing was set for today. Ms. Chan advised she has an appointment tomorrow with an attorney. Mr. Olsen objected to a continuance as this is a stall tactic of Ms. Chan's, that he would request the funds being held by GLVAR be released. Following additional arguments by Ms. Chan, COURT ORDERED, Motion GRANTED and noted it will take effect on April 26, 2019. Court advised Ms. Chan that will give her time to seek counsel to review the Motion. Statements by Plaintiff as to her Motion for Reconsideration. Following statements by Ms. Chan, Court DENIED the Motion as there is no basis for reconsideration. Statements by Mr. Olsen as to additional attorney fees.;*

05/01/2019

**Motion to Stay** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Motion to Stay Execution on OST*

Granted;

05/01/2019

**Opposition and Countermotion** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Partial Opposition to Plaintiff's Motion to Stay Execution Pending Appeal (On an Ex Parte Application for an Order Shortening Time) and Demand for Supersedeas Bond and Countermotion to Amend Order*

Granted in Part;

05/01/2019



**All Pending Motions** (8:30 AM) (Judicial Officer: Johnson, Eric)



Matter Heard;

Journal Entry Details:

*MOTION TO STAY EXECUTION ON OST...PARTIAL OPPOSITION TO PLAINTIFF'S MOTION TO STAY EXECUTION PENDING APPEAL (ON AN EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME) AND DEMAND FOR SUPERSEDEAS BOND AND COUNTERMOTION TO AMEND ORDER Statements by Mr. Frizell and Mr. Olsen in support of their respective positions. Colloquy as to the posting of a bond. Mr. Olsen argued for 3x's the amount of the Judgment. Opposition by Mr. Frizell. Court noted it is inclined to grant 1*

# CASE SUMMARY

CASE NO. A-16-744109-C

	<i>1/2x's the Judgment. Following additional colloquy, Court directed the bond be posted by 5/10. Further, Motion to Stay Execution is GRANTED and Partial Opposition to Plaintiff's Motion is GRANTED-IN-PART. Mr. Frizell provided an Order with the approval of Mr. Olsen that was SIGNED IN OPEN COURT.;</i>
01/22/2020	<b>Motion (8:30 AM)</b> (Judicial Officer: Johnson, Eric) <i>Plaintiffs' Motion to Formally Resolve Motion for Reconsideration and to Certify Judgment as Final (on an Application for an Order Shortening Time)</i> Denied;
01/22/2020	<b>Opposition and Countermotion (8:30 AM)</b> (Judicial Officer: Johnson, Eric) <i>Opposition to Plaintiff's Motion to Formally Resolve Motion for Reconsideration and to Certify Judgment as Final (on an Application for an Order Shortening Time) and Countermotion for Summary Judgment on Abuse of Process Claim</i> Granted in Part;
01/22/2020	 <b>All Pending Motions (8:30 AM)</b> (Judicial Officer: Johnson, Eric) Matter Heard; Journal Entry Details: <i>PLAINTIFFS' MOTION TO FORMALLY RESOLVE MOTION FOR RECONSIDERATION AND TO CERTIFY JUDGMENT AS FINAL (ON AN APPLICATION FOR AN ORDER SHORTENING TIME)...OPPOSITION TO PLAINTIFF'S MOTION TO FORMALLY RESOLVE MOTION FOR RECONSIDERATION AND TO CERTIFY JUDGMENT AS FINAL (ON AN APPLICATION FOR AN ORDER SHORTENING TIME) AND COUNTERMOTION FOR SUMMARY JUDGMENT ON ABUSE OF PROCESS CLAIM Conference at the Bench. Court advised it does not believe it has jurisdiction as this case is on appeal. Arguments by Mr. Frizell and Mr. Olsen in support of their respective positions. Following, COURT ORDERED, Plaintiff's Motion is DENIED and Defendant's Motion is GRANTED IN PART/ DENIED IN PART. Mr. Frizell to prepare the Order.;</i>
06/16/2020	<b>CANCELED Status Check (8:30 AM)</b> (Judicial Officer: Johnson, Eric) Vacated Status Check: Appeal
06/30/2020	 <b>Motion to Strike (8:30 AM)</b> (Judicial Officer: Johnson, Eric) <i>Plaintiffs' Motion to Strike or in the Alternative to Extend Briefing and Continue the Hearing on Defendants' Motion for Summary Judgment (First Request) (On an Ex Parte Application for an Order Shortening Time)</i> on OST Denied in Part; Journal Entry Details: <i>Mr. Frizell appeared by telephone and Mr. Olsen appeared by video via Blue Jeans. Court noted it will deny the Motion to Strike and ORDERED, MOTION DENIED IN PART. Arguments by Mr. Frizell and Mr. Olsen. Following, COURT ORDERED, the following briefing schedule as to the Motion for Summary Judgment: Mr. Frizell to respond by 7/7 Mr. Olsen to reply by 7/13. Further, COURT ORDERED, Motion for Summary Judgment set for 7/7 is CONTINUED. 7/21/20 8:30 AM DEFENDANT'S MOTION FOR SUMMARY JUDGMENT;</i>
07/21/2020	<b>Motion for Summary Judgment (11:00 AM)</b> (Judicial Officer: Johnson, Eric) <i>Defendant's Motion for Summary Judgment, or in the alternative, for Award of Attorney's Fees, for Writ of Execution for on Plaintiff's Commissions Awarded by GLVAR Arbitration Panel and Release of Bond Deposited on Appeal</i> Granted in Part;
07/21/2020	<b>Opposition and Countermotion (11:00 AM)</b> (Judicial Officer: Johnson, Eric) <i>Plaintiffs' Opposition to Defendants' Motion for Summary Judgment, or in the Alternative, for Contractual Award of Attorney's Fees, for Writ of Execution on Plaintiff's Commissions Awarded by GLVAR Arbitration Panel and Release of Bond Deposited on Appeal and Countermotion for Summary Judgment on Defendants' Abuse-Of-Process Counterclaim</i> Granted;



# CASE SUMMARY

CASE NO. A-16-744109-C

07/21/2020



## All Pending Motions (11:00 AM) (Judicial Officer: Johnson, Eric)

Matter Heard;

Journal Entry Details:

*DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR AWARD OF ATTORNEY'S FEES, FOR WRIT OF EXECUTION FOR ON PLAINTIFF'S COMMISSIONS AWARDED BY GLVAR ARBITRATION PANEL AND RELEASE OF BOND DEPOSITED ON APPEAL...PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR CONTRACTUAL AWARD OF ATTORNEY'S FEES, FOR WRIT OF EXECUTION ON PLAINTIFF'S COMMISSIONS AWARDED BY GLVAR ARBITRATION PANEL AND RELEASE OF BOND DEPOSITED ON APPEAL AND COUNTERMOTION FOR SUMMARY JUDGMENT ON DEFENDANTS' ABUSE-OF PROCESS COUNTERCLAIM* Court FINDS Ms. Chan represented the worst of litigants, her filing of the complaint was not enough for abuse of process and she had an ethical obligation with the realtor board to attend either arbitration or mediation, which she claims she did. Court noted she may have violated her ethical obligations, however she had a right to file the complaint which appeared was not filed for an ulterior motive. Court FURTHER FINDS, Ms. Chan had the right to appeal, therefore, ORDERED, Defendant's Motion GRANTED as to Summary Judgment, attorney's fees, release of bond and DENIED as to the Writ of Execution. Arguments by Mr. Olsen and Mr. Frizell. Colloquy regarding billing for attorney's fees and costs. COURT FURTHER ORDERED, Plaintiff's Countermotion for Summary Judgment on Defendant's Abuse-of- Process Counterclaim is GRANTED. Following colloquy, counsel agreed to the following dates: Mr. Olsen to file Request for Attorney's Costs and Fees on or before: 8/5/20 Mr. Frizell to file any Objection to the Request for Attorney's Costs and Fees on or before: 8/19/20 Mr. Olsen to file any Reply on or before: 8/26/20 At the request of counsel, COURT ORDERED, matter SET for status check. 9/16/20 8:30 AM STATUS CHECK: ATTORNEY'S FEES AND COSTS ;

09/30/2020

## Status Check (10:30 AM) (Judicial Officer: Johnson, Eric)

Status Check: Attorney's Fees and Costs

Matter Heard;

09/30/2020

## Opposition and Countermotion (10:30 AM) (Judicial Officer: Johnson, Eric)

*Plaintiffs Opposition to Defendants Memorandum for Production of Invoices for Attorney s Fees and Costs And Countermotion to Have Defendants Invoices Filed and Made Part of the Public Record*

Matter Heard;

09/30/2020



## All Pending Motions (10:30 AM) (Judicial Officer: Johnson, Eric)

Matter Heard;

Journal Entry Details:

*PLAINTIFFS OPPOSITION TO DEFENDANTS MEMORANDUM FOR PRODUCTION OF INVOICES FOR ATTORNEY S FEES AND COSTS AND COUNTERMOTION TO HAVE DEFENDANTS INVOICES FILED AND MADE PART OF THE PUBLIC RECORD ...* STATUS CHECK: ATTORNEYS FEES AND COSTS Following arguments by counsel, Court noted the history of this matter. Further, COURT ORDERED, \$35,630.00 in costs allowed in attorneys fees and costs after the last award in October 2018. COURT STATED FINDINGS. Court noted there is an issue of the invoices be made as part of the record. Mr. Olsen stated he will file the invoices. COURT FURTHER ORDERED, matter SET for Status Check regarding a Final Order being sent to the Court. Mr. Olsen inquired as to the Writ of Attachment and being allowed to collect the full amount instead of leaving \$3,000.00 for Ms. Chan. Mr. Frizzell stated they can file a motion for stay. Court noted the issue of changing the Writ of Execution and stated it does not see an issue in doing that. Court stated this court will allow a Writ of Execution as to all of the funds and this will require a new Writ of Execution. Mr. Olsen stated he will submit a new Writ. COURT SO NOTED. At request of Mr. Frizell, COURT ORDERED, leave GRANTED to file a Motion. 10/28/20 10:30 AM STATUS CHECK: ORDER;

10/09/2020



## Minute Order (2:39 PM) (Judicial Officer: Johnson, Eric)

Minute Order - No Hearing Held;



Journal Entry Details:

*COURT ORDERED, the Order Granting Summary Judgement, dated 10/9/20 VACATED and STRICKEN as filed in error, pending presentation of a final order.;*

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-16-744109-C**

10/28/2020	 <b>Status Check</b> (10:30 AM) (Judicial Officer: Johnson, Eric) <i>Status Check: Order Continued;</i> <i>Journal Entry Details:</i> <i>Upon Court's inquiry, Mr. Fritzell stated he received the order but has not reviewed it yet; the order should be submitted within a week. COURT ORDERED, matter CONTINUED.</i> <i>CONTINUED TO: 11/18/20 8:30 AM;</i>
11/18/2020	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Johnson, Eric) <i>Order/case status</i> <i>Matter Heard;</i> <i>Journal Entry Details:</i> <i>Mr. Routsong stated that the matter was resolved and he submitted an order earlier in the day for the Court's review and signature. Upon inquiry of the Court, Mr. Frizell confirmed that he approved with the order as written. Counsel further stated that they did not need another status check to be set. ;</i>
12/09/2020	<b>Motion to Stay</b> (8:30 AM) (Judicial Officer: Johnson, Eric) <i>Plaintiffs Motion to Stay Execution Pending Appeal (on an Ex Parte Application For An Order Shortening Time)</i>
01/06/2021	<b>Motion for Stay of Execution</b> (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Plaintiff's Motion to Stay Execution Pending Appeal (on an Ex Parte Application for an Order Shortening Time)</i>

DATE

FINANCIAL INFORMATION

<b>Counter Claimant</b> Chiu, Jerrin	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 12/9/2020</b>	<b>0.00</b>
<b>Counter Claimant</b> Nevada Real Estate Corp	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 12/9/2020</b>	<b>0.00</b>
<b>Counter Claimant</b> Sullivan, Judith	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 12/9/2020</b>	<b>0.00</b>
<b>Counter Claimant</b> Wu, Wayne	
Total Charges	1,033.00
Total Payments and Credits	1,033.00
<b>Balance Due as of 12/9/2020</b>	<b>0.00</b>
<b>Plaintiff</b> Asian American Realty & Property Management	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 12/9/2020</b>	<b>0.00</b>
<b>Counter Defendant</b> Chan, Betty	
Total Charges	374.00
Total Payments and Credits	374.00
<b>Balance Due as of 12/9/2020</b>	<b>0.00</b>
<b>Plaintiff</b> Asian American Realty & Property Management	
Supersedeas Bond Balance as of 12/9/2020	<b>33,533.75</b>
<b>Counter Defendant</b> Chan, Betty	
Appeal Bond Balance as of 12/9/2020	<b>0.00</b>

**CASE SUMMARY**

**CASE NO. A-16-744109-C**



## XII

## DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada

Case No. \_\_\_\_\_  
(Assigned by Clerk's Office)**I. Party Information** (provide both home and mailing addresses if different)Plaintiff(s) (name/address/phone):  
BETTY CHAN and ASIAN AMERICAN REALTY & PROPERTY  
MANAGEMENTyAttorney (name/address/phone):  
Avece M. Higbee, Esq. (NV Bar No. 3739)  
Marquis Aurbach Coffing  
10001 Park Run Drive  
Las Vegas, NV 89145  
(702) 382-0711Defendant(s) (name/address/phone):  
WAYNE WU, JUDITH SULLIVAN, NEVADA REAL  
ESTATE CORP., JERRIN CHIU, KB HOME SALES –  
NEVADA INC., DOES I through X, and ROES I  
through X

Attorney (name/address/phone):

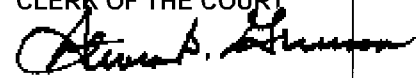
**II. Nature of Controversy** (Please select the one most applicable filing type below)**Civil Case Filing Types**

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

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

9/26/16  
Date

Signature of initiating party or representative



ORD

MICHAEL A. OLSEN, ESQ.

Nevada Bar No. 6076

ROMAN C. HARPER, ESQ.

Nevada Bar No. 14374

**Goodsell & Olsen, LLP**

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*Attorneys for Defendants/Counterclaimants*

*Wayne Wu, Judith Sullivan, Nevada Real Estate Corp.*

*and Jerrin Chiu*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

BETTY CHAN and ASIAN AMERICAN  
REALTY & PROPERTY MANAGEMENT,

Plaintiffs/Counterdefendants,

v.

WAYNE WU, JUDITH SULLIVAN,  
NEVADA REAL ESTATE CORP., JERRIN  
CHIU, KB HOME SALES – NEVADA INC.,

Defendants/Counterclaimants.

) Case No: A-16-744109-C

) Dept. No: XX

) **ORDER DENYING MOTION TO  
VACATE OR MODIFY  
ARBITRATION AWARD**

**APPEARANCES**

Michael A. Olsen, Esq. of Goodsell & Olsen, LLP, on behalf of Wayne Wu, Judith  
Sullivan, Nevada Real Estate Corp., and Jerrin Chiu, Defendants/Counterclaimants.

Todd E. Kennedy, Esq. of Kennedy & Couvillier, PLLC on behalf of Betty Chan and  
Asian American Realty & Property Management, Plaintiffs/Counterdefendants.

This matter came on for hearing on August 22, 2018 before the Honorable Eric Johnson  
regarding Plaintiffs/Counterdefendants' *Motion to Vacate or Modify Arbitration Award*  
(hereafter "Motion to Vacate"), and Defendants/Counterclaimants' *Opposition to Motion to*  
*Vacate or Modify Arbitration Award and Countermotion to Recognize Wu as the Procuring*  
*Cause, for Summary Judgment, and for Attorney Fees* (hereafter "Countermotion"). The Court

1 having read and considered the papers and pleadings on file, having heard oral arguments made  
2 at the time of hearing, and good cause appearing, therefore the Court makes the following  
3 findings of fact and conclusions of law:

4 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

5 1. Because Betty Chan, Wayne Wu, and Judith Sullivan are all Realtors, the parties  
6 recognize that the underlying dispute in this matter involving commission funds totaling  
7 \$13,795.32 was required to be submitted to the Greater Las Vegas Association of Realtors  
8 (hereafter "GLVAR") for binding arbitration. Plaintiff/Counterdefendant Betty Chan submitted  
9 her *Request and Agreement to Arbitrate (Member)* (hereafter "Agreement to Arbitrate") to the  
10 GLVAR seeking arbitration of the dispute.

11 2. The Agreement to Arbitrate contained express consent to arbitrate the dispute  
12 between the parties through the GLVAR in accordance with the *Code of Ethics and Arbitration*  
13 *Manual* subscribed to by Realtors.

14 3. This matter proceeded to an arbitration before a GLVAR arbitration panel on  
15 April 17, 2018.

16 4. Plaintiffs/Counterdefendants have brought their Motion to Vacate seeking to  
17 overturn or modify the arbitration award (hereafter "Award") that was duly entered by the  
18 GLVAR arbitration panel on April 27, 2018. The Award determined, that of the \$13,795.32 in  
19 total commission, \$3,228.83 was to be paid to Betty Chan and that the remaining \$10,346.49 was  
20 to be paid to Defendant/Counterclaimant Wayne Wu.

21 5. Specifically, Plaintiffs/Counterdefendants have attempted to assert the Award  
22 should be modified based on statutory and common law grounds, including that the GLVAR  
23 purportedly exceeded its authority to arbitrate, acted in an arbitrary and capricious manner,  
24 demonstrated manifest disregard for the law, or that the Award was procured by fraud.  
25

6. Notwithstanding, the Court finds that Nevada law does not prohibit splitting a commission between two individuals both claiming to be the procuring cause and therefore Plaintiffs/Counterdefendants have failed to meet their burden of demonstrating clear and convincing evidence of a violation under any of the standards asserted in the Motion to Vacate that would justify modifying or vacating the Award.

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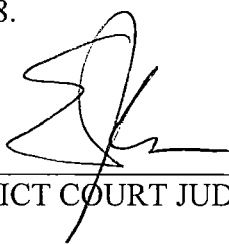
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**IT IS HEREBY ORDERED, AJUDICATED, AND DECREED:**

- a. That the *Motion to Vacate or Modify Arbitration Award* is DENIED.
- b. That pursuant to NRS 38.241(4) and NRS 38.242(2) the Arbitration Award of the GLVAR arbitration panel is CONFIRMED.
- c. That the Counter-Motion seeking summary judgment and an award of attorney fees is taken under advisement, with supplemental briefing to be filed by the Defendants/Counterclaimants by September 5, 2018;
- d. That Plaintiffs/Counterclaimants shall have until September 19, 2018 to submit any responsive briefing regarding the Counter-Motion as supplemented.
- e. AND THAT a hearing on the Countermotion for Summary Judgment and for Attorney's fees shall be held on October 10, 2018 at 8:30 a.m.

f. It is further ordered that the stay ordered by the Court pending resolution of the arbitration is lifted.

IT IS SO ORDERED this 14 <sup>SEPT</sup> of ~~AUGUST~~ 2018.

  
DISTRICT COURT JUDGE

ERIC JOHNSON *KM*

Prepared and submitted by:



MICHAEL A. OLSEN, ESQ.

Nevada Bar No. 6076

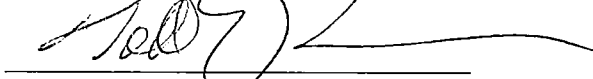
ROMAN C. HARPER, ESQ.

Nevada Bar No. 14374

**GOODSELL & OLSEN, LLP**

*Attorneys for Wayne Wu, Judith Sullivan,  
Nevada Real Estate Corp. and Jerrin Chiu*

Approved by:



TODD E. KENNEDY, ESQ.

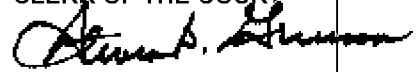
Nevada Bar No. 6014

MAXIMILIANO COUVILLIER, ESQ.

Nevada Bar No. 7661

**KENNEDY & COUVILLIER, PLLC**

*Attorneys for Betty Chan and Asian  
American Realty & Property Management*



NEOJ  
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[roman@goodsellolsen.com](mailto:roman@goodsellolsen.com)  
*Attorneys for Defendants/Counterclaimants*  
*Wayne Wu, Judith Sullivan, Nevada Real Estate Corp.*  
*and Jerrin Chiu*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

BETTY CHAN and ASIAN AMERICAN	)	Case No: A-16-744109-C
REALTY & PROPERTY MANAGEMENT,	)	
	)	Dept. No: XX
Plaintiffs/Counterdefendants,	)	
v.	)	<b>NOTICE OF ENTRY OF ORDER</b>
	)	
WAYNE WU, JUDITH SULLIVAN,	)	
NEVADA REAL ESTATE CORP., JERRIN	)	
CHIU, KB HOME SALES – NEVADA INC.,	)	
	)	
Defendants/Counterclaimants.	)	

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that the **ORDER DENYING MOTION TO VACATE OR  
MODIFY ARBITRATION AWARD** was entered on the Court's record on the 18<sup>th</sup> day of  
September, 2018. A copy of said Order is attached hereto as Exhibit "1".

DATED this 18<sup>th</sup> day of September, 2018.

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///

# GOODSELL & OLSEN

ATTORNEYS AT LAW

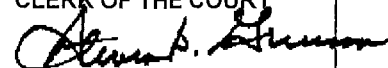
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/s/Thomas R. Grover, Esq.  
MICHAEL A. OLSEN, ESQ.  
Nevada Bar No. 6076  
THOMAS R. GROVER, ESQ.  
Nevada Bar No. 12387  
**GOODSELL & OLSEN, LLP**  
10155 W. Twain Ave., Suite 100

## **EXHIBIT 1**



**ORD**

MICHAEL A. OLSEN, ESQ.

Nevada Bar No. 6076

ROMAN C. HARPER, ESQ.

Nevada Bar No. 14374

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[mike@goodsellolsen.com](mailto:mike@goodsellolsen.com)[roman@goodsellolsen.com](mailto:roman@goodsellolsen.com)*Attorneys for Defendants/Counterclaimants**Wayne Wu, Judith Sullivan, Nevada Real Estate Corp.**and Jerrin Chiu***DISTRICT COURT  
CLARK COUNTY, NEVADA**BETTY CHAN and ASIAN AMERICAN  
REALTY & PROPERTY MANAGEMENT,

Plaintiffs/Counterdefendants,

v.

WAYNE WU, JUDITH SULLIVAN,  
NEVADA REAL ESTATE CORP., JERRIN  
CHIU, KB HOME SALES - NEVADA INC.,

Defendants/Counterclaimants.

Case No: A-16-744109-C

Dept. No: XX

**ORDER DENYING MOTION TO  
VACATE OR MODIFY  
ARBITRATION AWARD****APPEARANCES**

Michael A. Olsen, Esq. of Goodsell & Olsen, LLP, on behalf of Wayne Wu, Judith Sullivan, Nevada Real Estate Corp., and Jerrin Chiu, Defendants/Counterclaimants.

Todd E. Kennedy, Esq. of Kennedy & Couvillier, PLLC on behalf of Betty Chan and Asian American Realty & Property Management, Plaintiffs/Counterdefendants.

This matter came on for hearing on August 22, 2018 before the Honorable Eric Johnson regarding Plaintiffs/Counterdefendants' *Motion to Vacate or Modify Arbitration Award* (hereafter "Motion to Vacate"), and Defendants/Counterclaimants' *Opposition to Motion to Vacate or Modify Arbitration Award and Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorney Fees* (hereafter "Countermotion"). The Court

1 having read and considered the papers and pleadings on file, having heard oral arguments made  
2 at the time of hearing, and good cause appearing, therefore the Court makes the following  
3 findings of fact and conclusions of law:

4 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

5 1. Because Betty Chan, Wayne Wu, and Judith Sullivan are all Realtors, the parties  
6 recognize that the underlying dispute in this matter involving commission funds totaling  
7 \$13,795.32 was required to be submitted to the Greater Las Vegas Association of Realtors  
8 (hereafter "GLVAR") for binding arbitration. Plaintiff/Counterdefendant Betty Chan submitted  
9 her *Request and Agreement to Arbitrate (Member)* (hereafter "Agreement to Arbitrate") to the  
10 GLVAR seeking arbitration of the dispute.

11 2. The Agreement to Arbitrate contained express consent to arbitrate the dispute  
12 between the parties through the GLVAR in accordance with the *Code of Ethics and Arbitration*  
13 *Manual* subscribed to by Realtors.

14 3. This matter proceeded to an arbitration before a GLVAR arbitration panel on  
15 April 17, 2018.

16 4. Plaintiffs/Counterdefendants have brought their Motion to Vacate seeking to  
17 overturn or modify the arbitration award (hereafter "Award") that was duly entered by the  
18 GLVAR arbitration panel on April 27, 2018. The Award determined, that of the \$13,795.32 in  
19 total commission, \$3,228.83 was to be paid to Betty Chan and that the remaining \$10,346.49 was  
20 to be paid to Defendant/Counterclaimant Wayne Wu.

21 5. Specifically, Plaintiffs/Counterdefendants have attempted to assert the Award  
22 should be modified based on statutory and common law grounds, including that the GLVAR  
23 purportedly exceeded its authority to arbitrate, acted in an arbitrary and capricious manner,  
24 demonstrated manifest disregard for the law, or that the Award was procured by fraud.  
25

1           6.       Notwithstanding, the Court finds that Nevada law does not prohibit splitting a  
2 commission between two individuals both claiming to be the procuring cause and therefore  
3 Plaintiffs/Counterdefendants have failed to meet their burden of demonstrating clear and  
4 convincing evidence of a violation under any of the standards asserted in the Motion to Vacate  
5 that would justify modifying or vacating the Award.

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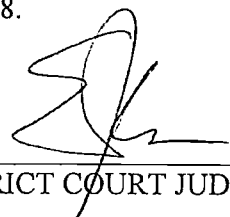
13       ///

14       **IT IS HEREBY ORDERED, AJUDICATED, AND DECREED:**


- 15           a.       That the *Motion to Vacate or Modify Arbitration Award* is DENIED.
- 16           b.       That pursuant to NRS 38.241(4) and NRS 38.242(2) the Arbitration Award of the  
17 GLVAR arbitration panel is CONFIRMED.
- 18           c.       That the Counter-Motion seeking summary judgment and an award of attorney  
19 fees is taken under advisement, with supplemental briefing to be filed by the  
20 Defendants/Counterclaimants by September 5, 2018;
- 21           d.       That Plaintiffs/Counterclaimants shall have until September 19, 2018 to submit  
22 any responsive briefing regarding the Counter-Motion as supplemented.
- 23           e.       AND THAT a hearing on the Countermotion for Summary Judgment and for  
24 Attorney's fees shall be held on October 10, 2018 at 8:30 a.m.
- 25

f. It is further ordered that the stay ordered by the Court pending resolution of the arbitration is lifted.


IT IS SO ORDERED this 14 <sup>Sept</sup> of ~~AUGUST~~ 2018.

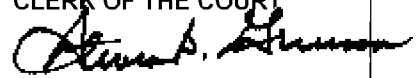
  
DISTRICT COURT JUDGE  
ERIC JOHNSON *km*

Prepared and submitted by:

  
MICHAEL A. OLSEN, ESQ.  
Nevada Bar No. 6076  
ROMAN C. HARPER, ESQ.  
Nevada Bar No. 14374  
**GOODSELL & OLSEN, LLP**  
*Attorneys for Wayne Wu, Judith Sullivan,  
Nevada Real Estate Corp. and Jerrin Chiu*

Approved by:

  
TODD E. KENNEDY, ESQ.  
Nevada Bar No. 6014  
MAXIMILIANO COUVILLIER, ESQ.  
Nevada Bar No. 7661  
**KENNEDY & COUVILLIER, PLLC**  
*Attorneys for Betty Chan and Asian  
American Realty & Property Management*



**ORDR**

MICHAEL A. OLSEN, ESQ.

Nevada Bar No: 6076

THOMAS R. GROVER, ESQ.

Nevada Bar No. 12387

**BLACKROCK LEGAL, LLC**

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[mike@blackrocklawyers.com](mailto:mike@blackrocklawyers.com)

[tom@blackrocklawyers.com](mailto:tom@blackrocklawyers.com)

*Attorneys for Defendants/Counterclaimants*

*Wayne Wu, Judith Sullivan, Nevada*

*Real Estate Corp. and Jerrin Chiu*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

BETTY CHAN and ASIAN AMERICAN  
REALTY & PROPERTY MANAGEMENT,

Plaintiffs/Counterdefendants,

v.

WAYNE WU, JUDITH SULLIVAN,  
NEVADA REAL ESTATE CORP., JERRIN  
CHIU, KB HOME SALES – NEVADA INC.,

Defendants/Counterclaimants.

) Case No: A-16-744109-C

) Dept. No: XX

**ORDER GRANTING  
DEFENDANTS**

**COUNTERMOTION FOR  
SUMMARY JUDGMENT AND  
ATTORNEY FEES AND COSTS**

**APPEARANCES**

- Michael A. Olsen, Esq. of Goodsell & Olsen, LLP, on behalf of Wayne Wu, Judith Sullivan, Nevada Real Estate Corp., and Jerrin Chiu, Defendants/Counterclaimants (hereinafter “Defendants”).
- Janiece S. Marshall, Esq. of Gentile Cristalli Miller Armeni Savarese on behalf of Betty Chan and Asian American Realty & Property Management, Plaintiffs/Counterdefendants (hereinafter “Plaintiffs”).

1 This matter came on for hearing on October 31, 2018 before the Honorable Eric Johnson  
2 presiding on the Defendants *Countermotion for Summary Judgment, and for Attorney Fees [and*  
3 *costs]* (hereafter “Countermotion”) and Plaintiffs *Opposition to recognize Wu as the Procuring*  
4 *Cause, for Summary Judgment, and for Attorney Fees*. The Court having read and considered the  
5 papers and pleadings on file, having heard oral arguments made at the time of hearing, and good  
6 cause appearing, therefore the Court makes the following findings of fact and conclusions of  
7 law:  
8

9  
10 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

11 1. The underlying dispute in this matter involves realtor commission funds totaling  
12 \$13,795.32 for the real estate transaction on January 8, 2016 for the purchase of the home  
13 located at 477 Cabral Peak Street, Las Vegas, Nevada 89138, APN # 137-34-119-012 by Dr.  
14 Jerrin Chiu. This matter came before a GLVAR arbitration panel on April 17, 2018. The  
15 arbitration panel heard all evidence and arguments of the parties and found that Wu (respondent)  
16 was to be paid the \$10,346.49 of the commission funds due from the sale and Betty Chan  
17 (complainant) was to be paid \$3448.83.  
18

19 **A. COUNTERMOTION FOR SUMMARY JUDGMENT GRANTED**

20 2. This matter initially came on for hearing on August 22, 2018 before the  
21 Honorable Eric Johnson regarding Plaintiffs *Motion to Vacate or Modify Arbitration Award*  
22 (hereafter “Motion to Vacate”), and Defendants *Opposition to Motion to Vacate or Modify*  
23 *Arbitration Award and Countermotion to Recognize Wu as the Procuring Cause, for Summary*  
24 *Judgment, and for Attorney Fees* (hereafter “Countermotion”).  
25

26 3. During the August 22, 2018 hearing, this Court denied Plaintiffs Motion to Vacate  
27 or Modify Arbitration award finding: “that Nevada law does not prohibit splitting a commission  
28 between two individuals both claiming to be the procuring cause and therefore

1 Plaintiffs/Counterdefendants have failed to meet their burden of demonstrating clear and  
2 convincing evidence of a violation under any of the standards asserted in the Motion to Vacate  
3 that would justify modifying or vacating the Award.” *See September 18, 2108 Order Denying*  
4 *Motion to Vacate or Modify Arbitration Award.*

5  
6 4. During that same August 22, 2018 hearing the Court further found that Wayne  
7 Wu was the procuring cause and: “That pursuant to NRS 38.241(4) and NRS 38.242(2) the  
8 Arbitration Award of the GLVAR arbitration panel is CONFIRMED; and That the Counter-  
9 Motion seeking summary judgment and an award of attorney fees is taken under advisement,  
10 with supplemental briefing to be filed by the Defendants/Counterclaimants by September 5,  
11 2018.” *Id.* The Court hereby affirms its Order dated on or about September 18, 2018 Denying  
12 Plaintiffs Motion to Vacate or Modify Arbitration Award and finding Wu to be the procuring  
13 cause. The Court further notes the allowable time frame for Plaintiffs to file a Motion to  
14 Reconsider the September 18, 2018 Order has passed.

15  
16  
17 5. The Court set the remaining Countermotion for Summary Judgment and For  
18 Attorney’s fees and Costs to be heard on October 31, 2018, at which time all supplemental  
19 briefing regarding the Defendants Countermotion for Summary Judgment and for Attorney’s  
20 fees and costs, along with the Opposition to the same, was considered.

21  
22 6. NRCP 56(c) provides that summary judgment shall be rendered if “the pleadings,  
23 depositions, answers to interrogatories, and admissions on file, together with the affidavits, if  
24 any, show that there is no genuine issue as to any material fact and that the moving party is  
25 entitled to judgment as a matter of law.” The Nevada Supreme Court stated that a factual dispute  
26 is “genuine” when the evidence is such that a rational trier of fact could return a verdict for the  
27 nonmoving party. *Wood v. Safeway, Inc.*, 121 P.3d 1026 (2005). Once the moving party has  
28 shown that there is no genuine dispute as to material facts, the burden shifts to the nonmoving

1 party to set forth specific facts demonstrating the existence of a genuine issue for trial or have  
2 summary judgment entered against that party. In meeting this burden, the nonmoving party, "is  
3 not entitled to build a case on the gossamer threads of whimsy, speculation and conjecture." *Id.*

4  
5 7. The Arbitration Panel's award resolved all disputes the plaintiffs had against these  
6 defendants, Wu, Sullivan, Nevada Real Estate Corp and Chiu. For the reasons stated above the  
7 award is confirmed and Wu is confirmed as the procuring cause. This resolves the Plaintiff's  
8 request for declaratory relief and claim of unjust enrichment. Because there are no genuine issues  
9 as to any material fact left to be decided against these defendants in this case, summary judgment  
10 in favor of the defendants is proper.  
11

#### 12 **B. COUNTERMOTION FOR ATTORNEY FEES AND COSTS GRANTED**

13 8. Defendants requested the Court award them their attorney fees and costs. After  
14 considering the pleadings and arguments of counsel, attorney fees and cost are awarded in the  
15 amounts of \$920.83 for costs and \$21,435.00 for legal fees.  
16

17 9. The Court finds that the Defendants fees are reasonable and were actually  
18 incurred in the confirmation and enforcement of the award of the Arbitration Panel. The Court  
19 finds that the contractual provision contained in the Arbitration Agreement signed by both  
20 Plaintiff and Defendant provided that "In the event [a party does] not comply with the award and  
21 it is necessary for any party to obtain judicial confirmation and enforcement of the award against  
22 me, [the party] agree[s] to pay that party costs and reasonable attorney's fees incurred in  
23 obtaining such confirmation and enforcement."  
24

25 10. The Court further finds that provision was reasonable and enforceable. As costs  
26 were never challenged, the Court hereby ORDERS costs in the amount of \$920.83 pursuant to  
27 Defendants' Memorandum of Costs and Disbursements, which was unopposed.  
28



11. The Court hereby ORDERS attorney's fees in the amount of \$21,435.00. The Court finds this amount is reasonable and actually incurred by Defendants in enforcing the arbitration award. The Court is awarding attorney fees after the entry of the arbitration award and Plaintiffs' filing of its Motion to Vacate or Modify Arbitration Award, starting on July 25, 2018. The Court declines to award fees requested on the invoices dated December 31, 2016, January 31, 2017, and February 28, 2017, as the redactions made to Plaintiffs' counsel's billing records prevent the Court from determining if those fees were reasonable and necessary. The Court has reviewed the remaining fees and finds they were reasonable and appropriate for litigating the matter and in keeping with attorney fees for such work in Southern Nevada. The Court further finds that the Brunzell factors have been met for the reasons stated in Defendant's Countermotion for Attorney Fees and Costs as set forth below.

12. When determining an award of attorneys' fees and costs, Nevada courts have long relied upon the factors in *Brunzell v. Golden Gate Nat'l Bank*. These four factors analyze (1) the qualities of the advocate: his ability, his training, education, experience, professional standing and skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of litigation; (3) the work actually performed by the lawyer: the skill, time and attention given to the work; (4) the result: whether the attorney was successful and what benefits were derived.

13. **Brunzell Factor #1:** "the qualities of the advocate: his ability, his training, education, experience, professional standing and skill". Counsel for Defendants, Michael A. Olsen, Esq. is a founding partner of his firm and has been a member of the State Bar of Nevada for over twenty years. He is a graduate of Utah State University and BYU's J. Reuben Clark Law School. His abilities as an advocate have been recognized through numerous awards and honors,

1 and Mr. Olsen's abilities have been honed through, among other experience, regular appearances  
2 in the Eighth Judicial District Court on contested matters.

3 14. **Brunzell Factor #2:** "the character of the work to be done: its difficulty, its  
4 intricacy, its importance, time and skill required, the responsibility imposed and the prominence  
5 and character of the parties where they affect the importance of the litigation" This matter  
6 involved complex legal issues including a determination of procuring cause and whether the  
7 Arbitration Panel exceeded its authority pursuant to Nevada statute. Because the Plaintiff elected  
8 to contest the validity of the Arbitration award it became incumbent on Defendant to defend the  
9 award and have it confirmed by the Court. Defendant was successful in confirming and  
10 enforcing the Arbitration Award.  
11

12 15. **Brunzell Factor #3:** "the work actually performed by the lawyer: the skill, time  
13 and attention given to the work". The Plaintiffs attempt to set aside the Arbitration Award and to  
14 further litigate against the Defendants has required investment of a substantial amount of time  
15 and effort to prepare and provide a proper defense, including against motion practice initiated by  
16 the Plaintiffs. The fees and costs awarded were reasonably incurred in defending the actions  
17 taken by Plaintiffs in this matter as set forth in detail above.  
18

19 16. **Brunzell Factor #4:** "the result: whether the attorney was successful and what  
20 benefits were derived". Defendants were ultimately successful in upholding and enforcing the  
21 Arbitration Award, recognizing Wu as the procuring cause and thereby securing summary  
22 judgment in favor of the Defendants.  
23

24 17. While "good judgment would dictate that each of these factors be given  
25 consideration by the trier of fact and that no one element should predominate or be given undue  
26 weight," each factor strongly supports an award of attorneys' fees and costs in the favor of  
27 Defendants.  
28

1                   **IT IS HEREBY ORDERED, AJUDICATED, AND DECREED:**

2                   a.       That the September 18, 2018 Order is affirmed wherein Wu was determined the  
3                   procuring cause and the Arbitration Award was confirmed.


4                   b.       That the *Countermotion for Summary Judgment* is GRANTED

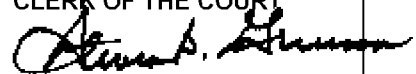
5                   c.       That the *Motion for Attorney's Fees and Costs* is GRANTED and that Attorney's  
6                   fees in the amount of \$21,435.00 and Costs in the amount of \$920.83 are hereby awarded  
7                   to Defendants.  
8

9  
10                   IT IS SO ORDERED this 19 <sup>MARCH</sup> of ~~FEBRUARY~~ 2019.  
11

12  
13                     
14                   \_\_\_\_\_  
15                   DISTRICT COURT JUDGE SS  
16                   ERIC JOHNSON

17                   Prepared and submitted by:

18                     
19                   MICHAEL A. OLSEN, ESQ.  
20                   Nevada Bar No. 6076  
21                   THOMAS R. GROVER, ESQ.  
22                   Nevada Bar No. 12387  
23                   **GOODSELL & OLSEN, LLP**  
24                   Attorneys for Wayne Wu, Judith Sullivan,  
25                   Nevada Real Estate Corp. and Jerrin Chiu  
26  
27  
28



1 **NEOJ**  
2 MICHAEL A. OLSEN, ESQ.  
3 Nevada Bar No. 6076  
4 THOMAS R. GROVER, ESQ.  
5 Nevada Bar No. 12387  
6 **BLACKROCK LEGAL, LLC**  
7 10155 W. Twain Ave. Ste. 100  
8 Las Vegas, Nevada 89147  
9 Tel: (702) 855-5658  
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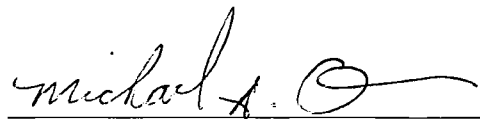
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12  
13 **DISTRICT COURT**  
14 **CLARK COUNTY, NEVADA**

15 BETTY CHAN and ASIAN AMERICAN ) Case No: A-16-744109-C  
16 REALTY & PROPERTY MANAGEMENT, )  
17 ) Dept. No: XX  
18 Plaintiffs/Counterdefendants, )  
19 v. )  
20 )  
21 WAYNE WU, JUDITH SULLIVAN, )  
22 NEVADA REAL ESTATE CORP., JERRIN )  
23 CHIU, KB HOME SALES – NEVADA INC., )  
24 )  
25 Defendants/Counterclaimants. )

26 **NOTICE OF ENTRY OF ORDER**

27 PLEASE TAKE NOTICE that the **ORDER GRANTING DEFENDANTS**  
28 **COUNTERMOTION FOR SUMMARY JUDGMENT AND ATTORNEY FEES AND**  
29 **COSTS** was entered on the Court's record on the 22nd day of March, 2019. A copy of said  
30 Order is attached hereto as Exhibit "1".

31 DATED this 22nd day of March, 2019.



32 MICHAEL A. OLSEN, ESQ.  
33 Nevada Bar No. 6076  
34 THOMAS R. GROVER, ESQ.  
35 Nevada Bar No. 12387  
36 **BLACKROCK LEGAL, LLC**  
37 10155 W. Twain Ave., Suite 100  
38 Las Vegas, NV 89147



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**EXHIBIT “1”**

*Steven D. Grierson*

**ORDR**

MICHAEL A. OLSEN, ESQ.

Nevada Bar No: 6076

THOMAS R. GROVER, ESQ.

Nevada Bar No. 12387

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[mike@blackrocklawyers.com](mailto:mike@blackrocklawyers.com)

[tom@blackrocklawyers.com](mailto:tom@blackrocklawyers.com)

*Attorneys for Defendants/Counterclaimants*

*Wayne Wu, Judith Sullivan, Nevada*

*Real Estate Corp. and Jerrin Chiu*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

BETTY CHAN and ASIAN AMERICAN  
REALTY & PROPERTY MANAGEMENT,

Plaintiffs/Counterdefendants,

v.

WAYNE WU, JUDITH SULLIVAN,  
NEVADA REAL ESTATE CORP., JERRIN  
CHIU, KB HOME SALES – NEVADA INC.,

Defendants/Counterclaimants.

) Case No: A-16-744109-C

) Dept. No: XX

) **ORDER GRANTING**

) **DEFENDANTS**

) **COUNTERMOTION FOR**

) **SUMMARY JUDGMENT AND**

) **ATTORNEY FEES AND COSTS**

**APPEARANCES**

- Michael A. Olsen, Esq. of Goodsell & Olsen, LLP, on behalf of Wayne Wu, Judith Sullivan, Nevada Real Estate Corp., and Jerrin Chiu, Defendants/Counterclaimants (hereinafter “Defendants”).
- Janiece S. Marshall, Esq. of Gentile Cristalli Miller Armeni Savarese on behalf of Betty Chan and Asian American Realty & Property Management, Plaintiffs/Counterdefendants (hereinafter “Plaintiffs”).

1 This matter came on for hearing on October 31, 2018 before the Honorable Eric Johnson  
2 presiding on the Defendants *Countermotion for Summary Judgment, and for Attorney Fees [and*  
3 *costs]* (hereafter “Countermotion”) and Plaintiffs *Opposition to recognize Wu as the Procuring*  
4 *Cause, for Summary Judgment, and for Attorney Fees*. The Court having read and considered the  
5 papers and pleadings on file, having heard oral arguments made at the time of hearing, and good  
6 cause appearing, therefore the Court makes the following findings of fact and conclusions of  
7 law:  
8

9 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

10  
11 1. The underlying dispute in this matter involves realtor commission funds totaling  
12 \$13,795.32 for the real estate transaction on January 8, 2016 for the purchase of the home  
13 located at 477 Cabral Peak Street, Las Vegas, Nevada 89138, APN # 137-34-119-012 by Dr.  
14 Jerrin Chiu. This matter came before a GLVAR arbitration panel on April 17, 2018. The  
15 arbitration panel heard all evidence and arguments of the parties and found that Wu (respondent)  
16 was to be paid the \$10,346.49 of the commission funds due from the sale and Betty Chan  
17 (complainant) was to be paid \$3448.83.  
18

19 **A. COUNTERMOTION FOR SUMMARY JUDGMENT GRANTED**

20 2. This matter initially came on for hearing on August 22, 2018 before the  
21 Honorable Eric Johnson regarding Plaintiffs *Motion to Vacate or Modify Arbitration Award*  
22 (hereafter “Motion to Vacate”), and Defendants *Opposition to Motion to Vacate or Modify*  
23 *Arbitration Award and Countermotion to Recognize Wu as the Procuring Cause, for Summary*  
24 *Judgment, and for Attorney Fees* (hereafter “Countermotion”).  
25

26 3. During the August 22, 2018 hearing, this Court denied Plaintiffs Motion to Vacate  
27 or Modify Arbitration award finding: “that Nevada law does not prohibit splitting a commission  
28 between two individuals both claiming to be the procuring cause and therefore

1 Plaintiffs/Counterdefendants have failed to meet their burden of demonstrating clear and  
2 convincing evidence of a violation under any of the standards asserted in the Motion to Vacate  
3 that would justify modifying or vacating the Award.” *See September 18, 2108 Order Denying*  
4 *Motion to Vacate or Modify Arbitration Award.*

5  
6 4. During that same August 22, 2018 hearing the Court further found that Wayne  
7 Wu was the procuring cause and: “That pursuant to NRS 38.241(4) and NRS 38.242(2) the  
8 Arbitration Award of the GLVAR arbitration panel is CONFIRMED; and That the Counter-  
9 Motion seeking summary judgment and an award of attorney fees is taken under advisement,  
10 with supplemental briefing to be filed by the Defendants/Counterclaimants by September 5,  
11 2018.” *Id.* The Court hereby affirms its Order dated on or about September 18, 2018 Denying  
12 Plaintiffs Motion to Vacate or Modify Arbitration Award and finding Wu to be the procuring  
13 cause. The Court further notes the allowable time frame for Plaintiffs to file a Motion to  
14 Reconsider the September 18, 2018 Order has passed.

15  
16  
17 5. The Court set the remaining Countermotion for Summary Judgment and For  
18 Attorney’s fees and Costs to be heard on October 31, 2018, at which time all supplemental  
19 briefing regarding the Defendants Countermotion for Summary Judgment and for Attorney’s  
20 fees and costs, along with the Opposition to the same, was considered.

21  
22 6. NRCP 56(c) provides that summary judgment shall be rendered if “the pleadings,  
23 depositions, answers to interrogatories, and admissions on file, together with the affidavits, if  
24 any, show that there is no genuine issue as to any material fact and that the moving party is  
25 entitled to judgment as a matter of law.” The Nevada Supreme Court stated that a factual dispute  
26 is “genuine” when the evidence is such that a rational trier of fact could return a verdict for the  
27 nonmoving party. *Wood v. Safeway, Inc.*, 121 P.3d 1026 (2005). Once the moving party has  
28 shown that there is no genuine dispute as to material facts, the burden shifts to the nonmoving



1 party to set forth specific facts demonstrating the existence of a genuine issue for trial or have  
2 summary judgment entered against that party. In meeting this burden, the nonmoving party, "is  
3 not entitled to build a case on the gossamer threads of whimsy, speculation and conjecture." *Id.*

4  
5 7. The Arbitration Panel's award resolved all disputes the plaintiffs had against these  
6 defendants, Wu, Sullivan, Nevada Real Estate Corp and Chiu. For the reasons stated above the  
7 award is confirmed and Wu is confirmed as the procuring cause. This resolves the Plaintiff's  
8 request for declaratory relief and claim of unjust enrichment. Because there are no genuine issues  
9 as to any material fact left to be decided against these defendants in this case, summary judgment  
10 in favor of the defendants is proper.  
11

12 **B. COUNTERMOTION FOR ATTORNEY FEES AND COSTS GRANTED**

13 8. Defendants requested the Court award them their attorney fees and costs. After  
14 considering the pleadings and arguments of counsel, attorney fees and cost are awarded in the  
15 amounts of \$920.83 for costs and \$21,435.00 for legal fees.  
16

17 9. The Court finds that the Defendants fees are reasonable and were actually  
18 incurred in the confirmation and enforcement of the award of the Arbitration Panel. The Court  
19 finds that the contractual provision contained in the Arbitration Agreement signed by both  
20 Plaintiff and Defendant provided that "In the event [a party does] not comply with the award and  
21 it is necessary for any party to obtain judicial confirmation and enforcement of the award against  
22 me, [the party] agree[s] to pay that party costs and reasonable attorney's fees incurred in  
23 obtaining such confirmation and enforcement."  
24

25 10. The Court further finds that provision was reasonable and enforceable. As costs  
26 were never challenged, the Court hereby ORDERS costs in the amount of \$920.83 pursuant to  
27 Defendants' Memorandum of Costs and Disbursements, which was unopposed.  
28

1           11.     The Court hereby ORDERS attorney's fees in the amount of \$21,435.00. The  
2 Court finds this amount is reasonable and actually incurred by Defendants in enforcing the  
3 arbitration award. The Court is awarding attorney fees after the entry of the arbitration award and  
4 Plaintiffs' filing of its Motion to Vacate or Modify Arbitration Award, starting on July 25, 2018.  
5 The Court declines to award fees requested on the invoices dated December 31, 2016, January  
6 31, 2017, and February 28, 2017, as the redactions made to Plaintiffs' counsel's billing records  
7 prevent the Court from determining if those fees were reasonable and necessary. The Court has  
8 reviewed the remaining fees and finds they were reasonable and appropriate for litigating the  
9 matter and in keeping with attorney fees for such work in Southern Nevada. The Court further  
10 finds that the Brunzell factors have been met for the reasons stated in Defendant's Countermotion  
11 for Attorney Fees and Costs as set forth below.  
12

13  
14           12.     When determining an award of attorneys' fees and costs, Nevada courts have long  
15 relied upon the factors in *Brunzell v. Golden Gate Nat'l Bank*. These four factors analyze (1) the  
16 qualities of the advocate: his ability, his training, education, experience, professional standing  
17 and skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time  
18 and skill required, the responsibility imposed and the prominence and character of the parties  
19 where they affect the importance of litigation; (3) the work actually performed by the lawyer: the  
20 skill, time and attention given to the work; (4) the result: whether the attorney was successful and  
21 what benefits were derived.  
22  
23

24           13.     **Brunzell Factor #1:** "the qualities of the advocate: his ability, his training,  
25 education, experience, professional standing and skill". Counsel for Defendants, Michael A.  
26 Olsen, Esq. is a founding partner of his firm and has been a member of the State Bar of Nevada  
27 for over twenty years. He is a graduate of Utah State University and BYU's J. Reuben Clark Law  
28 School. His abilities as an advocate have been recognized through numerous awards and honors,

1 and Mr. Olsen's abilities have been honed through, among other experience, regular appearances  
2 in the Eighth Judicial District Court on contested matters.

3       14.     **Brunzell Factor #2:** "the character of the work to be done: its difficulty, its  
4 intricacy, its importance, time and skill required, the responsibility imposed and the prominence  
5 and character of the parties where they affect the importance of the litigation" This matter  
6 involved complex legal issues including a determination of procuring cause and whether the  
7 Arbitration Panel exceeded its authority pursuant to Nevada statute. Because the Plaintiff elected  
8 to contest the validity of the Arbitration award it became incumbent on Defendant to defend the  
9 award and have it confirmed by the Court. Defendant was successful in confirming and  
10 enforcing the Arbitration Award.  
11

12       15.     **Brunzell Factor #3:** "the work actually performed by the lawyer: the skill, time  
13 and attention given to the work". The Plaintiffs attempt to set aside the Arbitration Award and to  
14 further litigate against the Defendants has required investment of a substantial amount of time  
15 and effort to prepare and provide a proper defense, including against motion practice initiated by  
16 the Plaintiffs. The fees and costs awarded were reasonably incurred in defending the actions  
17 taken by Plaintiffs in this matter as set forth in detail above.  
18

19       16.     **Brunzell Factor #4:** "the result: whether the attorney was successful and what  
20 benefits were derived". Defendants were ultimately successful in upholding and enforcing the  
21 Arbitration Award, recognizing Wu as the procuring cause and thereby securing summary  
22 judgment in favor of the Defendants.  
23


24       17.     While "good judgment would dictate that each of these factors be given  
25 consideration by the trier of fact and that no one element should predominate or be given undue  
26 weight," each factor strongly supports an award of attorneys' fees and costs in the favor of  
27 Defendants.  
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**IT IS HEREBY ORDERED, AJUDICATED, AND DECREED:**

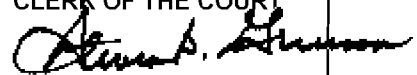
- a. That the September 18, 2018 Order is affirmed wherein Wu was determined the procuring cause and the Arbitration Award was confirmed.
- b. That the *Countermotion for Summary Judgment* is GRANTED
- c. That the *Motion for Attorney's Fees and Costs* is GRANTED and that Attorney's fees in the amount of \$21,435.00 and Costs in the amount of \$920.83 are hereby awarded to Defendants.

IT IS SO ORDERED this 19 of <sup>MARCH</sup>~~FEBRUARY~~ 2019.

  
\_\_\_\_\_  
DISTRICT COURT JUDGE SS  
ERIC JOHNSON

Prepared and submitted by:

  
\_\_\_\_\_  
MICHAEL A. OLSEN, ESQ.  
Nevada Bar No. 6076  
THOMAS R. GROVER, ESQ.  
Nevada Bar No. 12387  
**GOODSELL & OLSEN, LLP**  
*Attorneys for Wayne Wu, Judith Sullivan,  
Nevada Real Estate Corp. and Jerrin Chiu*



**ORDR**  
**R. DUANE FRIZELL, ESQ.**  
Nevada Bar No. 9807  
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Facsimile (702) 657-0065  
[dfrizell@frizelllaw.com](mailto:dfrizell@frizelllaw.com)  
*Attorney for Plaintiffs/  
Counter-Defendants*

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

BETTY CHAN and ASIAN  
AMERICAN REALTY &  
PROPERTY MANAGEMENT,

Plaintiffs,

vs.

WAYNE WU; JUDITH SULLIVAN;  
NEVADA REAL ESTATE CORP.;  
JERRIN CHIU; and KB HOME  
SALES-NEVADA INC.;

Defendants.

CASE NO: A-16-744109-C

DEPT NO: 20

**Hearing Date: 1/22/2020**

**Hearing Time: 8:30 a.m.**

And All Related Claims

**ORDER ON PLAINTIFFS' MOTION TO FORMALLY RESOLVE MOTION FOR  
RECONSIDERATION AND TO CERTIFY JUDGMENT AS FINAL  
—AND—  
COUNTERMOTION FOR SUMMARY JUDGMENT  
ON ABUSE OF PROCESS CLAIM**

On January 22, 2020, the Court heard Plaintiffs' Motion to Formally Resolve Motion for Reconsideration and to Certify Judgment as Final (filed Jan. 7, 2020) [the "Motion to Resolve"] and Defendants' Countermotion for Summary Judgment on Abuse of Process Claim (filed Jan. 16, 2020) [the "Countermotion"]. Having reviewed the Motion to Resolve, the Countermotion, and the other pleadings and papers on file in this action, and having considered the arguments of counsel at the hearing, the Court finds just, good, and sufficient cause for GRANTING in part and DENYING in part the Motion to Resolve and for DENYING in all respects the

1 Countermotion. In this connection, the Court hereby enters the following Findings, Conclusions,  
2 and Order:

3 **FINDINGS OF FACT**

4 The Court hereby makes the following FINDINGS OF FACT:

5 1. On March 22, 2019, the Court ruled upon a separate countermotion and entered  
6 its Order Granting Defendants Countermotion for Summary Judgment and Attorney Fees and  
7 Costs ("MSJ Order").

8 2. On April 1, 2019, Plaintiffs, who were representing themselves *pro se* at the time,  
9 filed their Motion to Vacate Entry of Order or Motion for Extension of Time to File  
10 Reconsideration to the Entry of Order Granting Defendants Counter Motion for Summary  
11 Judgment and Attorney Fees and Costs ("Motion for Reconsideration").

12 3. In their Motion for Reconsideration, Plaintiffs sought only an extension of time to  
13 find a new attorney who could review this Court's MSJ Order and then file an actual motion for  
14 reconsideration on the merits. Plaintiffs requested two alternative means to achieve this end: (1)  
15 vacate the Summary Judgment Order for one month or (2) extend the time to file a motion for  
16 reconsideration on the merits. (Id.). Here are Plaintiffs' exact words:

17 ... Plaintiff Betty Chan and Asian American Realty and Property Management  
18 respectfully requests this Court to vacate the entry of order so Plaintiff can have a month  
19 to locate an attorney to review before the entry of order as originally ordered by the  
20 Court. Or in the alternative Plaintiff is requesting the Court to grant a reconsideration of  
21 the Order and allow extension of reconsideration time ... so that [Plaintiffs'] can locate a  
22 replacement attorney and put this reconsideration on hold until then if the request is  
23 granted.

24 4. The Court never ruled on the Motion for Reconsideration.

25 5. In the MSJ Order, this Court ruled "[t]hat the September 18, 2018 Order is  
26 affirmed wherein Wu was determined the procuring cause and the Arbitration Award was  
27 confirmed."

6. On April 22, 2019, Plaintiffs, who were still representing themselves *pro se*, filed their Notice of Appeal in this action.

7. When Plaintiffs filed their appeal, the counterclaim for abuse of process of Defendants Wayne Wu, Judith Sullivan, Nevada Real Estate Corp. and Jerrin Chiu (collectively “Defendants”) was still pending and had not yet been adjudicated.

8. On November 14, 2019, in the appeal, the Supreme Court issued an Order to Show Cause (“OSC”) as to why the appeal should not be dismissed because of the pending Motion for Reconsideration, which this Court had not “formally resolved.”

9. In the OSC, the Supreme Court stated that all that is required to cure the potential jurisdictional defect is “a written, file-stamped order resolving” the Motion for Reconsideration.

10. To the extent the foregoing Findings of Fact may be characterized as Conclusions of Law, they are hereby deemed to be such Conclusions.

## CONCLUSIONS OF LAW

The Court hereby makes the following CONCLUSIONS OF LAW:

A. As explained in the Supreme Court’s OSC, the appeal may have been prematurely taken because of the Motion for Reconsideration, which Plaintiffs filed when they were representing themselves *pro se*. This Court may resolve issues relating to any such prematurity.

A premature notice of appeal does not divest the district court of jurisdiction.... If ... a written order or judgment, or a written disposition of the last-remaining timely motion listed in Rule 4(a)(4), is entered before dismissal of the premature appeal, the notice of appeal shall be considered filed on the date of and after entry of the order, judgment or written disposition of the last-remaining timely motion.

NRAP 4(a)(6). Thus, this Court may resolve the issue of appealability.

B. The Court concludes that it has jurisdiction and may rule upon the Motion for Reconsideration, and to that extent, Plaintiffs' Motion to Resolve should be GRANTED.

C. The Court concludes that, in substance and form, Plaintiffs' Motion for Reconsideration lacks merit, presents no new facts or law, and is therefore DENIED.

1 D. Because an appeal has been taken, the Court concludes that it does not have  
2 jurisdiction to adjudicate Defendants' counterclaim for abuse of process. *See Foster v. Dingwall*,  
3 126 Nev. 49, 52, 228 P.3d 453, 454-455 (2010) ("This court has repeatedly held that the timely  
4 filing of a notice of appeal "divests the district court of jurisdiction to act and vests jurisdiction  
5 in this court.""). Accordingly, Defendants' Countermotion should be DENIED.

6 E. Because the Court may not adjudicate Defendants' counterclaim for abuse of  
7 process, it also concludes that it may not certify the MSJ Order as being final as to all of  
8 Plaintiffs' and Defendants' claims and counterclaims under NRCP 54(b). *See Foster*, 126 Nev.  
9 at 52, 228 P.3d at 454-455. Therefore, to the extent that Plaintiffs' Motion seeks to have this  
10 Court so certify the MSJ Order, such Motion should be DENIED.

11 F. To the extent the foregoing Conclusions of Law may be characterized as Findings  
12 of Fact, they are hereby deemed to be such Findings.  
13

14 **ORDER**

15 IT IS THEREFORE ORDERED as follows:

16 i. Plaintiffs' Motion to Formally Resolve Motion for Reconsideration and to Certify  
17 Judgment as Final (filed Jan. 7, 2020) ["Motion to Resolve"] is hereby GRANTED in part and  
18 DENIED in part, as follows:  
19

20 a. Plaintiffs' Motion to Resolve is GRANTED to the extent that it requests  
21 this Court to rule upon Plaintiff's previous Motion to Vacate Entry of  
22 Order or Motion for Extension of Time to File Reconsideration to the  
23 Entry of Order Granting Defendants Counter Motion for Summary  
24 Judgment and Attorney Fees and Costs (filed Apr. 1, 2019) ["Motion for  
25 Reconsideration"]; and  
26

27 b. in all other respects, Plaintiff's Motion to Resolve is DENIED.

28 ii. Plaintiffs' Motion for Reconsideration is in all respects hereby DENIED.



1           iii.       Defendants' Countermotion for Summary Judgment on Abuse of Process Claim  
2 (filed Jan. 16, 2020) [the "Countermotion"] is in all respects hereby DENIED.

3           IT IS SO ORDERED.

4           Date: 2-14, 2020

5  
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7  
8           DISTRICT COURT JUDGE  
Case No. A-16-744109-C

9           ERIC JOHNSON

10          *Submitted by:*

11          FRIZELL LAW FIRM  
12          400 N. Stephanie St., Suite 265  
Henderson, Nevada 89014

13  
14          By: [Signature]  
15          R. DUANE FRIZELL, ESQ.  
Nevada Bar. No 9807  
16          Attorney for Plaintiffs

17          Date: 2-10-2020

18          *Approved:*

19          BLACKROCK LEGAL, LLC  
20          10155 W. Twain Ave., Suite 100  
Las Vegas, NV 89147

21  
22          By: [Signature]  
23          MICHAEL A. OLSEN, ESQ.  
Nevada Bar No. 6076  
24          Attorney for Plaintiffs

25          Date: 2/7/20

Case Number: A-16-744109-C

1 true and correct copy of same is attached hereto.  
2

3 DATED this March 10, 2020.

4 **FRIZELL LAW FIRM**  
5 400 N. Stephanie St., Suite 265  
6 Henderson, Nevada 89014  
7 Telephone: (702) 657-6000

8 By: /s/ R. Duane Frizell  
9 R. DUANE FRIZELL, ESQ.  
10 Nevada Bar No. 9807  
11 *Attorneys for Plaintiffs/*  
12 *Counter-Defendants*  
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**CERTIFICATE OF SERVICE**

I hereby certify that I am a citizen of the United States and am employed in Clark County, Nevada, where this service occurs. I am over the age of eighteen years and not a party to the within entitled action; my business address is 400 N. Stephanie St., Suite 265, Henderson, Nevada 89014.

On March 10, 2020, I served the foregoing ***NOTICE OF ENTRY OF ORDER ON PLAINTIFFS' MOTION TO FORMALLY RESOLVE MOTION FOR RECONSIDERATION AND TO CERTIFY JUDGMENT AS FINAL —AND— COUNTERMOTION FOR SUMMARY JUDGMENT ON ABUSE OF PROCESS CLAIM*** on interested party(ies) in this action, as follows:

MICHAEL A. OLSEN, ESQ.  
Nevada State Bar No. 6076  
THOMAS R. GROVER, ESQ.  
Nevada State Bar No. 12387  
KEITH D. ROTSONG, ESQ.  
Nevada State Bar No. 14944  
BLACKROCK LEGAL, LLC  
10155 W. Twain Ave., Suite 100  
Las Vegas, Nevada 89147  
*Attorneys for Defendants/Counterclaimants*  
*Wayne Wu, Judith Sullivan, Nevada Real*  
*Estate Corp., and Jerrin Chiu*

JANICE M. MICHAELS, ESQ.  
Nevada State Bar No. 6062  
WOOD SMITH HENNING & BERMAN, LLP  
2881 Business Park Court, Suite 200  
Las Vegas, Nevada 89128  
*Attorney for Defendant*  
*KB Home Sales-Nevada Inc.*

By causing a full, true and correct copy thereof to be sent, together with any and all exhibits and other attachments, by the following indicated method(s):

by mailing in a sealed, first-class postage-prepaid envelope, addressed to the above listed individuals, and deposited with the United State Postal Service;

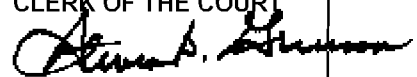
X by electronic service through the Eighth Judicial District e-file/e-serve service;

by hand delivery;

by faxing to the attorney at his/her last known fax number;

by electronic mail to the last known e-mail address of the attorney/the party.

*/s/ Aiqin Niu*  
Aiqin Niu, an employee of  
Frizell Law Firm, PLLC



**ORDR**  
**R. DUANE FRIZELL, ESQ.**  
Nevada Bar No. 9807  
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[dfrizell@frizelllaw.com](mailto:dfrizell@frizelllaw.com)  
*Attorney for Plaintiffs/  
Counter-Defendants*

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

BETTY CHAN and ASIAN  
AMERICAN REALTY &  
PROPERTY MANAGEMENT,

Plaintiffs,

vs.

WAYNE WU; JUDITH SULLIVAN;  
NEVADA REAL ESTATE CORP.;  
JERRIN CHIU; and KB HOME  
SALES-NEVADA INC.;

Defendants.

CASE NO: A-16-744109-C

DEPT NO: 20

**Hearing Date: 1/22/2020**

**Hearing Time: 8:30 a.m.**

And All Related Claims

**ORDER ON PLAINTIFFS' MOTION TO FORMALLY RESOLVE MOTION FOR  
RECONSIDERATION AND TO CERTIFY JUDGMENT AS FINAL  
—AND—  
COUNTERMOTION FOR SUMMARY JUDGMENT  
ON ABUSE OF PROCESS CLAIM**

On January 22, 2020, the Court heard Plaintiffs' Motion to Formally Resolve Motion for Reconsideration and to Certify Judgment as Final (filed Jan. 7, 2020) [the "Motion to Resolve"] and Defendants' Countermotion for Summary Judgment on Abuse of Process Claim (filed Jan. 16, 2020) [the "Countermotion"]. Having reviewed the Motion to Resolve, the Countermotion, and the other pleadings and papers on file in this action, and having considered the arguments of counsel at the hearing, the Court finds just, good, and sufficient cause for GRANTING in part and DENYING in part the Motion to Resolve and for DENYING in all respects the

1 Countermotion. In this connection, the Court hereby enters the following Findings, Conclusions,  
2 and Order:

3 **FINDINGS OF FACT**

4 The Court hereby makes the following FINDINGS OF FACT:

5 1. On March 22, 2019, the Court ruled upon a separate countermotion and entered  
6 its Order Granting Defendants Countermotion for Summary Judgment and Attorney Fees and  
7 Costs ("MSJ Order").

8 2. On April 1, 2019, Plaintiffs, who were representing themselves *pro se* at the time,  
9 filed their Motion to Vacate Entry of Order or Motion for Extension of Time to File  
10 Reconsideration to the Entry of Order Granting Defendants Counter Motion for Summary  
11 Judgment and Attorney Fees and Costs ("Motion for Reconsideration").

12 3. In their Motion for Reconsideration, Plaintiffs sought only an extension of time to  
13 find a new attorney who could review this Court's MSJ Order and then file an actual motion for  
14 reconsideration on the merits. Plaintiffs requested two alternative means to achieve this end: (1)  
15 vacate the Summary Judgment Order for one month or (2) extend the time to file a motion for  
16 reconsideration on the merits. (Id.). Here are Plaintiffs' exact words:

17 ... Plaintiff Betty Chan and Asian American Realty and Property Management  
18 respectfully requests this Court to vacate the entry of order so Plaintiff can have a month  
19 to locate an attorney to review before the entry of order as originally ordered by the  
20 Court. Or in the alternative Plaintiff is requesting the Court to grant a reconsideration of  
21 the Order and allow extension of reconsideration time ... so that [Plaintiffs'] can locate a  
22 replacement attorney and put this reconsideration on hold until then if the request is  
23 granted.

24 4. The Court never ruled on the Motion for Reconsideration.

25 5. In the MSJ Order, this Court ruled "[t]hat the September 18, 2018 Order is  
26 affirmed wherein Wu was determined the procuring cause and the Arbitration Award was  
27 confirmed."

6. On April 22, 2019, Plaintiffs, who were still representing themselves *pro se*, filed their Notice of Appeal in this action.

7. When Plaintiffs filed their appeal, the counterclaim for abuse of process of Defendants Wayne Wu, Judith Sullivan, Nevada Real Estate Corp. and Jerrin Chiu (collectively “Defendants”) was still pending and had not yet been adjudicated.

8. On November 14, 2019, in the appeal, the Supreme Court issued an Order to Show Cause (“OSC”) as to why the appeal should not be dismissed because of the pending Motion for Reconsideration, which this Court had not “formally resolved.”

9. In the OSC, the Supreme Court stated that all that is required to cure the potential jurisdictional defect is “a written, file-stamped order resolving” the Motion for Reconsideration.

10. To the extent the foregoing Findings of Fact may be characterized as Conclusions of Law, they are hereby deemed to be such Conclusions.

## CONCLUSIONS OF LAW

The Court hereby makes the following CONCLUSIONS OF LAW:

A. As explained in the Supreme Court’s OSC, the appeal may have been prematurely taken because of the Motion for Reconsideration, which Plaintiffs filed when they were representing themselves *pro se*. This Court may resolve issues relating to any such prematurity.

A premature notice of appeal does not divest the district court of jurisdiction.... If ... a written order or judgment, or a written disposition of the last-remaining timely motion listed in Rule 4(a)(4), is entered before dismissal of the premature appeal, the notice of appeal shall be considered filed on the date of and after entry of the order, judgment or written disposition of the last-remaining timely motion.

NRAP 4(a)(6). Thus, this Court may resolve the issue of appealability.

B. The Court concludes that it has jurisdiction and may rule upon the Motion for Reconsideration, and to that extent, Plaintiffs' Motion to Resolve should be GRANTED.

C. The Court concludes that, in substance and form, Plaintiffs' Motion for Reconsideration lacks merit, presents no new facts or law, and is therefore DENIED.

1 D. Because an appeal has been taken, the Court concludes that it does not have  
2 jurisdiction to adjudicate Defendants' counterclaim for abuse of process. *See Foster v. Dingwall*,  
3 126 Nev. 49, 52, 228 P.3d 453, 454-455 (2010) ("This court has repeatedly held that the timely  
4 filing of a notice of appeal "divests the district court of jurisdiction to act and vests jurisdiction  
5 in this court.""). Accordingly, Defendants' Countermotion should be DENIED.

6 E. Because the Court may not adjudicate Defendants' counterclaim for abuse of  
7 process, it also concludes that it may not certify the MSJ Order as being final as to all of  
8 Plaintiffs' and Defendants' claims and counterclaims under NRCP 54(b). *See Foster*, 126 Nev.  
9 at 52, 228 P.3d at 454-455. Therefore, to the extent that Plaintiffs' Motion seeks to have this  
10 Court so certify the MSJ Order, such Motion should be DENIED.

11 F. To the extent the foregoing Conclusions of Law may be characterized as Findings  
12 of Fact, they are hereby deemed to be such Findings.

13  
14 **ORDER**

15 IT IS THEREFORE ORDERED as follows:

16 i. Plaintiffs' Motion to Formally Resolve Motion for Reconsideration and to Certify  
17 Judgment as Final (filed Jan. 7, 2020) ["Motion to Resolve"] is hereby GRANTED in part and  
18 DENIED in part, as follows:

19 a. Plaintiffs' Motion to Resolve is GRANTED to the extent that it requests  
20 this Court to rule upon Plaintiff's previous Motion to Vacate Entry of  
21 Order or Motion for Extension of Time to File Reconsideration to the  
22 Entry of Order Granting Defendants Counter Motion for Summary  
23 Judgment and Attorney Fees and Costs (filed Apr. 1, 2019) ["Motion for  
24 Reconsideration"]; and

25 b. in all other respects, Plaintiff's Motion to Resolve is DENIED.

26 ii. Plaintiffs' Motion for Reconsideration is in all respects hereby DENIED.



1           iii.       Defendants' Countermotion for Summary Judgment on Abuse of Process Claim  
2 (filed Jan. 16, 2020) [the "Countermotion"] is in all respects hereby DENIED.

3           IT IS SO ORDERED.

4           Date: 2-14, 2020

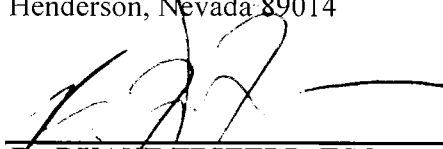
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7 

8           DISTRICT COURT JUDGE  
9           Case No. A-16-744109-C

10           ERIC JOHNSON KM

11           *Submitted by:*

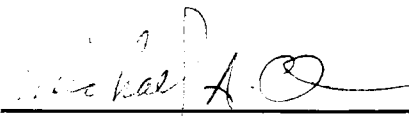
12           **FRIZELL LAW FIRM**  
13           400 N. Stephanie St., Suite 265  
14           Henderson, Nevada 89014

15           By:   
16           **R. DUANE FRIZELL, ESQ.**  
17           Nevada Bar. No 9807  
18           Attorney for Plaintiffs

19           Date: 2-10-2020

20           *Approved:*

21           **BLACKROCK LEGAL, LLC**  
22           10155 W. Twain Ave., Suite 100  
23           Las Vegas, NV 89147

24           By:   
25           **MICHAEL A. OLSEN, ESQ.**  
26           Nevada Bar No. 6076  
27           Attorney for Plaintiffs

28           Date: 2/7/20

**ORDR**

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Nevada Bar No. 6076

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*Attorneys for Wayne Wu, Judith Sullivan,*

*Nevada Real Estate Corp. and Jerrin Chiu*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

BETTY CHAN and ASIAN AMERICAN  
REALTY & PROPERTY MANAGEMENT,

Plaintiffs/Counterdefendants,

v.

WAYNE WU, JUDITH SULLIVAN,  
NEVADA REAL ESTATE CORP., JERRIN  
CHIU, KB HOME SALES – NEVADA INC.,

Defendants/Counterclaimants.

) Case No: A-16-744109-C

) Dept. No: XX

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**ORDER GRANTING IN PART  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT, OR IN  
THE ALTERNATIVE, FOR  
CONTRACTUAL AWARD OF  
ATTORNEY'S FEES, FOR WRIT  
OF EXECUTION ON PLAINTIFF'S  
COMMISSIONS AWARDED BY  
GLVAR ARBITRATION PANEL,  
AND RELEASE OF BOND  
DEPOSITED ON APPEAL  
AND ORDER GRANTING  
PLAINTIFFS' COUNTERMOTION  
FOR SUMMARY JUDGMENT**

**APPEARANCES**

- Michael A. Olsen, Esq. of Blackrock Legal, LLC, on behalf of Wayne Wu, Judith Sullivan, Nevada Real Estate Corp., and Jerrin Chiu, Defendants/Counterclaimants (hereinafter "Defendants").

- R. Duane Frizell, Esq., of Frizell Law Firm, on behalf of Betty Chan and Asian American Realty & Property Management, (hereinafter “Plaintiffs”).

This matter came on for hearing on July 21, 2020 and again on September 30, 2020 before the Honorable Eric Johnson presiding on the Defendants’ *Motion for Summary Judgment, or in the Alternative, for Contractual Award of Attorney’s Fees, for Writ of Execution on Plaintiff’s Commissions Awarded by GLVAR Arbitration Panel, and Release of Bond Deposited on Appeal* (hereafter “Motion”) and *Plaintiffs’ Opposition to Defendants’ Motion for Summary Judgment, or in the alternative, for Contractual Award of Attorney’s Fees, for Writ of Execution on Plaintiff’s Commissions Awarded by GLVAR Arbitration Panel and Release of Bond Deposited on Appeal, and Countermotion for Summary Judgment on Defendants’ Abuse-of-Process Counterclaim* (hereafter “Opposition and Countermotion”). The Court having read and considered the papers and pleadings on file, having heard oral arguments made at the time of hearings, and good cause appearing, therefore the Court makes the following findings of fact and conclusions of law:

### **FINDINGS OF FACTS**

1. Defendants have a good argument that Plaintiff ran this lawsuit far beyond what it should have been run, and the Court thinks Ms. Chan represents the worst of litigations, but she had a right to file a complaint, and her filing of the civil complaint does not rise to the level of abuse of judicial process.

2. Ms. Chan apparently had an ethical obligation with the realtor board to attend either arbitration or mediation, which Ms. Chan may have violated (but the Court is not making a ruling on this matter because it is not before the Court); however, the Court finds she had a right to file the civil Complaint.

1           3.       The Motion for Writ of Execution is redundant and unnecessary as a valid Writ  
2 already exists; however, to the extent Defendants seek to execute upon Plaintiffs' portion of the  
3 commissions on deposit with GLVAR, Defendants will have to submit a new writ for that.

4           4.       Ms. Chan executed a contract for arbitration which includes a valid and  
5 enforceable attorney's fees provision. Since Ms. Chan has chosen to continue fighting the  
6 collection of the arbitration award she is contractually liable for the related and reasonable  
7 attorney's fees and costs incurred by the Defendants until such time as they are able to satisfy the  
8 arbitration award and the fees and costs awarded by this court. Given the foregoing, Defendants  
9 are entitled to an award of reasonable attorney's fees and costs incurred in seeking to enforce the  
10 arbitration award since the date of the submission of the last request for fees and costs by  
11 Defendants on October 31, 2018.  
12

13           5.       This Court already ruled upon the scope of the arbitration agreement in the March  
14 22, 2019 Order, which encompassed any efforts to collect on the arbitration award.  
15

16           6.       Since the March 22, 2019 Order, Defendants have incurred additional fees  
17 seeking to collect the arbitration award and such fees fall within the scope of the arbitration  
18 agreement.  
19

20           7.       Counsel for Defendants shall file their invoices with the Court Clerk, which  
21 invoices were submitted to the Court for in camera inspection, and which invoices the Court  
22 actually reviewed.  
23

#### 24                               CONCLUSIONS OF LAW

25           8.       The Clerk of the Court has already issued a writ of execution, which is valid and  
26 enforceable, however, Defendants may submit a new writ for full amount of the commission  
27 currently held by GLVAR, which amount shall be applied to the amount of the fees and costs  
28 awarded against Plaintiffs in this action.

1           9.       Ms. Chan is under an ongoing contractual obligation to pay reasonable attorney's  
2 fees and costs Defendants incur in seeking to enforce the arbitration agreement and the fees and  
3 costs awarded by this Court. Nothing in the Agreement to Arbitrate prevents collection of such  
4 reasonable attorney's fees and costs incurred so long as Ms. Chan fights against collection of the  
5 original award.  
6

7           10.      Ms. Chan may have violated an ethical obligation as a member of the GLVAR;  
8 however such a violation should be resolved before that body and not before this Court.  
9

10          11.      The Supreme Court of Nevada has determined that it lacked jurisdiction over Ms.  
11 Chan's most recent appeal and has dismissed that appeal. Therefore, jurisdiction over this case  
12 remains in this court and the supersedeas bond is to be immediately released to Defendants.

13          12.      Ms. Chan had a right to file her complaint and did not file her complaint with an  
14 ulterior motive. Accordingly, she committed no abuse of process.

15          13.      The Nevada Supreme Court's decision to dismiss the appeal did not preclude  
16 collection of additional fees as the Nevada Supreme Court never took jurisdiction of the matter  
17 or examined the scope of the arbitration agreement.  
18

19          14.      The Agreement to Arbitrate is between Ms. Chan and GLVAR for participation in  
20 arbitration.  
21

22          15.      With regard to the agreement to arbitrate and the attorney fee provision contained  
23 therein, there was a clear meeting of the minds between Ms. Chan and GLVAR, as well as the  
24 others who participated in the arbitration process.

25          16.      The fees incurred by Defendants related to their abuse of process claim are  
26 denied.  
27

28          17.      The Court awards \$35,630.00 in fees and costs to Defendants and finds that such  
an amount of fees satisfies the requirements of Brunzell.

18. Defendants shall be permitted to collect the entire amount of the funds held in escrow by the GLVAR, provided that they do so pursuant to a new writ of execution.

19. Counsel for Defendants shall file a new writ of execution for the full amount of the funds held in escrow by GLVAR.

**IT IS HEREBY ORDERED, AJUDICATED, AND DECREED:**

a) Defendants may execute upon the entirety of the \$13,795.32 commission held in the GLVAR escrow account pursuant to a new writ of execution.

b) Defendants shall file a new Writ of Execution to obtain the entirety of the funds currently held in the GLVAR escrow account.

c) Defendants' request for summary judgment that Ms. Chan committed an abuse of process is DENIED;

d) Plaintiffs' request for summary judgment that Ms. Chan did not commit an abuse of process is GRANTED;

e) The supersedeas bond posted by Plaintiffs in the amount of \$33,533.75 shall immediately be released to DEFENDANTS and the clerk of court is hereby instructed to issue a check payable to the Blackrock Legal, LLC Trust account in that amount of said bond plus interest, if any;

f) Defendants are hereby awarded fees and costs in the amount of \$35,630.00 incurred in seeking to enforce the arbitration award since the Court's last award of attorney's fees.

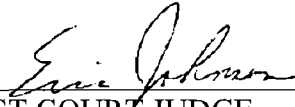
g) Ms. Chan is hereby given leave to file a motion for stay of execution.

~~h) The status check currently scheduled for November 18, 2020 at 8:30 a.m. is hereby VACATED.~~

1 i) Pursuant to NRCP 54(b), the Court finds no just reason for delay, and this order is  
2 hereby entered as a final order as to any and all claims and counterclaims between and among  
3 Plaintiffs and the identified Defendants.

4 IT IS SO ORDERED this \_\_\_\_\_ of November 2020.

5 Dated this 23rd day of November, 2020

6  
7   
8 \_\_\_\_\_  
DISTRICT COURT JUDGE

9 Prepared and submitted by:

7AB 1B9 E166 A32D  
Eric Johnson  
District Court Judge

10 /s/ Keith D. Routsong, Esq.  
11 MICHAEL A. OLSEN, ESQ.  
12 Nevada Bar No. 6076  
13 THOMAS R. GROVER, ESQ.  
14 Nevada Bar No. 12387  
15 KEITH D. ROUTSONG, ESQ.  
16 Nevada Bar No. 14944  
17 **BLACKROCK LEGAL, LLC**  
18 *Attorneys for Wayne Wu, Judith Sullivan,*  
19 *Nevada Real Estate Corp. and Jerrin Chiu*

20 Approved as to form and content by:

21 /s/ R. Duane Frizell, Esq.  
22 R. DUANE FRIZELL, ESQ.  
23 Nevada Bar No. 97  
24 **FRIZELL LAW FIRM**  
25 *Attorney for Betty Chan and Asian American*  
26 *Realty and Property Management*

## Keith Routsong

---

**From:** Keith Routsong  
**Sent:** Wednesday, November 18, 2020 7:59 AM  
**To:** Duane Frizell; Mike Olsen  
**Subject:** RE: Chan v. Wu: Proposed Order

Duane,

Those changes are fine with us. I added your electronic signature and will submit to the Court this morning. Thanks.

Keith

---

**From:** Duane Frizell <dfrizell@frizelllaw.com>  
**Sent:** Tuesday, November 17, 2020 11:20 AM  
**To:** Mike Olsen <mike@blackrocklawyers.com>; Keith Routsong <keith@blackrocklawyers.com>  
**Subject:** Chan v. Wu: Proposed Order  
**Importance:** High

Hi Mike and Keith:

I have gone through the proposed order and made some revisions. My redlined version and my clean version are attached in Word.

All of my revisions are relatively minor and are based on the court's rulings as expressly stated in the transcripts of the hearings. I have attached the transcripts for the two hearings for your reference as well.

On the attached clean version of the proposed order, I authorize you to affix my electronic signature and submit to the court.

Thanks!

--Duane



**R. Duane Frizell**

*Attorney at Law*

*Licensed in Nevada, New Mexico, and Texas*

**FRIZELL LAW FIRM**

400 N. Stephanie St., Suite 265 | Henderson, Nevada 89014

Tel. No. (702) 657-6000 | Fax No. (702) 657-0065 | 中文專線 (702) 846-2888

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1 **CSERV**

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

5  
6 Betty Chan, Plaintiff(s)

CASE NO: A-16-744109-C

7 vs.

DEPT. NO. Department 20

8 Wayne Wu, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/23/2020

15 Thomas Grover tom@blackrocklawyers.com

16 Daniel Ormsby . DOrmsby@goodsellolsen.com

17 Janice M. Michaels . jmichaels@wshblaw.com

18 Laura Myers . laura@goodsellolsen.com

19 Michael A. Olsen . mike@goodsellolsen.com

20 Michelle N Ledesma . mledesma@wshblaw.com

21 Roman Harper . Roman@goodsellolsen.com

22 Thomas Grover . tom@goodsellolsen.com

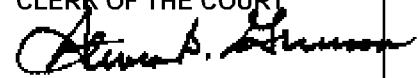
23 Michael Olsen mike@blackrocklawyers.com

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1 **NEOJ**  
2 **MICHAEL A. OLSEN, ESQ.**  
3 Nevada Bar No. 6076  
4 **THOMAS R. GROVER, ESQ.**  
5 Nevada Bar No. 12387  
6 **BLACKROCK LEGAL, LLC**  
7 10155 W. Twain Ave. Ste. 100  
8 Las Vegas, Nevada 89147  
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10 Fax: (702) 869-8243

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

15 **BETTY CHAN and ASIAN AMERICAN** ) Case No: A-16-744109-C  
16 **REALTY & PROPERTY MANAGEMENT,** )  
17 ) Dept. No: XX  
18 **Plaintiffs/Counterdefendants,** )  
19 **v.** )  
20 )  
21 **WAYNE WU, JUDITH SULLIVAN,** )  
22 **NEVADA REAL ESTATE CORP., JERRIN** )  
23 **CHIU, KB HOME SALES – NEVADA INC.,** )  
24 **Defendants/Counterclaimants.** )

25 **NOTICE OF ENTRY OF ORDER**

26 PLEASE TAKE NOTICE that the **ORDER GRANTING IN PART DEFENDANTS'**  
27 **MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR**  
28 **CONTRACTUAL AWARD OF ATTORNEY'S FEES, FOR WRIT OF EXECUTION ON**  
29 **PLAINTIFF'S COMMISSIONS AWARDED BY GLVAR ARBITRATION PANEL, AND**  
30 **RELEASE OF BOND DEPOSITED ON APPEAL AND ORDER GRANTING**  
31 **PLAINTIFFS' COUNTERMOTION FOR SUMMARY JUDGMENT** was entered on the  
32 Court's record on the 23rd day of November, 2020. A copy of said Order is attached hereto as  
33 Exhibit "1".

34 DATED this 23rd day of November 2020.

35 */s/Michael A. Olsen, Esq.*

36 \_\_\_\_\_  
37 **MICHAEL A. OLSEN, ESQ.**  
38 Nevada Bar No. 6076  
39 **THOMAS R. GROVER, ESQ.**  
40 Nevada Bar No. 12387



**BLACKROCK**  
L E G A L

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28

**EXHIBIT “1”**

*Heather S. Sullivan*  
CLERK OF THE COURT

**ORDR**

MICHAEL A. OLSEN, ESQ.

Nevada Bar No. 6076

THOMAS R. GROVER, ESQ.

Nevada Bar No. 12387

KEITH D. ROUTSONG, ESQ.

Nevada Bar No. 14944

**BLACKROCK LEGAL, LLC**

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[keith@blackrocklawyers.com](mailto:keith@blackrocklawyers.com)

*Attorneys for Wayne Wu, Judith Sullivan,  
Nevada Real Estate Corp. and Jerrin Chiu*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

BETTY CHAN and ASIAN AMERICAN  
REALTY & PROPERTY MANAGEMENT,

Plaintiffs/Counterdefendants,

v.

WAYNE WU, JUDITH SULLIVAN,  
NEVADA REAL ESTATE CORP., JERRIN  
CHIU, KB HOME SALES – NEVADA INC.,

Defendants/Counterclaimants.

) Case No: A-16-744109-C

) Dept. No: XX

) **ORDER GRANTING IN PART**  
) **DEFENDANTS' MOTION FOR**  
) **SUMMARY JUDGMENT, OR IN**  
) **THE ALTERNATIVE, FOR**  
) **CONTRACTUAL AWARD OF**  
) **ATTORNEY'S FEES, FOR WRIT**  
) **OF EXECUTION ON PLAINTIFF'S**  
) **COMMISSIONS AWARDED BY**  
) **GLVAR ARBITRATION PANEL,**  
) **AND RELEASE OF BOND**  
) **DEPOSITED ON APPEAL**  
) **AND ORDER GRANTING**  
) **PLAINTIFFS' COUNTERMOTION**  
) **FOR SUMMARY JUDGMENT**

**APPEARANCES**

- Michael A. Olsen, Esq. of Blackrock Legal, LLC, on behalf of Wayne Wu, Judith Sullivan, Nevada Real Estate Corp., and Jerrin Chiu, Defendants/Counterclaimants (hereinafter "Defendants").

- R. Duane Frizell, Esq., of Frizell Law Firm, on behalf of Betty Chan and Asian American Realty & Property Management, (hereinafter “Plaintiffs”).

This matter came on for hearing on July 21, 2020 and again on September 30, 2020 before the Honorable Eric Johnson presiding on the Defendants’ *Motion for Summary Judgment, or in the Alternative, for Contractual Award of Attorney’s Fees, for Writ of Execution on Plaintiff’s Commissions Awarded by GLVAR Arbitration Panel, and Release of Bond Deposited on Appeal* (hereafter “Motion”) and *Plaintiffs’ Opposition to Defendants’ Motion for Summary Judgment, or in the alternative, for Contractual Award of Attorney’s Fees, for Writ of Execution on Plaintiff’s Commissions Awarded by GLVAR Arbitration Panel and Release of Bond Deposited on Appeal, and Countermotion for Summary Judgment on Defendants’ Abuse-of-Process Counterclaim* (hereafter “Opposition and Countermotion”). The Court having read and considered the papers and pleadings on file, having heard oral arguments made at the time of hearings, and good cause appearing, therefore the Court makes the following findings of fact and conclusions of law:

### **FINDINGS OF FACTS**

1. Defendants have a good argument that Plaintiff ran this lawsuit far beyond what it should have been run, and the Court thinks Ms. Chan represents the worst of litigations, but she had a right to file a complaint, and her filing of the civil complaint does not rise to the level of abuse of judicial process.

2. Ms. Chan apparently had an ethical obligation with the realtor board to attend either arbitration or mediation, which Ms. Chan may have violated (but the Court is not making a ruling on this matter because it is not before the Court); however, the Court finds she had a right to file the civil Complaint.

1           3.       The Motion for Writ of Execution is redundant and unnecessary as a valid Writ  
2 already exists; however, to the extent Defendants seek to execute upon Plaintiffs' portion of the  
3 commissions on deposit with GLVAR, Defendants will have to submit a new writ for that.

4           4.       Ms. Chan executed a contract for arbitration which includes a valid and  
5 enforceable attorney's fees provision. Since Ms. Chan has chosen to continue fighting the  
6 collection of the arbitration award she is contractually liable for the related and reasonable  
7 attorney's fees and costs incurred by the Defendants until such time as they are able to satisfy the  
8 arbitration award and the fees and costs awarded by this court. Given the foregoing, Defendants  
9 are entitled to an award of reasonable attorney's fees and costs incurred in seeking to enforce the  
10 arbitration award since the date of the submission of the last request for fees and costs by  
11 Defendants on October 31, 2018.  
12

13           5.       This Court already ruled upon the scope of the arbitration agreement in the March  
14 22, 2019 Order, which encompassed any efforts to collect on the arbitration award.  
15

16           6.       Since the March 22, 2019 Order, Defendants have incurred additional fees  
17 seeking to collect the arbitration award and such fees fall within the scope of the arbitration  
18 agreement.  
19

20           7.       Counsel for Defendants shall file their invoices with the Court Clerk, which  
21 invoices were submitted to the Court for in camera inspection, and which invoices the Court  
22 actually reviewed.  
23

#### 24                               CONCLUSIONS OF LAW

25           8.       The Clerk of the Court has already issued a writ of execution, which is valid and  
26 enforceable, however, Defendants may submit a new writ for full amount of the commission  
27 currently held by GLVAR, which amount shall be applied to the amount of the fees and costs  
28 awarded against Plaintiffs in this action.

1           9.       Ms. Chan is under an ongoing contractual obligation to pay reasonable attorney's  
2 fees and costs Defendants incur in seeking to enforce the arbitration agreement and the fees and  
3 costs awarded by this Court. Nothing in the Agreement to Arbitrate prevents collection of such  
4 reasonable attorney's fees and costs incurred so long as Ms. Chan fights against collection of the  
5 original award.  
6

7           10.      Ms. Chan may have violated an ethical obligation as a member of the GLVAR;  
8 however such a violation should be resolved before that body and not before this Court.  
9

10          11.      The Supreme Court of Nevada has determined that it lacked jurisdiction over Ms.  
11 Chan's most recent appeal and has dismissed that appeal. Therefore, jurisdiction over this case  
12 remains in this court and the supersedeas bond is to be immediately released to Defendants.

13          12.      Ms. Chan had a right to file her complaint and did not file her complaint with an  
14 ulterior motive. Accordingly, she committed no abuse of process.

15          13.      The Nevada Supreme Court's decision to dismiss the appeal did not preclude  
16 collection of additional fees as the Nevada Supreme Court never took jurisdiction of the matter  
17 or examined the scope of the arbitration agreement.  
18

19          14.      The Agreement to Arbitrate is between Ms. Chan and GLVAR for participation in  
20 arbitration.  
21

22          15.      With regard to the agreement to arbitrate and the attorney fee provision contained  
23 therein, there was a clear meeting of the minds between Ms. Chan and GLVAR, as well as the  
24 others who participated in the arbitration process.

25          16.      The fees incurred by Defendants related to their abuse of process claim are  
26 denied.  
27

28          17.      The Court awards \$35,630.00 in fees and costs to Defendants and finds that such  
an amount of fees satisfies the requirements of Brunzell.



18. Defendants shall be permitted to collect the entire amount of the funds held in escrow by the GLVAR, provided that they do so pursuant to a new writ of execution.

19. Counsel for Defendants shall file a new writ of execution for the full amount of the funds held in escrow by GLVAR.

**IT IS HEREBY ORDERED, AJUDICATED, AND DECREED:**

a) Defendants may execute upon the entirety of the \$13,795.32 commission held in the GLVAR escrow account pursuant to a new writ of execution.

b) Defendants shall file a new Writ of Execution to obtain the entirety of the funds currently held in the GLVAR escrow account.

c) Defendants' request for summary judgment that Ms. Chan committed an abuse of process is DENIED;

d) Plaintiffs' request for summary judgment that Ms. Chan did not commit an abuse of process is GRANTED;

e) The supersedeas bond posted by Plaintiffs in the amount of \$33,533.75 shall immediately be released to DEFENDANTS and the clerk of court is hereby instructed to issue a check payable to the Blackrock Legal, LLC Trust account in that amount of said bond plus interest, if any;

f) Defendants are hereby awarded fees and costs in the amount of \$35,630.00 incurred in seeking to enforce the arbitration award since the Court's last award of attorney's fees.


g) Ms. Chan is hereby given leave to file a motion for stay of execution.

~~h) The status check currently scheduled for November 18, 2020 at 8:30 a.m. is hereby VACATED.~~

1 i) Pursuant to NRCP 54(b), the Court finds no just reason for delay, and this order is  
2 hereby entered as a final order as to any and all claims and counterclaims between and among  
3 Plaintiffs and the identified Defendants.

4 IT IS SO ORDERED this \_\_\_\_\_ of November 2020.

5 Dated this 23rd day of November, 2020

6  
7   
8 \_\_\_\_\_  
DISTRICT COURT JUDGE

9 Prepared and submitted by:

7AB 1B9 E166 A32D  
Eric Johnson  
District Court Judge

10 /s/ Keith D. Routsong, Esq.

11 MICHAEL A. OLSEN, ESQ.

12 Nevada Bar No. 6076

13 THOMAS R. GROVER, ESQ.

14 Nevada Bar No. 12387

15 KEITH D. ROUTSONG, ESQ.

16 Nevada Bar No. 14944

17 **BLACKROCK LEGAL, LLC**

18 *Attorneys for Wayne Wu, Judith Sullivan,*

19 *Nevada Real Estate Corp. and Jerrin Chiu*

20 Approved as to form and content by:

21 /s/ R. Duane Frizell, Esq.

22 R. DUANE FRIZELL, ESQ.

23 Nevada Bar No. 97

24 **FRIZELL LAW FIRM**

25 *Attorney for Betty Chan and Asian American*

26 *Realty and Property Management*

## Keith Routsong

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**From:** Keith Routsong  
**Sent:** Wednesday, November 18, 2020 7:59 AM  
**To:** Duane Frizell; Mike Olsen  
**Subject:** RE: Chan v. Wu: Proposed Order

Duane,

Those changes are fine with us. I added your electronic signature and will submit to the Court this morning. Thanks.

Keith

---

**From:** Duane Frizell <dfrizell@frizelllaw.com>  
**Sent:** Tuesday, November 17, 2020 11:20 AM  
**To:** Mike Olsen <mike@blackrocklawyers.com>; Keith Routsong <keith@blackrocklawyers.com>  
**Subject:** Chan v. Wu: Proposed Order  
**Importance:** High

Hi Mike and Keith:

I have gone through the proposed order and made some revisions. My redlined version and my clean version are attached in Word.

All of my revisions are relatively minor and are based on the court's rulings as expressly stated in the transcripts of the hearings. I have attached the transcripts for the two hearings for your reference as well.

On the attached clean version of the proposed order, I authorize you to affix my electronic signature and submit to the court.

Thanks!

--Duane



**R. Duane Frizell**

*Attorney at Law*

*Licensed in Nevada, New Mexico, and Texas*

**FRIZELL LAW FIRM**

400 N. Stephanie St., Suite 265 | Henderson, Nevada 89014

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1 **CSERV**

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

5  
6 Betty Chan, Plaintiff(s)

CASE NO: A-16-744109-C

7 vs.

DEPT. NO. Department 20

8 Wayne Wu, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/23/2020

15 Thomas Grover	tom@blackrocklawyers.com
16 Daniel Ormsby .	DOrmsby@goodsellolsen.com
17 Janice M. Michaels .	jmichaels@wshblaw.com
18 Laura Myers .	laura@goodsellolsen.com
19 Michael A. Olsen .	mike@goodsellolsen.com
20 Michelle N Ledesma .	mledesma@wshblaw.com
21 Roman Harper .	Roman@goodsellolsen.com
22 Thomas Grover .	tom@goodsellolsen.com
23 Michael Olsen	mike@blackrocklawyers.com
24 R Frizell	dfrizell@frizelllaw.com
25 Service Filing	servicefiling@frizelllaw.com
26	
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1	Aiqin Niu	aniu@frizelllaw.com
2	Jacob Frizell	staff2@frizelllaw.com
3	Keith Routsong	keith@blackrocklawyers.com
4	Michael Olsen	mike@goodsellolsen.com
5	Michael Olsen	mike@goodsellolsen.com
6	Michael Olsen	mike@goodsellolsen.com
7	Michael Olsen	mike@goodsellolsen.com
8	Christine Manning	christine@blackrocklawyers.com
9	Julian Campbell	julian@blackrocklawyers.com
10	Janiece Marshall	jmarshall@gcmaslaw.com
11	Betty Chan	aarpm09@gmail.com
12	Erika McDonagh	emcdonagh@wshblaw.com
13	Vicki Pyne	vicki@blackrocklawyers.com
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract**

**COURT MINUTES**

**February 06, 2017**

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A-16-744109-C      Betty Chan, Plaintiff(s)  
vs.  
Wayne Wu, Defendant(s)

---

**February 06, 2017      8:30 AM      Motion to Amend**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Higbee, Avece Marie      Attorney  
Olsen, Michael A.      Attorney

**JOURNAL ENTRIES**

- Ms. Higbee not present. COURT ORDERED, Motion GRANTED. Prevailing party to prepare the order.

CLERK'S NOTE: Ms. Higbee arrived late and was notified by Clerk regarding Court's ruling. Ms. Higbee provided a proposed order for Chambers. /// sj

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract****COURT MINUTES****February 27, 2017**

A-16-744109-C      Betty Chan, Plaintiff(s)  
vs.  
Wayne Wu, Defendant(s)

**February 27, 2017      8:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

**PRESENT:**      Higbee, Avece   Marie      Attorney  
                         Olsen, Michael A.      Attorney

**JOURNAL ENTRIES**

- PLAINTIFFS' MOTION FOR STAY PENDING ARBITRATION...DEFENDANTS' AND COUNTERCLAIMANTS' OPPOSITION TO MOTION TO STAY PENDING ARBITRATION AND COUNTERMOTION TO DISMISS WITH PREJUDICE OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT

Discussions regarding additional claims to be filed, and additional parties. Ms. Higbee argued the matter should not be dismissed, pending arbitration. Court noted there are parties and claims not addressing arbitration. Discussions as to commission dispute. Mr. Olsen argued as to direct violation of ethical rules, amount having exceeded and approaching \$15,000.00, GLVAR rules, and there having been no contact between buyer and Defendant. Further arguments were made regarding arbitration proceedings, KB Home Sales-Nevada Inc., having been seller of property, and the matter needing to be dismissed with prejudice, or summary judgment needing to be granted. Discussions as to Court having enough evidence for dismissal or to grant summary judgment, opposing counsel not having alleged otherwise, and Jerin Chiu not having had a contractual relationship with Plaintiff. Further arguments by Ms. Higbee as to alleged contact, violation of agreement, reduction of commission having been sought, there being no basis for summary judgment or a dismissal, and determination to be made at time of trial. COURT ORDERED, Motion for stay

pending arbitration GRANTED. Ms. Higbee to prepare the order.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract**

**COURT MINUTES**

**April 03, 2017**

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A-16-744109-C      Betty Chan, Plaintiff(s)  
vs.  
Wayne Wu, Defendant(s)

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**April 03, 2017      8:30 AM      Motion to Withdraw as  
Counsel**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:** Sansone, Neil M.

**JOURNAL ENTRIES**

- COURT ORDERED, Motion GRANTED; counsel for Plaintiffs WITHDRAWN. FURTHER, matter SET for status check. Mr. Sansone to prepare the order, and to also include the status check hearing in the written order.

5/01/17 8:30 A.M. STATUS CHECK: NEW COUNSEL FOR PLAINTIFFS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract**

**COURT MINUTES**

**May 01, 2017**

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A-16-744109-C      Betty Chan, Plaintiff(s)  
vs.  
Wayne Wu, Defendant(s)

---

**May 01, 2017      8:30 AM      Status Check**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:** Kennedy, Todd E.      Attorney  
Olsen, Michael A.      Attorney

**JOURNAL ENTRIES**

- Mr. Kennedy advised he did not file a notice yet, however, he is confirming as counsel for Plaintiffs today. Mr. Olsen advised this case was stayed, however, arbitration proceedings have not happened yet. Court stated that is up to Plaintiff. Court advised defense counsel if Plaintiff does not proceed, a motion to stay may be filed. COURT ORDERED, matter OFF CALENDAR.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract**

**COURT MINUTES**

**August 22, 2018**

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A-16-744109-C      Betty Chan, Plaintiff(s)  
vs.  
Wayne Wu, Defendant(s)

---

**August 22, 2018      8:30 AM      All Pending Motions**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:** Kennedy, Todd E.      Attorney  
Olsen, Michael A.      Attorney

**JOURNAL ENTRIES**

- AS TO:

PLAINTIFF'S REPLY IN SUPPORT OF MOTION TO VACATE OR MODIFY ARBITRATION AND OPPOSITION/MOTION TO STRIKE IMPROPER COUNTERMOTION: Arguments by Mr. Kennedy and Mr. Olsen in support of their respective positions. Following, Court stated its FINDINGS and ORDERED, Motion DENIED. Mr. Olsen to prepare the Order.

DEFENDANTS AND COUNTERCLAIMANTS WAYNE WU, JUDITH SULLIVAN, NEVADA REAL ESTATE CORP., AND JERRIN CHIU'S OPPOSITION TO MOTION TO VACATE OR MODIFY ARBITRATION AWARD AND COUNTERMOTION TO RECOGNIZE WU AS THE PROCURING CAUSE, FOR SUMMARY JUDGMENT AND FOR ATTORNEY FEES: Arguments by Mr. Olsen and Mr. Kennedy in support of their respective positions. Mr. Olsen to supplement the billing records. Following, COURT ORDERED, the following briefing schedule:

Mr. Olsen to file supplement as to the Motion for Summary Judgment and attorney fees by 9/5;  
Mr. Kennedy to reply by 9/19 and matter CONTINUED for argument.

PLAINTIFF'S MOTION TO VACATE OR MODIFY ARBITRATION AWARD: Arguments by Mr. Kennedy and Mr. Olsen in support of their respective positions. Following, Court stated its FINDINGS and ORDERED, Motion DENIED. Mr. Olsen to prepare the Order.

Mr. Olsen stated in regards to his Motion for Summary Judgment, there is still a claim against KB Homes for Breach of Contract. Court directed counsel to talk about this issue.

10/10/18 8:30 AM DEFENDANTS AND COUNTERCLAIMANTS WAYNE WU, JUDITH SULLIVAN, NEVADA REAL ESTATE CORP., AND JERRIN CHIU'S OPPOSITION TO MOTION TO VACATE OR MODIFY ARBITRATION AWARD AND COUNTERMOTION TO RECOGNIZE WU AS THE PROCURING CAUSE, FOR SUMMARY JUDGMENT AND FOR ATTORNEY FEES

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract**

**COURT MINUTES**

**October 17, 2018**

---

A-16-744109-C      Betty Chan, Plaintiff(s)  
vs.  
Wayne Wu, Defendant(s)

---

**October 17, 2018      10:30 AM      Motion**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:**      Cristalli, Michael      Attorney  
Olsen, Michael A.      Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Cristalli advised he needs a continuance pursuant to the Motion. Objections by Mr. Olsen. Following colloquy, COURT ORDERED, Motion DENIED and ORDERED the following briefing schedule:

Mr. Cristalli to file his response by 10/24;

Mr. Olsen to file reply by 10/26.

Further, future date of 10/31 STANDS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract**

**COURT MINUTES**

**October 31, 2018**

---

A-16-744109-C      Betty Chan, Plaintiff(s)  
vs.  
Wayne Wu, Defendant(s)

---

**October 31, 2018      10:30 AM      Opposition and  
Counter-motion**

**HEARD BY:** Johnson, Eric

**COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:** Marshall, Janiece S      Attorney  
Olsen, Michael A.      Attorney

**JOURNAL ENTRIES**

- Court advised it was not inclined to modify the Arbitration Order. Arguments by Ms. Marshall and Mr. Olsen in support of their respective positions. Following lengthy arguments, COURT ORDERED, Motion for Summary Judgment is GRANTED, however, the request for Attorney Fees is UNDER ADVISEMENT. Mr. Olsen to prepare the Order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract****COURT MINUTES****November 30, 2018**

A-16-744109-C      Betty Chan, Plaintiff(s)  
                                  vs.  
                                  Wayne Wu, Defendant(s)

**November 30, 2018      11:30 AM      Minute Order**

**HEARD BY:** Johnson, Eric**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** Linda Skinner**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Plaintiffs' Motion to Vacate or Modify Arbitration Award was filed on July, 18, 2018. Defendants' Opposition and Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorney's Fees was filed on August 6, 2018. Both matters came on for a hearing before Department XX of the Eighth Judicial District Court, the Honorable Eric Johnson presiding, on August 22, 2018. At that time, Plaintiffs' Motion to Vacate or Modify Arbitration Award was DENIED and Defendant Wu was determined to be the procuring cause. Defendants' Countermotions for Summary Judgment and Attorney's Fees and Costs were continued to October 31, 2018.

Defendants' Countermotions for Summary Judgment and for Attorney's Fees came on for hearing on October 31, 2018. At that time, Defendants' Countermotion for Summary Judgment was GRANTED. The Countermotion for Attorney's Fees and Costs was taken UNDER ADVISEMENT.

After considering the pleadings and argument of counsel, the Court GRANTS Defendants' Motion for Attorney's Fees and Costs. The Court finds that the contractual provision contained in the Arbitration Agreement signed by both Plaintiff and Defendant provided that "In the event [a party does] not comply with the award and it is necessary for any party to obtain judicial confirmation and enforcement of the award against me, [the party] agree[s] to pay that party costs and reasonable attorney's fees incurred in obtaining such confirmation and enforcement." The Court further finds

that provision was reasonable and enforceable.

As costs were never challenged, the Court hereby ORDERS costs in the amount of \$920.83 pursuant to Defendants' Memorandum of Costs and Disbursements.

The Court hereby ORDERS attorney's fees in the amount of \$21,435.00. The Court finds this amount is reasonable and actually incurred by Defendants in enforcing the arbitration award. The Court is awarding attorney fees after the entry of the arbitration award and Plaintiffs' filing of motion to vacate award, starting on July 25, 2018, 2018. The Court declines to award fees requested on the invoices dated December 31, 2016, January 31, 2017, and February 28, 2017, as the redactions made to Plaintiffs' counsel's billing records prevent the Court from determining if those fees were reasonable and necessary. The Court has reviewed the remaining fees and finds they were reasonable and appropriate for litigating the matter and in keeping with attorney fees for such work in Southern Nevada. The Court further finds that the Brunzell factors have been met for the reasons stated in Defendant's motion for attorney fees and exhibits.

Counsel for Defendants is directed to prepare a proposed order including finding of facts and conclusions of law, in particular outlining the Brunzell factors and supporting facts included in their motion, and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature.

Law Clerk to notify the parties.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract**

**COURT MINUTES**

**February 11, 2019**

---

A-16-744109-C      Betty Chan, Plaintiff(s)  
vs.  
Wayne Wu, Defendant(s)

---

**February 11, 2019      8:30 AM      Minute Order**

**HEARD BY:** Johnson, Eric

**COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- A Motion to Withdraw as Attorney of Record was filed by Michael V. Cristalli, Esq., & Janiece S. Marshall, Esq., of Gentile Cristalli Miller Armeni Savarese, counsel for the Plaintiff, on January 3, 2019. The matter was subsequently placed on the Calendar of Department XX on February 20, 2019. No opposition having been filed and good cause showing, pursuant to EDCR 2.20 and EDCR 2.23(c) the Court hereby GRANTS the Motion to Withdraw.

The Court hereby VACATES the February 20, 2019 hearing. Withdrawing Attorneys are to prepare a proposed order listing all future deadlines and hearings and submit to chambers for signature. Withdrawing attorneys are also ordered to inform Plaintiff of the withdrawal as well as any future hearing dates.

Law Clerk to notify the parties.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract****COURT MINUTES****April 01, 2019**

A-16-744109-C      Betty Chan, Plaintiff(s)  
                                  vs.  
                                  Wayne Wu, Defendant(s)

**April 01, 2019      7:15 AM      Minute Order**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Plaintiffs Betty Chan and Asian American Realty & Property Management filed a Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw on February 19, 2019. The matter was subsequently scheduled for hearing on April 3, 2019.

After considering the pleadings and argument of counsel, the Court DENIES Plaintiffs' Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw. The Court finds that Plaintiffs have not provided "substantially different evidence" or demonstrated that the Court's decision was "clearly erroneous" as required for a motion for reconsideration. Further, the Court finds that there is nothing pending in this litigation. The Court has granted Summary Judgment in favor of Defendants and dealt with all claims pending in this litigation. Therefore, allowing counsel to withdraw at this time does not place Plaintiffs in a materially adverse position.

The Court further finds that counsel had good cause for withdrawing from this matter. The Court finds that there was a significant breakdown in both communication and in the attorney-client relationship such that the representation could not continue. Therefore, withdrawal was appropriate in this instance and the Court declines to reconsider its ruling.

The Court hereby VACATES the April 3, 2019 hearing. Janiece Marshall, Esq., is directed to prepare a proposed order and submit it to chambers for signature.

Law Clerk to notify the parties.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Contract

# COURT MINUTES

**April 17, 2019**

A-16-744109-C      Betty Chan, Plaintiff(s)  
vs.  
Wayne Wu, Defendant(s)

**April 17, 2019**                      **8:30 AM**                      **Motion**

**HEARD BY:** Johnson, Eric                      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:** Angie Calvillo

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Chan, Betty	Plaintiff
		Counter Defendant
	Olsen, Michael A.	Attorney

## JOURNAL ENTRIES

- Ms. Chan stated she would like to hire an attorney. Court concurred, however, noted she has already had 4 attorneys and she knew this hearing was set for today. Ms. Chan advised she has an appointment tomorrow with an attorney. Mr. Olsen objected to a continuance as this is a stall tactic of Ms. Chan's, that he would request the funds being held by GLVAR be released. Following additional arguments by Ms. Chan, COURT ORDERED, Motion GRANTED and noted it will take effect on April 26, 2019. Court advised Ms. Chan that will give her time to seek counsel to review the Motion.

Statements by Plaintiff as to her Motion for Reconsideration. Following statements by Ms. Chan, Court DENIED the Motion as there is no basis for reconsideration. Statements by Mr. Olsen as to additional attorney fees.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract****COURT MINUTES****May 01, 2019**

A-16-744109-C      Betty Chan, Plaintiff(s)  
                                  vs.  
                                  Wayne Wu, Defendant(s)

**May 01, 2019****8:30 AM****All Pending Motions****HEARD BY:** Johnson, Eric**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** Linda Skinner**RECORDER:** Angie Calvillo**REPORTER:****PARTIES**

<b>PRESENT:</b>	Chan, Betty	Plaintiff
		Counter Defendant
	Frizell, R Duane	Attorney
	Olsen, Michael A.	Attorney

**JOURNAL ENTRIES**

- MOTION TO STAY EXECUTION ON OST...PARTIAL OPPOSITION TO PLAINTIFF'S MOTION TO STAY EXECUTION PENDING APPEAL (ON AN EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME) AND DEMAND FOR SUPERSEDEAS BOND AND COUNTERMOTION TO AMEND ORDER

Statements by Mr. Frizell and Mr. Olsen in support of their respective positions. Colloquy as to the posting of a bond. Mr. Olsen argued for 3x's the amount of the Judgment. Opposition by Mr. Frizell. Court noted it is inclined to grant 1 1/2x's the Judgment. Following additional colloquy, Court directed the bond be posted by 5/10. Further, Motion to Stay Execution is GRANTED and Partial Opposition to Plaintiff's Motion is GRANTED-IN-PART. Mr. Frizell provided an Order with the approval of Mr. Olsen that was SIGNED IN OPEN COURT.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract**

**COURT MINUTES**

**January 22, 2020**

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A-16-744109-C      Betty Chan, Plaintiff(s)  
vs.  
Wayne Wu, Defendant(s)

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**January 22, 2020      8:30 AM      All Pending Motions**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:**      Frizell, R Duane      Attorney  
                 Olsen, Michael A.      Attorney

**JOURNAL ENTRIES**

- PLAINTIFFS' MOTION TO FORMALLY RESOLVE MOTION FOR RECONSIDERATION AND TO CERTIFY JUDGMENT AS FINAL (ON AN APPLICATION FOR AN ORDER SHORTENING TIME)...OPPOSITION TO PLAINTIFF'S MOTION TO FORMALLY RESOLVE MOTION FOR RECONSIDERATION AND TO CERTIFY JUDGMENT AS FINAL (ON AN APPLICATION FOR AN ORDER SHORTENING TIME) AND COUNTERMOTION FOR SUMMARY JUDGMENT ON ABUSE OF PROCESS CLAIM

Conference at the Bench. Court advised it does not believe it has jurisdiction as this case is on appeal. Arguments by Mr. Frizell and Mr. Olsen in support of their respective positions. Following, COURT ORDERED, Plaintiff's Motion is DENIED and Defendant's Motion is GRANTED IN PART/ DENIED IN PART. Mr. Frizell to prepare the Order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract**

**COURT MINUTES**

**June 30, 2020**

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A-16-744109-C      Betty Chan, Plaintiff(s)  
vs.  
Wayne Wu, Defendant(s)

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**June 30, 2020      8:30 AM      Motion to Strike**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner  
Samantha Albrecht

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:** Frizell, R Duane      Attorney  
Olsen, Michael A.      Attorney

**JOURNAL ENTRIES**

- Mr. Frizell appeared by telephone and Mr. Olsen appeared by video via Blue Jeans.

Court noted it will deny the Motion to Strike and ORDERED, MOTION DENIED IN PART.  
Arguments by Mr. Frizell and Mr. Olsen. Following, COURT ORDERED, the following briefing  
schedule as to the Motion for Summary Judgment:

Mr. Frizell to respond by 7/7

Mr. Olsen to reply by 7/13.

Further, COURT ORDERED, Motion for Summary Judgment set for 7/7 is CONTINUED.

7/21/20 8:30 AM DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract**

**COURT MINUTES**

**July 21, 2020**

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A-16-744109-C      Betty Chan, Plaintiff(s)  
vs.  
Wayne Wu, Defendant(s)

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**July 21, 2020      11:00 AM      All Pending Motions**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Samantha Albrecht  
Kristen Brown

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:**      Frizell, R Duane      Attorney  
Grover, Thomas R      Attorney  
Olsen, Michael A.      Attorney

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR AWARD OF ATTORNEY'S FEES, FOR WRIT OF EXECUTION FOR ON PLAINTIFF'S COMMISSIONS AWARDED BY GLVAR ARBITRATION PANEL AND RELEASE OF BOND DEPOSITED ON APPEAL...PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR CONTRACTUAL AWARD OF ATTORNEY'S FEES, FOR WRIT OF EXECUTION ON PLAINTIFF'S COMMISSIONS AWARDED BY GLVAR ARBITRATION PANEL AND RELEASE OF BOND DEPOSITED ON APPEAL AND COUNTERMOTION FOR SUMMARY JUDGMENT ON DEFENDANTS' ABUSE-OF PROCESS COUNTERCLAIM

Court FINDS Ms. Chan represented the worst of litigants, her filing of the complaint was not enough for abuse of process and she had an ethical obligation with the realtor board to attend either arbitration or mediation, which she claims she did. Court noted she may have violated her ethical obligations, however she had a right to file the complaint which appeared was not filed for an ulterior motive. Court FURTHER FINDS, Ms. Chan had the right to appeal, therefore, ORDERED,



Defendant's Motion GRANTED as to Summary Judgment, attorney's fees, release of bond and DENIED as to the Writ of Execution. Arguments by Mr. Olsen and Mr. Frizell. Colloquy regarding billing for attorney's fees and costs. COURT FURTHER ORDERED, Plaintiff's Countermotion for Summary Judgment on Defendant's Abuse-of- Process Counterclaim is GRANTED.

Following colloquy, counsel agreed to the following dates:

Mr. Olsen to file Request for Attorney's Costs and Fees on or before: 8/5/20

Mr. Frizell to file any Objection to the Request for Attorney's Costs and Fees on or before: 8/19/20

Mr. Olsen to file any Reply on or before: 8/26/20

At the request of counsel, COURT ORDERED, matter SET for status check.

9/16/20 8:30 AM STATUS CHECK: ATTORNEY'S FEES AND COSTS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract**

**COURT MINUTES**

**September 30, 2020**

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A-16-744109-C      Betty Chan, Plaintiff(s)  
vs.  
Wayne Wu, Defendant(s)

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**September 30, 2020      10:30 AM      All Pending Motions**

**HEARD BY:** Johnson, Eric

**COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Haly Pannullo

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:**      Chan, Betty      Plaintiff  
Frizell, R Duane      Attorney  
Olsen, Michael A.      Attorney

**JOURNAL ENTRIES**

- PLAINTIFFS OPPOSITION TO DEFENDANTS MEMORANDUM FOR PRODUCTION OF INVOICES FOR ATTORNEY S FEES AND COSTS AND COUNTERMOTION TO HAVE DEFENDANTS INVOICES FILED AND MADE PART OF THE PUBLIC RECORD ... STATUS CHECK: ATTORNEYS FEES AND COSTS

Following arguments by counsel, Court noted the history of this matter. Further, COURT ORDERED, \$35,630.00 in costs allowed in attorneys fees and costs after the last award in October 2018. COURT STATED FINDINGS. Court noted there is an issue of the invoices be made as part of the record. Mr. Olsen stated he will file the invoices. COURT FURTHER ORDERED, matter SET for Status Check regarding a Final Order being sent to the Court. Mr. Olsen inquired as to the Writ of Attachment and being allowed to collect the full amount instead of leaving \$3,000.00 for Ms. Chan. Mr. Frizzell stated they can file a motion for stay. Court noted the issue of changing the Writ of Execution and stated it does not see an issue in doing that. Court stated this court will allow a Writ of Execution as to all of the funds and this will require a new Writ of Execution. Mr. Olsen stated he will submit a new Writ. COURT SO NOTED. At request of Mr. Frizell, COURT ORDERED, leave GRANTED to file a Motion.

**A-16-744109-C**

10/28/20 10:30 AM STATUS CHECK: ORDER

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract**

**COURT MINUTES**

**October 09, 2020**

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A-16-744109-C      Betty Chan, Plaintiff(s)  
vs.  
Wayne Wu, Defendant(s)

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**October 09, 2020      2:39 PM      Minute Order**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, the Order Granting Summary Judgement, dated 10/9/20 VACATED and STRICKEN as filed in error, pending presentation of a final order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract**

**COURT MINUTES**

**October 28, 2020**

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A-16-744109-C      Betty Chan, Plaintiff(s)  
vs.  
Wayne Wu, Defendant(s)

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**October 28, 2020      10:30 AM      Status Check**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:**      Frizell, R Duane      Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Fritzell stated he received the order but has not reviewed it yet; the order should be submitted within a week. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 11/18/20 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Contract**

**COURT MINUTES**

**November 18, 2020**

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A-16-744109-C      Betty Chan, Plaintiff(s)  
vs.  
Wayne Wu, Defendant(s)

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**November 18, 2020      8:30 AM      Status Check**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Jill Chambers

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

**PRESENT:**      Frizell, R Duane      Attorney  
                 Routsong, Keith D.      Attorney

**JOURNAL ENTRIES**

- Mr. Routsong stated that the matter was resolved and he submitted an order earlier in the day for the Court's review and signature. Upon inquiry of the Court, Mr. Frizell confirmed that he approved with the order as written. Counsel further stated that they did not need another status check to be set.

# 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):

PLAINTIFFS' AMENDED NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING MOTION TO VACATE OR MODIFY ARBITRATION AWARD; NOTICE OF ENTRY OF ORDER; ORDER GRANTING DEFENDANTS COUNTERMOTION FOR SUMMARY JUDGMENT AND ATTORNEY FEES AND COSTS; NOTICE OF ENTRY OF ORDER; ORDER ON PLAINTIFFS' MOTION TO FORMALLY RESOLVE MOTION FOR RECONSIDERATION AND TO CERTIFY JUDGMENT AS FINAL – AND – COUNTERMOTION FOR SUMMARY JUDGMENT ON ABUSE OF PROCESS CLAIM; NOTICE OF ENTRY OF ORDER ON PLAINTIFFS' MOTION TO FORMALLY RESOLVE MOTION FOR RECONSIDERATION AND TO CERTIFY JUDGMENT AS FINAL – AND – COUNTERMOTION FOR SUMMARY JUDGMENT ON ABUSE OF PROCESS CLAIM; ORDER GRANTING DEFENDANTS MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR CONTRACTUAL AWARD OF ATTORNEY'S FEES, FOR WRIT OF EXECUTION ON PLAINTIFF'S COMMISSIONS AWARDED BY GLVAR ARBITRATION PANEL, AND RELEASE OF BOND DEPOSITED ON APPEAL AND ORDER GRANTING PLAINTIFFS' COUNTERMOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

BETTY CHAN; ASIAN AMERICAN REALTY  
& PROPERTY MANAGEMENT,

Plaintiff(s),

vs.

WAYNE WU; JUDITH SULLIVAN; NEVADA  
REAL ESTATE CORP.; JERRIN CHIU; KB  
HOMES SALES-NEVADA, INC.,

Defendant(s),

Case No: A-16-744109-C

Dept No: XX

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 9 day of December 2020.

Steven D. Grierson, Clerk of the Court

A handwritten signature in black ink, appearing to read "Heather Ungermann", is written over a faint, circular court seal. The seal contains the text "CLERK OF THE COURT", "OF THE EIGHTH JUDICIAL DISTRICT", and "COUNTY OF CLATSOP".

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Heather Ungermann, Deputy Clerk  
A-16-744109-C